

## SENATE—Monday, June 20, 1994

(Legislative day of Tuesday, June 7, 1994)

The Senate met at 2 p.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. BYRD].

The PRESIDENT pro tempore. The prayer will be led by the Senate Chaplain, the Reverend Dr. Richard C. Halverson.

Dr. Halverson, please.

## PRAYER

*Rest in the Lord.* . . .—Psalm 37:7.

Gracious God, our Heavenly Father, the relentless ticking of the clock, a heavy legislative agenda, the demands of committees and subcommittees, the daily pressure of mail and phone calls, the unceasing visits of tourists and constituents, lobbyists, and the press, combined with an election year, conspire to lay upon each Senator inhuman responsibility.

Gracious God, help the Senators hear the gracious invitation of our Lord, "Come unto me, all ye that labour and are heavy laden, and I will give you rest."—Matthew 11:28. May they find some hours of respite for personal renewal as well as family time these busy weeks.

We pray in His name Who is Love incarnate. Amen.

## RESERVATION OF LEADER TIME

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

## MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 3 p.m., with Senators permitted to speak therein for up to 5 minutes each.

The Chair, in his capacity as a Senator from the State of West Virginia, suggests the absence of a quorum.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Under the previous order, the Senator from Iowa [Mr. HARKIN] is recognized to speak for up to 1 hour.

## THE U.S. MILITARY BUDGET

Mr. HARKIN. Thank you, Mr. President. I do not intend to take that long.

This week, several of my colleagues will be taking the floor at various times to discuss the military budget of the United States and its relation to our national priorities. I am leading off that weeklong discussion this afternoon.

Most press reports imply that there is universal agreement that the Pentagon's budget has been cut to the bone and that any further reductions will threaten our national security. Article after article suggests that the United States absolutely must have \$263 billion for fiscal year 1995 to fight off our potential enemies.

Reading these press reports, one might conclude that if we did reduce the budget below \$263 billion, then Kim Il-Sung would invade South Korea while Saddam Hussein would invade Kuwait once again.

On the other hand, if we would only authorize the full \$263 billion that the Pentagon has requested, then one could expect General Cedras to give up power in Haiti and the Bosnian Serbs to lay down their arms.

Mr. President, there is another side to the story. Based on analysis by military experts outside the Pentagon, many of us believe that we can reduce military spending without jeopardizing our national security.

The truth is that refusing to eliminate unnecessary cold war military force structure and hardware I believe jeopardizes our national security. To assure real national security we must make investments needed to educate our children, retain our workers, rebuild our physical infrastructure in this country. Mass transportation systems, high speed rail, sewer and water systems all over this country need to be rebuilt and, Mr. President, if we want to move people from welfare to work this will do more than any welfare reform program envisioned by anyone or proposed by anyone. These are the things that we have to be investing in in our country.

I can say as chairman of the Subcommittee of Appropriations on Labor, Health and Human Services and Education, I am particularly disturbed that for years we have spent hundreds of billions on costly and what I consider unnecessary military systems like star wars and destabilizing weapons like the MX missile, building our forces to match highly inflated estimates of our adversary.

This has bothered me most of all because these estimates come down to be highly inflated, and that is part of what I want to address today.

With the end of the cold war, we have a unique opportunity to shift excess military resources to invest in rebuilding America.

Last August's deficit reduction agreement effectively froze Federal discretionary spending at 1993 levels. This means that we have to now make tough decisions, because a dollar invested one place has to be offset by a dollar cut from some other program.

Thanks in part to cuts in defense spending last year, Congress was able to shift some funds to the President's investment priorities. My subcommittee on LHHS could provide only 29 cents for every dollar the President requested.

This year, however, President Clinton announced that he would not accept any further cuts in military spending. As a result of this ill-advised decision to shield the military from further cuts, my subcommittee will likely be able to fund only 18 cents for every new dollar that the President has requested.

It is clear that in a time of even tighter budgets, we cannot maintain cold war military spending levels while pursuing post-cold-war domestic investments.

I am concerned that there has been virtually no debate on how much military we really need now or in the foreseeable future. Many in the administration and here in Congress say it cannot be cut further, and that is the end of the conversation.

I and several of my colleagues who will be speaking this week disagree.

We will be addressing various aspects of the military budget and national security during this week.

So let me begin the debate by looking at the historical military spending pattern of the United States. I have a series of charts, Mr. President, that I will point out to illustrate some of the things I am talking about.

My first chart shows the budget authority for the military from World War II through the fiscal year 1995 request in constant or inflation adjusted dollars. As we can see there are basically 3 peaks to military spending: one peak was in the Korean war, the other peak was the Vietnam war, and the biggest peak of all, believe it or not, was what I might call the Reagan war during the 1980's. While the peak may not have been as high as Korea, the peak was higher than Vietnam, but the total area under this curve is how much total we spent.

We spent more, again in constant dollars in the Reagan war than we

spent during the entire Vietnam war or during the entire Korean war.

Those who warn against further cuts in military spending say that we already cut military spending drastically. What they are doing, Mr. President, is they are starting at the peak of the Reagan buildup in the mid-1980's but I am not certain that is really the proper place to start because, as I pointed out, that is higher than either in the Vietnam war but not quite as high as the Korean war.

In fact, in constant dollars in 1995 the request is \$4 billion more than the fiscal year 1980 military budget. In other words, we will have \$4 billion more in real spending power than we did when the Soviet Union and the Warsaw Pact were still intact and the cold war was raging.

So the question has to be asked, do we really need to spend \$4 billion more next year than we did in 1980, again even after adjusting for inflation?

I might also point out that next year's budget request by the Pentagon exceeds the military budget authority for 16 years of the cold war.

But we should not base military spending exclusively on the historical record. We should look at our military spending and the military capability of our allies and, particularly, the military assets of potential adversaries of the United States.

This next chart shows very graphically what I am talking about. It illustrates the dominance of the U.S. military resources compared with the rest of the world. In other words, we see here that military spending is at \$263 billion. Down here is Japan and France and Germany and the United Kingdom. Then we get down to Italy and here South Korea, there Australia, Israel. Here is Norway. You get the drift. Here all the other countries we would consider our allies. Here are our potential adversaries, Russia, China, Iraq, North Korea, Libya, Iran, Syria and Cuba. You can see the amount of military spending by our potential adversaries.

Russia's military budget is now in the area of about \$20 billion or 13 times less than ours. I have listed Russia as a potential adversary, although it seems to be a pretty effective ally at this point in time.

But again you can see the clear dominance of the United States, and you add up our allies and you completely dwarf China or Iraq or North Korea or any potential adversary that is out there now or in the foreseeable future.

This next chart shows the total military spending of the United States and the United States plus our allies compared to the potential spending of all potential adversaries. Again I included Russia as a potential adversary, but I am not certain I buy that argument right now. I think they will not be an adversary of ours for sometime to come. The United States spends 3.8

times more than the sum of all potential adversaries. In other words, we spend \$263 billion. All of our potential adversaries spend \$69 billion on their military.

Now look at the United States plus our allies. Keep in mind if we fight a war we are not going to fight a war alone. We did not fight the gulf war alone and we will not fight any war alone in the future. We will have allies. So the red bar shows what the United States plus our allies spend: about \$531 billion this year. Again compare that to \$69 billion by our potential adversaries. So the United States and our allies spend over 7 times as much as our potential adversaries, actually 7.7 times to be exact.

So, again, we see that the United States alone, and you add in our allies, we really dwarf anything that our potential adversaries are spending on military.

The next chart shows the per capita spending—the burden of military spending on our system. Each man, woman, and child in the United States every year spends \$1,055. So if you have a family of four, you are spending slightly over \$4,000 a year, every year, of your hard-earned wages for our military.

Our allies spend only 40 percent, basically, of what we do, about \$410 per year for every man, woman, and child. That would be Great Britain, France, Germany, and Japan—our allies. Our potential adversaries spend \$49 per year per man, woman, and child in their countries on the military.

Again, this gives you an idea of the imbalance, of how much our citizens are investing and how much our adversaries are investing per man, woman, and child in their countries.

But a nation's strength also depends on its economy, on its abilities to support a military over a protracted period should a conflict drag on.

This chart shows the gross national product for the same set of allies and potential enemies.

Here is our gross national product. As you can see, the United States completely dwarfs other nations. Here is Japan, No. 2; Germany, No. 3; France, four; and then I think Italy and the United Kingdom.

But you get an idea, again, of the gross national product of the United States and our allies.

Once again, it shows that we just dominate everything. Again, we do not have as much of a lead in GNP as we do in military spending, but it still dominates the total world economy.

Over here on the right hand side are our potential adversaries and their GNP. As you can see, they barely even show up on the chart in terms of how strong their economies are.

If we sum up the gross national products of our allies and our potential adversaries, we see that the U.S. econ-

omy is \$4.87 trillion and that of our potential adversaries is \$1.02 trillion. So we are about 4.7 times larger than the combined GNP's of our adversaries. That is just the United States alone.

But if we add up the gross national products of the United States and our allies, our economies are 13 times larger than the combined economies of our potential adversaries.

So with a 7-to-1 military spending advantage and a 13-to-1 economic advantage, I think there clearly is room for more reductions in our military spending.

If—and I say if, Mr. President—we cannot defeat any potential military adversary when we spend seven times as much on our military, then maybe we need to take a closer look at how we spend those military dollars.

Quantitative bean counts of military budgets or the number of planes, ships, and tanks, are not sufficient to predict the outcome of a conflict. The mere numerical data is indicative, but it is not conclusive.

Take the Gulf War. Saddam Hussein had a clear military superiority in the gulf war. For example, Iraq had twice the number of tanks. They had 4,200 Iraqi tanks; we had 1,956. So they had over two times as many tanks as we did.

Yet, in that war, the United States lost four tanks while Iraq lost 3,700 tanks. A 2-to-1 numerical advantage for Iraq in tanks turned into a 900-to-1 United States kill ratio advantage.

Again, why? Well, the outcome was due, in part, to the qualitative superiority of the United States M1A1 main battle tank. It had lethal capability while sitting outside the range of the much-touted Russian T-80 tanks.

On paper, Iraq was the world's fourth largest army when they invaded Kuwait in August 1990.

But the qualitatively superior U.S. and allied forces were able to resoundly defeat the world's fourth largest army in just 43 days of combat.

Iraqi air defenses were no match for the Stealth fighter.

One analytical tool used by the Pentagon in an attempt to estimate the actual capability of enemy forces is called TASCFORM—techniques for assessing comparative force modernization. TASCFORM, developed by the Analytical Sciences Corp. essentially measures the effective firepower in a country's military, and equates the estimated firepower in terms of equivalent U.S. divisions or air wings.

Using TASCFORM, for example, South Korea's air force is roughly comparable to North Korea's air force—they each have about two equivalent United States air wings. The North does have an advantage in ground forces with the equivalent of three United States armored divisions compared to two for South Korea.

But adding United States and allied forces would quickly shift the balance

in our favor. The United States could quickly bring three to four air wings into the battle, raising the effective air superiority to 3 to 1 allied advantage over North Korea.

In the Middle East, Iraq has the equivalent of about two United States heavy ground divisions and two air wings, down from six ground divisions and three air wings before Desert Storm ruined much of their capability.

The U.S. military has clear superiority over both of these potential adversaries. Even after the planned reductions of the Bottom-Up Review, the United States will have about 20 equivalent heavy ground divisions and about 50 air wings in 1998.

Therefore the United States would have four times the ground combat capability of Iraq and North Korea combined—in other words, 20 divisions versus about 5. This chart shows again the equivalent heavy divisions that the United States would have in 1998, compared to Iraq in 1992, and North Korea.

And then if you look at the air combat capability, this difference is even stronger. We would have over 12 times the air combat capability. In other words, we are at about 50 air wings combined. If you look at Iraq and Korea, they have about four combined. So, 12 to 1 superiority in air and, as I said, 7 to 1 on ground.

So, whenever I discuss the fact that we outspend our adversaries by over 7 to 1 and have 4 to 12 times greater combat capabilities than our enemies combined, I am asked how the Pentagon can justify continued cold war spending levels.

How can DOD justify spending \$263 billion when our former enemy, Russia, has cut spending to \$20 billion?

The answer from the Pentagon, of course, is the Bottom-Up Review, and its underlying justification, the two-war scenario.

Clearly, we cannot justify spending \$263 billion on the basis of another Iraq war or another Korean war. So the Pentagon postulates two near-simultaneous wars, or major regional conflicts—MRC's in Pentagon speaking.

We can debate whether we would ever have to fight two wars simultaneously. The likelihood is very, very small, but defenders of the status quo argue and the inflated military budgets argue, that we need the capability to fight two wars simultaneously just to deter tyrant No. 2 from attacking while we are engaged in a war with tyrant No. 1.

So let us assume for the moment that we accept the need for fighting two wars. The Rand Corp. analyzed the two-war scenario. They made some very conservative assumptions in this computer war-game simulation, as reported by Carl Conetta of the Project on Defense Alternatives of the Commonwealth Institute.

The Rand analysis assumed no allied support, except for Kuwait and Saudi Arabia.

They assumed two Iraq wars, since North Korea did not constitute as large a threat as Iraq, presumably due to the quality and quantity of the opposing South Korean forces plus the presence of over 40,000 United States troops on the Korean Peninsula.

The Rand study assumed faster response time than in the actual Iraq war, eliminating much of the build up time used to prepare for Desert Storm, thereby putting more stress on logistics capability.

And they assumed that these two hypothetical Iraqs had more military power than the real Iraq.

So, here is the situation. They set up a computer analysis. Set up two Iraqs, more powerful than the first Iraq with more forces, more ground forces, more air forces; assumed that we would have no allied support whatsoever. They put them in the computer and they started a war on the computer to see what the outcome would be. Despite these very conservative assumptions, the Rand analysis showed the United States could single-handedly defeat two Iraqs at the same time using only 55 percent of the active duty base force military structure planned by DOD for 1998, and only 33 percent of the total force structure—that is active duty plus Reserves and National Guard.

Let me repeat. The Rand study showed, using the Pentagon's own Bottom-Up Review planned force structure of the United States, without any help from any allies, could defeat two Iraqs at the same time using only 55 percent of our active duty forces and only 33 percent of our combined forces.

So if the United States military can defeat two inflated Iraqs simultaneously with only half of our projected base force without the help of our allies, why have we all rolled over and accepted the conclusion that the military budget cannot be reduced? If we only need 55 percent of our base force, 33 percent of the total force including our National Guard and Reserves, why could we not reduce the military force structure this year and next year?

Suppose we cut the base force by 20 percent over the next couple or 3 years. Then we would utilize 70 percent of the active duty force and 40 percent of the total force to defeat two enemies at once. We could still have a reserve of 30 percent of the active duty forces and 60 percent of the total force structure for unforeseen needs over and above fighting two simultaneous wars at the same time.

I will conclude my remarks today on that note. I believe the facts clearly demonstrate there is excess spending in our military budget. We in no way need this level of spending for our own defense, nor do we even need it to fight the kind of projected wars the Pentagon says we might be engaged in, 2, 3, 4, 5, 6 years from now.

So I again want to say I will put my colleagues and the Senate on notice

that, as in years past, I intend to offer one or more amendments during debate on our defense appropriations bills to try to cut military spending and indicate the money ought to be transferred from excessive military budgets into things like transportation and rebuilding our sewer and water systems, transportation systems—highways, roads, and bridges—and schools.

Our schools in America need to be rebuilt. There is one estimate that showed if we just rebuilt schools in inner cities that are below standard—rebuilt them and renovated them—it would take about \$120 billion. That would put a lot of people to work in this country building new schools. And we would be better off and stronger for it in the long run.

So again this is where some of this excessive military spending, I believe, ought to go. I certainly will be trying again this year to change some of those spending priorities. As I said, this is the first in a series of discourses this week by me and several of my colleagues.

#### THE DEFENSE BUDGET

Mr. FEINGOLD. Mr. President, I want to join the Senator from Iowa [Mr. HARKIN] in addressing this year's defense budget. Like Senator HARKIN, I have been distressed by the barrage of statements—including that of our President—that we have cut the defense budget as deeply as we can. Indeed, I am also disappointed that the Senate Armed Services Committee reported a bill this week which authorizes as much for defense spending as last year.

As I have said several times, I came to this body last year with a strong personal conviction that is really very simple. If the Government does not need to spend money on some project, then it should not spend the money. We cannot afford a \$4.5-trillion deficit. Consequently, I do not believe that there can ever be a magic number, a dollar etched in stone, that shields any department or agency budget from Congress' careful scrutiny. That is why firewalls designed to shield defense spending are bad policy, and frankly, why I believe that President Clinton erred in vowing "No more Defense Cuts" in this year's State of the Union Address. Like all budgets, the defense budget should go through the scrutiny of public debate, where hopefully waste and nonessential spending will be reduced—just as we do with every other bill before Congress. I cannot understand how shielding one department from deficit-minded scrutiny of Congress strengthens the department or strengthens the country.

I will focus on why we should further cut the defense budget in a moment. But first, I want to address the issue of

opening the defense budget to extensive debate, and shedding sunshine on the entire process.

One of the first places in which our work receives public scrutiny is in the committee process. In some rare cases, part of that committee process is classified to protect legitimate secrets from public disclosure.

Last week the Senate conducted two extremely important and concurrent committee markup sessions: the Labor Committee considered the Health Security Act and the Armed Services Committee considered a military security bill. Yet these vital questions were considered in starkly different venues. The Labor Committee did its work under the glaring lights of C-Span and debated every aspect of the issue in full view of the public. It is hard to imagine a wider ranging and more politically charged question in the Senate these days than health care.

Meanwhile, behind closed doors, the Senate Armed Services Committee conducted its final deliberations on the DOD bill in secret. In spite of the highly classified nature of national security matters, the Senate Armed Services Committee managed to file a 323-page report on its conclusions. Yet the mark up was not subjected to the sunshine of public scrutiny.

The era of paternalistic national security thinking has ended along with the reruns of "Father Knows Best." The recent ceremonies in Normandy should remind that Americans will make the sacrifices of war when our principles are at stake. Our Vietnam experience, though, demonstrates that no President will succeed in marshaling the necessary level of support without bringing the public along in a full discourse in national security. In that regard, I think we are harming our national security by hiding essential deliberations on defense spending. I believe that, to the contrary, when we find and eliminate excesses, we not only strengthen defense, but we also strengthen the public confidence in its government.

I am convinced, Mr. President, that public debate will reveal excesses in the Defense budget. Our defense budget is bloated—particularly as compared to our allies. According to council for a livable world, the United States now spends more on our defense budget than Japan, England, France, Germany, Saudi Arabia, Kuwait, South Korea, Taiwan, and Russia do combined. Furthermore, our most significant and dangerous threats—North Korea, Libya, Iran, Russia, and others—have a combined military budget which is \$200 billion less than ours. In other words, we will outspend our combined enemies by a 4-to-1 ratio.

Like past years, Mr. President, there are debates on the Defense budget which should and will occur this year during consideration of the bills. One

debate will be on legislation I introduced last month to cut the Pentagon's largest single fiscal year 1995 procurement request, the Navy's nuclear aircraft carrier, the CVN-76. Because of bills such as this, we will have an opportunity to debate openly the merits of CVN-76, and conclude as a body if this is a wise expenditure or not at this point.

Another debate we certainly need to have is whether the Pentagon is preparing the right kind of force for the 21st century. The Pentagon is spending billions of dollars for operations today—when the threat is very slim—and sparse dollars are not going into essential research and development for the future to maintain the U.S. high-technology edge. We should ensure that research on next-generation systems continues, and that research must yield systems which meet the future threats. We cannot afford to waste our dollars on developing forces for the last war.

I also hope we will discuss burdensharing, a proposal for the United States to rely more heavily on our allies and Japan by asking them to assume more of the cost of their own defense.

Other programs we should look at carefully include the Trident II missile, Milstar, *Seawolf*, the C-17 cargo aircraft, and the F-22 aircraft. And certainly we should not revitalize the B-2 bomber program.

Mr. President, given the atmospherics and rhetoric of the Defense budget debate, I unfortunately feel it is necessary to say the obvious: To support cuts is not to oppose a strong defense. There are plenty of other programs which are critical to our national defense which I and others wholeheartedly support. To name a few, training and readiness to prepare our forces are clearly essential, and airlift and sealift, so that our forces can move rapidly, are also critical.

One of the major threats the United States has to face today is its Federal deficit. The Federal budget is a zero-sum game. Every dollar wasted in the Government is a dollar missing from an important need. With a Defense budget fraught with questionable and outdated programs, it is in our national security interest not to close off any debate on reductions in the Defense budget, but rather to publicly and aggressively scrutinize it.

Mr. HARKIN. Mr. President, I suggest the absence of a quorum.

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

The legislative clerk proceeded to call the roll.

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

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

#### PROBLEMS WITH OUR ARMS EXPERT LICENSING

Mr. PRYOR. Mr. President, I thank the Chair. I also thank the distinguished Senator from Iowa for bringing us this very revealing, I think, and thought-provoking series of charts. He has demonstrated where the spending priority is in our country. I think the Senator from Iowa has done a tremendous service for this body and for the American people.

The United States today is the leading arms exporter in the world. In fact, we exported in arms roughly \$33 billion last year, which was almost triple the \$11 billion that we exported in 1991. In fact, the United States has accounted for 56 percent of the conventional arms exports to the Third World in 1992.

Since we are the leading arms exporter today and we also have much of the most sophisticated weaponry, we would think that we would also have, in conjunction with that, an effective export control system, to prevent these weapons from falling into the wrong hands. Wrong, Mr. President, this is not the case.

On June 15, last year, I chaired a hearing on the U.S. arms export licensing system. This hearing examined the role that the Departments of State and Commerce play in that system. This hearing was a followup to two hearings that I held on this subject in 1987. I will always remember our colleague, Senator GEORGE MITCHELL, now our distinguished majority leader, asking a question of the State Department witnesses in 1987 with regard to licensing foreign arms dealers.

He said, "Can you receive a license to export arms even if you have been convicted of treason?"

And the answer was "yes."

At that particular time, there was no watchlist and very little checking to see where these arms were actually going.

The hearing we concluded last week revealed that while the commitment to control arms exports rather than promote them seems to be a little stronger than in the past, I am still very concerned that our system for licensing commercial defense exports is still very, very deficient.

According to the General Accounting Office, a report that I released last Wednesday, both the State and Commerce Departments have large gaps in their watchlist of suspect parties. These watchlists are supposed to be made up of all relevant governmental lists of persons or companies that should be closely watched if they in fact apply for a license. These gaps in the watchlist creates a potential hole, and in fact in my opinion endanger national security. This means the answer to Senator MITCHELL's question in 1987 is still "yes," because the General Accounting Office has now found that over 1,000 licenses have been issued or

granted to parties within this country who either should have been on the watchlist at Commerce or State, or were on the watchlist but neither agency actually checked out the derogatory information.

Mr. President, respectfully, listen to a couple of these examples. According to intelligence information, a company was involved on January 19, 1993, just a little over a year ago, in purchasing helicopter avionics equipment for China. Because their name was missing from the watchlist, this company actually received an approved license from the Department of Commerce on February 2, 1993.

Let me repeat that. Only 2 weeks after the company was involved in the illegal purchase for sale to China, it received, again, a sensitive license from the Department of Commerce to sell the same or similar equipment. It is unbelievable.

Example two. Another company, according to the GAO, was convicted in March 1992 of violating the Arms Export Control Act for exporting avionics equipment to Iran. Despite this violation, this particular American company received three additional licenses between July and December 1992.

These are just two of the hundreds of examples found by the General Accounting Office that we made public last week. These hundreds of examples are only a sample of licenses that have been approved to parties either not on the watchlist or who received a license without being checked against the derogatory information on the watchlist.

Mr. President, this is unacceptable. With our high volume of arms exports, it is imperative today that we have an effective system of ensuring that our weapons do not end up in the wrong hands. But I am sorry to state that despite modest improvements, our system is still not what it should be. Our system is flawed and is at fault. In testimony before our committee last week, both the State and the Commerce Department witnesses preferred to argue with the GAO statistics rather than to admit that more aggressive oversight was necessary.

I see the distinguished Senator from West Virginia desiring in a moment to take the floor and I am concluding my remarks in just about 60 seconds.

In conclusion, I think that the priority is still on promoting rather than controlling. This is the same attitude that prevailed when I first looked at this issue in 1987. A State Department publication, written in September 1990, very clearly stated the priority of the licensing process then and there, and I quote: "The Bottom Line: Fast Licensing, Average License Issued in 13 Days."

In March of that same year, another issue had this article: "Controls Office Expanding: Faster, More Responsive Licensing the Goal."

Mr. President, while the State Department now says they have changed their priority, in their testimony they repeatedly mentioned the words "efficiency" and "speed" as hallmarks of a good licensing system. In fact, they were worried about tightening up their screening of the watchlist for fear it might slow down their processing of licenses.

Mr. President, while the arms dealers may appreciate the speedy processing of arms licenses, I do not think that this is the priority of the Congress as expressed in the Arms Export Control Act. When the Senate considers the reauthorization of the Export Administration later this month I may try to tighten up this system.

There may be a need for legislation to correct these problems. There may be a need for a change of attitude at State and Commerce. Whatever is necessary, we should do it immediately. We cannot tolerate any longer an arms licensing system full of holes—where almost anyone, in record time, can become an international arms dealer.

Mr. President, I conclude by saying that the goal is not faster licensing, but more monitoring of those licenses that we do grant. Let us always remember, to have a license to sell arms overseas is a privilege and not a right. I yield the floor.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

#### WEST VIRGINIA DAY 1994

Mr. BYRD. Mr. President, because of unique political exigencies that existed more than a century-and-a-quarter ago in our country, less than four-score miles west of Washington lies one of the most unusual geographical configurations on the face of the Earth—my State of West Virginia. It is there that one can,

hear the wind laugh and murmur and sing of  
a land  
where even the old are fair,  
and even the wise are  
merry of tongue.

On the map, West Virginia stretches from north of Pittsburgh to south of Richmond, and from west of Cleveland, Ohio, almost to Washington, DC, in the east.

In topography, West Virginia rises 4,861 feet above sea level at Spruce Knob in the Alleghenies and plunges to 247 feet above sea level at Harpers Ferry.

In Wheeling and Morgantown, accents are heard that might blend well in Chicago or Pittsburgh, while in Bluefield and Beckley, some dialects would fit comfortably in Little Rock, Chattanooga, or Charlotte.

During the War Between the States, West Virginia was officially split from the mother State of Virginia in loyalty to the Old Union. But, please note,

West Virginia was the birthplace of Stonewall Jackson; Robert E. Lee oversaw his first Civil War struggles in "Transmontane Virginia"; the "Eastern Panhandle" of West Virginia was the home of Confederate agent Belle Boyd; the counties of southeastern West Virginia remained loyal Confederate territory until nearly the end of the war; General Lee maintained a "munitions factory" in Organ Cave, near Lewisburg, Greenbrier County; early West Virginia Senator Allen T. Caperton served as well in the Senate of the Confederate States of America, Senator Samuel Price was the Lieutenant Governor of Virginia during its membership in the Confederacy, U.S. Senator John Kenna joined the Confederate Army at age 16 and is now immortalized here in the U.S. Capitol Building, and U.S. Senator Charles Faulkner left the Virginia Military Institute voluntarily to serve under the Stars and Bars as an aide to both General John C. Breckinridge and General Henry A. Wise; and reputable historians of the Confederacy maintain that the strength of Stonewall Jackson's fabled cavalry was a core of recruits drawn to the defense of their homes from the western counties of Old Virginia.

June 20, 1863, is the date on which West Virginia was admitted to the Union as the 35th State.

But, as I have indicated, that admission—as well as the accompanying secession from Virginia and the Confederacy—was not without contradiction and opposition, even here in Washington, even here in the U.S. Senate.

Indeed, when President Lincoln officially proposed West Virginia's admission to the Union, a number of leading Union politicians and statesmen opposed that move.

According to the opponents of West Virginia's admission to the Union at the expense of Virginia, if Virginia's secession from the Union were unconstitutional, then under what rubric might the Congress allow a portion of a member State of that Union to separate itself from the mother State without the mother State's express approval? Likewise, if Virginia's secession from the Union were unconstitutional, by what stretch of judicial legerdemain might West Virginia's secession from Virginia be constitutional?

From descending accounts, Lincoln admitted that the West Virginia secession from Virginia was, indeed, illegally equivalent to Virginia's secession from the Union, but, Lincoln is reported to have added that West Virginia's secession was "our" secession—meaning a secession in favor of the Union.

Senate bill S. 365, the act for the admission of the State of West Virginia into the Union, passed the Senate on July 14, 1862, by a vote of 23 to 17; it passed the House of Representatives on

December 10, 1862, by a vote of 96 to 55; and it was signed into law on December 31, 1862. The act provided for a proclamation by the President of the United States, and I quote, "and thereupon this act shall take effect and be in force from and after 60 days from the date of said proclamation." President Abraham Lincoln issued his proclamation on April 20, 1863, and, accordingly, West Virginia became the 35th State 60 days later on June 20, 1863.

Mr. President, West Virginia was admitted to the Union in a tumultuous hour in our history, dragging with it a collection of unreconstructed Confederates, some of whom later served as Senators in this Chamber, with a number of their compatriots from other previously Confederate states.

But, interestingly but not surprisingly, the recorded history of life in present-day West Virginia did not begin in 1863.

Indeed, fossilized slate ripped out of mines high up on the Cumberland Plateau indicates that much of the strata currently in West Virginia were long millennia ago once part of low-lying tropical swamps.

Further, geologists maintain that the mountains of the Appalachian Range, which embrace virtually all of eastern and southeastern West Virginia, were once as high as today's Himalayas.

Long before the arrival of Europeans to this continent, various Indian tribes—including the mysterious "Mound Builders"—inhabited West Virginia, and during the Colonial Era, current southern West Virginia was apparently considered part of the Cherokee dominions, while other tribes used much of the rest of West Virginia as shared hunting territory.

Subsequent to, and as a consequence of, the French and Indian War, the Royal Proclamation of 1763 officially forbade settlement of Trans-Allegheny Virginia by subjects of the British Crown.

But the Royal Proclamation of 1763 was apparently honored more in the breach than in obedience, as the desire of the colonists of British North America to move westward had been so long thwarted by the long conflict just resolved.

Thus, into the region of contemporary West Virginia poured a breed of explorers and settlers—the vanguard of the great American expansion toward the Pacific that finally reached its destination only a little over a century ago.

Into the wild and forbidding terrain of western Virginia rushed men such as Christopher Gist, Thomas Decker, Morgan Morgan, Andrew Lewis, Lewis Wetzel, Daniel Boone, "Mad Anne" Bailey, and even George Washington himself, bent upon establishing a vast plantation experiment along the banks of the great Kanawha River.

Many of those early settlers of West Virginia were, at best, semi-civilized by Eastern Seaboard standards—men and women who had to brace themselves against the savagery of an untamed, pitiless frontier where settlers and aborigines alike gave no quarter, where human life was worth only its ability to contribute to the survival of the whole community, where the heat of summer and the bone-chilling cold of winter were certainties, where a man and woman might bear a dozen children and see perhaps one or two or three survive to adolescence, where wounds were cauterized with white-hot pokers and smashed legs and arms were set with tree branches, where the reputation of a man might be determined by the numbers of opponents he had killed in a fair fight, and wealth might be measured in horses and cows and pigs.

Interestingly, the Old Frontier moved north of West Virginia along the National Road, the Old Cumberland Road and south of West Virginia by way of the Cumberland Gap, leaving West Virginia frozen, as it were, in a time fast passing.

Thus, when a group of Virginia officials, led by Chief Justice John Marshall, attempted to navigate the formidable New River Gorge in 1812, searching for a viable canal route to the Ohio Valley, they found the Gorge "awful and discouraging."

Consequently, while tides of civilization swept around and past West Virginia, north and south, the hard-scrabble life of the frontier remained a constant in the western counties of Virginia proper, as it did up into this century in western North Carolina, much of eastern Tennessee, and areas of eastern Kentucky.

Today, and for some years now, some people have called this area—sometimes condescendingly—"Appalachia" as if to dismiss a vast area of our country and millions of our fellow Americans with one oversimplified stereotype.

But in West Virginia and those areas that share her post-Colonial heritage can be found some of the purest, most potent values and strengths on which our Nation was originally founded.

In the mountain fastnesses of West Virginia and in the deep valleys and hollows of my home State live some men and women possessed of a steely integrity once believed to have perished with the heroes of Greek antiquity.

The benediction of these covering heavens  
Fall on their heads like dew! for they are  
worthy  
To inlay heaven with stars.

Permit me to cite but one example. A long-time friend of mine in Raleigh County, West Virginia, Walton Riffe was my barber for many years. Mr. Riffe is deceased now, but to him and his wife Alma, who still resides at the

old homeplace in Raleigh County, were born 18 children, of whom 17 survived to adulthood and are still living today—17 out of 18. Any Senator who wishes to see this outstanding picture of an outstanding family should simply visit my office just down on the next floor. A beautiful family, 17 children together with their mother, Mrs. Alma Riffe, are portrayed in that picture.

The immediate offspring of Walton and Alma Riffe of Raleigh County, West Virginia count among themselves 12 bachelor's degrees, 5 master's degrees, and one law degree, for a cumulative 72 years of higher education through which Walton and Alma Riffe and their assorted siblings supported one another and themselves by work—work—and through shared bank accounts.

As each brother or sister completed college and entered the work force, that one supported the next brother or sister in his or her turn.

Further, six of the nine Riffe boys served in the military, both in peacetime and war, representing among them the Army, the Air Force, and the Navy.

Highly respected members of their communities, the sons and daughters of Walton and Alma Riffe have provided 30 grandchildren and 13 great-grandchildren to enhance the Riffe name.

I know of no better living example of "family values" than that of the experience of the family of Walton and Alma Riffe.

In an instance such as this, the term "family values" represents no cheap political shibboleth to hurl at one's opponents at election time. Taken in the light of a real West Virginia family, the term "family values" represents a moral system older than the United States of America itself—a value system based on family love and loyalty, shared burdens, mutual unselfishness, patriotism, and genuine foresight—a value system rooted in the Ten Commandments and in the dreams of prophets and mystics of yore—a value system without which, regardless of a nation's military prowess, superpower status, economic vigor, or international prestige, no nation can expect long to exist, much less forestall the exigencies of history or the caprice of those forces that swell and shrink the fortunes of empires and states.

Mr. President, no artificial theme park could comprehend wonders commonplace in West Virginia—natural wonders of forests, mountain crags, and roaring Alpine gorges—and no movie could ever, ever capture the saga of human wonders commonplace in West Virginia—heroic wonders of personal and family triumph and achievement in the face of sometimes murderous odds.

But I invite any of our colleagues to visit West Virginia on a clear, warm

summer night—to climb to the pinnacle of a mountain peak or to the summit of a rolling ridge, away from the clamour of urban turmoil, tension, and the noisy cacophony of rock and roll music and televised pap that too often substitute currently for culture—to stand there under the stars and bathe in the moonlight—

\*\*\* when Phoebe doth behold  
Her silver visage in the watery glass,  
Decking with liquid pearl the bladed grass.  
\*\*\*

and to sense there in the might of towering mountains and plunging crevasses the paradox of individual human life.

There, the—

\*\*\* seasons alter: hoary-headed frosts  
Fall in the fresh lap of the crimson rose,  
And on old Hiems' thin and icy crown  
An odorous chaplet of sweet summer buds  
Is, as in mockery set; the spring, the summer.

The chiding autumn, angry winter, change  
Their wonted liveries. \*\*\*

There, in the clean night air and the stillness of one's own consciousness, one might realize anew—or perhaps for the first time—how men and women long ages ago came to believe in God and to grasp in part our purpose on this Earth.

There, under a pristine sky, one might hear in his or her own heart the Voice of God whispering the profoundest truths about the nature and destiny of our species in the total scheme of life and in the mystery that is all around us.

There, in the intoxication of such unlimited vastness, one might imagine that he could reach skyward and take home with him a brilliant, sparkling star or a blazing comet shooting across the arch of heaven.

There, without the pretenses of civilization to distract one or to stir up "vain imaginings" in the heart, one might intuit, as did the Psalmist of old, the wisdom of the Old Testament world that says,

God is our refuge and strength, a very present help in trouble.

Therefore will not we fear, though the earth be removed, and though the mountains be carried into the midst of the sea;

Though the waters thereof roar and be troubled, though the mountains shake with the swelling thereof. Selah.

There is a river, the streams whereof shall make glad the city of God, the holy place of the tabernacles of the most High.

God is in the midst of her; she shall not be moved: God shall help her, and that right early.

The heathen raged, the kingdoms were moved; he uttered his voice, the earth melted.

The Lord of hosts is with us; the God of Jacob is our refuge. Selah.

Come, behold the works of the Lord, what desolations he hath made in the earth. He maketh wars to cease unto the end of the earth; he breaketh the bow, and cutteth the spear in sunder; he burneth the chariot in the fire.

Be still, and know that I am God: I will be exalted among the heathen, I will be exalted in the earth.

The Lord of hosts is with us; the God of Jacob is our refuge. Selah.

Mr. President, I have read from Psalm 46, King James version of the Holy Bible.

So, Mr. President, happy 131st birthday, wild, wonderful, West Virginia.

Mr. President, I yield the floor.

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

The PRESIDING OFFICER (Mr. DASCHLE). The clerk will call the roll. The bill clerk proceeded to call the roll.

Mr. ROCKEFELLER. Mr. President, I rise today to speak on behalf of the citizens of West Virginia. On June 20, 1863, West Virginia broke away from the State of Virginia and declared its independence as the 35th State to join the Union. I take this opportunity to recognize the 131st birthday of this glorious State.

From the beginning, the forefathers and foremothers of West Virginia have stood up for the rights and responsibilities of the State as well as others. Starting with the Civil War, West Virginians have played a major role in defending our country and what it represents. It has been costly at times but always rewarding insuring that new generations can continue to live in freedom.

The pride of the mountain State is always evident. Each year West Virginians greet, with open arms, hundreds of thousands of guests. They come to visit white water rafting in the summer, the transformation of the leaves in the fall and spring, and ski resorts in the winter. Many people return year after year to the mountain State because of their growing love for the serenity of the State.

These are only a few of the reasons I am proud to call West Virginia my home. I ask my distinguished colleagues to join with me to recognize West Virginia on her 131st birthday.

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

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

LET US TAKE A QUICK POLL: WHO DISAGREES WITH MARSHA BYRUM?

Mr. HELMS. Mr. President, I have at hand a letter from a young woman in Rocky Mount, NC—a letter which no doubt speaks for millions of Americans who are fed up with the high taxes they are required to pay to support absurd expenditures of the American taxpayers' money.

The lady's name is Mrs. Marsha H. Byrum, a delightful lady with whom I talked by telephone this past Sunday afternoon. Now, Mr. President, I will let Mrs. Byrum take it from here:

DEAR SENATOR HELMS: I work in a pharmacy that accepts Medicaid. I understand that the purpose of Medicaid is to help people who cannot afford to pay for their medications. But I find it hard to accept that my Government uses my money and that of other taxpayers to pay for a medication that enables men to have an erection. (The cost of this medication, by the way, is \$800.)

The Medicaid Program also pays for a fertility drug. Why does our Government use the taxpayers' money to pay for fertility drugs to enable women on welfare to get pregnant so that they can bring another child into the world to live on public assistance? (By the way, the cost of a month's supply of this drug is \$528.)

While I'm at it, let me ask still another question: Why does the Federal Government use taxpayers' money to pay for non-injury-related "beautification" medications for adults? (These medications cost anywhere from \$45 to \$60 for a one-month supply.) Is this not a luxury item?

It's fine with me if men and women want to take medicine in order to have erections, to have children and to improve their appearances—if, and this is an important "if"—if they pay for them out of their own pockets. At least one-third of my paycheck goes to the Federal Government which turns right around and pays for such things as I have just described.

There needs to be some standards. Stop using taxpayers' money to pay for medications like these and confine Federal expenditures to helping people who really need and deserve help.

I would then feel that my tax money was doing some good for people who really need it and not being wasted.

Sincerely,

MARSHA H. BYRUM.

#### IRRESPONSIBLE CONGRESS? TAKE A LOOK AT THIS

Mr. HELMS. Mr. President, the incredibly enormous Federal debt is like the weather—everybody talks about the weather but nobody does anything about it. And Congress talks a good game about bringing Federal deficits and the Federal debt under control, but there are too many Senators and Members of the House of Representatives who unflinchingly find all sorts of excuses for voting to defeat proposals for a constitutional amendment to require a balanced Federal budget.

As of Friday, June 17, at the close of business, the Federal debt stood—down to the penny—at exactly \$4,591,908,053,316.92. This debt, mind you, was run up by the Congress of the United States, because the big-spending bureaucrats in the executive branch of the U.S. Government cannot spend a dime that has not first been authorized and appropriated by the U.S. Congress. The U.S. Constitution is quite specific about that, as every school boy is supposed to know.

And pay no attention to the nonsense from politicians that the Federal debt was run up by one President or another, depending on party affiliation. Sometimes they say Ronald Reagan ran it up; sometimes they say George Bush. I even heard that Jimmy Carter

helped run it up. All three suggestions are wrong. They are false because the Congress of the United States is the villain.

Most people cannot conceive of a billion of anything, let alone a trillion. It may provide a bit of perspective to bear in mind that a billion seconds ago, Mr. President, the Cuban missile crisis was going on. A billion minutes ago, not many years had elapsed since Christ was crucified.

That sort of puts it in perspective, does it not, that Congress has run up a Federal debt of 4,591 of those billions—of dollars. In other words, the Federal debt, as I said earlier, stands today at 4 trillion, 591 billion, 908 million, 53 thousand, 316 dollars, and 92 cents.

#### TRIBUTE TO THE OKLAHOMA LEAGUE FOR THE BLIND

Mr. BOREN. Mr. President, I would like to take this opportunity to recognize the outstanding accomplishments of the Oklahoma League for the Blind. It is an unfortunate reality that the employment opportunities for the blind or severely visually impaired are virtually nonexistent.

Just like anyone else, the blind or severely visually impaired want and need good jobs to support themselves and their families. The Oklahoma League for the Blind was organized in 1949 to aid in their employment. It is the only organization in Oklahoma providing services of this kind.

The Oklahoma League for the Blind operates a manufacturing facility in Oklahoma City where three-fourths of the employees are legally blind. Their jobs including operating press brakes, punch presses, cutoff saws, and drilling machines. They manufacture items for Government and commercial use. The league is also responsible for the assembling and labeling for many commercial organizations.

Mr. President, please join me and our colleagues in recognizing the many worthwhile accomplishments of the Oklahoma League for the Blind. It has not only found employment for blind or severely visually impaired persons, but it has also brought inspiration to the lives of people with disabilities. It is most appropriate for the Senate to recognize today the Oklahoma League for the Blind.

#### TRIBUTE TO TERRY THOMAS, 1994 NATIONAL BLIND EMPLOYEE OF THE YEAR

Mr. BOREN. Mr. President, it is an honor for me to recognize the accomplishments of Ms. Terry Thomas. Ms. Thomas was selected recently as the 1994 National Blind Employee of the Year. She will be awarded the Peter J. Salmon Award here in Washington by the National Industries for the Blind. She is the first Oklahoman to ever receive this honor.

Ms. Thomas was pronounced legally blind at birth and suffered significant and permanent hearing loss when she developed measles as a child. Despite these tremendous obstacles, Ms. Thomas excelled in her school work, raised a family, and made significant contributions to her community. Through her volunteer work she raised funds for research in ways to prevent blindness around the world, especially in third world countries and to retrain blind adults enabling them to integrate successfully into a sighted society.

Ms. Thomas works for the Oklahoma League for the Blind where her fellow coworkers admire her not only for her dedication to helping others with similar disabilities, but also for her positive attitude, often described as contagious.

Mr. President, I ask that you join me, our colleagues, the State of Oklahoma, and the Oklahoma League for the Blind in honoring this most exceptional person. Ms. Thomas, over the years, has touched many lives and sets the kind of examples that we should all strive to meet. It is only fitting that the Senate recognize her today.

#### TRIBUTE TO BERNIE CIEPLICKI

Mr. LEAHY. Mr. President, I ask the Senate's attention today to honor a very special person.

Bernie Cieplicki is a Vermonter whose expanded family includes two generations of young men and women who have learned how to conduct themselves in life—because he gave them the model to live by.

A wonderful sportsman, father, teacher and friend. Bernie is still setting an example on dealing with life, as he faces a very difficult physical condition with all the courage that has forever been his trade mark in the community.

A devoted church and family man, Bernie counts his blessings—the time he has to spend with his wife, Christine, their five children and six grandchildren.

Our prayers for Bernie are shared with thousands of Vermonters who know and love him, and hope he remains with us for many years to come.

I ask that this very poignant sketch of Bernie Cieplicki's life and special circumstances, written by Andy Gardiner, that appeared in the June 19, 1994, edition of the Burlington Free Press be reprinted in the CONGRESSIONAL RECORD in its entirety, as a tribute to Bernie and his wonderful family of friends in Vermont.

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

[The Burlington Free Press, June 19, 1994]  
A TOUGH, STUBBORN FIGHTER—FATHER'S DAY HAS SPECIAL MEANING FOR CIEPLICKI FAMILY  
(By Andy Gardiner)

Bernie Cieplicki has been fending off death for the better part of 25 years.

Ever since he underwent his first open-heart surgery in 1972, Cieplicki has lived with the unblinking reality that each day might be his last. His heart, irrevocably weakened by rheumatic fever, is failing him.

There have been three more major surgeries, one of which sent him into a coma for a week. In 1992, he received a heart transplant, a transplant that his body is now slowly rejecting. He is terminally ill.

But the discipline, faith, and doggedness that have characterized his life have not deserted Cieplicki, 58. As a basketball player at St. Michael's College, as a high school teacher and coach at Rice Memorial High School, and as an administrator at Winooski High School, Bernie Cieplicki was steadfast in the face of adversity. He remains so today.

"My father isn't gratefully sitting back in a rocking chair," said Kevin, the eldest of the five Cieplicki children. "If that's the way he was, he probably wouldn't have lasted this long. He's a tough, stubborn fighter."

A large part of Cieplicki's strength comes from his family. Chris, his wife of 37 years, the five children, and six grandchildren have provided a wellspring of love and support.

The Cieplickis have always been a family of some note. Bernie's long prominence as a coach and the subsequent success on the basketball court of his three sons lifted them out of the anonymous category and thrust them into public view.

Kevin, 36, is a stockbroker in town. Karen, 34, is the payroll coordinator for South Burlington. Mary, 32, is a comptroller for a local firm. Keith, 31, is an assistant coach for the Boston College women's basketball team. And young Bernie, 21, is a junior at the University of Vermont and an integral part of the basketball team.

"They have all done so much for me," Bernie said. "I feel badly that I can't do more for them now."

It's a noble sentiment, but the children think Bernie has things reversed. The debt they feel they owe him is beyond repayment. But on this Father's Day, they reflected on how much their father has meant to them.

Kevin was the first of the boys to excel in basketball. He played for his father at Rice and later went on to St. Michael's and St. Lawrence.

"My Dad was always known as a taskmaster, a no-nonsense type of guy," Kevin said. "But he is such a private person that most people don't realize how loving and giving a man he is."

Kevin remembers the time he threw a tantrum in a Babe Ruth baseball game and his father came out of the stands to yank him from the game and take him home. That ride included a pointed lecture on the merits of sportsmanship and proper behavior.

But the memory that remains strongest came much earlier, when Kevin was in kindergarten and hobbled by braces on both legs needed to correct a hip condition.

"I wore those braces for almost two years," Kevin said. "And what I wanted most in the world was just to be able to wear a pair of tennis shoes."

The day the braces came off, Bennie had a pair of P.F. Flyers waiting for his son when he got home.

The running joke in the Cieplicki family was that no one realized there were any girls in it. But Karen and Mary never felt left out.

"He gave just as much time to us as he did to the boys, it just wasn't in public view," Karen said. "I remember him getting up at 6 a.m. to play tennis with me. That was our time together."

"I remember when he taught driver's education all summer and there I'd be with the

keys in my hand when he got home, waiting for my turn. And out we'd go together.

"We've lived with Dad's condition for so long that's become a way of life for us. We are a very close family. There are times when the anger and frustration over this comes out, but there is so much love that holds us together."

Her older brothers may have grabbed the headlines, but Mary was an accomplished tennis and basketball player in her own right at Rice. And if he wasn't off coaching, Bernie was usually there to lend his support from the stands.

"He always encouraged us to be involved, whether it was school or athletics," Mary said. "Obviously my brothers were more successful athletically, but I always knew I was important. My sister and I always knew we belonged."

"I know people think of my dad as a great coach, but the thing I will always remember is how much he loves us. He has always been there to take care of us and it is wonderful to go home to a family like that."

Keith was an academic All-American and one of the greatest players in William & Mary history. Although his job as Cathy Inglese's top assistant has taken him to Boston, he serves as a unifying force among the five children.

"I know that most people think of my dad as a coach, but I have always seen him as an educator first," Keith said. "Life was full of lessons for him to teach us."

"Growing up we kept hearing about how he once played at St. Michael's with three broken ribs. I must have heard that story 8,000 times. But it was his way of saying that if you put your mind to it, you can overcome most anything."

"We were a middle class family, but Dad always made me feel we could have whatever we wanted out of life. I keep going because he keeps going."

"Whether he's here or not physically next year, I know he will always be with me. That's the beauty of growing up in a close family."

There is a 10-year gap between Bernie and his brothers and sisters. When he was growing up, his siblings had embarked on their own lives.

"Being the only child at home, we were able to be around each other more and I see a lot of myself in him," Bernie said of his father. "He taught me to have respect for other people and their ideas and to always listen to what other people have to say."

Bernie was a four-year starter at Rice and was named the state's premier player by the Free Press his senior year. That held little water with his father.

"Dad's favorite saying is that the biggest room in the world is the room for improvement," Bernie said. "I never believed it as a kid—I was a know-it-all. But I really believe it now."

Through it all, Chris has been there for her husband and her children. She has watched the family deal with the sadness and adjust to the inevitable quality of the future.

"It has been a long journey for all of us," she said. "What has carried us through is the love the children have for their father and the love he has for them."

#### THE 50TH ANNIVERSARY OF D-DAY

Mr. HEFLIN. Mr. President, I had the honor of traveling to Europe earlier this month as a Member of the Senate delegation participating in the 50th an-

niversary commemoration of the June 6, 1944, invasion of Normandy by the Allied Forces. I was also privileged to take part in the commemoration of the liberation of Rome, which took place just days before the Normandy Invasion.

As virtually all the veterans, Members of Congress, Government officials, and families who traveled to Europe understand, it is particularly difficult to express in words the special meaning these tributes and events held for us and those who fought there or lost friends and loved ones there. To see the thousands of white crosses and stars of David in the American cemeteries and to stroll along the beaches where the Allied Forces, led by the Americans, landed was to appreciate the enormity of the sacrifice that took place so long ago. The stark stillness and tranquility of the ocean, sand, and cliffs offer their visitors a peacefulness that one cannot get from the television screen or photographs. It really must be experienced to be felt and appreciated.

It is as if this place had to undergo the hell and fury of one of the great military battles of all time to be transformed into the quiet, hallowed ground that it is today. I think it is so fittingly poignant that the beaches of Normandy were the setting for the turning point of that great war—the place where democracy was literally saved by thousands of brave young soldiers, many of whom paid the ultimate price for that democracy and freedom that we all enjoy five decades later. Their bravery and selflessness in the face of great uncertainty and personal danger are difficult to comprehend. But we know it was there, and see it as the lasting legacy of their triumph over tyranny.

Anniversaries like the one we just observed are important to our national consciousness in several ways. For those of us who remember such events, remembrances like this are cathartic—they allow us to look back and compare the world we knew then and the dangers it carried with the relatively peaceful one we have now. Naturally, there are still dangers that plague us all over the globe, but our fundamental ideals and democratic freedoms are intact and secure. When the D-day invasion took place, we were not at all sure that we would prevail and continue to enjoy those ideals and freedoms.

Second, these observances prompt the younger generations to look back and arrive at some understanding of what took place and what the stakes were. One of the greatest tragedies that could come out of D-day and World War II in general would be that of forgetfulness. By looking back, our sons and daughters remember, and are able to pass on the legacy to their children and our grandchildren.

Finally, these events help bond all generations together in moving ways

that allow us to remember what it means to be an American and what we stand for. When we hear the speeches, witness the emotion, and feel the spirit of these events, we come to a new understanding of why America—in spite of all its problems—remains the envy of the world in so many ways.

The expression "D-day" has become firmly embedded in military history as the date on which the Allied Forces invaded Normandy during World War II to press the attack on Nazi Germany. Beyond this basic, generic definition, what does D-day really mean?

Of course, there can be no one answer to this question. Everyone who participated in the recent anniversary observances came away with his or her own unique interpretation of the events that took place on D-day, what they meant to world freedom, and what they mean to us today. The observances that bring so many participants together provide the settings that allow us to explore and refine those meanings, and ultimately pass them along to those who will gather in the same place long after we have moved on.

I want to applaud all the planners of the anniversary events in both France and Italy for making our journey one we will never forget. I also salute the President for his warm and inspiring remarks in saluting the D-day veterans and capturing—perhaps as well as anyone could in words—the essence of what they gave the world on that day 50 years ago.

(At the request of Mr. BYRD, the following statement was ordered to be printed in the RECORD.)

#### STATEMENT UNDER SECTION 25 OF THE CONCURRENT RESOLUTION ON THE BUDGET

• Mr. SASSER. Mr. President, on behalf of the Committee on the Budget, under section 25 of the concurrent resolution on the budget, House Concurrent Resolution 218, I hereby submit revised discretionary spending limits, allocations to the Committee on Appropriations, budgetary aggregates, and maximum deficit amount in connection with H.R. 4539, the Treasury, Postal Service, and General Government Appropriations Act, 1995.

Section 25 of the budget resolution states:

#### SEC. 25. INTERNAL REVENUE SERVICE COMPLIANCE INITIATIVE.

(a)(1) ADJUSTMENT.—For purpose of points of order under the Congressional Budget and Impoundment Control Act of 1974 and concurrent resolutions on the budget—

(A) the discretionary spending limits under section 601(a)(2) of that Act (and those limits as cumulatively adjusted) for the current fiscal year and each outyear;

(B) the allocations to the Committees on Appropriations under section 302(a) and 602(a) of that Act;

(C) the appropriate budgetary aggregates in the most recently agreed to concurrent resolution on the budget; and

(D) the maximum deficit amount under section 601(a)(1) of that Act (and that amount as cumulatively adjusted) for the current fiscal year,

shall be adjusted to reflect the amounts of additional new budget authority or additional outlays (as defined in paragraph (2)) reported by the Committee on Appropriations in appropriations Acts (or by the committee of conference on such legislation) for the Internal Revenue Service compliance initiative activities in any fiscal year, but not to exceed in any fiscal year \$405,000,000 in new budget authority and \$405,000,000 in outlays.

(2) ADDITIONAL AMOUNTS.—As used in this section, the terms "additional new budget authority" or "additional outlays" shall mean, for any fiscal year, budget authority or outlays (as the case may be) in excess of the amounts requested for that fiscal year for the Internal Revenue Service in the President's Budget for fiscal year 1995.

(b) REVISED LIMITS, ALLOCATIONS, AND AGGREGATES.—Upon the reporting of legislation pursuant to subsection (a), and again upon the submission of a conference report on such legislation (if a conference report is submitted), the Chairman of the Committee on the Budget of the Senate or the House of Representatives (as the case may be) shall submit to that Chairman's respective House appropriately revised—

(1) discretionary spending limits under section 601(a)(2) of the Congressional Budget Act of 1974 (and those limits as cumulatively adjusted) for the current fiscal year and each outyear;

(2) allocations to the Committees on Appropriations under sections 302(a) and 602(a) of that Act;

(3) appropriate budgetary aggregates in the most recently agreed to concurrent resolution on the budget; and

(4) maximum deficit amount under section 601(a)(1) of that Act (and that amount as cumulatively adjusted) for the current fiscal year,

to carry out this subsection. These revised discretionary spending limits, allocations, and aggregates shall be considered for purposes of congressional enforcement under that Act as the discretionary spending limits, allocations, and aggregates.

(c) REPORTING REVISED SUBALLOCATIONS.—The Committees on Appropriations of the Senate and the House of Representatives may report appropriately revised suballocations pursuant to sections 302(b)(1) and 602(b)(1) of the Congressional Budget Act of 1974 to carry out this section.

(d) CONTINGENCIES.—

(1) The Internal Revenue Service and the Treasury Department have certified that they are firmly committed to the principles of privacy, confidentiality, courtesy, and protection of taxpayer rights. To this end, the Internal Revenue Service and the Treasury Department have explicitly committed to initiate and implement educational programs for any new employees hired as a result of the compliance initiative made possible by this section.

(2) This section shall not apply to any additional new budget authority or additional outlays unless—

(A) in the Senate, the Chairman of the Budget Committee certifies, based upon information from the Congressional Budget Office, the General Accounting Office, and the Internal Revenue Service (as well as from any other sources he deems relevant), that such budget authority or outlays will not increase the total of the Federal budget deficits over the next five years; and

(B) any funds made available pursuant to such budget authority or outlays are available only for the purpose of carrying out Internal Revenue Service compliance initiative activities.

The Committee on Appropriations has reported H.R. 4539, the Treasury, Postal Service, and General Government Appropriations Act, 1995, with committee amendments. H.R. 4539 as reported provides additional new budget authority and additional outlays for Internal Revenue Service compliance initiative activities. As required by section 25(a)(2) of the budget resolution, these budget authority and outlays amounts are in excess of the amounts requested for fiscal year 1995 for the Internal Revenue Service in the President's budget for fiscal year 1995.

