

¶118.2 RECESS—10:36 A.M.

The SPEAKER pro tempore, Mr. HASTINGS, pursuant to clause 12 of rule I, declared the House in recess at 10 o'clock and 36 minutes a.m., until 12 o'clock noon.

¶118.3 AFTER RECESS—12:00 NOON

The SPEAKER called the House to order.

¶118.4 APPROVAL OF THE JOURNAL

The SPEAKER announced he had examined and approved the Journal of the proceedings of Friday, September 30, 1994.

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

¶118.5 COMMUNICATIONS

Executive and other communications, pursuant to clause 2, rule XXIV, were referred as follows:

3890. A letter from the Deputy Assistant Secretary, Department of the Air Force, transmitting notice that the Air Force plans to conduct a cost comparison of aircraft maintenance at Altus Air Force Base, OK, pursuant to 10 U.S.C. 2304 note; to the Committee on Armed Services.

3891. A letter from the Acting Chief Executive Officer, Resolution Trust Corporation and Executive Director, Thrift Depositor Protection Oversight Board, transmitting the semiannual report of unaudited financial statements pursuant to section 21A(k)(5)(C) of the Federal Home Loan Bank Act; to the Committee on Banking, Finance and Urban Affairs.

3892. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a copy of the President's determination (94-53) that it is in the national interest for the Export-Import Bank to extend a loan to the People's Republic of China; to the Committee on Banking, Finance and Urban Affairs.

3893. A letter from the Secretary of Health and Human Services, transmitting her recommendations on performance standards for the Job Opportunities and Basic Skills Training [JOBS] Program, pursuant to Public Law 100-485; to the Committee on Education and Labor.

3894. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a copy of the Secretary's determination and justification to exercise the authority granted him under section 451 of the Foreign Assistance Act of 1961, as amended, authorizing the use in fiscal year 1994 funds for assistance to establish and sustain a Palestinian police force in the West Bank and Gaza Strip, pursuant to 22 U.S.C. 2261(a)(2); to the Committee on Foreign Affairs.

3895. A letter from the Assistant Secretary of Legislative Affairs, Department of State, transmitting a determination of the President the intent to exercise his authority under section 614(a)(1) and section 226(b) of the FAA regarding the Loan Guarantees to Israel Program for fiscal year 1995 and the reduction of the amount, pursuant to 22 U.S.C. 2364(c) and 22 U.S.C. 2186(b); to the Committee on Foreign Affairs.

3896. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a memorandum of justification for the President's determination to authorize issuance of loan guarantees to Israel in lieu of their statutory deduction under the Loan Guarantees for Israel Program, pursuant to 22 U.S.C. 2364(a)(2); to the Committee on Foreign Affairs.

3897. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Secretary's report on the outstanding investment disputes of U.S. persons, pursuant to Public Law 103-236, section 527(f); to the Committee on Foreign Affairs.

3898. A letter from the Acting Director, Office of Management and Budget, transmitting MOB estimate of the amount of change in outlays or receipts, as the case may be, in each fiscal year through fiscal year 1999 resulting from passage of H.R. 3474, pursuant to Public Law 101-508, section 13101(a) (104 Stat. 1388-582); to the Committee on Government Operations.

3899. A letter from the Acting Archivist of the United States, National Archives, transmitting notification that the Archivist has requested the Attorney General to initiate an action to recover improperly alienated Federal records, the War Department records from the immediate post-Civil War era, pursuant to 44 U.S.C. 2905(a), 3106; to the Committee on Government Operations.

3900. A letter from the Secretary of the Interior, transmitting a draft of proposed legislation to approve the location of a World War II memorial; to the Committee on National Resources.

3901. A letter from the Attorney General, Department of Justice, transmitting a report on the awarding of the Young American Medals for Bravery and Service for the calendar year 1992, pursuant to 42 U.S.C. 1925; to the Committee on the Judiciary.

3902. A letter from the Commissioner of Customs, U.S. Customs Service, transmitting a copy of the Customs reorganization plan report; to the Committee on Ways and Means.

3903. A letter from the Chairman, U.S. International Trade Commission, transmitting the ninth annual report on the impact of the Caribbean Basin Economic Recovery Act on U.S. industries and consumers, pursuant to 19 U.S.C. 2704; to the Committee on Ways and Means.

