

HOUSE OF REPRESENTATIVES—Friday, September 28, 1990

The House met at 10 a.m.

Charles A. Mallon, Permanent Deacon, Holy Family Church, Mitchellville, MD, offered the following prayer:

Vindicate me, O Lord, for I have walked in my integrity, and have trusted in the Lord without wavering. Prove me, O Lord, and try me; test my heart and mind. For thy steadfast love is before my eyes, and I walk in faithfulness to thee.—Psalm 26:1-3.

Father, Scripture tells us that your thoughts are not man's thoughts and Your ways are not man's ways. It is precisely because of this sinful condition that this legislative body must codify man's interests.

Your justice is marked by indiscriminate generosity whereas man's justice is marked by fairness and equity. You insure domestic tranquility with Your peaceful presence whereas man insures domestic tranquility with sworn police officers. You provide for the common defense through Your living word, man provides for the common defense through established military superiority. You promote the general welfare by Your healing presence, man promotes the general welfare by satisfying urgent needs. You secure the blessings of liberty to ourselves and our posterity through the recognition of man's love for You, man secures the blessings of liberty to ourselves and our posterity through the recognition of man's love for his neighbor.

Father, we ask for a better understanding of Your thoughts and Your ways. And we ask this through the intercession of Jesus Christ, the Lion of Juda who is the Prince of Peace and the King of Kings. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

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

The SENSENBRENNER. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

Mr. SPEAKER. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. SENSENBRENNER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and

make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 239, nays 83, not voting 111, as follows:

[Roll No. 392]

YEAS—239

Anderson	Ford (MI)	Michel
Andrews	Frank	Miller (CA)
Annunzio	Frost	Mineta
Applegate	Gejdenson	Mink
Archer	Gephardt	Moakley
Aspin	Geren	Mollohan
Atkins	Gibbons	Moody
AuCoin	Gillmor	Morella
Bateman	Gilman	Morrison (WA)
Bates	Glickman	Mrazek
Bellenson	Gonzalez	Murtha
Bennett	Gordon	Myers
Berman	Gradison	Nagle
Bevill	Grant	Natcher
Bilbray	Guarini	Neal (MA)
Boggs	Gunderson	Neal (NC)
Bonior	Hamilton	Nielson
Borski	Hammerschmidt	Oberstar
Bosco	Hansen	Obey
Boxer	Harris	Olin
Brennan	Hatcher	Ortiz
Brooks	Hayes (IL)	Owens (NY)
Browder	Hayes (LA)	Owens (UT)
Brown (CA)	Hefner	Oxley
Bruce	Hertel	Packard
Byron	Hoagland	Pallone
Campbell (CO)	Hochbrueckner	Panetta
Cardin	Horton	Patterson
Carper	Houghton	Payne (NJ)
Carr	Hoyer	Payne (VA)
Chapman	Hubbard	Pease
Clarke	Huckaby	Penny
Clement	Hughes	Perkins
Clinger	Hutto	Pickett
Coleman (MO)	Jenkins	Pickle
Coleman (TX)	Johnson (CT)	Porter
Collins	Johnson (SD)	Poshard
Combest	Jones (NC)	Pursell
Condit	Jontz	Rahall
Conte	Kanjorski	Ravenel
Cooper	Kaptur	Ray
Costello	Kasich	Rinaldo
Darden	Kastenmeier	Roe
Davis	Kennelly	Rowland (GA)
de la Garza	Kildee	Russo
DeFazio	Kleczka	Sabo
Dellums	Kolter	Sangmeister
Derrick	Kostmayer	Sarpalius
Dicks	Lancaster	Savage
Dingell	Lantos	Sawyer
Dixon	Laughlin	Scheuer
Donnelly	Leath (TX)	Schumer
Dorgan (ND)	Lehman (CA)	Serrano
Downey	Lent	Sharp
Durbin	Levin (MI)	Shaw
Dymally	Levine (CA)	Shuster
Dyson	Lewis (GA)	Sisisky
Edwards (CA)	Livingston	Skaggs
Emerson	Lloyd	Skeen
English	Long	Skelton
Erdreich	Manton	Slattery
Espy	Matsui	Slaughter (NY)
Evans	Mazzoli	Slaughter (VA)
Fascell	McCloskey	Smith (IA)
Fazio	McCurdy	Smith (NE)
Feighan	McDade	Smith (VT)
Fish	McHugh	Snowe
Flake	McMillan (NC)	Solarz
Flippo	McMillen (MD)	Spratt
Foglietta	McNulty	Staggers

Stallings	Torricelli	Waxman
Stark	Towns	Weiss
Stenholm	Trafficant	Whitten
Studds	Traxler	Wise
Synar	Unsoeld	Wolpe
Tailon	Valentine	Wyden
Tanner	Vento	Wylie
Taylor	Visclosky	Yates
Thomas (GA)	Walgren	Yatron
Torres	Washington	

NAYS—83

Armey	Hefley	Roukema
Ballenger	Herger	Saxton
Bereuter	Hopkins	Schaefer
Billirakis	Hunter	Schroeder
Bliley	Inhofe	Sensenbrenner
Boehrlert	Ireland	Shays
Buechner	Jacobs	Sikorski
Bunning	James	Smith, Denny
Burton	Kolbe	(OR)
Campbell (CA)	Lagomarsino	Smith, Robert
Chandler	Leach (IA)	(NH)
Coble	Lewis (CA)	Smith, Robert
Coughlin	Lewis (FL)	(OR)
Cox	Lowery (CA)	Solomon
Craig	Lukens, Donald	Spence
Dannemeyer	Machtley	Stearns
DeWine	Madigan	Stump
Dickinson	Meyers	Sundquist
Dreier	Miller (OH)	Thomas (WY)
Duncan	Miller (WA)	Upton
Fawell	Moorhead	Volkmmer
Gallo	Murphy	Vucanovich
Gekas	Parris	Walker
Gingrich	Paxon	Weber
Goodling	Petri	Weldon
Goss	Regula	Wolf
Grandy	Rhodes	Young (AK)
Hancock	Rogers	Young (FL)
Hastert	Rohrabacher	

NOT VOTING—111

Ackerman	Hawkins	Price
Alexander	Henry	Quillen
Anthony	Hill	Rangel
Baker	Holloway	Richardson
Barnard	Hyde	Ridge
Bartlett	Johnston	Ritter
Barton	Jones (GA)	Roberts
Bentley	Kennedy	Robinson
Boucher	Kyl	Ros-Lehtinen
Broomfield	LaFalce	Rose
Brown (CO)	Lehman (FL)	Rostenkowski
Bryant	Lightfoot	Roth
Bustamante	Lipinski	Rowland (CT)
Callahan	Lowey (NY)	Roybal
Clay	Luken, Thomas	Saiki
Conyers	Markey	Schiff
Courter	Marlenee	Schneider
Coyne	Martin (IL)	Schuetz
Crane	Martin (NY)	Schulze
Crockett	Martinez	Shumway
DeLay	Mavroules	Smith (FL)
Dornan (CA)	McCandless	Smith (NJ)
Douglas	McCollum	Smith (TX)
Dwyer	McCrery	Stangeland
Early	McDermott	Stokes
Eckart	McEwen	Swift
Edwards (OK)	McGrath	Tauke
Engel	Mfume	Tauzin
Fields	Molinari	Thomas (CA)
Ford (TN)	Montgomery	Udall
Frenzel	Morrison (CT)	Vander Jagt
Gallegly	Nelson	Walsh
Gaydos	Nowak	Watkins
Gray	Oakar	Wheat
Green	Parker	Whittaker
Hall (OH)	Pashayan	Williams
Hall (TX)	Pelosi	Wilson

□ 1029

So the Journal was approved.

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. NELSON of Florida. Mr. Speaker, had I been present, I would have voted "aye" on rollcall No. 392.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore (Mr. MAZZOLI). Will the gentleman from Florida [Mr. FASCELL] please lead the House in the Pledge of Allegiance.

Mr. FASCELL led the House in the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 4739. An act to authorize appropriations for fiscal year 1991 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, and for other purposes; and

H.R. 5558. An act to provide for the temporary extension of certain programs relating to housing and community development, and for other purposes.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 4739) "An act to authorize appropriations for fiscal year 1991 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, and for other purposes, requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. NUNN, Mr. EXON, Mr. LEVIN, Mr. KENNEDY, Mr. BINGAMAN, Mr. DIXON, Mr. GLENN, Mr. GORE, Mr. WIRTH, Mr. SHELBY, Mr. BYRD, Mr. WARNER, Mr. THURMOND, Mr. COHEN, Mr. WILSON, Mr. MCCAIN, Mr. WALLOP, Mr. GORTON, Mr. LOTT, and Mr. COATS, to be the conferees on the part of the Senate.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 5558) "An act to provide for the temporary extension of certain programs relating to housing and community development, and for other purposes, requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. RIEGLE, Mr. CRANSTON, Mr. SARBANES, Mr. DODD, Mr. DIXON, Mr. HEINZ, Mr. D'AMATO, Mr. BOND, and Mr. MACK, to be the conferees on the part of the Senate.

The message also announced that the

Senate had passed bills on the following titles, in which the concurrence of the House is requested.

S. 2545. An act to amend title 18 of the United States Code, to increase the term of imprisonment for offenses involving driving while intoxicated when a minor is present in the vehicle;

S. 3117. An act to reauthorize the Commission on Interstate Child Support, and for other purposes; and

S. 3127. An act to designate the Department of Veterans Affairs Medical Center in Albany, NY, as the "Samuel S. Stratton Department of Veterans Affairs Medical Center."

□ 1030

BUDGET AGREEMENT SHOULD NOT VICTIMIZE FEDERAL WORKERS

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

Mr. GEJDENSON. Mr. Speaker, the President has great compassion. Today he meets with the Emir of Kuwait. He ran for President as a kinder and gentler President. We would like to see him kinder and gentler for American Federal workers.

We would like to see this President give us assurances that, for high drama at this budget summit, he does not disrupt American workers' lives.

These people provide essential services. They are presently being paid as much as 30 percent less than their counterparts in the private sector.

We ought to keep on negotiating, we ought to keep on working but we should not victimize Federal workers because of this battle we are having with the President over the budget.

We need a progressive solution, not one that puts the burden on poor people and not one that puts the burden on Federal workers.

CONGRESS SHOULD MEET ITS DEADLINES

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

Mr. GUNDERSON. Mr. Speaker, here we go again. It is no longer 4 days to Armageddon, it is now 3.

Think of it, Mr. Speaker, 365 days in a year, 52 weeks, we are now down to the last weekend to see whether or not this Congress can meet its deadlines, keep the Government from chaos and keep the country from the Armageddon of a recession.

You know, I was wrong yesterday. I said something like 946,000 Federal employees would be furloughed if we cannot meet our deadline. I was wrong. It is 1.1 million.

Think of it, the President submitted a budget on January 28 to the Congress. We were supposed to have had a bipartisan agreement by June 15. It is now the last working day of the fiscal year. We are ready to go into the last

weekend of the fiscal year to see if we can meet our deadline of doing the one thing we are supposed to do, pass a budget, fund the Government.

CONGRESS SHOULD ACT POSITIVELY ON AN ENERGY POLICY

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

Mr. YOUNG of Alaska. Mr. Speaker, we talked about energy policy of the administration's. I think we ought to talk about energy policy of the Congress.

In 25 years, this Congress has never supported energy production in any legislation; if anything, this Congress passed legislation to impede, deter, or eliminate energy production.

Nuclear power has not been addressed by this Congress in a positive fashion, the mining of coal has not been addressed by this Congress in a positive fashion, the building of hydroelectricity has not been addressed by this Congress in a positive fashion, the development of gas and oil has not been addressed by this Congress in a positive fashion. This Congress has done nothing but respond to the special interest groups, the green group, to have no production.

That is why we are dependent upon foreign oil, because that is the only source of energy we have available to us today. This is ridiculous.

Until 1960, we were energy independent. But this Congress saw fit to pass laws to make it unprofitable to develop our energy as we should, as a God-given right to all Americans, to offer opportunities to the young and to the impoverished and to those who come to this Nation because we are great. I think Congress should act positively on energy.

INTRODUCTION OF LEGISLATION IMPOSING A WINDFALL PROFIT TAX

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

Mr. DONNELLY. Mr. Speaker, later today the gentleman from Indiana [Mr. McCLOSKEY] and I will introduce legislation to impose a windfall profit tax on excess oil prices. This tax is in response to the outrageous price gouging that has occurred since Iraq's invasion of Kuwait on August 1.

Mr. Speaker, from 1980 to 1988, this country had a windfall profit tax. The tax was enacted in 1980 as a response to President Carter's proposal to de-regulate oil prices; at the time, there was concern that domestic oil companies would take advantage of consumers. The tax was repealed 2 years ago, and we see what has happened—at the

first chance, oil companies are again taking advantage of consumers. The price of oil yesterday went over \$40 per barrel—more than double its level on August 1. This is at a time when there is no shortage of oil, and the day after President Bush released 5 million barrels of oil from the strategic petroleum reserve.

Mr. Speaker, the budget summit is considering ways to raising taxes. As a member of the Committee on Ways and Means, I propose this windfall profit tax, and I plan to offer it as an amendment to any budget agreement that my committee considers this fall.

INCREASE TAXES, CUT SOCIAL SECURITY? SEQUESTRATION MAY BE BETTER

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

Mr. ROHRBACHER. Mr. Speaker, the budget summit has already committed one supreme outrage by apparently agreeing to increase taxes on the already overtaxed American people. Now it appears they are about to add to that another supreme outrage—cutting freezing or taxing Social Security.

Mr. Speaker, what are these negotiators thinking of? We have heard virtually nothing from the summit about cutting the large amount of wasteful and unnecessary spending that could be cut. Congress cannot and apparently the budget summitters cannot either—find the courage to cut subsidies even for rich farmers or dirty art.

So what do our summitters want to do instead? Increase taxes and cut Social Security, just as the chairman of the Ways and Means Committee, Mr. ROSTENKOWSKI, proposed when this process began.

Mr. Speaker, the American people are not going to put up with this. How can we even think about cutting Social Security and raising taxes, when so much unnecessary spending remains untouched? If this is the way it is going to go, even sequestration may be better than a summit agreement.

PROFITEERING BY THE OIL COMPANIES SHOULD BE MADE A FELONY

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

Mr. HERTEL. Mr. Speaker, the day after, the first day after the Iraq invasion, gasoline prices soared by as much as 15 cents a gallon on oil the companies had bought weeks and months before.

This complete ripoff of the consumer in this country should be punished by a bill I am introducing to

make it a felony, a felony for profiteering by oil companies.

The executives of these oil companies that are damaging our economy, that are damaging our defense, should be put in jail, and under my bill they will be.

THE POLISH DEMOCRATIC CONSTITUTION

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

Mr. CONTE. Mr. Speaker, on May 3, 1791, the people of Poland adopted a new democratic constitution. The constitution established an elected parliament, recognized that all power in civil society should be derived from the will of the people, and affirmed that the citizens of a free country must have the right to speak, write, and worship as they please. It was a proud and important moment in the history of Poland, of Europe, and of democracy.

The constitutional era lasted only a few years, ending when Poland was partitioned between Germany and Russia. But the Polish Constitution's principles remained an inspiration and a hope throughout the era of partition, and again when Poland fell under Communist domination after World War II.

Poland is now free once again, and the spirit of the Constitution of 1791 is a guide to the Polish people and their elected leaders.

Today I am introducing a concurrent resolution which commemorates the adoption of that constitution, and salutes the people of Poland on its bicentennial. I ask my colleagues to cosponsor and support it.

SUMMIT FOR CHILDREN

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

Mr. JAMES. Mr. Speaker, this weekend, while we are trying to solve a budget mess, there will be a special summit in New York for the children of the world. It is an important event, because it will give the children a voice that they have lacked for quite some time. Now, more than ever, their voices need to be heard.

Many children in developing countries die each year from diseases and malnutrition that could be prevented with some basic care. Closer to home, many American children are homeless and hungry, a situation that is unacceptable for a country as rich and prosperous as this one is. Yesterday, I was involved in efforts here in Congress to provide protection to those children who are abducted in this country, either by an estranged parent or by strangers. The problems are

many, but the solutions are there for us to grasp if we want to do so.

Mr. Speaker, I hope that all of our colleagues will join together to find the solutions to the problems of children. I look forward to seeing the results of the world summit on children, and to working toward the implementation of those solutions. The children of the world are our future, and we must do everything possible to make that future a bright one.

□ 1045

NO NEGOTIATING TABLE ON AIR FORCE ONE

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

Mr. DeFAZIO. Mr. Speaker, Air Force One, the most expensive plane in the world, put on a lot of miles this week. The President has been jetting around, raising lots and lots of money for Republican candidates, acting like the chair of the Republican Party rather than the chief executive of a Nation on the brink of disaster.

I concede that it is a lot more fun to jet around on a really neat plane than grind out a budget agreement. This plane has got a bedroom, a lounge, a movie theater, an operating room, maybe even a bowling alley, but there is one thing we know which is not on Air Force One, and that is a negotiating table for the budget summit.

Mr. Speaker, it is time for the President to come home, put aside golf, jet-setting and fishing for just a few days, and negotiate in good faith a fair budget agreement.

DEMOCRATS' DAYS COMING TO AN END

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

Mr. DANNEMEYER. Mr. Speaker, the reality is that the American public has figured out that there is not a big enough trough in the United States to accommodate all the snouts that want to feed at taxpayers' expense. They are uncertain as to where or who they can follow to figure out how to drain some of the food out of that trough.

However, Mr. Speaker, let us understand something. The President of the United States' vote is equal to the combined 535 of the Senate and the House. When sequestration comes, and I do not want it, but I prefer that to the other alternative, tax increases, the President will go to the country and say to the American public that it is about time we change those people who, since 1945 in the House of Representatives, have been feeding up at that trough in order that they can ac-

commodate all the snouts that want to feed at public expense.

I say to my Democrat friends, "Your day is coming to an end. You're about to be shown that the emperor has no clothes, and it's not going to be an enticing or a wonderful thing, but it's going to be embarrassing to the country because in the meantime there's liable to be some pain."

DIFFICULT CHOICES MUST BE MADE

(Mrs. BYRON asked and was given permission to address the House for 1 minute.)

Mrs. BYRON. Mr. Speaker, in the 12 years I have served as a Member of this body I cannot recall a time when the tenor of debate has turned so partisan and devious as to completely obscure the reasons why we are here. But that is exactly the situation we have now in our failure to resolve the budget deadlock.

The debate of the past week has amounted to nothing more than finger pointing and demagoguery on our part, as well as the administration's, and has accomplished anything but instilling confidence in the American public that we, their representatives in Congress, are not up to the jobs they elected us to do. It's no wonder the voters stay away from the polls. We have hardly earned their respect in the way the Congress has conducted itself throughout these budget negotiations.

There is nothing easy about the situation we find ourselves in. The budget deficit is intolerable and choices, very very difficult ones, have to be made. Our job is to make those choices, not hide behind these weeks of rhetoric and electioneering. I, for one, have no intention of voting for a continuing resolution without budget summit resolved, it serves no purpose other than to continue the emotional harassment of our constituents, particularly those who are dependent on Federal services for their livelihood.

None of us have the wisdom of Solomon, but we do have the power of our office and the responsibility to exercise it faithfully on behalf of the people who elected us. It is time for all of us to dispense with these poisonous partisan differences, to weather the hail of criticism, an step up to vote for a tough, realistic deficit reduction package, not to continue to put it off.

WE HAVE A SERIOUS INSTITUTIONAL PROBLEM

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

Mr. PURSELL. Mr. Speaker, we have a serious institutional problem. I do not think it is appropriate to cast

aspersions on the other branch of government when we have not passed our appropriation bill by October 1. The Senate has only passed four. We have passed 10 out of 14, and, therefore, we cannot present a full budget to the President by October 1, which is our sole responsibility as an institution.

I think we have a major institutional crisis here. We have had it for years. The President, regardless of party, has never gotten the appropriation bills to his desk on time in all the years I have served. That is a critical crisis issue, and I do not think we should procrastinate any further by looking at outside solutions, like summit crises, and blaming it on the President of the United States.

Mr. Speaker, let us correct an institutional problem and get our appropriation bills and our budget completed by October 1.

A LOSING COMBINATION

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

Mr. SCHUMER. Mr. Speaker, as the outlines of the summit agreement, or potential agreement, become clearer and clearer, it is getting very obvious that the other side of the aisle, that the White House, the Republican Party, is going to have lots of questions to answer. Why should we cut COLA's on Social Security, a proposal they have been pushing, when so many people depend on those COLA's; poor people, people who have worked hard their whole lives? Why should we cut Medicaid even more deeply than we have to? And yet it is this party that proposed it.

Mr. Speaker, to add insult to injury, if we have to do those things at the White House's insistence, if we have to cut Social Security, if we have to cut Medicare deeply at the White House's insistence, how are we going to explain to our constituents that there was enough money for a capital gains tax to go to the wealthy?

Mr. Speaker, this just does not wash. It is not going to wash, and I would urge my colleagues, I would urge the President, that they cannot have it both ways. They cannot ask the middle-class people to make tough, difficult cuts and then say, "But there's enough money to give tax cuts to the rich in the form of capital gains."

Mr. Speaker, that combination is a loser. Any proposal brought to the floor that has both of those will not only be voted down by this side of the aisle; I would argue that we will find very few votes on the Republican side to vote for it as well.

ROLLCALL

(Mr. SENSENBRENNER asked and was given permission to address the House and to revise and extend his remarks.)

Mr. SENSENBRENNER. Mr. Speaker, for the last 2 days, we have heard from Democrats that the President ought to come back to Washington, and it seems very interesting that some of the people who have been making the complaints apparently have left Washington on this very critical weekend.

Yesterday a gentleman from Ohio said, Mr. Speaker, "George Bush, phone home." That was stated by the gentleman from Ohio [Mr. ECKART]. The Journal rollcall reflects Mr. ECKART was not here.

The gentleman from Florida [Mr. SMITH] complained about the President being irresponsible and being outside of Washington. According to the Journal rollcall, the gentleman from Florida [Mr. SMITH] was not here.

It seems to me that, if we are complaining about people having it both ways, those people on the majority side ought to listen to what the gentleman from Missouri [Mr. GEPHARDT] said yesterday and be here in Washington this weekend working on a budget summit agreement.

THE UNITED STATES MUST LEAD THE FIGHT AGAINST DRIFTNET FISHING

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

Mrs. UNSOELD. Mr. Speaker, imagine the North Pacific Ocean barren of any living creature fatter than 4 inches. That's how tight the mesh of a Japanese driftnet is. And in the North Pacific tonight, the Asian driftnet fleet will let out enough net to encircle our planet.

Last fishing season, we can extrapolate from observer data, that the driftnet fleets of Japan, South Korea, and Taiwan killed more than 52,000 dolphin, 11,000 fur seal, 8,000 Dall's porpoise, a half million seabirds, 1,200 turtles, millions of noncommercial fish that were simply tossed overboard, and more than 4 million tuna.

This profitable carnage should have been enough to jumpstart action in the U.S. Senate and to prompt the administration to play hardball in negotiations that could put the Asian driftnet fleet out of business. No such luck.

The Senate continues to sit on its hands. And the administration continues to oppose my driftnet legislation. We have to prompt that other body to move, not to pass a watered down driftnet bill, but to send to the President tough legislation. The world community needs to ban these curtains of

death. And the United States is the only Nation that can lead the fight.

APOCALYPSE NOW

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

Mr. RHODES. Mr. Speaker, the House better be in order because I am here to sound a warning.

Monday is Armageddon. No, no, no, no, not Gramm-Rudman; we can fix that. Not appropriations; we can fix that. Not the debt ceiling; we can take care of that. But something else happens on Monday we cannot take care of.

Mr. Speaker, I say to my colleagues, "You, and you, and you become subject to the provisions of the Fair Labor Standards Act on Monday."

"Who? Me?"

"Yes, you."

How did this happen?

Mr. Speaker, about a year ago my friends, in a fit of self-righteousness, decided that the House of Representatives ought to be subject to the same laws that we impose on every other business person in the country, and on Monday it goes into effect, and on Monday we have got to treat our employees like every other person in this country has to treat their employees.

Mr. Speaker, I say to my colleagues, "Guess what, folks? That ain't Armageddon. For us this is Apocalypse Now."

URGING COMMON SENSE AT THE CLEAN AIR CONFERENCE

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

Mr. APPELGATE. Mr. Speaker, as a member of the conference committee on Clean Air, I am asking my fellow conferees to take a look at and consider the NAPAP study, which is a National Acid Precipitation Assessment Program. Congress passed that in 1980, with the support of the environmentalists, asking that we find the root cause and effect of acid rain. It took 10 years and spent \$600 million to do it with tax dollars, and what does it say? It says that there is no environmental crisis, that the environmentalists are saying the sky is falling, it is not true, that the forests, the crops, and the lakes are not dying.

Yes, there is a problem. But it can be handled, but not to the tune of \$50 billion a year, and we are going to close aluminum plants, we are going to close steel plants. People are going to pay \$50 billion in utility rates, and, when we turn our lights on we want to cook our food, we want to wash our clothes, we will take a look at our utility bill and find out why this has come to the place that it has.

All I am asking is that we use common sense when we finally reach some conclusion in that clean air conference.

WHERE WERE YOU?

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

Mr. PARRIS. Mr. Speaker, I listened with some considerable interest to my friend the gentleman from California [Mr. DELLUMS], yesterday when he had some observations to make about the Gramm-Rudman bill. He suggested then that it was a legislative mistake and should be rejected. My question to those colleagues who have gotten up this morning and warned us of the pending Armageddon of sequestration, of the potential and imminent furloughs of hundreds of thousands of Federal employees and the dramatic slashing of the defense budget is, "Where were you on December 11, 1985, 5 years ago when Mr. DELLUMS from California was making the same arguments on the floor about the Gramm-Rudman bill? Why didn't you listen to him? He has been proven by the course of events to have been correct."

Mr. Speaker, I did not vote for Gramm-Rudman. He did not vote for Gramm-Rudman. But somebody did. It passed by a vote of 271 to 154.

I ask my colleagues, "Where were you then, ladies and gentlemen? Did you think the mindless proportional reduction of government operations would never happen? That it was not really a threat? Well, if that was true, why did you vote for it?"

Mr. Speaker, it has come about. The substitute for political courage and the exercise of judgment in regard to government priorities is upon us. I would hope that everybody who monitors political activities in America could review the CONGRESSIONAL RECORD and see how their Congressperson voted on Gramm-Rudman and hold him or her accountable for it and the consequences it has visited upon us.

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

Mr. PARRIS. I yield to the gentleman from Massachusetts.

Mr. CONTE. Mr. Speaker, I not only voted against it, I was on the floor fighting against it. Nobody would listen.

□ 1100

DIFFERENT GALAXIES

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

Mr. DORNAN of California. Mr. Speaker, I guess, my colleagues, it is "I

told you so time." I voted against Gramm-Rudman also, because I had had a 2-year forced break in service because of an unethical gerrymandering out in California. So I did not come back here in 1985, after having been here for 6 years before that, to suddenly give away my prerogatives as a voting legislator to some automatic 10 percent process that was going to punish with 50 percent of the cuts the military. Twenty-four Republicans voted against that bill. I remember HENRY HYDE, I remember DUNCAN HUNTER. Most of us were worried about the defense cuts.

But that isn't why I got up here today. I got up because I watched Senator SYMMS and Congresswoman BARBARA BOXER last night on "Crossfire." And, you know, it is like we come from two different galaxies, let alone planets here.

This bashing of the rich. I bet I could go into BARBARA BOXER's FEC forms and find so many millionaire limousine liberals pumping money into her campaign. I have never had an opponent who didn't have more \$1,000 donations than I do for the coke-snorting, wife-swapping, baby-born-out-of-wedlock, radical Hollywood left.

What are we talking about, soaking the rich? The rich, that is us, the rich pays 77.7 percent of the taxes in the top 40 percent bracket.

Mr. HOYER. Mr. Speaker, the gentleman is way out of line. We ask that the words of the gentleman be taken down.

Mr. DORNAN of California. Not way out of line. You will be ruled against. What about 100 bucks? Soak the rich. Take money from them.

The SPEAKER pro tempore (Mr. MAZZOLI). The Chair does not recognize the gentleman from California.

The gentleman from Maryland [Mr. HOYER] asks that the words of the gentleman be taken down.

PARLIAMENTARY INQUIRY

Mr. BURTON of Indiana. Mr. Speaker, would it be possible to have the words of the gentleman read on the floor so we can see what is offensive to the majority? I would like to hear those.

The SPEAKER pro tempore. The Chair would advise the gentleman from Indiana that is the process which will result from the request of the gentleman from Maryland [Mr. HOYER], that the words be taken down.

□ 1104

Mr. HOYER. Mr. Speaker, I have been advised that apparently in the references, and I was listening with half an ear, that the references apparently were not made directly to the Member. I am, therefore, advised that perhaps the words, in fact, were not out of order technically.

Mr. Speaker, therefore, I will withdraw my request.

The SPEAKER pro tempore. The gentleman withdraws his request that the words of the gentleman from California be taken down.

LET US TREAT ONE ANOTHER CIVILLY

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

Mr. HOYER. Mr. Speaker, let me say on behalf of both sides, obviously we are at a very critical stage.

I happen to represent 65,000 Federal employees who are on the brink of perhaps being furloughed. All of us are concerned about that. We are concerned about our institution's inability.

The gentleman from Michigan mentioned that we have not passed appropriation bills. I happen to think that we ought to.

The fact of the matter is that as we move ahead from this, if the remarks of the gentleman were not technically out of order, and I have withdrawn my remarks, we ought to respect one another on both sides, and that goes for both of us, and we understand.

We are trying to address a very, very difficult problem confronting the country. We have strong feelings on both sides. We have disagreements, philosophically, on both sides. I would hope in the next 48 hours, as we address on Friday, and we are going to take a break for Saturday, we will come back Sunday, that we treat one another civilly, that we state our disagreements as strongly as we want to, but that we certainly not impugn, and I would suggest not only impugn individual Members, and this was said, of course, as to the contributors, and I do not know who the contributors are. Frankly, I will tell the gentleman from California, I have not reviewed the list, but I would hope that on both sides of the aisle, and I stress on both sides of the aisle, that we try to attempt to proceed in an orderly, civil fashion to effect the people's business that we were sent here to do.

WE ARE TALKING LIKE WE ARE FROM DIFFERENT PLANETS

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

Mr. BURTON of Indiana. Mr. Speaker, I yield to the gentleman from California [Mr. DORNAN].

Mr. DORNAN of California. Mr. Speaker, first of all I thank the gentleman from Indiana for yielding.

First of all, I have high respect and regard for my fellow legislator from California [Mrs. BOXER]. She is an excellent debater. I have recommended her myself many times for "Crossfire";

she is a worthy advocate of her side, and I did not impugn her at all or mean to. I have as much respect for her as I do for the gentleman from Maryland [Mr. HOYER]. He knows that.

What I am saying here is that we are talking like we are from different planets. Is this bashing-the-rich thing indicating that Members on this side hate the poor and are trying to give advantages to rich people? The other Chamber is filled with millionaires. I have never had an opponent who did not have more millionaire donations than I did. And we just cannot keep bashing one another's motives. We cannot keep bashing one another's motives.

The SPEAKER pro tempore. The gentleman will suspend.

The gentleman is not entitled to talk about the other body and its Members.

The time of the gentleman from Indiana [Mr. BURTON] has expired.

VOTE FOR WHAT IS GOOD FOR THE COUNTRY

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

Mr. FRENZEL. Mr. Speaker, I was impressed by the statement of the gentleman from Maryland, and so I will restrain my normally violent urges to talk about how this House is being managed.

The Committee on Rules will shortly, or maybe now has commenced a hearing on a rule to waive certain of our rules with respect to having a budget resolution on the floor on Sunday.

The Republicans, of course, have no objections to having a budget resolution on the floor on Sunday if it is a negotiated agreement that fits the requirements of the budget summit.

However, the rule is also going to provide for a budget resolution, a Democrat budget resolution, if there is no negotiated agreement. In our judgment, that is simply building an escape hatch. It is preparation for failure to reach a negotiated agreement. In short, the rule is unacceptable.

Mr. Speaker, I think the negotiators ought to be prodded and stirred in every way that we can so that we arrive at a negotiated agreement.

The matter has hung for too long. And here I do accuse, in soft terms, our Democrat leadership of letting it drag out to a point where Members on both sides are ready to attack an agreement whether it is a good one or not.

I hope we all keep our counsel and wait for the agreement to be negotiated, and then vote for it on the basis of whether it is good for the country or not.

COME AND MEET THE MEMBERS OF MY DISTRICT

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

Mrs. BOXER. Mr. Speaker, I want to thank the caucus chairman, the gentleman from Maryland [Mr. HOYER] for bringing some peace to this Chamber and to put into perspective the kind of tension that we are under. I am pleased that the gentleman from California stated that he had respect for me. I would hope that he also would respect my constituents.

I have an interesting district, actually, because it goes from the inner city of San Francisco to the beauty of Marin to the farms of Sonoma and to the blue-collar district in Vallejo, where Mare Island Naval Shipyard has operated for over 160 years. These are good, hard-working, wonderful people.

They have supported me, Republicans, Democrats, and Independents.

I get 74 percent of the vote in a district that is about 57 percent Democratic.

So I urge the gentleman to come and meet these good people so that he would no longer say the things that he said about them.

I would like to say that the gentleman was upset because I said on TV last night a fact, a very important fact, that in President Bush's capital gains proposal, 60 percent of that tax cut would go to those earning over \$590,000 a year, the very same people whose incomes have risen 90 percent under Reagan and Bush. I said that. It upset the gentleman. I hope he will accept the truth.

I thank you very much for this opportunity to respond.

CAPITAL GAINS TAX CUT BENEFITS AVERAGE CITIZENS

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

Mr. LEWIS of California. Mr. Speaker, it was not my intention to speak out of order, but the gentlewoman from the San Francisco Bay area made a point that I think is very important to me. She spoke of her district including Vallejo, where there are shipworkers' families.

The point that needs to be made to America is that capital gains benefit most those average citizens who make their most important benefit investment in their life to buy a home that grows over time. When they sell it, they make the most important profit they make in their life, and the Democrats want to tax that profit away.

The average small businessman is a person who benefits from this. The vast percentage of numbers are work-

ing people who benefit from lower capital gains, and we ought to get that message out instead of this silly partisan game talking about taxes for the rich.

SPEAKING IN A SPIRIT OF COMITY

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

Mr. STENHOLM. Mr. Speaker, I take this minute also in the spirit of comity that was spoken about a moment ago to make a critical point.

I hope the negotiations succeed but I hope that Sunday afternoon we will have a summit agreement that will get 218 votes so that we can avoid sequestration and the utter fiscal calamity that that will mean for this country on Monday.

But if we should not get a negotiated settlement, then we on this side will be offering a substitute that will also address the \$50 billion-\$500 billion.

I hope my colleagues on this side will stop their rhetoric and be prepared to come forward with a substitute that we can vote on, and if yours is better, it will pass. It is time to stop this game we are playing and to realize we are going to find Armageddon 3 days from now.

Let us not be coming in here on Sunday and criticizing us if we do not get a substitute, unless you have one to offer equal with us.

FACTS ABOUT CAPITAL GAINS TAX

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

Mr. McEWEN. Mr. Speaker, in the discussion as to whether or not who benefits from the capital gains tax or who is damaged by the capital gains tax, let us look at the facts.

The fact is that when you eliminate the capital gains from the income tax schedule, you discover that nearly four out of five, more than 75 percent, about 77 percent, of all the people in America who claim capital gains on their income tax forms, if you eliminate the capital gains, you find out that their income is less than \$50,000.

What does that mean now? That means that the time that they sold their home, having painted the house and mowed the lawn and repaired the roof for 45 years, and they move from a five-bedroom down to a two-bedroom condominium, when they worked hard running the dry cleaner for 44 years and sell it, and when they sell the farm, and when they do the things that a lifetime of earnings provided, that one particular year, that one particular year they are rich. A lifetime of

earnings is moving because they have sold the farm, they have sold what they have put their life's earnings into, and for that one particular year they are rich.

Now, they want to take a third of it in taxes, and this side wants to take 20 percent in taxes. Japan and West Germany take zero.

□ 1115

CAPITAL GAINS

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

Mr. SUNDQUIST. Mr. Speaker, I just want to follow up on the very accurate and precise words of my colleague from Ohio and to say to my friend, the gentlewoman from California, that she may be technically right. I do not think the numbers are right.

But the fact is what we have to do when we analyze capital gains, as the gentleman from Ohio says, is we have to separate out ordinary income from what is being sold, and so to her farmers in Sonoma or wherever they are, and to my farmers in west Tennessee it is important that we find out what they make within the year and what they sell that same year. The IRS does not split that out, and if we split that out what is made normally from what is being sold once in a lifetime, we find that 74 percent of the people who qualify for capital gains makes less than \$50,000 a year, on a one-time sale, which is their savings, which is what they are going to retire on, it is separate from that.

So let us talk about capital gains as it really is and what is being sold and what is being earned, and then we can talk about the same thing.

This is not rhetoric that is trying to encourage conflict. It is trying to straighten out the facts.

CAPITAL GAINS

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

Mr. DOWNEY. Mr. Speaker, in 1977 the top 1-percent earner in the United States made in 1990 dollars \$280,000. In 1990, the top 1-percent earner in the United States made \$550,000 a 92-percent real increase in earnings.

Nobody on our side disparages the rich. We would all like to be rich. We would all like our constituents to be rich.

But if we look further at the statistics, we will find that those same 1-percent earners saw in taxes over income a 23-percent reduction in their tax levy, and the largest portion of income that they claimed, indeed 171-percent increase over that same

period, was attributable to capital gains.

It has already been mentioned here over and over and over again that the principal beneficiaries of the people who get capital gains are people who earn more than \$100,000. Now it is true that a large number of people who earn under that realize some capital gains. They get the table scraps. It is the rich that do the best, and you want them to do even better.

INCOME TAX AND CAPITAL GAINS

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

Mr. WALKER. Mr. Speaker, we just heard a very interesting analysis by the gentleman from New York. He just fails to point out one little minor point, however, that between 1980 and 1990, those who are in the upper 5 percent of income earners in the country moved from paying 33 percent of the total tax burden to paying 46 percent of the tax burden. In other words, during that period of time the wealthiest in this country were forced under the tax provisions that we have to pick up a greater share of the overall tax burden.

I thought that is what we were all about, eliminating the tax burden for the people in the lower incomes and raising the tax burden on the people in the upper incomes. That is exactly what we have done during that period of time, and during that same period of time we have created 22 million new jobs.