As the budget resolution noted, the Internal Revenue Service and the Treasury Department have certified that they are firmly committed to the principles of privacy, confidentiality, courtesy, and protection of taxpayer rights. To this end, the Internal Revenue Service and the Treasury Department have explicitly committed to initiate and implement educational programs for any new employees hired as a result of the compliance initiative. At the end of my statement, I shall ask consent to place letters from the Commissioner of the Internal Revenue Service and the Secretary of the Treasury attesting to these commitments.

Furthermore, as required by section 25(d)(2)(A) of the budget resolution, I hereby certify, based upon information from the Congressional Budget Office, the General Accounting Office, and the Internal Revenue Service, that the additional budget authority and outlays in H.R. 4539 for the Internal Revenue Service compliance initiative activities will not increase the total of the Federal budget deficits over the next 5 years. At the end of my statement, I shall ask consent to place letters from the Director of Tax Policy and Administrative Issues of the General Accounting Office, the Director of the Congressional Budget Office, and the Commissioner of the Internal Revenue Service supporting these findings. The language of H.R. 4539 also provides, as required by section 25(d)(2)(B) of the budget resolution, that any funds made available pursuant to this budget authority and outlays are available only for the purpose of carrying out Internal Revenue Service compliance initiative activities.

As H.R. 4539 complies with the conditions set forth in the budget resolution, under the authority of section 25(b) of the budget resolution, I hereby submit to the Senate appropriately revised discretionary spending limits under section 601(a)(2) of the Congressional Budget Act of 1974 for fiscal year 1995, allocations to the Committee on Appropriations under sections 302(a) and 602(a) of that act, appropriate

budgetary aggregates in the most recently agreed to concurrent resolution on the budget, and maximum deficit amount under section 601(a)(1) of that act for fiscal year 1995, to carry out this subsection.

Mr. President, I ask that letters and supporting material be printed in the RECORD.

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

REVISED LIMITS, ALLOCATIONS, AND AGGREGATES PURSUANT TO SECTION 25 OF THE CONCURRENT RESOLUTION OF THE BUDGET FOR FY 1995—IN MILLIONS OF DOLLARS

	1995
Revised Discretionary Spending Limits:	
Current budget authority limits under section 601(a)(2) .....	510,754
Additional budget authority in H.R. 4539 for IRS enforcement .....	405
Revised budget authority limits under section 601(a)(2) .....	511,159
Current budget outlay limits under section 601(a)(2) .....	540,574
Additional budget outlays in H.R. 4539 for IRS enforcement .....	405
Revised budget outlay limits under section 601(1)(2) .....	540,979
Revised Allocations to the Committee on Appropriations:	
Current budget authority allocations under sections 302(b) and 602(a) .....	784,939
Additional budget authority in H.R. 4539 for IRS enforcement .....	405
Revised budget authority allocations under sections 302(b) and 602(a) .....	785,344
Current budget outlay allocations under sections 302(b) and 602(a) .....	805,972
Additional budget outlays in H.R. 4539 for IRS enforcement .....	405
Revised budget outlay allocations under sections 302(b) and 602(a) .....	806,377
Revised Budgetary Aggregates:	
Current budget authority aggregates .....	1,238,300
Additional budget authority in S. 1491 <sup>1</sup> .....	39
Revised budget authority aggregates .....	1,238,339
Additional budget authority in H.R. 4539 for IRS enforcement .....	405
Revised budget authority aggregates .....	1,238,744
Current outlay aggregates .....	1,217,200

Additional budget outlays in H.R. 4539 for IRS enforcement .....	405
Revised outlay aggregates .....	1,217,605
<hr/>	
Revised Maximum Deficit Amount:	
Current Maximum Deficit Amount section 601(a)(1) .....	240,638
Additional budget outlays in H.R. 4539 for IRS enforcement .....	405
Revised Maximum Deficit Amount section 601(a)(1) .....	241,043

<sup>1</sup> Reserve fund filing pursuant to section 27(a)(3) for S. 1491, the Federal Aviation Administration Authorization Act of 1993, as reported.

DEPARTMENT OF THE TREASURY,  
INTERNAL REVENUE SERVICE,  
Washington, DC, April 22, 1994.

Hon. DAVID H. PRYOR,  
Chairman, Subcommittee on Private Retirement Plans and Oversight of IRS, Committee on Finance, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: I would like to follow up on our conversation yesterday about the language currently contained in Simon-Bond-Pryor IRS compliance initiative amendment to the Senate budget proposal.

The Internal Revenue Service fully recognizes the need to protect the rights and privacy of taxpayers and the need to continue to increase the knowledge of our employees about those rights. We will initiate and implement educational programs with respect to the Taxpayer Bill of Rights for any new employees that we hire as a result of the compliance initiative called for in the amendment.

In fact, many of our training programs already address the Taxpayer Bill of Rights, either directly or indirectly. For example, this year all IRS employees attended Ethics Workshops that teach the tenets of respect for others, treatment with courtesy and decency, and principles of fairness and concern for others. I have enclosed a copy of that material for you. More directly, all new collection and examination employees receive mandatory training on the Taxpayer Bill of Rights and I will forward copies of those materials to you under separate cover.

I firmly believe that continued reinforcement of the principles of privacy and confidentiality, courtesy, and protection of rights is the right thing to do to ensure the ethical treatment of taxpayers and one of the foundations of voluntary compliance. I also believe this compliance initiative makes good business sense for increasing revenue, enhancing compliance and reducing the deficit. I appreciate your support and efforts on behalf of this initiative and the taxpaying public.

Sincerely,  
MARGARET MILNER RICHARDSON.

DEPARTMENT OF THE TREASURY,  
Washington, DC, April 22, 1994.

Hon. DAVID H. PRYOR,  
Chairman, Subcommittee on Private Retirement Plans and Oversight of IRS, Committee on Finance, U.S. Senate, Washington, DC.

DEAR DAVID: I have spoken with Commissioner Richardson about continuing to reinforce the principles and provisions of the Taxpayer Bill of Rights through training new IRS employees. I want to add my support to the IRS' efforts to protect the rights and privacy of taxpayers.

The Internal Revenue Service is committed to initiating and implementing educational programs with respect to the Taxpayer Bill of Rights for any new employee hired as a result of the Simon-Bond-Pryor IRS compliance initiative amendment to the Senate budget proposal. I fully support the training programs that the IRS already has in place and will initiate for all new employees to enhance the ethical treatment of taxpayers and to protect their rights.

Sincerely,  
LLOYD BENTSEN.

U.S. GENERAL ACCOUNTING OFFICE,  
Washington, DC, June 16, 1994.

Hon. JIM SASSER,  
Chairman, Committee on the Budget, U.S. Senate.

DEAR MR. CHAIRMAN: By letter dated June 14, 1994, you referred to the additional budget authority being requested for fiscal year 1995 Internal Revenue Service (IRS) compliance initiatives and asked for our opinion on the effect of the additional authority on budget deficits over the next 5 years.

We believe that the additional budget authority will not increase the budget deficit over the 5-year period in question provided (1) the funds are used as intended to increase IRS' enforcement staffing levels and thus generate more revenues through enhanced compliance efforts, (2) funds are provided in the fiscal years after 1995 to maintain the increased staffing levels, and (3) IRS is able to successfully hire, train, and retrain the additional staff provided by the budget authority. A deficit increase in the first year is possible because of the lag between the time new staff are hired and the time they become productive. In our opinion, however, based on past reviews of IRS' enforcement programs, an increase in enforcement staffing will help generate significant revenues over the long term, provided the increased staffing levels are maintained. IRS' enforcement presence is relatively low (e.g., IRS now audits less than 1 percent of the total number of income tax returns filed) and yet revenues to be collected are substantial—the estimated income tax gap for tax year 1992 was \$127 billion. Last month, we issued a report on the tax gap in which, among other things, we discussed efforts toward and ideas of reducing the gap, including the possibility of providing IRS with additional enforcement resources.<sup>1</sup>

We are taking a position on the budget authority's impact on budget deficits even though it is not yet certain how IRS intends to allocate the additional funding among its various enforcement programs. Earlier this year, as shown in the enclosures, IRS had prepared an allocation and a corresponding estimate of revenue return on the investment of about \$9.2 billion over 5 years. However, IRS premised its allocation and estimate on the assumption that (1) total funding for the compliance initiatives would amount to \$2.5 billion over 5 years and (2) that level of funding would support 5,078 full-time equivalents (FTE) in fiscal year 1995 and 8,136 FTEs in succeeding years.<sup>2</sup> The Senate budget resolution, however, limits funding in any 1 year to no more than \$405 million. This amount is the same as the cost presented in the President's budget—\$405 million a year, or \$2.025 billion over 5 years.

IRS is revising its staffing allocation and revenue estimate to reflect the funding level in the budget resolution. The kinds of changes being considered, as we understand

them, would not alter our opinion as to the impact of the additional budget authority on budget deficits. One of the changes being considered, for example, is consistent with our past recommendation that IRS put more emphasis on telephone contacts in trying to collect delinquent taxes.<sup>3</sup>

Our past work in earlier IRS compliance initiatives, which was done for your Committee, raised two basic concerns that warrant repeating: (1) the initiatives were not implemented as Congress intended and (2) IRS' revenue estimates were unreliable.<sup>4</sup>

As summarized in our recent report on IRS' budget request for fiscal year 1995, IRS' inability to deliver past compliance initiatives resulted, in large part, from shortfalls (i.e., unfunded costs) that caused IRS to reprogram to other activities funds appropriated for the compliance initiatives.<sup>5</sup> Some of the shortfalls were because of circumstances, such as unfunded pay raises, that were beyond IRS' control, while others stemmed from IRS' problems in accurately estimating labor costs.

IRS is facing another shortfall in fiscal year 1995 due to several assumptions embodied in its budget request. First, according to IRS budget officials, the Department of the Treasury required IRS to use a non-pay inflation factor that is less than the rate applied to other agencies. As a result, those officials expect IRS' support cost budget to be short. Second, IRS' budget is to be decreased to reflect its share of government-wide procurement savings that were proposed by the President as a result of work by the National Policy Review. IRS budget officials told us that those savings will be difficult to realize. Third, the President's budget, and thus IRS', assumes a 1.6 percent federal workers' pay raise for fiscal year 1995. The actual pay raise may be more. Fourth, IRS' budget assumes productivity savings associated with various systems being implemented as part of Tax Systems Modernization. Realization of those savings could be jeopardized if IRS' appropriation for Tax Systems Modernization is reduced as called for in the appropriation bill being considered by the House of Representatives. Using data provided by IRS budget officials, these factors together could result in a shortfall of between \$100 and \$200 million.

Such a shortfall could erode IRS' ability to adequately fund its base enforcement operations and could, as in the past, result in some of the compliance initiative money being used to bring IRS back to the level it was before the erosion. To the extent that happens, the effect of the compliance initiatives on IRS' overall enforcement presence will be diminished. Even under those circumstances, however, we believe that funding of the initiatives will result in more revenue than they cost with the stipulations mentioned earlier.

In past reports to your Committee, we documented various deficiencies with IRS' methodologies for estimating the amount of additional revenue the government could expect to realize as a result of past compliance initiatives. Because of those deficiencies, we questioned the reliability of IRS' estimates.

IRS has since changed its methodology for estimating the additional revenues to be generated by augmenting its Examination function. Although we have not done an in-depth review of that methodology or the estimates generated thereby, information we have reviewed indicates that IRS' changes addressed most of the problems we identified with the earlier methodology. Thus, we are more confident than in the past about the reliability of the revenue estimates associated

<sup>1</sup> Footnotes at end of article.

with the Examination part of the compliance initiatives.

IRS has said that the revenue estimating methodologies for its Collection and Information Returns programs have also been improved, but we have not done any work that

would enable us to comment on the nature or adequacy of those changes.

I trust this information is responsive to your request. If you have any questions or if

we can be of any more help, please call me at 512-5407.

Sincerely yours,

JENNIE S. STATHIS,  
Director, Tax Policy  
and Administration Issues.

INTERNAL REVENUE SERVICE COMPLIANCE PROPOSALS

[Dollars in Millions]

	Resources—fiscal year 1995		Revenue return—fiscal year					Total
	FTE	Dollars in millions	1995	1996	1997	1998	1999	1995-99
<b>TAX LAW ENFORCEMENT</b>								
Increase number of tax returns examined:								
Field audits (revenue agents)	1,582	119	(43)	11	176	257	364	764
Office audits (tax auditors)	633	40	13	107	264	365	393	1,141
Service center correspondence audits	479	27	71	204	284	319	354	1,232
Collection of delinquent taxes	1,222	77	191	542	823	912	912	3,380
More effective use of information reporting documents to tax unreported income	703	54	102	417	672	688	691	2,570
Subtotal, tax enforcement	4,619	317	333	1,281	2,218	2,540	2,713	9,086
<b>INTERNATIONAL ENFORCEMENT</b>								
International examinations	90	9	(2)	3	21	25	46	93
Chief counsel—Large case initiative	40	5	0	0	0	0	0	0
Subtotal, international	130	14	(2)	3	21	25	46	93
<b>CRIMINAL ENFORCEMENT</b>								
Fraud investigations	231	56						
Motor fuel excise tax	98	18						
Subtotal, criminal enforcement	329	74						
Total compliance proposals	5,078	405	331	1,284	2,240	2,565	2,759	9,179

FOOTNOTES

<sup>1</sup> Tax Gap: Many Actions Taken But a Cohesive Compliance Strategy Needed (GAO/GGD-94-123, May 11, 1994).

<sup>2</sup> The number of FTEs in 1995 differs from succeeding years because staff hired to fill many of the new positions would only be on board for part of fiscal year 1995. Thus the number of FTEs in that year

would be less than in succeeding years when all staff would be working a full year.

<sup>3</sup> Tax Administration: New Delinquent Tax Collection Methods for IRS (GAO/GGD-93-67, May 11, 1993).

<sup>4</sup> Tax Administration: IRS' Implementation of the 1987 Revenue Initiative (GAO/GGD-88-16, Dec. 2, 1987); Tax Administration: Difficulties in Accurately Estimating Tax Examination Yield (GAO/GGD-88-119, Aug. 8, 1988); Tax Administration: Potential Audit Revenues

Lost While Training New Revenue Agents (GAO/GGD-90-77, Apr. 6, 1990); Tax Administration: IRS Needs More Reliable Information on Enforcement Revenues (GAO/GGD-90-85, June 20, 1990); and Tax Administration: IRS' Improved Estimates of Tax Examination Yield Need to Be Refined (GAO/GGD-90-119, Sept. 5, 1990).

<sup>5</sup> Tax Administration: Analysis of IRS' Budget Request for Fiscal Year 1995 (GAO/GGD-94-129, Apr. 20, 1994).

Enclosure 2.

FISCAL YEAR 1995 TAX GAP INITIATIVES

[In thousands of dollars collected]

	Fiscal year—					Outyears	Total	Yield per FTE
	1995	1996	1997	1998	1999			
<b>Collection:</b>								
Collection FTE	1,075	1,791	1,791	1,791	1,791		8,239	
Follow-on FTE	147	245	245	245	245		1,127	
Total FTE	1,222	2,036	2,036	2,036	2,036		9,366	
Revenue	191,147	542,064	823,380	911,564	911,564		3,379,719	361
<b>Examination:</b>								
<b>Revenue Agent:</b>								
Exam FTE	1,145	1,832	1,832	1,832	1,832		8,473	
Follow-on FTE	437	699	699	699	699		3,234	
Revenue	(43,200)	10,600	175,000	256,600	363,800	830,400	1,594,200	136
<b>Tax Auditor:</b>								
Exam FTE	458	733	733	733	733		3,390	
Follow-on FTE	175	280	280	280	280		1,295	
Revenue	12,700	106,800	263,800	364,500	392,600	554,800	1,695,200	362
<b>Tax Examiner:</b>								
Exam FTE	347	555	555	555	555		2,567	
Follow-on FTE	132	211	211	211	211		976	
Revenue	71,200	204,200	283,600	319,200	354,100	499,600	1,731,900	489
<b>International Examination:</b>								
Exam FTE	70	92	92	92	92		438	
Follow-on FTE	20	26	26	26	26		125	
Revenue	(2,400)	3,200	21,200	24,900	46,000	157,200	250,100	444
Total Examination FTE	2,020	3,212	3,212	3,212	3,212		14,868	
Total Follow-on FTE	764	1,217	1,217	1,217	1,217		5,631	
Total FTE	2,784	4,429	4,429	4,429	4,429		20,499	
Total Examination Revenue	38,300	324,800	744,600	965,200	1,156,700	2,041,800	5,271,400	257
<b>Information Returns Processing:</b>								
<b>Unmatchable Followup IR:</b>								
IRP FTE	200	200	200	200	200		1,000	
Follow-on FTE	16	16	16	16	16		82	
Revenue	81,100	164,500	218,000	234,500	237,600	118,800	1,054,500	975
<b>Corr Exam/SFR/K-1 Processing:</b>								
IRP FTE	250	700	800	800	800		3,350	
Follow-on FTE	20	57	65	65	65		273	
Revenue	20,494	252,658	453,600	453,600	453,600		1,633,952	451
<b>Voluntary Compliance:</b>								
IRP FTE	200	140	40	40	40		460	
Follow-on FTE	16	11	3	3	3		36	
Revenue				NA				
Total IRP FTE	650	1,040	1,040	1,040	1,040		4,810	
Total Follow-on FTE	53	85	85	85	85		392	
Total FTE	703	1,125	1,125	1,125	1,125		5,202	
Total IRP Revenue	101,594	417,158	571,600	688,100	691,200	118,800	2,588,452	571
<b>Totals:</b>								
Functional FTE	3,745	6,043	6,043	6,043	6,043		27,917	

## FISCAL YEAR 1995 TAX GAP INITIATIVES—Continued

(In thousands of dollars collected)

	Fiscal year—					Outyears	Total	Yield per FTE
	1995	1996	1997	1998	1999			
Follow-on FTE .....	964	1,507	1,507	1,507	1,507		6,994	
Other FTE* .....	369	586	586	586	586		2,713	
Total FTE .....	5,078	8,136	8,136	8,136	8,136		37,624	
Revenue .....	331,041	1,284,022	2,239,580	2,564,864	2,759,464	2,160,600	11,339,571	330

\*Other FTE includes Criminal Investigation Initiative (329 FTE/526 positions) and Chief Counsel International (40 FTE/60 positions).

CONGRESSIONAL BUDGET OFFICE,  
U.S. Congress,  
Washington, DC, June 16, 1994.

Hon. JIM SASSER,  
Chairman, Committee on the Budget,  
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: Your letter of June 6 requested that CBO analyze the effect on the deficit of providing additional funding for Internal Revenue Service (IRS) compliance initiative activities. Because the collection of revenues by the IRS depends on the total level of resources provided to the agency, as well as other factors, it is not possible to identify the net effect on the deficit of a portion of the funding provided.

In developing the baseline projection of revenues for fiscal years 1995 through 1999, CBO assumed that collection activities would continue at the 1994 level. Because IRS has some flexibility in allocating funds to its different activities and because management changes can affect the level of compliance without changing expenditures, this level of collection activity cannot be precisely tied to a particular appropriation level. However, if funding for the IRS during the 1995-1999 period is very different from the 1994 appropriation (\$7,345 million), adjusted for inflation, it will be difficult for the IRS to maintain its current level of compliance. The President's budget proposed cuts below this inflation-adjusted 1994 level in each year—by more than \$200 million in 1995 and more than \$1,700 million in 1999. The IRS tax law enforcement account, from which the IRS compliance initiative activities are funded, is cut by more than \$200 million in 1995 and more than \$1,200 million in 1999. If funding were provided at the levels proposed by the President's budget, CBO expects that revenues would fall below the levels projected in the baseline.

Providing \$405 million more than the President proposed for the IRS each year through 1999 would raise the 1995 and 1996 funding levels somewhat above CBO's baseline, but would still leave total IRS funding over the 1995-1999 period more than \$1,500 million below the CBO baseline. Thus, the additional funding proposed for the IRS compliance initiative would only partially offset the reduced collection capabilities that would likely result from the real cuts in IRS funding proposed by the President.

GAO has analyzed the question of whether spending an additional \$405 million a year for five years to fund the IRS's compliance initiative would bring in more revenue than it cost. Their analysis assumes that the additional funding would be on top of the current level, but their estimate of the payoff is likely to be even greater if the base level of resources is smaller. CBO agrees with GAO that spending money on compliance is a productive use of resources.

The additional funding, however, would be offset by increased revenues only if the \$405 million were provided at least through 1996. In 1995, the IRS expects less than \$405 million in additional revenues because the new hires will not be able to generate revenue

while they are being trained and because their training will take current agents away from their normal activities. Only in 1996 and later years would the additional employees be able to generate more than \$405 million in revenues. Because appropriations are provided one year at a time, it is impossible to know whether an additional \$405 million in 1995 will be followed by the additional funding in 1996 that would result in a cost increase in revenues sufficient to offset the total additional spending in the two years.

In any case, CBO would not include any increase in revenues in a cost estimate of legislation providing additional funding for the IRS. The level of funding for virtually all agencies affects the ability of the agency to either collect funds (whether taxes, fees, loan repayments or any other money owed to the government), to guard against overpayments, or to speed up expenditures. It is not feasible for CBO to estimate and count the effects on the collection or spending capabilities of the agency of every increase or cut in administrative funding. As a result, CBO does not include any change in collections or spending that might result from increases or cuts in such funding in its estimates of legislation. Consequently, CBO would not score any revenue effects for the additional \$405 million for IRS compliance initiatives in its estimate of legislation providing that funding—just as we would not score any reduction in revenues in an estimate of legislation that provided less for the IRS than is assumed in the baseline.

If you wish further details, please feel free to contact me or your staff may wish to contact Richard Kastan at 226-2690.

Sincerely,

ROBERT D. REISCHAUER,  
Director.

DEPARTMENT OF THE TREASURY,  
INTERNAL REVENUE SERVICE,  
Washington, DC, June 17, 1994.

Hon. JIM SASSER,  
Chairman, Committee on the Budget,  
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: I am responding to your request for an analysis of the effect of the proposed FY 1995 Internal Revenue Service Compliance Initiative on Federal budget deficits in the FY 1995 to FY 1999 time period. Let me first say we greatly appreciate the support of the Committee for this initiative which will be of great benefit in supporting effective tax administration and improving compliance with the tax laws.

I am confident you can certify that the IRS Compliance Initiative will not increase the Federal deficit over the next five years. In fact, it is our belief that the investment will actually reduce the deficit over the five year period. On an average, IRS Compliance programs return almost five dollars in additional collected tax for every dollar expended.

We will concentrate the additional resources received on specific compliance problem areas. Enclosure 1 summarizes the compliance areas and IRS programs to which ad-

ditional resources will be directed. The Initiative will be earmarked for tax law enforcement programs whose purpose is to serve taxes due and owing that would otherwise go uncollected absent enforcement action. These are our Examination, Collection and Information Reporting/Document Matching Programs.

For each program area scheduled to receive additional resources, IRS made a specific five year revenue estimate. Estimates are based on historical experience with the type of compliance cases that will be worked and other forecasting assumptions. These other assumptions address such issues as how soon additional employees can be hired, how long it will take for new employees to become fully productive, how long it will take cases to close from the point of initiation and what revenue will be lost as a result of redirecting current employees from case related duties to training new employees.

Enclosure 2 summarizes the additional revenue anticipated from the program increases we proposed. In total, we estimated over \$9.0 billion in collections over the FY 1995-FY 1999 period. The Budget Resolution provides for an annual additional expenditure of \$405 million over a five year period for a cumulative cost of \$2.025 billion.

Enclosure 3 summarizes the process we used to make revenue estimates and discusses the types of assumptions made.

There have been serious and legitimate criticisms in the past concerning IRS' ability to deliver on Compliance Initiative commitments. I believe we have responded to these criticisms and for FY 1995 are in an unprecedented position to make a compliance difference. First, IRS can deliver on its Compliance FTE commitment. For the first time, IRS is confident its labor costs—70% of the total IRS budget—are fully funded in the FY 1995 Budget as submitted by the President. The IRS and Office of Management and Budget have worked together to identify factors affecting IRS labor costs, and our FTE is funded on the basis of mutually agreed projections.

Second, we will be able to track actual enforcement revenue results. A new system for tracking enforcement revenues separately from voluntary receipts was put into place on October 1, 1993. A new financial system installed in FY 1993 will account for costs and FTE realization accurately at all organizational levels. Also, our tracking methodology has been shared with the General Accounting Office to alleviate concerns that have been expressed in tracking previous initiatives. We will report on revenue results and FTE validation on a quarterly basis.

Third, Tax Systems Modernization (TSM) investments are helping IRS work smarter and faster. A new compliance research system supported by TSM will allow IRS to pinpoint specific compliance problem areas.

Finally, new business approaches within IRS mean more employees will be on the front-line. The IRS is consolidating its resources management support in fewer sites

and reducing regional and headquarters staff. Therefore, IRS will put many more of the initiative FTE into front-line compliance related positions than in prior initiatives. Also, these additional positions will be distributed selectively to those districts with the most serious compliance problems or workload inventories.

Should your staff have any questions regarding this Compliance Initiative or any of the information provided herein, they may contact either Carl Moravitz or Richard Hays in our Budget Division on (202) 622-8770. Sincerely,

MARGARET MILNER RICHARDSON.

[Enclosure 1]

FISCAL YEAR 1995 COMPLIANCE INVESTMENT

**Market Segments**—IRS will use better information about compliance patterns of specific categories of taxpayers—market segments—to design the compliance-enhancing techniques that work best. Improved and outreach programs will be part of the answer as well as enforcement.

The FY 1995 IRS Compliance investment will increase enforcement staff by approximately 5,000 FTE, 8% over the President's FY 1995 baseline budget. Key areas:

1. UNDERPAYMENT

Accounts receivable inventories—taxes due from current and prior years but not paid in full—have grown 35% over the past five years. The number of taxpayers failing to pay their liability in full at the time of filing has increased from 14 million to 16 million over the past three years. Additional staff will mean quicker case assignment and accelerated taxpayer contact, improving collection opportunities.

2. UNDERREPORTING

A major program used by IRS to detect unreported income is the document matching program. IRS will improve the usefulness of documents currently not matched, initiate educational efforts to improve the accuracy of information reporting, and improve compliance by Federal Government payors with reporting requirements.

3. NONFILING

Expanded document matching will enhance collection efforts to secure more of the estimated 10 million returns not filed each year.

Enhanced efforts to collect taxes will result in securing additional returns. This effort will pay dividends in FY 1995, and in subsequent years by keeping filers on the tax rolls.

4. TAX FRAUD

IRS' efforts to collect delinquent taxes must be augmented by enforcement of criminal tax fraud statutes. Expanded efforts will be undertaken to detect motor fuel tax evasion, bankruptcy fraud and financial fraud involving pensions and refund fraud.

FISCAL YEAR 1995 COMPLIANCE INITIATIVE

[Resource commitment: 5078 FTE, \$405 million, Results: \$9-\$10 billion, fiscal years 1995-1999]

Compliance issue	Resource focus
Income tax underreporting	Examination—Increase the number of correspondence examinations and contacts (limited focus audits involving overstated deductions, improper filing status, or failure to report income). Information Reporting—Improve compliance by Federal Government payors; correct wage reporting by the military; reduce the number of unmatchable documents.
Tax fraud—excise tax, pension plans	Criminal Investigation—Increase resources dedicated to detecting motor fuel excise tax evasion schemes, bankruptcy fraud/pension plan, insurance fraud and investigation of refund fraud. Increase investigations of these legal income sector tax crimes.
Foreign controlled corporations—international issues	International—Chief Counsel. Expand coordination and National Office support in large case development and litigation; concentrate Counsel resources on the development and implementation of the Advance Pricing Agreement (APA) Program.

FISCAL YEAR 1995 COMPLIANCE INITIATIVE—Continued

[Resource commitment: 5078 FTE, \$405 million, Results: \$9-\$10 billion, fiscal years 1995-1999]

Compliance issue	Resource focus
Underpayment/nonfiling	International—Examination. Increase enforcement based on identified market segments targeting foreign business activity in the U.S. Use Compliance 2000 methodology to address foreign controlled corporation tax compliance. Collection Increase—the collection of delinquent accounts; enhance case selection and prioritization, quicker case assignment and accelerated taxpayer contact; obtaining delinquent returns and collecting delinquent taxes. Use additional document matching non-filer leads.

Enclosure 2.

FISCAL YEAR 1995 COMPLIANCE INITIATIVES REVENUE PROJECTIONS

[In millions of dollars collected]

Initiatives	Fiscal year—					Total
	1995	1996	1997	1998	1999	
Examination:						
Revenue Agent	(43)	11	176	257	364	764
Tax Auditor	13	107	264	365	393	1,141
Tax Examiner	71	204	284	319	354	1,232
International Examination	(2)	3	21	25	46	93
Collection	191	542	823	912	912	3,380
Information Reporting Program:						
Unmatchable IR Followup	81	165	218	235	238	936
Correspondence Exams	20	253	464	464	454	1,634
Totals	331	1,284	2,240	2,565	2,759	9,179

FISCAL YEAR 1995 COMPLIANCE INITIATIVES TRACKING REPORT, TOTAL RESULTS BY ORIGINATING FUNCTION, FISCAL YEAR 1995 QUARTERLY REPORT AS OF MAR. 30, 1995

Case Categories	Collected Dollars (in millions)										FTE staffing		On-rolls	
	FY 1995		FY 1996		FY 1997		FY 1998		1999		TOTALS		FY 1995	FY 1995
	Plan	Actual	Plan	Actual	Plan	Actual	Plan	Actual	Plan	Actual	Plan	Actual	Plan	By QTR
Examination <sup>1</sup> : Base Initiative	\$40.7	\$321.6			\$725.4		\$940.3		\$1,110.3		\$3,186.7		1,948	
Revenue Agents: Base Initiative	(43.2)	10.0			178.0		255.8		363.8		763.8		687	
Individual: Base Initiative	(16.0)	1.4			47.8		81.5		106.3		221.1		386	
Corporate: Base Initiative	(17.3)	(20.6)			12.2		29.2		85.7		90.2		326	
Employment: Base Initiative	(9.9)	28.8			115.9		145.9		170.6		452.6		156	
All Others (Base Only)														
Tax Auditors Individual: Base Initiative	12.7	105.6			263.8		384.6		382.5		1,140.6		347	
All Others (Base Only)														
Service Center: Base Initiative	71.3	204.2			253.5		318.2		354.1		1,232.3		347	
All others: Base Initiative														
Collection <sup>2</sup> : Base Initiative	191.1	542.1			823.4		911.8		911.5		3,378.7		1,153	
Collection Field Function: Base Initiative	143.4	406.5			617.5		683.7		653.7		2,534.6		867	
Automated Collection System: Base Initiative	47.8	135.5			205.3		227.8		227.8		644.9		188	
Notices (Base Only)														
All Others: Base Initiative													78	
AP	101.8	417.2			871.6		686.1		801.2		2,568.7		512	
Correspondence Exams	20.5	262.7			453.6		453.6		453.6		1,834.0		318	
Unmatchable Follow-up	51.1	184.5			218.0		234.6		237.6		836.7		200	
International Initiatives	(2.4)	32			21.2		24.8		48.0		92.8		65	
International Examination	(2.4)	32			21.2		24.8		48.0		92.8		65	
All Other Enforcement Functions: Base Initiative													1,261	
IRP (Base Only) International (Base Only) EPIEG													2	
Base Initiative													349	
Criminal Investigation: Base Initiative													581	
Chief Counsel/Appeals: Base Initiative													320	
Resource Management: Base Initiative														
Plus Dollars Collected in this Year from Open Cases														
Grand Total Base Initiative	331.0	1,284.0			2,259.9		2,584.0		2,752.5		8,178.0		4,947	

<sup>1</sup> Revenue amounts include only dollars from cases closed in FY 1995. Dollars collected from cases closed in other years are shown below.

<sup>2</sup> Revenue amounts exclude collections as a result of work originated in Examination or IRP. These dollars are included under those functional sections.

## Enclosure 3.

FISCAL YEAR 1995 COMPLIANCE INITIATIVES  
REVENUE ESTIMATING PROCESS

The five-year revenue projection of \$9.2 billion is based on standard methodologies that the IRS has employed in developing estimates over the past few years. These methodologies have been improved to reflect Treasury's Office of Tax Analysis recommendations made during their validation process.

Our revenue estimating process begins with analysis of the historical baseline data. We examine workload, staffing, and revenue amounts from the various auditable management information systems managed by the IRS functions. We develop baseline yield factors from these various data sources.

These yield factors are then discounted, where applicable, to reflect the reduced workload and revenue that can be attributed to new hires. Some of the major assumptions followed in the IRS revenue estimating process are:

Marginality of case value—where the new hires will work on the next lowest valued set of cases in an audit class.

Reduced productivity levels of new hires—new hires will go through a learning experience during the first couple of years, thus reducing the number of cases worked in a year.

Training time of new hires—depending on the employment category, the availability to work cases is reduced.

Opportunity costs—the time that the trainers (i.e., on-board IRS employees) require to train the new hires will reduce their productivity levels and result in lower revenue. This lost revenue is referred to as opportunity costs.

The discounted yield factors are then used to derive the revenue totals for the staffing associated with the initiatives. These revenue figures may be measured in recommended, assessed or collected dollars (depending on the function doing the estimating.) All estimates not already measured in collected dollars are converted using models that have been approved by Treasury during their scoring process.

With the recent development of our Enforcement Revenue Information System (ERIS), IRS will now be able to use one standard system to track the revenue related to these initiatives. ERIS will provide an automated link between monies recommended, assessed, and collected for the different types of cases tracked by enforcement activities. ERIS will also be the primary data source for future revenue projections, resulting in more accurate estimates. ERIS will provide the necessary data to develop the rates and factors used for revenue estimating purposes.●

## HONORING SAM HINES

Mr. DURENBERGER. Mr. President, I rise today to pay tribute to a truly outstanding member of the Washington, DC, community. This week, Dr. Samuel G. Hines will celebrate his 25th anniversary as pastor of the Third Street Church of God in northwest Washington.

Members of his church community consider themselves ambassadors for Christ in the Nation's Capital. And this phrase summarizes very well not just Reverend Hines's pastorate at the Third Street Church, but his whole life as a man of the cloth.

For almost 50 years, Reverend Hines has been an ambassador for the Gospel in some of the situations where it is most needed. In ravaged neighborhoods of Washington, DC, where drugs and gang warfare threaten the lives of the young—and where ethnic hatreds poison the lives of all who are near—Sam Hines has brought the sought-after words of peace.

In a historic Easter sermon in 1987, Hines challenged an interracial congregation of Asian-Americans and African-Americans to find their unity in Jesus Christ.

His sermon was delivered at a time of great tension between the two ethnic groups here in Washington. Hines said that Christ is "the Great Reconciler," because his mission of forgiveness to all people everywhere has "overridden . . . (his) nationality and race."

To Sam Hines, and to all of us who are believing Christians, the word of God "means changing enemies into friends, changing aliens and strangers into citizens—changing enemies into brothers and sisters."

This is the spirit that Sam Hines has brought to his ministry. He is a bridge builder, and this is what has made his efforts so effective and so important in the Nation's Capital.

He is a key force behind the Alliance to Save America's Future, or "SAFe"—a group that reaches out to inner-city young people who are at risk of involvement in illegal drugs. Under the aegis of SAFe, many different approaches have already been tried—among them the Pied Pipers Program, using exconvicts to scare young people straight; Youth Rescue Centers, which are sanctuaries for threatened young people; and the Nehemiah project, an inner-city family counseling program.

Rev. Sam Hines is an effective public figure because he has the power of faith. In 1990, when Washington faced a flood of murders, he addressed some words of consolation and challenge to District of Columbia residents.

On the steps of the Lincoln Memorial, Sam Hines said: "We are here to proclaim that the forces of evil are defeated."

Sam Hines realizes that there's more to doing good than ceaseless projects and unstinting activity. His message is that the war of good against evil has already been won by the sacrifice of Jesus—and that it's up to us to actualize that victory by reading into the community, by our lives, the message that is written into our hearts by God.

I join Reverend Hines's many friends and admirers in congratulating him on his important anniversary. May there be many more—we need his leadership.

(At the request of Mr. BYRD, the following statement was ordered to be printed in the RECORD.)

## DAY OF THE AFRICAN CHILD

● Mr. SIMON. Mr. President, I rise today to commemorate the Day of the African Child. Since 1991, this day has been celebrated around the world as the day to focus on Africa's future—its children. This day was first inaugurated in memory of South African school children who were massacred on June 16, 1976. Elementary and high school age children rose up against the system of apartheid education. It was out of the strength and energy of South Africa's children that the modern day anti-apartheid movement originated. The courage of the children of South Africa so galvanized the international community that the power corridors of the world were forced into action. American commercial firms poured out of South Africa, and American benevolence rushed in to fill the void. We shouldn't forget that it was South Africa's children who kept those banned personalities of Nelson Mandela and Steve Biko alive in the hearts and minds of us all. Many of those children sacrificed their life to keep this faith alive.

Today, it is South Africa's children who are working in partnership with President Mandela to lead South Africa into a glorious future. Many have suggested that South Africa will never be stable. However, it is the youth of South Africa who are returning to their homeland. They have made the transformation from liberation movement to arbiters of South Africa's political and financial future. There is no better indicator of South Africa's great future than the return to its shores of those young people who have much to lose by taking the chance of returning home. But none the less, they have so much to contribute to the success of not only South Africa's future, but that of the region as well.

Mr. President, I would like to draw your attention to Angola's children. I recently returned from Angola with Senators HARRY REID and RUSSELL FEINGOLD. During our visit, we toured the largest hospital in Angola—Jocina Machel. Up to 15 children die each day in this hospital. At the time of our visit, 6 had already died. Mr. President, as a father and grandfather, it was difficult to look into the eyes of some of those children that I knew would die sometime that same day.

On this Day of the African Child, I would like to ask that each of us do what we can to assist Africa's children. Most of her children are not in the dire straits that the media purports. For instance, over 50 percent of African girls are enrolled in primary schools, and in many urban areas, more than 80 percent of Africa's children have safe drinking water. I hate to sound like those commercials on TV that ask us to donate 50 cents per day to save a child's life. I say that because as Members of Congress, we can do more than

sending just 50 cents a day. We are presently reforming the way in which we provide foreign assistance. I will be seeking to add additional language to the bill to require AID and other agencies to work harder to alleviate poverty. This will be my contribution not only to Africa's children, but to all the world's children.

Mr. President, today I urge all my colleagues to go beyond committing themselves to a single contribution to a organization to help just one child. Let's make a long-term commitment to acting in partnerships that would guarantee the survival of Africa's children.●

Mr. BAUCUS. Mr. President, late last week, the Senate passed an amendment dealing with the subject of religious harassment. I joined my colleague from Colorado, Senator BROWN, in offering that amendment.

The Equal Employment Opportunity Commission [EEOC] has proposed guidelines to provide employers with guidance in the elimination of workplace harassment based upon race, color, religion, gender, national origin, age, and disability. These are worthy goals—the elimination of all forms of harassment in the workplace is something I strongly support.

Unfortunately, when it comes to the matter of religious harassment, the EEOC guidelines could create serious problems for employers and threaten to stifle our freedom of speech and freedom of religion. They are vague. They are too broad. They show a lack of common sense. And, frankly, they make me question whether some of the folks at the EEOC are in touch with the reality of life in the American workplace.

Expressions of religious belief by an individual in the workplace, for instance, could be considered religious harassment by another based solely on the fact that the statement showed aversion to the faith, the religion, or the beliefs of another person or that person's relative, friend, or associate.

I shudder to think of the mischief this could cause. I shudder to think of the frivolous lawsuits this could spawn. And I shudder to think of the tensions this is likely to create for both employers and employees. Delta Airlines, for example, has already issued a directive to its employees asking them to refrain from any display or discussion of their religious beliefs.

In essence, the EEOC could effectively designate every American workplace a "Religion-Free Zone." Let me provide a few examples of the types of activities that could be grounds for a lawsuit under the EEOC guidelines: wearing a cross around the neck; displaying a picture of Christ on an office desk or wall; having a Bible on your desk; or praying while at work.

The EEOC needs to be sent back to the drawing board. Their proposed reg-

ulations are too broad, too ambiguous, and they threaten two cherished values: freedom of religion and freedom of speech. I am, therefore, pleased that the Senate passed this worthy amendment.

#### CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. The Chair announces that morning business is closed.

#### TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 1995

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to the consideration of H.R. 4539, which the clerk will report.

The bill clerk read as follows:

A bill (H.R. 4539) making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain independent agencies, for the fiscal year ending September 30, 1995, and for other purposes.

The Senate proceeded to consider the bill, which had been reported from the Committee on Appropriations, with amendments, as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets, and the parts of the bill intended to be inserted are shown in italic.)

H.R. 4539

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1995, and for other purposes, namely:

#### TITLE I—DEPARTMENT OF THE TREASURY

##### DEPARTMENTAL OFFICES SALARIES AND EXPENSES

For necessary expenses of the Departmental Offices including operation and maintenance of the Treasury Building and Annex; hire of passenger motor vehicles; maintenance, repairs, and improvements of, and purchase of commercial insurance policies for, real properties leased or owned overseas, when necessary for the performance of official business; [not to exceed \$2,900,000 for official travel expenses; not to exceed \$100,000 for official reception and representation expenses, of which \$75,000 is for such expenses of the international affairs function of the Offices; not to exceed \$3,101,000 to remain available until September 30, 1997, shall be available for information technology modernization requirements;] of which not less than \$6,443,000 and 92 full-time equivalent positions shall be available for enforcement activities, and of which not less than \$3,040,000 shall be available for the Office of Foreign Assets Control; not to exceed \$150,000 for official reception and representation expenses; not to exceed \$258,000 for unforeseen emergencies of a confidential nature, to be allocated and expended under the direction of the Secretary

of the Treasury and to be accounted for solely on his certificate; not to exceed \$490,000, to remain available until September 30, 1997, for repairs and improvements to the Main Treasury Building and Annex; [\$105,150,000: *Provided*, That of the offsetting collections credited to this account, \$79,000 are permanently canceled] \$104,400,000.

##### OFFICE OF INSPECTOR GENERAL SALARIES AND EXPENSES

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, hire of passenger motor vehicles; not to exceed \$2,000,000 for official travel expenses; not to exceed \$100,000 for unforeseen emergencies of a confidential nature, to be allocated and expended under the direction of the Inspector General of the Treasury; [\$28,897,000] \$30,497,000.

##### FINANCIAL CRIMES ENFORCEMENT NETWORK SALARIES AND EXPENSES

For necessary expenses of the Financial Crimes Enforcement Network, including hire of passenger motor vehicles; not to exceed \$4,000 for official reception and representation expenses; [\$18,280,000: *Provided*, That of the offsetting collections credited to this account, \$1,000 are permanently canceled] \$20,690,000.

##### TREASURY FORFEITURE FUND

##### (LIMITATION OF AVAILABILITY OF DEPOSITS)

For necessary expenses of the Treasury Forfeiture Fund, as authorized by Public Law 102-393, not to exceed \$15,000,000, to be derived from deposits in the Fund.

##### FEDERAL LAW ENFORCEMENT TRAINING CENTER SALARIES AND EXPENSES

For necessary expenses of the Federal Law Enforcement Training Center, as a bureau of the Department of the Treasury, including materials and support costs of Federal law enforcement basic training; purchase (not to exceed fifty-two for police-type use) and hire of passenger motor vehicles; for expenses for student athletic and related activities; uniforms without regard to the general purchase price limitation for the current fiscal year; the conducting of and participating in firearms matches and presentation of awards; for public awareness and enhancing community support of law enforcement training; not to exceed [\$9,000] \$7,000 for official reception and representation expenses; room and board for student interns; and services as authorized by 5 U.S.C. 3109: *Provided*, That the Center is authorized to accept and use gifts of property, both real and personal, and to accept services, for authorized purposes, including funding of a gift of intrinsic value which shall be awarded annually by the Director of the Center to the outstanding student who graduated from a basic training program at the Center during the previous fiscal year, which shall be funded only by gifts received through the Center's gift authority: *Provided further*, That notwithstanding any other provision of law, students attending training at any Federal Law Enforcement Training Center site shall reside in on-Center or Center-provided housing, insofar as available and in accordance with Center policy: *Provided further*, That funds appropriated in this account shall be available for training United States Postal Service law enforcement personnel and Postal police officers, at the discretion of the Director on a space available basis with reimbursement of actual costs to this appropriation; State and local government law enforcement training

on a space-available basis; training of foreign law enforcement officials on a space-available basis with reimbursement of actual costs to this appropriation; training of private sector security officials on a space-available basis with reimbursement of actual costs to this appropriation; travel expenses of non-Federal personnel to attend State and local course development meetings at the Center: *Provided further*, That the Center is authorized to obligate funds in anticipation of reimbursements from agencies receiving training at the Federal Law Enforcement Training Center, except that total obligations at the end of the fiscal year shall not exceed total budgetary resources available at the end of the fiscal year: *Provided further*, That the Federal Law Enforcement Training Center is authorized to provide [short term] first-aid and emergency medical services for students undergoing training at the Center; **[\$46,713,000] \$47,114,000**, of which \$8,821,000 for materials and support costs of Federal law enforcement basic training shall remain available until September 30, 1997.

#### ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND RELATED EXPENSES

For expansion of the Federal Law Enforcement Training Center, for acquisition of necessary additional real property and facilities, and for ongoing maintenance, facility improvements, and related expenses, **[\$9,815,000] \$16,815,000**, to remain available until expended.

#### FINANCIAL MANAGEMENT SERVICE SALARIES AND EXPENSES

For necessary expenses of the Financial Management Service, **[\$185,389,000] \$183,697,000**, of which not to exceed \$13,459,000 shall remain available until expended for systems modernization initiatives. In addition, \$90,000, to be derived from the Oil Spill Liability Trust Fund, to reimburse the Service for administrative and personnel expenses for financial management of the Fund, as authorized by section 1012 of Public Law 101-380: *Provided*, That of the offsetting collections credited to this account, \$192,000 are permanently canceled.]

#### BUREAU OF ALCOHOL, TOBACCO AND FIREARMS SALARIES AND EXPENSES

For necessary expenses of the Bureau of Alcohol, Tobacco and Firearms, including purchase of not to exceed six hundred and fifty vehicles for police-type use for replacement only and hire of passenger motor vehicles; hire of aircraft; and services of expert witnesses at such rates as may be determined by the Director; for payment of per diem and/or subsistence allowances to employees where an assignment to the National Response Team during the investigation of a bombing or arson incident requires an employee to work 16 hours or more per day or to remain overnight at his or her post of duty; not to exceed \$10,000 for official reception and representation expenses; for training of State and local law enforcement agencies with or without reimbursement; provision of laboratory assistance to State and local agencies, with or without reimbursement; of which \$22,000,000 shall be available solely for the enforcement of the Federal Alcohol Administration Act during fiscal year 1995; **[\$376,181,000] \$385,315,000**, of which no less than \$134,847,000 and 1,140 full-time equivalent positions shall be available for enforcing the Armed Career Criminal Act, of which not to exceed \$1,000,000 shall be available for the payment of attorneys' fees as provided by 18 U.S.C. 924(d)(2); and of which \$1,000,000 shall be available for the equipping of any vessel,

vehicle, equipment, or aircraft available for official use by a State or local law enforcement agency if the conveyance will be used in drug-related joint law enforcement operations with the Bureau of Alcohol, Tobacco and Firearms and for the payment of overtime salaries, travel, fuel, training, equipment, and other similar costs of State and local law enforcement officers that are incurred in joint operations with the Bureau of Alcohol, Tobacco and Firearms: *Provided*, That none of the funds appropriated herein shall be available to investigate or act upon applications for relief from Federal firearms disabilities under 18 U.S.C. 925(c): *Provided further*, That such funds shall be available to investigate and act upon applications filed by corporations for relief from Federal firearms disabilities under 18 U.S.C. section 925(c): *Provided further*, That no funds made available by this or any other Act may be used to implement any reorganization of the Bureau of Alcohol, Tobacco and Firearms or transfer of the Bureau's functions, missions, or activities to other agencies or Departments in the fiscal year ending on September 30, 1995: *Provided further*, That no funds appropriated herein shall be available for salaries or administrative expenses in connection with consolidating or centralizing, within the Department of the Treasury, the records, or any portion thereof, of acquisition and disposition of firearms maintained by Federal firearms licensees: *Provided*, That of the offsetting collections credited to this account, \$4,000 are permanently canceled: *Provided*, That funds made available shall be used to achieve a minimum staffing level of 4,215 full-time equivalent positions during fiscal year 1995.

#### UNITED STATES CUSTOMS SERVICE SALARIES AND EXPENSES

For necessary expenses of the United States Customs Service, including purchase of up to 1,000 motor vehicles of which 960 are for replacement only, including 990 for police-type use and commercial operations; hire of motor vehicles; not to exceed \$20,000 for official reception and representation expenses; and awards of compensation to informers, as authorized by any Act enforced by the United States Customs Service; **[\$1,391,700,000] \$1,378,914,000**, of which such sums as become available in the Customs User Fee Account, except sums subject to section 13031(f)(3) of the Consolidated Omnibus Reconciliation Act of 1985, as amended (19 U.S.C. 58c(f)(3)), shall be derived from that Account; of the total, not to exceed \$150,000 shall be available for payment for rental space in connection with preclearance operations, and not to exceed \$4,000,000 shall be available until expended for research: *Provided*, That uniforms may be purchased without regard to the general purchase price limitation for the current fiscal year: *Provided further*, That \$750,000 shall be available for additional part-time and temporary positions in the Honolulu Customs District: *Provided further*, That \$10,000,000 shall be available for the Center for Study of Western Hemispheric Trade as authorized by Public Law 103-182: *Provided further*, That of the offsetting collections credited to this account, \$410,000 are permanently canceled: *Provided further*, That Customs shall achieve a minimum full-time equivalent staffing level of 17,524 during fiscal year 1995: *Provided further*, That \$500,000 shall remain available until expended for construction of a replacement fence within the city limits of Nogales, Arizona, under the authority of section 69, title 19, United States Code: *Provided further*, That any fee increases currently authorized or authorized in the fu-

ture, by amendments to section 13031 of the Comprehensive Omnibus Budget Reconciliation Act of 1985 hereafter shall be charged and collected.

#### OPERATION AND MAINTENANCE, AIR AND MARINE INTERDICTION PROGRAMS

For expenses, not otherwise provided for, necessary for the operation and maintenance of marine vessels, aircraft, and other related equipment of the Air and Marine Programs, including operational training and mission-related travel, and rental payments for facilities occupied by the air or marine interdiction and demand reduction programs; **[\$78,991,000] \$91,891,000** of which \$7,233,000 shall remain available until September 30, 1997: *Provided*, That no aircraft or other related equipment, with the exception of aircraft which is one of a kind and has been identified as excess to Customs requirements, and aircraft which has been damaged beyond repair, shall be transferred to any other Federal agency, Department, or office outside of the Department of the Treasury, during fiscal year 1995, without the prior approval of the House and Senate Committees on Appropriations.

#### CUSTOMS FACILITIES, CONSTRUCTION, IMPROVEMENTS AND RELATED EXPENSES

For acquisition of necessary additional real property, facilities, construction, improvements, and related expenses of the United States Customs Service, \$1,000,000, to remain available until expended.

#### CUSTOMS SERVICES AT SMALL AIRPORTS (TO BE DERIVED FROM FEES COLLECTED)

Such sums as may be necessary, not to exceed \$1,406,000, for expenses for the provision of Customs services at certain small airports or other facilities when authorized by law and designated by the Secretary of the Treasury, including expenditures for the salary and expenses of individuals employed to provide such services, to be derived from fees collected by the Secretary of the Treasury pursuant to section 236 of Public Law 98-573 for each of these airports or other facilities when authorized by law and designated by the Secretary of the Treasury, and to remain available until expended.

#### UNITED STATES MINT SALARIES AND EXPENSES

For necessary expenses of the United States Mint; **[\$54,770,000] \$55,740,000**, of which \$1,540,000 shall remain available until September 30, 1997, for expansion and improvements.

#### BUREAU OF THE PUBLIC DEBT ADMINISTERING THE PUBLIC DEBT

For necessary expenses connected with any public-debt issues of the United States; \$183,458,000: *Provided*, That in fiscal year 1995 and thereafter, the Secretary is authorized to collect fees of not less than \$46 for each definitive security issue provided to customers, and an annual maintenance fee of not less than \$25 for each Treasury Direct Investor Account exceeding \$100,000 in par value: *Provided further*, That in fiscal year 1995 and thereafter, of the definitive security fees collected, not to exceed \$600,000, and of the annual maintenance fees for Treasury Direct Investor Account collected, not to exceed \$2,500,000, shall be retained and used in the current fiscal year for the specific purpose of offsetting costs of Bureau of the Public Debt's marketable security activities, and any fees collected in excess of said amounts shall be deposited as miscellaneous receipts in the Treasury: *Provided further*, That the sum appropriated herein from the General Fund for fiscal year 1995 shall be reduced by not more than \$600,000 as definitive

security issue fees are collected and not more than \$2,500,000 as Treasury Direct Investor Account Maintenance fees are collected, so as to result in a final fiscal year 1995 appropriation from the General Fund estimated at \$180,358,000.

#### PAYMENT OF GOVERNMENT LOSSES IN SHIPMENT

Beginning in fiscal year 1995 and thereafter, there are appropriated such sums as may be necessary to make payments for the replacement of valuables, or the value thereof, lost, destroyed, or damaged in the course of shipments effected pursuant to section 1 of the Government Losses in Shipment Act, as amended.

#### INTERNAL REVENUE SERVICE ADMINISTRATION AND MANAGEMENT

For necessary expenses of the Internal Revenue Service, not otherwise provided for; management services, and inspection; including purchase (not to exceed 125 for replacement only, for police-type use) and hire of passenger motor vehicles (31 U.S.C. 1343(b)); and services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner; **[\$225,632,000]** **\$163,431,000**, of which not to exceed \$25,000 for official reception and representation expenses.

#### PROCESSING TAX RETURNS AND ASSISTANCE

For necessary expenses of the Internal Revenue Service, not otherwise provided for; including processing tax returns; revenue accounting; providing assistance to taxpayers; hire of passenger motor vehicles (31 U.S.C. 1343(b)); and services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner; **[\$1,616,295,000]** **of which \$3,500,000** **\$1,586,028,000**, of which **\$3,700,000** shall be for the Tax Counseling for the Elderly Program, no amount of which shall be available for IRS administrative costs.

#### TAX LAW ENFORCEMENT

For necessary expenses of the Internal Revenue Service for determining and establishing tax liabilities; tax and enforcement litigation; technical rulings; examining employee plans and exempt organizations; investigation and enforcement activities; securing unfiled tax returns; collecting unpaid accounts; statistics of income and compliance research; the purchase (for police-type use, not to exceed 600, of which not to exceed 450 shall be for replacement only), and hire of passenger motor vehicles (31 U.S.C. 1343(b)); and services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner: *Provided*, That additional amounts above fiscal year 1994 levels for international tax enforcement shall be used for the continued operation of a task force comprised of senior Internal Revenue Service Attorneys, accountants, and economists dedicated to enforcement activities related to United States subsidiaries of foreign-controlled corporations that are in non-compliance with the Internal Revenue Code of 1986; **[\$4,412,580,000]** **\$4,358,180,000**, of which not to exceed \$1,000,000 shall remain available until September 30, 1997 for research: *Provided further*, That **\$405,000,000** of the **\$426,300,000** made available for the fiscal year 1995 tax compliance initiative shall not be expended for any other purposes: *Provided further*, That no funds shall be transferred from this account during fiscal year 1995: *Provided further*, That no less than **\$442,148,000** and **5,002** full-time equivalent positions shall be available for tax fraud investigations.

#### INFORMATION SYSTEMS

For necessary expenses for data processing and telecommunications support for Internal

Revenue Service activities, including: tax systems modernization (modernized developmental systems), modernized operational systems, services and compliance, and support systems; and for the hire of passenger motor vehicles (31 U.S.C. 1343(b)); and services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner; **[\$1,240,357,000** of which **\$185,000,000]** **\$1,372,614,000** of which no less than **\$700,000,000** shall be available for tax systems modernization, of which up to **\$185,000,000** for tax and information systems development projects shall remain available until September 30, 1997: *Provided*, That none of the funds appropriated for tax systems modernization may be obligated until the Commissioner of the Internal Revenue Service reports to the Committees on Appropriations of the House and Senate on the implementation of Tax Systems Modernization: *Provided further*, That in the event that fee increases are charged and collected as a result of amendments enacted after December 8, 1993 to section 13031 of the Comprehensive Omnibus Budget Reconciliation Act of 1985, the amount appropriated shall be **\$1,507,614,000**.

#### ADMINISTRATIVE PROVISIONS—INTERNAL REVENUE SERVICE

SECTION 1. Not to exceed 4 per centum of any appropriation made available to the Internal Revenue Service for the current fiscal year by this Act may be transferred to any other Internal Revenue Service appropriation upon the advance approval of the House and Senate Committees on Appropriations: *Provided*, That no funds shall be transferred from the "Tax law enforcement" account during fiscal year 1995.

SEC. 2. The Internal Revenue Service shall institute and maintain a training program to insure that Internal Revenue Service employees are trained in taxpayers' rights, in dealing courteously with the taxpayers, and in cross-cultural relations.

SEC. 3. The Secretary of the Treasury may establish new fees or raise existing fees for services provided by the Internal Revenue Service to increase receipts, where such fees are authorized by another law. The Secretary of the Treasury may spend the new or increased fee receipts to supplement appropriations made available to the Internal Revenue Service appropriations accounts in fiscal years 1995 and thereafter: *Provided*, That the Secretary shall provide quarterly reports to the Congress on the collection of such fees and how they are being expended by the Service.