3904. A letter from the Chairman, United States International Trade Commission, transmitting the first annual report on the impact of the Andean Trade Preference Act on U.S. industries and consumers and on Andean drug crop production, pursuant to 19 U.S.C. 3204; to the Committee on Ways and Means.

3905. A letter from the Administrator, National Aeronautics and Space Administration, transmitting NASA's triennial report on the state of their knowledge of the Earth's upper atmosphere; jointly, to the Committees on Science, Space, and Technology and Energy and Commerce.

3906. A letter from the Secretary of Health and Human Services, transmitting the annual report on Medicare for fiscal year 1992, pursuant to 42 U.S.C. 139511(b); jointly, to the Committees on Ways and Means and Energy and Commerce.

3907. A letter from the Comptroller General, General Accounting Office, transmitting a report on issues affecting the development of an information superhighway (GAO/RCED-94-285); jointly, to the Committees on Energy and Commerce, the Judiciary, and Government Operations.

¶118.6 MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed without amendment bills of the House of the following titles:

H.R. 3694. An Act to amend title 5, United States Code, to permit the garnishment of an annuity under the Civil Service Retirement System or the Federal Employees' Retirement System, if necessary to satisfy a judg-

ment against an annuitant for physically, sexually, or emotionally abusing a child; and H.R. 4543. An Act to designate the United States courthouse to be constructed at 907 Richland Street in Columbia, South Carolina, as the "Matthew J. Perry, Jr. United States Courthouse."

The message also announced that the Senate had passed with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 3485. An Act to authorize appropriations for carrying out the Earthquake Hazards Reduction Act of 1977 for fiscal years 1994, 1995, and 1996;

H.R. 4228. An Act to extend Federal recognition to the United Auburn Indian Community of the Auburn Rancheria of California, and

H.R. 4950. An Act to extend the authorities of the Overseas Private Investment Corporation, and for other purposes.

The message also announced that the Senate insisted upon its amendment to the bill (H.R. 4950) "An Act to extend the authorities of the Overseas Private Investment Corporation, and for other purposes," requested a conference with the House on the disagreeing votes of the two Houses thereon, and appointed Mr. PELL, Mr. SARBANES, and Mr. HELMS to be the conferees on the part of the Senate.

The message also announced that the Senate agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 4299) "An Act to authorize appropriations for fiscal year 1995 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes."

The message also announced that the Senate had passed bills and a joint resolution of the following titles, in which the concurrence of the House is requested:

S. 1225. An Act to authorize and encourage the President to conclude an agreement with Mexico to establish a United States-Mexico Border Health Commission;

S. 1422. An Act to confer jurisdiction on the United States Court of Federal Claims with respect to land claims of Pueblo of Isleta Indian Tribe;

S. 2345. An Act to amend the Solid Waste Disposal Act to provide authority for States to limit the interstate transportation of municipal solid waste, and for other purposes;

S. 2372. An Act to authorize for three years the Commission on Civil Rights, and for other purposes;

S. 2395. An Act to designate the United States Courthouse in Detroit, Michigan, as the "Theodore Levin Courthouse", and for other purposes;

S. 2466. An Act to amend the Energy Policy and Conservation Act to manage the Strategic Petroleum Reserve more effectively, and for other purposes; and

S.J. Res. 227. Joint resolution to approve the location of a Thomas Paine Memorial.

¶118.7 DISTRICT OF COLUMBIA SELF-GOVERNMENT

On motion of Mr. STARK, by unanimous consent, the Committee of the Whole House on the state of the Union

was discharged from further consideration of the bill (H.R. 2902) to amend the District of Columbia Self-Government and Governmental Reorganization Act to revise and make permanent the use of a formula based on adjusted District General Fund revenues as the basis for determining the amount of the annual Federal payment to the District of Columbia, and for other purposes.

When said bill was considered and read twice.

The following amendment in the nature of a substitute, recommended by the Committee on the District of Columbia, was then agreed to:

Strike out all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Payment Reauthorization Act of 1994".

SEC. 2. AUTHORIZATION OF ANNUAL FEDERAL PAYMENT TO DISTRICT OF COLUMBIA FOR FISCAL YEAR 1996.