That is the problem with the Democrats' proposals, they keep talking about doing something about the rich, and meantime they are talking about proposals that will kill jobs and increase inflation. I think it is time that we start talking in real economic terms that really help the American people, the working American people.

PRESIDENT BUSH SHOULD BE IN TOWN DURING OUR PRESENT CRISIS

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

Mr. CARPER. Mr. Speaker, Members in the Chamber who know me know that I am not a highly partisan Member. With regard to this budget deficit, there is more than enough blame to go around for Republicans and for Democrats.

It is going to take not finger pointing and not positioning for partisan advantage to solve this. We are going to have to make some tough, difficult choices. We are both going to have to take some heat, some political hits.

If the Governor of my State, while our State faced a financial and a human calamity, found it appropriate to go outside of the State, travel around the country or around the world doing other things away from the budget crisis that was in my State, we would run him out of this State the first time we had that opportunity. This is not a weekend for the President to be going to Kennebunkport. This is not a weekend for the President to be going to Camp David. This is not a weekend for the President to be on a campaign trail for anybody running for the House or the Senate or for a governorship. This is a weekend for the President to be right here and to engage each of us, Democrats and Republicans, so we can solve this problem once and for all.

THE SUMMIT IS STILL HUNG UP ON CAPITAL GAINS

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

Mr. MOODY. Mr. Speaker, as the debate this morning indicates, the summit is still hung up essentially on the issue of capital gains.

I did not intend to speak, but I could not restrain myself here when I heard the gentleman from Ohio [Mr. McEWEN] say that the Republicans want to tax capital gains at only 20 percent and the Democrats want to tax it at 33 percent. Is that really what is involved?

If we tax it at only 20 percent, we have to tax someone else to make up the difference. Since the budget summit is really over and the deficit struggle is really over, how do we make up the capital gains? That is a very unfair characterization.

The issue really is not whether or not capital gains takes place, because the Democrats have said that we will put it in, but we want it paid for roughly out of the same set of people who would get the benefit. That is what really is holding up the budget, not capital gains per se, but how to pay for it.

If we pay for it without taxing the people at the top, then we are asking middle Americans to pay for it. Have we not seen enough of that in the last decade? That is really what it is coming down to.

Let us not throw out another smoke-screen on this matter.

LEGISLATIVE PROGRAM

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

The SPEAKER pro tempore (Mr. MAZZOLI). Without objection, the gentleman from Maryland is recognized.

There was no objection.

Mr. HOYER. Mr. Speaker, if I might proceed for a minute for the purpose of getting a little amplification on the schedule, at this point in time we hope to do from this point on two unanimous-consent requests, one that deals with the Export-Import Administration that the gentleman from Florida [Mr. FASCELL], I believe has cleared with the minority. The second one we would hope to do, which deals with the banking matters, which is being discussed with the minority, has not been cleared at this point in time, and if it does not get cleared we will not do it, but obviously if it does get cleared we will. Then we will go to the NASA bill and the rule, and then the general debate, only the general debate.

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

Mr. HOYER. I am happy to yield to the gentleman from New York.

Mr. SOLOMON. Mr. Speaker, I might just point out to the gentleman that the Rules Committee is due to meet in 6 minutes. I happen to be the only Republican Member in town to attend that meeting upstairs. It is a very important meeting. Members need to catch planes at 12 o'clock sharp.

If you keep putting these things ahead of this rule which we are going to try to rush through, nobody is going to be able to do that. I just call that to the gentleman's attention.

Mr. HOYER. I think this unanimous-consent request is going to take just a few minutes, as I understand it. It is not controversial. It has been cleared on the gentleman's side, and I do not think there is any problem.

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

Mr. HOYER. I am glad to yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. Mr. Speaker, what does the gentleman propose to do with the votes that come up on everything except the rule? Will they be rolled if there are votes called?

Mr. HOYER. Any suspensions will be rolled until Sunday, except for possibly one. We understand, we are trying to get no votes after 12.

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

Mr. HOYER. I yield to the gentleman from Indiana.

Mr. BURTON of Indiana. Mr. Speaker, yesterday, the majority leader, Mr. GEPHARDT, indicated that the votes would be held today. I do not understand why we are changing the rules. A lot of Members stayed in town last night because we wanted to be here to do our job, and now we are hearing that we are going to roll those vote over to Sunday. I do not understand why you are changing it, because if you were going to do that why did you not say it last night? The gentleman from Missouri [Mr. GEPHARDT]

was very clear on that point because I asked him about it.

Mr. HOYER. I think, very frankly, and the honest answer is, based upon discussions between both sides, I think there were perhaps some changes in thoughts of what your side wanted to do, and we are trying to accommodate that.

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

Mr. HOYER. I am glad to yield to the gentleman from Pennsylvania.

Mr. WALKER. I thank the gentleman for yielding.

Mr. Speaker, there are some concerns on our side about the rule that is about to be brought up in the Rules Committee. I think it would be tragic if you held a Rules Committee meeting and our only Member in town was here on the floor doing his job on the rule. Could we get some commitment that the Rules Committee will not meet unless the member from the minority side is present?

Mr. HOYER. I would expect that the gentleman will be going up there right now. He said it was going to meet in 6 minutes. I do not think there is any problem.

Mr. WALKER. The gentleman has to stand here to handle a rule, that is the only problem. He is the only member in town also to handle the rule that is about to come up.

Mr. HOYER. I do not think it will take very long.

I thank the Speaker.

TEMPORARY EXTENSION OF EXPORT ADMINISTRATION ACT OF 1979

Mr. FASCELL. Mr. Speaker, I send to the desk the bill—H.R. 5746—to extend the Export Administration Act of 1979, and for other purposes, and I ask unanimous consent for its immediate consideration.

The Clerk read the title of the bill.

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

Mr. BEREUTER. Mr. Speaker, reserving the right to object, I do so only to give the distinguished chairman of the Foreign Affairs Committee an opportunity to explain to the body the nature of his request.

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

Mr. BEREUTER. I yield to the gentleman from Florida.

Mr. FASCELL. Mr. Speaker, the authorities under the Export Administration Act, of course, expire at the end of this month. We are in conference on the new bill, and this legislation simply gives us until October 20 to work that out.

Mr. BEREUTER. I thank the chairman for his explanation. It has been explained to us previously. It is sup-

ported by the distinguished ranking minority member, the gentleman from Michigan [Mr. BROOMFIELD] and this Member.

Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The Clerk read the bill, as follows:

H.R. 5746

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

SECTION 1. EXTENSION OF EXPORT ADMINISTRATION ACT OF 1979.

(a) EXTENSION OF AUTHORITY.—Section 20 of the Export Administration Act of 1979 (50 U.S.C. App. 2419) is amended by striking "September 30" and inserting "October 20".

(b) AUTHORIZATION OF APPROPRIATIONS.—Money appropriated to the Department of Commerce to carry out the Export Administration Act of 1979 for fiscal year 1991 may be obligated and expended for the period beginning on October 1, 1990, and ending on October 20, 1990, notwithstanding section 18(a)(1) of the Export Administration Act of 1979 (50 U.S.C. App. 2417(a)(1)).

SEC. 2. EXPORT PROMOTION PROGRAMS.

Money appropriated to the Department of Commerce for export promotion programs for fiscal year 1991 may be obligated or expended notwithstanding section 201(a) of the Export Administration Amendments Act of 1985 (15 U.S.C. 4051(a)).

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION MULTIYEAR AUTHORIZATION ACT OF 1990

Mr. FROST. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 480 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 480

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 5649) National Aeronautics and Space Administration Multiyear Authorization Act of 1990, and the first reading of the bill shall be dispensed with. All points of order against consideration of the bill for failure to comply with the provisions of clause 2(1)(6) of rule XI are hereby waived. After general debate, which shall be confined to the bill and which shall not exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Science, Space, and Technology, the bill shall be considered for amendment under the five-minute rule, by titles instead of sections and each title shall be considered as having been read. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been

adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit. After passage of H.R. 5649, it shall be in order to take from the Speaker's table the bill S. 916 and to consider said bill in the House. It shall then be in order to move to strike out all after the enacting clause of the Senate bill and to insert in lieu thereof the provisions of H.R. 5649 as passed by the House. It shall then be in order to move to insist on the House amendment to S. 916 and to request a conference with the Senate thereon.

The SPEAKER pro tempore. The gentleman from Texas [Mr. FROST] is recognized for 1 hour.

Mr. FROST. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from New York [Mr. SOLOMON], pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 480 provides for the consideration of H.R. 5649, the National Aeronautics and Space Administration Multiyear Authorization Act of 1990. It waives all points of order against consideration of the bill for failure to comply with the provisions of clause 2(1)(6) of rule XI, which requires a 3-day layover.

The resolution provides for an open rule with 1 hour of general debate equally divided and controlled by the chairman and ranking minority member of the Science, Space, and Technology Committee.

After general debate, the bill shall be considered for amendment under the 5-minute rule, by titles instead of sections, and each title shall be considered as having been read. One motion to recommit is provided.

Finally, the resolution makes it in order to take S. 916 from the Speaker's table and consider the bill in the House. It shall be in order to move to strike all after the enacting clause and insert the text of H.R. 5649 as passed by the House. It shall then be in order to move to insist on the House amendment to S. 916 and request a conference with the Senate.

Mr. Speaker, NASA has suffered a number of setbacks recently which have eroded confidence in the agency and have raised questions about its ability to pursue an aggressive space exploration program. However, we must not forget that our Nation's Space Program has also been enormously successful over the years, and has played a major role in America's technological growth.

This resolution will enable us to examine the Space Program, and debate its future direction. I urge its adoption.

□ 1130

Mr. SOLOMON. Mr. Speaker, I am pleased to join with the gentleman from Texas in asking Members to support this open rule. As the gentleman has indicated, the rule is fully open;

and it contains a procedure at the end for expediting this bill, the NASA Reauthorization, to conference with the Senate.

I know Members are anxious that today's business be concluded in a timely fashion, and I will not elaborate further on the rule. It is fully open and should be approved.

I note that the bill was reported out of the Committee on Science, Space, and Technology by unanimous vote. I believe that the vast majority of Americans are convinced that America should remain the leader in outer space exploration. The technologies that are developed in pursuit of this exploration really have a multitude of applications in the medical field, the commercial field, the scientific field, and the education field that have proven to be of great benefit to the American people. I urge Members to support the rule.

I would ask the gentleman from Texas [Mr. FROST], is it his understanding that they are going ahead, and will take up the bill after we pass this rule?

Mr. FROST. If the gentleman will yield, that is my understanding.

Mr. SOLOMON. And then it will be on to final disposition of the bill itself today, too?

Mr. FROST. It was my original understanding that it was general debate only. I will have to inquire of the chairman of the committee.

Mr. SOLOMON. If I might inquire of the chairman of the committee, the gentleman from New Jersey [Mr. ROE], an inquiry was being made as to whether or not we are going to proceed with just general debate on your bill, or whether the bill is open for amendment and final disposition. Does the gentleman know what will happen?

Mr. ROE. If the gentleman will yield, I just discussed with the distinguished gentleman from Pennsylvania [Mr. WALKER], our ranking member, and we think we can complete the bill.

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

Mr. FROST. Mr. Speaker, I have no further requests for time, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. MAZZOLI). Pursuant to House Resolution 480 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 5649.

□ 1133

IN THE COMMITTEE ON THE WHOLE HOUSE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 5649) National Aeronautics and Space Administration Multiyear Authorization Act of 1990, with Mr. TORRES in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time. The gentleman from New Jersey [Mr. ROE] will be recognized for 30 minutes, and the gentleman from Pennsylvania [Mr. WALKER] will be recognized for 30 minutes.

The Chair recognizes the gentleman from New Jersey [Mr. ROE].

Mr. ROE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in strong support of H.R. 5649, a multiyear authorization for the National Aeronautics and Space Administration. This bill represents an essential important step in America's commitment to steadfast and safe space development.

Several of my colleagues on the Science, Space, and Technology Committee deserve special recognition for their efforts to bring this bill to the floor. The distinguished gentleman from Florida [Mr. NELSON], chairman of the Subcommittee on Space Science and Applications has provided sustained leadership to our civilian space program leadership over many years. I also want to recognize the important contributions of the gentleman from Wisconsin [Mr. SENSENBRENNER], the ranking Republican member of the Subcommittee on Space Science and Applications.

The chairman of our Transportation, Aviation, and Materials Subcommittee, Mr. TORRICELLI from the great State of New Jersey, and the ranking Republican member of that subcommittee, Mr. LEWIS from Florida, have also played an important role in bringing their expertise to bear on this bill.

Last, but very importantly, I want to recognize the valuable contributions of my colleague from Pennsylvania [Mr. WALKER], the ranking Republican member of the Science, Space, and Technology Committee.

Mr. Chairman, in a few minutes I plan to outline the details of this comprehensive bill for NASA multiyear funding. Right now I want to talk about what this bill is all about.

Ask any kid in America about the space program and you'll get comments filled with excitement and a spirit of adventure and a sense of their country being a leader out there among the stars. Well, the NASA multiyear funding bill is a set of policy directions and programs that will guarantee that those kids are correct in their instincts. But in the adult world,

some of the excitement and enthusiasm comes from knowing that the space program brings continuing economic benefits, expanding technological opportunities, and a gateway to worlds unexplored and unknown. Despite this, space development has had its pitfalls and problems too, as one would realistically have to expect.

Mr. Chairman, with your permission, I would like to take a moment to update my colleagues on a few issues that are critical to today's consideration of this bill.

Last week, I met at some length with NASA Administrator Richard Truly to review the overall state of the space program. Based on these discussions, I believe, first, that NASA is doing everything possible to restore our Nation's launch capability.

Admiral Truly has made clear to me that the shuttle fleet is not grounded. Although the launch opportunity for the Astro mission has probably been precluded by the hydrogen leaks that have received extensive news coverage, the *Discovery* and *Atlantis* shuttles are ready to carry out missions critical to our national security and to our scientific advancement such as the pending *Ulysses* flight.

In addition, as these photos dramatically illustrate, the Magellan spacecraft continues to return stunning imagery of the surface of Venus. We are getting our first detailed look at this planetary neighbor. As for the space telescope, to paraphrase Mark Twain, the reports of its death have been greatly exaggerated. These images demonstrate that it is indeed beginning to return data of enormous scientific value.

Mr. Chairman, space exploration and development is a task of formidable proportion, fraught with risk of failure. In the beginning, three decades ago, no one believed it would be either easy or without peril. But over the years, we began to take the achievements for granted and began to forget that space is a hostile and experimental environment.

Right now there are serious questions being asked about NASA's ability to manage and carry out such enormous and complex undertakings. These questions are appropriate. We should ask them and I believe that our space program will benefit from this examination. Nevertheless, I have no doubt that the space program will be a critical part of our national agenda in the coming decades and throughout the 21st century. But in order for this to happen, we cannot and should not falter in our support of the program here and now.

Mr. Chairman, I believe that H.R. 5649 contains budgetary and policy guidance that is absolutely critical to moving NASA forward in preparation for the 21st century.

Now, I would like to briefly describe the major provisions of the bill.

Title I contains an authorization for each of NASA's major activities for fiscal years 1991, 1992, and 1993. The total authorization provided in the bill for these years is \$14,009,200,000 for 1991, \$14,359,500,000 for 1992, and \$16,121,800,000 for 1993. A detailed spread sheet accompanying this statement will be provided for the record.

The bill provides for one major new start, the Earth observing system. Here is a place where our access to space will allow us to understand and alleviate some of our problems on Earth. The Earth observing system will dramatically increase our knowledge of the environment and the implications for our climate in the future.

The bill also includes funding to begin the studies necessary for future human exploration of the Moon and Mars. Finally, the bill provides crucial funding to continue work on the space station and to carry out the shuttle flight program, along with expendable launch vehicles, for important scientific and national security payloads.

Title II contains the substance of the Launch Services Purchase Act and sets forth policy for the procurement of commercial launch services. Let me remind my colleagues that there is intense competition in commercial launch services. America is only one of several nations capable of providing such services.

The bill also contains an extensive array of program initiatives and policy provisions. Let me highlight the major ones in each category.

Program initiatives include:

Full authorization for the administration's funding plan for the space station for fiscal years 1992—\$2,907,000,000—and 1993—\$3,031,000,000. Adequate funding authorization for fiscal year 1991 was already provided in Public Law 100-685, the 1988 NASA Authorization Act.

Funding for the national aerospace plane [NASP] at the administration's request levels.

There is \$10,000,000 for the support of heavy-lift launch vehicle studies.

Authorization to continue the orbital maneuvering vehicle up to the completion of its critical design review.

A new start for the Lifesat Program.

The \$5,000,000 for the conduct of an advanced sensor technology demonstration program in support of the Landsat-7 remote sensing satellite.

A new start for the Earth observing system in order to address critical environmental issues.

A \$45,000,000 augmentation of the development of key subsonic aeronautical transport technologies and the implementation of NASA's part of the Federal High Performance Computing Program.

Full authorization for the administration's request for the human exploration initiative.

Authorization to initiate a program to develop core propulsion technologies, including those required to enhance the competitiveness of the commercial expendable launch vehicle industry.

An augmentation of \$35,000,000 for the needs of the space shuttle orbiter production line, including the purchase of structural spares and the funding of production support activities by key contractors.

Authorization for the creation of an Assured Shuttle Availability Program which would address key safety enhancements for the space shuttle.

Authorization to accelerate the development of an advanced series of tracking and data relay satellites.

Policy provisions include:

A set of reporting requirements for the advanced solid rocket motor to ensure that it stays on track and provides a safe and capable space transportation system in the future.

A space shuttle use policy which ensures that the space shuttle and expendable launch vehicles will be applied to national needs in the most appropriate manner.

A requirement for the development of an agencywide life science plan.

A requirement for the Space Council to conduct a study on international cooperation in planetary exploration.

A policy provision for the management and funding responsibilities for the national aerospace plane.

A requirement for the National Academy of Public Administration to review some of the administrative and organizational problems facing NASA.

A national policy to limit the amount of space debris placed into Earth orbit, including a provision to encourage other nations to adopt a similar policy.

A requirement that NASA utilize solar dynamic power for future growth in space station power needs.

The bill also contains some important provisions for other Federal agencies having roles in the space program under our jurisdiction. They include:

Authorization for the National Space Council in the amount of \$1,363,000 for fiscal year 1991.

Establishment of the Office of Space Commerce within the Department of Commerce and a prescribed charter for this Office. In addition, an authorization of \$487,000 for fiscal 1991.

Authorization of \$4,517,000 for fiscal year 1991 for the Office of Commercial Space Transportation within the Department of Transportation.

Mr. Chairman, I believe that this is a visionary and far-reaching piece of major legislation that sets the new policy and provides new guidelines for an effective space and aeronautics program. I ask my colleagues' strong sup-

port for this bill so that we can continue America's national space achievements into the 21st century. I ask for your support to ensure that America remains a leader in space, to ensure that we don't, by limited sights and stingy spirits, slip to become followers in space.

Mr. Chairman, as provided in the rule, our intent is to act on this measure with dispatch. After enactment by the House I will ask to take from the desk the Senate bill, S. 916, and to strike all after the enacting clause and insert in lieu thereof the provisions of this bill. We intend to move quickly to conference and I anticipate that we can reach an expeditious agreement with the other body.

Mr. Chairman, I urge the support of all Members of this important and timely bill.

Mr. WALKER. Mr. Chairman, I yield myself such time as I may consume. I rise in support of H.R. 5649, the Multiyear Authorization Act for NASA for 1990. We were unable to enact an authorization bill last year, and it is important we do not let another year go by without a NASA funding bill.

There are several policy items in here that are very important for the future of the space program. Not only are we assuring that NASA will remain as a vital part of this Nation's space program, but there are a number of initiatives in here that move Members toward a more viable commercial space policy.

My colleague from California, Mr. PACKARD, is to be congratulated for some of the work he did in order to give Members some of these provisions. The gentleman from Wisconsin [Mr. SENSENBRENNER], the ranking Republican on the Subcommittee on Space Science and Applications, also deserves congratulations for the leadership that he showed in putting this particular bill together.

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

Mr. MINETA. Mr. Chairman, I rise today in strong support of H.R. 5649, the NASA multiyear authorization bill, and I congratulate Mr. ROE on his hard work on this legislation.

Mr. Chairman, space exploration has served as a vehicle for investment in technology, bolstered our economy, enhanced our world competitiveness, and improved our national security.

It is no coincidence that the growth and expansion of our Nation's high-technology industries have paralleled the years of NASA's greatest activity and accomplishment.

One of the hottest and most critical debates now underway in Washington centers about the sum and substance of our space program.

As a strong supporter of the space program, I was disheartened to see central pieces of the program cut by the Senate Appropriations Committee.

I believe that it is incumbent on the legislators who decide the fate of the program to

continue to support the program if the U.S. space program is to reach its potential.

It is our duty as drafters of the Nation's space policy to establish a realistic, long-term plan that has the support of the American people.

Mr. Chairman, I believe that we need to renew our commitment today to a long-term space program with clearly defined goals and a sense of national priority.

This bill will bring us a step closer to accomplishing this goal and I strongly believe that we can afford nothing less.

Mr. ROHRBACHER. Mr. Chairman, we meet today to consider an authorization bill for NASA for fiscal year 1991. This bill is the result of a lot of hard work on the part of the leadership and members of the House Committee on Science, Space, and Technology.

This bill has many innovative and farsighted provisions, such as a multiyear authorization for the NASA portion of the National Aerospace Plane Program. I'm proud to be known as a strong supporter of this program, and I am even more pleased to see that NASA this past year has started to actively lend its support to the X-30 project. I want to commend Admiral Truly for his leadership on this vital development program, which will keep America as the world's predominant aerospace power.

I also want to single out my colleague from California, RON PACKARD, for his leadership on title II of this bill which enacts into statute what has been the executive policy of this Nation for several years now—that is, NASA should, whenever possible, purchase commercially provided launch services, rather than try to do it all themselves the expensive Government way. This concept will serve our country and its taxpayers and the goal of space commercialization and I want to commend Mr. PACKARD for having offered it.

Another provision of this bill is the authorization of study of heavy lift launch vehicles. In the past this has always meant to NASA one of two things: studying Shuttle C or studying Shuttle Z. Well, there is more to heavy lift than shuttle-derived, Government-designed launch vehicles. There have been at least three commercially proposed heavy lift launch vehicles discussed in the past 3 years—Hughes Aircraft's Jarvis; Martin-Marietta's Titan Five; and McDonnell Douglas' Bubba, also known as Heavy Lift Delta.

Bubba and his brothers would be able to put into low Earth orbit roughly the same payload that Shuttle C could, and for roughly the same per-launch cost, but—and here is the big catch—it would only cost about one-quarter to develop Bubba than it would to develop Shuttle C. And McDonnell Douglas would pay the development cost, if the Government would guarantee that it would buy three—only three—launches.

The specific details of these proposals are unimportant. What is vital is that private enterprise is chomping at the bit to have a go at making a profit in space. As a result of an amendment to this bill which I am proud to have authored, NASA will now be required to examine not just Shuttle C and Shuttle Z when it looks at heavy lift launch vehicles, but also at some of the commercially proposed al-

ternatives such as Bubba. Not only can the private sector develop a heavy lift launch vehicle on its own for much less money, but it comes up with a better name than Shuttle Z, too.

Finally, Mr. Chairman, I would like to take this opportunity to express my sincere and fervent hope that we will be able to conference this bill with the other body, and enact a NASA authorization this year. Congress did not enact a NASA authorization for fiscal year 1990 because the House could not get a conference on its bill. I hope that in the little time left to us this year that we are able to do the right thing and complete this portion of the people's business.

Mr. BROWN of California. Mr. Chairman, I rise in strong support of H.R. 5649, the NASA Multi-Year Administration Act of 1990.

Mr. Chairman, I have been closely following the civilian space program throughout my 26 years in the U.S. Congress. During this time I have been especially interested in the scientific activities of the space agency.

In these two and a half decades, NASA has made major strides in its capabilities and in its demonstrated performance.

Today, these technologies and capabilities have matured to a level that is truly impressive.

The NASA authorization bill we have before us today builds on this base of technological expertise and offers programs and initiatives that will be of great scientific and social merit.

Of major note is the agency's new start on an Earth observing system. Once operating, this program will begin to provide both the scientific community and national policymakers—such as ourselves—answers to the critical environmental issues that are facing not only this country, but the entire world. Additionally, this program is part of a larger international effort. The components of this program, as authorized in this bill, will allow the United States to exercise a major leadership role in this critical environmental area.

In addition to that initiative, this bill moves the development of the advanced communications technology satellite to within 1 year of being ready for launch and operation in Earth orbit. This program will provide the kind of rich technological and experience base that will be required to keep this country first among the world's producers and operators of commercial communications satellites. This is an industry, I might add, that provides billions of dollars to the Nation's economy and hundreds of millions of dollars to the positive side of our international balance of payments.

Other important initiatives in this bill include:

A program to develop advanced sensors which could make the products made by U.S. remote sensing satellites more competitive on world markets. This is particularly important given the large share of this market that we have lost to foreign competitors.

The significance of this provision goes beyond the relatively small dollar amount of the authorization. It moves advanced remote sensor development for commercial and public use back into NASA, where it has belonged all along. Furthermore, it will allow the U.S. commercial system to maintain its technological edge in the next generation of remote sensing satellites. To compete effectively

for commercial business and to meet the operational and research needs of scientists and Government agencies, Landsat 7 and its successors must offer improved products and performance. In particular, Landsat 7 sensors should offer enhanced spatial resolution, greater spectral flexibility, and more frequent site revisit capability.

It is ironic that while the administration and Congress have been dedicating substantial new resources to global change research, we have been nicker-and-dime to death the Landsat system, which is a proven and increasingly valuable tool in global change research. A recent report by the National Research Council recommends that Landsat be included in the U.S. Global Change Research Program—even if the data must be purchased from a commercial provider.

Landsat is one of the finest examples of the benefits which the space program can produce for our society. We cannot let such a valuable program expire at a time when we desperately need information about how human activities are affecting the environment.

The development of a series of relatively low-cost spacecraft that will be used in an international program to explore the fundamental nature of comets, asteroids, and the planet Saturn and its moons.

The development of a variety of advanced subsonic aircraft technologies which will make U.S. aircraft safer, quieter, more fuel efficient, and less costly to operate. This will not only benefit the U.S. public, but it will also ensure that the sales of U.S. aircraft continue to be a major positive contributor to our balance of payments.

The initiation of a series of major advancements in high performance computing technologies. These advancements will not only improve the quality of the scientific research conducted within this country, they will also permit the development of advanced computers that will enhance the competitive advantage of U.S. manufacturers on the world market.

And a series of initial activities that will begin to prepare the way for future efforts to reach beyond this planet toward the permanent manned exploration and settlement of the Moon and Mars.

In conclusion Mr. Chairman, I believe that this is a good bill and that it deserves the support of all Members.

Finally Mr. Chairman, I would like to congratulate the chairman of the committee, Mr. ROE, and the ranking Republican member, Mr. WALKER, for their efforts to bring this important piece of legislation to the floor.

Mr. NELSON of Florida. Mr. Chairman, it is with great pleasure that I rise in support of H.R. 5649, the NASA Multi-Year Authorization Act of 1990.

Mr. Chairman, for the past 6 years I have had the honor and distinct privilege of serving as the chairman of the Space Science and Applications Subcommittee.

During the time, I have seen NASA achieve some dazzling successes and experience some devastating failures.

The successes have included such things as:

The stunning photographs that were returned during the Voyager flybys of the planets Uranus and Neptune; the spectacular successes of the Space Shuttle in repairing a failed communications satellite [Syncom], recovering the long duration exposure facility, deploying the space telescope, and conducting challenging spacelab missions, along with many other similar activities; the exciting high-resolution radar images of the previously unseen surface of the planet Venus that are now being returned by the Magellan spacecraft; and, on a personal note, my own highly successful flight on the space shuttle *Columbia* in January 1986.

At the top of the negative side of the ledger is of course the tragic *Challenger* accident. However, now in the aftermath of this devastating event, we can look back and see that a lot of key lessons have been learned and a lot of major operations and activities have been fundamentally changed within NASA so that space flight is now much safer than it had been.

Mr. Chairman, in my years as chairman of the Space Subcommittee, I have also seen a fundamental change in the financial health of the civil space program. Six years ago, it was clear that budgetary levels were inadequate by any measure that one could imagine.

Today, funding is still tight, but it has grown to a level that we can now begin to plan and implement such activities as placing a permanent national research laboratory—the space station—into orbit, initiating a comprehensive program to study the environment, and beginning the initial steps that will once again allow us to place human scientists and explorers on the surface of solar system bodies beyond the Earth.

Mr. Chairman, I think that this is an excellent bill. And I strongly congratulate the efforts of the full committee chairman, Mr. ROE, the ranking Republican member on the committee, Mr. WALKER, and the ranking Republican member on my subcommittee, Mr. SENSENBRENNER, in crafting this legislation.

I encourage all of the Members of this body to support this important bill.

Mr. LEWIS of Florida. Mr. Chairman, the importance of establishing long-range space aeronautical policy is greater now than at any time in the recent past. The changes in the Soviet Union, the Mideast, and a united Europe in 1992 will have a significant impact on all of NASA's programs.

This legislation is crafted with a vision on the future, and will address these changes.

I congratulate the chairman, Mr. ROE, and the ranking minority member, Mr. WALKER, for their leadership in drafting this legislation.

This legislation contains my amendment, passed unanimously in full committee, which is a vital step in the long process of encouraging the commercialization of space.

The primary method of accomplishing this is through allowing State governments in on the game.

This amendment was the product of negotiations between the States, industry, and the staffs of Chairman ROE, Vice Chairman WALKER, and Mr. NELSON.

The amendment will include within the Space Launch Act the establishment and operation of launch sites and related facilities.

Also, it includes State governments and State chartered entities established to facilitate space commerce, and expands the mechanisms to facilitate maximum private sector involvement in space activity, with assistance by State governments.

In addition, it allows the States and industry to negotiate for the use of unused Federal facilities, resulting not only in the advance of commercialization, but in added revenues for the Federal launch facilities.

One of the primary obstacles to commercializing space is the lack of the necessary infrastructure. We take for granted our highway and airway infrastructure, which was built one piece at a time.

We do not have that luxury with a space infrastructure. We must begin to establish an infrastructure before it is too late.

Several States, most notably Hawaii, Florida, Virginia, and California have been active in this process and I am encouraged by their commitment to pursuing an avenue for commercialized space.

We have waited too long to begin a real effort to commercialize space. We all agree that the United States must begin to earnestly compete, but we stand by year after year while other countries pass us by.

This portion of the bill will open the door to an open and lively debate in the coming months and will be a key step toward truly commercializing space.

In addition, as vice chairman of the Transportation, Aviation, and Materials Subcommittee, I am pleased with the committee's commitment to the aeronautical portion of this bill.

Aeronautical sales account for the largest positive balance of trade of any single segment of the U.S. economy. The strength of the aeronautics technology is due, in part, to the long-term, high risk research conducted at NASA.

As the competition changes, we must have a research program to meet those changing needs. The program enjoys the strong support within the administration which it deserves and reflects the support of the committee.

The most visible, and one of the most valuable aeronautics programs is the national aerospace plane, or NASP. I am pleased to say that this bill supports full funding for NASP.

Recently, the Japanese announced details of their space plane program, HOPE. Their research effort, \$35 million this year, will double in each year for the next 2 years. Japan plans to fly this Scramjet vehicle in this decade.

Without this NASP funding level, the Japanese could have a flying space plane prototype before the United States does. The hard work by Mr. McCurdy on the Armed Services Committee, has led to full funding in the House-passed Defense authorization bill.

The aeronautics portion also contains language and funding supporting the 5-year wind tunnel revitalization program. This is one of the most vital portions of the aeronautical research effort and currently NASA leads the world in advanced wind tunnel technology.

There is also increased emphasis on aircraft safety research. NASA is the only agency

conducting vital long-term, high risk studies. The U.S. technology advantages will quickly be eroded without this important effort.

I look forward to working with the subcommittee chairman, Mr. TORRICELLI, along with Mr. ROE and Mr. WALKER, in pressing for action from the other body on this important legislation. I urge all my colleagues to support this legislation.

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

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

Mr. ROE. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore [Mr. HOYER] having assumed the chair, Mr. TORRES, Chairman of the Committee of the Whole House on the State of the Union, reported that that committee, having had under consideration the bill (H.R. 5649) National Aeronautics and Space Administration Multiyear Authorization Act of 1990, had come to no resolution thereon.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 5, rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken on Sunday, September 30, 1990.

PROVIDING FOR EXTENSION OF CERTAIN PROGRAMS RELAT- ING TO HOUSING AND COMMU- NITY DEVELOPMENT

Mr. GONZALEZ. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5747) to provide for the temporary extension of certain programs relating to housing and community development and for other purposes.

The Clerk read as follows:

H.R. 5747

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

SECTION 1. EMERGENCY LOW INCOME HOUSING PRESERVATION ACT OF 1987.

Section 203(a) of the Emergency Low Income Housing Preservation Act of 1987 (12 U.S.C. 1715f note) is amended by striking "September 30, 1990" and inserting "October 31, 1990".

SEC. 2. INTERAGENCY COUNCIL ON THE HOMELESS.

Section 209 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11319) is amended by striking "October 1, 1990" and inserting "October 31, 1990".

SEC. 3. FHA MORTGAGE LIMIT.

Section 203(b)(2) of the National Housing Act (12 U.S.C. 1709(b)(2)) is amended by striking "during fiscal year 1990" and inserting "until October 31, 1990".

The SPEAKER pro tempore. Is a second demanded?

Mr. WALKER. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Texas [Mr. GONZALEZ] will be recognized for 20 minutes, and the gentleman from Pennsylvania [Mr. WALKER] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Texas [Mr. GONZALEZ].

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

This is a simple extender. The House had passed the identical bill. This is a simple extender on what we call the prepayment issue, an extension since the expiration date will be Sunday of the existing law, or moratorium. We are asking for an extension until October 31.

This bill has a joinder of the ranking minority leader of the community, the gentleman from Ohio [Mr. WYLIE], and it is our hope that it can be expedited to the Senate, and we would have action before Sunday at midnight, in just extending the provisos of what we call the memorandum or the moratorium on the prepayment issue.

Otherwise, we could have some lapse here, and probably expose several thousand families to expulsion or eviction from their housing. It has no other provision other than just a simple extension.

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

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

Mr. Speaker, I will take just a minute. I just want to ask the gentleman one question. This is exactly the same as the bill that passed the House previously, is that not correct?

Mr. GONZALEZ. Exactly.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas [Mr. GONZALEZ] that the House suspend the rules and pass the bill, H.R. 5747.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION MULTIYEAR AUTHORIZATION ACT OF 1990

The SPEAKER pro tempore. Pursuant to House Resolution 480 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 5649.

□ 1143

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 5649) National Aeronautics and Space Administration Multiyear Authorization Act of 1990, with Mr. TORRES in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose earlier today, all time for general debate had expired.

Pursuant to the rule, the bill shall be considered under the 5-minute rule by titles, and each title shall be considered as having been read.

The Clerk will designate section 1.

The text of section 1 is as follows:

H.R. 5649

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,
SECTION 1. SHORT TITLE.

This Act may be cited as the "National Aeronautics and Space Administration Multiyear Authorization Act of 1990".

The CHAIRMAN. If there are no amendments to section 1, the clerk will designate title I.

The text of title I is as follows:

TITLE I—NATIONAL AERONAUTICS AND SPACE ADMINISTRATION AUTHORIZATIONS.

SEC. 101. FINDINGS.

The Congress finds that—

(1) over the next decade, the United States aeronautics and space program will be directed toward major national priorities of understanding, preserving, and enhancing our global environment, hypersonic transportation, human exploration, and emerging technology commercialization;

(2) the United States aeronautics and space program is supported by an overwhelming majority of the American people;

(3) the United States aeronautics and space program genuinely reflects our Nation's pioneer heritage and demonstrates our quest for leadership, economic growth, and human understanding;

(4) the United States space program is based on a solid record of achievement and continues to promote the objective of international cooperation in the exploration of the planets and the universe;

(5) the United States aeronautics and space program generates critical technology breakthroughs that benefit our economy through new products and processes that significantly improve our standard of living;

(6) the United States aeronautics and space program excites the imagination of every generation and can stimulate the

youth of our Nation toward the pursuit of excellence in the fields of science, engineering, and mathematics;

(7) the United States aeronautics and space program contributes to the Nation's technological competitive advantage;

(8) the United States aeronautics and space program requires a sustained commitment of financial and human resources as a share of the Nation's Gross National Product;

(9) the United States space transportation system will depend upon a robust fleet of space shuttle orbiters and expendable and reusable launch vehicles and services;

(10) the United States space program will be advanced with an assured funding stream for the development of a permanently manned space station with research, experimentation, observation, servicing, manufacturing, and staging capabilities for lunar and Mars missions;

(11) the United States aeronautics program has been a key factor in maintaining preeminence in aviation over many decades;

(12) the United States needs to maintain a strong program with respect to transatmospheric research and technology by developing and demonstrating National Aero-Space Plane technology by a mid-decade date certain;

(13) the National Aeronautics and Space Administration is primarily responsible for formulating and implementing policy that supports and encourages civil aeronautics and space activities in the United States; and

(14) commercial activities of the private sector will substantially and increasingly contribute to the strength of both the United States space program and the national economy.

SEC. 102. POLICY.

It is declared to be national policy that the United States should—

(1) rededicate itself to the goal of leadership in critical areas of space science, space exploration, and space commercialization;

(2) increase its commitment of budgetary resources for the space program to reverse the dramatic decline in real spending for such program since the achievements of the Apollo moon program;

(3) ensure that the long-range environmental impact of all activities carried out under this title are fully understood and considered;

(4) promote and support efforts to advance scientific understanding by conducting or otherwise providing for research on environmental problems, including global change, ozone depletion, acid precipitation, deforestation, and smog;

(5) forge a robust national space program that maintains a healthy balance between manned and unmanned space activities and recognizes the mutually reinforcing benefits of both;

(6) maintain an active fleet of space shuttle orbiters, including an adequate provision of structural spare parts, and evolve the orbiter design to improve safety and performance, and reduce operational costs;

(7) sustain a mixed fleet by utilizing commercial expendable launch vehicle services to the fullest extent practicable;

(8) support an aggressive program of research and development designed to enhance the United States preeminence in launch vehicles;

(9) continue and complete on schedule the development and deployment of a permanently manned, fully capable, space station;

(10) establish a dual capability for logistics and resupply of the space station utilizing the space shuttle and expendable launch vehicles, including commercial services if available;

(11) continue to seek opportunities for international cooperation in space and fully support international cooperative agreements;

(12) maintain an aggressive program of aeronautical research and technology development designed to enhance the United States preeminence in civil and military aviation and improve the safety and efficiency of the United States air transportation system;

(13) conduct a program of technology maturation, including flight demonstration in 1997, to prove the feasibility of an air-breathing, hypersonic aerospace plane capable of single-stage-to-orbit operation and hypersonic cruise in the atmosphere;

(14) seek innovative technologies that will make possible advanced human exploration initiatives, such as the establishment of a lunar base and the succeeding mission to Mars, and provide high yield technology advancements for the national economy; and

(15) enhance the human resources of the Nation and the quality of education.