#### UNITED STATES SECRET SERVICE SALARIES AND EXPENSES

For necessary expenses of the United States Secret Service, including purchase (not to exceed three hundred and forty-three vehicles for police-type use for replacement only) and hire of passenger motor vehicles; hire of aircraft; training and assistance requested by State and local governments, which may be provided without reimbursement; services of expert witnesses at such rates as may be determined by the Director; rental of buildings in the District of Columbia, and fencing, lighting, guard booths, and other facilities on private or other property not in Government ownership or control, as may be necessary to perform protective functions; for payment of per diem and/or subsistence allowances to employees where a protective assignment during the actual day or days of the visit of a protectee require an employee to work 16 hours per day or to remain overnight at his or her post of duty; the conducting of and participating in fire-

arms matches; presentation of awards; and for travel of Secret Service employees on protective missions without regard to the limitations on such expenditures in this or any other Act: *Provided*, That approval is obtained in advance from the House and Senate Committees on Appropriations; for repairs, alterations, and minor construction at the James J. Rowley Secret Service Training Center; for research and development; for making grants to conduct behavioral research in support of protective research and operations; not to exceed \$12,500 for official reception and representation expenses; not to exceed \$50,000 to provide technical assistance and equipment to foreign law enforcement organizations in counterfeit investigations; for payment in advance for commercial accommodations as may be necessary to perform protective functions; and for uniforms without regard to the general purchase price limitation for the current fiscal year; **[\$476,931,000]** *Provided further*, That of the offsetting collections credited to this account, **\$43,000** are permanently canceled] **\$474,988,000**.

#### GENERAL PROVISIONS—DEPARTMENT OF THE TREASURY

SECTION 101. Of the funds appropriated by this or any other Act to the Internal Revenue Service, amounts attributable to efficiency savings for fiscal year 1995 shall be identified as such by the Commissioner during that fiscal year: *Provided*, That in the fiscal year when the savings are realized, the amount of efficiency savings shall be non-recurred from the Internal Revenue Service budget base: *Provided further*, That on an annual basis, the Internal Revenue Service shall report to the House and Senate Appropriations Committees on the status of the program.

SEC. 102. Any obligation or expenditure by the Secretary in connection with law enforcement activities of a Federal agency or a Department of the Treasury law enforcement organization in accordance with 31 U.S.C. 9703(g)(4)(B) from unobligated balances remaining in the Fund on September 30, 1995, shall be made in compliance with the reprogramming guidelines contained in the House and Senate reports accompanying this Act.

SEC. 103. Appropriations to the Treasury Department in this Act shall be available for uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901), including maintenance, repairs, and cleaning; purchase of insurance for official motor vehicles operated in foreign countries; purchase of motor vehicles without regard to the general purchase price limitation for vehicles purchased and used overseas for the current fiscal year; entering into contracts with the Department of State for the furnishing of health and medical services to employees and their dependents serving in foreign countries; and services authorized by 5 U.S.C. 3109.

SEC. 104. Not to exceed 2 per centum of any appropriations in this Act for the Department of the Treasury may be transferred between such appropriations. Notwithstanding any authority to transfer funds between appropriations contained in this or any other Act, no transfer may increase or decrease any appropriation in this Act by more than 2 per centum and any such proposed transfers shall be approved in advance by the Committees on Appropriations of the House and Senate.

SEC. 105. Notwithstanding any other provision of law, beginning in fiscal year 1995 and thereafter, the Financial Management Service (FMS) shall be reimbursed, for postage

incurred by FMS to make check payments on their behalf, by: the Department of Veterans Affairs, for the mailing of Compensation and Pension benefit payments; the Department of Health and Human Services, for the mailing of Supplemental Security Income payments; and the Office of Personnel Management, for the mailing of Retirement payments. Such reimbursement shall be due beginning with checks mailed on October 1, 1994, and such reimbursement shall occur on a monthly basis.

SEC. 106. (a) Of the budgetary resources available to the Department of the Treasury during fiscal year 1995, \$33,437,000 are permanently canceled.

(b) The Secretary of the Treasury shall allocate the amount of budgetary resources canceled among the Department's accounts available for procurement and procurement-related expenses. Amounts available for procurement and procurement-related expenses in each such account shall be reduced by the amount allocated to such account.

(c) For the purposes of this section, the definition of "procurement" includes all stages of the process of acquiring property or services, beginning with the process of determining a need for a product or services and ending with contract completion and closeout, as specified in 41 U.S.C. 403(2).

SEC. 107. None of the funds appropriated by this title shall be used in connection with the collection of any underpayment of any tax imposed by the Internal Revenue Code of 1986 unless the conduct of officers and employees of the Internal Revenue Service in connection with such collection complies with subsection (a) of section 805 (relating to communications in connection with debt collection), and section 806 (relating to harassment or abuse), of the Fair Debt Collection Practices Act (15 U.S.C. 1692).

SEC. 108. The Internal Revenue Service shall institute policies and procedures which will safeguard the confidentiality of taxpayer information.

SEC. 109. The funds provided to the Bureau of Alcohol, Tobacco and Firearms for fiscal year 1995 in this Act for the enforcement of the Federal Alcohol Administration Act shall be expended in a manner so as not to diminish enforcement efforts with respect to section 105 of the Federal Alcohol Administration Act.

SEC. 110. (a) *The Secretary of the Treasury shall implement the plan announced by the Bureau of the Public Debt on March 19, 1991, to consolidate such Bureau's operations in Parkersburg, West Virginia.*

(b) *The consolidation referred to in subsection (a) shall be completed by December 31, 1995, in accordance with the plan of the Bureau of the Public Debt.*

SEC. 111. *Notwithstanding any other provision of law, Customs personnel funded through reimbursement from the Puerto Rico Trust Fund shall not be reduced as the result of workforce reductions required under Executive Order or other guidance to Executive branch agencies in fiscal year 1995 and hereafter.*

SEC. 112. Subsection (a) of section 9703 of title 31, United States Code, is amended—

(a) by redesignating subparagraphs (G) and (J) of paragraph (2) as (I) and (J) of paragraph (1), respectively; and

(b) by redesignating in paragraph (2) subparagraphs (H) and (I) as subparagraphs (G) and (H), respectively.

This title may be cited as the "Treasury Department Appropriations Act, 1995".

#### TITLE II—POSTAL SERVICE

##### PAYMENTS TO THE POSTAL SERVICE

##### PAYMENT TO THE POSTAL SERVICE FUND

For payment to the Postal Service Fund for revenue forgone on free and reduced rate

mail, pursuant to subsections (c) and (d) of section 2401 of title 39, United States Code; **[\$85,717,000] \$102,317,000.** *Provided*, That mail for overseas voting and mail for the blind shall continue to be free: *Provided further*, That six-day delivery and rural delivery of mail shall continue at not less than the 1983 level: *Provided further*, That none of the funds made available to the Postal Service by this Act shall be used to implement any rule, regulation, or policy of charging any officer or employee of any State or local child support enforcement agency, or any individual participating in a State or local program of child support enforcement, a fee for information requested or provided concerning an address of a postal customer: *Provided further*, That none of the funds provided in this Act shall be used to consolidate or close small rural and other small post offices in the fiscal year ending on September 30, 1995.

##### PAYMENT TO THE POSTAL SERVICE FUND FOR NONFUNDED LIABILITIES

For payment to the Postal Service Fund for meeting the liabilities of the former Post Office Department to the Employees' Compensation Fund pursuant to 39 U.S.C. 2004, **\$37,776,000.**

This title may be cited as the "Postal Service Appropriations Act, 1995".

#### TITLE III—EXECUTIVE OFFICE OF THE PRESIDENT AND FUNDS APPROPRIATED TO THE PRESIDENT

##### COMPENSATION OF THE PRESIDENT

For compensation of the President, including an expense allowance at the rate of \$50,000 per annum as authorized by 3 U.S.C. 102; **\$250,000.** *Provided*, That none of the funds made available for official expenses shall be expended for any other purpose and any unused amount shall revert to the Treasury pursuant to section 1552 of title 31 of the United States Code: *Provided further*, That none of the funds made available for official expenses shall be considered as taxable to the President.

##### THE WHITE HOUSE OFFICE

##### SALARIES AND EXPENSES

For necessary expenses for the White House as authorized by law, including not to exceed **\$3,850,000** for services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 105; including subsistence expenses as authorized by 3 U.S.C. 105, which shall be expended and accounted for as provided in that section; hire of passenger motor vehicles, newspapers, periodicals, teletype news service, and travel (not to exceed **\$100,000** to be expended and accounted for as provided by 3 U.S.C. 103); not to exceed **\$19,000** for official entertainment expenses, to be available for allocation within the Executive Office of the President; **[\$38,754,000.] \$40,193,000.**

##### EXECUTIVE RESIDENCE AT THE WHITE HOUSE OPERATING EXPENSES

For the care, maintenance, repair and alteration, refurbishing, improvement, heating and lighting, including electric power and fixtures, of the Executive Residence at the White House and official entertainment expenses of the President; **\$7,827,000**, to be expended and accounted for as provided by 3 U.S.C. 105, 109-110, 112-114.

##### OFFICIAL RESIDENCE OF THE VICE PRESIDENT OPERATING EXPENSES

For the care, operation, refurbishing, improvement, heating and lighting, including electric power and fixtures, of the official residence of the Vice President, the hire of passenger motor vehicles, and not to exceed **\$90,000** for official entertainment expenses of

the Vice President, to be accounted for solely on his certificate; **\$324,000.** *Provided*, That advances or repayments or transfers from this appropriation may be made to any department or agency for expenses of carrying out such activities.

##### SPECIAL ASSISTANCE TO THE PRESIDENT SALARIES AND EXPENSES

For necessary expenses to enable the Vice President to provide assistance to the President in connection with specially assigned functions, services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 106, including subsistence expenses as authorized by 3 U.S.C. 106, which shall be expended and accounted for as provided in that section; and hire of passenger motor vehicles; **[\$3,270,000] \$3,280,000.**

##### COUNCIL OF ECONOMIC ADVISERS

##### SALARIES AND EXPENSES

For necessary expenses of the Council in carrying out its functions under the Employment Act of 1946 (15 U.S.C. 1021), [including not to exceed **\$2,500** for official reception and representation expenses; **\$3,420,000] \$3,439,000.**

##### OFFICE OF POLICY DEVELOPMENT

##### SALARIES AND EXPENSES

For necessary expenses of the Office of Policy Development, including services as authorized by 5 U.S.C. 3109, and 3 U.S.C. 107; **\$5,058,000.**

##### NATIONAL SECURITY COUNCIL

##### SALARIES AND EXPENSES

For necessary expenses of the National Security Council, including services as authorized by 5 U.S.C. 3109; **[\$6,648,000] \$8,222,000.**

##### OFFICE OF ADMINISTRATION

##### SALARIES AND EXPENSES

For necessary expenses of the Office of Administration; **[\$24,850,000] \$26,217,000**, including services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 107, and hire of passenger motor vehicles: *Provided*, That of the budgetary resources available in fiscal year 1995 in this account, **\$117,000** are permanently canceled: *Provided further*, That amounts available for procurement and procurement-related expenses in this account are reduced by such amount: *Provided further*, That as used herein, "procurement" includes all stages of the process of acquiring property or services, beginning with the process of determining a need for a product or services and ending with contract completion and closeout, as specified in 41 U.S.C. 403(2).

##### OFFICE OF MANAGEMENT AND BUDGET

##### SALARIES AND EXPENSES

For necessary expenses of the Office of Management and Budget, including hire of passenger motor vehicles, services as authorized by 5 U.S.C. 3109; **[\$56,272,000] \$55,081,000**, of which not to exceed **\$5,000,000**, shall be available to carry out the provisions of 44 U.S.C. chapter 35: *Provided*, That, as provided in 31 U.S.C. 1301(a), appropriations shall be applied only to the objects for which appropriations were made except as otherwise provided by law: *Provided further*, That none of the funds appropriated in this Act for the Office of Management and Budget may be used for the purpose of reviewing any agricultural marketing orders or any activities or regulations under the provisions of the Agricultural Marketing Agreement Act of 1937 (7 U.S.C. 601 et seq.): *Provided further*, That none of the funds made available for the Office of Management and Budget by this Act may be expended for the altering of the transcript of actual testimony of witnesses, except for testimony of officials of the Office of Management and Budget, before the Committee on Appropriations or the Committee

on Veterans' Affairs or their subcommittees: *Provided further*, That this proviso shall not apply to printed hearings released by the Committee on Appropriations or the Committee on Veterans' Affairs.

OFFICE OF NATIONAL DRUG CONTROL POLICY  
SALARIES AND EXPENSES

For necessary expenses of the Office of National Drug Control Policy; for research activities pursuant to title I of Public Law 100-690; not to exceed \$8,000 for official reception and representation expenses; for participation in joint projects or in the provision of services on matters of mutual interest with nonprofit, research, or public organizations or agencies, with or without reimbursement; \$9,942,000: *Provided*, That the Office is authorized to accept, hold, administer, and utilize gifts, both real and personal, for the purpose of aiding or facilitating the work of the Office.

UNANTICIPATED NEEDS

For expenses necessary to enable the President to meet unanticipated needs, in furtherance of the national interest, security, or defense which may arise at home or abroad during the current fiscal year; \$1,000,000.

FEDERAL DRUG CONTROL PROGRAMS

HIGH INTENSITY DRUG TRAFFICKING AREAS  
PROGRAM

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Office of National Drug Control Policy's High Intensity Drug Trafficking Areas Program, \$98,000,000, for drug control activities consistent with the approved strategy for each of the designated High Intensity Drug Trafficking Areas, of which no less than \$55,000,000 shall be transferred to State and local entities for drug control activities; and of which up to \$43,000,000 \$55,000,000 may be transferred to Federal agencies and departments at a rate to be determined by the Director: *Provided*, That an additional \$12,000,000 shall be made available for drug control activities in Puerto Rico and the U.S. Virgin Islands only if the Director of the Office of National Drug Control Policy designates such area as a High Intensity Drug Trafficking Area: *Provided further*, That the funds made available under this head shall be obligated within 90 days of the date of enactment of this Act.

SPECIAL FORFEITURE FUND

(INCLUDING TRANSFER OF FUNDS)

For activities authorized by Public Law 100-690, \$14,800,000, which shall be derived from deposits in the Special Forfeiture Fund; of which \$1,800,000 shall be transferred to the Drug Enforcement Administration for the El Paso Intelligence Center, of which \$8,000,000, \$52,500,000, which shall be derived from deposits in the Special Forfeiture Fund; of which \$20,000,000 shall be retained by the Director of the Office of National Drug Control Policy for enhancing U.S. Customs Service air and marine interdiction activities should air and marine smuggling activity increase; of which \$25,000,000 shall be transferred to the Substance Abuse and Mental Health Services Administration, and of which \$13,000,000 shall be available for drug treatment block grants to the States, and of which \$10,000,000 shall be available to the Center for Substance Abuse Treatment for the residential women and children's program, and of which \$2,000,000 shall be available to the Center for Substance Abuse Treatment for a comprehensive outpatient program; of which \$7,500,000, to remain available until expended, shall be transferred to the Counter-Drug Technology Assessment Center for counternarcotics research and development

projects and shall be available for transfer to other Federal departments or agencies.

This title may be cited as the "Executive Office Appropriations Act, 1995".

TITLE IV—INDEPENDENT AGENCIES

ADVISORY COMMISSION ON INTERGOVERNMENTAL  
RELATIONS

SALARIES AND EXPENSES

For expenses necessary to carry out the provisions of the Advisory Commission on Intergovernmental Relations Act of 1959, as amended (42 U.S.C. 4271-79); \$1,000,000, and additional amounts collected from the sale of publications shall be credited to and used for the purposes of this appropriation.

COMMITTEE FOR PURCHASE FROM PEOPLE WHO  
ARE BLIND OR SEVERELY DISABLED

SALARIES AND EXPENSES

For necessary expenses of the Committee for Purchase From People Who Are Blind or Severely Disabled established by the Act of June 23, 1971, Public Law 92-28; \$1,682,000.

FEDERAL ELECTION COMMISSION

SALARIES AND EXPENSES

For necessary expenses to carry out the provisions of the Federal Election Campaign Act of 1971, as amended; \$23,564,000 \$27,106,000, of which not to exceed \$5,000 shall be available for reception and representation expenses.

FEDERAL LABOR RELATIONS AUTHORITY

SALARIES AND EXPENSES

For necessary expenses to carry out functions of the Federal Labor Relations Authority, pursuant to Reorganization Plan Numbered 2 of 1978, and the Civil Service Reform Act of 1978, including services as authorized by 5 U.S.C. 3109, including hire of experts and consultants, hire of passenger motor vehicles, rental of conference rooms in the District of Columbia and elsewhere; \$21,341,000 \$21,540,000: *Provided*, That public members of the Federal Service Impasses Panel may be paid travel expenses and per diem in lieu of subsistence as authorized by law (5 U.S.C. 5703) for persons employed intermittently in the Government service, and compensation as authorized by 5 U.S.C. 3109: *Provided further*, That notwithstanding 31 U.S.C. 3302, funds received from fees charged to non-Federal participants at labor-management relations conferences shall be credited to and merged with this account, to be available without further appropriation for the costs of carrying out these conferences.

GENERAL SERVICES ADMINISTRATION

FEDERAL BUILDINGS FUND

LIMITATIONS ON AVAILABILITY OF REVENUE

For additional expenses necessary to carry out the purpose of the Fund established pursuant to section 210(f) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 490(f)), \$361,615,000 \$500,000,000, to be deposited into said Fund. The revenues and collections deposited into the Fund shall be available for necessary expenses of real property management and related activities not otherwise provided for, including operation, maintenance, and protection of Federally owned and leased buildings; rental of buildings in the District of Columbia; restoration of leased premises; moving governmental agencies (including space adjustments and telecommunications relocation expenses) in connection with the assignment, allocation and transfer of space; contractual services incident to cleaning or servicing buildings, and moving; repair and alteration of federally owned buildings including grounds, approaches and appur-

tenances; care and safeguarding of sites; maintenance, preservation, demolition, and equipment; acquisition of buildings and sites by purchase, condemnation, or as otherwise authorized by law; acquisition of options to purchase buildings and sites; conversion and extension of Federally owned buildings; preliminary planning and design of projects by contract or otherwise; construction of new buildings (including equipment for such buildings); and payment of principal, interest, taxes, and any other obligations for public buildings acquired by installment purchase and purchase contract, in the aggregate amount of \$4,973,825,520 \$5,057,841,000, of which (1) not to exceed \$502,709,520 \$721,129,000 shall remain available until expended for construction of additional projects at locations and at maximum construction improvement costs (including funds for sites and expenses and associated design and construction services) as follows:

New Construction:

Alabama:

Montgomery, Courthouse Annex, \$40,547,000

Arizona:

Tucson, Courthouse, \$11,506,540

California:

Santa Ana, Courthouse, \$25,193,000

Colorado:

Lakewood, U.S. Geological Survey Laboratory/Building, \$25,802,000

Florida:

Jacksonville, Courthouse, \$4,600,000

Orlando, Courthouse Annex, \$7,260,560

Georgia:

Albany, Courthouse, \$5,640,000

Savannah, Courthouse Annex, \$5,261,180

Kentucky:

Covington, Courthouse, \$2,914,000

London, Courthouse, \$1,522,800

Louisiana:

Lafayette, Courthouse, \$5,041,220

Montana:

Babb, Border Station, \$333,000

Missouri:

Kansas City, Federal Building-Courthouse, \$84,895,000

St. Louis, Courthouse, \$176,863,000

North Dakota:

Pembina, Border Station, \$11,113,000

Ohio:

Cleveland, Courthouse, \$28,245,120

Steubenville, Courthouse, \$2,820,000

Pennsylvania:

Erie, Courts Complex, \$3,134,900

Tennessee:

Greeneville, Courthouse, \$2,935,620

Texas:

Austin, VA Annex, \$1,430,000

Brownsville, Federal Building-Courthouse, \$5,979,340

Corpus Christi, Courthouse, \$6,445,580

Laredo, Courthouse, \$24,341,000

Virginia:

Charlottesville, U.S. Army Foreign Science & Technology Center, \$4,178,000

Washington:

Blaine, Border Station, \$4,472,000

Oroville, Border Station, \$1,483,000

Point Roberts, Border Station, \$698,000

West Virginia:

Martinsburg, IRS Computer Center, \$7,547,000

Alabama:

Montgomery, U.S. Courthouse Annex, \$40,547,000

Arizona:

Tucson, Federal Building and U.S. Courthouse, \$98,625,000: *Provided*, That construction funds shall only be obligated upon the approval of the House Committee on Public Works and Transportation and the Senate Committee on Environment and Public Works

California:  
Santa Ana, Federal Building and U.S. Courthouse, \$25,193,000

Colorado:  
Lakewood, Denver Federal Center, U.S. Geological Survey Lab Building, \$25,802,000

Florida:  
Jacksonville, U.S. Courthouse, \$4,666,000: Provided, That such funds shall only be obligated upon the approval of the House Committee on Public Works and Transportation and the Senate Committee on Environment and Public Works

Orlando, U.S. Courthouse Annex, \$7,724,000

Georgia:  
Savannah, U.S. Courthouse Annex, \$5,597,000

Hawaii:  
Consolidation, University of Hawaii-Hilo, \$12,000,000: Provided, That such funds shall only be obligated upon the approval of the House Committee on Public Works and Transportation and the Senate Committee on Environment and Public Works

Kentucky:  
Covington, U.S. Courthouse, \$3,108,000: Provided, That such funds shall only be obligated upon the approval of the House Committee on Public Works and Transportation and the Senate Committee on Environment and Public Works

London, U.S. Courthouse, \$1,620,000: Provided, That such funds shall only be obligated upon the approval of the House Committee on Public Works and Transportation and the Senate Committee on Environment and Public Works

Louisiana:  
Lafayette, U.S. Courthouse, \$5,363,000

Maryland:  
Beltsville, U.S. Secret Service, training administration building, \$2,400,000: Provided, That such funds shall only be obligated upon the approval of the House Committee on Public Works and Transportation and the Senate Committee on Environment and Public Works

Montgomery and Prince Georges Counties, Food and Drug Administration consolidation, \$50,000,000

Missouri:  
Kansas City, Federal Building and U.S. Courthouse, \$84,895,000

St. Louis, Federal Building and U.S. Courthouse, \$176,863,000

Montana:  
Babb, New Piegan Border Station, \$333,000

New Mexico:  
Albuquerque, U.S. Courthouse, \$49,300,000: Provided, That such funds shall only be obligated upon the approval of the House Committee on Public Works and Transportation and the Senate Committee on Environment and Public Works

New York:  
Long Island, U.S. Courthouse, \$30,000,000: Provided, That such funds shall only be obligated upon the approval of the House Committee on Public Works and Transportation and the Senate Committee on Environment and Public Works

Nevada:  
Las Vegas, U.S. Courthouse, \$4,500,000: Provided, That such funds shall only be obligated upon the approval of the House Committee on Public Works and Transportation and the Senate Committee on Environment and Public Works

North Dakota:  
Pembina, Border Station, \$11,113,000

Ohio:  
Cleveland, U.S. Courthouse, \$30,048,000

Pennsylvania:  
Erie, Federal Complex, \$3,335,000

Tennessee:  
Greeneville, U.S. Courthouse, \$3,234,000: Provided, That such funds shall only be obligated

upon the approval of the House Committee on Public Works and Transportation and the Senate Committee on Environment and Public Works

Texas:  
Austin, Veterans Affairs Annex, \$1,430,000

Brownsville, Federal Building and U.S. Courthouse, \$6,361,000

El Paso, Federal Office Building, Claim, \$327,000

Laredo, Federal Building and U.S. Courthouse, \$24,341,000

Virginia:  
Charlottesville, U.S. Army Foreign Service Technology Center, \$4,178,000

Washington:  
Blaine, Border Station, \$4,472,000

Brownsville, Border Station, \$1,483,000

Point Roberts, Border Station, \$698,000

West Virginia:  
Martinsburg, IRS Computer Center, \$7,547,000

Non-prospectus construction projects, \$126,000: Provided, That each of the immediately foregoing limits of costs on new construction projects may be exceeded to the extent that savings are effected in other such projects, but not to exceed 10 per centum unless advanced approval is obtained from the Committees on Appropriations of the House and Senate of a greater amount: Provided further, That all funds for direct construction projects shall expire on September 30, 1996, and remain in the Federal Buildings Fund except funds for projects as to which funds for design or other funds have been obligated in whole or in part prior to such date: Provided further, That claims against the Government of less than \$250,000 arising from direct construction projects, acquisitions of buildings and purchase contract projects pursuant to Public Law 92-313, be liquidated with prior notification to the Committees on Appropriations of the House and Senate to the extent savings are effected in other such projects; (2) not to exceed \$815,268,000

\$714,556,000, which shall remain available until expended, for repairs and alterations which, beginning with fiscal year 1995 and in subsequent fiscal years, includes associated design and construction services: Provided further, That funds in the Federal Buildings Fund for Repairs and Alterations shall, for prospectus projects, be limited to the amount by project as follows, except each project may be increased by an amount not to exceed 10 per centum unless advance approval is obtained from the Committees on Appropriations of the House and Senate of a greater amount:

Repairs and Alterations:

[California:  
Los Angeles, U.S. Courthouse, \$24,910,000

Menlo Park, USGS Building 3, \$7,631,000

Sacramento, Federal Building, \$16,574,000

San Pedro, Custom House, \$5,429,000

Colorado:  
Denver, Federal Building and Custom House, \$8,896,000

District of Columbia:  
Ariel Rios-Facades, \$3,946,000

Customs/ICC/Connecting Wing Complex (phase 1), \$9,662,000

National Courts, \$4,588,000

Illinois:  
Chicago, Federal Center, \$52,982,000

Maryland:  
Baltimore, George H. Fallon Federal Building (phase 3), \$17,179,000

Woodlawn, SSA East High-Low Rise Buildings, \$19,212,000

New Jersey:  
Trenton, Clarkson S. Fisher Courthouse, \$15,675,000

New York:

Holtsville, IRS Service Center, \$21,313,000

New York, Jacob K. Javits Federal Building, \$2,891,000

New York, Silvio V. Mollo Federal Building, \$963,000

North Carolina:  
Asheville, Federal Building and U.S. Courthouse, \$7,052,000

Ohio:  
Cleveland, Anthony J. Celebreeze Federal Building, \$12,192,000

Oklahoma:  
Oklahoma City, Alfred P. Murrah Federal Building, \$5,903,000

Pennsylvania:  
Harrisburg, Federal Building and U.S. Courthouse, \$16,903,000

Philadelphia, Byrne-Green Complex, \$34,028,000

Philadelphia, R.N.C. Nix, Sr., Federal Building and U.S. Courthouse (phase 3), \$14,730,000

Rhode Island:  
Providence, Kennedy Plaza Federal Courthouse, \$8,600,000

Texas:  
Lubbock, Federal Building and U.S. Courthouse, \$13,517,000

Virginia:  
Richmond, U.S. Courthouse and Annex, \$13,899,000

Washington:  
Walla Walla, Corps of Engineers Building, \$2,827,000

Nationwide:  
Chlorofluorocarbons Program, \$100,135,000

Energy Program, \$50,803,000

Advance Design:  
\$21,685,000

Minor Repairs and Alterations, \$301,168,000]

California:  
Los Angeles, U.S. Courthouse, \$22,420,000

Menlo Park, USGS Building #3, \$6,868,000

Sacramento, Federal Building, \$14,914,000

San Pedro, Custom House, \$4,887,000

Colorado:  
Denver, Federal Building and Custom House, \$8,006,000

District of Columbia:  
Ariel-Rios Facades, \$3,551,000

Customs/ICC/Connecting Wing Complex (phase 1), \$8,696,000

National Courts, \$4,129,000

Illinois:  
Chicago, Federal Center, \$47,682,000

Maryland:  
Baltimore, George H. Fallon Federal Building (phase 3), \$15,459,000

Woodlawn, SSA East High-Low Rise Buildings, \$17,292,000

New Jersey:  
Trenton, Clarkson S. Fisher Courthouse, \$14,107,000

New York:  
Holtsville, IRS Service Center, \$19,183,000

New York City, Jacob K. Javits Federal Building, \$2,602,000

New York City, Silvio V. Mollo Federal Building, \$953,000

North Carolina:  
Asheville, Federal Building and U.S. Courthouse, \$6,347,000

Ohio:  
Cleveland, Anthony J. Celebreeze Federal Building, \$10,972,000

Oklahoma:  
Oklahoma City, Alfred P. Murrah Federal Building, \$5,290,000

Pennsylvania:  
Harrisburg, Federal Building and Courthouse, \$15,213,000

Philadelphia, Byrne-Green Complex, \$30,628,000

Philadelphia, R.N.C. Niz, Sr. Federal Building and U.S. Courthouse (phase 3), \$13,257,000

Texas:

Lubbock, Federal Building and U.S. Courthouse, \$12,167,000

Virginia:

Richmond, U.S. Courthouse and Annex, \$12,509,000

Washington:

Walla Walla, Corps of Engineers, demolition, \$2,800,000: *Provided*, That such funds shall only be obligated upon the approval of the House Committee on Public Works and Transportation and the Senate Committee on Environment and Public Works

Nationwide:

Chlorofluorocarbons Program, \$90,035,000

Energy Program, \$45,723,000

Advance Design, \$19,515,000

Minor Repairs and Alterations, \$259,351,000

*Provided further*, That additional projects for which prospectuses have been fully approved may be funded under this category only if advance approval is obtained from the Committees on Appropriations of the House and Senate: *Provided further*, That the difference between the funds appropriated and expended on any projects in this or any prior Act, under the heading "Repairs and Alterations", may be transferred to Minor Repairs and Alterations or used to fund authorized increases in prospectus projects: *Provided further*, That all funds for repairs and alterations prospectus projects shall expire on September 30, 1996, and remain in the Federal Buildings Fund except funds for projects as to which funds for design or other funds have been obligated in whole or in part prior to such date: *Provided further*, That the amount provided in this or any prior Act for Minor Repairs and Alterations may be used to pay claims against the Government arising from any projects under the heading "Repairs and Alterations" or used to fund authorized increases in prospectus projects;

(3) not to exceed \$127,531,000 for installment acquisition payments including payments on purchase contracts which shall remain available until expended; (4) not to exceed \$2,204,628,000 \$2,173,000,000 for rental of space which shall remain available until expended and (5) not to exceed \$1,323,689,000 \$1,309,525,000 for building operations which shall remain available until expended [of which \$3,400,000 shall be available for essential functional requirements for primary structural, electrical, and security systems of the Bureau of Census, New Computer Center: *Provided further*, That of the funds available to the General Services Administration for the Albany, Georgia, Courthouse; Stuebenville, Ohio, Courthouse; Corpus Christi, Texas, Courthouse; Providence, Rhode Island, Kennedy Plaza Federal Courthouse; and the Walla Walla, Washington, Corps of Engineers Building, shall not be available for expenses in connection with any construction, repair, alteration, and acquisition project for which a prospectus, if required by the Public Buildings Act of 1959, as amended, has not been approved, except that necessary funds may be expended for each project for required expenses in connection with the development of a proposed prospectus]: *Provided further*, That for the purposes of this authorization, buildings constructed pursuant to the purchase contract authority of the Public Buildings Amendments of 1972 (40 U.S.C. 602a), buildings occupied pursuant to installment purchase contracts, and buildings under the control of another department or agency where alterations of such buildings are required in connection with the moving of such other de-

partment or agency from buildings then, or thereafter to be, under the control of the General Services Administration shall be considered to be federally owned buildings[: *Provided further*, That none of the funds available to the General Services Administration, except for the line-item construction and repairs and alterations projects in this Act shall be available for expenses in connection with any construction, repair and alteration, and acquisition project for which a prospectus, if required by the Public Buildings Act of 1959, as amended, has not been approved, except that necessary funds may be expended for each project for required expenses in connection with the development of a proposed prospectus]: *Provided further*, That funds available in the Federal Buildings Fund may be expended for emergency repairs when advance approval is obtained from the Committees on Appropriations of the House and Senate: *Provided further*, That amounts necessary to provide reimbursable special services to other agencies under section 210(f)(6) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 490(f)(6)) and amounts to provide such reimbursable fencing, lighting, guard booths, and other facilities on private or other property not in Government ownership or control as may be appropriate to enable the United States Secret Service to perform its protective functions pursuant to 18 U.S.C. 3056, as amended, shall be available from such revenues and collections: *Provided further*, That revenues and collections and any other sums accruing to this Fund during fiscal year 1995, excluding reimbursements under section 210(f)(6) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 490(f)(6)) in excess of \$4,973,825,520 \$5,057,841,000 shall remain in the Fund and shall not be available for expenditure except as authorized in appropriations Acts.

#### FEDERAL BUILDINGS FUND

##### LIMITATIONS ON AVAILABILITY OF REVENUE (RESCISSION)

[Of the funds made available under this heading for new construction in Public Law 103-123, the Independent Agencies Appropriations Act, 1994, \$4,900,000 are rescinded for the following projects in the following amounts:

Iowa:

Burlington, Federal Parking Facility, \$2,400,000.

Indiana:

Hammond, U.S. Courthouse, \$2,500,000.

Of the funds made available under this heading for new construction in Public Law 102-393, the Independent Agencies Appropriations Act, 1993, \$24,295,000 are rescinded for the following projects in the following amounts:

District of Columbia:

United States Secret Service, Headquarters, \$13,958,000.

White House Remote Delivery and Vehicle Maintenance Facilities, \$4,918,000.

Federal Bureau of Investigation, Field Office, \$4,419,000.

Florida:

Hollywood, Federal Building, \$1,000,000.

Of the funds made available under this heading for new construction in Public Law 101-509, the Independent Agencies Appropriations Act, 1991, \$30,100,000 are rescinded for the following project in the following amount:

Maryland:

Prince George's County, Internal Revenue Service, Headquarters, \$30,100,000.

Of the funds made available under this heading for new construction in Public Law

100-440, the Independent Agencies Appropriations Act, 1989, \$4,400,000 is rescinded for the following project in the following amount:

Florida:

Lakeland, Federal Building, \$4,400,000.

Of the funds made available under this heading for repairs and alterations in Public Law 103-123, the Independent Agencies Appropriations Act, 1994, \$4,715,000 are rescinded for the following projects in the following amounts:

Arizona:

Lukeville, Commercial Lot Expansion, \$1,219,000.

San Luis, Primary lane expansion and administrative office space, \$3,496,000.

Of the funds made available under this heading for repairs and alterations in Public Law 101-509, the Independent Agencies Appropriations Act, 1991, \$7,707,000 are rescinded for the following projects in the following amounts:

New Mexico:

Santa Teresa, New Border Station, \$6,000,000.

Texas:

Del Rio, Border Station, \$1,707,000.

Of the funds made available under this heading for repairs and alterations in Public Law 101-136, the Independent Agencies Appropriations Act, 1990, \$2,088,000 are rescinded for the following project in the following amount:

New Mexico:

Santa Teresa, New Border Station, \$2,088,000.]

Of the funds made available under this heading in Public Law 101-136, Public Law 101-509, Public Law 102-141, Public Law 102-393; and Public Law 103-123, \$88,658,000 are rescinded from the following projects in the following amounts:

California:

Menlo Park, U.S. Geological Survey Office and Laboratory Buildings, \$783,000.

Sacramento, U.S. Courthouse and Federal Building, \$3,391,000.

District of Columbia:

Federal Office Building No. 6, \$8,583,000.

Federal Bureau of Investigation, Field office, \$5,679,000.

White House remote delivery and vehicle maintenance facility, \$4,152,000.

Florida:

Fort Myers, U.S. Courthouse, \$654,000.

Hollywood, Federal Building, \$1,000,000.

Lakeland, Federal Building, \$4,400,000.

Tampa, U.S. Courthouse, \$7,511,000.

Indiana:

Hammond, U.S. Courthouse, \$5,223,000.

Iowa:

Burlington, Parking Facility, \$2,400,000.

Maryland:

Bowie, Bureau of Census, Computer Center, \$660,000.

New Carrollton, Internal Revenue Service, Headquarters, \$30,100,000.

Minnesota:

Minneapolis, Federal Building and U.S. Courthouse, \$4,197,000.

New Hampshire:

Concord, U.S. Courthouse, \$867,000.

New Jersey:

Newark, Federal Building, 20 Washington Plaza, \$327,000.

North Dakota:

Fargo, U.S. Courthouse, \$4,471,000.

Pennsylvania:

Philadelphia, Veterans Affairs Federal Building, \$1,276,000.

Tennessee:

Knorville, U.S. Courthouse, \$800,000.

United States Virgin Islands:

Charlotte Amalie, St. Thomas, U.S. Courthouse and Annex, \$2,184,000.

## OPERATING EXPENSES

For expenses authorized by law, not otherwise provided for, necessary for asset management activities; utilization of excess and disposal of surplus personal property; transportation management activities; procurement and supply management activities; Government-wide and internal responsibilities relating to automated data management, telecommunications, information resources management, and related activities; [the Information Security Oversight Office established pursuant to Executive Order No. 12356;] the utilization survey, deed compliance inspection, appraisal, environmental and cultural analysis, and land use planning functions pertaining to excess and surplus real property; agency-wide policy direction; Board of Contract Appeals; accounting, records management, and other support services incident to adjudication of Indian Tribal Claims by the United States Court of Federal Claims; services as authorized by 5 U.S.C. 3109; and not to exceed \$5,000 for official reception and representation expenses; [\$123,020,000: *Provided*, That of the offsetting collections credited to this account, \$172,000 are permanently canceled] \$130,036,000: *Provided*, That not less than \$825,000 shall be available for personnel and associated costs in support of Congressional District and Senate State offices without reimbursement from these offices.

## OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General and services authorized by 5 U.S.C. 3109, \$33,090,000: *Provided*, That not to exceed \$5,000 shall be available for payment for information and detection of fraud against the Government, including payment for recovery of stolen Government property: *Provided further*, That not to exceed \$2,500 shall be available for awards to employees of other Federal agencies and private citizens in recognition of efforts and initiatives resulting in enhanced Office of Inspector General effectiveness.

## ALLOWANCES AND OFFICE STAFF FOR FORMER PRESIDENTS

For carrying out the provisions of the Act of August 25, 1958, as amended (3 U.S.C. 102 note), and Public Law 95-138; \$2,215,000: *Provided*, That the Administrator of General Services shall transfer to the Secretary of the Treasury such sums as may be necessary to carry out the provisions of such Acts.

## EXPENSES OF TRANSPORTATION AUDIT

## CONTRACTS AND CONTRACT ADMINISTRATION

Amounts otherwise available for obligation in fiscal year 1995 are reduced by \$30,000.

## GENERAL SUPPLY FUND

Of the offsetting collections credited to this account, \$1,009,000 are permanently canceled.

INFORMATION RESOURCES MANAGEMENT  
SERVICE INFORMATION TECHNOLOGY FUND

Of the offsetting collections credited to this account, \$609,000 are permanently canceled.

## WORKING CAPITAL FUND

Amounts received for administrative support services provided under this head shall be credited to and merged with the Fund, to remain available until expended, for operating costs and capital outlays of the Fund and for the necessary expenses of administrative support services including accounting, budget, personnel, legal support and other related services; and the maintenance and operation of printing and reproduction facilities in support of the functions of the General Services Administration, other Federal agencies,

and other entities; and other such administrative and management services that the Administrator of GSA deems appropriate and advantageous (subject to prior notice to the Office of Management and Budget): *Provided*, That entities for which such services are performed shall be charged at rates which will return in full the cost of operations.

GENERAL SERVICES ADMINISTRATION—  
GENERAL PROVISIONS

SECTION 1. The appropriate appropriation or fund available to the General Services Administration shall be credited with the cost of operation, protection, maintenance, upkeep, repair, and improvement, included as part of rentals received from Government corporations pursuant to law (40 U.S.C. 129).

SEC. 2. Funds available to the General Services Administration shall be available for the hire of passenger motor vehicles.

[SEC. 3. Not to exceed 2 per centum of funds made available in appropriations for operating expenses and salaries and expenses, during the current fiscal year, may be transferred between such appropriations for mandatory program requirements. Any proposed transfers shall be approved in advance by the Committees on Appropriations of the House and Senate.]

SEC. 4. Funds in the Federal Buildings Fund made available for fiscal year 1995 for Federal Buildings Fund activities may be transferred between such activities only to the extent necessary to meet program requirements. Any proposed transfers shall be approved in advance by the Committees on Appropriations of the House and Senate.

SEC. 5. (a) Of the budgetary resources available to the General Services Administration during fiscal year 1995, \$8,959,000 are permanently canceled.

(b) The Administrator of the General Services Administration shall allocate the amount of budgetary resources canceled among the agency's accounts available for procurement and procurement-related expenses. Amounts available for procurement and procurement-related expenses in each such account shall be reduced by the amount allocated to such account.

(c) For the purposes of this section, the definition of "procurement" includes all stages of the process of acquiring property or services, beginning with the process of determining a need for a product or services and ending with contract completion and close-out, as specified in 41 U.S.C. 403(2).

SEC. 6. Rent rates charged by the General Services Administration for fiscal year 1995 shall reflect the reductions contained in the President's budget amendment dated March 16, 1994, Estimate No. 9, 103rd Congress, 2nd Session.

SEC. 7. None of the funds appropriated by this Act may be obligated or expended in any way for the purpose of the sale, excessing, surplus, or disposal of lands in the vicinity of Norfolk Lake, Arkansas, administered by the Corps of Engineers, Department of the Army, without the specific approval of the Congress.

SEC. 8. None of the funds appropriated by this Act may be obligated or expended in any way for the purpose of the sale, excessing, surplus, or disposal of lands in the vicinity of Bull Shoals Lake, Arkansas, administered by the Corps of Engineers, Department of the Army, without the specific approval of the Congress.

SEC. 9. No funds made available by this Act shall be used to transmit a fiscal year 1996 request for United States Courthouse construction that does not meet the standards for construction as established by the Gen-

eral Services Administration and the Office of Management and Budget.

SEC. 10. The Administrator of the General Services Administration is directed to obligate the funds appropriated in Public Law 103-123 for the purposes stated in section 804 of that Act.

SEC. 11. The Administrator of General Services is authorized hereafter to accept and retain any sponsor refunds, rebates, volume discount payments, lump sum payments, and other similar payments from contractors or other vendors paid on or after October 1, 1993 which are related to personal property or services provided or to be provided through the General Supply Fund established under section 109 of the Federal Property and Administrative Services Act of 1949, as amended. Such payments are available for the life of the program activity which generated the payment. Such payments are to be used to fund the direct and indirect costs of providing personal property and nonpersonal services related to that program activity.

## MERIT SYSTEMS PROTECTION BOARD

## SALARIES AND EXPENSES

## (INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out functions of the Merit Systems Protection Board pursuant to Reorganization Plan Numbered 2 of 1978 and the Civil Service Reform Act of 1978, including services as authorized by 5 U.S.C. 3109, rental of conference rooms in the District of Columbia and elsewhere, hire of passenger motor vehicles, and direct procurement of survey printing, \$24,549,000, together with not to exceed [\$2,420,000] \$1,989,000 for administrative expenses to adjudicate retirement appeals to be transferred from the Civil Service Retirement and Disability Fund in amounts determined by the Merit Systems Protection Board.

## MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY FOUNDATION

## FEDERAL PAYMENT TO MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY FOUNDATION

For payment by the Secretary of the Treasury to the Morris K. Udall Scholarship and Excellence in National Environmental Trust Fund, to be available for purposes as authorized by the Morris K. Udall Scholarship and Excellence in National Environmental and Native American Public Policy Act of 1992 (Public Law 102-259), \$10,000,000, to remain available until expended.

NATIONAL ARCHIVES AND RECORDS  
ADMINISTRATION

## OPERATING EXPENSES

For necessary expenses in connection with National Archives and Records Administration and related activities, as provided by law, and for expenses necessary for the review and declassification of documents, and for the hire of passenger motor vehicles, [\$194,638,000] \$199,697,000, of which \$5,000,000 for allocations and grants for historical publications and records as authorized by 44 U.S.C. 2504, as amended, shall remain available until expended: *Provided*, That the Archivist of the United States is authorized to use any excess funds available from the amount borrowed for construction of the National Archives facility, for expenses necessary to move into the facility: *Provided further*, That of the budgetary resources available in fiscal year 1995 in this account, \$325,000 are permanently canceled: *Provided further*, That amounts available for procurement and procurement-related expenses in this account are reduced by such amount: *Provided further*, That as used herein, "procurement" includes all stages of the process of acquiring property or

services, beginning with the process of determining a need for a product or services and ending with contract completion and close-out, as specified in 41 U.S.C. 403(2): *Provided further*, That of the offsetting collections credited to this account, \$441,000 are permanently canceled.

NATIONAL HISTORICAL PUBLICATIONS AND RECORDS COMMISSION

For necessary expenses for allocations and grants for historical publications and records as authorized by 44 U.S.C. 2504, as amended, \$7,000,000 to remain available until expended: *Provided*, That \$2,000,000 shall be a grant to the Thomas P. O'Neill, Jr. Library.

JOHN F. KENNEDY ASSASSINATION RECORDS REVIEW BOARD  
SALARIES AND EXPENSES

For expenses necessary to carry out the John F. Kennedy Assassination Records Collection Act of 1992, \$2,418,000, to remain available until expended.]

NATIONAL ARCHIVES TRUST FUND

Amounts otherwise available for obligation in fiscal year 1995 are reduced by \$16,000.

OFFICE OF GOVERNMENT ETHICS  
SALARIES AND EXPENSES

For necessary expenses to carry out functions of the Office of Government Ethics pursuant to the Ethics in Government Act of 1978, as amended by Public Law 100-598, and the Ethics Reform Act of 1989, Public Law 101-194, including services as authorized by 5 U.S.C. 3109, rental of conference rooms in the District of Columbia and elsewhere, hire of passenger motor vehicles, and not to exceed \$1,500 for official reception and representation expenses; \$8,104,000.

OFFICE OF PERSONNEL MANAGEMENT  
SALARIES AND EXPENSES

(INCLUDING TRANSFER OF TRUST FUNDS)

For necessary expenses to carry out functions of the Office of Personnel Management pursuant to Reorganization Plan Numbered 2 of 1978 and the Civil Service Reform Act of 1978, including services as authorized by 5 U.S.C. 3109, medical examinations performed for veterans by private physicians on a fee basis, rental of conference rooms in the District of Columbia and elsewhere, hire of passenger motor vehicles, not to exceed \$2,500 for official reception and representation expenses, and advances for reimbursements to applicable funds of the Office of Personnel Management and the Federal Bureau of Investigation for expenses incurred under Executive Order 10422 of January 9, 1953, as amended; \$115,139,000, and in addition \$93,934,000 \$111,778,000, of which not to exceed \$1,000,000 shall be made available for the establishment of health promotion and disease prevention programs for Federal employees, and in addition \$92,504,000 for administrative expenses, to be transferred from the appropriate trust funds of the Office of Personnel Management without regard to other statutes, including direct procurement of health benefits printing, for the retirement and insurance programs, of which \$10,956,000 shall be transferred at such times as the Office of Personnel Management deems appropriate, and shall remain available until expended for the costs of automating the retirement recordkeeping systems, together with remaining amounts authorized in previous Acts for the recordkeeping systems: *Provided*, That the provisions of this appropriation shall not affect the authority to use applicable trust funds as provided by section 8348(a)(1)(B) of title 5, United States Code: *Provided further*, That, except as may be consistent with 5

U.S.C. 8902a(f)(1) and (i), no payment may be made from the Employees Health Benefits Fund to any physician, hospital, or other provider of health care services or supplies who is, at the time such services or supplies are provided to an individual covered under chapter 89 of title 5, United States Code, excluded, pursuant to section 1128 or 1128A of the Social Security Act (42 U.S.C. 1320a-7-1320a-7a), from participation in any program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.): *Provided further*, That no part of this appropriation shall be available for salaries and expenses of the Legal Examining Unit of the Office of Personnel Management established pursuant to Executive Order 9358 of July 1, 1943, or any successor unit of like purpose: *Provided further*, That the President's Commission on White House Fellows, established by Executive Order 11183 of October 3, 1964, may, during the fiscal year ending September 30, 1995, accept donations of money, property, and personal services in connection with the development of a publicity brochure to provide information about the White House Fellows, except that no such donations shall be accepted for travel or reimbursement of travel expenses, or for the salaries of employees of such Commission.

OFFICE OF INSPECTOR GENERAL  
SALARIES AND EXPENSES

(INCLUDING TRANSFER OF TRUST FUNDS)

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act, as amended, including services as authorized by 5 U.S.C. 3109, hire of passenger motor vehicles; \$4,009,000, and in addition, not to exceed \$6,156,000 for administrative expenses to audit the Office of Personnel Management's retirement and insurance programs, to be transferred from the appropriate trust funds of the Office of Personnel Management, as determined by the Inspector General: *Provided*, That the Inspector General is authorized to rent conference rooms in the District of Columbia and elsewhere.

GOVERNMENT PAYMENT FOR ANNUITANTS,  
EMPLOYEES HEALTH BENEFITS

For payment of Government contributions with respect to retired employees, as authorized by chapter 89 of title 5, United States Code, and the Retired Federal Employees Health Benefits Act (74 Stat. 849), as amended, \$4,210,560,000 to remain available until expended.

GOVERNMENT PAYMENT FOR ANNUITANTS,  
EMPLOYEE LIFE INSURANCE

For payment of Government contributions with respect to employees retiring after December 31, 1989, as required by chapter 87 of title 5, United States Code, \$19,159,000, to remain available until expended.

PAYMENT TO CIVIL SERVICE RETIREMENT AND  
DISABILITY FUND

For financing the unfunded liability of new and increased annuity benefits becoming effective on or after October 20, 1969, as authorized by 5 U.S.C. 8348, and annuities under special Acts to be credited to the Civil Service Retirement and Disability Fund, such sums as may be necessary: *Provided*, That annuities authorized by the Act of May 29, 1944, as amended, and the Act of August 19, 1950, as amended (33 U.S.C. 771-75), may hereafter be paid out of the Civil Service Retirement and Disability Fund.

REVOLVING FUND

Of the offsetting collections credited to this account, \$649,000 are permanently canceled.

OFFICE OF PERSONNEL MANAGEMENT  
GENERAL PROVISIONS

SECTION 1. (a) Of the budgetary resources available to the Office of Personnel Management during fiscal year 1995, \$1,256,000 are permanently canceled.

(b) The Director of the Office of Personnel Management shall allocate the amount of budgetary resources canceled among the agency's accounts available for procurement and procurement-related expenses. Amounts available for procurement and procurement-related expenses in each such account shall be reduced by the amount allocated to such account.

(c) For the purposes of this section, the definition of "procurement" includes all stages of the process of acquiring property or services, beginning with the process of determining a need for a product or services and ending with contract completion and close-out, as specified in 41 U.S.C. 403(2).

OFFICE OF SPECIAL COUNSEL  
SALARIES AND EXPENSES

For necessary expenses to carry out functions of the Office of Special Counsel pursuant to Reorganization Plan Numbered 2 of 1978, the Civil Service Reform Act of 1978 (Public Law 95-454), and the Whistleblower Protection Act of 1989 (Public Law 101-12), including services as authorized by 5 U.S.C. 3109, payment of fees and expenses for witnesses, rental of conference rooms in the District of Columbia and elsewhere, and hire of passenger motor vehicles; \$7,955,000.

UNITED STATES TAX COURT  
SALARIES AND EXPENSES

For necessary expenses, including contract reporting and other services as authorized by 5 U.S.C. 3109; \$33,650,000 \$34,427,000: *Provided*, That travel expenses of the judges shall be paid upon the written certificate of the judge.

This title may be cited as the "Independent Agencies Appropriations Act, 1995".

TITLE V—GENERAL PROVISIONS  
THIS ACT

SECTION 501. No part of any appropriation made available in this Act shall be used for the purchase or sale of real estate or for the purpose of establishing new offices inside or outside the District of Columbia: *Provided*, That this limitation shall not apply to programs which have been approved by the Congress and appropriations made therefor.

SEC. 502. 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. 503. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive Order issued pursuant to existing law.

SEC. 504. No part of any appropriation contained in this Act shall be available for the procurement of, or for the payment of, the salary of any person engaged in the procurement of any hand or measuring tool(s) not produced in the United States or its possessions except to the extent that the Administrator of General Services or his designee shall determine that a satisfactory quality and sufficient quantity of hand or measuring tools produced in the United States or its possessions cannot be procured as and when needed from sources in the United States and

its possessions, or except in accordance with procedures prescribed by section 6-104.4(b) of Armed Services Procurement Regulation dated January 1, 1969, as such regulation existed on June 15, 1970: *Provided*, That a factor of 75 per centum in lieu of 50 per centum shall be used for evaluating foreign source end products against a domestic source end product. This section shall be applicable to all solicitations for bids opened after its enactment.

SEC. 505. None of the funds made available to the General Services Administration pursuant to section 210(f) of the Federal Property and Administrative Services Act of 1949 shall be obligated or expended after the date of enactment of this Act for the procurement by contract of any guard, elevator operator, messenger or custodial services if any permanent veterans preference employee of the General Services Administration at said date, would be terminated as a result of the procurement of such services, except that such funds may be obligated or expended for the procurement by contract of the covered services with sheltered workshops employing the severely handicapped under Public Law 92-28. Only if such workshops decline to contract for the provision of the covered services may the General Services Administration procure the services by competitive contract, for a period not to exceed 5 years. At such time as such competitive contract expires or is terminated for any reason, the General Services Administration shall again offer to contract for the services from a sheltered workshop prior to offering such services for competitive procurement.

SEC. 506. None of the funds made available by this Act shall be available for any activity or for paying the salary of any Government employee where funding an activity or paying a salary to a Government employee would result in a decision, determination, rule, regulation, or policy that would prohibit the enforcement of section 307 of the Tariff Act of 1930.

SEC. 507. None of the funds made available by this Act shall be available for the purpose of transferring control over the Federal Law Enforcement Training Center located at Glynco, Georgia, Tucson, Arizona, and Artesia, New Mexico, out of the Treasury Department.

SEC. 508. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes within the United States not heretofore authorized by the Congress.

SEC. 509. No part of any appropriation contained in this Act shall be available for the payment of the salary of any officer or employee of the United States Postal Service, who—

(1) prohibits or prevents, or attempts or threatens to prohibit or prevent, any officer or employee of the United States Postal Service from having any direct oral or written communication or contact with any Member or committee of Congress in connection with any matter pertaining to the employment of such officer or employee or pertaining to the United States Postal Service in any way, irrespective of whether such communication or contact is at the initiative of such officer or employee or in response to the request or inquiry of such Member or committee; or

(2) removes, suspends from duty without pay, demotes, reduces in rank, seniority, status, pay, or performance of efficiency rating, denies promotion to, relocates, reassigns, transfers, disciplines, or discriminates in regard to any employment right, entitlement,

or benefit, or any term or condition of employment of, any officer or employee of the United States Postal Service, or attempts or threatens to commit any of the foregoing actions with respect to such officer or employee, by reason of any communication or contact of such officer or employee with any Member or committee of Congress as described in paragraph (1) of this subsection.

SEC. 510. Funds under this Act shall be available as authorized by sections 4501-4506 of title 5, United States Code, when the achievement involved is certified, or when an award for such achievement is otherwise payable, in accordance with such sections. Such funds may not be used for any purpose with respect to which the preceding sentence relates beyond fiscal year 1995.

SEC. 511. None of the funds appropriated or otherwise made available to the Department of the Treasury by this or any other Act shall be obligated or expended to contract out positions in, or downgrade the position classifications of, members of the United States Mint Police Force and the Bureau of Engraving and Printing Police Force, or for studying the feasibility of contracting out such positions.

SEC. 512. The Office of Personnel Management may, during the fiscal year ending September 30, [1994] 1995, accept donations of supplies, services, land and equipment for the Federal Executive Institute, the Federal Quality Institute, and Management Development Centers to assist in enhancing the quality of Federal management.

SEC. 513. No part of any appropriation contained in this Act shall be available for the procurement of, or for the payment of, the salary of any person engaged in the procurement of stainless steel flatware not produced in the United States or its possessions, except to the extent that the Administrator of General Services or his designee shall determine that a satisfactory quality and sufficient quantity of stainless steel flatware produced in the United States or its possessions cannot be procured as and when needed from sources in the United States or its possessions or except in accordance with procedures provided by section 6-104.4(b) of Armed Services Procurement Regulations, dated January 1, 1969. This section shall be applicable to all solicitations for bids issued after its enactment.

SEC. 514. The United States Secret Service may, during the fiscal year ending September 30, 1995, accept donations of money to off-set costs incurred while protecting former Presidents and spouses of former Presidents when the former President or spouse travels for the purpose of making an appearance or speech for a payment of money or anything of value.

SEC. 515. None of the funds made available by this Act for "Allowances and Office Staff for Former Presidents" may be used for partisan political activities.

[SEC. 516. None of the funds made available by this Act may be used to withdraw the designation of the Virginia Inland Port at Front Royal, Virginia, as a United States Customs Service port of entry.]

SEC. 517. Such sums as may be necessary for fiscal year 1995 pay raises for programs funded by this Act shall be absorbed within the levels appropriated by this Act.

SEC. 518. None of the funds made available to the Postal Service by this Act shall be used to transfer mail processing capabilities from the Las Cruces, New Mexico postal facility, and that every effort will be made by the Postal Service to recognize the rapid rate of population growth in Las Cruces and

to automate the Las Cruces, New Mexico postal facility in order that mail processing can be expedited and handled in Las Cruces.

SEC. 519. None of the funds in this Act may be used to reduce the rank or rate of pay of a career appointee in the SES upon reassignment or transfer.

