SENATE—*Friday, February 11, 1994*

(Legislative day of Tuesday, January 25, 1994)

The Senate met at 3 p.m., on the expiration of the recess, and was called to order by the Honorable KENT CONRAD, a Senator from the State of North Dakota.

PRAYER

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

Let us pray:

That which we have seen and heard declare we unto you, that ye also may have fellowship with us: and truly our fellowship is with the Father, and with his Son Jesus Christ.—I John 1:3.

Eternal God our Father, help us comprehend the meaning of "fellowship" which is the central reality of Biblical truth—another way of saying, "Love God and love your neighbor." We have lost our connectedness. As relationships in the family and the community have disappeared, we find ourselves alienated from each other. At the heart of homelessness, gangs, and violence is alienation. And the root problem in history is self-alienation from God.

Gracious Father, we remember with profound gratitude the faith in which our national life was grounded and the strength of the words, "E Pluribus Unum." People from many nations composed America. We were one people. Now we are like a tossed salad, no longer like a melting pot, fragmented in home, community, and race. Desperately we need the reconciliation that comes from God that brings us together in fellowship with one another and with the Father and His Son.

Mighty God, help us find our way back to the unity which bonded us together and made us great as a nation.

We pray in Jesus' name who is the Great Reconciler. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, February 11, 1994.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable KENT CONRAD, a Senator from the State of North Dakota, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

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

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

SCHEDULE

Mr. MITCHELL. Mr. President and Members of the Senate, it is my hope that the Senate can proceed promptly to take final action with respect to the emergency supplemental appropriations bill approved yesterday in the Senate and the subject of a conference committee between the House and Senate, which has met throughout the day.

It is my understanding that the conferees have completed their action and that the matter will shortly go before the House of Representatives. I have proposed that the Senate act on the matter now.

I note the presence of the distinguished Republican leader.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT FOR FISCAL YEAR 1994

Mr. MITCHELL. Mr. President, I am advised that we can proceed with the emergency appropriations bill and one other matter, and therefore I now ask unanimous consent, notwithstanding the adjournment or recess of the Senate, that when the Senate receives the conference report on H.R. 3759, the supplemental appropriations bill, the conference report be considered to have been agreed to; the motion to reconsider laid on the table; and any statements thereon appear in the RECORD at the appropriate place as though read.

The ACTING PRESIDENT pro tempore. Is there objection? Without objection, it is so ordered.

EMERGENCY SUPPLEMENTAL APPROPRIATION AND RESCISSION

Mr. BYRD. Mr. President, conferees met this morning and completed action on H.R. 3759, the emergency supplemental appropriation and rescission bill. At this time, I will briefly set forth the key elements of the pending measure, after which time I will yield to Senator HATFIELD for any remarks that he wishes to make.

As reported, H.R. 3759 contains four titles. For title I, the conference agreement recommends emergency disaster assistance and other emergency funding totalling just over $10 billion. The vast majority of these funds are to provide disaster assistance to the victims of the California earthquake. In addition, the President requested and the conference agreement provides additional funding for the victims of the Midwest floods. The major items included in title I are:

FEMA disaster relief—$4.7 billion;

SBA disaster loans—$1.1 billion;

Emergency highway funding—$1.3 billion;

Impact aid and student financial assistance—$245 million;

HUD assisted housing—$325 million;

Unanticipated needs fund—$500 million; and

Midwest flood—$685 million.

In addition, the President requested and the conference agreement recommends $1.2 billion for the Department of Defense peackeeping activities as an emergency.

Title II of the conference agreement contains regular fiscal year 1994 supplemental appropriations requested by the President. Of these amounts, three of the conference agreement's recommendations provide for mandatory funding of very important programs:

Veterans compensation and pensions—$698 million;

Veterans readjustment benefits—$103 million; and

Advances for unemployment trust fund—$61.4 million.

In addition to these mandatory appropriations, the bill contains various discretionary fiscal year 1994 supplementals requested by the President for items such as salaries and expenses for certain agencies, certain items for the National Park Service and Bureau of Indian Affairs, et cetera. These discretionary appropriations total under $160 million and are all accommodated within each subcommittee's 602(b) allocation.

Title III contains rescissions totalling $3.25 billion. The conference agreement, like the Senate-passed bill, contains the congressional response to the President's rescission messages of November 1, 1993, and February 7, 1994. The total of those two Presidential rescission requests was $3.17 billion. Therefore, the conference agreement includes rescissions totalling $78 million in greater cuts than requested by the President.

In addition, an item of interest to Members would be the fact that the House accepted the Senate amendment to ensure that emergency funds contained in this measure to prohibit benefits for individuals not lawfully in this

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

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country with a modification intended to ensure that no discrimination occurs in the implementation of this section.

Another provision of interest to all Senators is the amendment extending the statute of limitation of criminal prosecution on the Resolution Trust Corporation. The House receded to this amendment, which was passed by the Senate by a vote of 95–0.

Mr. President, I thank all Members of the Senate for their cooperation in the expeditious passage of this measure. As always, their expertise and hard work were present throughout the entire consideration of this measure.

STATEMENT REGARDING CONFERENCE REPORT ON H.R. 3759

Mr. D'AMATO. Mr. President, I rise to express my appreciation to my fellow conferees for retaining the RTC statute of limitations extension that the Senate adopted Wednesday evening.

In retaining this provision in the conference report, my colleagues have demonstrated their sense of fairness to the American people. The savings and loan bailout was a financial disaster for the taxpayer; this amendment should alleviate some of the costs of that disaster. We are talking about real money here. On the day that Madison Savings and Loan was taken over by the regulators, 35 other savings and loans were declared insolvent—this 1 day alone cost the taxpayers billions of dollars in bail-out costs.

I particularly would like to thank Senators METZENBAUM and MURKOWSKI for their hard work on this issue. Senator METZENBAUM has been a tireless advocate on this issue. In fact, the amendments that Senator MURKOWSKI and I offered Wednesday were nearly identical to draft legislation that Senator METZENBAUM forwarded to me on Tuesday for my consideration.

The amendment will extend the statute of limitations under which a suit may be brought against individuals who have committed fraud involving failed savings and loans. Under the amendment, the 5-year time limit is extended until December 31, 1995, or the date that the RTC terminates, if later.

This kind of congressional action shows the American people and the taxpayer that we are on the job—we're here looking out for their best interests. The statute of limitations on Madison and many other busted savings and loans was about to run out. When this amendment is enacted into law, we will have added valuable time back on to the ticking clock.

TECHNOLOGY-RELATED ASSISTANCE FOR INDIVIDUALS AMENDMENTS ACT—MESSAGE FROM THE HOUSE

Mr. MITCHELL. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on H.R. 2339, the Technology-Related Assistance for Individuals Amendments Act of 1993.

The ACTING PRESIDENT pro tempore laid before the Senate the following message from the House of Representatives:

Resolved, That the House agree to the amendment of the Senate to the bill (H.R. 2339) entitled "An Act to revise and extend the programs of the Technology-Related Assistance for Individuals With Disabilities Act of 1988, and for other purposes", with the following amendment:

In lieu of the matter inserted by said amendment, insert:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Technology-Related Assistance for Individuals With Disabilities Act Amendments of 1994".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. References.
Sec. 3. Findings, purposes, and policy.
Sec. 4. Definitions.

TITLE I—GRANTS TO STATES

Sec. 101. Program authorized.
Sec. 102. Development grants.
Sec. 103. Extension grants.
Sec. 104. Progress criteria and reports.
Sec. 105. Administrative provisions.
Sec. 106. Authorization of appropriations.
Sec. 107. Repeals.

TITLE II—PROGRAMS OF NATIONAL SIGNIFICANCE

Sec. 201. National classification system.
Sec. 202. Training and demonstration projects.

TITLE III—ALTERNATIVE FINANCING MECHANISMS

Sec. 301. Alternative financing mechanisms authorized.

TITLE IV—AMENDMENTS TO OTHER ACTS

Sec. 401. Individuals with Disabilities Education Act.
Sec. 402. Rehabilitation Act of 1973.
Sec. 403. Administrative requirements under the Head Start Act.
Sec. 404. Technical and conforming amendments.

TITLE V—EFFECTIVE DATE

Sec. 501. Effective date.

SEC. 2. REFERENCES.

Except as otherwise specifically provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or a repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Technology-Related Assistance for Individuals With Disabilities Act of 1988 (29 U.S.C. 2201 et seq.).

SEC. 3. FINDINGS, PURPOSES, AND POLICY.

(a) SECTION HEADING.—Section 2 (29 U.S.C. 2201) is amended by striking the heading and inserting the following:

"SEC. 2. FINDINGS, PURPOSES, AND POLICY.".

(b) FINDINGS.—Section 2(a) (29 U.S.C. 2201(a)) is amended to read as follows:

"(a) FINDINGS.—The Congress finds as follows:

"(1) Disability is a natural part of the human experience and in no way diminishes the right of individuals to—

"(A) live independently;

"(B) enjoy self-determination;

"(C) make choices;

"(D) pursue meaningful careers; and

"(E) enjoy full inclusion and integration in the economic, political, social, cultural, and educational mainstream of American society.

"(2) During the past decade, there have been major advances in modern technology. Technology is now a powerful force in the lives of all residents of the United States. Technology can provide important tools for making the performance of tasks quicker and easier.

"(3) For some individuals with disabilities, assistive technology devices and assistive technology services are necessary to enable the individuals—

"(A) to have greater control over their lives;

"(B) to participate in, and contribute more fully to, activities in their home, school, and work environments, and in their communities;

"(C) to interact to a greater extent with individuals who do not have disabilities; and

"(D) to otherwise benefit from opportunities that are taken for granted by individuals who do not have disabilities.

"(4) Substantial progress has been made in the development of assistive technology devices, including adaptations to existing equipment, that significantly benefit individuals with disabilities of all ages. Such devices can be used to increase the involvement of such individuals in, and reduce expenditures associated with, programs and activities such as early intervention, education, rehabilitation and training, employment, residential living, independent living, recreation, and other aspects of daily living.

"(5) Most States have technology-related assistance programs carried out under this Act. In spite of the efforts made by such programs, there remains a need to support systems change and advocacy activities in order to assist States to develop and implement consumer-responsive, comprehensive statewide programs of technology-related assistance for individuals with disabilities of all ages.

"(6) Notwithstanding the efforts of such State technology-related assistance programs, there is still a lack of—

"(A) resources to pay for assistive technology devices and assistive technology services;

"(B) trained personnel to assist individuals with disabilities to use such devices and services;

"(C) information among individuals with disabilities and their family members, guardians, advocates, and authorized representatives, individuals who work for public agencies, or for private entities (including insurers), that have contact with individuals with disabilities, educators and related service personnel, technology experts (including engineers), employers, and other appropriate individuals about the availability and potential of technology for individuals with disabilities;

"(D) aggressive outreach to underrepresented populations and rural populations;

"(E) systems that ensure timely acquisition and delivery of assistive technology devices and assistive technology services, particularly with respect to children;

"(F) coordination among State human services programs, and between such programs and private entities, particularly with respect to transitions between such programs and entities; and

"(G) capacity in such programs to provide the necessary technology-related assistance.

"(7) Many individuals with disabilities cannot access existing telecommunications and information technologies and are at risk of not being able to access developing technologies. The failure of Federal and State governments, hardware manufacturers, software designers, information

systems managers, and telecommunications service providers to account for the specific needs of individuals with disabilities results in the exclusion of such individuals from the use of telecommunications and information technologies and results in unnecessary costs associated with the retrofitting of devices and product systems.

"(8) There are insufficient incentives for the commercial pursuit of the application of technology devices to meet the needs of individuals with disabilities, because of the perception that such individuals constitute a limited market.

"(9) At the Federal level, there is a lack of coordination among agencies that provide or pay for the provision of assistive technology devices and assistive technology services. In addition, the Federal Government does not provide adequate assistance and information with respect to the use of assistive technology devices and assistive technology services to individuals with disabilities and their family members, guardians, advocates, and authorized representatives, individuals who work for public agencies, or for private entities (including insurers), that have contact with individuals with disabilities, educators and related services personnel, technology experts (including engineers), employers, and other appropriate individuals.".

(c) PURPOSES.—Section 2(b) (29 U.S.C. 2201(b)) is amended to read as follows:

"(b) PURPOSES.—The purposes of this Act are as follows:

"(1) To provide financial assistance to the States to support systems change and advocacy activities designed to assist each State in developing and implementing a consumer-responsive comprehensive statewide program of technology-related assistance, for individuals with disabilities of all ages, that is designed to—

"(A) increase the availability of, funding for, access to, and provision of, assistive technology devices and assistive technology services;

"(B) increase the active involvement of individuals with disabilities and their family members, guardians, advocates, and authorized representatives, in the planning, development, implementation, and evaluation of such a program;

"(C) increase the involvement of individuals with disabilities and, if appropriate, their family members, guardians, advocates, or authorized representatives, in decisions related to the provision of assistive technology devices and assistive technology services;

"(D) increase the provision of outreach to underrepresented populations and rural populations, to enable the two populations to enjoy the benefits of programs carried out to accomplish purposes described in this paragraph to the same extent as other populations;

"(E) increase and promote coordination among State agencies, and between State agencies and private entities, that are involved in carrying out activities under this title, particularly providing assistive technology devices and assistive technology services, that accomplish a purpose described in another subparagraph of this paragraph;

"(F)(i) increase the awareness of laws, regulations, policies, practices, procedures, and organizational structures, that facilitate the availability or provision of assistive technology devices and assistive technology services; and

"(ii) facilitate the change of laws, regulations, policies, practices, procedures, and organizational structures, that impede the availability or provision of assistive technology devices and assistive technology services;

"(G) increase the probability that individuals with disabilities of all ages will, to the extent appropriate, be able to secure and maintain possession of assistive technology devices as such individuals make the transition between services offered by human service agencies or between settings of daily living;

"(H) enhance the skills and competencies of individuals involved in providing assistive technology devices and assistive technology services;

"(I) increase awareness and knowledge of the efficacy of assistive technology devices and assistive technology services among—

"(i) individuals with disabilities and their family members, guardians, advocates, and authorized representatives;

"(ii) individuals who work for public agencies, or for private entities (including insurers), that have contact with individuals with disabilities;

"(iii) educators and related services personnel;

"(iv) technology experts (including engineers);

"(v) employers; and

"(vi) other appropriate individuals;

"(J) increase the capacity of public agencies and private entities to provide and pay for assistive technology devices and assistive technology services on a statewide basis for individuals with disabilities of all ages; and

"(K) increase the awareness of the needs of individuals with disabilities for assistive technology devices and for assistive technology services.

"(2) To identify Federal policies that facilitate payment for assistive technology devices and assistive technology services, to identify Federal policies that impede such payment, and to eliminate inappropriate barriers to such payment.

"(3) To enhance the ability of the Federal Government to provide States with—

"(A) technical assistance, information, training, and public awareness programs relating to the provision of assistive technology devices and assistive technology services; and

"(B) funding for demonstration projects.".

(d) POLICY.—Section 2 (29 U.S.C. 2201) is amended by adding at the end the following:

"(c) POLICY.—It is the policy of the United States that all programs, projects, and activities receiving assistance under this Act shall be consumer-responsive and shall be carried out in a manner consistent with the principles of—

"(1) respect for individual dignity, personal responsibility, self-determination, and pursuit of meaningful careers, based on informed choice, of individuals with disabilities;

"(2) respect for the privacy, rights, and equal access (including the use of accessible formats), of such individuals;

"(3) inclusion, integration, and full participation of such individuals;

"(4) support for the involvement of a family member, a guardian, an advocate, or an authorized representative, if an individual with a disability requests, desires, or needs such support; and

"(5) support for individual and systems advocacy and community involvement.".

SEC. 4. DEFINITIONS.

Section 3 (29 U.S.C. 2202) is amended—

(1) by redesignating paragraphs (1) through (8) as paragraphs (2), (3), (7), (8), (10), (11), (13), and (14), respectively;

(2) by inserting before paragraph (2) (as redesignated by paragraph (1)) the following:

"(1) ADVOCACY SERVICES.—The term 'advocacy services', except as used as part of the term 'protection and advocacy services', means services—

"(A) provided to assist individuals with disabilities and their family members, guardians, advocates, and authorized representatives in accessing assistive technology devices and assistive technology services; and

"(B) provided through—

"(i) individual case management for individuals with disabilities;

"(ii) representation of individuals with disabilities (other than representation within the definition of protection and advocacy services);

"(iii) training of individuals with disabilities and their family members, guardians, advocates, and authorized representatives to successfully conduct advocacy for themselves; or

"(iv) dissemination of information.";

(3) in paragraph (3)(E) (as redesignated by paragraph (1)), by striking "family" and all that follows and inserting "the family members, guardians, advocates, or authorized representatives of such an individual; and";

(4) by inserting after paragraph (3) (as redesignated by paragraph (1)) the following:

"(4) COMPREHENSIVE STATEWIDE PROGRAM OF TECHNOLOGY-RELATED ASSISTANCE.—The term 'comprehensive statewide program of technology-related assistance' means a statewide program of technology-related assistance developed and implemented by a State under title I that—

"(A) addresses the needs of all individuals with disabilities, including members of underrepresented populations and members of rural populations;

"(B) addresses such needs without regard to the age, type of disability, race, ethnicity, or gender of such individuals, or the particular major life activity for which such individuals need the assistance; and

"(C) addresses such needs without requiring that the assistance be provided through any particular agency or service delivery system.

"(5) CONSUMER-RESPONSIVE.—The term 'consumer-responsive' means, with respect to an entity, program, or activity, that the entity, program, or activity—

"(A) is easily accessible to, and usable by, individuals with disabilities and, when appropriate, their family members, guardians, advocates, or authorized representatives;

"(B) responds to the needs of individuals with disabilities in a timely and appropriate manner; and

"(C) facilitates the full and meaningful participation of individuals with disabilities (including individuals from underrepresented populations and rural populations) and their family members, guardians, advocates, and authorized representatives, in—

"(i) decisions relating to the provision of assistive technology devices and assistive technology services; and

"(ii) the planning, development, implementation, and evaluation of the comprehensive statewide program of technology-related assistance.

"(6) DISABILITY.—The term 'disability' means a condition of an individual that is considered to be a disability or handicap for the purposes of any Federal law other than this Act or for the purposes of the law of the State in which the individual resides.";

(5) by striking paragraph (7) (as redesignated by paragraph (1)) and inserting the following:

"(7) INDIVIDUAL WITH A DISABILITY; INDIVIDUALS WITH DISABILITIES.—

"(A) INDIVIDUAL WITH A DISABILITY.—The term 'individual with a disability' means any individual—

"(i) who has a disability; and

"(ii) who is or would be enabled by an assistive technology device or an assistive technology service to minimize deterioration in functioning, to maintain a level of functioning, or to achieve a greater level of functioning in any major life activity.

"(B) INDIVIDUALS WITH DISABILITIES.—The term 'individuals with disabilities' means more than one individual with a disability.";

(6) in paragraph (8) (as redesignated by paragraph (1))—

(A) by striking "section 435(b)" and inserting "section 1201(a)"; and

(B) by striking "1965" and inserting "1965 (20 U.S.C. 1141(a))";

(7) by inserting after paragraph (8) (as redesignated by paragraph (1)) the following:

"(9) PROTECTION AND ADVOCACY SERVICES.—The term 'protection and advocacy services' means services that—

"(A) are described in part C of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6041 et seq.), the Protection and Advocacy for Mentally Ill Individuals Act (42 U.S.C. 10801 et seq.), or section 509 of the Rehabilitation Act of 1973 (29 U.S.C. 794e); and

"(B) assist individuals with disabilities with respect to assistive technology devices and assistive technology services.";

(8) in paragraph (11) (as redesignated by paragraph (1))—

(A) by striking "several States" and inserting "several States of the United States";

(B) by striking "Virgin Islands" and inserting "United States Virgin Islands"; and

(C) by striking "the Trust Territory of the Pacific Islands" and inserting "the Republic of Palau (until the Compact of Free Association with Palau takes effect)";

(9) by inserting after such paragraph (11) the following:

"(12) SYSTEMS CHANGE AND ADVOCACY ACTIVITIES.—The term 'systems change and advocacy activities' means efforts that result in laws, regulations, policies, practices, or organizational structures that promote consumer-responsive programs or entities and that facilitate and increase access to, provision of, and funding for, assistive technology devices and assistive technology services on a permanent basis, in order to empower individuals with disabilities to achieve greater independence, productivity, and integration and inclusion within the community and the work force.";

(10) in paragraph (13) (as redesignated by paragraph (1))—

(A) by striking "functions performed and activities carried out under section 101" and inserting "assistance provided through systems change and advocacy activities"; and

(B) by inserting "any of subparagraphs (A) through (K) of" before "section 2(b)(1)"; and

(11) by amending paragraph (14) (as redesignated by paragraph (1)) to read as follows:

"(14) UNDERREPRESENTED POPULATION.—The term 'underrepresented population' includes a population such as minorities, the poor, and persons with limited-English proficiency.".

TITLE I—GRANTS TO STATES

SEC. 101. PROGRAM AUTHORIZED.

(a) GRANTS TO STATES.—Section 101(a) (29 U.S.C. 2211(a)) is amended—

(1) by inserting after "provisions of this title" the following: "to support systems change and advocacy activities designed"; and

(2) by striking "to develop and implement" and inserting "in developing and implementing".

(b) ACTIVITIES.—Section 101 (29 U.S.C. 2211) is amended by striking subsections (b) and (c) and inserting the following:

"(b) ACTIVITIES.—Any State that receives a grant under section 102 or 103 shall use the funds made available through the grant to accomplish the purposes described in section 2(b)(1) and, in accomplishing such purposes, may carry out any of the following systems change and advocacy activities:

"(1) MODEL SYSTEMS AND ALTERNATIVE STATE-FINANCED SYSTEMS.—The State may support activities to increase access to, and funding for, assistive technology, including—

"(A) the development, and evaluation of the efficacy, of model delivery systems that provide assistive technology devices and assistive technology services to individuals with disabilities, that pay for such devices and services, and that, if successful, could be replicated or generally applied, such as—

"(i) the development of systems for the purchase, lease, other acquisition, or payment for the provision, of assistive technology devices and assistive technology services; or

"(ii) the establishment of alternative State or privately financed systems of subsidies for the provision of assistive technology devices and assistive technology services, such as—

"(I) a loan system for assistive technology devices;

"(II) an income-contingent loan fund;

"(III) a low-interest loan fund;

"(IV) a revolving loan fund;

"(V) a loan insurance program; or

"(VI) a partnership with private entities for the purchase, lease, or other acquisition of assistive technology devices and the provision of assistive technology services;

"(B) the demonstration of assistive technology devices, including—

"(i) the provision of a location or locations within the State where—

"(I) individuals with disabilities and their family members, guardians, advocates, and authorized representatives;

"(II) education, rehabilitation, health care, and other service providers;

"(III) individuals who work for Federal, State, or local government entities; and

"(IV) employers,

can see and touch assistive technology devices, and learn about the devices from personnel who are familiar with such devices and their applications;

"(ii) the provision of counseling and assistance to individuals with disabilities and their family members, guardians, advocates, and authorized representatives to determine individual needs for assistive technology devices and assistive technology services; and

"(iii) the demonstration or short-term loan of assistive technology devices to individuals, employers, public agencies, or public accommodations seeking strategies to comply with the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) and section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794); and

"(C) the establishment of information systems about, and recycling centers for, the redistribution of assistive technology devices and equipment that may include device and equipment loans, rentals, or gifts.

"(2) INTERAGENCY COORDINATION.—The State may support activities—

"(A) to identify and coordinate Federal and State policies, resources, and services, relating to the provision of assistive technology devices and assistive technology services, including entering into interagency agreements;

"(B) to convene interagency work groups to enhance public funding options and coordinate access to funding for assistive technology devices and assistive technology services for individuals with disabilities of all ages, with special attention to the issues of transition (such as transition from school to work, and transition from participation in programs under part H of the Individuals with Disabilities Education Act (20 U.S.C. 1471 et seq.), to participation in programs under part B of such Act (20 U.S.C. 1411 et seq.)) home use, and individual involvement in the identification, planning, use, delivery, and evaluation of such devices and services; or

"(C) to document and disseminate information about interagency activities that promote coordination with respect to assistive technology devices and assistive technology services, including evidence of increased participation of State and local special education, vocational rehabilitation, and State medical assistance agencies and departments.

"(3) OUTREACH.—The State may carry out activities to encourage the creation or maintenance of, support, or provide assistance to, statewide and community-based organizations, or systems, that provide assistive technology devices and assistive technology services to individuals with disabilities or that assist individuals with disabilities in using assistive technology devices and assistive technology services. Such activities may include outreach to consumer organizations and groups in the State to coordinate the activities of the organizations and groups with efforts (including self-help, support groups, and peer mentoring) to assist individuals with disabilities and their family members, guardians, advocates, or authorized representatives, to obtain funding for, and access to, assistive technology devices and assistive technology services.

"(4) EXPENSES.—The State may pay for expenses, including travel expenses, and services, including services of qualified interpreters, readers, and personal care assistants, that may be necessary to ensure access to the comprehensive statewide program of technology-related assistance by individuals with disabilities who are determined by the State to be in financial need.

"(5) STATEWIDE NEEDS ASSESSMENT.—The State may conduct a statewide needs assessment that may be based on data in existence on the date on which the assessment is initiated and may include—

"(A) estimates of the numbers of individuals with disabilities within the State, categorized by residence, type and extent of disabilities, age, race, gender, and ethnicity;

"(B) in the case of an assessment carried out under a development grant, a description of efforts, during the fiscal year preceding the first fiscal year for which the State received such a grant, to provide assistive technology devices and assistive technology services to individuals with disabilities within the State, including—

"(i) the number of individuals with disabilities who received appropriate assistive technology devices and assistive technology services; and

"(ii) a description of the devices and services provided;

"(C) information on the number of individuals with disabilities who are in need of assistive technology devices and assistive technology services, and a description of the devices and services needed;

"(D) information on the cost of providing assistive technology devices and assistive technology services to all individuals with disabilities within the State who need such devices and services;

"(E) a description of State and local public resources and private resources (including insurance) that are available to establish a consumer-responsive comprehensive statewide program of technology-related assistance;

"(F) information identifying Federal and State laws, regulations, policies, practices, procedures, and organizational structures, that facilitate or interfere with the operation of a consumer-responsive comprehensive statewide program of technology-related assistance;

"(G) a description of the procurement policies of the State and the extent to which such policies will ensure, to the extent practicable, that assistive technology devices purchased, leased, or otherwise acquired with assistance made available through a grant made under section 102 or 103 are compatible with other technology devices, including technology devices designed primarily for use by—

"(i) individuals who are not individuals with disabilities;

"(ii) individuals who are elderly; or

"(iii) individuals with particular disabilities; and

"(H) information resulting from an inquiry about whether a State agency or task force (composed of individuals representing the State and individuals representing the private sector) should study the practices of private insurance companies holding licenses within the State that offer health or disability insurance policies under which an individual may obtain reimbursement for—

"(i) the purchase, lease, or other acquisition of assistive technology devices; or

"(ii) the use of assistive technology services.

"(6) PUBLIC AWARENESS PROGRAM.—

"(A) IN GENERAL.—The State may—

"(i) support a public awareness program designed to provide information relating to the availability and efficacy of assistive technology devices and assistive technology services for—

"(I) individuals with disabilities and their family members, guardians, advocates, or authorized representatives;

"(II) individuals who work for public agencies, or for private entities (including insurers), that have contact with individuals with disabilities;

"(III) educators and related services personnel;

"(IV) technology experts (including engineers);

"(V) employers; and

"(VI) other appropriate individuals and entities; or

"(ii) establish and support such a program if no such program exists.

"(B) CONTENTS.—Such a public awareness program may include—

"(i) the development and dissemination of information relating to—

"(I) the nature of assistive technology devices and assistive technology services;

"(II) the appropriateness, cost, and availability of, and access to, assistive technology devices and assistive technology services; and

"(III) the efficacy of assistive technology devices and assistive technology services with respect to enhancing the capacity of individuals with disabilities;

"(ii) the development of procedures for providing direct communication among public providers of assistive technology devices and assistive technology services and between public providers and private providers of such devices and services (including employers); and

"(iii) the development and dissemination of information relating to the use of the program by individuals with disabilities and their family members, guardians, advocates, or authorized representatives, professionals who work in a field related to an activity described in this section, and other appropriate individuals.

"(7) TRAINING AND TECHNICAL ASSISTANCE.—The State may carry out directly, or may provide support to a public or private entity to carry out, training and technical assistance activities—

"(A) that—

"(i) are provided for individuals with disabilities and their family members, guardians, advocates, and authorized representatives, and other appropriate individuals; and

"(ii) may include—

"(I) training in the use of assistive technology devices and assistive technology services;

"(II) the development of written materials, training, and technical assistance describing the means by which agencies consider the needs of an individual with a disability for assistive technology devices and assistive technology services in developing, for the individual, any individualized education program described in section 614(a)(5) of the Individuals with Disabilities Education Act (20 U.S.C. 1414(a)(5)), any individualized written rehabilitation program described in section 102 of the Rehabilitation Act of 1973 (29 U.S.C. 722), any individualized family service plan described in section 677 of the Individuals with Disabilities Education Act (20 U.S.C. 1477), and any other individualized plans or programs;

"(III) training regarding the rights of the persons described in clause (i) to assistive technology devices and assistive technology services under any law other than this Act, to promote fuller independence, productivity, and inclusion in and integration into society of such persons; and

"(IV) training to increase consumer participation in the identification, planning, use, delivery, and evaluation of assistive technology devices and assistive technology services; and

"(B) that—

"(i) enhance the assistive technology skills and competencies of—

"(I) individuals who work for public agencies, or for private entities (including insurers), that have contact with individuals with disabilities;

"(II) educators and related services personnel;

"(III) technology experts (including engineers);

"(IV) employers; and

"(V) other appropriate personnel; and

"(ii) include taking actions to facilitate the development of standards, or, when appropriate, the application of such standards, to ensure the availability of qualified personnel.

"(8) PROGRAM DATA.—The State may support the compilation and evaluation of appropriate data related to a program described in subsection (a).

"(9) ACCESS TO TECHNOLOGY-RELATED INFORMATION.—

"(A) IN GENERAL.—The State may develop, operate, or expand a system for public access to information concerning an activity carried out under another paragraph of this subsection, including information about assistive technology devices and assistive technology services, funding sources and costs of such assistance, and individuals, organizations, and agencies capable of carrying out such an activity for individuals with disabilities.

"(B) ACCESS.—Access to the system may be provided through community-based entities, including public libraries, centers for independent living (as defined in section 702(1) of the Rehabilitation Act of 1973 (29 U.S.C. 796a(1))), and community rehabilitation programs (as defined in section 7(25) of such Act (29 U.S.C. 706(25))).

"(C) SYSTEM.—In developing, operating, or expanding a system described in subparagraph (A), the State may—

"(i) develop, compile, and categorize print, large print, braille, audio, and video materials, computer disks, compact discs (including compact discs formatted with read-only memory), information that can be used in telephone-based information systems, and such other media as technological innovation may make appropriate;

"(ii) identify and classify existing funding sources, and the conditions of and criteria for access to such sources, including any funding mechanisms or strategies developed by the State;

"(iii) identify existing support groups and systems designed to help individuals with disabilities make effective use of an activity carried out under another paragraph of this subsection; and

"(iv) maintain a record of the extent to which citizens of the State use or make inquiries of the system established in subparagraph (A), and of the nature of such inquiries.

"(D) LINKAGES.—The information system may be organized on an interstate basis or as part of a regional consortium of States in order to facilitate the establishment of compatible, linked information systems.

"(10) INTERSTATE ACTIVITIES.—

"(A) IN GENERAL.—The State may enter into cooperative agreements with other States to expand the capacity of the States involved to assist individuals with disabilities of all ages to learn about, acquire, use, maintain, adapt, and upgrade assistive technology devices and assistive technology services that such individuals need at home, at school, at work, or in other environments that are part of daily living.

"(B) ELECTRONIC COMMUNICATION.—The State may operate or participate in a computer system through which the State may electronically communicate with other States to gain technical assistance in a timely fashion and to avoid the duplication of efforts already undertaken in other States.

"(11) PARTNERSHIPS AND COOPERATIVE INITIATIVES.—The State may support the establishment or continuation of partnerships and cooperative initiatives between the public sector and the private sector to promote greater participation by business and industry in—

"(A) the development, demonstration, and dissemination of assistive technology devices; and

"(B) the ongoing provision of information about new products to assist individuals with disabilities.

"(12) ADVOCACY SERVICES.—The State may provide advocacy services.

"(13) OTHER ACTIVITIES.—The State may utilize amounts made available through grants made under section 102 or 103 for any systems change and advocacy activities, other than the activities described in another paragraph of this subsection, that are necessary for developing, implementing, or evaluating the consumer-responsive comprehensive statewide program of technology-related assistance.

"(c) NONSUPPLANTATION.—In carrying out systems change and advocacy activities under this title, the State shall ensure that the activities supplement, and not supplant, similar activities that have been carried out pursuant to other Federal or State law.".

SEC. 102. DEVELOPMENT GRANTS.

Section 102 (29 U.S.C. 2212) is amended—

(1) in subsection (a)—

(A) by striking "3-year grants" and inserting "3-year grants to support systems change and advocacy activities described in section 101(b) (including activities described in subsection (e)(7))"; and

(B) by striking "to develop and implement statewide programs" and inserting "in developing and implementing consumer-responsive comprehensive statewide programs";

(2) by striking subsection (b);

(3) by redesignating subsections (c) and (d) as subsections (b) and (c), respectively;

(4) in subsection (b) (as redesignated in paragraph (3))—

(A) in paragraph (3)(C), by striking "statewide program" and inserting "consumer-responsive comprehensive statewide program"; and

(B) in paragraph (5)—

(i) in subparagraph (A)—

(I) by striking "(A)" and inserting "(A) STATE.—";

(II) by inserting "United States" before "Virgin Islands"; and

(III) by striking "Trust Territory of the Pacific Islands" and inserting "Republic of Palau"; and

(ii) in subparagraph (B)—

(I) by striking "(B)" and inserting "(B) TERRITORY.—";

(II) by inserting "United States" before "Virgin Islands"; and

(III) by striking "Trust Territory of the Pacific Islands" and inserting "Republic of Palau (until the Compact of Free Association takes effect)";

(5) in paragraph (2) of subsection (c) (as redesignated in paragraph (3)) by striking "statewide programs" and inserting "consumer-responsive comprehensive statewide programs";

(6) by inserting after such subsection (c) the following:

"(d) DESIGNATION OF THE LEAD AGENCY.—

"(1) DESIGNATION.—The Governor of any State that desires to receive a grant under this section shall designate the office, agency, entity, or individual (referred to in this Act as the 'lead agency') responsible for—

"(A) submitting the application described in subsection (e) on behalf of the State;

"(B) administering and supervising the use of amounts made available under the grant;

"(C)(i) coordinating efforts related to, and supervising the preparation of, the application;

"(ii) coordinating the planning, development, implementation, and evaluation of the consumer-responsive comprehensive statewide program of technology-related assistance among public agencies and between public agencies and private agencies, including coordinating efforts related to entering into interagency agreements; and

"(iii) coordinating efforts related to, and supervising, the active, timely, and meaningful participation by individuals with disabilities and their family members, guardians, advocates, or authorized representatives, and other appropriate individuals, with respect to activities carried out under the grant; and

"(D) the delegation, in whole or in part, of any responsibilities described in subparagraph (A), (B), or (C) to one or more appropriate offices, agencies, entities, or individuals.

"(2) QUALIFICATIONS.—In designating the lead agency, the Governor may designate—

"(A) a commission appointed by the Governor;

"(B) a public-private partnership or consortium;

"(C) a university-affiliated program;

"(D) a public agency;

"(E) a council established under Federal or State law; or

"(F) another appropriate office, agency, entity, or individual.

"(3) ABILITIES OF LEAD AGENCY.—The State shall provide, in accordance with subsection (e)(1), evidence that the lead agency has the ability—

"(A) to respond to assistive technology needs across disabilities and ages;

"(B) to promote the availability throughout the State of assistive technology devices and assistive technology services;

"(C) to promote and implement systems change and advocacy activities;

"(D) to promote and develop public-private partnerships;

"(E) to exercise leadership in identifying and responding to the technology needs of individuals with disabilities and their family members, guardians, advocates, and authorized representatives;

"(F) to promote consumer confidence, responsiveness, and advocacy; and

"(G) to exercise leadership in implementing effective strategies for capacity building, staff and consumer training, and enhancement of access to funding for assistive technology devices and assistive technology services across agencies.";

(7) in subsection (e)—

(A) by striking paragraphs (1), (2), and (3) and inserting the following:

"(1) DESIGNATION OF THE LEAD AGENCY.—Information identifying the lead agency designated by the Governor under subsection (d)(1), and the evidence described in subsection (d)(3).

"(2) AGENCY INVOLVEMENT.—A description of the nature and extent of involvement of various State agencies, including the State insurance department, in the preparation of the application and the continuing role of each agency in the development and implementation of the consumer-responsive comprehensive statewide program of technology-related assistance, including the identification of the available resources and financial responsibility of each agency for paying for assistive technology devices and assistive technology services.

"(3) INVOLVEMENT.—

"(A) CONSUMER INVOLVEMENT.—A description of procedures that provide for—

"(i)(I) the active involvement of individuals with disabilities and their family members, guardians, advocates, and authorized representatives, and other appropriate individuals, in the development, implementation, and evaluation of the program; and

"(II) the active involvement, to the maximum extent appropriate, of individuals with disabilities who use assistive technology devices or assistive technology services, in decisions relating to such devices and services; and

"(ii) mechanisms for determining consumer satisfaction and participation of individuals with disabilities who represent a variety of ages and types of disabilities, in the consumer-responsive comprehensive statewide program of technology-related assistance.

"(B) PUBLIC INVOLVEMENT.—A description of the nature and extent of—

"(i) the involvement, in the designation of the lead agency under subsection (d), and in the development of the application, of—

"(I) individuals with disabilities and their family members, guardians, advocates, or authorized representatives;

"(II) other appropriate individuals who are not employed by a State agency; and

"(III) organizations, providers, and interested parties, in the private sector; and

"(ii) the continuing role of the individuals and entities described in clause (i) in the program.";

(B) in paragraph (4), by striking "underserved groups" and inserting "underrepresented populations or rural populations";

(C) in paragraphs (4) and (5), by striking "statewide program" each place the term appears and inserting "consumer-responsive comprehensive statewide program";

(D) by striking paragraphs (6), (7), and (17);

(E) by redesignating paragraphs (8) and (9) as paragraphs (17) and (18), respectively, and transferring such paragraphs to the end of the subsection;

(F) by inserting after paragraph (5) the following:

"(6) GOALS, OBJECTIVES, ACTIVITIES, AND OUTCOMES.—Information on the program with respect to—

"(A) the goals and objectives of the State for the program;

"(B) the systems change and advocacy activities that the State plans to carry out under the program; and

"(C) the expected outcomes of the State for the program, consistent with the purposes described in section 2(b)(1).

"(7) PRIORITY ACTIVITIES.—

"(A) IN GENERAL.—An assurance that the State will use funds made available under this section or section 103 to accomplish the purposes described in section 2(b)(1) and the goals, objectives, and outcomes described in paragraph (6), and to carry out the systems change and advocacy activities described in paragraph (6)(B), in a manner that is consumer-responsive.

"(B) PARTICULAR ACTIVITIES.—An assurance that the State, in carrying out such systems change and advocacy activities, shall carry out activities regarding—

"(i) the development, implementation, and monitoring of State, regional, and local laws, regulations, policies, practices, procedures, and organizational structures, that will improve access to, provision of, funding for, and timely acquisition and delivery of, assistive technology devices and assistive technology services;

"(ii) the development and implementation of strategies to overcome barriers regarding access to, provision of, and funding for, such devices and services, with priority for identification of barriers to funding through State education (including special education) services, vocational rehabilitation services, and medical assistance services or, as appropriate, other health and human services, and with particular emphasis on overcoming barriers for underrepresented populations and rural populations;

"(iii) coordination of activities among State agencies, in order to facilitate access to, provision of, and funding for, assistive technology devices and assistive technology services;

"(iv) the development and implementation of strategies to empower individuals with disabilities and their family members, guardians, advocates, and authorized representatives, to successfully advocate for increased access to, funding for, and provision of, assistive technology devices and assistive technology services, and to increase the participation, choice, and control of such individuals with disabilities and their family members, guardians, advocates, and authorized representatives in the selection and procurement of assistive technology devices and assistive technology services;

"(v) the provision of outreach to underrepresented populations and rural populations, including identifying and assessing the needs of such populations, providing activities to increase the accessibility of services to such populations, training representatives of such populations to become service providers, and training staff of the consumer-responsive comprehensive statewide program of technology-related assistance to work with such populations; and

"(vi) the development and implementation of strategies to ensure timely acquisition and delivery of assistive technology devices and assistive technology services, particularly for children,

unless the State demonstrates through the progress reports required under section 104 that significant progress has been made in the development and implementation of a consumer-responsive comprehensive statewide program of technology-related assistance, and that other systems change and advocacy activities will increase the likelihood that the program will accomplish the purposes described in section 2(b)(1).

"(8) ASSESSMENT.—An assurance that the State will conduct an annual assessment of the consumer-responsive comprehensive statewide program of technology-related assistance, in order to determine—

"(A) the extent to which the State's goals and objectives for systems change and advocacy activities, as identified in the State plan under paragraph (6), have been achieved; and

"(B) the areas of need that require attention in the next year.

"(9) DATA COLLECTION.—A description of—

"(A) the data collection system used for compiling information on the program, consistent with such requirements as the Secretary may establish for such systems, and, when a national classification system is developed pursuant to section 201, consistent with such classification system; and

"(B) procedures that will be used to conduct evaluations of the program.";

(G) in paragraphs (11)(B)(i) and (12)(B) by striking "individual with disabilities" and inserting "individual with a disability";

(H) in paragraph (16)(A), by striking "the families or representatives of individuals with disabilities" and inserting "their family members, guardians, advocates, or authorized representatives"; and

(I) by adding at the end the following:

"(19) AUTHORITY TO USE FUNDS.—An assurance that the lead agency will have the authority to use funds made available through a grant made under this section or section 103 to comply with the requirements of this section or section 103, respectively, including the ability to hire qualified staff necessary to carry out activities under the program.

"(20) PROTECTION AND ADVOCACY SERVICES.—Either—

"(A) an assurance that the State will annually provide, from the funds made available to the State through a grant made under this section or section 103, an amount calculated in accordance with subsection (f)(4), in order to make

a grant to, or enter into a contract with, an entity to support protection and advocacy services through the systems established to provide protection and advocacy under the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6000 et seq.), the Protection and Advocacy for Mentally Ill Individuals Act (42 U.S.C. 10801 et seq.), and section 509 of the Rehabilitation Act of 1973 (29 U.S.C. 794e); or

"(B) at the discretion of the State, a request that the Secretary annually reserve, from the funds made available to the State through a grant made under this section or section 103, an amount calculated in accordance with subsection (f)(4), in order for the Secretary to make a grant to or enter into a contract with such a system to support protection and advocacy services.

"(21) TRAINING ACTIVITIES.—An assurance that the State—

"(A) will develop and implement strategies for including personnel training regarding assistive technology within existing Federal- and State-funded training initiatives, in order to enhance assistive technology skills and competencies; and

"(B) will document such training.

"(22) LIMIT ON INDIRECT COSTS.—An assurance that the percentage of the funds received under the grant that is used for indirect costs shall not exceed 10 percent.

"(23) COORDINATION WITH STATE COUNCILS.—An assurance that the lead agency will coordinate the activities funded through a grant made under this section or section 103 with the activities carried out by other councils within the State, including—

"(A) any council or commission specified in the assurance provided by the State in accordance with section 101(a)(36) of the Rehabilitation Act of 1973 (29 U.S.C. 721(a)(36));

"(B) the Statewide Independent Living Council established under section 705 of the Rehabilitation Act of 1973 (29 U.S.C. 796d);

"(C) the advisory panel established under section 613(a)(12) of the Individuals with Disabilities Education Act (20 U.S.C. 1413(a)(12));

"(D) the State Interagency Coordinating Council established under section 682 of the Individuals with Disabilities Education Act (20 U.S.C. 1482);

"(E) the State Planning Council described in section 124 of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6024);

"(F) the State mental health planning council established under section 1914 of the Public Health Service Act (42 U.S.C. 300x–3); and

"(G) any council established under section 204, 206(g)(2)(A), or 712(a)(3)(H) of the Older Americans Act of 1965 (42 U.S.C. 3015, 3017(g)(2)(A), or 3058g(a)(3)(H)).

"(24) COORDINATION WITH OTHER SYSTEMS CHANGE AND ADVOCACY ACTIVITIES.—An assurance that there will be coordination between the activities funded through the grant and other related systems change and advocacy activities funded by either Federal or State sources.

"(25) OTHER INFORMATION AND ASSURANCES.—Such other information and assurances as the Secretary may reasonably require."; and

(8) by adding at the end the following:

"(f) PROTECTION AND ADVOCACY REQUIREMENTS.—

"(1) REQUIREMENTS.—A State that, as of June 30, 1993, has provided for protection and advocacy services through an entity that—

"(A) is capable of performing the functions that would otherwise be performed under subsection (e)(20) by the system described in subsection (e)(20); and

"(B) is not a system described in such subsection,

shall be considered to meet the requirements of such subsection. Such entity shall receive funding to provide such protection and advocacy services in accordance with paragraph (4), and shall comply with the same requirements of this title (other than the requirements of such subsection) as a system that receives funding under such subsection.

"(2) PROTECTION AND ADVOCACY SERVICE PROVIDER REPORT.—

"(A) PREPARATION.—A system that receives funds under subsection (e)(20) to carry out the protection and advocacy services described in subsection (e)(20)(A) in a State, or an entity described in paragraph (1) that carries out such services in the State, shall prepare reports that contain such information as the Secretary may require, including the following:

"(i) A description of the activities carried out by the system or entity with such funds.

"(ii) Documentation of significant progress, in providing protection and advocacy services, in each of the following areas:

"(I) Conducting activities that are consumer-responsive, including activities that will lead to increased access to funding for assistive technology devices and assistive technology services.

"(II) Executing legal, administrative, and other appropriate means of representation to implement systems change and advocacy activities.

"(III) Developing and implementing strategies designed to enhance the long-term abilities of individuals with disabilities and their family members, guardians, advocates, and authorized representatives to successfully advocate for assistive technology devices and assistive technology services to which the individuals with disabilities are entitled under law other than this Act.

"(IV) Coordinating activities with protection and advocacy services funded through sources other than this Act, and coordinating activities with the systems change and advocacy activities carried out by the State lead agency.

"(B) SUBMISSION.—The system or entity shall submit the reports to the program described in subsection (a) in the State not less often than every 6 months.

"(C) UPDATES.—The system or entity shall provide monthly updates to the program described in subsection (a) concerning the activities and information described in subparagraph (A).

"(3) CONSULTATION WITH STATE PROGRAMS.—Before making a grant or entering into a contract under subsection (e)(20)(B) to support the protection and advocacy services described in subsection (e)(20)(A) in a State, the Secretary shall solicit and consider the opinions of the lead agency in the State with respect to the terms of the grant or contract.

"(4) CALCULATION OF EXPENDITURES.—

"(A) IN GENERAL.—For each fiscal year, for each State receiving a grant under this section or section 103, the Secretary shall specify a minimum amount that the State shall use to provide protection and advocacy services.

"(B) INITIAL YEARS OF GRANT.—Except as provided in subparagraph (C) or (D)—

"(i) the Secretary shall calculate such minimum amount for a State based on the size of the grant, the needs of individuals with disabilities within the State, the population of the State, and the geographic size of the State; and

"(ii) such minimum amount shall be not less than $40,000 and not more than $100,000.

"(C) FOURTH YEAR OF SECOND EXTENSION GRANT.—If a State receives a second extension grant under section 103(a)(2), the Secretary shall specify a minimum amount under subparagraph (A) for the fourth year (if any) of the grant period that shall equal 75 percent of the minimum amount specified for the State under such subparagraph for the third year of the second extension grant of the State.

"(D) FIFTH YEAR OF SECOND EXTENSION GRANT.—If a State receives a second extension grant under section 103(a)(2), the Secretary shall specify a minimum amount under subparagraph (A) for the fifth year (if any) of the grant period that shall equal 50 percent of the minimum amount specified for the State under such subparagraph for the third year of the second extension grant of the State.

"(E) PROHIBITION.—After the fifth year (if any) of the grant period, no Federal funds may be made available under this title by the State to a system described in subsection (e)(20) or an entity described in paragraph (1).".

SEC. 103. EXTENSION GRANTS.

Section 103 (29 U.S.C. 2213) is amended to read as follows:

"SEC. 103. EXTENSION GRANTS.

"(a) EXTENSION GRANTS.—

"(1) INITIAL EXTENSION GRANT.—The Secretary may award an initial extension grant, for a period of 2 years, to any State that meets the standards specified in subsection (b)(1).

"(2) SECOND EXTENSION GRANT.—The Secretary may award a second extension grant, for a period of not more than 5 years, to any State that meets the standards specified in subsection (b)(2).

"(b) STANDARDS.—

"(1) INITIAL EXTENSION GRANT.—In order for a State to receive an initial extension grant under this section, the designated lead agency of the State shall—

"(A) provide the evidence described in section 102(d)(3); and

"(B) demonstrate that the State has made significant progress, and has carried out systems change and advocacy activities that have resulted in significant progress, toward the development and implementation of a consumer-responsive comprehensive statewide program of technology-related assistance, consistent with sections 2(b)(1), 101, and 102.

"(2) SECOND EXTENSION GRANT.—

"(A) RESPONSIBILITIES OF DESIGNATED LEAD AGENCY.—In order for a State to receive a second extension grant under this section, the designated lead agency shall—

"(i) provide the evidence and make the demonstration described in paragraph (1);

"(ii) describe the steps the State has taken or will take to continue on a permanent basis the consumer-responsive comprehensive statewide program of technology-related assistance with the ability to maintain, at a minimum, the outcomes achieved by the systems change and advocacy activities; and

"(iii) identify future funding options and commitments for the program from the public and private sector and the key individuals, agencies, and organizations to be involved in, and to direct future efforts of, the program.

"(B) DETERMINATION OF COMPLIANCE.—In making any award to a State for a second extension grant, the Secretary shall (except as provided in section 105(a)(2)(A)(iii)) make such award contingent on a determination, based on the onsite visit required under section 105(a)(2)(A)(ii), that the State is making significant progress toward development and implementation of a consumer-responsive comprehensive statewide program of technology-related assistance. If the Secretary determines that the State is not making such progress, the Secretary may take an action described in section 105(b)(2), in accordance with the applicable procedures described in section 105.

"(c) AMOUNTS OF GRANTS.—

"(1) INITIAL EXTENSION GRANTS.—

"(A) IN GENERAL.—

"(i) STATES.—From amounts appropriated under section 106 for any fiscal year, the Secretary shall pay an amount that is not less than $500,000 and not greater than $1,500,000 to each State (other than a State described in clause (ii)) that receives an initial extension grant under subsection (a)(1).

"(ii) TERRITORIES.—From amounts appropriated under section 106 for any fiscal year, the Secretary shall pay an amount that is not greater than $150,000 to any of the following States that receives an initial extension grant under subsection (a)(1):

"(I) The United States Virgin Islands.

"(II) Guam.

"(III) American Samoa.

"(IV) The Commonwealth of the Northern Mariana Islands.

"(V) The Republic of Palau (until the Compact of Free Association takes effect).

"(B) CALCULATION OF AMOUNT.—The Secretary shall calculate the amount described in clause (i) or (ii) of subparagraph (A) with respect to a State on the basis of—

"(i) amounts available for making grants pursuant to subsection (a)(1);

"(ii) the population of the State;

"(iii) the types of assistance to be provided in the State; and

"(iv) the amount of resources committed by the State and available to the State from other sources.

"(C) PRIORITY FOR PREVIOUSLY PARTICIPATING STATES.—Amounts appropriated in any fiscal year for purposes of carrying out subsection (a)(1) shall first be made available to States that received assistance under this section during the fiscal year preceding the fiscal year concerned.

"(D) INCREASES.—In providing any increases in initial extension grants under subsection (a)(1) above the amounts provided to States under this section for fiscal year 1993, the Secretary may give priority to—

"(i) the States (other than the States described in subparagraph (A)(ii)) that have the largest populations, based on the most recent census data; and

"(ii) the States (other than the States described in subparagraph (A)(ii)) that are sparsely populated, with a wide geographic spread,

where such characteristics have impeded the development of a consumer-responsive, comprehensive statewide program of technology-related assistance.

"(2) SECOND EXTENSION GRANTS.—

"(A) AMOUNTS AND PRIORITY.—The amounts of, and the priority of applicants for, the second extension grants awarded under subsection (a)(2) shall be determined by the Secretary, except that—

"(i) the amount paid to a State for the fourth year (if any) of the grant period shall be 75 percent of the amount paid to the State for the third year of the grant period;

"(ii) the amount paid to a State for the fifth year (if any) of the grant period shall be 50 percent of the amount paid to the State for the third year of the grant period; and

"(iii) after the fifth year of the grant period, no Federal funds may be made available to the State under this title.

"(B) INCREASES.—In providing any increases in second extension grants under subsection (a)(2) above the amounts provided to States under this section for fiscal year 1993, the Secretary may give priority to States described in paragraph (1)(D).

"(d) APPLICATION.—A State that desires to receive an extension grant under this section shall submit an application to the Secretary that contains the following information and assurances with respect to the consumer-responsive comprehensive statewide program of technology-related assistance in the State:

"(1) INFORMATION AND ASSURANCES.—The information and assurances described in section 102(e), except the preliminary needs assessment described in section 102(e)(4).

"(2) NEEDS; PROBLEMS; STRATEGIES; OUTREACH.—

"(A) NEEDS.—A description of needs relating to technology-related assistance of individuals with disabilities (including individuals from underrepresented populations or rural populations) and their family members, guardians, advocates, or authorized representatives, and other appropriate individuals within the State.

"(B) PROBLEMS.—A description of any problems or gaps that remain with the development and implementation of a consumer-responsive comprehensive statewide program of technology-related assistance in the State.

"(C) STRATEGIES.—A description of the strategies that the State will pursue during the grant period to remedy the problems or gaps with the development and implementation of such a program.

"(D) OUTREACH ACTIVITIES.—A description of outreach activities to be conducted by the State, including dissemination of information to eligible populations, with special attention to underrepresented populations and rural populations.

"(3) ACTIVITIES AND PROGRESS UNDER PREVIOUS GRANT.—A description of—

"(A) the specific systems change and advocacy activities described in section 101(b) (including the activities described in section 1012(e)(7)) carried out under the development grant received by the State under section 102, or, in the case of an application for a grant under subsection (a)(2), under an initial extension grant received by the State under this section, including—

"(i) a description of systems change and advocacy activities that were undertaken to produce change on a permanent basis for individuals with disabilities of all ages;

"(ii) a description of activities undertaken to improve the involvement of individuals with disabilities in the program, including training and technical assistance efforts to improve individual access to assistive technology devices and assistive technology services as mandated under other laws and regulations as in effect on the date of the application, and including actions undertaken to improve the participation of underrepresented populations and rural populations, such as outreach efforts; and

"(iii) an evaluation of the impact and results of the activities described in clauses (i) and (ii);

"(B) the relationship of such systems change and advocacy activities to the development and implementation of a consumer-responsive comprehensive statewide program of technology-related assistance; and

"(C) the progress made toward the development and implementation of such a program.

"(4) PUBLIC INVOLVEMENT.—

"(A) REPORT.—In the case of an application for a grant under subsection (a)(1), a report on the hearing described in subsection (e)(1) or, in the case of an application for a grant under subsection (a)(2), a report on the hearing described in subsection (e)(2).

"(B) OTHER STATE ACTIONS.—A description of State actions, other than such a hearing, designed to determine the degree of satisfaction of individuals with disabilities, and their family members, guardians, advocates, or authorized representatives, public service providers and private service providers, educators and related services providers, technology experts (including engineers), employers, and other appropriate individuals and entities with—

"(i) the degree of their ongoing involvement in the development and implementation of the consumer-responsive comprehensive statewide program of technology-related assistance;

"(ii) the specific systems change and advocacy activities described in section 101(b) (including the activities described in section 102(e)(7)) carried out by the State under the development grant or the initial extension grant;

"(iii) progress made toward the development and implementation of a consumer-responsive comprehensive statewide program of technology-related assistance; and

"(iv) the ability of the lead agency to carry out the activities described in section 102(d)(3).

"(5) COMMENTS.—A summary of any comments received concerning the issues described in paragraph (4) and response of the State to such comments, solicited through a public hearing referred to in paragraph (4) or through other means, from individuals affected by the consumer-responsive comprehensive statewide program of technology-related assistance, including—

"(A) individuals with disabilities and their family members, guardians, advocates, or authorized representatives;

"(B) public service providers and private service providers;

"(C) educators and related services personnel;

"(D) technology experts (including engineers);

"(E) employers; and

"(F) other appropriate individuals and entities.

"(6) COMPATIBILITY AND ACCESSIBILITY OF ELECTRONIC EQUIPMENT.—An assurance that the State, or any recipient of funds made available to the State under section 102 of this section, will comply with guidelines established under section 508 of the Rehabilitation Act of 1973 (29 U.S.C. 794d).

"(e) PUBLIC HEARING.—

"(1) INITIAL EXTENSION GRANT.—To be eligible to receive a grant under subsection (a)(1), a State shall hold a public hearing in the third year of a program carried out under a grant made under section 102, after providing appropriate and sufficient notice to allow interested groups and organizations and all segments of the public an opportunity to comment on the program.

"(2) SECOND EXTENSION GRANT.—To be eligible to receive a grant under subsection (a)(2), a State shall hold a public hearing in the second year of a program carried out under a grant made under subsection (a)(1), after providing the notice described in paragraph (1).".

SEC. 104. PROGRESS CRITERIA AND REPORTS.

Section 104 (29 U.S.C. 2214) is amended to read as follows:

"SEC. 104. PROGRESS CRITERIA AND REPORTS.

"(a) GUIDELINES.—The Secretary shall develop guidelines to be used in assessing the extent to which a State that received a grant under section 102 or 103 is making significant progress in developing and implementing a consumer-responsive comprehensive statewide program of technology-related assistance consistent with section 2(b)(1).

"(b) REPORTS.—Each State that receives a grant under section 102 or 103 to carry out such a program shall submit annually to the Secretary a report that documents significant progress in developing and implementing a consumer-responsive comprehensive statewide program of technology-related assistance, consistent with sections 2(b)(1), 101, and 102(e), and that documents the following:

"(1) The progress the State has made, as determined in the State's annual assessment described in section 102(e)(8) (consistent with the guidelines established by the Secretary under subsection (a)), in achieving the State's goals, objectives, and outcomes as identified in the State's application as described in section 102(e)(6), and areas of need that require attention in the next year, including unanticipated problems with the achievement of the goals, objectives, and outcomes described in the application, and the activities the State has undertaken to rectify these problems.

"(2) The systems change and advocacy activities carried out by the State including—

"(A) an analysis of the laws, regulations, policies, practices, procedures, and organizational structures that the State has changed, has attempted to change, or will attempt to

change during the next year, to facilitate and increase timely access to, provision of, or funding for, assistive technology devices and assistive technology services; and

"(B) a description of any written policies and procedures that the State has developed and implemented regarding access to, provision of, and funding for, assistive technology devices and assistive technology services, particularly policies and procedures regarding access to, provision of, and funding for, such devices and services under education (including special education), vocational rehabilitation, and medical assistance programs.

"(3) The degree of involvement of various State agencies, including the State insurance department, in the development, implementation, and evaluation of the program, including any interagency agreements that the State has developed and implemented regarding access to, provision of, and funding for, assistive technology devices and assistive technology services such as agreements that identify available resources for assistive technology devices and assistive technology services and the responsibility of each agency for paying for such devices and services.

"(4) The activities undertaken to collect and disseminate information about the documents or activities analyzed or described in paragraphs (1) through (3), including outreach activities to underrepresented populations and rural populations and efforts to disseminate information by means of electronic communication.

"(5) The involvement of individuals with disabilities who represent a variety of ages and types of disabilities in the planning, development, implementation, and assessment of the consumer-responsive comprehensive statewide program of technology-related assistance, including activities undertaken to improve such involvement, such as consumer training and outreach activities to underrepresented populations and rural populations.

"(6) The degree of consumer satisfaction with the program, including satisfaction by underrepresented populations and rural populations.

"(7) Efforts to train personnel as well as consumers.

"(8) Efforts to reduce the service delivery time for receiving assistive technology devices and assistive technology services.

"(9) Significant progress in the provision of protection and advocacy services, in each of the areas described in section 102(f)(2)(A)(ii).".

SEC. 105. ADMINISTRATIVE PROVISIONS.

(a) REVIEW OF PARTICIPATING STATES.—Section 105(a) (29 U.S.C. 2215(a)) is amended—

(1) in paragraph (1), by inserting before the period the following: ", consistent with the guidelines established under section 104(a)";

(2) by striking paragraph (2) and inserting the following:

"(2) ONSITE VISITS.—

"(A) VISITS.—

"(i) DEVELOPMENT GRANT PROGRAM.—The Secretary shall conduct an onsite visit during the final year of each State's participation in the development grant program.

"(ii) EXTENSION GRANT PROGRAM.—Except as provided in clause (iii), the Secretary shall conduct an additional onsite visit to any State that applies for a second extension grant under section 103(a)(2) and whose initial onsite visit occurred prior to the date of the enactment of the Technology-Related Assistance for Individuals With Disabilities Act Amendments of 1994. The Secretary shall conduct any such visit to the State not later than 12 months after the date on which the Secretary awards the second extension grant.

"(iii) DETERMINATION.—The Secretary shall not be required to conduct a visit described in clause (ii) if the Secretary determines that the visit is not necessary to assess whether the State is making significant progress toward development and implementation of a consumer-responsive comprehensive statewide program of technology-related assistance.

"(B) TEAM.—Two-thirds of the onsite monitoring team in each case shall be qualified peer reviewers, who—

"(i) shall not be lead agency personnel;

"(ii) shall be from States other than the State being monitored; and

"(iii) shall include an individual with a disability, or a family member, a guardian, an advocate, or an authorized representative of such an individual.

"(C) COMPENSATION.—

"(i) OFFICERS OR EMPLOYEES.—Members of any onsite monitoring team who are officers or full-time employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States, but may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5702 of title 5, United States Code, for individuals in the Government service traveling on official business.

"(ii) OTHER MEMBERS.—Members of any onsite monitoring team who are not officers or full-time employees of the United States shall receive compensation at a rate not to exceed the daily equivalent of the rate of pay for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including traveltime) during which such members are engaged in the actual performance of their duties as members of an onsite monitoring team. In addition, such members may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for individuals in the Government service employed intermittently.

"(D) REPORT.—The Secretary shall prepare a report of findings from the onsite visit. The Secretary shall consider the findings in determining whether to continue funding the program either with or without changes. The report shall be available to the public.";

(3) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively;

(4) by inserting after paragraph (2) the following:

"(3) ADVANCE PUBLIC NOTICE.—The Secretary shall provide advance public notice of the onsite visit and solicit public comment through such notice from individuals with disabilities and their family members, guardians, advocates, and authorized representatives, public service providers and private service providers, educators and related services personnel, technology experts (including engineers), employers, and other appropriate individuals and entities, regarding the State program funded through a grant made under section 102 or 103. The public comment solicitation notice shall be included in the onsite visit report described in paragraph (2)."; and

(5) in paragraph (4) (as redesignated in paragraph (3)) by striking "statewide program" and inserting "consumer-responsive comprehensive statewide program".

(b) CORRECTIVE ACTION PLAN.—Section 105(b) (29 U.S.C. 2215(b)) is amended—

(1) in paragraph (2)—

(A) in the heading, by striking "PENALTIES" and inserting "CORRECTIVE ACTIONS";

(B) in the matter preceding subparagraph (A), by striking "penalties" and inserting "corrective actions";

(C) by striking "or" at the end of subparagraph (B);

(D) by striking the period at the end of subparagraph (C) and inserting "; or"; and

(E) by adding at the end the following:

"(D) required redesignation of the lead agency, in accordance with subsection (c)."; and

(2) in paragraph (3), by striking "subsection (a)(4)" and inserting "subsection (a)(5)".

(c) REDESIGNATION.—Section 105 (29 U.S.C. 2215) is amended—

(1) by striking subsection (c); and

(2) by adding at the end the following:

"(c) REDESIGNATION OF LEAD AGENCY.—

"(1) MONITORING PANEL.—

"(A) APPOINTMENT.—Once a State becomes subject to a corrective action plan pursuant to subsection (b), the Governor of the State, subject to approval by the Secretary, shall appoint, within 30 days after the submission of the plan to the Secretary, a monitoring panel consisting of the following representatives:

"(i) The head of the lead agency designated by the Governor.

"(ii) 2 representatives from different public or private nonprofit organizations that represent the interests of individuals with disabilities.

"(iii) 2 consumers who are users of assistive technology devices and assistive technology services and who are not—

"(I) members of the advisory council, if any, of the consumer-responsive comprehensive statewide program of technology-related assistance; or

"(II) employees of the State lead agency.

"(iv) 2 service providers with knowledge and expertise in assistive technology devices and assistive technology services.

"(B) MEMBERSHIP AND CHAIRPERSON.—The monitoring panel shall be ethnically diverse. The panel shall select a chairperson from among the members of the panel.

"(C) INFORMATION.—The panel shall receive periodic reports from the State regarding progress in implementing the corrective action plan and shall have the authority to request additional information necessary to determine compliance.

"(D) MEETINGS.—The meetings of the panel to determine compliance shall be open to the public (subject to confidentiality concerns) and held at locations that are accessible to individuals with disabilities.

"(E) PERIOD.—The panel shall carry out the duties of the panel for the entire period of the corrective action plan, as determined by the Secretary.

"(F) FUNDING.—The panel shall be funded by a portion of the funds received by the State under this title, as directed by the Secretary.

"(2) FAILURE TO APPOINT MONITORING PANEL.—A failure by a Governor of a State to comply with the requirements of paragraph (1) shall result in the termination of funding for the State under this title.

"(3) DETERMINATION.—

"(A) PANEL.—Based on its findings, a monitoring panel may determine that a lead agency designated by a Governor has not accomplished the purposes described in section 2(b)(1) and that there is good cause for redesignation of the agency and the temporary loss of funds by the State under this title.

"(B) GOOD CAUSE.—In this paragraph, the term 'good cause' includes—

"(i) lack of progress with employment of qualified staff;

"(ii) lack of consumer-responsive activities;

"(iii) lack of resource allocation to systems change and advocacy activities;

"(iv) lack of progress with meeting the assurances in section 102(e); or

"(v) inadequate fiscal management.

"(C) RECOMMENDATION AND ACTION.—If a monitoring panel makes such a determination, the panel shall recommend to the Secretary that further remedial action be taken or that the Secretary order the Governor to redesignate the lead agency within 90 days or lose funds under

this title. The Secretary, based on the findings and recommendations of the monitoring panel, and after providing to the public notice and an opportunity for comment, shall make a final determination regarding whether to order the Governor to redesignate the lead agency. The Governor shall make any such redesignation in accordance with the requirements that apply to designations under section 102(d).

"(d) CHANGE OF PROTECTION AND ADVOCACY SERVICES PROVIDER.—

"(1) DETERMINATION.—The Governor of a State, based on input from individuals with disabilities and their family members, guardians, advocates, or authorized representatives, may determine that the entity providing protection and advocacy services required by section 102(e)(20) (referred to in this subsection as the 'first entity') has not met the protection and advocacy service needs of the individuals with disabilities and their family members, guardians, advocates, or authorized representatives, for securing funding for and access to assistive technology devices and assistive technology services, and that there is good cause to provide the protection and advocacy services for the State through a contract with a second entity.

"(2) NOTICE AND OPPORTUNITY TO BE HEARD.—On making such a determination, the Governor may not enter into a contract with a second entity to provide the protection and advocacy services unless good cause exists and unless—

"(A) the Governor has given the first entity 30 days notice of the intention to enter into such contract, including specification of the good cause, and an opportunity to respond to the assertion that good cause has been shown;

"(B) individuals with disabilities and their family members, guardians, advocates, or authorized representatives, have timely notice of the determination and opportunity for public comment; and

"(C) the first entity has the opportunity to appeal the determination to the Secretary within 30 days of the determination on the basis that there is not good cause to enter into the contract.

"(3) REDESIGNATION.—

"(A) IN GENERAL.—When the Governor of a State determines that there is good cause to enter into a contract with a second entity to provide the protection and advocacy services, the Governor shall hold an open competition within the State and issue a request for proposals by entities desiring to provide the services.

"(B) TIMING.—The Governor shall not issue such request until the first entity has been given notice and an opportunity to respond. If the first entity appeals the determination to the Secretary in accordance with paragraph (2)(C), the Governor shall issue such request only if the Secretary decides not to overturn the determination of the Governor. The Governor shall issue such request within 30 days after the end of the period during which the first entity has the opportunity to respond, or after the decision of the Secretary, as appropriate.

"(C) PROCEDURE.—Such competition shall be open to entities with the same expertise and ability to provide legal services as a system referred to in section 102(e)(20). The competition shall ensure public involvement, including a public hearing and adequate opportunity for public comment.

"(e) ANNUAL REPORT.—

"(1) IN GENERAL.—Not later than December 31 of each year, the Secretary shall prepare, and submit to the President and to the Congress, a report on Federal initiatives, including the initiatives funded under this Act, to improve the access of individuals with disabilities to assistive technology devices and assistive technology services.

"(2) CONTENTS.—Such report shall include information on—

"(A) the demonstrated successes of such Federal initiatives at the Federal and State levels in improving interagency coordination, streamlining access to funding for assistive technology, and producing beneficial outcomes for users of assistive technology;

"(B) the demonstration activities carried out through the Federal initiatives to—

"(i) promote access to such funding in public programs that were in existence on the date of the initiation of the demonstration activities; and

"(ii) establish additional options for obtaining such funding;

"(C) the education and training activities carried out through the Federal initiatives to promote such access in public programs and the health care system and the efforts carried out through such activities to train professionals in a variety of relevant disciplines, and increase the competencies of the professionals with respect to technology-related assistance;

"(D) the education and training activities carried out through the Federal initiatives to train individuals with disabilities and their family members, guardians, advocates, or authorized representatives, individuals who work for public agencies, or for private entities (including insurers), that have contact with individuals with disabilities, educators and related services personnel, technology experts (including engineers), employers, and other appropriate individuals, about technology-related assistance;

"(E) the education and training activities carried out through Federal initiatives to promote awareness of available funding in public programs;

"(F) the research activities carried out through the Federal initiatives to improve understanding of the costs and benefits of access to assistive technology for individuals with disabilities who represent a variety of ages and types of disabilities;

"(G) the program outreach activities to rural and inner-city areas that are carried out through the Federal initiatives;

"(H) the activities carried out through the Federal initiatives that are targeted to reach underrepresented populations and rural populations; and

"(I) the consumer involvement activities in the programs carried out under this Act.

"(3) AVAILABILITY OF ASSISTIVE TECHNOLOGY DEVICES AND ASSISTIVE TECHNOLOGY SERVICES.—As soon as practicable, the Secretary shall include in the annual report required by this subsection information on the availability of assistive technology devices and assistive technology services. When a national classification system for assistive technology devices and assistive technology services is developed pursuant to section 201, the Secretary shall report such information in a manner consistent with such national classification system.

"(f) INTERAGENCY DISABILITY COORDINATING COUNCIL.—

"(1) CONTENTS.—On or before October 1, 1995, the Interagency Disability Coordinating Council established under section 507 of the Rehabilitation Act of 1973 (29 U.S.C. 794c) shall prepare and submit to the President and to the Congress a report containing—

"(A) the response of the Interagency Disability Coordinating Council to—

"(i) the findings of the National Council on Disability resulting from the study entitled 'Study on the Financing of Assistive Technology Devices and Services for Individuals with Disabilities', carried out in accordance with section 201 of this Act, as in effect on the day before the date of the enactment of this subsection; and

"(ii) the recommendations of the National Council on Disability for legislative and administrative change, resulting from such study; and

"(B) information on any other activities of the Interagency Disability Coordinating Council that facilitate the accomplishment of section 2(b)(1) with respect to the Federal Government.

"(2) COMMENTS.—The report shall include any comments submitted by the National Council on Disability as to the appropriateness of the response described in paragraph (1)(A) and the effectiveness of the activities described in paragraph (1)(B) in meeting the needs of individuals with disabilities for assistive technology devices and assistive technology services.

"(g) EFFECT ON OTHER ASSISTANCE.—This title may not be construed as authorizing a Federal or a State agency to reduce medical or other assistance available or to alter eligibility under any other Federal law.".

SEC. 106. AUTHORIZATION OF APPROPRIATIONS.

Section 106 (29 U.S.C. 2216) is amended to read as follows:

"SEC. 106. AUTHORIZATION OF APPROPRIATIONS.

"(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this title $50,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 through 1998.

"(b) RESERVATIONS.—

"(1) PROVISION OF INFORMATION AND TECHNICAL ASSISTANCE.—

"(A) IN GENERAL.—Of the funds appropriated for any fiscal year under subsection (a), the Secretary shall reserve at least 2 percent or $1,500,000, whichever is greater, of such funds, for the purpose of providing information and technical assistance as described in subparagraphs (B) and (C) to States, individuals with disabilities and their family members, guardians, advocates, or authorized representatives, community-based organizations, and protection and advocacy agencies.