SEC. 103. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATIONS.—There are authorized to be appropriated to the National Aeronautics and Space Administration the following amounts:

(1) For "research and development", for the following programs:

(A) United States International Space Station Freedom, \$2,907,000,000 for fiscal year 1992, and \$3,031,000,000 for fiscal year 1993.

(B) Space transportation capability development, \$763,400,000 for fiscal year 1991, \$1,151,000,000 for fiscal year 1992, and \$1,489,600,000 for fiscal year 1993. Of the funds authorized for fiscal year 1991, \$40,000,000 shall be used only for initiating development of the Shuttle-C and \$45,400,000 shall be used for the completion of the critical design review of the Orbital Maneuvering Vehicle.

(C) Physics and astronomy, \$985,000,000 for fiscal year 1991, \$1,177,000,000 for fiscal year 1992, and \$1,197,000,000 for fiscal year 1993.

(D) Life sciences, \$174,000,000 for fiscal year 1991, \$210,000,000 for fiscal year 1992, and \$299,000,000 for fiscal year 1993. Of the amounts authorized for such purposes, by this or any other Act, for fiscal year 1991—

(i) \$10,000,000 shall be for the initiation of the Lifesat program; and

(ii) not less than \$1,000,000 shall be used to establish a specialized center for research and training for bioregenerative life support systems.

(E) Planetary exploration, \$337,200,000 for fiscal year 1991, \$287,000,000 for fiscal year 1992, and \$320,300,000 for fiscal year 1993.

(F) Earth sciences, \$529,500,000 for fiscal year 1991, of which \$5,000,000 shall be for the conduct of an advanced sensor technology demonstration program in support of the Landsat-7 remote sensing satellites, \$917,000,000 for fiscal year 1992, and \$1,756,000,000 for fiscal year 1993.

(G) Materials processing in space, \$97,300,000 for fiscal year 1991, \$114,000,000 for fiscal year 1992, and \$140,000,000 for fiscal year 1993.

(H) Communications, \$52,800,000 for fiscal year 1991, including not more than \$2,000,000 for experimenter ground stations

for the Advanced Communications Technology Satellite, but only if the experimenter receiving funds obtains at least an equal amount of funds from sources other than the National Aeronautics and Space Administration, \$32,000,000 for fiscal year 1992, and \$28,000,000 for fiscal year 1993.

(I) Information systems, \$36,800,000 for fiscal year 1991, \$39,000,000 for fiscal year 1992, and \$41,000,000 for fiscal year 1993.

(J) Technology utilization, \$24,400,000 for fiscal year 1991, \$30,000,000 for fiscal year 1992, and \$26,000,000 for fiscal year 1993.

(K) Commercial use of space, \$76,600,000 for fiscal year 1991, \$120,000,000 for fiscal year 1992, and \$140,000,000 for fiscal year 1993.

(L) Aeronautical research and technology, \$557,000,000 for fiscal year 1991, \$634,500,000 for fiscal year 1992, and \$685,900,000 for fiscal year 1993. None of the funds authorized under this subparagraph for fiscal year 1991 shall be expended unless at least \$119,000,000 are made available for such fiscal year for the National Aero-Space Plane program.

(M) Transatmospheric research and technology, \$119,000,000 for fiscal year 1991, \$72,000,000 for fiscal year 1992, and \$68,000,000 for fiscal year 1993.

(N) Space research and technology, \$490,900,000 for fiscal year 1991, \$511,000,000 for fiscal year 1992, and \$568,000,000 for fiscal year 1993. Of the amounts authorized for the Exploration Technology program, by this or any other Act, for fiscal year 1991, at least 10 percent shall be for university contracts and grants.

(O) Exploration mission studies, \$37,000,000 for fiscal year 1991, \$45,000,000 for fiscal year 1992, and \$45,000,000 for fiscal year 1993.

(P) Human exploration initiative, \$444,000,000 for fiscal year 1992, of which at least 30 percent shall be for university contracts and grants, and \$649,000,000 for fiscal year 1993. The Administrator shall provide to the Committee on Science, Space, and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate, by March 15, 1991, a report setting forth the goals for academic participation and enhancement of the educational infrastructure with regard to the human exploration initiative.

(Q) Safety, reliability, and quality assurance, \$33,000,000 for fiscal year 1991, \$36,000,000 for fiscal year 1992, and \$38,000,000 for fiscal year 1993.

(R) Tracking and data advanced systems, \$20,000,000 for fiscal year 1991, \$22,000,000 for fiscal year 1992, and \$23,000,000 for fiscal year 1993.

(S) University Space Science and Technology Academic Program, \$50,100,000 for fiscal year 1991, \$59,000,000 for fiscal year 1992, and \$60,000,000 for fiscal year 1993.

(T) Comet Rendezvous Asteroid Flyby/Cassini mission, not to exceed \$1,600,000,000, for development, launch, and 30 days of operations thereof, to remain available until expended, of which—

(i) \$490,000,000 shall be available for obligation after October 1, 1989;

(ii) an additional \$370,000,000 shall be available for obligation 30 days after the submission of a report summarizing the results of a preliminary design review to the Committee on Science, Space, and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate;

(iii) an additional \$640,000,000 shall be available for obligation 30 days after the

submission of a report summarizing the results of a critical design review to the Committee on Science, Space, and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate; and

(iv) an additional \$100,000,000 shall be available for obligation 30 days after the submission of a report summarizing the results of a spacecraft integration and systems test to the Committee on Science, Space, and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

A cost containment plan shall be submitted to the Committee on Science, Space, and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate by January 31, 1991, and updated on July 31 and January 31 of each succeeding year until such funds are expended.

(2) For "space flight, control, and data communications", for the following programs:

(A) Shuttle production and operational capability, \$1,364,000,000 for fiscal year 1991, \$1,520,000,000 for fiscal year 1992, and \$1,572,000,000 for fiscal year 1993. Of such funds, \$45,000,000 for fiscal year 1991, \$125,000,000 for fiscal year 1992, and \$200,000,000 for fiscal year 1993 shall be used only for the following:

(i) For the space shuttle main engine—

(I) improved design and installation of High Pressure Oxygen Turbopump bearings;

(II) installation of the 2-duct hot gas manifold;

(III) development of enlarged throat diameter;

(IV) development of single-crystal turbine blades; and

(V) general redesign to reduce welds and make welds totally inspectable.

(ii) For the solid rocket booster/solid rocket motor—

(I) implementation of the recommendations contained in the report of the National Research Council entitled "Collected Reports of the Panel on Technical Evaluation of NASA's Redesign of the Space Shuttle Solid Rocket Booster", issued in 1988;

(II) development of a locking feature for the nozzle leak check port plugs;

(III) development of one-piece case stiffener rings;

(IV) development of nonasbestos motor insulation;

(V) enhancement of lightning protection for case and nozzle; and

(VI) modification of aft skirt structure.

(iii) For the external tank—

(I) upgrading of liquid hydrogen and oxygen temperature, pressure, and liquid level sensors;

(II) upgrading of thermal insulation on areas where dislodged insulation can affect the orbiter; and

(III) investigation of corrosion prevention methods to preclude structural problems.

(iv) For the orbiter—

(I) modification of structure to eliminate negative margins;

(II) upgrading of the auxiliary power units;

(III) development of a redundant nose wheel steering system (including possible extension of the nose wheel strut);

(IV) elimination of Kapton electrical wire insulation; and

(V) upgrading of valves and regulators to preclude leakage of fuels and oxidizers.

(v) Such other elements of an Assured Shuttle Availability program as the Administrator considers necessary.

By September 30, 1991, the Administrator shall submit to the Committee on Science, Space, and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a full report on the completion of the safety enhancements specified in this subparagraph.

(B) Shuttle transportation operations, \$2,831,400,000 for fiscal year 1991, of which \$4,000,000 shall be made available for the provision of launch services for eligible satellites in accordance with section 6 of the Commercial Space Launch Act Amendments of 1988, \$3,056,000,000 for fiscal year 1992, and \$3,150,000,000 for fiscal year 1993.

(C) Expendable launch vehicle services, \$229,200,000 for fiscal year 1991, \$291,000,000 for fiscal year 1992, and \$296,000,000 for fiscal year 1993.

(D) Space and ground network, communications, and data systems, \$868,800,000 for fiscal year 1991, \$1,071,000,000 for fiscal year 1992, and \$1,185,000,000 for fiscal year 1993. No funds may be obligated pursuant to this Act or any other Act for a Tracking and Data Relay Satellite (TDRS) "F-8" spacecraft, except that funds appropriated before the date of enactment of this Act may be expended for long lead items.

(E) Tracking and data relay satellite system, \$1,209,732,000 for fiscal year 1991, which shall be used only for the purpose of reducing all outstanding debt to the Federal Financing Bank.

(3) For "construction of facilities" for fiscal year 1991 as follows:

(A) Construction of Neutral Buoyancy Laboratory, Johnson Space Center, \$15,000,000.

(B) Construction of Space Station Processing Facility, Kennedy Space Center, \$25,000,000.

(C) Construction of Addition for Flight Training and Operations, Johnson Space Center, \$12,000,000.

(D) Rehabilitation of Mission Control Center Power and Control Systems, Johnson Space Center, \$8,500,000.

(E) Construction of Transporter/Canister Facility, Kennedy Space Center, \$5,500,000.

(F) Construction of Processing Control Center, Kennedy Space Center, \$9,400,000.

(G) Replacement of Heating, Ventilating, and Air Conditioning System, Hypergolic Maintenance Facility, Kennedy Space Center, \$2,100,000.

(H) Replacement of Operations and Checkout Building, West Cooling Tower, Kennedy Space Center, \$1,000,000.

(I) Restoration of Heavy Equipment Area, Kennedy Space Center, \$900,000.

(J) Upgrade of Orbiter Processing Facility High Bay Heating, Ventilating, and Air Conditioning System, Kennedy Space Center, \$3,300,000.

(K) Upgrade of Yundum International Airport to Full Transoceanic Abort Landing Site, Banjul, The Gambia, \$3,400,000.

(L) Repair of Condensate System, Main Manufacturing Building, Michoud Assembly Facility, \$900,000.

(M) Construction of Project Engineering Facility, Marshall Space Flight Center, \$17,000,000.

(N) Restoration of Information and Electronic Systems Laboratory, Marshall Space Flight Center, \$4,000,000.

(O) Rehabilitation of Hydrogen Transfer Facility, Stennis Space Center, \$2,700,000.

(P) Restoration of Space Shuttle Main Engine Test Complex "A", Stennis Space Center, \$2,800,000.

(Q) Construction of Advanced Solid Rocket Motor Program Facilities, including land acquisition, various locations, \$92,000,000.

(R) Construction of Addition to Site Electrical Substation, Johnson Space Center, \$11,000,000.

(S) Addition to Administration and Engineering Building, Stennis Space Center, \$3,800,000.

(T) Construction of Earth Observing System Data Information System Facility, Goddard Space Flight Center, \$8,000,000.

(U) Construction of Detector Development Laboratory, Goddard Space Flight Center, \$3,100,000.

(V) Replacement of Chillers, Central Heating/Refrigeration Plant, Goddard Space Flight Center, \$4,000,000.

(W) Replacement/Modernization of Electrical Power Feeders, Goddard Space Flight Center, \$1,500,000.

(X) Construction of Observational Instruments Laboratory, Jet Propulsion Laboratory, \$14,000,000.

(Y) Refurbishment of 25-Foot Space Simulator, Jet Propulsion Laboratory, \$13,200,000.

(Z) Restoration of Utilities, Wallops Flight Facility, \$5,200,000.

(AA) Modifications to the High Pressure Air System, Langley Research Center, \$12,000,000.

(BB) Modifications to Upgrade the 30 × 60-Foot Wind Tunnel, Langley Research Center, \$4,000,000.

(CC) Repairs to the Tunnel Shell, Unitary Plan Wind Tunnel, Langley Research Center, \$2,700,000.

(DD) Rehabilitation of Central Air System, Lewis Research Center, \$7,900,000.

(EE) Rehabilitation of Propulsion Systems Laboratory, Lewis Research Center, \$6,000,000.

(FF) Construction of Liquid Hydrogen Structural Test Facility, Dryden Flight Research Facility, \$18,800,000.

(GG) Rehabilitation and Modification of the Electrical Distribution System, Dryden Flight Research Facility, \$4,000,000.

(HH) Construction of Addition for Light-Alloy Research Laboratory, Langley Research Center, \$4,600,000.

(II) Construction of Space Experiments Laboratory, Lewis Research Center, \$7,100,000.

(JJ) Refurbishment of Electric Power Laboratory, Lewis Research Center, \$8,900,000.

(KK) Construction of 34-Meter Multifrequency Antenna at Goldstone, CA, Jet Propulsion Laboratory, \$13,200,000.

(LL) Rehabilitation of 70-Meter Antenna Drive Gear Boxes in Australia, Spain, and Goldstone, CA, Jet Propulsion Laboratory, \$4,400,000.

(MM) Repair of facilities at various locations, not to exceed \$1,000,000 per project, \$30,000,000.

(NN) Rehabilitation and modification of facilities at various locations, not to exceed \$1,000,000 per project, \$34,000,000.

(OO) Minor construction of new facilities and additions to existing facilities at various locations, not to exceed \$750,000 per project, \$11,000,000.

(PP) Environmental compliance and restoration, \$32,000,000.

(QQ) Facility planning and design not otherwise provided for, \$28,000,000.

(4) For "research and program management", for fiscal year 1991, \$2,252,900,000.

(5) For "Inspector General", \$11,000,000 for fiscal year 1991, \$14,000,000 for fiscal year 1992, and \$14,000,000 for fiscal year 1993.

(b) LIMITATIONS.—(1)(A) Notwithstanding paragraph (4), appropriations authorized under this section for "research and development" and "space flight, control, and data communications" may be used—

(i) for any items of a capital nature (other than acquisition of land) which may be required at locations other than installations of the National Aeronautics and Space Administration for the performance of research and development contracts; and

(ii) for grants to nonprofit institutions of higher education, or to nonprofit organizations whose primary purpose is the conduct of scientific research, for purchase or construction of additional research facilities.

Title to facilities described in clause (ii) shall be vested in the United States unless the Administrator determines that the national program of aeronautical and space activities will best be served by vesting title in any such grantee institution or organization. Each such grant shall be made under such conditions as the Administrator shall determine to be required to ensure that the United States will receive therefrom benefit adequate to justify the making of that grant.

(B) None of the funds appropriated for "research and development" and "space flight, control, and data communications" pursuant to this title may be used in accordance with this paragraph for the construction of any facility, the estimated cost of which, including collateral equipment, exceeds \$750,000, unless the Administrator has notified the Committee on Science, Space, and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate, of the nature, location, and estimated cost of such facility.

(2) Any amount appropriated pursuant to this title for "research and development", for "space flight, control and data communications", or for "construction of facilities" may remain available until expended. Any amount appropriated pursuant to this title for "research and program management" for maintenance and operation of facilities, and for other services, shall remain available through the next fiscal year after the fiscal year for which such amount is appropriated.

(3) Appropriations made pursuant to subsection (a)(4) may be used, but not to exceed \$35,000, for scientific consultations or extraordinary expenses upon the approval or authority of the Administrator, and his determination shall be final and conclusive upon the accounting officers of the Government.

(4)(A) Funds appropriated pursuant to subsection (a) (1), (2), and (4) may be used for the construction of new facilities and additions to, or repair, rehabilitation, or modification of existing facilities, but only if the cost of each such project, including collateral equipment, does not exceed \$200,000.

(B) Funds appropriated pursuant to subsection (a) (1) and (2) may be used for unforeseen programmatic facility project needs, but only if the cost of each such project, including collateral equipment, does not exceed \$750,000.

(C) Funds appropriated pursuant to subsection (a)(4) may be used for repair, rehabilitation, or modification of facilities controlled by the General Services Administration, but only if the cost of each project, in-

cluding collateral equipment, does not exceed \$500,000.

SEC. 104. CONSTRUCTION OF FACILITIES REPROGRAMMING.

Authorization is hereby granted whereby any of the amounts prescribed in section 103(a)(3) (A) through (QQ)—

(1) may be varied upward 10 percent, in the discretion of the Administrator or the Administrator's designee, or

(2) following a report by the Administrator or the Administrator's designee to the Committee on Science, Space, and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate, on the circumstances of such, may be varied upward 25 percent to meet unusual cost variations.

The total cost of all work authorized under paragraphs (1) and (2) shall not exceed the total of amounts specified in section 103(a)(3) (A) through (QQ).

SEC. 105. SPECIAL REPROGRAMMING AUTHORITY FOR CONSTRUCTION OF FACILITIES.

Where the Administrator determines that new developments or scientific or engineering changes in the national program of aeronautical and space activities have occurred; and that such changes require the use of additional funds for the purposes of construction, expansion, or modification of facilities at any location; and that deferral of such action until the enactment of the next authorization Act would be inconsistent with the interest of the Nation in aeronautical and space activities; the Administrator may transfer not to exceed one-half of 1 percent of the funds appropriated pursuant to section 103(a) (1) or (2) to the "construction of facilities" appropriation for such purposes. The Administrator may also use up to \$10,000,000 of the amounts authorized under section 103(a)(3) for such purposes. The funds so made available pursuant to this section may be expended to acquire, construct, convert, rehabilitate, or install permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment. No such funds may be obligated until a period of 30 days has passed after the Administrator or the Administrator's designee has transmitted to the Committee on Science, Space, and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a written report describing the nature of the construction, its cost, and the reasons therefor.

SEC. 106. CONSIDERATION BY COMMITTEES.

Notwithstanding any other provision of this title—

(1) no amount appropriated pursuant to this title may be used for any program deleted by the Congress from requests as originally made to either the Committee on Science, Space, and Technology of the House of Representatives or the Committee on Commerce, Science, and Transportation of the Senate;

(2) no amount appropriated pursuant to this title may be used for any program in excess of the amount actually authorized for that particular program by section 103(a) (1), (2), and (4); and

(3) no amount appropriated pursuant to this title may be used for any program which has not been presented to either such committee,

unless a period of 30 days has passed after the receipt by each such committee of notice given by the Administrator containing a full and complete statement of the

action proposed to be taken and the facts and circumstances relied upon in support of such proposed action. The National Aeronautics and Space Administration shall keep the Committee on Science, Space, and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate fully and currently informed with respect to all activities and responsibilities within the jurisdiction of those committees. Any Federal department, agency, or independent establishment shall furnish any information requested by either committee relating to any such activity or responsibility.

SEC. 107. AMENDMENTS TO THE NATIONAL AERONAUTICS AND SPACE ACT OF 1958.

Section 203(a) of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2473(a)) is amended by—

(1) striking "and" at the end of paragraph (2);

(2) striking the period at the end of paragraph (3) and inserting in lieu thereof a semicolon; and

(3) adding at the end the following new paragraphs:

"(4) seek and encourage, to the maximum extent possible, the fullest commercial use of space; and

"(5) encourage and provide for Federal Government use of commercially provided space services and hardware, consistent with the requirements of the Federal Government."

SEC. 108. NATIONAL SPACE COUNCIL AUTHORIZATION.

There are authorized to be appropriated to carry out the activities of the National Space Council established by section 501 of the National Aeronautics and Space Administration Authorization Act, Fiscal Year 1989 (42 U.S.C. 2471), \$1,363,000 for fiscal year 1991, of which not more than \$1,000 shall be available for official reception and representation expenses. The National Space Council shall reimburse other agencies for not less than one-half of the personnel compensation costs of individuals detailed to it.

SEC. 109. GEOGRAPHICAL DISTRIBUTION.

The Administrator shall distribute research and development funds geographically in order to provide the broadest practicable participation in the programs of the National Aeronautics and Space Administration.

SEC. 110. BUY AMERICAN.

(a) **GENERAL RULE.**—The Administrator shall award to a domestic firm a contract that, under the use of competitive procedures, would be awarded to a foreign firm, if—

(1) the final product of the domestic firm will be completely assembled in the United States;

(2) when completely assembled, not less than 51 percent of the final product of the domestic firm will be domestically produced; and

(3) the difference between the bids submitted by the foreign and domestic firms is not more than 6 percent.

(b) **EXCEPTIONS.**—This section shall not apply to the extent to which—

(1) such applicability would not be in the public interest;

(2) compelling national security considerations require otherwise; or

(3) the United States Trade Representative determines that such an award would be in violation of the General Agreement on Tariffs and Trade or an international agreement to which the United States is a party.

(c) **DEFINITIONS.**—For purposes of this section—

(1) the term "domestic firm" means a business entity that is incorporated in the United States and that conducts business operations in the United States;

(2) the term "foreign firm" means a business entity not described in paragraph (1).

(d) **LIMITATION.**—This section shall apply only to contracts for which—

(1) amounts are made available pursuant to this title; and

(2) solicitations for bids are issued after the date of enactment of this Act.

(e) **REPORT TO CONGRESS.**—The Administrator shall report to the Congress on contracts covered under this section and entered into with foreign entities in fiscal years 1990 and 1991, and shall report to the Congress on the number of contracts that meet the requirements of subsection (a) but which are determined by the United States Trade Representative to be in violation of the General Agreement on Tariffs and Trade or an international agreement to which the United States is a party. The Administrator shall also report to the Congress on the number of contracts covered under this title and awarded based upon the parameters of this section.

SEC. 111. ADVANCED SOLID ROCKET MOTOR.

The Administrator shall submit to the Committee on Science, Space, and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate the following:

(1) A report on the projected cost to complete the design, development, and qualification of the Advanced Solid Rocket Motor. The first report shall be submitted at the end of 6 months after the signing of the Advanced Solid Rocket Motor contract, and thereafter with the National Aeronautics and Space Administration's annual budget request.

(2) An annual report on the projected unit cost of the flight motors.

(3) An annual report on the increase in space shuttle payload capability provided by the Advanced Solid Rocket Motor. The report shall include the original baseline payload capability, adjustments to that baseline capability, and the projected payload capability.

(4) An assessment by the National Research Council by September 1, 1991, of the role of the Advanced Solid Rocket Motor and other potential propulsion system options for space station assembly and operations, including requirements beyond the year 2000.

(5) An assessment by the National Research Council by September 1, 1991, of potential approaches to ensuring the achievement of safety and reliability for the Advanced Solid Rocket Motor.

SEC. 112. SPACE SHUTTLE USE POLICY.

(a)(1) It shall be the policy of the United States to use the Space Shuttle for purposes that (i) require the presence of man, (ii) require the unique capabilities of the Space Shuttle or (iii) when other compelling circumstances exist.

(2) The term "compelling circumstances" includes, but is not limited to, occasions when the Administrator determines, in consultation with the Secretary of Defense and the Secretary of State, that important national security or foreign policy interests would be served by a Shuttle launch.

(3) The policy stated in subsection (a)(1) shall not preclude the use of available cargo space, on a Space Shuttle mission otherwise consistent with the policy described under

subsection (a)(1), for the purpose of carrying secondary payloads (as defined by the Administrator) that do not require the presence of man if such payloads are consistent with the requirements of research, development, demonstration, scientific, commercial, and educational programs authorized by the Administrator.

(b) The Administrator shall, within six months after the date of enactment of this Act, submit a report to the Congress setting forth a plan for the implementation of the policy described in subsection (a)(1). Such plan shall include—

(1) details of the implementation plan;

(2) a list of purposes that meet such policy;

(3) a proposed schedule for the implementation of such policy;

(4) an estimate of the costs to the United States of implementing such policy; and

(5) a process for informing the Congress in a timely and regular manner of how the plan is being implemented.

(c) At least annually, the Administrator shall submit to the Congress a report certifying that the payloads scheduled to be launched on the space shuttle for the next four years are consistent with the policy set forth in subsection (a)(1). For each payload scheduled to be launched from the space shuttle, which do not require the presence of man, the Administrator shall, in the certified report to Congress, state the specific circumstances which justified the use of the space shuttle. If, during the period between scheduled reports to the Congress, any additions are made to the list of certified payloads intended to be launched from the Shuttle, the Administrator shall inform the Congress of the additions and the reasons therefor within 45 days of the change.

(d) The report described in subsection (c) shall also include those National Aeronautics and Space Administration payloads designed solely to fly on the space shuttle which have begun the phase C/D of its development cycle.

SEC. 113. LIFE SCIENCES STRATEGIC PLAN.

(a) **FINDINGS.**—The Congress finds that—

(1) the current knowledge base in life sciences is not compatible with the National Aeronautics and Space Administration's current objectives in space, and the National Aeronautics and Space Administration lacks an adequate strategic plan to acquire a knowledge base;

(2) it is critical to the success of manned missions in space, be they commercial operations of microgravity laboratories or manned missions to Mars, that a realistic appraisal of the influences of the space environment on biological systems is completed and appropriate protective countermeasures developed;

(3) the space station is rapidly approaching design maturity without a corresponding development of the physiological and other human factors knowledge base necessary for long-term manned operations in space; and

(4) space station laboratory hardware specifications are being fixed before fully establishing the objectives and requirements for life sciences research.

(b) **STRATEGIC PLAN.**—The Administration shall—

(1) review currently proposed manned space flight missions in order to—

(A) identify the physiological and other human factors knowledge base necessary to determine the human capacity to adapt to and perform effectively in the space environment according to mission requirements,

including identifying which life sciences parameters must be measured and which technologies, processes, and procedures must be developed; and

(B) develop a schedule indicating when specific components of information, technologies, processes, or procedures identified under subparagraph (A) will need to be acquired or developed in order to verify that human adaptability requirements of manned space flight missions can be achieved;

(2) develop a strategy plan for life sciences research and technology development sufficient to accomplish the life sciences knowledge base acquisition schedule developed under paragraph (1)(B), including—

(A) a crew certification plan setting acceptable crew conditioning standards for Extended Duration Orbiter operations and verifying countermeasures sufficient to meet those standards before actual Extended Duration Orbiter operations; and

(B) a life sciences implementation plan for the design and development of the space station, to be provided as part of the Preliminary Design Review for the space station, and to include crew adaptability standards; and

(3) verify the physiological and technical feasibility of the life sciences implementation plan developed under paragraph (2)(B), as part of the Critical Design Review for the space station.

SEC. 114. STUDY ON INTERNATIONAL COOPERATION IN PLANETARY EXPLORATION.

(a) FINDINGS.—The Congress finds that—

(1) the President on July 20, 1989, established the long-range goal of establishing a lunar base, followed by manned exploration of Mars in the early twenty-first century;

(2) the United States and the Soviet Union, in cooperation with other countries, are currently planning further unmanned missions to the Moon and to Mars with the possible goal of landing a human on Mars;

(3) a series of international missions to expand human presence beyond Earth orbit would further a spirit of, and follow through on the commitment made in, the 1987 agreement between the Soviet Union and the United States for space cooperation, as well as the successful cooperative agreements the United States has pursued with over one hundred countries since its inception, including the agreement with Japan, Canada, and the European countries for Space Station Freedom;

(4) international manned missions beyond Earth orbit could further encourage a cooperative approach in world affairs unrelated to activities in space;

(5) international manned missions beyond Earth orbit could save the individual nations involved tens of billions of dollars over national missions; and

(6) a multilateral effort for manned missions to establish a lunar colony, a Mars mission, and any other missions that have the goal of establishing human presence beyond Earth's orbit and possibly landing a human on Mars would lead to greater understanding of our universe and greater sensitivity to our own planet.

(b) STUDY.—The National Space Council shall conduct a study on International Cooperation in Planetary Exploration (hereafter in this section referred to as the "study").

(c) PURPOSE OF STUDY.—The purpose of the study is—

(1) to develop an inventory of technologies and intentions of all national space

agencies with regard to lunar and planetary exploration, both manned and unmanned;

(2) to seek ways, through direct communication with appropriate officials of other nations or otherwise, to enhance the planning and exchange of information and data among the United States, the Soviet Union, European countries, Canada, Japan, and other interested countries with respect to unmanned projects beyond Earth orbit, in anticipation of later international manned missions to the Moon and to other bodies, including the possible goal of an international manned mission to Mars;

(3) to prepare a detailed proposal that most efficiently uses the resources of the national space agencies in cooperative endeavors to establish human presence beyond Earth orbit;

(4) to develop priority goals that accomplish unmet needs that could not be achieved by any individual country;

(5) to explore the possibilities of international unmanned probes to the Moon and Mars, and the possibilities for international manned missions beyond Earth's orbit; and

(6) to devise strategies for such cooperation that would prevent the unwanted transfer of technology.

(d) REPORT.—The National Space Council shall, within one year after the date of the enactment of this Act, prepare and submit to Congress a report—

(1) outlining a preliminary strategy for cooperation among the United States, the Soviet Union, European countries, Canada, Japan, and other interested countries, based on their respective national strengths, with respect to unmanned projects beyond Earth orbit, in anticipation of later international manned missions to the Moon and to other bodies, including the possible goal of an international manned mission to Mars;

(2) including a conceptual design of a possible international manned mission, in coordination with the preliminary strategy referred to in paragraph (1), with target dates and a breakdown of responsibilities by nation;

(3) containing an inventory of planned and anticipated missions, manned and unmanned, that are being considered by national space agencies; and

(4) containing an inventory of space exploration technologies that either—

(A) are not immediately available in the United States but are available from other nations; or

(B) are available in the United States but are available from other nations in equal or superior form.

SEC. 115. OFFICE OF SPACE COMMERCE.

(a) ESTABLISHMENT.—There is established within the Department of Commerce an Office of Space Commerce.

(b) FUNCTIONS.—The Office of Space Commerce shall be the principal unit for the coordination of space related issues, programs, and initiatives within the Department of Commerce. The Office shall—

(1) promote private sector investment in space activities by collecting, analyzing, and disseminating information on space markets, and conducting workshops and seminars to increase awareness of commercial space opportunities;

(2) assist commercial space companies in their efforts to do business with the United States Government, and act as an industry advocate within the Executive Branch to ensure that the Government meets its space related requirements, to the fullest extent feasible, with commercially available space goods and services;

(3) ensure that the United States Government does not compete with the private sector in the provision of space hardware and services otherwise available from the private sector;

(4) promote the export of space related goods and services;

(5) represent the Department of Commerce in the development of United States policies and in negotiations with foreign countries to ensure free and fair trade internationally in the area of space commerce; and

(6) seek the removal of legal, policy, and institutional impediments to space commerce.

(c) AUTHORIZATION.—There are authorized to be appropriated to the Secretary of Commerce for the Office of Space Commerce, \$487,000 for fiscal year 1991.

SEC. 116. NATIONAL AERO-SPACE PLANE PROGRAM.

(a) FINDINGS.—The Congress finds that—

(1) if the United States is to maintain preeminence in military and commercial aeronautics into the next century, research into technology development and validation of the National Aero-Space Plane (NASP) is vital;

(2) the new and advanced materials being developed for the NASP have numerous applications in the military and the civilian aviation industry, as well as in other industries utilizing high temperature technologies;

(3) the benefits to the military and civilian aviation programs from the new and innovative technologies developed in connection with the NASP program in propulsions systems, aerodynamics, and control systems could be enormous, especially for high speed aeronautical and space flight; and

(4) military and commercial spin-off applications of NASP technologies include future superior military aircraft, space transportation systems, and commercial hypersonic aircraft.

(b) ESTABLISHMENT OF PROGRAM.—The Secretary of Defense (hereafter in this section referred to as the "Secretary") and the Administrator shall jointly establish a National Aero-Space Plane program whose objective shall be exclusively the development and demonstration, by 1977, of a primarily air breathing single-stage-to-orbit and long range hypersonic cruise research flight vehicle. The program shall be a research program, and to the extent practicable technological information developed shall be transferred to the military and to the domestic civil aviation and other private industries.

(c) RESPONSIBILITIES.—The Secretary shall have responsibility for procurement, experimental flight vehicles, and overall program administration of the program established under subsection (b). The Administrator shall have responsibility for providing technology development and flight test support and shall have an integral role in the overall program. Representatives of both the Secretary and the Administrator shall participate in all aspects of the program.

(d) MANAGEMENT PLAN.—

(1) The Secretary and the Administrator shall jointly develop a management plan for the program established under subsection (b), which shall include goals, major tasks, anticipated schedules, organizational structure, funding profiles, details of the respective responsibilities of the Secretary and the Administrator, and resource procurement strategies.

(2) The management plan developed pursuant to paragraph (1) shall be submitted to

the Congress within 120 days after the date of enactment of this Act.

(e) **FUNDING.**—The Secretary shall be responsible for not less than two-thirds of the funding for the program established under this section, and the administrator shall be responsible for not more than one-third of the funding for such program.

SEC. 117. COMMERCIAL SPACE LAUNCH ACT AUTHORIZATION.

(a) **AUTHORIZATION.**—Section 24 of the Commercial Space Launch Act (49 U.S.C. App. 2623) is amended by adding at the end thereof the following: "There are authorized to be appropriated to the Secretary to carry out this Act \$4,517,000 for fiscal year 1991, of which \$250,000 shall be made available for the provision of launch services for eligible satellites in accordance with section 6 of the Commercial Space Launch Act Amendments of 1988."

(b) **DEFINITION OF LAUNCH ACTIVITY.**—The Commercial Space Launch Act (49 U.S.C. App. 2601 et seq.) is amended—

(1) in section 4—

(A) by redesignating paragraphs (3) through (12) as paragraphs (4) through (13), respectively; and

(B) by inserting after paragraph (2) the following new paragraph:

"(3) 'launch activity' means any activity of a licensee or its contractors, subcontractors, or customers, at a launch site, in connection with a launch, occurring after entry onto the launch site and before the expiration of 3 years after launch;" and

(2) in section 6(a)(2), (3)(A), (3)(B)(i), and (3)(B)(ii), by striking "section 4(11)" and inserting in lieu thereof "section 4(13)".

(c) **EXCLUDED ACTIVITIES.**—Section 6(a) of the Commercial Space Launch Act (49 U.S.C. App. 2605(a)) is amended—

(1) in paragraph (1) by striking "No person" and inserting in lieu thereof "Except as provided in paragraph (4), no person"; and

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

"(4) A license shall not be required to be issued or transferred under this Act for any launch of a launch vehicle or operation of a launch site if an agency assumes responsibility for such launch or operation. The Secretary of Defense, the Secretary of Transportation, and the Administrator shall jointly develop, and the Secretary of Transportation with the concurrence of the Secretary of Defense and the Administrator shall issue, regulations establishing criteria for such assumption of responsibility, including a requirement for the head of any agency assuming responsibility to make a written determination for each launch or operation."

(d) **ACQUISITION BY STATE GOVERNMENTS.**—Section 15(a) of the Commercial Space Launch Act (49 U.S.C. App. 2614(a)) is amended by inserting "and State governments" after "by the private sector".

SEC. 118. MANAGEMENT REVIEW.

The Administrator shall contract with the National Academy of Public Administration for

(1) a review of the organizational and institutional preparedness of the National Aeronautics and Space Administration to undertake major new initiatives in science and human exploration; and

(2) a report to Congress—

(A) estimating the level of human resources required to carry out this title and any initiatives resulting from this title;

(B) describing the organizational structure of the National Aeronautics and Space Administration, including its field centers;

(C) describing the role and relationship of other Federal agencies, Federal laboratories, and the private sector in carrying out the Nation's space program; and

(D) recommending administrative changes that would increase the efficiency and effectiveness of the National Aeronautics and Space Administration, including procurement practices.

SEC. 119. SPACE DEBRIS.

It is the policy of the United States that—

(1) the space related activities of the United States shall be conducted in a manner that does not increase the amount of orbital space debris; and

(2) the United States shall engage other spacefaring Nations to develop an agreement on the conduct of space activities that ensures that the amount of orbital space debris is not increased.

SEC. 120. SUPPORT FOR SPACE SHUTTLE ORBITER PRODUCTION LINE.

The Administrator is authorized to expend excess funds appropriated for orbiter production under section 101(g) of the joint resolution entitled "Joint Resolution making continuing appropriations for the fiscal year 1987, and for other purposes" (100 Stat. 3341-242) to maintain the space shuttle orbiter production line and related production lines of orbiter subcontractors.

SEC. 121. INDUSTRIAL APPLICATION CENTERS.

In any agreement entered into by the National Aeronautics and Space Administration for an Industrial Application Center, the center shall be allowed to retain all client income without any deductions from appropriated funds received or to be received by that center.

SEC. 122. REPORT TO CONGRESS ON THE SHUTTLE PROGRAM.

The Administrator shall contract with the National Academy of Public Administration to undertake a cost and benefit analysis of the Shuttle-C program. The analysis shall include an assessment of the development costs of the Shuttle-C, the unit cost of Shuttle-C flights relative to space shuttle flights, the number of space shuttle flights that could be eliminated by a Shuttle-C flight during deployment of the Space Station, and a comparison of the total costs of deploying the Space Station by utilizing only the space shuttle versus the total costs of deploying the Space Station utilizing a combination of space shuttle and Shuttle-C flights. The Administrator shall submit a copy of such analysis to the Congress by March 15, 1991.

SEC. 123. AUTOMOTIVE STIRLING ENGINE DEMONSTRATION PROGRAM.

(a) **REQUIREMENT.**—Any automotive stirling engine demonstration program sponsored by the National Aeronautics and Space Administration shall, to the maximum extent practicable, utilize natural gas, and if not natural gas, then methanol or ethanol.

(b) **DEFINITIONS.**—As used in this section—

(1) the term "methanol" means a mixture containing at least 85 percent methanol by volume; and

(2) the term "ethanol" means a mixture containing at least 85 percent ethanol by volume.

SEC. 124. DEFINITION.

For purposes of this title, the term "Administrator" means the Administrator of the National Aeronautics and Space Administration.

COMMITTEE AMENDMENTS

The CHAIRMAN. The Clerk will report the committee amendments.

The Clerk read as follows:

Committee amendments: Page 6, after line 9, insert the following new paragraph:

(10) develop an advanced, high pressure space suit to support extravehicular activity that will be required for Space Station Freedom when Assembly Complete is reached;

Redesignate subsequent paragraphs accordingly.

Page 7, line 22, insert "Such sums as are necessary from funds authorized for the United States International Space Station Freedom for each of the fiscal years 1991, 1992, and 1993 shall be used to initiate a flight test of the solar dynamic power program. No funds authorized to be appropriated under this or any other Act may be obligated for the purpose of expanding the electric power generation capability aboard the United States International Space Station Freedom beyond 75 kilowatts using any method other than solar dynamic power." after "fiscal year 1993."