SEC. 520. No part of any appropriation contained in this Act shall be available to pay the salary for any person filling a position, other than a temporary position, formerly held by an employee who has left to enter the Armed Forces of the United States and has satisfactorily completed his period of active military or naval service and has within ninety days after his release from such service or from hospitalization continuing after discharge for a period of not more than one year made application for restoration to his former position and has been certified by the Office of Personnel Management as still qualified to perform the duties of his former position and has not been restored thereto.

SEC. 521. (a) None of the funds appropriated by this Act may, with respect to an individual employed by the Bureau of the Public Debt in the Washington Metropolitan Region on April 10, 1991, be used to separate, reduce the grade or pay of, or carry out any other adverse personnel action against such individual for declining to accept a directed reassignment to a position outside such region, pursuant to a transfer of any such Bureau's operations or functions to Parkersburg, West Virginia.

(b) Subsection (a) shall not apply with respect to any individual who, on or after the date of enactment of this Act, declines an offer of another position in the Department of the Treasury which is of at least equal pay and which is within the Washington Metropolitan Region.

SEC. 522. None of the funds made available in this Act may be used to provide any non-public information such as mailing or telephone lists to any person or any organization outside of the Federal Government without the approval of the House and Senate Committees on Appropriations.

SEC. 523. COMPLIANCE WITH BUY AMERICAN ACT.—No funds appropriated pursuant to this Act may be expended by an entity unless the entity agrees that in expending the assistance the entity will comply with sections 2 through 4 of the Act of March 3, 1993 (41 U.S.C. 10a-10c, popularly known as the "Buy American Act").

SEC. 524. SENSE OF CONGRESS; REQUIREMENT REGARDING NOTICE.—(a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—In the case of any equipment or products that may be authorized to be purchased with financial assistance provided under this Act, it is the sense of the Congress that entities receiving such assistance should, in expending the assistance, purchase only American-made equipment and products.

(b) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance under this Act, the Secretary of the Treasury shall provide to each recipient of the assistance a notice describing the statement made in subsection (a) by the Congress.

SEC. 525. PROHIBITION OF CONTRACTS.—If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a "Made in America" inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, such person shall be ineligible to receive any contract or sub-contract made with funds provided pursuant

to this Act, pursuant to the debarment, suspension, and ineligibility procedures described in section 9.400 through 9.409 of title 48, Code of Federal Regulations.

[SEC. 526. No funds appropriated by this Act may be used to relocate any Federal agency, bureau, office or other entity funded in this Act if the sole reason for the relocation is that locality pay was increased.

[SEC. 527. Except as otherwise specifically provided by law, not to exceed 50 percent of unobligated balances remaining available at the end of fiscal year 1995 from appropriations made available for salaries and expenses for fiscal year 1995 in this Act, shall remain available through September 30, 1996 for each such account for the purposes authorized: *Provided*, That notice of the amounts available pursuant to this section shall be given to the House and Senate Committees on Appropriations: *Provided further*, That not to exceed 2 percent of the funds so carried over may be used to pay cash awards to employees, as authorized by law, and not to exceed 3 percent of the funds so carried over may be used for employee training programs.]

SEC. 526. None of the funds made available to the United States Customs Service may be used to collect or impose any land border processing fee at ports of entry along the United States-Mexico border.

SEC. 527. Where appropriations in this Act are expendable for travel expenses of employees and no specific limitation has been placed thereon, the expenditures for such travel expenses may not exceed the amount set forth therefor in the budget estimates submitted for appropriations without the advance approval of the House and Senate Committees on Appropriations: *Provided*, That this section shall not apply to travel performed by uncompensated officials of local boards and appeal boards in the Selective Service System; to travel performed directly in connection with care and treatment of medical beneficiaries of the Department of Veterans Affairs; to travel of the Office of Personnel Management in carrying out its observation responsibilities of the Voting Rights Act; or to payments to interagency motor pools separately set forth in the budget schedules.

#### SEC. 528. LAW ENFORCEMENT EXCLUSION FROM WORKFORCE RESTRUCTURING.

(a) During the five-year period beginning on October 1, 1994, no reductions pursuant to Section 5(b) of the Federal Workforce Restructuring Act of 1994 (Public Law 103-226) may be made in the number of full-time equivalent employees classified as law enforcement and law enforcement support personnel in the Department of the Treasury.

(b) During the period specified in subsection (a), no law, regulation, Executive Order, guidance, or other directive imposing a restriction on hiring by executive agencies for the purpose of achieving workforce reductions shall apply to employees classified as law enforcement and law enforcement support personnel in the Department of the Treasury.

(c) Section 5(f) Paragraph (3) of the Federal Workforce Restructuring Act shall not apply with respect to any instances of voluntary separation incentive payments made to Treasury law enforcement personnel.

SEC. 529. (a) Section 3056 paragraph (a), subparagraph (3) of Title 18, United States Code is amended by adding to subparagraph (3) following the word "remarriage", "Unless the former President did not serve as President prior to January 1, 1997, in which case, former Presidents and their spouses for a period of not more than ten years from the date a former President leaves office, except that—

(1) protection of a spouse shall terminate in the event of remarriage or the divorce from, or death of a former President; and

(2) should the death of a President occur while in office or within one year after leaving office, the spouse shall receive protection for one year from the time of such death:

*Provided*, That the Secretary of the Treasury shall have the authority to direct the Secret Service to provide temporary protection for any of these individuals at any time if the Secretary of Treasury or designee determines that information or conditions warrant such protection".

(b) Section 3056, paragraph (a) subparagraph (4) of title 18, United States Code is amended by inserting to the text of paragraph (4), following the word "age" the following, "for a period not to exceed ten years or upon the child becoming 16 years of age, which ever comes first".

SEC. 530. The Act entitled "an Act to provide retirement, clerical assistants, and free mailing privileges to former Presidents of the United States, and for other purposes", approved August 25, 1958. (Public Law 85-745; 72 Stat 838; 3 United States Code 102 note) is amended by adding at the end thereof the following new subsection:

"(g) There are authorized to be appropriated to the Administrator of General Services up to \$1,000,000 for each former President and up to \$500,000 for the spouse of each former President each fiscal year for security and travel related expenses: *Provided*, That under the provisions set forth in Section 3056, paragraph (a), subparagraph (3) of Title 18, United States Code, the former President and/or spouse was not receiving protection for a lifetime provided by the United States Secret Service under Section 3056 paragraph (a) subparagraph (3) of Title 18, United States Code; the protection provided by the United States Secret Service expired at its designated time; or the protection provided by the United States Secret Service was declined prior to authorized expiration in lieu of these funds."

#### SEC. 531. CONTINUATION OF ALLOWANCE RATES FOR FEDERAL EMPLOYEES STATIONED OUTSIDE THE CONTINENTAL UNITED STATES OR IN ALASKA.

Section 1 under the subheading "GENERAL PROVISION" under the heading "OFFICE OF PERSONNEL MANAGEMENT" under title IV of the Treasury, Postal Service and General Government Appropriations Act, 1992 (Public Law 102-141; 105 Stat. 861; 5 U.S.C. 5941 note), is amended—

(1) by striking "1995" both places it appears and inserting in lieu thereof "1996"; and

(2) by striking "adjustments" and the remainder of the sentence and inserting in lieu thereof "appropriate changes in the method of fixing compensation for affected employees, including any necessary legislative changes. Such study shall include—

"(1) an examination of the pay practices of other employers in the affected areas;

"(2) a consideration of alternative approaches to dealing with the unusual and unique circumstances of the affected areas; and

"(3) an evaluation of the likely impact of the different approaches on the Government's ability to recruit and retain a well-qualified workforce."

#### TITLE VI—GOVERNMENTWIDE GENERAL PROVISIONS

##### DEPARTMENTS, AGENCIES, AND CORPORATIONS

SECTION 601. Funds appropriated in this or any other Act may be used to pay travel to the United States for the immediate family of employees serving abroad in cases of death or life threatening illness of said employee.

SEC. 602. No department, agency, or instrumentality of the United States receiving appropriated funds under this or any other Act for fiscal year 1995 shall obligate or expend any such funds, unless such department,

agency, or instrumentality has in place, and will continue to administer in good faith, a written policy designed to ensure that all of its workplaces are free from the illegal use, possession, or distribution of controlled substances (as defined in the Controlled Substances Act) by the officers and employees of such department, agency, or instrumentality.

SEC. 603. Notwithstanding 31 U.S.C. 1345, any agency, department or instrumentality of the United States which provides or proposes to provide child care services for Federal employees may reimburse any Federal employee or any person employed to provide such services for travel, transportation, and subsistence expenses incurred for training classes, conferences or other meetings in connection with the provision of such services: *Provided*, That any per diem allowance made pursuant to this section shall not exceed the rate specified in regulations prescribed pursuant to section 5707 of title 5, United States Code.

SEC. 604. Unless otherwise specifically provided, the maximum amount allowable during the current fiscal year in accordance with section 16 of the Act of August 2, 1946 (60 Stat. 810), for the purchase of any passenger motor vehicle (exclusive of buses, ambulances, law enforcement, and undercover surveillance vehicles), is hereby fixed at \$8,100 except station wagons for which the maximum shall be \$9,100: *Provided*, That these limits may be exceeded by not to exceed \$3,700 for police-type vehicles, and by not to exceed \$4,000 for special heavy-duty vehicles: *Provided further*, That the limits set forth in this section may not be exceeded by more than five percent for electric or hybrid vehicles purchased for demonstration under the provisions of the Electric and Hybrid Vehicle Research, Development, and Demonstration Act of 1976: *Provided further*, That the limits set forth in this section may be exceeded by the incremental cost of clean alternative fuels vehicles acquired pursuant to Public Law 101-549 over the cost of comparable conventionally fueled vehicles.

SEC. 605. Appropriations of the executive departments and independent establishments for the current fiscal year available for expenses of travel or for the expenses of the activity concerned, are hereby made available for quarters allowances and cost-of-living allowances, in accordance with 5 U.S.C. 5922-24.

SEC. 606. Unless otherwise specified during the current fiscal year no part of any appropriation contained in this or any other Act shall be used to pay the compensation of any officer or employee of the Government of the United States (including any agency the majority of the stock of which is owned by the Government of the United States) whose post of duty is in the continental United States unless such person (1) is a citizen of the United States, (2) is a person in the service of the United States on the date of enactment of this Act who, being eligible for citizenship, has filed a declaration of intention to become a citizen of the United States prior to such date and is actually residing in the United States, (3) is a person who owes allegiance to the United States, (4) is an alien from Cuba, Poland, South Vietnam, the countries of the former Soviet Union, or the Baltic countries lawfully admitted to the United States for permanent residence, or (5) South Vietnamese, Cambodian, and Laotian refugees paroled in the United States after January 1, 1975, or (6) nationals of the People's Republic of China that qualify for adjustment of status pursuant to the Chinese

Student Protection Act of 1992: *Provided*, That for the purpose of this section, an affidavit signed by any such person shall be considered prima facie evidence that the requirements of this section with respect to his or her status have been complied with: *Provided further*, That any person making a false affidavit shall be guilty of a felony, and, upon conviction, shall be fined no more than \$4,000 or imprisoned for not more than one year, or both: *Provided further*, That the above penal clause shall be in addition to, and not in substitution for, any other provisions of existing law: *Provided further*, That any payment made to any officer or employee contrary to the provisions of this section shall be recoverable in action by the Federal Government. This section shall not apply to citizens of Ireland, Israel, the Republic of the Philippines or to nationals of those countries allied with the United States in the current defense effort, or to international broadcasters employed by the United States Information Agency, or to temporary employment of translators, or to temporary employment in the field service (not to exceed sixty days) as a result of emergencies.

SEC. 607. Appropriations available to any department or agency during the current fiscal year for necessary expenses, including maintenance or operating expenses, shall also be available for payment to the General Services Administration for charges for space and services and those expenses of renovation and alteration of buildings and facilities which constitute public improvements performed in accordance with the Public Buildings Act of 1959 (73 Stat. 749), the Public Buildings Amendments of 1972 (87 Stat. 216), or other applicable law.

SEC. 608. In addition to funds provided in this or any other Act, all Federal agencies are authorized to receive and use funds resulting from the sale of materials recovered through recycling or waste prevention programs. Such funds shall be available until expended for the following purposes:

(1) Acquisition, waste reduction and prevention and recycling programs as described in Executive Order 12873 (October 20, 1993), including any such programs adopted prior to the effective date of the Executive Order.

(2) Other Federal agency environmental management programs, including but not limited to, the development and implementation of hazardous waste management and pollution prevention programs.

(3) Other employee programs as authorized by law or as deemed appropriate by the head of the Federal agency.

The Administrator of General Services or his designee is authorized to transfer funds received into the Federal Buildings Fund pursuant to section 11 of GSA—General Provisions, Public Law 102-141, October 28, 1991, 105 Stat. 856, 40 U.S.C., sec. 490(f) (7) and (8), or sec. 490g, prior to the effective date of this legislation, to other Federal agencies for use by those agencies for the purposes set forth in those statutes. Such funds shall be available until expended and shall be in addition to any amounts appropriated for such purposes.

SEC. 609. Funds made available by this or any other Act for administrative expenses in the current fiscal year of the corporations and agencies subject to chapter 91 of title 31, United States Code, shall be available, in addition to objects for which such funds are otherwise available, for rent in the District of Columbia; services in accordance with 5 U.S.C. 3109; and the objects specified under this head, all the provisions of which shall be

applicable to the expenditure of such funds unless otherwise specified in the Act by which they are made available: *Provided*, That in the event any functions budgeted as administrative expenses are subsequently transferred to or paid from other funds, the limitations on administrative expenses shall be correspondingly reduced.

SEC. 610. No part of any appropriation for the current fiscal year contained in this or any other Act shall be paid to any person for the filling of any position for which he or she has been nominated after the Senate has voted not to approve the nomination of said person.

SEC. 611. Any department or agency to which the Administrator of General Services has delegated the authority to operate, maintain or repair any building or facility pursuant to section 205(d) of the Federal Property and Administrative Services Act of 1949, as amended, shall retain that portion of the GSA rental payment available for operation, maintenance or repair of the building or facility, as determined by the Administrator, and expend such funds directly for the operation, maintenance or repair of the building or facility. Any funds retained under this section shall remain available until expended for such purposes.

SEC. 612. Pursuant to section 1415 of the Act of July 15, 1952 (66 Stat. 662), foreign credits (including currencies) owed to or owned by the United States may be used by Federal agencies for any purpose for which appropriations are made for the current fiscal year (including the carrying out of Acts requiring or authorizing the use of such credits), only when reimbursement therefor is made to the Treasury from applicable appropriations of the agency concerned: *Provided*, That such credits received as exchanged allowances or proceeds of sales of personal property may be used in whole or part payment for acquisition of similar items, to the extent and in the manner authorized by law, without reimbursement to the Treasury.

SEC. 613. No part of any appropriation contained in this or any other Act shall be available for interagency financing of boards, commissions, councils, committees, or similar groups (whether or not they are interagency entities) which do not have a prior and specific statutory approval to receive financial support from more than one agency or instrumentality.

SEC. 614. Funds made available by this or any other Act to the "Postal Service Fund" (39 U.S.C. 2003) shall be available for employment of guards for all buildings and areas owned or occupied by the Postal Service and under the charge and control of the Postal Service, and such guards shall have, with respect to such property, the powers of special policemen provided by the first section of the Act of June 1, 1948, as amended (62 Stat. 281; 40 U.S.C. 318), and, as to property owned or occupied by the Postal Service, the Postmaster General may take the same actions as the Administrator of General Services may take under the provisions of sections 2 and 3 of the Act of June 1, 1948, as amended (62 Stat. 281; 40 U.S.C. 318a, 318b), attaching thereto penal consequences under the authority and within the limits provided in section 4 of the Act of June 1, 1948, as amended (62 Stat. 281; 40 U.S.C. 318c).

SEC. 615. None of the funds made available pursuant to the provisions of this Act shall be used to implement, administer, or enforce any regulation which has been disapproved pursuant to a resolution of disapproval duly adopted in accordance with the applicable law of the United States.

SEC. 616. No part of any appropriation contained in, or funds made available by, this or any other Act, shall be available for any agency to pay to the Administrator of the General Services Administration a higher rate per square foot for rental of space and services (established pursuant to section 210(j) of the Federal Property and Administrative Services Act of 1949, as amended) than the rate per square foot established for the space and services by the General Services Administration for the fiscal year for which appropriations were granted.

[SEC. 617. (a) Notwithstanding any other provision of law, and except as otherwise provided in this section, no part of any of the funds appropriated for the fiscal year ending on September 30, 1995, by this or any other Act, may be used to pay any prevailing rate employee described in section 5342(a)(2)(A) of title 5, United States Code—

(1) during the period from the date of expiration of the limitation imposed by section 615 of the Treasury, Postal Service and General Government Appropriations Act, 1994, until the normal effective date of the applicable wage survey adjustment that is to take effect in fiscal year 1995, in an amount that exceeds the rate payable for the applicable grade and step of the applicable wage schedule in accordance with such section 615; and

(2) during the period consisting of the remainder of fiscal year 1995, in an amount that exceeds, as a result of a wage survey adjustment, the rate payable under paragraph (1) by more than the sum of—

(A) the percentage adjustment taking effect in fiscal year 1995 under section 5303 of title 5, United States Code, in the rates of pay under the General Schedule; and

(B) the difference between the overall average percentage of the locality-based comparability payments taking effect in fiscal year 1995 under section 5304 of such title (whether by adjustment or otherwise), and the overall average percentage of such payments which was effective in fiscal year 1994 under such section.

(b) Notwithstanding any other provision of law, no prevailing rate employee described in subparagraph (B) or (C) of section 5342(a)(2) of title 5, United States Code, and no employee covered by section 5348 of such title, may be paid during the periods for which subsection (a) is in effect at a rate that exceeds the rates that would be payable under subsection (a) were subsection (a) applicable to such employee.

(c) For the purposes of this section, the rates payable to an employee who is covered by this section and who is paid from a schedule not in existence on September 30, 1994, shall be determined under regulations prescribed by the Office of Personnel Management.

(d) Notwithstanding any other provision of law, rates of premium pay for employees subject to this section may not be changed from the rates in effect on September 30, 1994, except to the extent determined by the Office of Personnel Management to be consistent with the purpose of this section.

(e) This section shall apply with respect to pay for service performed after September 30, 1994.

(f) For the purpose of administering any provision of law (including section 8431 of title 5, United States Code, and any rule or regulation that provides premium pay, retirement, life insurance, or any other employee benefit) that requires any deduction or contribution, or that imposes any requirement or limitation on the basis of a rate of salary or basic pay, the rate of salary or

basic pay payable after the application of this section shall be treated as the rate of salary or basic pay.

(g) Nothing in this section shall be considered to permit or require the payment to any employee covered by this section at a rate in excess of the rate that would be payable were this section not in effect.

(h) The Office of Personnel Management may provide for exceptions to the limitations imposed by this section if the Office determines that such exceptions are necessary to ensure the recruitment or retention of qualified employees.]

SEC. 617. (a)(1) Notwithstanding any other provision of law, no part of any of the funds appropriated for the fiscal year ending on September 30, 1995, by this or any other Act, may be used to pay any prevailing rate employee described in section 5342(a)(2)(A) of title 5, United States Code—

(A) during that portion of fiscal year 1995 which precedes the normal effective date of the applicable wage survey adjustment, in an amount that exceeds the rate payable for the applicable grade and step of the applicable wage schedule in accordance with section 615 of the Treasury, Postal Service, and General Government Appropriations Act, 1994, on the last day of the limitation imposed by such section 615; and

(B) during the period from the normal effective date of the applicable wage survey adjustment until the end of fiscal year 1995, in an amount that exceeds the maximum rate allowable under subparagraph (A) by more than the amount determined under paragraph (2).

(2)(A) If, during fiscal year 1995, employees under the General Schedule receive an increase in the amount of locality-based comparability payments under section 5304 of title 5, United States Code, but do not receive a pay adjustment under section 5303 of such title, the applicable amount under this paragraph shall be equal to one-fifth the difference, if any, between the overall percentage of the locality-based comparability payments taking effect in fiscal year 1995 under that section (whether by adjustment or otherwise), and the overall percentage of such payments which was effective in fiscal year 1994 under such section.

(B) If, during fiscal year 1995, employees under the General Schedule receive a pay adjustment under section 5303 of title 5, United States Code, and an increase in the amount of locality-based comparability payments under section 5304 of such title, the applicable amount under this paragraph shall be equal to—

(i) the amount determined under subparagraph (A); and

(ii) the amount resulting from an increase of an equal percentage to the increase under such section 5303.

(C) If, during fiscal year 1995, employees under the General Schedule receive a pay adjustment under section 5303 of title 5, United States Code, but do not receive an increase in the amount of locality-based comparability payments under section 5304 of such title, the applicable amount shall be equal to the amount resulting from an increase of an equal percentage to the increase under such section 5303.

SEC. 618. During the period in which the head of any department or agency, or any other officer or civilian employee of the Government appointed by the President of the United States, holds office, no funds may be obligated or expended in excess of \$5,000 to furnish or redecorate the office of such department head, agency head, officer or employee, or to purchase furniture or make improvements for any such office, unless advance notice of such furnishing or redecoration is expressly approved by the Commit-

tees on Appropriations of the House and Senate. For the purposes of this section the word "office" shall include the entire suite of offices assigned to the individual, as well as any other space used primarily by the individual or the use of which is directly controlled by the individual.

SEC. 619. (a) Notwithstanding the provisions of sections 112 and 113 of title 3, United States Code, each Executive agency detailing any personnel shall submit a report on an annual basis in each fiscal year to the Senate and House Committees on Appropriations on all employees or members of the armed services detailed to Executive agencies, listing the grade, position, and offices of each person detailed and the agency to which each such person is detailed.

(b) The provisions of this section shall not apply to Federal employees or members of the armed services detailed to or from—

- (1) the Central Intelligence Agency;
- (2) the National Security Agency;
- (3) the Defense Intelligence Agency;
- (4) the offices within the Department of Defense for the collection of specialized national foreign intelligence through reconnaissance programs;
- (5) the Bureau of Intelligence and Research of the Department of State;
- (6) any agency, office, or unit of the Army, Navy, Air Force, and Marine Corps, the Federal Bureau of Investigation and the Drug Enforcement Administration of the Department of Justice, the Department of the Treasury, the Department of Transportation, and the Department of Energy performing intelligence functions; and
- (7) the Director of Central Intelligence.

(c) The exemptions in part (b) of this section are not intended to apply to information on the use of personnel detailed to or from the intelligence agencies which is currently being supplied to the Senate and House Intelligence and Appropriations Committees by the executive branch through budget justification materials and other reports.

(d) For the purposes of this section, the term "Executive agency" has the same meaning as defined under section 105 of title 5, United States Code (except that the provisions of section 104(2) of title 5, United States Code, shall not apply), and includes the White House Office, the Executive Residence, and any office, council, or organizational unit of the Executive Office of the President.

SEC. 620. No funds appropriated in this or any other Act for fiscal year 1995 may be used to implement or enforce the agreements in Standard Forms 312 and 4355 of the Government or any other nondisclosure policy, form or agreement if such policy, form or agreement does not contain the following provisions:

"These restrictions are consistent with and do not supersede conflict with or otherwise alter the employee obligations, rights or liabilities created by Executive Order 12356; section 7211 of title 5, United States Code (governing disclosures to Congress); section 1034 of title 10, United States Code, as amended by the Military Whistleblower Protection Act (governing disclosure to Congress by members of the military); section 2302(b)(8) of title 5, United States Code, as amended by the Whistleblower Protection Act (governing disclosures of illegality, waste, fraud, abuse or public health or safety threats); the Intelligence Identities Protection Act of 1982 (50 U.S.C. 421 et seq.) (governing disclosures that could expose confidential Government agents), and the stat-

utes which protect against disclosure that may compromise the national security, including sections 641, 793, 794, 798, and 952 of title 18, United States Code, and section 4(b) of the Subversive Activities Act of 1950 (50 U.S.C. section 783(b)). The definitions, requirements, obligations, rights, sanctions and liabilities created by said Executive Order and listed statutes are incorporated into this Agreement and are controlling."

SEC. 621. Notwithstanding any other provision of law, no executive branch agency shall purchase, construct, and/or lease any additional facilities, except within or contiguous to existing locations, to be used for the purpose of conducting Federal law enforcement training without the advance approval of the House and Senate Committees on Appropriations.

SEC. 622. (a) None of the funds appropriated by this or any other Act may be expended by any Federal agency to procure any product or service that is subject to the provisions of Public Law 89-306 and that will be available under the procurement by the Administrator of General Services known as "FTS2000" unless—

(1) such product or service is procured by the Administrator of General Services as part of the procurement known as "FTS2000"; or

(2) that agency establishes to the satisfaction of the Administrator of General Services that—

(A) the agency's requirements for such procurement are unique and cannot be satisfied by property and service procured by the Administrator of General Services as part of the procurement known as "FTS2000"; and

(B) the agency procurement, pursuant to such delegation, would be cost-effective and would not adversely affect the cost-effectiveness of the FTS2000 procurement.

(b) After July 31, 1995, subsection (a) shall apply only if the Administrator of General Services has reported that the FTS2000 procurement is producing prices that allow the Government to satisfy its requirements for such procurement in the most cost-effective manner.]

SEC. 623. (a) No amount of any grant made by a Federal agency shall be used to finance the acquisition of goods or services (including construction services) unless the recipient of the grant agrees, as a condition for the receipt of such grant, to—

(1) specify in any announcement of the awarding of the contract for the procurement of the goods and services involved (including construction services) the amount of Federal funds that will be used to finance the acquisition; and

(2) express the amount announced pursuant to paragraph (1) as a percentage of the total costs of the planned acquisition.

(b) The requirements of subsection (a) shall not apply to a procurement for goods or services (including construction services) that has an aggregate value of less than \$500,000.

SEC. 624. Notwithstanding section 1346 of title 31, United States Code, funds made available for fiscal year 1995 by this or any other Act shall be available for the inter-agency funding of national security and emergency preparedness telecommunications initiatives which benefit multiple Federal departments, agencies, or entities, as provided by Executive Order Numbered 12472 (April 3, 1984).

SEC. 625. Notwithstanding any provisions of this or any other Act, during fiscal year ending September 30, 1995, any department, division, bureau, or office may use funds appropriated by this or any other Act to install

telephone lines, and necessary equipment, and to pay monthly charges, in any private residence or private apartment of an employee who has been authorized to work at home in accordance with guidelines issued by the Office of Personnel Management: *Provided*, That the head of the department, division, bureau, or office certifies that adequate safeguards against private misuse exist, and that the service is necessary for direct support of the agency's mission.

SEC. 626. (a) None of the funds appropriated by this or any other Act may be obligated or expended by any Federal department, agency, or other instrumentality for the salaries or expenses of any employee appointed to a position of a confidential or policy-determining character excepted from the competitive service pursuant to section 3302 of title 5, United States Code, without a certification to the Office of Personnel Management from the head of the Federal department, agency, or other instrumentality employing the Schedule C appointee that the Schedule C position was not created solely or primarily in order to detail the employee to the White House.

(b) The provisions of this section shall not apply to Federal employees or members of the armed services detailed to or from—

- (1) the Central Intelligence Agency;
- (2) the National Security Agency;
- (3) the Defense Intelligence Agency;
- (4) the offices within the Department of Defense for the collection of specialized national foreign intelligence through reconnaissance programs;
- (5) the Bureau of Intelligence and Research of the Department of State;
- (6) any agency, office, or unit of the Army, Navy, Air Force, and Marine Corps, the Federal Bureau of Investigation and the Drug Enforcement Administration of the Department of Justice, the Department of Transportation, the Department of the Treasury, and the Department of Energy performing intelligence functions; and
- (7) the Director of Central Intelligence.

SEC. 627. None of the funds appropriated by this or any other Act may be used to relocate the Department of Justice Immigration Judges from offices located in Phoenix, Arizona to new quarters in Florence, Arizona without the prior approval of the House and Senate Committees on Appropriations.

SEC. 628. No department, agency, or instrumentality of the United States receiving appropriated funds under this or any other Act for fiscal year 1995 shall obligate or expend any such funds, unless such department, agency or instrumentality has in place, and will continue to administer in good faith, a written policy designed to ensure that all of its workplaces are free from discrimination and sexual harassment and that all of its workplaces are not in violation of title VII of the Civil Rights Act of 1964, as amended, the Age Discrimination in Employment Act of 1967, and the Rehabilitation Act of 1973.

SEC. 628. (a) *Beginning in fiscal year 1995 and thereafter, for each Federal agency, except the Department of Defense, and except as provided in Public Law 102-393, Title IV, section 13 (40 U.S.C. sec 490g) with respect to the Fund established pursuant to 40 U.S.C. 490(f) an amount equal to 50 percent of—*

- (1) the amount of each utility rebate received by the agency for energy efficiency and water conservation measures, which the agency has implemented; and
  - (2) the amount of the agency's share of the measured energy savings resulting from energy savings performance contracts
- may be retained and credited to accounts that fund energy and water conservation activities at

the agency's facilities, and shall remain available until expended for additional specific energy efficiency or water conservation projects or activities, including improvements and retrofits, facility surveys, additional or improved utility metering, and employee training and awareness programs, as authorized by section 152(f) of the Energy Policy Act (Public Law 102-486).

(b) *The remaining 50 percent of each rebate, and the amount of the agency's share of savings from energy savings performance contracts shall be transferred to the General Fund of the Treasury at the end of the fiscal year in which received.*

SEC. 629. (a)(1) Subchapter II of chapter 63 of title 5, United States Code, is amended by adding at the end the following:

**"§ 6327. Absence in connection with serving as a bone-marrow or organ donor**

"(a) An employee in or under an Executive agency is entitled to leave without loss of or reduction in pay, leave to which otherwise entitled, credit for time or service, or performance or efficiency rating, for the time necessary to permit such employee to serve as a bone-marrow or organ donor.

"(b) Not to exceed 7 days of leave may be used under this section by an employee in a calendar year.

"(c) The Office of Personnel Management may prescribe regulations for the administration of this section."

(2)(A) Section 6129 of title 5, United States Code, is amended by inserting "6327," after "6326."

(B) The table of sections for chapter 63 of title 5, United States Code, is amended by adding after the item relating to section 6326 the following:

"6327. Absence in connection with serving as a bone-marrow or organ donor."

(b)(1) Section 6307 of title 5, United States Code, is amended—

(A) by redesignating subsection (c) as subsection (d);

(B) by inserting after subsection (b) the following:

"(c) Sick leave provided by this section may be used for purposes relating to the adoption of a child."; and

(C) in subsection (d) (as so redesignated by subparagraph (A)) by inserting "or for purposes relating to the adoption of a child," after "illment,".

(2) Section 6129 of title 5, United States Code, is amended by striking "6307 (a) and (c)," and inserting "6307 (a) and (d)."

(3)(A) The Office of Personnel Management shall prescribe regulations under which any employee who used or uses annual leave for an adoption-related purpose, after September 30, 1991, and before the date as of which sick leave first becomes available for such purpose as a result of the enactment of this subsection may, upon appropriate written application, elect to have such employee's leave accounts adjusted to reflect the amount of annual leave and sick leave, respectively, which would remain had sick leave been used instead of all or any portion of the annual leave actually used, as designated by the employee.

(B) An application under this paragraph may not be approved unless it is submitted—

- (i) within 1 year after the date of the enactment of this Act or such later date as the Office may prescribe;
- (ii) in such form and manner as the Office shall require; and
- (iii) by an individual who is an employee as of the time of application.

(C) For the purpose of this paragraph, the term "employee" has the meaning given

such term by section 6301(2) of title 5, United States Code.

[SEC. 630. (a)(1) The adjustment in rates of basic pay for the statutory pay systems that takes effect in fiscal year 1995 under section 5303 of title 5, United States Code, shall be an increase of 2 percent.

(2) For purposes of each provision of law amended by section 704(a)(2) of the Ethics Reform Act of 1989 (5 U.S.C. 5318 note), no adjustment under section 5303 of title 5, United States Code, shall be considered to have taken effect in fiscal year 1995 in the rates of basic pay for the statutory pay systems.

(3) For purposes of this subsection, the term "statutory pay system" shall have the meaning given such term by section 5302(1) of title 5, United States Code.

(b) For purposes of any locality-based comparability payments taking effect in fiscal year 1995 under subchapter I of chapter 53 of title 5, United States Code (whether by adjustment or otherwise)—

(1) section 5304(a)(3)(B) of such title shall be deemed to be amended by striking "1/10" and inserting "1/4"; and

(2) section 5304a of such title shall be deemed to be without force or effect.

SEC. 631. Section 5(f) of the Federal Workforce Restructuring Act of 1994 (Public Law 103-226) is amended by adding at the end the following new paragraph:

"(3) APPLICABILITY OF BACKFILL PREVENTION PROVISIONS TO AGENCIES OTHERWISE EXEMPTED FROM FTE REDUCTION.—

"(A) IN GENERAL.—If any agency is otherwise exempted by any law from the limitations on full-time equivalent positions or the restrictions on hiring established by this section—

"(i) paragraph (1) shall apply to vacancies created in such agency; and

"(ii) the reductions required pursuant to clause (i) shall be made in the number of funded employee positions in such agency.

"(B) WAIVER AUTHORITY.—In the case of a particular position in an agency, subparagraph (A) may be waived upon a determination by the head of the agency that the performance of a critical agency mission requires the waiver.

"(C) RELATION TO OTHER LAW.—No law may be construed as suspending or modifying this paragraph unless such law specifically amends this paragraph." ]

SEC. 632. (a) IN GENERAL.—Hereafter, the employment of any individual within the Executive Office of the President shall be placed in leave without pay status if the individual—

(1) has not, within 30 days of commencing such employment or by October 31, 1994 (whichever occurs later), submitted a completed questionnaire for sensitive positions (SF-86); or

(2) has not, 6 months of commencing such employment or by October 31, 1994 (whichever occurs later), had his or her background investigation, if completed, forwarded by the counsel to the President to the United States Secret Service for issuance of the appropriate White House pass.

(b) EXEMPTION.—Subsection (a) shall not apply to any individual specifically exempted from such subsection by the President or his designee.

**SEC. 633. SPECIAL PAY ADJUSTMENTS FOR CERTAIN MEMBERS OF THE SECRET SERVICE.**

*Any pay adjustment under section 5305 of title 5, United States Code, to an individual who is employed as a law enforcement officer by the United States Secret Service Uniformed Division shall be considered to be a permanent part of*

basic pay for all purposes, including the computation of locality-based comparability payments under section 5304 of such title and making special pay adjustments for law enforcement officers in selected cities under section 404 of the Federal Law Enforcement Pay Reform Act of 1990 (5 U.S.C. 5305 note; Public Law 101-509; 104 Stat. 1467).

**SEC. 634. LAW ENFORCEMENT OFFICERS AVAILABILITY PAY.**

(a) **SHORT TITLE.**—This section may be cited as the "Law Enforcement Officers Availability Pay Act of 1994".

(b) **LAW ENFORCEMENT AVAILABILITY PAY.**—

(1) **IN GENERAL.**—Chapter 55 of title 5, United States Code, is amended by inserting after section 5545 the following new section:

**"§5545a. Law enforcement availability pay**

"(a) For purposes of this section—

"(1) the term 'available' refers to the availability of a law enforcement officer and means that an officer shall be considered generally and reasonably accessible by the agency employing such officer to perform duties based on the needs of an agency;

"(2) the term 'law enforcement officer' means a law enforcement officer as defined under section 5541(3) (other than a special agent in the Diplomatic Security Service) who is required to—

"(A) possess a knowledge of investigative techniques, laws of evidence, rules of criminal procedure, and precedent court decisions concerning admissibility of evidence, constitutional rights, search and seizure, and related issues;

"(B) recognize, develop, and present evidence that reconstructs events sequences and time elements for presentation in various legal hearings and court proceedings;

"(C) demonstrate skills in applying surveillance techniques, undercover work, and advising and assisting the United States Attorney in and out of court;

"(D) demonstrate the ability to apply the full range of knowledge, skills, and abilities necessary for cases which are complex and unfold over a long period of time (as distinguished from certain other occupations that require the use of some investigative techniques in short-term situations that may end in arrest or detention);

"(E) possess knowledge of criminal laws and Federal rules of procedure which apply to cases involving crimes against the United States, including—

"(i) knowledge of the elements of a crime;

"(ii) evidence required to prove the crime;

"(iii) decisions involving arrest authority;

"(iv) methods of criminal operations; and

"(v) availability of detection devices; and

"(F) possess the ability to follow leads that indicate a crime will be committed rather than initiate an investigation after a crime is committed;

"(3) the term 'unscheduled duty hours' means duty hours a law enforcement officer works, or is determined to be available for work, that are not—

"(A) hours that are part of the 40 hours in an administrative work week of the officer; or

"(B) overtime hours paid under section 5542; and

"(4) the term 'work day' means each day in the officer's administrative work week during which the officer works at least 4 hours that are not overtime hours paid under section 5542 or hours considered part of section 5545(a).

"(b) The purpose of this section is to provide premium pay to law enforcement officers to ensure the availability of law enforcement officers for unscheduled duty in excess of a 40-hour work week based on the needs of the employing agency.

"(c) Each law enforcement officer shall be paid law enforcement availability pay as provided under this section. Availability pay shall

be paid to ensure the availability of the officer for all hours of duty in excess of a 40-hour work week, except for regularly scheduled overtime as computed under section 5542, night duty, Sunday duty, and holiday duty. The officer is generally responsible for recognizing, without supervision, circumstances which require the officer to be on duty or be available for duty for more than 40 hours in each work week agency based on the needs of the agency. Availability pay provided to a law enforcement officer for such unscheduled duty shall be instead of premium pay provided by other provisions of this subchapter.

"(d)(1) A law enforcement officer shall be paid availability pay, if the average of hours described under paragraph (2) (A) and (B) is equal to or greater than 2 hours.

"(2) The hours referred to under paragraph (1) are—

"(A) the annual average of unscheduled hours worked by the officer in excess of each regular 8-hour work day; and

"(B) the annual average of unscheduled hours such officer is available to work in excess of each regular 8-hour work day upon the request of the employing agency.

"(3) Unscheduled duty hours as described under this subsection, which are worked by an officer on days that are not regular work days shall be considered in the calculation of the annual average of unscheduled duty hours worked or available for purposes of certification.

"(4) An officer shall be considered to be available when the officer cannot be reasonably and generally accessible due to a status or assignment which is the result of an agency direction, order, or approval as provided under subsection (f)(1).

"(e)(1) Each officer receiving availability pay under this section and the appropriate supervisory officer, to be designated by the head of the agency, shall make an annual certification to the head of the agency that the officer has met the requirements of subsection (d). The head of a law enforcement agency may prescribe regulations necessary to administer this subsection.

"(2) Involuntary reduction in pay resulting from a denial of certification under paragraph (1) shall be a reduction in pay for purposes of section 7512(4) of this title.

"(f)(1) A law enforcement officer who is eligible for availability pay shall receive such pay during any period such officer is—

"(A) attending agency sanctioned training;

"(B) on agency approved sick leave or annual leave;

"(C) on agency ordered travel status;

"(D) on agency approved relocation status; or

"(E) on relocation leave.

"(2) Agencies or departments may provide availability pay to officers during training which is considered initial, basic training usually provided in the first year of service or when on administrative leave with pay.

"(g) Section 5545(c) shall not apply to any law enforcement officer who is paid availability pay.

"(h) Availability pay under this section shall be—

"(1) 25 percent of the rate of basic pay on an annual basis for the position; and

"(2) treated as part of basic pay for purposes of—

"(A) sections 5595(c), 8114(e), 8331(3), 8431, and 8704(c); and

"(B) such other purposes as may be expressly provided for by law or as the Office of Personnel Management may by regulation prescribe."

(2) **LIMITATION ON PREMIUM PAY.**—Section 5547(a) of title 5, United States Code, is amended in the first sentence by inserting "5545a," after "5545 (a), (b), and (c)".

(3) **TECHNICAL AND CONFORMING AMENDMENT.**—The table of sections for chapter 55 of

title 5, United States Code, is amended by inserting after the item relating to section 5545 the following new item:

"5545a. Law enforcement availability pay."

(c) **COMPUTATION OF OVERTIME RATES.**—Section 5542 of title 5, United States Code, is amended—

(1) in subsection (a) in the first sentence by inserting "(or in excess of 10 hours a day as provided under subsection (d))" after "excess of 8 hours a day"; and

(2) by adding at the end thereof the following new subsection:

"(d)(1) In the case of any law enforcement officer who is paid availability pay under section 5545a, overtime pay shall be paid as computed under subsection (a) and in accordance with paragraph (2). All other overtime work by a law enforcement officer shall be compensated under section 5545a.

"(2) In any work week in which a law enforcement officer who is paid availability pay under section 5545a works a 40-hour regular work week, the officer shall be paid scheduled overtime pay for each hour such officer is scheduled to work—

"(A) on a regularly scheduled work day in excess of 10 hours; and

"(B) on a day on which such officer was scheduled not to work and which is not part of the officer's basic 40-hour work week."

(d) **EXEMPTIONS FROM CERTAIN FAIR LABOR STANDARDS.**—Section 13 of the Fair Labor Standards Act of 1938 (29 U.S.C. 213) is amended—

(1) in subsection (a)—

(A) in paragraph (15) by striking out the period and inserting in lieu thereof a semicolon and "or"; and

(B) by adding at the end thereof the following new paragraph:

"(16) a law enforcement officer as defined under section 5545a(a) of title 5, United States Code."; and

(2) in subsection (b)—

(A) in paragraph (28) by striking out "or" after the semicolon;

(B) in paragraph (29) by striking out the period and inserting in lieu thereof a semicolon and "or"; and

(C) by adding at the end thereof the following new paragraph:

"(30) a law enforcement officer as defined under section 5545a(a) of title 5, United States Code.".

(e) **EFFECTIVE DATE.**—The provisions of this section and the amendments made by this section shall take effect on the first day of the first applicable pay period beginning on or after October 1, 1994.

**SEC. 635. (a)** Beginning in fiscal year 1995 and thereafter, for each Federal agency, except the Department of Defense, and except as provided in Public Law 102-393, title IV, section 13 (40 U.S.C. 490g) with respect to the Fund established pursuant to 40 U.S.C. 490(f) an amount equal to 50 percent of—

(1) the amount of each utility rebate received by the agency for energy efficiency and water conservation measures, which the agency has implemented; and

(2) the amount of the agency's share of the measured energy savings resulting from energy savings performance contracts

may be retained and credited to accounts that fund energy and water conservation activities at the agency's facilities, and shall remain available until expended for additional specific energy efficiency or water conservation projects or activities, including improvements and retrofits, facility surveys, additional or improved utility metering, and employee training and awareness programs, as authorized by section 152(f) of the Energy Policy Act (Public Law 102-486).

(b) The remaining 50 percent of each rebate, and the amount of the agency's share of savings from energy savings performance contracts shall be transferred to the general fund of the treasury at the end of the fiscal year in which received.

This Act may be cited as the "Treasury, Postal Service and General Government Appropriations Act, 1995".

#### PRIVILEGE OF THE FLOOR

Mr. DECONCINI. Mr. President, I ask unanimous consent that John Libonoti and Renee Orme, two legislative fellows and Peter Wood, an intern in my office be granted floor privileges during deliberation on H.R. 4539, the Treasury, Postal Service, and General Government appropriations bill for fiscal year 1995.

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

Mr. DECONCINI. Mr. President, today, along with my ranking member, Mr. BOND, I bring to the full Senate the committee recommendations on fiscal year 1995 appropriations for the Department of the Treasury, the U.S. Postal Service, the Executive Office of the President, and certain independent agencies.

The committee bill which we recommend contains total funding of \$23.6 billion. This amount is \$1.1 billion above the fiscal year 1994 enacted level; \$226 million above the House bill; but \$996 million below the President's budget request. Of the increase above the 1994 level, \$709 million is for mandatory programs over which the committee has little control. For domestic discretionary programs, the committee bill totals \$11.7 billion or \$800 million below the budget request. When you take out the IRS compliance initiative, totalling \$405 million, which was provided for in the budget resolution outside of the discretionary caps, the discretionary funding in the bill is actually \$1.2 billion below the President's requested level. In addition, without the IRS compliance initiative, the committee bill is right at a 1994 freeze level, or as some may say, "a freeze in 1994 funding."

As a result, this year the committee had the difficult task of trying to formulate a bill which would adequately fund the President's priorities, law enforcement, personnel management, taxpayer service and returns processing, and Federal building requirements. Under the circumstances, I think we have done an excellent job. The bill reported by the committee provides funding of:

The sum of \$10.5 billion for the Department of the Treasury;

The sum of \$102 million for the Payment to the Postal Service Fund for free mail for the blind, overseas voters, and payment on the debt to the Postal Service for subsidies to preferred rate mailers;

The sum of \$162.5 million for Funds Appropriated to the President for Federal Drug Control Programs;

The sum of \$733 million for GSA for the construction of new Federal office buildings and courthouses;

The sum of \$11.7 billion in various mandatory Government payments of the Office of Personnel Management for annuitant and employee health, disability, retirement, and life insurance benefits; and

The sum of \$338 million for various independent agencies.

For the Treasury law enforcement bureaus, the committee bill includes an increase of \$12 million above the budget request to restore 212 full-time equivalent positions which were proposed for elimination under the President's executive order on work force reduction.

Mr. President, I support the President's efforts to reduce the size of the Federal work force. And, I commend our distinguished committee chairman, Mr. BYRD, for using the savings from the 252,000 positions over 5 years to fund the crime legislation which is currently before conference committee.

What I do not support, however, is the reduction of Federal law enforcement personnel. The very agencies who will be charged with implementing many of the new provisions in the crime bill, if there is one, and I believe there will be, the Brady Act, and a potential assault weapons ban, must have the personnel and resources required to ensure that these laws are properly enforced.

This cannot be accomplished by cutting the Bureau of Alcohol, Tobacco and Firearms, the agency which oversees firearms compliance and enforcement; or the Customs Service, which enforces money laundering and drug smuggling statutes; or the Secret Service, which enforces counterfeiting, entitlement, financial institution, and access device fraud.

The only way this so-called war against crime can be effective is through the combined efforts of Federal, State and local law enforcement.

I believe it is a big mistake to cut the strength of our Federal law enforcement agencies at a time when the American public is telling us that crime is the No. 1 problem in the country. I support placing an additional 100,000 police officers on the beat, which the President advocates. But I do not think they can properly do their job without the Federal agencies. Federal law enforcement agents are assigned to State and local anticrime task forces all across this country. Here in the District of Columbia several different task forces operate utilizing the expertise and manpower of the Federal agencies. We have a horrendous crime problem in the District of Columbia. I cannot imagine what it would be like if the local law enforce-

ment agencies were unable to tap Federal law enforcement officers for investigative enforcement support and prosecution.

Last year the Congress adopted a provision included in the fiscal year 1994 Treasury Appropriations Act exempting Treasury law enforcement from the Executive order reductions. For fiscal year 1995, we are continuing that provision.

With reference to illegal drugs, the committee bill includes \$98 million for support of Federal, State, and local law agency activities in the six designated high intensity drug trafficking areas [HIDTA's]. Over the past 5 years, we have witnessed the success of coordinated law enforcement efforts through the HIDTA program in Miami, New York, Los Angeles, Houston, and the Southwest border. These funds go to support multiagency law enforcement operations aimed at disrupting major trafficking organizations. In 1994, the Baltimore-Washington metropolitan area was added to the list. As a result in fiscal year 1995 this area will receive the funding assistance of the HIDTA program to reduce drug trafficking and distribution.

Also, in fiscal year 1995, funding of \$12 million will be provided to Puerto Rico-U.S. Virgin Islands area for HIDTA activities. This area is a hotbed for trafficking, distribution, and related crimes. And because these are U.S. territories, once illegal drugs make it into this area, they have a direct line into the U.S. mainland. The additional \$12 million provided in the committee bill can only be expended if the Director of the Office of National Drug Control Policy determines that Puerto Rico and U.S. Virgin Islands meet the criteria for a HIDTA designation and takes action to designate this area. I have received every indication from the drug czar's office that this will occur.

On this same subject, the committee bill also includes \$1.5 billion for the U.S. Customs Service. This amount contains the restoration of roughly one-half of the funds proposed for reduction by the President for Customs air and marine interdiction activities or an additional \$24 million. The President's reduction for these activities was based on a revised drug interdiction strategy which will focus increased attention on the source-countries and reduce interdiction in the transit zones. The theory being that if you build a fence around the area where the flights are originating from, you will not have to worry about interdiction in the area where the drugs would transit. Realistically, however, we are never going to build a solid wall around the source countries. In fact, the current impasse with the Department of Defense from its legal interpretation that surveillance flights in Colombia and Peru cannot continue,

has left the entire area wide open. We have already seen a shift so quickly when those assets have been shut down for drugs coming out through particular countries.

I hope the new strategy works. But, I am skeptical. For this reason, the committee bill restores funds to Customs to maintain a sufficient level of U.S. border and transit zone interdiction capabilities and \$20 million to permit the drug czar to have funds on a contingency basis if in fact the threat increases as a result of the new policy.

And here, Mr. President, I thank the ranking member, Mr. BOND, for his concurrence and his leadership in bringing about this restoration. He feels as I do, or I feel as he does, that it is not a wise strategy to abandon the transit zone in interdiction, and he played a major role in helping us find the little bits of restoration. I think he will agree with me that we would like to restore the full amount, but that was impractical.

With reference to the GSA building construction with repairs and alterations programs, the committee has included funding for a handful of projects which have not been authorized. However, unlike in past years, we have included a provision on each project that is not authorized that the funds provided may not be obligated until the Senate Environmental and Public Works Committee and the House Public Works and Transportation Committee have approved the projects. These funds cannot be spent until that occurs. However, by providing the funds for needed projects it will eliminate delays if and when the authorization is approved.

There are two initiatives in the President's budget that the committee could not fund. The first was \$999 million for the GSA lease-conversion program. This money would have been spent by GSA to convert costly leases which are due to expire into Government-owned space. This plan would save the Federal Government approximately \$2.6 billion according to GSA over the long-term. Unfortunately, we did have the budget authority and outlays required to fund this initiative and I find that regrettable.

Mr. Johnson, the administrator, has indeed taken on a thankless task as administrator of GSA and come up with initiatives that really are worthwhile and would be used in the private sector. I compliment his for that. I wish we could have been able to do this. I hope in the future that some of his ideas will be implemented. Some of them do not take legislation, but this one took legislative action.

Second, we were unable to fund the President's requested increase of \$314 million for the modernization of the Internal Revenue Service's antiquated tax systems. Modern communications and computer technology are basic tools in almost every industry in this

country. For the IRS this is not the case and our revenue generation system and the taxpayers are suffering as a result. Again, I find it unfortunate that we could not fully fund this initiative, but the President's budget assumed user fees totaling \$246 million that the appropriators could not authorize.

I compliment Commissioner Richardson for her leadership here in attempting to bring about a change in the Internal Revenue Service to modernize it. As I discussed with her on a number of occasions, this agency truly needs an overhaul on internal operations and that ought to be the priority versus additional taxpayer services and compliance, and what have you, that are all very important. This system has not run well in the past—and it could. And she is responsible for the improvement so far, and I hope that in the future we can continue to fund some of these modern communications computer technology systems.

Lastly, with respect to IRS, the committee bill does fund the President's tax compliance initiative for the IRS which was provided for in the budget resolution outside the discretionary caps. I support this, Mr. President, although I have some reservations. These kinds of funds ought to be dedicated to the modernization of the system and making it really functional and available. But notwithstanding that we did fund this proposal.

This initiative will produce, we are told, additional revenues of between \$9 and \$10 billion over the next 5 years and will cost the Government \$405 million in fiscal year 1995. I truly, truly hope that is accurate.

I think this is a good and responsible bill. Mr. President, I commend the ranking member, Mr. BOND, and the staff on both the minority and majority sides for putting this together on very short notice, working over the weekend, both Saturday and Sunday, and last week getting from subcommittee to full committee. I appreciate the bipartisan fashion in which Mr. BOND has helped formulate and present this to the full Senate. We feel that we have prioritized and put forward the highest priorities.

I now yield to the ranking member, Mr. BOND.

Mr. BOND addressed the Chair.

The PRESIDING OFFICER (Mr. HEFLIN). The Senator from Missouri.

Mr. BOND. Mr. President, I must begin by complimenting our chairman, the Senator from Arizona, Senator DECONCINI, for doing an excellent job in a very difficult time.

As he has already said, and I will relate further, this has been a year when we have not had the funds to do what we believe we must do. Yet he has done an excellent job in establishing priorities.

I want to join with the Senator from Arizona in thanking our staffs on both

the majority and the minority sides for preparing this and bringing this to the floor as quickly as they have, particularly in the difficult financial situation in which we find ourselves in the Treasury-Postal Committee.

Let me take a few minutes, as we begin the deliberations on the fiscal year 1995 Treasury-Postal Service and general Government appropriations bill, to discuss some of the things we have been able to do in this bill and some of the things we would like to have been able to do but we could not do.

Senator DECONCINI has already outlined the highlights of the bill. He has indicated the aggregate totals and also how the bill compares to the President's and the House-passed bill.

Let me reiterate the point that this bill is tight. We have had to make significant reductions. This bill is almost \$800 million below the President's request. In fact, if we were not to include the tax collection initiative of \$400 million the President requested following the submission of the budget, causing us a good bit of difficulty, this bill would be \$1.2 billion—that is a billion dollars—below the President's budget request.

If you were to discount the IRS initiative and the mandatory increases in this bill, the fiscal year 1995 bill would be about the same amount as we appropriated last year.

Mr. President, as the chairman indicated, reaching this level has clearly not been easy. I believe that the committee has done an excellent job in making the numbers fit within the dollars available.

The administration has raised some questions about the funding levels that were included in this bill, especially why did there is no funding for the IRS tax systems modernization program and the General Services Administration request for new construction and acquisition.

I cannot argue with them. We should have funded both of these proposals at the requested level. They are both meritorious and, were we to fund them, they would save the taxpayers significant dollars in future years.

So if this is the case, one might reasonably ask, why did the committee not fund the programs at the President's request? The first reason is the President's budget exceeded the caps by over \$3 billion. The Office of Management and Budget could not make up its mind, so the Budget Committee had to. The Budget Committee had to present a budget resolution which made the appropriate reductions to make the budget we are working with conform to the budget agreement and its respective caps.

Second, the budget as submitted to us included a number of user fees which offset appropriations for the Internal Revenue Service and the Bureau of Alcohol, Tobacco and Firearms. I do not

know why the administration thought the Appropriations Committee could enact these. The Finance and Ways and Means Committees have jurisdiction and, in fact, have rejected some of these fees in the past years. The fees total almost \$250 million. That just adds to our problem. How do we offset this funding requirement?

The President could not make up his mind as to what his priorities are. We have had to do this. This bill shows these priorities as it is presented here today. We have funded programs, especially law enforcement, as priorities. We have restored funding to several law enforcement agencies. In fact, I would like to be able to restore more, but the allocation is such that we were just not able to do so.

Mr. President, let me take just a few moments to discuss law enforcement. And I intend to discuss this further when time permits later on in the consideration of this measure.

The President's budget significantly reduced staffing and funding for law enforcement. He proposed to reduce the number of law enforcement personnel and to reduce significantly the Customs' air and marine programs, the latter because the administration claims it has decided to refocus drug interdiction efforts from the transit zones between the producing countries and the United States to the producing countries themselves.

Mr. President, I hope this works, as do many others. But I am a realist, not a dreamer. The drug strategy outlines the proposal. That strategy, in part, states that the efforts will concentrate on getting producing countries to work to solve the problems.

I have yet to see a crop substitution program that works, however. I have even less confidence that the Secretary of State will make drug eradication his No. 1 priority. We have seen the problems already, as Senator DECONCINI has pointed out, as the administration has cut off real-time intelligence support to Bolivia and Peru, leading to significant questions about their ability and their willingness to continue these efforts.

Moreover, the emptiness of this promise can be shown by the administration's request in foreign operations for funds to use in those countries, because the funds requested for fiscal year 1995 are below the actual fiscal year 1993 funding level.

Mr. President, I submit you do not achieve major new initiatives by reducing the money available to pursue them.

Now, on the other hand, the air and marine interdiction of drugs have worked. We seem to have forgotten that. Ten years ago, we read every day about planes and boats violating the Florida coast. That does not happen today. Why? Because we have met the challenge and the narcotraffickers

have changed their operations. I know our colleagues from Florida have contacted us repeatedly that they fear, as I do, that it will not take long for the narcotraffickers to return to their old ways if we take down the fence that we have constructed and has been effective.

That is the reason the subcommittee has restored funding for the air program. We do not want the administration's efforts to fail, but we are realists. We want to ensure that law enforcement has the tools to do their job.

The bill also includes restoration of funding for law enforcement agents the President proposed for reduction. We have restored 212 positions—110 at Customs, 71 at Secret Service, 22 at Alcohol, Tobacco and Firearms, 7 at the Law Enforcement Training Center, and 2 at the Financial Crimes Enforcement Center.

Mr. President, I am very supportive of the President's efforts to reduce Federal employment. Some will say that this restoration undermines that effort. I disagree.

I think law enforcement of Federal law, areas such as international and interstate drug and crime initiatives, is a top priority.

I personally do not understand how the President can call for funding 50,000 to 100,000 new rookie cops on the street while, at the same time, reducing vital Federal law enforcement. I have talked about this with law enforcement officials at the State and local levels throughout Missouri, as well as some from around the country. They agree with me.

Federal law enforcement provides unique support to State and local law enforcement. All of the officials I have spoken with question the sense behind this move. I hope that this small restoration we have made will show that there is an appreciation of these efforts and that it will enable them to continue the vitally important battles they must fight.

#### TAX SYSTEMS MODERNIZATION

Mr. President, as the chairman stated, and I indicated earlier in my statement, we had to find funding somewhere in this bill to make up for the allocation reduction and fees proposed to offset appropriations.