"(B) TECHNICAL ASSISTANCE TO STATES.—In providing such information and technical assistance to States, the Secretary shall consider the input of the directors of consumer-responsive comprehensive statewide programs of technology-related assistance, shall provide a clearinghouse for activities that have been developed and implemented through programs funded under this title, and shall provide information and technical assistance that—

"(i) facilitate service delivery capacity building, training of personnel from a variety of disciplines, and improvement of evaluation strategies, research, and data collection;

"(ii) foster the development and replication of effective approaches to information referral, interagency coordination of training and service delivery, outreach to underrepresented populations and rural populations, and public awareness activities;

"(iii) improve the awareness and adoption of successful approaches to increasing the availability of public and private funding for and access to the provision of assistive technology devices and assistive technology services by appropriate State agencies;

"(iv) assist in planning, developing, implementing, and evaluating appropriate activities to further extend consumer-responsive comprehensive statewide programs of technology-related assistance;

"(v) promote effective approaches to the development of consumer-controlled systems that increase access to, funding for, and awareness of, assistive technology devices and assistive technology services;

"(vi) provide technical assistance and training to the entities carrying out activities funded pursuant to this title, to establish or participate in electronic communication activities with other States; and

"(vii) provide any other appropriate information and technical assistance to assist the States in accomplishing the purposes of this Act.

"(C) INFORMATION AND TECHNICAL ASSISTANCE TO INDIVIDUALS WITH DISABILITIES AND OTHER PERSONS.—The Secretary shall provide information and technical assistance to individuals with disabilities and their family members, guardians, advocates, or authorized representatives, community-based organizations, and protection and advocacy agencies, on a nationwide basis, to—

"(i) disseminate information about, and foster awareness and understanding of, Federal, State, and local laws, regulations, policies, practices, procedures, and organizational structures, that facilitate, and overcome barriers to, funding for, and access to, assistive technology devices and assistive technology services, to promote fuller independence, productivity, and inclusion for individuals with disabilities of all ages;

"(ii) identify, collect, and disseminate information, and provide technical assistance, on effective systems change and advocacy activities;

"(iii) improve the understanding and use of assistive technology funding decisions made as a result of policies, practices, and procedures, or through regulations, administrative hearings, or legal actions, that enhance access to funding for assistive technology devices and assistive technology services for individuals with disabilities;

"(iv) promote effective approaches to Federal-State coordination of programs for individuals with disabilities, through information dissemination and technical assistance activities in response to funding policy issues identified on a nationwide basis by organizations, and individuals, that improve funding for or access to assistive technology devices and assistive technology services for individuals with disabilities of all ages; and

"(v) promote effective approaches to the development of consumer-controlled systems that increase access to, funding for, and awareness of, assistive technology devices and assistive technology services, including the identification and description of mechanisms and means that successfully support self-help and peer mentoring groups for individuals with disabilities.

"(D) COORDINATION.—The Secretary shall coordinate the information and technical assistance activities carried out under subparagraph (B) or (C) with other activities funded under this Act.

"(E) GRANTS, CONTRACTS, OR COOPERATIVE AGREEMENTS.—

"(i) IN GENERAL.—The Secretary shall provide the technical assistance and information described in subparagraphs (B) and (C) through grants, contracts, or cooperative agreements with public or private agencies and organizations, including institutions of higher education, with documented experience, expertise, and capacity to carry out identified activities related to the provision of such technical assistance and information.

"(ii) ENTITIES WITH EXPERTISE IN ASSISTIVE TECHNOLOGY SERVICE DELIVERY, INTERAGENCY COORDINATION, AND SYSTEMS CHANGE AND ADVOCACY ACTIVITIES.—For the purpose of achieving the objectives described in paragraph (1)(B), the Secretary shall reserve not less than 45 percent and not more than 55 percent of the funds reserved under subparagraph (A) for each fiscal year for grants to, or contracts or cooperative agreements with, public or private agencies or organizations with documented experience with and expertise in assistive technology service delivery, interagency coordination, and systems change and advocacy activities.

"(iii) ENTITIES WITH EXPERTISE IN ASSISTIVE TECHNOLOGY SYSTEMS CHANGE AND ADVOCACY ACTIVITIES, PUBLIC FUNDING OPTIONS, AND OTHER SERVICES.—For the purpose of achieving the objectives described in paragraph (1)(C), the Secretary shall reserve not less than 45 percent and not more than 55 percent of the funds reserved under subparagraph (A) for each fiscal year for grants to, or contracts or cooperative agreements with, public or private agencies or organizations with documented experience with and expertise in—

"(I) assistive technology systems change and advocacy activities;

"(II) public funding options; and

"(III) services to increase nationwide the availability of funding for assistive technology devices and assistive technology services.

"(iv) APPLICATION.—The Secretary shall make any grants, and enter into any contracts or cooperative agreements, under this subsection on a competitive basis. To be eligible to receive funds under this subsection an agency, organization, or institution shall submit an application to the Secretary at such time, in such manner, and containing such information, as the Secretary may require.

"(2) ONSITE VISITS.—The Secretary may reserve, from amounts appropriated for any fiscal year under subsection (a), such sums as the Secretary considers to be necessary for the purposes of conducting onsite visits as required by section 105(a)(2).".

SEC. 107. REPEALS.

Section 107 (20 U.S.C. 2217) is repealed.

TITLE II—PROGRAMS OF NATIONAL SIGNIFICANCE

SEC. 201. NATIONAL CLASSIFICATION SYSTEM.

Title II (29 U.S.C. 2231 et seq.) is amended by repealing part A and inserting the following:

"Subtitle A—National Classification System

"SEC. 201. CLASSIFICATION SYSTEM.

"(a) SYSTEM DEVELOPMENT PROJECT.—

"(1) IN GENERAL.—In fiscal year 1995, the Secretary shall initiate a system development project, based on a plan developed in consultation and coordination with other appropriate Federal and State agencies, to develop a national classification system for assistive technology devices and assistive technology services, with the goal of obtaining uniform data through such a system on such devices and services across public programs and information and referral networks.

"(2) PROJECT PLAN.—

"(A) REPRESENTATIVES.—In developing a plan for the system development project, the Secretary shall consult with, and coordinate activities with—

"(i) representatives of Federal agencies, including agencies that are headed by members of the Interagency Disability Coordinating Council established under section 507 of the Rehabilitation Act of 1973 (29 U.S.C. 794c); and

"(ii) as determined by the Secretary, representatives of State agencies and other appropriate organizations that have responsibility for or are involved in the development and modification of assistive technology devices, the provision of assistive technology devices and assistive technology services, or the dissemination of information about assistive technology devices and assistive technology services, including recipients of grants or contracts for the provision of technical assistance to State assistive technology projects under section 106(b), assistive technology reimbursement specialists, representatives of the State assistive technology projects, and representatives of organizations involved in information and referral activities.

"(B) ISSUES.—The Secretary shall conduct such consultation, and such coordination of activities, with respect to the following:

"(i) The costs and benefits, on an agency-by-agency basis, of obtaining uniform data through a national classification system for assistive technology devices and assistive technology services across public programs and information and referral networks.

"(ii) The types of data that should be collected, including data regarding funding, across a range of programs, including the programs listed in subsection (c)(2), as appropriate.

"(iii) A methodology for developing a single taxonomy and nomenclature for both assistive technology devices and assistive technology services across a range of programs, including the programs listed in subsection (c)(2), as appropriate.

"(iv) The process for developing an appropriate data collection instrument or instruments.

"(v) A methodology for collecting data across a range of programs, including the programs listed in subsection (c)(2), as appropriate.

"(vi) The use of a national classification system by the Internal Revenue Service and State finance agencies to determine whether devices and services are assistive technology devices or assistive technology services for the purpose of determining whether a deduction or credit is allowable under the Internal Revenue Code of 1986 or State tax law.

"(3) CONTRACTS AND COOPERATIVE AGREEMENTS.—The Secretary may carry out this section directly, or, if necessary, by entering into contracts or cooperative agreements with appropriate entities.

"(b) SINGLE TAXONOMY.—In conducting the system development project, the Secretary shall develop a national classification system that includes a single taxonomy and nomenclature for assistive technology devices and assistive technology services.

"(c) DATA COLLECTION INSTRUMENT.—In conducting the system development project, the Secretary shall develop a data collection instrument to—

"(1) collect data regarding funding for assistive technology devices and assistive technology services; and

"(2) collect such data from public programs, including, at a minimum—

"(A) programs carried out under title I, VI, or VII of the Rehabilitation Act of 1973 (29 U.S.C. 720 et seq., 795 et seq., or 796 et seq.);

"(B) programs carried out under part B or H of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq. or 1471 et seq.);

"(C) programs carried out under title V or XIX of the Social Security Act (42 U.S.C. 701 et seq. or 1396 et seq.);

"(D) programs carried out under the Older Americans Act of 1965 (42 U.S.C. 3001 et seq.); and

"(E) programs carried out under the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6000 et seq.).

"(d) CONSULTATION.—The Secretary shall conduct the system development project in consultation with the Federal agencies that were consulted in developing the project plan.

"(e) REPORT TO THE PRESIDENT AND THE CONGRESS ON IMPLEMENTATION OF UNIFORM DATA COLLECTION SYSTEM.—Not later than July 1, 1997, the Secretary shall prepare and submit to the President and the appropriate committees of Congress a report containing—

"(1) the results of the system development project; and

"(2) the recommendations of the Secretary concerning implementation of a national classification system, including uniform data collection.

"(f) RESERVATION.—From the amounts appropriated under subtitle C for fiscal year 1995, the Secretary shall reserve up to $200,000 to carry out this subtitle.".

SEC. 202. TRAINING AND DEMONSTRATION PROJECTS.

Title II (29 U.S.C. 2231 et seq.) is amended by repealing parts B, C, and D and inserting the following:

"Subtitle B—Training and Demonstration Projects

"SEC. 211. TRAINING.

"(a) TECHNOLOGY TRAINING.—

"(1) GENERAL AUTHORITY.—The Secretary shall make grants to, or enter into contracts or cooperative agreements with, appropriate public or private agencies and organizations, including institutions of higher education and community-based organizations, for the purposes of—

"(A) conducting training sessions;

"(B) developing, demonstrating, disseminating, and evaluating curricula, materials, and methods used to train individuals regarding the provision of technology-related assistance, to enhance opportunities for independence, productivity, and inclusion of individuals with disabilities; and

"(C) providing training to develop awareness, skills, and competencies of service providers, consumers, and volunteers, who are located in rural areas, to increase the availability of technology-related assistance in community-based settings for rural residents who are individuals with disabilities.

"(2) ELIGIBLE ACTIVITIES.—Activities conducted under grants, contracts, or cooperative agreements described in paragraph (1) may address the training needs of individuals with disabilities and their family members, guardians, advocates, and authorized representatives, individuals who work for public agencies, or for private entities (including insurers), that have contact with individuals with disabilities, educators and related services personnel, technology experts (including engineers), employers, and other appropriate individuals.

"(3) USES OF FUNDS.—An agency or organization that receives a grant or enters into a contract or cooperative agreement under paragraph (1) may use amounts made available through the grant, contract, or agreement to—

"(A) pay for a portion of the cost of courses of training or study related to technology-related assistance; and

"(B) establish and maintain scholarships related to such courses of training or study, with such stipends and allowances as the Secretary may determine to be appropriate.

"(4) APPLICATION.—

"(A) IN GENERAL.—To be eligible to receive a grant or enter into a contract or cooperative agreement under paragraph (1), an agency or organization shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

"(B) STRATEGIES.—At a minimum, any such application shall include a detailed description of the strategies that the agency or organization will use to recruit and train persons to provide technology-related assistance, in order to—

"(i) increase the extent to which such persons reflect the diverse populations of the United States; and

"(ii) increase the number of individuals with disabilities, and individuals who are members of minority groups, who are available to provide such assistance.

"(5) PRIORITIES.—

"(A) IN GENERAL.—Beginning in fiscal year 1994, the Secretary shall—

"(i) establish priorities for activities carried out with assistance under this subsection;

"(ii) publish such priorities in the Federal Register for the purpose of receiving public comment; and

"(iii) publish such priorities in the Federal Register in final form not later than the date on which the Secretary publishes announcements for assistance provided under this subsection.

"(B) EXPLANATION OF DETERMINATION OF PRIORITIES.—Concurrent with the publications required by subparagraph (A), the Secretary shall publish in the Federal Register an explanation of the manner in which the priorities were determined.

"(b) TECHNOLOGY CAREERS.—

"(1) IN GENERAL.—

"(A) GRANTS.—The Secretary shall make grants to assist public or private agencies and organizations, including institutions of higher education, to prepare students and faculty working in specific fields for careers relating to the provision of assistive technology devices and assistive technology services.

"(B) FIELDS.—The specific fields described in subparagraph (A) may include—

"(i) engineering;

"(ii) industrial technology;

"(iii) computer science;

"(iv) communication disorders;

"(v) special education and related services;

"(vi) rehabilitation; and

"(vii) social work.

"(2) PRIORITY.—In awarding grants under paragraph (1), the Secretary shall give priority to the interdisciplinary preparation of personnel who provide or who will provide technical assistance, who administer programs, or who prepare other personnel, in order to—

"(A) support the development and implementation of consumer-responsive comprehensive statewide programs of technology-related assistance to individuals with disabilities; and

"(B) enhance the skills and competencies of individuals involved in the provision of technology-related assistance, including assistive technology devices and assistive technology services, to individuals with disabilities.

"(3) USES OF FUNDS.—An agency or organization that receives a grant under paragraph (1) may use amounts made available through the grant to—

"(A) pay for a portion of the cost of courses of training or study related to technology-related assistance; and

"(B) establish and maintain scholarships related to such courses of training or study, with such stipends and allowances as the Secretary may determine to be appropriate.

"(4) APPLICATION.—

"(A) IN GENERAL.—To be eligible to receive a grant under this section, an agency or organization shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

"(B) STRATEGIES.—At a minimum, any such application shall include a detailed description of the strategies that the agency or organization will use to recruit and train persons to provide technology-related assistance, in order to—

"(i) increase the extent to which such persons reflect the diverse populations of the United States; and

"(ii) increase the number of individuals with disabilities, and individuals who are members of minority groups, who are available to provide such assistance.

"(c) GRANTS TO HISTORICALLY BLACK COLLEGES.—In exercising the authority granted in subsections (a) and (b), the Secretary shall reserve an adequate amount for grants to historically black colleges and universities and other institutions of higher education whose minority student enrollment is at least 50 percent.

"SEC. 212. TECHNOLOGY TRANSFER.

"The Secretary shall enter into an agreement with an organization whose primary function is to promote technology transfer from, and cooperation among, Federal laboratories (as defined in section 4(6) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3703(6))), under which funds shall be provided to promote technology transfer that will spur the development of assistive technology devices.

"SEC. 213. DEVICE AND EQUIPMENT REDISTRIBUTION INFORMATION SYSTEMS AND RECYCLING CENTERS.

"(a) IN GENERAL.—The Secretary shall make grants to, or enter into contracts or cooperative agreements with, public agencies, private entities, or institutions of higher education for the purpose of developing and establishing recycling projects.

"(b) PROJECT ACTIVITIES.—Such recycling projects may include—

"(1) a system for accepting, on an unconditional gift basis, assistive technology devices, including a process for valuing the devices and evaluating their use and potential;

"(2) a system for storing and caring for such devices;

"(3) an information system (including computer databases) by which local educational agencies, rehabilitation entities, local community-based organizations, independent living centers, and other entities, would be informed, on a periodic and timely basis, about the availability and nature of the devices currently held; and

"(4) a system that makes such devices available to consumers and the entities listed in paragraph (3), and provides for tracking each device throughout the useful life of the device.

"(c) MULTIPLE PROVIDERS.—

"(1) IN GENERAL.—With respect to activities funded under this section, an agency, entity, or institution may utilize a single service provider or may establish a system of service providers.

"(2) ASSURANCES.—If an agency, entity, or institution uses multiple providers, the agency, entity, or institution shall assure that—

"(A) all consumers within a State will receive equal access to services, regardless of the geographic location or socioeconomic status of the consumers; and

"(B) all activities of the providers will be coordinated and monitored by the agency, entity, or institution.

"(d) OTHER LAWS.—Nothing in this section shall affect the provision of services or devices pursuant to title I of the Rehabilitation Act of 1973 (29 U.S.C. 720 et seq.) or part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.).

"(e) EXISTING PROGRAMS.—Public agencies, private entities, or institutions of higher education that have established recycling programs prior to receiving assistance under this section may use funds made available under this section to extend and strengthen such programs through grants, contracts, or agreements under this section.

"SEC. 214. BUSINESS OPPORTUNITIES FOR INDIVIDUALS WITH DISABILITIES.

"The Secretary may make grants to individuals with disabilities to enable the individuals to establish or operate commercial or other enterprises that develop or market assistive technology devices or assistive technology services.

"SEC. 215. PRODUCTS OF UNIVERSAL DESIGN.

"The Secretary may make grants to commercial or other enterprises and institutions of higher education for the research and development of products of universal design. In awarding such grants, the Secretary shall give preference to enterprises that are owned or operated by individuals with disabilities.

"SEC. 216. GOVERNING STANDARDS FOR ACTIVITIES.

"Persons and entities that carry out activities pursuant to this subtitle shall—

"(1) be held to the same consumer-responsive standards as the persons and entities carrying out programs under title I;

"(2) make available to individuals with disabilities and their family members, guardians, advocates, and authorized representatives information concerning technology-related assistance in a form that will allow such individuals with disabilities to effectively use such information;

"(3) in preparing such information for dissemination, consider the media-related needs of individuals with disabilities who have sensory

and cognitive limitations and consider the use of auditory materials, including audio cassettes, visual materials, including video cassettes and video discs, and braille materials; and

"(4) coordinate their efforts with the consumer-responsive comprehensive statewide program of technology-related assistance for individuals with disabilities in any State in which the activities are carried out.

"Subtitle C—Authorization of Appropriations

"SEC. 221. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out this title $10,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 through 1998.".

TITLE III—ALTERNATIVE FINANCING MECHANISMS

SEC. 301. ALTERNATIVE FINANCING MECHANISMS AUTHORIZED.

The Act (29 U.S.C. 2201 et seq.) is amended by adding at the end the following:

"TITLE III—ALTERNATIVE FINANCING MECHANISMS

"SEC. 301. GENERAL AUTHORITY TO PROVIDE ALTERNATIVE FINANCING MECHANISMS.

"(a) IN GENERAL.—The Secretary shall award grants to States to pay for the Federal share of the cost of the establishment and administration of, or the expansion and administration of, alternative financing mechanisms (referred to individually in this title as an 'alternative financing mechanism') to allow individuals with disabilities and their family members, guardians, and authorized representatives to purchase assistive technology devices and assistive technology services.

"(b) MECHANISMS.—The alternative financing mechanisms may include—

"(1) a low-interest loan fund;

"(2) a revolving fund;

"(3) a loan insurance program;

"(4) a partnership with private entities for the purchase, lease, or other acquisition of assistive technology devices or the provision of assistive technology services; and

"(5) other alternative financing mechanisms that meet the requirements of this Act and are approved by the Secretary.

"(c) CONSTRUCTION.—Nothing in this section shall be construed as affecting the authority of a State to establish alternative financing mechanisms under title I.

"SEC. 302. APPLICATIONS AND PROCEDURES.

"(a) ELIGIBILITY.—States that receive or have received grants under section 102 or 103 shall be eligible to compete for grants under section 301.

"(b) REQUIREMENTS.—The Secretary shall make grants under section 301 under such conditions as the Secretary shall, by regulation, determine, except that—

"(1) a State may receive only 1 grant under section 301 and may only receive such a grant for 1 year under this title;

"(2) a State that desires to receive a grant under section 301 shall submit an application to the Secretary, at such time and in such manner as the Secretary may require, containing—

"(A) an assurance that the State will provide at least 50 percent of the cost described in section 301(a), as set forth in section 304, for the purpose of supporting the alternative financing mechanisms that are covered by the grant;

"(B) an assurance that an alternative financing mechanism will continue on a permanent basis; and

"(C) a description of the degree to which the alternative financing mechanisms to be funded under section 301 will expand and emphasize consumer choice and control;

"(3) a State that receives a grant under section 301—

"(A) shall enter into a contract, with a community-based organization (or a consortia of such organizations) that has individuals with disabilities involved at all organizational levels, for the administration of the alternative financing mechanisms that are supported under section 301; and

"(B) shall require that such community-based organization enter into a contract, for the purpose of expanding opportunities under section 301 and facilitating the administration of the alternative financing mechanisms, with—

"(i) commercial lending institutions or organizations; or

"(ii) State financing agencies; and

"(4) a contract between a State that receives a grant under section 301 and a community-based organization described in paragraph (3)—

"(A) shall include a provision regarding the administration of the Federal and the non-Federal shares in a manner consistent with the provisions of this title; and

"(B) shall include any provision required by the Secretary dealing with oversight and evaluation as may be necessary to protect the financial interests of the United States.

"SEC. 303. GRANT ADMINISTRATION REQUIREMENTS.

"A State that receives a grant under section 301, together with any community-based organization that enters into a contract with the State to administer an alternative financing mechanism that is supported under section 301, shall develop and submit to the Secretary, pursuant to a timeline that the Secretary may establish or, if the Secretary does not establish a timeline, within the 12-month period beginning on the date that the State receives the grant, the following policies or procedures for administration of the mechanism:

"(1) A procedure to review and process in a timely fashion requests for financial assistance for both immediate and potential technology needs, including consideration of methods to reduce paperwork and duplication of effort, particularly relating to need, eligibility, and determination of the specific device or service to be provided.

"(2) A policy and procedure to assure that access to the alternative financing mechanism shall be given to consumers regardless of type of disability, age, location of residence in the State, or type of assistive technology device or assistive technology service requested and shall be made available to applicants of all income levels.

"(3) A procedure to assure consumer-controlled oversight.

"SEC. 304. FINANCIAL REQUIREMENTS.

"(a) FEDERAL SHARE.—The Federal share of the costs described in section 301(a) shall be not more than 50 percent.

"(b) REQUIREMENTS.—A State that desires to receive a grant under section 301 shall include in the application submitted under section 302 assurances that the State will meet the following requirements regarding funds supporting an alternative funding mechanism assisted under section 301:

"(1) The State shall make available the funds necessary to provide the non-Federal share of the costs described in section 301(a), in cash, from State, local, or private sources.

"(2) Funds that support an alternative financing mechanism assisted under section 301—

"(A) shall be used to supplement and not supplant other Federal, State, and local public funds expended to provide public funding options; and

"(B) may only be distributed through the entity carrying out the alternative financing mechanism as a payer of last resort for assistance that is not available in a reasonable or timely fashion from any other Federal, State, or local source.

"(3) All funds that support an alternative financing mechanism assisted under section 301, including funds repaid during the life of the mechanism, shall be placed in a permanent separate account and identified and accounted for separately from any other fund. Funds within this account may be invested in low-risk securities in which a regulated insurance company may invest under the law of the State for which the grant is provided and shall be administered with the same judgment and care that a person of prudence, discretion, and intelligence would exercise in the management of the financial affairs of such person.

"(4) Funds comprised of the principal and interest from an account described in paragraph (3) shall be available to support an alternative financing mechanism assisted under section 301. Any interest or investment income that accrues on such funds after such funds have been placed under the control of the entity administering the mechanism, but before such funds are distributed for purposes of supporting the mechanism, shall be the property of the entity administering the mechanism and shall not be taken into account by any officer or employee of the Federal Government for any purpose.

"SEC. 305. AMOUNT OF GRANTS.

"(a) AMOUNT.—

"(1) IN GENERAL.—Except as provided in paragraph (2), a grant under section 301 shall be for an amount that is not more than $500,000.

"(2) INCREASES.—Such a grant may be increased by any additional funds made available under subsection (b).

"(b) EXCESS FUNDS.—If funds appropriated under section 308 for a fiscal year exceed the amount necessary to fund the activities described in acceptable applications submitted under section 302 for such year, the Secretary shall make such excess amount available, on a competitive basis, to States receiving grants under section 301 for such year. A State that desires to receive additional funds under this subsection shall amend and resubmit to the Secretary the application submitted under section 302. Such amended application shall contain an assurance that the State will provide an additional amount for the purpose of supporting the alternative financing mechanisms covered by the grant that is not less than the amount of any additional funds paid to the State by the Secretary under this subsection.

"(c) INSUFFICIENT FUNDS.—If funds appropriated under section 308 for a fiscal year are not sufficient to fund each of the activities described in the acceptable applications for such year, a State whose application was approved as acceptable for such year but that did not receive a grant under section 301, may update such application for the succeeding fiscal year. Priority shall be given in such succeeding fiscal year to such updated applications, if acceptable.

"SEC. 306. TECHNICAL ASSISTANCE.

"(a) IN GENERAL.—The Secretary shall provide information and technical assistance to States under this title, and the information and technical assistance shall include—

"(1) assisting States in the preparation of applications for grants under section 301;

"(2) assisting States that receive such grants in developing and implementing alternative financing mechanisms; and

"(3) providing any other information and technical assistance to assist States in accomplishing the objectives of this title.

"(b) GRANTS, CONTRACTS, AND AGREEMENTS.—The Secretary shall provide the information and technical assistance described in subsection (a) through grants, contracts, or cooperative agreements with public or private agencies and organizations, including institutions of higher education, with documented experience, expertise, and capacity to assist States in the development and implementation of the alternative financing mechanisms described in section 301.

"SEC. 307. ANNUAL REPORT.

"(a) IN GENERAL.—Not later than December 31 of each year, the Secretary shall submit a report to the Congress stating whether each State program to provide alternative financing mechanisms that was supported under section 301 during the year is making significant progress in achieving the objectives of this title.

"(b) CONTENTS.—The report shall include information on—

"(1) the number of applications for grants under section 301 that were received by the Secretary;

"(2) the number of grants made and the amounts of such grants;

"(3) the ratio of the amount of funds provided by each State for a State program to provide alternative financing mechanisms to the amount of Federal funds provided for such program;

"(4) the type of program to provide alternative financing mechanisms that was adopted in each State and the community-based organization (or consortia of such organizations) with which each State has entered into a contract; and

"(5) the amount of assistance given to consumers (who shall be classified by age, type of disability, type of assistive technology device or assistive technology service received, geographic distribution within the State, gender, and whether the consumers are part of an underrepresented population or a rural population).

"SEC. 308. AUTHORIZATION OF APPROPRIATIONS.

"(a) IN GENERAL.—There are authorized to be appropriated to carry out this title $8,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 through 1998.

"(b) AVAILABILITY IN SUCCEEDING FISCAL YEAR.—Amounts appropriated under subsection (a) shall remain available for obligation for the fiscal year immediately following the fiscal year for which such amounts were appropriated.

"(c) RESERVATION.—Of the amounts appropriated under subsection (a), the Secretary shall reserve $250,000 for the purpose of providing information and technical assistance to States under section 306.".

TITLE IV—AMENDMENTS TO OTHER ACTS

SEC. 401. INDIVIDUALS WITH DISABILITIES EDUCATION ACT.

Section 631(a)(1) of the Individuals with Disabilities Education Act (20 U.S.C. 1431(a)(1)) is amended—

(1) by striking ", and" at the end of subparagraph (D) and inserting a comma;

(2) by striking the period at the end of subparagraph (E) and inserting ", and"; and

(3) by adding at the end the following:

"(F) training in the use, applications, and benefits of assistive technology devices and assistive technology services (as defined in paragraphs (2) and (3) of section 3 of the Technology-Related Assistance for Individuals With Disabilities Act of 1988 (29 U.S.C. 2202 (2) and (3))).".

SEC. 402. REHABILITATION ACT OF 1973.

(a) NATIONAL INSTITUTE ON DISABILITY AND REHABILITATION RESEARCH.—Section 202(b)(8) of the Rehabilitation Act of 1973 (29 U.S.C. 761a(b)(8)) is amended by striking "characteristics of individuals with disabilities" and inserting "characteristics of individuals with disabilities, including information on individuals with disabilities who live in rural or inner-city settings, with particular attention given to underserved populations,".

(b) TRAINING.—Section 302(b)(1)(B) of the Rehabilitation Act of 1973 (29 U.S.C. 771a(b)(1)(B)), as added by section 302(b) of Public Law 102-569 (106 Stat. 4412), is amended—

(1) by striking "; and" at the end of clause (ii) and inserting a semicolon;

(2) by striking the period at the end of clause (iii) and inserting "; and"; and

(3) by adding at the end the following:

"(iv) projects to train personnel in the use, applications, and benefits of assistive technology devices and assistive technology services (as defined in paragraphs (2) and (3) of section 3 of the Technology-Related Assistance for Individuals With Disabilities Act of 1988 (29 U.S.C. 2202 (2) and (3))).".

SEC. 403. ADMINISTRATIVE REQUIREMENTS UNDER THE HEAD START ACT.

Section 644(f) of the Head Start Act (42 U.S.C. 9839(f)) is amended—

(1) in paragraph (1)—

(A) by inserting ", or to request approval of the purchase (after December 31, 1986) of facilities," after "to purchase facilities"; and

(B) by adding at the end the following: "The Secretary shall suspend any proceedings pending against any Head Start agency to claim costs incurred in purchasing such facilities until the agency has been afforded an opportunity to apply for approval of the purchase and the Secretary has determined whether the purchase will be approved. The Secretary shall not be required to repay claims previously satisfied by Head Start agencies for costs incurred in the purchase of such facilities."; and

(2) in paragraph (2)—

(A) in subparagraph (A), by inserting "or that was previously purchased" before the semicolon;

(B) in subparagraph (C)—

(i) by inserting ", or the previous purchase has resulted," after "purchase will result" in clause (i); and

(ii) in clause (ii)—

(I) by inserting ", or would have prevented," after "will prevent"; and

(II) by striking "and" at the end;

(C) by redesignating subparagraph (D) as subparagraph (E); and

(D) by inserting after subparagraph (C) the following:

"(D) in the case of a request regarding a previously purchased facility, information demonstrating that the facility will be used principally as a Head Start center, or a direct support facility for a Head Start program; and".

SEC. 404. TECHNICAL AND CONFORMING AMENDMENTS.

(a) ASSISTIVE TECHNOLOGY DEVICE.—Section 7(23) of the Rehabilitation Act of 1973 (29 U.S.C. 706(23)), as added by section 102(n) of Public Law 102-569 (106 Stat. 4350), is amended—

(1) by striking "3(1)" and inserting "3(2)"; and

(2) by striking "2202(1)" and inserting "2202(2)".

(b) ASSISTIVE TECHNOLOGY SERVICE.—Section 7(24) of the Rehabilitation Act of 1973 (29 U.S.C. 706(24)), as added by section 102(n) of Public Law 102-569 (106 Stat. 4350), is amended—

(1) by striking "3(2)" and inserting "3(3)"; and

(2) by striking "2202(2)" and inserting "2202(3)".

TITLE V—EFFECTIVE DATE

SEC. 501. EFFECTIVE DATE.

(a) IN GENERAL.—Except as otherwise specifically provided in this Act, this Act and the amendments made by this Act shall take effect on the date of the enactment of this Act.

(b) COMPLIANCE.—Each State receiving a grant under the Technology-Related Assistance for Individuals With Disabilities Act of 1988 shall comply with the amendments made by this Act—

(1) as soon as practicable after the date of the enactment of this Act, consistent with the effective and efficient administration of the Technology-Related Assistance for Individuals With Disabilities Act of 1988; but

(2) not later than—

(A) the next date on which the State receives an award through a grant under section 102 or 103 of such Act; or

(B) October 1, 1994,

whichever is sooner.

Mr. HARKIN. Mr. President, I rise today in strong support of the bill, H.R. 2339, the Technology-Related Assistance for Individuals With Disabilities Act Amendments of 1994, as modified by S. 1283, and as further modified through negotiations between the House and the Senate, hereinafter referred to as "the bill".

I am proud to have sponsored S. 1283, the companion bill to H.R. 2339, along with Senator DURENBERGER and others. I want to especially thank Senator DURENBERGER for his excellent leadership during the reauthorization process. He has worked long and hard on this bill and deserves credit for his commitment to enhancing opportunities for people with disabilities.

I also want to thank the chairman of the Committee on Labor and Human Resources, Senator KENNEDY, and the ranking minority member, Senator KASSEBAUM, for their leadership and guidance in crafting this legislation.

In addition, I want to thank our colleagues from the other body, particularly Representatives OWENS, BALLENGER, FORD, and GOODLING for their dedication and hard work in crafting the bill and in reaching the final agreement contained in the amended bill.

Finally, I want to pay tribute to the staff members who contributed to this legislation, including Bob Silverstein, Linda Hinton, and Andy Imparato of my staff; Susan Heegaard of Senator DURENBERGER's staff; and Wendy Cramer of Senator KASSEBAUM's staff.

In reaching this final bill, we received constructive advice from the administration and from many organizations, groups, and individuals. In particular, I want to express my gratitude to Judy Heumann, the Assistant Secretary for Special Education and Rehabilitative Services and her dedicated staff, and the Consortium for Citizens with Disabilities.

As is always the case when the two Houses of Congress pass companion bills, the Senate version was not enacted in its entirety. However, I am pleased that the final bill contains all of the Senate provisions necessary to achieve the goals set out by the Subcommittee on Disability Policy for reauthorizing the Technology-Related Assistance for Individuals With Disabilities Act of 1988.

Briefly, I would like to summarize some of the important provisions in the final bill. I also ask unanimous consent to include correspondence between the House and the Senate regarding the sunset provision.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 1.)

INTRODUCTION

Mr. HARKIN. In 1988, Congress passed the Technology-Related Assistance for Individuals with Disabilities Act, Public Law 100-407, a law authorizing a competitive grant program to the States to enable States to designate lead agencies to coordinate activities designed to facilitate access to, provision of, and funding for, assistive technology devices and services for individuals with disabilities.

For all people, technology can provide important tools for making the performance of tasks quicker and easier. However, for some individuals with disabilities, technology is necessary to enable them to have greater control over their lives and participate fully in activities in their home, school, and work environments, and in their communities.

An assistive technology device is defined in the law to be "any item, piece of equipment, or product system, whether acquired commercially off the shelf, modified, or customized, that is used to increase, maintain, or improve functional capabilities of individuals with disabilities."

H.R. 2339, The Technology-Related Assistance for Individuals with Disabilities Act Amendments of 1994, as modified by S. 1283 and as further modified through negotiations between the House and the Senate, hereinafter referred to as "the bill", reauthorizes this competitive program for 5 years and requires States to emphasize activities that are likely to produce permanent systems change so that the progress made with grant funds will continue after those funds sunset.

MAJOR CHANGES TO TITLE I—REAUTHORIZATION PERIOD AND SUNSET

The bill reauthorizes the Technology-Related Assistance for Individuals with Disabilities Act for another 5 years. Although this bill reauthorizes the program for 5 years, it also clarifies that no State may receive funding under title I for more than 10 years in total. To underscore this point, correspondence has been included in the RECORD between the chair and ranking members of the subcommittees with jurisdiction in the House and Senate which clarifies that no State shall receive funding under title I of this act for more than 10 years.

Under title I, each State is eligible to compete for one 3-year development grant; one 2-year extension grant—first extension grant; and one 5-year extension grant—second extension grant. During a State's second extension grant, Federal funds will be reduced to 75 percent of the grant amount in the fourth year and 50 percent in the fifth year, after which time Federal funding ceases. During its maximum period of 10 years of Federal funding, each State is expected to enable the program to continue on a permanent basis when Federal funding is terminated.

PRIORITY AREA ACTIVITIES

States receiving title I grants to develop and implement a consumer responsive comprehensive program of technology-related assistance will be expected to perform six specified priority systems change and advocacy activities, unless they make a showing that they are making significant progress in these areas and that other activities would be more likely to accomplish the purposes of the act. The act sets forth a range of permitted activities in addition to the priority activities.

PROTECTION AND ADVOCACY SERVICES

Protection and advocacy services shall be provided by each State in one of two ways. A State either may provide funds directly to a specific protection and advocacy system in that State, or a State may request that the Secretary of Education annually reserve, from the funds made available to the State under title I, an amount of funds to provide to the protection and advocacy system in that State. There is also a grandfather provision that enables States who otherwise were providing protection and advocacy services as of June 30, 1993, to continue to do so. In any case, the protection and advocacy entity is required to coordinate activities with the technology program activities in the State.

The minimum amount that a State, or the Secretary of Education on behalf of a State, must spend on protection and advocacy services shall be determined by the Secretary of Education, based on the size of the State's title I grant, the needs of individuals with disabilities within the State, the population of the State, and the geographic size of the State. Such minimum amount shall be not less than $40,000 and not more than $100,000. This amount will be reduced to 75 percent and 50 percent during the fourth and fifth years of a State's second extension grant, with no Federal funds available for protection and advocacy services under title I after the fifth year of the second extension grant.

The protection and advocacy service provider in each State also is subject to redesignation if significant progress is not made in providing such services to individuals with disabilities in the State.

CORRECTIVE ACTION PLANS

The bill includes an explicit process for a State to follow if it becomes subject to a corrective action plan, which would occur if the State does not make significant progress in developing a consumer responsive comprehensive statewide program of technology-releated assistance. The process involves the development of a plan, the appointment of a monitoring panel to ensure that the plan is followed, and a recommendation from the monitoring panel to the Secretary of Education regarding whether the State lead agency should be redesignated. The Governor retains the responsibility for making any such redesignation, if the Secretary concurs with the recommendation of the monitoring panel.

TECHNICAL ASSISTANCE

The Secretary of Education must provide information and technical assistance to participating States, as well as to individuals with disabilities directly. This provision requires the Secretary to meet the information and technical assistance needs not just of the State grantees, but also of individuals with disabilities and others within the States.

AUTHORIZATION OF APPROPRIATIONS

The sum of $50 million is authorized to carry out title I in fiscal year 1994, and such sums thereafter through fiscal year 1998. Two percent of funds appropriated, or $1.5 million, whichever is greater, shall be reserved by the Secretary of Education for the purpose of providing information and technical assistance.

MAJOR CHANGES TO TITLE II

The Secretary of Education must develop a national classification system for assistive technology devices and services. This will be used to determine whether devices are eligible for tax deductions or credits, and for other purposes.

Title II projects include grants for training, technology transfer, recycling demonstration projects, business opportunities for individuals with disabilities, and developing projects of universal design.

The sum of $10 million is authorized to carry out title II in fiscal year 1994, and such sums thereafter through fiscal year 1998. And $200,000 of funds appropriated in fiscal year 1995 shall be reserved by the Secretary of Education for the purpose of developing the national classification system for assistive technology devices and services.

MAJOR CHANGES TO TITLE III

The Secretary of Education shall award one-time matching grants of not more than $500,000 to States for the purpose of establishing alternative financing mechanisms through which consumers can obtain funds to purchase assistive technology devices and services.

The sum of $8 million is authorized to carry out title III in fiscal year 1994, and such sums thereafter through fiscal year 1998. $225,000 of such funds shall be reserved for the purpose of providing States with information and technical assistance under this title.

EXHIBIT 1

HOUSE OF REPRESENTATIVES,
COMMITTEE ON EDUCATION AND LABOR,
Washington, DC, February 4, 1994.

Hon. TOM HARKIN,
Chairman, Subcommittee on Disability Policy, Senate Labor and Human Resources Committee, Hart Senate Office Building, Washington, DC.

DEAR MR. CHAIRMAN: We are writing to clarify Congressional intent in H.R. 2339 with regard to the sunset provision as it relates to a five year reauthorization for the Technology Related Assistance Act for Individuals with Disabilities.

It is our intent that States receiving grants under Title 1 of the Technology-Related Assistance Act for Individuals with Disabilities will receive grants under this title for not more than a total of 10 years. Included in that 10 years are: one three-year development grant, one 2-year extension of that development grant if the State demonstrates to the Secretary of Education that they have made significant progress in developing and implementing a consumer-responsive, comprehensive, statewide program of technology-related assistance, and one 5 year second extension grant based on the above requirement. In year four and five, a phase-out of the second extension grant will occur with a State receiving 75% of their grant award in year four and 50% of their grant award in year five. After the fifth and final year of the second extension grant, no State will receive any Federal funds under Title I of this Act.

While we understand your concerns that the length of the authorization for this Act should be five years for purposes of oversight, it is our intent that no State should receive Federal assistance under Title I of this Act, the State grant program, for more than ten years. As you may recall, in 1988 when this program was created, the original Congressional intent was to provide Federal seed money to States to help them develop and implement consumer-responsive, comprehensive statewide programs of technology-related assistance. We do not believe that the Congress intended for this program to become a permanent Federal grant program and it is for that reason that we strongly support this sunset provision.

We hope that this is your understanding of the sunset and five-year reauthorization provisions of H.R. 2339 so that we can ensure this policy is clearly explained during the House and Senate floor debate when this bill is considered. We appreciate your consideration of this issue and look forward to hearing your views.

Sincerely,

MAJOR OWENS,
Member of Congress.
CASS BALLENGER
Member of Congress.

COMMITTEE ON LABOR AND HUMAN RESOURCES,
Washington, DC, February 7, 1994

Hon. MAJOR OWENS,
Hon. CASS BALLENGER,
Subcommittee on Select Education and Civil Rights, Committee on Education and Labor, Rayburn House Office Building, Washington, DC.

DEAR MR. OWENS AND MR. BALLENGER: We are in receipt of your February 4, 1994 letters seeking a clarification of congressional intent in H.R. 2339 with regard to the sunset provision as it relates to a five year reauthorization for the Technology-Related Assistance for Individuals with Disabilities Act.

We fully concur with your understanding of the policy in the bill regarding the above referenced provisions.

Sincerely,

TOM HARKIN,
Chair, Subcommittee on Disability Policy.
DAVID DURENBERGER,
Ranking, Subcommittee on Disability Policy.

Mr. MITCHELL. Mr. President, I move that the Senate concur in the House amendment.

The motion was agreed to.

Mr. MITCHELL. Mr. President, I move to reconsider the action by which the motion was agreed to.

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

The motion to lay on the table was agreed to.

ORDER OF PROCEDURE

Mr. MITCHELL. Mr. President, my understanding is that there is now to be a period for morning business. We are awaiting clearance on one final matter regarding the Federal employees management legislation. Therefore, I will be pleased to yield the floor at this time.

I understand the Republican leader has a statement. And then when we get clearance on that matter, which I hope to be shortly, we will proceed to that.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business with Senators permitted to speak therein for not to exceed 10 minutes each.

The Republican leader is recognized.

ACQUITTAL OF SENATOR KAY BAILEY HUTCHISON

Mr. DOLE. Mr. President, I rise today to report some great news for the Senate which should be welcomed universally on both sides of the aisle. Our colleague from Texas, KAY BAILEY HUTCHISON, was acquitted today of charges brought against her in a court in Fort Worth. This is great news for KAY and her husband Ray, great news for the people of Texas, and great news for the Senate.

My view has always been that the charges brought against Senator HUTCHISON were a politically motivated attempt at character assassination. The real crime here was letting fairness take a back seat to politics. Political show trials have no place in Texas, and no place in America. Today's acquittal confirms what we have been saying all along.

And hopefully this verdict today will set a valuable example—it is time to stop politically motivated legal harassment of public officials, whether they are Democrat or Republican. If a legitimate case can be made, that is one thing. But, as today's verdict indicates, these things can get out of hand. When the facts are not there to support a legitimate prosecution—no matter whether you are a Democrat or a Republican—it is nothing more than a politically motivated witch hunt. That is a shame, and it has to stop.

I hope that is one thing that comes out of this effort by this district attorney, who unsuccessfully a couple of times started a trial and today finally gave up.

I had the opportunity of speaking with Senator HUTCHISON about an hour ago. Obviously, she is elated, and should be, and feels she has been exonerated, as she has, and vindicated, as she has. And I know she looks forward to returning to the Senate when we come back from the recess.

I know I speak for all of my colleagues when I say we look forward to welcoming back this dedicated and talented public servant.

Mr. WARNER addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Virginia.

Mr. WARNER. Mr. President, I commend our distinguished Republican leader. Our faith in our colleague from Texas never wavered a moment on this side of the aisle. Indeed, I think that sentiment was shared by many on the other side of the aisle. This woman in many respects has a badge of courage and firmness that I wish more of us had.

Mr. President, I would like now to be recognized as if in morning business.

The ACTING PRESIDENT pro tempore. The Senator is recognized for up to 10 minutes.

THE SITUATION IN BOSNIA

Mr. WARNER. Mr. President, Wednesday evening, I was privileged to be included in the congressional leadership group that went to the White House to consult with the President of the United States and members of his Cabinet and other senior advisers on a range of foreign policy issues, but primarily those relating to Bosnia.

At that meeting, I expressed my concerns about an expanded use of airpower in Bosnia. I have done that many times on this floor, most often in conjunction with our noted and experienced colleague, Senator MCCAIN.

I also expressed my belief that it is essential, and I repeat—it is essential—that the Congress at the earliest opportunity begin a full and thorough debate regarding the next evolution of the Bosnia policy. We should do that before committing our men and women of the Armed Forces to what appears to be a tragic and never-ending conflict.

Bosnia, in my judgment, poses one of the most complex political-diplomatic-

military equations that we have had to face in recent time.

We have great compassion for the suffering of the Bosnian people, suffering which has been vividly portrayed to us through vivid television coverage. We are moved; we are concerned; we are compassionate. But we must not let our foreign policy be dictated by our emotions. We must carefully, patiently, and thoroughly assess what the strategic interests of this country are in that part of the world, and the extent to which we are willing to commit our Armed Forces and our tax dollars to resolve that conflict.

We must try to understand the complexity of the conflict. There is so little clarity. There are so few options. Yet, we are now faced with a new policy, a policy by which we are going to become more heavily committed militarily in that conflict. For some period of time, our naval forces, our air forces, and some small elements of other types of our military forces have been engaged in various noncombat missions in Bosnia. But now we are on the brink of involving ourselves in outright combat situations with the use of air power.

The Congress is now confronted with a situation with certain parallels to our experience in Somalia. From the time the Somalia operation was transferred to United Nations control in May 1993, the objectives of United States policy and the mission of United States military forces went through a series of evolutions.

Few in Congress expressed our views as we went from one evolution to the next. I have gone back and read the RECORD on this issue. One or two Members addressed this body, but we as a body really did not give that serious situation the attention it deserved, nor did we go on record with a vote and express ourselves with clarity, prior to the tragic events of October 3–4 in Somalia.

The Congress followed the proper course prior to the Persian Gulf conflict. I brought with me today the resolution that was adopted by this body, Senate Joint Resolution 2, where by a very narrow margin of but five votes, we expressed with clarity our intention to back the President of the United States and to give him the discretion as Commander in Chief to utilize force when and if he believed it was necessary in the Persian Gulf operation. Together with our allies, that operation was brought to a successful conclusion.

I return, however, to Somalia. Again, we had a series of policy evolutions, with very little attention given by the Congress to the charges. And then, on October 3 and 4, we witnessed the tragic events in Somalia that led to 18 deaths and over 70 casualties just of United States troops. Other nations sustained lesser casualties. And suddenly, the people of the United States understandably asked: Why are we there? What is it we are trying to achieve?

We remember so vividly the early pictures of December 1992 when we landed and were warmly greeted by the people of Somalia. We provided food. We greatly lessened the starvation and the suffering. We were there as peacekeepers, a relatively new term in our lexicon, not as peacemakers, which often involves combat. And indeed the evolution of this conflict was such that we were soon involved in conflict, and we sustained heavy, tragic losses.

The American people reacted with anger and indignation for the losses. Had our President, had our Congress prepared the American people for this contingency, for these losses? In my judgment, no. We failed in our respective responsibilities.

Within days, the Senate was involved in a heated debate, threatening to overturn this Nation's policy in Somalia, challenging the President in his decision regarding when to bring our troops home.

There were a number here who believed that our troops should be brought home from Somalia immediately, no later than Christmas. It was only with great difficulty that a compromise was forged which accorded to the Commander in Chief, the President, the right to decide when to withdraw U.S. forces. In the end, the President's withdrawal date of March 31 was adopted.

Senator LEVIN and I went to Somalia in December at the request of the chairman and ranking member of the Senate Armed Services Committee, on which we serve. During the course of our inspection trip, we visited with the unit commanders of some dozen other nations that had troops in Somalia. They were perplexed as to why the United States was leaving Somalia so precipitously when the situation in that country was far from resolved. We cannot have a parallel situation in Bosnia.

Mr. President, I am concerned because I fear that once again the congressional role in the commitment of U.S. troops to hostile situations is not being fulfilled. We are about to leave now for a week-long recess. During this period of time, our troops could well become involved in combat, and this concerns me greatly.

As I said, I brought this to the attention of the Senate on Wednesday of this week. As we are about to conclude here this afternoon, I bring it again to the attention of the leadership, with the hope that possibly today, they could indicate to the Chamber, to the Senate, to the American people that upon our return, the leadership will try to present to the Senate some legislation that will allow us to express our views and make a decision regarding the use of air power in Bosnia.

It is very difficult today, far more difficult than when I grew up in the World War II period—and I served briefly in the Navy—and far more difficult indeed than in Korea, where I was privileged once again to wear the uniform of this country, to assess the staying power of the country in terms of its willingness to back a commitment of our Armed Forces abroad. One thing is clear—the American people will not support the deployment of United States troops to Bosnia unless the objectives of United States policy and the mission of United States Forces is clearly articulated.

None of us can predict now what will evolve in Bosnia in the days and the weeks to come. But I think it is essential that the Senate as a body, the House as a body, the Congress as a whole, address this issue early upon its return so that there is clarity and we speak with one voice: Our President, our Congress, and hopefully our people.

At our briefing on Wednesday, the President very clearly indicated what he believed were the strategic interests of the United States in Bosnia. That is a part of the world which could provide the spark for an expanded war in Europe, which would pose a very serious challenge to our principal allies and longstanding friends, the other nations in Europe.

We should concentrate in this Chamber on very serious and lengthy debate as to exactly why we are undertaking this additional mission, what is the likelihood of success or failure, the risk of casualties.

I have reviewed the various and limited congressional actions we have taken to date regarding Bosnia. I do not find clear authorization by the Congress or the clear concurrence by the Congress with the proposed action that our President is now considering—that is, the use of our air power to retaliate against the weapons of war that are being used to inflict this senseless and tragic suffering in Sarajevo.

Yet, the North Atlantic Council yesterday, with U.S. concurrence, adopted a communique which "authorized the Commander in Chief of Allied Forces Southern Europe to launch airstrikes, at the request of the United Nations, against artillery or mortar positions in or around Sarajevo * * * which are determined by UNPROFOR to be responsible for attacks against civilian targets in that city."

According to the communique, these airstrikes will begin 10 days from now unless certain conditions are met. As I said, I have great reservations about this new policy. I want to support our President. He is the Commander in Chief. But there is much to be learned about the situation in Bosnia. Even though I have expended a good deal of my time and made three visits to the region of Bosnia, including one into Sarajevo itself, there is still much I have

to study and understand about this conflict.

I wish to have the benefit of the wisdom and the understanding of my colleagues. I wish to cast a vote—I say that very clearly—cast a vote on an explicit resolution, just like we did on Senate Joint Resolution 2, a resolution which I was privileged to draw up.

Selective bombing of military and mortar sites in Sarajevo is an extremely difficult military mission. There are several Members of our distinguished Senate who have had experience in these missions—Senator MCCAIN is foremost in mind. He has spoken of his experiences and shared with us the knowledge of many others with whom he has consulted over the past year about these missions. The artillery and mortars are highly mobile. The terrain lends itself to natural camouflage and the hostile forces are experienced at locating these weapons near schools, hospitals, and other population centers. The risk of collateral damage to innocent civilians is very high.

The terrain in Bosnia, which I have seen by air, is not unlike the terrain that our troops faced in Korea. I was then a ground officer with an aviation unit that flew missions daily. I participated in the briefings of the airmen, and at limited times had the opportunity to see for myself the difficulty of performing these missions in highly mountainous terrain, in frightful weather, not unlike what is experienced in Bosnia today.

It is a tough, difficult, dangerous mission. We have to assume that airmen will go down, perhaps to hostile fire, even though General Shalikashvili assessed the risk of antiaircraft weapons and handheld weapons as very low in that region. There is also the risk of mechanical failure with aircraft. Remote as it may be, that risk is always there. We have to prepare ourselves if an airplane is downed, an airman taken as a hostage.

I used the term in these remarks today "hostile forces" in Bosnia. Throughout this conflict, it has been difficult for outsiders to know who is shooting at whom, much less why such appalling carnage is being inflicted. Indeed, it has not yet been determined which side is responsible for the recent bombing of the marketplace in Sarajevo. Clearly, there is a strong, if not the strongest case, of wrongdoing associated with the Serbian side. But, in my judgment, no party to this conflict is without guilt. We are witnessing cruel and inhuman treatment of civilians by all sides. There is simply no clarity, no complete understanding, and that leaves me great concern as to how this conflict can be resolved.

In addition, I am not sure what we will accomplish even if we are successful in destroying some of the artillery and mortar sites around Sarajevo. We may temporarily reduce the shelling of Sarajevo. But what happens if that same weaponry is carried to another region in Bosnia, and the pictures begin to come out of other marketplaces being bombed, or the pictures come out of the UNPROFOR forces—not peacemakers, but peacekeepers—being subjected to hostile fire. What will we do next? These are the types of questions we have to answer prior to the commitment of United States troops to a combat mission in Bosnia.

With the start of airstrikes, the U.N. troops on the ground in Bosnia could become the targets of hostile retaliation. The humanitarian aid missions will cease, in all probability, and the NATO planes involved in the airstrikes will be subjected to hostile fire. These are the sorts of things we should very carefully consider in this Chamber. We should consult with our constituencies, in my judgment, before we take this next step.

I come back again to my principal concern; that is the airstrike option. Will it bring us any closer to the goal of ending the fighting in Bosnia and achieving a negotiated settlement to the conflict? We may be successful in bringing a measure of relief to Sarajevo, but again we have to understand that that same hostility could go elsewhere in that troubled country and the bloodshed will continue.

If airstrikes fail, what are the next steps that we will take? The credibility of our country, the credibility of the United States as a military power in future actions, is at stake. I wish to know exactly what is the course of action once these airstrikes start. How does this spell out an option to bring about the cessation of fighting and some form of agreement and resolution of this crisis? At the moment, these facts are not before this Senator to my satisfaction.

Mr. President, few military engagements begin very large. History shows this. They so often begin with incremental, gradual actions which grow over time to larger, protracted conflicts. We seldom anticipate long wars, but wars have a way of lasting longer and costing more in lives and treasure than politicians can estimate or, indeed, the military can estimate, or our President can estimate. Unfortunately, the men and women in uniform and their families here at home pay the price.

We are now facing, as I said, a weeklong congressional recess. It is my hope that this policy, as adopted by NATO, and as we speak, being considered by the Security Council of the United Nations, will not be undertaken and firm commitments made until the Congress of the United States has had an opportunity to assume its rightful constitutional role as a partner with the executive branch in making these important decisions.

I am hopeful the leadership will, early on our return, establish an opportunity for us to debate this issue in full.

Mr. President, I am willing to relinquish the floor if there are other Senators desiring to speak on this or other issues. But at this point in time, I see none seeking recognition, so I will yield the floor in hopes that others might come over and speak to this.

Mr. President, I yield the floor. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RESTORATION OF LANDSAT FUNDING

Mr. PRESSLER. Mr. President, I thank the conferees of the emergency supplemental appropriations bill for their efforts to ensure the inclusion of funds for the Landsat 7 satellite. Most important, their efforts saved the Landsat program without any spending increases.

The Landsat program is very important to this country. Despite the controversy about some space programs, Landsat and other global change research projects receive wide support. I come from the State of South Dakota, where the EROS DATA Center receives the Landsat signals. EROS provides very important information for agriculture, mining, and urban planning and other global change research. For example, in South Dakota, native Americans are utilizing Landsat data to manage land and resources on their reservations.

The administration also strongly supports the Landsat program. It was through, I believe, an oversight that it was not funded at the appropriate level.

I also want to thank my colleague, Senator ROCKEFELLER, for his support of this program and for joining me in writing and talking with the conferees. Again, I wish to thank the conferees very much for their prompt action in resolving the Landsat funding issue.

Mr. President, I yield the floor.

CLEAN LAKES LEGISLATION

Mr. MITCHELL. Mr. President, when the Senate returns from the President's Day recess, the Environment and Public Works Committee will meet to mark up legislation to reauthorize the Clean Water Act.

I want to commend Senator GRAHAM, the chairman of the subcommittee, and Senator CHAFEE, the ranking minority

member of the subcommittee, on the development of sound and constructive amendments to the bill introduced last spring—S. 1114.

As a member of the committee, I look forward to working with Chairman BAUCUS, Senator GRAHAM, Senator CHAFEE, and other members of the committee, in developing the best possible legislation to protect our rivers, lakes, and coastal waters.

Since 1991, I have sponsored legislation to expand and strengthen protection of freshwater lakes. Freshwater lakes are an outstanding recreational resource throughout the country, especially in my home State of Maine. For many Americans, a lake at a State or local park is the first thing that comes to mind when they think of the water resources and water quality.

Unfortunately, lakes have serious water quality problems. The environmental Protection Agency reports that 25 percent of lakes are impaired and 20 percent are threatened with impairment.

Many of the pollutants causing lake impairments are conventional, rather than toxic, pollutants and excessive nutrients and phosphorus are critical problems.

My legislation, S. 1198, expands the existing clean lakes program under section 314 of the Clean Water Act. A key provision of the bill provides for a 5-year phaseout of phosphates in household laundry detergents. This proposal, which I first introduced in 1991, builds on the actions of 17 States, including my home State of Maine, to ban household laundry detergents with phosphates.

There is clear evidence that bans on phosphate in household laundry detergent have resulted in substantial benefits to water quality. In addition, the bans have saved millions of dollars in operational costs at sewage treatment plants because reducing the levels of phosphates in water coming to the plants reduces treatment costs.

Over the past several years, the amounts of phosphates used in household laundry detergents have declined substantially. Industry analysts indicate that the decline in phosphate use is due to several factors.

First, the steady enactment of State bans on phosphates in household laundry detergents has forced manufacturers to develop both phosphate and nonphosphate products. State bans now are in place for a substantial percentage of the U.S. population. The marketing of dual products was increasingly expensive and complicated for manufacturers and retailers. Many manufacturers resolved this problem by shifting to a nonphosphate product only.

Second, the industry was able to develop effective and cost competitive substitutes for phosphates.

Today, industry publications indicate that the overall amounts of phosphates in household laundry detergent will decline to some 25,000 short tons in 1994. In 1976, the amount of phosphates in household detergents was estimated to be some 423,000 short tons.

In addition, this decline will continue as a result of the recent decision by Procter & Gamble to convert its flagship product—Tide with Bleach—to a nonphosphate formulation. Proctor & Gamble products are thought to account for about half of all household laundry products.

Mr. President, I ask unanimous consent that a letter to me from Procter & Gamble be printed in the RECORD at the close of my remarks.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 1.)

Mr. MITCHELL. Mr. President, I want to commend the detergent industry for substantially converting to nonphosphate detergents. This action will result in water quality benefits, especially for sensitive aquatic systems such as lakes, and cost savings to sewage treatment works.

In recognition of the substantial progress made in reducing phosphates in detergents, I have decided not to include the phosphate detergent ban provisions in my clean lakes amendment to the Clean Water Act.

I will, however, include in the amendment a requirement for the Administrator of the Environmental Protection Agency to report to Congress within several years on the status of phosphate use in detergent products, including dishwashing detergents and commercial and industrial detergents.

Dishwashing and other detergents now include significant amounts of phosphates—estimated at about 180,000 short tons. Substitutes for phosphates in dishwashing and other detergents have not yet been perfected, but it is appropriate for the Administrator to advise the Congress and the States on progress in development of phosphate substitutes in these cases and recommend appropriate actions to protect water quality.

EXHIBIT 1

PROCTER & GAMBLE,
GENERAL OFFICES,
Cincinnati, OH, January 19, 1994.

Hon. GEORGE J. MITCHELL,
Major Leader, U.S. Senate, Washington, DC.

DEAR SENATOR MITCHELL: We understand that you have inquired about the use of phosphate in Procter & Gamble laundry products. This confirms that The Procter & Gamble Company shortly will no longer manufacture in the U.S. any home laundry detergent containing phosphate. Over the past year, we have manufactured only one brand containing phosphate, Tide With Bleach. By the end of this January, we will have completed our manufacturing conversion of Tide With Bleach to only a non-phosphate formula. In addition, our laundry pre-soak product, Biz, will also convert to only a non-phosphate formula this month.

Our decision to convert entirely to nonphosphate laundry detergents was driven by the need to optimize efficiency in manufacturing and distribution, which was complicated by maintaining dual formulas. Our ability to make this conversion represents over 20 years of research into developing effective non-phosphate based formulas. The result is an improved laundry granule technology which performs comparably to phosphate-based products and provides improved value to our customers.

Sincerely,

R. KERRY CLARK.

GOVERNMENT DOWNSIZING, PERFORMANCE, AND ACCOUNTABILITY ACT

Mr. SIMPSON. Mr. President, I rise to speak with reference to the Government Downsizing Performance, and Accountability Act that was introduced yesterday by Senator DOLE as S. 1843.

I am a cosponsor of this legislation, and I want to express my hope that it will receive favorable consideration by the Senate in due time.

Mr. President, we work here at a time of growing awareness of the manner in which runaway entitlement spending is gnawing away at our fiscal future. That is a reality that Government policymakers are finding ever more difficult to avoid.

I suppose each of us who has spoken on the issue of entitlement reform has been greeted with some derision and hostility from our audiences—they want to know—by God—how we can even dream about cutting benefits for the elderly, the sick, the veterans, the children—when there is so much Government "waste" that needs to be cut.

In fact, Mr. President, there are many bloated discretionary spending budgets that can and should be cut. This legislation would cut some of that Federal spending by more than $50 billion over the next 5 years. It is certainly not the solution to our deficit problems—but it does attempt to eliminate many forms of discretionary spending that are difficult to justify in light of existing deficit pressures.

The first point I would stress about this legislation is that it would reduce the spending caps by more than $50 billion. This locks in projected savings from our cuts—guarantees them. We are often in the habit around here of proposing "spending cuts" that sound good—of "killing programs," and then turning around and spending the money on something else. We voted to kill the superconducting supercollider—did we save the money? We did not—the spending caps remained unchanged. But in this legislation, we prevent money from being spent elsewhere—by locking in the savings through a reduction of the discretionary spending caps.

We have also done our best to engage in honest accounting of our projected savings. Most of the savings credited to these provisions represent our best indication of how they will be scored by

the congressional budget office. There are many provisions that we wished to include but did not—because it was unclear how they would be "scored" by CBO in light of recent legislative actions. We were scrupulous about avoiding "double-counting" of savings in the way that has been done in other rescission bills.

We have also included many provisions in here that clearly improve the efficiency of the Government—establishing performance goals for Federal programs, eliminating congressionally mandated employment floors, and increasing the importance of performance ratings when considering reductions in force. These proposals can and should save the Government money; but, we have not credited ourselves with savings even though we know that some should materialize. This is part of our effort to be as conservative in our bookkeeping as possible.

We have made every effort in this legislation to avoid "smoke and mirrors" and to ensure that these cuts produce real, substantial savings—savings at least as large as the $50 billion we will shave off the discretionary spending caps.

It is my hope that the Senate will give due consideration to these proposals. They demonstrate our sincerity in rooting out Government waste wherever it exists; we take money from legislative branch expenses, from the Executive Office of the President, and from all administrative expenses of the Federal Government. We get rid of small yet unnecessary Government programs. We reduce funding for the World Bank and for U.S. contributions to U.N. peacekeeping—to Senate-passed levels in each case.

I would repeat that none of these measures will slow runaway Federal deficits so long as Federal entitlement spending remains out of control. But they are overdue and helpful steps that we should take to signify that we mean to get our house in order before asking other Americans to sacrifice.

RECESS SUBJECT TO THE CALL OF THE CHAIR

The ACTING PRESIDENT pro tempore. If there is no objection, the Senate stands in recess subject to the call of the Chair.

There being no objection, at 3:43 p.m., the Senate recessed, subject to the call of the Chair.

The Senate reassembled at 4:27 p.m., when called to order by the Acting President pro tempore.

FEDERAL WORK FORCE RESTRUCTURING ACT OF 1993

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 3345, the Federal Work Force Restructuring Act of 1993.

The ACTING PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 3345) to provide temporary authority to Government agencies relating to voluntary separation incentive payments, and for other purposes.

The ACTING PRESIDENT pro tempore. Is there objection to the immediate consideration of the bill? There being no objection, the Senate proceeded to consider the bill.

The ACTING PRESIDENT pro tempore. Is there further debate?

AMENDMENT NO. 1469

(Purpose: To amend title 5, United States Code, to eliminate narrow restrictions on employee training, to provide a temporary voluntary separation incentive, and for other purposes)

Mr. DOLE. Mr. President, on behalf of Senator ROTH, I send to the desk a substitute amendment. I ask the amendment be agreed to and the motion to reconsider be laid upon the table.

The ACTING PRESIDENT pro tempore. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Kansas [Mr. DOLE], for Mr. ROTH, proposes an amendment numbered 1469.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

The ACTING PRESIDENT pro tempore. Without objection, the amendment is agreed to.

So the amendment (No. 1469) was agreed to.

FEDERAL WORK FORCE RESTRUCTURING ACT

Mr. ROTH. Mr. President, I am pleased to have helped shape this legislation, and I support its enactment. A great deal of work has gone into the shaping of the bill, but I feel my efforts have been fruitful. The legislation I am pleased to put before my colleagues now provides appropriate tools for us to begin a significant reduction in the size of the Federal bureaucracy, and an important restructuring of the work force. The amendments contained in the Roth substitute will ensure that the legislation works to the best interests of the American people.

First of all, we are making sure that the budget costs associated with this bill, as scored by CBO, are paid for. Second, the savings realized from the downsizing of the Federal work force will ensure that the Senate-passed crime bill will be fully funded. And third, we are extending by 6 months, to March 31, 1995, the period of time in which agencies can offer the buyouts. These additions make this legislative mechanism more effective in reaching its primary goal—the right-sizing of Government—while guaranteeing that both Federal employees and the American taxpayers benefit.

The ACTING PRESIDENT pro tempore. The question is on the engrossment of the amendment and third reading of the bill.

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

The bill was read a third time.

The ACTING PRESIDENT pro tempore. The bill having been read the third time, the question is, shall the bill pass?

So the bill (H.R. 3345), as amended, was passed.

Mr. MITCHELL. Mr. President, I move to reconsider the vote by which the bill was passed.

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

The motion to lay on the table was agreed to.

MESSAGES FROM THE HOUSE RECEIVED DURING RECESS

Under the authority of the order of Senate of January 5, 1993, the Secretary of the Senate, on February 11, 1994, during the recess of the Senate, received a message from the House of Representatives, announced that the House disagrees to the amendment of the Senate to the bill (H.R. 3759) making emergency supplemental appropriations for the fiscal year ending September 30, 1994, and for other purposes, and agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; and appoints Mr. NATCHER, Mr. SMITH of Iowa, Mr. YATES, Mr. OBEY, Mr. STOKES, Mr. BEVILL, Mr. MURTHA, Mr. DIXON, Mr. FAZIO, Mr. HEFNER, Mr. HOYER, Mr. CARR of Michigan, Mr. DURBIN, Mr. MCDADE, Mr. MYERS of Indiana, Mr. REGULA, Mr. LIVINGSTON, Mr. LEWIS of California, Mr. ROGERS, Mr. SKEEN, and Mr. PORTER as managers of the conference on the part of the House.

MESSAGES FROM THE HOUSE

At 3:12 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 3345. An act to provide temporary authority to Government agencies relating to voluntary separation incentive payments, and for other purposes.

ENROLLED JOINT RESOLUTION SIGNED

The following enrolled joint resolution, previously signed by the Speaker, was signed by the President pro tempore (Mr. BYRD):

S.J. Res. 119. Joint resolution to designate the month of March 1994 as "Irish-American Heritage Month."

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first

and second time by unanimous consent, and referred as indicated:

By Mr. DECONCINI:

S. 1854. A bill to amend the provisions of title 35, United States Code, to provide for patent simplification; to the Committee on the Judiciary.

By Mr. WOFFORD:

S. 1855. A bill to extend the coverage of certain Federal labor laws to foreign documented vessels, and for other purposes; to the Committee on Foreign Relations.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. JOHNSTON, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 208. A bill to reform the concessions policies of the National Park Service, and for other purposes (Rept. No. 103-226).

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DECONCINI:

S. 1854. A bill to amend the provisions of title 35, United States Code, to provide for patent simplification; to the Committee on the Judiciary.

PATENT SIMPLIFICATION ACT OF 1994

• Mr. DECONCINI. Mr. President, I introduce the Patent Term and Publication Reform Act of 1994. By reforming two areas of our patent code, this legislation would give U.S. inventors the ability to compete on the same level as their foreign competitors in the developing global market. It will lead to a patent system that can better deal with new technologies as well as curb the abuse of the system that has led to the granting of patents many years after the initial filing of a patent application.

The reforms in this legislation are simple but important. First, it establishes a fixed 20-year patent term beginning from the date that the application is filed. Second, the bill provides for the publication of all patent applications after 18 months.

20-YEAR PATENT TERM FROM DATE OF FILING

Under the current U.S. patent system, a patent term runs for 17 years from the date the patent is granted. In contrast, many industrialized nations provide a 20-year patent term measured from the date the patent application is filed.

WHAT IS BETTER ABOUT A 20-YEAR FROM FILING SYSTEM?

Under the 17-year-from-date-of-grant system, inventors have no incentive to have their filed patent application prosecuted expeditiously. Rather, they have an incentive to prolong the period they spend at the Patent Office, benefiting from the secrecy of their application and thereby extending the life of their patent.

In recent years U.S. industry has experienced the spectacle of patents being issued 10 years, 20 years, or even longer after the filing date. With a patent term measured from grant, such inventors have exclusive rights extending for 30, 40, or more years after a technology is first commercialized. Cases have occurred in which a patent remains in force for an extended period in the United States, while counterparts of that patent have expired in the rest of the world.

Commonly referred to as submarine patents, these patents on basic processes or products of technology are filed shortly after development of the technology. The inventor will then intentionally prolong his/her review at the Patent Office so that the patent will be issued long after an industry has been established in that technology. These patents may have serious detrimental effects on established industries when they surface, particularly when the patent covers basic elements of the technology.

The Patent Term and Publication Reform Act of 1994 sets a fixed 20-year patent term tolling from the filing date of the application. This reform puts the U.S. patent system on par with the systems of other industrialized nations, establishes certainty in patent terms, and respects the constitutional premise of our patent system—that inventors are entitled to the fruits of their discoveries for only a limited period.

18-MONTH PUBLICATION OF PATENT APPLICATIONS

Applications and the information and technology contained within them are currently kept secret while at the Patient Office until a patent is granted, which is often many years after filing. The result is that inventors sometimes commit substantial resources to the development of an invention based on an incomplete, erroneous assessment of patentability of the applications they file.

WHAT ARE THE BENEFITS OF 18-MONTH PUBLICATION?

Disclosure of information is only as important as it is timely. Automatic publication 18 months after the filing of an application would facilitate the use of technology by American innovators and permit the identification of potential patent conflicts earlier than now possible.

It would provide prompt access for U.S. inventors to a comprehensive technological database that foreign inventors receive in their own language from their own patent offices.

Currently, almost every major innovation made by American inventors in the fields of superconductivity, biotechnology or semiconductor fabrication is the subject of a Japanese patent application, filed in the Japanese language, then published and made available to Japanese researchers.

Publication in the United States after 18 months will provide American inventors with leading-edge foreign technology of all types. Indeed, saving resources by preventing duplication of research, signaling promising areas of research, and indicating which fields or research topics are being pursued by other firms can all be achieved through an 18-month publication system.

In a joint hearing before the Senate Judiciary Subcommittee on Patents, Copyrights and Trademarks and the House Judiciary Subcommittee on Intellectual Property and Judicial Administration, Professor Merges of Boston University School of Law testified that early disclosure will appeal to small inventors, who often want to know as soon as possible whether it is worth spending their hard-earned money on a patent application or whether others are already in that game.

The opening to the public and publication at 18 months of all pending patent applications would also provide a more effective patent search by the Patent Office. Publication would allow patent applicants themselves, for the first time, to cite to the patent examiner any pertinent applications that the patent examiner might have overlooked.

Mr. President, for many years the United States has been negotiating a treaty that would harmonize our patent laws with our trading partners. In support of that effort, last Congress I introduced, as did Representatives HUGHES and MOORHEAD, legislation that would harmonize our patent laws with our trading partners subject to the signing of a treaty. Our intention was to begin to explore and discuss this issue in Congress.

Recently, the Clinton administration announced, through Commerce Secretary Brown, that they would not seek to resume negotiations of a treaty harmonizing the world's patent laws.

Although the reforms included in this legislation have been discussed in those negotiations, it is my belief that they should be enacted now rather than continuing to wait indefinitely for the conclusion of a harmonization agreement the future of which has been put into question by this administration. Furthermore, a 20-year patent term from date of filing is included in the Trade Related Aspects of Intellectual Property Rights [TRIPs] Agreement of the Uruguay round of GATT. Thus, this provision will inevitably be considered in implementing language for that agreement.

I would also note that the Clinton administration recently signed an agreement with Japan in which the administration agreed to support the introduction of legislation establishing a 20-year patent term from the date of filing. In return, Japan agreed to permit the filing of applications in English at the Japanese Patent Office.