Page 8, lines 9 through 15, strike "(B) Space transportation" and all that follows through "development of the Shuttle-C" and insert in lieu thereof "(B) Space transportation capability development, \$733,400,000 for fiscal year 1991, \$751,000,000 for fiscal year 1992, and \$789,600,000 for fiscal year 1993. Of the funds authorized for fiscal year 1991, \$10,000,000 shall be used only for supporting heavy-lift launch vehicle studies, which shall include study of commercially developed variants as well as other appropriate concepts, rather than studying Shuttle-derived heavy-lift launch vehicles alone."

Page 21, line 10, strike "(V)" and insert in lieu thereof "(Y)".

Page 29, line 4, insert "by" after "is amended".

Page 32, line 22, and page 33, line 2, strike "September" and insert in lieu thereof "July".

Page 40, after line 4, insert the following:

In developing the inventory under paragraph (1), and in preparing the detailed proposal under paragraph (3), consideration shall be given to the potential contributions of commercial providers of space goods and services.

Page 41, line 3, insert "and commercial providers of space goods and services" after "national space agencies".

Page 45, line 6, strike "AUTHORIZATION" and insert in lieu thereof "AMENDMENTS".

Page 45, line 16, through page 46, line 8, amend subsection (b) to read as follows:

(b) **DEFINITIONS.**—

(1) **AMENDMENTS.**—Section 4 of the Commercial Space Launch Act (49 U.S.C. App. 2603) is amended—

(A) by redesignating paragraphs (3), (4), (5), (6), (7), (8), (9), (10), (11), and (12) as paragraphs (4), (5), (6), (7), (8), (9), (10), (11), (12), (13), and (14), respectively;

(B) by inserting after paragraph (2) the following new paragraph:

"(3) 'launch activity' means any activity of a licensee or its contractors, subcontractors, or customers, at a launch site, in connection with a launch, occurring after entry onto the launch site and before the expiration of 3 years after launch;"

(C) by amending paragraph (4), as redesignated by subparagraph (A) of this paragraph, to read as follows:

"(4) 'launch property' means real or personal property associated with the launch preparation or launch of a launch vehicle, including launch sites, associated equipment, propellants, and launch vehicles and components thereof;" and

(D) by inserting after paragraph (6), as redesignated by subparagraph (A) of this paragraph, the following new paragraph:

"(7) 'launch site support facilities' means facilities required to support launch site activity, including launch vehicle assembly, payload assembly, payload processing, space-related research, business incubation, and education, laboratories and test facilities, roads and water transportation routes and ports, power generation and transmission facilities, water and sewer systems, waste collection and disposal systems, flood control facilities, public safety and security systems, and communications systems;"

(2) CONFORMING AMENDMENTS.—Section 6(a)(2), (3)(A), (3)(B)(i), and (3)(B)(ii) of the Commercial Space Launch Act are amended by striking "section 4(11)" and inserting in lieu thereof "section 4(14)".

Page 48, line 3, through line 21, strike subsection (c).

Amend page 48, lines 22 through 25, to read as follows:

(c) ACQUISITION BY STATE GOVERNMENTS.—Section 15(a) of the Commercial Space Launch Act (49 U.S.C. App. 2614(a)) is amended—

(1) by inserting "and State governments" after "by the private sector"; and

(2) by inserting "exclusively" after "not needed" each place it appears.

Page 49, after line 7, insert the following new subsections:

(d) CONGRESSIONAL FINDINGS.—Section 2 of the Commercial Space Launch Act (49 U.S.C. App. 2601) is amended—

(1) by striking "and" at the end of paragraph (6);

(2) by striking the period at the end of paragraph (7) and inserting in lieu thereof a semicolon; and

(3) by adding at the end the following new paragraphs:

"(8) space transportation, including the establishment and operation of launch sites and complementary facilities, the provision of launch services, the establishment of support facilities, and the provision of support services, is an important element of the Nation's transportation system, and in connection with the commerce of the United States there is a need to develop a strong space transportation infrastructure with significant private sector involvement; and

"(9) the participation of State governments in encouraging and facilitating private sector involvement in space-related activity, particularly through the establishment of space transportation-related infrastructure, including launch sites, complementary facilities, and launch site support facilities, is in the national interest and is of significant public benefit."

(e) CONGRESSIONAL STATEMENT OF PURPOSE.—Section 3 of the Commercial Space Launch Act (49 U.S.C. App. 2602) is amended—

(1) by striking "and" at the end of paragraph (2);

(2) by striking the period at the end of paragraph (3) and inserting in lieu thereof "; and"; and

(3) by inserting at the end the following new paragraph:

"(4) to facilitate the strengthening and expansion of the United States space transportation infrastructure, including the en-

hancement of United States launch sites, as well as launch site support facilities, with Federal, State, and private sector involvement, to support the full range of United States space-related activities."

(f) GENERAL RESPONSIBILITIES OF SECRETARY.—Section 5(a) of the Commercial Space Launch Act (49 U.S.C. App. 2604(a)) is amended—

(1) by striking "and" at the end of paragraph (1);

(2) by striking the period at the end of paragraph (2) and inserting in lieu thereof "; and";

(3) by adding at the end the following new paragraph:

"(3) work to facilitate private sector involvement in commercial space transportation activity, and to promote public-private partnerships involving the Federal Government, State governments, and the private sector to build, expand, modernize, or operate space launch infrastructure."

(g) ACQUISITION AND PAYMENT BY PRIVATE SECTOR.—Section 15(b)(1) of the Commercial Space Launch Act (49 U.S.C. App. 2614(b)(1)) is amended—

(1) by inserting "and the persons seeking to acquire such property or service" after "consultation with the Secretary";

(2) by inserting ", which may be adjusted by the direct or indirect value of any improvement or benefit to the United States Government as a result of the sale or transaction in lieu of sale" after "shall be the fair market value";

(3) by inserting ", which may be adjusted by the direct or indirect value of any improvement or benefit to the United States Government as a result of the acquisition" after "acquisition of such launch property"; and

(4) by inserting ", which may be adjusted by the direct or indirect value of any improvement or benefit to the United States Government as a result of the acquisition. For the purposes of this paragraph, the use of Federal property by a non-Federal entity at a launch site shall be considered an acquisition of launch property" after "acquisition of such launch services".

Page 55, after line 12, insert the following new sections:

SEC. 124. USERS' ADVISORY GROUP.

(a) ESTABLISHMENT.—(1) The National Space Council shall establish a Users' Advisory Group composed of non-Federal representatives of industries and other persons involved in aeronautical and space activities.

(2) The Vice President shall name a chairman of the Users' Advisory Group.

(3) The National Space Council shall from time to time, but not less than once a year, meet with the Users' Advisory Group.

(4) The function of the Users' Advisory Group shall be to ensure that the interests of industries and other non-Federal entities involved in space activities, including in particular commercial entities, are adequately represented in the National Space Council.

(5) The Users' Advisory Group may be assisted by personnel detailed to the National Space Council.

(b) EXEMPTION.—The Users' Advisory Group shall not be subject to section 14(a)(2) of the Federal Advisory Committee Act.

SEC. 125. SCIENTIFIC BALLOON LAUNCH SITE.

The Administrator may purchase approximately 8 acres within section 16, Township 3 North, Range 26 East, N.M.P.M., De Baca County, New Mexico, to use a balloon launching facility.

Redesignate the subsequent section accordingly.

Mr. ROE (during the reading). Mr. Chairman, I ask unanimous consent that the committee amendments be considered en bloc, considered as read, and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

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Mr. ROE. Mr. Chairman, the committee amendments that were agreed to be considered en bloc are, I would say, basically a group of technical amendments, plus some substantive amendments which have been supported fully by the full Committee on Science, Space, and Technology, and I recommend their adoption by the House.

Mr. WALKER. Mr. Chairman, I concur with the gentleman from New Jersey [Mr. ROE] and recommend that the House agree to these amendments.

The CHAIRMAN. The question is on the committee amendments.

The committee amendments were agreed to.

AMENDMENT OFFERED BY MR. WALKER

Mr. WALKER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WALKER: On page 11, line 2, strike "\$557,000,000" and insert in lieu thereof "\$542,000,000".

Mr. WALKER. Mr. Chairman, this amendment brings the bill back in line with the President's figures.

As a result of some of the work the committee did, we ended up slightly over where the President's figures were.

I think it has been the intention of the committee all the way along to stay with those kinds of figures, and that is what this amendment does.

Mr. ROE. Mr. Chairman, will the gentleman from Pennsylvania yield?

Mr. WALKER. I yield to the chairman of the committee, the gentleman from New Jersey.

Mr. ROE. I thank the gentleman for yielding.

Mr. Chairman, the amendment is an excellent amendment. It does bring the bill back into proper perspective and proper levels of funding and we, of course, very strongly support the gentleman's amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. WALKER]. The amendment was agreed to.

Mr. SENSENBRENNER. Mr. Chairman, I move to strike the last word.

Mr. SENSENBRENNER. Mr. Chairman, I rise in strong support of H.R. 5649 and urge my colleagues to vote in favor of it. This NASA authorization bill deserves strong bipartisan support.

This bill essentially provides full funding for NASA's request in fiscal year 1991. This includes full funding for space station *Freedom*, the Earth observation system, the human exploration initiative, and many other important space science missions. In addition, and perhaps more importantly, the bill authorizes funding for NASA programs in fiscal year 1992 and fiscal year 1993. The House of Representatives overwhelmingly approved such a multiyear NASA authorization last year. It has been a major disappointment that our Senate and Appropriations Committee counterparts have, thus far, not adopted our multiyear funding approach. Nevertheless, it is important that we continue in our attempts to persuade them of the wisdom of multiyear authorizations and appropriations.

The uncertainty accompanying annual budgeting for major space R&D projects complicates program management and ultimately causes cost-overruns. Just yesterday, NASA testified before the Space Science and Applications Subcommittee that the uncertainties looming over the fiscal year 1991 budget and, at that time, the possibility of even a short-term sequestration had already caused a loss of momentum in the Space Station Program, as directives were sent out to contractors to postpone the planned buildup in their space station work force.

Mr. Chairman, over the course of the last year, the Science Committee has carefully reviewed both the progress and the challenges confronting NASA's ongoing programs. We have also scrutinized the proposed new initiatives in the President's budget request. While our committee has earned the reputation as the space program's strongest supporter, we can also be NASA's harshest critic, calling into question many of its operating procedures and programmatic decisions. The Space Subcommittee's aggressive oversight role is reflected in H.R. 5649 and the report accompanying it. They contain several committee initiatives and directives which we believe are needed if our Nation is to achieve the ambitious space goals articulated by President Bush.

As I mentioned earlier, this is a bipartisan bill. These committee policy provisions are bipartisan as well. One of these committee initiatives is a "shuttle-use" policy, which was spearheaded by Representative JACK BUECHNER. The objective of this policy is to ensure the prudent and safe operation of the Space Shuttle Program. Another important committee initiative will reform the method in which NASA procures its launch services. This initiative has been painstakingly pursued by Representative RON PACKARD for well over a year and should help spur our commercial space industry.

Mr. Chairman, the actual funding levels NASA receives in fiscal year 1991 will probably not be influenced by today's bill. However, this legislation contains many policy provisions which will provide for more effective operation and management of NASA and our space program. I urge my colleagues to support it. Finally, as we all know, NASA has received a substantial amount of media coverage and criticism over the past year. Some of this criticism has been deserved, and some has not. Nevertheless, we are sensitive to the

fact that large sums of money cannot just be thrown to the space program to do as NASA sees fit. I am confident that the Science Committee will remain vigilant in its oversight responsibilities in the 102d Congress, to ensure that taxpayers' interests are adequately protected in the fulfillment of our space goals.

The CHAIRMAN. Are there further amendments to title I?

If not, the Clerk will designate title II.

The text of title II is as follows:

TITLE II—LAUNCH SERVICES PURCHASE

SEC. 201. SHORT TITLE.

This title may be cited as the "Launch Services Purchase Act of 1990".

SEC. 202. FINDINGS.

The Congress finds that—

(1) the United States commercial launch industry is technically capable of providing reliable and cost efficient access to space and is an essential component of national efforts to assure access to space for Government and commercial users;

(2) the Federal Government should encourage, facilitate, and promote the United States commercial launch industry, including the development and enhancement of commercial launch facilities, in order to ensure United States economic preeminence in space;

(3) the interests of the United States will be served if the commercial launch industry is competitive in the international marketplace;

(4) commercial vehicles are effective means to challenge foreign competition;

(5) the use by the Federal Government of performance specifications in lieu of detailed specifications relating to vehicle design, construction, and operation will facilitate the efficient operation of the United States commercial launch industry;

(6) the procurement of commercial launch services in a commercially reasonable manner permits a reduced level of Federal Government regulation and oversight and economies of scale which may result in significant cost savings to the commercial launch industry and to the United States.

(7) it is the general policy of the Federal Government to purchase needed goods and services, including launch services, from the private sector to the fullest extent feasible; and

(8) predictable access to National Aeronautics and Space Administration launch markets would encourage continuing United States private sector investment in space and related activities.

SEC. 203. DEFINITIONS.

For the purposes of this title—

(1) the term "commercial provider" means any person providing launch services, but does not include the Federal Government;

(2) the term "launch services" means activities involved in the preparation of a launch vehicle and its payload for space transport and the conduct of transporting a payload;

(3) the term "launch vehicle" means any vehicle constructed for the purpose of operating in, or placing a payload in, outer space, and any suborbital rocket; and

(4) the term "payload" means an object which a person undertakes to place in outer space by means of a launch vehicle, and includes subcomponents of the launch vehicle specifically designed or adapted for that object.

SEC. 204. REQUIREMENT TO PROCURE COMMERCIAL LAUNCH SERVICES.

(a) IN GENERAL.—Except as otherwise provided in this section, the National Aeronautics and Space Administration shall purchase launch services for its primary payloads from commercial providers whenever such services are required in the course of its activities.

(b) EXCEPTIONS.—The National Aeronautics and Space Administration shall not be required to purchase launch services as provided in subsection (a) if, on a case by case basis the Administrator of the National Aeronautics and Space Administration determines that—

(1) the payload requires the unique capabilities of the space shuttle;

(2) cost effective commercial launch services to meet specific mission requirements are not reasonably available and would not be available when required; or

(3) the use of commercial launch services poses an unacceptable risk of loss of a unique scientific opportunity.

Any determination of such circumstances shall be made by the Administrator at Preliminary Design Review and shall not be delegated. Upon any such determination, the Administrator shall, within 30 days, notify in writing the Committee on Science, Space, and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate of the determination and its rationale.

(c) NATIONAL AERONAUTICS AND SPACE ADMINISTRATION LAUNCH VEHICLES.—Launch vehicles shall be acquired or owned by the National Aeronautics and Space Administration only—

(1) as required under circumstances described in subsection (b); or

(2) by the National Aeronautics and Space Administration for conducting research and development on, and testing of, launch technology.

(d) PHASE-IN PERIOD.—Subsections (a) and (c) shall not apply to launch services and launch vehicles purchased by the National Aeronautics and Space Administration before the date of enactment of this Act.

(e) HISTORICAL PURPOSES.—This title shall not be interpreted to prohibit the National Aeronautics and Space Administration from acquiring, owning, or maintaining launch vehicles solely for historical display purposes.

SEC. 205. PURCHASE OF LAUNCH SERVICES.

(a) FULL AND OPEN COMPETITION.—(1) Contracts to provide launch services to the National Aeronautics and Space Administration under section 204 shall be awarded on the basis of full, fair, and open competition, consistent with section 2304 of title 10, United States Code, and section 311 of the National Aeronautics and Space Act of 1958.

(2) The National Aeronautics and Space Administration shall limit its requirements for submission of cost or pricing data in support of a bid or proposal to that data which is reasonably required to protect the interests of the United States.

(b) SPECIFICATION SYSTEMS.—Reasonable performance specifications, not detailed Government design or construction specifications, shall be used to the maximum extent feasible to define requirements for a commercial provider bidding to provide launch services. This subsection shall not preclude the National Aeronautics and Space Administration from requiring compliance with applicable safety standards.

SEC. 206. OTHER ACTIVITIES OF THE NATIONAL AERONAUTICS AND SPACE ADMINISTRATION.

(a) **COMMERCIAL PAYLOADS ON THE SPACE SHUTTLE.**—Commercial payloads may not be accepted for launch as primary payloads on the space shuttle unless the Administrator of the National Aeronautics and Space Administration determines that—

(1) the payload requires the unique capabilities of the space shuttle; or

(2) launching of the payload on the space shuttle is important for either national security or foreign policy purposes.

(b) **REPORT.**—By March 15, 1991, the Administrator, in consultation with the Office of Federal Procurement Policy, shall submit to the Committee on Science, Space, and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report outlining the minimal requirements for documentation and other administrative data needed to procure launch services in a commercially reasonable manner, including—

(1) the need for data to integrate a payload with a launch vehicle;

(2) the need for data to carry out mission-specific modifications to the launch vehicle;

(3) the need for notification to the National Aeronautics and Space Administration of changes, delays, or difficulties in the construction or preparation of a launch vehicle that may affect the delivery of its payload to its destination at the time and under the conditions provided for under the contract between the United States and its contractors;

(4) the need for data to protect public health and safety; and

(5) the need for cost or pricing data for the fulfillment of a contract.

Mr. PACKARD. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I thank the committee chairman for his leadership and for his commitment to construct an authorization bill which is bipartisan and well balanced.

I also thank both the gentleman and Congressman BOB WALKER for continued support of my efforts to facilitate the competitiveness of the U.S. commercial launch industry.

Despite the difficulties encountered by NASA recently, I am still an enthusiastic supporter of the exploration, development, and commercialization of space. I therefore strongly support the NASA authorization bill we are considering today.

However, I am hopeful that the various ongoing NASA reviews will carefully consider the much larger role commercial space industries are ready to—and should—play in the U.S. space program.

One such industry is the commercial launch industry.

The 1990 U.S. transportation policy states, "Commercial space launch services are the newest transportation industry, and one that the Federal Government is committed to promoting. The goal is to extend into space the efficient, diverse transportation capability we have on Earth * * *"

As our space program is now being seriously delayed due to space shuttle problems, the need for a more reliable

and flexible space transportation capability is critical.

Unless we have better transportation capabilities than currently exist, Space Station Freedom, Mission to Planet Earth, and the Lunar/Mars initiative will never be a reality.

I believe the answer to our space transportation needs for the entire U.S. space program includes a thriving, commercial launch industry.

Yet, international competition for our launch industry has become fierce. France, China, the Soviet Union, and Japan are all poised to underprice United States launch companies in the mid- to late-1990's. To stay competitive, U.S. companies must streamline their operations and cut costs now.

Three factors have significant impact on the competitiveness of the industry: U.S. Government procurement of launch services; international fair trade principles; and improvements in key technologies.

In June 1989, I introduced H.R. 2674, the Space Transportation Services Purchase Act, to streamline U.S. Government procurement of commercial launch services. H.R. 2674 is the basis for title II of the NASA authorization bill we are considering today.

Title II encourages the emergence of a strong competitive U.S. commercial launch industry. Under its provisions, everyone wins. The U.S. launch industry gets the freedom it needs to compete. The U.S. Government gets launch services at lower costs at a time when tight budgets are threatening space research.

Mr. Chairman, I again thank the chairman of the committee for joining me in support of this critical industry. Its success will be vital to the success of the U.S. space program.

The CHAIRMAN. If there are no further amendments, pursuant to the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. HOYER) having assumed the chair, Mr. TORRES, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill H.R. 5649 National Aeronautics and Space Administration Multiyear Authorization Act of 1990, pursuant to House Resolution 480, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the

third time, and passed, and a motion to reconsider was laid on the table.

Mr. ROE. Mr. Speaker, pursuant to House Resolution 480, I call up from the Speaker's table the Senate bill (S. 916) to authorize appropriations to the National Aeronautics and Space Administration for research and development, space flight, control and data communications, construction of facilities, and research and program management, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

MOTION OFFERED BY MR. ROE

Mr. ROE. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. ROE moves to strike all after the enacting clause of the Senate bill, S. 916, and to insert in lieu thereof the provisions of H.R. 5659, as passed, as follows:

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Aeronautics and Space Administration Multiyear Authorization Act of 1990".

TITLE I—NATIONAL AERONAUTICS AND SPACE ADMINISTRATION AUTHORIZATIONS.

SEC. 101. FINDINGS.

The Congress finds that—

(1) over the next decade, the United States aeronautics and space program will be directed toward major national priorities of understanding, preserving, and enhancing our global environment, hypersonic transportation, human exploration, and emerging technology commercialization;

(2) the United States aeronautics and space program is supported by an overwhelming majority of the American people;

(3) the United States aeronautics and space program genuinely reflects our Nation's pioneer heritage and demonstrates our quest for leadership, economic growth, and human understanding;

(4) the United States space program is based on a solid record of achievement and continues to promote the objective of international cooperation in the exploration of the planets and the universe;

(5) the United States aeronautics and space program generates critical technology breakthroughs that benefit our economy through new products and processes that significantly improve our standard of living;

(6) the United States aeronautics and space program excites the imagination of every generation and can stimulate the youth of our Nation toward the pursuit of excellence in the fields of science, engineering, and mathematics;

(7) the United States aeronautics and space program contributes to the Nation's technological competitive advantage;

(8) the United States aeronautics and space program requires a sustained commitment of financial and human resources as a share of the Nation's Gross National Product;

(9) the United States space transportation system will depend upon a robust fleet of space shuttle orbiters and expendable and reusable launch vehicles and services;

(10) the United States space program will be advanced with an assured funding stream for the development of a permanently manned space station with research, ex-

perimentation, observation, servicing, manufacturing, and staging capabilities for lunar and Mars missions;

(11) the United States aeronautics program has been a key factor in maintaining preeminence in aviation over many decades;

(12) the United States needs to maintain a strong program with respect to transatmospheric research and technology by developing and demonstrating National Aero-Space Plane technology by a mid-decade date certain;

(13) the National Aeronautics and Space Administration is primarily responsible for formulating and implementing policy that supports and encourages civil aeronautics and space activities in the United States; and

(14) commercial activities of the private sector will substantially and increasingly contribute to the strength of both the United States space program and the national economy.

SEC. 102. POLICY.

It is declared to be national policy that the United States should—

(1) rededicate itself to the goal of leadership in critical areas of space science, space exploration, and space commercialization;

(2) increase its commitment of budgetary resources for the space program to reverse the dramatic decline in real spending for such program since the achievements of the Apollo moon program;

(3) ensure that the long-range environmental impact of all activities carried out under this title are fully understood and considered;

(4) promote and support efforts to advance scientific understanding by conducting or otherwise providing for research on environmental problems, including global change, ozone depletion, acid precipitation, deforestation, and smog;

(5) forge a robust national space program that maintains a healthy balance between manned and unmanned space activities and recognizes the mutually reinforcing benefits of both;

(6) maintain an active fleet of space shuttle orbiters, including an adequate provision of structural spare parts, and evolve the orbiter design to improve safety and performance, and reduce operational costs;

(7) sustain a mixed fleet by utilizing commercial expendable launch vehicle services to the fullest extent practicable;

(8) support an aggressive program of research and development designed to enhance the United States preeminence in launch vehicles;

(9) continue and complete on schedule the development and deployment of a permanently manned, fully capable, space station;

(10) develop an advanced, high pressure space suit to support extravehicular activity that will be required for Space Station Freedom when Assembly Complete is reached;

(11) establish a dual capability for logistics and resupply of the space station utilizing the space shuttle and expendable launch vehicles, including commercial services if available;

(12) continue to seek opportunities for international cooperation in space and fully support international cooperative agreements;

(13) maintain an aggressive program of aeronautical research and technology development designed to enhance the United States preeminence in civil and military aviation and improve the safety and efficiency of the United States air transportation system;

(14) conduct a program of technology maturation, including flight demonstration in 1997, to prove the feasibility of an air-breathing, hypersonic aerospace plane capable of single-stage-to-orbit operation and hypersonic cruise in the atmosphere;

(15) seek innovative technologies that will make possible advanced human exploration initiatives, such as the establishment of a lunar base and the succeeding mission to Mars, and provide high yield technology advancements for the national economy; and

(16) enhance the human resources of the Nation and the quality of education.

SEC. 103. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATIONS.—There are authorized to be appropriated to the National Aeronautics and Space Administration the following amounts:

(1) For "research and development", for the following programs:

(A) United States International Space Station Freedom, \$2,907,000,000 for fiscal year 1992, and \$3,031,000,000 for fiscal year 1993. Such sums as are necessary from funds authorized for the United States International Space Station Freedom for each of the fiscal years 1991, 1992, and 1993 shall be used to initiate a flight test of the solar dynamic power program. No funds authorized to be appropriated under this or any other Act may be obligated for the purpose of expanding the electric power generation capability aboard the United States International Space Station Freedom beyond 75 kilowatts using any method other than solar dynamic power.

(B) Space transportation capability development, \$733,400,000 for fiscal year 1991, \$751,000,000 for fiscal year 1992, and \$789,600,000 for fiscal year 1993. Of the funds authorized for fiscal year 1991, \$10,000,000 shall be used only for supporting heavy-lift launch vehicle studies, which shall include study of commercially developed variants as well as other appropriate concepts, rather than studying Shuttle-derived heavy-lift launch vehicles alone, and \$45,400,000 shall be used for the completion of the critical design review of the Orbital Maneuvering Vehicle.

(C) Physics and astronomy, \$985,000,000 for fiscal year 1991, \$1,177,000,000 for fiscal year 1992, and \$1,197,000,000 for fiscal year 1993.

(D) Life sciences, \$174,000,000 for fiscal year 1991, \$210,000,000 for fiscal year 1992, and \$299,000,000 for fiscal year 1993. Of the amounts authorized for such purposes, by this or any other Act, for fiscal year 1991—

(i) \$10,000,000 shall be for the initiation of the Lifesat program; and

(ii) not less than \$1,000,000 shall be used to establish a specialized center for research and training for bioregenerative life support systems.

(E) Planetary exploration, \$337,200,000 for fiscal year 1991, \$287,000,000 for fiscal year 1992, and \$320,300,000 for fiscal year 1993.

(F) Earth sciences, \$529,500,000 for fiscal year 1991, of which \$5,000,000 shall be for the conduct of an advanced sensor technology demonstration program in support of the Landsat-7 remote sensing satellites, \$917,000,000 for fiscal year 1992, and \$1,756,000,000 for fiscal year 1993.

(G) Materials processing in space, \$97,300,000 for fiscal year 1991, \$114,000,000 for fiscal year 1992, and \$140,000,000 for fiscal year 1993.

(H) Communications, \$52,800,000 for fiscal year 1991, including not more than \$2,000,000 for experimenter ground stations for the Advanced Communications Technol-

ogy Satellite, but only if the experimenter receiving funds obtains at least an equal amount of funds from sources other than the National Aeronautics and Space Administration, \$32,000,000 for fiscal year 1992, and \$28,000,000 for fiscal year 1993.

(I) Information systems, \$36,800,000 for fiscal year 1991, \$39,000,000 for fiscal year 1992, and \$41,000,000 for fiscal year 1993.

(J) Technology utilization, \$24,400,000 for fiscal year 1991, \$30,000,000 for fiscal year 1992, and \$26,000,000 for fiscal year 1993.

(K) Commercial use of space, \$76,600,000 for fiscal year 1991, \$120,000,000 for fiscal year 1992, and \$140,000,000 for fiscal year 1993.

(L) Aeronautical research and technology, \$542,000,000 for fiscal year 1991, \$634,500,000 for fiscal year 1992, and \$685,900,000 for fiscal year 1993. None of the funds authorized under this subparagraph for fiscal year 1991 shall be expended unless at least \$119,000,000 are made available for such fiscal year for the National Aero-Space Plane program.

(M) Transatmospheric research and technology, \$119,000,000 for fiscal year 1991, \$72,000,000 for fiscal year 1992, and \$68,000,000 for fiscal year 1993.

(N) Space research and technology, \$490,900,000 for fiscal year 1991, \$511,000,000 for fiscal year 1992, and \$568,000,000 for fiscal year 1993. Of the amounts authorized for the Exploration Technology program, by this or any other Act, for fiscal year 1991, at least 10 percent shall be for university contracts and grants.

(O) Exploration mission studies, \$37,000,000 for fiscal year 1991, \$45,000,000 for fiscal year 1992, and \$45,000,000 for fiscal year 1993.

(P) Human exploration initiative, \$444,000,000 for fiscal year 1992, of which at least 30 percent shall be for university contracts and grants, and \$649,000,000 for fiscal year 1993. The Administrator shall provide to the Committee on Science, Space, and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate, by March 15, 1991, a report setting forth the goals for academic participation and enhancement of the educational infrastructure with regard to the human exploration initiative.

(Q) Safety, reliability, and quality assurance, \$33,000,000 for fiscal year 1991, \$36,000,000 for fiscal year 1992, and \$38,000,000 for fiscal year 1993.

(R) Tracking and data advanced systems, \$20,000,000 for fiscal year 1991, \$22,000,000 for fiscal year 1992, and \$23,000,000 for fiscal year 1993.

(S) University Space Science and Technology Academic Program, \$50,100,000 for fiscal year 1991, \$59,000,000 for fiscal year 1992, and \$60,000,000 for fiscal year 1993.

(T) Comet Rendezvous Asteroid Flyby/Cassini mission, not to exceed \$1,600,000,000, for development, launch, and 30 days of operations thereof, to remain available until expended, of which—

(i) \$490,000,000 shall be available for obligation after October 1, 1989;

(ii) an additional \$370,000,000 shall be available for obligation 30 days after the submission of a report summarizing the results of a preliminary design review to the Committee on Science, Space, and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate;

(iii) an additional \$640,000,000 shall be available for obligation 30 days after the submission of a report summarizing the re-

sults of a critical design review to the Committee on Science, Space, and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate; and

(iv) an additional \$100,000,000 shall be available for obligation 30 days after the submission of a report summarizing the results of a spacecraft integration and systems test to the Committee on Science, Space, and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

A cost containment plan shall be submitted to the Committee on Science, Space, and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate by January 31, 1991, and updated on July 31 and January 31 of each succeeding year until such funds are expended.

(2) For "space flight, control, and data communications", for the following programs:

(A) Shuttle production and operational capability, \$1,364,000,000 for fiscal year 1991, \$1,520,000,000 for fiscal year 1992, and \$1,572,000,000 for fiscal year 1993. Of such funds, \$45,000,000 for fiscal year 1991, \$125,000,000 for fiscal year 1992, and \$200,000,000 for fiscal year 1993 shall be used only for the following:

(i) For the space shuttle main engine—
(I) improved design and installation of High Pressure Oxygen Turbopump bearings;
(II) installation of the 2-duct hot gas manifold;

(II) development of enlarged throat diameter;

(IV) development of single-crystal turbine blades; and

(V) general redesign to reduce welds and make welds totally inspectable.

(ii) For the solid rocket booster/solid rocket motor—

(I) implementation of the recommendations contained in the report of the National Research Council entitled "Collected Reports of the Panel on Technical Evaluation of NASA's Redesign of the Space Shuttle Solid Rocket Booster", issued in 1988;

(II) development of a locking feature for the nozzle leak check port plugs;

(III) development of one-piece case stiffener rings;

(IV) development of nonasbestos motor insulation;

(V) enhancement of lightning protection for case and nozzle; and

(VI) modification of aft skirt structure.

(iii) For the external tank—

(I) upgrading of liquid hydrogen and oxygen temperature, pressure, and liquid level sensors;

(II) upgrading of thermal insulation on areas where dislodged insulation can affect the orbiter; and

(III) investigation of corrosion prevention methods to preclude structural problems.

(iv) For the orbiter—

(I) modification of structure to eliminate negative margins;

(II) upgrading of the auxiliary power units;

(III) development of a redundant nose wheel steering system (including possible extension of the nose wheel strut);

(IV) elimination of Kapton electrical wire insulation; and

(V) upgrading of valves and regulators to preclude leakage of fuels and oxidizers.

(v) Such other elements of an Assured Shuttle Availability program as the Administrator considers necessary.

By September 30, 1991, the Administrator shall submit to the Committee on Science, Space, and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a full report on the completion of the safety enhancements specified in this subparagraph.

(B) Shuttle transportation operations, \$2,831,400,000 for fiscal year 1991, of which \$4,000,000 shall be made available for the provision of launch services for eligible satellites in accordance with section 6 of the Commercial Space Launch Act Amendments of 1988, \$3,056,000,000 for fiscal year 1992, and \$3,150,000,000 for fiscal year 1993.

(C) Expendable launch vehicle services, \$229,200,000 for fiscal year 1991, \$291,000,000 for fiscal year 1992, and \$296,000,000 for fiscal year 1993.

(D) Space and ground network, communications, and data systems, \$868,800,000 for fiscal year 1991, \$1,071,000,000 for fiscal year 1992, and \$1,185,000,000 for fiscal year 1993. No funds may be obligated pursuant to this Act or any other Act for a Tracking and Data Relay Satellite (TDRS) "F-8" spacecraft, except that funds appropriated before the date of enactment of this Act may be expended for long lead items.

(E) Tracking and data relay satellite system, \$1,209,732,000 for fiscal year 1991, which shall be used only for the purpose of reducing all outstanding debt to the Federal Financing Bank.

(3) For "construction of facilities" for fiscal year 1991 as follows:

(A) Construction of Neutral Buoyancy Laboratory, Johnson Space Center, \$15,000,000.

(B) Construction of Space Station Processing Facility, Kennedy Space Center, \$25,000,000.

(C) Construction of Addition for Flight Training and Operations, Johnson Space Center, \$12,000,000.

(D) Rehabilitation of Mission Control Center Power and Control Systems, Johnson Space Center, \$8,500,000.

(E) Construction of Transporter/Canister Facility, Kennedy Space Center, \$5,500,000.

(F) Construction of Processing Control Center, Kennedy Space Center, \$9,400,000.

(G) Replacement of Heating, Ventilating, and Air Conditioning System, Hypergolic Maintenance Facility, Kennedy Space Center, \$2,100,000.

(H) Replacement of Operations and Checkout Building, West Cooling Tower, Kennedy Space Center, \$1,000,000.

(I) Restoration of Heavy Equipment Area, Kennedy Space Center, \$900,000.

(J) Upgrade of Orbiter Processing Facility High Bay Heating, Ventilating, and Air Conditioning System, Kennedy Space Center, \$3,300,000.

(K) Upgrade of Yundum International Airport to Full Transoceanic Abort Landing Site, Banjul, The Gambia, \$3,400,000.

(L) Repair of Condensate System, Main Manufacturing Building, Michoud Assembly Facility, \$900,000.

(M) Construction of Project Engineering Facility, Marshall Space Flight Center, \$17,000,000.

(N) Restoration of Information and Electronic Systems Laboratory, Marshall Space Flight Center, \$4,000,000.

(O) Rehabilitation of Hydrogen Transfer Facility, Stennis Space Center, \$2,700,000.

(P) Restoration of Space Shuttle Main Engine Test Complex "A", Stennis Space Center, \$2,800,000.

(Q) Construction of Advanced Solid Rocket Motor Program Facilities, including

land acquisition, various locations, \$92,000,000.

(R) Construction of Addition to Site Electrical Substation, Johnson Space Center, \$11,000,000.

(S) Addition to Administration and Engineering Building, Stennis Space Center, \$3,800,000.

(T) Construction of Earth Observing System Data Information System Facility, Goddard Space Flight Center, \$8,000,000.

(U) Construction of Detector Development Laboratory, Goddard Space Flight Center, \$3,100,000.

(V) Replacement of Chillers, Central Heating/Refrigeration Plant, Goddard Space Flight Center, \$4,000,000.

(W) Replacement/Modernization of Electrical Power Feeders, Goddard Space Flight Center, \$1,500,000.

(X) Construction of Observational Instruments Laboratory, Jet Propulsion Laboratory, \$14,000,000.

(Y) Refurbishment of 25-Foot Space Simulator, Jet Propulsion Laboratory, \$13,200,000.

(Z) Restoration of Utilities, Wallops Flight Facility, \$5,200,000.

(AA) Modifications to the High Pressure Air System, Langley Research Center, \$12,000,000.

(BB) Modifications to Upgrade the 30 x 60-Foot Wind Tunnel, Langley Research Center, \$4,000,000.

(CC) Repairs to the Tunnel Shell, Unitary Plan Wind Tunnel, Langley Research Center, \$2,700,000.

(DD) Rehabilitation of Central Air System, Lewis Research Center, \$7,900,000.

(EE) Rehabilitation of Propulsion Systems Laboratory, Lewis Research Center, \$6,000,000.

(FF) Construction of Liquid Hydrogen Structural Test Facility, Dryden Flight Research Facility, \$18,800,000.

(GG) Rehabilitation and Modification of the Electrical Distribution System, Dryden Flight Research Facility, \$4,000,000.

(HH) Construction of Addition for Light-Alloy Research Laboratory, Langley Research Center, \$4,600,000.

(II) Construction of Space Experiments Laboratory, Lewis Research Center, \$7,100,000.

(JJ) Refurbishment of Electric Power Laboratory, Lewis Research Center, \$8,900,000.

(KK) Construction of 34-Meter Multifrequency Antenna at Goldstone, CA, Jet Propulsion Laboratory, \$13,200,000.

(LL) Rehabilitation of 70-Meter Antenna Drive Gear Boxes in Australia, Spain, and Goldstone, CA, Jet Propulsion Laboratory, \$4,400,000.

(MM) Repair of facilities at various locations, not to exceed \$1,000,000 per project, \$30,000,000.

(NN) Rehabilitation and modification of facilities at various locations, not to exceed \$1,000,000 per project, \$34,000,000.

(OO) Minor construction of new facilities and additions to existing facilities at various locations, not to exceed \$750,000 per project, \$11,000,000.

(PP) Environmental compliance and restoration, \$32,000,000.

(QQ) Facility planning and design not otherwise provided for, \$28,000,000.

(4) For "research and program management", for fiscal year 1991, \$2,252,900,000.

(5) For "Inspector General", \$11,000,000 for fiscal year 1991, \$14,000,000 for fiscal year 1992, and \$14,000,000 for fiscal year 1993.

(b) LIMITATIONS.—(1)(A) Notwithstanding paragraph (4), appropriations authorized under this section for "research and development" and "space flight, control, and data communications" may be used—

(i) for any items of a capital nature (other than acquisition of land) which may be required at locations other than installations of the National Aeronautics and Space Administration for the performance of research and development contracts; and

(ii) for grants to nonprofit institutions of higher education, or to nonprofit organizations whose primary purpose is the conduct of scientific research, for purchase or construction of additional research facilities.