Section 503 of the District of Columbia Self-Government and Governmental Reorganization Act (sec. 47-3406.1, D.C. Code) is amended by adding at the end the following new subsection:

"(c) There is authorized to be appropriated as the annual Federal payment to the District of Columbia for fiscal year 1996 \$660,000,000."

SEC. 3. PERFORMANCE AND FINANCIAL ACCOUNTABILITY REQUIREMENTS FOR DISTRICT GOVERNMENT.

(a) IN GENERAL.—Subpart 2 of part D of title IV of the District of Columbia Self-Government and Governmental Reorganization Act is amended—

(1) in the heading for such subpart, by striking "Audit" and inserting "Audits and Accountability Requirements"; and

(2) by adding at the end the following new section:

"PERFORMANCE AND FINANCIAL ACCOUNTABILITY

"Sec. 456. (a) PERFORMANCE ACCOUNTABILITY PLAN.—

"(1) SUBMISSION OF ANNUAL PLAN.—Not later than March 1 of each year (beginning with 1995), the Mayor shall develop and submit to the Committee on the District of Columbia of the House of Representatives, the Committee on Governmental Affairs of the Senate, the Committees on Appropriations of the House of Representatives and the Senate, and the Comptroller General a performance accountability plan for all departments, agencies, and programs of the government of the District of Columbia for the subsequent fiscal year.

"(2) CONTENTS OF PLAN.—The performance accountability plan for a fiscal year shall contain the following:

"(A) A statement of measurable, objective performance goals established for all significant activities of the government of the District of Columbia during the fiscal year (including activities funded in whole or in part by the District but performed in whole or in part by some other public or private entity) that describe an acceptable level of performance by the government and a superior level of performance by the government.

"(B) A description of the measures of performance to be used in determining whether the government has met the goals established under subparagraph (A) with respect to an activity for a fiscal year. Such measures shall analyze the quantity and quality of the activities involved, and shall include measures of program outcomes and results.

"(C) The title of the District of Columbia management employee most directly respon-

sible for the achievement of each goal and the title of such employee's immediate supervisor or superior.

"(3) DESCRIPTION OF ACTIVITIES SUBJECT TO COURT ORDER.—In addition to the material included in the performance accountability plan for a fiscal year under paragraph (2), the plan shall include a description of the activities of the government of the District of Columbia that are subject to a court order during the fiscal year and the requirements placed on such activities by the court order.

"(b) PERFORMANCE ACCOUNTABILITY REPORT.—

"(1) SUBMISSION OF REPORT.—Not later than March 1 of each year (beginning with 1997), the Mayor shall develop and submit to the Committee on the District of Columbia of the House of Representatives, the Committee on Governmental Affairs of the Senate, the Committees on Appropriations of the House of Representatives and the Senate, and the Comptroller General a performance accountability report on activities of the government of the District of Columbia during the fiscal year ending on the previous September 30.

"(2) CONTENTS OF REPORT.—The performance accountability report for a fiscal year shall contain the following:

"(A) For each goal of the performance accountability plan submitted under subsection (a) for the year, a statement of the actual level of performance achieved compared to the stated goal for an acceptable level of performance and the goal for a superior level of performance.

"(B) The title of the District of Columbia management employee most directly responsible for the achievement of each goal and the title of such employee's immediate supervisor or superior.

"(C) A statement of the status of any court orders applicable to the government of the District of Columbia during the year and the steps taken by the government to comply with such orders.

"(3) EVALUATION OF REPORT.—The Comptroller General, in consultation with the Director of the Office of Management and Budget, shall review and evaluate each performance accountability report submitted under this subsection and not later than April 15 of each year shall submit comments on such report to the Committee on the District of Columbia of the House of Representatives, the Committee on Governmental Affairs of the Senate, and the Committees on Appropriations of the House of Representatives and the Senate.

"(c) FINANCIAL ACCOUNTABILITY PLAN AND REPORT.—

"(1) DEVELOPMENT AND SUBMISSION.—Not later than March 1, of each year (beginning with 1995) the Mayor shall develop and submit to the Committee on the District of Columbia of the House of Representatives, the Committee on Governmental Affairs of the Senate, the Committees on Appropriations of the House of Representatives and the Senate, and the Comptroller General a 5-year financial plan for the government of the District of Columbia that contains a description of the steps the government will take to eliminate any differences between expenditures from, and revenues attributable to, each fund of the District of Columbia during the first 5 fiscal years beginning after the submission of the plan.