I would be pleased to consider an offer from the administration to intro-

duce their proposed legislation whenever it is forwarded to Congress. Hopefully, we will be able to agree on language as this bill proceeds.

Mr. President, this legislation contains reforms that will bring certainty to the term of a patent and reduce abuse of our patent system. We should move forward on this bill and I urge my colleagues to support it.

I ask unanimous consent that a copy of the bill be printed in the RECORD.

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

S. 1854

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Patent Term and Publication Reform Act of 1994".

SEC. 2. PATENT SIMPLIFICATION.

(a) DEFINITION.—Section 100 of title 35, United States Code, is amended by adding at the end thereof the following:

"(e) The term 'filing date' means the earliest of the actual filing date or any priority date claimed by the applicant under section 119, 120, or 365.".

(b) CONDITIONS FOR PATENTABILITY; NOVELTY AND LOSS OF RIGHT TO PATENT.—Section 102(e) of title 35, United States Code, is amended to read as follows:

"(e) the invention was described in—

"(1) a published patent application,

"(2) a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or

"(3) in an international application that—

"(A) is filed by another before the invention thereof by the applicant for patent, and

"(B) enters the national stage under section 371, or".

(c) BENEFIT OF EARLIER FILING DATE; RIGHT OF PRIORITY.—(1) Section 119 of title 35, United States Code, is amended—

(A) in the section heading by striking out "**in foreign country**";

(B) by designating the first, second, third, and fourth undesignated paragraphs as subsections (a), (c), (d), and (e), respectively; and

(C) by inserting after subsection (a) (as designated by subparagraph (B) of this paragraph) the following new subsection:

"(b)(1) An application for patent for an invention described in paragraph (2) that is filed by an inventor named in the previously filed application described under paragraph (2), shall have the same effect, as to such invention, as if such application had been filed on the filing date of the previously filed application, if such application—

"(A) is filed within one year after the filing date of the previously filed application (or earlier priority date); and

"(B)(i) contains a specific reference to the previously filed application; or

"(ii) within three months after the actual filing date of such application, is amended to contain—

"(I) a specific reference to the previously filed application; or

"(II) such other item as the Commissioner may prescribe.

"(2) An invention referred to under paragraph (1) is an invention that is disclosed—

"(A) in the specification as provided under section 112 in an application filed in the United States before the application described under paragraph (1) is filed; or

"(B) as provided under section 363.".

(2) The table of sections for chapter 11 of title 35, United States Code, is amended in the item relating to section 119 by striking out "in foreign country".

(d) BENEFIT OF EARLIER FILING DATE IN THE UNITED STATES.—Section 120 of title 35, United States Code, is amended to read as follows:

"§ 120. Benefit of earlier filing date in the United States

"(a) An application for patent for an invention described under subsection (b) that is filed by an inventor named in the previously filed application described under subsection (b), shall have the same effect, as to such invention, as if such application had been filed on the filing date of the previously filed application, if such application—

"(1) is filed before the patenting, abandonment of, or termination of proceedings on—

"(A) the previously filed application; or

"(B) an application similarly entitled to the benefit of the filing date of the previously filed application;

"(2) is not otherwise entitled to a priority right under section 119(b); and

"(3)(A) contains a specific reference to the previously filed application; or

"(B) within fifteen months after the actual filing date of such application, is amended to contain—

"(i) a specific reference to the previously filed application; or

"(ii) such other item as the Commissioner may prescribe.

"(b) An invention referred to under subsection (a) is an invention that is disclosed—

"(1) in the specification as provided under section 112 in an application filed in the United States before the application described under subsection (a) is filed; or

"(2) as provided under section 363.".

(e) OPENING OF PATENT APPLICATIONS; CONFIDENTIAL STATUS.—(1) Section 122 of title 35, United States Code, is amended to read as follows:

"§ 122. Opening of patent applications; confidential status

"(a) Except as provided under subsection (b), applications for patents shall be kept in confidence by the Patent and Trademark Office and no information concerning such applications may be disclosed.

"(b) On and after the date occurring 18 months after the filing date of an application for patent (including all priority claims) each application for patent shall be open to public inspection and copies shall be made available to the public under such procedures as may be determined by the Commissioner, except—

"(1) an application may be made so available during such 18-month period if confidentiality is waived by the applicant; and

"(2) an application may be maintained in secrecy under any order under chapter 17.

"(c) The Commissioner shall publish each patent application promptly when open to public inspection under subsection (b).".

(2) The table of sections for chapter 11 of title 35, United States Code, is amended by amending the item relating to section 122 to read as follows:

"122. Opening of patent applications; confidential status.".

(f) CONTENTS AND TERM OF PATENT.—Section 154 of title 35, United States Code, is amended to read as follows:

"§ 154. Contents and term of patent

"(a)(1) Subject to the provisions of paragraph (2), every patent shall contain—

"(A) a short title of the invention;

"(B) a grant to the patentee, and the heirs or assigns of the patentee—

"(i) for a term beginning on the date on which the patent is issued and ending on a date 20 years from the date on which the application for patent is filed in the United States, excluding any claims of priority under section 119 or 365;

"(ii) of the right to exclude others from making, using, or selling the invention throughout the United States or importing the invention into the United States;

"(iii) if the invention is a process, of the right to exclude others from using or selling throughout the United States, or importing into the United States, products made by that process; and

"(iv) that refers to the specification for the particulars of the invention; and

"(C) a copy of the specification and drawings which shall be annexed to the patent and be a part of the patent.

"(2) The grant of a patent shall be subject to the payment of fees as provided by this title.

"(b)(1) In addition to the contents described under subsection (a), the grant of a patent described under paragraph (2) shall additionally include the right to obtain a reasonable royalty from any other person who, during the period before the grant—

"(A)(i) makes, uses, or sells the claimed invention in the United States, or imports the claimed invention into the United States; or

"(ii) if the claimed invention is a process, uses or sells throughout the United States or imports into the United States products made by that process; and

"(B) had actual knowledge of the published application.

"(2) Paragraph (1) applies to any patent—

"(A) that is granted based on an application published under section 122(c) before such patent is granted; and

"(B) to the extent the patent claims in the issued patent are substantially identical with the claims in such published application.".

(g) TERM OF DESIGN PATENT.—Section 173 of title 35, United States Code, is amended by striking out "fourteen years." and inserting in lieu thereof "seventeen years from the filing date, as determined under section 154(a) of this title.".

SEC. 3. EFFECTIVE DATE AND APPLICABILITY.

The provisions of this Act and the amendments made by this Act shall take effect 90 days after the date of the enactment of this Act and shall apply only to applications filed on and after such effective date.●

ADDITIONAL COSPONSORS

S. 455

At the request of Mr. HATFIELD, the name of the Senator from Oklahoma [Mr. BOREN] was added as a cosponsor of S. 455, a bill to amend title 31, United States Code, to increase Federal payments to units of general local government for entitlement lands, and for other purposes.

S. 1687

At the request of Mr. BINGAMAN, the name of the Senator from New Hampshire [Mr. SMITH] was added as a cosponsor of S. 1687, a bill to promote the effective and efficient use of Federal grant assistance provided to State governments to carry out certain environ-

mental programs and activities, and for other purposes.

AMENDMENT NO. 1452

At the request of Mr. DORGAN his name was added as a cosponsor of amendment No. 1452 proposed to H.R. 3759, a bill making emergency supplemental appropriations for the fiscal year ending September 30, 1994, and for other purposes.

AMENDMENTS SUBMITTED

ROTH AMENDMENT NO. 1469

Mr. DOLE (for Mr. ROTH) proposed an amendment to the bill, H.R. 3345, to amend title 5, United States Code, to eliminate certain restrictions on employee training; to provide temporary authority to agencies relating to voluntary separation incentive payments, and for other purposes; as follows:

FEDERAL WORKFORCE RESTRUCTURING

SEC. 501. SHORT TITLE.

This Act may be cited as the "Federal Workforce Restructuring Act of 1994".

SEC. 502. EMPLOYEE TRAINING.

(a) IN GENERAL.—Chapter 41 of title 5, United States Code, is amended—

(1) in section 4101(4) by striking out "fields" and all that follows through the semicolon and inserting in lieu thereof "fields which will improve individual and organizational performance and assist in achieving the agency's mission and performance goals;";

(2) in section 4103—

(A) in subsection (a) by striking out "In" and all that follows through "proficiency" and inserting in lieu thereof "In order to assist in achieving an agency's mission and performance goals by improving employee and organizational performance"; and

(B) in subsection (b)—

(i) in paragraph (1) by striking out "determines" and all that follows through the period and inserting in lieu thereof "determines that such training would be in the interests of the Government.";

(ii) by striking out paragraph (2) and redesignating paragraph (3) as paragraph (2); and

(iii) in subparagraph (C) of paragraph (2) (as redesignated under clause (ii) of this subparagraph) by striking out "retaining" and all that follows through the period and inserting in lieu thereof "such training.";

(3) in section 4105—

(A) in subsection (a) by striking out "(a)"; and

(B) by striking out subsections (b) and (c);

(4) by repealing section 4106;

(5) in section 4107—

(A) by amending the section heading to read as follows:

"**§4107. Restriction on degree training**";

(B) by striking out subsections (a) and (b) and redesignating subsections (c) and (d) as subsections (a) and (b), respectively;

(C) by amending subsection (a) (as redesignated under subparagraph (B) of this paragraph)—

(i) by striking out "subsection (d)" and inserting in lieu thereof "subsection (b)"; and

(ii) by striking out "by, in, or through a non-Government facility"; and

(D) by amending paragraph (1) of subsection (b) (as redesignated under subparagraph (B) of this paragraph) by striking out "subsection (c)" and inserting in lieu thereof "subsection (a)";

(6) in section 4108(a) by striking out "by, in, or through a non-Government facility under this chapter" and inserting in lieu thereof "for more than a minimum period prescribed by the head of the agency";

(7) in section 4113(b) by striking out all that follows the first sentence;

(8) by repealing section 4114; and

(9) in section 4118—

(A) in subsection (a)(7) by striking out "by, in, and through non-Government facilities";

(B) by striking out subsection (b); and

(C) by redesignating subsections (c) and (d) as subsections (b) and (c), respectively.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—The table of sections for chapter 41 of title 5, United States Code, is amended—

(1) by striking out the items relating to sections 4106 and 4114; and

(2) by amending the item relating to section 4107 to read as follows:

"4107. Restriction on degree training.".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of enactment of this Act.

SEC. 503. VOLUNTARY SEPARATION INCENTIVES.

(a) DEFINITIONS.—For purposes of this section, the term—

(1) "agency" means an Executive agency, as defined under section 105 of title 5, United States Code, but does not include the Department of Defense, the Central Intelligence Agency, or the General Accounting Office; and

(2) "employee" means an employee, as defined under section 2105 of title 5, United States Code, of an agency, serving under an appointment without time limitation, who has been currently employed for a continuous period of at least 12 months, including an individual employed by a county committee established under section 8(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b)), but does not include—

(A) a reemployed annuitant under subchapter III of chapter 83 or chapter 84 of title 5, United States Code, or another retirement system for employees of the Government; or

(B) an employee having a disability on the basis of which such employee is or would be eligible for disability retirement under the applicable retirement system referred to in subparagraph (A).

(b) AUTHORITY TO MAKE PAYMENT.—(1) In order to assist in the restructuring of the Federal work force while minimizing involuntary separations, the head of an agency may pay, or authorize the payment of, a voluntary separation incentive payment to employees—

(A) in any component of the agency;

(B) in any occupation;

(C) in any geographic location; or

(D) on the basis of any combination of the factors described under subparagraphs (A) through (C).

(2) In order to receive an incentive payment under paragraph (1), an employee shall separate from service with the agency (whether by retirement or resignation) during the 90-day period described under paragraph (3).

(3) The head of an agency shall designate a continuous 90-day period for purposes of separation under this subsection for such agency or any component thereof. Such 90-day period shall begin no earlier than the date of the enactment of this Act and shall end no later than March 31, 1995.

(4) Notwithstanding the provisions of paragraphs (2) and (3), an employee may receive an incentive payment under this section and delay a separation from service if—

(A) the agency head determines that it is necessary to delay such employee's separation from service in order to ensure the performance of the agency's mission; and

(B) no later than 2 years after the date of the last day of the 90-day period designated under paragraph (3), such employee separates from service in the agency.

(c) VOLUNTARY SEPARATION INCENTIVE PAYMENT.—A voluntary separation incentive payment—

(1) shall be paid in a lump sum after the employee's separation;

(2) shall be equal to the lesser of—

(A) an amount equal to the amount the employee would be entitled to receive under section 5595(c) of title 5, United States Code, if the employee were entitled to payment under such section; or

(B) $25,000;

(3) shall not be a basis for payment, and shall not be included in the computation, of any other type of Government benefit;

(4) shall not be taken into account in determining the amount of any severance pay to which an employee may be entitled under section 5595 of title 5, United States Code, based on any other separation; and

(5) shall be paid from appropriations or funds available for the payment of the basic pay of the employee.

(d) SUBSEQUENT EMPLOYMENT AND REPAYMENT OF INCENTIVE PAYMENT.—(1) An employee who has received a voluntary separation incentive payment under this section and accepts employment with the Government of the United States within 5 years of the date of the separation on which payment of the incentive is based shall be required to repay the entire amount of the incentive payment to the agency that paid the incentive payment.

(2) If the employment is with an Executive agency (as defined under section 105 of title 5, United States Code), the Director of the Office of Personnel Management may, at the request of the head of the agency, waive the repayment if the employment is in a position for which there is exceptional difficulty in recruiting a qualified employee.

(3) If the employment is with an entity in the legislative branch, the head of the entity or the appointing official may waive the repayment if the employment is in a position for which there is exceptional difficulty in recruiting a qualified employee.

(4) If the employment is with the judicial branch, the Director of the Administrative Office of the United States Courts may waive the repayment if the employment is in a position for which there is exceptional difficulty in recruiting a qualified employee.

(e) REGULATIONS.—The Director of the Office of Personnel Management may prescribe any regulations necessary for the administration of this section.

(f) JUDICIAL BRANCH PROGRAM.—The Director of the Administrative Office of the United States Courts may, by regulation, establish a program consistent with the program established by subsections (a) through (d) of this section for employees of the judicial branch.

(g) REDUCTION OF FULL-TIME EQUIVALENT POSITIONS.—(1) The President or his designee shall take such action as he determines necessary to ensure that, no later than September 30, 1995, employment in the executive branch is reduced by at least 1 full-time equivalent position for each voluntary separation incentive payment paid under this section.

(2) No later than December 1, 1995, the President or his designee shall report to the

Congress on the implementation of this subsection.

(h) LIMITATION ON PROCUREMENT OF SERVICE CONTRACTS.—The President shall take appropriate action to ensure that there is no increase in the procurement of service contracts by reason of the enactment of this section except in cases in which a cost comparison demonstrates such contracts would be to the financial advantage of the Federal Government.

SEC. 504. SUBSEQUENT EMPLOYMENT AND REPAYMENT OF SEPARATION PAYMENT.

(a) DEFENSE AGENCY SEPARATION PAY.—Section 5597 of title 5, United States Code, is amended by adding at the end thereof the following new subsection:

"(g)(1) An employee who receives separation pay under this section on the basis of a separation occurring on or after the date of enactment of the Federal Workforce Restructuring Act of 1994 and accepts employment with the Government of the United States within 5 years of the date of the separation on which payment of the separation pay is based shall be required to repay the entire amount of the separation pay to the defense agency that paid the separation pay.

"(2) If the employment is with an Executive agency (as defined under section 105 of title 5, United States Code), the Director of the Office of Personnel Management may, at the request of the head of the agency, waive the repayment if the employment is in a position for which there is exceptional difficulty in recruiting a qualified employee.

"(3) If the employment is with an entity in the legislative branch, the head of the entity or the appointing official may waive the repayment if the employment is in a position for which there is exceptional difficulty in recruiting a qualified employee.

"(4) If the employment is with the judicial branch, the Director of the Administrative Office of the United States Courts may waive the repayment if the employment is in a position for which there is exceptional difficulty in recruiting a qualified employee.".

(b) CENTRAL INTELLIGENCE AGENCY SEPARATION PAYMENT.—Section 2(b) of the Central Intelligence Agency Voluntary Separation Pay Act (Public Law 103-36; 107 Stat. 104) is amended by adding at the end thereof the following: 'An employee who receives separation pay under this section on the basis of a separation occurring on or after the date of the enactment of the Federal Workforce Restructuring Act of 1993 and accepts employment with the Government of the United States within 5 years of the date of the separation on which payment of the separation pay is based shall be required to repay the entire amount of the separation pay to the Central Intelligence Agency. If the employment is with an Executive agency (as defined under section 105 of title 5, United States Code), the Director of the Office of Personnel Management may, at the request of the head of the agency, waive the repayment if the employment is in a position for which there is exceptional difficulty in recruiting a qualified employee. If the employment is with an entity in the legislative branch, the head of the entity or the appointing official may waive the repayment if the employment is in a position for which there is exceptional difficulty in recruiting a qualified employee. If the employment is with the judicial branch, the Director of the Administrative Office of the United States Courts may waive the repayment if the employment is in a position for which there is exceptional difficulty in recruiting a qualified employee.".

SEC. 505. FUNDING OF EARLY RETIREMENTS IN CIVIL SERVICE RETIREMENT SYSTEM.

(a) IN GENERAL.—Section 8334 of title 5, United States Code, is amended by adding at the end thereof the following new subsections:

"(l) In addition to any other payments required by this subchapter, an agency shall remit to the Office for deposit in the Treasury of the United States to the credit of the Fund an amount equal to 9 percent of the final rate of basic pay of each employee of the agency who retires under section 8336(d).

"( ) * * * the Treasury of the United States to the credit of the Civil Service Retirement and Disability Fund an amount equal to 17 percent of the final basic pay of each employee of the agency who receives a voluntary separation incentive payment under this section and who is eligible, upon separation, for an immediate annuity under subchapter III of chapter 83 or chapter 84 of title 5, United States Code.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply with respect to retirements occurring on or after the date of the enactment of this Act.

SEC. 506. REDUCTION OF FEDERAL FULL-TIME EQUIVALENT POSITIONS.

(a) DEFINITION.—For purposes of this section, the term "agency" means an Executive agency as defined under section 105 of title 5, United States Code, but does not include the General Accounting Office.

(b) LIMITATIONS ON FULL-TIME EQUIVALENT POSITIONS.—The President, through the Office of Management and Budget (in consultation with the Office of Personnel Management), shall ensure that the total number of full-time equivalent positions in all agencies shall not exceed—

(1) 2,095,182 during fiscal year 1994;
(2) 2,044,100 during fiscal year 1995;
(3) 2,003,846 during fiscal year 1996;
(4) 1,963,593 during fiscal year 1997;
(5) 1,923,339 during fiscal year 1998; and
(6) 1,883,086 during fiscal year 1999.

(c) MONITORING AND NOTIFICATION.—The Office of Management and Budget, after consultation with the Office of Personnel Management, shall—

(1) continuously monitor all agencies and make a determination on the first date of each quarter of each applicable fiscal year of whether the requirements under subsection (b) are met; and

(2) notify the President and the Congress on the first date of each quarter of each applicable fiscal year of any determination that any requirement of subsection (b) is not met.

(d) COMPLIANCE.—If at any time during a fiscal year, the Office of Management and Budget notifies the President and the Congress that any requirement under subsection (b) is not met, no agency may hire any employee for any position in such agency until the Office of Management and Budget notifies the President and the Congress that the total number of full-time equivalent positions for all agencies equals or is less than the applicable number required under subsection (b).

(e) WAIVER.—Any provision of this section may be waived upon—

(1) a determination by the President of the existence of war or a national emergency; or

(2) the enactment of a joint resolution upon an affirmative vote of three-fifths of the Members of each House of the Congress duly chosen and sworn.

SEC. 507. CREATION OF VIOLENT CRIME REDUCTION TRUST FUND.

(a) ESTABLISHMENT OF THE ACCOUNT.—Chapter 11 of title 31, United States Code, is amended by inserting at the end thereof the following new section:

"§ 1115. Violent crime reduction trust fund

"(a) There is established a separate account in the Treasury, known as the 'Violent Crime Reduction Trust Fund', into which shall be deposited deficit reduction achieved by section 1321B of the Violent Crime Control and Law Enforcement Act of 1993 sufficient to fund that Act (as defined in subsection (b) of this section).

"(b) On the first day of the following fiscal years (or as soon thereafter as possible for fiscal year 1994), the following amounts shall be transferred from the general fund to the Violent Crime Reduction Trust Fund—

"(1) for fiscal year 1994, $720,000,000;
"(2) for fiscal year 1995, $2,423,000,000;
"(3) for fiscal year 1996, $4,267,000,000;
"(4) for fiscal year 1997, $6,313,000,000; and
"(5) for fiscal year 1998, $8,545,000,000.

"(c) Notwithstanding any other provision of law—

"(1) the amounts in the Violent Crime Reduction Trust Fund may be appropriated exclusively for the purposes authorized in the Violent Crime Control and Law Enforcement Act of 1993;

"(2) the amounts in the Violent Crime Reduction Trust Fund and appropriations under paragraph (1) of this section shall be excluded from, and shall not be taken into account for purposes of, any budget enforcement procedures under the Congressional Budget Act of 1974 or the Balanced Budget and Emergency Deficit Control Act of 1985; and

"(3) for purposes of this subsection, 'appropriations under paragraph (1)' mean amounts of budget authority not to exceed the balances of the Violent Crime Reduction Trust Fund and amounts of outlays that flow from budget authority actually appropriated.".

(b) LISTING OF THE VIOLENT CRIME REDUCTION TRUST FUND AMONG GOVERNMENT TRUST FUNDS.—Section 1321(a) of title 31, United States Code, is amended by inserting at the end thereof the following new paragraph:

"(91) Violent Crime Reduction Trust Fund.".

(c) REQUIREMENT FOR THE PRESIDENT TO REPORT ANNUALLY ON THE STATUS OF THE ACCOUNT.—Section 1105(a) of title 31, United States Code, is amended by adding at the end thereof:

"(29) Information about the Violent Crime Reduction Trust Fund, including a separate statement of amounts in that Trust Fund.

"(30) An analysis displaying by agency proposed reductions in full-time equivalent positions compared to the current year's level in order to comply with section 506 of this Act."

SEC. 508. CONFORMING REDUCTION IN DISCRETIONARY SPENDING LIMITS.

The Director of the Office of Management and Budget shall, upon enactment of this Act, reduce the discretionary spending limits set forth in section 601(a)(2) of the Congressional Budget Act of 1974 for fiscal years 1994 through 1998 as follows:

(1) for fiscal year 1994, for the discretionary category: $720,000,000 in new budget authority and $314,000,000 in outlays;

(2) for fiscal year 1995, for the discretionary category: $2,423,000,000 in new budget authority and $2,330,000,000 in outlays;

(3) for fiscal year 1996, for the discretionary category: $4,287,000,000 in new budget authority and $4,184,000,000 in outlays;

(4) for fiscal year 1997, for the discretionary category: $6,313,000,000 in new budget authority and $6,221,000,000 in outlays; and

(5) for fiscal year 1998, for the discretionary category: $8,545,000,000 in new budget authority and $8,443,000,000 in outlays.

SEC. 509. STANDARDIZATION OF WITHDRAWAL OPTIONS FOR THRIFT SAVINGS PLAN PARTICIPANTS.

(a) PARTICIPATION IN THE THRIFT SAVINGS PLAN.—Section 8351(b) of title 5, United States Code, is amended—

(1) by amending paragraph (4) to read as follows:

"(4) Section 8433(b) of this title applies to any employee or Member who elects to make contributions to the Thrift Savings Fund under subsection (a) of this section and separates from Government employment.";

(2) by striking out paragraphs (5), (6), and (8);

(3) by redesignating paragraphs (7), (9), and (10) as paragraphs (5), (6), and (7), respectively;

(4) in paragraph (5)(C) (as redesignated under paragraph (3) of this subsection) by striking out "or former spouse" in both places it appears;

(5) by amending paragraph (6) (as redesignated under paragraph (3) of this subsection) to read as follows:

"(6) Notwithstanding paragraph (4), if an employee or Member separates from Government employment and such employee's or Member's nonforfeitable account balance is $3,500 or less, the Executive Director shall pay the nonforfeitable account balance to the participant in a single payment unless the employee or Member elects, at such time and otherwise in such manner as the Executive Director prescribes, one of the options available under subsection (b).''; and

(6) in paragraph (7) (as redesignated under paragraph (3) of this subsection) by striking out "nonforfeiture" and inserting in lieu thereof "nonforfeitable".

(b) BENEFITS AND ELECTION OF BENEFITS.—Section 8433 of title 5, United States Code, is amended—

(1) in subsection (b) by striking out the matter before paragraph (1) and inserting in lieu thereof "Subject to section 8435 of this title, any employee or Member who separates from Government employment entitled to an annuity under subchapter II of this chapter or any employee or Member who separates from Government employment is entitled and may elect—";

(2) by striking out subsections (c) and (d) and redesignating subsections (e), (f), (g), (h), and (i) as subsections (c), (d), (e), (f), and (g), respectively;

(3) in subsection (c)(1) (as redesignated under paragraph (2) of this subsection) by striking out "or (c)(4) or required under subsection (d) directly to an eligible retirement plan or plans) (as defined in section 402(a)(5)(E) of the Internal Revenue Code of 1954)" and inserting in lieu thereof "directly to an eligible retirement plan or plans (as defined in section 402(c)(8) of the Internal Revenue Code of 1986)";

(4) in subsection (d)(2) (as redesignated under paragraph (2) of this subsection) by striking out "or (c)(2)"; and

(5) in subsection (f) (as redesignated under paragraph (2) of this subsection)—

(A) by striking out paragraph (1) and redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively; and

(B) in paragraph (1) (as redesignated under subparagraph (A) of this paragraph)—

(i) by striking out "Notwithstanding subsections (b) and (c), if an employee or Member separates from Government employment under circumstances making such an employee or Member eligible to make an election under either of those subsections, and such employee's or Member's" and inserting in lieu thereof "Notwithstanding subsection (b), if an employee or Member separates from Government employment, and such employee's or Member's"; and

(ii) by striking out "or (c), as applicable"; and

(C) in paragraph (2) (as redesignated under subparagraph (A) of this paragraph) by striking out "paragraphs (1) and (2)" and inserting in lieu thereof "paragraph (1)".

(c) ANNUITIES: METHODS OF PAYMENT; ELECTION; PURCHASE.—Section 8434(c) of title 5, United States Code, is amended to read as follows:

"(c) Notwithstanding an elimination of a method of payment by the Board an employee, Member, former employee, or former Member may elect the eliminated method if the elimination of such method became effective less than 5 years before the date on which annuity commences.".

(d) PROTECTIONS FOR SPOUSES AND FORMER SPOUSES.—Section 8435 of title 5, United States Code, is amended—

(1) in subsection (a)(1)(A) by striking out "subsection (b)(3), (b)(4), (c)(3), or (c)(4) of section 8433 of this title or change an election previously made under subsection (b)(1), (b)(2), (c)(1), or (c)(2)" and inserting in lieu thereof "subsection (b)(3) or (b)(4) of section 8433 of this title or change an election previously made under subsection (b)(1) or (b)(2)";

(2) by striking out subsection (b);

(3) by redesignating subsections (c), (d), (e), (f), (g), (h), and (i) as subsections (b), (c), (d), (e), (f), (g), and (h), respectively;

(4) in subsection (b) (as redesignated under paragraph (3) of this subsection) by amending paragraph (2) to read as follows:

"(2) Paragraph (1) shall not apply, if—

"(A) a joint waiver of such method is made, in writing, by the employee or Member and the spouse; or

"(B) the employee or Member waives such method, in writing, after establishing to the satisfaction of the Executive Director that circumstances described under subsection (a)(2) (A) or (B) make the requirement of a joint waiver inappropriate."; and

(5) in subsection (c)(1) (as redesignated under paragraph (3) of this subsection) by striking out "and a transfer may not be made under section 8433(d) of this title".

(e) JUSTICES AND JUDGES.—Section 8440a(b) of title 5, United States Code, is amended—

(1) in paragraph (5) by striking out "Section 8433(d)" and inserting in lieu thereof "Section 8433(b)"; and

(2) by striking out paragraphs (7) and (8) and inserting in lieu thereof the following:

"(7) Notwithstanding paragraphs (4) and (5), if any justice or judge retires under subsection (a) or (b) of section 371 or section 372(a) of title 28, or resigns without having met the age and service requirements set forth under section 371(c) of title 28, and such justice's or judge's nonforfeitable account balance is $3,500 or less, the Executive Director shall pay the nonforfeitable account balance to the participant in a single payment unless the justice or judge elects, at such time and otherwise in such manner as the Executive Director prescribes, one of the options available under section 8433(b).".

(f) BANKRUPTCY JUDGES AND MAGISTRATES.—Section 8440b of title 5, United States Code, is amended—

(1) in subsection (b)(4) by amending subparagraph (B) to read as follows:

"(B) Section 8433(b) of this title applies to any bankruptcy judge or magistrate who elects to make contributions to the Thrift Savings Fund under subsection (a) of this section and who retires before attaining age 65 but is entitled, upon attaining age 65, to an annuity under section 377 of title 28 or section 2(c) of the Retirement and Survivors Annuities for Bankruptcy Judges and Magistrates Act of 1988.";

(2) in subsection (b)(4)(C) by striking out "Section 8433(d)" and inserting in lieu thereof "Section 8433(b)";

(3) in subsection (b)(5) by striking out "retirement under section 377 of title 28 is" and inserting in lieu thereof "any of the actions described under paragraph (4) (A), (B), or (C) shall be considered";

(4) in subsection (b) by striking out paragraph (8) and redesignating paragraph (9) as paragraph (8); and

(5) in paragraph (8) of subsection (b) (as redesignated under paragraph (4) of this subsection)—

(A) by striking out "Notwithstanding subparagraphs (A) and (B) of paragraph (4), if any bankruptcy judge or magistrate retires under circumstances making such bankruptcy judge or magistrate eligible to make an election under subsection (b) or (c)" and inserting in lieu thereof "Notwithstanding paragraph (4), if any bankruptcy judge or magistrate retires under circumstances making such bankruptcy judge or magistrate eligible to make an election under subsection (b)"; and

(B) by striking out "and (c), as applicable".

(g) CLAIMS COURT JUDGES.—Section 8440c of title 5, United States Code, is amended—

(1) in subsection (b)(4)(B) by striking out "Section 8433(d)" and inserting in lieu thereof "Section 8433(b)";

(2) in subsection (b)(5) by striking out "retirement under section 178 of title 28, is" and inserting in lieu thereof "any of the actions described in paragraph (4) (A) or (B) shall be considered";

(3) in subsection (b) by striking out paragraph (8) and redesignating paragraph (9) as paragraph (8); and

(4) in paragraph (8) (as redesignated under paragraph (3) of this subsection) by striking out "Notwithstanding paragraph (4)(A)" and inserting in lieu thereof "Notwithstanding paragraph (4)".

(h) JUDGES OF THE UNITED STATES COURT OF VETERANS APPEALS.—Section 8440d(b)(5) of title 5, United States Code, is amended by striking out "A transfer shall be made as provided under section 8433(d) of this title" and inserting in lieu thereof "Section 8433(b) of this title applies".

(i) TECHNICAL AND CONFORMING AMENDMENTS.—Chapters 83 and 84 of title 5, United States Code, are amended—

(1) in section 8351(b)(5)(B) (as redesignated under subsection (a)(3) of this section) by striking out "section 8433(i)" and inserting in lieu thereof "section 8433(g)";

(2) in section 8351(b)(5)(D) (as redesignated under subsection (a)(3) of this section) by striking out "section 8433(i)" and inserting in lieu thereof "section 8433(g)";

(3) in section 8433(b)(4) by striking out "subsection (e)" and inserting in lieu thereof "subsection (c)";

(4) in section 8433(d)(1) (as redesignated under subsection (b)(2) of this section) by striking out "(d) of section 8435" and inserting in lieu thereof "(c) of section 8435";

(5) in section 8433(d)(2) (as redesignated under subsection (b)(2) of this section) by striking out "section 8435(d)" and inserting in lieu thereof "section 8435(c)";

(6) in section 8433(e) (as redesignated under subsection (b)(2) of this section) by striking

out "section 8435(d)(2)" and inserting in lieu thereof "section 8435(c)(2)";

(7) in section 8433(g)(5) (as redesignated under subsection (b)(2) of this section) by striking out "section 8435(f)" and inserting in lieu thereof "section 8435(e)";

(8) in section 8434(b) by striking out "section 8435(c)" and inserting in lieu thereof "section 8435(b)";

(9) in section 8435(a)(1)(B) by striking out "subsection (c)" and inserting in lieu thereof "subsection (b)";

(10) in section 8435(d)(1)(B) (as redesignated under subsection (d)(3) of this section) by striking out "subsection (d)(2)" and inserting in lieu thereof "subsection (c)(2)";

(11) in section 8435(d)(3)(A) (as redesignated under subsection (d)(3) of this section) by striking out "subsection (c)(1)" and inserting in lieu thereof "subsection (b)(1)";

(12) in section 8435(d)(6) (as redesignated under subsection (d)(3) of this section) by striking out "or (c)(2)" and inserting in lieu thereof "or (b)(2)";

(13) in section 8435(e)(1)(A) (as redesignated under subsection (d)(3) of this section) by striking out "section 8433(i)" and inserting in lieu thereof "section 8433(g)";

(14) in section 8435(e)(2) (as redesignated under subsection (d)(3) of this section) by striking out "section 8433(i) of this title shall not be approved if approval would have the result described in subsection (d)(1)" and inserting in lieu thereof "section 8433(g) of this title shall not be approved if approval would have the result described under subsection (c)(1)";

(15) in section 8435(g) (as redesignated under subsection (d)(3) of this section) by striking out "section 8433(i)" and inserting in lieu thereof "section 8433(g)";

(16) in section 8437(c)(5) by striking out "section 8433(i)" and inserting in lieu thereof "section 8433(g)"; and

(17) in section 8440a(b)(6) by striking out "section 8351(b)(7)" and inserting in lieu thereof "section 8351(b)(5)".

(j) INTERIM PROVISION.—Section 8433(d) of title 5, United States Code, is amended by striking out "shall transfer the amount of the balance" and inserting in lieu thereof "may transfer the amount of the balance".

(k) EFFECTIVE DATES.—(1) Except as provided in paragraph (2), the provisions of this section shall take effect 1 year after the date of enactment of this Act or upon such other date as the Executive Director of the Federal Retirement Thrift Investment Board shall provide in regulation.

(2) The provisions of subsection (j) of this section shall take effect upon the date of the enactment of this Act.

SEC. 510. AMENDMENTS TO ALASKA RAILROAD TRANSFER ACT OF 1982 REGARDING FORMER FEDERAL EMPLOYEES.

(a) APPLICABILITY OF VOLUNTARY SEPARATION INCENTIVES TO CERTAIN FORMER FEDERAL EMPLOYEES.—Section 607(a) of the Alaska Railroad Transfer Act of 1982 (45 U.S.C. 1206(a)) is amended by adding at the end thereof the following new paragraph:

"(4)(A) The State-owned railroad shall be included in the definition of 'agency' for purposes of section 503 (a), (b), (c), and (e) and section 505 of the Federal Workforce Restructuring Act of 1994 and may elect to participate in the voluntary separation incentive program established under such Act. Any employee of the State-owned railroad who meets the qualifications as described under the first sentence of paragraph (1) shall be deemed an employee under such Act.

"(B) An employee who has received a voluntary separation incentive payment under this paragraph and accepts employment with the State-owned railroad within 5 years of the date of separation on which payment of the incentive is based shall be required to repay the entire amount of the incentive payment unless the head of the State-owned railroad determines that the employment is in a position for which there is exceptional difficulty in recruiting a qualified employee and waives the repayment.".

(b) LIFE AND HEALTH INSURANCE BENEFITS.—Section 607 of the Alaska Railroad Transfer Act of 1982 (45 U.S.C. 1206) is amended by striking out subsection (e) and inserting in lieu thereof the following:

"(e)(1) Any person described under the provisions of paragraph (2) may elect life insurance coverage under chapter 87 of title 5, United States Code, and enroll in a health benefits plan under chapter 89 of title 5, United States Code, in accordance with the provisions of this subsection.

"(2) The provisions of paragraph (1) shall apply to any person who—

"(A) on the date of the enactment of the Federal Workforce Restructuring Act of 1994, is an employee of the State-owned railroad;

"(B) has 20 years or more of service (in the civil service as a Federal employee or as an employee of the State-owned railroad, combined) on the date of retirement from the State-owned railroad; and

"(C)(i) was covered under a life insurance policy pursuant to chapter 87 of title 5, United States Code, on January 4, 1985, for the purpose of electing life insurance coverage under the provisions of paragraph (1); or

"(ii) was enrolled in a health benefits plan pursuant to chapter 89 of title 5, United States Code, on January 4, 1985, for the purpose of enrolling in a health benefits plan under the provisions of paragraph (1).

"(3) For purposes of this section, any person described under the provisions of paragraph (2) shall be deemed to have been covered under a life insurance policy under chapter 87 of title 5, United States Code, and to have been enrolled in a health benefits plan under chapter 89 of title 5, United States Code, during the period beginning on January 5, 1985, through the date of retirement of any such person.

"(4) The provisions of paragraph (1) shall not apply to any person described under paragraph (2) until the date such person retires from the State-owned railroad.".

NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BUMPERS. Mr. President, I would like to announce for the public that a hearing has been scheduled before the Subcommittee on Public Lands, National Parks and Forests of the Committee on Energy and Natural Resources.

The hearing will take place on Thursday, March 3, 1994, beginning at 2 p.m. in room 366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of the hearing is to receive testimony on the following bills:

S. 274, to establish the Casas Malpais National Historical Park in Springerville, AZ, and for other purposes;

S. 859, to reduce the restrictions on lands conveyed by deed under the act of June 8, 1926;

S. 1233, to resolve the status of certain lands in Arizona that are subject to a claim as a grant of public lands for railroad purposes, and for other purposes;

S. 1586, to establish the New Orleans Jazz National Historical Park in the State of Louisiana, and for other purposes; and

H.R. 1183, to validate conveyance of certain lands in the State of California that form part of the right-of-way granted by the United States to the Central Pacific Railway.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Subcommittee on Public Lands, National Parks and Forests, Committee on Energy and Natural Resources, U.S. Senate, 304 Dirksen Senate Office Building, Washington, DC 20510-6150.

For further informaton, please contact David Brooks of the subcommittee staff at (202) 224-9863.

ADDITIONAL STATEMENTS

NATIONAL SCHOOL COUNSELING WEEK

• Mr. HARKIN. Mr. President, I rise today and ask that my colleagues join me in acknowledging February 7-11, 1994, as National School Counseling Week.

There are more than 85,000 professional counselors in school settings in the United States who work with students, teachers, other school professionals, parents, and their communities. School counselors assist students with their educational, career, social, and personal strengths so that they can become responsible and productive citizens.

It is my belief that school counselors, because of the service they provide, will play a key role in the implementation of the national education goals. In addition, school counseling is an integral component to ensuring the preparation, success, and transition from school to work of our Nation's students.

I have often shared with my colleagues the many positive contributions which school counseling makes to ensuring the success of our Nation's students. I am particularly proud of the Smoother Sailing Program in the Des Moines public schools which has served as a model elementary school counseling program for the entire country.

Mr. President, I am hopeful that the positive results of the Smoother Sailing Program can be replicated in other school districts of the United States and it is for this reason that I introduced S. 1142, the Elementary School

Counseling Demonstration Act. I urge my colleagues to join me in the sponsorship of this legislation, and I wish to once again reiterate my support and appreciation for the dedication and commitment of our Nation's school counselors.●

SCHOOL-TO-WORK OPPORTUNITIES ACT

● Mr. COHEN. Mr. President, the United States could do a much better job of educating our youth for the workplace. Not every high school student will attend college—nor should they. In a prosperous country like ours, however, we commit few resources to helping those young people who do not intend to go on to college. In the competitive world of the 21st century, our investment in education cannot simply focus on ensuring opportunities for youth to earn a baccalaureate degree. Rather we must find ways to prepare our young people for all of tomorrow's possibilities—be they work or school.

One of the most unfortunate byproducts of the current educational system is that far too many—almost half—of today's adults have trouble reading and writing. These people have difficulty holding a decent job, and many spend their lives trying to find work that is rewarding and will support their families.

As a nation in the international marketplace, we cannot wait for our youth to become adults before we help prepare them for decent jobs and rewarding careers. The global economy has the potential for enormous reward, but we must prepare to meet the challenge.

One way to meet this challenge is to reinvent our educational system, which in some ways is still the envy of the world, so that it can meet today's needs and provide for ways to meet tomorrow's opportunities.

Unfortunately, no State has a comprehensive plan in place to meet the needs of youth whose opportunities exist primarily in the working world. I agree with the National Research Council's conclusion that, as a country, we tend to think of "support for labor market transitions, particularly for youths most at risk of failing to make the school-to-work transition * * * as a social, rather than an economic, responsibility." It is time that we radically change this philosophy.

In Maine, the school-to-work issue is an important one. Compared with other States, Maine ranks near the bottom in sending high school students on to 2- and 4-year colleges. Fortunately, Maine is well ahead of most States in having three excellent school-to-work programs.

The Maine Youth Apprenticeship Program, for example, was recently selected by the National Alliance of Business as the School-to-Work Program of the Year. Students in this program spend 20 weeks in class and 15 weeks working for a company in their field of interest. This pattern continues through their senior year, but with 15 additional weeks working for a company. In the third year of the program, students spend 34 weeks on the job and 16 weeks taking courses at their local technical college.

The apprenticeship program benefits both the student and the business involved. Students finish the program with a high school diploma, significant work experience, and technical college training. They also receive certification that they have mastered a particular technical skill and can earn up to $5,000 each year on the job. Employers can be certain they are getting a qualified worker, already trained and trustworthy, to improve production.

Maine's Youth Apprenticeship Program is complemented by another education effort, Jobs for Maine's Graduates, which operates in 20 schools in 17 communities throughout the State. Among other things, this program provides job specialists who are responsible for 20 to 40 students who are at risk of dropping out of school. In addition, the program provides basic skills education, job search activities, instruction on 37 skills necessary in a work environment through a 4 day-a-week credit class, and 9 months of follow-up support after high school graduation.

I am particularly excited about Maine's third school-to-work program called technology preparation or tech-prep. This program combines the last 2 years of high school with 2 years of postsecondary work at a technical college. It provides students with the math, science, and technological skills they will need to succeed in the economy of the 1990's. By combining academic and occupational subjects, tech-prep is designed to prepare students for high-skill technical occupations and offers a more practical, hands-on way for kids to learn than the more abstract, traditional method of learning currently taking place in most of this Nation's schools.

Last year, I introduced legislation to help improve tech-prep programs across the country. I am pleased that parts of my bill were incorporated into the School-to-Work Opportunities Act. Specifically, my legislation would give highest priority to those tech-prep applications that provide for certain activities, such as employment placement and the transfer of students to 4-year baccalaureate programs, after completion of the technical college component of the program. Without changing the basic thrust of the current tech-prep programs, my legislation would open additional opportunities to students who want more advanced training.

In addition, my tech-prep legislation would allow schools greater flexibility in providing tech-prep classes. Current law requires that tech-prep programs begin in the eleventh grade. Unfortunately, many students who drop out of school do so before the eleventh grade and having a tech-prep program in place earlier may prevent some of those students from dropping out and help those who stay in school learn more effectively through tech-prep's applied learning method. My legislation would allow for tech-prep programs to begin either in the 9th or 11th grades.

The School-to-Work Opportunities Act will encourage States to develop comprehensive programs to help high school students who do not intend to go on to college transition to the working world. It builds upon existing school-to-work programs, such as Maine's youth apprenticeship and tech-prep programs, but allows States the flexibility to create their own programs. I believe that the School-to-Work Opportunities Act offers an important method for reaching youths who will not go to college but who must prepare to support themselves after they complete high school.

I am particularly pleased that the Senate clarified language in the bill so that businesses and other organizations would not be required to pay students for work. Rural States, like Maine, simply do not have an industry base to pay all students participating in a school-to-work program. While these students should be fairly compensated for their labors, often the exposure to the working world is what they will find to be truly invaluable. The legislation will now allow students to benefit from a variety of school-to-work programs, only some of which will pay for work.

We can no longer ignore the large numbers of young people who will not go to college. As our world becomes more competitive, these youths will be left behind. They will continue to knock on our doors for help. We can help them now by preparing them for the working world, or we can help them later by providing adult basic education classes and other social services to help them get ahead. My choice is to help them now. I do not believe we can wait.●

EAST EVERGLADES WATER MODIFICATION DELIVERY SYSTEM

● Mr. GRAHAM. Mr. President, last night, the Senate approved legislation I introduced last year with my colleague from Florida [Mr. MACK] to authorize the use of previously appropriated funds for land acquisition in the Frog Pond, the Eight-and-One-Half Square Mile Area, and the Rocky Glades Agricultural Area east of Everglades National Park. This legislation is a significant step in expanding the options available to the Park Service,

the State of Florida, the South Florida Water Management District, and Dade Country in their unified efforts to recapture the irreplaceable ecosystem of south Florida.

Over the past few months, I have been meeting with all the partners involved in the project to purchase land east of Everglades National Park, and I am pleased to report that we are making significant strides in resolving many of the funding and land management issues. The legislation passed by my Senate colleagues last night will enable the partners to begin taking real action to help Florida Bay, which makes up over one-third of Everglades National Park.

This legislation was a cooperative effort of many people, but I would like to especially thank Interior Secretary Bruce Babbitt, Assistant Secretaries George Frampton, and Bonnie Cohen, Peter Hamm in the Office of Congressional and Intergovernmental Affairs, and Everglades National Park Superintendent Dick Ring. The support of Tom MacVicar and Kathy Copeland with the South Florida Water Management District, and Florida Governor Lawton Chiles and Estus Whitfield of his staff was also greatly appreciated. Due to the work of my colleagues in the Florida delegation, in particular Congressmen PETER DEUTSCH and CLAY SHAW, this bill has already been approved by the House of Representatives and will soon be signed by the President.

I would also like to take this opportunity to commend President Clinton for the significant show of support for restoring south Florida's delicate environment in his 1995 budget proposal. A total of $57.3 million is pledged by the Department of the Interior for various activities in the area, including land acquisition, research, and resource management. Another $13 million would be spent by the Environmental Protection Agency, the Corps of Engineers, and the National Oceanic and Atmospheric Administration. The Clinton budget is a strong statement that the Everglades is indeed a trust—a unique treasure of the world that should be protected and restored to a previous, more natural condition.•

CONFIRMATION OF ROBERT C. BUNDY TO BE U.S. ATTORNEY FOR ALASKA

• Mr. MURKOWSKI. Mr. President, Bob C. Bundy first came to Alaska in the fall of 1971 to begin working for Alaska Legal Services as a Reginald Heber Smith Community Law Fellow. His intentions, like many Alaskans, were to experience Alaska and then return to his home State. Expecting to return to California after no more than 2 years, Bob fell in love with Alaska, his home ever since 1971.

Prior to coming to Alaska, Bob received his bachelors degree, cum laude, with a major in philosophy from the University of Southern California in 1968. Bob graduated in 1971 from Boalt Hall School of Law, University of California, Berkeley. After passing the California bar in the fall of 1971, Bob was admitted to the California State Bar in January 1972. After coming to Alaska in 1971 to work for Alaska Legal Services, Bob passed the Alaska bar in the spring of 1972.

While working at Alaska Legal Services, Bob met his wife, Virginia Bonnie Lembo, who was also working at Alaska Legal Services as a VISTA lawyer. In February 1974, the two married in Nome where Bob was working. Then the couple decided to move further into bush Alaska; in July, 1974, Bob and Bonnie relocated to Kiana, a small Eskimo village—population 500—on the Kobuk River east of Kotzebue. Bob practiced law, taking criminal defense appointments in Nome and Kotzebue and performing contract services for Alaska Legal Services.

On December 2, 1974, the couple had twin girls, Barbara and Kathy. Caring for infant twins, while maintaining a part-time law practice and engaging in subsistence food gathering proved a daunting task. When the temperature hit 65 below in January 1975 and the couple's oil stove ceased working, Bob and Bonnie moved the children to Anchorage.

However, the excitement of living in Alaska's bush had not worn off for the young couple. In 1975, Bob was appointed as the district attorney for the Second Judicial District in Nome. Serving as Nome's district attorney until 1978, Bob then moved his family to Anchorage where they have lived ever since. Bob continued his career as a prosecutor in the Anchorage District Attorney's office and Alaska Attorney General's office until 1984. At present, Bob has just left practicing law as a partner in the law firm of Bogle & Gates for his confirmation as Alaska's U.S. attorney. Bonnie Bundy is an assistant district attorney.

Bob is an experienced attorney who has now tried over 200 cases in front of juries in Alaska. Bob's most recent practice focused on trial and appellate litigation, the majority of which involved large, complex cases in the areas of commercial litigation, products liability, professional malpractice, personal injury, and criminal defense.

Examples of Bob's practice include representation of a national airline in major antitrust litigation; representation in trial and appellate courts of a national insurance broker facing multimillion dollar claims arising out of insurance carrier insolvencies and damages to a large construction project in Alaska; trial and appellate counsel for an international air carrier in multiple lawsuits arising out of the crash and destruction of a DC–10 aircraft; representation of two national banks in litigation arising out of the bankruptcy of two large sawmills; trial counsel for local government entities in litigation involving wrongful discharge of employees and disputes with contractors; representation of an automobile manufacturer in major products liability litigation; representation of a large Northwest law firm in a large legal malpractice action; and representation of mental health professionals in malpractice claims. Bob has also represented corporations and individuals charged with criminal offenses in State and Federal courts.

A faculty member of the National Institute of Trial Advocacy, Bob is active in trial advocacy as a faculty member and lecturer in Alaska and nationwide. Bob coauthored both "Alaska Discovery, Pretrial and Trial Procedures" and "Evidence in Trial Practice in Alaska." Bob lectures on law and banking at the University of Alaska, Anchorage. A lawyer representative for the Ninth Circuit Judicial Conference, Bob also sits on the local rules committee for the U.S. district court.

Bob enjoys bipartisan support amongst Alaskans. I am confident that Bob's experience and ability will serve him well in his new position as the U.S. attorney for Alaska. I wish him all the best and look forward to working with him in the future.•

TRIBUTE TO JIM BORMANN

• Mr. DURENBERGER. Mr. President, it is with great sadness that I rise to report that a journalist of the highest order, Jim Bormann, passed away this past Saturday at his home in Golden Valley, MN.

For 25 years Jim served as news director for WCCO Radio, the premier source for news and weather information in the Midwest. He also served as that station's community affairs director from 1971 until his retirement in 1976. Without a doubt, Jim played a vital role in shaping WCCO Radio into the premier organization it is today.

A native of Decatur, IL, he came to Minnesota in 1951 with a long and distinguished list of journalism credentials. After beginning his career in 1935 as a reporter for the Milwaukee Journal, Jim moved on to Chicago, where he eventually became the bureau chief of the Associated Press' radio division. From there he moved on to Cedar Rapids, IA, and the job of news director for WMT Radio.

Jim's many contributions to his profession extended outside the newsroom. He was a founder of the Radio and Television News Directors Association, serving as its international president in 1952. He also helped originate the Minnesota Fair Trial Free Press Council, the Minnesota Press Council, and the Minnesota Press Club. He was constantly vigilant in protecting his craft and strove to maintain the qualities of principle, fairness, and objectivity.

Known for his fair and accurate reporting, Jim also added a human touch to the art of news gathering. Jim was known in the communities of Minnesota as a man who went to the news. His brand of on the scene reporting was widely respected by his peers. Jim said it best when he stated, "I just chat with the folks to find out what's on their minds * * * we talk about what's being done and what they think could be done." Mr. President, I have found that this type of communication is not only a sound approach for newspeople, but also for those of us who have been blessed with the opportunity of public service.

Mr. President, I truly will miss Jim Bormann and all he had to offer. He was not only a top-notch journalist but—more importantly—a first-class human being.

Mr. President, I yield the floor.•

GOALS 2000: EDUCATE AMERICA ACT

• Mr. COHEN. Mr. President, the talk about America's schools is troubling. Parents say that our schools are failing. Teachers say that they cannot be responsible for teaching things that should be taught at home. Students say they are bored and that the schools do not challenge them.

Unfortunately, we cannot read the paper without confirming our suspicions about our educational system. The headlines scream at us: "Asians Do a Better Job of Teaching Their Children," "Conditions 'Bleak' for Rural Children," "U.S. Schools 'Squander' Gifted Students Talents," and "Saving Schools from 'Mediocrity': Improvements Hard to Measure After Ten Years of Reforms."

Education is the one thing parents want most for their children because education creates economic opportunity. Ernest Boyer, president of the Carnegie Foundation for the Advancement of Teaching, is right when he says:

> People who cannot communicate are powerless. People who know nothing of their past are culturally impoverished. People who are poorly trained are ill-prepared to face the future. Without good schools, America cannot remain civically vital or economically competitive.

In a prosperous nation like the United States, students regardless of income or geography from Los Angeles, CA, to Limestone, ME, should have the same opportunity to have a quality education—one that is rigorous and inspires our youths to educate themselves throughout their lives.

President John Kennedy once said: "A child miseducated is a child lost." Regrettably, many of our lost children are from poor families. Compared with other children, for example, a substantial percentage of young people from low-income families repeat a grade by the time they reach the eighth grade. In addition, youth from low-income families are more likely to drop out of school than their wealthier counterparts.

I am worried that our increasingly technological world will not wait for students in any country, including ours, to learn the basics. There is no niche reserved in the international marketplace or the American workplace for ill-prepared students. Rather than wait, the world will continue to grow more technical and specialized. Our students must be able to meet the challenge or they will be left behind.

Everyone blames everyone else for education problems in the United States. Teachers and principals blame parents who take little interest in or responsibility for their children's education. Teachers and parents say children come to school with a host of problems that distract them from learning. Some children, for example, are being sexually or physically abused by their parents or guardians. Others arrive to school hungry and malnourished. Many adolescents come to school worried about how they will feed and clothe their own children, and too many of our youths fear for their lives as they walk to and from school.

Parents, on the other hand, blame teachers and the schools for not teaching their children the basics, and are unhappy that their sons and daughters are being promoted to the next grade without being ready. Not surprisingly, parents expect schools to provide a good education whatever the cost.

Several weeks ago, I read that the parents of a Maine student may not allow their son to accept his high school diploma in June because they believe the school has failed to educate him. This is the ultimate indictment of a failed school system.

The State and Federal governments do not escape blame. Many people around the country cite excessive regulation and lack of money as two big causes for the problems in our education system.

I often hear from Mainers that we need to make children our number one priority. I agree. Children are this country's future. This is a cliche that is nonetheless very true. Unless everyone takes responsibility for education, our children and our Nation will continue to be the big losers.

The Goals 2000: Educate America Act will not solve all the problems with educating our youth. It will, however, for the first time set education goals for this country and provide a means by which States and localities can improve their educational systems. I believe this legislation is a good first step in addressing our educational problems.

Specifically, the legislation creates a series of national standards for content of the curriculum and performance by schoolchildren. These standards are completely voluntary. States that choose to do so can submit their standards to the National Education Standards and Improvement Council to receive a kind of Good Housekeeping Seal of approval. But the bill creates an important incentive for States and school districts to meet the goals for education by providing Federal funds for reform.

I believe that the Senate significantly improved the legislation last week by adding provisions to ensure it in no way federalizes education. Education has long been a State and local matter, and this bill keeps it that way. This is a principle that I do not want, nor do I intend, to change.

I am pleased that the legislation included an amendment designed to increase parental participation. I cosponsored this amendment because I feel strongly that parents need to take a greater role in the education of their children. Too many students receive little encouragement or support at home, and they bring a poor attitude and low self-esteem to the classroom. We can help correct this by urging parents to be more directly involved in their child's school work and to encourage and help their children when they struggle. With this encouragement, children will aspire to succeed.

I am also pleased that, at my instigation, the legislation now emphasizes the importance of health and physical education. Poor health and diet, poverty, substance abuse, sexually transmitted disease and unintended pregnancies have all limited the options and dimmed the futures of millions of American children. Healthy and fit students are better equipped to learn.

It is my sincere hope that the National Education Standards and Improvement Council certify voluntary national standards on health and physical education and that the National Education Goals Panel monitor this country's progress toward ensuring that all students are healthy and fit.

Many people in my parent's generation did not complete high school, but they still have made good lives for themselves. Today, I am afraid that children who do not complete high school and those who are ill-prepared do not have the same opportunities that our parents or we had. There really is no second chance for them.

We cannot afford to sell our children short. We must set goals and standards, and we must address our problems in education head-on and demand a rigorous, quality education for all our youth. Their future depends on us, and our future depends on them.•

ORDERS FOR TUESDAY, FEBRUARY 22, 1994

Mr. MITCHELL. Mr. President, I ask unanimous consent that when the Sen-

ate completes its business today, it stand adjourned until 10 a.m. on Tuesday, February 22, and that when the Senate reconvenes on that day, the Journal of proceedings be deemed to have been approved to date, the call of the calendar be waived, and no motions or resolutions come over under the rule; that the morning hour be deemed to have expired; that the time for the two leaders be reserved for their use later in the day; that immediately following the announcement of the Chair, Senator MOSELEY-BRAUN be recognized to read Washington's Farewell Address; that upon conclusion of the reading of the Farewell Address, the Senate proceed to executive session to consider the nomination of Strobe Talbott, as provided for under a previous unanimous-consent agreement; and that on Tuesday, February 22, the Senate stand in recess from 12:30 p.m. until 2:15 p.m. in order to accommodate the respective party conferences.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MARKET ACCESS BARRIERS IN JAPAN

Mr. DOLE. Mr. President, I am disappointed that the United States and Japanese negotiators were unable to reach agreement on market access barriers in Japan. Nevertheless, the last thing we need is an ineffective trade agreement that fails to address the real problems foreign firms have in penetrating the Japanese market.

I met, along with the majority leader, this morning with Prime Minister Hosokawa and Foreign Minister Hata and we had a very frank exchange. The Prime Minister agreed that the chronic trade imbalance between Japan and the world is unacceptable and must be resolved. I support U.S. Trade Representative Mickey Kantor in his determination to seek a meaningful agreement. Now he must redouble his efforts.

This is a bipartisan issue. We have been working with Japan for many years trying to resolve these problems. The time has come for Japan to understand that global economic leadership carries obligations. Mr. President, Japan must continue to move to join the ranks of open markets in the global trading system.

I agree with the President who said that no agreement is better than an ineffective agreement.

ADJOURNMENT UNTIL 10 A.M. TUESDAY, FEBRUARY 22, 1994

Mr. MITCHELL. Mr. President, if there is no further business to come before the Senate today, I now move that the Senate stand adjourned until 10 a.m. on Tuesday, February 22, as provided under the provisions of House Concurrent Resolution 206.

The motion was agreed to, and the Senate, at 4:30 p.m., adjourned until Tuesday, February 22, 1994, at 10 a.m.

HOUSE OF REPRESENTATIVES—*Friday, February 11, 1994*

The House met at 2 p.m.

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

Be with us, O God, in all the moments of life. From the rising of the Sun until the going down of the same, may Your word be with each of us and all we do. For all those who desire meaning and purpose in life, give the direction of the ancient commandments and the eternal values that bind us together. For all who wish to reflect more clearly the brightness of Your light, give us strength to know the truth and the power to live the truth. Bless us, we pray O God, that we will be Your people in good times and bad, and be faithful in all the days. In Your name, we pray. Amen.

THE JOURNAL

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

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

THE PLEDGE OF ALLEGIANCE

The SPEAKER. The Chair recognizes the gentleman from Mississippi [Mr. MONTGOMERY] to lead us in the Pledge of Allegiance.

Mr. MONTGOMERY led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed without amendment a bill and concurrent resolution of the House of the following titles:

H.R. 3617. An act to amend the Everglades National Park Protection and Expansion Act of 1989, and for other purposes.

H. Con. Res. 206. Concurrent resolution providing for an adjournment of the House from Thursday, February 10, 1994, through Friday, February 18, 1994, to Tuesday, February 22, 1994 and an adjournment or recess of the Senate from Thursday, February 10, 1994, through Friday, February 18, 1994, to Tuesday, February 22, 1994.

LET EUROPE POLICE THEIR OWN BACKYARD

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

Mr. TRAFICANT. Mr. Speaker, press accounts keep saying that genocide in Europe and Bosnia started 22 months ago. Basically, Europe has done nothing. In fact, Europe keeps asking where is Uncle Sam?

My question today is, Where is Italy, where is France, where is Germany, where is Russia, and where is England? You see, Uncle Sam already is the policeman for the world. Now they want us to be the neighborhood crime watch.

Something is very wrong here, Congress. Remember this: It all started out with advisers in Vietnam. Then Presidents, generals, and admirals declared their own war. Congress never declared war in Vietnam. We do not need another Vietnam.

No. 1, if we are going to commit troops or get involved in Bosnia, this Congress should authorize and make that decision. That is what the Constitution says.

Finally, if they are going to beat their chest about a united European Community, maybe Europe should get involved in the fights in their own backyard.

COMMUNICATION FROM THE CLERK OF THE HOUSE

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

HOUSE OF REPRESENTATIVES,
Washington, DC, February 11, 1994.

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

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 5 of Rule III of the Rules of the U.S. House of Representatives, the Clerk received at 9:30 p.m. on Thursday, February 10, 1994 the following message from the Secretary of the Senate: That the Senate passed with an amendment H.R. 3759 and requested a conference thereon.

In accordance with action taken by the House on Thursday, February 10, 1994, the Clerk has notified the Senate that the House disagreed to amendment of the Senate to H.R. 3759, and agreed to a conference thereon.

With great respect, I am
Sincerely yours,
DONNALD K. ANDERSON,
Clerk.

SET DEADLINE FOR HAITI

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

Mr. MICA. Mr. Speaker, by the time this House reconvenes, in less than 2 weeks, scores of Haitians will die as a direct result of United States policy. Economic sanctions on Haiti will continue to kill babies, the infirm, the meek and the elderly.

Because this Congress and this administration failed to act—in the next few weeks, thousands of innocent Haitians will die.

This administration has let every deadline pass. The President has abandoned democracy, and his administration has ignored international law. What good is an organization of civilized nations if they ignore uncivilized actions?

How can we be a leader of nations when we ignore the death of a nation in our own back yard? Those who have spoken of nation building now preside over nation destruction.

This Congress that has offered hope in distant Somalia now shames its reputation by leaving and abandoning the suffering and dying in Haiti. This week we establish a deadline in Bosnia—I ask—"Why not a deadline for Haiti?"

HEALTH CARE NOW

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

Mrs. MEEK of Florida. Mr. Speaker, with the Congressional Budget Office's recent estimate that national health care will increase the deficit in years to come, there has been continuous debate—most of it reiteration of tired assertions—that the United States cannot afford a system which ensures access to minimal health care to all Americans.

I believe that debate on the future costs of a national health care system has created a rhetorical fog in which this body has lost its original direction. When we began this debate we did not set out to create a tax decrease or to lower the deficit.

Our goal was to provide access to health care within the limits of our countries fiscal ability to do so. It has always been expected that there will be some modification in financing as old programs are replaced with new ones, and as we accomplish any necessary restructuring of the health care industry.

It seems to me that we are losing sight of what we have set out to accomplish. We began with the intention of creating a system which guarantees basic health care and a decent quality

of life for all Americans. A system that will not only serve those that are now sick and disabled, but which will improve the quality of life for a new generation of Americans that has had access to a preventative health care delivery system and the ability to grow into adulthood without a health handicap imposed by the socioeconomic status or just plain lack of money.

Our goal should not be a quick fix on the health of our generation. Our goal should be to create a health delivery system so that the next generation will not need the quick fixes or repeated emergency medical attention that clogs our current system and drives costs sky high.

By moving now to enact a health care program that guarantees universal access to all Americans we can begin to move away from what is essentially a very expensive reactionary emergency system.

The Congress should commit itself to slaying the health care monster this year, so that our children will not have to.

LEGISLATIVE PROGRAM

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

Mr. FAZIO. Mr. Speaker, I wish at this time to give the House some understanding of where we are proceeding this afternoon.

Mr. Speaker, the conference on the supplemental has been completed. In a moment I will ask unanimous consent that it be in order to consider the conference report beginning at 6 p.m. Members are advised votes may occur beginning at 6. Votes are possible on recommittal and on final passage, and, if ordered, will occur between 6 and 7:30. Conference papers will be available to Members here on the floor at 5 p.m.

Mr. Speaker, if this is approved by the minority, I will move to the unanimous-consent request.

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

Mr. FAZIO. I yield to the gentleman from Georgia.

Mr. GINGRICH. Mr. Speaker, on the Republican side, we are very eager to help facilitate getting the aid to California, and we appreciate getting the aid to California, and we appreciate the speed with which the conference was completed. We look forward to working with the gentleman this evening to get it passed in the House.

MAKING IN ORDER ON TODAY CONSIDERATION OF CONFERENCE REPORT ON H.R. 3759, EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR EARTHQUAKE ASSISTANCE

Mr. FAZIO. Mr. Speaker, I ask unanimous consent that it be in order today to consider the conference report to accompany the bill (H.R. 3759) making emergency supplemental appropriations for the fiscal year ending September 30, 1994, and for other purposes, that all points of order against the conference report and against its consideration be waived, and that the conference report be considered as read.

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

There was no objection.

FUNDING GAP

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

Mr. BALLENGER. Mr. Speaker, CBO has analyzed the data, crunched the numbers, weighed the options, and come to its conclusion: The President is wrong.

Wrong by about $130 billion. That is the amount between what the President said his plan would save, and what CBO said it would cost.

CBO, for those who don't know, is the Congressional Budget Office, the supposedly nonpartisan accounting office of the Congress. Since the Congress has been run by the Democrat majority for 40 years, you can bet your bottom dollar that CBO's estimates were conservative.

Here is what CBO says:

> For the 6-year period from 1995 through 2000, the administration's estimates indicate that the proposal would reduce the deficit by about $60 billion. In contrast, CBO estimates that the deficit would increase by more than $70 billion over that period.

The President is wrong about the deficit. His proposal won't achieve the savings he promised. What else is wrong in the President's proposal? The American people are anxious to find out.

WORKERS OF AMERICA OWE DEBT OF GRATITUDE TO UNITED ELECTRICAL WORKERS OF AMERICA LOCAL 218

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

Mr. SANDERS. Mr. Speaker, it is no secret that all over America, large corporations are forcing down the wages and benefits that their workers receive. In the last 20 years, while the richest people in our country have grown richer, the real wages of American production workers have gone down by over 20 percent.

Mr. Speaker, if America is not to become a Third World economy where workers slave away for $5 or $6 an hour with no benefits, the impoverishment of our working people must stop—and stop now.

Within that context, I am very proud to inform you that in Springfield, VT, the workers at the Fellows Corp., members of Local 218 of the United Electrical Workers of America, have been on strike now for 3 weeks, and are fighting back with great courage against the efforts of that company to slash their wages, their health benefits, and the pension plan that they have fought so hard to obtain.

All of the workers of Vermont and America owe the members of United Electrical Local 218 a debt of gratitude for their struggle, because they are fighting not only for their rights, but for the rights of all Vermont and American workers.

We can no longer allow corporate America to grind down the working class of this country. Our working people, and their children, must be treated with dignity and respect, and I want to thank the United Electrical members at the Fellows Corp. for reminding us of that.

EARTHQUAKE RELIEF BILL CONTAINS TOO MUCH PORK

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

Mr. MANZULLO. Mr. Speaker, I am outraged at the manner in which the earthquake victims are being exploited by some in Congress.

I will vote for this bill because the people of California need it, but I stand with the people of this country who are upset with abusing their tax dollars in using the earthquake relief bill as a vehicle for adding on projects not related to the earthquake and which have not cleared the normal budgetary process.

How can we justify spending $10 million on rebuilding Penn Station, unless that place has been relocated from New York City to Los Angeles? This is not a train wreck—it is an earthquake.

Or spending $1.3 million on grants for two sugar cane mills in Hawaii to address social and economic needs there. I did not think a volcano erupted—I thought it was an earthquake.

The reason people of this country are upset with Congress is because of these antics, and it is time they come to an end.

IN MEMORY OF SAUL WEPRIN

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

Mr. NADLER. Mr. Speaker, I rise today to commemorate the Honorable Saul Weprin, the speaker of the New York State Assembly, who passed away this morning.

Fifteen members of the New York delegation to this House served alongside Saul Weprin as colleagues in the

State legislature. He knew Saul as a gentle, kind, and decent man, and a leader in a field not frequently noted for such qualities.

His compassionate and gentle nature, combined with a sharp intellect and an abiding commitment to social justice, made him a giant in New York State government. In particular I was privileged to work with Saul when he was chairman of the assembly judiciary committee, on child support and family violence issues, to which we shared a deep commitment.

It is with great sadness that I and my colleagues from New York mark the passing of Saul Weprin, the gentle lion.

And to his family we say, May the Lord comfort you among the mourners from Zion and Israel.

Mr. SOLOMON. Mr. Speaker, if the gentleman will yield, I would like to associate myself with his remarks about Saul Weprin. Saul was a fine human being, respected from both sides of the aisle, and our sympathies go out to his family. I appreciate the gentleman from New York [Mr. NADLER], bringing it to our attention.

DRUG TREATMENT PROGRAMS

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

Mr. GEKAS. Mr. Speaker, I may agree with those who are saying that it is not our health care system that is in crisis but, rather, our welfare system that is in crisis, when I have learned and have now acted upon, as many others have, on the proposition that the Social Security SSI benefits that are paid to drug addicts may be inadvertently using taxpayers' money to continue their habits. It is true that a drug addict or an alcohol abuser can qualify for SSI benefits and then not undergo treatment, because it is loosely administered, and then go on for life feeding his habit at our expense.

To continue to pay benefits to someone without treating him to get him off the habit means a lifelong support by the taxpayers of drug addicts. We have to change that.

Worst, in some of the programs, it is possible for the drug addict to name a representative payee so that the checks of benefits can go to that payee to help him get off his drug addiction. But he can name the payee. It is possible, and we think we have anecdotal evidence, that the drug addict names his bartender as the representative payee, and then they both go along using taxpayers' money to feed the habit.

We have some proposals now before the Congress to end that. We need welfare reform and, if we can get it now, we do not have to wait for the administration's proposal.

RHETORIC VERSUS REALITY: A CHECKUP FOR THE CLINTON PLAN

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

Mr. GOSS. Mr. Speaker, the spin-doctors at the White House have worked ceaselessly to promote the President's health plan. But inspite of the rhetoric—the reality of the Clinton bill is now being exposed. Under the President's plan you could not pay your own doctor or attempt to pay more for the best care—as all fees are ultimately determined and paid by Government-run health alliances—pages 236 and 134. And because the Government can automatically reduce fees to providers or reduce benefits, it can essentially ration care in order to meet its arbitrary budget limits—pages 90, 91 and 94. The bill speaks for itself. Under the Clinton plan the Government makes most of your health decisions. The plan will restrict choice, reduce quality, and threaten rationing. Do not be fooled by the rhetoric—read the reality—it is in the bill.

WHY TAKE A CHANCE?

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

Ms. PRYCE of Ohio. Mr. Speaker, The major flaw of the Clinton Health plan is that it's like a bungee cord with a lot of frayed rope. It may work, but why take the chance?

If we dive into the abyss with the Clinton plan, there's no guarantee that our health care system will ever recover. In fact, there's a great chance it will all come crashing down. So why take the chance?

CBO Director Bob Reischauer had this to say about health care legislation. "An incremental approach * * * allows for a mid-course correction." Why not use this incremental approach which solves the current problems without causing even bigger ones?

Alternative plans abound which fill in the cracks without threatening to bring down the entire system—a whopping 7 percent of our economy.

I urge my colleagues and the American people to think twice about the health plan debate. There is more than one way to get to the bottom. Let us not crash and burn if we do not have to.

CBO'S NUMBERS DO NOT ADD UP

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

Mr. SAXTON. Mr. Speaker, this past Tuesday, the Congressional Budget Office issued a report that said the President's health care plan had to be part of the Federal budget. This bookkeeping move added an additional $77 billion to the deficit over the next 5 years.

The national press reported this story along with the news that the mandated premiums levied on businesses must be called what they really are—taxes.

Unfortunately, the CBO report was incomplete.

Comparing the CBO report with the JEC report I requested, there was a great difference between the deficit forecasts.

The reason, CBO's study assumes that all of the President's price controls and efficiencies will work. In other words it was assumed that cost controls will work perfectly. They did a best-case scenario. Not a true middle-of-the-road projection.

Indeed, history has shown that Government fiscal projections are almost never right.

In order to get a more realistic estimate of the President's plan, today, I along with more than 60 Members of Congress have requested that the CBO redo their estimates. They should assume no premium caps or other cost controls advocated by the President's plan.

If the President's plan is to be the starting point of discussion, the baseline must be credible. And the study's conclusions that have been brought forth must be corrected.

OTHER CONSIDERATIONS

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

Mrs. JOHNSON of Connecticut. Mr. Speaker, a great deal of attention has been paid to the findings of the CBO report, "An Analysis of the Administration's Health Care Proposal." In that report CBO Director Robert Reischauer argued that the money the President's mandate on businesses raises should be included on-budget. This, however, is not the most important finding of the CBO report. Of course there is the $131 billion difference between the administration's assertions of $59 billion in deficit reduction and the CBO finding of $74 billion in deficit spending. But even this, in my opinion is not the most important finding of the report.