Title to facilities described in clause (ii) shall be vested in the United States unless the Administrator determines that the national program of aeronautical and space activities will best be served by vesting title in any such grantee institution or organization. Each such grant shall be made under such conditions as the Administrator shall determine to be required to ensure that the United States will receive therefrom benefit adequate to justify the making of that grant.

(B) None of the funds appropriated for "research and development" and "space flight, control, and data communications" pursuant to this title may be used in accordance with this paragraph for the construction of any facility, the estimated cost of which, including collateral equipment, exceeds \$750,000, unless the Administrator has notified the Committee on Science, Space, and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate, of the nature, location, and estimated cost of such facility.

(2) Any amount appropriated pursuant to this title for "research and development", for "space flight, control and data communications", or for "construction of facilities" may remain available until expended. Any amount appropriated pursuant to this title for "research and program management" for maintenance and operation of facilities, and for other services, shall remain available through the next fiscal year after the fiscal year for which such amount is appropriated.

(3) Appropriations made pursuant to subsection (a)(4) may be used, but not to exceed \$35,000, for scientific consultations or extraordinary expenses upon the approval or authority of the Administrator, and his determination shall be final and conclusive upon the accounting officers of the Government.

(4)(A) Funds appropriated pursuant to subsection (a) (1), (2), and (4) may be used for the construction of new facilities and additions to, or repair, rehabilitation, or modification of existing facilities, but only if the cost of each such project, including collateral equipment, does not exceed \$200,000.

(B) Funds appropriated pursuant to subsection (a) (1) and (2) may be used for unforeseen programmatic facility project needs, but only if the cost of each such project, including collateral equipment, does not exceed \$750,000.

(C) Funds appropriated pursuant to subsection (a)(4) may be used for repair, rehabilitation, or modification of facilities controlled by the General Services Administration, but only if the cost of each project, including collateral equipment, does not exceed \$500,000.

SEC. 104. CONSTRUCTION OF FACILITIES REPROGRAMMING.

Authorization is hereby granted whereby any of the amounts prescribed in section 103(a)(3) (A) through (QQ)—

(1) may be varied upward 10 percent, in the discretion of the Administrator or the Administrator's designee, or

(2) following a report by the Administrator or the Administrator's designee to the Committee on Science, Space, and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate, on the circumstances of such, may be varied upward 25 percent to meet unusual cost variations.

The total cost of all work authorized under paragraphs (1) and (2) shall not exceed the total of amounts specified in section 103(a)(3) (A) through (QQ).

SEC. 105. SPECIAL REPROGRAMMING AUTHORITY FOR CONSTRUCTION OF FACILITIES.

Where the Administrator determines that new developments or scientific or engineering changes in the national program of aeronautical and space activities have occurred; and that such changes require the use of additional funds for the purposes of construction, expansion, or modification of facilities at any location; and that deferral of such action until the enactment of the next authorization Act would be inconsistent with the interest of the Nation in aeronautical and space activities; the Administrator may transfer not to exceed one-half of 1 percent of the funds appropriated pursuant to section 103(a) (1) or (2) to the "construction of facilities" appropriation for such purposes. The Administrator may also use up to \$10,000,000 of the amounts authorized under section 103(a)(3) for such purposes. The funds so made available pursuant to this section may be expended to acquire, construct, convert, rehabilitate, or install permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment. No such funds may be obligated until a period of 30 days has passed after the Administrator or the Administrator's designee has transmitted to the Committee on Science, Space, and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a written report describing the nature of the construction, its cost, and the reasons therefor.

SEC. 106. CONSIDERATION BY COMMITTEES.

Notwithstanding any other provision of this title—

(1) no amount appropriated pursuant to this title may be used for any program deleted by the Congress from requests as originally made to either the Committee on Science, Space, and Technology of the House of Representatives or the Committee on Commerce, Science, and Transportation of the Senate;

(2) no amount appropriated pursuant to this title may be used for any program in excess of the amount actually authorized for that particular program by section 103(a) (1), (2), and (4); and

(3) no amount appropriated pursuant to this title may be used for any program which has not been presented to either such committee,

unless a period of 30 days has passed after the receipt by each such committee of notice given by the Administrator containing a full and complete statement of the action proposed to be taken and the facts and circumstances relied upon in support of such proposed action. The National Aeronautics and Space Administration shall keep the Com-

mittee on Science, Space, and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate fully and currently informed with respect to all activities and responsibilities within the jurisdiction of those committees. Any Federal department, agency, or independent establishment shall furnish any information requested by either committee relating to any such activity or responsibility.

SEC. 107. AMENDMENTS TO THE NATIONAL AERONAUTICS AND SPACE ACT OF 1958.

Section 203(a) of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2473(a)) is amended by—

(1) striking "and" at the end of paragraph (2);

(2) striking the period at the end of paragraph (3) and inserting in lieu thereof a semicolon; and

(3) adding at the end the following new paragraphs:

"(4) seek and encourage, to the maximum extent possible, the fullest commercial use of space; and

"(5) encourage and provide for Federal Government use of commercially provided space services and hardware, consistent with the requirements of the Federal Government."

SEC. 108. NATIONAL SPACE COUNCIL AUTHORIZATION.

There are authorized to be appropriated to carry out the activities of the National Space Council established by section 501 of the National Aeronautics and Space Administration Authorization Act, Fiscal Year 1989 (42 U.S.C. 2471), \$1,363,000 for fiscal year 1991, of which not more than \$1,000 shall be available for official reception and representation expenses. The National Space Council shall reimburse other agencies for not less than one-half of the personnel compensation costs of individuals detailed to it.

SEC. 109. GEOGRAPHICAL DISTRIBUTION.

The Administrator shall distribute research and development funds geographically in order to provide the broadest practicable participation in the programs of the National Aeronautics and Space Administration.

SEC. 110. BUY AMERICAN.

(a) GENERAL RULE.—The Administrator shall award to a domestic firm a contract that, under the use of competitive procedures, would be awarded to a foreign firm, if—

(1) the final product of the domestic firm will be completely assembled in the United States;

(2) when completely assembled, not less than 51 percent of the final product of the domestic firm will be domestically produced; and

(3) the difference between the bids submitted by the foreign and domestic firms is not more than 6 percent.

(b) EXCEPTIONS.—This section shall not apply to the extent to which—

(1) such applicability would not be in the public interest;

(2) compelling national security considerations require otherwise; or

(3) the United States Trade Representative determines that such an award would be in violation of the General Agreement on Tariffs and Trade or an international agreement to which the United States is a party.

(c) DEFINITIONS.—For purposes of this section—

(1) the term "domestic firm" means a business entity that is incorporated in the

United States and that conducts business operations in the United States;

(2) the term "foreign firm" means a business entity not described in paragraph (1).

(d) **LIMITATION.**—This section shall apply only to contracts for which—

(1) amounts are made available pursuant to this title; and

(2) solicitations for bids are issued after the date of enactment of this Act.

(e) **REPORT TO CONGRESS.**—The Administrator shall report to the Congress on contracts covered under this section and entered into with foreign entities in fiscal years 1990 and 1991, and shall report to the Congress on the number of contracts that meet the requirements of subsection (a) but which are determined by the United States Trade Representative to be in violation of the General Agreement on Tariffs and Trade or an international agreement to which the United States is a party. The Administrator shall also report to the Congress on the number of contracts covered under this title and awarded based upon the parameters of this section.

SEC. 111. ADVANCED SOLID ROCKET MOTOR.

The Administrator shall submit to the Committee on Science, Space, and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate the following:

(1) A report on the projected cost to complete the design, development, and qualification of the Advanced Solid Rocket Motor. The first report shall be submitted at the end of 6 months after the signing of the Advanced Solid Rocket Motor contract, and thereafter with the National Aeronautics and Space Administration's annual budget request.

(2) An annual report on the projected unit cost of the flight motors.

(3) An annual report on the increase in space shuttle payload capability provided by the Advanced Solid Rocket Motor. The report shall include the original baseline payload capability, adjustments to that baseline capability, and the projected payload capability.

(4) An assessment by the National Research Council by July 1, 1991, of the role of the Advanced Solid Rocket Motor and other potential propulsion system options for space station assembly and operations, including requirements beyond the year 2000.

(5) An assessment by the National Research Council by July 1, 1991, of potential approaches to ensuring the achievement of safety and reliability for the Advanced Solid Rocket Motor.

SEC. 112. SPACE SHUTTLE USE POLICY.

(a)(1) It shall be the policy of the United States to use the Space Shuttle for purposes that (i) require the presence of man, (ii) require the unique capabilities of the Space Shuttle or (iii) when other compelling circumstances exist.

(2) The term "compelling circumstances" includes, but is not limited to, occasions when the Administrator determines, in consultation with the Secretary of Defense and the Secretary of State, that important national security or foreign policy interests would be served by a Shuttle launch.

(3) The policy stated in subsection (a)(1) shall not preclude the use of available cargo space, on a Space Shuttle mission otherwise consistent with the policy described under subsection (a)(1), for the purpose of carrying secondary payloads (as defined by the Administrator) that do not require the presence of man if such payloads are consistent with the requirements of research, development, demonstration, scientific, commer-

cial, and educational programs authorized by the Administrator.

(b) The Administrator shall, within six months after the date of enactment of this Act, submit a report to the Congress setting forth a plan for the implementation of the policy described in subsection (a)(1). Such plan shall include—

(1) details of the implementation plan;

(2) a list of purposes that meet such policy;

(3) a proposed schedule for the implementation of such policy;

(4) an estimate of the costs to the United States of implementing such policy; and

(5) a process for informing the Congress in a timely and regular manner of how the plan is being implemented.

(c) At least annually, the Administrator shall submit to the Congress a report certifying that the payloads scheduled to be launched on the space shuttle for the next four years are consistent with the policy set forth in subsection (a)(1). For each payload scheduled to be launched from the space shuttle, which do not require the presence of man, the Administrator shall, in the certified report to Congress, state the specific circumstances which justified the use of the space shuttle. If, during the period between scheduled reports to the Congress, any additions are made to the list of certified payloads intended to be launched from the Shuttle, the Administrator shall inform the Congress of the additions and the reasons therefor within 45 days of the change.

(d) The report described in subsection (c) shall also include those National Aeronautics and Space Administration payloads designed solely to fly on the space shuttle which have begun the phase C/D of its development cycle.

SEC. 113. LIFE SCIENCES STRATEGIC PLAN.

(a) **FINDINGS.**—The Congress finds that—

(1) the current knowledge base in life sciences is not compatible with the National Aeronautics and Space Administration's current objectives in space, and the National Aeronautics and Space Administration lacks an adequate strategic plan to acquire a knowledge base;

(2) it is critical to the success of manned missions in space, be they commercial operations of microgravity laboratories or manned missions to Mars, that a realistic appraisal of the influences of the space environment on biological systems is completed and appropriate protective countermeasures developed;

(3) the space station is rapidly approaching design maturity without a corresponding development of the physiological and other human factors knowledge base necessary for long-term manned operations in space; and

(4) space station laboratory hardware specifications are being fixed before fully establishing the objectives and requirements for life sciences research.

(b) **STRATEGIC PLAN.**—The Administration shall—

(1) review currently proposed manned space flight missions in order to—

(A) identify the physiological and other human factors knowledge base necessary to determine the human capacity to adapt to and perform effectively in the space environment according to mission requirements, including identifying which life sciences parameters must be measured and which technologies, processes, and procedures must be developed; and

(B) develop a schedule indicating when specific components of information, technologies, processes, or procedures identified

under subparagraph (A) will need to be acquired or developed in order to verify that human adaptability requirements of manned space flight missions can be achieved;

(2) develop a strategy plan for life sciences research and technology development sufficient to accomplish the life sciences knowledge base acquisition schedule developed under paragraph (1)(B); including—

(A) a crew certification plan setting acceptable crew conditioning standards for Extended Duration Orbiter operations and verifying countermeasures sufficient to meet those standards before actual Extended Duration Orbiter operations; and

(B) a life sciences implementation plan for the design and development of the space station, to be provided as part of the Preliminary Design Review for the space station, and to include crew adaptability standards; and

(3) verify the physiological and technical feasibility of the life sciences implementation plan developed under paragraph (2)(B), as part of the Critical Design Review for the space station.

SEC. 114. STUDY ON INTERNATIONAL COOPERATION IN PLANETARY EXPLORATION.

(a) **FINDINGS.**—The Congress finds that—

(1) the President on July 20, 1989, established the long-range goal of establishing a lunar base, followed by manned exploration of Mars in the early twenty-first century;

(2) the United States and the Soviet Union, in cooperation with other countries, are currently planning further unmanned missions to the Moon and to Mars with the possible goal of landing a human on Mars;

(3) a series of international missions to expand human presence beyond Earth orbit would further a spirit of, and follow through on the commitment made in, the 1987 agreement between the Soviet Union and the United States for space cooperation, as well as the successful cooperative agreements the United States has pursued with over one hundred countries since its inception, including the agreement with Japan, Canada, and the European countries for Space Station Freedom;

(4) international manned missions beyond Earth orbit could further encourage a cooperative approach in world affairs unrelated to activities in space;

(5) international manned missions beyond Earth orbit could save the individual nations involved tens of billions of dollars over national missions; and

(6) a multilateral effort for manned missions to establish a lunar colony, a Mars mission, and any other missions that have the goal of establishing human presence beyond Earth's orbit and possibly landing a human on Mars would lead to greater understanding of our universe and greater sensitivity to our own planet.

(b) **STUDY.**—The National Space Council shall conduct a study on International Cooperation in Planetary Exploration (hereafter in this section referred to as the "study").

(c) **PURPOSE OF STUDY.**—The purpose of the study is—

(1) to develop an inventory of technologies and intentions of all national space agencies with regard to lunar and planetary exploration, both manned and unmanned;

(2) to seek ways, through direct communication with appropriate officials of other nations or otherwise, to enhance the planning and exchange of information and data among the United States, the Soviet Union, European countries, Canada, Japan, and

other interested countries with respect to unmanned projects beyond Earth orbit, in anticipation of later international manned missions to the Moon and to other bodies, including the possible goal of an international manned mission to Mars;

(3) to prepare a detailed proposal that most efficiently uses the resources of the national space agencies in cooperative endeavors to establish human presence beyond Earth orbit;

(4) to develop priority goals that accomplish unmet needs that could not be achieved by any individual country;

(5) to explore the possibilities of international unmanned probes to the Moon and Mars, and the possibilities for international manned missions beyond Earth's orbit; and

(6) to devise strategies for such cooperation that would prevent the unwanted transfer of technology.

In developing the inventory under paragraph (1), and in preparing the detailed proposal under paragraph (3), consideration shall be given to the potential contributions of commercial providers of space goods and services.

(d) **REPORT.**—The National Space Council shall, within one year after the date of the enactment of this Act, prepare and submit to Congress a report—

(1) outlining a preliminary strategy for cooperation among the United States, the Soviet Union, European countries, Canada, Japan, and other interested countries, based on their respective national strengths, with respect to unmanned projects beyond Earth orbit, in anticipation of later international manned missions to the Moon and to other bodies, including the possible goal of an international manned mission to Mars;

(2) including a conceptual design of a possible international manned mission, in coordination with the preliminary strategy referred to in paragraph (1), with target dates and a breakdown of responsibilities by nation;

(3) containing an inventory of planned and anticipated missions, manned and unmanned, that are being considered by national space agencies and commercial providers of space goods and services; and

(4) containing an inventory of space exploration technologies that either—

(A) are not immediately available in the United States but are available from other nations; or

(B) are available in the United States but are available from other nations in equal or superior form.

SEC. 115. OFFICE OF SPACE COMMERCE.

(a) **ESTABLISHMENT.**—There is established within the Department of Commerce an Office of Space Commerce.

(b) **FUNCTIONS.**—The Office of Space Commerce shall be the principal unit for the coordination of space related issues, programs, and initiatives within the Department of Commerce. The Office shall—

(1) promote private sector investment in space activities by collecting, analyzing, and disseminating information on space markets, and conducting workshops and seminars to increase awareness of commercial space opportunities;

(2) assist commercial space companies in their efforts to do business with the United States Government, and act as an industry advocate within the Executive Branch to ensure that the Government meets its space related requirements, to the fullest extent feasible, with commercially available space goods and services;

(3) ensure that the United States Government does not compete with the private

sector in the provision of space hardware and services otherwise available from the private sector;

(4) promote the export of space related goods and services;

(5) represent the Department of Commerce in the development of United States policies and in negotiations with foreign countries to ensure free and fair trade internationally in the area of space commerce; and

(6) seek the removal of legal, policy, and institutional impediments to space commerce.

(c) **AUTHORIZATION.**—There are authorized to be appropriated to the Secretary of Commerce for the Office of Space Commerce, \$487,000 for fiscal year 1991.

SEC. 116. NATIONAL AERO-SPACE PLANE PROGRAM.

(a) **FINDINGS.**—The Congress finds that—

(1) if the United States is to maintain preeminence in military and commercial aeronautics into the next century, research into technology development and validation of the National Aero-Space Plane (NASP) is vital;

(2) the new and advanced materials being developed for the NASP have numerous applications in the military and the civilian aviation industry, as well as in other industries utilizing high temperature technologies;

(3) the benefits to the military and civilian aviation programs from the new and innovative technologies developed in connection with the NASP program in propulsion systems, aerodynamics, and control systems could be enormous, especially for high speed aeronautical and space flight; and

(4) military and commercial spin-off applications of NASP technologies include future superior military aircraft, space transportation systems, and commercial hypersonic aircraft.

(b) **ESTABLISHMENT OF PROGRAM.**—The Secretary of Defense (hereafter in this section referred to as the "Secretary") and the Administrator shall jointly establish a National Aero-Space Plane program whose objective shall be exclusively the development and demonstration, by 1977, of a primarily air breathing single-stage-to-orbit and long range hypersonic cruise research flight vehicle. The program shall be a research program, and to the extent practicable technological information developed shall be transferred to the military and to the domestic civil aviation and other private industries.

(c) **RESPONSIBILITIES.**—The Secretary shall have responsibility for procurement, experimental flight vehicles, and overall program administration of the program established under subsection (b). The Administrator shall have responsibility for providing technology development and flight test support and shall have an integral role in the overall program. Representatives of both the Secretary and the Administrator shall participate in all aspects of the program.

(d) **MANAGEMENT PLAN.**—

(1) The Secretary and the Administrator shall jointly develop a management plan for the program established under subsection (b), which shall include goals, major tasks, anticipated schedules, organizational structure, funding profiles, details of the respective responsibilities of the Secretary and the Administrator, and resource procurement strategies.

(2) The management plan developed pursuant to paragraph (1) shall be submitted to the Congress within 120 days after the date of enactment of this Act.

(e) **FUNDING.**—The Secretary shall be responsible for not less than two-thirds of the

funding for the program established under this section, and the administrator shall be responsible for not more than one-third of the funding for such program.

SEC. 117. COMMERCIAL SPACE LAUNCH ACT AMENDMENTS.

(a) **AUTHORIZATION.**—Section 24 of the Commercial Space Launch Act (49 U.S.C. App. 2623) is amended by adding at the end thereof the following: "There are authorized to be appropriated to the Secretary to carry out this Act \$4,517,000 for fiscal year 1991, of which \$250,000 shall be made available for the provision of launch services for eligible satellites in accordance with section 6 of the Commercial Space Launch Act Amendments of 1988."

(b) **DEFINITIONS.**—

(1) **AMENDMENTS.**—Section 4 of the Commercial Space Launch Act (49 U.S.C. App. 2603) is amended—

(A) by redesignating paragraphs (3), (4), (5), (6), (7), (8), (9), (10), (11), and (12) as paragraphs (4), (5), (6), (8), (9), (10), (11), (12), (13), and (14), respectively;

(B) by inserting after paragraph (2) the following new paragraph:

"(3) 'launch activity' means any activity of a licensee or its contractors, subcontractors, or customers, at a launch site, in connection with a launch, occurring after entry onto the launch site and before the expiration of 3 years after launch;"

(C) by amending paragraph (4), as redesignated by subparagraph (A) of this paragraph, to read as follows:

"(4) 'launch property' means real or personal property associated with the launch preparation or launch of a launch vehicle, including launch sites, associated equipment, propellants, and launch vehicles and components thereof;" and

(D) by inserting after paragraph (6), as redesignated by subparagraph (A) of this paragraph, the following new paragraph:

"(7) 'launch site support facilities' means facilities required to support launch site activity, including launch vehicle assembly, payload assembly, payload processing, space-related research, business incubation, and education, laboratories and test facilities, roads and water transportation routes and ports, power generation and transmission facilities, water and sewer systems, waste collection and disposal systems, flood control facilities, public safety and security systems, and communications systems;"

(2) **CONFORMING AMENDMENTS.**—Section 6(a)(2), (3)(A), (3)(B)(i), and (3)(B)(ii) of the Commercial Space Launch Act are amended by striking "section 4(11)" and inserting in lieu thereof "section 4(14)".

(c) **ACQUISITION BY STATE GOVERNMENTS.**—Section 15(a) of the Commercial Space Launch Act (49 U.S.C. App. 2614(a)) is amended—

(1) by inserting "and State governments" after "by the private sector"; and

(2) by inserting "exclusively" after "not needed" each place it appears.

(d) **CONGRESSIONAL FINDINGS.**—Section 2 of the Commercial Space Launch Act (49 U.S.C. App. 2601) is amended—

(1) by striking "and" at the end of paragraph (6);

(2) by striking the period at the end of paragraph (7) and inserting in lieu thereof a semicolon; and

(3) by adding at the end the following new paragraphs:

"(8) space transportation, including the establishment and operation of launch sites and complementary facilities, the provision

of launch services, the establishment of support facilities, and the provision of support services, is an important element of the Nation's transportation system, and in connection with the commerce of the United States there is a need to develop a strong space transportation infrastructure with significant private sector involvement; and

"(9) the participation of State governments in encouraging and facilitating private sector involvement in space-related activity, particularly through the establishment of space transportation-related infrastructure, including launch sites, complementary facilities, and launch site support facilities, is in the national interest and is of significant public benefit."

(e) CONGRESSIONAL STATEMENT OF PURPOSE.—Section 3 of the Commercial Space Launch Act (49 U.S.C. App. 2602) is amended—

(1) by striking "and" at the end of paragraph (2);

(2) by striking the period at the end of paragraph (3) and inserting in lieu thereof "and"; and

(3) by inserting at the end the following new paragraph:

"(4) to facilitate the strengthening and expansion of the United States space transportation infrastructure, including the enhancement of United States launch sites, as well as launch site support facilities, with Federal, State, and private sector involvement, to support the full range of United States space-related activities."

(f) GENERAL RESPONSIBILITIES OF SECRETARY.—Section 5(a) of the Commercial Space Launch Act (49 U.S.C. App. 2604(a)) is amended—

(1) by striking "and" at the end of paragraph (1);

(2) by striking the period at the end of paragraph (2) and inserting in lieu thereof "and"; and

(3) by adding at the end the following new paragraph:

"(3) work to facilitate private sector involvement in commercial space transportation activity, and to promote public-private partnerships involving the Federal Government, State governments, and the private sector to build, expand, modernize, or operate space launch infrastructure."

(g) ACQUISITION AND PAYMENT BY PRIVATE SECTOR.—Section 15(b)(1) of the Commercial Space Launch Act (49 U.S.C. App. 2614(b)(1)) is amended—

(1) by inserting "and the persons seeking to acquire such property or service" after "consultation with the Secretary";

(2) by inserting "which may be adjusted by the direct or indirect value of any improvement or benefit to the United States Government as a result of the sale or transaction in lieu of sale" after "shall be the fair market value";

(3) by inserting "which may be adjusted by the direct or indirect value of any improvement or benefit to the United States Government as a result of the acquisition" after "acquisition of such launch property"; and

(4) by inserting "which may be adjusted by the direct or indirect value of any improvement or benefit to the United States Government as a result of the acquisition. For the purposes of this paragraph, the use of Federal property by a non-Federal entity at a launch site shall be considered an acquisition of launch property" after "acquisition of such launch services".

SEC. 118. MANAGEMENT REVIEW.

The Administrator shall contract with the National Academy of Public Administration for—

(1) a review of the organizational and institutional preparedness of the National Aeronautics and Space Administration to undertake major new initiatives in science and human exploration; and

(2) a report to Congress—

(A) estimating the level of human resources required to carry out this title and any initiatives resulting from this title;

(B) describing the organizational structure of the National Aeronautics and Space Administration, including its field centers;

(C) describing the role and relationship of other Federal agencies, Federal laboratories, and the private sector in carrying out the Nation's space program; and

(D) recommending administrative changes that would increase the efficiency and effectiveness of the National Aeronautics and Space Administration, including procurement practices.

SEC. 119. SPACE DEBRIS.

It is the policy of the United States that—

(1) the space related activities of the United States shall be conducted in a manner that does not increase the amount of orbital space debris; and

(2) the United States shall engage other spacefaring Nations to develop an agreement on the conduct of space activities that ensures that the amount of orbital space debris is not increased.

SEC. 120. SUPPORT FOR SPACE SHUTTLE ORBITER PRODUCTION LINE.

The Administrator is authorized to expend excess funds appropriated for orbiter production under section 101(g) of the joint resolution entitled "Joint Resolution making continuing appropriations for the fiscal year 1987, and for other purposes" (100 Stat. 3341-242) to maintain the space shuttle orbiter production line and related production lines of orbiter subcontractors.

SEC. 121. INDUSTRIAL APPLICATION CENTERS.

In any agreement entered into by the National Aeronautics and Space Administration for an Industrial Application Center, the center shall be allowed to retain all client income without any deductions from appropriated funds received or to be received by that center.

SEC. 122. REPORT TO CONGRESS ON THE SHUTTLE-C PROGRAM.

The Administrator shall contract with the National Academy of Public Administration to undertake a cost and benefit analysis of the Shuttle-C program. The analysis shall include an assessment of the development costs of the Shuttle-C, the unit cost of Shuttle-C flights relative to space shuttle flights, the number of space shuttle flights that could be eliminated by a Shuttle-C flight during deployment of the Space Station, and a comparison of the total costs of deploying the Space Station by utilizing only the space shuttle versus the total costs of deploying the Space Station utilizing a combination of space shuttle and Shuttle-C flights. The Administrator shall submit a copy of such analysis to the Congress by March 15, 1991.

SEC. 123. AUTOMOTIVE STIRLING ENGINE DEMONSTRATION PROGRAM.

(a) REQUIREMENT.—Any automotive stirling engine demonstration program sponsored by the National Aeronautics and Space Administration shall, to the maximum extent practicable, utilize natural gas, and if not natural gas, then methanol or ethanol.

(b) DEFINITIONS.—As used in this section—

(1) the term "methanol" means a mixture containing at least 85 percent methanol by volume; and

(2) the term "ethanol" means a mixture containing at least 85 percent ethanol by volume.

SEC. 124. USERS' ADVISORY GROUP.

(a) ESTABLISHMENT.—(1) The National Space Council shall establish a Users' Advisory Group composed of non-Federal representatives of industries and other persons involved in aeronautical and space activities.

(2) The Vice President shall name a chairman of the Users' Advisory Group.

(3) The National Space Council shall from time to time, but not less than once a year, meet with the Users' Advisory Group.

(4) The function of the Users' Advisory Group shall be to ensure that the interests of industries and other non-Federal entities involved in space activities, including in particular commercial entities, are adequately represented in the National Space Council.

(5) The Users' Advisory Group may be assisted by personnel detailed to the National Space Council.

(b) EXEMPTION.—The Users' Advisory Group shall not be subject to section 14(a)(2) of the Federal Advisory Committee Act.

SEC. 125. SCIENTIFIC BALLOON LAUNCH SITE.

The Administrator may purchase approximately 8 acres within section 16, Township 3 North, Range 26 East, N.M.P.M., De Baca County, New Mexico, to use as a balloon launching facility.

SEC. 126. DEFINITION.

For purposes of this title, the term "Administrator" means the Administrator of the National Aeronautics and Space Administration.

TITLE II—LAUNCH SERVICES PURCHASE

SEC. 201. SHORT TITLE.

This title may be cited as the "Launch Services Purchase Act of 1990".

SEC. 202. FINDINGS.

The Congress finds that—

(1) the United States commercial launch industry is technically capable of providing reliable and cost efficient access to space and is an essential component of national efforts to assure access to space for Government and commercial users;

(2) the Federal Government should encourage, facilitate, and promote the United States commercial launch industry, including the development and enhancement of commercial launch facilities, in order to ensure United States economic preeminence in space;

(3) the interests of the United States will be served if the commercial launch industry is competitive in the international marketplace;

(4) commercial vehicles are effective means to challenge foreign competition;

(5) the use by the Federal Government of performance specifications in lieu of detailed specifications relating to vehicle design, construction, and operation will facilitate the efficient operation of the United States commercial launch industry;

(6) the procurement of commercial launch services in a commercially reasonable manner permits a reduced level of Federal Government regulation and oversight and economies of scale which may result in significant cost savings to the commercial launch industry and to the United States.

(7) it is the general policy of the Federal Government to purchase needed goods and services, including launch services, from the private sector to the fullest extent feasible; and

(8) predictable access to National Aeronautics and Space Administration launch markets would encourage continuing United States private sector investment in space and related activities.

SEC. 203. DEFINITIONS.

For the purposes of this title—

(1) the term "commercial provider" means any person providing launch services, but does not include the Federal Government;

(2) the term "launch services" means activities involved in the preparation of a launch vehicle and its payload for space transport and the conduct of transporting a payload;

(3) the term "launch vehicle" means any vehicle constructed for the purpose of operating in, or placing a payload in, outer space, and any suborbital rocket; and

(4) the term "payload" means an object which a person undertakes to place in outer space by means of a launch vehicle, and includes subcomponents of the launch vehicle specifically designed or adapted for that object.

SEC. 204. REQUIREMENT TO PROCURE COMMERCIAL LAUNCH SERVICES.

(a) **IN GENERAL.**—Except as otherwise provided in this section, the National Aeronautics and Space Administration shall purchase launch services for its primary payloads from commercial providers whenever such services are required in the course of its activities.

(b) **EXCEPTIONS.**—The National Aeronautics and Space Administration shall not be required to purchase launch services as provided in subsection (a) if, on a case by case basis the Administrator of the National Aeronautics and Space Administration determines that—

(1) the payload requires the unique capabilities of the space shuttle;

(2) cost effective commercial launch services to meet specific mission requirements are not reasonably available and would not be available when required; or

(3) the use of commercial launch services poses an unacceptable risk of loss of a unique scientific opportunity.

Any determination of such circumstances shall be made by the Administrator at Preliminary Design Review and shall not be delegated. Upon any such determination, the Administrator shall, within 30 days, notify in writing the Committee on Science, Space, and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate of the determination and its rationale.

(c) **NATIONAL AERONAUTICS AND SPACE ADMINISTRATION LAUNCH VEHICLES.**—Launch vehicles shall be acquired or owned by the National Aeronautics and Space Administration only—

(1) as required under circumstances described in subsection (b); or

(2) by the National Aeronautics and Space Administration for conducting research and development on, and testing of, launch technology.

(d) **PHASE-IN PERIOD.**—Subsections (a) and (c) shall not apply to launch services and launch vehicles purchased by the National Aeronautics and Space Administration before the date of enactment of this Act.

(e) **HISTORICAL PURPOSES.**—This title shall not be interpreted to prohibit the National

Aeronautics and Space Administration from acquiring, owning, or maintaining launch vehicles solely for historical display purposes.

SEC. 205. PURCHASE OF LAUNCH SERVICES.

(a) **FULL AND OPEN COMPETITION.**—(1) Contracts to provide launch services to the National Aeronautics and Space Administration under section 204 shall be awarded on the basis of full, fair, and open competition, consistent with section 2304 of title 10, United States Code, and section 311 of the National Aeronautics and Space Act of 1958.

(2) The National Aeronautics and Space Administration shall limit its requirements for submission of cost or pricing data in support of a bid or proposal to that data which is reasonably required to protect the interests of the United States.

(b) **SPECIFICATION SYSTEMS.**—Reasonable performance specifications, not detailed Government design or construction specifications, shall be used to the maximum extent feasible to define requirements for a commercial provider bidding to provide launch services. This subsection shall not preclude the National Aeronautics and Space Administration from requiring compliance with applicable safety standards.

SEC. 206. OTHER ACTIVITIES OF THE NATIONAL AERONAUTICS AND SPACE ADMINISTRATION.

(a) **COMMERCIAL PAYLOADS ON THE SPACE SHUTTLE.**—Commercial payloads may not be accepted for launch as primary payloads on the space shuttle unless the Administrator of the National Aeronautics and Space Administration determines that—

(1) the payload requires the unique capabilities of the space shuttle; or

(2) launching of the payload on the space shuttle is important for either national security or foreign policy purposes.

(b) **REPORT.**—By March 15, 1991, the Administrator, in consultation with the Office of Federal Procurement Policy, shall submit to the Committee on Science, Space, and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report outlining the minimal requirements for documentation and other administrative data needed to procure launch services in a commercially reasonable manner, including—

(1) the need for data to integrate a payload with a launch vehicle;

(2) the need for data to carry out mission-specific modifications to the launch vehicle;

(3) the need for notification to the National Aeronautics and Space Administration of changes, delays, or difficulties in the construction or preparation of a launch vehicle that may affect the delivery of its payload to its destination at the time and under the conditions provided for under the contract between the United States and its contractors;

(4) the need for data to protect public health and safety; and

(5) the need for cost or pricing data for the fulfillment of a contract.

Amend the title so as to read: "An Act entitled the National Aeronautics and Space Administration Multiyear Authorization Act of 1990".

The motion was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 5649) was laid on the table.

APPOINTMENT OF CONFEREES ON H.R. 5649

Mr. ROE. Mr. Speaker, pursuant to House Resolution 480, I offer a motion.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. ROE moves to insist on the House amendment to the Senate bill, S. 916 and request a conference with the Senate thereon.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey [Mr. ROE].

The motion was agreed to.

The SPEAKER pro tempore. The Speaker will appoint conferees upon his return to the chair.

GENERAL LEAVE

Mr. ROE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and to include extraneous matter therein, on H.R. 5649, the bill just passed.

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

There was no objection.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF S. 916, NATIONAL AERONAUTICS AND SPACE ADMINISTRATION MULTIYEAR AUTHORIZATION ACT OF 1990

Mr. ROE. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill, S. 916, the clerk be authorized to make such technical and conforming changes as may be necessary to reflect the actions of the House in passing the bill, S. 916.

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

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will now return to motions to suspend the rules.

COASTAL BARRIER IMPROVEMENT ACT OF 1990

Mr. STUDDS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2840), to reauthorize the Coastal Barrier Resources Act, and for other purposes, as amended.

The Clerk read as follows:

H.R. 2840

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 "Coastal Barrier Improvement Act of 1990".

SEC. 2. DEFINITION AMENDMENTS.

(A) UNDEVELOPED COASTAL BARRIER.—The Coastal Barrier Resources Act is amended in section 3(1)(A) (16 U.S.C. 3502(1)(A))—

(1) by striking clause (i); and

(2) by redesignating clauses (ii) and (iii) as clauses (i) and (ii), respectively.

(b) SYSTEM MAPS; SYSTEM.—

(1) REPEAL AND ADDITION OF DEFINITION.—Section 3(6) of the Coastal Barrier Resources Act (16 U.S.C. 3502(6)) is amended to read as follows:

"(6) The term 'System' means the Coastal Barrier Resources System established by section 4(a)."

(2) CONFORMING AMENDMENT.—Section 5(a) of the Coastal Barrier Resources Act (16 U.S.C. 3504(a)) is amended in the matter preceding paragraph (1) by striking "the Coastal Barrier Resources System" and inserting "the System".

SEC. 3. COASTAL BARRIER RESOURCES SYSTEM, GENERALLY.

Section 4 of the Coastal Barrier Resources Act (16 U.S.C. 3503) is amended to read as follows:

"SEC. 4. ESTABLISHMENT OF COASTAL BARRIER RESOURCES SYSTEM.

"(a) ESTABLISHMENT.—There is established the Coastal Barrier Resources System, which shall consist of those undeveloped coastal barriers and other areas located on the coasts of the United States that are identified and generally depicted on the maps on file with the Secretary entitled 'Coastal Barrier Resources System', dated June 20, 1990, as such maps may be revised by the Secretary under section 4 of the Coastal Barrier Improvement Act of 1990.

"(b) SYSTEM MAPS.—The Secretary shall keep the maps referred to in subsection (a) on file and available for public inspection in the Office of the Director of the United States Fish and Wildlife Service, and in such other offices of that service as the Director considers appropriate.

"(c) BOUNDARY REVIEW AND MODIFICATION.—At least once every 5 years, the Secretary shall review the maps referred to in subsection (a) and shall make, in consultation with the appropriate State, local, and Federal officials, such minor and technical modifications to the boundaries of System units as are necessary solely to reflect changes that have occurred in the size or location of any System unit as a result of natural forces."

SEC. 4. TECHNICAL REVISION OF MAPS; MODIFICATION OF BOUNDARIES; ADDITIONS TO SYSTEM.

(a) TECHNICAL REVISION OF MAPS AND PROVISION TO STATE AND LOCAL GOVERNMENT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall—

(1) make such technical revisions to the maps referred to in section 4(a) of the Coastal Barrier Resources Act (as amended by section 3 of this Act) as may be necessary to correct existing clerical and typographical errors in the maps; and

(2) provide copies of the maps, as so revised, to—

(A) each State and each local government in which is located a unit of the System;

(B) the coastal zone management agency of each State—

(i) in which is located a unit of the System; and

(ii) which has a coastal zone management program approved pursuant to section 306

of the Coastal Zone Management Act of 1972 (16 U.S.C. 1455); and

(C) appropriate Federal agencies.

(b) RECOMMENDATIONS OF STATE AND LOCAL GOVERNMENTS FOR BOUNDARY MODIFICATIONS.—Not later than 1 year after the date of the enactment of this Act—

(1) a local government in which is located a unit of the System and which is in a State which has a coastal zone management program approved pursuant to section 306 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1455); and

(2) the coastal zone management agency of a State in which is located a unit of the System and which has such a program approved;

may each submit to the Secretary recommendations for minor and technical modifications to the boundaries of existing units of the System located in that local government or State, respectively.

(c) ELECTIONS TO ADD TO SYSTEM.—

(1) PROVISION OF MAPS BY SECRETARY.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall provide—

(A) to each local government in which is located an area of qualified coastal barrier and which is in a State which has a coastal zone management program approved pursuant to section 306 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1455); and

(B) to the coastal zone management agency of each State in which such an area is located and which has such a program approved;

maps depicting the area of qualified coastal barrier located in that local government or State, respectively.