Funding for the Internal Revenue Service comprise almost 65 percent of the discretionary spending in this bill. In order to make up the magnitude of the funding shortage caused by the request for the user fees, it is obvious where we have to go.

The budget resolution that was adopted by this body says that in order to fund the IRS collection initiative, no funding can be reduced from tax collection accounts. That leaves only information systems or tax processing.

Mr. President, this is not an acceptable option, but it is what we are faced with.

Tax systems modernization is vital to future tax collection efforts. Failure to fund the request in this bill does not mean the committee disapproves of the TSM effort. Quite to the contrary. The committee—the chairman and I—strongly supports TSM and would have funded it at the highest level possible under the circumstance.

We would like to do more. We have been able to restore a very few dollars because of a scoring change, but the resources are still not there. We are not able to provide the assistance to the IRS in modernizing their tax system, the modernization of the system, and we feel the failure to do so will deprive us of the benefits for the future.

The committee has also reduced the administration's \$999 million program for construction and acquisition to zero. Once again, this proposal would allow the Federal Government to consolidate its space requirements and seek the most favorable housing arrangements. This proposal would be a major change in the way Government does business. It would be a change for the positive. I think it would give the taxpayers significant savings in future years. Unfortunately, we just do not have the money.

I certainly hope we can—and I ask the President and the budget people in OMB to—in preparation of the fiscal year 1996 budget, reflect the high priority the tax systems modernization and GAO acquisition should have. As I said before, this is a tight bill. It does not include all we would like, but I believe it is responsible. I think the choices we have made, though difficult, have been the most responsible choices. I hope and trust a majority of this body will agree with us, and I look forward to working with the chairman and other colleagues as we proceed to work on and offer and act upon amendments to this bill.

(At the request of Mr. BYRD, the following statement was ordered to be printed in the RECORD at this point:)

#### STATEMENT ON TREASURY/POSTAL APPROPRIATIONS

• Mr. SASSER. Mr. President, the Senate Budget Committee has examined H.R. 4539, the Treasury/Postal appropriations bill and has found that the bill is under its 602(b) budget authority allocation by \$330 million and under its 602(b) outlay allocation by \$14 million.

I compliment the distinguished manager of the bill, Senator DECONCINI, and the distinguished ranking member of the Treasury/Postal Subcommittee, Senator BOND, on all of their hard work.

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

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

SENATE BUDGET COMMITTEE SCORING OF H.R. 4539, FISCAL YEAR 1995 TREASURY, POSTAL APPROPRIATIONS—SENATE-REPORTED BILL

(Dollars in millions)

Bill summary	Budget authority	Outlays
Discretionary totals:		
New spending in bill	11,719	9,293
Outlays from prior years appropriations		2,986
Permanent/advance appropriations	0	0
Supplementals	0	-33
Subtotal discretionary spending	11,719	12,246
Mandatory totals	11,976	11,973
Bill total	23,695	24,219
Senate 602(b) allocation <sup>1</sup>	24,025	24,233
Difference	-330	-14
Discretionary Totals above (+) or below (-):		
President's request	-888	-396
House-passed bill	184	-30
Senate-reported bill		
Senate-passed bill		
Defense	0	0
International Affairs	0	0
Domestic Discretionary	11,719	12,246

<sup>1</sup> The Senate 602(b) allocation has been adjusted upward by \$405 million in both budget authority and outlays for the Internal Revenue Compliance Initiative, as provided in Section 25 of the Concurrent Resolution on the Budget for 1995.

Mr. DECONCINI. Mr. President, I ask unanimous consent the committee amendments to H.R. 4539 be considered and agreed to en bloc, provided that no points of order be waived thereon, and that the measure as amended be considered as original text for the purpose of further amendment.

Mr. BOND. No objection.  
The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendments were agreed to.

AMENDMENT NO. 1819

Mr. DECONCINI. I send a series of technical amendments to the desk and ask for their immediate consideration en bloc.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Arizona [Mr. DECONCINI] proposes an amendment numbered 1819.

Mr. DECONCINI. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 63 of the bill, line 20, strike "\$199,697,000 and insert in lieu thereof, "\$200,238,000"

On page 120 of the bill, line 24, strike "(2)" and insert in lieu thereof, "(4)"

On page 16 of the bill, line 10, strike "1,372,614,000" and insert in lieu thereof, "\$1,388,000,000"

On page 16 of the bill, line 24, strike "\$1,507,614,000" and insert in lieu thereof, "\$1,253,000,000".

Mr. DECONCINI. These are purely technical amendments in nature, to correct inadvertent errors in the bill in the Archives, GSA, IRS, and law enforcement pay sections.

I believe they have been cleared on both sides. I ask they be adopted en bloc.

THE GALLERY OF THE OPEN FRONTIER

Mr. President, this bill includes \$100,000 for the National Archives and Records Administration [NARA] for the Gallery of the Open Frontier project, a digital image library of photographs, paintings, and drawings pertaining to the history of the American West drawn from the primary collections of NARA.

The Gallery of the Open Frontier project will begin the immense project of developing a descriptively and educationally enriched collection of images on the history of the American West including images, paintings, and particularly photographs related to the western expansion. The gallery will provide a user-friendly digital resource that will allow teachers, scholars, and citizens to see and understand the struggles and successes of Americans as the Louisiana Purchase was pioneered. One of the biggest frustrations for researchers and teachers in utilizing NARA materials is identifying particular photographs for just-in-time use. Rarely do distinguishing descriptions of individual images exist; related images in disparate NARA collections are difficult to correlate; and searchable indices or descriptive data bases simply do not exist. The Gallery of the Open Frontier project will address these issues by involving scholars and specialists to fully identify, describe, and thereby enrich these photographs for future use.

A minimum of 2,000 photographs—which will include entire collections from NARA—will be digitized to ascertain the cost and usage patterns of such image collections. The project will eventually include tens of thousands of images for use in a wide array of contexts.

It is intended that this on-line resource from the National Archives will serve the following essential functions: First, provide the raw materials for the creation of teacher- and scholar-created tours, educational units, and teaching aids about the history of the American expansion into the West, both on-line and on CD-ROM; second, permit researchers to easily scan portions of the holdings of the National Archives from anywhere in the United States with an Internet connection, acquire the NARA identifier of the images, and then order copies of those images; third, establish a testbed for developing similar digital image libraries from the nonprofit and public sector image archives; fourth, provide a service to the educational community by making thousands of images easily accessible for historical analysis; fifth, establish dependable cost estimates for future conversion and descriptive enrichment of NARA image collections; sixth, establish preliminary standards for photographic captioning for electronic retrieval of digital images; and seventh, create a searchable data base

of National Archives images for NARA's internal use.

The Gallery of the Open Frontier promises to make NARA collections pertaining to western expansion—such as images from the Secretary of the Interior, the Bureau of Indian Affairs, and the Western Forts collections—come to life for students of American western history. This project promises to be a resource of unparalleled value to researchers, students, and teachers nationally and internationally, permitting them access to the rich history of the American West stored in the vast treasure trove of the National Archives.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 1819) was agreed to.

Mr. DECONCINI. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. DECONCINI. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 1820

Mr. DECONCINI. Mr. President, on behalf of the Senator from Missouri and myself, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Arizona [Mr. DECONCINI] for himself and Mr. BOND, proposes an amendment numbered 1820.

Mr. DECONCINI. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

At the end of title I, add the following new section:

SEC. . (a) The Director of the United States Secret Service shall direct and apply appropriate agency personnel and resources for the purpose of conducting a security survey of the Bureau of Engraving and Printing.

(b) Such security survey shall include a review of all general security provisions, including:

- (1) The security and safeguarding of currency.
- (2) Personnel screening and employee background check procedures.
- (3) Access control and identification procedures.
- (4) The security and safeguarding of currency materials supplies and related items.
- (5) Other security areas of concern as deemed relative and appropriate by the agency.

(c) The Bureau of Engraving and Printing and the Federal agencies which participated in any investigations or arrest of person(s) for theft of currency from the Bureau of Engraving and Printing are directed to:

(1) provide any assistance and cooperation to the United States Secret Service for the purpose of the security survey, and;

(2) provide Secretary Service personnel, in accordance with all laws, with access to person(s) arrested in connection with theft or removal of currency from the Bureau of Engraving and Printing, and;

(3) provide access to all relevant investigative reports and materials: Provided, That (A) access to such persons is approved by the appropriate U.S. Attorney.

(d) The Director of the United States Secret Service shall provide a preliminary report to the Congress no later than 30 days from the date of enactment of this Act, and final report containing specific findings and recommendations to the Congress within 90 days of enactment of this Act.

Mr. DECONCINI. Mr. President, the amendment I am offering is in response to recent breaches of security which resulted in large sums of currency being removed from the Bureau of Engraving and Printing. The arrest, Friday, of a Bureau of Engraving and Printing employee for theft of currency from the BEP is cause for grave concern over the security procedures, or lack thereof, at the facility responsible for the production of our Nation's currency.

The theft of \$1.7 million in \$100 bills seems inconceivable and is certainly unacceptable. If there is an agency that should be implementing the most stringent of security provisions, it should be the agency which manufactures our currency.

I was pleased to hear that the Bureau of Engraving and Printing provided invaluable assistance during the course of the investigation. From what I understand, BEP found out about the theft from reports from banks which were receiving large cash deposits from the suspect, Mr. Robert P. Schmitt, Jr. The banks contacted the IRS because it appeared that this individual was attempting to skirt the currency transaction reporting requirements by making deposits of sums which were under \$10,000. The IRS conducted an investigation and identified a suspect, who I understand, has confessed to the theft of \$100 bills. This extraordinary case certainly makes you question the security procedures. The Bureau should be preventing these incidents and properly safeguarding the currency and related materials.

The amendment I am sponsoring today directs the U.S. Secret Service, which has jurisdiction over U.S. currency, to conduct a full and thorough inquiry into the security procedures and systems currently in place at the Bureau of Engraving and Printing.

The survey conducted by the Secret Service should focus on all security procedures, personnel screening, employee background check procedures, safeguarding of the currency and manufacturing equipment, materials, supplies, and any related areas of concern.

I applaud the efforts of the banks, the IRS, and the financial task force credited with investigating this recent incident. I am, however, disturbed at the apparent complacency and lack of security which exists at the Bureau of Engraving and Printing. I believe this amendment will serve to address any deficiencies that exist and will prevent any such incidents in the future.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. BOND. Mr. President, I share the concern and outrage the chairman of the committee has over this embezzlement or theft of money from the Bureau. It does seem to be something that should have been prevented by the ordinary checks and balances within the system. It is obviously a symptom of some major weaknesses in the procedure at the Bureau, and I agree with the chairman that this is an appropriate area for careful investigation and review by the Secret Service. I trust this will be a noncontroversial provision, but a strong directive to the Secret Service and to the Bureau that we want to make sure these measures are tightened up, procedures are adequate to prevent this activity in the future, and I join my chairman of the committee in urging the adoption of this amendment.

Mr. DECONCINI. I thank my friend from Missouri and urge the adoption of the amendment, Mr. President.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment.

The amendment (No. 1820) was agreed to.

Mr. DECONCINI. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

Mr. DECONCINI. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

#### AMENDMENT NO. 1821

Mr. DECONCINI. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Arizona [Mr. DECONCINI] proposes an amendment numbered 1821.

Mr. DECONCINI. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

At the appropriate place in the bill add the following new section:

SEC. . Section 5704 of title 5, United States Code, is amended to read as follows:

“(a)(1) Under regulations prescribed under section 5707 of this title, an employee who is engaged on official business for the Government is entitled to a rate per mile established by the Administrator of General Services, instead of the actual expenses of transportation, for the use of a privately owned automobile when that mode of transportation is authorized or approved as more advantageous to the Government. In any year in which the Internal Revenue Service establishes a single standard mileage rate for optional use by taxpayers in computing the deductible costs of operating their automobiles for business purposes, the rate per mile established by the Administrator shall not exceed the single standard mileage rate established by the Internal Revenue Service.

“(2) Under regulations prescribed under section 5707 of this title, an employee who is engaged on official business for the Government is entitled to a rate per mile established by the Administrator of General Services, instead of the actual expenses of transportation, for the use of a privately owned airplane or a privately owned motorcycle when that mode of transportation is authorized or approved as more advantageous to the Government.

“(b) A determination that travel by a privately owned vehicle is more advantageous to the Government is not required under subsection (a) of this section when payment on a mileage basis is limited to the cost of travel by common carrier including per diem.

“(c) Notwithstanding the provisions of subsections (a) and (b) of this section, in any case in which an employee who is engaged on official business for the Government chooses to use a privately owned vehicle in lieu of a Government vehicle, payment on a mileage basis is limited to the cost of travel by a Government vehicle.

“(d) In addition to the rate per mile authorized under subsection (a) of this section, the employee may be reimbursed for—

“(1) parking fees;

“(2) ferry fees;

“(3) bridge, road, and tunnel costs; and

“(4) airplane landing and tie-down fees.”

Section 5707(b) of title 5, United States Code, is amended to read as follows:

“(b) The Administrator of General Services shall prescribe the mileage reimbursement rates for use on official business of privately owned airplanes, privately owned automobiles, and privately owned motorcycles while engaged on official business as provided for in section 5704 of this title as follows:

“(1)(A) The Administrator of General Services, in consultation with the Comptroller General of the United States, the Secretary of Transportation, the Secretary of Defense, and representatives of organizations of employees of the Government, shall conduct periodic investigations of the cost of travel and the operation of privately owned vehicles to employees while engaged on official business, and shall report the results of such investigations to Congress at least once a year.

“(B) In conducting the periodic investigations, the Administrator shall review and analyze among other factors—

“(i) depreciation of original vehicle cost;

“(ii) gasoline and oil (excluding taxes);

“(iii) maintenance, accessories, parts, and tires;

"(iv) insurance; and

"(v) State and Federal taxes.

"(2)(A) The Administrator shall issue regulations under this section which:

"(i) shall prescribe a mileage reimbursement rate which reflects the current costs as determined by the Administrator of operating privately owned automobiles, and which shall not exceed, as provided in section 5704(a)(1) of this title, the single standard mileage rate established by the Internal Revenue Service, and

"(ii) shall prescribe mileage reimbursement rates which reflect the current costs as determined by the Administrator of operating privately owned airplanes and motorcycles.

"(B) At least once each year after the issuance of the regulations described in subparagraph (A) of this paragraph, the Administrator shall determine, based upon the results of the cost investigation, specific figures, each rounded to the nearest half cost, of the average, actual cost per mile during the period for the use of a privately owned airplane, automobile, and motorcycle.

"(C) The Administrator shall report the specific figures to Congress not later than five working days after the Administrator makes the cost determination. Each such report shall be printed in the Federal Register.

"(D) The mileage reimbursement rates contained in the regulations prescribed under this section shall be adjusted within thirty days following the submission of the report under subparagraph (C) of this paragraph."

Section 5707 of title 5, United States Code, is amended by striking paragraph (c)(2), and redesignating (c)(1) as subsection (c).

Mr. DECONCINI. Mr. President, the amendment I am offering will provide a system for setting the maximum mileage allowances for reimbursement to a Federal employee for the use of a privately owned vehicle while engaged in official Government business.

The purpose of this amendment is to provide equitable reimbursement for Federal employees who perform official travel using their privately owned vehicles and to collect necessary travel data for use in improving travel and relocation management.

Under existing law, the statutory maximum mileage reimbursements are 20, 25 and 45 cents per mile for the use of privately owned motorcycles, automobiles, and airplanes, respectively. These limits have been in effect since September 1980 and are no longer sufficient due to the increased cost of operating vehicles.

The proposed amendment would eliminate the fixed statutory caps and require GSA to set the mileage reimbursement rates based on cost. In the case of privately owned automobiles, this would limit the mileage reimbursement rate to the Internal Revenue Service's business standard mileage rate, when the IRS establishes such a single rate.

This would eliminate the need for recurring legislation as operating costs rise.

The Administrator of General Services presently is required to set the mileage reimbursement rates, not to

exceed statutory maximums. Thus, the law presently allows travelers on official business for the Federal Government to receive one level of reimbursement and those in the private sector a higher mileage rate for deduction purposes for Federal taxes.

If this amendment is adopted and becomes law, GSA would continue to set the appropriate mileage reimbursement rates based on future cost analysis, and congressional oversight of mileage reimbursement rates would continue through the submission of annual reports to the Congress, pursuant to 5 U.S.C. 5707. This amendment would also have the effect of reinstating GSA's collection data authority.

Mr. President, this amendment has been cleared by the Governmental Affairs Committee. I believe it has been cleared on the other side of the aisle. I urge its adoption.

Mr. BOND. Mr. President, I am advised the measure has been cleared on this side of the aisle. It does seem that we ought to be concerning ourselves with subjects perhaps more weighty than the mileage reimbursement, when other Federal agencies are able to accomplish this.

We will, of course, maintain our oversight responsibility. The authorizing committee, the Governmental Affairs Committee, will watch this, as will the Treasury, Postal Subcommittee of Appropriations. I believe this is eminently reasonable and will make sure Federal employees using their own vehicles are not put at a significant disadvantage to those in the private sector.

I join my colleague, the chairman of this committee, in urging its adoption.

Mr. DECONCINI. I urge the adoption of the amendment.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment.

The amendment (No. 1821) was agreed to.

Mr. DECONCINI. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

Mr. DECONCINI. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. WELLSTONE). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

#### THE HEFLIN-BEREUTER PLAN FOR NORTH ATLANTIC ASSEMBLY FACILITATION OF PARTNERSHIP FOR PEACE

Mr. HEFLIN. Mr. President, several other Senators and I recently represented the Senate at the spring meeting of the North Atlantic Assembly in Oslo, Norway. This session, which took place over the memorial day weekend prior to the 50th anniversary of the D-day invasion, brought together parliamentarians from all the NATO countries, as well as some legislators from observer and associate member nations. Much of the debate during the Assembly's 4-day session centered on the future expansion of the North Atlantic Alliance and the partnership for peace plan which was adopted in Brussels last January.

Since the collapse of the former Soviet Union and the emergence of several fledgling democracies in central and eastern Europe, one of the major issues dominating North Atlantic Assembly debate and NATO summits in general has been that of expansion and how fast it should occur.

The leaders of all 16 NATO countries acknowledge that the alliance will most likely be expanded. The fact that all alliance members endorsed the partnership for peace plan as the official blueprint for eventual expansion testifies to that reality. Since that is the case, the debate has naturally been centered on the question of timing. Some want to move immediately to admit new members; others want to expand the alliance according to a more cautious and carefully prescribed long-term time table; and still others would like to see expansion delayed indefinitely.

When assembly vice president Congressman DOUG BEREUTER of Nebraska and I attended the Athens standing committee meeting in March, it became clear to us that the debate on timing was missing the point. As we know, the 16 NATO countries must all agree unanimously before any new member can be admitted to the alliance. Since it is clear that a number of NATO members—the United States among them—are not at the present time ready to vote in favor of new members, early admission is largely a moot point.

In light of this climate, Congressman BEREUTER and I agreed that rather than continuing to argue over the timing of expansion, it would be more beneficial for the assembly, as the legislative arm of NATO, to focus on how legislators can facilitate partnership for peace, since that is the plan in place by which potential new members can ready themselves for admission at some point in the future. The plan Congressman BEREUTER and I proposed to the standing, political, and defense and security committees in Oslo provides for specific steps that parliamentarians

from the 16 NATO countries can take to make the process more readily understandable and membership possibly attainable.

The North Atlantic Assembly already provides an important service through the Rose-Roth initiative, named for former president of the Assembly, Congressman CHARLIE ROSE of North Carolina and our colleague from Delaware, Senator ROTH, who serves as vice chairman of our Senate delegation to the Assembly. The Rose-Roth seminars have explored important issues such as Russian troops in the Baltics, regional security in Turkey and the Asian republics, and defense conversion in the Ukraine. In addition, the Assembly sent a large team of election observers to the most recent Russian elections. We suggested that the Assembly build upon its success, and utilize its many resources in a more organized and concrete fashion during this interim period before new applications are considered for NATO membership.

In particular, we called upon each of the five assembly committees, in conjunction with the standing committee, to examine how they can further the goals and objectives of partnership for peace. We asked that each committee evaluate the range of possible contributions to partnership for peace and report their findings to the standing committee. That committee will then formulate a set of policy recommendations to be reported to the full assembly. Having received the recommendations of the five policy committees and standing committee, the assembly will then be able to devise a strong plan of action for its activities.

While each committee is obviously the best judge of its own potential contribution, we envision the committees meeting with eastern European parliamentarians to discuss in detail specific issues within their area of expertise. For example, the science and technology might meet with their eastern European counterparts to share perspectives on a matter such as intellectual property rights or international legislation governing environmental protection. Similarly, the economic committee might wish to discuss in detail the issue of contract sanctity, or legislation necessary to maintain a healthy banking industry in a free-market economy. The Defense and Security Committee might turn its attention to legislative oversight of the Armed Forces or the intelligence services.

Particular attention would also need to be given to multinational protocol, status of forces, status of organization, and the international military headquarters treaties that all or a majority of NATO Members are signatories to. There are also cooperative agreements and memoranda of understanding pursuant to these treaties that it might be desirable for potential new members to endorse.

We recognize the fact that partnership for peace does not set specific preconditions for membership. Each of our eastern European neighbors faces a unique set of circumstances, and it would not be fair or equitable to establish an iron clad set of preconditions for entry into NATO for every applicant. Nevertheless, it is true that there are a series of obvious reforms that each NATO aspirant should undertake before it should be considered for membership.

Our proposal lists some of those—there may be others the committees recommend. We suggested that each committee carefully examine the area within its jurisdiction to provide an outline of basic legislative reforms that would enhance a nation's chances of entry into NATO. Such an outline would be designed to provide the legislatures of applicant countries with a more detailed appreciation of the types of national legislation that would be desirable before membership could seriously be considered.

Nothing that Congressman BEREUTER and I proposed should be taken to imply that the assembly, as a body of parliamentarians, is usurping decisions taken by the NATO countries' heads of state. Partnership for peace was approved at the heads of state summit in January, and any decision to ultimately admit new members to NATO would, of course, be made at the executive branch level of each member nation. We are only offering suggestions as to what legislators and parliamentarians can do in conjunction with our heads of state in readying applicant countries for membership during this interim period, which could be several years.

As we stated at the Oslo session, these suggestions are designed to build upon the excellent work that already has been done by members of the assembly and the secretariat. We only want to ensure that the Assembly's outreach efforts coincide with and contribute to NATO's established policy as set forth in partnership for peace. We saw a fairly healthy debate on the Heflin-Bereuter proposal in Oslo, and look forward to its more formal consideration and extended debate during the assembly's annual meeting here in Washington this November. I am happy to report that the response among the other parliamentarians present in Oslo was overwhelmingly positive, as there appears to be a great deal of support among our NATO allies to put into place many of the initiatives as outlined in our proposal.

I ask unanimous consent that a copy of the Heflin-Bereuter statement be entered into the CONGRESSIONAL RECORD immediately following my remarks.

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

(See exhibit 1.)

Mr. HEFLIN. Mr. President, I welcome any comments and suggestions

my colleagues might have to offer after studying its contents.

Let me just quote some of the areas that we consider to be appropriate for the North Atlantic Assembly and various parliamentarians in various other countries to work on in regard to making a country to be much more ready to be invited to join NATO, things such as:

- civilian control of the military;
- civilian control of internal security forces;
- a market-based economy;
- a democratic government with free and open elections;
- a judicial system that protects the integrity of private contracts, not only ones entered into by citizens of that country, but those entered into with citizens of other countries as well;
- human rights protections and policies for resolving internal disputes, including ethnic and religious disputes;
- overall defence and security policies;
- policies on international terrorism, crime, and narcotics;
- policies in areas of science and technology, such as international protection of patents and intellectual property rights;
- review of possible compliance with multilateral treaties and international agreements which would be desirable for applicant countries to join;
- trade/economic policy; and
- certainly very strong police matters pertaining to it and the possibility of the requirement of the adoption of extradition treaties that might be entered into with these new countries.

So, Mr. President, I think that this proposal has much merit to it. I hope that I will have suggestions for my colleagues as to other matters that they would like to see included after they have an opportunity to study the same from the CONGRESSIONAL RECORD.

#### EXHIBIT 1

#### NORTH ATLANTIC ASSEMBLY COMMITTEE ACTIVITY TO BUILD UPON AND ENHANCE PARTNERSHIP FOR PEACE

Statement by Senate Howell Heflin and Hon. Douglas Bereuter

- The Assembly,
1. Recognizing the absence of the necessary consensus among NATO partners which would permit the admission of new members;
  2. Nothing the decision taken at the Brussels Summit that designates Partnership for Peace to be the Alliance blueprint for new membership;
  3. Applauding the demonstrated success of the North Atlantic Assembly's current outreach efforts, such as the Rose-Roth initiative and election observances;
  4. Seeking to build upon their success and to utilize our many tangible resources in a more organized and concrete fashion in our efforts to help prospective applicants prepare for eventual membership;
  5. Believing that there are steps we, as parliamentarians from the 16 NATO countries, can take to facilitate Partnership for Peace and possibly enhance the readiness of interested nations to be invited to apply for NATO membership;
  6. Acknowledging that each nation aspiring to NATO membership faces a unique set of circumstances, and that it would be unwise and unfair to establish an iron-clad set of policy goals desirable for entry into NATO for every applicant;

7. Further recognizing that here are, nevertheless, obvious policy goals that each NATO applicant should achieve before it can be invited to apply for full membership;

8. Suggesting that each NAA committee carefully examine areas within its jurisdiction so as to provide an outline of basic governmental reforms that would be desirable to facilitate a nation's entry into NATO, so that parliamentarians from applicant countries will have a detailed appreciation of actions that should be pursued before membership could be considered;

9. Further suggesting that each committee of the NAA explore positive contributions that the NAA and NATO parliamentarians can make with applicant nations toward advancing a coherent defense policy, international security, economic reforms, and democratic reform;

10. Urges the Standing Committee:

a. to solicit and gather suggestions from each committee chairman, as well as from other interested parties, as to what areas of government reform and plans of co-operation would be appropriate for the NAA to undertake in support of Partnership for Peace;

b. to equitably assign to the Political, Defense and Security, Economic, Scientific and Technical, and Civilian Affairs Committees appropriate items to be considered, analyzed, and suggested regarding desirable governmental reforms, parliamentary initiatives, NAA undertakings, and other steps that could be relevant to a country's readiness to be invited to join NATO, including, but not limited to:

civilian control of the military

civilian control of internal security forces a market-based economy

a democratic government with free and open elections

a judicial system that protects the integrity of private contracts, not only ones entered into by citizens of that country, but those entered into with citizens of other countries as well

human rights protections and policies for resolving internal disputes, including ethnic and religious disputes

overall defense and security policies

policies on international terrorism, crime, and narcotics

policies in areas of science and technology, such as international protection of patents and intellectual property rights

review of possible compliance with multilateral treaties and international agreements which would be desirable for applicant countries to join

trade/economic policy

c. to have the five committees report the results of their analyses and suggestions to the Standing Committee of the North Atlantic Assembly;

d. to formulate policies and plans of action, after receiving such analyses and suggestions, that both applicants and the North Atlantic Assembly should pursue concerning possible readiness for NATO membership;

e. to present to the full North Atlantic Assembly, for possible formal adoption, its suggested goals and reforms to be pursued by applicant countries and its suggested plans of action for what the NAA can do to aid the countries trying to achieve these goals and reforms.

Mr. HEFLIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

#### DISNEY THEME PARK IN VIRGINIA

Mr. DECONCINI. Mr. President, on an entirely different subject, I read with real interest the article in the Washington Post on Friday, June 17, 1994, entitled "For Disney, Fight Takes New Twist."

The basis of the "new twist" referred to in this article was the resolution introduced by Representative ANDREWS, of Texas, stating that the proposed Disney theme park not be constructed near the Manassas National Battlefield.

Mr. President, as long as the proposed park is in compliance with Federal environmental and other issues, I see no reason whatsoever for Federal Government or congressional involvement in this issue. Despite the protestations of the author of this resolution in the House, there just is not a national issue involved into whether or not the Disney Corp. has a theme park in Maryland or Virginia, or what have you. It truly is a local issue, and the final decision on the theme park should be left in the hands of the local jurisdiction. They are going to consider the needs of traffic, the needs of pollution, the needs of congestion, the safety needs, and whatever else is necessary.

This is exactly the type of issue into which the Federal Government ought not to poke its nose, in my judgment. It is Big Brother at its worst, and we have no business in it.

I hope someone does not do the same on this side. It just does not make any sense. We have enough Federal problems facing us. We have a bill right now for which we are trying to get Members to come over, and I sure hope they do not come over and introduce a resolution encouraging that Walt Disney Corp. not build something for the pleasure and enjoyment of people and for the profit of the Disney company. There is nothing wrong in that.

Anybody who has visited any of these Disney facilities will find out just how well run they are and what a good economic base they are. But that is up to the company, and they have decided, from what I read in the paper. It is up to the local governments representing those people as to how it will be done. I do not think anybody at the Federal level ought to be intervening.

I realize I cannot stop anybody, but this is one person's opinion, and we ought to just pay attention to health care, welfare reform, the crime bill and some of the pressing things that are before us, plus 12 more appropriations subcommittee bills that have to be approved by this body, a Supreme Court nominee that has to be approved by the full Senate.

So we have our hands full. We certainly do not need to muck around here. I, for one, think the Disney Corp. does an outstanding job with the properties I visited. If they do not want to come here, I can assure them the State of Arizona—I can almost speak for that State and local government—would be delighted to see them come and build a theme park near Phoenix or Tucson.

I ask unanimous consent that the article be printed in the RECORD.

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

#### FOR DISNEY, FIGHT TAKES NEW TWIST GROUP IN CONGRESS SEEKS TO BLOCK PARK; EISNER MEETS LEADERS

(By Stephen C. Fehr and Michael D. Shear)

The fight over building a Walt Disney Co. theme park in Northern Virginia swept onto the national stage yesterday as a group of U.S. House members vowed to block the project and Disney chief Michael D. Eisner launched his own charge on Washington at a Capitol Hill lunch and a movie premiere.

"This is a national issue," declared Rep. Michael A. Andrews (D-Tex.), who introduced a resolution yesterday that he said sends a message to Disney not to build the \$650 million project near the Manassas National Battlefield Park in Prince William County.

"It's not a county issue. It's not just a Virginia issue. We in Congress have a challenge to protect our national parks," Andrews said.

The lawmakers' midday announcement came as Eisner, Disney's chairman, was having lunch in the Capitol with House Speaker Thomas S. Foley (D-Wash.) and about 30 other lawmakers. Hours later, Eisner attended the Washington premiere of the company's new animated motion picture, "The Lion King," and a party at the National Zoo, which attracted hundreds of invited, well-connected Washingtonians.

"There is no basis for which the federal government should be involved," Eisner said after the lunch, even as Andrews and other lawmakers promised to "spare no effort" to stop the theme park.

Andrews, a Civil War buff who was instrumental in blocking a shopping center near Manassas National Battlefield Park in 1988, charged that Disney's America would "create a whole new city" that would destroy the character of two national parks and numerous Civil War monuments in the area.

Andrews said he is not opposed to Disney or the park, as long as the project is built in another location.

Since the company unveiled its plans last fall, the fight over Disney's America has built gradually from a neighborhood squabble to a high-stakes struggle involving environmentalists, historians, federal agencies and now Congress. On Tuesday, a Senate subcommittee hearing should draw nationwide attention as some of the country's most eminent historians square off against Disney executives and local boosters.

Andrew's resolution, which, if approved, would only express Congress's opinion and would not have the force of law, asks Secretary of the Interior Bruce Babbitt and other federal officials to ensure that Disney's America "is in strict compliance" with federal environmental laws.

The Interior Department is one of the federal agencies conducting an environmental assessment of the road improvements needed for the Disney project. Under law, the secretary can recommend against projects that

might damage historical parks, monuments and other "areas of special national or regional natural, recreational, scenic or historic value."

Eisner met with Babbitt for about half an hour this week to present plans for the theme park. Eisner has been making the rounds in Washington, although Foley emphasized that the luncheon yesterday was not planned to give Eisner an opportunity to build support for the project.

However, the theme park was discussed, according to several senators and representatives who were there. Eisner told the officials that Disney's America would reflect U.S. history responsibly and would make the best use of the 3,000-acre site near Haymarket.

"That was the principal issue that Mr. Eisner talked about, but it was not a long discussion," and Sen. Bob Graham (D-Fla.) Referring to Walt Disney World, the senator said he asked Eisner whether Washington was ready for the kind of development that occurred with the Orlando, Fla., park.

"Washington should be so lucky," Eisner replied.

Sen. Ben Nighthorse Campbell (D-Colo.) said he told Eisner that if he decided to pull out of Virginia, Colorado would be glad to have the project. "I think the historical preservation is a red herring," Campbell said.

Rep. Leslie L. Byrne (D-Va.), who also attended the lunch, said Eisner expressed surprise at the intensity of the opposition and the "deep pockets" of the opponents, many of whom live in the horse-farm country of Fauquier County, adjacent to Prince William.

The entry of Andrews and others into the Disney fight drew immediate criticism from Byrne and other Northern Virginia lawmakers.

Sen. John Warner (R-Va.) said he would oppose the resolution if it is brought to the Senate, Rep. Frank R. Wolf (R-Va.), whose district would include Disney's America, said he opposed the resolution, but would not take a position on the Disney project.

Rep. Robert G. Torricelli (D-N.J.), who joined Andrews and Rep. Tim Roemer (D-Ind.) at the news conference, said, "As caretakers of American history and these battlefields for future generations, our answer to Disney is simply, 'Thank you but no thanks.'"

Americans should learn about the Civil War from historians, Torricelli said, "not Minnie and Mickey Mouse and Donald Duck."

Later in the day, Eisner traveled across the city to the Uptown Theatre for the premiere of "The Lion King." He and about 1,000 invited guests, including Vice President Gore, were met by about 100 protesters who had arrived on a chartered bus from Haymarket. They carried anti-Disney signs and a large plastic foam caricature of Eisner. "Liesner" read a label on the foam head.

Both Prince William Supervisor Bobby McManus (I-Gainesville) and local battlefield preservationist Annie Snyder were among the protesters outside the art deco theater on Connecticut Avenue in Northwest Washington. Sylvia Gilman, another of the protesters who paid \$10 each for the ride to Washington, said Eisner's appearance at the film was part of a calculated public relations gambit.

"This is part of the plan," she said of Eisner's visit to Washington. "You show them your animated film that isn't controversial and you do it in Washington, where the senators and congressmen are."

After the movie, the Disney Company threw a lavish party for the Prince William residents and Washington elite at the National Zoo, next to the lion pen. With the movie's soundtrack playing in the background, guests drank from several open bars and fed on delicacies that included rack of lamb, grilled shrimp, crab cakes, beef tenderloin and salmon.

Disney officials said earlier the company has given an undisclosed amount of money to the zoo. Opponents of the theme park contended yesterday that the gift was intended to sway the Smithsonian Institution, which operates the zoo and has expressed concern about the impact of the theme park on the historical area around Manassas.

Disney officials denied that. "The National Zoo is a very important and worthwhile institution and we're happy to celebrate it and our movie," Disney's America General Manager Mark Pacala said.

Meanwhile, the anti-Disney coalition of environmental and historical groups continued their assault on Disney's pending rezoning application.

At an early morning news conference, the Piedmont Environmental Council, a group opposing the theme park, charged that approval of Disney's application would allow for millions of square feet more development than Disney has said it would build.

Disney's America officials fired back with their own news conference, calling the allegations "inaccurate" and "absurd." Pacala insisted that Disney's public promises to limit development at the site are legally binding under their zoning proposals.

Mr. DECONCINI. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

#### TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 1995

The Senate continued with the consideration of the bill.

##### AMENDMENT NO. 1822

Mr. DECONCINI. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Arizona [Mr. DECONCINI] proposes an amendment numbered 1822.

Mr. DECONCINI. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

At the end of Title VI, add the following new section:

SEC. . Section 3626 paragraph (j)(1) subparagraph (D) of Title 39 U.S.C. is amended by—

(a) deleting the final "." from (II) and adding "; and;"

(b) and adding—"(III) clause (i) shall not apply to space advertising in mail matter that otherwise qualifies for rates under former section 4452(b) or 4452(c) of this title, and satisfies the content requirements established by the Postal Service for periodical publication."

Mr. DECONCINI. Mr. President, this amendment has to do with the advertising permitted in preferred class mailings to make them eligible for the revenue forgone subsidies of the U. S. Postal Service.

Despite efforts to secure assistance from the Postal Service to permit advertising in the mailings of charitable organizations, like churches and other groups, the Postal Service continues to interpret and implement the recent reform of the Revenue Foregone program in a manner which is detrimental to nonprofit organizations.

I am, therefore, introducing and have before the body an amendment to ensure that the intent of Congress is being satisfied as it relates to nonprofit mail rates and advertising exemptions. When the reform language was drafted last year, the substantially related test for advertising eligibility was not to apply to periodical publications, such as from churches and other nonprofit newsletters and publications which are sent by third class mail.

Nonprofit publications mailed at third class rates were intended to be exempt from the requirement that advertising of products and services be substantially related to the purpose for which the nonprofit permit was granted.

The reason I can say that with a little authority is that I remember talking about it and putting it in there, so it was never intended to do and become what the Post Office has interpreted.

This amendment ensures that nonprofit organizations can continue to operate effectively and efficiently and take advantage of the revenues from the advertising received to defray the cost of the mailings.

In addition, this amendment more accurately reflects Congress's recognition of the contributions made by nonprofit organizations to their causes in their communities and throughout the Nation. Advertising restrictions on truly nonprofit organizations would inhibit the ability of these organizations to effectively communicate and disseminate information to their respective communities and negatively impact their mission.

The issue of mail rates and advertising conditions lies more in addressing which organizations are truly nonprofit for charitable purposes. The litmus test should not be what is "substantially related" advertising. The insistence that nonprofit organizations, for the purpose of receiving certain benefits, meet established criteria, guidelines, and requirements, as determined by the Internal Revenue Service, might better address the concerns of the Postal Service.

I understand the other side has not cleared this amendment, but I would like to get it laid down tonight and then proceed tomorrow.

Mr. BOND addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, the chairman has pointed out an area where we obviously need to consider this matter. I think personally that he has come up with a good proposal, but we are not prepared to clear it on this side. There may be some who wish to address it. I thank the chairman for bringing it up, but at this point we are not prepared to clear it on this side.

Mr. DECONCINI. Mr. President, I therefore ask that this amendment be temporarily laid aside.

#### MORNING BUSINESS

Mr. DECONCINI. Mr. President, I ask unanimous consent that there now be a period for morning business with Senators permitted to speak therein for up to 3 minutes each.

The PRESIDING OFFICER. Do I hear objection? Without objection, it is so ordered.

#### FEDERAL AVIATION ADMINISTRATION AUTHORIZATION ACT

The text of the bill, H.R. 2739, to amend the Airport and Airway Improvement Act of 1982 to authorize appropriations for fiscal years 1994, 1995, and 1996, and for other purposes, as passed by the Senate on June 16, 1994, is as follows:

*Resolved*, That the bill from the House of Representatives (H.R. 2739) entitled "An Act to amend the Airport and Airway Improvement Act of 1982 to authorize appropriations for fiscal years 1994, 1995, and 1996, and for other purposes", do pass with the following amendment:

Strike out all after the enacting clause and insert:

##### SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Aviation Administration Authorization Act of 1994".

##### TITLE I—AIRPORT AND AIRWAY IMPROVEMENT ACT OF 1982 AMENDMENTS

##### SEC. 101. AIRPORT IMPROVEMENT PROGRAM AUTHORIZATION.

(a) *AUTHORIZATION*.—The second sentence of section 505(a) of the Airport and Airway Improvement Act of 1982 (49 App. U.S.C. 2204(a)) is amended—

(1) by striking "and" immediately after "1993";

(2) by striking "\$15,413,157,000" and inserting in lieu thereof "\$17,463,157,000"; and

(3) by inserting "\$19,663,157,000 for fiscal years ending before October 1, 1995, and \$21,943,157,000 for fiscal years ending before October 1, 1996" immediately before the period at the end.

(b) *OBLIGATIONAL AUTHORITY*.—Section 505(b)(1) of the Airport and Airway Improvement Act of 1982 (49 App. U.S.C. 2204(b)(1)) is amended by striking "June 30, 1994" and inserting in lieu thereof "September 30, 1996".

##### SEC. 102. INNOVATIVE TECHNOLOGY.

Section 502(a) of the Airport and Airway Improvement Act of 1982 (49 App. U.S.C. 2201(a)) is

amended by striking "and" at the end of paragraph (13); by striking the period at the end of paragraph (14) and inserting in lieu thereof a semicolon; and by inserting immediately after paragraph (14) the following new paragraph:

"(15) it is in the national interest to encourage projects that employ innovative technology, concepts, and approaches that will promote safety, capacity, and efficiency improvements in the construction of airports and in the air transportation system, and it is therefore an objective of this Act that the Secretary encourage and solicit innovative technology proposals and activities in the expenditure of funding pursuant to the Act."

##### SEC. 103. DEFINITION OF AIRPORT DEVELOPMENT.

Section 503(a)(2) of the Airport and Airway Improvement Act of 1982 (49 App. U.S.C. 2202(a)(2)) is amended—

(1) in subparagraph (B)(ii), by inserting "(including explosive detection devices) and universal access systems" immediately after "safety or security equipment"; and

(2) in subparagraph (F), by striking "and if funded by a grant under this title."

##### SEC. 104. PREVENTIVE MAINTENANCE.

Section 505 of the Airport and Airway Improvement Act of 1982 (49 App. U.S.C. 2204) is amended by adding at the end the following new subsection:

"(e) *PREVENTIVE MAINTENANCE*.—(1) After January 1, 1995, no funds made available for an airport pursuant to a grant under this title shall be available for the replacement or reconstruction of pavement unless the sponsor has provided such assurances or certifications as the Secretary may determine appropriate that such airport has implemented an effective pavement maintenance/management program. The Secretary may require such reports on pavement condition and pavement management programs as the Secretary determines may be useful.

"(2) Not later than 1 year after the date of enactment of this subsection, the Secretary shall issue such regulations as may be necessary to ensure that no product shall be used for pavement maintenance or rehabilitation under this section unless the manufacturer of such product warrants to the satisfaction of the Secretary the performance of such product."

##### SEC. 105. LANDING AIDS AND NAVIGATIONAL EQUIPMENT INVENTORY POOL.

Section 506(a) of the Airport and Airway Improvement Act of 1982 (49 App. U.S.C. 2205(a)) is amended by adding at the end the following new paragraph:

"(4) *LANDING AIDS AND NAVIGATIONAL EQUIPMENT INVENTORY POOL*.—

"(A) *ESTABLISHMENT OF PROGRAM*.—Not later than December 31, 1993, and notwithstanding any other provision of this title, the Secretary shall establish and implement a program to purchase and reserve an inventory of precision approach instrument landing system equipment, to be made available on an expedited basis for installation at airports.

"(B) *AUTHORIZATION*.—No less than \$30,000,000 of the amounts appropriated under paragraph (1) for each of the fiscal years 1994, 1995, and 1996 shall be available for the purpose of carrying out this paragraph, including acquisition, site preparation work, installation, and related expenditures."

##### SEC. 106. MICROWAVE LANDING SYSTEM.

Section 506(a) of the Airport and Airway Improvement Act of 1982 (49 App. U.S.C. 2205(a)), as amended by this Act, is further amended by adding at the end the following new paragraph:

"(5) *MICROWAVE LANDING SYSTEM*.—Notwithstanding any other provision of law, none of the amounts appropriated under this subsection may be used for the development or procurement of the microwave landing system, except as nec-

essary to meet obligations of the Government that may arise under contracts in effect on January 1, 1994."

##### SEC. 107. PRESERVATION OF FUNDS AND PRIORITY FOR AIRPORT AND AIRWAY PROGRAMS.

Section 506(e)(5) of the Airport and Airway Improvement Act of 1982 (49 App. U.S.C. 2205(e)(5)) is amended by striking "September 30, 1995," and inserting in lieu thereof "September 30, 1996."

##### SEC. 108. MILITARY AIRPORT SET-ASIDE.

Section 508(d)(5) of the Airport and Airway Improvement Act of 1982 (49 App. U.S.C. 2207(d)(5)) is amended by striking "each of fiscal years 1994 and 1995" and inserting in lieu thereof "fiscal year 1994 and each of the fiscal years thereafter".

##### SEC. 109. MILITARY AIRPORT PROGRAM.

Section 508(f) of the Airport and Airway Improvement Act of 1982 (49 App. U.S.C. 2207(f)) is amended—

(1) by amending the subsection heading to read as follows:

"(f) *MILITARY AIRPORT PROGRAM*.—";

(2) by amending paragraph (1) to read as follows:

"(1) *DESIGNATION*.—The Secretary may designate one or more military airports to receive funds distributed under subsection (d)(5). Airports designated under this subsection prior to the date of enactment of the Federal Aviation Administration Authorization Act of 1994 shall remain eligible to receive grants under subsection (d)(5)."

(3) by striking paragraph (2);

(4) in paragraph (3)—

(A) by striking "and in conducting the survey under paragraph (2)";

(B) by striking "current or military airports" and inserting in lieu thereof "military airports listed in the reports issued by the Defense Base Closure and Realignment Commission"; and

(C) by inserting "most" immediately before "enhance";

(5) by striking the second sentence in paragraph (4);

(6) by striking "for fiscal years 1993, 1994, and 1995" in paragraph (6); and

(7) by redesignating paragraphs (3) through (6) as paragraphs (2) through (5), respectively.

##### SEC. 110. SUBMISSION AND APPROVAL OF PROJECT GRANT APPLICATIONS.

Section 509(a)(3) of the Airport and Airway Improvement Act of 1982 (49 App. U.S.C. 2208(a)(3)) is amended—

(1) by striking "2 or more" wherever it appears and inserting in lieu thereof "1 or more"; and

(2) by striking "similar".

##### SEC. 111. REIMBURSEMENT FOR CERTAIN PAST EXPENDITURES.

Section 513(a)(2) of the Airport and Airway Improvement Act of 1982 (49 App. U.S.C. 2212(a)(2)) is amended—

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

(2) by striking the period at the end of subparagraph (C) and inserting in lieu thereof "; or"; and

(3) by adding at the end the following new subparagraph:

"(D)(i) it was incurred (I) not more than 2 years before the grant agreement for such project was executed; (II) after September 30, 1993, and not later than September 30, 1996; (III) in accordance with an airport layout plan approved by the Secretary and in accordance with all applicable statutory and administrative requirements that would have been applicable to such work if the project had been carried out after the grant agreement had been executed; and (IV) in the case of projects initiated on or after 90 days following the date of enactment of

this subparagraph, after receiving the Secretary's approval of the project;

"(ii) allowable costs under clause (i) may include (I) interest payable on, and the retirement of, the principal of bonds or other evidence of indebtedness incurred to initiate the project involved and before the grant agreement for such project was executed; and (II) interest payable on, and the retirement of, the principal of bonds or other evidences of indebtedness the proceeds of which were used to finance the development work for which reimbursement is provided under this subparagraph; and

"(iii) only the sums apportioned under sections 507(a)(1) and 507(a)(2) may be obligated for project costs allowable under clause (i) of this subparagraph."

#### SEC. 112. TERMINAL DEVELOPMENT.

Section 513(b) of the Airport and Airway Improvement Act of 1982 (49 App. U.S.C. 2212(b)) is amended by striking paragraph (5) and redesignating paragraph (6) as paragraph (5).

#### SEC. 113. AUTHORITY TO CONTINUE LETTERS OF INTENT.

Notwithstanding any other provision of law, the Secretary of Transportation (hereinafter referred to as the "Secretary") may issue letters of intent under section 513(d) of the Airport and Airway Improvement Act of 1982 (49 App. U.S.C. 2212(d)) and use funds for planning, approving, and administering grants under the Airport Improvement Program for issuing such letters of intent.

#### SEC. 114. LETTERS OF INTENT.

Section 513(d)(1) of the Airport and Airway Improvement Act of 1982 (49 App. U.S.C. 2212(d)(1)) is amended by adding at the end the following new subparagraph:

"(H) LIMITATION OF STATUTORY CONSTRUCTION.—Nothing in this section shall be construed to prohibit the obligation of amounts pursuant to a letter of intent under this paragraph in the same fiscal year as the letter of intent is issued."

#### SEC. 115. REPORTS ON IMPACTS OF NEW AIRPORT PROJECTS.

Section 509(b) of the Airport and Airway Improvement Act of 1982 (49 App. U.S.C. 2208(b)) is amended by adding at the end the following new paragraph:

"(10) At least 90 days prior to the approval of a project grant application for construction of a new hub airport that is expected to have 0.25 percent or more of the total annual enplanements in the United States, the Secretary shall submit to Congress a report analyzing the anticipated impact of such proposed new airport on—

"(A) the fees charged to air carriers (including landing fees), and other costs that will be incurred by air carriers, for using the proposed airport;

"(B) air transportation that will be provided in the geographic region of the proposed airport; and

"(C) the availability and cost of providing air transportation to rural areas in such geographic region."

#### SEC. 116. AIRPORT SAFETY DATA COLLECTION.

The Airport and Airway Improvement Act of 1982 (49 App. U.S.C. 2201 et seq.) is amended by adding at the end the following new section:

##### "SEC. 535. AIRPORT SAFETY DATA COLLECTION.

"Notwithstanding any other provision of law, the Administrator of the Federal Aviation Administration may contract, using sole source or limited source authority, for the collection of airport safety data."

#### SEC. 117. INTERMODAL SYSTEM PLANNING.

(a) DEFINITION.—The second sentence of section 503(a)(7) of the Airport and Airway Improvement Act of 1982 (49 App. U.S.C. 2202(a)(7)) is amended by inserting "the role

which airports play in the transportation system in a specific area," immediately after "identification of system needs,".

(b) INTEGRATED AIRPORT SYSTEM PLANNING GRANTS.—Section 508(d)(4) of the Airport and Airway Improvement Act of 1982 (49 App. U.S.C. 2207(d)(4)) is amended—

(1) by inserting "(A)" immediately before "Not less than";

(2) by striking the period at the end and inserting in lieu thereof "; and"; and

(3) by adding at the end the following new subparagraphs:

"(B) Prior to the Secretary's approval of a grant to a planning agency for integrated airport system planning, the planning agency shall, insofar as its powers permit, certify that the sponsor of any airport enplaning 0.25 percent or more of the total number of passengers enplaned annually at all commercial service airports is considered to be an operator of a major mode of transportation pursuant to the section 134(b)(2) of title 23, United States Code, and that any such sponsor is a member, or will be appointed a member as soon as practicable, of such planning agency.

"(C) Where such airport sponsor is a municipality, county, or other entity of local government which already retains membership on such planning agency, such planning agency shall include an additional member from such municipality, county, or entity of local government to represent the airport. In order for the Secretary to approve a grant to a planning agency under this paragraph, the airport must be a co-applicant for such grant, and such grant shall be for planning for projects that substantially benefit the airport and shall be in proportion to the benefit it provides to the airport."

#### SEC. 118. STUDY ON INNOVATIVE FINANCING.

(a) STUDY.—The Secretary shall study, as a means of supplementing financing available under the Airport Improvement Program, innovative approaches for using Federal funds to finance airport development. Mechanisms should be considered that will produce greater investments in airport development per dollar of Federal expenditure. The Secretary shall consider, among other options, approaches that would permit the entering into of agreements with non-Federal entities, such as airport sponsors, for the loan of Federal funds, guarantee of loan repayment, or purchase of insurance or other forms of enhancement for borrower debt, including the use of unobligated Airport Improvement Program contract authority and unobligated balances in the Airport and Airway Trust Fund. The Secretary also shall consider means to lower the cost of financing airport development. The Secretary may, in considering innovative financing, consult with airport owners and operators and public and private sector experts.

(b) REPORT TO CONGRESS.—The Secretary shall report the findings of the study required by subsection (a) to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Public Works and Transportation of the House of Representatives not later than 12 months after the date of enactment of this Act.

#### SEC. 119. ADVANCED LANDING SYSTEM.

Notwithstanding any other provision of law or regulation, the Administrator of the Federal Aviation Administration (hereinafter referred to as the "Administrator") shall consider for approval under subpart C of part 171 of title 14, Code of Federal Regulations, the new generation, low cost, advanced landing system being developed by the Department of Defense. The charter for approval of such system shall be considered and acted upon expeditiously by the Regional Administrator of the Federal Aviation Administration in the region where such system is being developed.

#### SEC. 120. TECHNICAL AMENDMENTS.

(a) DEFINITIONS.—Section 503(a)(2)(B) of the Airport and Airway Improvement Act of 1982 (49 App. U.S.C. 2202(a)(2)(B)) is amended by moving clauses (vii) and (viii) 2 ems to the right.

(b) AIRPORT PLANS.—Section 504(a)(1) of the Airport and Airway Improvement Act of 1982 (49 App. U.S.C. 2203(a)(1)) is amended by redesignating clauses (1), (2), and (3) as clauses (A), (B), and (C), respectively.

(c) CERTAIN PROJECT COSTS.—Section 513(b)(4) of the Airport and Airway Improvement Act of 1982 (49 App. U.S.C. 2212(b)(4)) is amended—

(1) by inserting "or (in the case of a commercial service airport which annually has less than 0.05 percent of the total enplanements in the United States) between January 1, 1992, and October 31, 1992," immediately after "July 12, 1976,"; and

(2) by adding at the end the following new subparagraph:

"(D) That, with respect to a project at a commercial service airport which annually has less than 0.05 percent of the total enplanements in the United States, the Secretary may approve the use of the funds described under paragraph (2), notwithstanding the provisions of sections 505(d), 511(a)(16), and 515."

#### SEC. 121. EXPENDITURES FROM AIRPORT AND AIRWAY TRUST FUND.

Section 9502(d)(1)(A) of the Internal Revenue Code of 1986 (relating to expenditure from Airport and Airway Trust Fund) is amended—

(1) by inserting "or the Airport and Airway Safety, Capacity, Noise Improvement, and Intermodal Transportation Act of 1992" immediately after "Capacity Expansion Act of 1990"; and

(2) by striking "(as such Acts were in effect on the date of the enactment of the Airport Improvement Program Temporary Extension Act of 1994)" and inserting in lieu thereof "or the Federal Aviation Administration Authorization Act of 1994 (as such Acts were in effect on the date of the enactment of the Federal Aviation Administration Authorization Act of 1994)".

#### SEC. 122. ASBESTOS REMOVAL AND BUILDING DEMOLITION AND REMOVAL, VACANT AIR FORCE STATION, MARIN COUNTY, CALIFORNIA.

(a) AUTHORIZATION OF APPROPRIATIONS.—Notwithstanding subsection (d) of section 9502 of the Internal Revenue Code of 1986 (26 U.S.C. 9502), there is authorized to be appropriated in fiscal year 1995 from the Airport and Airway Trust Fund established by such section 9502 to the account for the Department of Transportation for facilities and equipment of the Federal Aviation Administration such amount as may be necessary to permit the Administrator of the Federal Aviation Administration to carry out asbestos abatement activities and the demolition and removal of buildings at the site of the vacant Air Force station located on Mount Tamalpais, Marin County, California. The amount authorized to be appropriated by the preceding sentence shall not exceed its share of the costs of carrying out such activities, demolitions, and removals.

(b) AUTHORITY TO USE FUNDS.—The Administrator may use the funds appropriated pursuant to the authorization of appropriations in subsection (a) to carry out the abatement activities and demolition and removal described in that subsection. Such funds shall be available for such purpose until expended.

#### TITLE II—FEDERAL AVIATION ACT OF 1958

##### SEC. 201. ASSISTANCE TO FOREIGN AVIATION AUTHORITIES.

(a) IN GENERAL.—Section 313 of the Federal Aviation Act of 1958 (49 App. U.S.C. 1354) is amended by adding at the end the following new subsection:

"(g) ASSISTANCE TO FOREIGN AVIATION AUTHORITIES.—(1) The Administrator may provide

safety-related training and operational services to foreign aviation authorities with or without reimbursement, if the Administrator determines that providing such services promotes aviation safety. To the extent practicable, air travel reimbursed under this subsection shall be conducted on United States air carriers.

"(2) Funds received by the Administrator pursuant to this section shall be credited to the appropriation from which the expenses were incurred in providing such services."

(b) **CONFORMING AMENDMENT.**—The table of contents of the Federal Aviation Act of 1958 is amended by adding at the end of the item relating to section 313 the following:

"(g) Assistance to foreign aviation authorities."

#### SEC. 202. FOREIGN FEE COLLECTION.

Section 313(f) of the Federal Aviation Act of 1958 (49 App. U.S.C. 1354(f)) is amended—

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

(2) by inserting immediately after paragraph (2) the following new paragraph:

"(3) **RECOVERY OF COST OF FOREIGN AVIATION SERVICES.**—

"(A) **ESTABLISHMENT OF FEES.**—Notwithstanding the limitation of paragraph (4), the Administrator may establish and collect fees for providing or carrying out the following aviation services outside the United States: any test, authorization, certificate, permit, rating, evaluation, approval, inspection, or review.

"(B) **LEVEL OF FEES.**—Such fees shall be established as necessary to recover the additional cost of providing or carrying out such services outside the United States, as compared to the cost of providing or carrying out such services within the United States; except that the Administrator may, for such services as the Administrator designates, establish fees at a level necessary to recover the full cost of providing such services.

"(C) **EFFECT ON OTHER AUTHORITY.**—The provisions of this paragraph do not limit the Administrator's authority to establish and collect fees permitted under section 334 of title 49, United States Code.

"(D) **CREDITING OF PREESTABLISHED FEES.**—Fees described in subparagraph (A) that were not established before the date of enactment of the Federal Aviation Administration Authorization Act of 1994 may be credited in accordance with paragraph (5)."