I believe the most important aspect of the CBO report is found in chapter 5, title "Other Considerations." I commend this chapter of the report to my colleagues for their serious review. It highlights the extreme uncertainty of the CBO analysis. In that section of the report Reischauer points out, and rightly so, that the assumptions used in their analysis are questionable for a variety of reasons. The assumption that underlies his entire report is that the President's plan will be imple-

mented in the timeframes proposed and work exactly as he predicts it will work.

Is that assumption valid?

The CBO report points out that of the five responsibilities the National Health Board must carry out, not one of them has ever been shouldered before by either Government or private sector organizations. The report further comments that for an established agency to carry out just one of these responsibilities would be a formidable task. For a newly established agency to carry out all of the responsibilities within 3 years is incomprehensible.

The body of the chapter goes on to detail the realistic problems with believing that a global budget can be implemented, that premiums can be set, that the responsibilities various parts of the new system will have to take can, in fact, be carried out. As we consider health care reform, it is you who must judge for yourselves whether the assumptions behind any plan are valid and whether the outcomes are predictable so we can develop a reform framework that will rely on realistic goals and realistic assumptions.

RETALIATION ON FRANCE

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

Mr. FRANK of Massachusetts. Mr. Speaker, the Government of France has recently perpetuated an outrage on fishermen in this country and shown a contempt for the civilized rules of economic discourse between nations. Due to political pressures within France, the French Government has effectively banned exports of fish from the United States or elsewhere to France. The French have previously been one of the most difficult nations, when it comes to trying to reach multinational agreements on intellectual property, on trying to renegotiate an agreement they made at Blair House.

Now they are simply unilaterally abrogating responsibilities and obligations they have under international law. American fishermen, already hurt by conservation measures which have been imposed upon them, find themselves at risk in the tens of hundreds of thousands of dollars as fish spoil because the French are illegitimately manipulating their inspection procedures to become an inappropriately protectionist nation.

On behalf of myself, my colleague, the gentleman from Massachusetts [Mr. STUDDS], who chairs the Committee on Merchant Marine and Fisheries, and the gentleman from Massachusetts [Mr. TORKILDSEN], I am today introducing a resolution in which we, among other things, call on the United States Trade Representative and, through him, the President, to immediately impose on the French retaliatory measures to counter the absolutely unjustified harm they are imposing for political reasons in France on fishermen in this country.

I and others intend to continue to press until the fishermen of this country receive from our Government the appropriate benefit of the laws.

STOP ILLEGAL ALIEN SOCIAL SECURITY FRAUD

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

Mr. FRANKS of New Jersey. Mr. Speaker, two employees of the Social Security Administration in my home State of New Jersey were recently convicted of selling Social Security cards to more than 20 illegal aliens. For their crimes, one defendant was sentenced to just 7 months in prison, the other received just 3 months.

This is a classic case of the punishment not fitting the crime. While the illegal aliens paid only $100 for the Social Security cards, the cost to American taxpayers was far greater. That is why I recently introduced legislation which would increase the penalty for providing an illegal alien with a Social Security card. My bill would create a mandatory minimum sentence of 5 years in prison.

Mr. Speaker, it is time to stop illegal aliens from robbing the American people of both their jobs and their hard earned tax dollars. I urge my colleagues to join me in this effort.

ONE PARTY CONTROL

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

Mr. SMITH of Michigan. Mr. Speaker, some people say that 40 years is long enough. Long enough for this body to be controlled by one political party.

Some people say, "How will it be different under GOP control?" My home State of Michigan provides an example of what changes might take place.

When I was elected to the Michigan Senate in 1981, the House, Senate, and Governor were all Democrat. During the 1980's, Republicans took a majority in the Senate and in 1990, a Republican Governor, John Engler, was elected. Last year, the Michigan House, which had been under Democrat control for 24 years, became evenly balanced between the parties and things began to change. Taxpayers benefited from the change in party control. Audits of the appropriations committee and other financial books revealed mismanagement, even leading to indictments. One party in power, too long, without oversight led to abuse.

With the turnover in Michigan, major policy changes followed as well. The unfair inheritance tax was abolished. Property taxes were reduced by 60 percent. The size of State government has been reduced significantly.

AFDC grants have begun to shrink because almost one quarter of those on welfare are now working compared to only 16 percent a little over 1 year ago. We have expanded the number of prisons and passed tough crime legislation.

Unemployment has dropped below the national average for the first time in 24 years. Education is restructured with emphasis placed on the student, families, and greater choice through charter schools.

Through medical liability reform, health care costs have been reduced.

A shift of party control has improved Michigan by putting power and tax dollars back into the hands of individuals. It is time that we bring a lower tax, less spending, more jobs philosophy to Washington to do the same.

OUR HOLLOW MILITARY

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

Mr. HUNTER. Mr. Speaker, President Clinton is leading this Nation toward the hollow military of the 1970's. He is making two major mistakes, as manifest in his recent budget proposal, with respect to national defense.

First, he is not giving us the equipment and the numbers of personnel that we need to be able to fight two major conflicts simultaneously. That has always been our standards. That has always been our margin of safety.

Second, he is not giving us enough money to pay for the weapons systems, the equipment and the personnel who are left after he makes his massive cuts.

There are big mismatches between the number of dollars that he is allocating and the requirement and the requirement for funding that we have.

Mr. Speaker, in the coming weeks a number of us on both the Republican and Democrat side will attempt to restore a reasonable amount of funding to the defense function, which is so vital to American interests. We hope that President Clinton will cooperate.

□ 1430

COMMENT ON THE FEDERAL BUDGET

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

Mr. MAZZOLI. Mr. Speaker, I want to commend the President on the work that he has done in his budget for fiscal year 1995. There are some general comments I would like to make. Among them is the fact that if we continue on

the deficit reduction path which was set beginning in 1990, but particularly in the summer of 1993, when we passed the President's first budget, we will have something like $200 billion left from money being spent over this period of the next 5 years because of the budget agreement.

There are themes woven through the budget. Among the themes is that we will now have a more efficient government, more cost effective management of this giant thing called the Federal Government. We will pay for more Federal services than we have in the past. There will be a better and a more effective way of delivering services to the people.

Another thing, Mr. Speaker, is the investment. We are investing in health and welfare, we are investing in the education and job training of our people, we are investing in fighting crime in an effective way.

Each one of us, Mr. Speaker, has differences with the President on specific items in the budget. Coming from an urban area of Louisville, I hope to support efforts to makes some modifying changes in his budget but overall, Mr. Speaker, I think the President has done an excellent job of pointing this country on a glide path toward lower inflation, lower deficits, and greater production.

URGING THE ADMINISTRATION TO PRESS FOR U.N. SECURITY COUNCIL INVOLVEMENT IN SUDAN CRISIS

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

Mr. WOLF. Mr. Speaker, the cries of suffering in Sudan are finally making the front pages of the paper, but only because the crisis has just become far greater than the world can ignore.

The Sudanese Government has launched what many are calling its final offensive against the south, causing 100,000 refugees to flee to Uganda and leaving 2 million at risk of starvation as most relief operations are forced to curtail their life-giving relief work. This desperate situation fulfills the December prophesy of a long-term relief worker about the aftermath of such an offensive:

> It is most probable that virtually all Operation Lifeline Sudan (OLS) activity will be forced to shut down, and the government will insist that all relief work be carried out through their own channels. * * * Needless to say, this would be catastrophic for the people of the south, who at this time are extremely vulnerable and almost totally dependent upon the OLS pipeline aid. Deaths from starvation and sickness would dwarf anything we've seen in the past.

I have been calling for the Clinton administration to appoint a special diplomatic envoy for peace-brokering. I still think this is important, and time is of the essence as each day counts. But, in addition, I believe the United States must press for immediate Security Council attention to this situation.

While Sudan is not on the nightly news, many are dying. We must act now. Entire generations have been lost. An entire culture hangs in the balance.

REQUESTING AN EXPLANATION FROM LEADERSHIP REGARDING A MEMBER'S USE OF PUBLIC FUNDS AND ALLEGATIONS OF CIRCUMVENTING HOUSE RULES

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

Mr. GOSS. Mr. Speaker, I am truly sad to have to get up and take these 5 minutes today. I had no intention of having to do this, but when I picked up the newspaper this morning and shook the snow off, I found there was a front page article in one of the leading papers in the Nation's Capital that clearly does not bring credit to this institution. Sadly, it involves one of our important Members who was reportedly under investigation by the executive branch, and he is getting extremely bad press about the way he has been handling public funds for his office.

Questions have been raised now about a behind-the-scenes secret cleanup going on, and these questions are being openly asked. Suggestion has been made that perhaps such activity is designed to end-run the rules of the House. As a member of the ethics committee, I speak for myself, but I think other members of the ethics committee would be equally interested in the answer.

I believe we are owed some type of explanation about what exactly has been going on, who has been involved, and what is happening, because we have understood so far that the ethics committee has been waiting for the executive branch to do its job.

I understand right now that discussions are ongoing between the leadership on the Democratic side and the Republican side, and I hope that those discussions will lead to some information before we recess this afternoon to go on the President's Day break. I for one do not want to go home without some further understanding about exactly what has been going on, and I feel sure other members of the ethics committee, and I am sure every Member of this body will feel the same way.

Part of our job is to make sure that we do the best we can to enhance the reputation of this institution. I think a forthright explanation of what is going on will serve that purpose.

URGING MEMBERS' SUPPORT FOR H.R. 3261 AND DISCHARGE PETITION NO. 12.

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

Mr. TRAFICANT. Mr. Speaker, I think this is the first special order I have taken due to the fact that we are on a recess, waiting for a vote. I thought I would take a little bit of time about an issue that is quite controversial, because it seems that everybody is afraid to really visit this issue or do something about it. It is about the Internal Revenue Service and the law of our country that is a little bit confusing to me, and in fact, I believe really unconstitutional the way it is applied.

If a mass murderer is accused of such a heinous act, that vicious killer is innocent until proven guilty, and the accusers have the burden of proof to basically prove that the mass murderer had killed all those people. That mass murderer can sit there, keep their mouth shut, rely on all the rights under the Constitution, and we have to prove that they may have killed 32 adolescent boys, like in the case of Charles Gacy, or Richard Specht, eight nurses. If it was not for the young nurse that hid away underneath the daybed, who later writes, "God, don't let him hear the pounding of my heart," and brings out that evidence in court, we would have never in fact convicted Richard Specht.

However, the IRS is different. When the IRS accuses an American taxpayer of fraud, the IRS does not have the burden of proof. The taxpayer is guilty under the law, and has to prove that they are innocent. Think about it. A mass murderer is innocent until proven guilty, but a taxpayer who pays the freight on all of this is guilty because an IRS agent said they committed a fraudulent act, and that same taxpayer has to prove they are innocent.

The Traficant bill, H.R. 3261, now in the form of a Discharge Petition No. 12, says the following. Here is how it would change the law.

First, if an IRS agent goes beyond the call and abuses an American taxpayer, the court is allowed to put a fine on that IRS agent, penalize them, hold them liable for the abuse of an American taxpayer, and levy a fine against them.

Second, under these types of cases, the Internal Revenue Service is liable for $100,000 any time a taxpayer is ripped off by an illegal act of an IRS agent. The Traficant bill raises that $100,000 to $1 million. Maybe the IRS will make sure their agents do not abuse the American taxpayer.

Finally, when the IRS said an American has committed fraud with their taxes, the IRS would have the burden of proof, not the taxpayer. I would say

to the Members, if we want to take this Government back, if we want to reform and reinvent government, maybe we should start with our own Constitution, and the taxpayers should at least be treated the same way as a mass murderer, no less.

Under H.R. 3261, a taxpayer is innocent until proven guilty. I filed Discharge Petition No. 12 because Congress does not want, evidently, to get the IRS mad, because the IRS can really make it tough on Members of Congress. What a shame, what a joke.

I am asking Members of Congress to help me with H.R. 3261, and if they could, to sign Discharge Petition No. 12, because Congress just seems never to pay any attention to the issues that really affect the American people.

NOTICE OF INTRODUCTION OF PRIVILEGED RESOLUTION REGARDING INVESTIGATION OF HOUSE POST OFFICE

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

Mr. ISTOOK. Mr. Speaker, pursuant to the provisions of rule IX of the rules of the House, I wish to give formal notice of calling up House Resolution 238 as a privileged resolution.

The rule specifies that the Speaker, within 2 legislative days, shall schedule the matter, and I ask that the Speaker coordinate with my office in that scheduling to occur within 2 legislative days. This resolution requires the ethics committee to investigate the House post office scandal.

If for any parliamentary reason House Resolution 238 could not be called up, according to the rules in this notice, I am also now giving formal notice, the same notice, to call up a similar resolution to accomplish the same purpose. Mr. Speaker, I ask that that resolution be placed in the RECORD, rather than reading it verbatim.

Mr. Speaker, these resolutions call upon the ethics committee to initiate a full and complete investigation, and to report its findings to the House and to the public. They require the ethics committee to coordinate its investigation with the Justice Department. According to the rule, as I mentioned, the Speaker has 2 legislative days to fix a time that he considers proper for the House to consider this matter. I will cooperate with the Speaker to choose a hopefully mutually convenient time within that period for the House to take this matter up.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Under rule IX, a resolution offered from the floor by a Member other than the majority leader or the minority leader as a question of the privileges of the House has immediate precedence only at a time or place designated by the Speaker in the legislative schedule within 2 legislative days of its being properly noticed. The Chair will announce the Speaker's designation at a later time. In the meantime, the form of the resolutions proffered by the gentleman from Oklahoma [Mr. ISTOOK] will appear in the RECORD at this point, and need not be read, since virtually identical and since it has already been introduced and printed.

The Chair is not at this point making a determination as to whether the resolution constitutes a question of privilege. That determination will be made at the time designated by the Speaker for consideration of the resolution.

The text of the privileged resolution follows:

Whereas, former House Postmaster Robert V. Rota has pleaded guilty in the United States District Court for the District of Columbia to charges of conspiracy to embezzle funds of the United States in violation of section 371 of 18 U.S.C., and of aiding and abetting embezzlement, in violation of sections 641 and 2 of 18 U.S.C.

Whereas, court documents in this case contain allegations that several Members, officers or employees of the House were co-conspirators with Mr. Rota, and that Members received the proceeds of embezzlement, and reveal that this practice occurred during the 3 prior terms of Congress;

Whereas, complete and accurate testimony by Mr. Rota was not provided to any previous inquiry by this House, and accordingly has not been examined by a formal House inquiry;

Whereas, personnel of the House Post Office allegedly provided illegal cash to certain Members in three ways: (1) cash instead of stamps for official vouchers, (2) cash for postage stamps, which had earlier been purchased with official vouchers, (3) cash for campaign checks;

Whereas, these allegations directly affect the rights of the House collectively, its safety, dignity and the integrity of its proceedings, and the rights, reputation and conduct of its Members;

Whereas, article I, section 5 of the Constitution gives each House of Congress responsibility over disorderly behavior of its Members;

Whereas, these allegations, if true, would constitute violations by Members of the Rules of the House and of the Code of Official Conduct;

Whereas, the safety, dignity and the integrity of the House, and of public confidence in the House, require that these allegations receive full inquiry by the House itself;

Whereas, the House Committee on Standards of Official Conduct has jurisdiction over current Members, officers and employees of the House including investigatory authority, and is the appropriate body of this House to conduct any inquiry.

Now Therefore, be it resolved:

1. The Committee on Standards of Official Conduct is hereby instructed to conduct an immediate investigation of the House Post Office into allegations:

That the House Post Office provided cash to any Member in exchange for official vouchers;

That the House Post Office provided cash to any Member in exchange for stamps purchased with official vouchers;

That the House Post Office provided cash to any Member in exchange for campaign account checks; and

That the House Post Office provided cash to any Member in any other way inconsistent with the Rules of this House.

2. In pursuing its investigation, the Committee on Standards of Official Conduct shall determine which Members are alleged by the former Postmaster to have engaged in improper conduct in connection with the House Post Office, and whether these Members are the subjects of any current investigation by the United States Department of Justice.

3. The Committee on Standards of Official Conduct shall coordinate its investigation with the related efforts of the Department of Justice. If the Department of Justice indicates to the committee in writing that any specific Member is the subject of an official investigation, the committee may defer further inquiry into that Member's conduct, pending conclusion of the Department of Justice investigation.

4. The Committee on Standards of Official Conduct shall file a report to the House of its investigation and its findings. This report shall be made available to the public.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until 6 o'clock p.m.

Accordingly (at 2 o'clock and 45 minutes p.m.) the House stood in recess subject to the call of the Chair.

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 6 o'clock and 11 minutes p.m.

□ 1810

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3457

Mr. SOLOMON. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 3457.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate agrees to the amendment of the House to the amendment of the Senate to the bill (H.R. 2339) "An Act to revise and extend the programs of the Technology-Related Assistance for Individuals With Disabilities Act of 1988, and for other purposes.".

AGREEMENT REGARDING INVESTIGATION OF INFORMATION CONTAINED IN WASHINGTON TIMES ARTICLE

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

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Mr. GEPHARDT. Mr. Speaker, I yield to the gentleman from Georgia [Mr. GINGRICH], the distinguished minority whip, for the purpose of a colloquy and question.

Mr. GINGRICH. Mr. Speaker, I want to thank both the Speaker and the majority leader for agreeing to this. As everyone in the House is aware, there was an article in today's Washington Times which contained an article about one of our Members which raised some serious questions regarding the House's proceedings and its integrity. I believe, as does the leadership of my party, that the matter was so serious that it warrants being looked into by the House.

It is my understanding that during the break, that the majority agreed that we will have staff looking into it, we will have bipartisan meetings the week we get back, and we will on a bipartisan basis report back to the House on the matter that was reported in the Washington Times this morning. I think that is the appropriate, bipartisan way to deal with an issue like this. I appreciate that commitment.

Mr. GEPHARDT. The gentleman is correct, that is the substance of our conversation. That undertaking will be made.

Mr. GINGRICH. I thank the majority leader.

CONFERENCE REPORT ON H.R. 3759, EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT OF 1994

Mr. SMITH of Iowa submitted the following conference report and statement on the bill (H.R. 3759) making emergency supplemental appropriations for the fiscal year ending September 30, 1994, and for other purposes:

CONFERENCE REPORT (H. REPT. 103-424)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 3759) "making emergency supplemental appropriations for the fiscal year ending September 30, 1994, and for other purposes", having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate to the bill, and agree to the same with an amendment as follows:

In lieu of the matter stricken and inserted by said amendment, insert:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, to provide emergency supplemental appropriations for the fiscal year ending September 30, 1994, and for other purposes, namely:

TITLE I—EMERGENCY SUPPLEMENTAL APPROPRIATIONS

CHAPTER 1

DEPARTMENT OF AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES

DEPARTMENT OF AGRICULTURE

SOIL CONSERVATION SERVICE

WATERSHED AND FLOOD PREVENTION OPERATION

For an additional amount for "Watershed and flood prevention operations" to repair damage to the waterways and watersheds resulting from the Midwest floods and California fires of 1993 and other natural disasters, and for other purposes, $340,500,000, to remain available until expended: Provided, That such assistance may be made available when the primary beneficiary is agriculture or agribusiness regardless of drainage size and no more than $50,000,000 may be spent as a result of this proviso for purposes not currently covered by the Soil Conservation Service: Provided further, That such amounts are designated by Congress as emergency requirements pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That if the Secretary determines that the cost of land and levee restoration exceeds the fair market value of an affected cropland, the Secretary may use sufficient amounts from funds provided under this heading to accept bids from willing sellers to enroll such cropland inundated by the Midwest floods of 1993 in any of the affected States in the Wetlands Reserve Program, authorized by subchapter C of chapter 1 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3837).

AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE

EMERGENCY CONSERVATION PROGRAM

For an additional amount for "Emergency conservation program" for expenses resulting from the Midwest floods and California fires of 1993 and other natural disasters, $25,000,000, to remain available until September 30, 1995: Provided, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

COMMODITY CREDIT CORPORATION

Funds made available in Public Law 103-75 for the Commodity Credit Corporation shall be available to fund the costs of replanting, reseeding, or repairing damage to commercial trees and seedlings, including orchard and nursery inventory as a result of the Midwest Floods of 1993 or other natural disasters: Provided, That the use of these funds for these purposes is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, and that such use shall be available only to the extent the President designates such use an emergency requirement pursuant to such Act.

The first proviso of the matter under the heading "Commodity Credit Corporation" of chapter I of the Emergency Supplemental Appropriations for Relief from the Major, Widespread Flooding in the Midwest Act of 1993 (Public Law 103-75; 107 Stat. 741) is amended by inserting after the colon at the end, the following: "Provided further, That such funds shall also be available for payments to producers for the 1993, 1994, and 1995 crops of papaya if (1) the papaya would have been harvested if the papaya plants had not been destroyed by Hurricanes Andrew or Iniki or Typhoon Omar, and (2) the papaya plants would not have produced fruit for a lifetime total of more than 3 crop years based on normal cultivation practices:". Payments to papaya producers shall be made only to the extent that claims for the payments are filed not later than the date that is 60 days after the date of enactment of this Act: Provided, That the use of funds for this purpose is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, and that such use shall be available only to the extent the President designates such use an emergency requirement pursuant to such Act.

Funds made available in Public Law 103-75 for the Commodity Credit Corporation shall be made available to fund crop loss disaster assistance as under the provisions of Public Law 101-624 for 1993 losses of trees, shrubs, or nursery stock and inventory being grown for commercial sale, if such stock or inventory would normally have been sold in 1993, 1994, or 1995: Provided, That the use of these funds for these purposes is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, and that such use shall be available only to the extent the President designates such use an emergency requirement pursuant to such Act.

CHAPTER 2

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES

RELATED AGENCY

SMALL BUSINESS ADMINISTRATION

DISASTER LOANS PROGRAM ACCOUNT

For an additional amount for emergency expenses resulting from the January 1994 earthquake in Southern California and other disasters, $309,750,000, to remain available until expended, of which up to $55,000,000 may be transferred to and merged with the appropriations for "Salaries and expenses" for associated administrative expenses: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

ADMINISTRATIVE PROVISIONS

SEC. 201. Section 24 of the Small Business Act (15 U.S.C. 651) is amended in subsection (a) by striking the period at the end thereof and by inserting in lieu thereof the following: ", and shall give priority to a proposal to restore an area determined to be a major disaster by the President on a date not more than three years prior to the fiscal year for which the application is made.".

SEC. 202. Of the $258,900,000 made available under the heading, "Small Business Administration, Salaries and Expenses" in Public Law 103-121, the $18,000,000 included in that total amount and designated under such heading to carry out section 24 of the Small Business Act, as amended, shall remain available until September 30, 1995.

CHAPTER 3

DEPARTMENT OF DEFENSE—MILITARY

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For an additional amount for "Military Personnel, Army", $6,600,000: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

MILITARY PERSONNEL, NAVY

For an additional amount for "Military Personnel, Navy", $19,400,000: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

MILITARY PERSONNEL, AIR FORCE

For an additional amount for "Military Personnel, Air Force", $18,400,000: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For an additional amount for "Operation and Maintenance, Army", $420,100,000: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OPERATION AND MAINTENANCE, NAVY

For an additional amount for "Operation and Maintenance, Navy", $104,800,000: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for "Operation and Maintenance, Air Force", $560,100,000: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OPERATION AND MAINTENANCE, DEFENSE-WIDE

For an additional amount for "Operation and Maintenance, Defense-Wide", $21,600,000: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

PROCUREMENT

AIRCRAFT PROCUREMENT, ARMY

For an additional amount for "Aircraft Procurement, Army", $20,300,000, to remain available for obligation until September 30, 1996: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OTHER PROCUREMENT, ARMY

For an additional amount for "Other Procurement Army", $200,000, to remain available for obligation until September 30, 1996: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OTHER PROCUREMENT, AIR FORCE

For an additional amount for "Other Procurement, Air Force", $26,800,000, to remain available for obligation until September 30, 1996: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

GENERAL PROVISIONS—CHAPTER 3

SEC. 301. Notwithstanding sections 607 and 630 of the Foreign Assistance Act of 1961 (22 U.S.C. 2357 and 22 U.S.C. 2390), reimbursements received from the United Nations for expenses of the Department of Defense charged to the appropriations provided by this Act shall be deposited to the miscellaneous receipts of the Treasury.

SEC. 302. Funds appropriated in this chapter shall only be obligated and expended to fund the incremental and associated costs of the Department of Defense incurred in connection with the ongoing United States operations relating to Somalia; the ongoing United States humanitarian airdrops, hospital operations, and enforcement of the no-fly zone relating to Bosnia; the ongoing United States operations relating to Southwest Asia; and the ongoing United States operations supporting the maritime interception operations relating to Haiti.

SEC. 303. During the current fiscal year, the Department of Defense is authorized to incur obligations of not to exceed $250,000,000 for purposes specified in Section 2350j(c) of Title 10, United States Code in anticipation of receipt of contributions, only from the Government of Kuwait, under that section: Provided, That, upon receipt, such contributions from the Government of Kuwait shall be credited to the appropriation or fund which incurred such obligations.

CHAPTER 4

ENERGY AND WATER DEVELOPMENT

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

FLOOD CONTROL AND COASTAL EMERGENCIES

For an additional amount for "Flood control and coastal emergencies", $70,000,000, to remain available until expended: Provided, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

DEPARTMENT OF THE INTERIOR

BUREAU OF RECLAMATION

The prohibition against obligating funds for construction until sixty days from the date the Secretary transmits a report to the Congress in accordance with section 5 of the Reclamation Safety of Dams Act of 1978 (43 U.S.C. 509) is waived for the Crooked River Project, Ochoco Dam, Oregon, to allow for an earlier start of emergency repair work.

CHAPTER 5

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, EDUCATION, AND RELATED AGENCIES

DEPARTMENT OF HEALTH AND HUMAN SERVICES

ADMINISTRATION FOR CHILDREN AND FAMILIES

LOW-INCOME HOME ENERGY ASSISTANCE

Of the amounts provided under this heading in Public Law 103-112 and designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, subject to the terms and conditions specified in Public Law 103-112, $300,000,000, if designated by the President as an emergency, may be allotted by the Secretary of the Department of Health and Human Services, as she determines is appropriate, to any one or more of the jurisdictions funded under title XXVI of the Omnibus Budget Reconciliation Act of 1981, to meet emergency needs.

The second paragraph under this heading in Public Law 102-394 is amended as follows: strike "June 30, 1994" and insert "September 30, 1994".

DEPARTMENT OF EDUCATION

IMPACT AID

For carrying out disaster assistance activities resulting from the January 1994 earthquake in Southern California and other disasters as authorized under section 7 of Public Law 81-874, $165,000,000, to remain available through September 30, 1995: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

STUDENT FINANCIAL ASSISTANCE

For an additional amount for "Student financial assistance" for payment of awards made under title IV, part A, subpart 1 of the Higher Education Act of 1965, as amended, $80,000,000, to remain available through September 30, 1995: Provided, That notwithstanding sections 442(e) and 462(j) of such Act, the Secretary may reallocate, for use in award year 1994-1995 only, any excess funds returned to the Secretary of Education under the Federal Work-Study or Federal Perkins Loan programs from award year 1993-1994 to assist individuals who suffered financial harm from the January 1994 earthquake in Southern California and other disasters: Provided further, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That fiscal year 1992 Federal Work-Study and Federal Perkins Loan funds that were reallocated to institutions for use in award year 1993-1994, pursuant to Public Law 103-75, and fiscal year 1992 Federal Supplemental Educational Opportunity Grant funds that were reallocated to institutions by the Secretary for use in award year 1993-1994, pursuant to section 413D(e) of the Higher Education Act of 1965, as amended, to assist individuals who suffered financial harm as a result of the Midwest floods of 1993 shall remain available for use in award year 1994-1995 by institutions that received such reallocations.

CHAPTER 6

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES

FEDERAL HIGHWAY ADMINISTRATION

FEDERAL-AID HIGHWAYS

EMERGENCY RELIEF PROGRAM

(HIGHWAY TRUST FUND)

For the Emergency Fund authorized by 23 U.S.C. 125 to cover expenses arising from the January 1994 earthquake in Southern California and other disasters, $950,000,000; and in addition $400,000,000 which shall be available only to the extent an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress, all to be derived from the Highway Trust Fund and to remain available until expended: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That the limitation on obligations per State in 23 U.S.C. 125(b) shall not apply to projects relating to such earthquake: Provided further, That notwithstanding 23 U.S.C. 120(e), the Federal share for any project on the Federal-aid highway system related to such earthquake shall be 100 percent for the costs incurred in the 180 day period beginning on the date of the earthquake: Provided further, That notwithstanding any other provision of law, of the funds made available by the Dire Emergency Supplemental Appropriations Act, 1992 (Public Law 102-368) under "Federal Highway Administration Metropolitan Planning (Highway Trust Fund)," $337,000 of the funds received by Hawaii shall be made available by the State of Hawaii directly to the County of Kauai, Hawaii, for conducting comprehensive reviews of transportation infrastructure needs incurred in connection with Hurricane Iniki, and, these funds shall remain available until expended.

In addition, for emergency expenses resulting from the Loma Prieta earthquake of October 17, 1989, as authorized by 23 U.S.C. 125, $315,000,000, to be derived from the Highway Trust Fund and to remain available until expended: Provided, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the

Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

CHAPTER 7

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES

DEPARTMENT OF VETERANS AFFAIRS

VETERANS HEALTH ADMINISTRATION

MEDICAL CARE

For an additional amount for emergency expenses resulting from the January 1994 earthquake in Southern California, $21,000,000, to remain available until expended, of which not to exceed $802,000 is available for transfer to General Operating Expenses, the Guaranty and Indemnity Program Account, and the Vocational Rehabilitation Loans Program Account: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

CONSTRUCTION, MAJOR PROJECTS

For an additional amount for "Construction, major projects" for emergency expenses resulting from the January 1994 earthquake in Southern California and other disasters, $45,600,000, to remain available until expended, of which such sums as may be necessary may be transferred to the "Medical care" and "Construction, minor projects" accounts: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

HOUSING PROGRAMS

ANNUAL CONTRIBUTIONS FOR ASSISTED HOUSING

For an additional amount under this head, $225,000,000 to remain available until December 31, 1995, of which $200,000,000 shall be for rental assistance under the section 8 existing housing certificate program (42 U.S.C. 1437f and the housing voucher program under section 8(o) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)), and $25,000,000 shall be for the modernization of existing public housing projects pursuant to section 14 of the United States Housing Act of 1937 (42 U.S.C. 1437l): Provided, That these funds shall be used first to replenish amounts used from the headquarters reserve established pursuant by section 213(d)(4)(A) of the Housing and Community Development Act of 1974, as amended, for assistance to victims of the January 1994 earthquake in Southern California: Provided further, That any amounts remaining after the headquarters reserve has been replenished shall be available under such programs for additional assistance to victims of the earthquake referred to above: Provided further, That in administering these funds, the Secretary may waive or specify alternative requirements for any provision of any statute or regulation that the Secretary administers in connection with the obligation by the Secretary or any use by the recipient of these funds, except for the requirements relating to fair housing and non-discrimination, the environment, and labor standards, upon finding that such wavier is required to facilitate the obligation and use of such funds and would not be inconsistent with the overall purposes of the statute or regulation: Provided further, That the entire amount if designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

FLEXIBLE SUBSIDY FUND

For emergency assistance to owners of eligible multi-family housing projects damaged by the January 1994 earthquake in Southern California who are either insured or formerly insured under the National Housing Act, as amended, or otherwise eligible for assistance under section 201(c) of the Housing and Community Development Amendments of 1978, as amended (12 U.S.C. 1715z-1a), in the program of assistance for troubled multifamily housing projects under the Housing and Community Development Amendments of 1978, as amended, $100,000,000, to remain available until September 30, 1995: Provided, That assistance to an owner of a multifamily housing project assisted, but not insured under the National Housing Act, may be made if the project owner and the mortgagee have provided or agreed to provide assistance to the project in a manner as determined by the Secretary of Housing and Urban Development: Provided further, That assistance is for the repair of damage or the recovery of losses directly attributable to the Southern California earthquake of 1994: Provided further, That in administering these funds, the Secretary may waive, or specify alternative requirements for, any provision of any statute or regulation that the Secretary administers in connection with the obligation by the Secretary or any use by the recipient of these funds, except for statutory requirements relating to fair housing and non-discrimination, the environment, and labor standards, upon finding that such waiver is required to facilitate the obligation and use of such funds, and would not be inconsistent with the overall purpose of the statute or regulation: Provided further, That after assisting economically viable FHA insured projects, to the extent funds remain available the Secretary may provide assistance to economically viable projects assisted with a loan made under section 312 of the National Housing Act of 1964 and projects assisted under section 8 of the United States Housing Act of 1937 but not insured under the National Housing Act: Provided further, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

FEDERAL HOUSING ADMINISTRATION

For higher mortgage limits and improved access to mortgage insurance for victims of the January 1994 earthquake in Southern California, title II of the National Housing Act, as amended, is further amended, as follows:

(1) In section 203(h), by—

(A) striking out "section 102(2) and 401 of the Disaster Relief and Emergency Assistance Act" and inserting "Robert T. Stafford Disaster Relief and Emergency Assistance Act"; and

(B) adding the following new sentence at the end thereof: "In any case in which the single family residence to be insured under this subsection is within a jurisdiction in which the President has declared a major disaster to have occurred, the Secretary is authorized, for a temporary period not to exceed 18 months from the date of such Presidential declaration, to enter into agreements to insure a mortgage which involves a principal obligation of up to 100 percent of the dollar limitation determined under section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act for single family residence, and not in excess of 100 percent of the appraised value.".

(2) In section 203(k), by adding at the end thereof the following new paragraphs;

"(6) The Secretary is authorized, for a temporary period not to exceed 18 months from the date on which the President has declared a major disaster to have occurred, to enter into agreements to insure a rehabilitation loan under this subsection which involves a principal obligation of up to 100 percent of the dollar limitation determined under section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act for a residence of the applicable size, if such loan is secured by a structure and property that are within a jurisdiction in which the President has declared such disaster, pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act, and if such loan otherwise conforms to the loan-to-value ratio and other requirements of this subsection.".

(3) In section 234(c), by inserting after "203(b)(2)" in the third sentence the phrase: "or pursuant to section 203(h) under the conditions described in section 203(h)".

Eligibility for loans made under the authority granted by the preceding paragraph shall be limited to persons whose principal residence was damaged or destroyed as a result of the January 1994 earthquake in Southern California: Provided, That the provisions under this heading shall be effective only for the 18 month period following the date of enactment of this Act.

COMMUNITY PLANNING AND DEVELOPMENT

COMMUNITY DEVELOPMENT GRANTS

For an additional amount for "Community development grants", as authorized under title I of the Housing and Community Development Act of 1974, for emergency expenses resulting from the January 1994 earthquake in Southern California or the Midwest Floods of 1993, $500,00,000, to remain available until September 30, 1996 for all activities eligible under such title I except those activities reimbursable by the Federal Emergency Management Agency (FEMA) or available through the Small Business Administration (SBA): Provided, That from this amount, the Secretary may transfer up to $75,000,000 to the "HOME investment partnerships program", as authorized under title II of the Cranston-Gonzalez National Affordable Housing Act, as amended (Public Law 101-625), to remain available until expended, as an additional amount for such emergency expenses for all activities eligible under such title II except activities reimbursable by FEMA or available through SBA: Provided further, That the recipients of amounts under this appropriation, including the foregoing transfer (if any), shall use such amounts first to replenish amounts previously obligated under their Community Development Block Grant or HOME programs, respectively, in connection with the Southern California earthquake of January 1994: Provided further, That in administering these funds, the Secretary may waive, or specify alternative requirements for, any provision of any statute or regulation that the Secretary administers in connection with the obligation by the Secretary or any use by the recipient of these funds, except for statutory requirements relating to fair housing and nondiscrimination, the environment, and labor standards, upon finding that such waiver is required to facilitate the obligation and use of such funds, and would not be inconsistent with the overall purpose of the statute or regulation: Provided further, That with respect to funds made available by this head that are proposed to be used by recipients affected by the Midwest floods of 1993 for the purpose of hazard mitigation through flood plain real property acquisition or relocation, the Secretary shall secure assurances from grantees that such activities will be subject to the requirements of sections 3 and 4 of the Hazard Mitigation and Relocation Assistance Act of 1993 (Public Law 103-181, 107 Stat. 2054-2056): Provided further, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

INDEPENDENT AGENCIES

FEDERAL EMERGENCY MANAGEMENT AGENCY

DISASTER RELIEF

For an additional amount for "Disaster Relief" for the January 1994 earthquake in Southern California and other disasters, $4,709,000,000 to remain available until expended: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

EMERGENCY MANAGEMENT PLANNING AND ASSISTANCE

For an additional amount for "Emergency Management Planning and Assistance", to carry out activities under the Earthquake Hazards Reduction Act of 1977, as amended (42 U.S.C. 7701 et seq.) $15,000,000, to remain available until expended, to study the January 1994 earthquake in Southern California in order to enhance seismic safety throughout the United States: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

CHAPTER 8

FUNDS APPROPRIATED TO THE PRESIDENT

UNANTICIPATED NEEDS

For an additional amount for emergency expenses resulting from the January 1994 earthquake in Southern California, the Midwest Floods and other disasters, $550,000,000, to remain available until expended: Provided, That these funds may be transferred to any authorized Federal governmental activity to meet the requirements of such disasters: Provided further, That the entire amount shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to Congress: Provided further, That the President's request shall specifically identify programs, projects and activities to be funded and no funds shall be available for 15 days after the submission of the request: Provided further, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

This title may be cited as the "Emergency Supplemental Appropriations Act of 1994".

TITLE II—SUPPLEMENTAL APPROPRIATIONS FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 1994

CHAPTER 1

DEPARTMENT OF AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES

DEPARTMENT OF AGRICULTURE

AGRICULTURAL RESEARCH SERVICE

(TRANSFER OF FUNDS)

Funds made available under this heading in Public Law 103-111 and subsequently transferred to the Human Nutrition Information Service pursuant to Secretary's Memorandum No. 1020-39, dated September 30, 1993, are transferred to the Agricultural Research Service: Provided, That funds appropriated by Public Law 103-111 for the functions of the former Human Nutrition Information Service shall be made available only to the Agricultural Research Service.

EXTENSION SERVICE

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Extension Service," $1,400,000, to remain available until September 30, 1995, of which up to $750,000 may be transferred to the Cooperative State Research Service.

AGRICULTURAL MARKETING SERVICE

MARKETING SERVICES

(TRANSFER OF FUNDS)

Funds made available under this heading in Public Law 103-111 and subsequently transferred to the Agricultural Cooperative Service pursuant to Secretary's Memorandum No. 1020-39, dated September 30, 1993, are transferred to the Rural Development Administration.

PAYMENTS TO STATES AND POSSESSIONS

(TRANSFER OF FUNDS)

Of the funds made available under this heading in Public Law 103-111 and subsequently transferred to the Agricultural Cooperative Service pursuant to Secretary's Memorandum No. 1020-39, dated September 30, 1993, $435,000 are transferred to the Rural Development Administration.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

FOOD AND DRUG ADMINISTRATION

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses" from fees collected pursuant to section 736 of the Federal Food, Drug, and Cosmetic Act, not to exceed $2,284,000 to remain available until expended: Provided, That fees derived from applications received during fiscal year 1994 shall be credited to the appropriation current in the year in which fees are collected and subject to the fiscal year 1994 limitation.

CHAPTER 2

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES

DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses" to defray expenses for the automation of fingerprint identification services and related costs, $20,000,000, to remain available until expended: Provided, That these funds shall be available to the Federal Bureau of Investigation to hire 500 employees to carry out the automation of fingerprint services without regard to any employment ceiling imposed by the President or by law.

ADMINISTRATIVE PROVISION

For fiscal year 1994 only, the Director of the Bureau of Justice Assistance, upon good cause shown, may waive the provisions of section 504(f) of the Omnibus Crime Control and Safe Streets Act of 1968 for projects located in communities covered under a Presidentially declared disaster pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act.

RELATED AGENCIES

DEPARTMENT OF TRANSPORTATION

MARITIME ADMINISTRATION

ADMINISTRATIVE PROVISION

The Secretary of Transportation may use up to $1,500,000 of the proceeds derived from the sale or disposal of National Defense Reserve Fleet vessels, that are currently collected and retained by the Maritime Administration, to relocate, repair and lay up the Nuclear Ship SAVANNAH.

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $550,000, to remain available until expended.

UNITED STATES INFORMATION AGENCY

SALARIES AND EXPENSES

Notwithstanding the provisions of this or any other Act, not to exceed $2,000,000 of the funds made available under this heading in Public Law 103-121 may be used to carry out projects involving security construction and related improvements for Agency facilities not physically located together with Department of State facilities abroad: Provided, That such funds may remain available until expended.

CHAPTER 3

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES

DEPARTMENT OF THE INTERIOR

UNITED STATES FISH AND WILDLIFE SERVICE

RESOURCE MANAGEMENT

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Resource management" to carry out the Forest Plan in the Pacific Northwest, $2,100,000, of which $400,000 shall be derived by transfer from the "Oil spill emergency fund" and $1,700,000 shall be derived by transfer from the "Compact of Free Association".

LAND ACQUISITION

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Land acquisition" for the acquisition of land or interests in land, from willing sellers, in the Midwest area flooded in 1993, $4,000,000, to remain available until expended, to be derived by transfer from amounts appropriated to the United States Fish and Wildlife Service under the heading "Construction and anadromous fish" in Public Law 103-75, to be used for nonstructural measures to meet flood damage control and fish and wildlife habitat restoration objectives.

NATIONAL PARK SERVICE

CONSTRUCTION

For an additional amount for "Construction", to replenish funds used for emergency actions related to storm damaged facilities within National Park System areas, $13,102,000, to remain available until expended.

LAND ACQUISITION AND STATE ASSISTANCE

For an additional amount for "Land acquisition and State assistance", $1,274,000, to be derived from the Land and Water Conservation Fund, to remain available until expended, to replenish funds used for emergency actions related to storm damaged facilities within National Park System areas; and in addition, an additional amount not to exceed $5,000,000, to remain available until expended, to be derived by transfer from balances under the heading "Construction", for project modifications authorized by section 104 of the Everglades National Park Protection and Expansion Act of 1989, to be available for Federal assistance to the State of Florida for acquisition of lands or interests therein adjacent to, or affecting the restoration of, natural water flows to Everglades National Park and Florida Bay.

BUREAU OF INDIAN AFFAIRS

OPERATION OF INDIAN PROGRAMS

The paragraph under this heading in Public Law 103-138 is amended by inserting the words "not to exceed" before the amount "$316,111,000".

CONSTRUCTION

For an additional amount for "Construction", $12,363,000, to remain available until expended.

INDIAN LAND AND WATER CLAIM SETTLEMENTS AND MISCELLANEOUS PAYMENTS TO INDIANS

The paragraph under this heading in Public Law 103–138 is amended by adding the following before the last period: ", and (3) to reimburse Indian trust fund account holders for loss(es) to their respective accounts where the claim for said loss(es) has been reduced to a judgment or settlement agreement approved by the Department of Justice".

DEPARTMENT OF ENERGY

ADMINISTRATIVE PROVISIONS, DEPARTMENT OF ENERGY

Section 303 of Public Law 97–257, as amended, is repealed.

The seventh proviso under the head "Clean Coal Technology" in Public Law 101–512, and the seventh proviso under the head "Clean Coal Technology" in Public Law 102–154, both concerning Federal employment, are repealed.

CHAPTER 4

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, EDUCATION, AND RELATED AGENCIES

DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

ADVANCES TO THE UNEMPLOYMENT TRUST FUND AND OTHER FUNDS

For an additional amount for "Advances to the unemployment trust fund and other funds," $61,400,000, to remain available until September 30, 1995.

BUREAU OF LABOR STATISTICS

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses" for the current population parallel survey, $10,100,000.

CHAPTER 5

LEGISLATIVE BRANCH

CONGRESSIONAL OPERATIONS

SENATE

SALARIES, OFFICERS AND EMPLOYEES

For an additional amount for "Office of the Secretary", $450,000.

CONTINGENT EXPENSES OF THE SENATE

SECRETARY OF THE SENATE

For an additional amount for expenses of the "Office of the Secretary of the Senate", $600,000.

HOUSE OF REPRESENTATIVES

PAYMENTS TO WIDOWS AND HEIRS OF DECEASED MEMBERS OF CONGRESS

For payment to Karen A. Henry, widow of Paul B. Henry, late a Representative from the State of Michigan, $133,600.

CHAPTER 6

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES

DEPARTMENT OF TRANSPORTATION

COAST GUARD

OPERATING EXPENSES

(TRANSFERS OF FUND)

Of funds provided under this heading under Public Law 103–75, $4,000,000 shall, in combination with funds made available under this heading under Public Law 102–368, be made available for operating, acquisition, construction, and improvement costs associated with the Midwest floods, and shall remain available until expended.

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

(TRANSFER OF FUNDS)

Of the funds made available under this heading under Public Law 102–368, $2,000,000 shall be made available for costs associated with the Midwest floods, and shall remain available until expended.

FEDERAL RAILROAD ADMINISTRATION

PENNSYLVANIA STATION REDEVELOPMENT PROJECT

For grants to the National Railroad Passenger Corporation, $10,000,000, to remain available until expended, for engineering and design activities to enable the James A. Farley Post Office in New York City to be used as a train station and commercial center: Provided, That the Secretary may retain from these funds such amounts as the Secretary shall deem appropriate to undertake the environmental and historic preservation analyses associated with this project: Provided further, That no funds provided under this head shall be available for construction until the Secretary submits a report to the House and Senate Committees on Appropriations regarding the financing of necessary improvements to the existing Pennsylvania Station and the financing of the operating and capital costs accruing to the commuter rail authorities operating in said station as a result of this redevelopment project.

TRUST FUND SHARE OF NEXT GENERATION RAIL TECHNOLOGY DEVELOPMENT

(HIGHWAY TRUST FUND)

The obligation limitation for the "High-Speed Ground Transportation" program in Public Law 103–122 is amended by deleting "$3,500,000" and inserting "$7,952,000".

GENERAL PROVISION

Section 310(c)(3) of the Department of Transportation and Related Agencies Appropriations Act, 1994, is amended by—

(a) inserting "6005," after "6001,"; and

(b) inserting ": Provided, That notwithstanding any other provision of law, amounts made available under section 6005 of Public Law 102–240 shall be subject to the obligation limitation for Federal-aid highways and highway safety construction programs under the head 'Federal-Aid Highways' in this Act" after "section 104(a) of title 23, United States Code".

CHAPTER 7

TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT

EXECUTIVE OFFICE OF THE PRESIDENT

ARMSTRONG RESOLUTION ACCOUNT

For necessary expenses for electronic communications records management activities for compliance with and resolution of Armstrong v. Executive Office of the President, $13,125,000, to remain available until expended.

CHAPTER 8

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES

DEPARTMENT OF VETERANS AFFAIRS

VETERANS BENEFITS ADMINISTRATION

COMPENSATION AND PENSIONS

For an additional amount for "Compensation and pensions," $698,000,000, to remain available until expended.

READJUSTMENT BENEFITS

For an additional amount for "Readjustment benefits," $103,200,000, to remain available until expended.

VETERANS HEALTH ADMINISTRATION

MEDICAL ADMINISTRATION AND MISCELLANEOUS OPERATING EXPENSES

(BY TRANSFER)

For an additional amount for "Medical administration and miscellaneous operating expenses", $2,500,000, to be derived by transfer from amounts appropriated under the head "Medical care" in Public Law 103–124.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

HOUSING PROGRAMS

FEDERAL HOUSING ADMINISTRATION

FHA—MUTUAL MORTGAGE INSURANCE PROGRAM ACCOUNT

During fiscal year 1994, the limitation on commitments to guarantee loans to carry out the purposes of section 203(b) of the National Housing Act, as amended, is increased by an additional loan principal of not to exceed $20,000,000,000.

FHA—GENERAL AND SPECIAL RISK PROGRAM ACCOUNT

The limitation on commitments during fiscal year 1994 to guarantee loans authorized by sections 238 and 519 of the National Housing Act, as amended (12 U.S.C. 1751z–3(b) and 1735c(f), is increased by an additional loan principal, any part of which is to be guaranteed, of not to exceed $2,000,000,000.

ADMINISTRATIVE PROVISIONS

Of the $260,000,000 earmarked in Public Law 102–389, in the 14th proviso under the head Annual Contributions for Assisted Housing, for special purposes grants (106 Stat. 1571, 1584), $1,300,000 made available for continued assistance to two sugarcane mills on the Hilo-Hamakua Coast of Hawaii shall also be available to community-based and employee-support organizations along the Hamakua Coast, to address social and economic needs in such area.

Notwithstanding any other provision of law, the City of Slidell, Louisiana, is authorized to submit not later than 10 days following the enactment of this Act, and the Secretary of Housing and Urban Development shall consider, the final statement of community development objectives and projected use of funds required by section 104(a)(1) of the Housing and Community Development Act of 1974 (42 U.S.C. 5304(a)(1)) in connection with a grant to the City of Slidell under title I of such Act for fiscal year 1994.

INDEPENDENT AGENCIES

ENVIRONMENTAL PROTECTION AGENCY

WATER INFRASTRUCTURE/STATE REVOLVING FUNDS

Of the funds made available under this heading in Public Law 103–124, the $500,000,000 earmarked to not become available until May 31, 1994, shall instead not become available until September 30, 1994.

EXECUTIVE OFFICE OF THE PRESIDENT

OFFICE OF SCIENCE AND TECHNOLOGY POLICY

The proviso under this heading in Public Law 103–124 is repealed.

COUNCIL ON ENVIRONMENTAL QUALITY AND OFFICE OF ENVIRONMENTAL QUALITY

For an additional amount for "Council on Environmental Quality and Office of Environmental Quality", $300,000.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

RESEARCH AND DEVELOPMENT

For an additional amount for "Research and development", $40,000,000, of which $20,000,000 shall become available for obligation on October 1, 1994: Provided, That these funds shall be available for the commercial mid-deck augmentation module, in addition to such amounts as may be subsequently appropriated.

The second proviso under this heading in Public Law 103–124 is amended to read as follows: "Provided further, That of the funds provided under this heading, for the redesigned Space Station, (1) not to exceed $160,000,000 shall be for termination costs connected only with Space Station Freedom contracts, (2) not to exceed $172,000,000 shall be for space station operations and utilization capability development, and (3) not to exceed $99,000,000 shall be for supporting development:".

The fifth and sixth provisos under this heading in Public Law 103–124 are deleted and the fourth proviso thereunder is amended to read: "Provided further, That of the funds made available under this heading, not to exceed $117,200,000 shall be available for activities to support cooperative space ventures between the United States and the Republic of Russia outlined in the joint agreement of September 2, 1993:".

RESEARCH AND PROGRAM MANAGEMENT

For an additional amount for "Research and program management," $56,000,000.

GENERAL PROVISIONS

SEC. 2001. (a) Section 1205(a)(1) of the Supplemental Appropriations Act of 1993 is amended by inserting before the semicolon the following: "and amounts transferred by the Architect of the Capitol from funds appropriated to the Architect".

(b) Section 1205(b) of such Act is amended—

(1) by striking "and payments" and inserting ", payments"; and

(2) by inserting before the period at the end the following: ", and payments pursuant to Senate Resolution 139, 103d Congress, agreed to August 4, 1993".

(c) Section 1205 of such Act is amended by adding at the end the following:

"(d) In case of an award under section 307 of Public Law 102–166, a payment pursuant to an agreement under section 310 of such Public Law, or a payment pursuant to Senate Resolution 139, 103d Congress, agreed to August 4, 1993, to an employee described in section 301(c)(1)(B) of such Public Law, to an applicant for a position described in section 301(c)(1)(C) of such Public Law that is to be occupied by such an employee, or to an individual described in section 301(c)(1)(D) of such Public Law who was formerly such an employee, the Architect of the Capitol, at the direction of the Secretary of the Senate, shall transfer to the account established by subsection (a), from funds that are appropriated to the Architect of the Capitol under the heading 'CAPITOL BUILDINGS AND GROUNDS' under the subheading 'SENATE OFFICE BUILDING' and that are otherwise available for obligation at the time the award is ordered or the agreement is entered into, an amount sufficient to pay such award or make such payment.".

(d) The amendments made by this section shall be effective on and after October 1, 1992.

SEC. 2002. (a) The Senate finds that—

(1) historically it is the policy of the Federal Government to provide financial and other assistance to the victims of natural disasters;

(2) since fiscal year 1988, the Congress has enacted 6 major disaster relief supplemental appropriations Acts providing a total of $17,012,000,000 in budget authority for Federal disaster assistance for domestic disasters;

(3) the provision of Federal disaster assistance reflects the traditions and values of the American people who have always been willing to provide help to those who have been victimized by catastrophic events and forces beyond their control;

(4) the unprecedented growth in the cost of disaster assistance needs to be reconciled with the restraints imposed on discretionary spending and with the deficit reduction goals of the Budget Enforcement Act of 1990 and the Omnibus Budget Reconciliation Act of 1993, under which significant progress is being made in reducing the Federal deficit; and

(5) a prospective policy should be developed for anticipating and funding disaster needs and other emergencies in keeping with continuing fiscal constraints on the Federal Government.

(b) It is the sense of the Senate that—

(1) there should be established in the Senate a Bipartisan Task Force on Funding Disaster Relief; and

(2) the Task Force should—

(A) consult with the Senate committees with jurisdiction over disaster relief programs;

(B) compile information on the history of Federal disaster relief and recovery funding;

(C) evaluate the types and amounts of Federal financial assistance provided to individuals, State and local governments, and nonprofit organizations after disaster strike, as well as relevant insurance coverage and loss experience;

(D) consider the relationship between funding disaster relief and complying with the deficit control requirements of the Budget Enforcement Act of 1990, the Omnibus Budget Reconciliation Act of 1993, and other deficit control provisions enacted prior to 1990; and

(E) report its findings, options, and recommendations to the Senate with regard to the consideration of future disaster assistance funding requests prior to the convening of the 104th Congress.

SEC. 2003. (a) AMENDMENT TO TITLE 31.—Section 301(d) of title 31, United States Code, is amended by inserting "an Under Secretary of Enforcement," after "2 Under Secretaries,".

(b) AMENDMENT TO TITLE 5.—Section 5314 of title 5, United States Code, is amended by striking "Under Secretary of the Treasury (or Counselor)." and striking "Under Secretary of the Treasury for Monetary Affairs." and inserting in lieu thereof, "Under Secretaries of the Treasury (3).".

TITLE III—RESCINDING CERTAIN BUDGET AUTHORITY

CHAPTER 1

DEPARTMENT OF AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES

DEPARTMENT OF AGRICULTURE

COOPERATIVE STATE RESEARCH SERVICE

(RESCISSIONS)

Of the funds made available under this heading in Public Law 103–111, $12,463,000 are rescinded, including $4,375,000 of contracts and grants for agricultural research under the Act of August 4, 1965, as amended; $6,729,000 for competitive research grants under section 2(b) of the Act of August 4, 1965; and $1,359,000 for necessary expenses of Cooperative State Research Service activities.

BUILDINGS AND FACILITIES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–111, $2,897,000 are rescinded.

SOIL CONSERVATION SERVICE

WATERSHED AND FLOOD PREVENTION OPERATIONS

(RESCISSION)

Of the funds made available under this heading in Public Law 103–111 for emergency measures as provided by sections 403–405 of the Agricultural Credit Act of 1978 (16 U.S.C. 2203–2205), $21,158,000 are rescinded.

FARMERS HOME ADMINISTRATION

RURAL HOUSING INSURANCE FUND PROGRAM ACCOUNT

(RESCISSIONS)

Of the amounts provided under this heading in Public Law 103–111, the following amounts are rescinded: for the cost of low-income housing section 502 direct loans, $20,870,000; for the cost of section 515 rental housing loans, $12,443,000; for the cost of section 504 housing repair loans, $1,204,000; for the cost of section 514 farm labor housing loans, $483,000.

AGRICULTURAL CREDIT INSURANCE FUND PROGRAM ACCOUNT

(RESCISSION)

Of the amounts provided under this heading for the cost of credit sales of acquired property direct loans in Public Law 103–111, $8,000,000 are rescinded.

RURAL DEVELOPMENT LOAN FUND PROGRAM ACCOUNT

(RESCISSION)

Of the funds made available under this heading in Public Law 103–111 for the cost of direct loans, $10,000,000 are rescinded.

RURAL HOUSING VOUCHER PROGRAM

(RESCISSION)

Of the funds made available under this heading in Public Law 103–111, $25,000,000 are rescinded.

RURAL WATER AND WASTE DISPOSAL GRANTS

(RESCISSION)

Of the funds made available under this heading is Public Law 103–111, $12,500,000 are rescinded.

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading Public Law 103–111, $12,167,000 are rescinded.

RURAL ELECTRIFICATION ADMINISTRATION

RURAL ELECTRIFICATION AND TELEPHONE LOANS PROGRAM ACCOUNT

(RESCISSIONS)

Of the amounts provided under this heading in Public Law 103–111, the following amounts are rescinded: for the cost of 5 percent rural electrification direct loans, $1,694,000; for the cost of 5 percent rural telephone direct loans, $1,611,000.

FOOD AND NUTRITION SERVICE

COMMODITY SUPPLEMENTAL FOOD PROGRAM

(RESCISSION)

Of the funds made available under this heading in Public Law 102–341, $10,000,000 are rescinded.

PUBLIC LAW 480 PROGRAM ACCOUNT

(RESCISSIONS)

Of the funds made available under this heading in Public Law 103–111 for title III, $25,000,000 are rescinded, and of the amounts made available for ocean freight differential costs, $4,600,000 are rescinded.

Of the funds made available under this heading in Public Law 103–111 for the cost of direct credit agreements, including the cost of modifying credit agreements, $22,900,000 are rescinded.

CHAPTER 2

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES

DEPARTMENT OF COMMERCE

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

CONSTRUCTION

(RESCISSION)

Of the amounts made available under this heading in Public Law 103–121, $3,000,000 are rescinded.

INTERNATIONAL TRADE ADMINISTRATION

OPERATIONS AND ADMINISTRATION

(RESCISSION)

Of the funds made available under this heading, $2,000,000 are rescinded.

MINORITY BUSINESS DEVELOPMENT AGENCY

MINORITY BUSINESS DEVELOPMENT

(RESCISSION)

Of the funds made available under this heading in Public Law 103–121 for a grant to the Catawba Indian Tribe, $500,000 are rescinded.

ECONOMIC DEVELOPMENT ADMINISTRATION

ECONOMIC DEVELOPMENT REVOLVING FUND

(RESCISSION)

Of the unobligated balances in the Economic Development Revolving Fund, $29,000,000 are rescinded.

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

BUYING POWER MAINTENANCE

(RESCISSION)

Of the balances in the Buying Power Maintenance account, $8,800,000 are rescinded.

NEW DIPLOMATIC POSTS

(RESCISSION)

Of the funds made available for the United States Information Agency under this heading in Public Law 102-395, $1,000,000 are rescinded.

THE JUDICIARY

COURTS OF APPEALS, DISTRICT COURTS, AND OTHER

JUDICIAL SERVICES

DEFENDER SERVICES

(RESCISSION)

Of the funds made available under this heading in Public Law 103-121, $3,000,000 are rescinded.

RELATED AGENCIES

BOARD FOR INTERNATIONAL BROADCASTING

ISRAEL RELAY STATION

(RESCISSION)

Of the funds made available under this heading, $1,700,000 are rescinded.

SMALL BUSINESS ADMINISTRATION

BUSINESS LOANS PROGRAM ACCOUNT

(RESCISSION)

Of the funds made available under this heading in Public Law 103-121 for the cost of guaranteed loans, $4,100,000 are rescinded.

UNITED STATES INFORMATION AGENCY

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103-121, $2,000,000 are rescinded.

EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS

(RESCISSION)

Of the funds made available under this heading in Public Law 103-121, $850,000 are rescinded.

RADIO CONSTRUCTION

(RESCISSION)

Of the funds made available under this heading in Public Law 103-121, $2,000,000 are rescinded.

NORTH/SOUTH CENTER

(RESCISSION)

Of the funds made available under this heading, $1,000,000 are rescinded.

CHAPTER 3

DEPARTMENT OF DEFENSE—MILITARY PROCUREMENT

AIRCRAFT PROCUREMENT, NAVY

(RESCISSION)

Of the funds made available under this heading in Public Law 103-139, $10,000,000 are rescinded.

AIRCRAFT PROCUREMENT, AIR FORCE

(RESCISSION)

Of the funds made available under this heading in Public Law 102-396, $12,800,000 are rescinded.

OTHER PROCUREMENT, AIR FORCE

(RESCISSION)

Of the funds made available under this heading in Public Law 103-139, $42,500,000 are rescinded.

PROCUREMENT, DEFENSE AGENCIES

(RESCISSION)

Of the funds made available under this heading in Public Law 102-172, $10,000,000 are rescinded.

PROCUREMENT, DEFENSE-WIDE

(RESCISSION)

Of the funds made available under this heading in Public Law 103-139, $14,500,000 are rescinded.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

(RESCISSION)

Of the funds made available under this heading in Public Law 102-396, $50,000,000 are rescinded.

Of the funds made available under this heading in Public Law 103-139, $6,000,000 are rescinded.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE

(RESCISSION)

Of the funds made available under this heading in Public Law 103-139, $104,500,000 are rescinded.

CHAPTER 4

ENERGY AND WATER DEVELOPMENT

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

GENERAL INVESTIGATIONS

(RESCISSION)

Of the amounts made available under this heading in Public Law 102-377 and prior years' Energy and Water Development Appropriations Act, $24,970,000 are rescinded.

CONSTRUCTION, GENERAL

(RESCISSION)

Of the amounts made available under this heading in Public Law 102-377 and prior years' Energy and Water Development Appropriations Act, $97,319,000 are rescinded.

DEPARTMENT OF THE INTERIOR

BUREAU OF RECLAMATION

CONSTRUCTION PROGRAM

(RESCISSION)

Of the amounts made available under this heading in Public Laws 102-27, 102-368, 102-377 and prior years' Energy and Water Development Appropriations Acts, $30,000,000 are rescinded.

DEPARTMENT OF ENERGY

ENERGY SUPPLY RESEARCH AND DEVELOPMENT ACTIVITIES

(RESCISSIONS)

Of the funds made available under this heading in Public Law 103-126, $97,300,000 are rescinded: Provided, That the reduction shall be taken as a general reduction, applied to each program equally, so as not to eliminate or disproportionately reduce any program, project or activity in the Energy Supply, Research and Development Activities account as included in the reports accompanying Public Law 103-126.

Of the funds made available under this heading for superconducting magnetic energy storage in Public Law 103-126, $10,000,000 are rescinded.

URANIUM SUPPLY AND ENRICHMENT ACTIVITIES

(RESCISSION)

Of the amounts made available under this heading in Public Law 102-377 and prior years' Energy and Water Development Appropriations Acts, $42,000,000 are rescinded.

RELATED AGENCY

NUCLEAR REGULATORY COMMISSION

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103-126, $12,700,000 are rescinded.

CHAPTER 5

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS

MULTILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL FINANCIAL INSTITUTIONS

CONTRIBUTION TO THE INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT

(RESCISSION)

Of the unexpended or unobligated balances made available for payment to the International Bank for Reconstruction and Development for the United States share of the paid-in portion of the increases in capital stock for the General Capital Increase, $27,910,500 are rescinded.

LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

Notwithstanding Public Law 103-87, the United States Governor of the International Bank for Reconstruction and Development may subscribe without fiscal year limitation to the callable capital portion of the United States share of the increases in capital stock in an amount not to exceed $902,439,500.

BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

DEVELOPMENT ASSISTANCE

(RESCISSION)

Of the unexpended or unobligated balances of funds (including earmarked funds) made available for fiscal years 1987 through 1993 to carry out the provisions of sections 103 through 106 of the Foreign Assistance Act of 1961, as amended, $104,018,500 are rescinded.

ASSISTANCE FOR THE NEW INDEPENDENT STATES OF THE FORMER SOVIET UNION

(RESCISSION)

Of the unexpended or unobligated balances of funds made available under this heading and Title VI of Public Law 103-87, and prior Acts making appropriations for foreign operations, export financing, and related programs, for assistance for the new independent states of the former Soviet Union, $55,000,000 are rescinded.

ECONOMIC SUPPORT FUND

(RESCISSION)

Of the unexpended or unobligated balances of funds (including earmarked funds) made available for fiscal years 1987 through 1993 to carry out the provisions of chapter 4 of part II of the Foreign Assistance Act of 1961, $61,350,000 are rescinded.

MILITARY ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

FOREIGN MILITARY FINANCING PROGRAM

(RESCISSION)

Of the funds made available under this heading (including earmarked funds) in Public Law 102-391 and prior appropriations Acts, for grants to carry out the provisions of section 23 of the Arms Export Control Act, $91,283,000 are rescinded.

MILITARY ASSISTANCE

(RESCISSION)

Of the funds made available (including earmarked funds) under this heading in Public Law 102-391 and prior appropriations Acts, $438,000 are rescinded.

CHAPTER 6

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES

DEPARTMENT OF THE INTERIOR

United States Fish and Wildlife Service

CONSTRUCTION AND ANADROMOUS FISH

(RESCISSION)

Of the funds made available under this heading in Public Law 100-446 and Public Law 102-154, $3,874,000 are rescinded.

DEPARTMENT OF THE TREASURY

BIOMASS ENERGY DEVELOPMENT

(RESCISSION)

Of the funds available under this heading, $16,275,000 are rescinded.

CHAPTER 7

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, EDUCATION, AND RELATED AGENCIES

DEPARTMENT OF LABOR

(RESCISSION)

Of the amounts appropriated in Public Law 103–112 for salaries and expenses and administrative costs of the Department of Labor, $4,000,000 are rescinded: Provided, That the Secretary of Labor may use up to $1,750,000 otherwise appropriated to the Department of Labor for fiscal year 1994 for activities required by the North American Free Trade Agreement Labor Supplemental Agreement, including obligations of the United States abroad pursuant to treaties, international agreements and binational contracts, distribution to international organizations established by the North American Free Trade Agreement on Labor Cooperation between the Government of the United States, the Government of Canada, and the Government of the United Mexican States.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

(RESCISSION)

Of the amounts appropriated in Public Law 103–112 for salaries and expenses and administrative costs (including equipment) of the Department of Health and Human Services (except the Social Security Administration), $27,500,000 are rescinded.

SOCIAL SECURITY ADMINISTRATION

SUPPLEMENTAL SECURITY INCOME PROGRAM

(RESCISSION)

Of the amounts appropriated in the first paragraph under this heading in Public Law 103–112, $10,909,000 are rescinded.

LIMITATION ON ADMINISTRATIVE EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–112 to invest in a state-of-the-art computing network, $80,000,000 are rescinded.

DEPARTMENT OF EDUCATION

(RESCISSION)

Of the amounts appropriated in Public Law 103–112 for salaries and expenses and administrative costs of the Department of Education, $8,500,000 are rescinded.

CHAPTER 8

LEGISLATIVE BRANCH

CONGRESSIONAL OPERATIONS

SENATE

CONTINGENT EXPENSES OF THE SENATE

(RESCISSION)

Of the funds made available for the Senate under the heading "Sergeant at Arms and Doorkeeper of the Senate" in Public Law 102–90, $1,500,000 are rescinded.

HOUSE OF REPRESENTATIVES

SALARIES AND EXPENSES

(RESCISSIONS)

Of the amounts made available under this heading in Public Law 101–520, $633,000 are rescinded in the amounts specified for the following headings and accounts:

"ALLOWANCES AND EXPENSES", $633,000, as follows:

"Official Expenses of Members", $128,000; "supplies, materials, administrative costs and Federal tort claims", $125,000; "net expenses of purchase, lease and maintenance of office equipment", $364,000; and "Government contributions to employees' life insurance fund, retirement funds, Social Security fund, Medicare fund, health benefits fund, and worker's and unemployment compensation", $16,000.

Of the amounts made available under this heading in Public Law 102–90, $2,352,000 are rescinded in the amounts specified for the following headings and accounts:

"HOUSE LEADERSHIP OFFICES", $253,000;

"COMMITTEE ON THE BUDGET (STUDIES)", $4,000;

"STANDING COMMITTEES, SPECIAL AND SELECT", $378,000;

"ALLOWANCES AND EXPENSES", $943,000, as follows:

"Official Expenses of Members", $876,000; and "stenographic reporting of committee hearings", $67,000;

"COMMITTEE ON APPROPRIATIONS (STUDIES AND INVESTIGATIONS)", $595,000;

"SALARIES, OFFICERS AND EMPLOYEES", $179,000, AS FOLLOWS:

"Office of the Postmaster", $19,000; "for salaries and expenses of the office of the Historian", $26,000; "the House Democratic Steering and Policy Committee and the Democratic Caucus", $73,000; and "the House Republican Conference", $61,000.

LIBRARY OF CONGRESS

(RESCISSION)

Of the amounts made available under this heading in Public Law 103–69, $1,000,000 are rescinded.

GENERAL ACCOUNTING OFFICE

SALARIES AND EXPENSES

(RESCISSION)

Of the amounts made available under this heading in Public Law 103–69, $650,000 are rescinded.

CHAPTER 9

DEPARTMENT OF DEFENSE—MILITARY

MILITARY CONSTRUCTION

(RESCISSION)

Of the funds appropriated under Public Law 103–110, the following funds are hereby rescinded from the following accounts in the specified amounts:

Military Construction, Army, $22,319,000;

Military Construction, Navy, $13,969,000;

Military Construction, Air Force, $24,787,000;

Military Construction, Defense-Wide, $13,663,000;

Military Construction, Army National Guard, $7,568,000;

Military Construction, Air National Guard, $6,187,000;

Military Construction, Army Reserve, $2,551,000;

Military Construction, Naval Reserve, $626,000;

Military Construction, Air Force Reserve, $1,862,000; and

Base Realignment and Closure Account, Part III, 507,692, $,000;

Provided, That within funds available for "Base Realignment and Closure Account, Part III" for fiscal year 1994, not less than $200,000,000 shall be available solely for environmental restoration and compliance.

CHAPTER 10

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES

DEPARTMENT OF TRANSPORTATION

OFFICE OF THE SECRETARY

PAYMENTS TO AIR CARRIERS

(AIRPORT AND AIRWAY TRUST FUND)

(RESCISSION)

Of the funds available for programs authorized under section 419 of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1389), $10,067,000 are rescinded.

RENTAL PAYMENTS

(RESCISSION)

Of the funds made available under this heading in Public Law 103–122, $1,781,000 are rescinded.

FEDERAL AVIATION ADMINISTRATION

OPERATIONS

(RESCISSION)

Of the funds made available under this heading in Public Law 103–122, $750,000 are rescinded.

FACILITIES AND EQUIPMENT

(AIRPORT AND AIRWAYS TRUST FUND)

(RESCISSION)

Of the available balances under this heading, $65,380,300 are rescinded.

GRANTS-IN-AID FOR AIRPORTS

(AIRPORT AND AIRWAY TRUST FUND)

(RESCISSION)

Of the unobligated balances authorized under section 14 of Public Law 91–258 as amended, $488,200,000 are rescinded.

FEDERAL HIGHWAY ADMINISTRATION

(HIGHWAY TRUST FUND)

(RESCISSION)

Of the funds made available for specific highway projects, $29,832,843 are rescinded: Provided, That of the amounts made available for Federal-aid highways pursuant to provisions of the Surface Transportation and Uniform Relocation Assistance Act of 1987, $2,517,473 are rescinded: Provided further, That of the authority made available for bridges on Federal dams pursuant to section 320 of title 23, United States Code, $9,478,139 are rescinded: Provided further, That this rescission shall not apply to any emergency relief project under section 125 of title 23, United States Code.

RIGHT-OF-WAY REVOLVING FUND

(HIGHWAY TRUST FUND)

(RESCISSION)

Of the unobligated balances authorized under section 108 of title 23, United States Code, and section 7 of Public Law 90–495, $20,000,000 are rescinded.

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

HIGHWAY TRAFFIC SAFETY GRANTS

(HIGHWAY TRUST FUND)

(RESCISSION)

Of the funds available for programs authorized under sections 153, 402, and 408 of title 23, United States Code, and section 209 of Public Law 99–599, as amended, the amounts in excess of the funds made available for obligation in Public Law 103–122 are rescinded.

FEDERAL RAILROAD ADMINISTRATION

RAILROAD RESEARCH AND DEVELOPMENT

(RESCISSION)

Of the funds made available under this heading in Public Law 103–122, $17,000,000 are rescinded: Provided, That funds made available under this heading in Public Law 103–122 may be obligated using contracts and grants.

FEDERAL TRANSIT ADMINISTRATION

DISCRETIONARY GRANTS

(RESCISSION)

(HIGHWAY TRUST FUND)

Of the funds made available under this heading in Public Law 99–190 and Public Law 103–122, $808,935 and $2,500,000, respectively, are rescinded.

CHAPTER 11

TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT

DEPARTMENT OF THE TREASURY

INTERNAL REVENUE SERVICE

INFORMATION SYSTEMS

(RESCISSION)

Of the amount made available under this heading in Public Law 103–123, $6,400,000 are rescinded.