(2) ELECTIONS.—Not later than 1 year after the date of the enactment of this Act, a local government and a State coastal zone management agency referred to in paragraph (1), and any qualified organization—

(A) may each elect to add to the System, as a new unit or as an addition to an existing unit, any area of qualified coastal barrier (or any portion thereof) which is owned or held by the local government, State, or qualified organization, respectively;

(B) shall notify the Secretary of that election; and

(C) shall submit to the Secretary a map depicting the area, if—

(i) the area (or portion) is not depicted on a map provided by the Secretary under paragraph (1); or

(ii) the local government, State, or qualified organization was not provided maps under paragraph (1).

(3) EFFECTIVE DATE OF ELECTION.—An area elected by a local government, State coastal zone management agency, or qualified organization to be added to the System under this subsection shall be part of the System effective on the date on which the Secretary publishes notice in the Federal Register under subsection (d)(1)(C) with respect to that election.

(d) MODIFICATION OF BOUNDARIES, REVISION OF MAPS, AND PUBLICATION OF NOTICE.—

(1) IN GENERAL.—Not later than 18 months after the date of the enactment of this Act, the Secretary—

(A) based on recommendations submitted by local governments and State coastal zone management agencies under subsection (b), may make such minor and technical modifications to the boundaries of existing units of the System as are consistent with the purposes of the Coastal Barrier Resources Act (16 U.S.C. 3501 et seq.) and are necessary to clarify the boundaries of those units;

(B) shall revise the maps referred to in section 4(a) of the Act (as amended by section 3 of this Act)—

(i) to reflect those modifications; and

(ii) to reflect each election of a local government, State coastal zone management agency, or qualified organization to add an area to the System pursuant to subsection (c); and

(C) shall publish in the Federal Register notice of each such modification or election.

(2) EFFECTIVE DATE OF MODIFICATIONS.—A modification of the boundaries of a unit of the System under paragraph (1)(A) shall take effect on the date on which the Secretary publishes notice in the Federal Register under paragraph (1)(C) with respect to that modification.

(e) NOTIFICATION REGARDING MODIFICATIONS AND ELECTIONS.—Not less than 30 days before the effective date of any modification of the boundaries of a unit of the System under subsection (d)(1)(A), or of an election of a local government, State coastal zone management agency, or qualified organization to add an area of qualified coastal barrier to the System pursuant to subsection (c), the Secretary shall submit written notice of such modification or election to—

(1) the Committee on Merchant Marine and Fisheries of the House of Representatives and the Committee on Environment and Public Works of the Senate; and

(2) appropriate State and Federal officials.

SEC. 5. EXCEPTIONS TO LIMITATIONS ON FEDERAL EXPENDITURES.

(a) EXCEPTIONS, GENERALLY.—Section 6 of the Coastal Barrier Resources Act (16 U.S.C. 3505) is amended to read as follows:

"SEC. 6. EXCEPTIONS TO LIMITATIONS ON EXPENDITURES.

"(a) IN GENERAL.—Notwithstanding section 5, the appropriate Federal officer, after consultation with the Secretary, may make Federal expenditures and may make financial assistance available within the System for the following:

"(1) Any use or facility necessary for the exploration, extraction, or transportation of energy resources which can be carried out only on, in, or adjacent to a coastal water area because the use or facility requires access to the coastal water body.

"(2) The maintenance or construction of improvements of existing Federal navigation channels (including the Intracoastal Waterway) and related structures (such as jetties), including the disposal of dredge materials related to such maintenance or construction.

"(3) The maintenance, replacement, reconstruction, or repair, but not the expansion, of publicly owned or publicly operated roads, structures, or facilities that are essential links in a larger network or system.

"(4) Military activities essential to national security.

"(5) The construction, operation, maintenance, and rehabilitation of Coast Guard facilities and access thereto.

"(6) Any of the following actions or projects, if a particular expenditure or the making available of particular assistance for the action or project is consistent with the purposes of this Act:

"(A) Projects for the study, management, protection, and enhancement of fish and wildlife resources and habitats, including acquisition of fish and wildlife habitats and related lands, stabilization projects for fish and wildlife habitats, and recreational projects.

"(B) Establishment, operation, and maintenance of air and water navigation aids and devices, and for access thereto.

"(C) Projects under the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-4 through 11) and the Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.).

"(D) Scientific research, including aeronautical, atmospheric, space, geologic, marine, fish and wildlife, and other research, development, and applications.

"(E) Assistance for emergency actions essential to the saving of lives and the protection of property and the public health and safety, if such actions are performed pursuant to sections 402, 403, and 502 of the Disaster Relief and Emergency Assistance Act and section 1362 of the National Flood Insurance Act of 1968 (42 U.S.C. 4103) and are limited to actions that are necessary to alleviate the emergency.

"(F) Maintenance, replacement, reconstruction, or repair, but not the expansion (except with respect to United States route 1 in the Florida Keys), of publicly owned or publicly operated roads, structures, and facilities.

"(G) Nonstructural projects for shoreline stabilization that are designed to mimic, enhance, or restore a natural stabilization system.

"(b) EXISTING FEDERAL NAVIGATION CHANNELS.—For purposes of subsection (a)(2), a Federal navigation channel or a related structure is an existing channel or structure, respectively, if it was authorized before the date of the enactment of the Coastal Barrier Improvement Act of 1990.

"(c) EXPANSION OF HIGHWAYS IN MICHIGAN.—The limitations on the use of Federal expenditures or financial assistance within the System under subsection (a)(3) shall not apply to a highway—

"(1) located in a unit of the System in Michigan; and

"(2) in existence on the date of the enactment of the Coastal Barrier Improvement Act of 1990.

"(d) SERVICES AND FACILITIES OUTSIDE SYSTEM.—

"(1) IN GENERAL.—Except as provided in paragraphs (2) and (3) of this subsection, limitations on the use of Federal expenditures or financial assistance within the System under section 5 shall not apply to expenditures or assistance provided for services or facilities and related infrastructure located outside the boundaries of unit T-11 of the System (as depicted on the maps referred to in section 4(a)) which relate to an activity within that unit.

"(2) PROHIBITION OF FLOOD INSURANCE COVERAGE.—No new flood insurance coverage may be provided under the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.) for any new construction or substantial improvements relating to services or facilities and related infrastructure located outside the boundaries of unit T-11 of the System that facilitate an activity within that unit that is not consistent with the purposes of this Act.

"(3) PROHIBITION OF HUD ASSISTANCE.—

"(A) IN GENERAL.—No financial assistance for acquisition, construction, or improvement purposes may be provided under any program administered by the Secretary of Housing and Urban Development for any services or facilities and related infrastructure located outside the boundaries of unit T-11 of the System that facilitate an activity within that unit that is not consistent with the purposes of this Act.

"(B) DEFINITION OF FINANCIAL ASSISTANCE.—For purposes of this paragraph, the term 'financial assistance' includes any contract, loan, grant, cooperative agreement, or other form of assistance, including the insurance or guarantee of a loan, mortgage, or pool of mortgages."

(b) CONFORMING AMENDMENT.—Subsection (d) of section 204 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (16 U.S.C. 3505 note) is repealed.

(c) APPLICATION OF EXISTING LOUISIANA EXCEPTION.—Section 5(a)(3) of the Coastal Barrier Resources Act (16 U.S.C. 3504(a)(3)) is amended by inserting "and LA07" after "S01 through S08".

SEC. 6. PACIFIC COASTAL BARRIER PROTECTION STUDY AND MAPS.

(a) IN GENERAL.—

(1) STUDY.—Not later than 6 months after the date of the enactment of this Act, the Secretary shall prepare and submit to the Committee on Merchant Marine and Fisheries of the House of Representatives and to the Committee on Environment and Public Works of the Senate a study which examines the need for protecting undeveloped coastal barriers along the Pacific coast of the United States south of 49 degrees north latitude through inclusion in the System. Such study shall examine—

(A) the potential for loss of human life and damage to fish, wildlife, other natural resources, and the potential for the wasteful expenditure of Federal revenues given the geologic differences of the coastal barriers along the Pacific coast as opposed to those found along the Atlantic and Gulf coasts; and

(B) the differences in extreme weather conditions which exist along the Pacific coast as opposed to those found along the Atlantic and Gulf coasts.

(2) PREPARATION AND SUBMISSION OF MAPS.—Not later than 12 months after the date of the enactment of this Act, the Secretary shall prepare and submit to the Committee on Merchant Marine and Fisheries of the House of Representatives and to the Committee on Environment and Public Works of the Senate maps identifying the boundaries of those undeveloped coastal barriers (as that term is defined in section 3(1) of the Coastal Barrier Resources Act (16 U.S.C. 3502(1)) along the Pacific coast of the United States south of 49 degrees north latitude which the Secretary considers to be appropriate for inclusion in the System.

(b) CONSULTATION IN PREPARING MAPS.—In preparing maps under subsection (a), the Secretary shall consult with and provide an opportunity for comment by appropriate Federal agencies, agencies (including the coastal zone management agencies) of the States, territories, and possessions of the United States bordering on the Pacific Ocean, and the public.

SEC. 7. SPECIAL UNIT.

(a) DESIGNATION.—The southernmost portion of unit P11 of the System, as depicted on the maps referred to in section 4(a) of the Coastal Barrier Resources Act (as amended by this Act), located on Hutchinson Island north of St. Lucie Inlet in Florida, is designated as the "Frank M. McGilvrey Unit". In revising those maps under section 4(a) of this Act, the Secretary shall so identify that unit.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the unit of the System referred to in subsection (a) is deemed to be a reference to the "Frank M. McGilvrey Unit" of the System.

SEC. 8. REPORT REGARDING COASTAL BARRIER MANAGEMENT.

(a) COASTAL BARRIERS TASK FORCE.—

(1) ESTABLISHMENT.—There is established an interagency task force to be known as the Coastal Barriers Task Force (hereinafter in this section referred to as the "Task Force").

(2) MEMBERSHIP.—The Task Force shall be composed of 11 individuals as follows:

(A) A designee of the Secretary of Agriculture.

(B) A designee of the Secretary of Commerce.

(C) A designee of the Secretary of Defense.

(D) A designee of the Secretary of Energy.

(E) A designee of the Secretary of Housing and Urban Development.

(F) A designee of the Secretary of the Interior.

(G) A designee of the Secretary of Transportation.

(H) A designee of the Secretary of the Treasury, who shall represent the Internal Revenue Service.

(I) A designee of the Administrator of the Environmental Protection Agency.

(J) A designee of the Director of the Federal Emergency Management Agency.

(K) A designee of the Administrator of the Small Business Administration.

(3) CHAIRPERSON.—The chairperson of the Task Force shall be the designee of the Secretary of the Interior.

(b) REPORT.—

(1) IN GENERAL.—Not later than the expiration of the 2-year period beginning on the date of the enactment of this Act, the Task Force shall submit to the Congress a report regarding the Coastal Barrier Resources System.

(2) CONTENTS.—The report required under paragraph (1) shall include the following:

(A) An analysis of the effects of any regulatory activities of the Federal Government on development within units of the System, for the period from 1975 to 1990.

(B) An analysis of the direct and secondary impacts of tax policies of the Federal Government on development (including development of second home and investment properties) within units of the System, for the period from 1975 to 1990.

(C) An estimate and comparison of the costs to the Federal Government with respect to developed coastal barriers on which are located units of the System, for the period from 1975 to 1990, which shall include costs of shore protection activities, beach renourishment activities, evacuation services, disaster assistance, and flood insurance subsidies under the national flood insurance program.

(D) A determination of the number of structures for which flood insurance under the national flood insurance program has been unavailable since the enactment of the National Flood Insurance Act of 1968 because of the prohibition, under section 1321 of such Act, of the provision of insurance for structures located on coastal barriers within the System.

(E) An estimate of the number of existing structures located on coastal barriers that are included within the System because of the expansion of the System under this Act and the amendments made by this Act.

(F) A summary of the opinions and comments expressed pursuant to paragraph (3).

(G) Recommendations for Federal policies and legislative action with respect to developed and undeveloped coastal barriers to promote the protection of coastal barriers

and minimize activities of the Federal Government that contribute to the destruction and degradation of coastal barriers.

(3) **HEARINGS.**—In carrying out its responsibilities under this subsection, the Task Force shall hold hearings to provide opportunity for State and local governments and members of the public to express their opinions and comment on Federal policy regarding coastal barriers.

(c) **TERMINATION.**—The Task Force shall terminate 90 days after submission of the report required under subsection (b)(1).

SEC. 9. PROHIBITION OF FLOOD INSURANCE COVERAGE IN CERTAIN COASTAL BARRIERS.

Section 1321 of the National Flood Insurance Act of 1968 (42 U.S.C. 4028) is amended—

(1) by inserting "(a)" after the section designation; and

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

"(b) No new flood insurance coverage may be provided under this title after the expiration of the 1-year period beginning on the date of the enactment of the Coastal Barrier Improvement Act of 1990 for any new construction or substantial improvements of structures located in any area identified and depicted on the maps referred to in section 4(a) of the Coastal Barrier Resources Act as an area that is (1) not within the Coastal Barrier Resources System and (2) is otherwise protected. Notwithstanding the preceding sentence, new flood insurance coverage may be provided for structures in such protected areas that are used in a manner consistent with the purpose for which the area is protected."

SEC. 10. RTC AND FDIC PROPERTIES.

(a) **REPORTS.**—

(1) **SUBMISSION.**—The Resolution Trust Corporation and the Federal Deposit Insurance Corporation shall each submit to the Congress for each year a report identifying and describing any property that is covered property of the corporation concerned as of September 30 of such year. The report shall be submitted on or before March 30 of the following year.

(2) **CONSULTATION.**—In preparing the reports required under this subsection, each corporation concerned may consult with the Secretary of the Interior for purposes of identifying the properties described in paragraph (1).

(b) **LIMITATION ON TRANSFER.**—

(1) **NOTICE.**—The Resolution Trust Corporation and the Federal Deposit Insurance Corporation may not sell or otherwise transfer any covered property unless the corporation concerned causes to be published in the Federal Register a notice of the availability of the property for purchase or other transfer that identifies the property and describes the location, characteristics, and size of the property.

(2) **EXPRESSION OF SERIOUS INTEREST.**—During the 90-day period beginning on the date that notice under paragraph (1) concerning a covered property is first published, any governmental agency or qualified organization may submit to the corporation concerned a written notice of serious interest for the purchase or other transfer of a particular covered property for which notice has been published. The notice of serious interest shall be in such form and include such information as the corporation concerned may prescribe.

(3) **PROHIBITION OF TRANSFER.**—During the period under paragraph (2), a corporation concerned may not sell or otherwise trans-

fer any covered property for which notice has been published under paragraph (1). Upon the expiration of such period, the corporation concerned may sell or otherwise transfer any covered property for which notice under paragraph (1) has been published if a notice of serious interest under paragraph (2) concerning the property has not been timely submitted.

(4) **OFFERS AND PERMITTED TRANSFER.**—If a notice of serious interest in a covered property is timely submitted pursuant to paragraph (2), the corporation concerned may not sell or otherwise transfer such covered property during the 90-day period beginning upon the expiration of the period under paragraph (2) except to a governmental agency or qualified organization for use primarily for wildlife refuge, sanctuary, open space, recreational, historical, cultural, or natural resource conservation purposes, unless all notices of serious interest under paragraph (2) have been withdrawn.

(c) **DEFINITIONS.**—For purposes of this section:

(1) **CORPORATION CONCERNED.**—The term "corporation concerned" means—

(A) the Federal Deposit Insurance Corporation, with respect to matters relating to the Federal Deposit Insurance Corporation; and

(B) the Resolution Trust Corporation, with respect to matters relating to the Resolution Trust Corporation.

(2) **COVERED PROPERTY.**—The term "covered property" means any property—

(A) to which—

(i) the Resolution Trust Corporation has acquired title in its corporate or receiver-ship capacity; or

(ii) the Federal Deposit Insurance Corporation has acquired title in its corporate capacity or which was acquired by the former Federal Savings and Loan Insurance Corporation in its corporate capacity; and

(B) that—

(i) is located within the Coastal Barrier Resources System; or

(ii) is undeveloped, greater than 50 acres in size, and adjacent to or contiguous with any lands managed by a governmental agency primarily for wildlife refuge, sanctuary, open space, recreational, historical, cultural, or natural resource conservation purposes.

(3) **GOVERNMENTAL AGENCY.**—The term "governmental agency" means any agency or entity of the Federal Government or a State or local government.

(4) **UNDEVELOPED.**—The term "undeveloped" means—

(A) containing few manmade structures and having geomorphic and ecological processes that are not significantly impeded by any such structures or human activity; and

(B) having natural, cultural, recreational, or scientific value of special significance.

SEC. 11. ACQUISITION OF PROPERTY BY SECRETARY OF THE INTERIOR.

The Secretary of the Interior may purchase any property within the area added to unit T-12 of the System by this Act, as depicted on the maps referred to in section 4(a) of the Coastal Barrier Resources Act. The Secretary of the Interior shall provide that any property purchased under this section is used and administered in accordance with the provisions of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd-668ee).

SEC. 12. DEFINITIONS.

For purposes of this Act—

(1) the term "qualified coastal barrier" means an area that would be an undevel-

oped coastal barrier under section 3(1) of the Coastal Barrier Resources Act (16 U.S.C. 3502(1)) if it were not included in the boundaries of an area established under Federal, State, or local law, or held by a qualified organization, primarily for wildlife refuge, sanctuary, recreational, or natural resource conservation purposes;

(2) the term "qualified organization" means such an organization under section 170(h)(3) of the Internal Revenue Code of 1986 (26 U.S.C. 170(h)(3));

(3) the term "Secretary" means the Secretary of the Interior; and

(4) the term "System" means the Coastal Barrier Resources System established by the Coastal Barrier Resources Act (16 U.S.C. 3501 et seq.), as amended by this Act.

SEC. 13. AUTHORIZATIONS OF APPROPRIATIONS.

(a) **COASTAL BARRIER RESOURCES ACT.**—Section 12 of the Coastal Barrier Resources Act (16 U.S.C. 3510) is amended to read as follows:

"SEC. 12. AUTHORIZATION OF APPROPRIATIONS.

"There is authorized to be appropriated to the Secretary for carrying out this Act not more than \$1,000,000 for each of the fiscal years 1990, 1991, 1992, and 1993."

(b) **THIS ACT.**—

(1) **IN GENERAL.**—There is authorized to be appropriated to the Secretary for carrying out this Act not more than \$1,000,000 for each of the fiscal years 1991 and 1992.

(2) **PROPERTY ACQUISITION.**—In addition to the amounts authorized to be appropriated under paragraph (1), there is authorized to be appropriated to the Secretary of the Interior during fiscal years 1991, 1992, and 1993 an aggregate amount of \$15,000,000 to carry out section 11.

The **SPEAKER** pro tempore. Is a second demanded?

Mr. **YOUNG** of Alaska. Mr. Speaker, I demand a second.

The **SPEAKER** pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The **SPEAKER** pro tempore. The gentleman from Massachusetts [Mr. **STUDDS**] will be recognized for 20 minutes, and the gentleman from Alaska [Mr. **YOUNG**] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Massachusetts [Mr. **STUDDS**].

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

Mr. Speaker, I rise in support of H.R. 2840, the Coastal Barriers Improvement Act of 1990.

The central premise of H.R. 2840, and of the law it amends, is that coastal barriers need and deserve special protection and that the Federal Government ought not to encourage unwise development in them. Coastal barriers are important because they create and maintain the wetlands and estuaries that nourish commercial and recreational fisheries; they provide habitat for migratory waterfowl; and they offer boundless opportunities for recreation. They are also extremely vulnerable to erosion and floods. For these reasons, coastal barriers are risky places to live, expensive places to insure and the wrong places to build.

The coastal barrier resources system, which was created with strong bipartisan support 8 years ago, is a proven winner. Although it does not prohibit the development of coastal barriers, it does require that those who wish to develop previously undeveloped barriers do so at their own risk and with their own money, not that of the Federal taxpayer.

As a result, the system has already saved taxpayers an estimated \$1 billion. It has discouraged construction in some of the most flood-prone and hurricane vulnerable areas of the world and, in so doing, almost certainly saved human lives. And it has protected fragile coastal barriers of priceless importance to the ecology of our coasts.

H.R. 2840 would double the size of the system by adding more than 750,000 acres of undeveloped barriers and associated wetlands. Included, for the first time, would be almost 30,000 acres along the shores of the Great Lakes; 48,000 acres in the Florida Keys; 20,000 acres in Puerto Rico; and 3,700 acres in the Virgin Islands. Hundreds of thousands of acres along the Atlantic and gulf coasts would be added, as well.

The bill also allows for the expansion and construction of improvements to navigation channels in the system, provides a process for State and local governments, and qualified private organizations, to elect to include otherwise protected coastal barriers, prohibits flood insurance for new construction in areas designated as otherwise protected, ensures that the area once owned by U.S. Capitol Corp. at Mobile Point, AL, will remain in the system, and requires the Secretary of the Interior to study areas on the Pacific coast for possible inclusion.

The bill was reported unanimously by the Committee on Merchant Marine and Fisheries after 16 months of meetings, hearings, and site visits to areas affected by the bill. Every attempt was made to accommodate those with concerns about the accuracy of the maps drawn by the Department of the Interior that serve as the basis for the legislation.

The bill before us today also includes amendments proposed by the Committee on Public Works and Transportation and the Committee on Banking, Finance and Urban Affairs. Both committees received a sequential referral of the bill, as was the case in 1982. While the Merchant Marine and Fisheries Committee maintains primary jurisdiction over CBRA, I want to thank Chairman ANDERSON and Chairman GONZALEZ for their constructive amendments and for their help in bringing this important measure to the floor.

Mr. Speaker, it is not often we come up with legislation that protects the environment, protects people, and pro-

tections the Federal treasury. But that's what the coastal barrier resources system has been doing for the past 8 years. And, with the support of this House, that's what this bill will help us do even more effectively in the years ahead.

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

Mr. YOUNG of Alaska. Mr. Speaker, I yield 2 minutes to the gentleman from Nebraska [Mr. BEREUTER].

Mr. BEREUTER. Mr. Speaker, I rise in support of the Coastal Barrier Improvement Act, as further amended by the Banking Committee.

In general, the bill expands the existing coastal barrier system by including barrier islands along the shores of the Great Lakes, Puerto Rico and the Virgin Islands, as well as a portion of the Florida Keys. The Banking Committee requested referral of the measure due to its impact on the National Flood Insurance Program.

The Coastal Barrier Improvement Act, with the Banking Committee's modifications, tracks with the original intent of the 1982 Coastal Barriers Resources Act. In passing the 1982 act, Congress stipulated three objectives: First, reducing the loss of human life; second, decreasing wasteful expenditure of Federal revenues; and third, minimizing damage to fish, wildlife and other natural resources associated with coastal barriers.

Passage of this legislation signals this body's intention to continue transferring the risks associated with development on coastal barriers to those who choose live on and invest in these areas. Congress should continue to respect property rights and allow private development, but it should not provide subsidies to those developers.

I feel that the Banking Committee has strengthened the bill in at least two important respects: First, it would prohibit Federal housing assistance and flood insurance to aid the development of an international destination resort on a portion of South Padre Island, TX—an area that is already part of the coastal barriers resource system; and second, prohibit Federal assistance programs which come under the Banking committee's jurisdiction—for example, housing programs, flood insurance—that would facilitate construction of a wetland area in south Texas, located at the mouth of the Rio Grande River; and

I supported these changes since it addresses potential construction in an extremely hazardous area of south Texas, often referred to as "Hurricane Alley." During this century, the Texas shoreline was struck by a hurricane an average of every 2½ years. South Padre Island, in particular, is known for its high-erosion rate, low elevation and high overwash potential. The island has been washed over more than 60 times during storms in 1933,

in 1967's Hurricane Beulah and the 1980 Hurricane Allen.

I wish to note that through the leadership of Congressman ERDREICH, Chairman of the Banking Subcommittee on Policy Research and Insurance, the subcommittee has conducted an extensive review of the National Flood Insurance Program. In its review, it has seen sufficient evidence of the devastation to life and property that results from overzealous and careless construction of coastal lands. This kind of development is not something the Federal Government should condone through its program.

Finally, I am pleased that the legislation provides for an interagency task force comprised of all agencies—11 total—that have programs pertaining to the coastal barrier lands. The task force, to be chaired by the Interior Department, is directed to develop a long-term Federal policy with respect to the barrier islands and examine the impact of CBRA on the National Flood Insurance Program.

Overall, this legislation seeks to protect coastal barriers, but not at the expense of private property rights. Current law does not prohibit construction of coastal barriers, but states that if development is to occur, it should be done at the developers own expense. I believe that this wise policy and I urge support for the bill.

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 2840 and urge its adoption by the House.

This bill represents months of work by the members and staff of our committee and the Coastal Barriers Office of the Department of the Interior. Our majority and minority staff should especially be commended for the hours they put in meeting with concerned citizens, conducting onsite examinations, and producing the system maps. I also want to thank the U.S. Navy, who provided logistical support for the site visits.

Mr. Speaker, as my colleague Chairman STUBBS has explained, his bill adds additional acreage to the coastal barrier resources system. The system itself is a sound union of conservation and economics. Undeveloped lands included in the system are generally not eligible for Federal assistance. This provides a strong incentive not to develop fragile coastal barriers, and in addition assures the taxpayers that they will not have to pay again and again for buildings that have Federal flood insurance because they are in hurricane-prone areas.

Provisions are included to protect military installations, Coast Guard facilities, energy facilities, and fish and wildlife conservation and management projects from the limitations imposed

by the act. These exceptions are generally the same as is found in existing law.

Finally, the bill provides limited authority for the Secretary to map areas of the Pacific coast for possible future inclusion in the system. Given the current budget limitations we all must face, we expect the Secretary to closely follow the guidance provided in the committee report.

Mr. Speaker, this is a good bill that has been carefully worked out on both sides of the aisle. I urge its passage.

Mr. DAVIS. Mr. Speaker, H.R. 2840, may well affect the lives of the 2,300 Great Lakes landowners who live in my district. The reason I know this is because I contacted every one of them to explain the coastal barrier resources system and to ask for their help in our deliberations. Because of this, I would like to thank Chairmen HERTEL and STUDDS for their extraordinary cooperation in seeing that the extension of the coastal barrier resources system to this new geographic area is done as fairly and accurately as possible.

The bill reported by the Merchant Marine and Fisheries Committee will include almost 33,000 acres of Great Lakes shoreline and habitat in the system, of which over 13,000 acres are in my district alone. In fact, my district will have more coastal barrier units—36—than any other in the country, and Michigan will have more new CBRA areas—46—than any other State in the Nation, save Virginia and New York.

The areas which were not included in the bill in many cases were misidentified by the Department of the Interior because of outdated maps, unclear aerial photography, and lack of site visits to verify their eligibility. However, the included areas represent the Great Lakes' most fragile coastal shores which are prone to erosion and flooding caused by severe winter storms and which serve as important fish and wildlife habitat.

Mr. Speaker, I urge my colleagues to support the bill as is, which may do much to protect Federal investments when the Great Lakes rise to record levels again, while preserving a delicate balance for those who live and work there. I will be watching the action of the other body, for any changes made in this balance may topple the entire bill.

Mr. NOWAK. Mr. Speaker, I rise in support of the bill. H.R. 2840, the Coastal Barrier Improvement Act of 1990, expands the coastal barriers resources system by adding additional areas on the Atlantic and gulf coasts and, the first time, adding areas along the shores of the Great Lakes. Also, associated aquatic habitat is added to the existing and new units of the system.

This bill, after being reported by the Committee on Merchant Marine and Fisheries, was sequentially referred to the Committee on Public Works and Transportation. We had some concerns with the bill as it related to the construction and maintenance of Corps of Engineers navigation projects, but we were able to resolve these concerns with the Merchant Marine Committee without the need for formal committee action on our part. I wish to thank that committee and its chairman, the gentle-

man from North Carolina, for their cooperation in this matter.

H.R. 2840 improves the coastal barriers system by adding new units which will increase the protection of near shore areas which are of great importance to fisheries and wildlife. I am pleased that areas along the shores of the Great Lakes have been added, in order to protect critical resources in the lakes.

I urge passage of the bill.

Mr. HUGHES. Mr. Speaker, I rise in support of H.R. 2840, the Coastal Barrier Improvement Act. This legislation amends the Coastal Barrier Resources Act to provide increased protection to our undeveloped coastal barrier islands.

During the 97th Congress, I was pleased to participate in developing legislation to establish the coastal barrier resources system. This statute created a program to protect undeveloped barrier islands from future development by prohibiting Federal assistance, such as flood insurance and other revenues that promote economic growth, within the coastal barrier system.

In addition, the act embodied an important goal: to minimize the loss of human life by discouraging development away from high hazard areas.

Although most of the barrier islands in my district in New Jersey are developed, I support the addition of the area in Stone Harbor, Moores Beach, Kimbles Beach, and south of Pierces Point into the coastal barrier system. The three areas recommended for inclusion into the system along the Delaware Bay are part of the Atlantic Flyway consisting of critical habitat for migratory waterfowl, raptors, and shorebirds.

Coverage under the act would subject these areas to prohibitions against Federal expenditures and financial assistance, including Federal flood insurance, for any new construction or structural improvements within the units. Such improvements as buildings, airports, roads, bridges, causeways, piers, jetties, seawalls, water supply and sewage systems, and lines would be curtailed and VA or FHA loans would be restricted.

Mr. Speaker, once again, I want to express my strong support of H.R. 2840 and I urge my colleagues' support of the legislation.

Mr. JONES of North Carolina. Mr. Speaker, I support H.R. 2840, a bill to reauthorize and amend the Coastal Barrier Resources Act. The bill would expand the coastal barriers resources system along the east and gulf coasts primarily by adding thousands of acres of wetlands and estuarine areas to existing coastal barrier units. It also would for the first time add to the system important areas in Puerto Rico, the Virgin Islands, the Florida Keys, and the Great Lakes.

The Committee on Merchant Marine and Fisheries reported this bill after numerous hearings, a number of site visits, and hundreds of meetings with interested parties and committee staff. It is an excellent bill, due to these efforts and the tireless work of Congressman STUDDS, Congressman YOUNG, and Congressman DAVIS. We also have worked closely with the Committees on Public Works and Transportation and Banking, Finance and Urban Affairs in order to bring this legislation

to the floor, and I thank them for their cooperation.

This bill has a direct impact on the districts of many Members that serve on the Merchant Marine and Fisheries Committee. I want to commend the committee members for their assistance and cooperation on H.R. 2840. In particular, I would like to thank Mr. ORTIZ for his perseverance in working with the Banking Committee on issues affecting his district.

Congress passed the original Coastal Barrier Resources Act in 1982 to protect the fragile environments of undeveloped coastal barriers and to trim Federal deficits. Neither current law nor H.R. 2840, as amended, prohibits the development of coastal barriers. It does, however, prohibit Federal expenditures and financial assistance in support of development within the coastal barriers system. Thus, if these barriers are developed, it will be at the risk of the developer, not at the risk of the taxpayer. Nor will the Federal Government be in the business of subsidizing or encouraging unwise, unsafe development on our Nation's few remaining undeveloped coastal barriers.

In particular, I was pleased that H.R. 2840 included a portion of Nags Head woods in the coastal barriers system. Nags Head woods is an irreplaceable maritime forest located in my district on the Outer Banks of North Carolina. Part of this critical maritime forest is now under the control of the Resolution Trust Corporation [RTC].

Many people and a number of organizations have worked for years to protect and conserve Nags Head woods—which is one of the last remaining maritime forests in the Nation. The woods consists of valuable marshlands, pine hammocks, ridge forests, and dunes, which support and extraordinary diversity of life when compared to the usually harsh environment of a coastal barrier. In fact, Congress declared the woods a natural landmark in 1974—a nice title that offered no real protection.

The nature conservancy and the town of Nags Head have had some success in their work to protect the area from development and have set aside more than 700 acres as a nature preserve. In 1987, a 389-acre block of the woods came under the control of a local savings and loan institution which failed before the area could be developed. Subsequently, the savings and loan, and thereby the 389-acre block of the woods, was taken over by RTC. Those involved in trying to conserve this area were concerned that RTC would sell this property for development without considering its unique natural resource value. Therefore, the local community contacted my office and requested assistance.

At this point, I along with almost the entire North Carolina delegation requested a briefing from RTC regarding Nags Head wood and subsequently wrote a letter to RTC. The letter expressed our concern about the potential disposition and development of the woods and encouraged RTC to work closely with local and State officials to ensure that opportunities to protect this area are fully realized. We also requested that we be kept informed of the status of RTC's efforts to dispose of the property.

I must say the results of these efforts have been disappointing. Although RTC replied to our letter and promised to keep us informed, it has been extremely difficult to obtain information about the disposition of this property. Of even greater irritation is the fact that RTC's latest inventory of its available properties does not list Nags Head woods as an area containing natural values of special significance. This is despite the significant concern which has been expressed by Federal, State, and local governmental entities, conservation groups, our congressional letter, and an extensive evaluation of the natural resource values of Nags Head woods prepared by the U.S. Fish and Wildlife Service. Given its behavior on this matter, I have to question RTC's commitment to identifying natural areas of special concern as mandated by current law.

Accordingly, I am very happy that this portion of Nags Head woods would be included in the coastal barriers system under H.R. 2840. In addition, this bill will require RTC to prepare a report in consultation with the Department of the Interior regarding any property under RTC's control that is a part of the coastal barriers system. RTC will also be required to publish a notice in the Federal Register of any plans to sell these properties. Furthermore, RTC will be directed to allow Federal or local government agencies and nonprofit groups 90 days to express their interest in purchasing this property for conservation or other public purposes. This is an important step forward in our efforts to conserve a significant part of North Carolina's coastal heritage.

In summary, I strongly advocate the passage of this bill. The Coastal Barriers Resource Act is fiscally responsible and benefits the environment at the same time—a rare combination that deserves the support of Congress.

Mr. SAXTON. Mr. Speaker, I rise in support of the Coastal Barrier Improvement Act, H.R. 2840. This will continue a policy of saving lives, saving money and saving the environment.

Coastal Barrier islands serve to protect inland communities as natural barricades against the awesome power of hurricanes like Camille and Hugo. They are risky areas to live, and expensive area for the taxpayers of this country to insure against inevitable disaster. Thus far, it has been estimated that the Coastal Barrier Resources Act has saved the American taxpayer over \$1 billion.

Further, these fragile coastal structures are vital to the integrity of the coastal environment. They provide essential habitat for commercial and recreational fish and shellfish species. They provide refuge for threatened and endangered species of migratory birds and water fowl. And they are nature's buffer against the onslaught of erosion.

I was happy to amend this bill to include Cedar Bonnet Island in New Jersey as part of the coastal barrier resource system and encourage my colleagues to support this bill as a responsible, environmental, and fiscally pragmatic action.

Mr. VENTO. Mr. Speaker, I rise in support of the Coastal Barriers Improvement Act as amended and urge my colleagues to support this needed legislation.

The coastal barriers resource system is an extremely valuable Federal program with numerous public benefits including public safety, environmental protection, and the saving of taxpayers dollars. Coastal barriers protect communities against the devastation that can result from hurricanes, storms, and erosion. They also protect coastal wetlands which are vital to commercial and recreational fisheries and are habitat for wildlife including endangered species and millions of waterfowl. All of this environmental and economic protection comes with a price savings to the American taxpayer. Expansion of the coastal barriers system can save the Federal Government billions of dollars in flood insurance, construction subsidies, and disaster relief. Environmental protection, preservation, and tax savings reasons therefore mandate strong support for this bill which will add over 850,000 acres to the coastal barriers resources system. I thank Mr. STUDDS for his leadership on this initiative.

I would also like to thank Mr. GONZALEZ for his work on this bill in the Banking Committee. The bill before us contains a modified version of language adopted in the Banking Committee. These provisions will add additional environmental and economic protection for units T-11 and T-12 located along the south coast of Texas.

The bill before us also modifies the provisions adopted by the Banking Committee which I worked on relating to properties held by the Resolution Trust Corporation and the Federal Deposit Insurance Corporation. Under the bill, the RTC and FDIC will submit a report to Congress each year identifying undeveloped property they hold which is over 50 acres and is adjacent to or contiguous with land managed by a governmental agency for wildlife refuge, sanctuary, open space, recreational, historical, cultural, or natural resource conservation purposes. For a 90-day period, only Federal, State, or local government entities and nonprofit organizations properties could submit an offer to buy these properties. The RTC and FDIC could not sell or otherwise transfer a covered property for 90 days following the expression of interest unless the sale or transfer is to a governmental agency or nonprofit organization primarily for various environmental, recreational, or historical purposes.

This provision is a compromise reached with the RTC and FDIC. While I would have preferred a broader provision, this amendment is an important step toward gaining a better understanding of the properties within RTC and FDIC holdings and toward wise governmental stewardship of the lands they hold.

On September 7, the RTC task force which I chair held a hearing on the natural, cultural, and recreational resource policy of the RTC as it relates to the disposition of assets. The good news that came out of this hearing was that the RTC can help protect environmentally sensitive properties without straying from its statutory mandate to maximize the return on the disposal of its assets. The bad news is that the RTC hasn't developed an adequate program to accomplish this yet.

The bill before us will help us get a clearer picture of the what properties are in the RTC and FDIC inventories. It will also give governmental agencies and nonprofit organizations

an opportunity of limited duration to buy land with important resources in order to preserve those resources for future generations. It is a good first step and I urge my colleagues to support this important bill.

Mr. ANDERSON. Mr. Speaker, H.R. 2840, the Coastal Barrier Improvement Act of 1990, was sequentially referred to our Committee on Public Works and Transportation after being reported by the Committee on Merchant Marine and Fisheries. The referral was based on its effect on programs within our jurisdiction such as the highway program and the Water Resources Program of the Corps of Engineers.

We were able to resolve our concerns with this legislation with the Merchant Marine Committee without the need for formal committee action on our part. For that, I wish to thank the distinguished chairman of that committee, the gentleman from North Carolina, and the other members of the committee.

H.R. 2840 expands the coastal barrier system and makes other improvements to the basic act establishing the system. Coastal barriers are landforms including barrier islands, barrier spits, and bay barriers. They protect nearby coastal areas such as estuaries and lagoons which serve as nursery grounds for numerous marine species. The coastal barriers resource system was established in 1982, and protects these areas by prohibiting Federal expenditures and financial assistance which encourage development. The 1982 act included areas on the Atlantic and gulf coasts. H.R. 2840 adds areas on these coasts as well as areas in the Great Lakes. It also directs the Secretary of the Interior to study the need for protecting undeveloped coastal barriers on the Pacific coast south of 49 degrees north latitude. I am pleased to support this legislation and urge its passage.

Mr. ORTIZ. Mr. Speaker, I rise in support of the Coastal Barrier Improvement Act, H.R. 2840 and would like to revise and extend my remarks.