#### SEC. 203. SAFETY AT ASPEN-PITKIN COUNTY AIRPORT.

(a) **NIGHTTIME OPERATIONS.**—On and after the date of enactment of this Act, nighttime operations (takeoffs and landings) at Aspen-Pitkin County Airport in the State of Colorado shall be allowed for pilots operating under parts 91 and 135 of title 14, Code of Federal Regulations, between 30 minutes after official sunset and 11 p.m., local time, only if they are (1) granted clearance by air traffic control, (2) instrument-rated, (3) operating an aircraft that is equipped as required under section 91.205(d) of such title 14 for instrument flight, and (4) operating an instrument approach or departure approved by the Federal Aviation Administration. An instrument-rated pilot may operate under visual flight rules at such County Airport between 30 minutes after official sunset and 11:00 p.m., only if such pilot has completed at least one takeoff or landing in the preceding 12 calendar months at such County Airport, is granted clearance by air traffic control, and operates an instrument-certified aircraft.

(b) **COMMITMENTS OF AIRPORT OWNER OR OPERATOR.**—The owner or operator of the Aspen-Pitkin County Airport shall be considered to be in compliance with the requirements of the Aircraft Noise and Capacity Act of 1990 (49 App. U.S.C. 2151 et seq.) and not otherwise unjustly

discriminatory when such owner or operator notifies the Administrator that such owner or operator (1) commits to modify its existing regulation to expand access to general aviation operations under such special operating restrictions as are created under subsection (a) and such conditions applicable to aircraft noise certification as are currently in effect for night operations at such County Airport and (2) commits permanently not to enforce its 1990 regulatory action eliminating the so-called "ski season exception" to its nighttime curfew. To remain in compliance, such owner or operator shall carry out both such commitments as of the effective date of the Administrator's action establishing special operating restrictions at such County Airport in accordance with subsection (a).

(c) **MOUNTAIN FLYING.**—The Administrator shall issue a Notice of Proposed Rulemaking on mountain flying.

#### SEC. 204. EXEMPTIONS FROM SLOT RULES.

(a) **FINDINGS.**—The Congress finds that—

(1) the issue of slot requirements imposed by Federal Aviation Administration regulations for high density airports (commonly known as the "High Density Rule") is a longstanding, significant concern to each of the affected airports, the residents of neighboring communities, and the aviation industry;

(2) such slot regulations serve many purposes, including ensuring that each airport operates efficiently; and

(3) the Secretary has announced as part of the President's Initiative to Promote a Strong Competitive Aviation Industry that the Secretary will undertake a comprehensive examination of such slot regulations and complete such examination by November 1994.

(b) **STUDY.**—(1) The Secretary's current examination of slot regulations, referred to in subsection (a)(3), shall include consideration of—

(A) the impact of the current slot allocation process upon the ability of air carriers to provide essential air service in accordance with section 419 of the Federal Aviation Act of 1958 (49 App. U.S.C. 1389);

(B) the impact of such allocation process upon the ability of new entrant air carriers to obtain slots in time periods that enable them to provide service;

(C) the impact of such allocation process on the ability of foreign air carriers to obtain slots;

(D) the fairness of such process to air carriers and the extent to which air carriers are provided equivalent rights of access to airports in the countries of which foreign air carriers holding slots are citizens;

(E) the impact, on the ability of air carriers to provide domestic and international service, of the withdrawal of slots from air carriers in order to provide slots for foreign air carriers; and

(F) the impact of aircraft noise on affected communities.

(2) The Secretary shall, not later than November 30, 1994, complete and transmit the results of such examination to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Public Works and Transportation of the House of Representatives.

(c) **RULEMAKING PROCEEDING.**—The Secretary shall conduct a rulemaking proceeding based on the results of the examination described in subsection (b). In the course of such proceeding, the Secretary shall issue proposed regulations not later than March 1, 1995, and shall issue final regulations not later than June 1, 1995.

(d) **EXEMPTIONS FOR HIGH DENSITY AIRPORTS.**—(1) If the Secretary finds it to be in the public interest, the Secretary may grant exemptions from requirements under subparts K and S of part 93 of title 14, Code of Federal Regulations, pertaining to slots at any high density airport except Washington National Airport, to—

(A) air carriers using Stage 3 aircraft, and commuter operators, to enable such carriers to provide essential air service under section 419 of the Federal Aviation Act of 1958 (49 App. U.S.C. 1389);

(B) air carriers and foreign air carriers to enable such carriers to provide foreign air transportation, using Stage 3 aircraft; and

(C) new entrant air carriers at such high density airport, only under circumstances determined by the Secretary to be exceptional.

(2) Notwithstanding sections 6005(c)(5)(C) and 6009(e) of the Metropolitan Washington Airports Act of 1986 (49 App. U.S.C. 2454(c)(5)(C) and 2458(e)), the Secretary may, only under circumstances determined by the Secretary to be exceptional, grant to an air carrier currently holding or operating a slot an exemption from requirements under subparts K and S of part 93 of title 14, Code of Federal Regulations, pertaining to slots at Washington National Airport, to enable that carrier to provide service with Stage 3 aircraft, except that such exemption—

(A) shall not result in an increase in the number of slots at Washington National Airport;

(B) shall not increase the number of operations at Washington National Airport in any 1-hour period by more than two operations;

(C) shall not result in the withdrawal or reduction of slots operated by an air carrier; and

(D) shall not result in a net increase in noise impact on surrounding communities resulting from both changes in timing of operations permitted under this paragraph.

(3) No exemption granted under paragraph (1) or (2) may be effective on or after the date on which the final regulations issued under subsection (c) become effective.

(e) **WEEKEND OPERATIONS.**—The Secretary shall consider the advisability of revising section 93.227 of title 14, Code of Federal Regulations, so as to eliminate weekend schedules from the determination as to whether the 80 percent standard of subsection (a)(1) of that section has been met.

(f) **LIMITATION ON CERTAIN SLOT WITHDRAWALS.**—Notwithstanding section 93.223 of title 14, Code of Federal Regulations, the Secretary shall not, before final regulations are issued under subsection (c) of this section, withdraw a slot from any air carrier at O'Hare International Airport for the purpose of providing the slot to another air carrier, or foreign air carrier, for foreign air transportation.

(g) **DEFINITIONS.**—For purposes of this section—

(1) The terms "air carrier", "foreign air carrier", and "foreign air transportation" have the meanings given those terms, respectively, in section 101 of the Federal Aviation Act of 1958 (49 App. U.S.C. 1301).

(2) The term "commuter operator" means an air carrier as described in section 93.124(c)(2) of title 14, Code of Federal Regulations (as in effect on March 1, 1994).

(3) The term "high density airport" means an airport at which the Administrator limits the number of instrument flight rule takeoffs and landings of an aircraft.

(4) The term "new entrant air carrier" means an air carrier that does not hold a slot at the airport concerned and has never sold or given up a slot at that airport after December 16, 1985.

(5) The term "slot" means a reservation, by an air carrier or foreign air carrier at an airport, for an instrument flight rule takeoff or landing of an aircraft in air transportation.

#### SEC. 205. AIR SERVICE TERMINATION NOTICE.

(a) **IN GENERAL.**—(1) Title IV of the Federal Aviation Act of 1958 (49 App. U.S.C. 1371 et seq.) is amended by adding at the end the following new section:

##### "SEC. 420. AIR SERVICE TERMINATION NOTICE.

"(a) **IN GENERAL.**—An air carrier may not terminate interstate or overseas air transportation

from a nonhub airport included on the Secretary's latest published list of such airports, unless such air carrier has given the Secretary at least 60 days' notice before such termination.

"(b) EXCEPTIONS.—The Secretary shall not apply the requirements of subsection (a) when—

"(1) the carrier involved is experiencing a sudden or unforeseen financial emergency, including natural weather related emergencies, equipment-related emergencies, and strikes;

"(2) the termination of transportation is made for seasonal purposes only;

"(3) the carrier involved has operated at the affected nonhub airport for 180 days or less;

"(4) the carrier involved provides other transportation by jet from another airport serving the same community as the affected nonhub airport; or

"(5) the carrier involved makes alternative arrangements, such as a change of aircraft size, or other types of arrangements with a part 121 or part 135 air carrier, that continues uninterrupted service from the affected nonhub airport.

"(c) WAIVERS FOR REGIONAL/COMMUTER CARRIERS.—Prior to October 1, 1994, the Secretary shall establish terms and conditions under which regional/commuter carriers can be excluded from the termination notice requirement.

"(d) DEFINITIONS.—For purposes of this section—

"(1) NONHUB AIRPORT.—The term 'nonhub airport' has the meaning that term has under section 419(k)(4).

"(2) PART 121 AIR CARRIER.—The term 'part 121 air carrier' means an air carrier to which part 121 of title 14, Code of Federal Regulations, applies.

"(3) PART 135 AIR CARRIER.—The term 'part 135 air carrier' means an air carrier to which part 135 of title 14, Code of Federal Regulations, applies.

"(4) REGIONAL/COMMUTER CARRIERS.—The term 'regional/commuter carrier' means—

"(A) a part 135 air carrier; or

"(B) a part 121 air carrier that provides air transportation exclusively with aircraft having a seating capacity of no more than 70 passengers.

"(5) TERMINATION.—The term 'termination' means the cessation of all service at an airport by an air carrier."

(2) The portion of the table of contents of the Federal Aviation Act of 1958 relating to title IV is amended by inserting immediately after the item relating to section 419 the following new item:

"Sec. 420. Air service termination notice.

"(a) In general.

"(b) Exceptions.

"(c) Waivers for regional/commuter carriers.

"(d) Definitions."

(b) CIVIL PENALTIES.—Section 901(a)(1) of the Federal Aviation Act of 1958 (49 App. U.S.C. 1471(a)(1)) is amended by inserting "section 420 or" immediately after "\$10,000 for each violation of".

(c) EFFECTIVE DATE.—The amendments made by this section shall be effective beginning on October 1, 1994.

#### SEC. 206. COOPERATIVE AGREEMENTS FOR RESEARCH, ENGINEERING, AND DEVELOPMENT.

(a) IN GENERAL.—Section 312 of the Federal Aviation Act of 1958 (49 App. U.S.C. 1353) is amended by adding at the end the following new subsection:

"(j) COOPERATIVE AGREEMENTS.—The Administrator may enter into cooperative agreements on a cost-shared basis with Federal and non-Federal entities that the Administrator may select in order to conduct, encourage, and promote aviation research, engineering, and development, including the development of prototypes and demonstration models."

(b) CONFORMING AMENDMENT.—The table of contents of the Federal Aviation Act of 1958 is amended by adding at the end of the item relating to section 312 the following:

"(j) Cooperative agreements."

#### SEC. 207. TECHNICAL AMENDMENTS.

Section 1112 of the Federal Aviation Act of 1958 (49 App. U.S.C. 1512) is amended—

(1) by striking "50 per centum" wherever it appears and inserting in lieu "50 percent";

(2) by redesignating subsection (c) as subsection (d); and

(3) by inserting immediately after subsection (b) the following new subsection:

"(c) Compensation paid by an air carrier to an employee described in subsection (a) in connection with such employee's authorized leave or other authorized absence from regular duties on the carrier's aircraft in order to perform services on behalf of the employee's airline union shall not be subject to the income tax laws of a State or subdivision thereof, other than the State or subdivision thereof of the employee's residence and the State or subdivision thereof in which the employee's scheduled flight time would have been more than 50 percent of the employee's total scheduled flight time for the calendar year had the employee been engaged full time in the performance of regularly assigned duties on the carrier's aircraft."

#### SEC. 208. REVIEW OF PASSENGER FACILITY CHARGE PROGRAM.

The Secretary shall conduct a review of section 158.49(b) of title 14, Code of Federal Regulations, to assess the effectiveness of such section in light of the objectives of section 1113(e) of the Federal Aviation Act of 1958 (49 App. U.S.C. 1513(e)) and shall take such corrective action as the Secretary determines to be necessary to address any problems discovered in the review.

#### SEC. 209. EXCEPTIONS APPLICABLE TO STATE OF HAWAII.

(a) DEFINITIONS.—(1) Section 101(24) of the Federal Aviation Act of 1958 (49 App. U.S.C. 1301(24)) is amended by adding at the end the following new sentence: "For purposes of title IV, the term 'interstate air transportation' does not include air transportation of passengers commencing and terminating in the State of Hawaii."

(2) Section 101(26) of the Federal Aviation Act of 1958 (49 App. U.S.C. 1301(26)) is amended by adding at the end the following: "With respect to transportation of passengers by air within the State of Hawaii, the term 'intrastate air transportation' means the carriage of persons by a common carrier for compensation or hire, by such aircraft, commencing and terminating in the State of Hawaii; except that the carriage of passengers moving as a part of a single itinerary on a single ticket for transportation on an air carrier or air carriers, beginning and/or ending outside the State of Hawaii, is deemed to be interstate transportation."

(b) FEDERAL PREEMPTION.—(1) Section 105(a) of the Federal Aviation Act of 1958 (49 App. U.S.C. 1305(a)) is amended by adding at the end the following new paragraph:

"(3) The provisions of paragraph (1) shall not apply to any transportation by air of persons commencing and terminating within the State of Hawaii."

(2) Section 105(b)(2) of the Federal Aviation Act of 1958 (49 App. U.S.C. 1305(b)(2)) is amended by striking "(other than the State of Hawaii)".

#### SEC. 210. TRANSPORTATION SECURITY REPORT.

Section 315(b)(1) of the Federal Aviation Act of 1958 (49 App. U.S.C. 1356(b)(1)) is amended by striking "December 31" and inserting in lieu thereof "March 31".

#### SEC. 211. INTERMODAL ALL-CARGO AIR CARRIERS.

(a) DEFINITIONS.—Section 101 of the Federal Aviation Act of 1958 (49 App. U.S.C. 1301) is

amended by redesignating paragraphs (25) through (41) as paragraphs (26) through (42), respectively; and by inserting immediately after paragraph (24) the following new paragraph:

"(25) 'Intermodal all-cargo air carrier' means—

"(A) an air carrier (including an indirect cargo air carrier, as defined in section 296.3 of title 14, Code of Federal Regulations, as in effect on March 1, 1994) that undertakes to provide the transportation described in section 105(a)(4); or

"(B) any other carrier—

"(i) which has authority to provide transportation;

"(ii) which (1) is affiliated with an air carrier described in subparagraph (A) through common controlling ownership, or (II) utilizes as principal or as shipper's agent, or is affiliated through common controlling ownership with companies that utilize, an air carrier described in subparagraph (A) at least 15,000 times annually; and

"(iii) which undertakes to provide the transportation described in section 105(a)(4)."

(b) PREEMPTION.—Section 105(a) of the Federal Aviation Act of 1958 (49 App. U.S.C. 1305(a)), as amended by this Act, is further amended by adding at the end the following new paragraph:

"(4)(A) Except as provided in subparagraph (B), no State or political subdivision thereof, no interstate agency of two or more States, and no other political agency of two or more States shall enact or enforce any law, rule, regulation, standard, or other provision having the force and effect of law relating to rates, routes, or services of any intermodal all-cargo air carrier when such carrier is transporting property, pieces, parcels, or packages between States or wholly within any single State by aircraft or by motor vehicle (whether or not such property has had or will have a prior or subsequent air movement).

"(B) Subparagraph (A)—

"(i) does not apply to the transportation of household goods as defined in section 10102(11) of title 49, United States Code;

"(ii) shall not restrict safety regulatory authority; and

"(iii) does not apply to the regulation of vehicle size and weight.

For purposes of clause (ii), the authority to regulate rates, routes, or services shall not be construed as safety regulatory authority, and the authority permitted under the Hazardous Materials Transportation Act (49 App. U.S.C. 1801 et seq.) to regulate routing shall not be affected.

"(C) For purposes of this paragraph, a person who is an intermodal all-cargo air carrier in any one State shall be considered such a carrier in all States.

"(D) This paragraph shall not in any way limit the applicability of paragraph (1)."

#### TITLE III—AVIATION SAFETY AND NOISE ABATEMENT ACT OF 1979 AMENDMENTS

##### SEC. 301. REPEAL OF ANNUAL REPORT REQUIREMENT.

Section 401 of the Aviation Safety and Noise Abatement Act of 1979 (Public Law 96-193; 94 Stat. 57) is repealed.

##### SEC. 302. NOISE ABATEMENT PROGRAMS.

(a) SOUNDPROOFING OF CERTAIN RESIDENTIAL BUILDINGS.—Section 104(c)(2) of the Aviation Safety and Noise Abatement Act of 1979 (49 App. U.S.C. 2104(c)(2)) is amended—

(1) by inserting "(A)" immediately before "to operators of airports"; and

(2) by striking the period at the end and inserting in lieu thereof "; and (B) for projects to soundproof residential buildings—

"(i) if the operator of the airport involved received approval for a grant for a project to

soundproof residential buildings pursuant to section 301(d)(4)(B) of the Airport and Airway Safety and Capacity Expansion Act of 1987;

"(ii) if the operator of the airport involved submits updated noise exposure contours, as required by the Secretary; and

"(iii) if the Secretary determines that the proposed projects are compatible with the purposes of this Act."

(b) **SOUNDPROOFING AND ACQUISITION OF CERTAIN RESIDENTIAL PROPERTIES.**—Section 104(c) of the Aviation Safety and Noise Abatement Act of 1979 (49 App. U.S.C. 2104(c)) is amended by adding at the end the following new paragraph:

"(4) **SOUNDPROOFING AND ACQUISITION OF CERTAIN RESIDENTIAL PROPERTIES.**—The Secretary is authorized under this section to make grants to operators of airports and to units of local government referred to in paragraph (1) for projects to soundproof residential buildings located on residential properties, and for projects to acquire residential properties, at which noise levels are not compatible with normal operations of an airport—

"(A) if the operator of the airport involved amended an existing local aircraft noise regulation during calendar year 1993 to increase the maximum permitted noise levels for scheduled air carrier aircraft as a direct result of implementation of revised aircraft noise departure procedures mandated for aircraft safety purposes by the Administrator of the Federal Aviation Administration for standardized application at airports served by scheduled air carriers;

"(B) if the operator of the airport involved submits updated noise exposure contours, as required by the Secretary; and

"(C) if the Secretary determines that the proposed projects are compatible with the purposes of this Act."

**SEC. 303. WAIVER AUTHORITY FOR FOREIGN AIR CARRIERS.**

(a) **IN GENERAL.**—Section 9308(b)(1) of the Aviation Noise and Capacity Act of 1990 (49 App. U.S.C. 2157(b)(1)) is amended by inserting "or a foreign air carrier" immediately after "air carrier" wherever it appears.

(b) **DEFINITION.**—Section 9308(h)(1) of the Aviation Noise and Capacity Act of 1990 (49 App. U.S.C. 2157(h)(1)) is amended to read as follows:

"(1) **AIR CARRIER; FOREIGN AIR CARRIER; AIR TRANSPORTATION; UNITED STATES.**—The terms 'air carrier', 'foreign air carrier', 'air transportation', and 'United States' have the meanings such terms have under section 101 of the Federal Aviation Act of 1958."

**SEC. 304. RESEARCH PROGRAM ON QUIET AIRCRAFT TECHNOLOGY.**

The Federal Aviation Administration Research, Engineering, and Development Authorization Act of 1992 (title III of Public Law 102-581; 106 Stat. 495) is amended by adding at the end the following new section:

**"SEC. 306. RESEARCH PROGRAM ON QUIET AIRCRAFT TECHNOLOGY FOR PROPELLER AND ROTOR DRIVEN AIRCRAFT.**

"(a) **ESTABLISHMENT.**—The Administrator of the Federal Aviation Administration (FAA) and the Administrator of the National Aeronautics and Space Administration (NASA) shall conduct a study to identify technologies for noise reduction of propeller driven aircraft and rotorcraft.

"(b) **GOAL.**—The goal of the study conducted under subsection (a) is to determine the status of research and development now underway in the area of quiet technology for propeller driven aircraft and rotorcraft, including technology that is cost beneficial, and to determine whether a research program to supplement existing research activities is necessary.

"(c) **PARTICIPATION.**—In conducting the study required under subsection (a), the Administrator of the FAA and the administrator of NASA shall

encourage the participation of the Department of Defense, the Department of the Interior, the aircraft industry, the aviation industry, academia and other appropriate groups.

"(d) **REPORT.**—Not less than 280 days after enactment of this section the Administrator of the FAA and the Administrator of NASA shall transmit to Congress a report on the results of the study required under subsection (a).

"(e) **RESEARCH AND DEVELOPMENT PROGRAM.**—If the Administrator of the FAA and the Administrator of NASA determine that additional research and development is necessary and would substantially contribute to the development of quiet aircraft technology, then the agencies shall conduct an appropriate research program in consultation with the entities listed in subsection (c) to develop safe, effective, and economical noise reduction technology (including technology that can be applied to existing propeller driven aircraft and rotorcraft) that would result in aircraft that operate at substantially reduced levels of noise to reduce the impact of such aircraft and rotorcraft on the resources of national parks and other areas."

**TITLE IV—MISCELLANEOUS PROVISIONS**

**SEC. 401. DISCONTINUATION OF AVIATION SAFETY JOURNAL.**

The Administrator may not publish, nor contract with any other organization for the publication of, the magazine known as the "Aviation Safety Journal". Any existing contract for publication of the magazine shall be cancelled within 30 days after the date of enactment of this Act.

**SEC. 402. SAFETY OF JUNEAU INTERNATIONAL AIRPORT.**

(a) **STUDY.**—(1) Within 30 days after the date of enactment of this Act, the Secretary, in cooperation with the National Transportation Safety Board, the National Guard, and the Juneau International Airport, shall undertake a study of the safety of the approaches to the Juneau International Airport.

(2) Such study shall examine—

(A) the crash of Alaska Airlines Flight 1866 on September 4, 1971;

(B) the crash of a Lear Jet on October 22, 1985;

(C) the crash of an Alaska Army National Guard aircraft on November 12, 1992;

(D) the adequacy of NAVAIDS in the vicinity of the Juneau International Airport;

(E) the possibility of inaccurate data from Sisters Island DVOR, and the possibility of confusion between Elephant Island Non-Directional Beacon and Coghlan Island Non-Directional Beacon;

(F) the need for a singular Approach Surveillance Radar site on top of Heintzleman Ridge;

(G) the need for a Terminal Very High Frequency Omni-Directional Range (Terminal VOR) navigational aid in Gastineau Channel; and

(H) any other matters any of the parties named in paragraph (1) think appropriate to the safety of aircraft approaching or leaving the Juneau International Airport.

(b) **REPORT.**—(1) Within 6 months after the date of enactment of this Act, the Secretary shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Public Works and Transportation of the House of Representatives a report which—

(A) details the matters considered by the study;

(B) summarizes any conclusions reached by the participants in the study;

(C) proposes specific recommendations to improve or enhance the safety of aircraft approaching or leaving the Juneau International Airport, or contains a detailed explanation of why no recommendations are being proposed;

(D) estimates the cost of any proposed recommendations; and

(E) includes any other matters the Secretary deems appropriate.

(2) The report shall include any minority views if consensus is not reached among the parties listed in subsection (a)(1).

**SEC. 403. SOLDOTNA AIRPORT IMPROVEMENT.**

(a) **RELEASE.**—Notwithstanding section 16 of the Federal Airport Act (as in effect on December 12, 1963), the Secretary is authorized, subject to the provisions of section 4 of the Act of October 1, 1949 (50 App. U.S.C. 1622c), and the provisions of subsection (b) of this section, to grant releases from any of the terms, conditions, reservations, and restrictions contained in the deed of conveyance dated December 12, 1963, under which the United States conveyed certain property to the city of Soldotna, Alaska, for airport purposes.

(b) **CONDITIONS.**—Any release granted under subsection (a) shall be subject to the following conditions:

(1) The city of Soldotna, Alaska, shall agree that, in conveying any interest in the property which the United States conveyed to the city by deed dated December 12, 1963, the city will receive an amount for such interest which is equal to the fair market value (as determined pursuant to regulations issued by the Secretary).

(2) Any such amount so received by the city shall be used by the city for the development, improvement, operation, or maintenance of a public airport.

**SEC. 404. ROLLA AIRPORT IMPROVEMENT.**

(a) **AUTHORIZATION TO GRANT RELEASES.**—Notwithstanding section 16 of the Federal Airport Act (as in effect on December 30, 1957), the Secretary is authorized, subject to the provisions of section 4 of the Act of October 1, 1949 (50 App. U.S.C. 1622c), and the provisions of subsection (b) of this section, to grant releases from any of the terms, conditions, reservations, and restrictions contained in the deed of conveyance dated December 30, 1957, or any other deed of conveyance dated after such date and before the date of enactment of this Act, under which the United States conveyed certain property to the city of Rolla, Missouri, for airport purposes.

(b) **CONDITIONS.**—Any release granted under subsection (a) shall be subject to the following conditions:

(1) The city of Rolla, Missouri, shall agree that, in conveying any interest in the property which the United States conveyed to the city by a deed described in subsection (a), the city will receive an amount for such interest which is equal to the fair market value (as determined pursuant to regulations issued by the Secretary).

(2) Any such amount so received by the city shall be used by the city for the development, improvement, operation, or maintenance of a public airport.

**SEC. 405. PALM SPRINGS, CALIFORNIA.**

(a) **AUTHORITY TO GRANT RELEASES.**—Notwithstanding section 4 of the Act of October 1, 1949 (50 App. U.S.C. 1622c), and subject to the provisions of subsection (b), the Administrator shall grant releases from all of the terms, conditions, reservations, and restrictions contained in the deed of conveyance dated September 15, 1949, under which the United States conveyed certain property to Palm Springs, California, for airport purposes. The releases shall apply only to approximately 11 acres of lot 16 of section 13, and approximately 39.07 acres of lots 19 and 20 of section 19, used by the city of Palm Springs, California, for general governmental purposes.

(b) **CONDITIONS.**—Any release granted by the Administrator under subsection (a) shall be subject to the following conditions:

(1) The Administrator shall waive any requirement that there be credited to the account

of the airport any amount attributable to the city's use for governmental purposes of any land conveyed under the deed of conveyance referred to in subsection (a) before the date of enactment of this section.

(2) The city shall abandon all claims, against income of the Palm Springs Regional Airport or other assets of that airport, for reimbursement of general revenue funds that the city may have expended before the date of enactment of this Act for acquisition of 523.39 acres of land conveyed August 28, 1961, for airport purposes and for expenses incurred at any time in connection with such acquisition, and such claims shall not be eligible for reimbursement under the Airport and Airway Improvement Act of 1982 or any successor Act.

#### SEC. 406. RELOCATION OF AIRWAY FACILITIES.

Compensation received by the United States for transfer of the San Jacinto Disposal Area by the United States to the City of Galveston, Texas, shall include compensation to be provided to the Federal Aviation Administration for all costs of establishing airway facilities to replace existing airway facilities on the San Jacinto Disposal Area. Such compensation shall include but is not limited to the replacement of the land, clear zones, buildings and equipment, and demolition and disposal of the existing facilities on the San Jacinto Disposal Area.

#### SEC. 407. AUGUSTA STATE AIRPORT WEATHER SERVICES.

(a) REQUIREMENT.—(1) The Secretary shall provide for weather observation services, including direct radio contact between weather observers and pilots, at Augusta State Airport in Maine.

(2) The Secretary shall be responsible for the operation and maintenance of equipment necessary to carry out paragraph (1).

(b) REIMBURSABLE AGREEMENTS.—The Secretary is authorized to enter into a reimbursable agreement with the Maine Department of Transportation for the provision of weather services pursuant to subsection (a).

#### SEC. 408. STUDY ON CHILD RESTRAINT SYSTEMS.

(a) STUDY.—The Administrator shall conduct a study on the availability, effectiveness, cost, and usefulness of restraint systems that may offer protection to a child carried in the lap of an adult aboard an air carrier aircraft or provide for the attachment of a child restraint device to the aircraft.

(b) STUDY CRITERIA.—Among other issues, the study shall examine the impact of the following:

(1) The direct cost to families of requiring air carriers to provide restraint systems and requiring infants to use them, including whether airlines will charge a fare for use of seats containing infant restraining systems; such estimate to cover a ten-year period;

(2) The impact on air carrier aircraft passenger volume by requiring use of infant restraint systems, including whether families will choose to travel to destinations by other means, including automobiles; such estimate to cover a ten-year period;

(3) The impact on fatality rates of infants using other modes of transportation, including automobiles, subject to the findings in subsection (b)(2) above; such estimate to cover a ten-year period; and

(4) The efficacy of infant restraint systems currently marketed as able to be used for air carrier aircraft.

(c) REPORT.—The Administrator shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Public Works and Transportation of the House of Representatives a report on the results of the study required in subsection (a). The report shall be submitted within 6 months after the date of enactment of this Act.

#### SEC. 409. AIRCRAFT SMOKE EMERGENCIES.

The Administrator shall enforce Federal Aviation Administration regulations relating to pilot vision and smoke emergencies caused by dense, continuous smoke in the cockpit on current and future aircraft and shall report to Congress within 1 year after the date of enactment of this Act on the Administrator's efforts to ensure compliance with such regulations.

#### SEC. 410. REAL ESTATE TRANSFERS AND WEATHER OBSERVATIONS IN ALASKA.

(a) TRANSFER OF SITE IN LAKE MINCHUMINA, ALASKA.—The Administrator shall convey to the community of Lake Minchumina, Alaska, the Federal Aviation Administration building number 106 and a reasonable amount of land to make use of the property, at Lake Minchumina, Alaska, for the purpose of providing educational facilities, under the terms set forth in Agreement No. DTFA04-93-J-82007, between the Federal Aviation Administration and the Iditarod Area School District, and such other terms as are mutually agreed on between the Administrator and the community of Lake Minchumina.

(b) TRANSFER OF SITE IN FORT YUKON, ALASKA.—The Administrator shall convey to the city of Fort Yukon, Alaska, the buildings of the Federal Aviation Administration and land in Fort Yukon, Alaska (described as that portion of Lot 4, U.S. Survey 7161, within section 8, T.20 N., R.12E., Fairbanks Meridian consisting of 7.14 acres, and containing the health clinic and staff housing for the aforementioned clinic) for the purpose of providing health services, under terms that are mutually agreed on between the Administrator and the city of Fort Yukon.

(c) WEATHER OBSERVATION SERVICES IN ALASKA.—The Administrator shall provide human observers to offer real-time weather information to pilots by direct radio contact in Alaska at—

(1) Dutch Harbor, Valdez, Wrangell, Petersburg, Sand Point, and Yakutat on a full-time basis;

(2) Aniak, St. Marys, Dillingham, Unalakleet, Fort Yukon, Port Heiden, Anaktuvuk Pass, and Gustavus to replace the Automated Weather Observing System (AWOS) in the event of failures and to verify AWOS reports when the safety of aircraft is at risk; and

(3) other communities that the Administrator determines require human weather observers.

#### SEC. 411. STURGIS, KENTUCKY.

(a) AUTHORIZATION TO GRANT RELEASES.—Notwithstanding any other provision of law, the Administrator is authorized, subject to section 4 of the Act of October 1, 1949 (50 App. U.S.C. 1622c), and subsection (b) of this section, to grant releases with respect to such parcels of land, or portions of such parcels, as the Administrator determines are no longer required for airport purposes, from any of the terms, conditions, reservations, and restrictions contained in the deed of conveyance dated July 13, 1948, under which the United States conveyed such property to the Union County Air Board, State of Kentucky, for airport purposes of the Sturgis Municipal Airport.

(b) CONDITIONS.—Any release granted by the Administrator under subsection (a) shall be subject to the following conditions:

(1) The Union County Air Board shall agree that, in leasing or conveying any interest in the property with respect to which releases are granted under subsection (a), such Board will receive an amount that is equal to the fair lease value or the fair market value, as the case may be (as determined pursuant to regulations issued by the Secretary).

(2) Such Board shall use any amount so received only for the development, improvement, operation, or maintenance of the Sturgis Municipal Airport.

(3) Any other conditions that the Administrator considers necessary to protect or advance

the interests of the United States in civil aviation.

#### SEC. 412. GAMBLING ON COMMERCIAL AIRCRAFT.

(a) AMENDMENTS.—(1) Title IV of the Federal Aviation Act of 1958 (49 App. U.S.C. 1371 et seq.), as amended by this Act, is further amended by adding at the end the following new section:

#### "SEC. 422. GAMBLING RESTRICTIONS.

"(a) IN GENERAL.—No air carrier or foreign air carrier may install, transport, or operate, or permit the use of, any gambling device on board an aircraft in foreign air transportation.

"(b) DEFINITION.—In this section, the term 'gambling device' means any machine or mechanical device (including gambling applications on electronic interactive video systems installed on board aircraft for passenger use)—

"(1) which when operated may deliver, as the result of the application of an element of chance, any money or property; or

"(2) by the operation of which a person may become entitled to receive, as the result of the application of an element of chance, any money or property."

(2) The portion of the table of contents of the Federal Aviation Act of 1958 relating to title IV, as amended by this Act, is further amended by inserting immediately after the item relating to section 421 the following new item:

"Sec. 422. Gambling restrictions.

"(a) In general.

"(b) Definition."

(b) AVIATION SAFETY STUDY.—The Administrator of the Federal Aviation Administration shall, within 90 days after the date of enactment of this Act, complete a study of the aviation safety effects of gambling applications on electronic interactive video systems installed on board aircraft for passenger use. The study shall include an evaluation of the effect of such systems on the navigational and other electronic equipment of the aircraft, on the passengers and crew of the aircraft, and on issues relating to the method of payment. The Administrator shall, within 5 days after completing the study, submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Public Works and Transportation of the House of Representatives on the results of the study.

(c) STUDY ON COMPETITION EFFECTS.—The Secretary of Transportation shall, within 90 days after the date of enactment of this Act, complete a study of the competitive implications of permitting foreign air carriers only, but not United States air carriers, to install, transport, and operate gambling application on electronic interactive video systems on board aircraft in the foreign commerce of the United States on flights over international waters, or in fifth freedom city-pair markets. The Secretary shall, within 5 days after the completion of the study, submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Public Works and Transportation of the House of Representatives on the results of the study.

(c) STUDY ON COMPETITION EFFECTS.—The Secretary of Transportation shall, within 90 days after the date of enactment of this Act, complete a study of the competitive implications of permitting foreign air carriers only, but not United States air carriers, to install, transport, and operate gambling application on electronic interactive video systems on board aircraft in the foreign commerce of the United States on flights over international waters, or in fifth freedom city-pair markets. The Secretary shall, within 5 days after the completion of the study, submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Public Works and Transportation of the House of Representatives on the results of the study.

#### SEC. 413. LAND ACQUISITION COSTS.

Notwithstanding section 512 of the Airport and Airway Improvement Act of 1982 (49 U.S.C. App. 2211), the Secretary of Transportation may approve an upward adjustment not to exceed \$750,000, in the maximum obligation of the United States under an Airport Improvement Program grant issued to a reliever airport after September 1, 1989, and before October 1, 1989, in order to assist in funding increased land acquisition costs (as determined in judicial proceedings) and associated eligible project costs.

#### SEC. 414. MONROE AIRPORT IMPROVEMENT.

(a) AUTHORIZATION TO GRANT RELEASES.—Notwithstanding section 16 of the Federal Airport Act (as in effect on the date of transfer of

Selman Field, Louisiana, from the United States to the city of Monroe, Louisiana), the Administrator of the Federal Aviation Administration is authorized, subject to the provisions of section 4 of the Act of October 1, 1949 (50 App. U.S.C. 1622c), and the provisions of subsection (b) of this section, to grant releases from any of the terms, conditions, reservations, and restrictions contained in the 1949 deed of conveyance, or any other deed of conveyance occurring subsequent to that initial transference and before the date of enactment of this Act, under which the United States conveyed certain property then constituting Selman Field, Louisiana, to the city of Monroe, Louisiana, for airport purposes.

(b) **CONDITIONS.**—Any release granted under subsection (a) shall be subject to the following conditions:

(1) The city of Monroe, Louisiana, shall agree that, in conveying any interest in the property which the United States conveyed to the city by a deed described in subsection (a), the city will receive an amount for such interest which is equal to the fair market value (as determined pursuant to regulations issued by the Secretary of Transportation).

(2) Any such amount so received by the city shall be used by the city for the development, improvement, operation, or maintenance of a public airport.

#### SEC. 415. NORTH KOREA.

(a) **FINDINGS.**—(1) President Clinton stated in November of 1993, it is the official policy of the United States that North Korea cannot be allowed to become a nuclear power.

(2) The United States seeks to compel North Korea, through the imposition of sanctions or other means, to act in accordance with its freely undertaken obligations under the Nuclear Non-Proliferation Treaty and to abandon its efforts to develop nuclear weapons.

(3) North Korea has repeatedly threatened to withdraw from the Nuclear Non-Proliferation Treaty, has resisted efforts of the International Atomic Energy Agency to conduct effective inspections of its nuclear program, and has stated that it would consider the imposition of economic sanctions as a declaration of war and has threatened retaliatory action.

(4) The North Korean government has constructed and has operated a reprocessing facility at Yongbyon solely designed to convert spent nuclear fuel into plutonium with which to make nuclear weapons. Further, the existence of this facility and the development of these weapons gravely threatens security in the region and increases the likelihood of worldwide nuclear terrorism.

(5) The Secretary of Defense stated that the United States must act on the assumption that there will be some increase in the risk of war if sanctions are imposed on North Korea.

(6) It is incumbent on the United States to take all necessary and prudent action to act together with the Republic of Korea to ensure the preparedness of United States and Republic of Korea forces to repel as quickly as possible any attack from North Korea and to protect the safety and security of United States and Republic of Korea forces, as well as the safety and security of the civilian population of the peninsula.

(b) **SENSE OF THE SENATE.**—It is the sense of the Senate that the United States should immediately take all necessary and prudent actions to enhance the preparedness and safety of United States forces and urge and assist the Republic of Korea to do likewise in order to deter and, if necessary, repel an attack from North Korea.

#### SEC. 416. REQUIREMENT FOR CONTINUATION OF RADAR APPROACH CONTROL ACTIVITIES.

(a) **FINDING.**—Congress finds that the President's Five-Point Plan for Revitalizing Base Closure Communities dated July 2, 1993, encour-

ages all Federal agencies to marshal the resources of such agencies in order to provide coordinated assistance to communities that experience adverse economic circumstances as the result of the closure of a military installation under a base closure law.

(b) **REQUIREMENT.**—The Administrator of the Federal Aviation Administration shall carry out on-going radar approach control activities at K. I. Sawyer Air Force Base, Michigan. The Administrator shall carry out such activities in the most cost-effective manner using any funds available to the Administrator.

#### SEC. 417. SENSE OF THE SENATE.

It is the sense of the Senate that the Inspector General of the Department of Transportation in carrying out the duties and responsibilities of the Inspector General Act of 1978 has oversight responsibilities and may conduct and supervise audits and investigations relating to any funds appropriated by the Congress and made available for any programs or operations at Washington National Airport and Dulles International Airport, and that the Inspector General shall—

(1) provide leadership and coordination and recommend policies for activities designed to promote the economy, efficiency, and effectiveness of such programs and operations; and

(2) act to prevent and detect fraud and abuse in such programs and operations; and

(3) inform the Secretary of the Department of Transportation and the Congress about problems and deficiencies relating to the administration of such programs and operations.

#### SEC. 418. RELIGIOUS LIBERTY.

(a) **FINDINGS.**—The Congress finds that—

(1) the liberties protected by our Constitution include religious liberty protected by the first amendment;

(2) citizens of the United States profess the beliefs of almost every conceivable religion;

(3) Congress has historically protected religious expression even from governmental action not intended to be hostile to religion;

(4) the Supreme Court has written that "the free exercise of religion means, first and foremost, the right to believe and profess whatever religious doctrine one desires";

(5) the Supreme Court has firmly settled that under our Constitution the public expression of ideas may not be prohibited merely because the content of the ideas is offensive to some;

(6) Congress enacted the Religious Freedom Restoration Act of 1993 to restate and make clear again our intent and position that religious liberty is and should forever be granted protection from unwarranted and unjustified government intrusions and burdens;

(7) the Equal Employment Opportunity Commission has written proposed guidelines to title VII of the Civil Rights Act of 1964, published in the Federal Register on October 1, 1993, that may result in the infringement of religious liberty;

(8) such guidelines do not appropriately resolve issues related to religious liberty and religious expression in the workplace;

(9) properly drawn guidelines for the determination of religious harassment should provide appropriate guidance to employers and employees and assist in the continued preservation of religious liberty as guaranteed by the first amendment;

(10) the Commission states in its proposed guidelines that it retains wholly separate guidelines for the determination of sexual harassment because the Commission believes that sexual harassment raises issues about human interaction that are to some extent unique in comparison to other harassment and may warrant separate treatment; and

(11) the subject of religious harassment also raises issues about human interaction that are to some extent unique in comparison to other harassment.

(b) **SENSE OF THE CONGRESS.**—It is the sense of the Congress that, for purposes of issuing final regulations under title VII of the Civil Rights Act of 1964 in connection with the proposed guidelines published by the Equal Employment Opportunity Commission on October 1, 1993 (58 Fed. Reg. 51266)—

(1) the category of religion should be withdrawn from the proposed guidelines at this time;

(2) any new guidelines for the determination of religious harassment should be drafted so as to make explicitly clear that symbols or expressions of religious belief consistent with the first amendment and the Religious Freedom Restoration Act of 1993 are not to be restricted and do not constitute proof of harassment;

(3) the Commission should hold public hearings on such new proposed guidelines; and

(4) the Commission should receive additional public comment before issuing similar new regulations.

#### SEC. 419. INFORMATION ON DISINSECTION OF AIRCRAFT.

(a) **AVAILABILITY OF INFORMATION.**—In the interest of protecting the health of air travelers, the Secretary of Transportation shall publish a list of the countries (as determined by the Secretary) that require disinsection of aircraft landing in such countries while passengers and crew are on board such aircraft.

(b) **REVISION.**—The Secretary shall revise the list required under subsection (a) on a periodic basis.

(c) **PUBLICATION.**—The Secretary shall publish the list required under subsection (a) not later than 30 days after the date of the enactment of this Act. The Secretary shall publish a revision to the list not later than 30 days after completing the revision under subsection (b).

#### SEC. 420. CONTRACT TOWER ASSISTANCE.

The Secretary of Transportation shall take appropriate action to assist Chandler, Arizona, Aberdeen, South Dakota, and other communities where the Secretary deems such assistance appropriate, in obtaining the installation of a Level I Contract Tower for those communities.

#### SEC. 421. SENSE OF SENATE ON ISSUANCE OF REPORT ON USAGE OF RADAR AT THE CHEYENNE, WYOMING AIRPORT.

It is the sense of the Senate that the Secretary of Transportation—

(1) should take such action as may be necessary to revise the cost/benefit analysis process of the Department of Transportation to fully take projected military enplanement and cost savings figures into consideration with regard to radar installations at joint-use civilian/military airports;

(2) should require the Administrator of the Federal Aviation Administration to reevaluate the aircraft radar needs at the Cheyenne, Wyoming Airport, and enter into an immediate dialogue with officials of the Wyoming Air Guard, F.E. Warren Air Force Base, and Cheyenne area leaders in the phase II radar installation reevaluation of the Administration and adjust cost/benefit determinations based to some appropriate degree on already provided military figures and concerns and other enplanement projections in the region; and

(3) should report to Congress within 60 days following the date of the enactment of this Act on the results of the reevaluation of the aircraft radar needs of the Cheyenne, Wyoming Airport, and of Southeast Wyoming, and explain how military figures and concerns will be appropriately solicited in future radar decisions involving joint-use airport facilities.

#### TITLE V—AIRPORT-AIR CARRIER DISPUTES REGARDING RATES, FEES, AND CHARGES

##### SEC. 501. DECLARATION OF POLICY.

Section 502(a) of the Airport and Airway Improvement Act of 1982 (49 App. U.S.C. 2201(a)),

as amended by this Act, is further amended by adding at the end the following new paragraphs:

"(16) airport fees, rates, and charges must be reasonable and may only be used for purposes not prohibited by this Act; and

"(17) airports should be as self-sustaining as possible under the circumstances existing at each particular airport; and in establishing new fees, rates, and charges, and generating revenues from all sources, airport owners and operators should not seek to create revenue surpluses that exceed the amounts to be used for airport system purposes and for other purposes for which airport revenues may be spent under section 511(a)(12), including reasonable reserves and other funds to facilitate financing and cover contingencies."

#### SEC. 502. AIRPORT FINANCIAL REPORTING.

(a) **FORMAT FOR REPORTING.**—Within 180 days after the date of enactment of this Act, the Secretary shall prescribe a uniform simplified format for reporting that is applicable to airports. Such a format shall be designed to enable the public to understand readily how funds are collected and spent at airports, and to provide sufficient information relating to total revenues, operating expenditures, capital expenditures, debt service payments, contributions to restricted funds, accounts, or reserves required by financing agreements or covenants or airport lease or use agreements or covenants. Such format shall require each commercial service airport to report the amount of any revenue surplus, the amount of concession-generated revenue, and other information as required by the Secretary.

(b) **REQUIREMENT TO USE FORMAT.**—Within 1 year after the date of enactment of this Act and once each year thereafter, each airport which is subject to any grant assurance under section 511(a) of the Airport and Airway Improvement Act of 1982 (49 App. U.S.C. 2210(a)) shall file reports to the Secretary in the format prescribed by the Secretary under this section.

(c) **ANNUAL SUMMARIES.**—The Secretary shall provide annual summaries of such reports to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Public Works and Transportation of the House of Representatives.

#### SEC. 503. ADDITIONAL ENFORCEMENT AGAINST ILLEGAL DIVERSION OF AIRPORT REVENUE.

(a) **NEW POLICIES AND PROCEDURES.**—Section 511 of the Airport and Airway Improvement Act of 1982 (49 App. U.S.C. 2210) is amended by adding at the end the following new subsection:

"(i) **POLICIES AND PROCEDURES TO ENSURE ENFORCEMENT AGAINST ILLEGAL DIVERSION OF AIRPORT REVENUE.**—

"(1) **IN GENERAL.**—Not later than 90 days after the date of enactment of this subsection, the Secretary shall establish policies and procedures that will assure the prompt and effective enforcement of subsections (a)(9) and (a)(12) and grant assurances made under such subsections. Such policies and procedures shall recognize the exemption provision in subsection (a)(12), and shall respond to the information contained in the reports of the Inspector General of the Department of Transportation on airport revenue diversion and such other relevant information as the Secretary may by law consider.

"(2) **REVENUE DIVERSION.**—Such policies and procedures shall prohibit, at a minimum, the diversion of airport revenues (except as authorized under subsection (a)(12)) through—

"(A) direct payments or indirect payments, other than payments reflecting the value of services and facilities provided to the airport;

"(B) use of airport revenues for general economic development, marketing, and promotional

activities unrelated to airports or airport systems;

"(C) payments in lieu of taxes or other assessments that exceed the value of services provided; or

"(D) payments to compensate nonsponsoring governmental bodies for lost tax revenues exceeding stated tax rates.

"(3) **EFFORTS TO BE SELF-SUSTAINING.**—With respect to subsection (a)(9), such policies and procedures shall take into account, at a minimum, whether owners and operators of airports, when entering into new or revised agreements or otherwise establishing rates, charges, and fees, have undertaken reasonable efforts to make their particular airports as self-sustaining as possible under the circumstances existing at such airports.

"(4) **ADMINISTRATIVE SAFEGUARDS.**—Such policies and procedures shall mandate internal controls, auditing requirements, and increased levels of Department of Transportation personnel sufficient to respond fully and promptly to complaints received regarding possible violations of subsections (a)(9) and (a)(12) and related grant assurances and to alert the Secretary to such possible violations."

(b) **JUDICIAL ENFORCEMENT.**—If any airport sponsor violates section 511(a)(12) of the Airport and Airway Improvement Act of 1982 (49 App. U.S.C. 2210(a)(12)) or any grant assurance thereunder, or violates section 536(d) of such Act, the Secretary may apply to the district court of the United States, for any district in which such airport sponsor carries on business or in which the violation occurred, for the enforcement of such section or assurance; and such court shall have jurisdiction to enforce obedience thereto by a writ of injunction or other process, mandatory or otherwise, restraining such airport sponsor from further violation of such section or assurance and requiring their obedience thereto.

(c) **WITHHOLDING OF APPROVAL OF APPLICATIONS FOR GRANTS OR PASSENGER FACILITY CHARGES.**—Section 519 of the Airport and Airway Improvement Act of 1982 (49 App. U.S.C. 2218) is amended by adding at the end the following new subsection:

"(c) **ACTION ON GRANT ASSURANCES CONCERNING AIRPORT REVENUES.**—If after notice and opportunity for a hearing the Secretary finds a violation of section 511(a)(12), as further defined by the Secretary under section 511(i), or a violation of an assurance under section 511(a)(12), and the Secretary has provided an opportunity for the airport sponsor to take corrective action to cure such violation and such corrective action has not been taken within the period of time set by the Secretary, the Secretary shall withhold approval of any new grant application for funds under this Act, or any proposed modification to an existing grant that would increase the amount of funds made available under this Act to the airport sponsor, and withhold approval of any new application to impose a fee under section 1113(e) of the Federal Aviation Act of 1958 (49 App. U.S.C. 1513(e)). Such applications may thereafter be approved only upon a finding by the Secretary that such corrective action as the Secretary requires has been taken to address the violation and that the violation no longer exists."

(d) **CIVIL PENALTIES.**—(1) Section 901(a)(1) of the Federal Aviation Act of 1958 (49 App. U.S.C. 1471(a)(1)) is amended—

(A) by inserting "or (C) section 511(a)(12) of the Airport and Airway Improvement Act of 1982 (49 App. U.S.C. 2210(a)(12)) or any assurance thereunder," immediately after "under this Act," in the first sentence; and

(B) by inserting a semicolon and "except that in the case of a violation of section 511(a)(12) of the Airport and Airway Improvement Act of 1982

(49 App. U.S.C. 2210(a)(12)), the maximum civil penalty for a continuing violation shall not exceed \$50,000" immediately before the period at the end of the second sentence.

(2) Section 901(a)(3)(A) of the Federal Aviation Act of 1958 (49 App. U.S.C. 1471(a)(3)(A)) is amended by inserting ", or a violation of section 511(a)(12) of the Airport and Airway Improvement Act of 1982 (49 App. U.S.C. 2210(a)(12)), as further defined by the Secretary under section 511(i) of such Act, or a violation of an assurance under such section 511(a)(12)" immediately before the period at the end.

(3) Section 901(a)(3)(E) of the Federal Aviation Act of 1958 (49 App. U.S.C. 1471(a)(3)(E)) is amended by adding at the end the following new clause:

"(iv) **CERTAIN VIOLATIONS OF AIRPORT AND AIRWAY IMPROVEMENT ACT OF 1982.**—In the case of a violation of section 511(a)(12) of the Airport and Airway Improvement Act of 1982 or an assurance thereunder—

"(I) a civil penalty shall not be assessed against an individual;

"(II) a civil penalty may be compromised as provided under paragraph (2) of this section; and

"(III) judicial review of any order assessing a civil penalty may be obtained only pursuant to section 1006 of this Act."

#### SEC. 504. RESOLUTION OF AIRPORT-AIR CARRIER DISPUTES CONCERNING AIRPORT FEES.

The Airport and Airway Improvement Act of 1982 (49 App. U.S.C. 2201 et seq.), as amended by this Act, is further amended by adding at the end the following new section:

#### "SEC. 536. RESOLUTION OF AIRPORT-AIR CARRIER DISPUTES CONCERNING AIRPORT FEES.

"(a) **AUTHORITY TO REQUEST SECRETARY'S DETERMINATION.**—

"(1) **IN GENERAL.**—The Secretary shall issue a determination as to whether a fee imposed upon one or more air carriers by the owner or operator of an airport is reasonable, if—

"(A) a written request for such determination is filed with the Secretary by such owner or operator; or

"(B) a written complaint requesting such determination is filed with the Secretary by an affected air carrier within 60 days after such carrier receives written notice of the establishment, or increase, of such fee.

"(2) **CALCULATION OF FEE.**—A fee subject to a determination of reasonableness under this section may be calculated pursuant to either a compensatory or residual fee methodology or any combination thereof.

"(3) **SECRETARY NOT TO SET FEE.**—In determining whether a fee is reasonable under this section, the Secretary may only determine whether the fee is reasonable or unreasonable and shall not set the level of the fee.

"(b) **PROCEDURAL REGULATIONS.**—The Secretary, not later than 90 days after the date of enactment of this section, shall publish in the Federal Register final regulations, policy statements, or guidelines establishing—

"(1) the procedures for acting upon any written request or complaint filed under subsection (a)(1); and

"(2) the standards or guidelines that shall be used by the Secretary in determining under this subsection whether an airport fee is reasonable.

"(c) **DECISIONS BY SECRETARY.**—The final regulations, policy statements, or guidelines required in subsection (b) shall provide the following:

"(1) Not more than 120 days after an air carrier files with the Secretary a written complaint relating to an airport fee, the Secretary shall issue a final order determining whether such fee is reasonable.

"(2) Within 30 days after such complaint is filed with the Secretary, the Secretary shall dismiss the complaint if no significant dispute exists or shall assign the matter to an administrative law judge; and thereafter the matter shall be handled in accordance with part 302 of title 14, Code of Federal Regulations, and any specifically applicable provisions of this section.

"(3) The administrative law judge shall issue a recommended decision within 90 days after the complaint is filed or within such shorter period as the Secretary may specify.

"(4) If the Secretary, upon the expiration of 120 days after the filing of the complaint, has not issued a final order, the decision of the administrative law judge shall be deemed to be the final order of the Secretary.

"(5) Any party to the dispute may seek review of a final order of the Secretary under this subsection in the courts of appeal of the United States.

"(6) Any findings of fact in a final order of the Secretary under this subsection, if supported by substantial evidence, shall be conclusive if challenged in a court pursuant to this subsection. No objection to such a final order shall be considered by the court unless objection was urged before an administrative law judge or the Secretary at a proceeding under this subsection or, if not so urged, unless there were reasonable grounds for failure to do so.

"(d) ESCROW; GUARANTEE OF AIR CARRIER ACCESS.—

"(1) ESCROW.—Any fee increase or newly established fee (except for a fee paid as part of an agreement entered into prior to June 9, 1994, under which such fee is paid under protest), which is the subject of a complaint that is not dismissed by the Secretary, shall be paid by the complainant air carrier into an appropriate escrow account maintained for such purpose, until final disposition of the matter by the Secretary. The balance of the escrow account, including any interest accumulated thereon, shall be disbursed in accordance with directions in the final order of the Secretary.

"(2) GUARANTEE OF AIR CARRIER ACCESS.—Contingent upon an air carrier's compliance with the escrow requirements of paragraph (1) and pending the issuance of a final order of the Secretary determining the reasonableness of a fee that is the subject of a complaint filed under subsection (a)(1)(B), an owner or operator of an airport may not deny an air carrier currently providing air service at the airport reasonable access to airport facilities or service, or otherwise interfere with an air carrier's rates, routes, or services, as a means of enforcing the fee.

"(e) APPLICABILITY.—This section does not apply to—

"(1) a fee imposed pursuant to a written agreement with air carriers using the facilities of an airport;

"(2) a fee imposed pursuant to a financing agreement or covenant entered into prior to the date of enactment of this section; or

"(3) any other existing fee not in dispute as of such date of enactment.

"(f) EFFECT ON EXISTING AGREEMENTS.—Nothing in this section shall adversely affect—

"(1) the rights of any party under any existing written agreement between an air carrier and the owner or operator of an airport; or

"(2) the ability of an airport to meet its obligations under a financing agreement, or covenant, that is in force as of the date of enactment of this section.

"(g) DEFINITION.—In this section, the term 'fee' means any rate, rental charge, landing fee, or other service charge for the use of airport facilities."

## TITLE VI—COMMITTEE OVERSIGHT HEARINGS

### SEC. 601. SCOPE OF THE HEARINGS.

The Committee on Banking, Housing, and Urban Affairs (referred to as the "committee") shall—

(1) conduct hearings into whether improper conduct occurred regarding—

(A) communications between officials of the White House and the Department of the Treasury or the Resolution Trust Corporation relating to the Whitewater Development Corporation and the Madison Guaranty Savings and Loan Association;

(B) the Park Service Police investigation into the death of White House Deputy Counsel Vincent Foster; and

(C) the way in which White House officials handled documents in the office of White House Deputy Counsel Vincent Foster at the time of his death; and

(2)(A) make such findings of fact as are warranted and appropriate;

(B) make such recommendations, including recommendations for new legislation and amendments to existing laws and any administrative or other actions, as the committee may determine to be necessary or desirable; and

(C) fulfill the Constitutional oversight and informing function of the Congress with respect to the matters described in this section.

The hearings authorized by this title shall begin on a date determined by the Majority Leader, in consultation with the Minority Leader, but no later than the earlier of July 29, 1994, or within 30 days after the conclusion of the first phase of the independent counsel's investigation.

### SEC. 602. MEMBERSHIP, ORGANIZATION, AND JURISDICTION OF THE COMMITTEE FOR PURPOSES OF THE HEARINGS.

(a)(1) For the sole purpose of conducting the hearings authorized by this title, the committee shall consist of—

(A) the members of the Committee on Banking, Housing, and Urban Affairs, who shall, in serving as members of the committee, reflect the legislative and oversight interests of other committees of the Senate with a jurisdictional interest (if any) in the hearings authorized in paragraph (1) of section 601 as provided in subparagraph (B);

(B)(i) Senator Kerry and Senator Bond from the Committee on Small Business;

(ii) Senator Riegle and Senator Roth from the Committee on Finance; and

(iii) Senator Shelby and Senator Domenici from the Subcommittee on Public Lands, Parks, and Forests of the Committee on Energy and Natural Resources;

(iv) Senator Moseley-Braun from the Committee on the Judiciary; and

(v) Senator Sasser and Senator Roth from the Permanent Subcommittee on Investigations; and

(C) the ranking member of the Committee on the Judiciary who shall serve for purposes of considering matters within the jurisdiction of the Committee on the Judiciary, but shall not serve as a voting member of the committee.