INDEPENDENT AGENCY

GENERAL SERVICES ADMINISTRATION

FEDERAL BUILDINGS FUND

(LIMITATIONS ON AVAILABILITY OF REVENUE)

(RESCISSION)

Of the funds made available under this heading in Public Law 102–27 for District of Columbia: General Services Administration, Southeast Federal Center, Headquarters, $97,691,000 are rescinded: Provided, That of the funds made available under this heading in Public Law 102–393 for District of Columbia: Army Corps of Engineers, Headquarters, $10,000,000 are rescinded: Provided further, That of the funds made available in Public Law 101–509 for District of Columbia: Southeast Federal Center, $20,000,000 are rescinded: Provided further, That of the funds made available under this heading in Public Law 103–123 for rental of space, $6,000,000 are rescinded: Provided further, That the Federal courthouse in Spartanburg, South Carolina shall be known and designated as the "Donald Stuart Russell Federal Courthouse" and that any reference in any law, regulation, document, record, map, or other paper of the United States to the building referred to in this proviso shall be deemed to be a reference to the "Donald Stuart Russell Federal Courthouse".

CHAPTER 12

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

HOUSING PROGRAMS

HOMEOWNERSHIP AND OPPORTUNITY FOR PEOPLE EVERYWHERE GRANTS (HOPE GRANTS)

(RESCISSION)

Of the amounts provided under this heading in Public Law 103–124, an additional $66,000,000 are rescinded.

ANNUAL CONTRIBUTIONS FOR ASSISTED HOUSING

(RESCISSION)

Of the funds made available under this heading in Public Law 103–124 and prior years, $100,000,000 are rescinded: Provided, That of the foregoing amount, $25,000,000 shall be deducted from the amounts earmarked for amendments to section 8 contracts other than contracts for projects developed under section 202 of the Housing Act of 1959 and $75,000,000 shall be deducted from the amounts earmarked for preservation activities.

ASSISTANCE FOR THE RENEWAL OF SECTION 8 SUBSIDY CONTRACTS

(RESCISSION)

Of the funds made available under this heading in Public Law 103–124 and prior years, $76,000,000 are rescinded.

INDEPENDENT AGENCIES

CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–124, $770,000 are rescinded.

ENVIRONMENTAL PROTECTION AGENCY

WATER INFRASTRUCTURE/STATE REVOLVING FUNDS

(RESCISSION)

Of the funds made available under this heading in Public Law 103–124, $22,000,000 are rescinded.

FEDERAL EMERGENCY MANAGEMENT AGENCY

EMERGENCY MANAGEMENT PLANNING AND ASSISTANCE

(RESCISSION)

Of the funds made available under this heading in Public Law 103–124, $2,000,000 are rescinded.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

RESEARCH AND DEVELOPMENT

(RESCISSION)

Of the funds made available under this Heading in Public Law 103–124, $63,000,000 are rescinded.

SPACE FLIGHT, CONTROL, AND DATA COMMUNICATIONS

(RESCISSION)

Of the funds made available under this heading in Public Law 103–124, $32,000,000 are rescinded.

CONSTRUCTION OF FACILITIES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–124, $25,000,000 are rescinded.

NATIONAL SCIENCE FOUNDATION

RESEARCH AND RELATED ACTIVITIES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–124, $5,000,000 are rescinded.

ACADEMIC RESEARCH INFRASTRUCTURE

(RESCISSION)

Of the funds made available under this heading in Public Law 103–124, $5,000,000 are rescinded.

NATIONAL SERVICE INITIATIVE

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

(RESCISSION)

Of the funds made available under this heading in Public Law 103–124, $5,000,000 are rescinded.

TITLE IV—GENERAL PROVISIONS

SEC. 401. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 402. The Architect of the Capitol shall be considered the agency for the purposes of the election in section 801(b)(2)(B) of the National Energy Conservation Policy Act and the head of the agency for purposes of subsection (b)(2)(C) of such section.

PROHIBITION OF BENEFITS FOR INDIVIDUALS NOT LAWFULLY WITHIN THE UNITED STATES

SEC. 403. None of the funds made available in this Act may be used to provide any benefit or assistance to any individual in the United States when it is known to a Federal entity or official to which the funds are made available that—

(1) the individual is not lawfully within the United States;

(2) the direct Federal assistance or benefit to be provided is other than search and rescue; emergency medical care; emergency mass care; emergency shelter; clearance of roads and construction of temporary bridges necessary to the performance of emergency tasks and essential community services; warning of further risks or hazards; dissemination of public information and assistance regarding health and safety measures; the provision of food, water, medicine, and other essential needs, including movement of supplies or persons; and reduction of immediate threats to life, property and public health and safety;

(3) temporary housing assistance provided in this Act may be made available to individuals and families for a period of up to 90 days without regard to the requirements of subsection (4);

(4) immediately upon the enactment of this Act, other than for the purposes set forth in subsections (2) and (3) of this section, any Federal entity or official who makes available funds under this Act shall take reasonable steps to determine whether any individual or company seeking to obtain such funds is lawfully within the United States;

(5) In no case shall such Federal entity, official or their agent discriminate against any individual with respect to filing, inquiry, or adjudication of an application for funding on the bases of race, color, creed, handicap, religion, sex, sexual orientation, national origin, citizenship status or form of lawful immigration status; and

(6) the implementation of this section shall not require the publication or implementation of any intervening regulations.

SEC. 404. (a) STUDY BY COMPTROLLER GENERAL.—The Comptroller General of the United States shall conduct a study regarding Federal laws, unfunded Federal mandates, and other Federal regulatory requirements, that may prevent or impair the ability of State and local authorities to rebuild expeditiously the areas devastated by the January 1994 earthquake in Southern California. In conducting the study, the Comptroller General shall consult with State and local officials of California.

(b) REPORT.—Not later than 30 days after the date of the amendment of this Act, the Comptroller General shall submit to the Congress a report setting forth findings and recommendations as a result of the study conducted under subsection (a). The report shall include—

(1) an identification of the specific Federal laws, unfunded Federal mandates, and other Federal regulatory requirements, referred to in subsection (a);

(2) an analysis of the manner in which such laws, mandates, and other requirements may prevent or impair the ability of State and local authorities to rebuild expeditiously the areas devastated by the January 1994 earthquake in Southern California; and

(3) recommended forms of, and appropriate time periods for, relief from such laws, mandates, and other requirements.

SEC. 405. In the case of any equipment or product that may be authorized to be purchased with financial assistance provided using funds made available in this Act, it is the sense of the Congress that entities receiving the assistance should, in expending the assistance, purchase only American-made equipment and products, and that notice of this provision be given to such recipient of assistance covered under this Act.

SEC. 406. EXTENSION OF RTC CIVIL STATUTE OF LIMITATIONS.

Section 21A(b)(14)(C) of the Federal Home Loan Bank Act (12 U.S.C. 1441a(b)(14)(C)) is amended by striking clause (i) and inserting in lieu thereof the following:

"(i) the period beginning on the date the claim accrues (as determined pursuant to section 11(d)(14)(B) of the Federal Deposit Insurance Act) and ending on December 31, 1995 or ending on the date of the termination of the Corporation pursuant to section 21A(m)(1), whichever is later; or".

SEC. 407. REPEALS.

Except for subsection (b) of section 3508, sections 3508 and 3509 of the Three Affiliated

Tribes and Standing Rock Sioux Tribe Equitable Compensation Act are repealed effective October 30, 1992: Provided, That the U.S. Army Corps of Engineers should proceed with the Secretary of the Interior to designate excess lands and transfer them pursuant to Public Law 93-599.

SEC. 408. It is the sense of the Congress that the Department of Defense should proceed with construction of a new facility for the Walter Reed Army Institute of Research at Forest Glen, Maryland, not late than 45 days after enactment of this Act.

SEC. 409. The Administrator of the Federal Aviation Administration is directed to establish and operate an Auxiliary Flight Service Station at Marquette, Michigan, no later than September 1, 1994, using available funds.

TECHNICAL CORRECTION

SEC. 410. Subsection (b) of section 347 of the National Defense Authorization Act for fiscal year 1994 (Public Law 103-160; 107 Stat. 1626) is amended—

(1) by striking out "section 2774(a)(2)(A) of title 10," and inserting in lieu thereof "section 5584(a)(2)(A) of title 5,"; and

(2) by striking out "section 2774(a)(2) of such title" and inserting in lieu thereof "section 5584(a)(2) of such title".

LANDSAT—7 TRANSFER AUTHORITY

SEC. 411. The Secretary of Defense may transfer up to $90,000,000 from Procurement, Defense-wide, 1994/1996 to the National Aeronautics and Space Administration (NASA) to be used only for LANDSAT 7: Provided, That no funds may be transferred until the Administrator of NASA certifies a plan that fully funds the LANDSAT 7 program within the NASA budget for fiscal year 1995 and beyond, and such plan has been submitted to the appropriate Congressional oversight committees.

And the Senate agree to the same.

WILLIAM H. NATCHER,
NEAL SMITH,
SIDNEY R. YATES,
DAVID R. OBEY,
LOUIS STOKES,
TOM BEVILL,
JOHN P. MURTHA,
JULIAN C. DIXON,
VIC FAZIO,
W.G. (BILL) HEFNER,
STENY H. HOYER,
BOB CARR,
RICHARD J. DURBIN,
JOSEPH M. MCDADE,
RALPH REGULA,
BOB LIVINGSTON,
(Except for S. 409 of the Senate amendment),
JERRY LEWIS,
HAROLD ROGERS,
JOE SKEEN,
JOHN EDWARD PORTER,
Managers on the Part of the House.

ROBERT C. BYRD,
DANIEL K. INOUYE,
ERNEST F. HOLLINGS,
J. BENNETT JOHNSTON,
PATRICK LEAHY,
JIM SASSER,
DENNIS DECONCINI,
DALE BUMPERS,
FRANK R. LAUTENBERG,
TOM HARKIN,
BARBARA A. MIKULSKI,
HARRY REID,
J. ROBERT KERREY,
HERB KOHL,
PATTY MURRAY,
DIANNE FEINSTEIN,
MARK O. HATFIELD,
TED STEVENS,
THAD COCHRAN,
ALFONSE M. D'AMATO,
ARLEN SPECTER,
PETE V. DOMENICI,
PHIL GRAMM,
CHRISTOPHER S. BOND,
SLADE GORTON,
MITCH MCCONNELL,
CONNIE MACK,
CONRAD BURNS,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 3759) making emergency supplemental appropriations for the fiscal year ending September 30, 1994, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effects of the action agreed upon by the managers and recommended in the accompanying conference report.

Report language included by the House in House Report 103-415 and in House Report 103-368, the report to accompany H.R. 3511 which was the text of Title II of the House passed version of H.R. 3759, which is not changed by the Explanatory Statement of the Recommendations of the Senate Committee on Appropriations that appears in the February 10, 1994, Congressional Record beginning on page S 1384, and language in the Senate Explanatory Statement which is not changed by the conference are approved by the committee of conference. The statement of the managers, while repeating some report language for emphasis, does not intend to negate the language refereed to above unless expressly provided herein.

HISTORY OF THE BILL

H.R. 3759 as reported by the House Committee on Appropriations included emergency supplemental appropriations for the Southern California Earthquake, for peacekeeping and peace enforcing costs of the Department of Defense, and for additional disaster recovery expenses due to the Midwest floods of 1993 and the Loma Prieta Earthquake. The bill was amended by the House to include a package of rescissions that was reported to the House in H.R. 3511. That bill was developed based on rescission requests made by the President. Previously, this package of rescissions had passed the House as Title XVII of H.R. 3400. After House action on H.R. 3759, additional supplemental appropriations and rescission requests were made by the President and all pending requests were considered by the Senate in the development of the Senate amendment.

TITLE I—EMERGENCY SUPPLEMENTAL APPROPRIATIONS

CHAPTER 1

DEPARTMENT OF AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES

DEPARTMENT OF AGRICULTURE

SOIL CONSERVATION SERVICE

WATERSHED AND FLOOD PREVENTION OPERATIONS

The conference agreement includes $340,500,000 for the Watershed and Flood Prevention Operations of the Soil Conservation Service as proposed by both the House and the Senate. This funding is available until expended, as proposed by the Senate, instead of until September 30, 1995, as proposed by the House. The conference agreement also includes language to allow additional enrollment into the emergency Wetlands Reserve Program as proposed by both the House and the Senate.

The conference agreement includes Senate language to provide that assistance may be made available when the primary beneficiary is agriculture or agribusiness regardless of drainage size. The conference agreement also provides that not more than $50,000,000 may be used for drainage areas not currently covered by the Soil Conservation Service. The House bill contained no similar provision. The conferees are concerned with how the Department will decide what additional work will be done under this new statutory proviso. The conferees direct the Soil Conservation Service to submit criteria to the Committees on Appropriations within 30 days of enactment on how projects will be prioritized and selected.

AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE

EMERGENCY CONSERVATION PROGRAM

The conference agreement includes $25,000,000 for the Agricultural Stabilization and Conservation Service, Emergency Conservation Program as proposed by both the House and the Senate.

COMMODITY CREDIT CORPORATION

The conference agreement includes language providing that funds made available in Public Law 103-75 for the Commodity Credit Corporation shall be available to fund the cost of replanting, reseeding, or repairing damage to commercial trees and seedlings, including orchard and nursery inventory. This provision was included by both Houses.

The agreement provides that the funds are to repair damage as a result of the Midwest floods of 1993 or other natural disasters as proposed by the Senate. Language is included to designate the provision as an emergency requirement under the Balanced Budget and Emergency Deficit Control Act of 1985, as proposed by the Senate. The House bill contained no similar provision.

The conference agreement also amends Public Law 103-75 to include language allowing papayas to be treated like other crops damaged by 1992 disasters, and specifies that the use of funds for this purpose is an emergency requirement under the Balanced Budget and Emergency Deficit Control Act of 1985, as proposed by the Senate. The House bill contained no similar provision.

The conference agreement provides that disaster assistance shall be available for 1993 losses of trees, shrubs, or nursery stock and inventory being grown for commercial sale, if such stock or inventory would normally have been sold in 1993, 1994, or 1995, and specifies that the use of funds for this purpose is an emergency requirement under the Balanced Budget and Deficit Control Act of 1985, as proposed by the Senate. Reimbursement shall be based on the market value at the time of the disaster. The House bill contained no similar provision.

CHAPTER 2

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES

RELATED AGENCY

SMALL BUSINESS ADMINISTRATION

ADMINISTRATIVE PROVISIONS

The conference agreement provides a new section 202 which makes the $18,000,000 designated in SBA's Salaries and Expenses account in Public Law 103-121, to carry out section 24 of the Small Business Act, available

until September 30, 1995. The House and Senate bills contained no provision on this matter.

CHAPTER 3

DEPARTMENT OF DEFENSE—MILITARY

The conferees note that the recommended appropriations identified by the House and Senate are identical and are therefore not conference issues. The following chart provides the details of the supplemental appropriations:

DOD FISCAL YEAR 1994 SUPPLEMENTAL

[In thousands of dollars]

Appropriations	Somalia	Bosnia	Provide Comfort	Southern Watch	Haiti	Total
Military Personnel, Army	5,500	1,100				6,600
Military Personnel, Navy				19,400		19,400
Military Personnel, Air Force	400	7,600		10,400		18,400
Operation and Maintenance, Army	305,000	48,100		67,000		420,100
Operation and Maintenance, Navy	22,800	19,800		14,400	47,800	104,800
Operation and Maintenance, Air Force	33,000	198,700	100,200	228,200		560,100
Operation and Maintenance, Defense-wide (USSOCOM)	10,100	1,400	10,100			21,600
Aircraft Procurement, Army	20,300					20,300
Other Procurement, Army	200					200
Other Procurement, Air Force	26,800					26,800
Total	424,100	276,700	110,300	339,400	47,800	1,198,300

SOMALIA

The recommendation of $424,100,000 provides for sustainment of United States support through the March 1994 withdrawal including pay and allowances for Active and Reserve personnel and such items as operation, repair and replacement of aircraft, vehicles and other equipment, communication requirements, logistic supply operations, and airlift and sealift transportation requirements.

BOSNIA

The recommendation of $276,700,000 provides for twelve months of humanitarian airdrops; hospital operations; OPTEMPO flying hour related requirements for aircraft supporting enforcement of the no-fly zone; pay and allowances of deployed personnel; reconstitution of prepositioned stocks; and vehicle and other equipment maintenance and repair and related transportation costs.

PROVIDE COMFORT AND SOUTHERN WATCH (SOUTHWEST ASIA)

The recommendation of $449,700,000 supports requirements for aircraft supporting enforcement of the no-fly zones; special pay and allowances, rotational travel and per diem of deployed personnel; supplies, leased communication lines and miscellaneous contractual services; equipment maintenance and vehicle repair; and airlift costs associated with Kurdish protection in Northern Iraq and enforcement of the no-fly zone in Southern Iraq.

HAITI

The recommendation of $47,800,000 provides for ship OPTEMPO and flying hours for Navy units assigned to Maritime Interception Operations of commercial vessels in support of Operation Support Democracy. Incremental costs assume 12 months of continuous operations by Navy forces.

ALLIED BURDENSHARING CONTRIBUTIONS

The Senate deleted the House provision dealing with obligations of funds in anticipation of allied burdensharing contributions. The conference agreement restores the House provision, but amends the House language setting a limitation on the amount that can be obligated and applying only to contributions received from the Government of Kuwait.

CHAPTER 4

ENERGY AND WATER DEVELOPMENT

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

FLOOD CONTROL AND COASTAL EMERGENCIES

The conference agreement includes $70,000,000 for the Corps of Engineers to complete repairs to eligible non-Federal flood control levees damaged during the 1993 Midwest floods as proposed by the House and the Senate.

DEPARTMENT OF THE INTERIOR

BUREAU OF RECLAMATION

CONSTRUCTION PROGRAM

The conference agreement includes language proposed by the Senate that waives the 60-day review period by the Congress for Safety of Dams projects so that work can begin immediately on repairs to the Ochoco Dam in Oregon.

CHAPTER 5

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, EDUCATION, AND RELATED AGENCIES

DEPARTMENT OF HEALTH AND HUMAN SERVICES

ADMINISTRATION FOR CHILDREN AND FAMILIES

LOW INCOME HOME ENERGY ASSISTANCE.

The Conference agreement includes language which authorizes the Department of Health and Human Services to target up to $300,000,000 of existing Low Income Home Energy Assistance emergency funds among States. The Administration has requested authority to target $100,000,000 to impacted States. The House bill increased the amount which could be targeted to $200,000,000, and the Senate bill further increased this amount to $300,000,000. The conferees urge the President to release additional funds quickly.

DEPARTMENT OF EDUCATION

IMPACT AID

The conference agreement includes $165,000,000, as requested by the President and included in both House and Senate bills, for impact aid disaster assistance to partially compensate school districts for excess costs and lost revenue which are the direct result of the January 1994 California earthquake and other disasters.

STUDENT FINANCIAL ASSISTANCE

The conference agreement includes $80,000,000, as requested by the President and included in both House and Senate bills, to finance emergency Pell grants to partially meet the additional needs for postsecondary students whose income or assets have been reduced as a result of the January 1994 California earthquake.

The agreement also includes language included in the Senate bill which extends the availability of funds for all three campus-based programs: Perkins loans, work study, and Supplemental Educational Opportunity Grants. These funds will remain available to institutions for use in award year 1994–1995 to assist individuals who have suffered financial harm resulting from the Midwest floods of 1993. The House bill contained no similar provision.

CHAPTER 6

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES

FEDERAL HIGHWAY ADMINISTRATION

FEDERAL-AID HIGHWAYS

EMERGENCY RELIEF PROGRAM

(HIGHWAY TRUST FUND)

The conference agreement includes the entire amount requested for the Federal Highway Administration's emergency relief program. Specifically, for the Southern California earthquake and other disasters the agreement contains $950,000,000 to be made available immediately and $400,000,000 to be made available upon receipt of a Presidential designation of an emergency requirement. In addition, the conferees provided the $315,000,000 requested by the administration for emergency expenses resulting from the Loma Prieta earthquake.

The conferees included language as requested setting aside the limitation on obligations per state and providing that the federal share of expenses for federal-aid highway projects during the first 180 days after the earthquake shall be 100 percent.

The conferees also included language proposed by the Senate that requires $337,000 of the funds provided in the 1992 Dire Emergency Supplemental Appropriations Act be made available directly to the County of Kauai, Hawaii, for comprehensive reviews of transportation infrastructure needs.

Based upon a determination by officials of the Federal Highway Administration that such language was unnecessary, the conferees did not retain the provision added by the State concerning certain costs incurred by the state of California in the time after the earthquake and before enactment of this legislation.

CHAPTER 7

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES

DEPARTMENT OF VETERANS AFFAIRS

VETERANS HEALTH ADMINISTRATION

MEDICAL CARE

Appropriates an additional $21,000,000 for medical care for emergency expenses resulting from the January 1994 earthquake as proposed by the House and the Senate. Of this amount, not more than $802,000 may be transferred to the general operating expenses account, the guaranty and indemnity pro-

gram account, and the vocational rehabilitation loans program account.

CONSTRUCTION, MAJOR PROJECTS

Appropriates an additional $45,600,000 for the construction, major projects account for emergency expenses resulting from the January 1994 earthquake as proposed by the House and the Senate. The language permits that such sums as may be necessary may be transferred to the medical care or construction, minor projects accounts.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

HOUSING PROGRAMS

ANNUAL CONTRIBUTIONS FOR ASSISTED HOUSING

Appropriates an additional $225,000,000 for the annual contributions for assisted housing account as proposed by the House and the Senate. Of the amount provided, $200,000,000 is for rental assistance under the section 8 housing program and $25,000,000 is for the modernization of existing public housing projects. The language stipulates that these funds should be used first to replenish amounts used from the headquarters reserve and permits the Secretary to waive any program requirement, except those relating to fair housing and nondiscrimination, the environment, and labor standards.

FLEXIBLE SUBSIDY FUND

Appropriates $100,000,000 for the flexible subsidy fund as proposed by the House and the Senate. The language limits the assistance to damages attributable to the earthquake and permits the Secretary to waive any program requirement, except those relating to fair housing and nondiscrimination, the environment, and labor standards. The conferees have also included language as proposed by the Senate authorizing assistance to projects with section 312 rehabilitation loans and uninsured section 8 projects, after assistance is given to economically viable FHA insured projects.

FEDERAL HOUSING ADMINISTRATION

The conference agreement includes language proposed by the Senate increasing the mortgage limits and improving access to mortgage insurance for victims of Presidentially-declared disasters, limiting such assistance to principal residences, and terminating this authority after 18 months. The Senate language has been modified to limit such authority to the Southern California earthquake disaster only.

COMMUNITY PLANNING AND DEVELOPMENT

COMMUNITY DEVELOPMENT GRANTS

Appropriates the revised budget request of $500,000,000 for community development grants for activities in areas affected by the Southern California earthquake and Midwest floods as proposed by the Senate instead of $250,000,000 as proposed by the House. The language also permits the transfer of up to $75,000,000 to the HOME program as proposed by the Senate, instead of $50,000,000 as proposed by the House.

The conferees have also included bill language proposed by the Senate to ensure that community development grant funds used in areas damaged by the Midwest floods of 1993, for flood mitigation activities, will be utilized for permanent measures that reduce the potential for future flood losses.

With respect to the amounts made available for Southern California earthquake assistance, anticipated to be $250,000,000, following the replenishment of amounts previously obligated under the Community Development Block Grant (CDBG) or HOME programs, the conferees strongly encourage the Secretary of Housing and Urban Development to give a high priority to addressing unmet needs resulting from funds being advanced on the basis of established CDBG and HOME formulas rather than formulas based on direct earthquake-related damages, such as lost housing stock, in an eligible city.

INDEPENDENT AGENCY

FEDERAL EMERGENCY MANAGEMENT AGENCY

DISASTER RELIEF

The conference agreement provides the $4,709,000,000 requested for disaster relief for the January 1994 earthquake in Southern California and other Presidentially-declared disasters.

The conferees understand the enormous fiscal impact the Northridge Earthquake and other recent natural disasters are having on the State of California and are concerned by the State of California's financial exposure stemming from the Northridge Earthquake as reported by the California Department of Finance. The conferees recognize the State's willingness to contribute its resources to the recovery and believe the Federal government should make every effort to provide the highest degree of financial flexibility to minimize the fiscal impact to the State of California. The conferees recognize that such flexibility was provided to the State of Florida following Hurricane Andrew and believe similar efforts should be made to assist California. The conferees direct the Director of the Office of Management and Budget to report on the Federal government's actions no later than thirty days following the enactment of this Act.

EMERGENCY MANAGEMENT PLANNING AND ASSISTANCE

Appropriates an additional $15,000,000 for emergency management planning and assistance to study the January 1994 earthquake in Southern California in order to enhance seismic safety throughout the United States.

CHAPTER 8

FUNDS APPROPRIATED TO THE PRESIDENT

UNANTICIPATED NEEDS

The conferees have agreed to include $550 million as proposed by the Senate instead of $500 million as proposed by the House for Unanticipated Needs. The President requested the additional $50 million for this account after House passage of the bill. Also, the conferees agreed to include a provision proposed by the Senate that requires a 15-day waiting period after the President's request to Congress before any funds transferred from this account could be made available.

Funds from this account will be available only to the extent the President submits an official request for a specific dollar amount that is designated by the President as an emergency.

TITLE II—SUPPLEMENTAL APPROPRIATIONS FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 1994

CHAPTER 1

DEPARTMENT OF AGRICULTURAL, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES

DEPARTMENT OF AGRICULTURE

AGRICULTURAL RESEARCH SERVICE

The conference agreement transfers $11,068,000 back to the Agriculture Research Service. These funds were appropriated to the Agricultural Research Service and subsequently transferred to the Human Nutrition Information Service. The conference agreement does not include House language rescinding $1,000,000 of these funds. The Senate bill deleted the House language.

EXTENSION SERVICE

The conference agreement appropriates $1,400,000 to the Extension Service to support applied research to find alternative control methods for addressing the severe outbreak of a new Late Blight fungus strain affecting potatoes, with the provision for transferring up to $750,000 to the Cooperative State Research Service, as proposed by the Senate. The House bill contained no similar provision.

AGRICULTURAL MARKETING SERVICE

MARKETING SERVICES

The conference agreement transfers $4,158,000 from the Agricultural Cooperative Service to the Rural Development Administration as proposed by the House. These funds were appropriated to the Agricultural Marketing Service and subsequently transferred to the Agricultural Cooperative Service. The conference agreement does not include House language rescinding $100,000 of these funds. The Senate bill deleted the House language.

PAYMENTS TO STATES AND POSSESSIONS

The conference agreement transfers $435,000 from the Agricultural Cooperative Service to the Rural Development Administration as proposed by the House. These funds were appropriated to the Agricultural Marketing Service and subsequently transferred to the Agricultural Cooperative Service. The Senate bill deleted the House language.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

FOOD AND DRUG ADMINISTRATION

The conference agreement provides $2,284,000 for additional salaries and expenses of the Food and Drug Administration as proposed by the Senate. These funds are to be derived from collections pursuant to the Prescription Drug User Fee Act. The House bill contained no similar provision.

CHAPTER 2

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES

DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

The conference agreement provides a $20,000,000 supplemental appropriation for the Federal Bureau of Investigation and language which provides the FBI temporary relief from FTE ceilings.

The Senate amendment proposed a general provision (Sec. 2004), which would have allowed the FBI to utilize funds appropriated for the automation of the Federal Bureau of Investigation (FBI) fingerprint identification system for the hiring of 500 individuals at the new Identification Division Center. The language also would have waived mandated Full Time Equivalent (FTE) ceilings to allow for these 500 positions. The House bill included no such provision.

In order to avoid potential delays in the critical fingerprint automation project, and yet still allow for the orderly relocation of personnel to the new center, the conference agreement provides a supplemental appropriation of $20,000,000. The conferees understand that a combination of lower than anticipated attrition from the Identification Division at the Washington, D.C. headquarters, coupled with mandated reductions

in Full Time Equivalent (FTE) ceilings, has prevented the FBI from hiring the personnel needed at this time for the new facility. The conference agreement provides the FBI temporary relief from FTE ceilings to allow for the hiring of 500 individuals. The conferees understand that the FBI is seeking legislation to provide employees of the Identification Division, who do not wish to transfer to the new facility, a special separation payment ("buyout"). The conferees further understand that the positions (and related salaries) freed up by these separations will then be transferred to the new facility thus negating the need for permanent relief from FTE ceilings.

ADMINISTRATIVE PROVISION

The conference agreement restores language proposed by the House and stricken by the Senate which provides the Department of Justice with certain waiver authority, for fiscal year 1994 only, for extenuating circumstances relating to Presidentially-declared disasters, such as the Los Angeles Earthquake and the Midwest Floods. The language permits the Attorney General to waive the four-year limitation on grants funded by the Edward Byrne Memorial Grant program in these disaster areas.

RELATED AGENCIES

DEPARTMENT OF TRANSPORTATION

MARITIME ADMINISTRATION

ADMINISTRATIVE PROVISION

The conference agreement includes an administrative provision allowing the Secretary of Transportation to use up to $1,500,000 of the proceeds derived from the sale or disposal of National Defense Reserve Fleet vessels, that are currently collected and retained by the Maritime Administration, to relocate, repair and lay up the Nuclear Ship *Savannah*. This provision was not included in either the House or Senate bill.

This provision is necessary to allow MARAD to carry out its intent to remove and repair expeditiously the NS *Savannah*. The conferees are concerned that this matter was presented to the Committees on Appropriations with little time for review by the various committees of jurisdiction. In this regard, the conferees expect MARAD to submit within fifteen days of enactment of this Act, to the House Committee on Merchant Marine and Fisheries, the Senate Committee on Commerce, Science and Transportation, and the Committees on Appropriations of the House and the Senate, a report detailing the following: (1) the scope of the damage to the *Savannah;* (2) the proposed steps to be taken to relocate the ship and conduct necessary repairs, including the total costs associated with these repairs; and (3) potential options for the long-term disposition of the vessel.

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

SALARIES AND EXPENSES

The conference agreement provides $550,000 for the Office of the U.S. Trade Representative, instead of $75,000 as proposed by the Senate. The House bill contained no similar provision. The funds included in the conference agreement are provided to support increased travel and other support requirements relating to ongoing bilateral and multinational trade negotiations and agreements. The funding proposed by the Senate would have covered costs of electronic records management activities related to compliance with a recent court order and is addressed in Chapter 7 under Title II of this conference report.

UNITED STATES INFORMATION AGENCY

SALARIES AND EXPENSES

The conference agreement restores language proposed by the House and stricken by the Senate which provides that up to $2,000,000 of the Salaries and Expenses appropriated to USIA for fiscal year 1994 may be used to carry out certain security construction projects for USIA facilities not physically located together with Department of State facilities abroad. The language also provides that these funds may remain available until expended. The House had originally proposed this item in Title III of the bill. The conference agreement inserts this item in Title II.

CHAPTER 3

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES

DEPARTMENT OF THE INTERIOR

UNITED STATES FISH AND WILDLIFE SERVICE

RESOURCE MANAGEMENT

(INCLUDING TRANSFER OF FUNDS)

As proposed by the Senate, this appropriation provides $2,100,000 to enable the Fish and Wildlife Service to meet its responsibilities under the Pacific Northwest Forest Plan. The $2,100,000 appropriation is offset by transfers of $400,000 from money excess to the current needs of the Oil Spill Emergency Fund and $1,700,000 from the Compact of Free Association.

LAND ACQUISITION

(INCLUDING TRANSFER OF FUNDS)

This appropriation of $4,000,000 provides money for acquisition on a willing seller basis, of lands affected by the Midwest flooding of 1993 to serve as an alternative to the protection of these lands through dike or levee reconstruction or increased floodplain habitat to offset the effect of less intensive management on Fish and Wildlife Service lands as proposed by the Senate. The money is derived by transfer from the construction appropriation made in Public Law 103–75.

NATIONAL PARK SERVICE

CONSTRUCTION

Provides $13,102,000, as proposed by the Senate, to replenish money transferred in 1993 to fund emergency repair and rehabilitation actions, as a result of winter storm, flood and hurricane damage, at various park units nation-wide.

LAND ACQUISITION AND STATE ASSISTANCE

Provides $1,274,000, as proposed by the Senate, to replenish money transferred in 1993 to fund emergency repair and rehabilitation actions, as a result of winter storm, flood and hurricane damage, at various park units nation-wide.

There is also a provision which transfers up to $5,000,000 in prior year unobligated balances for the purpose of providing a grant to the State of Florida to pursue a non-structural land acquisition solution to flood control on lands adjacent to Everglades National Park. The Senate had proposed allowing transfer of up to $6,000,000. The House had no similar provision.

BUREAU OF INDIAN AFFAIRS

OPERATION OF INDIAN PROGRAMS

Adds the words "not to exceed" before the amount $316,111,000 included in the fiscal year 1994 appropriations Act for school operations costs for the school year 1994–95, as proposed by the Senate. This language will allow some portion of these funds to be reprogrammed for other purposes, if needed, in the next fiscal year, if school enrollments are lower than projected. If any of these funds are to be reprogrammed, normal reprogramming procedures should be followed.

CONSTRUCTION

Provides $12,363,000, as proposed by the Senate, to replenish BIA education facilities, improvement and repair construction projects, from which funds were transferred in 1993 using the Secretary's emergency authority for needs resulting from floods in Arizona and California and an oil spill in Alaska.

INDIAN LAND AND WATER CLAIM SETTLEMENTS AND MISCELLANEOUS PAYMENTS TO INDIANS

Adds bill language, as proposed by the Senate, amending the fiscal year 1994 Interior appropriations Act to permit the Bureau to use a portion of the $3,000,000 appropriated for payments to trust account holders, to reimburse such account holders for losses to the accounts where their claims have been reduced to a judgment or settlement agreement. The same language was provided in 1993.

CHAPTER 4

DEPARTMENT OF LABOR, HEALTH AND HUMAN SERVICES, EDUCATION, AND RELATED AGENCIES

DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

ADVANCES TO THE UNEMPLOYMENT TRUST FUND AND OTHER FUNDS

The conference agreement includes $61,400,000 requested by the President and included in the Senate bill for additional entitlement advances to finance benefits related to the Emergency Unemployment Compensation Act and the "Federal unemployment benefits and allowances" appropriation account which finances the Trade Adjustment Assistance Program and the adjustment cost associated with the North American Free Trade Agreement. The House bill was passed prior to the transmittal of the President's request, and therefore did not include a similar provision.

BUREAU OF LABOR STATISTICS

SALARIES AND EXPENSES

The conference agreement includes $10,100,000 requested by the President and included in the Senate bill for the new current population parallel survey. The House bill was passed prior to the transmittal of the President's request and did not include a similar provision. The conferees are concerned that the Labor Department planned to use Employment and Training Administration moneys for BLS activities without consulting the Committees. In the future, the conferees expect the Department to consult and notify the Committees prior to any such action.

CHAPTER 5

LEGISLATIVE BRANCH

CONGRESSIONAL OPERATIONS

SENATE

SALARIES, OFFICERS AND EMPLOYEES

The conference agreement provides an additional $450,000 for the Office of the Secretary for salaries and expenses, as proposed by the Senate. These funds were not included in the House bill.

CONTINGENT EXPENSES OF THE SENATE

SECRETARY OF THE SENATE

The conference agreement provides an additional $600,000 for the Office of the Secretary of the Senate for contract services, as proposed by the Senate. These funds were not included in the House bill.

HOUSE OF REPRESENTATIVES

PAYMENT TO WIDOWS AND HEIRS OF DECEASED MEMBERS OF CONGRESS

The conference agreement includes the traditional death gratuity for the widow of Paul B. Henry, late a Representative from the State of Michigan. This item was not included in the House bill or the Senate amendment.

CHAPTER 6

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES

DEPARTMENT OF TRANSPORTATION

COAST GUARD

OPERATING EXPENSES

(TRANSFER OF FUNDS)

The conference agreement includes transfers of $4,000,000 in unobligated funds from Public Law 103-75 and $5,000,000 from Public Law 102-368 to provide for operating, acquisition, construction, and improvement costs associated with the midwest floods, as proposed by the Senate. The House bill proposed a rescission of the $5,000,000 remaining from Public Law 102-368. The conferees agree that these funds, combined with $2,000,000 provided in this bill under "Acquisition, construction, and improvements", shall be used to provide new facilities for Coast Guard Base St. Louis and Group Upper Mississippi River, which were severely damaged during the midwestern floods of 1993. Funds are also made available for temporary lease costs until these new facilities can be constructed.

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

(TRANSFER OF FUNDS)

The conferees agree to transfer $2,000,000 of unobligated and unneeded funds from Public Law 102-368 to cover costs associated with the midwest floods of 1993, as proposed by the Senate and described under "Operating expenses". The House bill proposed rescission of these funds.

FEDERAL RAILROAD ADMINISTRATION

PENNSYLVANIA STATION REDEVELOPMENT PROJECT

The conference agreement includes $10,000,000, as proposed by the administration and included in the Senate bill, for grants to the National Passenger Railroad Corporation (Amtrak) for redevelopment of the James A. Farley Post Office building into a train station and commercial center and for necessary improvements to the existing Pennsylvania station. The agreement includes a provision allowing funds to be used for environmental and historic preservation analyses for this project, as requested by the administration. The agreement also includes a provision in the Senate bill which requires a study on the project's potential financial impact on commuter rail authorities before construction can commerce. The House bill contained no similar appropriation or provisions.

TRUST FUND SHARE OF NEXT GENERATION RAIL TECHNOLOGY DEVELOPMENT

(HIGHWAY TRUST FUND)

The conferees agree to raise the fiscal year 1994 obligation limitation for this program from $3,500,000 to $7,952,000 as proposed by the administration and included in the Senate bill. The House bill contained no similar obligation limitation. However, the conferees note that this is essentially a reappropriation of funds previously provided for the same purposes in fiscal year 1993. Due to gross errors in the management of this program by the Federal Railroad Administration and the Department of Transportation, the availability of these funds was allowed to expire before grants were awarded. To make matters worse, the Department then attempted to correct that error by taking fiscal year 1994 funds away from one state and obligating those funds to another state. Such financial mismanagement is simply inexcusable, and undermines the Federal government's efforts to attract state matching funds on this and other programs. The Department is expected to take whatever action is necessary to ensure that similar management lapses do not occur in the future. The conferees note that, according to the Congressional Budget Office, this funding does not add to the deficit, since the funds were previously provided, but never obligated.

GENERAL PROVISION

The conference agreement retains the general provision proposed by the Senate that includes the applied research and technology and seismic research programs under the Federal Highway Administration's highway program obligation limitation. The conferees note that this action is consistent with the treatment of these programs in fiscal year 1993 and in the administration's proposal for fiscal year 1995.

CHAPTER 7

TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT

EXECUTIVE OFFICE OF THE PRESIDENT

OFFICE OF ADMINISTRATION

The conferees have provided $13,125,000 specifically for the costs associated with complying with the recent court decision in *Armstrong* vs. *The Executive Office of the President*. The amount provided here is for a new account entitled "Armstrong Resolution Account" and shall be used only for the purpose of offsetting the costs associated with the recent decision in this case. The conferees direct the Executive Office of the President to provide to the Committee on Appropriations of the House and Senate, a separate accounting of these funds, as well as funds provided for this purpose in fiscal year 1993.

CHAPTER 8

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES

DEPARTMENT OF VETERANS AFFAIRS

VETERANS BENEFITS ADMINISTRATION

COMPENSATION AND PENSIONS

Appropriates an additional $698,000,000 as proposed by the Senate for compensation and pensions, instead of "such sums as may be necessary" as requested.

READJUSTMENT BENEFITS

Appropriates an additional $103,200,000 as proposed by the Senate for readjustment benefits, instead of "such sums as may be necessary" as requested.

VETERANS HEALTH ADMINISTRATION

MEDICAL ADMINISTRATION AND MISCELLANEOUS OPERATING EXPENSES

The conferees have agreed to include a transfer of $2,500,000 from the medical care account to this account to avoid a reduction-in-force or furloughs in the headquarter offices and to cover the costs of a $500,000 contract to support planning efforts for health care reform.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

FEDERAL HOUSING ADMINISTRATION

FHA—MUTUAL MORTGAGE INSURANCE PROGRAM ACCOUNT

The conferees have included the requested language increasing the 1994 guaranteed loan limitation by an additional $20,000,000,000 as proposed by the Senate.

FHA—GENERAL AND SPECIAL RISK PROGRAM ACCOUNT

The conference agreement includes the requested language increasing the 1994 guaranteed loan limitation by $2,000,000,000 as proposed by the Senate.

ADMINISTRATIVE PROVISIONS

The conference agreement includes language proposed by the Senate redesignating the use of a 1993 HUD special purpose grant in Hawaii.

The conferees have also agreed to include bill language extending the time in which the City of Slidell, Louisiana, can submit a final statement of community development objectives as proposed by the House.

INDEPENDENT AGENCIES

ENVIRONMENTAL PROTECTION AGENCY

WATER INFRASTRUCTURE/STATE REVOLVING FUNDS

The conferees have included bill language further delaying the availability of $500,000,000 for state revolving funds from May 31, 1994, to September 30, 1994. This provision will extend the deadline for the authorization of "hardship" or needy communities that may qualify for this $500,000,000 reserve.

EXECUTIVE OFFICE OF THE PRESIDENT

OFFICE OF SCIENCE AND TECHNOLOGY POLICY

The conference agreement includes language repealing the last proviso under this heading in Public Law 103-124 as proposed by both Houses.

COUNCIL ON ENVIRONMENTAL QUALITY AND OFFICE OF ENVIRONMENTAL QUALITY

The conference agreement provides an additional $300,000 for the Council on Environmental Quality and the Office of Environmental Quality as proposed by the Senate.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

RESEARCH AND DEVELOPMENT

The conference agreement includes an appropriation of $40,000,000 to assure continued NASA contract payments for the commercial mid-deck augmentation module as proposed by the Senate. Of this amount, $20,000,000 is an advance appropriation for fiscal year 1995.

The conferees have agreed to include requested bill language as proposed by the Senate deleting the overall cap for the space station. The conference agreement also includes the requested language deleting the fifth and sixth provisos under this heading in Public Law 103-124, providing greater flexibility in the implementation of the U.S.-Russia agreement. The bill language also permits NASA to spend up to $117,200,000 on the cooperative agreements between the two countries.

RESEARCH AND PROGRAM MANAGEMENT

Appropriates an additional $56,000,000 for the locality pay adjustment and for the higher than anticipated workforce costs instead of none by the House and $60,000,000 as proposed by the Senate.

NATIONAL SERVICE INITIATIVE

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

The conference agreement does not include the provision proposed by the Senate providing up to $3,000,000 for a demonstration program for Stafford loan forgiveness, from the amounts appropriated to the Corporation for National and Community Service. The conferees have agreed to consider a reprogram-

ming of funds, up to $3,000,000, after regulations have been promulgated by the Department of Education.

GENERAL PROVISIONS

SECTION 2001

The conference agreement includes a provision which amends Section 1205 of the Supplemental Appropriations Act of 1993 to authorize the transfer of certain funds appropriated to the Architect of the Capitol to a Senate settlements and awards account, at the direction of the Secretary of the Senate, as proposed by the Senate. This provision was not included in the House passed bill.

SECTION 2003

UNDER SECRETARY OF THE DEPARTMENT OF THE TREASURY

The conferees agree to amend Section 301(d) of title 31, United States code to establish the office of Under Secretary for Enforcement at the Department of the Treasury, as proposed by the Senate.

TITLE III—RESCINDING CERTAIN BUDGET AUTHORITY

CHAPTER 1

DEPARTMENT OF AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES

DEPARTMENT OF AGRICULTURE

ECONOMIC RESEARCH SERVICE

The conference agreement deletes the Senate provision to rescind $4,000,000 from the Economic Research Service. The House bill contained no similar provision.

COOPERATIVE STATE RESEARCH SERVICE

The conference agreement includes rescissions from certain accounts of the Cooperative State Research Service as proposed by the Senate, as follows:

	House	Senate	Conference
Special grants	$4,375,000	$4,375,000	$4,375,000
Competitive grants	7,000,000	6,729,000	6,729,000
Other grants	2,904,000	1,359,000	1,359,000
Total	14,279,000	12,463,000	12,463,000

BUILDINGS AND FACILITIES

The conference agreement rescinds $2,987,000 of funds for buildings and facilities of the Cooperative State Research Service as proposed by both the House and the Senate.

AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE

SALARIES AND EXPENSES

The conference agreement deletes the Senate provision to rescind $12,167,000 from the Agricultural Stabilization and Conservation Service, Salaries and Expenses. The House bill contained no similar provision.

SOIL CONSERVATION SERVICE

CONSERVATION OPERATIONS

The conference agreement deletes the Senate provision to rescind $12,167,000 from the Soil Conservation Service, Conservation Operations. The House bill contained no similar provision.

WATERSHED AND FLOOD PREVENTION OPERATIONS

The conference agreement rescinds $21,158,000 from the emergency operations of Watershed and Flood Prevention Operations. The Senate proposed to rescind this amount but did not specify emergency operations.The House bill contained no similar provision.

FARMERS HOME ADMINISTRATION

RURAL HOUSING INSURANCE FUND PROGRAM ACCOUNT

The conference agreement rescinds Rural Housing Insurance Fund Program subsidies, as follows:

	House	Senate	Conference
Single family housing (Sec. 502)	35,000,000	1,515,000	20,870,000
Rural rental housing (Sec. 515)		12,443,000	12,443,000
Housing repair (Sec. 504)		1,204,000	1,204,000
Domestic farm labor (Sec. 514)		483,000	483,000
Total	35,000,000	15,645,000	35,000,000

AGRICULTURAL CREDIT INSURANCE FUND

The conference agreement rescinds $8,000,000 for subsidy costs for credit sales of acquired property instead of $5,094,000 as proposed by the Senate. The House bill contained no similar provision.

RURAL DEVELOPMENT LOAN FUND ACCOUNT

The conference agreement rescinds $10,000,000 for subsidy costs for the Rural Development Loan Fund instead of $20,000,000 as proposed by the House. The Senate bill deleted the House provision.

RURAL HOUSING VOUCHER PROGRAM

The conference agreement rescinds $25,000,000 for the Rural Housing Voucher Program as proposed by the Senate. The House bill contained no similar provision.

RURAL WATER AND WASTE DISPOSAL GRANTS

The conference agreement rescinds $12,500,000 of the appropriation for Rural Water and Waste Disposal Grants instead of $25,000,000 as proposed by the House. The Senate bill deleted the House provision.

SALARIES AND EXPENSES

The conference agreement rescinds $12,167,000 of the appropriation for salaries and expenses of the Farmers Home Administration as proposed by both the House and the Senate.

RURAL ELECTRIFICATION ADMINISTRATION

RURAL ELECTRIFICATION AND TELEPHONE LOANS PROGRAM ACCOUNT

The conference agreement rescinds $1,611,000 for subsidy costs of the Rural Electrification Administration 5 percent telephone loan program instead of $3,222,000 as proposed by the Senate. The agreement also rescinds $1,694,000 for subsidy costs of the Rural Electrification Administration 5 percent electric loan program instead of $3,388,000 as proposed by the Senate. The House bill contained no similar provisions.

FOOD AND NUTRITION SERVICE

COMMODITY SUPPLEMENTAL FOOD PROGRAM

The conference agreement rescinds $10,000,000 in unobligated fiscal year 1993 funds from the Commodity Supplemental Food Program instead of $12,600,000 as proposed by the House and $6,100,000 as proposed by the Senate.

FOOD DONATIONS PROGRAMS FOR SELECTED GROUPS

The conference agreement deletes the $6,000,000 rescission proposed by the House and the $5,200,000 rescission proposed by the Senate.

FOREIGN ASSISTANCE AND RELATED PROGRAMS

PUBLIC LAW 480 PROGRAM ACCOUNT

TITLE I—CREDIT SALES

The conference agreement rescinds $4,600,000 of the funds available for ocean freight differential as proposed by the Senate. The House bill contained no similar provision.

TITLE III—COMMODITY GRANTS

The conference agreement rescinds $25,000,000 of the funds available for title III grants instead of $20,000,000 as proposed by the House and $45,000,000 as proposed by the Senate.

LOAN SUBSIDIES

The conference agreement rescinds $22,900,000 of the funds available for loan subsidies instead of $35,400,000 as proposed by the Senate. The House bill contained no similar provision.

CHAPTER 2

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES

DEPARTMENT OF COMMERCE

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

CONSTRUCTION

The conference agreement includes a rescission of $3,000,000 proposed by the House and stricken by the Senate in the NOAA Construction account. The conferees intend that this rescission only be applied to funds designated in the statement of the managers accompanying the conference report on H.R. 2519 (H. Rept. 103-293) for real property maintenance.

INTERNATIONAL TRADE ADMINISTRATION

OPERATIONS AND ADMINISTRATION

The conference agreement includes a rescission of $2,000,000 in the Operations and Administration account of the International Trade Administration as proposed by the Senate. The House bill contained no similar provision. The conferees intend that this rescission be applied to prior year carryover balances which ITA had intended to use for computer software, trade initiatives, and trade information studies. The conferees do not intend that the rescission be applied to any items designated in the fiscal year 1994 Appropriations Act under this account.

EXPORT ADMINISTRATION

OPERATIONS AND ADMINISTRATION

The conference agreement deletes a rescission of $3,000,000 proposed by the Senate from the Export Administration, Operations and Administration account. The House bill contained no provision on this matter.

MINORITY BUSINESS DEVELOPMENT AGENCY

MINORITY BUSINESS DEVELOPMENT

The conference agreement includes a rescission of $500,000 from the Minority Business Development account of the Minority Business Development Agency for a grant to the Catawba Indian Tribe as proposed by the Senate. The House bill contained no provision on this matter.

NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION

INFORMATION AGREEMENT GRANTS

The conference agreement deletes the rescission of $4,254,000 from the NTIA Information Infrastructure Grants account proposed by the Senate. The House bill contained no provision on this matter.

ECONOMIC DEVELOPMENT ADMINISTRATION

ECONOMIC DEVELOPMENT REVOLVING FUND

The conference agreement includes a rescission of $29,000,000 from the unobligated balances remaining in the Economic Development Revolving Fund as proposed by the House instead of $20,000,000 as proposed by the Senate.

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

DIPLOMATIC AND CONSULAR PROGRAMS

The conference agreement deletes a rescission of $600,000 proposed by the Senate which

would have implemented a National Performance Review proposal to reduce Marine Guard Security Detachments and other security programs at small diplomatic missions overseas. The House bill contained no provision on this matter. The reduction for this item was reflected in the amount provided to the State Department in this account in the Fiscal Year 1994 Appropriations Act.

NEW DIPLOMATIC POSTS

The conference agreement includes a rescission of $1,000,000 proposed by the House and stricken by the Senate in the New Diplomatic Posts account. These funds were originally appropriated in the fiscal year 1993 Appropriations Act for start-up costs for new United States Information Agency posts overseas. The Agency has not obligated any of these funds to date.

ADMINISTRATIVE PROVISION

The conference agreement deletes an administrative provision proposed by the House and stricken by the Senate which would have permitted the State Department to collect up to $20,000,000 in new visa fees or surcharges during fiscal year 1994 and use these funds for certain State Department Consular activities if legislation authorizing the Department to charge such fees were enacted.

RELATED AGENCIES

SMALL BUSINESS ADMINISTRATION

BUSINESS LOANS PROGRAM ACCOUNT

The conference agreement rescinds $4,100,000 of the funds made available for the credit subsidy cost of SBA guaranteed loans in the fiscal year 1994 Appropriations Act for the Department of Commerce, Justice, and State, the Judiciary, and Related Agencies. The conferees are agreed that this rescission should be applied to the amount designated in House Report 103-293 for credit subsidy costs of the Small Business Investment Company Participating Securities program. The conferees are informed that the Small Business Administration will only be able to use approximately 75 percent of the FY 1994 funding availability because of a delay in the promulgation of required program regulations.

The Senate had proposed a rescission of $4,100,000 in SBA's Salaries and Expenses account. The House bill contained no provision on this matter.

STATE JUSTICE INSTITUTE

SALARIES AND EXPENSES

The conference agreement deletes a rescission of $3,000,000 proposed by the Senate for the State Justice Institute. The House bill contained no provision on this matter.

UNITED STATES INFORMATION AGENCY

SALARIES AND EXPENSES

The conference agreement rescinds $2,000,000 from USIA's Salaries and Expenses account instead of $1,177,000 as proposed by the House and $3,000,000 as proposed by the Senate. The amount rescinded in the conference agreement reflects $1,177,000 in savings from USIA's participation in the Seville Expo-92 and estimated savings from restructuring of the Agency's organization and field structure and public diplomacy activities.

EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS

The conference agreement includes a rescission of $850,000 from USIA's Educational and Cultural Exchange Programs account as proposed by the House and stricken by the Senate. The amount rescinded by the conference agreement reflects savings from unanticipated balances carried over into this account from FY 1993.

RADIO CONSTRUCTION

The conference agreement includes a rescission of $2,000,000 from USIA's Radio Construction account as proposed by the House and stricken by the Senate. The rescission included in the conference agreement reflects carry over balances in this account from FY 1993 and the prospect of increased efficiency and savings from the proposed consolidation of U.S. Government broadcasting activities.

NORTH/SOUTH CENTER

The conference agreement includes a rescission of $1,000,000 instead of $8,700,000 as proposed by the Senate. The House bill contained no provision on this matter.

The amount rescinded by the conference agreement reflects unobligated carry over balances of $2,600,000 from the fiscal year 1993 appropriation for the North/South Center. The conferees note that a rescission of $1,000,000 will still provide a program level for the North/South Center well over the level provided for fiscal year 1994.

CHAPTER 3

DEPARTMENT OF DEFENSE—MILITARY

The Senate bill recommended rescissions totalling $305,300,000. The House bill contained no similar provision.

The conferees agree to the following rescissions from the programs specified:

[In thousands of dollars]

Aircraft procurement, Navy, 1994: A-6 Mods	10,000,000
Aircraft Procurement, Air Force, 1993: Airborne Reconn. System (ATARS)	12,800,000
Other Procurement, Air Force, 1994:	
Mobility Command/Control	27,500,000
Selected Activities	15,000,000
Procurement, Defense Agencies, 1992: Defense Reconnaissance Support Program	10,000,000
Procurement, Defense-Wide, 1994: Landsat-7	14,500,000
Research, Development, Test and Evaluation, Air Force, 1993: Milstar	50,000,000
Research, Development, Test and Evaluation, Air Force, 1994: East-West Space Launch Facilities	6,000,000
Research, Development, Test and Evaluation, Defense-Wide, 1994:	
BMDO (General Reduction)	10,000,000
ARPA Space (Medium Launch Vehicle)	10,000,000
Foreign Material Acquisition and Exploitation	50,000,000
Landsat-7 (HRMSI)	34,500,000
Total	250,300,000

A-6 MODIFICATIONS

The conferees agree that the Department of the Navy decision to retire all A-6 attack aircraft indicates that $10,000,000 provided for modifications is not needed and is available for rescission. The Department of the Navy is directed to ensure that safety-of-flight modifications are performed on all aircraft as required, as long as the aircraft are in the active inventory.

CHAPTER 4

ENERGY AND WATER DEVELOPMENT

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

GENERAL INVESTIGATIONS

The conference agreement rescinds $24,970,000 from unobligated balances of funds carried forward into fiscal year 1994 as proposed by the House and the Senate.

CONSTRUCTION, GENERAL

The conference agreement rescinds $97,319,000 from unobligated balances of funds carried forward into fiscal year 1994 as proposed by the House and the Senate.

DEPARTMENT OF THE INTERIOR

BUREAU OF RECLAMATION

CONSTRUCTION PROGRAM

The conference agreement rescinds $30,000,000 of unobligated balances of funds carried forward into fiscal year 1994 instead of $16,000,000 as proposed by the House and $40,000,000 as proposed by the Senate.

DEPARTMENT OF ENERGY

ENERGY SUPPLY, RESEARCH AND DEVELOPMENT ACTIVITIES

The conference agreement rescinds $107,300,000 from Energy Supply, Research and Development Activities as proposed by the Senate which includes a rescission of $10,000,000 for the superconducting magnetic energy storage (SMES) program instead of $97,300,000 as proposed by the House.

URANIUM SUPPLY AND ENRICHMENT ACTIVITIES

The conference agreement rescinds $42,000,000 from unobligated balances in fiscal year 1994 as proposed by the House and Senate.

RELATED AGENCY

NUCLEAR REGULATORY COMMISSION

SALARIES AND EXPENSES

The conference agreement rescinds $12,700,000 from the Nuclear Regulatory Commission as proposed by the Senate and requested by the Administration.

CHAPTER 5

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS

MULTILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL FINANCIAL INSTITUTIONS

CONTRIBUTION TO THE INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT

The conferees agree to a rescission of $27,910,500 of the paid-in capital of the International Bank for Reconstruction and Development as proposed by the House. The conferees also agree to a limitation on the callable capital portion of the United States share of the increases in capital stock in an amount not to exceed $902,439,500 as proposed by the House. The Senate had no similar provision.

CONTRIBUTION TO THE INTER-AMERICAN DEVELOPMENT BANK

(RESCISSION)

The conferees agree to delete the rescission for the paid-in capital and the limitation on callable capital for the Inter-American Development Bank proposed by the House. The Senate had no similar provision.

CONTRIBUTION TO THE ASIAN DEVELOPMENT BANK

(RESCISSION)

The conferees agree to delete the rescission for the paid-in capital and the limita-

tion on callable capital for the Asian Development Bank proposed by the House. The Senate had no similar provision. The conferees encourage the Administration to work with the Asian Development Bank to facilitate American companies ability to bid on the Bank's projects, and also to consider opening an office in the United States.

CONTRIBUTION TO THE AFRICAN DEVELOPMENT FUND

(RESCISSION)

The conferees agree to delete the rescission for the United States contribution to the African Development Fund proposed by the Senate. The House had no similar provision.

BILATERAL ECONOMIC ASSISTANCE FUNDS APPROPRIATED TO THE PRESIDENT

DEVELOPMENT ASSISTANCE

(RESCISSION)

The conferees agree to a rescission of $104,018,500 from the unexpended or unobligated funds made available for Development Assistance for fiscal year 1993 and prior years. The House proposed a rescission of $160,000,000 from fiscal year 1993 and prior years and the Senate proposed a rescission of $40,879,000 from fiscal year 1994 and prior years. The conferees also agree to delete the specific sources for this rescission proposed by the House. The Committees on Appropriations are to be consulted prior to final implementation of the rescissions for Development Assistance.

OPERATING EXPENSES OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT

(RESCISSION)

The conferees agree to delete the rescission of $3,000,000 for Operating Expenses of the Agency for International Development proposed by the Senate. The House had no similar provision.

ASSISTANCE FOR THE NEW INDEPENDENT STATES OF THE FORMER SOVIET UNION

(RESCISSION)

The conferees agree to a rescission of $55,000,000 from the unexpended or unobligated balances of funds made available in fiscal year 1994 and prior years for assistance to the new independent states of the former Soviet Union. The Senate proposed a rescission of $145,000,000. The House had no similar provision.

ECONOMIC SUPPORT FUND

(RESCISSION)

The conferees agree to a rescission of $61,350,000 from funds made available for fiscal year 1993 and prior years for the Economic Support Fund. The House proposed a rescission of $90,000,000 from fiscal year 1993 and prior years, while the Senate proposed a rescission of $32,700,000 from fiscal year 1994 and prior years. The conferees also agree to delete the country and project specific sources proposed by the House. The conferees recommend that Economic Support Funds allocated for Central and South American countries not be used as sources for this rescission. The Committees on Appropriations are to be consulted prior to final implementation of all rescissions from the Economic Support Fund including those contained in the fiscal year 1994 Foreign Operations, Export Financing, and Related Programs Appropriations bill.

MILITARY ASSISTANCE

FUNDS APPROPRIATED TO PRESIDENT

FOREIGN MILITARY FINANCING PROGRAM

(RESCISSION)

The conferees agree to a rescission of $91,283,000 from grant funds made available to the President for the Foreign Military Financing Program for fiscal year 1993 and prior years. The House proposed a $66,000,000 rescission from fiscal year 1993 and prior years, while the Senate proposed two separate rescissions totaling $91,283,000. The conferees also agree to delete the country specific sources proposed by the House. The Committees on Appropriations are to be consulted prior to the implementation of this rescission.

MILITARY ASSISTANCE

(RESCISSION)

The conferees agree to a rescission of $438,000 from funds made available to the President for Military Assistance in Public Law 102-391 and prior years as proposed by the Senate. The House had no similar provision.

CHAPTER 7

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, EDUCATION, AND RELATED AGENCIES

DEPARTMENT OF LABOR

(RESCISSION)

The conference agreement includes a rescission of $4,000,000 to reduce funds available throughout the Department of Labor for salaries and expenses and administrative costs. The House and Senate bills both included this rescission. The conference agreement also includes language requested by the President providing authority to use up to $1,750,000, from funds available to the Department of Labor, to fund the activities of an international Secretariat and establish the National Administrative Office within the Department, as required by the North American Free Trade Agreement (NAFTA) Labor Supplemental Agreement. The conferees direct the Department to notify the Committees concerning the source of funding reallocated for this purpose.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

(RESCISSION)

The conference agreement includes a rescission of $27,500,000, to reduce funds that were provided in Public Law 103-112 for salaries and expenses, including equipment, and administrative costs for the Department of Health and Human Services. The House and Senate bills included a rescission of $37,500,000 for this purpose. The conferees are agreed that these reductions should be distributed to each agency proportionate to the increase in administrative funds that it received in the 1994 Appropriations Act. The conferees are further agreed that the Director of the National Institutes of Health may allocate NIH's proportionate share of the rescission ($18,120,000) among the Institutes, Centers and Offices as he deems most appropriate; and that the Assistant Secretary for Health may allocate the reduction for the Office of the Assistant Secretary ($2,723,000) among this Office's activities provided that no activity is reduced below its 1993 level. The conferees expect the Department to follow the normal consultation and notification procedures with respect to these allocations prior to implementation.

SOCIAL SECURITY ADMINISTRATION

SUPPLEMENTAL SECURITY INCOME PROGRAM

LIMITATION ON ADMINISTRATIVE EXPENSES

(RESCISSION)

The conference agreement includes a rescission of $80,000,000, as included in both the House and Senate bills, from the automation initiative for which $300,000,000 was provided in the FY 1994 Appropriations Act under the Limitation on Administrative Expenses account.

DEPARTMENT OF EDUCATION

(RESCISSION)

The conference agreement includes a rescission of $8,500,000 from funds available under P.L. 103-112. This provision was included in both House and Senate bills. It reduces funds available throughout the Department of Education for salaries and expenses and administrative costs.

CHAPTER 8

LEGISLATIVE BRANCH

CONGRESSIONAL OPERATIONS

SENATE

CONTINGENT EXPENSES OF THE SENATE

(RESCISSION)

The conference agreement includes a rescission of $1,500,000 as proposed by the Senate from the funds made available to the Sergeant at Arms and Doorkeeper of the Senate in Public Law 102-90. This rescission was not included in the House bill.

HOUSE OF REPRESENTATIVES

SALARIES AND EXPENSES

(RESCISSIONS)

The conference agreement includes rescissions of $633,000 from various amounts made available in Public Law 101-520 and $2,352,000 from various amounts made available in Public Law 102-90 for salaries and expenses, House of Representatives, as included in the House bill and the Senate amendment.

ARCHITECT OF THE CAPITOL

CAPITOL BUILDINGS AND GROUNDS

CAPITOL BUILDINGS

The conference agreement does not include a rescission of $3,000,000, as included in the House bill, of funds made available to the Architect of the Capitol for energy efficient lighting retrofitting in the Capitol complex. The Senate deleted this rescission and directed the Architect of the Capitol to use these funds for converting and maintaining property and facilities at Fort Meade for long-term storage needs. The conferees agree with this directive. The energy efficient lighting funds are not needed because the conference agreement provides authority for the Architect of the Capitol to utilize the services of energy services companies to underwrite the cost of the retrofit program.

LIBRARY OF CONGRESS

SALARIES AND EXPENSES

(RESCISSION)

The conference agreement rescinds $1,000,000 of funds made available to the Library of Congress in Public Law 103-69, as included in the Senate amendment. The House bill contained a rescission of $900,000 of funds made available to the Library of Congress in Public Law 103-69 and Public Law 98-396. The Librarian of Congress is directed to take the rescission amount from any net savings resulting from the retirement incentive program, and should advise the Committees on Appropriations of the plan proposed to carry out this rescission.

GENERAL ACCOUNTING OFFICE

SALARIES AND EXPENSES

(RESCISSION)

The conference agreement rescinds $650,000 from the amounts made available for salaries and expenses, General Accounting Office, as included in the Senate amendment. The House bill rescinded $1,300,000.

CHAPTER 9

DEPARTMENT OF DEFENSE—MILITARY

MILITARY CONSTRUCTION

(RESCISSION)

The conferees agree to rescind $601,224,000 for 10 appropriation accounts contained in Public Law 103-110, the Military Construction Appropriations Act, 1994. The appropriation accounts and rescission amounts for each account are listed below:

Military Construction, Army	$22,319,000
Military Construction, Navy	13,969,000
Military Construction, Air Force	24,787,000
Military Construction, Defense-Wide	13,663,000
Military Construction, Army National Guard	7,568,000
Military Construction, Air National Guard	6,187,000
Military Construction, Army Reserve	2,551,000
Military Construction, Naval Reserve	626,000
Military Construction, Air Force Reserve	1,862,000
Subtotal, Military Construction Accounts	93,532,000
Base Realignment and Closure Account, Part III	507,692,000

For the Military Construction accounts, the conferees agree to rescind $93,532,000. The rescission amounts are to be applied to the combination of project savings from favorable bids, reduced overhead costs, and other cost reduction initiatives. The conferees direct that no individual project provided for in the Conference Report (House Report 103-278) may be terminated or reduced in scope by virtue of the above identified rescissions.

The conferees also agree to revising the designated amount for environmental restoration and compliance under Base Realignment and Closure, Part III from not less than $300,000,000 (as contained in Public Law 103-110) to not less than $200,000,000.

CHAPTER 10

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES

DEPARTMENT OF TRANSPORTATION

OFFICE OF THE SECRETARY

PAYMENTS TO AIR CARRIERS

(AIRPORT AND AIRWAY TRUST FUND)

(RESCISSION)

The conference agreement rescinds $10,067,000 in contract authority for the payments to air carriers program, as proposed by the Senate, instead of an estimated $10,068,243 proposed by the House. The conference agreement reflects a more recent estimate of contract authority unavailable due to annual obligation limitations, and is consistent with the administration's most recent rescission request.

RENTAL PAYMENTS

(RESCISSION)

The conference agreement rescinds $1,781,000 for rental payments to the General Services Administration, as proposed by the administration and included in the Senate bill. The House bill contained no similar rescission. The rescission reflects a revised estimate of facility space requirements for the Department of Transportation in fiscal year 1994.

FEDERAL AVIATION ADMINISTRATION

OPERATIONS

(RESCISSION)

The conference agreement rescinds $750,000 in FAA operations, as proposed by the House, instead of $2,750,000 as proposed by the Senate. The agreement would rescind funds provided for grants to vocational technical institutions but restore the Senate's proposed rescission in funding for the Mid-America Aviation Resource Consortium (MARC).

FACILITIES AND EQUIPMENT

(AIRPORT AND AIRWAY TRUST FUND)

(RESCISSION)

The conference agreement rescinds $65,380,300 in facilities and equipment instead of $29,451,111 as proposed by the House and $65,205,300 as proposed by the Senate. The agreement includes all rescissions proposed by the Senate and, in addition, $175,000 in fiscal year 1993 airway science funds originally provided for a grant to Central Washington State University.

GRANTS-IN-AID FOR AIRPORTS

(AIRPORT AND AIRWAY TRUST FUND)

(RESCISSION)

The conference agreement includes a rescission of $488,200,000 in contract authority from the grants-in-aid for airports program, as proposed by the administration and included in both the House and Senate bills. This rescission will have no impact on the airport improvement program, since the funding is not available for obligation in fiscal year 1994.

FEDERAL HIGHWAY ADMINISTRATION

(HIGHWAY TRUST FUND)

(RESCISSION)

The conference agreement provides for rescission of $41,828,455 in highway funds from the following projects:

Project	*Amount*
Sky Harbor Airport access road, 1992 AZ	$2,100,000
Route 152 improvements, CA	1,600,000
U.S. 101 scenic byway, CA	480,000
I-65/1-10 connection study, FL	683,939
Northeast Dade Bikepath, 1992, FL	735,250
Northeast Dade Bikepath, 1993, FL	400,000
U.S. 20 Realignment, IA	1,756,709
State highway 30, IA	1,440,000
I-70 and 110th Street, KN	3,446,600
Southeast Kansas corridor study, KN	1,376,000
I-49/U.S. 167 extension, LA	600,000
Blackstone River bikeway, MA	212,032
I-20 interchange, MS	1,620,000
Pearl River bridge, MS	1,600,000
Telegraph Ave/I-255 interchange, MO	40,000
Lake Road bay outlet bridge, NY	4,249,893
Albert Street to IR-80, OH	3,600,000
Pondcreek Road, OK	2,845,500
Donora Park access road, PA	640,000
Lawyersburg Road, PA	2,517,473
U.S. 35 relocation, WV	406,920
Bridges on federal dams	9,478,139

RIGHT-OF-WAY REVOLVING FUND

(HIGHWAY TRUST FUND)

(RESCISSION)

The conference agreement includes the rescission of $20,000,000 from the right-of-way revolving fund as proposed by the Senate.

The House bill contained no similar provision.

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

OPERATIONS AND RESEARCH

(RESCISSION)

The conference agreement includes no rescission for the national advanced driving simulator as proposed by the Senate. The House bill proposed a rescission of $7,056,000. The conferees agree that unobligated balances of $3,095,000 for the advanced driving simulator will be rescinded in the fiscal year 1995 transportation appropriations bill except in the event that the University of Iowa raises $7,750,000 of the $11,000,000 in non-DOT matching funds which are required before construction of the simulator can begin. Documentation should be in the form of written commitments totalling $7,750,000 which detail the amounts of contributions and the schedule for receipt of those contributions by the federal government; such documentation must be received by the National Highway Traffic Safety Administration prior to conference action on the fiscal year 1995 transportation appropriations bill.

HIGHWAY TRAFFIC SAFETY GRANTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

The conference agreement includes a rescission of $219,750,000 in unobligated balances of contract authority for four highway traffic safety grant programs as proposed by the Senate, with technical modifications. These funds are not available for obligation due to limitations on obligations in annual appropriations acts. Thus, the conference action will not impact planned fiscal year 1994 awards of state highway traffic safety grants. The House bill contained no similar rescission.

FEDERAL RAILROAD ADMINISTRATION

RAILROAD RESEARCH AND DEVELOPMENT

(RESCISSION)

The conference agreement includes a rescission of $17,000,000 in the railroad research and development program, as proposed by the administration and included in the Senate bill. The House bill contained no similar rescission. The agreement reduces fiscal year 1994 funding for magnetic levitation (maglev) research and development from $20,000,000 to $3,000,000. In addition, the agreement provides that funds appropriated in fiscal year 1994 for the railroad research and development program may be executed through contracts and grants.

FEDERAL TRANSIT ADMINISTRATION

DISCRETIONARY GRANTS

(HIGHWAY TRUST FUND)

(RESCISSION)

The conference agreement includes a rescission of $3,308,935 from the discretionary grants program of the Federal Transit Administration, instead of $40,478,975 as proposed by the House and $808,935 as proposed by the Senate.

The conferees agree that the rescission should be taken from the Buffalo, New York, Naval Park Station ($808,935) and the Clark County, Nevada bus project ($2,500,000).

CHAPTER 11

DEPARTMENT OF THE TREASURY

INTERNAL REVENUE SERVICE

INFORMATION SYSTEMS

(RESCISSION)

The conferees agree to rescind $6,400,000 from Information Systems as proposed by the Senate.

INDEPENDENT AGENCY

GENERAL SERVICES ADMINISTRATION

FEDERAL BUILDINGS FUND

LIMITATIONS ON AVAILABILITY OF REVENUE

(RESCISSION)

The conferees have rescinded $127,691,000 in obligational authority made available in previous appropriations acts for the following buildings:

District of Columbia: General Services Administration, Headquarters, $97,691,000; Southeast Federal Center, $20,000,000; and Army Corps of Engineers, Headquarters, $10,000,000.

The conferees declined to make specific rescissions in Federal building projects which were informally submitted to the House and Senate Committees on Appropriations by the General Services Administration (GSA) as a result of the "Time-Out and Review" process. The conferees took this action as the Congress has not received a formal rescission request from the Administration for these projects. As a result, the conferees did not have the benefit of detailed information required to thoroughly review the effects of the rescissions as proposed by GSA. The conferees are open to considering specific rescissions in prospectus-level projects if and when they are formally submitted by the administration to the Congress in the form of a special message.

The conferees have also rescinded $6,000,000 in fiscal year 1994 funds from the rental of space account. Finally, the conferees inserted a proviso which changes the name of the Federal Courthouse in Spartanburg, South Carolina to the "Donald Stuart Russell Federal Courthouse".

ADMINISTRATIVE PROVISION

The conferees agree not to repeal Section 630 of Public Law 102-393.