I would like to take this opportunity to thank Chairman JONES and Chairman STUDDS for their hard work on this bill.

I appreciate the overtime and special attention given by the staffs of both the Merchant Marine and Fisheries Committee and the Banking, Finance and Urban Affairs Committee.

I would like to take this opportunity to clarify certain provisions in the bill that pertain to two units in my congressional district, T-11 and T-12.

Included in this bill is the prohibition of HUD assistance and Federal flood insurance to areas adjacent to unit T-11.

It is my understanding that the intention of this provision is directed at prohibiting Federal funds from being used in a way that directly facilitates development on unit T-11 which is included in the CBRS.

My concern is that this legislation will not be misinterpreted to penalize communities adjacent to unit T-11 from receiving flood insurance and HUD assistance that they are normally entitled to on the basis that they are geographically located next to unit T-11.

It is my hope we can agree upon more exact language to clarify the intent of certain

provisions which affect citizens in communities adjacent to unit T-11.

With regard to unit T-12, the Department of the Interior is authorized to purchase certain property in that unit that is especially environmentally sensitive.

I believe this is a very fair and reasonable compromise and it responds to the needs of the local community as well as concerns raised by many environmental groups.

Again, I appreciate the many long hours that were spent by Members and staff to ensure that many areas would not be adversely impacted by this legislation.

Mr. DELAY. Mr. Speaker, I rise to commend the Committee on Merchant Marine and Fisheries and their staff for the many hours of hard work that went into the Coastal Barrier Improvement Act of 1990. While I have some definite mixed feelings about the bill, I believe that the committee endeavored to meet all the concerns of those Members' districts that were affected by the measure and were successful at ameliorating most of those worries.

My main concern with the bill is its ever-increasing jurisdiction of the Coastal Barrier Resources Act. When the act was originally tailored in 1982, it was for the sole purpose of protecting many of the weather-stricken coastal barrier islands which surround our coastal mainland. Some people felt economic development occurring on these islands was having a detrimental effect on the surrounding ecosystem. Out of this thinking was born the Coastal Barrier Resources Act which sought to effectively shut off any type of development by withholding much needed Federal flood insurance.

From this start, the act has been expanded to include not only coastal barrier islands, but also coastal mainland, as is the case in my district southwest of Houston. This expansion in the definition of a coastal barrier is clearly inconsistent with the original intent of the act. If we are going to try to save barrier islands then let's get on with the protection of barrier islands, not with shutting off essential inland economic development. Land in Brazoria County, TX, in my district, which was recommended by Interior to be included into H.R. 2840, provides the Port of Freeport with some of the only suitable property by which to carry out critical development.

The State of Texas, and in particular, Brazoria County, have an outstanding record of encouraging wildlife conservation while simultaneously supporting vital development. More than 42,000 acres have been preserved for wildlife conservation. Only in Brazoria County can one find one of the world's largest petrochemical complexes coexisting in harmony with one of our Nation's largest bird sanctuaries.

While supporters of the CBRS report and this legislation may believe that all of the coastal activities which this bill prohibits can be done inland, it is ridiculous to advocate that our ports be built many miles inland when their purpose is to service ships on the water. Ports need to be near the open water. Freeport Harbor has all the natural characteristics to provide the location for a deepwater port which would have the least impact on the surrounding environment.

Freeport, TX, which is in my district, is not a coastal barrier. It is frontal mainland. The islands in this area that are continually identified as barrier islands are not that at all. They are not formed by nature, but only exist because of the Intercoastal Waterway, a manmade canal. Studies have confirmed that if the waterway were not dredged continuously, they would eventually be filled in by the Brazos River and the diversion channel.

Further, the constant change in the definition of a coastal barrier over the past dozen years has made it impossible for responsible authorities to plan responsible development. As a result of the 1982 law and its definition, the Brazos River Harbor Navigation District formed a master plan for the development of the Port of Freeport. The plan was carefully crafted with input not only from the business community, but also civic leaders, elected officials, environmentalists and local citizens.

This plan was designed to properly balance the concerns of all interested parties. Over the past several years, the authority has been acquiring many properties included in the plan for its future use. In fact, the district has already converted some of this property into a wildlife refuge to demonstrate its commitment to environmentally responsible development.

Congress recently concluded that Freeport is important to our Nation's commerce and appropriated \$103 million to dredge the harbor. It is ludicrous to invest in this harbor only to restrict severely the taxpayers from realizing the full potential of the port's benefits. Brazoria County has proven to be extremely responsible in managing their coastal resources and need no further interference from the Federal Government regulators.

I strongly object to coming back in the future to carry out any new studies which would effectively expand the jurisdiction of the Coastal Barrier Resources Act. At the present rate of growth, it is conceivable that the act might someday include parts of Missouri, Oklahoma, or maybe even Montana. It's time to stop the growth of the act.

Mr. STANGELAND. Mr. Speaker, I rise to address provisions in H.R. 2840, the Coastal Barrier Improvement Act of 1990. The bill expands the coastal barrier resources system and advances water quality protection and sensitive shoreline development measures.

First, let me commend those who have worked on the bill and briefly describe the involvement of the House Public Works and Transportation Committee. The Merchant Marine and Fisheries Committee has played a lead role in development and passage of the bill. In addition, the Banking, Finance and Urban Affairs and Public Works and Transportation Committees received sequential referrals and provided significant input.

On the whole, H.R. 2840 offers important protections for not only sensitive coastal barriers but also our Federal Treasury. This bill should help to restrict unwise shoreline development, unacceptable coastal degradation, and unjustified Federal expenditures.

For these and other reasons, I urge my colleagues to support H.R. 2840.

Mr. FASCELL. Mr. Speaker, I rise in support of H.R. 2840, the Coastal Barrier Improvement Act. While I had reservations about the implications that the original proposal would have

had on the Florida Keys, I do support the committee-approved version of H.R. 2840. I want to commend our colleague, the chairman of the Subcommittee on Fisheries and Wildlife Conservation and the Environment, because he has worked very hard to bring this proposal to the floor and, I believe, we all appreciate his attention to detail and his willingness to address the concerns that many of us had with respect to this legislation.

The coastal barriers study group correctly stated the significance of the many natural resources of the Florida Keys. The protection of this environment has long been the subject of my concern and will continue to be one of my foremost priorities. I am still somewhat wary of the recommended definition change of a coastal barrier to include land formations composed of carbonate-cemented and mangrove shorelines, such as the Florida Keys. When we consider such definition changes which expand the scope of any program, such as the CBRS, we must, as policymakers, do so with caution. Those of you who have been to the Florida Keys know of its sensitive and unique environment, and you know that what is good for Padre Island is not necessarily going to work in the Florida Keys.

I opposed the inclusion of the Florida Keys in the coastal barrier resource system [CBRS] when it was first proposed, but I believe that the agreement reached effectively incorporates the CBRS program in the keys. Like any compromise, some people will want more of the keys included, and others will want none of the keys included. I am satisfied that, after cross referencing of the maps with the Monroe County land use plan was performed, we are indeed protecting undeveloped and unprotected tracts of land.

I think the carefully constructed agreement reached by the Merchant Marine and Fisheries Committee, and supported by the Banking, Finance and Urban Affairs Committee, does apply the CBRS in a manner which will prove to be effective and I urge our colleagues to support H.R. 2840.

Mr. WELDON. Mr. Speaker, today the U.S. Congress is presented with the opportunity to save lives, taxpayers' money, and America's coastal environment. The House should not let this once in a lifetime opportunity slip away, and pass H.R. 2840, the Coastal Barrier Improvement Act, to reauthorize and add to the coastal barrier resources system [CBRS].

Since its inception in 1982, CBRS has saved the U.S. taxpayers almost \$1 billion. It also has prevented unwise development on many of our Nation's most environmentally important coastal barriers.

The program has been so successful that portions of the Florida Keys are included in the reauthorizing legislation. So too, portions of the Pacific Coast may soon be incorporated.

As a member of the Merchant Marine and Fisheries Committee, I have been a strong advocate of expanding CBRS. Working with Subcommittee Chairman STUDDS, I helped ensure that H.R. 2840 also contained language that would allow military bases to be incorporated into the system.

Passage of H.R. 2840 will ensure the viability of the coastal barrier resources system

through 1993. I urge my colleagues to support this vital reauthorization.

Ms. SCHNEIDER. Mr. Speaker, I rise in strong support of H.R. 2840, the reauthorization of the Coastal Barrier Resources Act. This act which created the coastal barrier resources system, was first passed in 1982, and has been a sweeping success. I am enthusiastic about reauthorizing this excellent program.

The system is a unique environmental program. It protects our ecologically valuable and sensitive coastal barrier beaches without infringing upon private property rights, and has saved the American taxpayer nearly \$1 billion. The expansion of the system contained in this bill could save an additional \$10 billion over the next 20 years. That is quite a bargain.

Members of the Merchant Marine and Fisheries Committee have worked long and hard on this legislation, and everyone's efforts are quite evident by the excellent bill that we are considering today. This bill expands and improves the system by bringing in new lands all along the Atlantic and gulf coasts, and for the first time includes lands in the Florida Keys, the Great Lakes, Virgin Islands, and Puerto Rico.

I am especially proud of the inclusion of 8 additional miles of shoreline in Rhode Island to the system, including Easton's Beach in Newport and Middletown. Those of us who are concerned about the diminishing lack of public access to our coastline, and especially to our beaches, applaud the expansion of the system in Rhode Island, and elsewhere around our Nation.

We rarely see legislation that can save the Federal Government billions of dollars, and at the same time protect property and lives, and preserve the Nation's coasts. I urge all of my colleagues to support this excellent bill, and to continue to support this exceptional program.

Mr. GOSS. Mr. Speaker, I would like to congratulate the chairmen and ranking members of the Fish and Wildlife and Oceanography Subcommittees of the Merchant Marine and Fisheries Committee for their efforts to bring coastal barriers legislation before us.

Protection of coastal barriers is sound environmental and fiscal policy, and it is a concept I supported long before entering Congress. Coming from a barrier island myself, I am acutely aware of the unique land management challenges facing local officials in these areas.

Effective coastal barrier legislation plays an important role in wise land management in these areas, but it should not be taken as a be all and end all for local planning. Rather, it is a beneficial component in this process, and for the most part in my district it is viewed as such. For these reasons, I have chosen to co-sponsor this legislation, despite my reservations about certain aspects of the legislation.

It is my understanding that the Department of Interior has a process whereby specific units can be modified with the concurrence of Congress. I hope and fully expect that this process is responsive to those who have been included unreasonably in the system. We need a way to respond to those who may have legitimate reasons to believe that minor adjustments to the map can serve the interests of private property owners and the appropriate unit of local government without com-

promising the spirit and intent of this legislation.

I have heard from a number of constituents who have reservations about the process we have followed and the apparent lack of access interested parties have to comment about local land use concerns. I am supportive of allowing the review and appeal process to function properly. However, I will monitor the process closely and if, in my estimation, the process becomes arbitrary or unresponsive, I may offer corrective legislation in the future that addresses these concerns without destroying the environmental or fiscal benefits of this program.

Mr. ERDREICH. Mr. Speaker, H.R. 2840, reauthorizes the Coastal Barrier Resource System and increases the overall acreage of the Coastal Barrier Resource System to include an additional 700,000 acres of aquatic habitat and fastland. This important legislation reinforces Congress's recognition that undeveloped coastal barriers are physically and economically unsuitable for development. This bill provides protection against the loss of life, conserves the wildlife habitat, reduces wasteful Federal expenditures and preserves the solvency of the National Flood Insurance Fund. The Committee on Banking, Finance and Urban Affairs supports the continuance and expansion of the prohibition of Federal financial assistance within newly defined undeveloped coastal barriers.

The history of this comprehensive legislation is the product of a combination of efforts by the Congress. In 1981, the Committee on Banking, Finance and Urban Affairs was considering the Omnibus Budget Reconciliation Act of 1981 [OBRA]. At that time, the Banking Committee amended the National Flood Insurance Act of 1968 to deny the issuance of Federal flood insurance coverage for new and substantially improved construction on undeveloped coastal barriers. The House and Senate later adopted the reconciliation legislation and compromised on the flood insurance prohibition by deferring the effective date of the prohibition of flood insurance until October 1, 1983.

The Coastal Barrier Resource Act of 1982 built upon the initiatives of the House and Senate Banking Committees in OBRA by establishing the Coastal Barrier Resource System and expanding the limitation of Federal expenditures and financial assistance in undeveloped coastal barriers. The Coastal Barrier Resource System included 186 of undeveloped coastal barriers on the Atlantic and Gulf of Mexico coasts designated by the Department of Interior as directed in OBRA. The Coastal Barrier Resource Act also included a definition of financial assistance incorporating the prohibition of flood insurance in OBRA and including community block grants and Federal Housing Administration housing loans.

In addition, the Coastal Barrier Resource Act required the Department of Interior to recommend changes to the act which were submitted to the Congress in December 1988. The Department of Interior recommended definitional changes and the expansion and deletion of units in the Coastal Barrier Resource System. Most of the recommended changes were incorporated in H.R. 2840, the Coastal Barrier Improvement Act of 1990.

A parcel of land in Mobile Point, AL, however, was deleted from the system. I have worked with my colleagues on the Banking Committee to continue the financial prohibitions on this parcel within the Banking Committee's jurisdiction and I also asked the Merchant Marine and Fisheries Committee to keep this parcel in the system. Today, I am pleased that the Merchant Marine and Fisheries Committee has agreed to keep that parcel in the Coastal Barrier Resource System.

I want to commend my colleagues on the Banking Committee for their thoughtful consideration of this legislation which I believe is stronger as a result. In addition, I want to commend the Merchant Marine and Fisheries Committee, and especially Chairman STUDDS, of the Subcommittee on Fisheries and Wildlife Conservation and the Environment, for their 16 months of tireless effort in bringing this important legislation forward.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts [Mr. STUDDS] that the House suspend the rules and pass the bill, H.R. 2840, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended, and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

□ 1200

GENERAL LEAVE

Mr. STUDDS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 2840, the bill just passed.

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

There was no objection.

ALASKA MARITIME WILDLIFE REFUGE BOUNDARY MODIFICATION

Mr. STUDDS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5264) to authorize modification of the boundaries of the Alaska Maritime National Wildlife Refuge, as amended.

The Clerk read as follows:

H.R. 5264

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

SECTION 1. DEFINITIONS.

For the purposes of this Act, the term—

(1) "Koniag" means Koniag, Incorporated, an Alaska Native Corporation established

pursuant to the Alaska Native Claims Settlement Act of 1971 (85 Stat. 688), as amended;

(2) "limited general warranty deed" means a general warranty deed which is, with respect to its warranties, limited to that portion of the chain of title from the moment of conveyance from the United States to Koniag and to including the moment at which such title is validly reconveyed to the United States of America and its assigns; and

(3) "Secretary" means the Secretary of the Interior acting through the Director of the United States Fish and Wildlife Service.

SEC. 2. LANDS TO BE EXCHANGED.

(a) LANDS EXCHANGED TO THE UNITED STATES.—(1) The Secretary is directed to accept from Koniag a conveyance by limited general warranty deed of the surface and subsurface rights to approximately two hundred and nine acres of land on Kodiak Island, Alaska, designated "Koniag Lands" upon a map entitled "Koniag Land Exchange", dated September 4, 1990, and available for inspection in appropriate offices of the United States Fish and Wildlife Service.

(2) The lands described in paragraph (1) shall be included in the Alaska Maritime National Wildlife Refuge as of the date of the acceptance of the conveyance from Koniag.

(b) LANDS EXCHANGED TO KONIAG.—In exchange for the lands conveyed by Koniag under subsection (a)(1), the Secretary shall, subject to valid existing rights and notwithstanding any other provision of law, convey to Koniag, from within those lands designated as Tracts 1, 2 and 3 upon the map identified in subsection (a)(1), the surface and subsurface rights to an amount of land selected by Koniag which has a total value, as determined by the appraisals performed under section 3, equal to the sum of the value of the Koniag lands described in subsection (a)(1), plus one half of the cost of all appraisals performed under section 3 of this Act. Such conveyance shall be by quitclaim deed, based upon a metes and bounds description of the land to be conveyed.

SEC. 3. DETERMINATION OF LAND VALUES.

(a) SELECTION OF APPRAISERS.—Not later than sixty days after the enactment of this Act, the Secretary and Koniag shall each select an appraiser who shall independently perform an appraisal of the fair market value of the lands identified in section 2 of this Act. Each such appraiser shall be a member of or certified by the Appraisal Foundation and shall have a professional designation compatible with the valuation to be performed. Such appraisals shall be performed in conformity with the standards of such Foundation. Any special instruction regarding the performance of the appraisals shall be issued only upon the mutual agreement of the Koniag and the Secretary.

(b) DIFFERENCES IN APPRAISALS.—(1) In the event that the appraisals conducted under the provisions of subsection (a) shall differ by less than 20% in their assignment of value to either the tract identified under section 2(a)(1) or to any of the tracts identified in section 2(b), the value assigned to that tract shall be an amount equal to the lower of the two appraisals, plus one-half of the difference between the two appraisals.

(2) In the event the appraisals delivered under the provisions of subsection (a) shall differ by more than 20% in their assignment of value to either the tract identified under section 2(a)(1) or the tracts identified in section 2(b), the Secretary and Koniag shall jointly select a third appraiser who meets

the requirements of this section. Such third appraiser shall review the previously delivered appraisals of the tracts in question, and shall be instructed to reach a determination of value for the tract in question that lies between the values determined for that tract by the previous appraisals. The value determined by such third appraisal shall be binding upon both the Secretary and Koniag.

(3) Koniag shall bear the cost of all such appraisals, but shall be reimbursed in land by the United States for one-half of such costs pursuant to the provisions of section 2(b).

SEC. 4. TIMING.

(a) INITIAL APPRAISALS.—The appraisals required under section 3(a) shall be completed and delivered to the Secretary and to Koniag within one hundred and twenty days of the selection of the appraisers.

(b) REVIEW APPRAISAL.—In the event a review appraisal is required pursuant to the provisions of section 3(b)(2) of this Act, such review appraisal shall be completed and delivered to the Secretary and to Koniag within sixty days of the selection of that appraiser.

(c) CONVEYANCE BY KONIAG.—Koniag shall have one hundred eighty days after the date of the delivery of the appraisals performed under section 3(b)(1) or 3(b)(2), as the case may be, to convey to the Secretary the lands described in section 2(a)(1), and a technically correct description of lands to be conveyed to them under section 2(b). The Secretary may extend such time for good cause.

(d) CONVEYANCE BY THE SECRETARY.—The Secretary shall convey to Koniag the lands identified by them pursuant to section 2(b) within one hundred eighty days after his approval of Koniag's conveyance pursuant to subsection (c). Those lands conveyed to Koniag under this Act shall be excluded from the exterior boundaries of the Alaska Maritime National Wildlife Refuge.

SEC. 5. EFFECT ON TITLE TO TIDAL OR SUBMERGED LANDS.

(a) CLAIMS BY THE STATE OF ALASKA.—No provision of this Act shall be construed to invalidate or validate or in any other way affect the State of Alaska's claim that title to any or all of the tidal or submerged lands conveyed or to be conveyed hereunder vested in the State at statehood nor shall any actions taken pursuant to or in accordance with this section operate under any provision or principle of law to bar the State of Alaska from asserting at any time its claim of title.

(b) OTHER CONSIDERATION.—Should it be determined by a final order, not subject to further appeal and issued by a court of competent jurisdiction, that title to some or all of the lands conveyed or purported to be conveyed under the authority of this section is in the State of Alaska, then within six months after the final order the Secretary shall take all actions necessary to achieve rescission and restitution to establish status quo ante with regard to the exchange authorized in section 2 of this Act unless Koniag and the Secretary mutually agree to the identity of other consideration to be granted to Koniag, which consideration shall have a value equal to the value of those lands, the title to which is in the State of Alaska or mutually agree to extend the six month period.

SEC. 6. RESTRICTIONS AND LIMITATIONS.

In order to protect the United States Coast Guard Holiday Beach receiver site, the lands to be conveyed to Koniag under

subsection 2(b) of this Act shall be subject to the same restrictions and limitations on their use as are the adjacent lands which were conveyed to Koniag subject to the agreement dated December 9, 1977, between the Commandant of the United States Coast Guard and Koniag. Such restrictions and limitations shall be considered in determining the fair market value of the lands under section 3 of this Act.

The SPEAKER pro tempore. Is a second demanded?

Mr. YOUNG of Alaska. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Massachusetts [Mr. STUDDS] will be recognized for 20 minutes, and the gentleman from Alaska [Mr. YOUNG] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Massachusetts [Mr. STUDDS].

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

Mr. Speaker, H.R. 5264 is a bill to modify the boundaries of the Alaska Maritime National Wildlife Refuge by authorizing an exchange of lands between the refuge, which is on Kodiak Island, and Koniag, an Alaskan Native corporation.

There is no question, based on the testimony that we have received from the U.S. Fish and Wildlife Service, that the wildlife values of the lands being acquired by the Service in this exchange far exceed the wildlife values of those being turned over to the corporation. The key issue, then, is whether a fair overall value for the lands can be established. And also whether the State of Alaska might possibly have a claim to some of the lands involved. Through the efforts of the bill's author, Mr. YOUNG, whose wisdom in matters requiring a compromise would put even King Solomon to shame, these issues have been satisfactorily resolved.

This is a good bill. It is supported by the administration. And it will make a small, but significant, contribution to the conservation of fish and wildlife resources for the United States. I hope—and believe—that it will be approved without controversy today.

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

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 5264 and urge its adoption.

This bill directs the Secretary of the Interior to accept title to approximately 209 acres of wetlands on Kodiak Island, AK, in exchange for conveying submerged lands of equal value to Koniag, Inc., an Alaska Native corporation.

The bill provides a means of appraising the fair market value of the lands in question and resolving disagreements over values. It protects the right of the State of Alaska to exercise a claim of title to the submerged lands, with a provision for Koniag to be compensated with alternative lands if the title challenge is successful. The bill also ensures that certain restrictions on use of the submerged lands would continue in effect if necessary to avoid interference with Coast Guard communication systems.

Mr. Speaker, this bill expands the Alaska Maritime Wildlife Refuge at no significant cost to the U.S. taxpayers. It has been thoroughly reviewed by all parties affected and they agree that it should be passed.

Finally, Mr. Speaker, I want to thank my colleagues on the majority for their help in expediting approval of this bill, and I want to specially thank the majority and minority staff of this committee who spent hours resolving problems with this small but important land exchange bill.

I urge passage of H.R. 5264.

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

Mr. Speaker, let me just say that it takes an extraordinary person to represent an extraordinary State. The gentleman from Alaska [Mr. Young] has done it in an exemplary fashion, and this is just the most recent example.

Mr. Speaker, I yield back the balance of my time.

Mr. YOUNG of Alaska. Mr. Speaker, I yield back the balance of my time.

Mr. SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts [Mr. Studds] that the House suspend the rules and pass the bill, H.R. 5264, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended, and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

SENSE OF CONGRESS REGARDING NEED FOR A NATIONAL POLICY TO REBUILD INFRASTRUCTURE

Mr. ANDERSON. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 362) expressing the sense of Congress concerning the need for a national policy to rebuild the infrastructure of the United States as amended.

The Clerk read as follows:

H. CON. RES. 362

Whereas the United States must invest in the core infrastructure of the Nation (including roads, bridges, public transit, airports, public buildings, and water supply and wastewater treatment facilities) in order to ensure that the quality of life so

valued by this generation will be in place for future generations;

Whereas it is widely recognized that the condition of the infrastructure of the United States is at a crisis stage thereby endangering public safety, jeopardizing the economy, and diminishing the overall quality of life in the United States;

Whereas recent economic studies demonstrate a direct link between infrastructure spending and economic growth and productivity;

Whereas capital investment by the United States in public works dropped from 2.3 percent of the gross national product in 1960 to less than 1.1 percent of the gross national product in 1985;

Whereas the United States currently ranks 55th in the world in capital investment in public work;

Whereas Congress has left unspent multi-billion dollar balances in transportation trust funds;

Whereas the American Association of State Highway and Transportation Officials estimates that an annual capital investment of \$80,000,000,000 to \$100,000,000,000 is required to meet future highway transportation needs;

Whereas current annual expenditures by all levels of government for highway transportation needs is \$66,000,000,000;

Whereas over 41 percent of the 577,710 bridges listed in the 1988 National Bridge Inventory are either structurally deficient or functionally obsolete and the Federal Highway Administration estimates that, between 1990 and 2005, a \$93,000,000,000 investment in bridges will be needed;

Whereas the situation facing the Nation's overburdened airport and airway system is becoming critical;

Whereas according to the Federal Aviation Administration, more than 696,000,000 passengers per year are expected to fly on commercial airlines by 1998;

Whereas this figure represents a 70 percent increase from the 409,000,000 passengers which the Federal Aviation Administration estimates flew on commercial airlines in fiscal year 1986;

Whereas since 1980, there has been, in real terms, a 50 percent reduction of Federal spending in mass transit and the American Public Transit Association reports that doubling Federal investment in mass transit is necessary;

Whereas the Environmental Protection Agency has estimated that over the next 10 years roughly \$56,000,000,000 is needed for capital construction to meet water supply needs;

Whereas the Environmental Protection Agency has estimated that 10,835 wastewater facilities have documented water-quality or public health problems and that wastewater treatment plant construction will require an additional investment of \$83,500,000,000 to meet the needs of the United States population in 2008;

Whereas the General Services Administration has estimated that more than 12,000,000 square feet of Federal office and court space needs to be built over the next 5 years to meet presently identified needs; Now, therefore, be it

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

(1) 1991 should be considered as Rebuild America Year;

(2) a national effort to rebuild the infrastructure of the United States should be undertaken to provide assistance to States and

localities in meeting core infrastructure needs;

(3) the multibillion dollar balances in the Highway and Airport Airway Trust Funds should be spent down as part of a national effort to rebuild the infrastructure of the United States;

(4) the President should work with Congress to establish a comprehensive national infrastructure policy and to revitalize and supplement existing programs in order to achieve this goal;

(5) Federal, State, and local governments (including public works agencies), and the private sector should share their expertise and support in formulating and developing a national effort to rebuild the infrastructure of the United States; and

(6) the President and Congress should dedicate appropriate funding, including innovative financing incentives, to implement a coordinated and cooperative national effort to rebuild the infrastructure of the United States.

The SPEAKER pro tempore. Under the rule, a second is not required on this motion.

The gentleman from California [Mr. ANDERSON] will be recognized for 20 minutes, and the gentleman from Arkansas [Mr. HAMMERSCHMIDT] will be recognized for 20 minutes.

The Chair recognizes the gentleman from California [Mr. ANDERSON].

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

Mr. Speaker, this year the Committee on Public Works and Transportation has been working to heighten the awareness of our colleagues and the public on the Nation's infrastructure crisis. We have held hearings here in Washington on infrastructure needs and the impact of infrastructure on our Nation's economy and productivity. We have had a roundtable discussion with a panel of distinguished economists.

In order to get a better handle on local infrastructure needs, we have held 10 field hearings with additional ones scheduled. We have also scheduled for October a technology fair to exhibit emerging infrastructure innovations.

Consistent with these efforts is House Concurrent Resolution 362 which expresses the sense of the Congress concerning the need for a national policy to rebuild the infrastructure of the United States.

Before I address the resolution, I would like to pay special recognition to my good friend and colleague, the gentlelady from California, [Mrs. BOXER], who worked with me very closely in developing this measure and who has been an enthusiastic supporter of the infrastructure cause.

House Concurrent Resolution 362 points out the inadequacies of our existing public facilities and includes estimates of the dollars needed to meet our infrastructure needs.

It expresses the sense of Congress that: 1991 should be considered as re-

build America year; a national effort should be undertaken to help States and localities meet their core infrastructure needs; we should spend down the highway and aviation trust funds and these funds should not be used to reduce the deficit; the President and Congress should work toward establishing a comprehensive national infrastructure policy; Federal, State, and local governments should share their expertise; and the President and Congress should dedicate appropriate funding to rebuild our infrastructure.

Let me tell you why this resolution and our infrastructure is a national priority.

The answer is our economy.

The United States ranks 55th in the world in capital investment; Japan spends five times more than we do on infrastructure; and West Germany's annual productivity rate is three times ours.

Infrastructure is not just potholes; it is productivity.

Infrastructure is not only concrete; it is competitiveness.

Yet what we see today is a system of peril, not pride: 60 percent of our highways and 41 percent of our bridges are in need of work; traffic congestion has increased over 50 percent in the last 10 years. In our Nation's largest urban areas, 2 billion hours of time are lost annually. If you're delayed 20 minutes each day in rush hour, by the end of your career, you will have wasted 2 working years; by the year 2000, traffic delays caused by inadequate roads will cost us \$50 billion in lost wages and wasted gasoline; no new airport has been built in this country since 1974; many of our urban water systems are over 100 years old and lose as much water as they move, and countless jobs are being lost.

We face a national problem of alarming dimensions and this resolution says we must do something about it.

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

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

Mr. Speaker, I rise in support of House Concurrent Resolution 362. The evidence is overwhelming that our Nation's infrastructure is in a serious state of deterioration. Study after study has painted a grim picture of crumbling roads and bridges, sewage treatment plants at full capacity, congested airports, aging navigation locks, and inadequate water systems.

In addition, our committee, under the able leadership of Chairman GLENN ANDERSON, has conducted a series of infrastructure hearings here in Washington and across the country. These hearings have confirmed the results of two decades of underinvestment in our basic public facilities.

While turning the situation around is going to be costly, the investment simply must be made if we expect to experience economic growth, compete internationally, and continue the standard of living that we have all come to enjoy and expect.

I want to commend Chairman ANDERSON for introducing this resolution. Establishing the year 1991 as the rebuild America year points us in the right direction. This resolution expresses the sense of Congress that a national effort should be made to rebuild the Nation's infrastructure and to provide assistance to States and localities to meet their core infrastructure needs.

The resolution calls for the sharing of expertise among Federal, State, and local governments and the private sector. As a result of the committee's infrastructure hearings, we now have a much better understanding of the needs and capabilities of those at the State and local level and in the private sector.

The resolution also calls for the dedication of appropriate funding for this national infrastructure effort. However, we will only be able to achieve success if we continue to spend highway and aviation user taxes for highway and aviation improvements, and for no other purpose, including deficit reduction.

Included language to that effect in the resolution during committee consideration, and I hope that those involved in the budget summit will get the message and make certain these user taxes—which do not contribute to the Federal deficit—are not used to reduce the deficit.

We must not break faith with those who paid their gasoline and airline ticket taxes with the assurance that the revenue would be spent on our highway and aviation systems.

Mr. Speaker, this resolution makes a strong and timely statement, and I urge its passage.

□ 1210

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

Mr. ANDERSON. Mr. Speaker, I yield 3 minutes to the gentleman from Texas [Mr. GEREN].

Mr. GEREN of Texas. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I would like to begin by commending the distinguished chairman of the committee, the gentleman from California [Mr. ANDERSON], and our distinguished colleague, the gentleman from Arkansas [Mr. HAMMERSCHMIDT], for the hard work they have put into this and for the leadership they have shown on this issue.

Mr. Speaker, I rise today in support of House Concurrent Resolution 362, expressing the sense of Congress concerning the need for a national policy

to rebuild the infrastructure of the United States.

Mr. Speaker, what is it that has changed this country from a series of isolated populations, separated by miles of undeveloped territory? What is it that makes people from the most populated areas willing to settle in the most remote? The answer is our network of roads, bridges, and airways that connect the furthest regions of this vast country. It is our infrastructure.

The word "infrastructure" has a power not many other words in the English language have—the power to make people's eyes glaze over with a single utterance. Very few people would admit to being overly concerned about our Nation's infrastructure. But most people care a great deal more about it than they realize. And right now, Japan is spending five times as much per capita on infrastructure as we do, and Germany three times as much.

People care very much when a bridge collapses, especially when the cause of the accident is neglect, and they care when floodwaters stand 5 feet deep in their living room. People care when inadequate transportation routes drive economic investment away from their communities. People care when out-dated and over-used water systems collapse, leaving their homes without running water. These are the consequences of our decaying infrastructure, and they touch us every day.

The declining state of our infrastructure has serious consequences for both our local and national economies. Right now, Texas is second only to California in overall transportation volume, and already 11 percent of our urban roads and 5 percent of our rural highway miles are categorized as "deficient." Traffic congestion costs Fort Worth and Dallas drivers \$1.5 billion each year in gas and lost time.

Our bridges may be in worse shape. Nearly 45 percent of our Nation's highway bridges are rated deficient. Let's put this in dollars and cents—if a closed bridge causes 2,000 cars and 200 trucks to detour just 5 miles every day, the cost reaches almost \$1 million per year.

And what about air transportation? The passenger load at our Nation's airports is expected to more than double by the year 2010. According to the Federal Aviation Administration [FAA], 20 of our largest airports are already operating in excess of their design capacity. This shortage of capacity is costing us billions of dollars in air and ground congestion and delays, but with the exception of the planned expansion at DEN and in Denver, there is no significant expansion on the drawing boards.

Unfortunately, spending on infrastructure has been the orphan child of the U.S. budget crunch for years, losing out to other domestic spending and defense needs. Like all deferred expenses, however, the bills are coming due, and if we do not ante up now, we will pay dearly in the future.

Mr. Speaker, these are the reasons we must pass House Concurrent Resolution 362. This legislation would designate 1991 as "Rebuild America Year," which would usher in a national effort to rebuild this Nation's infrastructure by aiding States and cities in their efforts to meet their needs; and it would call for the highway and airport and airway trust funds to be spent for the purpose they were intended—to improve our national infrastructure—not to deflate budget deficit numbers.

This legislation would call on the President to work with the Congress to establish this policy and use existing but neglected programs to achieve this goal; it also urges Congress and the administration to explore and implement innovative incentives to make the rebuilding of our infrastructure a truly national effort.

Mr. Speaker, there is nothing more important to the long-term economic health of our country than infrastructure investment. A sound infrastructure means job growth, productivity increases, and a rising standard of living. Infrastructure neglect means we are moving backward. A pothole grows larger by the day, airport delays only increase, and an unrepaired bridge only gets weaker.

We enjoy the highest standard of living in the world and the finest quality of life because those who came before us built roads, bridges, dams, airports, and canals. We owe succeeding generations the same commitment to their future.

Mr. Speaker, I urge my colleagues to support House Concurrent Resolution 362.

Mr. HAMMERSCHMIDT. Mr. Speaker, I yield 3 minutes to the distinguished and able gentleman from Pennsylvania [Mr. CLINGER], the ranking member of the Subcommittee on Aviation.

Mr. CLINGER. Mr. Speaker, I would like to thank the chairman and the ranking member for bringing this resolution to the floor and providing me the opportunity to speak in support of it. We all know the vital role that the infrastructure plays in the performance of our economy, and with the highway reauthorization bill coming before Congress next year, it is entirely appropriate that 1991 be considered a year of renewed attention to the Nation's public facilities.

This country spends a tremendous amount of money on infrastructure—about \$132 billion by all levels of government in 1988. Nonetheless, we are

used to spend even more, and it is undoubtedly necessary, for there seems to be a great number of investment opportunities still available in the Nation's infrastructure systems. The trouble is, the current fiscal environment will not allow us to finance all the projects that would seem to deserve it.

That is why I, and a number of my colleagues in the House Wednesday group, have been looking at ways to improve the effectiveness of each dollar that Congress spends in its public works programs. We believe that the country cannot hope to overcome the infrastructure challenge unless we look at issues other than how much we are spending. If attention is limited only to the difference between what we are actually spending, and what some people say we ought to be spending, we will never solve our problems. Quite simply, the task of meeting our infrastructure needs will, in that case, appear too daunting and too expensive even to attempt.

But the attempt must be made. I and my Wednesday group colleagues have identified a number of issues that deserve the attention of Congress and that I thank the Chairman for including in this resolution. Among these issues are the development of innovative financing techniques, the revitalization of public-private partnerships, and the acceleration of technological advances.

In the areas of infrastructure finance, an important goal is to improve the incentives that Federal aid creates on the State and local levels. At present, Federal aid often creates distortions that discourage maximum fiscal effort and contribute to the problem of underinvestment. These distortions can be eliminated only by changing the Federal grant structure. We are developing a proposal that would reward those States that boosted their highway investment on the Federal-aid system. At present, the Federal highway program does not help those that help themselves. We would like to change this.

Also in the area of infrastructure finance, Federal policy should seek to engage the private sector in the effort to meet national needs. This would involve allowing the States to use at least some portion of their Federal aid on facilities built and operated by private firms. Such a policy would not only attract private capital to public purposes, but might also result in projects that took relatively little time and money to complete.

In addition, public toll roads could be given a new lease. Tolls on certain interstates already provide some States with substantial amounts of highway money, but under current law, many of these tolls must be removed in the years ahead. This would

be an unnecessary blow to State highway budgets, which are already under great stress. It would be the opposite of rewarding the States for investing in infrastructure, a key goal of the Wednesday group project.

Finally, to shrink the price tag on meeting needs, Congress and the President should consider expanding the budget for infrastructure research and development. Perhaps no aspect of modern life has so escaped the technology boom of the last decades as has the public infrastructure. To a great degree, we are providing facilities and services at the end of the cold war precisely the same way we did at the end of the Second World War.

This can change. New materials and new technologies can reduce the costs of providing infrastructure and can increase the performance of existing facilities. To give you an indication of the benefits to be had from infrastructure R&D, I would point out that the California Department of Transportation has estimated that it realized a return of 280 to 540 percent of its R&D spending. That's the kind of investment this Nation should not be foregoing.

My only caution would be that in supporting infrastructure R&D, we not limit ourselves to the glamour projects. Magnetically-levitated trains are alluring, but it is the mundane projects that will find widest application across the country.

I and my Wednesday group colleagues believe that these kinds of ideas are vital to meeting the challenges that infrastructure poses. We hope that our work will be of interest to everyone in this Chamber, and we think it will because infrastructure has always been a bipartisan issue. Public capital investment is too vital to our future to be an issue for gaining political advantage. Again, I thank the chairman and ranking member for providing me the opportunity to speak in favor of the measure, and I applaud them for focusing attention on this important issue.

Mr. ANDERSON. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey [Mr. ROE].

Mr. ROE. Mr. Speaker, I rise in support of this infrastructure resolution, House Concurrent Resolution 362.

What we are talking about are the basic life-support systems that touch the lives of every man, woman and child in our country. Where safe drinking water is involved, we are talking about life itself. Our basic life-support systems are essential to the economic vitality of our communities. Without adequate public facilities, business and industry cannot develop and grow and provide the means for us to improve our standard of living and quality of life.