"(2) REPORT ON COMPLIANCE.—

"(A) SUBMISSION OF REPORT.—Not later than March 1 of every year (beginning with 1997), the Mayor shall submit a report to the Committee on the District of Columbia of the House of Representatives, the Committee on Governmental Affairs of the Senate, the Committees on Appropriations of the House of Representatives and the Senate, the Comptroller General, and the Director of the

Congressional Budget Office on the extent to which the government of the District of Columbia was in compliance during the preceding fiscal year with the applicable requirements of the financial accountability plan submitted for such fiscal year under this subsection.

"(B) EVALUATION OF REPORT.—The Comptroller General, in consultation with the Director of the Congressional Budget Office, shall review and evaluate the financial accountability compliance report submitted under subparagraph (A) and not later than April 15 of each year shall submit comments on such report to the Committee on the District of Columbia of the House of Representatives, the Committee on Governmental Affairs of the Senate, and the Committees on Appropriations of the House of Representatives and the Senate.

"(d) QUARTERLY FINANCIAL REPORTS.—

"(1) SUBMISSION OF QUARTERLY FINANCIAL REPORTS.—Not later than fifteen days after the end of every calendar quarter (beginning with a report for the quarter beginning October 1, 1994), the Mayor shall submit to the Committee on the District of Columbia of the House of Representatives, the Committee on Governmental Affairs of the Senate, and the Subcommittees on the District of Columbia of the Committees on Appropriations of the House of Representatives and the Senate, a report on the financial and budgetary status of the government of the District of Columbia for the previous quarter.

"(2) CONTENTS OF REPORT.—Each quarterly financial report submitted under paragraph (1) shall include the following information:

"(A) A comparison of actual to forecasted cash receipts and disbursements for each month of the quarter, as presented in the District's fiscal year consolidated cash forecast which shall be supported and accompanied by cash forecasts for the general fund and each of the District government's other funds other than the capital projects fund and trust and agency funds.

"(B) A projection of the remaining months cash forecast for that fiscal year.

"(C) Explanations of (i) the differences between actual and forecasted cash amounts for each of the months in the quarter, and (ii) any changes in the remaining months forecast as compared to the original forecast for such months of that fiscal year.

"(D) The effect of such changes, actual and projected, on the total cash balance of the remaining months and for the fiscal year.

"(E) Explanations of the impact on meeting the budget, how the results may be reflected in a supplemental budget request, or how other policy decisions may be necessary which may require the agencies to reduce expenditures in other areas.

"(F) An aging of the outstanding receivables and payables, with an explanation of how they are reflected in the forecast of cash receipts and disbursements.

"(G) For each department or agency, the actual number of full-time equivalent positions, the actual number of full-time employees, the actual number of part-time employees, and the actual number of temporary employees, together with the source of funding for each such category of positions and employees."

(b) CLERICAL AMENDMENTS.—The table of contents of the District of Columbia Self-Government and Governmental Reorganization Act is amended—

(1) in the item relating to subpart 2 of part D of title IV, by striking "Audit" and inserting "Audits and Accountability Requirements"; and

(2) by inserting after the item relating to section 455 the following new item:

"Sec. 456. Performance and financial accountability."

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title, and passed.

By unanimous consent, the title was amended so as to read: "A bill to amend the District of Columbia Self-Government and Governmental Reorganization Act to reauthorize the annual Federal payment to the District of Columbia for fiscal year 1996, and for other purposes."

A motion to reconsider the votes whereby the bill, as amended, was passed and the title was amended was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶118.8 RECESS—12:18 P.M.

The SPEAKER pro tempore, Mr. MONTGOMERY, pursuant to clause 12 of rule I, declared the House in recess at 12 o'clock and 18 minutes p.m., subject to the call of the Chair.

¶118.9 AFTER RECESS—12:21 P.M.

The SPEAKER pro tempore, Mr. MONTGOMERY, called the House to order.

¶118.10 INTERNATIONAL ANTITRUST ENFORCEMENT ASSISTANCE

Mr. BROOKS moved to suspend the rules and pass the bill (H.R. 4781) to facilitate obtaining foreign-located antitrust evidence by authorizing the Attorney General of the United States and the Federal Trade Commission to provide, in accordance with antitrust mutual assistance agreements, antitrust evidence to foreign antitrust authorities on a reciprocal basis; and for other purposes; as amended.