CHAPTER 12

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES

DEPARTMENT OF VETERANS AFFAIRS

DEPARTMENTAL ADMINISTRATION

CONSTRUCTION, MAJOR PROJECTS

(RESCISSION)

The conference agreement deletes a rescission of $26,000,000 from construction, major projects as proposed by the House.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

HOUSING PROGRAMS

HOMEOWNERSHIP AND OPPORTUNITY FOR PEOPLE EVERYWHERE GRANTS

(HOPE GRANTS)

(RESCISSION)

Rescinds $66,000,000 from the homeownership and opportunity for people everywhere grants account as proposed by the House, instead of $50,000,000 as proposed by the Senate. The conferees have agreed to permit the Secretary to determine where the reduction is to be taken as proposed by the Senate, instead of the specific designations as proposed by the House. Reductions should be taken subject to the normal reprogramming guidelines and consistent with the direction provided in the explanatory statement on H.R. 3759 included by the Senate in the Congressional Record of February 10, 1994.

ANNUAL CONTRIBUTIONS FOR ASSISTED HOUSING

(RESCISSION)

The conference agreement rescinds $25,000,000 of unobligated funds earmarked for Section 8 amendments as proposed by the House and $75,000,000 of unobligated funds earmarked for the preservation program rather than $325,000,000 as proposed by the Senate. The conferees are concerned about the slow pace of the Department's obligation of funds appropriated for preservation activities. The conferees direct the Department to submit a report by April 1, 1994 that provides a detailed plan for the obligation of remaining preservation appropriations. In addition, the conferees will consider taking steps to cover any actual future shortfalls in funding preservation subsidies, should they materialize, through the reprogramming or normal appropriations process.

ASSISTANCE FOR THE RENEWAL OF EXPIRING SECTION 8 CONTRACTS

(RESCISSION)

The conference agreement rescinds $76,000,000 of unobligated 1994 and prior year Section 8 contract renewal funds rather than $20,000,000 as proposed by the House. The Senate bill contained no similar provision.

INDEPENDENT AGENCIES

CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD

SALARIES AND EXPENSES

(RESCISSION)

The conference agreement rescinds $770,000 from the Board as proposed by the Senate. The House had no comparable provision.

ENVIRONMENTAL PROTECTION AGENCY

WATER INFRASTRUCTURE/STATE REVOLVING FUNDS

(RESCISSION)

The conference agreement rescinds $22,000,000 from the water infrastructure State Revolving Funds account as proposed by the House. The Senate had no comparable provision.

FEDERAL EMERGENCY MANAGEMENT AGENCY

EMERGENCY MANAGEMENT PLANNING AND ASSISTANCE

(RESCISSION)

The conference agreement rescinds $2,000,000 from the emergency management planning and assistance account as proposed by the House. The Senate had no comparable provision. Reductions should be taken subject to the normal reprogramming guidelines.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

RESEARCH AND DEVELOPMENT

(RESCISSION)

The conference agreement rescinds $63,000,000 from the research and development account as proposed by the Senate, instead of $25,000,000 as proposed by the House. Reductions should be taken subject to the normal reprogramming guidelines and consistent with the direction provided in the explanatory statement on H.R. 3759 included by the Senate in the Congressional Record of February 10, 1994.

SPACE FLIGHT, CONTROL, AND DATA COMMUNICATIONS

(RESCISSION)

The conference agreement rescinds $32,000,000 from space flight, control, and data communications as requested by the Administration and proposed by the Senate. The House had no comparable provision. Reductions should be taken subject to the normal reprogramming guidelines and consistent with the direction provided in the explanatory statement on H.R. 3759 included by the Senate in the Congressional Record of February 10, 1994.

CONSTRUCTION OF FACILITIES

(RESCISSION)

The conference agreement rescinds $25,000,000 from construction of facilities as proposed by both Houses.

NATIONAL SCIENCE FOUNDATION

RESEARCH AND RELATED ACTIVITIES

(RESCISSION)

The conference agreement rescinds $5,000,000 from the research and related activities account. Reductions should be taken subject to the normal reprogramming guidelines.

ACADEMIC RESEARCH INFRASTRUCTURE

(RESCISSION)

The conference agreement rescinds $5,000,000 from academic research infrastructure instead of $10,000,000 as proposed by the House. The Senate had no comparable provision. Reductions should be taken subject to the normal reprogramming guidelines.

NATIONAL SERVICE INITIATIVE

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

(RESCISSION)

The conference agreement rescinds $5,000,000 from the Corporation for National and Community Service as proposed by the House. The Senate had no comparable provision. Reductions should be taken subject to the normal reprogramming guidelines.

TITLE IV—GENERAL PROVISIONS

The conference agreement contains language, included in the House bill as a proviso under a rescission heading and in Section 402 of the Senate amendment, that provides the Architect of the Capitol with the authority given to all heads of agencies in Section 155 of the Energy Policy Act of 1992 regarding contracting with energy services companies.

PROHIBITION OF BENEFITS FOR INDIVIDUALS NOT LAWFULLY WITHIN THE UNITED STATES

The conferees have agreed to include section 403, which prohibits benefits for individuals not lawfully within the United States. The conference agreement reflects a further modification of the Senate-passed language which was a modification of the House-passed language. The conference modification inserts a provision to assure that no discrimination occurs during implementation of this section.

The conferees direct that each federal entity shall use its own discretion to determine the reasonable steps that shall be taken to determine whether an individual receiving funds is lawfully in the United States.

SECTION 405

The conferees have agreed to include in the conference agreement a provision included in both the House and Senate passed bills dealing with a sense of Congress provision on purchasing only American-made equipment and products with the funds included in the bill.

CORPORATIONS

RESOLUTION TRUST CORPORATION

SECTION 406

The conference agreement includes bill language extending the RTC civil statute of limitations as proposed by the Senate.

SECTION 407

Adds language proposed by the Senate which repeals sections 3508 (except subsection (b)) and 3509 of P.L. 102-575, Three Affiliated Tribes and Standing Rock Sioux Tribe Equitable Compensation Act and adds new language providing that the U.S. Army

Corps of Engineers should proceed, with the Secretary of the Interior, to designate excess lands and transfer them pursuant to Public Law 93-599.

WALTER REED ARMY INSTITUTE OF RESEARCH

SECTION 408

The conferees have included language proposed by the Senate which states that it is the sense of the Congress that the Department of Defense should proceed with construction of a new facility for the Walter Reed Army Institute of Research at Forest Glen, Maryland, not later than 45 days after enactment of this Act.

DENIAL OF DISABILITY BENEFITS FOR SUBSTANCE ABUSERS

The conference agreement deletes, without prejudice, language included in the Senate bill which would have amended titles II and XVI of the Social Security Act to deny social security disability benefits to individuals who engage in criminal activity to support substance abuse, by counting the proceeds of such activity as "earnings" in determining whether they are engaging in substantial gainful activity. The House bill included no similar provision. The conferees are deeply concerned about this issue, and have deferred to the authorizing committees who have expressed similar concern, as well as their intentions to take action on this matter.

MARQUETTE, MICHIGAN AUXILIARY FLIGHT SERVICE STATION

The conference agreement includes a provision, as proposed by the Senate, which requires the Federal Aviation Administration to establish and operate an auxiliary flight service station in Marquette, Michigan by September 1, 1994, using available funds. The House bill contained no similar provision. According to the FAA, this area meets the agency's requirements for an auxiliary flight service station, and is in the agency's current plan for establishment of such stations. However, that plan has been delayed, causing significant problems in Marquette because of unique weather conditions.

TECHNICAL CORRECTION

The conferees agree to the provision (Section 410) proposed by the Senate that amends Section 347 of the National Defense Authorization Act for Fiscal Year 1994 dealing with any claim of the United States against an individual which relates to a payment under a productivity gainsharing program.

LANDSAT 7

The conferees include a general provision (Section 411) permitting the Secretary of Defense to transfer up to $90,000,000 from Procurement, Defense-wide, 1994/1996 to the National Aeronautics and Space Administration (NASA) to be used only for LANDSAT 7. No funds may be transferred until the Administrator of NASA certifies a plan that fully funds the LANDSAT 7 program within the NASA budget for fiscal year 1995 and beyond, and such plan has been submitted to the appropriate Congressional oversight committees.

WILLIAM H. NATCHER,
NEAL SMITH,
SIDNEY R. YATES,
DAVID R. OBEY,
LOUIS STOKES,
TOM BEVILL,
JOHN P. MURTHA,
JULIAN C. DIXON,
VIC FAZIO,
W.G. (BILL) HEFNER,
STENY H. HOYER,
BOB CARR,
RICHARD J. DURBIN,
JOSEPH M. MCDADE,
RALPH REGULA,
BOB LIVINGSTON
(except for S. 409 of the Senate amendment),
JERRY LEWIS,
HAROLD ROGERS,
JOE SKEEN,
JOHN EDWARD PORTER,
Managers on the Part of the House.

ROBERT C. BYRD,
DANIEL K. INOUYE,
ERNEST F. HOLLINGS,
J. BENNETT JOHNSTON,
PATRICK LEAHY,
JIM SASSER,
DENNIS DECONCINI,
DALE BUMPERS,
FRANK R. LAUTENBERG,
TOM HARKIN,
BARBARA A. MIKULSKI,
HARRY REID,
J. ROBERT KERREY,
HERB KOHL,
PATTY MURRAY,
DIANNE FEINSTEIN,
MARK O. HATFIELD,
TED STEVENS,
THAD COCHRAN,
ALFONSE M. D'AMATO,
ARLEN SPECTER,
PETE V. DOMENICI,
PHIL GRAMM,
CHRISTOPHER S. BOND,
SLADE GORTON,
MITCH MCCONNELL,
CONNIE MACK,
CONRAD BURNS,
Managers on the Part of the Senate.

Mr. SMITH of Iowa. Mr. Speaker, pursuant to the order of the House of today, I call up the conference report on the bill (H.R. 3759), making emergency supplemental appropriations for the fiscal year ending September 30, 1994, and for other purposes.

The Clerk read the title of the bill.

(For conference report and statement, see immediately preceding portions of the RECORD.)

The SPEAKER. Pursuant to the order of the House of today, the conference report is considered as read.

The gentleman from Iowa [Mr. SMITH] will be recognized for 30 minutes, and the gentleman from Pennsylvania [Mr. MCDADE] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Iowa [Mr. SMITH].

Mr. SMITH of Iowa. Mr. Speaker, I yield myself such time as I may consume.

GENERAL LEAVE

Mr. SMITH of Iowa. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which is revise and extend their remarks on the conference report to accompany H.R. 3759, and that I may include tabular and extraneous material.

The SPEAKER. Is there objection to the request of the gentlemen from Iowa?

There was no objection.

Mr. SMITH of Iowa. Mr. Speaker, today we bring to the floor the conference agreement on the fiscal year 1994 emergency supplemental appropriations bill, H.R. 3759. On February 3, 1994, the House passed this bill. Late last night the Senate completed action on it. Early this morning conferees met so that we could bring this conference report to the floor and get emergency funding to those in need as soon as possible.

This conference agreement includes $7.8 billion of disaster funds to provide relief from the southern California earthquake, $1.2 billion for the Department of Defense for peacekeeping and peace enforcing activities, $685 million for additional recovery activities from the Midwest floods of 1993, and $315 million for delayed highway reconstruction due to the Loma Prietta earthquake. These amounts are $250 million larger than the House passed bill for the Midwest flood recovery and $50 million larger for the southern California earthquake recovery.

Title II includes several nonemergency supplemental appropriations in the amount of $1.041 billion. The major ones are $61.4 million to the Unemployment Trust Fund, $698 million for veterans compensation and benefits, and $103.2 million for veterans benefits readjustments. These are mandatory programs and must be provided.

Title III includes $3.250 billion of rescissions. This is $689 million more than the House bill. This is an important step toward deficit reduction.

The more major provisions included in title IV are a modified provision prohibiting assistance to persons unlawfully in the United States, and an extension of the RTC statute of limitations. Other more minor items are also included.

Mr. Speaker, this conference report reflects a sound, fiscally responsible bill. We have moved the emergency bill quickly. I urge its adoption.

At this point in the RECORD, I will insert a table that provides more detail on this conference agreement.

FY 1994 EMERGENCY SUPPLEMENTAL APPROPRIATIONS AND OTHER PURPOSES (H.R. 3759)

Doc No.		Supplemental Request	House	Senate	Conference	Conference compared with House	Conference compared with Senate
	TITLE I - EMERGENCY SUPPLEMENTAL APPROPRIATIONS						
	CHAPTER 1						
	DEPARTMENT OF AGRICULTURE						
	Soil Conservation Service						
103-204	Watershed and flood prevention operations	340,500,000	340,500,000	340,500,000	340,500,000		
	Agricultural Stabilization and Conservation Service						
103-204	Emergency conservation program	25,000,000	25,000,000	25,000,000	25,000,000		
	Total, Chapter 1: New budget (obligational) authority	365,500,000	365,500,000	365,500,000	365,500,000		
	CHAPTER 2						
	SMALL BUSINESS ADMINISTRATION						
	Disaster loans program account:						
103-199							
103-204	Direct loans subsidy	254,750,000	254,750,000	254,750,000	254,750,000		
103-199							
103-204	(Limitation on direct loans)	(1,109,000,000)	(1,109,000,000)	(1,109,000,000)	(1,109,000,000)		
103-199							
103-204	Administrative expenses	55,000,000	55,000,000	55,000,000	55,000,000		
	Total, Chapter 2: New budget (obligational) authority	309,750,000	309,750,000	309,750,000	309,750,000		
	CHAPTER 3						
	DEPARTMENT OF DEFENSE - MILITARY						
	Military Personnel						
103-204	Military personnel, Army	6,600,000	6,600,000	6,600,000	6,600,000		
103-204	Military personnel, Navy	19,400,000	19,400,000	19,400,000	19,400,000		
103-204	Military personnel, Air Force	18,400,000	18,400,000	18,400,000	18,400,000		
	Total, Military Personnel	44,400,000	44,400,000	44,400,000	44,400,000		
	Operation and Maintenance						
103-204	Operation and maintenance, Army	420,100,000	420,100,000	420,100,000	420,100,000		
103-204	Operation and maintenance, Navy	104,800,000	104,800,000	104,800,000	104,800,000		
103-204	Operation and maintenance, Air Force	560,100,000	560,100,000	560,100,000	560,100,000		
103-204	Operation and maintenance, Defense-wide	21,600,000	21,600,000	21,600,000	21,600,000		
	Total, Operation and Maintenance	1,106,600,000	1,106,600,000	1,106,600,000	1,106,600,000		
	Procurement						
103-204	Aircraft procurement, Army	20,300,000	20,300,000	20,300,000	20,300,000		
103-204	Other procurement Army	200,000	200,000	200,000	200,000		
103-204	Other procurement, Air Force	26,800,000	26,800,000	26,800,000	26,800,000		
	Total, Procurement	47,300,000	47,300,000	47,300,000	47,300,000		
	Total, Chapter 3: New budget (obligational) authority	1,198,300,000	1,198,300,000	1,198,300,000	1,198,300,000		
	CHAPTER 4						
	DEPARTMENT OF DEFENSE - CIVIL						
	DEPARTMENT OF THE ARMY						
	Corps of Engineers - Civil						
103-204	Flood control and coastal emergencies	70,000,000	70,000,000	70,000,000	70,000,000		
	CHAPTER 5						
	DEPARTMENT OF EDUCATION						
103-199	Impact aid	165,000,000	165,000,000	165,000,000	165,000,000		
103-199	Student financial assistance	80,000,000	80,000,000	80,000,000	80,000,000		
	Total, Chapter 5: New budget (obligational) authority	245,000,000	245,000,000	245,000,000	245,000,000		
	CHAPTER 6						
	DEPARTMENT OF TRANSPORTATION						
	Federal Highway Administration						
	Federal-aid highways (Highway Trust Fund):						
103-199							
103-204	Emergency relief program	1,265,000,000	1,265,000,000	1,265,000,000	1,265,000,000		
103-199	Contingency appropriations	400,000,000	400,000,000	400,000,000	400,000,000		
	Total, Chapter 6:						
	New budget (obligational) authority	1,665,000,000	1,665,000,000	1,665,000,000	1,665,000,000		
	Appropriations	(1,265,000,000)	(1,265,000,000)	(1,265,000,000)	(1,265,000,000)		
	Contingency appropriations	(400,000,000)	(400,000,000)	(400,000,000)	(400,000,000)		
	CHAPTER 7						
	DEPARTMENT OF VETERANS AFFAIRS						
	Veterans Health Administration						
103-199	Medical care	21,000,000	21,000,000	21,000,000	21,000,000		

FY 1994 EMERGENCY SUPPLEMENTAL APPROPRIATIONS AND OTHER PURPOSES (H.R. 3759), continued

Doc No.		Supplemental Request	House	Senate	Conference	Conference compared with House	Conference compared with Senate
	Departmental Administration						
103-204	Construction, major projects	45,600,000	45,600,000	45,600,000	45,600,000		
	Total, Department of Veterans Affairs	66,600,000	66,600,000	66,600,000	66,600,000		
	DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT						
	Housing Programs						
103-199 103-204	Annual contributions for assisted housing	225,000,000	225,000,000	225,000,000	225,000,000		
103-199	Flexible subsidy fund	100,000,000	100,000,000	100,000,000	100,000,000		
	Total, Housing Programs	325,000,000	325,000,000	325,000,000	325,000,000		
	Community Planning and Development						
103-199 103-207	Community development grants	500,000,000	250,000,000	500,000,000	500,000,000	+250,000,000	
	Total, Department of Housing and Urban Development	825,000,000	575,000,000	825,000,000	825,000,000	+250,000,000	
	INDEPENDENT AGENCY						
	Federal Emergency Management Agency						
103-199 103-204	Disaster relief	4,709,000,000	4,709,000,000	4,709,000,000	4,709,000,000		
103-199	Emergency management planning and assistance.	15,000,000	15,000,000	15,000,000	15,000,000		
	Total, Federal Emergency Management Agency.	4,724,000,000	4,724,000,000	4,724,000,000	4,724,000,000		
	Total, Chapter 7:						
	New budget (obligational) authority	5,615,600,000	5,365,600,000	5,615,600,000	5,615,600,000	+250,000,000	
	CHAPTER 8						
	FUNDS APPROPRIATED TO THE PRESIDENT						
103-199 103-204 103-207	Unanticipated needs (contingency appropriations).	550,000,000	500,000,000	550,000,000	550,000,000	+50,000,000	
	Total, title I:						
	New budget (obligational) authority	10,019,150,000	9,719,150,000	10,019,150,000	10,019,150,000	+300,000,000	
	Appropriations	(9,069,150,000)	(8,819,150,000)	(9,069,150,000)	(9,069,150,000)	(+250,000,000)	
	Contingency appropriations	(950,000,000)	(900,000,000)	(950,000,000)	(950,000,000)	(+50,000,000)	
	(Limitation on direct loans)	(1,109,000,000)	(1,109,000,000)	(1,109,000,000)	(1,109,000,000)		
	TITLE II - SUPPLEMENTAL APPROPRIATIONS FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 1994						
	CHAPTER 1						
	DEPARTMENT OF AGRICULTURE						
	Agricultural Research Service (by transfer)		(10,068,000)		(11,068,000)	(+1,000,000)	(+11,068,000)
103-179	Extension Service	1,400,000		1,400,000	1,400,000	+1,400,000	
	Rural Development Administration						
	Salaries and expenses (by transfer)		(4,493,000)		(4,593,000)	(+100,000)	(+4,593,000)
	Food and Drug Administration						
103-179	Salaries and expenses	(2,284,000)		(2,284,000)	(2,284,000)	(+2,284,000)	
	Total, Chapter 1:						
	New budget (obligational) authority	1,400,000		1,400,000	1,400,000	+1,400,000	
	(By transfer)		(14,561,000)		(15,661,000)	(+1,100,000)	(+15,661,000)
	CHAPTER 2						
	DEPARTMENT OF JUSTICE						
	Federal Bureau of Investigation						
	Salaries and expenses				20,000,000	+20,000,000	+20,000,000
	DEPARTMENT OF STATE						
103-179	Contributions for international peacekeeping activities	670,000,000					
	RELATED AGENCY						
	Office of the United States Trade Representative						
103-179 103-207	Salaries and expenses	875,000		75,000	550,000	+550,000	+475,000
	Total, Chapter 2:						
	New budget (obligational) authority	670,875,000		75,000	20,550,000	+20,550,000	+20,475,000
	CHAPTER 3						
	DEPARTMENT OF THE INTERIOR						
	United States Fish and Wildlife Service						
103-179	Resource management (by transfer)	(2,100,000)		(2,100,000)	(2,100,000)	(+2,100,000)	
103-179	Land acquisition (by transfer)	(4,000,000)		(4,000,000)	(4,000,000)	(+4,000,000)	

FY 1994 EMERGENCY SUPPLEMENTAL APPROPRIATIONS AND OTHER PURPOSES (H.R. 3759), continued

Doc No.		Supplemental Request	House	Senate	Conference	Conference compared with House	Conference compared with Senate
	National Park Service						
103-179	Construction	13,102,000		13,102,000	13,102,000	+13,102,000	
103-179	Land acquisition and state assistance	1,274,000		1,274,000	1,274,000	+1,274,000	
103-179	(By transfer)	(6,000,000)		(6,000,000)	(5,000,000)	(+5,000,000)	(-1,000,000)
	Total, National Park Service	14,376,000		14,376,000	14,376,000	+14,376,000	
	Bureau of Indian Affairs						
103-179	Construction	12,363,000		12,363,000	12,363,000	+12,363,000	
	Total, Chapter 3:						
	New budget (obligational) authority	26,739,000		26,739,000	26,739,000	+26,739,000	
	(By transfer)	(12,100,000)		(12,100,000)	(11,100,000)	(+11,100,000)	(-1,000,000)
	CHAPTER 4						
	DEPARTMENT OF LABOR						
	Employment and Training Administration						
103-179	Advances to the Unemployment Trust Fund	61,400,000		61,400,000	61,400,000	+61,400,000	
	Bureau of Labor Statistics						
103-179	Salaries and expenses	10,100,000		10,100,000	10,100,000	+10,100,000	
	Departmental Management						
103-179	Salaries and expenses	-2,250,000					
	Total, Department of Labor	69,250,000		71,500,000	71,500,000	+71,500,000	
	DEPARTMENT OF HEALTH AND HUMAN SERVICES						
103-179	Salaries and expenses	-37,500,000					
	Health Care Financing Administration						
103-179	Program management	15,000,000					
	Total, Chapter 4:						
	New budget (obligational) authority	46,750,000		71,500,000	71,500,000	+71,500,000	
	CHAPTER 5						
	CONGRESSIONAL OPERATIONS						
	SENATE						
	Salaries, Officers and Employees						
103-179	Office of the Secretary	450,000		450,000	450,000	+450,000	
	Contingent Expenses of the Senate						
103-179	Secretary of the Senate	600,000		600,000	600,000	+600,000	
	Total, Senate	1,050,000		1,050,000	1,050,000	+1,050,000	
	HOUSE OF REPRESENTATIVES						
	Payments to Widows and Heirs of Deceased Members of Congress						
	Gratuities, deceased Members				133,600	+133,600	+133,600
	Total, Chapter 5:						
	New budget (obligational) authority	1,050,000		1,050,000	1,183,600	+1,183,600	+133,600
	CHAPTER 6						
	DEPARTMENT OF TRANSPORTATION						
	Federal Railroad Administration						
103-179	Pennsylvania Station redevelopment project	10,000,000		10,000,000	10,000,000	+10,000,000	
103-179	High speed ground transportation (limitation on obligations)	(4,452,000)		(4,452,000)	(4,452,000)	(+4,452,000)	
	Total, Chapter 6:						
	New budget (obligational) authority	10,000,000		10,000,000	10,000,000	+10,000,000	
	(Limitation on obligations)	(4,452,000)		(4,452,000)	(4,452,000)	(+4,452,000)	
	CHAPTER 7						
	EXECUTIVE OFFICE OF THE PRESIDENT AND FUNDS APPROPRIATED TO THE PRESIDENT						
103-207	National Security Council	5,650,000		5,320,000			-5,320,000
103-207	Office of Administration	1,400,000		1,030,000			-1,030,000
103-207	(By transfer)	(6,000,000)		(6,000,000)			(-6,000,000)
	Armstrong resolution account				13,125,000	+13,125,000	+13,125,000
	Total, Chapter 7:						
	New budget (obligational) authority	7,050,000		6,350,000	13,125,000	+13,125,000	+6,775,000
	(By transfer)	(6,000,000)		(6,000,000)			(-6,000,000)
	CHAPTER 8						
	DEPARTMENT OF VETERANS AFFAIRS						
	Veterans Benefits Administration						
103-179	Compensation and pensions	698,000,000		698,000,000	698,000,000	+698,000,000	
103-179	Readjustment benefits	103,200,000		103,200,000	103,200,000	+103,200,000	
	Total, Veterans Benefits Administration	801,200,000		801,200,000	801,200,000	+801,200,000	
	Veterans Health Administration						
	Medical administration and miscellaneous operating expenses (by transfer)			(3,500,000)	(2,500,000)	(+2,500,000)	(-1,000,000)

FY 1994 EMERGENCY SUPPLEMENTAL APPROPRIATIONS AND OTHER PURPOSES (H.R. 3759), continued

Doc No.		Supplemental Request	House	Senate	Conference	Conference compared with House	Conference compared with Senate
	DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT						
	Housing Programs						
103-158	Annual contributions for assisted housing	-45,791,000					
	Federal Housing Administration:						
	FHA - Mutual mortgage insurance program account:						
103-179	(Limitation on guaranteed loans)	(20,000,000,000)		(20,000,000,000)	(20,000,000,000)	(+20,000,000,000)	
	FHA - General and special risk program account:						
103-179	(Limitation on guaranteed loans)	(2,000,000,000)		(2,000,000,000)	(2,000,000,000)	(+2,000,000,000)	
	INDEPENDENT AGENCIES						
	Executive Office of the President						
103-179	Council on the Environmental Quality and Office of Environmental Quality	425,000		300,000	300,000	+300,000	
	National Aeronautics and Space Administration						
	Research and development				20,000,000	+20,000,000	+20,000,000
	Advance appropriation, fiscal year 1995			20,000,000	20,000,000	+20,000,000	
103-179	Research and program management	60,000,000		80,000,000	56,000,000	+56,000,000	-24,000,000
	Total, National Aeronautics and Space Administration	60,000,000		100,000,000	96,000,000	+96,000,000	-4,000,000
	Total, Chapter 8:						
	New budget (obligational) authority (net)	815,834,000		901,500,000	897,500,000	+897,500,000	-4,000,000
	Appropriations, fiscal year 1994	(815,834,000)		(881,500,000)	(877,500,000)	(+877,500,000)	(-4,000,000)
	Advance appropriations, fiscal year 1995			(20,000,000)	(20,000,000)	(+20,000,000)	
	(By transfer)			(3,500,000)	(2,500,000)	(+2,500,000)	(-1,000,000)
	(Limitation on guaranteed loans)	(22,000,000,000)		(22,000,000,000)	(22,000,000,000)	(+22,000,000,000)	
	Total, title II:						
	New budget (obligational) authority (net)	1,579,698,000		1,018,614,000	1,041,997,600	+1,041,997,600	+23,383,600
	Appropriations, fiscal year 1994	(1,579,698,000)		(998,614,000)	(1,021,997,600)	(+1,021,997,600)	(+23,383,600)
	Advance appropriations, fiscal year 1995			(20,000,000)	(20,000,000)	(+20,000,000)	
	(By transfer)	(18,100,000)	(14,561,000)	(21,600,000)	(29,261,000)	(+14,700,000)	(+7,661,000)
	(Limitation on guaranteed loans)	(22,000,000,000)		(22,000,000,000)	(22,000,000,000)	(+22,000,000,000)	
	(Limitation on obligations)	(4,452,000)		(4,452,000)	(4,452,000)	(+4,452,000)	
	TITLE III - RESCINDING CERTAIN BUDGET AUTHORITY						
	PROPOSED TO BE RESCINDED IN SPECIAL MESSAGES TRANSMITTED TO THE CONGRESS BY THE PRESIDENT ON NOVEMBER 1, 1993 AND FEBRUARY 7, 1994						
	CHAPTER 1						
	DEPARTMENT OF AGRICULTURE						
	Economic research service			-4,000,000			+4,000,000
103-157	Agricultural Research Service	-16,233,000					
	Human Nutrition Information Service		-1,000,000			+1,000,000	
103-157	Buildings and facilities	-8,460,000					
	Total, Agricultural Research Service	-24,693,000	-1,000,000	-4,000,000		+1,000,000	+4,000,000
103-157	Cooperative State Research Service	-30,002,000	-14,279,000	-12,463,000	-12,463,000	+1,816,000	
103-157	Buildings and facilities	-34,000,000	-2,897,000	-2,897,000	-2,897,000		
	Total, Cooperative State Research Service	-64,002,000	-17,176,000	-15,360,000	-15,360,000	+1,816,000	
	Agricultural Marketing Services						
	Marketing services		-100,000			+100,000	
	Agricultural Stabilization and Conservation Service						
103-157	Salaries and expenses	-12,167,000		-12,167,000			+12,167,000
	Soil Conservation Service						
103-157	Conservation operations	-12,167,000		-12,167,000			+12,167,000
	Watershed and flood prevention operations			-21,158,000	-21,158,000	-21,158,000	
	Total, Soil Conservation Service	-12,167,000		-33,325,000	-21,158,000	-21,158,000	+12,167,000
	Farmers Home Administration						
	Rural Housing Insurance Fund Program Account:						
	Loan subsidies:						
103-205	Single family (sec. 502)	-1,515,000	-35,000,000	-1,515,000	-20,870,000	+14,130,000	-19,355,000
103-205	Rental housing (sec. 515)	-12,443,000		-12,443,000	-12,443,000	-12,443,000	
103-205	Housing repair (sec. 504)	-1,204,000		-1,204,000	-1,204,000	-1,204,000	
103-205	Farm labor (sec. 514)	-483,000		-483,000	-483,000	-483,000	
	Total, Rural Housing Insurance Fund	-15,645,000	-35,000,000	-15,645,000	-35,000,000		-19,355,000
	Agricultural Credit Insurance Fund Program Account:						
103-205	Credit sales of acquired property: Loan subsidy.	-5,094,000		-5,094,000	-8,000,000	-8,000,000	-2,906,000
	Rural Development Loan Fund Program Account:						
	Loan subsidy		-20,000,000		-10,000,000	+10,000,000	-10,000,000
	Rural housing voucher program			-25,000,000	-25,000,000	-25,000,000	
	Rural water and waste disposal grants		-25,000,000		-12,500,000	+12,500,000	-12,500,000
103-157	Salaries and expenses	-12,167,000	-12,167,000	-12,167,000	-12,167,000		
	Total, Farmers Home Administration	-32,906,000	-92,167,000	-57,906,000	-102,667,000	-10,500,000	-44,761,000

FY 1994 EMERGENCY SUPPLEMENTAL APPROPRIATIONS AND OTHER PURPOSES (H.R. 3759), continued

Doc No.		Supplemental Request	House	Senate	Conference	Conference compared with House	Conference compared with Senate
	Rural Electrification Administration						
	Rural Electrification and Telephone Loans Program Account:						
	Direct loan subsidies:						
103-157							
103-205	Telephone	-8,745,000	.....	-3,222,000	-1,611,000	-1,611,000	+1,611,000
103-205	Electric	-3,388,000	.....	-3,388,000	-1,694,000	-1,694,000	+1,694,000
	Total, Rural Electrification and Telephone Loans Program	-12,133,000	.....	-6,610,000	-3,305,000	-3,305,000	+3,305,000
	Food and Nutrition Service						
103-157	Commodity supplemental food program	-12,600,000	-12,600,000	-6,100,000	-10,000,000	+2,600,000	-3,900,000
	Food donations programs for selected groups:						
.....	Needy family program	.....	-6,000,000	-5,200,000	.....	+6,000,000	+5,200,000
	Total, Food and Nutrition Service	-12,600,000	-18,600,000	-11,300,000	-10,000,000	+8,600,000	+1,300,000
	FOREIGN ASSISTANCE AND RELATED PROGRAMS						
	Public Law 480 Program Account:						
	Title I - Credit sales:						
103-205	Ocean freight differential	-4,600,000	.....	-4,600,000	-4,600,000	-4,600,000	.....
	Title III - Commodity grants:						
103-205	Program level	(-45,000,000)	(-20,000,000)	(-45,000,000)	(-25,000,000)	(-5,000,000)	(+20,000,000)
103-205	Appropriation	-45,000,000	-20,000,000	-45,000,000	-25,000,000	-5,000,000	+20,000,000
103-205	Loan subsidies	-35,400,000	.....	-35,400,000	-22,900,000	-22,900,000	+12,500,000
	Total, Chapter 1: Rescissions	-255,668,000	-149,043,000	-225,668,000	-204,990,000	-55,947,000	+20,678,000
	CHAPTER 2						
	DEPARTMENT OF COMMERCE						
	National Oceanic and Atmospheric Administration						
103-157	Operations, research, and facilities	-6,000,000	.....	.....	.....	.....	.....
103-157	Construction	-4,000,000	-3,000,000	.....	-3,000,000	.....	-3,000,000
	Total, National Oceanic and Atmospheric Administration	-10,000,000	-3,000,000	.....	-3,000,000	.....	-3,000,000
	International Trade Administration						
103-157	Operations and administration	-2,000,000	.....	-2,000,000	-2,000,000	-2,000,000	.....
	Export Administration						
.....	Operations and administration	.....	.....	-3,000,000	.....	.....	+3,000,000
	Minority Business Development Agency						
.....	Minority business development	.....	.....	-500,000	-500,000	-500,000	.....
	National Telecommunications and Information Administration						
.....	Information infrastructure grants	.....	.....	-4,254,000	.....	.....	+4,254,000
	Economic Development Administration						
.....	Economic development revolving fund	.....	-29,000,000	-20,000,000	-29,000,000	.....	-9,000,000
	Total, Department of Commerce	-12,000,000	-32,000,000	-29,754,000	-34,500,000	-2,500,000	-4,746,000
	THE JUDICIARY						
	Courts of Appeals, District Courts, and Other Judicial Services						
.....	Defender services	.....	-3,000,000	-3,000,000	-3,000,000	.....	.....
	DEPARTMENT OF STATE						
	Administration of Foreign Affairs						
103-157	Diplomatic and consular programs	-600,000	.....	-600,000	.....	.....	+600,000
103-205	Buying power maintenance	-8,800,000	-8,800,000	-8,800,000	-8,800,000	.....	.....
.....	New diplomatic posts	.....	-1,000,000	.....	-1,000,000	.....	-1,000,000
	Total, Department of State	-9,400,000	-9,800,000	-9,400,000	-9,800,000	.....	-400,000
	RELATED AGENCIES						
	Board for International Broadcasting						
103-205	Israel Relay Station	-1,700,000	-1,700,000	-1,700,000	-1,700,000	.....	.....
	Small Business Administration						
103-157	Salaries and expenses	-13,100,000	.....	-4,100,000	.....	.....	+4,100,000
	Business Loans Program Account:						
.....	Guaranteed loans subsidy	.....	.....	.....	-4,100,000	-4,100,000	-4,100,000
	State Justice Institute						
103-157	Salaries and expenses	-6,775,000	.....	-3,000,000	.....	.....	+3,000,000
	United States Information Agency						
103-157	Salaries and expenses	-3,000,000	-1,177,000	-3,000,000	-2,000,000	-823,000	+1,000,000
.....	Educational and cultural exchange programs	.....	-850,000	.....	-850,000	.....	-850,000
.....	Radio construction	.....	-2,000,000	.....	-2,000,000	.....	-2,000,000
103-157	North/South Center	-8,700,000	.....	-8,700,000	-1,000,000	-1,000,000	+7,700,000
	Total, United States Information Agency	-11,700,000	-4,027,000	-11,700,000	-5,850,000	-1,823,000	+5,850,000
	Total, Chapter 2: Rescissions	-54,675,000	-50,527,000	-62,654,000	-58,950,000	-8,423,000	+3,704,000

FY 1994 EMERGENCY SUPPLEMENTAL APPROPRIATIONS AND OTHER PURPOSES (H.R. 3759), continued

Doc No.		Supplemental Request	House	Senate	Conference	Conference compared with House	Conference compared with Senate
	CHAPTER 3						
	DEPARTMENT OF DEFENSE - MILITARY						
	Procurement						
103-205	Missile procurement, Army	-48,000,000					
103-205	Aircraft procurement, Navy	-51,700,000			-10,000,000	-10,000,000	-10,000,000
103-205	Shipbuilding and conversion, Navy	-50,000,000					
103-205	Aircraft procurement, Air Force	-105,600,000		-12,800,000	-12,800,000	-12,800,000	
	Other procurement, Air Force			-27,500,000	-42,500,000	-42,500,000	-15,000,000
	Procurement, Defense agencies				-10,000,000	-10,000,000	-10,000,000
	Procurement, Defense-wide			-104,500,000	-14,500,000	-14,500,000	+90,000,000
	Total, Procurement	-255,300,000		-144,800,000	-89,800,000	-89,800,000	+55,000,000
	Research, Development, Test and Evaluation						
	Research, development, test and evaluation, Air Force			-50,000,000	-56,000,000	-56,000,000	-6,000,000
103-205	Research, development, test and evaluation, Defense-wide	-50,000,000		-110,500,000	-104,500,000	-104,500,000	+6,000,000
	Total, Research, Development, Test and Evaluation	-50,000,000		-160,500,000	-160,500,000	-160,500,000	
	Total, Chapter 3: Rescissions	-305,300,000		-305,300,000	-250,300,000	-250,300,000	+55,000,000
	CHAPTER 4						
	DEPARTMENT OF DEFENSE - CIVIL						
	Corps of Engineers - Civil						
103-157	General investigations	-24,970,000	-24,970,000	-24,970,000	-24,970,000		
103-157	Construction, general	-97,319,000	-97,319,000	-97,319,000	-97,319,000		
	Total, Department of Defense - Civil	-122,289,000	-122,289,000	-122,289,000	-122,289,000		
	DEPARTMENT OF THE INTERIOR						
	Bureau of Reclamation						
103-157	Construction program	-16,000,000	-16,000,000	-40,000,000	-30,000,000	-14,000,000	+10,000,000
	DEPARTMENT OF ENERGY						
103-157							
103-205	Energy supply, research and development activities.	-107,300,000	-97,300,000	-107,300,000	-107,300,000	-10,000,000	
103-157	Uranium supply and enrichment activities	-42,000,000	-42,000,000	-42,000,000	-42,000,000		
	Total, Department of Energy	-149,300,000	-139,300,000	-149,300,000	-149,300,000	-10,000,000	
	INDEPENDENT AGENCY						
	Nuclear Regulatory Commission						
103-205	Salaries and expenses	-12,700,000		-12,700,000	-12,700,000	-12,700,000	
	Total, Chapter 4: Rescissions	-300,289,000	-277,589,000	-324,289,000	-314,289,000	-36,700,000	+10,000,000
	CHAPTER 5						
	MULTILATERAL ECONOMIC ASSISTANCE						
	FUNDS APPROPRIATED TO THE PRESIDENT						
	International Financial Institutions						
	Contribution to the International Bank for Reconstruction and Development:						
	Paid-in capital		-27,910,500		-27,910,500		-27,910,500
	(Limitation on callable capital)		(-902,439,500)		(-902,439,500)		(-902,439,500)
	Contribution to the Inter-American Development Bank:						
	Inter-regional paid-in capital		-16,063,134			+16,063,134	
	(Limitation on callable capital)		(-626,407,732)			(+626,407,732)	
	Contribution to the Asian Development Bank:						
	Paid-in capital		-13,026,366			+13,026,366	
	(Limitation on callable capital)		(-95,438,437)			(+95,438,437)	
	Contribution to the African Development Fund			-2,700,000			+2,700,000
	Total, contribution for Multilateral Economic Assistance		(-1,681,285,669)	(-2,700,000)	(-930,350,000)	(+750,935,669)	(-927,650,000)
	Rescissions		-57,000,000	-2,700,000	-27,910,500	+29,089,500	-25,210,500
	(Limitation on callable capital)		(-1,624,285,669)		(-902,439,500)	(+721,846,169)	(-902,439,500)
	BILATERAL ECONOMIC ASSISTANCE						
	Agency for International Development						
103-157	Development assistance fund	-160,000,000	-160,000,000	-40,879,000	-104,018,500	+55,981,500	-63,139,500
	Reform and downsizing			-3,000,000			+3,000,000
103-157	Economic support fund	-90,000,000	-90,000,000	-32,700,000	-61,350,000	+28,650,000	-28,650,000
	Assistance to former republics of the Soviet Union..			-145,000,000	-55,000,000	-55,000,000	+90,000,000
	Total, Agency for International Development	-250,000,000	-250,000,000	-221,579,000	-220,368,500	+29,631,500	+1,210,500
	MILITARY ASSISTANCE						
	Foreign Military Financing Program:						
103-157							
103-205	Grants	-65,562,000	-66,000,000	-91,283,000	-91,283,000	-25,283,000	
103-205	Military assistance	-438,000		-438,000	-438,000	-438,000	
	Total, Chapter 5: Rescissions	-316,000,000	-373,000,000	-316,000,000	-340,000,000	+33,000,000	-24,000,000

FY 1994 EMERGENCY SUPPLEMENTAL APPROPRIATIONS AND OTHER PURPOSES (H.R. 3759), continued

Doc No.		Supplemental Request	House	Senate	Conference	Conference compared with House	Conference compared with Senate
	CHAPTER 6						
	DEPARTMENT OF THE INTERIOR						
	United States Fish and Wildlife Service						
.....	Construction and anadromous fish	.....	-3,874,000	-3,874,000	-3,874,000	.....	.....
	DEPARTMENT OF ENERGY						
103-205	Biomass energy development	-16,275,000	-16,275,000	-16,275,000	-16,275,000	.....	.....
	Total, Chapter 6: Rescissions	-16,275,000	-20,149,000	-20,149,000	-20,149,000	.....	.....
	CHAPTER 7						
	DEPARTMENT OF LABOR						
.....	Salaries and expenses	.....	-4,000,000	-4,000,000	-4,000,000	.....	.....
	DEPARTMENT OF HEALTH AND HUMAN SERVICES						
.....	Salaries and expenses	.....	-37,500,000	-37,500,000	-27,500,000	+10,000,000	+10,000,000
	Social Security Administration						
.....	Supplemental security income program	.....	-10,909,000	-10,909,000	-10,909,000	.....	.....
.....	Limitation on administrative expenses: Trust funds.	.....	(-80,000,000)	(-80,000,000)	(-80,000,000)	.....	.....
	Total, Department of Health and Human Services	.....	-48,409,000	-48,409,000	-38,409,000	+10,000,000	+10,000,000
	DEPARTMENT OF EDUCATION						
.....	Salaries and expenses	.....	-8,500,000	-8,500,000	-8,500,000	.....	.....
	Total, Chapter 7: Rescissions	.....	-60,909,000	-60,909,000	-50,909,000	+10,000,000	+10,000,000
	(Limitation on trust funds)	.....	(-80,000,000)	(-80,000,000)	(-80,000,000)	.....	.....
	CHAPTER 8						
	CONGRESSIONAL OPERATIONS						
	SENATE						
	Contingent Expenses of the Senate						
.....	Sergeant at Arms and Doorkeeper of the Senate	.....	.....	-1,500,000	-1,500,000	-1,500,000	.....
	HOUSE OF REPRESENTATIVES						
	Salaries and Expenses						
	House Leadership Offices						
.....	Salaries and expenses	.....	-253,000	-253,000	-253,000	.....	.....
	Committee on the Budget (Studies)						
.....	Salaries and expenses	.....	-4,000	-4,000	-4,000	.....	.....
	Allowances and Expenses						
.....	Official Expenses of Members	.....	-1,004,000	-1,004,000	-1,004,000	.....	.....
.....	Supplies, materials, administrative costs and Federal tort claims	.....	-125,000	-125,000	-125,000	.....	.....
.....	Office equipment	.....	-364,000	-364,000	-364,000	.....	.....
.....	Stenographic reporting of committee hearings	.....	-67,000	-67,000	-67,000	.....	.....
.....	Government contributions	.....	-16,000	-16,000	-16,000	.....	.....
	Total, allowances and expenses	.....	-1,576,000	-1,576,000	-1,576,000	.....	.....
	Committee on Appropriations (Studies and Investigations)						
.....	Salaries and expenses	.....	-595,000	-595,000	-595,000	.....	.....
	Standing Committees, Special and Select						
.....	Salaries and expenses	.....	-378,000	-378,000	-378,000	.....	.....
	Salaries, Officers and Employees						
.....	Office of the Postmaster	.....	-19,000	-19,000	-19,000	.....	.....
.....	Office of the Historian	.....	-26,000	-26,000	-26,000	.....	.....
.....	House Democratic Steering Committee and Caucus	.....	-73,000	-73,000	-73,000	.....	.....
.....	House Republican Conference	.....	-61,000	-61,000	-61,000	.....	.....
	Total, salaries, officers and employees	.....	-179,000	-179,000	-179,000	.....	.....
	Total, House of Representatives	.....	-2,985,000	-2,985,000	-2,985,000	.....	.....
	ARCHITECT OF THE CAPITOL						
	Capitol Buildings and Grounds						
.....	Capitol buildings	.....	-3,000,000	.....	.....	+3,000,000	.....
	Total, Congressional Operations	.....	-5,985,000	-4,485,000	-4,485,000	+1,500,000	.....
	LIBRARY OF CONGRESS						
.....	Library of Congress	.....	-900,000	-1,000,000	-1,000,000	-100,000	.....
	GENERAL ACCOUNTING OFFICE						
.....	General Accounting Office	.....	-1,300,000	-650,000	-650,000	+650,000	.....
	Total, Chapter 8: Rescissions	.....	-8,185,000	-6,135,000	-6,135,000	+2,050,000	.....

FY 1994 EMERGENCY SUPPLEMENTAL APPROPRIATIONS AND OTHER PURPOSES (H.R. 3759), continued

Doc No.		Supplemental Request	House	Senate	Conference	Conference compared with House	Conference compared with Senate
	CHAPTER 9						
	DEPARTMENT OF DEFENSE - MILITARY						
	Military Construction						
103-157	Military construction, Army	-116,134,000	-22,319,000		-22,319,000		-22,319,000
	Military construction, Navy		-13,969,000		-13,969,000		-13,969,000
103-157	Military construction, Air Force	-85,094,000	-24,787,000		-24,787,000		-24,787,000
	Military construction, Defense-wide		-13,663,000		-13,663,000		-13,663,000
103-157	Military construction, Army National Guard	-251,854,000	-7,568,000		-7,568,000		-7,568,000
103-157	Military construction, Air National Guard	-105,138,000	-6,187,000		-6,187,000		-6,187,000
103-157	Military construction, Army Reserve	-19,807,000	-2,551,000		-2,551,000		-2,551,000
103-157	Military construction, Naval Reserve	-4,438,000	-626,000		-626,000		-626,000
103-157	Military construction, Air Force Reserve	-18,759,000	-1,862,000		-1,862,000		-1,862,000
	Total, Military construction	-601,224,000	-93,532,000		-93,532,000		-93,532,000
	North Atlantic Treaty Organization Infrastructure		-70,000,000			+70,000,000	
	Base realignment and closure account, Part III		-437,692,000	-601,224,000	-507,692,000	-70,000,000	+93,532,000
	Total, Chapter 9: Rescissions	-601,224,000	-601,224,000	-601,224,000	-601,224,000		
	CHAPTER 10						
	DEPARTMENT OF TRANSPORTATION						
	Office of the Secretary						
103-205	Payments to air carriers (Airport and Airway Trust Fund)	-10,067,000	-10,068,243	-10,067,000	-10,067,000	+1,243	
103-205	Rental payments	-1,781,000		-1,781,000	-1,781,000	-1,781,000	
	Coast Guard						
103-205	Operating expenses	-5,000,000	-5,000,000			+5,000,000	
103-205	Acquisition, construction, and improvements	-2,000,000	-2,000,000			+2,000,000	
	Total, Coast Guard	-7,000,000	-7,000,000			+7,000,000	
	Federal Aviation Administration						
103-157	Operations	-2,750,000	-750,000	-2,750,000	-750,000		+2,000,000
103-157	Facilities & equipment (Airport & Airway Trust Fund)	-40,257,111	-29,451,111	-65,205,300	-65,380,300	-35,929,189	-175,000
103-205	Grants-in-aid for airports (Airport & Airway Trust Fund)	-488,200,000	-488,200,000	-488,200,000	-488,200,000		
	Total, Federal Aviation Administration	-531,207,111	-518,401,111	-556,155,300	-554,330,300	-35,929,189	+1,825,000
	Federal Highway Administration						
103-157							
103-205	Federal-aid highways (Highway Trust Fund)	-174,968,734	-85,774,222	-35,696,647	-41,828,455	+43,945,767	-6,131,808
	Right-of-way Revolving Fund (Highway Trust Fund)			-20,000,000	-20,000,000	-20,000,000	
	Total, Federal Highway Administration	-174,968,734	-85,774,222	-55,696,647	-61,828,455	+23,945,767	-6,131,808
	National Highway Traffic Safety Administration						
	Operations and research		-7,056,000			+7,056,000	
	Highway traffic safety grants (Highway Trust Fund)			-219,750,000	-219,750,000	-219,750,000	
	Federal Railroad Administration						
103-205	Railroad research and development	-17,000,000		-17,000,000	-17,000,000	-17,000,000	
	Federal Transit Administration						
103-157	Discretionary grants (Highway Trust Fund)	-52,037,325	-40,478,975	-808,935	-3,308,935	+37,170,040	-2,500,000
	Total, Chapter 10: Rescissions	-794,061,170	-668,778,551	-861,258,882	-868,065,690	-199,287,139	-6,806,808
	CHAPTER 11						
	DEPARTMENT OF THE TREASURY						
	Internal Revenue Service						
	Information systems			-6,400,000	-6,400,000	-6,400,000	
	GENERAL SERVICES ADMINISTRATION						
103-157	Federal Buildings Fund:						
103-205	Construction	-127,691,000	-126,022,000	-127,691,000	-127,691,000	-1,669,000	
	Rental of space				-6,000,000	-6,000,000	-6,000,000
	Total, General Services Administration	-127,691,000	-126,022,000	-127,691,000	-133,691,000	-7,669,000	-6,000,000
	Total, Chapter 11: Rescissions	-127,691,000	-126,022,000	-134,091,000	-140,091,000	-14,069,000	-6,000,000
	CHAPTER 12						
	DEPARTMENT OF VETERANS AFFAIRS						
	Departmental Administration						
	Construction, major projects		-26,000,000			+26,000,000	

FY 1994 EMERGENCY SUPPLEMENTAL APPROPRIATIONS AND OTHER PURPOSES (H.R. 3759), continued

Doc No.		Supplemental Request	House	Senate	Conference	Conference compared with House	Conference compared with Senate
	DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT						
	Housing Programs						
103-205	Homeownership and opportunity for people everywhere grants (HOPE grants)	-66,000,000	-66,000,000	-50,000,000	-66,000,000	.....	-16,000,000
103-157	Annual contributions for assisted housing	-180,000,000	-25,000,000	-325,000,000	-100,000,000	-75,000,000	+225,000,000
.....	Assistance for the renewal of expiring section 8 subsidy contracts	.....	-20,000,000	.....	-76,000,000	-56,000,000	-76,000,000
	Total, Department of Housing and Urban Development	-246,000,000	-111,000,000	-375,000,000	-242,000,000	-131,000,000	+133,000,000
	INDEPENDENT AGENCIES						
	Chemical Safety and Hazard Investigations Board						
.....	Salaries and expenses	.....	.....	-770,000	-770,000	-770,000	.....
	Environmental Protection Agency						
.....	Water infrastructure / State revolving funds	.....	-22,000,000	.....	-22,000,000	.....	-22,000,000
	Federal Emergency Management Agency						
.....	Emergency management planning and assistance.	.....	-2,000,000	.....	-2,000,000	.....	-2,000,000
	National Aeronautics and Space Administration						
103-205	Research and development	-88,000,000	-25,000,000	-63,000,000	-63,000,000	-38,000,000	.....
103-205	Space flight, control, and data communications	-32,000,000	.....	-32,000,000	-32,000,000	-32,000,000	.....
103-205	Construction of facilities	-25,000,000	-25,000,000	-25,000,000	-25,000,000	.....	.....
	Total, National Aeronautics and Space Administration	-145,000,000	-50,000,000	-120,000,000	-120,000,000	-70,000,000	.....
	National Science Foundation						
.....	Research and related activities	.....	.....	.....	-5,000,000	-5,000,000	-5,000,000
103-205	Academic research infrastructure	-10,000,000	-10,000,000	.....	-5,000,000	+5,000,000	-5,000,000
	Total, National Science Foundation	-10,000,000	-10,000,000	.....	-10,000,000	.....	-10,000,000
	National Service Initiative						
.....	Corporation for national and community service	.....	-5,000,000	.....	-5,000,000	.....	-5,000,000
	Total, Chapter 12: Rescissions	-401,000,000	-226,000,000	-495,770,000	-401,770,000	-175,770,000	+94,000,000
	Total, Title III:						
	Rescissions	-3,172,183,170	-2,561,426,551	-3,413,447,882	-3,256,872,690	-695,446,139	+156,575,192
	(Limitation on trust funds)	.....	(-80,000,000)	(-80,000,000)	(-80,000,000)	.....	.....
	Grand total, all titles:						
	New budget (obligational) authority (net)	8,426,664,830	7,157,723,449	7,624,316,118	7,804,274,910	+646,551,461	+179,958,792
	Appropriations, fiscal year 1994	(10,648,848,000)	(8,819,150,000)	(10,067,764,000)	(10,091,147,600)	(+1,271,997,600)	(+23,383,600)
	Advance appropriations, fiscal year 1995	.....	.....	(20,000,000)	(20,000,000)	(+20,000,000)	.....
	Contingency appropriations	(950,000,000)	(900,000,000)	(950,000,000)	(950,000,000)	(+50,000,000)	.....
	Rescissions	(-3,172,183,170)	(-2,561,426,551)	(-3,413,447,882)	(3,256,872,690)	(-695,446,139)	(+156,575,192)
	(By transfer)	(18,100,000)	(14,561,000)	(21,600,000)	(29,261,000)	(+14,700,000)	(+7,661,000)
	(Limitation on direct loans)	(1,109,000,000)	(1,109,000,000)	(1,109,000,000)	(1,109,000,000)	.....	.....
	(Limitation on guaranteed loans)	(22,000,000,000)	.....	(22,000,000,000)	(22,000,000,000)	(+22,000,000,000)	.....
	(Limitation on obligations)	(4,452,000)	.....	(4,452,000)	(4,452,000)	(+4,452,000)	.....
	(Limitation on trust funds)	.....	(-80,000,000)	(-80,000,000)	(-80,000,000)	.....	.....

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

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

Mr. Speaker, I rise in support of this conference report. By passing this agreement, we will assure a quick response to the needs of the victims of the Northridge/Los Angeles earthquake.

The conference agreement provides nearly $8 billion for earthquake relief, as well as an additional $2 billion for other emergencies, including the costs of our defense peacekeeping and humanitarian operations in Somalia, Bosnia, and Iraq. This is just slightly above the House-passed figure, and is in accord with revised administration requests.

In addition, the conference report provides over $3.2 billion in rescissions, nearly $700 million more than the amount of rescissions passed by the House. This brings to a close, for the Appropriations Committee, a deficit reduction effort that started last fall.

Finally, the conference report contains some additional nonemergency supplementals included in the Senate bill in response to requests contained in the President's budget submitted last Monday. This includes $800 million for veterans compensation and readjustment assistance, and $61 million for the unemployment trust fund, both mandatory accounts which must be provided. In addition, there are about $150 million in discretionary supplementals, mostly in response to administration requests.

In terms of issues of interest to the Members, the conference report includes the D'Amato language, extending the statute of limitations on RTC civil litigation. It also includes compromise language concerning illegal aliens and emergency assistance. And it does not include buy-out provisions, due to the inability to get Senate concurrence.

Overall, Mr. Speaker, I support this agreement, produced on a very short timetable, with conferees braving the snow this morning to allow this bill to be enacted speedily into law, and I urge its adoption.

□ 1820

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

Mr. McDADE. I yield to the gentleman from New York [Mr. SOLOMON], my good friend.

Mr. SOLOMON. Mr. Speaker, I thank the gentleman, and we will not delay this vote coming up. I just wanted to ask the gentleman the following:

There was a Senator COHEN amendment which would have prohibited those that are incarcerated for violent crimes and illegal drug use from receiving funds that come out of the Social Security trust fund.

What happened to that amendment?

Mr. McDADE. Mr. Speaker, let me say to my good friend from New York that philosophically I think we all supported that amendment, but the authorizing committee in this case, the Committee on Ways and Means, wrote a letter over to the committee strongly objecting to our consideration of it as a matter of jurisdiction. The Committee on Appropriations, in the spirit of comity, yielded to the Committee on Ways and Means' assertion of its authority, and it went out of the bill.

Mr. SOLOMON. The gentleman is right; it was a very good amendment, and I certainly hope we can pursue that later on this year.

There was also the D'Amato amendment which extended the statute of limitations on the RTC law for fraud and gross negligence. I thought I heard the gentleman mention that. We instructed the conferees in this House to keep that in this bill. Was that kept in the bill?

Mr. McDADE. May I say to my friend that he will be delighted to know that it is in the bill unfettered by any additional language or changes.

Mr. SOLOMON. I thank the gentleman from Pennsylvania [Mr. McDADE] for helping to keep that in the bill and thank him for yielding. I say to him, thanks for the good work you do.

Mr. McDADE. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Illinois [Mr. MANZULLO].

Mr. MANZULLO. Mr. Speaker, I rise in reluctant support of the conference report, and I think that the Members of the House of Representatives and the people of this country should be aware of the fact that reform has been long overdue in the manner in which the House of Representatives does business.

Mr. Speaker, buried in this conference report, buried in this bill that provides for $10 billion for relief to the earthquake victims, are matters that I do not believe would ever pass the House of Representatives. For example, $10 million has been placed in this bill for the purpose of renovating Penn Station. Now we are talking about earthquake relief, not about a train wreck.

And buried in this bill is $117.2 million to implement the United States-Russia agreement on space cooperation. We are trying to repair roads and infrastructure in the State of California at a time we are talking about putting American and Russian astronauts in space when the entire Russian economy has been totally decimated. We do not need to spend $117 million.

Nor do we need to go over the legislative appropriations bill and spend an additional $450,000 to cover compensation costs of the Office of Senate Legal Counsel.

Nor do we need to spend an additional $600,000 to provide for contract services, including the costs of outside counsel paying for lawyers with money that should be used to pay for earthquake relief.

Mr. Speaker, that has been buried in this bill, a bill that the Members of the House of Representatives received here 20 minutes ago that is going to cost the taxpayers $11 billion.

And, Mr. Speaker, buried in this bill also is $1.4 million to fight the potato blight fungus.

Now, when we are talking about earthquake relief, let us talk about earthquake relief. Let us not have a grab bag. Let us not have a Christmas tree.

Mr. Speaker, I reluctantly rise in support of the conference report because it is absolutely necessary for the people in California to have earthquake assistance, but next time, next time, this practice cannot be tolerated.

Mr. SMITH of Iowa. Mr. Speaker, I yield 3 minutes to the gentleman from Maryland [Mr. HOYER].

Mr. HOYER. Mr. Speaker, I thank the gentleman from Iowa [Mr. SMITH] for yielding this time to me.

Mr. Speaker, I want to say to my good friend from Pennsylvania who is a good friend, and I appreciate his mentioning the fact that we were unable, unfortunately, to add to this legislation what is essentially an emergency, and that is the reason we acted yesterday, by 391 to 17, and that is to get the buyout authority so we can preclude risk and manage the reduction on which we have all agreed, the 252,000, in as considered and as fair a way as possible. Unfortunately, notwithstanding the fact that it was my perception that every member of the conference agreed on taking that action in the manner that the House had decided to do, we were unable to do that. The Senate was proceeding by unanimous consent. They have now passed legislation, also by unanimous consent, which includes provisions on which neither side of this House, I think, was consulted or is in agreement.

Mr. Speaker, I say that only to make it clear that on this side there was no agreement as to the unanimous consent on the buyouts that was passed by the Senate after passing this legislation. I regret that we have delayed this process going forward. It was appropriate that we act today and send this matter to the President so that the administrative agencies could have proceeded as quickly as possible, No. 1, to ensure the employees of the situation that was existing; and, No. 2, to identify from a management standpoint the best way to proceed to reduce the numbers that are necessary if we are to attain the 252,000, and, importantly, as we discussed on both sides of the aisle and agreed on both sides of the aisle, to provide for the $20-plus billion in savings that the reduction in the Federal force will result in.

Mr. Speaker, I regret that we were unable to solve this today.

I do want to say again to the gentleman from Pennsylvania [Mr. McDADE], to the acting chair on our side, the gentleman from Iowa [Mr. SMITH], and, as well, to the chairman of the Senate Appropriations Committee and the ranking member on that side, Senator BYRD and Senator HATFIELD, as well as Senators DOMENICI and STEVENS who worked tirelessly during this day to try to bring this matter to closure on this day, to thank them for their efforts on behalf of all of us who believe this matter needs to be resolved as quickly as possible.

Mr. McDADE. Mr. Speaker, before yielding, and I am going to yield to the gentleman from Maryland, but, before I do, I want to commend my colleague from Maryland [Mr. HOYER] for his long hours of work with my friend, the gentleman from Indiana [Mr. MYERS], and others to try to make this bill a reality, and someday soon we will get there I am sure.

Mr. HOYER. Mr. Speaker, I thank the gentleman from Pennsylvania.

Mr. McDADE. I say to the gentleman, Congratulations on all your hard work.

Mr. Speaker, I yield 2 minutes to the able gentleman from Maryland [Mr. BARTLETT].

Mr. BARTLETT of Maryland. Mr. Speaker, I think that every Member of this body is anxious to rush this earthquake relief to California. But I and a number of my colleagues have a serious problem with how it is funded. The lion's share of this bill is funded out of the deficit. Surely, with a national budget of over a trillion and a half dollars, the Congress could have found the moneys to fund this very worthy project.

Mr. Speaker, it is manifestly unfair to our children and our children's children to pass this debt and the large accrued interest onto them. If we could not find $8.6 billion of money to fund this worthy project, how can the American people believe that we will ever, ever balance the budget?

Mr. Speaker, the Congress has got to act responsibly, and I believe that a large percentage of the American people will think that we have not acted responsibly in providing this very worthy need out of the deficit rather than finding it in the budget.

□ 1830

Mr. SMITH of Iowa. Mr. Speaker, I yield 3 minutes to the gentleman from California [Mr. BEILENSON].

Mr. BEILENSON. Mr. Speaker, I rise today in strong support of the conference report H.R. 3759, making emergency supplemental appropriations for urgently need Federal funds to help the victims of what will probably prove to be the Nation's costliest natural disaster ever, the earthquake that struck the district I represent during the early morning of January 17.

The debate over the size of the Federal budget deficit, and the anxiety in Congress—which is not entirely misplaced—about adding to that serious problem, has somewhat complicated our efforts to approve quickly the $8.6 billion in earthquake relief that is so urgently needed by Los Angeles, Ventura, and Orange Counties. If those areas are to continue the recovery from 6.8 temblor—the epicenter of which was just recently relocated to Reseda in the congressional district I represent—then this supplemental appropriation must be approved immediately.

Mr. Speaker, the conferees, who were led so ably on our side by the gentleman from Kentucky, Mr. NATCHER, and by Mr. SMITH, with the great help of several members of the Appropriations Committee from California, including Mr. DIXON, Mr. FAZIO, and Mr. LEWIS, have come to an agreement on the differences between the House and Senate. It appears that support for the earthquake aid itself has been overwhelming all along, and for my constituents and those of other members whose districts were hit so hard by this disaster. I want to express our profound gratitude to our colleagues from across the United States and to their constituents from across the country whom they represent for their support and compassion.

Mr. Speaker, I am also appreciative for the work, which was started by many of us in the California delegation, that led to the provision in the bill, which I strongly support, restricting the kind of aid that individuals who are in this country illegally can receive. The intent of that language is to ensure that long-term aid benefits American citizens and people who are here legally, and not those who are here because they violated the immigration laws of our country. I believe this is a fair compromise on a difficult and emotional issue, but one which had to be dealt with, especially in light of the debate over the scarcity of funds and the desire to ensure that the taxpayers and citizens who are in need receive the aid they need.

Mr. Speaker, it is impossible to describe the disruption in the lives of a many people in southern California caused by this devastating earthquake. It not only destroyed homes and schools and roads, but also caused permanent job losses in an area already racked by a severe recession. It will no doubt delay our area's recovery from the recession.

This aid will help us recover from a disaster that caused 60 deaths, left thousands homeless, and caused property damage estimated at $20 billion. The Federal Emergency Management Agency, which is so splendidly coordinating the work of some 13 Federal agencies and 3600 employees in responding to the damage caused by the quake, estimates that 21,000 homes are uninhabitable and 55,000 residences have been damages. As of February 9, 315,000 people have applied for disaster assistance, with 40,203 checks totaling almost $126,000,000 issued.

I cannot adequately describe for my colleagues what a magnificent job FEMA and other Federal, State, and local agencies have done overall in responding to this disaster. It marked a first for disaster officials who had never been called upon to provide emergency assistance to so many people. In fact, the over 20,000 dwellings that were made uninhabitable by the quake were the equivalent of an entire mid-size American city being wiped out.

And, while the Federal Government has responded efficiently to the mounting challenges caused by the earthquake to help rebuild a region that is so crucial to the entire Nation, volunteers from all over the country have come to our area in the San Fernando Valley and in Ventura County to help. As of February 19, voluntary organizations have provided nearly 1.4 million meals to victims of the earthquake. Individuals from the Red Cross, the Salvation Army, and almost every religious organization in every region of the country have been providing food, shelter, clothes, day care, and help in cleaning up. All Members should be proud of the response of their own constituents to our constituents in their time of need.

Mr. Speaker, this emergency supplemental is urgently needed to ensure that Federal aid can continue to flow uninterrupted to the victims of this massive earthquake. I urge my colleagues to give the conference report their approval so that we can continue to rebuild our badly damaged transportation infrastructure, repair our schools and homes, and revive the economic health of our area.

Mr. SMITH of Iowa. Mr. Speaker, I yield such time as he may consume to the gentleman from Washington [Mr. FOLEY].

Mr. FOLEY. Mr. Speaker, we are about to vote on this conference report, which will be the final business before we begin the President's Day district work period. In doing so, this vote, which will be a rollcall vote, will mark a new record in the House of Representatives by one of our Members, who throughout his career has never failed to make every single vote brought to the floor. Beyond that, he has expressed I think in his conduct and actions the finest traditions of fairness, balance, service to his district, his State, and the Nation, that any Member could wish to have as a record here in the House of Representatives.

Far beyond the votes that he has cast, the service that he has given to the House is truly memorable. His

health has not been the best in recent days, yet he has made every vote, as he would. His courage and determination has been an inspiration to us all.

We are glad that the report of his improved health has been given to us and the recess will give him an opportunity for rest and refreshment, and we will have an opportunity to greet him as we return to our business at the end of this recess. But it will be the 18,391st vote that the gentleman from Kentucky [Mr. NATCHER], the chairman of the Committee on Appropriations, has cast, and I want to salute him and thank him on behalf of the Members for all of his work.

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

Mr. FOLEY. I yield to the gentleman from Georgia.

Mr. GINGRICH. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I just want to say on behalf of the gentleman from Illinois [Mr. MICHEL] and the Republican Members of the House, that during times when people ask what it is like to be a Congressman, and sometimes there are questions about Congress, no man has made us prouder of what a real Representative is like, no man has been more decent, more kind, more considerate, and no one has better represented what a truly representative institution should be like, than the gentleman from Kentucky [Mr. NATCHER]. It is a great honor and a warm and wonderful feeling to be with him. I know all of us will have him in our prayers, and I very much look forward to serving with him and wishing him well during this break.

[Applause, the Members rising.]

Ms. WATERS. Mr. Speaker, I rise in strong support of this emergency supplemental conference report. Those of us representing districts affected by this disaster deeply appreciate the speed with which Congress, and especially the Appropriations Committee, has acted to complete this most important legislation. Our constituents deserve the assistance that this bill will fund. Today's action should give Federal authorities the ability to finish the job they have begun.

The devastation in southern California is hard to describe. The destruction is almost immeasurable. Our response must be generous, as it is in this supplemental.

Since the earthquake I have been impressed with the relief efforts in our region. FEMA has moved swiftly, professionally, and compassionately. In particular, Secretaries Cisneros and Pena, and FEMA Director Witt, have been of enormous assistance to quake victims and have helped establish an operation that is responsive to the needs of the effected communities.

I would be remiss if I did not mention what I think is the audacity of certain public officials who have tried to use this disaster to suit their ongoing political objectives. I am angered by the notion that we must cut important Government programs to fund disaster relief. Simply put, proposals to cut highway funds, community development block grants, NASA research and development, housing, small business, and education programs does not help us rebuild torn down communities.

We have an emergency declaration in the budget act for occasions exactly like this. We shouldn't have to destroy our economic house in order to rebuild it. Fortunately, legislators in both Chambers of Congress rejected the rash, rob-Peter-to-pay-Paul approach to disaster assistance. The conference report before makes modest deficit reduction efforts, but does not punish communities, which rely on certain Government programs, in order to assist very needy earthquake victims.

Again, we in southern California are extremely grateful for the ongoing assistance and consultation of Federal relief efforts in our region. I urge swift passage of this legislation.

Mr. MINETA. Mr. Speaker, I rise today in strong support of the conference report on H.R. 3759, the Emergency Supplemental Appropriations Act.

On the morning of January 17, 1994, the people of southern California were awakened by a powerful earthquake measuring 6.6 on the Richter scale. The earthquake brought devastating loss of life and the destruction of innumerable homes and businesses. In the days following the earthquake, I visited Los Angeles and saw firsthand the damage that was afflicted upon southern California.

Today, nearly 4 weeks after one of the costliest disasters in our Nation's history, southern Californians are hard at work rebuilding their homes and their livelihoods. The conference report on the Emergency Supplemental Appropriations Act that the House is considering today will provide the people in the Los Angeles area with valuable resources to assist them in their effort.

Included in this bill are funds for the Federal Emergency Management Agency and the Small Business Administration to provide grants and loans to individuals and businesses to help recover damages caused by the earthquake; funds for the Federal-aid highways emergency relief program to help repair highway infrastructure; and funds important for the other education and housing need.

Mr. Speaker, this Nation has always come to the aid of its citizens in times of crisis. Some have said that expenditures for this disaster should not be allowed to proceed unless equal cuts are made in the budget we have already adopted. But I want to make it absolutely clear that we have never before required offsetting cuts when making a supplemental appropriations for a disaster. To require that we go through that exercise before providing assistance in this one case would be highly unfair and discriminatory.

Again, I support this emergency supplemental bill as a way to bring greatly needed assistance to the people of southern California, and I urge my colleagues to vote for final passage.

Mr. PENNY. Mr. Speaker, once again, business-as-usual is at play. The House sent to the other body a relatively clean emergency spending bill to respond to the most recent disaster in California. However, now the bill is cluttered with nearly $1 billion of add-ons, items unrelated to the emergency needs of the victims of this latest disaster.

Funding for Hawaiian sugar mills, Northwest spotted owl study, the Florida Everglades and Penn Station in New York City, have no place in this emergency funding bill. The impulse to spend is alive and well in the other body. Once again, legislators have taken advantage of an emergency spending bill to pile on the pork for their home States. This is unacceptable. The country can no longer afford business as usual. When will we change our ways?

Ms. SNOWE. Mr. Speaker, I rise in strong support of the conference report to H.R. 3759. This legislation provides critical assistance not only for the emergency caused by the earthquake in Los Angeles, but also for lesser known emergencies in Maine and other Northern States.

At times like these, I am most proud to say that I represent the Second District of Maine. After every terrible disaster in the country—be it Hurricane Andrew of the Midwest floods—Maine's citizens respond with full and unqualified generosity. In the case of the LA earthquake, my constituents have instructed me to swiftly pass a bill to provide adequate emergency funds for the many victims of this terrible tragedy, and I am happy to cast my vote in favor of that legislation today.

But I am also very pleased that H.R. 3759 will address the serious but unheralded emergencies currently facing some of the citizens of Maine. The conference report contains $1.4 million to help prevent an epidemic of the deadly potato disease late blight in northern Maine. Potato farmers in Maine were wracked by the disease last fall. In order to avoid an even worse outbreak this year, agricultural experts have concluded that a comprehensive prevention program must be in place by the spring this year. H.R. 3759 will provide the funds needed to establish that essential program.

The conference report also makes $200 million in Low-Income Home Energy Assistance Program funds available to States suffering from severe cold this winter, upon Presidential declaration of emergency. In my district in central Maine, the average temperatures this winter have been 10 degrees below normal, and northern Maine has been experiencing the coldest winter on record.

Having suffered repeated cuts since 1985, the existing LIHEAP budget is insufficient to serve the many needy families eligible for LIHEAP during these extreme winter conditions. Assuming President Clinton declares an emergency, H.R. 3759 will provide a crucial supplement to help low-income people survive through the season.

Mr. Speaker, H.R. 3759 addresses a variety of emergency situations affecting the lives of our citizens across this vast nation. If we have always done one thing right in America, it is helping our people in times of crisis. I ask that my colleagues join me in supporting the conference report for H.R. 3759.

Ms. PELOSI. Mr. Speaker, in October 1989, when my district was struck by a major earthquake, this Congress moved quickly on an emergency supplemental appropriations bill to bring much needed relief to northern California. I understand why quick action is needed to bring the same disaster relief to southern California.