(2) For the purpose of paragraph 4 of rule XXV of the Standing Rules of the Senate, service of the ranking member of the Committee on the Judiciary as a member of the committee shall not be taken into account.

(b) The jurisdiction of the committee shall encompass the jurisdiction of the committees and subcommittees listed in subsection (a)(1)(B), to the extent, if any, pertinent to the hearings authorized by this title.

(c) A majority of the members of the committee shall constitute a quorum for reporting a matter or recommendation to the Senate, except that the committee may fix a lesser number as a quorum for the purpose of taking testimony before the committee or for conducting the other

business of the committee as provided in paragraph 7 of rule XXV of the Standing Rules of the Senate.

### SEC. 603. ADDITIONAL STAFF FOR THE COMMITTEE.

(a) The committee, through the chairman, may request and use, with the prior consent of the chairman of any committee or subcommittee listed in section 602(a)(1)(B), the services of members of the staff of such committee or subcommittee.

(b) In addition to staff provided pursuant to subsection (a) and to assist the committee in its hearings, the chairman may appoint and fix the compensation of additional staff.

### SEC. 604. PUBLIC ACTIVITIES OF THE COMMITTEE.

(a) Consistent with the rights of persons subject to investigation and inquiry, the committee shall make every effort to fulfill the right of the public and the Congress to know the essential facts and implications of the activities of officials of the United States Government with respect to the matters covered by the hearings as described in section 601.

(b) In furtherance of the public's and Congress' right to know, the committee—

(1) shall hold, as the chairman (in consultation with the ranking member) considers appropriate and in accordance with paragraph 5(b) of rule XXVI of the Standing Rules of the Senate, open hearings subject to consultation and coordination with the independent counsel appointed pursuant to title 28, parts 600 and 603, of the Code of Federal Regulations (referred to as the "independent counsel");

(2) may make interim reports to the Senate as it considers appropriate; and

(3) shall, in order to accomplish the purposes set forth in subsection (a), make a final comprehensive public report to the Senate of the findings of fact and any recommendations specified in paragraph (2) of section 601.

### SEC. 605. POWERS OF THE COMMITTEE.

(a) The committee shall do everything necessary and appropriate under the laws and Constitution of the United States to conduct the hearings specified in section 601.

(b) The committee is authorized to exercise all of the powers and responsibilities of a committee under rule XXVI of the Standing Rules of the Senate and section 705 of the Ethics in Government Act of 1978 (2 U.S.C. 288d), including the following:

(1) To issue subpoenas or orders for the attendance of witnesses or for the production of documentary or physical evidence before the committee. A subpoena may be authorized by the committee or by the chairman with the agreement of the ranking member and may be issued by the chairman or any other member designated by the chairman, and may be served by any person designated by the chairman or the authorized member anywhere within or without the borders of the United States to the full extent permitted by law. The chairman of the committee, or any other member thereof, is authorized to administer oaths to any witnesses appearing before the committee.

(2) Except that the committee shall have no power to exercise the powers of a committee under section 6005 of title 18, United States Code for immunizing witnesses.

(3) To procure the temporary or intermittent services of individual consultants, or organizations thereof.

(4) To use on a reimbursable basis, with the prior consent of the Government department or agency concerned, the services of personnel of such department or agency.

(5) To report violations of any law to the appropriate Federal, State, or local authorities.

(6) To expend, to the extent the committee determines necessary and appropriate, any money

made available to such committee by the Senate to conduct the hearings and to make the reports authorized by this title.

(7) To require by subpoena or order the attendance, as witnesses, before the committee or at depositions, any person who may have knowledge or information concerning matters specified in section 601(1).

(8) To take depositions under oath anywhere within the United States, to issue orders by the chairman or his designee which require witnesses to answer written interrogatories under oath.

(9) To issue commissions and to notice depositions for staff members to examine witnesses and to receive evidence under oath administered by an individual authorized by law to administer oaths. The committee, acting through the chairman, may delegate to designated staff members the power to authorize and issue commissions and deposition notices.

(c)(1) Subject to the provisions of paragraph (2), the committee shall be governed by the rules of the Committee on Banking, Housing, and Urban Affairs, except that the committee may modify its rules for purposes of the hearings conducted under this title. The committee shall cause any such amendments to be published in the Congressional Record.

(2) The committee's rules shall be consistent with the Standing Rules of the Senate and this title.

#### SEC. 606. RELATION TO OTHER INVESTIGATIONS.

In order to—

(1) expedite the thorough conduct of the hearings authorized by this title;

(2) promote efficiency among all the various investigations underway in all branches of the United States Government; and

(3) engender a high degree of confidence on the part of the public regarding the conduct of such hearing,

the committee is encouraged—

(A) to obtain relevant information concerning the status of the independent counsel's investigation to assist in establishing a hearing schedule for the committee; and

(B) to coordinate, to the extent practicable, its activities with the investigation of the independent counsel.

#### SEC. 607. SALARIES AND EXPENSES.

Senate Resolution 71 (103d Congress) is amended—

(1) in section 2(a) by striking "\$56,428,119" and inserting "\$56,828,419"; and

(2) in section 6(c) by striking "\$3,220,767" and inserting "\$3,620,767".

#### SEC. 608. REPORTS; TERMINATION.

(a) The committee shall make the final public report to the Senate required by section 604(b) not later than the end of the One Hundred Third Congress.

(b) The final report of the committee may be accompanied by whatever confidential annexes are necessary to protect confidential information.

(c) The authorities granted by this title shall terminate 30 days after submission of the committee's final report. All records, files, documents, and other materials in the possession, custody, or control of the committee shall remain under the control of the regularly constituted Committee on Banking, Housing, and Urban Affairs.

#### SEC. 609. COMMITTEE JURISDICTION AND RULE XXV.

The jurisdiction of the committee is granted pursuant to this title notwithstanding the provisions of paragraph 1 of rule XXV of the Standing Rules of the Senate relating to the jurisdiction of the standing committees of the Senate.

#### SEC. 610. COMMITTEE FUNDING AND RULE XXVI.

The supplemental authorization for the committee is granted pursuant to this title notwith-

standing the provisions of paragraph 9 of rule XXVI of the Standing Rules of the Senate.

#### SEC. 611. ADDITIONAL HEARINGS.

(a) In the fulfillment of the Senate's constitutional oversight role, additional hearings on the matters identified in the resolution passed by the Senate by a vote of 98-0 on March 17, 1994 should be authorized as appropriate under, and in accordance with, the provisions of that resolution.

(b) Any additional hearings should be structured and sequenced in such a manner that in the judgement of the two leaders they would not interfere with the ongoing investigation of Special Counsel Robert B. Fiske, Jr.

#### SEC. 612. ADDITIONAL HEARINGS.

(a) In the fulfillment of the Senate's constitutional oversight role, additional hearings on the matters identified in the resolution passed by the Senate by a vote of 98-0 on March 17, 1994 should be authorized as appropriate under, and in accordance with, the provisions of that resolution.

(b) Any additional hearings should be structured and sequenced in such a manner that in the judgement of the two leaders they would not interfere with the ongoing investigation of Special Counsel Robert B. Fiske, Jr.

#### SEC. 613. ADDITIONAL HEARINGS.

(a) In the fulfillment of the Senate's constitutional oversight role, additional hearings on the matters identified in the resolution passed by the Senate by a vote of 98-0 on March 17, 1994 should be authorized as appropriate under, and in accordance with, the provisions of that resolution.

(b) Any additional hearings should be structured and sequenced in such a manner that in the judgement of the two leaders they would not interfere with the ongoing investigation of Special Counsel Robert B. Fiske, Jr.

#### SEC. 614. ADDITIONAL HEARINGS.

(a) In the fulfillment of the Senate's constitutional oversight role, additional hearings on the matters identified in the resolution passed by the Senate by a vote of 98-0 on March 17, 1994 should be authorized as appropriate under, and in accordance with, the provisions of that resolution.

(b) Any additional hearings should be structured and sequenced in such a manner that in the judgement of the two leaders they would not interfere with the ongoing investigation of Special Counsel Robert B. Fiske, Jr.

#### SEC. 615. HEARING DATE.

Notwithstanding any other provision of this Act, for purposes of conducting such hearings and related activities of the Committee on Banking, Housing, and Urban Affairs required under this Act, such hearings shall begin on a date no later than July 29, 1994, or within 30 days after the conclusion of the first phase of the independent counsel's investigation, whichever is the earlier.

#### SEC. 616. ADDITIONAL HEARINGS.

(a) In the fulfillment of the Senate's constitutional oversight role, additional hearings on the matters identified in the resolution passed by the Senate by a vote of 98-0 on March 17, 1994 should be authorized as appropriate under, and in accordance with, the provisions of that resolution.

(b) Any additional hearings should be structured and sequenced in such a manner that in the judgement of the two leaders they would not interfere with the ongoing investigation of Special Counsel Robert B. Fiske, Jr.

#### SEC. 617. ADDITIONAL HEARINGS.

(a) In the fulfillment of the Senate's constitutional oversight role, additional hearings on the matters identified in the resolution passed by the Senate by a vote of 98-0 on March 17, 1994 should be authorized as appropriate under, and

in accordance with, the provisions of that resolution.

(b) Any additional hearings should be structured and sequenced in such a manner that in the judgement of the two leaders they would not interfere with the ongoing investigation of Special Counsel Robert B. Fiske, Jr.

#### SEC. 618. ADDITIONAL HEARINGS.

(a) In the fulfillment of the Senate's constitutional oversight role, additional hearings on the matters identified in the resolution passed by the Senate by a vote of 98-0 on March 17, 1994 should be authorized as appropriate under, and in accordance with, the provisions of that resolution.

(b) Any additional hearings should be structured and sequenced in such a manner that in the judgement of the two leaders they would not interfere with the ongoing investigation of Special Counsel Robert B. Fiske, Jr.

#### SEC. 619. ADDITIONAL HEARINGS.

(a) In the fulfillment of the Senate's constitutional oversight role, additional hearings on the matters identified in the resolution passed by the Senate by a vote of 98-0 on March 17, 1994 should be authorized as appropriate under, and in accordance with, the provisions of that resolution.

(b) Any additional hearings should be structured and sequenced in such a manner that in the judgement of the two leaders they would not interfere with the ongoing investigation of Special Counsel Robert B. Fiske, Jr.

### MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.

### EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

### EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-2875. A communication from the Chairman of the Farm Credit System Insurance Corporation, transmitting, pursuant to law, the annual report for calendar year 1993; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2876. A communication from the President of the United States, transmitting, pursuant to law, a report relative to the fiscal year 1995 appropriations request of the Department of Energy; to the Committee on Appropriations.

EC-2877. A communication from the Comptroller General of the Department of Defense, transmitting, pursuant to law, a report of a violation of the Antideficiency Act, case number 92-3; to the Committee on Appropriations.

EC-2878. A communication from the Secretary of Housing and Urban Development, transmitting, pursuant to law, the report entitled "Revised Methods of Providing Federal Funds for Public Housing Agencies"; to the Committee on Banking, Housing, and Urban Affairs.

### REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. NUNN, from the Committee on Armed Services, without amendment:

S. 2206. An original bill to revise and streamline the acquisition laws of the Federal Government, and for other purposes.

S. 2207. An original bill to revise, streamline, and reform the acquisition laws of the Federal Government, and for other purposes.

S. 2208. An original bill to authorize appropriations for fiscal year 1995 for military activities of the Department of Defense, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

S. 2209. A bill to authorize appropriations for fiscal year 1995 for military construction, and for other purposes.

S. 2210. An original bill to authorize appropriations for fiscal year 1995 for defense activities of the Department of Energy, and for other purposes.

S. 2211. An original bill to authorize appropriations for fiscal year 1995 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy; to prescribe personnel strengths for such fiscal year for the Armed Forces; to revise and streamline the acquisition laws of the Federal Government; and for other purposes.

By Mr. BYRD, from the Committee on Appropriations:

Special report entitled "Revised Allocation to Subcommittees of Budget Totals from the Concurrent Resolution for Fiscal Year 1995" (Report No. 103-289).

### 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. NUNN:

S. 2206. An original bill to revise and streamline the acquisition laws of the Federal Government, and for other purposes; from the Committee on Armed Services; placed on the calendar.

S. 2207. An original bill to revise, streamline, and reform the acquisition laws of the Federal Government, and for other purposes; from the Committee on Armed Services; placed on the calendar.

S. 2208. An original bill to authorize appropriations for fiscal year 1995 for military activities of the Department of Defense, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; from the Committee on Armed Services; placed on the calendar.

S. 2209. A bill to authorize appropriations for fiscal year 1995 for military construction, and for other purposes; from the Committee on Armed Services; placed on the calendar.

S. 2210. An original bill to authorize appropriations for fiscal year 1995 for defense activities of the Department of Energy, and for other purposes; from the Committee on Armed Services; placed on the calendar.

S. 2211. An original bill to authorize appropriations for fiscal year 1995 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy; to prescribe personnel strengths for such fiscal year for the Armed Forces; to revise and streamline the acquisition laws of the Federal Government; and for other purposes; from the Committee on Armed Services; placed on the calendar.

By Mr. HEFLIN:

S. 2212. A bill to provide guidelines for the membership of committees making recommendations on the rules of procedure appointed by the Judicial Conference, and for other purposes; to the Committee on the Judiciary.

By Mr. BENNETT (for himself and Mr. HATCH):

S. 2213. A bill to make applicable the provisions of the Act commonly known as the "Warren Act" to the Central Utah Project, Utah, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. RIEGLE (for himself and Mrs. BOXER):

S. 2214. A bill to amend the Social Security Act to establish grants for States to carry out Children's Ombudsman programs, and for other purposes; to the Committee on Finance.

By Mr. BYRD (for Mr. LIEBERMAN (for himself and Mr. DURENBERGER):

S. 2215. A bill to establish rules governing product liability actions against raw materials and bulk component suppliers to medical device manufacturers, and for other purposes; to the Committee on Commerce, Science, and Transportation.

### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BYRD (for Mr. WOFFORD):

S. Res. 230. A resolution to designate and assign two permanent Senate offices to each State; to the Committee on Rules and Administration.

### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HEFLIN:

S. 2212. A bill to provide guidelines for the membership of committees making recommendations on the rules of procedure appointed by the Judicial Conference, and for other purposes; to the Committee on the Judiciary.

#### AMENDING THE RULES ENABLING ACT

Mr. HEFLIN. Mr. President, sections 2071 through 2077 of title 28 of the United States Code are the cluster of statutory provisions authorizing the Supreme Court to issue the rules under which the various Federal courts function. While there have been many amendments to these sections over the years, the group is commonly referred to as the Rules Enabling Act. The original act, adopted in 1934, did not provide for committees to aid the Supreme Court in exercising this responsibility, but Chief Justice Hughes decided to appoint an advisory commit-

tee, whose original membership consisted of 13 members. Former Attorney General William Mitchell chaired the committee, which contained four law professors and very distinguished lawyers, including the president of the American Bar Association and the president of the American Law Institute. Between 1935 and the final promulgation of the rules in 1938, there were some changes in the personnel. Four practicing lawyers, two professors, and one district court judge became members of the committee. For the stupendous impact on the legal system of America, no subsequent rules have had the dynamic quality of those original rules.

Over time, Congress has refined the system. The assistance of the committees is now regularized by statute—see 29 U.S.C. section 2073(a)(2)—and this section of the statute provides that the various committees, like the early committee, "shall consist of members of the bench and the professional bar and trial and appellate judges." The members are appointed by the Chief Justice of the United States.

The rulemaking system, as spread over the various branches of court system with rules of civil, criminal, appeals, evidence, bankruptcy, et cetera, has on the whole worked fairly well. Suffice it to say that today the rules pass from advisory committees to a central standing committee, and from there go to the Judicial Conference of the United States, which does in fact exercise a meaningful supervisory function. For example, last year the Conference deleted a rule which had been recommended to it by the committee structure in the civil field. After the Conference approves a rule, it then passes to the Supreme Court of the United States, whose members have somewhat differing views as to what function they can be expected actually to perform; there is some sentiment for letting the process stop with the Judicial Conference. Next, the rules pass to Congress, and if it does not disapprove them within 180 days, they become effective.

I turn now to the exact matter at issue. I can most easily do so by quoting from a statement by the American Bar Association, dated March 28, 1994, to the relevant committee of the Judicial Conference:

In 1935, when work was begun on the Federal rules, the advisory committee that did the drafting was comprised of nine lawyers and four academics; there were no judges involved. In 1960, when the advisory committee was reconstituted, a majority of its members were practicing lawyers. As late as 1981, 40 percent of the advisory committee were practitioners. Today, no more than four members of the key panel of 13 civil rules drafters are trial lawyers. While the inclusion of judges in the process has had undoubted benefit, the near-total exclusion of practicing trial lawyers has skewed the process and its product. We are not confident, as a consequence, that the process has produced

rules that respond to the concerns of litigants and the lawyers who represent them in court. This trend must be reversed and lawyers restored to a position of real responsibility in the rules drafting process. In order to do this most effectively, and to benefit from the positive and valuable contributions of practicing lawyers to the rules process, the membership on all the advisory committees should be expanded to include more bar representation.

I believe this position is well taken. Clearly a gulf has arisen between the rulemakers and the bar which must live under those rules. In connection with the civil rules of last year, the Judiciary Subcommittee on Courts and Administrative Practice, which I chair, held hearings on the proposed rules changes, and we were overwhelmed by representatives of the bar strenuously objecting to several of the proposed rule changes. Both the House and Senate relevant committees concluded that the bar protests should be honored and that the rules should be changed; however, tangles in our own procedures prevented the more objectionable proposals from being deleted and all of the proposed changes went into effect on December 1, 1993.

The bill I offer today would restore the composition of these committees which existed from the original rules in 1935 until approximately 1980 and which have been altered only in very recent times. This bill provides that a majority of all the Rules Committees shall be drawn from the practicing bar. It by no means diminishes the valuable role of academics and of judges, but it would restore to the bar a voice of responsibility.

At the present time, under our statutes, the Rules Committees conduct extensive hearings. These become so crowded that individual presentations are necessarily brief, but they are balanced in the sense of giving broad scope to those who may participate. What is presented at those hearings, what is developed by the committee reporters and staff, and what is proposed by the various committee members themselves, are all put into a mix which must be finally shaped by the committee itself. In my judgment, those committees are seriously lacking in balance. Their work product goes to the Judicial Conference, by definition composed entirely of judges; and assuming that the Supreme Court stays in the process, then to that body which is of course composed entirely of judges. Somewhere in the process, making rules under which the courts shall function and the bar of the country shall do its business, there should be more room for the effective voice of the bar itself.

My proposal does not limit the broad discretion of the Chief Justice of the United States, who will continue to select the membership of the various committees subject only to the restriction that a majority should be mem-

bers of the bar. I comfortably leave it to his good judgment as to how to achieve balanced committees.

I offer this bill, to provide that the majority of the various committees shall be composed of practicing lawyers, in order to restore that balance, and I urge its consideration by my colleagues in the Senate. Mr. President, I request unanimous consent that the text of the bill be included in the RECORD.

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

S. 2212

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

**SECTION 1. MEMBERSHIP OF COMMITTEES MAKING RECOMMENDATIONS ON RULES OF PROCEDURE.**

Section 2073(a)(2) of title 28, United States Code, is amended by striking out the second sentence and inserting in lieu thereof "Each such committee shall have a majority of members of the practicing bar, and also shall have members of the bench (including trial and appellate judges) and academics."

By Mr. BENNETT (for himself and Mr. HATCH):

S. 2213. A bill to make applicable the provisions of the act commonly known as the Warren Act to the central Utah project, Utah, and for other purposes; to the Committee on Energy and Natural Resource.

**LEGISLATION MAKING THE WARREN ACT APPLICABLE TO THE CENTRAL UTAH PROJECT**

• Mr. BENNETT. Mr. President, today I am introducing legislation which will allow the Central Utah Water Conservancy District [CUWCD] to wheel Provo City water through the district's water delivery system.

The legislation will assist the district in implementing its water conservation programs. As a water wholesaler, the Central Utah Water Conservancy District has been studying ways to work with local cities and counties to avoid duplication of water facilities and to increase the more efficient use of water treatment and delivery systems.

This legislation clarifies that the Department of the Interior, or its agent, the Bureau of Reclamation, may enter into nonproject water storage and carriage agreements on a space available basis in the CUP project works, pursuant to the Warren Act.

This legislation is not without precedent. This type of Warren Act authority already exists in California and Nevada and the identical authority was passed in the Reclamation States Emergency Drought Relief Act of 1991 (Pub. L. 102-250).•

Mr. HATCH. Mr. President, I rise to join my colleague from Utah, Senator BENNETT, in sponsoring this legislation.

The purpose of this legislation is to enhance the ability of the Central Utah

project [CUP] to implement certain water conservation programs throughout the 13 counties that the project serves.

My colleagues will remember that Congress passed legislation containing the CUP Completion Act, Public Law 102-575. This legislation authorized the completion of this critical water project for Utah. An important part of this law was a directive to the entity managing the completion of the CUP, the Central Utah Water Conservancy District, to study ways of achieving improved efficiencies in water management and delivery systems. Accomplishing this task through cooperative efforts with local water systems while conserving water, protecting instream flows, and avoiding duplication of facilities, has been the district's primary objective.

In recent months, the question has been raised as to whether the district has the authority to move nonproject water through CUP facilities as part of the district's overall water conservation and management planning program.

The legislation Senator BENNETT and I are introducing today is necessary to clarify that the Secretary of the Interior, through the Commissioner of the Bureau of Reclamation, may enter into nonproject water storage and carriage agreements on a space available basis in project works. This authority would be granted pursuant to the Warren Act signed into law on February 21, 1911, which is found at 43 U.S.C. 523, as amended. Additionally, the intent of our bill is that all appropriate costs associated with the movement on nonproject water would be recovered through the rates and charges included in each contract.

My colleagues should note that the authority this bill would extend to the CUP now exists in several other Bureau of Reclamation projects. These include the Central Valley project, the Cachuma project, and the Ventura River project, all located in California, and the Truckee Storage and Washoe projects in Nevada.

This legislation has the complete support of the primary sponsor of the Central Utah project, the Central Utah Water Conservancy District. I believe officials with the Bureau of Reclamation are also sympathetic to this problem and are willing to work toward a resolution of this matter.

This is a noncontroversial measure that is necessary to make our project more versatile in achieving its ultimate objectives. I urge my colleagues to support this legislation.

By Mr. RIEGLE (for himself and Mrs. BOXER):

S. 2214. A bill to amend the Social Security Act to establish grants for States to carry out Children's Ombudsman programs, and for other purposes; to the Committee on Finance.

## CHILDREN'S OMBUDSMAN ACT

● Mr. RIEGLE. Mr. President, today I am introducing a bill that I hope will lead to the creation of a children's ombudsman office in each State. This legislation will give the Department of Health and Human Services the power to establish demonstration projects in 10 States. These demonstrations will create an ombudsman office responsible for overseeing the range of services that are in place to serve and protect the children in this country. These ombudsmen would serve as advocates for children—who both speak on behalf of children's interests and who understand the legislative and legal processes.

Mr. President, it becomes increasingly important with each passing day that greater efforts be made to ensure the safety and health of our youngest citizens. During this session, Congress has addressed a number of key issues affecting children, including expanding family support efforts, improving the Head Start Program, establishing goals in our education system, increasing funding for a number of children's programs, and increasing our immunization efforts against childhood disease.

I am hopeful that, in the coming weeks, Congress will take further actions to promote the well-being of our Nation's children. Key among these efforts will be enacting a national health plan. In addition, as we reform the current welfare system we must ensure that the system protects the rights and needs of affected children. An ombudsman could play a critical role in welfare reform and I think this bill can be an important component to what we finally enact.

At the State level, an ombudsman would perform many important functions including assisting parents in their search for quality child care; overseeing the enforcement of the protective services laws and the operation of the foster care system; providing critical warning to appropriate officials whenever the health and welfare of a child is endangered. Finally a children's ombudsman would be a public advocate for children's programs and interests before the State and local leaders who are making critical funding decisions. No downsizing of government and no effort to win votes should come at the expense of children who cannot vote, do not organize, and will not protest.

There is much that we still need to do for the children of the United States. Last year alone there were 1 million confirmed cases of child abuse and neglect, and 1,300 children died from child abuse. In addition, an estimated 460,000 children were in foster care—double the numbers of one decade ago. One in four children under the age of 3—nearly 3 million—live in families that are in poverty. Over the last 20 years the number of children under 6

has grown by less than 10 percent but the number of poor children under 6 have grown by 60 percent. It is painfully apparent that we are not doing enough to protect our children.

Mr. President, we can, and we must, do a better job of protecting the welfare of our Nation's children. It is my hope this legislation will play one small part in reaching that goal.

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

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

S. 2214

*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 "Children's Ombudsman Act".

## SEC. 2. GRANTS FOR STATE CHILDREN'S OMBUDSMAN PROGRAMS.

Title IV of the Social Security Act (42 U.S.C. 601 et seq.) is amended by adding at the end the following:

## "PART G—STATE CHILDREN'S OMBUDSMAN PROGRAMS

## "STATE PROGRAMS

"SEC. 491. (a) DEFINITIONS.—As used in this section:

"(1) CHILD.—The term 'child' means an individual who is younger than 18 years of age.

"(2) CHILDREN'S SERVICES.—The term 'children's services' means child welfare services, as defined in section 425, child protective services, including investigation and intervention in response to cases of reported child abuse and neglect, and services authorized to be provided under part E.

"(3) FACILITY.—The term 'facility' means—  
 "(A) a child-care institution, or a foster family home, as defined in section 472(c), or an entity eligible to carry out activities under part E;

"(B) an entity eligible to carry out activities under part B; and

"(C) an entity providing child protective services, including investigation and intervention in response to cases of reported child abuse and neglect.

"(4) LEGAL ASSISTANCE.—The term "legal assistance"—

"(A) means legal advice provided by an attorney to children; and

"(B) includes—

"(i) to the extent feasible, counseling or other appropriate assistance by a paralegal or law student under the direct supervision of an attorney; and

"(ii) counseling by a nonlawyer where permitted by law.

"(5) LOCAL OMBUDSMAN ENTITY.—The term 'local Ombudsman entity' means an entity designated under subsection (c)(5)(A) to carry out the duties described in subsection (c)(5)(B) with respect to a service area described in subsection (c)(1)(D)(iii) or other substate area.

"(6) NONPROFIT.—The term 'nonprofit', as applied to any organization or entity, means an organization or entity that is, or is owned and operated by, one or more corporations or associations no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual.

"(7) OFFICE.—The term 'Office' means the office established in subsection (c)(1)(D)(i).

"(8) OMBUDSMAN.—The term 'Ombudsman' means the individual described in subsection (c)(2).

"(9) PROGRAM.—The term 'program' means the State Children's Ombudsman program established in subsection (c)(1)(D)(ii).

"(10) REPRESENTATIVE.—The term 'representative' includes an employee or volunteer who represents an entity designated under subsection (c)(5)(A) and who is individually designated by the Ombudsman.

"(11) RECIPIENT.—The term 'recipient' means a child who receives, or who is eligible to receive, children's services.

"(12) STATE AGENCY.—The term 'State agency' means the agency designated under subsection (c)(1)(A).

## "(b) GRANTS.—

"(1) IN GENERAL.—The Secretary shall award grants to not more than 10 States to carry out Children's Ombudsman programs.

"(2) AWARD OF GRANTS.—In awarding grants under paragraph (1), the Secretary shall—

"(A) award the grants so as to support a variety of approaches to carrying out the programs;

"(B) award at least one such grant to a State to carry out a program by contract or other arrangement with a nonprofit private organization; and

"(C) give preference in the award of grants to States that have demonstrated the availability of non-Federal sources of funds to carry out State Children's Ombudsman programs.

"(3) PERIOD.—In awarding a grant under paragraph (1), the Secretary shall award the grant for a period of 3 years.

"(4) LIMITATION.—A State that receives a grant under paragraph (1) shall use not more than 10 percent of the amounts made available through the grant to conduct the evaluation described in subsection (c)(1)(C).

## "(c) ESTABLISHMENT.—

## "(1) IN GENERAL.—

"(A) STATE AGENCY.—In order for a State to be eligible to receive a grant under subsection (b), the State shall, in accordance with guidance provided by the Secretary, designate a State agency as the sole State agency to carry out the duties described in subparagraphs (B), (C), and (D). The State may not designate a State agency that is responsible for the licensing or regulation of a facility in the State.

## "(B) STATE PLAN.—

"(i) IN GENERAL.—In order for a State to be eligible to receive such a grant, the State agency shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

"(ii) CONTENTS.—The application shall include, at a minimum, a State plan that contains information indicating the manner in which the State will carry out a program in accordance with the requirements of this section.

"(C) IMPLEMENTATION.—The State agency shall administer the State plan within such State, and be primarily responsible for the planning, policy development, administration, coordination, priority setting, and evaluation of all State activities carried out under the State plan.

"(D) PROGRAM.—The State agency shall, in accordance with this section—

"(i) establish and operate an Office of the State Children's Ombudsman;

"(ii) carry out through the Office a State Children's Ombudsman program; and

"(iii) divide the State into distinct service areas, or designate the entire State as a single service area, in accordance with guidelines issued by the Secretary.

"(2) OMBUDSMAN.—The Office shall be headed by an individual, to be known as the State Children's Ombudsman, who shall be selected from among individuals with expertise and experience in the fields regarding care and advocacy for children.

"(3) FUNCTIONS.—The Ombudsman shall serve on a full-time basis, and shall, personally or through representatives of the Office—

"(A) identify, investigate, and resolve complaints that—

"(i) are made by, or on behalf of, recipients or the parents or guardians of recipients; and

"(ii) relate to action, inaction, or decisions, that may adversely affect the health, safety, welfare, or rights of the recipients, of—

"(I) providers, or representatives of providers, of children's services;

"(II) public agencies; or

"(III) health and social service agencies;

"(B) inform the parents or guardians of recipients about means of obtaining children's services provided by providers or agencies described in subparagraph (A)(ii);

"(C) provide administrative and technical assistance to entities designated under paragraph (5) to assist the entities in participating in the program;

"(D)(i) analyze, comment on, and monitor the development and implementation of Federal, State, and local laws, regulations, and other governmental policies and actions, that pertain to the health, safety, welfare, and rights of the recipients, with respect to the adequacy of facilities and children's services for children in the State;

"(ii) recommend to the Governor of the State, the State legislature, and appropriate State agencies, such changes in State laws, regulations, policies, and actions as the Office determines to be appropriate; and

"(iii) facilitate public comment on the Federal, State, and local laws, regulations, policies, and actions;

"(E)(i) provide for recruiting and training representatives of the Office; and

"(ii) promote the development of citizen organizations, to participate in the program; and

"(F) carry out such other activities as the Secretary determines to be appropriate.

"(4) CONTRACTS AND ARRANGEMENTS.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), the State agency may establish and operate the Office, and carry out the program, directly, or by contract or other arrangement with any public agency or nonprofit private organization.

"(B) LICENSING OR REGULATION ENTITIES; ASSOCIATIONS.—Except as provided in subparagraph (C), the State agency may not enter into the contract or other arrangement described in subparagraph (A) with—

"(i) an agency or organization that is responsible for the licensing or regulation of a facility in the State; or

"(ii) an association (or an affiliate of such an association) of facilities.

"(C) WAIVER.—The Secretary may waive the requirements of subparagraph (B) with respect to not more than 3 programs.

"(5) DESIGNATION OF LOCAL OMBUDSMAN ENTITIES AND REPRESENTATIVES.—

"(A) DESIGNATION.—In carrying out the duties of the Office, the Ombudsman may designate an entity as a local Ombudsman entity, and may designate a full-time employee or a volunteer to represent the entity.

"(B) DUTIES.—An individual so designated shall, in accordance with the policies and procedures established by the Office and the State agency—

"(i) identify, investigate, and resolve complaints as described in paragraph (3)(A);

"(ii)(I) review, and if necessary, comment on any existing and proposed laws, regulations, and other government policies and actions, that pertain to the rights and well-being of recipients or of the parents or guardians of recipients; and

"(II) facilitate the ability of the public to comment on the laws, regulations, policies, and actions; and

"(iii) carry out other activities that the Ombudsman determines to be appropriate.

"(C) ELIGIBILITY FOR DESIGNATION.—Entities eligible to be designated as local Ombudsman entities, and individuals eligible to be designated as representatives of such entities, shall—

"(i) have demonstrated capability to carry out the responsibilities of the Office;

"(ii) be free of conflicts of interest;

"(iii) in the case of the entities, be public or nonprofit private entities; and

"(iv) meet such additional requirements as the Ombudsman may specify.

"(D) POLICIES AND PROCEDURES.—

"(i) IN GENERAL.—The State agency shall establish, in accordance with the Office, policies and procedures for monitoring local Ombudsman entities designated to carry out the duties of the Office.

"(ii) CONFIDENTIALITY AND DISCLOSURE.—The State agency shall develop the policies and procedures in accordance with all provisions of this part regarding confidentiality and conflict of interest.

"(d) PROCEDURES FOR ACCESS.—

"(1) IN GENERAL.—The State shall ensure that representatives of the Office shall have—

"(A) access to facilities, recipients, and the parents or guardians of recipients;

"(B) appropriate access to review the medical and social records of a recipient;

"(C) access to the administrative records, policies, and documents, of facilities, in any case in which the parents or guardians of recipients have access, or the general public has access, to such records, policies, and documents; and

"(D) access to and, on request, copies of all licensing or oversight records maintained by the State with respect to facilities.

"(2) PROCEDURES.—The State agency shall establish procedures to ensure the access described in paragraph (1).

"(e) REPORTING SYSTEM.—The State agency shall establish a statewide uniform reporting system to—

"(1) collect and analyze data relating to complaints and conditions in facilities, to recipients, and to the parents or guardians of recipients, for the purpose of identifying and resolving significant problems; and

"(2) submit the data, on a regular basis, to—

"(A) the agency of the State responsible for licensing, regulation, or oversight of facilities in the State;

"(B) the Governor of the State, the State legislature, and other State and Federal entities that the Ombudsman determines to be appropriate; and

"(C) the Secretary.

"(f) DISCLOSURE.—

"(1) IN GENERAL.—The State agency shall establish procedures for the disclosure by the Ombudsman or local Ombudsman entities of files maintained by the program, including records described in subsection (d)(1) or (e).

"(2) IDENTITY OF COMPLAINANT OR RECIPIENT.—The procedures described in paragraph (1) shall—

"(A) provide that, subject to subparagraph (B), the files and records described in paragraph (1) may be disclosed only at the discretion of the Ombudsman (or the person designated by the Ombudsman to disclose the files and records); and

"(B) prohibit the disclosure of the identity of any complainant, recipient, or parent or guardian of a recipient, with respect to whom the Office maintains such files or records unless—

"(i) the complainant, the parent or guardian of the recipient, or the legal representative of the complainant or recipient, parent, or guardian, consents to the disclosure and the consent is given in writing;

"(ii)(I) the complainant, or the parent or guardian of the recipient gives consent orally; and

"(II) the consent is documented contemporaneously in a writing made by a representative of the Office in accordance with such requirements as the State agency shall establish; or

"(iii) the disclosure is required by court order.

"(g) CONSULTATION.—In planning and operating the program, the State agency shall consider the views of—

"(1) agencies providing services for children;

"(2) children;

"(3) providers of care for children;

"(4) State child advocacy groups and local child advocacy groups;

"(5) juvenile court judges and family court judges; and

"(6) persons representing programs that provide court-appointed representation for children.

"(h) CONFLICT OF INTEREST.—The State agency shall—

"(1) ensure that no individual, or member of the immediate family of an individual, involved in the designation of the Ombudsman (whether by appointment or otherwise) or the designation of an entity designated under subsection (c)(5), is subject to a conflict of interest;

"(2) ensure that no officer or employee of the Office, representative of a local Ombudsman entity, or member of the immediate family of the officer, employee, or representative, is subject to a conflict of interest;

"(3) ensure that the Ombudsman—

"(A) except in the case of an Ombudsman with a waiver under subsection (c)(4)(C), does not have a direct involvement in the licensing or regulation of a facility or of a provider of children's services;

"(B) does not have an ownership or investment interest (represented by equity, debt, or other financial relationship) in a facility or in children's services;

"(C) is not employed by, or participating in the management of, a facility; and

"(D) does not receive, or have the right to receive, directly or indirectly, remuneration (in cash or in kind) under a compensation arrangement with an owner or operator of a facility; and

"(4) establish, and specify in writing, mechanisms to identify and remove conflicts of interest referred to in paragraphs (1) and (2), and to identify and eliminate the relationships described in subparagraphs (A) through (D) of paragraph (3), including such mechanisms as—

"(A) the methods by which the State agency will examine individuals, and immediate family members, to identify the conflicts; and

"(B) the actions that the State agency will require the individuals and such family members to take to remove such conflicts.

"(i) LEGAL COUNSEL.—The State agency shall ensure that—

"(1) adequate legal counsel is available, and is able, without conflict of interest, to—

"(A) provide advice and consultation needed to protect the health, safety, welfare, and rights of recipients; and

"(B) assist the Ombudsman and representatives of the Office in the performance of the official duties of the Ombudsman and representatives; and

"(2) legal representation is provided to any representative of the Office against whom suit or other legal action is brought or threatened to be brought in connection with the performance of the official duties of the Ombudsman or such a representative.

"(j) ADMINISTRATION.—The State agency shall require the Office to—

"(1) prepare an annual report—

"(A) describing the activities carried out by the Office in the year for which the report is prepared;

"(B) containing and analyzing the data collected under subsection (e);

"(C) evaluating the problems experienced by, and the complaints made by or on behalf of, recipients or parents or guardians of recipients;

"(D) containing recommendations for—

"(i) improving quality of the care and life of the recipients; and

"(ii) protecting the health, safety, welfare, and rights of the recipients;

"(E)(i) analyzing the success of the activities of the Office; and

"(ii) identifying barriers that prevent the optimal operation of the Office; and

"(F) providing policy, regulatory, and legislative recommendations to solve identified problems, to resolve the complaints, to improve the quality of care and life of recipients, to protect the health, safety, welfare, and rights of recipients, and to remove the barriers;

"(2) analyze, comment on, and monitor the development and implementation of Federal, State, and local laws, regulations, and other government policies and actions that pertain to facilities and children's services, and to the health, safety, welfare, and rights of recipients, in the State, and recommend any changes in such laws, regulations, and policies as the Office determines to be appropriate;

"(3)(A) provide such information as the Office determines to be necessary to public and private agencies, legislators, and other persons, regarding—

"(i) the problems and concerns of recipients, and parents or guardians of recipients; and

"(ii) recommendations related to the problems and concerns; and

"(B) make available to the public, and submit to the Secretary, the chief executive officer of the State, the State legislature, the State agency responsible for licensing, regulation, or oversight of facilities, and other appropriate governmental entities, each report prepared under paragraph (1);

"(4) disseminate information regarding the services provided through the Office—

"(A) by providing a toll-free telephone number for inquiries about the services;

"(B) through television, radio, and newspaper advertising; and

"(C) through placement of notices in facilities and other appropriate locations;

"(5)(A) not later than 1 year after the date of the enactment of this section, establish

procedures for the training of the representatives of the Office, including unpaid volunteers, based on model standards established by the Secretary, in consultation with representatives of citizen groups, providers of care for children, and the Office, that—

"(i) specify a minimum number of hours of initial training;

"(ii) specify the content of the training, including training relating to—

"(I) Federal, State, and local laws, regulations, and policies, with respect to facilities in the State;

"(II) investigative techniques;

"(III) alternative dispute resolution, including mediation; and

"(IV) such other matters as the State determines to be appropriate; and

"(iii) specify an annual number of hours of in-service training for all designated representatives; and

"(B) require implementation of the procedures not later than 21 months after the date of the enactment of this section;

"(6) prohibit any representative of the Office (other than the Ombudsman) from carrying out any activity described in subparagraphs (A) through (D) of subsection (c)(3) unless the representative—

"(A) has received the training required under paragraph (5); and

"(B) has been approved by the Ombudsman as qualified to carry out the activity on behalf of the Office; and

"(7) permit any local Ombudsman entity to carry out the responsibilities described in paragraph (1), (2), (3), or (4).

"(k) LIABILITY.—The State shall ensure that no representative of the Office will be liable under State law for the good faith performance of official duties.

"(l) NONINTERFERENCE.—The State shall—

"(1) ensure that willful interference with representatives of the Office in the performance of the official duties of the representatives (as defined by the Secretary) shall be unlawful;

"(2) prohibit retaliation and reprisals by a facility or other entity with respect to any recipient, employee, or other person for filing a complaint with, providing information to, or otherwise cooperating with any representative of, the Office; and

"(3) provide for appropriate sanctions with respect to the interference, retaliation, and reprisals.

"(m) GUIDANCE.—The Secretary shall issue and periodically update guidance respecting—

"(1) conflicts of interest by persons described in paragraphs (1) and (2) of subsection (h); and

"(2) the relationships described in subparagraphs (A) through (D) of subsection (h)(3).

"(n) TRAINING, TECHNICAL ASSISTANCE, AND RESEARCH.—The Secretary shall reserve not more than 10 percent of the amounts appropriated under subsection (p) to provide technical assistance and training to Offices and local Ombudsman entities, and to conduct research related to the State and local operation of programs. The Secretary may provide such technical assistance and training, and conduct such research, directly or by awarding grants to appropriate entities.

"(o) COORDINATION WITH DEPARTMENT OF JUSTICE.—To carry out this Act and the State challenge activities under section 285 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5667c), in planning for, and awarding, grants under this section, the Secretary shall coordinate the award of such grants with—

"(1) the Coordinating Council on Juvenile Justice and Delinquency Prevention, estab-

lished under section 206 of Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5616); and

"(2) the Office of Justice and Delinquency Prevention of the Department of Justice, created under section 201 of such Act (42 U.S.C. 5611).

"(p) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section \$7,000,000 for fiscal year 1995 and such sums as may be necessary for each subsequent fiscal year." ●

By Mr. BYRD (for Mr. LIEBERMAN (for himself and Mr. DURENBERGER)):

S. 2215. A bill to establish rules governing product liability actions against raw materials and bulk component suppliers to medical device manufacturers, and for other purposes; to the Committee on Commerce, Science, and Transportation.

BIOMATERIALS AVAILABILITY ACT OF 1994

● Mr. LIEBERMAN. Mr. President, I am introducing today, together with Senator DURENBERGER, the Biomaterial Availability Act of 1994. This bill is an attempt to address what could be a major threat to many of the miracles of modern medicine. Over the next 2 years, health care as we know it could be radically transformed, not by health care reform legislation, but because the makers of many of the life-saving medical devices that we take for granted today may no longer be able to buy the raw materials and components necessary to produce their products. This is a public health time bomb—and it is ticking—and the lives of real people are going to be lost if it explodes.

What could cause this public health catastrophe? The Subcommittee on Regulation and Government Information, which I chair, examined this question at a hearing on May 20, 1994. The answer appears to be an out-of-control product liability system which makes it too easy to bring lawsuits against raw materials suppliers, and too costly for those suppliers to defend themselves even when they ultimately win. Those suppliers have begun to decide that the costs of defending lawsuits involving medical products is too high to justify selling raw materials to the makers of implantable medical devices. For those suppliers, it just isn't worth it.

How could this be? A recent study by Aronoff Associates paints a clear, but dismal, picture. That study surveyed the markets for polyester yarn, resins such as DuPont's Teflon, and polyacetal resin such as Dupont's Delrin. Aronoff found that sales of these raw materials for use in manufacturing implantable medical devices was just a tiny percentage (0.006 percent) of the overall market, \$606,000 out of total sales of over \$11 billion.

In return for that extra \$606,000 in total annual sales, however, raw materials suppliers face potentially huge liability-related costs, even if they never

lose a lawsuit. To take one example, a company named Vitek manufactured an estimated 26,000 jaw implants using about 5 cents worth of DuPont Teflon in each device. The device was developed, designed and marketed by Vitek, which was not related to DuPont. When those implants failed, Vitek declared bankruptcy, its founder fled to Switzerland, and the patients sued DuPont. DuPont's record in court on Vitek-related claims so far has been enviable—258 wins and one loss—but the cost has been staggering. Aronoff estimated that DuPont alone was spending at least \$8 million per year over the past 5 to 6 years to defend these suits. To put this in perspective, DuPont's estimated legal expenses in these cases for just 1 year would buy over a 13 year supply of DuPont's Dacron polyester, Teflon and Delrin for all U.S. makers of implantable medical devices, not just makers of jaw implants.

Faced with this cost/benefit picture, DuPont decided, in January 1993, to stop selling its products to manufacturers of permanently implanted medical devices. At that time, DuPont said it would only permit manufacturers to purchase a year's supply, based on historical buying patterns. DuPont has subsequently allowed manufacturers to purchase up to 3 more years' worth of raw materials.

One supplier's decision alone might not be troublesome except that there is no reason to believe that the economics will be different for other suppliers around the world. One of the witnesses at our subcommittee hearing testified that she had already contacted 15 alternate suppliers of polyester yarn worldwide. All were interested in selling her raw materials—except for use in products made and used in the United States. By itself this is a powerful statement about the nature of our product liability laws, and makes a powerful case for reform.

What is at stake here? Without raw materials, you cannot make a final product. Take a heart valve, for example. Around the edge of a heart valve is a sleeve of polyester fabric. This fabric is what the surgeon sews through when he or she installs this valve. Without the sleeve, it would be difficult, if not impossible, to install the valve. Without that valve, the patient will die prematurely.

Take another example, a pacemaker. Pacemakers are installed in patients whose hearts no longer generate enough of an electrical pulse to get the heart to beat. To keep the heart beating, a pacemaker is connected to the heart with wires. These wires have silicone rubber insulation. Unfortunately, the suppliers of the rubber have begun to withdraw from the market. Without this pacemaker and its leads, the patient will die prematurely. With that pacemaker, the patient can live for decades.

Take still a third example. At our hearing, we had in attendance Thomas Reilly, a 9-year-old boy from Houston, TX, who suffers from hydrocephalus, a condition in which fluid accumulates around the brain. A special shunt enables him to survive. But continued production of that shunt is in doubt because of the raw materials suppliers are concerned about the potential cost of product liability lawsuits. Thomas' father, Mark Reilly, pleaded for the Congress to move forward quickly to assure that hydrocephalic shunts will continue to be available.

We also heard from Peggy Phillips of Falls Church, VA, whose heart had twice stopped beating because of fibrillation. Today, she lives an active, normal life because she has an implanted automatic defibrillator. Again, critical components of the defibrillator may no longer be available because of potential product liability costs. Ms. Phillips, like Mr. Reilly, urge the Congress to move swiftly to enact legislation protecting raw materials and component part suppliers from product liability suits.

These people are all grateful beneficiaries of our modern medical system. But we cannot allow the 7.4 million people who owe the quality of their lives to medical devices to become casualties of an outmoded legal liability system. Because product liability litigation costs make the economics of supplying raw materials to the implantable medical device makers very unfavorable, it is imperative that we act now. We cannot expect raw materials suppliers to continue to serve the medical device market out of the goodness of their hearts, notwithstanding the liability-related costs. We need to reform our product liability laws, to give raw material suppliers some assurance that unless there is real evidence that they were responsible for putting a defective device on the market, they cannot be sued simply in the hope that their deep pockets will fund legal settlements.

I have long believed that liability reform could be both proconsumer and probusiness. I believe that the testimony we heard at our hearing on May 20, 1994, proved this once again. When fear of liability suits and litigation costs drives valuable, life-saving products off the market because their makers cannot get raw materials, consumers cannot possibly come out ahead.

When companies must divert money from developing new life-saving products to replacing old sources of raw materials supply, consumers cannot possibly be coming out ahead. When one company must spend millions just to defend itself in lawsuits over a product it did not design or make—for which it simply provided a raw material ingredient—consumers are the ones who suffer. Our hearing dramatically illustrated that efforts to in-

crease compensation for the injured can sometimes come at an unacceptably high cost.

Based on the testimony we heard, I am committed to forging a solution that will head off this threat to our national public health. Today, I am introducing the Biomaterials Availability Act of 1994, which will establish clear national rules to govern suits against suppliers of raw materials and component parts for permanently implantable medical devices. Under this bill, a supplier of raw materials or component parts can only be sued if the materials they supplied do not meet contractual specifications, or if they simply delivered the wrong product. They cannot, however, be sued for deficiencies in the design of the final device, the testing of that device, or for inadequate warnings with respect to that device.

I believe that enactment of this bill would help ensure that America's patients continue to have access to high-quality life saving and life enhancing medical implants, made with the best materials science and technology can produce. We must, however, act quickly. The patient is in critical condition, and we need to perform emergency surgery. Delay could, quite literally, be deadly.

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. 2215

*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 "Biomaterials Access Assurance Act of 1994".

**SEC. 2. FINDINGS.**

Congress finds and declares the following:

(1) Every year millions of Americans depend on the availability of life-saving or life enhancing permanently implantable medical devices;

(2) A continued supply of raw materials and component parts is necessary to the invention, development, improvement and maintenance of the supply of such devices;

(3) Most of these devices are made with raw materials and component parts that are not designed or manufactured specifically for use in implantable devices, but which have uses in a variety of non-medical products as well;

(4) Small quantities of these raw materials and component parts are used, so that sales of raw materials and component parts for medical devices are an extremely small portion of the overall market for such raw materials and medical devices;

(5) Manufacturers of medical devices are required under the Federal Food, Drug and Cosmetic Act to demonstrate that their products are safe and effective, including being properly designed and having adequate warnings or instructions, and existing tort law requires manufacturers of medical devices to ensure they are properly designed and have adequate warnings;

(6) Notwithstanding the fact that raw materials and component parts suppliers do not design, produce or test the final implant,

they have been sued in cases alleging inadequate design and testing of, or warnings related to use of, permanently implanted medical devices;

(7) Even though raw materials and component parts suppliers have almost never been held liable in such suits, because the cost of litigating such suits to a favorable judgment far exceeds the total potential sales of such raw materials and component parts to the medical device industry, raw materials and component parts suppliers have begun to cease supplying such raw materials and component parts for use in permanently implanted medical devices;

(8) The unavailability of raw materials and component parts will, unless alternate sources of supply can be found, lead to unavailability of life saving and life enhancing medical devices;

(9) The prospects for developing of new sources of supply for the full range of threatened raw materials and component parts are remote, as other suppliers around the world are refusing to sell raw materials or component parts for use in manufacturing permanently implantable medical devices in the United States, and it is unlikely that such a small market could support the large investment needed to develop new suppliers and attempts to do so will raise the cost of medical devices;

(10) Courts that have considered the issue have generally found that raw materials and component part suppliers do not have a duty to evaluate the safety and efficacy of the use of a raw material or component part in a medical device, and also do not have a duty to warn concerning the safety and effectiveness of a medical device;

(11) Attempts to impose such duties will cause more harm than good by driving raw materials and component part suppliers to cease supplying manufacturers of permanently implantable medical devices;

(12) In order to safeguard the availability of a wide variety of life savings and life enhancing medical devices, immediate action is needed to clarify the permissible bases of liability for suppliers of raw materials and component parts used in the manufacture of permanently implantable medical devices and to provide expeditious procedures to dispose of unwarranted suits against those suppliers so as to minimize litigation costs.

### SEC. 3. DEFINITIONS.

As used in this Act, the term—

(1) "biomaterials supplier" means an entity that directly or indirectly supplies a component part or raw material for use in the manufacture of an implant, and includes persons that have submitted master files to the Food and Drug Administration for purposes of pre-market approval of medical devices, but does not include a manufacturer or seller of an implant;

(2) "claimant" means any person who brings a civil action, or on whose behalf a civil action is brought, arising from harm allegedly caused directly or indirectly by an implant, and includes persons other than the individual into whose body, or in contact with whose blood or tissue, the implant is placed, if such person claims to have suffered harm; if such an action is brought through or on behalf of an estate, the term includes the claimant's decedent, or if it is brought through or on behalf of a minor or incompetent, the term includes the claimant's parent or guardian; the term does not include—

(A) a provider of professional services in any case in which the sale or use of an implant is incidental to the transaction and the essence of the transaction is the furnishing of judgment, skill, or services; or

(B) a manufacturer, seller or biomaterials supplier.

(3) "component part" means a manufactured piece of an implant and includes a manufactured piece that has significant non-implant applications and that by itself has no implant value or purpose, but when combined with other component parts and materials, constitutes an implant;

(4) "harm" means any injury to or damage suffered by an individual, any illness, disease, or death of that individual resulting from that injury or damage, and any loss to that individual or any other individual resulting from that injury or damage; the term does not include commercial loss or loss of or damage to an implant itself;

(5) "implant" means a medical device that (A) is placed into a surgically or naturally formed or existing cavity of the body or which contacts blood or internal human tissue and (B) which (i) is intended by the manufacturer to remain in contact with the body or internal tissue of the humans continuously for a period of thirty days or more, or (ii) has labeling which does not contraindicate implantation or contact for thirty days or more;

(6) "manufacturer" means any person who, with respect to any particular implant—

(A) is engaged in the manufacture, preparation, propagation, compounding or processing, as defined in Section 510(a)(1) of the Federal Food, Drug and Cosmetic Act (21 U.S.C. 360(a)(1)), of an implant; and

(B) is required under Section 510 of the Federal Food, Drug and Cosmetic Act (21 U.S.C. 360), and the regulations issued thereunder, to register with the Secretary of Health and Human Services and to include the implant on a list of devices filed with the Secretary pursuant to Section 510(j) of the Federal Food, Drug and Cosmetic Act (21 U.S.C. 360(j)), and the regulations issued thereunder.

(7) "medical device" means a medical device as defined in §201(h) of the Federal Food, Drug and Cosmetic Act (21 U.S.C. §321(h));

(8) "qualified specialist" means a person who is qualified by knowledge, skill, experience, training or education in the specialty areas that are the subject of the action;

(9) "raw material" means a substance or product that has a generic use and that may be used in applications other than implants;

(10) "seller" means a person who, in the course of a business conducted for that purpose, sells, distributes, leases, packages, labels, or otherwise places an implant in the stream of commerce; the term does not include—

(A) a seller or lessor of real property;

(B) a provider of professional services in any case in which the sale or use of an implant is incidental to the transaction and the essence of the transaction is the furnishing of judgment, skill, or services; or

(C) any person who acts in only a financial capacity with respect to the sale of an implant.

### SEC. 4. APPLICABILITY; PREEMPTION.

(a) **APPLICABILITY.**—This Act applies to any civil action brought by a claimant, whether in state or federal court, against a manufacturer, seller or biomaterials supplier, or against licensors of biomaterials suppliers, on any theory, for harm caused by an implant. A civil action brought by a purchaser of a medical device for use in providing professional services against a manufacturer, seller, or biomaterials supplier for loss or damage to an implant itself or for commercial loss to the purchaser is not subject to

this Act and shall be governed by applicable commercial or contract law.

(b) **SCOPE OF PREEMPTION.**—This Act supercedes any State law regarding recovery for harm caused by an implant only to the extent that this Act establishes a rule of law applicable to any such recovery. Any issue arising under this Act that is not governed by any such rule of law shall be governed by applicable State or Federal law.

(c) **EFFECT ON OTHER LAWS.**—Nothing in this Act shall be construed to—

(1) affect any defense available under other provisions of state or federal law to a defendant in an action alleging harm caused by an implant; or

(2) create a cause of action or federal court jurisdiction pursuant to 28 U.S.C. 1331 or 1337 that otherwise would not exist under applicable state or federal law.

### SEC. 5. ACTIONS AGAINST BIOMATERIALS SUPPLIERS.

(a)(1) Except as provided in subsection (b) of this Act, no claimant may bring an action for harm caused by an implant against a person, who has not registered with the Secretary of Health and Human Services, pursuant to Section 510 of the Federal Food, Drug and Cosmetic Act, and the regulations issued thereunder, and included the implant on a list of devices filed with the Secretary pursuant to Section 510(j) of the Federal Food, Drug and Cosmetic Act and the regulations issued thereunder.

(2) Notwithstanding subparagraph (1), a claimant may bring an action, other than as provided in subsection (b) of this Act, against a person who, with respect to claimant's implant, is the subject of a declaration issued by the Secretary under Section 6(a) of this Act, or is a seller of the implant that allegedly caused harm to the claimant.

(b) No claimant may bring an action for harm caused by an implant against a biomaterials supplier, and no biomaterials supplier shall be liable for harm to a claimant caused by an implant, unless the claimant shows, by a preponderance of the evidence, that—

(1) the raw materials or component parts delivered by the biomaterials supplier either were not the product described in the contract between the biomaterials supplier and the person who contracted for delivery of the product, or failed to meet any specifications that were—

(A) provided to the biomaterials supplier and not expressly repudiated by the biomaterials supplier prior to acceptance of delivery of the raw materials or component parts;

(B) published by the biomaterials supplier, provided to the manufacturer by the biomaterials supplier, or contained in a master file submitted by the biomaterials supplier to the Food and Drug Administration, and currently maintained by the biomaterials supplier, for purposes of premarket approval of medical devices; or

(C)(i) included in the manufacturer's submissions for purposes of premarket approval or review by the Food and Drug Administration under Section 510, 513, 515 or 520 of the Federal Food, Drug and Cosmetic Act (21 U.S. Code §§360, 360c, 360e or 360j) that have received clearance from the Food and Drug Administration, (ii) that were provided by the manufacturer to the biomaterials supplier and not expressly repudiated by the biomaterials supplier prior to the manufacturer's acceptance of delivery of the raw materials or component parts; and

(2) such conduct was an actual and proximate cause of the claimant's harm.