The SPEAKER pro tempore, Mr. MONTGOMERY, recognized Mr. BROOKS and Mr. FISH, each for 20 minutes.

After debate,

The question being put, *viva voce*,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. MONTGOMERY, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶118.11 STATE TAXATION LIMITATION

Mr. BROOKS moved to suspend the rules and pass the bill (H.R. 546) to limit State taxation of certain pension income, and for other purposes; as amended.

The SPEAKER pro tempore, Mr. MONTGOMERY, recognized Mr. BROOKS and Mr. FISH, each for 20 minutes.

After debate,

The question being put, *viva voce*,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. MONTGOMERY, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶118.12 CIVIL RIGHTS COMMISSION

Mr. BROOKS moved to suspend the rules and pass the bill (H.R. 4999) to amend the United States Commission on Civil Rights Act of 1983; as amended.

The SPEAKER pro tempore, Mr. MONTGOMERY, recognized Mr. BROOKS and Mr. HYDE, each for 20 minutes.

After debate,

The question being put, *viva voce*,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. MONTGOMERY, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

On motion of Mr. BROOKS, by unanimous consent, the bill of the Senate (S. 2372) to reauthorize for three years the Commission on Civil Rights, and for other purposes; was taken from the Speaker's table.

When said bill was considered and read twice.

Mr. BROOKS submitted the following amendment, which was agreed to:

Strike out all after the enacting clause and insert the provisions of H.R. 4999, as passed by the House.

The bill, as amended, was ordered to be read a third time, was read a third time by title, and passed.

By unanimous consent, the title was amended so as to read: "A bill to amend the United States Commission on Civil Rights Act of 1983."

A motion to reconsider the votes whereby said bill, as amended, was passed and the title was amended was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said amendments.

By unanimous consent, H.R. 4999, a similar House bill, was laid on the table.

¶118.13 MADRID PROTOCOL IMPLEMENTATION

Mr. BROOKS moved to suspend the rules and pass the bill (H.R. 2129) to amend the Trademark Act of 1946 to provide for the registration and protection of trademarks used in commerce,

in order to carry out provisions of certain international conventions, and for other purposes; as amended.

The SPEAKER pro tempore, Mr. MONTGOMERY, recognized Mr. BROOKS and Mr. MOORHEAD, each for 20 minutes.

After debate,

The question being put, *viva voce*,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. MONTGOMERY, announced that two-thirds of the Members present had voted in the affirmative.

Mr. ROHRBACHER objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Mr. MONTGOMERY, pursuant to clause 5, rule I, announced that further proceedings on the motion were postponed.

The point of no quorum was considered as withdrawn.

¶118.14 PATENT AND TRADEMARK OFFICE AUTHORIZATION

Mr. HUGHES moved to suspend the rules and pass the bill (H.R. 4608) to authorize appropriations for the Patent and Trademark Office in the Department of Commerce for fiscal year 1995, and for other purposes; as amended.

The SPEAKER pro tempore, Mr. MONTGOMERY, recognized Mr. HUGHES and Mr. MOORHEAD, each for 20 minutes.

After debate,

The question being put, *viva voce*,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. MONTGOMERY, announced that two-thirds of the Members present had voted in the affirmative.

Mr. ROHRBACHER objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Mr. MONTGOMERY, pursuant to clause 5, rule I, announced that further proceedings on the motion were postponed.

The point of no quorum was considered as withdrawn.

¶118.15 KANSAS AND MISSOURI COMPACT

Mr. BROOKS moved to suspend the rules and pass the bill (H.R. 4896) to grant the consent of the Congress to the Kansas and Missouri Metropolitan Culture District Compact.

The SPEAKER pro tempore, Mr. MONTGOMERY, recognized Mr. BROOKS and Mr. MOORHEAD, each for 20 minutes.

After debate,

The question being put, *viva voce*,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. MONTGOMERY, announced that two-thirds of the Members present had voted in the affirmative.

Mr. ROHRBACHER objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Mr. MONTGOMERY, pursuant to clause 5, rule I, announced that further proceedings on the motion were postponed.