Let me commend the administration and the House leadership for beginning the discussions on how best to address disaster relief within budget limits established by Congress. This future planning is needed. And careful considerations of specific proposals should take place in the context of establishing our Federal budget. Developing a sound strategy for responding to future disasters will take time.

The people of southern California do not have the luxury of time. We must act to help them today. And we must do so under the current rules—the same rules that have applied to other supplemental appropriation bills in response to other natural disasters.

This bill is about the Los Angeles earthquake. This is not a bill about rival budget deficit reduction plans. If Members want to debate further deficit reduction proposals, then do it in an orderly process during the debate on this year's budget agreement. I urge my colleagues to vote "no" on budget proposals disguised as offsets and to vote "yes" on real disaster relief.

Mr. BARTLETT of Maryland. Mr. Speaker, we voted today to pass the conference report to accompany H.R. 3759, the emergency supplemental appropriations for earthquake assistance. It is with regret that I was forced to vote against both the bill and the conference report. There are many who thought this aid should be paid for in offsets from other Federal spending. Unfortunately, that is not what was done, therefore, I cannot support the bill. As much as I understand the need for the aid, I do not believe we do the people of California justice by passing the responsibility for paying for the aid onto our children. We are doing our constituency a disservice by adding over $7 billion to our national debt and I hope in the future, we act responsibly and pay our own bills.

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

Mr. SMITH of Iowa. Mr. Speaker, I have no further requests for time, I yield back the balance of my time, and I move the previous question on the conference report.

The previous question was ordered.

The SPEAKER pro tempore (Mr. MONTGOMERY). The question is on the conference report.

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

Mr. SOLOMON. Mr. Speaker, I object to the vote on the ground that a quorum is not present, and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 245, nays 65, not voting 123, as follows:

[Roll No. 27]

YEAS—245

Abercrombie
Andrews (ME)
Bacchus (FL)
Bachus (AL)
Baesler
Baker (CA)
Barca
Barcia
Barrett (NE)
Barrett (WI)
Bateman
Beilenson
Bentley
Berman
Bevill
Bilbray
Bishop
Blackwell
Blute
Bonior
Borski
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Buyer
Calvert
Camp
Cantwell
Carr
Castle
Chapman
Clayton
Clement
Clyburn
Condit
Conyers
Coppersmith
Costello
Cox
Coyne
Cramer
Cunningham
Danner
Darden
DeLauro
Dellums
Derrick
Dicks
Dixon
Doolittle
Dreier
Dunn
Durbin
Edwards (CA)
Edwards (TX)
Emerson
Engel
Eshoo
Evans
Farr
Fawell
Fazio
Fields (LA)
Filner
Fish
Foglietta
Ford (MI)
Ford (TN)
Franks (CT)
Franks (NJ)
Furse
Gallegly
Gejdenson
Gephardt
Gillmor
Gingrich
Gunderson
Hall (TX)
Hamburg
Hamilton
Harman
Hayes
Hefner
Hilliard
Hinchey
Hoagland
Hobson
Hochbrueckner
Hoekstra
Holden
Horn
Houghton
Hoyer
Huffington
Hunter
Hyde
Inglis
Inslee
Jefferson
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kim
Kleczka
Klein
Klink
Klug
Knollenberg
Kopetski
Kreidler
Lancaster
LaRocco
Lazio
Levy
Lewis (CA)
Lewis (GA)
Lightfoot
Linder
Livingston
Long
Lowey
Maloney
Mann
Manton
Manzullo
Markey
Matsui
Mazzoli
McCandless
McCloskey
McDade
McDermott
McHale
McHugh
McKeon
McKinney
McMillan
McNulty
Meehan
Meek
Meyers
Mfume
Miller (CA)
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Nadler
Natcher
Nussle
Oberstar
Obey
Olver
Packard
Pallone
Parker
Payne (NJ)
Pelosi
Peterson (FL)
Pickett
Pombo
Pomeroy
Porter
Poshard
Price (NC)
Pryce (OH)
Quinn
Rangel
Ravenel
Regula
Reynolds
Roemer
Rogers
Rohrabacher
Rostenkowski
Roybal-Allard
Royce
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Saxton
Schenk
Schiff
Schroeder
Scott
Sharp
Shaw
Shepherd
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (IA)
Smith (NJ)
Snowe
Spence
Spratt
Stark
Stokes
Strickland
Studds
Stupak
Swett
Talent
Tanner
Taylor (MS)
Tejeda
Thomas (CA)
Thompson
Thornton
Thurman
Torkildsen
Torres
Traficant
Tucker
Unsoeld
Upton
Visclosky
Volkmer
Vucanovich
Waters
Watt
Wheat
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (FL)

NAYS—65

Allard
Andrews (NJ)
Archer
Ballenger
Bartlett
Becerra
Bereuter
Bliley
Bonilla
Bunning
Canady
Coble
Collins (GA)
Crapo
Deal
DeFazio
DeLay
Diaz-Balart
Dickey
Ehlers
English
Frank (MA)
Gekas
Gilchrest
Gilman
Gonzalez
Goodlatte
Goodling
Goss
Grams
Hancock
Hefley
Hutchinson
Istook
Johnson (CT)
Johnson, Sam
King
Kolbe
Lambert
Margolies-Mezvinsky
McInnis
Menendez
Mica
Miller (FL)
Myers
Oxley
Pastor
Paxon
Penny
Peterson (MN)
Petri
Ramstad
Rowland
Schaefer
Sensenbrenner
Serrano
Shays
Smith (MI)
Smith (TX)
Solomon
Stenholm
Stump
Velazquez
Walker
Zimmer

NOT VOTING—123

Ackerman
Andrews (TX)
Applegate
Armey
Baker (LA)
Barlow
Barton
Bilirakis
Boehlert
Boehner
Boucher
Brewster
Brooks
Bryant
Burton
Byrne
Callahan
Cardin
Clay
Clinger
Coleman
Collins (IL)
Collins (MI)
Combest
Cooper
Crane
de la Garza
Deutsch
Dingell
Dooley
Dornan
Duncan
Everett
Ewing
Fields (TX)
Fingerhut
Flake
Fowler
Frost
Gallo
Geren
Gibbons
Glickman
Gordon
Grandy
Green
Greenwood
Gutierrez
Hall (OH)
Hansen
Hastert
Hastings
Herger
Hoke
Hughes
Hutto
Inhofe
Jacobs
Kasich
Kingston
Kyl
LaFalce
Lantos
Laughlin
Leach
Lehman
Levin
Lewis (FL)
Lipinski
Lloyd
Machtley
Martinez
McCollum
McCrery
McCurdy
Michel
Mineta
Murphy
Murtha
Neal (MA)
Neal (NC)
Ortiz
Orton
Owens
Payne (VA)
Pickle
Portman
Quillen
Rahall
Reed
Richardson
Ridge
Roberts
Ros-Lehtinen
Rose
Roth
Roukema
Rush
Santorum
Schumer
Shuster
Slattery
Smith (OR)
Stearns
Sundquist
Swift
Synar
Tauzin
Taylor (NC)
Thomas (WY)
Torricelli
Towns
Valentine
Vento
Walsh
Washington
Waxman
Weldon
Whitten
Williams
Wilson
Young (AK)
Zeliff

□ 1918

The Clerk announced the following pairs:

On this vote:

Mr. Dornan for, with Mr. Callahan against.

Mr. McCollum for, with Mr. Weldon against.

Mr. Armey for, with Mr. Fingerhut against.

Mrs. Collins of Illinois for, with Mr. Hoke against.

Mr. Lantos for, with Mr. Portman against.

Mr. Mineta for, with Mr. Quillen against.

Mr. Synar for, with Mr. Roth against.

Mr. Green for, with Mr. Stearns against.

Messers. GILCHREST, HUTCHINSON, DICKEY, GONZALEZ and Ms. ENGLISH changed their vote from "yea" to "nay."

Ms. SLAUGHTER changed her vote from "nay" to "yea."

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. FINGERHUT. Mr. Speaker, due to official business in my district and adverse weather conditions in Washington, I was not present today.

On February 11, I would have voted "no" on final passage of the conference report on H.R. 3759, emergency supplemental appropriations for fiscal year 1994. This is consistent with my vote on H.R. 3759 when it came before the house on February 3. My opposition to the legislation stems from the inclusion in the bill of funds for our military operations in Somalia, Bosnia, Iraq, and Haiti. The earthquake disaster relief bill, designed to help people who are going through a terrible ordeal in California, is simply not the place for allocating money for military operations around the world.

I also made the difficult choice to vote against the legislation because I did not want to see this body again break its budgetary commitment with respect to spending caps. I was disappointed that more offsetting cuts were not adopted, as I felt that we needed to take responsibility for passage of this emergency legislation by paying for it ourselves and not asking our children to do so.

PERSONAL EXPLANATION

Mr. PORTMAN. Mr. Speaker, I could not be present for the vote on the conference report on H.R. 3759, a bill providing for emergency supplemental appropriations for the Northridge earthquake, the Midwest floods, the California fires, and other programs. I chose to return to Cincinnati, following votes the previous day, due to the illness of my youngest son and another commitment which I made before I was advised that the House would be in session.

If I had been able to vote on the conference agreement, I would have voted "nay", just as I had voted against the bill when it was considered by the House of Representatives on February 3, 1994. I am supportive of providing immediate financial assistance to help California and its residents recover from the Northridge earthquake. But I could not in good conscience, support the other nonemergency spending items that were attached to the very important emergency package for California, not least because funds to pay for them were not provided. They would have just added to the deficit. Loading up supplemental appropriations bills is one of those congressional traditions that must be reformed. We simply cannot continue to do business this way if we are going to reduce the Federal budget deficit.

My constituents are compassionate, hardworking people. I believe most would think it appropriate to devote some of their tax dollars to help their fellow citizens in California in this time of need. However, it is important to ensure that we come up with the funds needed to pay for emergencies, rather than just adding to the deficit.

PERSONAL EXPLANATION

Mr. TAYLOR of North Carolina. Mr. Speaker, I was unavoidably detained during roll no. 27, the vote on the conference report accompanying H.R. 3759, providing earthquake relief appropriations. Had I been present I would have voted "nay."

This is consistent with my vote on H.R. 3759 when it originally came before the House on February 3. My opposition to the legislation stems from the inclusion in the bill of funds for operations not related to earthquake relief efforts. For instance, $340.5 million was included for the Agriculture Department's Soil Conservation Service. Arkansas, West Virginia, Alaska, Connecticut, Florida, Hawaii, and Mississippi are among the States that will receive projects. If that isn't bad enough, the conference rejected the "drop dead" language the House passed, allowing the funds to be available until expended. Some $25 million was included to provide additional cost-share assistance by the Agriculture Department's Stabilization and Conservation Service—$70 million was allocated for the Army Corps of Engineers for non-Federal flood control levees. This is in addition to the $180 million appropriated for the same purpose in H.R. 2667, the emergency supplemental for the Midwest floods.

The conference report also included $1.2 billion for various military operations having nothing to do with earthquake relief: $424 million for Somalia; $339 million for southern Iraq; $277 for Bosnia; $110 million for the Kurds in Northern Iraq; $48 million for Haiti.

Most of the emergency supplemental funding for various agencies, departments, and offices will go straight to the deficit. The additional funding should have received full congressional scrutiny by going through the hearing process rather than being tacked on to an emergency relief bill where the money was essential. This irresponsible ploy was the prime reason for my opposition to the earthquake relief bill.

I feel strongly that these and other items included in H.R. 3759 were inappropraite, given that this legislation was motivated by the earthquakes in California and designed to help people who are going through a terrible ordeal. We should have supported legitimate earthquake relief. It's unfortunate that some Members used this bill as a vehicle for allocating money to their special projects.

PERSONAL EXPLANATION

Mr. HASTERT. Mr. Speaker, during the week of February 7, I was called back to Illinois because of a death in my family. Had I been present, I would have voted:

"Nay" on rollcall 27, final passage of the disaster supplemental.

PERMISSION TO HAVE UNTIL 3 P.M., FRIDAY, FEBRUARY 18, 1994, TO FILE REPORT TO ACCOMPANY H.R. 6, IMPROVING AMERICA'S SCHOOLS ACT OF 1994

Mr. KILDEE. Mr. Speaker, I ask unanimous consent that the Committee on Education and Labor may have until 3 p.m. Friday, February 18, 1994, to file the report to accompany H.R. 6, Improving America's Schools Act of 1994.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

Mr. CUNNINGHAM. Mr. Speaker, reserving the right to object, I would like to state that my friend, the gentleman from Michigan [Mr. KILDEE] and I have worked this out, but I would like to submit a letter from the gentleman from Michigan [Mr. FORD], the chairman of the Committee on Education and Labor, in which he affords no special status to any particular amendment, and that is his position in the Committee on Rules. Finally, I would request that that correspondence be included in the committee's report acknowledging that the Committee on Armed Services has jurisdictional claim.

Mr. Speaker, I would ask if the gentleman from Michigan [Mr. KILDEE] agreed to that?

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

Mr. CUNNINGHAM. I yield to the gentleman from Michigan.

Mr. KILDEE. Mr. Speaker, I agree and include a copy of the letter from the gentleman from Michigan [Mr. FORD] for the RECORD. The gentleman from Michigan [Mr. FORD] and I feel morally obligated by the letter:

COMMITTEE ON EDUCATION AND LABOR,
Washington, DC, February 11, 1994.

Hon. RONALD V. DELLUMS,
Chairman, Committee on Armed Services, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter of February 8, 1994, concerning the provision in H.R. 6, the Improving America's Schools Act of 1994, as ordered reported, which seeks to make the Department of Defense responsible for funding Impact Aid.

I acknowledge the jurisdictional interest of the Committee on Armed Services in this provision as evidenced by my letter to you of February 3. I do, however, continue to urge you to forego requesting sequential referral of the bill as that would necessarily delay its consideration in the House. I will be pleased to support a request that the Committee on Rules, in fashioning a rule for H.R. 6, provide that the provision in question be stricken prior to House consideration of the bill. In other words, the text before the House would not contain that language. In addition, it is my intention to seek a rule for consideration of the bill which permits all amendments otherwise in order under the Rules of the House, and affords no special status to any particular amendment. The only limitation on amendments I might request would be a reprinting requirement. Finally, our correspondence would be included in this Committee's report to acknowledge the Committee on Armed Services' jurisdictional claim.

Thank you for your consideration and cooperation. I look forward to hearing from you.

With kind regards,
Sincerely,

WILLIAM D. FORD,
Chairman.

Mr. CUNNINGHAM. Mr. Speaker, I would further include that the questionable amendment would be removed. I would also like to state that the gentlewoman that offered that amendment did so in good faith. It was on impact aid. We just have a jurisdictional problem of where it is paid for.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

□ 1920

VACATION OF PREVIOUSLY GRANTED SPECIAL ORDERS AND ESTABLISHMENT OF FORMAT FOR RECOGNITION OF FUTURE SPECIAL ORDERS

Mr. GEPHARDT. Mr. Speaker, following my unanimous-consent request to put in place an agreed upon format for recognitions to address the House during a 90-day trial period beginning February 23, 1994, including a morning hour debate, an oxford style debate and a restriction on special order speeches, the Speaker will announce his guidelines for recognition. In so doing it is stipulated that the establishment of this format for recognition by the Speaker is without prejudice to the Speaker's ultimate power of recognition under clause 1, rule XIV should circumstances so warrant.

Mr. Speaker, I ask unanimous consent that the special orders previously granted by the House to address the House on dates through May 23, 1994 be vacated;

Further that during the period beginning February 23, 1994 and for 90 days thereafter, on Mondays and Tuesdays of each week the House convene 90 minutes earlier than the time otherwise established by order of the House solely for the purpose of conducting morning hour debates to be followed by a recess declared by the Speaker pursuant to clause 12, rule 1 under the following conditions:

(1) Prayer by the Chaplain, approval of the Journal and the pledge of allegiance to the flag to be postponed until the resumption of the House session following the completion of morning hour debate;

(2) Debate to be limited not to exceed 30 minutes allocated to each party, with initial and subsequent recognition alternating daily between parties to be conferred by the Speaker only pursuant to lists submitted by the majority leader and minority leaders respectively (no Member on such lists to be permitted to address the House for longer than 5 minutes except for the majority leader and minority leader respectively);

Further, that on (every third) Wednesday, beginning on a day to be designated by the Speaker and mutually agreed upon by the majority leader and minority leader, it shall be in order, at a time to be determined by the Speaker, for the Speaker to recognize the majority leader and minority leader (or their designees), jointly, for a period of not to exceed 2 hours, for the purpose of holding a structured debate. The topic of the debate, when mutually agreed upon by the majority leader and minority leader, shall be announced by the Speaker. The format of the debate, which shall allow for participation by four Members of the majority party and four from the minority party in the House, chosen by their respective party leaders, with specified times for presentations and rebuttals by all participants, and periods of questioning of each Member by others participating, shall be announced to the House by the Speaker.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. With respect to special orders to address the House for up to 1 hour at the conclusion of legislative business or on days when no legislative business is scheduled, the Chair announces that:

First, Tuesdays, following legislative business, there will be an unlimited period of special orders not extending beyond midnight, with recognition for 5-minute and then for longer special orders alternating between the parties and with initial recognition, for longer special order, rotating on a daily basis between the parties, and with the first hour of recognition on each side reserved to the House leadership—majority leader and whip and minority leader or their designee;

Second, on Mondays, Wednesdays, except those Wednesdays when Oxford style debates are in order, Thursdays and Fridays, the Chair will recognize Members from each party for up to 2 hours of special order debate at the conclusion of legislative business and 5-minute special orders, or when no legislative business is scheduled, not extending beyond midnight, again with initial recognition alternating between the parties on a daily basis and with the allocation of time within each 2-hour period, or short period if pro rated to end by midnight, to be determined by a list submitted to the Chair by the House leadership, majority leader and whip and minority leader or designees, respectively, and with the first hour of recognition on each side reserved to the House leadership, majority leader and whip and minority leader or their designees. Members will be limited to signing up for all such special orders no earlier than 1 week prior to the special order, and additional guidelines may be established for such sign-ups by the majority and minority leaders, respectively. One-minute speeches on those days both prior to and at the conclusion of legislative business shall be at the discretion of the Speaker;

Third, pursuant to clause 9(b)(1) of rule 1, during this trial period the television cameras will not pan the Chamber, but a crawl indicating morning hour or that the House has completed its legislative business and is proceeding with special order speeches will appear on the screen. Other television camera adaptations during this period may be announced by the Chair;

Fourth, special orders to extend beyond the 4-hour period may be permitted at the discretion of the Chair with advance consultation between the leaderships and notification to the House.

REINSTATEMENT OF SPECIAL ORDER

Mr. WALKER. Mr. Speaker, I ask unanimous consent that my 5-minute special order previously agreed to by the House, which I did not claim earlier, that I be permitted to have it at the conclusion of business now.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

PARLIAMENTARY INQUIRY

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

Mr. WALKER. Madam Speaker, I would like to use my 5 minutes to begin with to propound a parliamentary inquiry relating to the matter of extensions of remarks in the CONGRESSIONAL RECORD.

In yesterday's CONGRESSIONAL RECORD, that would be February 10, on pages 1907 to 1924, material was submitted to the CONGRESSIONAL RECORD costing the taxpayers $6,132, where there was not an announcement of that cost prior to the material being submitted.

My parliamentary inquiry is this, does the Chair have a responsibility to ascertain the amount of taxpayer expense in Extension of Remarks.

The SPEAKER pro tempore. In response to the inquiry of the gentleman from Pennsylvania, the Chair understands the situation to be as follows: the gentlewoman from Colorado requested permission to address the House for 1 minute, to revise and extend her remarks and to include extraneous material. Due to the length of the matter submitted, the material was moved by the official reporters from the beginning of the day to appear following legislative business. This normally is a signal to the Government Printing Office to return the material to the Member should a printing estimate be required, submissions in excess of two CONGRESSIONAL RECORD pages. That apparently did not occur in this situation, so the submission was printed.

Mr. WALKER. I thank the Chair for that explanation, but it does not really answer the question I propounded.

My question was this, does the Chair have a responsibility to ascertain the length of the material, when Members submit it for the RECORD?

The SPEAKER pro tempore. It is the practice of the Chair to advise the

Member that is making this request to go to the appropriate official reporters, if an estimate is required.

Mr. WALKER. So it is the responsibility of the Chair and not of the Member to deal with the questions of cost for long-winded material that goes into the RECORD?

The SPEAKER pro tempore. No, it is the responsibility of the Member.

Mr. WALKER. So the Member has the responsibility, if they have a large amount of material, to present that to the House prior to asking the permission; is that correct?

The SPEAKER pro tempore. To ask permission with the estimate of the cost in hand.

Mr. WALKER. And in this particular case, as I understand it, that procedure was not followed; is that correct?

The SPEAKER pro tempore. The gentlewoman did not have an estimate and, for that reason, the matter was held over until the end of the RECORD.

Mr. WALKER. Is there a procedure for recovering the amount of money spent that was spent and not properly agreed to.

The SPEAKER pro tempore. The Chair would have to take that under advisement.

Mr. WALKER. I would be very happy to have the Chair take it under advisement. As I understand it, the GPO indicates that the amount of money is $6,132.

□ 1930

Since the Chair is taking it under advisement, could the Chair tell me when I might get an indication from the Chair as to the answer to my question?

The SPEAKER pro tempore (Mrs. UNSOELD). The Chair has already been advised that in the future, the Government Printing Office will be more diligent in returning such material to the Member, rather than just printing it.

Mr. WALKER. I understand that, but the Chair has taken the question that I asked a few minutes ago under advisement. I am asking when I will be advised as to the Chair's position on the matter.

The SPEAKER pro tempore. As soon as the Chair would get the answer.

Mr. WALKER. And that would be within the next month?

The SPEAKER pro tempore. The Chair will seek to obtain that information as soon as possible, but is not in control of the source of the answer.

Mr. WALKER. May I assume that this is an answer that I might get before the end of the session?

The SPEAKER pro tempore. The Chair sees no reason to presume otherwise.

Mr. WALKER. I thank the Chair.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. MINETA (at the request of Mr. GEPHARDT), for today, on account of a death in the family.

Mr. JACOBS (at the request of Mr. GEPHARDT), for today, on account of an illness in the family.

Mrs. FOWLER (at the request of Mr. MICHEL) for today on account of official business in her district.

Mr. RUSH (at the request of Mr. GEPHARDT) for today and the balance of the week on account of a family emergency.

Mr. HUTTO (at the request of Mr. GEPHARDT), for today, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. SMITH of Michigan) to revise and extend their remarks and include extraneous material:)

Mr. GOSS, for 5 minutes, today.

Mr. WOLF, for 5 minutes, today.

(The following Member (at the request of Mr. TRAFICANT) to revise and extend his remarks and include extraneous material:)

Mr. TRAFICANT, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. MCCLOSKEY, and to include therein extraneous material, notwithstanding the fact that it exceeds two pages of the RECORD and is estimated by the Public Printer to cost $2,235.

(The following Members (at the request of Mr. TRAFICANT) and to include extraneous matter:)

Mr. MANN.

Mr. WAXMAN.

(The following Members (at the request of Mr. SMITH of Michigan) and to include extraneous matter:)

Mr. HYDE.

Mr. TORKILDSEN.

Mr. KING.

Mr. CALVERT.

Mr. WOLF.

(The following Members (at the request of Mr. HOYER) and to include extraneous matter:)

Mr. BONIOR.

Mr. SWETT.

Mr. VISCLOSKY.

Mr. RANGEL.

Mr. WELDON.

Mr. MCCLOSKEY.

Mr. DARDEN.

Mr. MINETA.

Mr. SANDERS.

Mr. PRICE of North Carolina.

Mr. ROHRABACHER.

Mr. DIXON.

Mr. FINGERHUT.

Mr. BECERRA.

ADJOURNMENT

Mr. HOYER. Madam Speaker, pursuant to House Concurrent Resolution 206, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 31 minutes p.m.), pursuant to House Resolution 206, the House adjourned until Tuesday, February 22, 1994, at 2 p.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2568. A letter from the Under Secretary, Department of Defense, transmitting a report entitled, "Report on the Performance of Department of Defense Commercial Activities," pursuant to 10 U.S.C. 2461(c); to the Committee on Armed Services.

2569. A letter from the Secretary of Health and Human Services, transmitting a draft of proposed legislation entitled, "Head Start Act Amendments of 1994"; to the Committee on Education and Labor.

2570. A letter from the Acting Assistant Attorney General, Department of Justice, transmitting notification of a revised system of records to implement section 815 of the 1993 National Defense Authorization Act, pursuant to 5 U.S.C. 552a(r); to the Committee on Government Operations.

2571. A letter from the Secretary of the Treasury, transmitting the Treasury forfeiture fund annual financial statements and supplemental information; to the Committee on Government Operations.

2572. A letter from the Acting Director of Communications and Legislative Affairs, U.S. Equal Employment Opportunity Commission, transmitting a copy of the annual report in compliance with the Government in the Sunshine Act during the calendar year 1993, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Operations.

2573. A letter from the Director, Office of Personnel Management, transmitting the 15th annual report on the Federal Equal Opportunity Recruitment Program, pursuant to 5 U.S.C. 7201; to the Committee on Post Office and Civil Service.

2574. A letter from the Secretary, Department of Commerce, transmitting the 1993 annual report of the Visiting Committee on Advanced Technology of the National Institute of Standards and Technology, pursuant to Public Law 100-418, section 5131(b) (102 Stat. 1443); to the Committee on Science, Space, and Technology.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. NATCHER: Committee of Conference. Conference report on H.R. 3759. A bill making emergency supplemental appropriations for the fiscal year ending September 30, 1994, and for other purposes (Rept. 103-424). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolu-

tions were introduced and severally referred as follows:

By Mrs. JOHNSON of Connecticut (for herself and Mr. FRANK of Massachusetts):

H.R. 3865. A bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (Superfund) to provide for the cleanup of municipal waste landfill Superfund sites, and for other purposes; jointly, to the Committees on Energy and Commerce and Public Works and Transportation.

By Mr. SANDERS (for himself, Mr. PALLONE, Mr. WILLIAMS, Mr. OBEY, Mr. COLEMAN, Mr. SABO, Mr. GENE GREEN of Texas, Mr. PETERSON of Minnesota, Mr. VENTO, Mr. OLVER, Mr. GEJDENSON, Mr. KOPETSKI, Mr. RAHALL, Mr. HAMBURG, Mr. FILNER, Mr. LANTOS, Mrs. SCHROEDER, Mr. OBERSTAR, Mr. TORRES, Mr. MARKEY, and Mr. JACOBS):

H.R.3866. A bill to provide certain employee protection benefits for railroad employees; to the Committee on Energy and Commerce.

By Mr. SWETT:

H.R. 3867. A bill to amend the Internal Revenue Code of 1986 to provide that a foster care provider and qualified foster individual may share the same home; to the Committee on Ways and Means.

By Mr. TEJEDA:

H.R. 3868. A bill to amend title 10, United States Code, to authorize the Secretary of the Army to enroll civilians, under certain circumstances, in the physician assistant training program conducted at the Academy of Health Sciences at Fort Sam Houston, TX; to the Committee on Armed Services.

By Mr. WAXMAN (for himself, Mr. SYNAR, Mr. RICHARDSON, Mr. TOWNS, Mr. WASHINGTON, Mr. UPTON, Mr. FRANKS of Connecticut, Mr. MINETA, Mr. MATSUI, Mr. SERRANO, Mr. GUTIERREZ, Mr. PASTOR, Mr. MENENDEZ, Mr. ROMERO-BARCELÓ, Ms. VELÁZQUEZ, and Mr. UNDERWOOD):

H.R. 3869. A bill to amend the Public Health Service Act to revise and extend programs relating to the health of individuals who are members of minority groups, and for other purposes; to the Committee on Energy and Commerce.

By Mr. DIXON (for himself, Mr. BERMAN, Mr. BROWN of California, Mr. FARR of California, Mr. FAZIO, Mr. GALLEGLY, Mr. LEWIS of California, Mr. MCKEON, Mr. MOORHEAD, Ms. SCHENK, Mr. WAXMAN, Mr. MCDADE, Mr. HOYER, Mr. TOWNS, Mr. KASICH, Mr. WELDON, Mr. CLYBURN, Mr. ABERCROMBIE, and Ms. FURSE):

H.J. Res. 325. A joint resolution designating the week beginning April 3, 1994, as "National Earthquake Awareness Week"; to the Committee on Post Office and Civil Service.

By Mr. FRANK of Massachusetts (for himself, Mr. STUDDS, and Mr. TORKILDSEN):

H. Res. 362. Resolution expressing the sense of the House of Representatives that the action taken by the Government of France against seafood imports from the United States is a totally unwarranted act of protectionism; jointly, to the Committees on Ways and Means and Foreign Affairs.

By Mr. TORKILDSEN (for himself, Mr. BLUTE, Ms. PRYCE of Ohio, Mr. KIM, Mr. QUINN, Mr. MICA, Mr. BAKER of California, Mr. GRAMS, Mr. GOSS, Mr. BUYER, Mr. LINDER, Mr. KNOLLENBERG, Mr. BUNNING, and Mr. BEREUTER):

H. Res. 363. Resolution providing that all House of Representatives meetings and hearings on health care legislation shall be open to the public, and expressing the sense of the House that the Senate and the executive branch should allow public access to the process of health care reform; jointly, to the Committees on Rules and Government Operations.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

285. The SPEAKER presented a memorial of the Legislature of Virgin Islands, relative to Pollyberg Gardens; to the Committee on Banking, Finance and Urban Affairs.

286. The SPEAKER presented a memorial of the Legislature of Virgin Islands, relative to George Simmonds Terrace; to the Committee on Banking, Finance and Urban Affairs.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 123: Mr. DELAY, Mr. KIM, and Mr. VALENTINE.

H.R. 124: Mr. WHEAT.

H.R. 224: Mr. HOCHBRUECKNER.

H.R. 585: Mr. GILLMOR.

H.R. 885: Mr. KLUG, Mr. PARKER, and Mr. ROHRABACHER.

H.R. 1055: Mr. PASTOR.

H.R. 1685: Mr. FRANK of Massachusetts.

H.R. 1719: Mr. LEVY.

H.R. 2434: Mr. CAMP.

H.R. 2626: Mr. FROST, Mr. LEVY, and Mr. UNDERWOOD.

H.R. 2859: Mrs. ROUKEMA, Mr. CRANE, Mr. MCCANDLESS, Mr. DICKEY, Mr. HOLDEN, Mr. VALENTINE, and Mr. GINGRICH.

H.R. 2866: Mrs. MALONEY, Mr. MACHTLEY, and Mr. YATES.

H.R. 3205: Mr. PAYNE of Virginia, Mr. STENHOLM, Mr. TAUZIN, and Mr. BROWDER.

H.R. 3251: Mr. BEREUTER, Mr. KOLBE, and Mr. KING.

H.R. 3310: Mr. DELLUMS and Mr. MILLER of California.

H.R. 3327: Mr. RICHARDSON, Mr. ROTH, and Mr. KIM.

H.R. 3328: Mr. DUNCAN.

H.R. 3367: Mr. CALVERT, Mr. KREIDLER, Mr. PENNY, Mr. SAXTON, Ms. ROS-LEHTINEN, Mr. GOSS, Mr. KING, Mr. MCHUGH, and Mr. EHLERS.

H.R. 3442: Mr. BAKER of Louisiana.

H.R. 3523: Mr. KING, Mr. LIPINSKI, Ms. ROS-LEHTINEN, Mr. ZIMMER, and Mr. SHAYS.

H.R. 3584: Mr. COLEMAN, Mr. HEFNER, Mr. HOCHBRUECKNER, Mr. JOHNSON of Georgia, Ms. SCHENK, and Mr. TAYLOR of Mississippi.

H.R. 3637: Mr. YATES, Mr. PORTER, Mr. SKEEN, Mr. BEVILL, Mr. LEWIS of Georgia, Ms. PELOSI, Mr. SANDERS, Mr. LIPINSKI, Mr. COLEMAN, Mr. ROMERO-BARCELÓ, and Mr. FOGLIETTA.

H.R. 3642: Mr. ANDREWS of New Jersey, Mr. BACCHUS of Florida, Mr. BARCA of Wisconsin, Mr. BARTON of Texas, Mr. BOEHNER, Mr. BROWN of Ohio, Mr. CALVERT, Mr. CHAPMAN, Mr. COBLE, Mr. COLEMAN, Mr. CRAPO, Mr. DEUTSCH, Mr. DORNAN, Ms. FURSE, Mr. GALLEGLY, Mr. GORDON, Mr. HINCHEY, Mr. HOAGLAND, Mr. HOYER, Mr. HUGHES, Mr. INSLEE, Mr. KASICH, Mrs. KENNELLY, Mr. KREIDLER, Mr. KYL, Mr. LANTOS, Mr. LINDER, Mrs. LLOYD, Mr. MCDADE, Mr. MANN, Mr. MARTINEZ, Mr. NEAL of Massachusetts, Mr. OLVER, Mr. PETRI, Mr. PICKETT, Mr. PORTER, Mr. QUILLEN, Mr. RAHALL, Mr. RICHARDSON, Mr. ROTH, Mr. SAXTON, Ms. SHEPHERD, Mr. SUNDQUIST, Mr. TAYLOR of North Carolina, Mr. WILSON, Mr. ZELIFF, Ms. PRYCE of Ohio, Mr. LIPINSKI, and Mr. SANTORUM.

H.R. 3656: Mr. YATES and Mr. COPPERSMITH.

H.R. 3862: Mr. BUNNING, Mr. LINDER, Mr. SWETT, Mr. MCKEON, Mr. DOOLITTLE, Mr. CAMP, Mr. PACKARD, Mr. HUNTER, Mr. SOLOMON, Mr. HANCOCK, Mr. STEARNS, Mr. SKEEN, Mr. SENSENBRENNER, Mr. MCDADE, Mr. SAXTON, Mr. BARTON of Texas, Mr. EMERSON, Mr. ROGERS, Mr. MYERS of Indiana, Mr. KINGSTON, Mr. MCCANDLESS, Mr. SPENCE, Mr. BUYER, Mr. ZELIFF, Mr. STENHOLM, Mr. VALENTINE, Mr. HUTTO, Mr. HALL of Texas, Mr. DEAL, Mr. MONTGOMERY, Mr. PARKER, Mr. BREWSTER, Mr. COBLE, and Mr. TAYLOR of North Carolina.

H.J. Res. 22: Mr. MCNULTY and Mr. HANSEN.

H.J. Res. 303: Mr. OXLEY, Mr. BOEHLERT, Mr. HEFNER, Mr. MARTINEZ, Mrs. BENTLEY, Mr. TEJEDA, Mr. MCHUGH, Mrs. MORELLA, Mr. FROST, Mr. KING, Mr. LAFALCE, Mr. HOEKSTRA, Mr. MCCOLLUM, Mr. BEREUTER, and Mr. FILNER.

H. Con. Res. 147: Ms. SHEPHERD.

H. Con. Res. 167: Mr. FINGERHUT, Mr. TUCKER, and Mr. SANDERS.

H. Res. 330: Mr. BEREUTER.

H. Res. 343: Mr. HASTINGS, Mr. TEJEDA, Mrs. JOHNSON of Connecticut, Mr. ACKERMAN, Mr. LEVY, Mr. FRANKS of Connecticut, Mr. STOKES, Mr. SMITH of New Jersey, Mr. ENGEL, Mr. ORTIZ, Mr. COLEMAN, Mr. MINGE, Mrs. MORELLA, Mr. FROST, Mr. MCCOLLUM, Mr. HOCHBRUECKNER, and Mr. TAYLOR of Mississippi.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolution as follows:

H.R. 3457: Mr. SOLOMON.

DISCHARGE PETITIONS

Under clause 3, rule XXVII, the following discharge petitions were filed:

Petition 12, February 9, 1994, by Mr. TRAFICANT on House Resolution 3261 has been signed by the following Members: James A. Traficant, Jr., Austin J. Murphy, Richard K. Armey, Donald A Manzullo, Mel Hancock, John T. Doolittle, Arthur Ravenel, Jr. and Roscoe G. Bartlett.

Petition 13, February 9, 1994, by Mr. SMITH of New Jersey on House Resolution 281 has been signed by the following Members: Chistopher H. Smith, Richard K. Armey, Doug Bereuter, Philip M. Crane, Donald A. Manzullo, Y. Tim Hutchinson, John T. Doolittle, Mel Hancock, Jim Ramstad, Bill Baker, Rick Lazio, Dana Rohrabacher, Amo Houghton, Rick Santorum, Edward R. Royce, John Linder, James M. Inhofe, Jay Kim, Peter Hoekstra, Wayne T. Gilchrest, John J. Duncan, Jr., Richard W. Pombo, Tillie K. Fowler, Larry Combest, Jack Fields, Barbara F. Vucanovich, Walley Herger, Ernest J. Istook, Jr., Howard P. "Buck" McKeon, Cass Ballenger, Thomas J. Bliley, Jr., Howard Coble, Bob Inglis, Arthur Ravenel, Jr., Joe Knollenberg, Carlos J. Moorhead, Bob Stump, Floyd Spence, Sam Johnson, Cliff Stearns, Jim Saxton, Roscoe G. Bartlett, Robert F. (Bob)

Smith, Randy "Duke" Cunningham, Don Sundquist, Christopher Shays, Spencer Bachus, F. James Sensenbrenner, Jr., Porter J. Goss, David L. Hobson, Dan Schaefer, Ken Calvert and Ron Packard.

DISCHARGE PETITIONS—ADDITIONS OR DELETIONS

The following Members added their names to the following discharge petitions:

Petition 3 by Mr. McCOLLUM on House Joint Resolution 38: Larry Combest and Randy "Duke" Cunningham.

Petition 4 by Mr. HOEKSTRA on House Joint Resolution 9: John T. Doolittle, Rick Santorum, and Randy "Duke" Cunningham.

Petition 9 by Mr. WELDON on House Resolution 227: Donald A. Manzullo and Randy "Duke" Cunningham.

Petition 10 by Mr. McCOLLUM on House Resolution 295: John T. Doolittle, Edward R. Royce, Randy "Duke" Cunningham and Ken Calvert.

Petition 11 by Mr. RAMSTAD on House Resolution 247: Gerald B.H. Solomon, Jan Meyers, Ernest J. Istook, Jr., Howard Coble, Donald A. Manzullo, John T. Doolittle, Mel Hancock, Edward R. Royce, John Edward Porter, James M. Inhofe, Rob Portman, Howard P. "Buck" McKeon, Bob Stump, Charles H. Taylor, and Christopher Shays.

Petition 12 by Mr. TRAFICANT on H.R. 3261: James A. Traficant, Jr., Austin J. Murphy, Richard K. Armey, Donald A. Manzullo, Mel Hancock, and John T. Doolittle.

Petition 13 by Mr. SMITH of New Jersey on House Resolution 281: Christopher H. Smith, Richard K. Armey, Doug Bereuter, Philip M. Crane, Donald A. Manzullo, Y. Tim Hutchinson, John T. Doolittle, Mel Hancock, Jim Ramstad, Bill Baker, Rick Lazio, Dana Rohrabacher, Amo Houghton, Rick Santorum, Edward R. Royce, John Linder, James M. Inhofe, Jay Kim, Peter Hoekstra, Wayne T. Gilchrest, John J. Duncan, Jr., Richard Pombo, Tillie K. Fowler, Larry Combest, Jack Fields, and Barbara F. Vucanovich.

EXTENSIONS OF REMARKS

FINAL OFFENSIVE BY SUDANESE GOVERNMENT DEMANDS UNITED STATES ATTENTION

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, February 11, 1994

Mr. WOLF. Mr. Speaker, the urgency of the humanitarian crisis in Sudan cannot be overestimated. As the Washington Post reported February 6, the Sudanese Government has launched a final offensive against the south, causing 100,000 new refugees to flee to Uganda and leaving 2 million people at risk of starvation because of the imminent shut down of Operation Lifeline Sudan [OLS]. OLS represents a number of nongovernmental relief organizations working under the authority of the United Nations to provide the bulk of relief to southern Sudan.

This weekend's report confirms the December prediction of a long-term relief worker assessing the outcome of such a large-scale offensive:

> It is most probable that virtually all Operation Lifeline Sudan (OLS) will be forced to shut down, and the government will insist that all relief work be carried out through their own channels * * * Needless to say, this would be catastrophic for the people of the south, who at this time are extremely vulnerable and almost totally dependent upon the OLS pipeline aid. Deaths from starvation and sickness would dwarf anything we've seen in the past.

I applaud Representative HARRY JOHNSTON's efforts to draw attention to the crisis and to bring the southern rebel leaders to Washington for peace negotiations during the "Sudan: The Forgotten Tragedy" conference last fall. Representative JOHNSTON was also tireless in pressing for the passage of his bill, House Concurrent Resolution 131, condemning the genocide of Sudan and calling for U.N. Security Council action. Sadly, the situation has rapidly deteriorated since the important congressional attention of last fall.

It is now estimated by the United States Committee for Refugees that 1.3 million civilians in southern Sudan have died over the past 10 years as a direct result of civil war and the Sudan Government's genocidal policies against its citizens in the south. That is nearly 2,500 deaths every week for the past 10 years.

As many of my colleagues know, I have witnessed first hand the massive suffering occurring in southern Sudan, located in the Horn of Africa. My most recent trip there was last February, when I traveled to southern Sudan with the assistance of the United States Committee for Refugees, Norwegian People's Aid, a humanitarian relief organization, and Catholic Relief Services.

I have stood on the floor of the House many times in the past, trying to describe to you the malnutrition, the disease, the massive population displacement, the gruesome effects of war, and human rights abuse that I have witnessed in Sudan. The reality in Sudan is difficult to describe, because it begs description.

The new report by the U.S. Committee for Refugees, estimating that 1.3 million southern Sudanese have perished since 1983, is yet another indication that southern Sudan is hell on Earth due to the unconscionable policies of the Sudanese Government and in-fighting between rebel groups. I hasten to point out that the U.S. Committee for Refugees is a highly respected organization whose reports on refugee emergencies worldwide are reliable, credible, and authoritative. I have long had the highest regard for the U.S. Committee for Refugees, particularly for its tireless reporting, analysis, and advocacy on the tragic situation in Sudan.

This exhaustive report, "Quantifying Genocide in the Southern Sudan: 1983–1993" by Millard Burr of the U.S. Committee on Refugees, is based on systematic compilation of year-by-year field reports and internal Sudanese documents. It concludes that the death toll in Sudan is, sadly, not diminishing. The report estimates that some 300,000 persons died in southern Sudan during 1992 and the first 5 months of 1993—nearly 4,000 deaths per week for 17 months—making it one of the deadliest periods ever in Sudan.

One of every five southern Sudanese has died from the war or from war-related causes, according to the report, and 4 of every 5 southern Sudanese have been uprooted from their homes at some time since 1983. More than 300,000 southern Sudanese are refugees, and some 5 million Sudanese from the south and north are internally displaced.

Mr. Speaker, I must repeat what I said on the House floor last November: We have a responsibility to continue to demand justice in Sudan, because we can no longer say that we don't know what's happening there. This thorough report by the U.S. Committee for Refugees tells us all too clearly.

This House acted responsibly last November when we passed House concurrent resolution 131, which condemned the Government of Sudan for its severe human rights abuses and deplored the bloody internecine fighting among factions of the rebel Sudanese People's Liberation Army. A great deal of work went into that resolution, including work and analysis by the U.S. Committee for Refugees. This newest report, "Quantifying Genocide in the Southern Sudan," reminds all of us that we cannot cease our efforts. Men, women, and children continue to perish in southern Sudan as we speak.

I will distribute this report to members of the Human Rights Caucus of the House of Representatives. Others who are interested need only contact my office or the U.S. Committee for Refugees. I respectfully urge my colleagues and their appropriate staff persons to pay attention to this authoritative report, and I commend the U.S. Committee for Refugees for its diligence on behalf of the people of southern Sudan.

In closing, I want to say that time is of the essence. Many are dying daily in Sudan as the government continues its new offensive, and it is crucial that this crisis receive Security Council attention very soon. Congressman JOHNSTON, other Members and I will be asking to meet with President Clinton soon to press for U.N. action as well as the appointment of a special envoy for peacebrokering in the region. It must happen soon, because every day so many are dying.

CONGRATULATIONS AND THANKS TO MR. ANDRES L. SOTO

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, February 11, 1994

Mr. CALVERT. Mr. Speaker, one of the things that makes America the truly great country that it is, is its spirit of voluntarism—the willingness of citizens from all backgrounds and occupations to give of their time and talents to make their communities better places in which to live and work.

The community of Riverside, CA, has been fortunate to have an exceptionally dedicated group of citizens who give freely of their energies and talents to make our city and county such desirable places to live. One of these exceptional citizens is Mr. Andres L. Soto.

A graduate of Norte Vista High School, Riverside Community College, and the University of California at Riverside, Andy is a true Riverside product.

After high school, he served in the United States Army and received the Bronze Star for his service in Vietnam. And, he has never stopped serving his country and his community.

Mr. Soto has been involved in a wide range of civic activities. He has served on the city of Riverside Planning Commission since 1990, and as its chairman since 1992. He has served as a member of the State Department of Parks and Recreation Hispanic Advisory Council since 1980, and as its chairman for more than 7 years. He has also served as a member of the board of directors of the California Hispanic Chamber of Commerce, and on the California Social Services Advisory Board.

From 1972 through 1980, Andy was a member of the city of Riverside Parks and Recre-

ation Commission, and was its chairman in 1978. He has also served as a member of the city of Riverside Economic Development Committee, the University of California Riverside Citizens Committee, the Riverside Jaycees, the Mexican-American Political Association, the Veterans of Foreign Wars Post 9223, the American Legion Post 289, the American G.I. Forum Riverside Chapter, the County of Riverside Veterans' Advisory Committee, the American Red Cross of Riverside board of directors, the Easter Seal Society board of directors, and the County of Riverside Affirmative Action Commission.

For more than a decade, Mr. Soto has also been a mainstay of the Greater Riverside Hispanic Chamber of Commerce. He was the founder of the organization in 1979, and served as its president in 1981, 1983, 1986, 1987, and 1993. On Saturday, February 26, 1994, Andy will step down as president, but will remain active in the organization.

Andy Soto is one of those citizens that any community would love to have and we feel extremely fortunate that he is in Riverside. On behalf of the citizens of the 43d congressional district, I wish to extend my thanks and appreciation to Mr. Andres L. Soto for his service to the Greater Riverside Chamber of Commerce and for all he has done for our community.

FAILING NATIONAL DRUG CONTROL STRATEGY

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, February 11, 1994

Mr. HYDE. Mr. Speaker, I would like to commend to my colleagues an article in the commentary section of yesterday's Washington Times that points up a major failing of the Clinton administration's new national drug control strategy.

Entitled "Indispensable interdiction," it is written by my two colleagues from New York, Congressman CHARLES B. RANGEL and Congressman BENJAMIN A. GILMAN, the former chairman and vice chairman of the House Select Committee on Narcotics.

The article underscores the fact that the direction this administration is taking on what may be the single most destructive force that is devastating our cities—narcotics—is truly a bipartisan concern.

I ask that the full article be printed in the RECORD at this point.

INDISPENSABLE INTERDICTION

(By Charles Rangel and Benjamin Gilman)

After an extensive policy review, the Clinton administration has apparently concluded that broad-scale international interdiction of narcotics, as pursued under prior administrations, has failed to reduce the supply of illegal drugs in the United States.

Instead, the administration plans to focus heavily on the treatment and rehabilitation of hardcore abusers. This approach, however, ignores the relationship between drug availability and use, and will be a prescription for defeat.

Between 1987 and 1991, 552 metric tons of cocaine were seized in Latin America alone. At the same time, the percentage of cocaine users in the United States dropped by more than half.

Just this month, University of Michigan researchers, in their annual survey for the National Institute of Drug Abuse, found that drug use is up among American teenagers after a decade of decline.

Besides reducing supply, interdiction also has a deterrent effect which cannot be measured solely by quantifiable means such as seizures and arrests.

The amount of drugs not manufactured or shipped to the United States for fear of seizure is immeasureable but nonetheless important.

Nor can the added costs to traffickers for the shipments they do make be quantified, but those costs make drugs more expensive on the street and less easily obtainable.

The question, however, is not how much gets in even with interdiction, but how much more would get in without a major interdiction program, and the impact of those additional drugs on our cities and youth, and on our treatment and rehabilitation efforts.

Interdiction assumes increasing importance as dealers seek to expand their markets by distributing free drug samples on the streets and in the schools.

If interdiction is allowed to lag, the result inevitably will be more and cheaper drugs on the streets. This will swamp the very treatment programs on which the administration wants to focus because today's casual user is tomorrow's hardcore abuser.

The administration's own emphasis on community policing is itself a form of street-level interdiction.

Community policing is an effective tool against illicit drugs, but it must be part of a broad strategy that attacks the entire chain of trafficking, beginning in the producing countries and continuing through the transit zones to the dealers.

A successful counter-narcotics strategy must include reduction of demand through education, treatment and rehabilitation, as well as reduction of supply through eradication, interdiction and enforcement.

Diminishing any of these components would be a major mistake with severe consequences.

The administration should not abandon interdiction, especially without clear evidence that this would not exacerbate the nation's already serious crime problem, health care costs, violence, and the other negative aspects of the illicit narcotics trade.

Overseas interdiction carries the battle to the traffickers in their own backyards. If given full support, interdiction of the larger quantities that can be seized while in transit can be as effective in reducing available drugs as interdiction on the street.

Federal drug agencies in recent years have forced the traffickers to conduct their business further and further away from the United States. The administration should build on this progress rather than allow our streets to become the first line of defense against drugs.

The American people also need to hear from the Secretary of State that illicit narcotics are among the administration's major foreign policy concerns and will receive the attention and resources it requires.

A TRIBUTE TO WIZF

HON. DAVID MANN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, February 11, 1994

Mr. MANN. Mr. Speaker, it gives me great pleasure to bring to the attention of my colleagues an outstanding community activist organization from the First District of Ohio, WIZF–FM in Cincinnati.

WIZF is well known as a dedicated and prominent influence in the betterment of the African-American community.

WIZF observes its seventh year for innovative leadership in the radio entertainment industry. The stations 32 highly motivated employees are the stations driving force behind its ability to serve the most vulnerable members of the community.

Throughout the years WIZF has sponsored several projects to help underprivileged children, the homeless, and to provide holiday meals for anyone in need.

WIZF never limits its support to people in need. When a local high school student, Derrick Turnbow, became paralyzed after a gun shooting incident, WIZF's determination to help his recovery prevailed by raising a substantial amount of money for his medical treatment. The station has also provided drives for food, clothes, and money for displaced victims because their homes were damaged or destroyed from the hurricane in Florida and from the floods in the Midwest.

WIZF has annually given benefits for charitable organizations such as the National Association for the Advancement of Colored People, the National Council on Negro Women, and the Black Male Coalition.

In recognition of Black History Month, this year WIZF began the Unsung Hero awards to recognize community members for their leadership and encouragement to improve and better the lives of citizens in Cincinnati, especially the youth. The first year honorees are: Abdur Rasheed Ali, Selfu Begashaw, Wendell "Butch" Burbridge, Debbie Bustion, Lillian Carr, Maudle Ellington, Thomas H. Graves, Jr., Robert L. Humphries, Franklin D. James, Sandra Jones, Ron Sanders, and Patricia Talison. I am pleased to represent such a giving group of individuals.

Mr. Speaker, WIZF–FM exemplifies a tremendous amount of community spirit. I would like to offer my thanks and appreciation for the outstanding contributions its staff has made to the people of Cincinnati.

MINORITY HEALTH IMPROVEMENT ACT OF 1994

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, February 11, 1994

Mr. WAXMAN. Mr. Speaker, on behalf of Mr. SYNAR, Mr. RICHARDSON, Mr. TOWNS, Mr. WASHINGTON, Mr. UPTON, Mr. FRANKS of Con-

necticut, Mr. MINETA, Mr. MATSUI, Mr. SERRANO, Mr. GUTIERREZ, Mr. PASTOR, Mr. MENDENDEZ, Mr. ROMERO-BARCELÓ, Ms. VELÁZQUEZ and Mr. UNDERWOOD, I am pleased to introduce the Minority Health Improvement Act of 1994.

The principal purpose of this bill is to strengthen Federal programs designed to improve the health status of minorities through the delivery of health care services, training of health professionals, and expanded research and data collection. The legislation was reported by the Subcommittee on Health and the Environment on February 9, 1994.

Last summer our subcommittee received testimony from many witnesses who testified about the barriers that many people in minority communities experience when trying to receive basic health care services. The overwhelming lack of health insurance for many minority communities is compounded by the fact there is no doctor in the neighborhood, or the nearest clinic is three bus rides away, or the doctor doesn't speak the patient's language.

A major provision of this bill goes right to the heart of improving the health status of minorities. It guarantees the training of young minority health professionals who will provide basic health services in the communities where today—minorities have the least access to health care.

By replacing a confusing and ineffective patchwork quilt of scholarship programs, the bill offers disadvantaged students the opportunity to attend school without the fear of unsurmountable debt. It will provide disadvantaged students full scholarship plus a living stipend in exchange for a commitment to join the National Health Service Corp and work, after graduation, in a medically underserved community.

The effect of the legislation is to expand by over 200 percent the number of disadvantaged students able to receive a corp scholarship. Last year 1,363 minority students applied for Corp scholarships but funds were only available to meet the needs of 118. Hundreds of students already committed to improving the health status of disadvantaged communities were denied the opportunity for lack of funding.

The budget caps require tough choices, but by acting to consolidate existing Federal health scholarship programs, new opportunities can be opened for hundreds of minority students and hundreds of medically underserved communities. This is a worthy objective for which this Congress can take great pride.

This bill also reauthorizes a number of expiring programs which comprise the core of our Federal strategy to promote minority health and reduce the disparity in health status and health access. These programs include:

The Office of Minority Health, which is charged with establishing national minority health goals;

The Health Careers Opportunity Program, which is critical to identifying and nurturing the health professions careers of promising minority students;

The Centers of Excellence, which support a network of academic centers focused on minority health training;

Special financial assistance, which support disadvantaged students attending programs in veterinary medicine, pharmacy, public health, optometry, and allied health;

Federally subsidized loans, which support student attending health professions schools; and

Loan repayment programs, which encourage minority health professionals to teach in health professions schools.

TRIBUTE TO SGT. CHARLES M. HOUSE, ONE OF LOS ANGELES FINEST

HON. DANA ROHRABACHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, February 11, 1994

Mr. ROHRABACHER. Mr. Speaker, it gives me a great deal of pleasure to acknowledge one of Los Angeles finest law enforcement officers, Sgt. Charles M. House, who has retired and we will honor him April 5, 1994.

Charles is a man of integrity, honesty, and practices what he preaches. After 27 years of enjoyable and eventful years with the Los Angeles County Sheriff's Department, he is riding into the sunset on a standard retirement. It has been said that some individuals in government as well as private industry toward the twilight of their career file for questionable medical retirements, not Charles.

A few years ago while en route to this facility driving his personal car, Charles was rear-ended by a individual who did not have insurance, a job, nor driver's license. Charles' insurance company repaired his car and offered him $1,000 for his injuries which where very minor. Charles told the insurance representatives $1,000 was excessive and he settled for substantially less.

I met Charles when he became a candidate for the U.S. House of Representatives in 1988, the year I was elected to Congress. Charles did not have a primary opponent, so he and his wife, Martha, went to my campaign office and helped me win my election. That's what I call a team player.

On March 17–19, 1989, Charles was in El Salvador, President Bush appointed him to the Commission that was sent to El Salvador to monitor that country's first free democratic Presidential elections in the history of that nation. That was quite an honor aside from the importance of their mission. President Bush personally approved each of the 51 members of that delegation which consisted of Senators, Congressmen, business executives, and Charles.

President Bush in 1990 then again in 1991, nominated Charles to be Director of the Office of Victims of Crime. However, his nomination died a slow and agonizing death in the U.S. Senate.

Additionally Charles was in:

1991—Selected Volunteer of the Year by the American Heart Association; 1991—selected Lion of the Year by the Hacienda Heights Lions Club, 1990—selected Citizen of the Year by the Hacienda la Puente Chamber of Commerce; and 1986—received an honorary doctorate of law degree from Pacific States University.

Best wishes, Charles, Martha, and Melanie and God Bless.

INTRODUCTION OF NATIONAL EARTHQUAKE AWARENESS WEEK RESOLUTION

HON. JULIAN C. DIXON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, February 11, 1994

Mr. DIXON. Mr. Speaker, I rise today to introduce a resolution designating the week of April 3, 1994, as "National Earthquake Awareness Week." The purpose of this resolution is to provide awareness of earthquake threats and to increase public knowledge of how to prepare and respond to an earthquake. Thirteen of my colleagues join me in cosponsoring this resolution.

Last month's tragic earthquake in Northridge, CA, has provided us with yet another reminder of the power and unpredictability of nature. This quake caused over 57 deaths, more than 6,000 injuries, and a significant disruption of the surrounding transportation system. It may in fact turn out to be one of the costliest disasters in this Nation's history. Furthermore, there is a high probability of more major earthquakes within the next few decades, and not only for California. From Hawaii to Pennsylvania, States across the Nation are experiencing earthquakes with varying intensity. It is therefore important that people are aware of the hazards posed by earthquakes and know the steps necessary to protect themselves.

This measure is a means to rapidly and expeditiously increase awareness of the threat caused by these natural disasters. I have great confidence that this resolution will facilitate the education of communities across the Nation on ways in which to adequately respond to earthquakes. National Earthquake Awareness Week is essential to mitigating the paralyzing effects of a natural disaster such as the one that struck Los Angeles.

Mr. Speaker, I urge my colleagues to sign onto this resolution, so that we can better educate our children, communities, and businesses on preparing for earthquakes.

TRIBUTE TO SAUL WEPRIN

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, February 11, 1994

Mr. RANGEL. Mr. Speaker, I rise to pay tribute to a great New Yorker and a great civic leader, former speaker of the New York State Assembly Saul Weprin. Mr. Weprin left us

early this morning in Long Island Jewish Hospital, at the age of 66.

Mr. Speaker, Saul Weprin served admirably in the Nation's greatest State legislature since 1971, when he gained office in a special election. During his tenure, Mr. Weprin held a series of chairmanships that left his indelible mark on New York State government.

As chairman of the assembly judiciary committee, Mr. Weprin helped write New York's equitable distribution divorce law. As chairman of the ways and means committee and then as speaker, Mr. Weprin had a tremendous influence on tax and spending policy, working closely with Governor Cuomo. During this time, Mr. Weprin was known to lead with grace, wit, and humility—a precious commodity for many who hold public office.

Mr. Speaker, I offer my condolences to Mr. Weprin's surviving wife, Sylvia, and his three sons, Barry, David, and Mark. May his memory be for a blessing.

HISTORIC THEATER REOPENED

HON. CURT WELDON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, February 11, 1994

Mr. WELDON. Mr. Speaker, I rise today to discuss a terrific historic renovation that recently took place in my district. This week, we in the Seventh Congressional District will celebrate the reopening of the Media Theater.

Small town movie theaters are an important part of American history. The Media Theater has occupied a prime location on State Street, the main street in Media Borough, since 1927. For more than 60 years, this vintage movie palace has entertained hundreds of thousands of theatergoers with films and live performances.

The theater had fallen on hard times in recent years and was at risk of going under, as many moviegoers flocked to malls and other large-scale movie houses. But many civil leaders, led by businessman Walter M. Strine, undertook a local campaign to save the Media Theater. Thanks to this heroic effort, the theater has been restored to its former granduer and will reopen on Friday, February 18, 1994 with a Media Theater for the Performing Arts production of "My Fair Lady."

I would be remiss if I did not make special mention of the work of Mr. Strine in this effort. Due to his efforts, the theater has been completely restored to reflect its original English Renaissance style. Walter Strine undertook this project because of his love for the community and his dedication to his hometown. The result is a cultural arts center that will be important to the entire Delaware Valley.

I am pleased to congratulate Walter Strine, and I wish the Media Theater for the Performing Arts much success.

FOSTER CARE LIVING ARRANGEMENTS

HON. DICK SWETT

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Friday, February 11, 1994

Mr. SWETT. Mr. Speaker, today I am introducing the Foster Care Living Arrangements Act of 1994. This legislation is intended to enhance the supportive services options available for elderly and disabled adults in their homes. My proposal would amend section 131 of the Internal Revenue Code, which excludes certain foster care payments from a taxpayer's gross income. This bill would extend the benefits of that provision to shared living arrangements.

In essence, a shared living arrangement is an adult in need of foster care who has a roommate. Typically, roommates in these situations are independent contractors, who work under the auspices of nonprofit community service organizations. Roommates agree to provide certain services to the foster care adult, such as being available overnight in the event the adult needs personal assistance. They provide companionship and guidance within and outside the home for cooking, cleaning, shopping, and recreation. These individuals also assist with personal hygiene and medical needs. They work cooperatively with family, friends, and neighbors and allow the foster care adult to live in dignity in his or her home and community.

Mr. Speaker, in New Hampshire we are very proud of our record in meeting the needs of persons with disabilities. We were the first State to close our public institution for the developmentally disabled. Since the early 1980's, we have led the Nation in developing a system of community-based services for persons with disabilities. Shared living arrangements and adult foster care have been an important part of our strategy to maximize the independence of our developmentally disabled citizens while also saving taxpayer dollars.

This legislation would expand on New Hampshire's record of success. It will expand access to needed support services and encourage more citizens to participate in efforts to undertake foster care responsibilities in their communities. This is exactly the kind of approach that Members from both sides have advocated in the debate over long-term health care. Persons with disabilities and the elderly have diverse needs and abilities. By expanding the range of choices available to meet their needs, we can enable them to remain safely and comfortably in their homes and communities.

Mr. Speaker, I urge my colleagues to support this important initiative for adults with disabilities and join me in cosponsoring this proposal.

COMMEMORATION OF THE 76TH ANNIVERSARY OF LITHUANIAN INDEPENDENCE

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, February 11, 1994

Mr. BONIOR. Mr. Speaker, I rise today to commemorate the 76th anniversary of Lithuanian independence. On Sunday, February 13th, the Detroit-area Lithuanian community will mark the event by holding a commemorative ceremony at the Lithuanian Cultural Center in Southfield, MI.

This year's observance of Lithuanian independence is a particularly happy occasion. After nearly 54 years of occupation, it is the first anniversary celebrated without Russian military forces deployed inside the Republic.

Although Lithuania continues to face many challenges, there are many things to celebrate. Lithuania is in the process of creating new democratic institutions and establishing diplomatic relations with the rest of the world. The transition to a market economy will be difficult; however, it is occurring. Although state domination of much of the economy continues, over 80 percent of small enterprises are now in private hands.

I am watching events in Lithuania and remain guardedly optimistic. I am particularly concerned about the 100,000 Russian troops in the neighboring region of Kaliningrad. The United States never recognized the illegal annexation of Lithuania and has always supported independence. The remaining troops in Latvia and Estonia must also be removed and guarantees must be secured that these forces will never again threaten the sovereignty and territorial integrity of the Baltic Nations.

I commend the Lithuanian-American community for their vigilance through the many difficult years and I urge my colleagues to join me in commemorating the 76th anniversary of Lithuanian independence.

IN HONOR OF TALMADGE DAVIS

HON. GEORGE (BUDDY) DARDEN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Friday, February 11, 1994

Mr. DARDEN. Mr. Speaker, I rise today to pay tribute to a man who has served his community honorably for more than three decades: Talmadge Davis of Heard County, GA.

In 1957, Talmadge was elected clerk of Superior Court of Heard County, where he served for 20 years. From January 1978 until his recent retirement, Talmadge served as president of the Bank of Heard County.

Mr. Speaker, a sign of the deep respect and admiration the people of Heard County have for Talmadge Davis is the fact that more than 200 citizens stopped by the bank to congratulate Talmadge on his retirement and to wish him well.

Although he will no longer be bank president, Talmadge will still serve his community

as a member of the Heard County Water Authority Board, the Heard County Development Authority, the Chattahoochee-Flint Regional Development Center Board, and the Heard County Chamber of Commerce. Talmadge will also serve on the Bank of Heard County's board as well.

Talmadge has given 36 years of outstanding service to the people of Heard County. His legacy of service is something all of us should strive to emulate. I ask my colleagues to join me in wishing Talmadge and his wife Jackie a happy retirement.

COMMEMORATING THE LAKE COUNTY DRUG TASK FORCE

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, February 11, 1994

Mr. VISCLOSKY. Mr. Speaker, I would like to take this opportunity to commemorate the brave men and women of the Lake County drug task force for executing the largest cocaine seizure in the history of the State of Indiana. It is the hard work of these individuals and others like them across the Nation who put their lives on the line every day to help us win the war on drugs and crime.

On the afternoon of Tuesday, August 17, 1993, the Lake County drug task force raided a home in Dyer, IN, and seized 176 pounds of cocaine with an estimated street value of $15 million. The raid culminated an 11-month investigation that previously resulted in the seizure of thousands of dollars, a truck, and two motorcycles.

The success of the drug task force is personally gratifying to me since I know its members. The success of the drug task force should be gratifying to Congress as a whole because it is the congressional appropriation of Federal dollars through the Bureau of Justice Assistance Program that provides the money to fund its vital activities.

The men and women who make up the Lake County drug task force are: Sheriff Stephen Stiglich, chairman of the board; Assistant Chief Judith Petro, project director; Gus Flores, intelligence analyst; Sgt. Richard Borchert, unit supervisor; DEA Agent Raymundo Vasquez; Officer Shaw Spurlock; Officer Zon Haralovich; Officer Luis Lopez; Officer Cynthia Shelton; Officer Reginald Harris; Officer Anthony Stanley; Officer Thomas Hyde; office manager Linda James; secretary Carmen Drew; and others. We are indebted to these individuals and other law enforcement agencies throughout Lake County, whose heroic efforts to fight drugs and crime make northwest Indiana a safer place to work and live.

Mr. Speaker, it is clear that the rising tide of drugs and crime makes the mission of the Lake County drug task force even more important. The record seizure last August was of great historical significance to the Hoosier State and the Nation. Its continued success is a victory for the people of northwest Indiana and the rule of law and order. I call on you and my other House colleagues to join me in commending the outstanding work of the Lake County drug task force and of all those who made this possible.

THE PATRIOT: AN AMERICAN SUCCESS STORY

HON. PETER G. TORKILDSEN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, February 11, 1994

Mr. TORKILDSEN. Mr. Speaker, the Patriot Air Defense System represents a remarkable technological achievement for our country. It's performance against tactical ballistic missiles during Desert Storm—against a threat for which the system was not originally designed—is a major success story for American technology, the American worker, and the American Armed Forces. From a military perspective, it protected airfields, key debarkation points, and critical assets while allowing the United States and its allies free access to all required airspace. From a strategic perspective, it denied Saddam Hussein any significant success with his most touted terror weapon, the Scud. The effective use of Patriot during the war saved countless military and civilian lives, reduced major damage to civilian dwellings, protected allied war fighting assets necessary for the successful prosecution of the campaign and allowed Israel to remain out of the conflict.

In Saudi Arabia, the Patriot was an outstanding success. The United States Army has officially scored Patriot's success at over 70 percent. Patriot units were deployed with the first United States troops to enter Saudi Arabia and were under the command and control of the United States Army and were operating under procedures developed and optimized over time by the United States Army who had ample time to optimize the defense design and conduct training exercises from locations that would later engage actual incoming Scuds attacks. When Desert Storm was initiated, all Patriot fire units were strategically in place, ready to protect key national, and military assets with trained troops prepared to engage the enemy.

In Israel, the opposite occurred. Patriot fire units were hastily deployed after a number of Scuds had already inflicted heavy damage to the cities of Tel Aviv and Haifa. There was little time for site optimization or onsite crew training and the Israeli crews manning Israeli Patriot units had not finished their training on Patriot in the United States. When the Israeli soldiers were sent to war with their Patriot equipment, they had only completed 6 weeks of a scheduled 16-week operational training course in the United States and, although hard to believe, they had never fired a Patriot missile. Furthermore, all Patriot units in Israel were under the control of the Israeli Defense Force, which was itself unfamiliar with Patriot operations.

The sites chosen for deployment in Israel resulted in gaps in overall coverage, poor in defense of urban areas and high radar interference from surrounding structures. In addition, radar beams were improperly directed into buildings which caused Patriot missiles to fly into the ground after launch. To further complicate the situation, an ad hoc group of academicians involved in the defense process initiated experimentation with Patriot which included: continually modifying the firing doctrine; changing intercept altitudes; cross firing from multiple fire units; and authorizing operators to fire at will. Given all this, it is a miracle that Patriot worked at all against tactical ballistic missiles in Israel since the system was deployed and operated in conflict with established United States Army doctrine. Even under the conditions described above, Patriot successfully intercepted over 40 percent of the Scuds it engaged in Israel.

The United States should be proud of Patriot and the role it played in helping win the gulf war and hold the coalition together. All of us should be proud that the system stands guard today here at home and in many foreign countries, and helps to preserve peace in many parts of the world.

SCHOOL COUNSELORS PRAISED

HON. NORMAN Y. MINETA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, February 11, 1994

Mr. MINETA. Mr. Speaker, I rise today to share with you and my colleagues my appreciation for the work conducted by our school counselors. Students who attend school in the 1990's face an incredible set of challenges, obstacles, and choices which can impact them immediately and well into their adulthood.

The school counselors of the 1990's are trained professionals who must meet State certification standards, and if they are members of the American Counseling Association, are bound to a code of ethics. Children as young as 5 years old come to school and face the problems of drugs, violence, and social problems that many of us never thought existed when we went to school. And, while some of us did experience the pain of prejudice, I am glad to see that today's school counselors are trained in facilitating classroom and small group exercises which help kids appreciate each other's differences—rather than use such diversity to divide and segregate.

School counselors consult with teachers to improve classroom behavior and they work with the parents of students who may be experiencing academic or adjustment problems.

Mr. Speaker, I am proud of the rich ethnic and cultural diversity which encourages what I feel are some of the best educational institutions in this country. To ensure that the elementary, middle, secondary, and postsecondary schools of my district provide the best possible education for all of our students, regardless of income, ethnicity, disability or social situation requires a team of highly skilled educational professionals. We are fortunate in the 15th Congressional District to have dedicated

educators who each day provide important services to our students. Among this group of professionals are school counselors.

Mr. Speaker, I ask my colleagues to join with me during National School Counseling Week in acknowledging the dedication of our Nation's professional school counselors.

WHY YOUR WAGES KEEP FALLING

HON. BERNARD SANDERS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Friday, February 11, 1994

Mr. SANDERS. Mr. Speaker, recently John B. Judis published an excellent analysis of the fall in American wages, in the New Republic. I'm pleased to insert this article in the CONGRESSIONAL RECORD.

The article follows:

[From the New Republic, Feb. 14, 1994]

WHY YOUR WAGES KEEP FALLING

(By John B. Judis)

"For twenty years the wages of working people have been stagnant or declining. * * * For too many families, even when both parents were working, the American dream has been slipping away. In 1992 the American people demanded that we change," Bill Clinton declared in his State of the Union address. But in the year he has been in office, Clinton has not succeeded any better than his predecessors in meeting that demand. Last year, Americans' hourly wages didn't grow at all. And the wages of workers in mining, construction, transportation, public utilities, retail, business and health services fell as much as 2 percent. Even college-educated workers—thought to be immune from economic distress—saw their wages drop almost 1 percent. And these are the lucky ones. The rest have had to make do with temporary jobs or have simply been laid off.

As Clinton acknowledged, these figures are about more than just dollars and cents. They are about the sustaining myth of American life. In the twentieth century, the promise of America—once religious salvation—became an ever rising standard of living. Until the 1970s that promise was fulfilled. But since then, Americans' real wages have been falling at an increasing rate—1.6 percent from 1973 to 1978 and 9.6 percent from 1979 to 1993. So far the reaction has been a low rumble, muted by two-earner families and overtime hours. But if wages continue to decline, that rumble could turn into a deafening roar.

There are plenty of causes: government policies, new technologies and automation, more women in the work force. But the most important, and an often overlooked one, is the change that occurred in the relationship between business and labor after the loss of American industrial supremacy. The unfashionable truth is that the decline of American wages has been largely a result of the decline of American labor unions.

From World War II through the early '70s, American business and labor leaders enjoyed an amicable relationship. They worked together against Soviet communism and for free trade, civil rights and increases in Social Security and the minimum wage. While they sometimes exchanged harsh words at the bargaining table, they reached agreements that, between 1948 and 1973, doubled the real wages and benefits of American workers. The relationship was sustained by U.S. firms' domination of the world market. American steel and auto companies could always offset wage increases with price increases without undermining their profits or market share.

During these years, American workers in the private sector occupied three tiers. On the first tier were workers from largely unionized industries in manufacturing, transportation, mining and construction. These workers enjoyed a 10 percent to 30 percent wage and benefit premium over their nonunion counterparts, who comprised the second tier. The third tier was made up of primarily nonunion service and small-business workers. Wages in this tier, subject to supply and demand and the minimum wage, ran as little as one-third of those in the first tier. Despite the hierarchy, however, workers in the second and third tiers benefited from the wage gains and clout of first-tier unionized workers. Employers of nonunionized workers in industries dominated by unions often paid comparable salaries in order to discourage unionization. And third-tier workers benefited not only from increases in the minimum wage won by unions, but also from the looming threat of unionization.

By the early '70s, American business lost the industrial superiority that had supported this edifice. In 1971 the United States, competing with revived European and Japanese manufacturers, ran its first trade deficit since 1893. And as more countries modernized, American firms in key industries such as steel, automobiles, shipbuilding and textiles faced a global glut of production. Business became a tougher game in which even minor price increases could lead to huge losses in market share and profits. It was under this pressure that American firms began to re-examine their relationship with labor and their commitment to the prevailing wage structure.