(c) No claimant may bring an action for harm caused by an implant against a person

who licenses a biomaterials supplier to produce raw materials or component parts.

(d) The applicable statute of limitations shall be tolled during any period in which claimant has filed a petition with the Secretary of Health and Human Services under section 6 of this Act.

#### SEC. 6. REVIEW BY THE SECRETARY OF NON-REGISTRATION.

(a) The Secretary may, on its own motion or upon petition by any person, after notice to the affected persons and affording an opportunity for an informal hearing, issue a declaration that a person, with respect to the implant that allegedly caused claimant's harm,

(i) should have registered with the Secretary under Section 510 of the Federal Food, Drug and Cosmetic Act (21 U.S.C. 360), and the regulations issued thereunder, but failed to do so or

(ii) should have included the implant on a list of devices filed with the Secretary pursuant to Section 510(j) of the Federal Food, Drug and Cosmetic Act (21 U.S.C. 360(j)), but failed to do so.

(b) Any petition filed pursuant to subsection (a) shall be immediately docketed by the Secretary, and the Secretary shall issue a final decision within 180 days of the filing of the petition.

#### SEC. 7. PROCEDURES FOR ACTIONS AGAINST A BIOMATERIALS SUPPLIER.

(a) IN GENERAL.—The procedural requirements set forth in subsection (b) shall apply to any action by a claimant against a biomaterials supplier.

##### (b) PROCEDURAL REQUIREMENTS.—

(1) A claimant may not bring an action against a biomaterials supplier unless the manufacturer of the implant is named as a party, except if the manufacturer is subject to service of process in no jurisdiction in which the biomaterials supplier or is also subject to service of process or unless litigation against the manufacturer is barred by applicable law.

(2) No action may be brought by any claimant against a biomaterials supplier unless, at the time the claimant brings the action, the claimant submits an affidavit—

(A) declaring that the claimant has consulted and reviewed the facts of the action with qualified specialists, whose qualifications the claimant shall disclose;

(B) including a written determination by a qualified specialist that the raw materials or component parts actually used in the manufacture of claimant's implant were raw materials or component parts described in Section 5(b)(1), together with a statement of the basis for such a determination;

(C) including a written determination by a qualified specialist that, after a review of the medical record and other relevant material, the raw material or component part supplied by the biomaterials supplier and actually used in the manufacture of claimant's implant was a cause of claimant's harm, together with a statement of the basis for the determination;

(D) on the basis of the qualified specialists' review and consultation, that the claimant (or the claimant's attorney) has concluded that there is a reasonable and meritorious cause for the filing of the action against the biomaterials supplier.

##### (c) DISMISSAL.—

(1) In any action subject to this Act, a defendant may, at any time at which a motion to dismiss may be filed under applicable law, move to dismiss the action on the grounds that the defendant is a biomaterials supplier and—

(A) claimant has failed to satisfy the conditions in Section 5(a) that would permit claimant to bring an action against defendant;

(B) defendant was not a seller of the implant which allegedly caused harm to the claimant; or

(C) claimant has failed to comply with the provisions of subsection (b).

(3) Defendant may submit affidavits demonstrating that defendant has not included the implant on a list, if any, filed with the Secretary pursuant to Section 510(j) of the Federal Food, Drug and Cosmetic Act (21 U.S.C. 360). Claimant may, in response to such a motion, submit affidavits demonstrating that the Secretary has, with respect to the defendant and the implant that allegedly caused claimant's harm, issued a declaration pursuant to Section 6(a) of this Act, or that defendant was a seller of the implant.

(3) No discovery shall be permitted against the defendant who has filed a motion to dismiss under subparagraph (1), other than discovery necessary to determine a motion to dismiss for lack of jurisdiction, until the court has ruled on the motion to dismiss filed pursuant to subsection (1).

(4) A defendant shall conclusively be deemed to be a biomaterials supplier and not to be subject to suit except pursuant to section 5(b) of this Act, and a motion to dismiss under subsections (c)(1)(A) or (c)(1)(B) shall be granted, unless the claimant submits valid affidavits demonstrating—

(A) with respect to a motion under subsection (c)(1)(A), that the Secretary has, with respect to the defendant and the implant that allegedly caused harm to the claimant, issued a declaration pursuant to Section 6(a) of this Act; or

(B) with respect to a motion under subsection (c)(1)(B), that the biomaterials supplier was a seller which held title to the implant as a result of purchasing or selling the implant after the implant was manufactured and entered the stream of commerce.

(5) The court shall rule on the motion to dismiss filed under subsection (c) solely on the basis of the pleadings and any affidavits, including affidavits submitted under paragraph (2). If the pleadings and affidavits raise genuine issues as to material facts with respect to a motion under (c)(1)(C), the motion may be treated as a motion for summary judgment pursuant to subsection (d) of this section.

##### (d) SUMMARY JUDGMENT.—

(1) A biomaterials supplier shall be entitled to entry of judgment without trial if there is no genuine issue as to any material fact as to each element set forth in Section 5(b). A genuine issue of material fact shall exist only if the evidence submitted by claimant, if found by a jury to be credible, would be sufficient to allow a reasonable jury to reach a verdict for the claimant.

(2) In the event that the court, under applicable rules, may permit discovery prior to ruling on a motion for summary judgment, such discovery shall be limited solely to establishing whether a genuine issue of material fact exists.

(e) A biomaterials supplier shall be subject to discovery in connection with a motion under subsection (c) or (d) solely to the extent permitted by the applicable state or federal rules for discovery against non-parties.

(f) In the event claimant has filed a petition for a declaration pursuant to Section 6(a) with respect to a defendant, and the Secretary has not issued a final decision thereon, the court shall stay all proceedings with respect to that defendant until the Secretary has issued a final decision.

(g) The manufacturer of the implant shall be permitted to file and conduct the proceeding on any motion filed pursuant to subsection (c) or (d) if the manufacturer and the other defendant(s) have entered into a valid and applicable contractual agreement in which the manufacturer agrees to bear the cost of or to conduct such proceeding.

(h) The court shall require the claimant to compensate the biomaterials supplier (or a manufacturer appearing in lieu of a supplier pursuant to subsection (d)) for attorney fees and costs, if the claimant named or joined the biomaterials supplier, but the court found the claim against the biomaterials supplier to be without merit and frivolous.

#### SEC. 9. EFFECTIVE DATE.

This Act shall take effect on the date of its enactment and shall apply to all civil actions pursuant to this Act commenced on or after such date, including any action in which the harm or the conduct which caused the harm occurred before the effective date of this Act.

#### SEC. 10. SEVERABILITY.

If any provision of this Act, or the application of such provision to any person or circumstance is held to be unconstitutional, the remainder of this Act and application of the provisions of such to any person or circumstance shall not be affected thereby. •

#### ADDITIONAL COSPONSORS

S. 155

At the request of Mr. DASCHLE, the name of the Senator from Utah [Mr. HATCH] was added as a cosponsor of S. 155, a bill to amend the Internal Revenue Code of 1986 with respect to the treatment of certain amounts received by a cooperative telephone company.

S. 1592

At the request of Mr. DORGAN, the name of the Senator from North Dakota [Mr. CONRAD] was added as a cosponsor of S. 1592, a bill to improve Federal decisionmaking by requiring a thorough evaluation of the economic impact of Federal legislative and regulatory requirements on State and local governments and the economic resources located in such State and local governments.

S. 1669

At the request of Mrs. HUTCHISON, the name of the Senator from Alabama [Mr. SHELBY] was added as a cosponsor of S. 1669, a bill to amend the Internal Revenue Code of 1986 to allow home-makers to get a full IRA deduction.

S. 1836

At the request of Mr. DOLE, the name of the Senator from South Dakota [Mr. DASCHLE] was added as a cosponsor of S. 1836, a bill for the relief of John Mitchell.

S. 1933

At the request of Mr. MCCAIN, the name of the Senator from Idaho [Mr. CRAIG] was added as a cosponsor of S. 1933, a bill to repeal the Medicare and Medicaid Coverage Data Bank, and for other purposes.

S. 1964

At the request of Mr. METZENBAUM, the name of the Senator from Vermont

[Mr. LEAHY] was added as a cosponsor of S. 1964, a bill entitled the Reemployment and Retraining Act.

S. 1975

At the request of Ms. MOSELEY-BRAUN, the name of the Senator from Florida [Mr. MACK] was added as a cosponsor of S. 1975, a bill to establish a grant program to restore and preserve historic buildings at historically black colleges and universities, and for other purposes.

S. 1976

At the request of Mr. DODD, the names of the Senator from Washington [Mrs. MURRAY], the Senator from Oklahoma [Mr. BOREN], and the Senator from Mississippi [Mr. LOTT] were added as cosponsors of S. 1976, a bill to amend the Securities Exchange Act of 1934 to establish a filing deadline and to provide certain safeguards to ensure that the interests of investors are well protected under the implied private action provisions of the act.

S. 2105

At the request of Mrs. HUTCHISON, the name of the Senator from Mississippi [Mr. LOTT] was added as a cosponsor of S. 2105, a bill to amend the Immigration and Nationality Act and other laws of the United States relating to border security, illegal immigration, alien eligibility for Federal financial benefits and services, criminal activity by aliens, alien smuggling, fraudulent document use by aliens, asylum, terrorist aliens, and for other purposes.

S. 2127

At the request of Mr. DANFORTH, the name of the Senator from Texas [Mrs. HUTCHISON] was added as a cosponsor of S. 2127, a bill to improve railroad safety at grade crossings, and for other purposes.

#### SENATE JOINT RESOLUTION 165

At the request of Mr. COCHRAN, the name of the Senator from Missouri [Mr. DANFORTH] was added as a cosponsor of Senate Joint Resolution 165, a joint resolution to designate the month of September 1994 as "National Sewing Month."

#### SENATE JOINT RESOLUTION 175

At the request of Mr. MCCAIN, the name of the Senator from Colorado [Mr. BROWN] was added as a cosponsor of Senate Joint Resolution 175, a joint resolution to designate the week beginning June 13, 1994, as "National Parkinson's Disease Awareness Week."

#### SENATE JOINT RESOLUTION 189

At the request of Mr. ROTH, the name of the Senator from West Virginia [Mr. BYRD] was added as a cosponsor of Senate Joint Resolution 189, a joint resolution designating October 1994 as "National Decorative Painting Month."

#### SENATE JOINT RESOLUTION 198

At the request of Mr. PRYOR, the names of the Senator from Utah [Mr. HATCH], the Senator from Washington [Mrs. MURRAY], and the Senator from

New Jersey [Mr. LAUTENBERG] were added as cosponsors of Senate Joint Resolution 198, a joint resolution designating 1995 as the "Year of the Grandparent."

#### SENATE RESOLUTION 64

At the request of Mr. LUGAR, the name of the Senator from Vermont [Mr. JEFFORDS] was added as a cosponsor of Senate Resolution 64, a resolution expressing the sense of the Senate that increasing the effective rate of taxation by lowering the estate tax exemption would devastate homeowners, farmers, and small business owners, further hindering the creation of jobs and economic growth.

#### SENATE RESOLUTION 220

At the request of Mr. CAMPBELL, the name of the Senator from Rhode Island [Mr. PELL] was added as a cosponsor of Senate Resolution 220, a resolution recognizing Portugal's special relationship with the United States, and the contribution of Portuguese-Americans to American life.

#### SENATE RESOLUTION 230—RELATING TO THE DESIGNATION OF PERMANENT SENATE OFFICES

Mr. BYRD (for Mr. WOFFORD) submitted the following resolution; which was referred to the Committee on Rules and Administration:

#### S. RES. 230

*Resolved*, That (a) effective on January 3, 1995, the Committee on Rules and Administration shall begin to designate two permanent offices for each State.

(b) The designation of permanent offices shall be accomplished—

(1) in a manner consistent with the current rules and practices of the Senate; and

(2) in the most efficient and cost-effective manner practicable.

(c) Not later than June 30, 1995, each State shall be designated two permanent offices for the Senators from such State.

(d) Each Senator upon taking office shall be assigned a permanent office designated to the State that the Senator represents.

(e) Effective December 31, 1995, no funds appropriated to the Senate shall be used for the purpose of moving a Senator from the office to which the Senator has been assigned.

(f) All funds saved by the implementation of this resolution shall be dedicated to deficit reduction.

Mr. WOFFORD. Mr. President, today I am introducing a bill to change the manner in which offices are assigned to Senators. As I have stated several times before, I believe we should put a stop to the unnecessary and wasteful practice of moving Senators after each election. The resolution I am introducing today would do just that by requiring that each State be assigned two permanent offices—the type of arrangement that California already has.

Since coming to Washington I have been seeking ways to make Congress work better and to save the taxpayers money. I have worked to eliminate free health care for Senators, to cut cost-of-

living raises in our salaries for this year, and to enact other useful congressional reforms.

But, as in well-run businesses, the search to eliminate unnecessary costs and to find new and better ways to operate must be ongoing. Ending Senate office moves is another area in which we can simultaneously improve the operation of the Congress and save the taxpayers money.

As we all know, the custom of the Senate is that after each general election there is a series of office moves. Under the current Senate practice, incumbent Senators often seek to obtain the offices left by departing senior Senators. Obviously, when they vacate their own offices for better office space—a ripple effect is created. More moves are required.

For instance, after the 1992 election, there were 26 Senate office moves. Only 13 were new Senators. The other 13 moves were by sitting Senators who moved to better offices. Previous years have seen unnecessary moves as well. After the 1990 election, there were five new Senators but a total of 14 office moves. After the 1988 election, there were 11 new Senators, but a total of 18 office moves.

For what? A more prestigious building, a bigger office, a better view, a shorter walk to the Capitol. No public purpose is served by these moves.

There is obvious expense associated with moving furniture and files, reconfiguring office space, changing telephone and computer connections, reprinting all stationery and business cards, and other unavoidable costs of moving.

And it isn't just the dollars, it is the waste of time—staffers are busy moving, all of the furniture is out in the halls, and your constituents come to look for you but they don't know where you are. The inconvenience and cost of these office moves seems to me to be unnecessary, wasteful and counterproductive.

Last week, I considered introducing this resolution as an amendment to the legislative branch appropriations bill to put an end to the practice of Senate office moves. However, in discussions with the distinguished chairman of the Rules Committee, we reached an agreement that the Rules Committee would hold hearings so that the entire question of office moves can receive a full airing before the Senate acts on this matter.

Mr. President, I think the time has come to stop the practice of Senate office moves. Under my resolution, the Rules Committee will designate two permanent offices for each State after the next election. Thereafter, no money would be spent to move Senators from one office to another. The benefits of this approach are obvious—it would save the taxpayers money,

avoid the disruption of Senate business, and minimize constituent confusion because each State would be assigned permanent offices for its Senators. I look forward to the Rules Committee hearing on this matter, and to moving forward later this year to end the practice of Senate office moves.

#### AMENDMENTS SUBMITTED

#### TREASURY-POSTAL SERVICE AND GENERAL GOVERNMENT APPROPRIATIONS, 1995

##### DECONCINI AMENDMENT NO. 1819

Mr. DECONCINI proposed an amendment to the bill (H.R. 4539) making appropriations for the Department of the Treasury, the U.S. Postal Service, the Executive Office of the President, and certain independent agencies, for the fiscal year ending September 30, 1995, and for other purposes; as follows:

On page 63 of the bill, line 20, strike "\$199,697,000" and insert in lieu thereof, "\$200,238,000"

On page 120 of the bill, line 24, strike "(2)" and insert in lieu thereof, "(4)"

On page 16 of the bill, line 10, strike "\$1,372,614,000" and insert in lieu thereof, "\$1,388,000,000"

On page 16 of the bill, line 24, strike "\$1,507,614,000" and insert in lieu thereof, "\$1,523,000,000"

##### DECONCINI (AND BOND) AMENDMENT NO. 1820

Mr. DECONCINI (for himself and Mr. BOND) proposed an amendment to the bill, H.R. 4539, supra; as follows:

At the end of title I, add the following new section:

SEC. (a) The Director of the United States Secret Service shall direct and apply appropriate agency personnel and resources for the purpose of conducting a security survey of the Bureau of Engraving and Printing.

(b) Such security survey shall include a review of all general security provisions, including:

- (1) The security and safeguarding of currency
- (2) Personnel screening and employee background check procedures
- (3) Access control and identification procedures
- (4) The security and safeguarding of currency materials, supplies and related items.
- (5) Other security areas of concern as deemed relative and appropriate by the agency.

(c) The Bureau of Engraving and Printing and the Federal agencies which participated in any investigations or arrest of person(s) for theft of currency from the Bureau of Engraving and Printing are directed to:

- (1) provide any assistance and cooperation to the United States Secret Service for the purpose of the security survey, and;
- (2) provide Secret Service personnel, in accordance with all laws, with access to person(s) arrested in connection with theft or removal of currency from the Bureau of Engraving and Printing, and;
- (3) provide access to all relevant investigative reports and materials: Provided, That

(A) access to such persons is approved by the appropriate U.S. Attorney.

(d) The Director of the United States Secret Service shall provide a preliminary report to the Congress no later than 30 days from the date of enactment of this Act, and a final report containing specific findings and recommendations to the Congress within 90 days of enactment of this Act.

##### DECONCINI AMENDMENT NO. 1821

Mr. DECONCINI proposed an amendment to the bill, H.R. 4539, supra; as follows:

At the appropriate place in the bill add the following new section:

SEC. Section 5704 of title 5, United States Code, is amended to read as follows:

"(a)(1) Under regulations prescribed under section 5707 of this title, an employee who is engaged on official business for the Government is entitled to a rate per mile established by the Administrator of General Services, instead of the actual expenses of transportation, for the use of a privately owned automobile when that mode of transportation is authorized or approved as more advantageous to the Government. In any year in which the Internal Revenue Service establishes a single standard mileage rate for optional use by taxpayers in computing the deductible costs of operating their automobiles for business purposes, the rate per mile established by the Administrator shall not exceed the single standard mileage rate established by the Internal Revenue Service.

"(2) Under regulations prescribed under section 5707 of this title, an employee who is engaged on official business for the Government is entitled to a rate per mile established by the Administrator of General Services, instead of the actual expenses of transportation, for the use of a privately owned airplane or a privately owned motorcycle when that mode of transportation is authorized or approved as more advantageous to the Government.

"(b) A determination that travel by a privately owned vehicle is more advantageous to the Government is not required under subsection (a) of this section when payment on a mileage basis is limited to the cost of travel by common carrier including per diem.

"(c) Notwithstanding the provisions of subsections (a) and (b) of this section, in any case in which an employee who is engaged on official business for the Government chooses to use a privately owned vehicle in lieu of a government vehicle, payment on a mileage basis is limited to the cost of travel by a Government vehicle.

"(d) In addition to the rate per mile authorized under subsection (a) of this section, the employee may be reimbursed for—

- "(1) parking fees;
- "(2) ferry fees;
- "(3) bridge, road, and tunnel costs; and
- "(4) airplane landing and tie-down fees."

Section 5707(b) of title 5, United States Code, is amended to read as follows:

"(b) The Administrator of General Services shall prescribe the mileage reimbursement rates for use on official business of privately owned airplanes, privately owned automobiles, and privately owned motorcycles while engaged on official business as provided for in section 5704 of this title as follows:

"(1)(A) the Administrator of General Services, in consultation with the Comptroller General of the United States, the Secretary of Transportation, the Secretary of Defense, and representatives of organizations of em-

ployees of the Government, shall conduct periodic investigations of the cost of travel and the operation of privately owned vehicles to employees while engaged on official business, and shall report the results of such investigations to Congress at least once a year.

"(B) In conducting the periodic investigations, the Administrator shall review and analyze among other factors—

- "(i) depreciation of original vehicle cost;
- "(ii) gasoline and oil (excluding taxes);
- "(iii) maintenance, accessories, parts, and tires;
- "(iv) insurance; and
- "(v) State and Federal taxes.

"(2)(A) The Administrator shall issue regulations under this section which:

"(i) shall prescribe a mileage reimbursement rate which reflects the current costs as determined by the Administrator of operating privately owned automobiles, and which shall not exceed, as provided in section 5704(a)(1) of this title, the single standard mileage rate established by the Internal Revenue Service, and

"(ii) shall prescribe mileage reimbursement rates which reflect the current costs as determined by the Administrator of operating privately owned airplanes and motorcycles.

"(B) At least once each year after the issuance of the regulations described in subparagraph (A) of this paragraph, the Administrator shall determine, based upon the results of the cost investigation, specific figures, each rounded to the nearest half cent, of the average, actual cost per mile during the period for the use of a privately owned airplane, automobile, and motorcycle.

"(C) The Administrator shall report the specific figures to Congress not later than five working days after the Administrator makes the cost determination. Each such report shall be printed in the Federal Register.

"(D) The mileage reimbursement rates contained in the regulations prescribed under this section shall be adjusted within thirty days following the submission of the report under subparagraph (C) of this paragraph."

Section 5707 of title 5, United States Code, is amended by striking paragraph (c)(2), and redesignating (c)(1) as subsection (c).

##### DECONCINI AMENDMENT NO. 1822

Mr. DECONCINI proposed an amendment to the bill H.R. 4539, supra; as follows:

At the end of title VI, add the following new section:

SEC. Section 3626 paragraph (j)(1) subparagraph (D) of Title 39 USC is amended by—

(a) deleting the final "." from (II) and adding "; and;"

(b) and adding—"(III) clause (i) shall not apply to space advertising in mail matter that otherwise qualifies for rates under former section 4452(b) or 4452(c) of this title, and satisfies the content requirements established by the Postal Service for periodical publications."

#### NOTICE OF HEARING CHANGE

##### COMMITTEE ON ENERGY AND NATURAL RESOURCES

##### SUBCOMMITTEE ON WATER AND POWER

Mr. BRADLEY. Mr. President, I would like to notify my colleagues and the public of a change in a field hearing

scheduled before the Subcommittee on Water and Power of the Committee on Energy and Natural Resources to receive testimony on a coordinated approach to the evaluation and resolution of outstanding ecological problems related to water quality, water quantity, endangered species, and wildlife habitat in the Klamath Basin, Oregon.

The hearing will now begin at 9:30 a.m. [PST] on Wednesday, July 6, 1994, in the Oregon Institute of Technology, 3201 Campus Drive, Klamath Falls, OR. It had originally been scheduled to begin at 10 a.m. [PST].

For further information, please contact Dana Sebren Cooper, counsel for the subcommittee at (202) 224-4531 or Leslie Palmer at (202) 224-6836.

**AUTHORITY FOR COMMITTEES TO MEET**

**COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY**

Mr. BRADLEY. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be allowed to meet during the session of the Senate on Monday, June 20, 1994, at 9:30 a.m., in SR-332, on nominations pending before the committee.

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

**SUBCOMMITTEE ON INTERNATIONAL TRADE**

Mr. BRADLEY. Mr. President, I ask unanimous consent that the Subcommittee on International Trade of the Committee on Finance be permitted to meet today, June 20, 1994, at 1:30 p.m., to hear testimony on the administration's proposal to renew the Generalized System of Preferences Program.

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

**ORDERS FOR TUESDAY, JUNE 21, 1994**

Mr. DECONCINI. On behalf of the majority leader, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 9:15 a.m. Tuesday, June 21; that following the prayer, the Journal of proceedings be deemed approved to date and the time for the two leaders reserved for their use later in the day; that there then be a period of morning business not to extend beyond 9:30 a.m., with Senators permitted to speak therein for up to 5 minutes each, with Senator LEAHY recognized to speak for up to 10 minutes; that at 9:30 a.m., as provided for under the provisions of a previous unanimous-consent agreement, the Senate proceed to Senate Resolution 229; that the Republican leader or his designee may offer the amendment provided for under the above-referenced consent; further, that

upon disposition of Senate Resolution 229, the Senate then resume consideration of H.R. 4539, the Treasury, Postal Service appropriations bill.

Mr. BOND. I have no objection. The PRESIDING OFFICER. Is there objection to the unanimous consent request? Without objection, it is so ordered.

**RECESS UNTIL 9:15 A.M. TOMORROW**

Mr. DECONCINI. Mr. President, if there is no further business to come before the Senate today, and I see no other Senator seeking recognition, I ask unanimous consent the Senate stand in recess as previously ordered.

There being no objection, the Senate, at 5:15 p.m., recessed until Tuesday, June 21, 1994, at 9:15 a.m.

**NOMINATIONS**

Executive nominations received by the Senate June 20, 1994:

**THE JUDICIARY**

DAVID S. TATEL, OF MARYLAND, TO BE U.S. CIRCUIT JUDGE FOR THE DISTRICT OF COLUMBIA CIRCUIT. VICE RUTH BADER GINSBURG.

**DEPARTMENT OF JUSTICE**

JOHN MICHAEL BRADFORD, OF TEXAS, TO BE U.S. ATTORNEY FOR THE EASTERN DISTRICT OF TEXAS FOR THE TERM OF 4 YEARS. VICE ROBERT J. WORTHAM. THOMAS JOSEPH MARONEY, OF NEW YORK, TO BE U.S. ATTORNEY FOR THE NORTHERN DISTRICT OF NEW YORK FOR THE TERM OF 4 YEARS. VICE FREDERICK J. SCULLIN, RESIGNED.

**NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES**

JOHN HAUGHTON D'ARMS, OF MICHIGAN, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR A TERM EXPIRING JANUARY 26, 2000. VICE MICHAEL T. BASS, TERM EXPIRED.

DARRYL J. GLESS, OF NORTH CAROLINA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR A TERM EXPIRING JANUARY 26, 1998. VICE ANNE PAOLUCCI, TERM EXPIRED.

RAMON A. GUTIERREZ, OF CALIFORNIA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR A TERM EXPIRING JANUARY 26, 2000. VICE HARVEY C. MANSFIELD, JR., TERM EXPIRED.

CHARLES PATRICK HENRY, OF CALIFORNIA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR A TERM EXPIRING JANUARY 26, 2000. VICE HILLEL FRADKIN, TERM EXPIRED.

THOMAS CLEVELAND HOLT, OF ILLINOIS, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR THE REMAINDER OF THE TERM EXPIRING JANUARY 26, 1998. VICE CONDOLEEZZA RICE.

MARTHA CONGLETON HOWELL, OF NEW YORK, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR A TERM EXPIRING JANUARY 26, 2000. VICE EDWIN J. DELATTRE, TERM EXPIRED.

NICOLAS KANELLOS, OF TEXAS, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR A TERM EXPIRING JANUARY 26, 2000. VICE WILLIAM P. WRIGHT, JR., TERM EXPIRED.

BEV LINDSEY, OF ARKANSAS, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR A TERM EXPIRING JANUARY 26, 2000. VICE DONALD KAGAN, TERM EXPIRED.

ROBERT I. ROTBERG, OF MASSACHUSETTS, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR A TERM EXPIRING JANUARY 26, 2000. VICE MICHAEL MALBIN, TERM EXPIRED.

HAROLD K. SKRAMSTAD, OF MICHIGAN, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR A TERM EXPIRING JANUARY 26, 2000. VICE PATRICK BUTLER, TERM EXPIRED.

**DEPARTMENT OF EDUCATION**

G. MARIO MORENO, OF TEXAS, TO BE ASSISTANT SECRETARY FOR INTERGOVERNMENTAL AND INTERAGENCY AFFAIRS, DEPARTMENT OF EDUCATION. VICE G.O. GRIFFITH, JR., RESIGNED.

**DEPARTMENT OF STATE**

PHYLLIS E. OAKLEY, OF LOUISIANA, TO BE AN ASSISTANT SECRETARY OF STATE. (NEW POSITION.)

**IN THE ARMY**

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE AS-

SIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

*To be lieutenant general*

MAJ. GEN. ERVIN J. ROKKE xxx-xx-xx.  
IN THE NAVY

THE FOLLOWING-NAMED OFFICER FOR REAPPOINTMENT TO THE GRADE OF VICE ADMIRAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

*To be vice admiral*

VICE ADM. ARTHUR K. CEBROWSKI xxx-xx-xx.  
IN THE ARMY

THE FOLLOWING-NAMED OFFICERS FOR PROMOTION TO THE REGULAR ARMY OF THE UNITED STATES TO THE GRADE INDICATED, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 611(A) AND 624:

*To be permanent major general*

- BRIG. GEN. CLAIR F. GILL xxx-xx-xx.
- BRIG. GEN. GEORGE E. FRIEL xxx-xx-xx.
- BRIG. GEN. JAN A. VAN PROUYEN xxx-xx-xx.
- BRIG. GEN. DAVID L. BENTON III xxx-xx-xx.
- BRIG. GEN. EDWARD G. ANDERSON III xxx-xx-xx.
- BRIG. GEN. NORMAN E. WILLIAMS xxx-xx-xx.
- BRIG. GEN. ROBERT H. SCALES, JR. xxx-xx-xx.
- BRIG. GEN. JOHN E. LONGHOUSER xxx-xx-xx.
- BRIG. GEN. WILLIAM L. NASH xxx-xx-xx.
- BRIG. GEN. RICHARD A. CHILCOAT xxx-xx-xx.
- BRIG. GEN. JOHN A. VAN ALSTYNE xxx-xx-xx.
- BRIG. GEN. ARTHUR T. DEAN xxx-xx-xx.
- BRIG. GEN. ROBERT S. COFFEY xxx-xx-xx.
- BRIG. GEN. LARRY R. ELLIS xxx-xx-xx.
- BRIG. GEN. LAWSON W. MAGRUDER xxx-xx-xx.
- BRIG. GEN. RUSSELL L. FUHRMAN xxx-xx-xx.
- BRIG. GEN. MONTGOMERY C. MEIGS xxx-xx-xx.
- BRIG. GEN. CHARLES G. SUTTEN, JR. xxx-xx-xx.
- BRIG. GEN. BILLY K. SOLOMON xxx-xx-xx.
- BRIG. GEN. PAUL J. KERN xxx-xx-xx.
- BRIG. GEN. GERARD P. BROHM xxx-xx-xx.
- BRIG. GEN. CHARLES C. CANNON, JR. xxx-xx-xx.
- BRIG. GEN. ROGER G. THOMPSON, JR. xxx-xx-xx.
- BRIG. GEN. JAMES M. LINK xxx-xx-xx.
- BRIG. GEN. RANDOLPH W. HOUSE xxx-xx-xx.
- BRIG. GEN. JOHN COSTELLO xxx-xx-xx.
- BRIG. GEN. JOHNNY M. RIGGS xxx-xx-xx.
- BRIG. GEN. PETER J. SCHOOMAKER xxx-xx-xx.
- BRIG. GEN. JACK P. NIX, JR. xxx-xx-xx.

THE FOLLOWING-NAMED OFFICERS ON THE ACTIVE DUTY LIST, FOR PROMOTION TO THE GRADE INDICATED IN THE U.S. ARMY IN ACCORDANCE WITH SECTION 624, TITLE 10, UNITED STATES CODE. THE OFFICERS INDICATED BY ASTERISK ARE ALSO NOMINATED FOR APPOINTMENT IN THE REGULAR ARMY IN ACCORDANCE WITH SECTION 631, TITLE 10, UNITED STATES CODE:

**CHAPLAIN**

*To be lieutenant colonel*

- SAMULE J. BOONE xxx-xx-x.
- DON B. BROWN xxx-xx-x.
- DAVID W. CAMPBELL xxx-xx-x.
- DAVID M. CANADA xxx-xx-x.
- HAROLD T. CARLSON xxx-xx-x.
- DOUGLAS L. CARVER xxx-xx-x.
- PAUL E. CLARK xxx-xx-x.
- JAMES M. COINDREAU xxx-xx-x.
- ROBERT W. COLLINS xxx-xx-x.
- DONALD C. CRIPPEN xxx-xx-x.
- JAMES W. DANIELS xxx-xx-x.
- ROBERT R. DAVIDSON xxx-xx-x.
- DENNIS E. DESMOND xxx-xx-x.
- JOSEPH R. DSILVA xxx-xx-x.
- ROBERT W. ELDRIDGE xxx-xx-x.
- MARK A. FRITCH xxx-xx-x.
- JOHN L. GHEP xxx-xx-x.
- JAMES A. GREASER xxx-xx-x.
- JAMES R. GRIFFITH xxx-xx-x.
- LESLIE M. HARDEMAN xxx-xx-x.
- RONALD E. HILBURN xxx-xx-x.
- PAUL F. HOWE xxx-xx-x.
- REESE M. HUTCHINSON xxx-xx-x.
- DANIEL A. LARSON xxx-xx-x.
- RAYMOND E. LARSON xxx-xx-x.
- DAVID F. LUNDSELL xxx-xx-x.
- EDWARD K. MANEY xxx-xx-x.
- LILTON J. MARKS xxx-xx-x.
- \* RICHARD MINCH xxx-xx-x.
- BARRY J. MINSKY xxx-xx-x.
- GERALD R. MOATES xxx-xx-x.
- THOMAS C. NOLL xxx-xx-x.
- JOHN S. PARKER xxx-xx-x.
- DANIEL J. PAUL xxx-xx-x.
- DAVID A. RAPSKE xxx-xx-x.
- WILLIAM ROBERTSON xxx-xx-x.
- RICHARD S. ROGERS xxx-xx-x.
- \* DONALD RUTHERFORD xxx-xx-x.
- ALBERT L. SMITH xxx-xx-x.
- JAMES R. SNYDER xxx-xx-x.
- MARIA J. SNYDER xxx-xx-x.
- EDUARDO E. SPRAGG xxx-xx-x.
- HERBERT B. STRANGE xxx-xx-x.
- DAVID W. STRICKER xxx-xx-x.
- GREGORY P. SYKES xxx-xx-x.

DANIEL W. TAYLOR xxx-xx-x  
DONNA C. WEDDLE xxx-xx-x  
DENNIS WESTBROOKS xxx-xx-x

IN THE ARMY

THE FOLLOWING-NAMED OFFICERS, ON THE ACTIVE DUTY LIST, FOR PROMOTION TO THE GRADE INDICATED IN THE U.S. ARMY IN ACCORDANCE WITH SECTION 624, TITLE 10, UNITED STATES CODE. THE OFFICERS INDICATED BY ASTERISK ARE ALSO NOMINATED FOR APPOINTMENT IN THE REGULAR ARMY IN ACCORDANCE WITH SECTION 531, TITLE 10, UNITED STATES CODE:

To be lieutenant colonel

ROBERT B. ABERNATHY xxx-xx-x  
WILLIAM G. ADAMS xxx-xx-x  
CHARLES ALEXANDER xxx-xx-x  
HAL K. ALGUIRE xxx-xx-x  
DALE T. ALLDREDGE xxx-xx-x  
CHARLES D. ALLEN xxx-xx-x  
CHARLES W. ALLEN xxx-xx-x  
GARY W. ALLEN xxx-xx-x  
KENNETH R. ALLEN xxx-xx-x  
ROBERT E. ALLEN xxx-xx-x  
DAVID M. ALLEY xxx-xx-x  
MICHAEL J. ALTOMARE xxx-xx-x  
MICHAEL D. AMMEL xxx-xx-x  
KURT W. ANDERSENVIG xxx-xx-x  
CARL ANDERSON xxx-xx-x  
CHARLES A. ANDERSON xxx-xx-x  
DAN K. ANDERSON xxx-xx-x  
ELIZABETH ANDERSON xxx-xx-x  
GUSTAF E. ANDERSON xxx-xx-x  
JAMES R. ANDERSON xxx-xx-x  
JOHN R. ANDERSON xxx-xx-x  
MICHAEL P. ANDERSON xxx-xx-x  
PAUL L. ANDERSON xxx-xx-x  
RODNEY O. ANDERSON xxx-xx-x  
BRAD T. ANDREW xxx-xx-x  
RONALD J. ANDREW xxx-xx-x  
WILLIAM APPLLEGATE xxx-xx-x  
DALE E. ARCHER xxx-xx-x  
DANIEL J. ARENA xxx-xx-x  
JOAN C. ARNOLD xxx-xx-x  
KEVIN J. ARNOLD xxx-xx-x  
PAUL L. ASWELL xxx-xx-x  
STEFAN M. AUBREY xxx-xx-x  
STEVEN N. AUDE xxx-xx-x  
ALLISON T. AYCOCK xxx-xx-x  
MICHAEL F. BAILEY xxx-xx-x  
BIFF L. BAKER xxx-xx-x  
DENNIS J. BALDRIDGE xxx-xx-x  
BRIAN R. BALDY xxx-xx-x  
STEPHEN C. BALL xxx-xx-x  
ALBERT E. BALLARD xxx-xx-x  
ELISHA L. BALLARD xxx-xx-x  
MARK H. BANGSBOLL xxx-xx-x  
MELVIN BANKS xxx-xx-x  
JAMES R. BARBOUR xxx-xx-x  
REX N. BARFUSS xxx-xx-x  
ARTHUR F. BARKER xxx-xx-x  
JOHN L. BARKER xxx-xx-x  
PAUL L. BARNARD xxx-xx-x  
AUDY D. BARNETT xxx-xx-x  
RENARD O. BARONE xxx-xx-x  
ROBERT F. BARROW xxx-xx-x  
DAVID P. BARTLETT xxx-xx-x  
RANDALL L. BARTLEY xxx-xx-x  
JOSEPH C. BARTO xxx-xx-x  
JAMES R. BARTRAN xxx-xx-x  
JAMES M. BATES xxx-xx-x  
PATRICIA A. BAXTER xxx-xx-x  
WILLIAM D. BEATTY xxx-xx-x  
MICHAEL W. BECHTOLD xxx-xx-x  
JOHN D. BECKER xxx-xx-x  
WILLIAM BECKERMAN xxx-xx-x  
DAVID F. BEDEY xxx-xx-x  
PATRICK J. BEEB xxx-xx-x  
DAVID F. BELL xxx-xx-x  
ROBERT M. BELL xxx-xx-x  
DIMITRI M. BELMONT xxx-xx-x  
RODOLFO BENAVIDES xxx-xx-x  
JAMES S. BENTLEY xxx-xx-x  
MICHAEL D. BERENTH xxx-xx-x  
SARI L. BERMAN xxx-xx-x  
JOHN P. BERNHARD xxx-xx-x  
HARRY L. BERRY xxx-xx-x  
LEE W. BERRY III xxx-xx-x  
PAUL A. BETHKE xxx-xx-x  
FREDERICK E. BIEL xxx-xx-x  
MICHAEL W. BIERING xxx-xx-x  
JOHN M. BILYEU xxx-xx-x  
DONALD A. BIRD xxx-xx-x  
RONALD H. BIRD xxx-xx-x  
ROBERT BIRMINGHAM xxx-xx-x  
ALLEN B. BISHOP xxx-xx-x  
MARCUS D. BLAIR xxx-xx-x  
THOMAS M. BLAKE xxx-xx-x  
SCOTT A. BLANEY xxx-xx-x  
JAMES H. BOCHERT xxx-xx-x  
BRIAN F. BOCKLAGE xxx-xx-x  
ROBERT B. BOGGS xxx-xx-x  
RONALD J. BOKOCH xxx-xx-x  
JOHN M. BOLCHOZ xxx-xx-x  
JOHNNIE L. BONE xxx-xx-x  
KEITH E. BONN xxx-xx-x  
MICHAEL B. BONNER xxx-xx-x  
DOUGLAS A. BOONE xxx-xx-x  
KIRK A. BOOTHE xxx-xx-x  
MICHAEL R. BORDERS xxx-xx-x  
MICHAEL BOSACK xxx-xx-x  
DON F. BRADFORD xxx-xx-x

NANETTE E. BRADIS xxx-xx-x  
JODY L. BRADSHAW xxx-xx-x  
WILLIAM C. BRADSHAW xxx-xx-x  
PHILIP J. BRANDLI xxx-xx-x  
ARNOLD N. BRAY xxx-xx-x  
BARRY BREITENBACH xxx-xx-x  
KENNETH BRESNAHAN xxx-xx-x  
JOHN W. BRESSLER xxx-xx-x  
RICHARD J. BREWER xxx-xx-x  
KEVIN J. BRICE xxx-xx-x  
LARRY A. BRISKY xxx-xx-x  
LEO A. BROOKS xxx-xx-x  
VINCENT K. BROOKS xxx-xx-x  
FREDERICK J. BROSH xxx-xx-x  
WILLIAM D. BROSNAN xxx-xx-x  
DALLAS C. BROWN xxx-xx-x  
DANIEL S. BROWN xxx-xx-x  
FRANK P. BROWN xxx-xx-x  
JACK R. BROWN xxx-xx-x  
MARY K. BROWN xxx-xx-x  
ROBERT A. BROWN xxx-xx-x  
ROBERT E. BROWN xxx-xx-x  
ULYSSES BROWN, JR. xxx-xx-x  
WILFRED F. BROWN xxx-xx-x  
MARK H. BROWNING xxx-xx-x  
GARRISON BRUMBACK xxx-xx-x  
ROBERT E. BRUNS xxx-xx-x  
CLIVE G. BUCHAN xxx-xx-x  
LEWIS E. BUCHANAN xxx-xx-x  
CHARLES A. BUCK xxx-xx-x  
MILDRED BUCKINGHAM xxx-xx-x  
JAMES J. BUDNEY xxx-xx-x  
ROBERT M. BUDROE xxx-xx-x  
JOSEPH A. BUKARTEK xxx-xx-x  
MICHAEL BUMBULSKY xxx-xx-x  
GLENN L. BURCH xxx-xx-x  
JOSEPH R. BURKE xxx-xx-x  
KEVIN J. BURKE xxx-xx-x  
WILLIAM E. BURKE xxx-xx-x  
WILLIAM L. BURNETT xxx-xx-x  
JAMES R. BURNS xxx-xx-x  
KEVIN M. BURN xxx-xx-x  
AMY A. BUTLER xxx-xx-x  
BENJAMIN H. BUTLER xxx-xx-x  
JOSEPH C. BUTLER xxx-xx-x  
RICKEY C. BUTLER xxx-xx-x  
MARK J. CAIN xxx-xx-x  
JAMES W. CALDER xxx-xx-x  
JOSEPH E. CALL xxx-xx-x  
DONALD E. CAMPBELL xxx-xx-x  
DONALD M. CAMPBELL xxx-xx-x  
JOHN F. CAMPBELL xxx-xx-x  
KEVIN H. CAMPBELL xxx-xx-x  
MARLYS M. CAMPBELL xxx-xx-x  
ROY E. CAMPBELL xxx-xx-x  
CARLOS E. CAMPOS xxx-xx-x  
WILLIAM M. CANIANO xxx-xx-x  
RICARDO M. CANTU xxx-xx-x  
HENRY Y. CARA xxx-xx-x  
JUAN P. CARDENAS xxx-xx-x  
RICHARD G. CARDILLO xxx-xx-x  
JAMES R. CAREY xxx-xx-x  
CRAIG L. CARLSON xxx-xx-x  
DUANE C. CARLTON xxx-xx-x  
STEVEN CARMICHAEL xxx-xx-x  
RUSSELL D. CARMODY xxx-xx-x  
GARY B. CARNEY xxx-xx-x  
PATRICK CARPENTER xxx-xx-x  
JOSE CARRINGTON xxx-xx-x  
COLUS L. CARROLL xxx-xx-x  
THOMAS M. CARROLL xxx-xx-x  
ROY A. CARTER xxx-xx-x  
CARL J. CARTWRIGHT xxx-xx-x  
MICHAEL J. CASAS xxx-xx-x  
DANNY N. CASH xxx-xx-x  
EAMON G. CASSIDY xxx-xx-x  
DAVID B. CASSIDY xxx-xx-x  
ALLAN C. CATE xxx-xx-x  
JOSEPH D. CELESNAJ xxx-xx-x  
KEVIN D. CHAFFIN xxx-xx-x  
HAL CHAIKIN xxx-xx-x  
BROOKS CHAMBERLIN xxx-xx-x  
PETER M. CHAMPAGNE xxx-xx-x  
ALEJANDRO CHAMPIN xxx-xx-x  
BERNARD S. CHAMPoux xxx-xx-x  
JIMMY J. CHANDLER xxx-xx-x  
ROBERT L. CHANDLER xxx-xx-x  
JEANNE CHARBONNEAU xxx-xx-x  
FRANK S. CHASE xxx-xx-x  
RAFAEL G. CHAVEZ xxx-xx-x  
JAMES A. CHEN xxx-xx-x  
TIMOTHY D. CHERRY xxx-xx-x  
DARRYL K. CHING xxx-xx-x  
JAMES E. CHRISHON xxx-xx-x  
SCOTT W. CHRISTIE xxx-xx-x  
NICHOLAS CHRISTOFF xxx-xx-x  
JOHN L. CHURCHILL xxx-xx-x  
MARK A. CIANCHETTI xxx-xx-x  
JAMES R. CLARK xxx-xx-x  
MICHAEL G. CLARK xxx-xx-x  
MICHELL C. CLARK xxx-xx-x  
ARNALDO CLAUDIO xxx-xx-x  
MARK W. CLAY xxx-xx-x  
TERRY L. CLEMONS xxx-xx-x  
CHARLES CLEVELAND xxx-xx-x  
AARON L. COBB xxx-xx-x  
KENNETH W. COBB xxx-xx-x  
DONALD A. COE xxx-xx-x  
JAMES H. COFFMAN xxx-xx-x  
HOWARD I. COHEN xxx-xx-x  
STEWART L. COKER xxx-xx-x  
JERRY COLE xxx-xx-x

THOMAS A. COLE xxx-xx-x  
THOMAS M. COLE xxx-xx-x  
GLEN C. COLLINS xxx-xx-x  
JOHN W. COLLINS xxx-xx-x  
MICHAEL COLPO xxx-xx-x  
JAMES A. CONNELL xxx-xx-x  
KEVIN T. CONNELLY xxx-xx-x  
ERIC E. CONNERS xxx-xx-x  
BYRON D. CONOVER xxx-xx-x  
MICHAEL J. CONRAD xxx-xx-x  
JOSEPH I. CONTARINO xxx-xx-x  
PETER C. COOPER xxx-xx-x  
FRANK E. COOTS xxx-xx-x  
EDDY C. COPPOCK xxx-xx-x  
MICHAEL F. CORCORAN xxx-xx-x  
MARK CORDA xxx-xx-x  
RONALD C. CORDELL xxx-xx-x  
RADAMES CORRIER, JR. xxx-xx-x  
DAVID S. COTTRELL xxx-xx-x  
JAMES S. COUBEY xxx-xx-x  
MICHAEL P. COVILLE xxx-xx-x  
DAVID A. COVINGTON xxx-xx-x  
GREGORY B. COX xxx-xx-x  
ROBERT D. COX xxx-xx-x  
STEVEN J. COX xxx-xx-x  
JOHN B. CRAFTON xxx-xx-x  
MARK B. CRAIG xxx-xx-x  
KEVIN K. CRAWFORD xxx-xx-x  
ERIC R. CRAWLEY xxx-xx-x  
LEIGH J. CREIGHTON xxx-xx-x  
DAVID B. CRIPPS xxx-xx-x  
LARRY W. CROCE xxx-xx-x  
GORDON W. CROM xxx-xx-x  
BRIAN K. CROTTIS xxx-xx-x  
KENNETH E. CROWDER xxx-xx-x  
KENNETH M. CROWE xxx-xx-x  
RUSSELL B. CRUMRINE xxx-xx-x  
JOHN D. CULP xxx-xx-x  
EDWARD T. CUNEO xxx-xx-x  
MARK L. CURRY xxx-xx-x  
DONALD R. CURTIS xxx-xx-x  
STEPHEN L. CURTIS xxx-xx-x  
DANIEL G. DALEY xxx-xx-x  
ANTHONY J. DANGELO xxx-xx-x  
JESSE J. DANIEL xxx-xx-x  
DEAN A. DANIELSON xxx-xx-x  
GREGORY M. DARBONNE xxx-xx-x  
GREGORY J. DARDIS xxx-xx-x  
FRED J. DAUM xxx-xx-x  
BRIAN L. DAUTREMONT xxx-xx-x  
NANCY H. DAVENPORT xxx-xx-x  
ADDISON D. DAVIS xxx-xx-x  
ARTHUR K. DAVIS xxx-xx-x  
IRA J. DAVIS xxx-xx-x  
LAUREN S. DAVIS xxx-xx-x  
ROBERT C. DAVIS xxx-xx-x  
ROBERT E. DAVIS xxx-xx-x  
RODNEY M. DAVIS xxx-xx-x  
MICHAEL L. DAWKINS xxx-xx-x  
DONALD W. DAWSON xxx-xx-x  
GERALD T. DAWSON xxx-xx-x  
ANDREW K. DEAN xxx-xx-x  
RAPHAEL P. DEEGAN xxx-xx-x  
RICHARD P. DEFATTA xxx-xx-x  
SERGIO DELAPENA xxx-xx-x  
DEAN G. DELIS xxx-xx-x  
GENARO DELLAROCO xxx-xx-x  
JAME DELOTTINVILLE xxx-xx-x  
JAMES M. DEPAZ xxx-xx-x  
TERRY K. DEROUCHAY xxx-xx-x  
KRISMA D. DEWITT xxx-xx-x  
ROGELIO DIAZ xxx-xx-x  
VICTOR M. DIAZ xxx-xx-x  
JOSEPH F. DIGAN xxx-xx-x  
PETER J. DILLON xxx-xx-x  
ROBERT L. DITTMANN xxx-xx-x  
DOUGLAS B. DOBSON xxx-xx-x  
ALFRED E. DOCHNAL xxx-xx-x  
NELSON C. DODD xxx-xx-x  
DENNIS E. DODSON xxx-xx-x  
RICHARD C. DOERBR xxx-xx-x  
JOHN C. DONAHUE xxx-xx-x  
STEPHEN C. DONEHOU xxx-xx-x  
EDWARD P. DONNELLY xxx-xx-x  
KEITH R. DONNELLY xxx-xx-x  
MARK T. DOODY xxx-xx-x  
PATRICIA A. DOOLEY xxx-xx-x  
WILLIAM C. DORMAN xxx-xx-x  
RICK A. DORSEY xxx-xx-x  
GRACE A. DORTA xxx-xx-x  
KENNETH S. DOWD xxx-xx-x  
BILLY J. DOWDY xxx-xx-x  
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 KEVIN R. WENDEL xxx-xx-xx  
 JOE C. WEST xxx-xx-xx  
 STEVEN A. WEYMAN xxx-xx-xx  
 GEORGE A. WHEAT xxx-xx-xx  
 ALVIS A. WHEATLEY xxx-xx-xx  
 BENJAMIN G. WHITE xxx-xx-xx  
 JEFFREY S. WHITE xxx-xx-xx  
 KENNETH J. WHITE xxx-xx-xx  
 FRANCIS WIERCINSKI xxx-xx-xx  
 STEVE T. WILBERGER xxx-xx-xx  
 BUFFIE D. WILCOX xxx-xx-xx  
 WILLIAM WILKINSON xxx-xx-xx  
 GREGOR WILLIAMITIS xxx-xx-xx  
 FLOYD D. WILLIAMS xxx-xx-xx  
 THOMAS W. WILLIAMS xxx-xx-xx  
 WESLEY G. WILLIAMS xxx-xx-xx  
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 WILLIAM R. WILSON xxx-xx-xx  
 KEVIN S. WINMUR xxx-xx-xx  
 JAMES E. WIMBUSH xxx-xx-xx  
 RONALD L. WIT xxx-xx-xx  
 PETER V. WOJCIK xxx-xx-xx  
 WILLIAM T. WOLF xxx-xx-xx  
 ROBERT W. WOLFENDE xxx-xx-xx  
 TERRY A. WOLFF xxx-xx-xx  
 STEPHEN C. WOOD xxx-xx-xx  
 ALLEN F. WOODHOUSE xxx-xx-xx  
 ANTHONY W. WRIGHT xxx-xx-xx  
 KEVIN V. WRIGHT xxx-xx-xx  
 JEFFERY W. YAEBLER xxx-xx-xx  
 ROBERT W. YINGLING xxx-xx-xx  
 JOHN A. YLINEN xxx-xx-xx  
 BRUCE P. YOST xxx-xx-xx  
 CHRISTOPHER YOUNG xxx-xx-xx  
 DON C. YOUNG xxx-xx-xx  
 JOSEPH D. YOUNG xxx-xx-xx  
 MORRIS M. YOUNG xxx-xx-xx  
 MICHAEL ZABOROWSKI xxx-xx-xx  
 PAUL A. ZACHARZUK xxx-xx-xx  
 JAMES E. ZANOL xxx-xx-xx  
 WILLIAM J. ZIENTEK xxx-xx-xx  
 MARK J. ZODDA xxx-xx-xx  
 WILLIAM D. ZOELLERS xxx-xx-xx  
 MICHAEL A. ZONFRELLI xxx-xx-xx  
 LIN B. ZULICK xxx-xx-xx

11:00 a.m. - 11:30 a.m. - Foreign Relations  
 1:30 p.m. - Commerce, Science and Transportation  
 3:00 p.m. - Select on Intelligence  
 5:00 p.m. - Governmental Affairs  
 7:00 p.m. - Foreign Relations

\* This notice should identify statements or insertions which are not spoken by a Member of the Senate on the floor. Member's initials should be inserted on reports which are not spoken by a Member of the House on the floor.

## EXTENSIONS OF REMARKS

## SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, June 21, 1994, may be found in the Daily Digest of today's RECORD.

## MEETINGS SCHEDULED

## JUNE 22

- 9:30 a.m.  
Appropriations  
Agriculture, Rural Development, and Related Agencies Subcommittee  
Business meeting, to mark up provisions of H.R. 4554, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 1995.  
SD-138
- Commerce, Science, and Transportation  
To hold hearings on S. 2195, to direct the Federal Communications Commission to require the reservation, for public uses, of capacity on telecommunications networks.  
SR-253
- Commerce, Science, and Transportation  
Communications Subcommittee  
To hold hearings on proposed legislation relating to public rights of way.  
SR-253
- 10:00 a.m.  
Appropriations  
To hold hearings to examine illegal immigration.  
SD-192
- Governmental Affairs  
To hold hearings on military construction, focusing on Federal building structures and base closings.  
SD-342
- 10:30 a.m.  
Joint Economic  
To hold hearings on facilitating pension investments for economic growth and development.  
SD-628

## JUNE 23

- 9:00 a.m.  
Office of Technology Assessment Board meeting, to consider pending business.  
EF-100, Capitol
- 9:30 a.m.  
Environment and Public Works  
Business meeting, to consider pending calendar business.  
SD-406
- Rules and Administration  
To hold hearings on the nominations of Lee Ann Elliott, of Virginia, and Danny Lee McDonald, of Oklahoma, each to be a Member of the Federal Election Commission.  
SR-301
- 10:00 a.m.  
Appropriations  
Energy and Water Development Subcommittee  
Business meeting, to mark up H.R. 4506, making appropriations for energy and water development for the fiscal year ending September 30, 1995.  
SD-116
- Judiciary  
Business meeting, to consider pending calendar business.  
SD-226
- 10:30 a.m.  
Rules and Administration  
To hold oversight hearings on the operations of the Office of the Architect of the Capitol.  
SR-301
- 2:00 p.m.  
Energy and Natural Resources  
Water and Power Subcommittee  
To hold oversight hearings on the implementation of the Central Valley Project Improvement Act and the coordination of these actions with other Federal protection and restoration efforts in the San Francisco Bay/Sacramento-San Joaquin Delta.  
SD-366
- Foreign Relations  
To hold hearings on the nominations of Brian J. Donnelly, of Massachusetts, to be Ambassador to Trinidad and Tobago, and George Charles Bruno, of New Hampshire, to be Ambassador to Belize.  
S-116, Capitol
- 2:30 p.m.  
Select on Intelligence  
To hold closed hearings on intelligence matters.  
SH-219
- 10:00 a.m.  
Foreign Relations  
To hold hearings on pending nominations.  
SD-419

## JUNE 24

- 10:00 a.m.  
Foreign Relations  
To hold hearings on pending nominations.  
SD-419

## JUNE 28

- 9:30 a.m.  
Energy and Natural Resources  
Energy Research and Development Subcommittee  
To hold hearings on S. 2104, to establish within the National Laboratories of the Department of Energy a national Albert Einstein Distinguished Educator Fellowship Program.  
SD-366
- 2:00 p.m.  
Foreign Relations  
Western Hemisphere and Peace Corps Affairs Subcommittee  
To hold hearings to examine United States policy toward Haiti.  
SD-419

## JUNE 29

- 9:30 a.m.  
Agriculture, Nutrition, and Forestry  
To hold hearings on pending pesticide legislation, including S. 985, to revise the Federal Insecticide, Fungicide, and Rodenticide Act with respect to minor uses of pesticides, S. 1478, to revise the Federal Insecticide, Fungicide, and Rodenticide Act to ensure that pesticide tolerances adequately safeguard the health of infants and children, and S. 2050, to revise the Federal Insecticide, Fungicide, and Rodenticide Act.  
SR-332
- Rules and Administration  
Business meeting, to consider the nominations of Lee Ann Elliott, of Virginia, and Danny Lee McDonald, of Oklahoma, each to be a Member of the Federal Election Commission.  
SR-301
- 11:00 a.m.  
Foreign Relations  
To hold hearings on the nomination of Jeffrey Rush, Jr., of Missouri, to be Inspector General, Agency for International Development.  
SD-419

- 2:30 p.m.  
Commerce, Science, and Transportation  
Communications Subcommittee  
To hold hearings on S. 2120, to authorize appropriations for the Corporation for Public Broadcasting for fiscal years 1997 through 1999.  
SR-253

## JULY 13

- 9:30 a.m.  
Commerce, Science, and Transportation  
Foreign Commerce and Tourism Subcommittee  
To hold hearings to examine current tourism policy activities.  
SR-253

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.  
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

*June 20, 1994*

EXTENSIONS OF REMARKS

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POSTPONEMENTS

JUNE 23

9:30 a.m.

Energy and Natural Resources

To hold oversight hearings to examine  
the scientific and technological basis  
for radon policy.

SD-366