During the 1970s corporations started to resist wage increases and fight labor unions in the political arena. In 1972 corporate CEOs formed their own lobbying organization, the Business Roundtable. During the Carter years, the Roundtable's lobbyists succeeded in watering down the Humphrey-Hawkins Full Employment Bill and in blocking labor law reform that would have amended the National Labor Relations Act to increase the penalties on employers that used intimidation to discourage workers from joining a union. In the 1980s, under Ronald Reagan, business went even further, defeating attempts to adjust the minimum wage to inflation and securing the nomination of anti-labor candidates to the National Labor Relations Board and other government panels.

During the Reagan years, businesses also began to demand and get "givebacks" from unions. Corporations won unprecedented concessions in meat-packing, tires, steel, motor vehicles, trucking and air transportation. Companies that didn't have unions used long neglected loopholes in labor law to thwart unionization; other unionized companies such as Phelps Dodge and Eastern Airlines, inspired by Reagan's ouster of the PATCO strikers, sought to remove their unions.

Under relentless attack from business and facing a hostile administration in Washington, unions lost ground, declining from 31 percent of the nonagricultural work force in 1970 to 26 percent in 1979 to 13 percent today. The effect of this on wages can be calculated by multiplying the loss in the wage premium by the number of workers who might otherwise have been represented by unions. On this basis, Lawrence Mishel and Jared Bernstein of the Economic Policy Institute, the authors of "The State of Working America," estimate that the collapse of unionism cost blue-collar workers 3.6 percent in real wages from 1978 to 1988.

At a deeper level, business' successful offensive against unions changed the wage structure of the American economy. Instead of unionized workers setting the pace in wages, they became a lagging indicator of the real state of the wage economy. The first tier began to shrink and collapse into the second tier. Workers in the heavily unionized steel industry, for example, saw their wages fall from $20.37 per hour in 1981 to $17.91 per hour in 1987 to $16.87 per hour in 1992 (all these figures are in 1992 dollars). Workers in the second tier began to see their wages driven down to the level of nonunionized laborers and service workers. The wages of partially unionized meat-packing workers went from $13.98 per hour in 1981 to $10.39 per hour in 1987 to $9.15 per hour in 1992. Meanwhile, workers in the third tier, deprived of even the modest protections of the minimum wage, found themselves edging toward subsistence levels. Workers in restaurants and bars—one of the fastest-growing groups in the 1980s—saw their wages fall from $6.14 per hour in 1981 to $5.46 per hour in 1987 to $5.29 per hour in 1992.

This collapse of the partnership between business and labor and the resulting decline of unionism helps explain why real wages fell so sharply in the United States but were resilient in Western Europe and Japan. European and Japanese firms also faced stiff competition and global overcapacity in the 1970s and 1980s. But in Western Europe, because of the strength of their unions and their countries' social democratic parties, and in Japan, because of the commitment to a harmonious relationship between labor and business, firms sought other means to protect their profits, from trade protection to limits on immigrant workers to on-the-job productivity. When these measures failed, they even accepted lower profit rates. In the United States, however, business sought to defend its profits primarily by holding down wages: often by eliminating unions or preventing them from organizing.

In this climate, other shifts took place to weaken wages still further. To cut costs, businesses began to move manufacturing facilities overseas. In 1987 automakers spent $28 billion on parts manufactured overseas, up from $8 billion ten years before. The Big Three went from importing 500,000 engines in 1983 to 1.92 million in 1987. Companies also replaced workers with technology. From 1979 to 1992, thanks to automation, manufacturing output rose 13.1 percent, while the work force declined by 15 percent. Both trends eliminated many of the higher-wage first-tier jobs and plunged these workers into competition for lower-wage second-tier and third-tier jobs. In 1979, 38 percent of 25- to 34-year-old male high school graduates were employed in better-paying manufacturing jobs; by 1987 only 29 percent were, while those employed in the low-paying wholesale

and retail trade sector rose from 18 percent to 23 percent. And union attempts to organize these service workers proved largely unsuccessful.

The trade deficit and immigration didn't help. In 1982 the United States began running massive trade deficits in industrial goods, particularly cars, auto parts and consumer electronics, creating a net loss of American manufacturing jobs. And the influx of unskilled immigrants during the '80s drove down the wages of third-tier workers, particularly in the West. In a 1991 study for the National Bureau of Economic Research, economists George J. Borjas, Richard Freeman and Lawrence Katz (who is now the Labor Department's chief economist) estimated that from 1980 to 1988, up to half of the 10 percent decline in the wages of high school dropouts was attributable to the trade deficit and the immigration of unskilled labor.

The entry of women into the work force may also have depressed real wages. From 1970 to 1988 the percentage of working women rose from 43.3 to 56.6. These new workers probably helped hold down wages in third-tier service work, but more important, they allowed the impact of the sharp contraction of male income to be softened. By contributing to family income, women made it possible for families to increase their income even though individual wages were declining. According to Mishel and Bernstein, family income grew 0.6 percent per year from 1973 to 1979 and 0.4 percent from 1979 to 1989. If family income had declined at the same precipitous rate as male income, then workers would have fiercely resisted wage cuts, and the 1980s might have been a period of labor militancy similar to the 1870s or 1930s.

Of course, not all workers have suffered declining wages in the past two decades. During the 1970s college-educated workers and upper-level white-collar workers found their wages stagnating, but in the early '80s, they gained ground, creating a widening gulf between lower- and upper-income workers and between high school and college-educated workers. But this gap may prove transitory. From 1989 to 1993 the wages of white-collar executives and managers dropped 0.8 percent, the wages of technical workers fell 2.9 percent and the wages of college-educated workers declined by 2.5 percent.

The rise and then fall in white-collar wages was caused partly by a shift in supply and demand. According to economists Frank Levy and Richard Murnane, the number of college-educated workers rose 85 percent between 1971 and 1980; then, between 1979 and 1987, a time when new technology was creating demand for specially trained workers, the number rose by only 32 percent, bidding up wages. Now supply is once more outrunning demand. In The Monthly Labor Review, Kristina Shelley, an economist at the Bureau of Labor Statistics, predicts that from 1990 to 2005 job openings for college graduates will slump compared with the previous five years, while the number of bachelor's degrees will increase. The temporary reprieve for college-educated earnings may already be over.

White-collar and college-educated workers are also going through a process called "proletarianization." Initially seen as professionals or as part of management, these workers are now finding their work regulated in the same manner as wage workers in factories and offices. Doctors and nurses have become employees of HMOs; computer programmers have become piece workers for giant software firms. As they have lost the prerogatives of management or the protections of a craft guild, their wages have begun to fall like everyone else's.

So what's to be done? Plenty of solutions have been proposed to counter the decline of wages, but most of them address secondary rather than primary causes. Economists typically blame lower wages on lagging productivity and hope higher productivity is the answer. They're half-right. Higher productivity is necessary for higher real wages, but it hasn't turned out to be sufficient. During the 1980s manufacturing productivity grew a robust 3.6 percent annually, but manufacturing wages fell by 0.6 percent per year. What might have been labor's share went into dividends and profits.

Clinton's solution, derived from Secretary of Labor Robert Reich, is to finance worker retraining. Reich argues that the cause of wage decline is a mismatch between workers' skills and the demands of a high-tech economy, resulting in too many unskilled or semi-skilled workers chasing too few jobs and too few college graduates chasing the new high-wage, high-skill jobs. Reich has proposed spending $3.5 billion on worker retraining over the next four years. "All of the studies show that if you get long-term training [for] a year or more," Reich explains, "you're going to affect your future incomes by increasing that future income by an average of 5 to 6 percent."

Reich is also half-right. There's a surplus of unskilled and semi-skilled labor. Unfortunately, giving them skills won't necessarily help things. According to a study last fall by James Franklin of the Bureau of Labor Statistics most new jobs in the next decade will be as unskilled hospital orderlies or food preparation workers, not as software engineers or marketing supervisors. And while training, especially on the job, can boost productivity, studies don't bear out Reich's or Clinton's hopes that it will raise the future wages of those involved. The most recent Labor Department survey, conducted by the highly respected Mathematica Policy Group, found that laid-off workers who underwent training under the Trade Adjustment Assistance Act failed to raise their wages. More than three-quarters of the workers, the study found, "earned less in their new job three years after their initial unemployment insurance claim than they did in their pre-layoff job."

The solution favored by many labor leaders and liberal Democrats is to restore the pre-1973 status quo. They want to raise the minimum wage (which Clinton has postponed asking Congress to do), reform labor laws, restrict the immigration of unskilled workers and remove incentives for firms to have foreign countries do their manufacturing. While these measures address the cause of wage decline much more directly than do the economists' or Clinton's proposals, they slight the genuine dilemma that American businesses face. If wages were to increase at the rate that they did from 1948 to 1973, many American firms quickly would suffer the fate of Frigidaire or Philco. The world economy is simply a different and less friendly place than it once was.

What is really needed is a grand compromise between business and labor, where business would secure labor's commitment to raising productivity and keeping wage costs competitive in exchange for its support of legislation strengthening labor's organizing rights. Although it wouldn't restore the status quo ante, this kind of compromise would do more to brake the fall in wages than the most innovative training program.

Some labor economists and maverick labor leaders have already suggested this kind of compromise. MIT economist Thomas Kochan, a member of the administration's newly appointed Commission on the Future of Worker-Management Relations, has proposed one possible deal. Business would support labor law reform to put teeth into that laws that deter companies from strong-arming against union organization. In return, labor would swallow what is now a potentially illegal way to raise worker productivity—Japanese-style, management-sponsored employee committees in nonunion workplaces. But while some labor unions would support this kind of compromise, business is almost universally opposed. Absent a wave of 1930s-style worker militance, business leaders believe they would be giving up more than they receive by agreeing to any new labor organizing rights. Kochan has tried to interest Clinton and Reich in this idea, but they remain enthralled with the panacea of retraining.

It would be nice if the affliction of falling real wages could be cured through the market's invisible hand. But it has already persisted through three recessions and recoveries. It's a problem that ultimately requires visionary thinking and radical political action. But like other such problems (welfare reform leaps to mind), the decline of wages will probably have to get worse before everyone can agree on a viable strategy for reversing it. What our standard of living will be when that happens is anybody's guess.

FOURTH DISTRICT HEALTH CARE REFORM

HON. DAVID E. PRICE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, February 11, 1994

Mr. PRICE. Mr. Speaker, on January 20 I conducted a health care reform and community meeting in Raleigh. The purpose of this marathon session, which went from 9 a.m. until 10:30 p.m. with brief breaks to take nourishment, was to bring the national health care debate home to North Carolina—to assess the strengths and weaknesses of the health care system in our part of the State, to examine the stake we have in reform, and to discover what positive contributions we might make to the national debate. After hearing from five panels on special health care topics throughout the day, the community meeting provided a useful opportunity for individual constituents to voice their concerns. Over 50 constituents took the microphone, often recounting experiences that put a human face on this daunting policy challenge. The enthusiastic, sometimes heated participation of my constituents suggests that this is indeed a front-burner issue in North Carolina. Over 200 people attended our morning and afternoon sessions, and over 250 peo-

ple took part in the evening's community meeting.

Throughout the day, several moderators joined me and an overflow audience at North Carolina State University's McKimmon Center in receiving testimony from panels of expert witnesses on children's and adolescents' health needs, health care innovations, the needs of the uninsured and underserved, small business concerns, and alternative reform and cost containment strategies.

Joining me in moderating the five panels were Lt. Gov. Dennis Wicker, North Carolina House of Representatives Speaker Dan Blue, Health Care Financing Agency (HCFA) Deputy Administrator Dr. Helen Smits, and North Carolina Division of Medical Assistance Director Barbara Matula.

The day's testimony left little doubt that American health care, at its best, is the most proficient and innovative in the world. But we also found ample evidence that this care is not being delivered equitably or at acceptable cost to all of our citizens. Part of the solution, almost all witnesses stressed, is insurance reform, so that basic coverage is not jeopardized or priced out of reach when one moves or changes jobs or gets sick. But many also stressed that insurance reform is not the total solution. Insurance coverage may be of little benefit to families who have no medical providers or facilities nearby or have no knowledge of the basics of health care or of what services are available to them. Efforts at education and outreach must be stepped up, and both patients and providers must pay more attention to healthy lifestyles and preventive care.

We also heard a great deal of testimony about the progress we have made in discovering new drugs and therapies, reorganizing the delivery of care and controlling costs, and reaching underserved populations—and of how reform must nurture such innovations and preserve the good coverage and freedom of choice that many people already enjoy. It also became clear that while no perfect solution is available—if it existed, we no doubt would have discovered it by now—the status quo cries out for change. The President and Mrs. Clinton have successfully brought this issue to the fore, but a great deal of debate and hard work still lie ahead.

Our first panel focused on the health needs of children and adolescents. John Niblock, president of the North Carolina Child Advocacy Institute, and Dr. Stephen Edwards, a prominent Raleigh pediatrician, gave an alarming health profile of North Carolina's children—some 300,000 of whom are without health insurance—and outlined what changes in health policy are required to address their needs. Dr. Michael Durfee and State school nurse consultant Marilyn Asay portrayed adolescents as the most underserved population and the most difficult to reach, and described their respective outreach efforts through Wake Teen Medical Services and school-based clinics. Paul Hildebrand, executive director of the Alice Aycock Poe Center for Health Education in Raleigh, told of the enthusiastic reception that the modern, multimedia presentations of the Poe Center have had from North Carolina school children. Kathy H. Richardson, maternity care coordinator for the Baby Love Program at Twin County Rural Health Center in Hollister, NC, told of the innovative ways this program had reached out to poor women in a rural county to ensure that they received proper maternity care.

The second panel, health care and innovation, brought together a number of different ideas that have worked well in North Carolina and deserve wider dissemination. Gale Johnston Adcock, coordinator of primary care services and wellness education at SAS Institute, told how 95 percent of SAS's employees and families took advantage of the company-based wellness program and of the positive effect the program had on company health care costs. Dr. Robert C. Bast, Jr., director of the Duke Comprehensive Cancer Center, highlighted recent advances in cancer prevention and treatment and stressed the importance of sustaining vital research. Dr. Leah Devlin, director of the Wake County Health Department, told of several innovative ways that the county had put together partnerships and combined various sources of local, State, and Federal moneys to deliver public health services. Dr. E. Harvey Estes, Jr., director of the Kate B. Reynolds Community Practitioner Program of the North Carolina Medical Society Foundation, told of the foundation's program to recruit and retain primary care physicians for underserved areas in North Carolina. Dr. David Goff, a pediatrician, discussed the positive ways that managed care systems and primary care physicians can expand access to care and help contain costs. Meg Molloy, nutrition program director of the Sarah W. Stedman Center for Nutritional Studies at the Duke Center for Living, emphasized the importance of nutrition education in encouraging healthy lifestyles and of nutrition therapies as a cost-effective treatment of heart disease and other disorders. Dr. James E. Niedel, director of Glaxo Research Institute, stressed the promise of pharmaceutical research in developing cost-effective treatments. Bill Remmes, administrator of Rural Health Group, Inc., related how a network of five medical offices, a nursing home and rest home, apartments for the elderly, and a senior center had been built and organized over a decade in two rural counties.

Our third panel dealt with health care and small business. Two North Carolina businessmen—Robert B. Allbert, owner and operator of 30 Precision Tune shops, and Joe Stanley, owner of Joe and Moe's Auto Repair in Shallotte, NC—told about the special problems of small businesses in obtaining affordable health care coverage for their employees but also sounded a warning about the possible costs of reform. Jim Long, insurance commissioner for North Carolina, discussed the initiatives his department had used to expand coverage throughout the State. Parham McNair, representing the Independent Insurance Agents, told of the special services independent agents provide as the link between insurance providers and small businesses. Elizabeth F. Kuniholm, speaking both as a small businesswoman and representative of the North Carolina Academy of Trial Lawyers, discussed the issue of malpractice reform. Harrison J. Kaplan, counsel and government relations manager for Kaiser Permanente, discussed business participation in health maintenance organizations and their success in rendering cost-effective health care services.

On panel four we turned to competing reform proposals and their implications for North Carolina and the Nation. Brad Adcock of North Carolina Blue Cross/Blue Shield, Moses Carey, Jr., executive director of Orange-Chathman Comprehensive Health Services, Inc., Robert J. Greczyn, Jr., chief executive officer of the Carolina Physicians' Health Plan, Dr. Donald T. Lucey from the North Carolina Medical Society, and Eric Munson, executive director of the University of North Carolina Hospitals, each diagnosed the strengths and weaknesses of the present system and presented their priorities for reform. Christopher J. Conover of Duke University's Center for Health Policy Research and Education gave a careful analysis of how and why "managed competition" could work. Joe Graedon of the syndicated column and radio show "The People's Pharmacy" stressed the importance of outcomes research and other means of informing and empowering consumers to successful reform. Pam Silberman, project director with the North Carolina Health Access Coalition, set down the elements of successful health care reform as identified by the coalition she represents.

Our fifth and final panel, "Underserved Health Care Needs," focused on three key areas of need: Older Americans and long-term health care, mental health, and low-income rural and urban populations. Martha Brown, with the Home Health Care Association of Chapel Hill, told of the value and cost-effectiveness of home-based care. Travis H. Tomlinson, Jr., president of Whitaker Glen, a 96-unit comprehensive retirement community in Raleigh, discussed several aspects of President Clinton's proposed health care reform plan and emphasized that home-health care and nursing home care served two distinct populations. Bennett Cotten, a clinical social worker representing the North Carolina Association of Social Workers, and Dr. David Smoot, representing the North Carolina Psychological Association, discussed the extent of mental illness and the benefits of including adequate coverage in any health care reform plan. Maureen Darcy, certified nurse-midwife, and Torlen L. (Tork) Wade, associate director of the North Carolina Office of Rural Health and Resource Development, discussed the difficulties in attracting and retaining primary care providers in rural areas and the efforts underway in North Carolina to do so. Barbara Zelter Earls, representing North Carolina Fair Share, stressed the importance of securing comprehensive coverage for all income groups.

Helen Smits of the Health Care Financing Administration, representing the Clinton administration, joined me for the evening community meeting at which over 50 citizens told their stories and expressed their views. In policy preference, they ranged from some who thought the Clinton plan not comprehensive

enough to others who would repeal even Medicare if given the chance. Several farmers protested the singling out of tobacco for a hefty excise tax increase, wondering why other products with associated health care costs were not included. Some spoke for and others against the inclusion of abortion in the basic health plan. Small business owners expressed apprehension about the expense of coverage, although some argued for leveling the playing field between businesses that did and did not cover their employees. Some people reported having good coverage and positive experiences with local hospitals and doctors, and warned against disrupting those relationships. But others recounted losing their coverage after serious illnesses and having to fight for payments for procedures they thought were covered. Many were willing to tell intensely personal stories, which underscored the high stakes we have in reforming the system but also in getting it right.

A full transcript of the health care forum is being prepared and will be distributed to the congressional committees of jurisdiction and to others who are interested. I am grateful to the many panelists and other constituents who participated. I believe that all of us there came away with a better understanding of the importance of health care reform to North Carolina and the Nation and the implications of the policy choices we face.

THE PIN-STRIPE APPROACH TO GENOCIDE

HON. FRANK McCLOSKEY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, February 11, 1994

Mr. McCLOSKEY. Mr. Speaker, I am pleased to submit a very important statement on Bosnian policy development by Richard Johnson, a very dedicated and able State Department officer.

The statement follows:

THE PIN-STRIPE APPROACH TO GENOCIDE

(By Richard Johnson)

My thesis here is a simple one: senior U.S. Government officials know that Serb leaders are waging genocide in Bosnia, but will not say so in plain English because this would raise the pressures for U.S. action.

Since late summer 1992 the Executive Branch of the U.S. Government, under both the Bush and Clinton Administrations, has come under significant pressure to make an unequivocal determination that the Serb campaign in Bosnia constitutes genocide under the 1948 UN Genocide Convention.[1]

External pressures have come from the U.S. media, human rights organizations, American Jewish and Moslem advocacy groups, prominent foreign policy experts, members of Congress, the Bosnian government, and from states friendly to Bosnia at UN fora including the UN General Assembly, the UN Commission for Human Rights, and the June 1993 UN World Conference on Human Rights in Vienna.[2]

Footnotes at end of article.

Internal pressures have come from lower and middle-level Foreign Service Officers (FSO's) with line responsibilities for U.S. policy on Bosnia, other FSO's who have used the State Department's dissent channel mechanism to press their views, and the four FSO's who subsequently resigned to protest U.S. policies.[3]

These pressures have triggered a number of statements by senior State Department officials and by the President, particularly since December 1992, that implicitly or explicitly address the issue of whether genocide is underway in Bosnia.[4]

Some of these come very close to saying yes. However, none make a clear and unequivocal determination that Serb leaders are waging genocide in Bosnia, and that the moral and legal obligations of the Genocide Convention apply. Instead, Administration statements have typically asserted that the Serb campaign "borders on genocide," or that "certain actions" by "Bosnian Serbs" have been "tantamount to genocide" or constitute "acts of genocide."[5] There are two hypothetical explanations for such equivocation.

One is that further collection and assessment of evidence is needed before a clear determination can be made, particularly with regard to intent (e.g., do Serb leaders and their forces seek to destroy a substantial part of the Bosnian Moslem population, or rather to displace it, or does the mass murder by Serb forces stem from a systematic plan or from a coincidence of local decisions by local commanders?) and responsibility (can responsibility be traced up to Bosnian Serb political and military leaders, and to Serb leaders in Serbia, and with what degree of conclusiveness?).

Several State and NSC officials put forward this explanation to the author, in more or less explicit terms. These officials would often also assert that the genocide issue may be of moral and historical interest, but is not of operational importance in terms of pursuing justice (war crimes are easier to prove than genocide) or ending the killing in Bosnia (through a "negotiated settlement").[6]

However, some of these as well as other State officials also acknowledge that policy-makers at the White House and in State have shown little interest in clearing up the questions that supposedly stand in the way of an unequivocal finding of Serb genocide in Bosnia. There has never been a Presidential or NSC directive to State and other intelligence agencies to conduct research and analysis aimed at establishing whether there is a good case against Milosevic et al. for genocide in Bosnia. Nor has there been any mobilization of resources to this end. The human resources applied to the Bosnia war crimes issue at State and CIA have been minimal, and have declined at State in 1993. The personnel involved have been tasked more with recording specific war crimes than with tracking the responsibility for such war crimes to the Serb leadership.[7]

The other explanation is that policy-makers have opted for equivocation because an explicit, unequivocal determination that genocide is underway in Bosnia, and that Milosevic, Karadzic and their military commanders are responsible, would produce more political pressure to take effective action, including the use of force, to end and punish the genocide. At a minimum, such a determination would undermine the credibility of Western policies that rely on UN/EC-mediated "peace talks" to reach a "voluntary settlement" between "warring factions"—who would now be defined as the perpetrators and victims of genocide. This explanation is supported by the following elements of the Executive Branch treatment of this issue since fall 1992.[8]

The most explicit, forward-leaning Administration positions have never been followed up with consequent actions. In August 1992 State confirmed that Serb-run "detention centers" in Bosnia featuring systematic killing and torture were a significant problem.[9] State then initiated a process of submitting data on war crimes in Bosnia to the UN War Crimes Commission. However, lead action on compiling these submissions was assigned to an FSO in the Human Rights Bureau with no prior knowledge of Balkan affairs, and a short-term State intern just out of college: hardly a commitment of personnel and expertise commensurate to the recognized gravity of the issue.[10]

In mid-December 1992, Acting Secretary Eagleburger broke new ground in drawing parallels between Serb behavior in Bosnia and Nazi behavior, naming senior Serb leaders as bearing responsibility for war crimes and crimes against humanity in Bosnia, and citing some of the questions they should face. However, his public statements were not followed up by any internal taskings within State or to CIA to build up cases against these leaders.[11]

In mid-December 1992 the United States also voted for a UN General Assembly resolution on Bosnia which, among other things, stated that Serb "ethnic cleansing" in Bosnia is a form of genocide.[12] However, the Executive Branch never followed up by citing or using this determination as a basis for Western policies. Similarly, in June 1993 the United States supported an appeal of the UN World Conference on Human Rights to the UN Security Council to take "necessary measures to end the genocide in Bosnia and Herzegovina . . ." However, the U.S. took no subsequent action on the basis of this appeal and its finding of genocide. Indeed, as of December 1993, an official at State Department Bureau of Human Rights was unable to locate a copy of the Conference appeal in office files, and described it as something the Department viewed as "not really an official act of the Conference."[13]

More equivocal statements tend to be made by more senior officials in high-profile fashion. Less equivocal statements are made by lesser officials in lower-profile fashion. The President has, largely in response to questioning, repeatedly drawn some degree of analogy between the Holocaust and the present mass extermination of Bosnians. But he has chosen never explicitly to address whether Serb leaders are engaged in genocide.[14] Warren Christopher volunteered during his confirmation hearings that the Serb campaign of "ethnic cleansing" was resulting in "near genocidal or perhaps really genocidal conditions."[15] But he has never raised the issue since becoming Secretary, and his most extensive comments on the matter since then, under questioning on May 18, 1993, before the House Foreign Affairs Committee, are also the most equivocal presentation by any Administration official since the beginning of the war in Bosnia.[16] These comments triggered an extraordinary memo to the Secretary from the Acting Assistant

Secretary for Human Rights reminding the Secretary that Serb and Bosnian Serb forces were responsible for the vast majority of war crimes in Bosnia.[17]

The most straight-forward statement by a senior official of the Clinton Administration has also been the most obscure: a mid-November written submission to a House subcommittee in response to a question taken by State Counselor Wirth five months earlier, stating that "The Department of State does believe that certain acts committed as part of the systematic Bosnian Serb campaign of 'ethnic cleansing' in Bosnia constitute acts of genocide."[18]

Secretary Christopher has opted out of the Bosnia genocide issue since May. Persistent questioning by Congressman McCloskey has been the primary trigger of Administration review of this issue since April 1, when McCloskey got Christopher to promise him a clear determination as to whether the Serb campaign in Bosnia is genocide under the Convention.[19] How to respond to McCloskey's question (and his repeated follow-ups) was a recurrent issue among the Bureaus of European Affairs, Human Rights, Intelligence and Research, International Organizations, Congressional Relations, and the Office of the Legal Advisor, and between these offices and the "seventh floor" (i.e., the Secretary and his senior advisors) from April to October. On October 13 the Secretary finally approved an action memo which had been redrafted numerous times, and which would authorize the Assistant Secretary for Congressional Relations to sign a letter to McCloskey using the language subsequently used in State's mid-November submission to the House cited above. However, the Secretary annulled his approval of the proposed letter to McCloskey after the latter called for his resignation in mid-October.

In a subsequent exchange with McCloskey during a House Foreign Affairs Committee hearing, Christopher chose not to respond to McCloskey's question on the genocide issue. Instead, the Secretary charged that McCloskey's views on Bosnia would require several hundred thousand U.S. ground troops, asserted that McCloskey's emotions were clouding his judgment, and rejected any further "debate" with McCloskey on Bosnia.[20]

Seventh-floor policy makers at State have repeatedly rejected efforts by the Bureaus to have them make less equivocal statements of genocide in Bosnia.[21] On April 1, perhaps in response to McCloskey's questions to Christopher, outgoing State Department spokesman Boucher instructed then-Bosnia desk officer Harris to draft a strong statement by the Secretary on genocide in Bosnia. Harris's draft, dated April 2, was cleared by all the relevant Bureaus and submitted to the Office of the Spokesman. It included the assertion that "The United States Government believes that the practice of 'ethnic cleansing' in Bosnia includes actions that meet the international definition of genocide as well as constitute other war crimes." The statement was never issued; Harris believes it was killed by incoming Department spokesman Donilon, in consultation with the Secretary.

Similar language was again cleared by the relevant Bureaus in September in one iteration of the proposed response to McCloskey's April question to the Secretary; this draft was also rejected by the seventh floor.[21]

Senior policy-makers do not have better information about realities in the Balkans than do the lesser officials who have sought to bring them to make clearer statements on genocide. Some light on their thinking in rejecting Bureaus' recommendations is shed by comments made by Under Secretary Tarnoff and Counselor Wirth at an April 28, 1993 State Department luncheon for Elie Weisel.

Weisel argued that whether or not genocide was underway in Bosnia, the Serb concentration camps and mass murders there constituted a moral imperative for decisive outside intervention. Tarnoff took Weisel's point but noted that failure in Bosnia would destroy the Clinton Presidency. Wirth agreed with Weisel that the moral stakes in Bosnia were high, but asserted that there were even higher moral stakes at play: "the survival of the fragile liberal coalition represented by this Presidency."[22]

CONCLUSION

The story told above is one of many failures. Senior policy-makers have failed to level with the American people on the nature of the moral and security challenge the United States faces in the Balkans. Lesser officials have failed to resist the obfuscation of their seniors. Outside the Executive Branch, the broad range of interested observers who see Milosevic's campaign for a Greater Serbia as an instance of genocidal aggression that the United States must confront have failed to apply coherent and sustained pressure to force at least a straightforward Executive Branch statement on the genocide issue.

I draw no constructive lessons from these failures except that avoiding them requires a series of moral choices by individuals. Those made by senior policy-makers with the most influence in defining the challenges America faces are most momentous. But all, cumulatively, make a difference.

FOOTNOTES

[1] Under the 1948 Convention on the Prevention and Punishment of the Crime of Genocide, to which the United States, the successor states to former Yugoslavia, and some 100 other countries are parties, "genocide" is defined to include any of the following acts committed with intent to destroy, in whole or in part, a national, ethnic, racial, or religious group: (a) killing members of the group; (b) causing serious bodily or mental harm to members of the group; (c) deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part; (d) imposing measures intended to prevent births within the group; (e) forcibly transferring children of the group to another group.

The Convention is a specific response to Nazi extermination practices during World War II.

[2] The author is compiling a list of prominent persons, groups, governments, and international fora that have defined Serb behavior in Bosnia as genocide, and will make it available on request.

[3] The author is personally aware that in December 1992 three FSO's who had shared responsibility for Yugoslav affairs between 1990 and 1992 used the dissent channel to press for a State determination that Milosevic was engaged in genocide in Bosnia; that in April 1993 twelve FSO's actively engaged in Bosnia policy submitted a letter to the Secretary which among other things described the conflict in Bosnia as Serb genocide; and that the four FSO's who have resigned in protest—George Kenney in August 1992 and Marshall Harris, Steve Walker, and Jon Western in August 1993, have all defined the war as genocide.

[4] See compendium at Tab A, drawn from White House, State Department and Congressional public documents and the U.S. media.

[5] Several officers currently and formerly in State's Office of the Legal Advisor have told the author that there is no legal difference between saying starkly that "what has happened is genocide," and saying less starkly that "what has happened is tantamount to genocide" or "what has happened are acts of genocide." The "tantamount to" formulation appears to have originated on the Seventh floor.

[6] Author's December 1993 interviews with sixteen current and former State employees ranging from desk officers to Deputy Assistant Secretaries, and with NSC European Affairs Director Jenonne Walker in May 1993. In December 1993, Walker declined to discuss U.S. policy process on the issue of genocide in Bosnia with the author, on the grounds that it was "too sensitive."

[7] ibid.

[8] This explanation is also advanced by many of the sixteen current and former FSO's interviewed by the author for this essay.

[9] See President Bush's August 6, 1992 remarks on "Containing the Crisis in Bosnia and in Former Yugoslavia" and Acting Secretary Eagleburger's August 5, 1992 statement "Detention Centers in Bosnia-Hercegovina and Serbia" in Dispatch, U.S. Department of State Bureau of Public Affairs, August 10, 1992; and George Kenney, "See No Evil," in The Washington Monthly, November 1992. Kenney underlines senior State officials' resistance to investigating, confirming, or publicizing Serb atrocities in Bosnia, and their efforts to minimize U.S. media attention to them.

[10] Author's interview with the State Human Rights Bureau action officer and the former intern in question.

[11] See Secretary Eagleburger's December 16, 1992 statements in Dispatch, U.S. Department of State Bureau of Public Affairs, December 28, 1992. The absence of follow-up taskers was confirmed to the author in interviews with the current and former FSO's cited above.

[12] See United Nations General Assembly Resolution A/47/92 of December 17, 1992, passed 102 for (including the U.S.), 57 abstentions, and none against, which holds Serbian and Montenegrin forces responsible for aggression and for "the abhorrent policy of 'ethnic cleansing,' which is a form of genocide . . ."

[13] Author's interviews with State Human Rights Bureau officers, December 1993. Notwithstanding State's unofficial views as to the unofficial status of the Conference's appeal, it was in fact forwarded by Alois Mock, President of the World Conference on Human Rights, to the President of the UN Security Council on June 16, 1993, as a decision of the Conference.

[14] For texts of the President's and Secretary's statements, see compendium at Tab A.

[15] See New York Times, January 14, 1993, cited in compendium at Tab A.

[16] See Christopher's May 18 comments in compendium at Tab A, including the insinuation that Bosnian Moslems are suspected of genocide themselves. Several State officials have told the author that they were flabbergasted by Christopher's remarks on atrocities and genocide in Bosnia in his May 18 House Foreign Affairs Committee Hearing, and that these remarks bore no relationship to expert and consensus views within State on those issues. One State official has told the author that late on May 17, the Secretary's office sought urgent information from the Human Rights Bureau on Bosnian Moslem atrocities only.

[17] Author's interviews with current and former FSO's.

[18] See text of Wirth statement in compendium at Tab A. This statement responded to a question put to Wirth by Congressman McCloskey on June 10 at a House Appropriations Subcommittee meeting.

[19] See McCloskey's April 1 question and Christopher's initial response in compendium at Tab A. The author's account of the reaction to McCloskey's pressures within the Department is based on interviews with current and former FSO's in December 1993.

[20] See transcripts of November 4, 1993 House Foreign Affairs Committee Hearing.

[21] This and the following paragraph are based primarily on the author's December 1993 interview with Marshall Harris, currently foreign policy advisor to Congressman McCloskey.

[22] The author witnessed this Weisel/Tarnoff/Wirth luncheon discussion.

TAB A

December 1993—Draft State Department Human Rights for Bosnia: no mention of genocide.

November 18: State Department Counselor Wirth's response to Congressman McCloskey's June 10 questions in public hearings:

". . . The Department of State does believe that certain acts committed as part of the systematic Bosnian Serbs campaign of 'ethnic cleansing' in Bosnia constitute acts of genocide."

November 22: Secretary Christopher, Four On-the-Record Interviews with European media: no mention of genocide or even aggression; Bosnia treated as an issue of "warring parties" unwilling to conclude a peace settlement.

November 13: State Department spokesman McCurry declines to comment on whether continuing siege of Sarajevo meets the criteria for NATO air strikes laid down by Christopher in August (i.e., "continued strangulation") and adds: "Is Bosnia horrifying, troubling? . . . it is no more horrifying or troubling than the instances around this globe where populations, because of civil strife . . . face these kinds of humanitarian disasters." President Clinton asserts "All we can do is to try to make sure that we minimize the human loss coming on for this coming winter." A State Department official's comments: "Who do you champion any more? It's not clear." (Washington Post, November 13)

November 30: Secretary Christopher addresses CSCE Ministerial: no mention of genocide or aggression; Bosnia and Herzegovina treated as humanitarian crisis and scene of "atrocities" to be dealt with by UN War Crimes Tribunal.

November 15: Assistant Secretary Oxman speech on "Why Europe Matters": no mention of the word Bosnia, much less genocide or aggression; Bosnia and Herzegovina treated as "ethnic conflict" within borders of former Yugoslavia.

November 9: Secretary Christopher before Senate Foreign Relations Committee lists 6 US foreign policy (not including Bosnia, Somalia or Haiti) (Newsday, November 5)

November 4: Secretary Christopher before House Foreign Affairs Committee dismisses Congressman McCloskey's charges that USG and Christopher are ignoring genocide in Bosnia, asserts "I don't see any point in debating this subject further," (AP, November 5, Barry Schweid); Christopher does not address McCloskey's assertion that genocide is underway in Bosnia; rather, Christopher asserts that McCloskey's objectives require sending hundreds of thousands of US ground troops to Bosnia whereas "I don't think our vital interests are sufficiently involved to do so . . ." (Reuters, November 5, Carol Giacomo)

November 5: Secretary Christopher on CNN "the World Today", responding to Congressman McCloskey's charge that the U.S. is allowing genocide in Bosnia: ". . . We have a fundamental disagreement. At the end of the day, his proposal would require putting 200,000 or 300,000 American troops into Bosnia to try to take the country back . . . to put it back in its pre-war status. I simply disagree with that. And I want the country to know, I don't think that's a good idea."

October 10: Secretary Christopher declines to predict whether US troops will ever be sent to Bosnia to enforce a peace settlement, emphasizing that "very hard questions" will have to be answered positively by the Administration in consultation with Congress (NBC "Meet the Press" October 10)

October 21: Secretary Christopher, Questions and Answers comments on Bosnia, in Hungary:

". . . President Clinton has said early on and we continue to say we will not try to impose a solution on the parties. The U.S. is not prepared to send hundreds of thousands of its troops to impose a solution on the parties that are not quite ready for a solution or don't seem to be ready for a solution. We're hoping the parties will come to a peaceful agreement, that they will finally recognize that there is only futility in the war they are pursuing . . ."

October 5: Assistant Secretary Oxman before Senate Foreign Relations Committee:

"Lots of innocent people are being killed. But it is a complex problem that we didn't create. And our approach to it has been to support a negotiated settlement. That isn't jazzy, but that's our approach."

September 5: Assistant Secretary Oxman appears before House Foreign Affairs Committee:

"McCloskey, who has been trying since April to get the State Department to say Serb actions fit the legal definitions of genocide, tried again. 'Are they guilty of genocide . . . a systematic policy of extermination of, you know, members of a particular ethnic group?' Oxman, using language previously used by Secretary of State Warren Christopher, said actions 'tantamount to genocide have been committed.' But he did not say Serb actions fit 'the technical definition of genocide' under a 1948 UN conventions. McCloskey said afterwards that U.S. policy amounts to 'putting a gun to Izetbegovic's head to accept this settlement that will be the death of his country.' He said the State Department was trying to evade its 'moral and legal obligations' to brand Serb actions as genocide and try to prevent them." (Washington Post, September 16)

September 9: Washington Post article on Clinton-Izetbegovic meeting/press conference:

"Clinton reaffirmed his willingness to send troops if there is a 'fair peace that is willingly entered into by the parties . . .' But Clinton, asked about the proposal [of Izetbegovic, for NATO air strikes to lift the siege of Sarajevo], rejected it. 'I believe all that has to be part of the negotiating process. I don't think that the U.S. can simply impose an element like that,' he told reporters."

September 9: The New York Times article on Clinton-Izetbegovic meeting describes Clinton Administration as backing away both from threat of NATO air strikes to relieve siege of Sarajevo, and from idea of NATO peacekeepers to enforce settlement.

September 3: The Washington Post:

"The U.S. yesterday backed efforts by Bosnia's Muslims to gain more territory in the proposed partition of the country, as President Clinton warned Serb and Croat forces that the option of using NATO air power against them 'is very much alive' . . . 'If while talks are in abeyance,' the President added, 'there is abuse of those who would seek to interfere with humanitarian aid—attacking protected areas, resuming sustained shelling of Sarajevo, for example—then first, I would remind you that the NATO military option is very much alive . . .' Clinton, asked if he intended to revive his proposal for exempting Bosnia's Muslim-led government from a UN arms embargo, said . . . 'I have always favored lifting the arms embargo. I think the policy of the UN as it applies to that government is wrong,' he said. 'But I am in the minority. I don't know that I can prevail.'"

September 15: Assistant Secretary Oxman appears before House Foreign Affairs Committee:

"Rep. MCCLOSKEY. . . . As you know, since April I've been trying to get an answer from State as to whether these activities of the Bosnian Serbs and Serbs constitute genocide. Will I get a reply on that today . . .?

Mr. OXMAN. I learned, just today, that you hadn't had your response. And the first thing I'm going to do when I get back to the Department is find out where that is. We'll get you that response as soon as we possibly can. But to give you my personal view, I think that acts tantamount to genocide have been committed. Whether the technical definition of genocide . . . I think this is what the letter that you're asking for needs to address."

August 9: Statement by Secretary Christopher, released by the Office of the Spokesman, August 9, 1993, "Air strikes in Bosnia-Herzegovina":

"The United States is pleased by the important actions taken today by the North Atlantic Council. These steps significantly further the United States initiative to make air power available to lift the strangulation of Sarajevo and other areas, stop interference with humanitarian relief operations, and promote a viable political settlement in the negotiations in Geneva. At the North Atlantic Council meeting last Monday, NATO unanimously made the policy decision to prepare for air strikes and laid down a clear warning to those responsible for the strangulation of Sarajevo and other civilian areas. Today, the alliance unanimously approved a thorough and detailed operational plan for air strikes prepared by the NATO military committee over the last week in conjunction with UNPROFOR. The plan is sound and comprehensive. It sets forth the targeting identification process and the command and control arrangements for air strikes. With today's decision, the alliance now has in place all the means necessary to take forceful action against the Serbs should they not cease their intolerable behavior. The unanimous decision today signals that the international community will not accept the laying siege of cities and the continued bombardment of civilians, the denial of humanitarian assistance to people in need, or empty promises as a cover for aggression. The Serbs are on notice, and whether air power is used depends on their deeds."

June 2: AFP "U.S. Has No Vital Interests in Bosnia: Christopher":

"Secretary of State Warren Christopher has said the United States has no vital interests in Bosnia and that the military options it backed there would not be effective. 'Bosnia is a human tragedy—just a grotesque humanitarian situation,' Christopher said on television Tuesday as the United Nations Security Council finalized plans for six protected Moslem safe havens. 'It does not affect our vital national interests except as we're concerned about humanitarian matters and except as we're trying to contain it.' He said Washington still preferred lifting the arms embargo on the Bosnian Moslems and carrying out air strikes against Bosnian Serb military forces attacking the Moslems, though he conceded the air attacks alone would have limited effect . . . 'If you rule out ground troops, you find air power inef-

fective, and if you define it as a humanitarian situation, then your options are really much different than they would be in places like Somalia where militarily it was rather simple to solve problems,' Christopher said."

June 29: Explanation of U.S. Vote on Lifting Arms Embargo Against Bosnia, Madeleine K. Albright, U.S. Permanent Representative to the United Nations, Statement before the UN Security Council, New York City, June 29, 1993:

". . . Nor should today's vote be seen as an indication that the international community is willing to turn a blind eye to the gross violations of human rights that have been committed in Bosnia, primarily by the Bosnian Serbs. We will continue to insist that, if the authorities in Belgrade want to rejoin the family of nations, they will have to stop the violence, stop the killing, stop their aggressive war against the Bosnian state and comply with all relevant Security Council resolutions. . . . Our goal remains a negotiated settlement freely agreed to by all the parties."

June 10: House Foreign Affairs Committee Subcommittee on International Security:

"Mr. MCCLOSKEY. . . . But specifically, what does the State Department say about genocide, are they ready to state that this is genocide rather than tantamount to genocide or akin to——

Mr. WIRTH. We have done so. We have done so.

Mr. MCCLOSKEY. In what document, or record, or communication?

Mr. WIRTH. In supporting the Tribunal on genocide. We have done so.

Mr. MCCLOSKEY. Could I get a copy of a definitive statement that genocide has occurred? Because quite frankly, I have been asking Mr. Christopher for that since April 1st. Again, not to be pejorative on that, but I just have not gotten a reply. That would be very helpful if I could get that in the next day.

Mr. WIRTH. We have, as you know, supported the war crimes tribunal. And we have made statements and made clear that genocidal acts have taken place.

Mr. MCCLOSKEY. I do not want to go on about it. But to two such distinguished State Department representatives here, if I say by tomorrow afternoon if I could have a statement as to whether the State Department believes it is genocide or not, it would be helpful.

Mr. WIRTH. We will get that right back to you. Those statements have been made, and we'll get it right back to you."

May 25: ABC News Nightline Interview with the Secretary of State Warren Christopher:

"Secretary CHRISTOPHER. We're prepared to keep the sanctions on until they move back from the aggression they followed . . . I can blame the Bosnian Serbs for being guilty of aggression. I can blame the Bosnian Serbs for being guilty of a series of atrocities. They are the main perpetrator of evil in atrocities by all parties. But the Bosnian Serbs are subject to a lot of blame, and I will not absolve them from that.

KOPPEL. If they continue in their atrocities, if they continue killing and raping, some of the other things that they have been accused of doing—again, if I understand U.S. policy correctly, you would be willing to use air power only to protect the U.N. forces that are on the ground right now, in effect, to get out, not to do anything about stopping the atrocities. Do I misunderstand the policy?

Secretary CHRISTOPHER. No, I think that's correct. Our commitment to use United States military force at the present time is only to protect the U.N. forces that are there. And I think that's the limit of our commitment for military power at present time. We have concluded that our national interests are not sufficiently engaged to use U.S. troops in this situation. It's a quagmire. It's a morass. I think if U.S. troops are put in there, they'll be there for an indefinite period of time. It does not meet the test that I've laid down for being a situation where you can define your goals with care, where you have a chance of success, where you have an exit strategy and it's a situation that the American people would support over a long period of time."

May 12: Interview With Don Imus of WFAN Radio in New York City, May 12, 1993:

"Mr. IMUS. You know, I agreed with you when you said during the campaign that history has shown that you can't allow the mass extermination of people and just sit by and watch it happen, and that really is driving this, isn't it?

The PRESIDENT. Yes. It is a difficult issue. Let me say that when we have people here who've been involved in many previous administrations that are involved in national security including, obviously, a lot of people who were involved in the two previous ones, I mean, and everybody I talk to believes that this is the toughest foreign policy problem our country has faced in a long time. And I'm trying to proceed in a very deliberate way to try to make sure there isn't a Vietnam problem here. But also to try to make sure that the United States keeps pushing to save lives and to confine the conflict. I don't think we can just turn away from this. Just because we don't want to make the mistake we did in Vietnam doesn't mean we shouldn't be doing anything. There are things that we can do, and we're trying to do more to push this thing toward a settlement . . .

I think there are some things that we're going to be able to do with our allies that will continue to turn the pressure up. But this is a European issue, as well as a world issue, and I think we have to move forward with Europe . . .

It is a very, very difficult issue, but I think that we're pushing in the right direction, going in the right directions, and I think the American people will support the combination of clear, disciplined restraint on our part and not creating a unilateral American involvement, but continuing to push to end the slaughter, end the ethnic cleansing and confine the conflict so that it doesn't cause us a lot more problems."

April 21: The President's News Conference:

"The PRESIDENT. I will say what I said from the very beginning. Our fundamental interests here, the United States' interests, are two. We want the conflict to be contained, and we want the slaughter and the ethnic cleansing to stop. We believe in order to get that done ultimately there will have to be some reasonable borders—some political solution to this which has a reasonable territorial component. And we'll just have to see what happens over the next few weeks."

May 14: The President's News Conference:

"Q. Mr. President, you've said that the United States will not go it alone with military action in Bosnia. And yet, the European allies have refused to sign-on to your proposals. If the allies refuse to follow suit, where does that leave the United States?

The PRESIDENT. . . . I do not believe the United States has any business sending troops there to get involved in a conflict in behalf of one of the sides. I believe that we should continue to turn up the pressure. And as you know, I have taken the position that the best way to do that would be to lift the arms embargo with a standby authority of air power in the event that the present situation was interrupted by the unfair use of artillery by the Bosnian Serbs. That position is still on the table.

Q. Mr. President, you said last week that if you went to air power in Bosnia you would have a clear strategy and it would have a beginning, middle, and end. What happens, though, sir, if a plane is shot down, if you lose a pilot or a couple of pilots, or if the Bosnian Serbs decide to escalate the conflict, or the Serbians by going into, say, Kosovo?

The PRESIDENT. Well, the Bush administration before I became President issued a clear warning to the Serbs that if they try to occupy Kosovo and repress the Albanians there, that the United States would be prepared to take some strong action. And I have reaffirmed that position . . .

Q. There seems to be a Catch 22 emerging on Bosnia. One would be, you have consistently said that you want to have a consensus with the U.S. allies. But until that consensus is formed, you found it seems very difficult to explain to the American people precisely how that war should be defined: Is it a civil war? Is it a war of aggression? And also not necessarily what the next step should be, but what are the principles, the overriding principles that should guide you as a policy? What can you tell the American people right now about that?

The PRESIDENT. First, that is both a civil war and a war of aggression, because Bosnia was created as a separate legal entity. It is both a civil war where elements of people who live within that territory are fighting against each other. And there has been aggression from without, somewhat from the Croatians and from the Serbs, principally from the Serbs—that the inevitable but unintended impact of the arms embargo has been to put the United Nations in the position of ratifying an enormous superiority of arms for the Bosnian Serbs that they got from Serbia, and that our interest is in seeing, in my view at least, that the United Nations does not foreordain the outcome of a civil war. That's why I've always been in favor of some kind of lifting of the arms embargo, that we contain the conflict, and that we do everything we can to move to an end of it and to move to an end of ethnic cleansing. Those are our interests there, and those are the ones I'm trying to pursue. But we should not introduce American ground forces into the conflict in behalf of one of the belligerents, and we must move with our allies. It is a very difficult issue. I realize in a world where we all crave for certainty about everything, it's tough to deal with, but it's a difficult issue. . . . I have a clear policy. I have gotten more done on this than my predecessor did. And maybe one reason he didn't try to do it is because if you can't force everybody to fall in line overnight for people who have been fighting each other for cen-

turies, you may be accused of vacillating. We are not vacillating. We have a clear, strong policy."

May 18: House Foreign Affairs Committee Hearing:

"Secretary CHRISTOPHER. Mr. Ackerman, you've given me a lot to answer in the few moments I have here. First, with respect to the moral case that you make, one of the just absolutely bewildering parts of this problem is that the moral case is devastating and clear that there are atrocities, but there are atrocities on all sides . . . We've been filling reports with the United Nations for some time—we're in the seventh or eighth report of that kind. If you look at those and read those, you'll find indication of atrocities by all three of the major parties against each other, the level of hatred is just incredible. So, you know, it's somewhat different than the Holocaust; it's been easy to analogize this to the Holocaust, but I never heard of any genocide by the Jews against the German people. But here you have atrocities by all sides which makes this problem exceedingly difficult to deal with. Now, with respect to the use of air power—and I will try to capsulize my responses—the respect in which the president has recommended a possible standby use of air power is in connection with the lifting of the arms embargo. We think there's a strong moral case for the lifting of the arms embargo because it works to the disadvantage of one party, that is, the Bosnian government. The air power would be used to compensate during the transition period when the Bosnians are getting some arms so as to level the playing field.

Rep. FRANK MCCLOSKEY (D-Indiana). . . . I am fearful of remarks that you made today positing moral equivalency, if you will, as to the Serbs, the Croats, and particularly the Muslims in all this, as I would rather refer to them, the Bosnians. I would just advise being very careful about this. You, yourself, and even more eloquently, Mr. Clinton, have in the past made very good statements about what is at stake here. I know, you know that my request is still pending right now as to whether the Serb aggression—and they are the overwhelming perpetrators of evil in all this, much more so than anyone else on the scene—whether Serb aggression does constitute genocide under the outlines of the U.N. convention.

That being said, I don't see how this thing moves off the diplomatic dime without a clear and forceful statement from President Clinton. Will he try to use, or would you advise him to use the bully pulpit soon to rally the American people, to rally the Congress and to rally the West as to what is really at stake here, as hundreds of people continue to die every day, and so far nothing stops, nothing deters ongoing Bosnian Serb and Serb aggression.

Secretary CHRISTOPHER. Mr. McCloskey, thank you for the question, and for giving me an opportunity to say that I share your feeling that the principal fault lies with the Bosnian Serbs. And I've said that several times before. They are the most at fault of all three sides, and atrocities abound in this area, as we have seen in the last several days and weeks.

But I agree that the aggression coming from Serbia is the principal perpetrator of the problem in the area. With respect to genocide, the definition of genocide is a fairly technical definition. Let me get it for you here.

Under the 1948 convention, the crime of genocide is to commit—an individual, in order to commit the crime of genocide, must commit one or more specific acts with intent to destroy in whole or in part a national, ethnical, racial or religious group as such.

I would say that some of the acts that have been committed by various parties in Bosnia, principally by the Serbians, could constitute genocide under the 1948 convention if their purpose was to destroy the religious or ethnic group in whole or in part. And that seems to me to be a standard that may well have been reached in some of the aspects of Bosnia. Certainly some of the conduct there is tantamount to genocide.

Rep. MCCLOSKEY. And the hoped for more comprehensive public assertion of leadership, sir?

Secretary CHRISTOPHER. Well, you know, the president is very much seized with this problem, and when the time comes for him to want to enlist the American people, especially in the commitment of military forces, if that ever becomes necessary, I'm certain that he will undertake to explain it fully to the American people. He must do so. He must also consult with Congress extensively."

May 6: Remarks by the President to the Export-Import Bank Conference, Washington, DC.

"The PRESIDENT. . . . The international community, I believe, must not allow the Serbs to stall progress toward peace and continue brutal assaults on innocent civilians. We've seen too many things happen, and we do have fundamental interests there, not only the United States, but particularly the United States as a member of the world community.

The Serbs' actions over the past year violate the principle that internationally-recognized borders must not be violated or altered by aggression from without. Their actions threaten to widen the conflict and foster instability in other parts of Europe in ways that could be exceedingly damaging. And their savage and cynical ethnic cleansing offends the world's conscience and our standard of behavior. . .

Your presence here—your understanding of the importance of exports to America's future, to the blending of our nation and our culture and our values with those of like-minded persons throughout the world—should only reinforce our determination to confine, inasmuch as the international community can possibly confine, savage acts of inhumanity to people solely because of their ethnicity or their religion; to confine insofar as we possibly can as an international community the ability of one country to invade another and upset its borders; and certainly to try to confine this centuries-old series of ethnic and religious enmities to the narrowest possible geographic boundaries."

May 1: US Consultations With Allies on Bosnia-Herzegovina, Secretary Christopher, Opening Statement at a news conference, Washington, DC:

"Upon taking office, President Clinton inherited a complex and tragic situation in the former Yugoslavia. The situation has bedeviled the international community now for almost 2 years. It's a problem with deep historic roots. In the post-Cold War period, the former Yugoslavia has been the scene of violence, tragedy, and outrageous conduct.

The President has acted to deal with this conflict. . . . Yet the outrages have continued in the former Yugoslavia area. In the face of Serbian aggression, the President has been rigorously reviewing further options for action during the course of the last week.

. . . He has been exploring additional actions the international community can take to respond to the violence, stop the aggression, and contain the conflict.

The President has just completed a meeting with his principal national security advisers. At this meeting the President decided on the direction that he believes the United States and the international community should now take in this situation. This direction involves a number of specific recommendations, including military steps. The President is sending me to Europe to consult with our allies and friends on a course of actions. The problem is at the heart of Europe's future. Our efforts will be undertaken with our partners. We're ready to play our part, but others must be as well. . . .

There are, of course, issues of conscience and humanitarian concerns at stake in this situation. But fundamentally our actions are also based upon the strategic interest of the United States. All of us seek to limit the risk of a widening instability that could lead to a . . . war."

May 25: Madeleine K. Albright, Excerpts from statement by the U.S. Permanent Representative to the United Nations, UN Security Council Adopts Resolution 827 on War Crimes Tribunal, New York City, May 25, 1993.

". . . The crimes being committed, even as we meet today, are not just isolated acts of drunken militia men, but often are the systematic and orchestrated crimes of government officials, military commanders, and disciplined artillery men and foot soldiers."

April 23: Clinton Defends First 100 Days, Stresses Options in Bosnia, Presidential News Conference:

"Q. Mr. President, there's a growing feeling that the Western response to the bloodshed in Bosnia has been woefully inadequate. Holocaust survivor Elie Wiesel asked you yesterday to do something, anything to stop the fighting. Is the United States considering taking unilateral action such as airstrikes against Serb artillery sites?

President CLINTON. Well, first let me say, as you know, for more than a week now we have been seriously reviewing our options for further action . . . I think we should act. We should lead, the United States should lead. We have led for the last three months.

We have moved the coalition, and to be fair, our, our allies in Europe have been willing to, to do their part, and they have troops on the ground there. But I do not think we should act alone, unilaterally, nor do I think we will have to.

And in the next several days I think we will finalize the extensive review which has been going on, and which has taken a lot of my time, as well as the time of the administration, as it should have, over the last 10 days or so. I think we'll finish that in the near future and then we'll have a policy, and we'll announce it and everybody can evaluate it.

Q. Do you see any parallel between the ethnic cleansing in Bosnia and the Holocaust?

P. I think the—I think the Holocaust is on a whole different level. I think it is without precedent, or peer in human history. On the other hand, ethnic cleansing is the kind of inhumanity that the Holocaust took to the

nth degree. The idea of moving people around, abusing them and often killing them solely because of their ethnicity is an abhorrent thing. And especially troublesome in that area where people of different ethnic groups lived side by side for so long together.

And I think you have to stand up against it. I think it's wrong . . .

Q. Mr. President getting back to the situation in Bosnia, and we understand you haven't made any final decision on new options previously considered unacceptable, but the two most commonly heard options would be lifting the arms embargo to enable the Bosnian Muslims to defend themselves, and to initiate some limited airstrikes, perhaps to cut off supply lines.

Without telling us your decision—presumably you haven't made any final decisions on those two options—what are the pros and cons—that are going through your mind right now and will weigh heavily on your final decision?

P. I'm reluctant to get into this. Those are two of the options. There are some other options that have been considered. All have pluses and minuses. All have supporters and opponents in the Congress, where I would remind you, heavy consultations will be required to embark on any new policy.

I do believe that on the airstrike issue, the pronouncement that [Chairman of the Joint Chief of Staff Gen. Colin L.] Powell [Jr.] has made generally about military action apply there. If you take action, if the United States takes action, we must have a clearly defined objective that can be met, we must be able to understand it, and its limitations must be clear.

The United States is not, should not become involved as a partisan in a war. With regard to the, to the lifting of the arms embargo, the question obviously there is the—if you widen the capacity of people to fight, will that help to get a settlement and bring about peace, or will it lead to more bloodshed, and what kind of reaction can others have that would, that would undermine the effectiveness of the policy.

But I think both of them deserve some serious consideration along with some other options we have. . . .

Q. Since you said that one side in the Bosnian conflict represents inhumanity, the Holocaust carried to the 'nth degree,' why do you then tell us that the United States cannot take a partisan view in this war?

P. Well, I said that the principle of ethnic cleansing is something we ought to stand up against. That does not mean that the United States or the United Nations can enter a war, in effect, to redraw the lines, geographical lines of republics within what was Yugoslavia, or that that would ultimately be successful.

I think what the United States has to do is to try to figure out whether there is some way, consistent with forcing the people to resolve their own difficulties, we can stand up to and stop ethnic cleansing, and that is obviously the difficulty we are wrestling with.

This is clearly the most difficult foreign policy problem we face and that all of our allies face. And if it were easy, I suppose it would have been solved before. We have tried to do more in the last 90 days than was previously done. It has clearly not been enough to stop the Serbian aggression, and we are now looking at what else we can do.

Q. Yesterday you specifically criticized the Roosevelt administration for not having bombed the railroads to the concentration camps and things that were near military targets. Aren't there steps like that that would not involve conflict, direct conflict or partisan belligerence that you might consider?

P. There may be. I would remind you that the circumstances were somewhat different. We were then at war with Germany . . . and that's what made that whole incident, series of incidents, so perplexing. But we have, as I say, we've got all of our options under review. . . ."

April 21: The Washington Times: "Airstrikes in Bosnia lose appeal; Congress urges stronger steps" by Warren Strobel.

". . .With Mr. Christopher describing U.S. policy toward Bosnia as 'at a turning point,' President Clinton called together his top policy advisers to discuss possible new steps.

Alluding to the Nazi attempt to exterminate Jews, Mr. Clinton said the carnage there merits U.S. intervention.

'I think the Holocaust is the most extreme example the world has ever known of ethnic cleansing and I think that even in its more limited manifestations it's an idea that should be opposed,' he said yesterday at the beginning of a meeting with Czech president Vaclav Havel. . .

The administration is under intense pressure from lawmakers, many of whom are pointing to tomorrow's dedication of the Holocaust Memorial Museum and asking whether the West really meant it when it said, 'Never again.' "

April 1: President Clinton, Question-and-Answer Session With the American Society of Newspaper Editors in Annapolis, Maryland,

"Q. Mr. President, . . . Do we have a national interest in checking the spread of greater Serbian ethnic cleansing in the Balkans? And are we losing our credibility as a nation as this horrifying aggression in a sovereign state continues without your unrestrained, forceful, and public condemnation of it?

The PRESIDENT. Yes, we have a national interest in limiting ethnic cleansing. . .The thing that I have not been willing to do is to immediately take action the end of which I could not see. Whatever I want to do, I want to do it with vigor and wholeheartedly. I want it to have a reasonable prospect of success. And I have done the best I could with the cards that I found on the table when I became President. If you have other ideas about what you think I ought to do that would minimize the loss of life, I would be glad to have them.

Q. Sir, do you condemn it here today?

The PRESIDENT. Absolutely. I condemn it, and I have condemned it repeatedly and thoroughly. And I have done everything I could to increase the pressure of the international community on the outrages perpetrated in Bosnia by the aggressors and to get people to stand up against ethnic cleansing. The question is what are we capable of doing about it from the United States. If you look at the responses that have been mustered so far from the European states that are even closer and that have a memory of what happened when Hitler, who was not shy about using his power, had hundreds of thousands of people in the former Yugoslavia and even then was unable to subdue it entirely.

I think you have to look at what our realistic options are for action. The question is not whether we condemn what's going on. Ethnic cleansing is an outrage, and it is an idea which should die, which should not be able to be expanded. The question is, what can we do?

Now, I have said that the United States would be prepared to join with a United Nations effort in supporting a peacekeeping process that was entered into in good faith. If the Serbs refuse to do that, then we will all have to reassess our position. But we must be careful not to use words that will outstrip our capacity to back them up. That is a grave error for any great nation, and one I will try not to commit."

April 15: NBC Today Show Interview, Guest: Secretary of State Warren Christopher.

"Q. Mr. Secretary, let me ask you about Bosnia for a moment. Margaret Thatcher said on this program that the European Community was guilty of being an accomplice to massacre by not intervening militarily in Bosnia and she called for two things: loosening the arms embargo so the Bosnians could get arms, and a bombing campaign to make it painful for the Serbs. What's your reaction to that?

Secretary CHRISTOPHER. Well, I've said before it's a horrifying situation in Bosnia and it seems to get worse every day. It seems to me that Prime Minister Thatcher's prescription is one for only increasing the carnage. The United States does not have any intention in intervening in that war with ground troops. We're taking a number of important steps to try to persuade the Serbs not to continue their aggression, but I do not think that her prescription is the right approach to it. It's a rather emotional response to an emotional problem."

April 22: President Clinton, US Holocaust Museum Dedicated, Address at the dedication ceremony, Washington, DC:

". . . The Holocaust reminds us forever that knowledge divorced form values can only serve to deepen the human nightmare, that a head without a heart is not humanity.

For those of us here today representing the nations of the West, we must live forever with this knowledge: Even as our fragmentary awareness of crimes grew into indisputable facts, far too little was done. Before the war even started, doors to liberty were shut. And even after the United States and the Allies attacked Germany, rail lines to the camps within miles of military significant targets were left undisturbed . . .

Ethnic cleansing in the former Yugoslavia is but the most brutal and blatant and ever-present manifestation of what we see also with the oppression of the Kurds in Iraq, the abusive treatment of the Baha'i in Iran, the endless race-based violence in South Africa. And in many other places we are reminded again and again how fragile are the safeguards of civilizations . . ."

April 1: House Foreign Affairs Committee International Operations Subcommittee

"Rep. FRANK MCCLOSKEY (D-Indiana). . . Previously in response to a question to whether or not genocide has taken place, the reply from State was that acts tantamount to genocide have taken place. I think that's not a clear answer to a very important and policy driving question.

Would you order a clear, explicit determination, yes or no, if the outrageous Serb

systematic barbarism amounts to genocide? That's one question . . .

Secretary CHRISTOPHER. With respect to the definition of circumstances in Bosnia, we certainly will reply to that. That is a legal question that you have posed.

I have said several times that the conduct there is an atrocity: the killing, the raping, the ethnic cleansing is definitively an atrocious set of acts, whether it meets the technical legal definition of genocide, it's a matter we will look and get back to you."

March 23: Questions for the record submitted to Mr. Stephen Oxman by Senator Dole, Senate Foreign Relations Committee.

"Question. *Bosnia-Herzegovina*. In November, 1992, the U.N. Human Rights Commission approved a resolution, which was supported by the United States, which asks member states to provide their views as to whether the actions of the Serb forces in Bosnia-Herzegovina constitute genocide under the Genocide Convention. What is the U.S. legal judgment on this matter? Has the United States submitted its views to the U.N. Human Rights Commission? If not, why has it not done so?

Answer. The resolution in question 'called upon all States to consider the extent to which the acts committed in Bosnia and Herzegovina and Croatia constitute genocide.' It did not request views to be submitted, but rather for States to look at this question.

The Administration has done so, and concluded that acts tantamount to genocide have taken place in Bosnia. Because of this, and because of the need to ensure accountability for such acts, the Administration believes that the War Crimes Tribunal being established by the Security Council should have jurisdiction over such acts."

March 10: House Appropriations Subcommittee Hearing, Topic: State Department programs, Witness: Secretary of State Warren Christopher.

"Rep. SKAGGS. Let me also invite you to lay out your sense of the U.S. national interest in our efforts to calm things down in the former Yugoslavia, an identification of U.S. interests that goes beyond certainly the laudable humanitarian objectives that we're now pursuing.

Secretary CHRISTOPHER. Well, thank you for that opportunity. The case, Mr. Skaggs, is no less than the prevention of a conflagration that could envelop all of southeastern Europe and perhaps rage beyond, as it sometimes has from that area, to consume a substantial portion of the world. That's what's at stake here, preventing a widespread area conflict . . . At a very minimum, it's important to stop them before they enter other areas, and that's why we've attached so much importance to giving them a strong warning about creating conflict in Kosovo as well as the stationing of international observers on the border of Macedonia . . .

So the stakes for the United States, and for the citizens of the United States, are to prevent the broadening of that conflict to bring in our NATO allies, and to bring in vast sections of Europe, and perhaps as happened before, broadening into a world war.

You know, there's kind of an eery analogy here. When you think of Sarajevo as being the triggering point for World War I, here we are again. How many years later, seven decades later we're back with Sarajevo perhaps being once again the trigger. If that isn't warning enough for us, then we certainly are failing to follow the lessons of history.

That's why the United States is interested. That's why we are wanting to take an active role there."

February 22: UN Security Council Adopts Resolution 808 on War Crimes Tribunal. Statement by Madeleine K. Albright, US Permanent Representative to the United Nations, UN Security Council, New York City, February 22, 1993.

"There is an echo in this chamber today. The Nuremberg principles have been reaffirmed. We have preserved the long-neglected compact made by the community of civilized nations 48 years ago in San Francisco: to create the United Nations and enforce the Nuremberg principles. The lesson that we are all accountable to international law may have finally taken hold in our collective memory. . ."

February 10: New Steps Toward Conflict Resolution In the Former Yugoslavia, Secretary Christopher, Opening statement at a news conference, Washington, DC, February 10, 1993.

". . . This conflict may be far from our shores, but it is not distant to our concerns. We cannot afford to ignore it. Let me explain why.

We cannot ignore the human toll . . .

Our conscience revolts at the idea of passively accepting such brutality.

Beyond these humanitarian interests, we have direct strategic concerns as well. The continuing destruction of a new UN member state challenges the principal that internationally recognized borders should not be altered by force. In addition, this conflict itself has no natural borders. It threatens to spill over into new regions, such as Kosovo and Macedonia. It could then become a greater Balkan war, like those that preceded World War I. Broader hostilities could touch additional nations, such as Greece, Albania, and Turkey. The river of fleeing refugees, which has already reached the hundreds of thousands, would swell. The political and economic vigor of Europe, already tested by the integration of former communist states, would be further strained.

There is a broader imperative here. The world's response to the violence in the former Yugoslavia is an early and crucial test of how it will address the concerns of ethnic and religious minorities in the post-Cold War world. That question reaches throughout Eastern Europe. It reaches to the states of the former Soviet Union, where the fall of communism has left some 25 million ethnic Russians living as minorities in other republics, and it reaches to other continents as well.

The events in the former Yugoslavia raise the question of whether a state may address the rights of its minorities by eradicating those minorities to achieve 'ethnic purity.' Bold tyrants and fearful minorities are watching to see whether 'ethnic cleansing' is a policy [that] the world will tolerate. If we hope to promote the spread of freedom or if we hope to encourage the emergence of peaceful multi-ethnic democracies, our answer must be a resounding no."

January 20: President Clinton's inaugural address:

". . . When our vital interests are challenged, or the will and conscience of the international community is defied, we will act—with peaceful diplomacy whenever possible, with force when necessary. . ."

January 22: Los Angeles Times: Clinton to Press Active U.S. Role in Bosnia

". . .'This is clearly the highest priority of the President in the National Security Council's agenda. . .,' Madeleine Albright, Clinton's nominee for ambassador to the United Nations, told the Senate Foreign Relations Committee. 'We will, in fact, be meeting on this subject very soon.'"

January 20: Washington Post: U.S. Human Rights Report Charges Serb Drive 'Borders on Genocide':

"The 'ethnic cleansing' campaign pursued by Bosnian Serbs to drive Muslims and other ethnic groups from their homes in Bosnia-Herzegovina has resulted in murder, torture, rape and starvation on a scale that 'dwarfs anything seen in Europe since Nazi times,' the State Department said yesterday in its annual human rights report.

'It borders on genocide,' Patricia Diaz Dennis, assistant secretary of state for human rights, said in describing the efforts of Serb irregular forces, aided by Serbia and the Serbian-controlled Yugoslav army, to bring most of Bosnia under their control."

January 14: The New York Times: Clinton's State Dept. Choice Backs, 'Discreet' Force (report on Christopher's confirmation hearing):

". . . Later, his remarks were more pointed. The Serbian campaign of 'ethnic cleansing,' he said, was resulting in 'near genocidal conditions or perhaps really genocidal conditions.' At another point he said, 'It is a situation where Europe has performed in an abysmal way."

January 14: The New York Times: Excerpt From an Interview With Clinton After the Air Strikes:

"Q: Are you ready to support a Nuremberg-like war criminal trial? Eagleburger has named several leaders there as war criminals?

A: Absolutely . . . Somehow the West has got to say something and do something about the idea of ethnic cleansing, which is such an embracing idea that if you believe in it, it justifies the brutalization of women who aren't your women and the torture of children that aren't your children.

I think it is important to point out that this Bosnian thing has potential ramifications further away from the reach of the United States and Europe on the republics of the former Soviet Union, in central Europe. This is the idea under which this whole thing has proceeded, is what the West has to stand up against, what the United Nations has to stand up against.

. . . I think that as horrible as the loss of life, and the torture and the butchery and the starvation has been the potential for a bigger impact is greater than that even. Because it's all been done under the notion of ethnic cleansing. I mean, here we are on the verge of the 21st century, and people who are literate, who can read and write, who are part of a very old, civilized tradition, think it's O.K. to slaughter the living daylights out of one another under the guise of ethnic cleansing. It is a barbaric idea . . . We've got to take a stand against it. It's an awful idea, and the potential ramifications are very very great, because they justify doing anything."

December 16, 1992: The Need To Respond to War Crimes in the Former Yugoslavia, Secretary Eagleburger, Statement at the International Conference on the Former Yugoslavia, Geneva, Switzerland.

". . . We have, on the one hand, a moral and historical obligation not to stand back a second time in this century while a people faces obliteration . . . The fact of the matter is that we know that crimes against humanity have occurred, and we know when and where they occurred. We know, moreover, which forces committed those crimes, and under whose command they operated. And we know, finally, who the political leaders are to whom those military commanders were—and still are—responsible . . .

Finally, there is another category of fact which is beyond dispute—namely, the fact of political and command responsibility for the crimes against humanity which I have described. Leaders such as Slobodan Milosevic, the President of Serbia, Radovan Karadzic, the self-declared President of the Serbian Bosnian republic, and General Ratko Mladic, commander of Bosnian Serb military forces, must eventually explain whether and how they sought to ensure, as they must under international law, that their forces complied with international law. They ought, if charged, to have the opportunity of defending themselves by demonstrating whether and how they took responsible action to prevent and punish the atrocities I have described which were undertaken by their subordinates . . .

It is clear that the reckless leaders of Serbia, and of the Serbs inside Bosnia, have somehow convinced themselves that the international community will not stand up to them now, and will be forced eventually to recognize the fruits of their aggression and the results of ethnic cleansing . . .

Thus, we must make it unmistakably clear that we will settle for nothing less than the restoration of the independent state of Bosnia-Herzegovina with its territory undivided and intact, the return of all refugees to their homes and villages, and, indeed, a day of reckoning for those found guilty of crimes against humanity . . .

But in waiting for the people of Serbia, if not their leaders, to come to their senses, we must make them understand that their country will remain alone, friendless, and condemned to economic ruin and exclusion from the family of civilized nations for as long as they pursue the suicidal dream of a Greater Serbia. They need, especially, to understand that a second Nuremberg awaits the practitioners of ethnic cleansing, and that the judgment, and opprobrium, of history awaits the people in whose name their crimes were committed."