We can no longer ignore that our infrastructure problems are nearing a crisis stage. The evidence is vast and growing that we cannot continue to delay addressing the Nation's public works needs.

A report on America's public works by the National Council on Public Works improvement entitled "fragile foundations" found convincing evidence that the quality of America's infrastructure is barely adequate to fulfill current requirements and insufficient to meet future economic growth and development.

The Committee on Public Works and Transportation, in a series of hearings at sites throughout the Nation, has received considerable testimony affirming that States and local communities are struggling to cope with inadequate highways, bridges and other facilities that have a direct impact on unemployment and their economies in general. While they are doing their best to meet their problems they desperately need help from the Federal Government to match their infrastructure efforts.

The job of rebuilding America could well be the most expensive challenge we will face in this decade, and for many years to come. But if we don't start to do something about the situation now, our economic strength will weaken, and we could well lose our ability to compete effectively in today's and tomorrow's world markets.

I want to commend Chairman GLENN ANDERSON for taking the initiative at this time to move ahead on this important issue. We must start now to deal with our infrastructure needs and realize that the longer we delay, the more costly the job will be.

I urge my colleagues to vote overwhelmingly for House Concurrent Resolution 362.

□ 1220

Mr. ANDERSON. Mr. Speaker, I yield 3 minutes to the gentlewoman from California [Mrs. BOXER].

Mrs. BOXER. Mr. Chairman, I thank the gentleman for yielding. I am very strongly supportive of this resolution, which I was privileged to work on with the gentleman from California [Mr. ANDERSON], the chairman of the committee. I want to take time to pay tribute to the gentleman from California [Mr. ANDERSON], who has worked so hard to explain to this Congress and to the American people, that an investment in our roads, in our highways, in our bridges, in our water systems, in our transit systems, is an investment in our prosperity.

The cold war is over and we find ourselves in a new kind of war. It is an economic war, or an economic competition. We cannot win it if we cannot move our people and we cannot move our goods. We simply cannot win it.

Mr. Speaker, it is long past the time that we rebuild America. In my own State of California we have taken up the challenge to retool our infrastructure to meet the competitive demands of a modern State. The people just voted to increase their gasoline taxes by 9 cents and to put those moneys into the infrastructure, into transit, into highways.

But California and the other 49 States of this country cannot do it alone. Since the founding days of this Republic, infrastructure has been a national concern, and this Congress cannot let this negative continue.

Mr. Speaker, for too long we have paid attention to the defense infrastructure of Western Europe and Japan, while our bridges, our roads, and our airports have sagged from neglect. Now these are our foreign competitors, and today, this very day, we are spending \$30 billion a year just on foreign bases, most of that in Europe and Japan.

Our taxpayers today, Mr. Speaker, are paying more to support NATO than all the countries of Europe combined. I say it is time to bring some of those dollars home.

Mr. Speaker, the United States ranks 55th in the world, as the gentleman from California [Mr. ANDERSON] taught us today, in capital investment. We should be first. We should be first. It seems to me that this resolution is the very first step we can take to declare in a bipartisan way that rebuilding our infrastructure is the way we are going to bring prosperity to America.

Mr. Speaker, one more point: Traffic congestion has increased over 50 percent in the past 10 years. Two billion hours of time are lost annually by commuters in our largest cities. By the year 2000, traffic delays caused by inadequate roads and transit systems will cost us \$50 billion in lost wages and wasted gasoline.

Mr. Speaker, let us bring prosperity to America. Let us invest in our infrastructure. Let us support this bipartisan resolution and say to America, we are ready to invest right here at home.

Mr. ANDERSON. Mr. Speaker, I yield such time as he may consume to the gentleman from Virginia [Mr. PAYNE].

Mr. PAYNE of Virginia. Mr. Speaker, I rise in strong support of House Concurrent Resolution 362. In addition to calling for a national infrastructure policy, this bill will ensure highway and aviation user fees will be used to build roads and airports, and will not be used to mask the size of our deficit.

As Congress begins to address the post-interstate system to establish the role the Federal Government will take as far as highways and other transportation modes are concerned, we must continue to develop a comprehensive plan regarding our national goals for transportation. Transportation is an integral part of our economy. Almost 20 percent of our

gross national product is dedicated to transportation. An inadequate transportation system increases costs across the board across the country.

Every time we in America fill up our gas tank; every time we purchase an airline ticket. We are paying taxes which are intended to improve our Nation's infrastructure. We have made a commitment that the taxes we pay at the gas pump will be used for highway projects and the 8-percent ticket tax will be used to improve our Nation's airports. However, all of the money being collected is not being used for its intended purposes. At the end of fiscal year 1989, we had an uncommitted balance of more than \$5 billion in the highway account and about \$7 billion surplus in the aviation trust fund.

What are these funds being used for? During the hearings that the Committee on Public Works and Transportation has held on this matter, it is readily apparent that they are not fully being spent for infrastructure improvements. They are partially being used to mask the size of the Federal deficit.

Such action has already had a serious, detrimental effect on our economy. There is a proven linkage between infrastructure investment and economic development. David Aschauer, a senior economist with the Federal Reserve Bank of Chicago, has testified before the Committee on Public Works and Transportation on the importance of infrastructure to our future. According to his studies, productivity increased at a rate of 2 percent per year between 1950 and 1970. However, from 1971 to 1985, we experienced a 1.2-percent decrease in productivity growth. During the same time periods, our investment in infrastructure mirrored our productivity growth rate. Annual growth rates in infrastructure fell 2.5 percent from a rate of 4.1 percent in the 1950 to 1970 timeframe to 1.6 percent between 1971 to 1985. The United States now ranks 55th in the world in capital investment in infrastructure.

This bill calls for the end of this unfortunate situation. We should not allow our Nation's infrastructure to continue to crumble. We have made a major investment in our roads, airports, and bridges. A solid transportation system is vital to our Nation's growth and economic competitiveness. We should make every effort to ensure that we have a strong, viable transportation system to support economic development and no longer violate the agreement established that taxes collected for transportation purposes will be used for transportation improvement.

Mr. HAMMERSCHMIDT. Mr. Speaker, I yield 3 minutes to the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. Mr. Speaker, I thank the gentleman for yielding. I really was not planning to talk on the resolution, until I heard the illogical diatribe a couple of minutes ago. It seems to me it is kind of interesting we get juxtaposed out here on this business of capital investment.

I am curious, the chairman of the committee used the figure earlier that we ranked 55th in the world in capital

investment. Can the gentleman from California [Mr. ANDERSON] tell me what that figure is based upon? Is that based upon GNP? Is it based upon per capita? Can someone tell me what that figure comes from or what that figure means?

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

Mr. WALKER. I yield to the gentleman from California.

Mr. ANDERSON. Mr. Speaker, that was per capita, and we got it from the Federal Reserve Board.

Mr. WALKER. Reclaiming my time, it is per capita. That is based upon total capital investment per capita. So that includes private investment and public investment, is that correct?

Mr. ANDERSON. Mr. Speaker, if the gentleman will yield further, local, State, and Federal.

Mr. WALKER. Reclaiming my time, it also includes the private investment?

Mr. ANDERSON. Yes.

Mr. WALKER. In other words, we are talking about something here that relates to the totality of the economy on a per capita basis. Well, now, that is fascinating, because all I have heard talked about here as we have discussed the issue is the business of how much the Federal Government ought to be spending out of its money.

The fact is that capital investment also involves substantial amounts of capital flowing from the private sector into what we need to rebuild our factories, to form new businesses, that allows us to have the jobs created in new industries. It involves a lot of different things that have to be done if you are going to invest the capital necessary to keep the country moving.

Yet for days now we have had members of the Democratic Party coming to the floor and just going apoplectic on the floor over the idea that we might lower the capital gains tax. Now, somebody who does not think that lowering the capital gains tax does not fit into the picture of capital investment has not looked at where capital investment is being made in the world. It is being made in places like Germany, Japan, and European countries that have very, very low capital gains taxes, or no capital gains taxes.

What does that mean? It means you get a flow of capital into the economy from the private sector as well as the public sector. Now, I do not think you ought to come to the floor and discuss the fact that we are 55th in capital investment and suggest that somehow doing the shoring up of our tax system is not also a part of that. Yet I have not heard any of that. All I have heard is how much money the Federal Government ought to spend in addition to what it is now spending as the solution to our capital investment problems.

That, my friends, is just plain nonsense. In a \$5 trillion economy, we need far more than the billions of dollars that are in trust fund accounts. We need to have also a tax system that encourages capital investment in our future.

Mr. ANDERSON. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio [Mr. APPELATE].

Mr. APPELATE. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I would just mention to my friend, the gentleman from Pennsylvania [Mr. WALKER], who was talking about the capital gains tax and how they are trying to cut it back, that money will slowly come into helping infrastructure and all, I can say that the corporate and individual taxes have already come down to the tune of many billions, and billions, and billions of dollars, and what has happened? The trickle-down theory did not work, because they did not put it into the structure that should have been fixed, and therefore that is why we are having the trouble we are having.

Mr. Speaker, what I want to say is, I want to thank the gentleman from California [Mr. ANDERSON] and the gentleman from Arkansas [Mr. HAMMERSCHMIDT] for bringing this to the floor, because infrastructure is one of the most important issues we are going to have in the 1990's. It is going to be right along there with health, right along there with education, and some other very vital issues.

I know that the aging infrastructure, and I am talking about basically highways, bridges, sewer and water, public transportation, in the Eastern part of the United States has been deteriorating over the years, and particularly in the Eastern part.

Mr. Speaker, I know in Steubenville, OH, when we tore down some old housing to build some new public housing, when they finally got into the ground what they dug into and dug out was old water and sewer lines made of oak and cypress wood. They had been in the ground for a good many years. We need to have those things replaced.

In the mid-1980's, U.S. News & World Report came out with a front page cover that said the infrastructure problem in this country is a \$1.5 trillion problem. It is. But today it is over \$3 trillion. Deteriorating infrastructure is continuing to increase.

Compounding this is out at Andrews Air Force Base our summeiteers are looking at new taxing methods, and one of those is to tax gasoline, adding to it. For many parts of infrastructure, this is the only method of funding, to rebuild highways and bridges and public transportation and providing highway safety. Why are they going to do it?

□ 1230

They are going to do it to balance the budget. Not a penny of it is going to go into infrastructure.

But why should gasoline users have to be blamed for all of that? There is no deficit there. We are running a profit in the highway trust fund. We only spend on the infrastructure and highway trust fund the amount of money that we are taking in.

I think if they are looking back at 25 cents and 50 cents, this would ruin the integrity of the highway trust fund, and people would be shortchanged, and therefore I want to thank the gentleman from Arkansas [Mr. HAMMERSCHMIDT] for the amendment that he had put into this bill which would protect the integrity of the highway trust fund, and say that there will be no additional taxes put on to balance the budget. I think that is a good direction to go.

But if America is to move into the 21st century as a leader of nations, it has to take care of its own infrastructure first, and if we do not do that, we are not going to be able to.

Mr. ANDERSON. Mr. Speaker, I yield 3 minutes to the gentleman from Pennsylvania [Mr. BORSKI].

Mr. BORSKI. Mr. Speaker, I rise in strong support of House Concurrent Resolution 362, which expresses the sense of Congress concerning the need for a national policy to rebuild the public works infrastructure of the United States. I want to commend the chairman of the Public Works and Transportation Committee, Congressman GLENN ANDERSON for introducing this very important resolution, and for his strong leadership on the issue of revitalizing America's public works infrastructure. This resolution sends a strong and clear message that the condition of America's roads, bridges, airports, and public transit facilities is at a crisis stage, and that we must act now to establish a national program to rebuild and modernize them.

House Concurrent Resolution 362 proclaims 1991 as "Rebuild America Year," and it sounds a call to Federal, State, and local governments, and the private sector, to join together in solving the very serious infrastructure problems facing the country today.

Mr. Speaker, if the United States is going to compete successfully in today's tough global economy, we must have a modern and efficient transportation system which is second to none. Good jobs and prosperity for our people depend upon the Nation's ability to move people, goods, and services swiftly and efficiently.

Nothing less than the future economic security of the country is at stake. Since 1960, U.S. capital investment in public works has dropped from 2.3 percent of GNP to less than 1 percent.

This dramatic decline in capital investment has caused the condition of the Nation's roads, bridges, highways, and public transit to deteriorate significantly. Every day millions of Americans experience transportation gridlock which is destroying the Nation's economic competitiveness and threatening the jobs of American workers.

It is hard to believe, but America currently ranks only 55th in the world in capital investment in public works.

While our Nation's investment in public works has steadily declined, Germany, Japan, and many other countries are investing huge sums on new roads, airports, public transit, and high-speed rail systems.

These nations understand the importance of a strong public works infrastructure to an expanding and productive economy.

Japan is one of the best examples.

That country's capital investment in public works is 17 times that of the United States.

It should come as no surprise to learn that during the last 20 years, Japan's economic productivity has grown at a rate which is five times that of the United States.

Mr. Speaker, the United States can no longer afford policies which neglect the Nation's public works infrastructure.

We cannot afford the hundreds of thousands of obsolete and unsafe highways and bridges.

We cannot afford the huge reductions in Federal spending on public transit.

And we cannot afford the failure to build a single new airport in almost 20 years.

I believe the time has come for America to reclaim its tradition as a nation which invests and builds in its future.

Let us spend down the billions of dollars which are sitting in the highway and aviation trust funds. Let us join together in support of a new national consensus to rebuild the Nation's public works infrastructure.

Mr. ANDERSON. Mr. Speaker, I yield 1 minute to the gentleman from West Virginia [Mr. WISE].

Mr. HAMMERSCHMIDT. Mr. Speaker, I yield 1 minute to the gentleman from West Virginia [Mr. WISE].

Mr. WISE. Mr. Speaker, I appreciate both the full committee chairman, the gentleman from California [Mr. ANDERSON], and the ranking minority member, the gentleman from Arkansas [Mr. HAMMERSCHMIDT], for displaying that teamwork which they have displayed so well throughout the debate on infrastructure and the need to get this kind of resolution to the floor to begin building our country.

I would just say I too rise in strong support of House Concurrent Resolution 362. I want to be involved in

building America, and when we talk about infrastructure we are talking about the sewers, the roads, the bridges, the airports, the water systems, the hazardous waste disposal sites, the solid waste facilities, all of which go to make us more competitive.

It is interesting to note that in the past 20 years the percentage going to our infrastructure of the public investment has dropped by one-half in its relation to our gross national product, and correspondingly we have seen decreases in our economic growth. The Federal Reserve Board for the first time has demonstrated clear and unequivocal links that relate infrastructure development with productivity, that is, if you invest more in infrastructure you get more back in productivity. Look at the gains in other nations, those nations which we point to as models, economic engines for development. Those are the nations making public investment in their infrastructure.

So I think it is important that if we are tired of sitting in jammed up airports, if we are tired of sitting it out in traffic jams that seem to go nowhere, if we are tired of winding our way around orange barrels indicating another crumpled road or bridge, then we have to be investing in infrastructure in our country.

From the Budget Committee standpoint, I am urging a capital budgeting perspective that says there is a return on investment we should be accomplishing and which recognizes the dollar that goes into the highway today is repaid many times over in years to come. Americans want to be building, Mr. Speaker, its roads and its bridges. Americans want to build, not simply maintain what they have. Americans want to build, not watch crumble what it has already invested in, and America wants to be building so that we can be competing, and that is what this resolution says. Let us get about the job of building.

Mr. ANDERSON. Mr. Speaker, I yield my remaining 2 minutes to the gentleman from California [Mr. MINETA].

Mr. HAMMERSCHMIDT. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. MINETA].

Mr. MINETA. Mr. Speaker, I want to commend the chairman of our committee, the gentleman from California [Mr. ANDERSON] and the ranking Republican, the gentleman from Arkansas [Mr. HAMMERSCHMIDT] for their leadership not only as it relates to House Concurrent Resolution 362, but on this whole issue of rebuilding America. There is no question that pressing the need to rebuild the Nation's infrastructure is a very important issue. A sound American infrastructure is absolutely essential if the United States is to flourish in the

1990's and enter the 21st century as a leader.

As we have said, a sound American infrastructure will bolster our ability to compete in an international marketplace, and our American infrastructure is going to give the ability to local and State governments to have domestic economic development.

Infrastructure also helps in terms of the environment, in terms of our quality of life, and it helps in terms of improving public safety.

One of the things I think that is important is the issue that the chairman of our committee has brought up, and that is that in terms of investment we are 55th in the world. The reason that this is so important is that investment begets investment, and there has to be a unity between the public sector investment and private sector investment.

I am one of those who have consistently supported the lowering of the capital gains tax because I think it is important that the public sector and private sector work together in terms of investment.

□ 1240

The problem that I see is the fact that in the 1960's and the 1970's, between local, State, and Federal Government, we had on the average in the 1960's and the 1970's a net investment of 2.3 percent in infrastructure. The problem is that in the 1980's that has dropped to 4 tenths of 1 percent, and that is reflected, I think, in terms of the fact that we have had urban congestion increase by 60 percent in the last 10 years, that we have our sewer system crumbling, our road system crumbling, and it is not a question of either-or kind of investment being made. It is a question of how do the public and the private sectors work together.

It is a question of how do we get the public and private sector, given the fact that we are in an international global marketplace now, and so how is the infrastructure going to be able to help our companies in this country to be able to compete in an international marketplace.

There is no question that infrastructure, whether it be the sewer system or the road structure, is important for industry to make their investment in plant and equipment to be able to move goods from place of manufacture to our ports, and I think this is an important part of what we are trying to say in this resolution is that investment does beget investment, and it does require that the public sector be committed to that.

We know that there are limited Federal funds to be able to do this, and that is why, in infrastructure, we are saying, yes, private sector, we need your participation in this effort. I

think, as we rewrite our 1991 legislation, especially as it relates to highways and mass transit, we will be saying, yes, we need more players at the table. We will be involving ourselves probably in financing of toll roads and other kinds of private efforts so that we can get in fact this kind of unity between the public sector and the private sector so that we can make sure that we have the infrastructure to take care of us in the 1990's, especially as we enter into the 21st century, to make sure that we are able to compete in an international global marketplace.

Mr. HAMMERSCHMIDT. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. Mr. Speaker, I thank the gentleman for yielding me this time.

We keep throwing up this figure that we are running 55th in the world. I asked what the nations were that were ahead of us. We do not seem to have a list on the floor of who that may be, that what we have is a reference in some publication here called "America's Infrastructure, Preserving Our Quality of Life," from a group called Rebuild America, that says down in it that the United States now ranks 55th in the world in capital investment in infrastructure.

It would be interesting to know what that figure means, because on up it talks about gross national product, and then it talks about public works investment. I am not just exactly certain what that figure means. If you are talking about the amount of money that goes out of governments into public works kind of projects, my guess is that there may be a lot of nations formerly in the Eastern bloc that might show up very high on a list of capital investment of that kind.

It would be very useful, I think, to know what that list includes and who these people are. I have a hard time understanding that on a per-capita basis in a \$5 trillion economy how we could be down that low even if you take the amount of money that our Government spends, and it may not be enough, in a nation as rich as ours, but it is awfully high, and if you include in, as the gentleman from California told me, the States and localities and all these people who are investing in highways, that is a pretty substantial figure. So you have got to be using percentages somewhere along the line here, and if you get to the percentages, my guess is that there are people like the Soviet Union, Romania, East Germany, and folks like that that might end up pretty high on that list.

I will tell the Members that I have seen the infrastructure in some of those countries, and, "It ain't too good," and yet they put an awful lot in their treasury, and they tax the wal-

lopy out of the people and put a lot of money into those projects because all the money flows through the government.

Now, if that is what we are talking about here, then I think we ought to be honest with people what it means.

Mr. HAMMERSCHMIDT. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, I think the main thrust of this resolution is to recognize the fact that we do have crumbling basic public facilities all across this land and that there are multibillions being held up in trust funds that were paid in by users, and the users expect us to use those trust funds. Because they are tied up in the unified budget and because through this budget process that we have we put obligational ceilings on the expenditure of those trust funds, it creates us great problems, and this resolution is to help try to bring to public awareness and to the awareness of the Members of this House the great problem we have with out trust funds and also in the broader sector the great need of some \$80 billion to \$1 trillion in needs in public infrastructure requirements over the next decade.

Mr. RAHALL. Mr. Speaker, our Nation's infrastructure has been neglected for too long. If we do not begin to invest in its core, including roads, bridges, public transit, airports, public buildings, and water supply and wastewater treatment facilities, the quality of life in this country, already at its lowest ebb in more than a decade, will be gone forever.

If we do not act soon and in concert with one another, the quality of life so valued by this generation, will not be in place for future generations.

The infrastructure needs of the United States are in a crisis, one that endangers public safety, and jeopardizes the economy.

Worse, it diminishes our overall quality of life for every person in every walk of life.

Currently, the United States ranks 55th in the world in capital investment in public works. Capital investment has dropped from 2.3 percent of the gross national product in 1960 to less than 1.1 percent of the gross national product in 1985.

If we stand by and do nothing, and just continue to wring our hands in collective despair, our failure to act and act now will fly in the face of evidence that clearly shows that there is a direct link between infrastructure spending and economic growth and productivity.

Our collective failure to act will be remembered by the people of a paralyzed nation unable to move its goods and products along the highways and byways that link us together, that permit us to not merely survive, but to flourish.

Mr. Speaker, I support, and so do many of my colleagues, especially those on the Public Works Committee, taking the Federal highway and aviation trust funds off budget.

Right this minute, there are unspent billions of dollars in transportation trust funds.

We estimate that an annual capital investment of from \$80 to \$100 billion will be needed to meet future highway and other

transportation needs. Yet, compared with current expenditures by all levels of government, Federal, State and local, capital investment stands still at \$66 billion, for highway transportation.

We live in a country where bridges are falling down, causing personal injury and death as well as material losses, to our countrymen. Of the 577,710 bridges listed in the 1988 national bridge inventory, 41 percent are either structurally deficient or functionally obsolete, with estimates ranging around \$93 billion that will be needed to fix them.

Yes, nearly one-half of our bridges in this country are unsafe, we know they are unsafe, and we stand by wringing our hands and doing nothing.

Since 1980, there has been a 50-percent reduction of Federal spending in mass transit, and yet we are told we need to spend at least double the amount now being spent to bring mass transit into the 21st century.

We are advised, Mr. Speaker, that we will need roughly \$56 billion over the next 10 years in capital construction investments to meet water supply needs.

We must do something, besides wringing our hands, to protect the public health and provide for wastewater treatment planning and construction.

In 1986, a mere 409,000 passengers flew by commercial airlines. By 1998, a 70-percent increase is expected, with our airports trying to serve 696 million people, and yet our airports are in a state of grave disrepair and in urgent need of on-the-ground expansion and improvements.

We must reverse the decade or more of neglect of our infrastructure.

Investment in our infrastructure is an investment in our future. We cannot wait much longer, to rebuild America, if we expect the economic growth and productivity necessary to compete in a global economy.

Lets start today to form a national alliance, committed to rebuilding our infrastructure, and lets provide the States and localities the assistance they need in meeting core infrastructure needs.

Do not wring your hands.

Take a stand.

Mr. PACKARD. Mr. Speaker, I rise in strong support of House Concurrent Resolution 362. The resolution expresses the sense of Congress that our Nation's infrastructure is crumbling and something must be done about it.

Our highways are gridlocked, our bridges are in disrepair, our airports are delayed; to make it plain, we simply are not building adequate infrastructure to meet our current and expected needs. In addition, our existing infrastructure is falling apart. This legislation designates 1991 as the year of rebuilding America's infrastructure. I sincerely hope that we do so.

There are, however, troubling rumors emanating from the budget negotiators. A proposed revenue measure would raise the tax on gasoline some 8 cents and use that revenue for deficit reduction. This is a radical departure from current practice. Currently, the gas tax is a true user fee. The revenues collected from highway users are expended to improve our highways. The rate at which the

revenue is expended from the trust fund is certainly matter of some \$20 billion worth of debate, yet the concept of a user financed highway program is paramount and should not be tampered with. Any gas tax that is not dedicated for highways is unacceptable and unconscionable. We must preserve the integrity of the highway trust fund and maintain the trust of the highway user.

I strongly oppose any nonhighway use of gas tax revenue and point to a very important provision in the pending legislation that opposes any gas tax for deficit reduction purposes. I commend the distinguished ranking member JOHN PAUL HAMMERSCHMIDT for proposing that specific language opposing gas tax revenue for budget reduction. I also commend the ranking member of the Surface Transportation Subcommittee, BUD SHUSTER for his leadership in fighting any attempt to use gas tax revenue for purposes other than building highways. I strongly urge my colleagues to support House Concurrent Resolution 362, legislation proposed by the Chairman of the Public Works and Transportation Committee, GLENN ANDERSON.

Mr. HAMMERSCHMIDT. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. TORRES). The question is on the motion offered by the gentleman from California [Mr. ANDERSON] that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 362, as amended.

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

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. ANDERSON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on House Concurrent Resolution 362, the concurrent resolution just agreed to.

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

There was no objection.

CHRISTOPHER COLUMBUS COIN AND FELLOWSHIP ACT

Mr. LEHMAN of California. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2754) to require the Secretary of the Treasury to mint coins in commemoration of the quincentenary of the discovery of America by Christopher Columbus and to establish the Christopher Columbus Fellowship Foundation, as amended.

The Clerk read as follows:

H.R. 2754

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

SECTION 1. SHORT TITLE.

This title may be cited as the "Christopher Columbus Coin and Fellowship Act".

TITLE I—CHRISTOPHER COLUMBUS QUINCENTENARY COINS

SEC. 101. SHORT TITLE.

This title may be cited as the "Christopher Columbus Quincentenary Coin Act".

SEC. 102. SPECIFICATIONS OF COINS.

(a) FIVE DOLLAR GOLD COINS.—

(1) ISSUANCE.—The Secretary of the Treasury (hereinafter in this title referred to as the "Secretary") shall mint and issue not more than 500,000 five dollar coins each of which shall—

(A) weigh 8.359 grams;

(B) have a diameter of .850 inches; and

(C) be composed of 90 percent gold and 10 percent alloy.

(2) DESIGN.—The design of the five dollar coins shall, in accordance with section 104, bear a likeness of Christopher Columbus. Each five dollar coin shall bear a designation of the value of the coin, an inscription of the year "1992", and inscriptions of the words "Liberty", "In God We Trust", "United States of America", and "E Pluribus Unum".

(b) ONE DOLLAR SILVER COINS.—

(1) ISSUANCE.—The Secretary shall mint and issue not more than 4,000,000 one dollar coins each of which shall—

(A) weigh 26.73 grams;

(B) have a diameter of 1.500 inches; and

(C) be composed of 90 percent silver and 10 percent copper.

(2) DESIGN.—The design of the one dollar coins shall, in accordance with section 104, be emblematic of the quincentenary of the discovery of America. Each one dollar coin shall bear a designation of the value of the coin, an inscription of the year "1992", and inscriptions of the words "Liberty", "In God We Trust", "United States of America", and "E Pluribus Unum".

(c) HALF DOLLAR CLAD COINS.—

(1) ISSUANCE.—The Secretary shall issue not more than 6,000,000 half dollar coins each of which shall—

(A) weigh 11.34 grams;

(B) have a diameter of 1.205 inches; and

(C) be minted to the specifications for half dollar coins contained in section 5112(b) of title 31, United States Code.

(2) DESIGN.—The design of the half dollar coins shall, in accordance with section 104, be emblematic of the quincentenary of the discovery of America. Each half dollar coin shall bear a designation of the value of the coin, an inscription of the year "1992", and inscriptions of the words "Liberty", "In God We Trust", "United States of America", and "E Pluribus Unum".

(d) LEGAL TENDER.—The coins minted under this title shall be legal tender as provided in section 5103 of title 31, United States Code.

(e) NUMISMATIC ITEMS.—For purposes of section 5132(a)(1) of title 31, United States Code, all coins minted under this title shall be considered to be numismatic items.

SEC. 103. SOURCES OF BULLION.

(a) GOLD.—The Secretary shall obtain gold for minting coins under this title pursuant to the authority of the Secretary under existing law.

(b) SILVER.—The Secretary shall obtain silver for minting coins under this title only from stockpiles established under the Strategic and Critical Minerals Stock Piling Act (50 U.S.C. 98 et seq.).

SEC. 104. DESIGN OF COINS.

The design for each coin authorized by this title shall be selected by the Secretary after consultation with the Christopher Columbus Fellowship Foundation and the Commission of Fine Arts.

SEC. 105. ISSUANCE OF COINS.

(a) FIVE DOLLAR COINS.—The five dollar coins minted under this title may be issued in uncirculated and proof qualities and shall be struck at the United States Mint at West Point, New York.

(b) ONE DOLLAR AND HALF DOLLAR COINS.—The one dollar and half dollar coins minted under this title may be issued in uncirculated and proof qualities, except that not more than one facility of the Bureau of the Mint may be used to strike any particular combination of denomination and quality.

(c) PERIOD OF ISSUANCE.—The Secretary may issue the coins minted under this title during the period beginning on January 1, 1992, and ending on June 30, 1993.

SEC. 106. SALE OF COINS.

(a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary shall sell the coins minted under this title at a price equal to the face value, plus the cost of designing and issuing the coins (including labor, materials, dies, use of machinery, and overhead expenses).

(b) BULK SALES.—The Secretary shall make any bulk sales of the coins minted under this title at a reasonable discount.

(c) PREPAID ORDERS.—The Secretary shall accept prepaid orders for the coins minted under this title prior to the issuance of such coins. Sale prices with respect to such prepaid orders shall be at a reasonable discount.

(d) SURCHARGES.—All sales of coins minted under this title shall include a surcharge of \$35 per coin for the five dollar coins, \$7 per coin for the one dollar coins, and \$1 per coin for the half dollar coins.

SEC. 107. FINANCIAL ASSURANCES.

(a) NO NET COST TO THE GOVERNMENT.—The Secretary shall take such actions as may be necessary to ensure that minting and issuing coins under this title will not result in any net cost to the United States Government.

(b) PAYMENT FOR COINS.—A coin shall not be issued under this title unless the Secretary has received—

(1) full payment for the coin;

(2) security satisfactory to the Secretary to indemnify the United States for full payment; or

(3) a guarantee of full payment satisfactory to the Secretary from a depository institution whose deposits are insured by the Federal Deposit Insurance Corporation or the National Credit Union Administration Board.

SEC. 108. USE OF SURCHARGES.

(a) IN GENERAL.—The surcharges that are received by the Secretary from the sale of coins minted under this title shall be deposited in the Christopher Columbus Fellowship Fund and be available to the Christopher Columbus Fellowship Foundation.

(b) AUDITS.—The Comptroller General shall have the right to examine such books, records, documents, and other data of the Christopher Columbus Fellowship Foundation as may be related to the expenditure of amounts paid under subsection (a).

SEC. 109. GENERAL WAIVER OF PROCUREMENT REGULATIONS.

(a) IN GENERAL.—Except as provided in subsection (b), no provision of law governing

procurement or public contracts shall be applicable to the procurement of goods and services necessary for carrying out the provisions of this title.

(b) **EQUAL EMPLOYMENT OPPORTUNITY.**—Subsection (a) shall not relieve any person entering into a contract under the authority of this title from complying with any law relating to equal employment opportunity.

SEC. 110. COINAGE PROFIT FUND.

(a) **DEPOSITS.**—All amounts received from the sale of coins issued under this title shall be deposited in the coinage profit fund.

(b) **PAYMENTS.**—The Secretary shall make the deposits of the amounts required under section 108(a) from the coinage profit fund.

(c) **EXPENDITURES.**—The Secretary shall charge the coinage profit fund with all expenditures under this title.

TITLE II—CHRISTOPHER COLUMBUS FELLOWSHIP FOUNDATION

SEC. 201. SHORT TITLE.

This title may be cited as the "Christopher Columbus Fellowship Act".

SEC. 202. PURPOSE.

The purpose of this title is to establish the Christopher Columbus Fellowship Program to encourage and support research, study, and labor designed to produce new discoveries in all fields of endeavor for the benefit of mankind.

SEC. 203. CHRISTOPHER COLUMBUS FELLOWSHIP FOUNDATION.

(a) **ESTABLISHMENT AND PURPOSES.**—There is established, as an independent establishment of the executive branch, the Christopher Columbus Fellowship Foundation (hereinafter in this title referred to as the "Foundation").

(b) **MEMBERSHIP.**—The Foundation shall be subject to the supervision and direction of the Board of Trustees. The Board shall be composed of 13 members, as follows:

(1) 2 members appointed by the President pro tempore of the Senate.

(2) 2 members appointed by the Minority Leader of the Senate.

(3) 2 members appointed by the Speaker of the House of Representatives.

(4) 2 members appointed by the Minority Leader of the House of Representatives.

(5) 5 members appointed by the President.

(c) **CHAIRMAN AND VICE CHAIRMAN OF THE FOUNDATION.**—The President shall designate a Chairman and a Vice Chairman from among the members appointed by the President.

(d) **TERMS OF OFFICE; VACANCIES.**—Each member of the Board of Trustees appointed under subsection (b) shall serve for a term of 6 years from the expiration of the term of such member's predecessor, except that—

(1) any member appointed to fill a vacancy occurring prior to the expiration of the term for which such member's predecessor was appointed shall be appointed for the remainder of such term; and

(2) of the members first appointed—

(A) 4 shall be appointed for a term of 2 years;

(B) 5 shall be appointed for a term of 4 years; and

(C) 4 shall be appointed for a term of 6 years,

as designated by the President.

(e) **EXPENSES; NO ADDITIONAL COMPENSATION.**—Members of the Board shall serve without pay, but shall be entitled to reimbursement for travel, subsistence, and other necessary expenses incurred in the performance of their duties as members of the Board.

SEC. 204. FELLOWSHIP RECIPIENTS.

(a) **AWARD.**—The Foundation is authorized to award fellowships to outstanding individuals to encourage new discoveries in all fields of endeavor for the benefit of mankind. Recipients shall be known as "Columbus Scholars".

(b) **TERM.**—Fellowships shall be granted for such periods as the Foundation may prescribe but not to exceed 2 years.

(c) **SELECTION.**—The Foundation may provide, directly or by contract, for the conduct of a nationwide competition for the selection of fellowship recipients.

SEC. 205. STIPENDS.

Each person awarded a fellowship under this title shall receive a stipend as determined by the Foundation.

SEC. 206. CHRISTOPHER COLUMBUS FELLOWSHIP FUND.

(a) **IN GENERAL.**—There is established in the Treasury a fund to be known as the Christopher Columbus Scholarship Fund (hereafter in this title referred to as the "fund"), which shall consist of—

(1) amounts deposited under subsection (d);

(2) obligations obtained under subsection (c);

(3) amounts contributed to the Foundation; and

(4) all surcharges received by the Secretary of the Treasury from the sale of coins minted under the Christopher Columbus Quincentenary Coin Act.

(b) **INVESTMENTS.**—

(1) **DUTY OF SECRETARY TO INVEST.**—The Secretary of the Treasury shall invest in full any amount appropriated or contributed to the fund.

(2) **AUTHORIZED INVESTMENTS.**—Investments pursuant to paragraph (1) may be made only in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States. For such purpose, such obligations may be acquired—

(A) on original issue at the issue price; or

(B) by purchase of outstanding obligations at the market price.

(3) **SPECIAL OBLIGATIONS.**—The purposes for which obligations of the United States may be issued under chapter 31 of title 31, United States Code, are hereby extended to authorize the issuance at par of special obligations exclusively to the fund. Such special obligations shall bear interest at a rate equal to the average rate of interest, computed as to the end of the calendar month preceding the date of such issue, borne by all marketable interest-bearing obligations of the United States then forming a part of the public debt; except that, if such average rate is not a multiple of $\frac{1}{8}$ of 1 percent, the rate of interest of such special obligations shall be the multiple of $\frac{1}{8}$ of 1 percent next lower than such average rate. Such special obligations shall be issued only if the Secretary determines that the purchase of other obligations of the United States, or of obligations guaranteed as to both principal and interest by the United States or original issue at the market price, is not in the public interest.

(c) **SALE OF OBLIGATIONS.**—Any obligations acquired by the fund (except special obligations issued exclusively to the fund in accordance with subsection (b)(3)) may be sold by the Secretary at the market price, and such special obligations may be redeemed at par plus accrued interest.

(d) **INTEREST.**—The interest on, and the proceeds from, the sale or redemption of

any obligations held in the fund shall be credited to and form a part of the fund.

(e) **AVAILABILITY OF FUND.**—

(1) **STIPENDS.**—The fund shall be available to the Foundation for payment of stipends awarded under section 205.

(2) **EXPENSES.**—The Secretary of the Treasury is authorized to pay to the Foundation from the interest and earnings of the funds such sums as the Board determines are necessary and appropriate to enable the Foundation to carry out the provision of this title.

(f) **DISBURSEMENTS.**—Disbursements from the fund shall be made on vouchers approved by the Foundation and signed by the Chairman.

SEC. 207. AUDITS.

The activities of the Foundation under this title may be audited by the Comptroller General of the United States. The Comptroller General shall have access to all books, accounts, records, reports, and files and all other papers, things, or property belonging to or in use by the Foundation, pertaining to such activities and necessary to facilitate the audit.

SEC. 208. EXECUTIVE SECRETARY OF FOUNDATION.

(a) **DUTIES.**—There shall be an Executive Secretary of the Foundation who shall be appointed by the Board. The Executive Secretary shall be the chief executive officer of the Foundation and shall carry out the functions of the Foundation subject to the supervision and direction of the Board.

(b) **COMPENSATION.**—The Executive Secretary of the Foundation shall be compensated at the rate of basic pay payable for GS-18 of the General Schedule.

SEC. 209. ADMINISTRATIVE PROVISIONS.

(a) The Foundation may—

(1) appoint and fix the compensation of such personnel as may be necessary to carry out the provisions of this title, except that in no case shall employees (other than the Executive Secretary) be compensated at a rate in excess of the rate of basic pay payable for GS-15 of the General Schedule;

(2) procure temporary and intermittent services of such experts and consultants as are necessary to the extent authorized by section 3109 of title 5, but at rates not in excess of the rate of basic pay payable for GS-18 of the General Schedule;

(3) prescribe such regulations as the Foundation may determine to be necessary governing the manner in which its functions shall be carried out;

(4) receive money and other property donated, bequeathed, or devised, without condition or restriction other than it be used for the purposes of the Foundation; and to use, sell, or otherwise dispose of such property for the purpose of carrying out its functions;

(5) accept and utilize the services of voluntary and noncompensated personnel and reimburse them for travel expenses, including per diem, as authorized by section 5703 of title 5, United States Code;

(6) enter into contracts, grants, or other arrangements, or modifications thereof, to carry out the provisions of this chapter, and such contracts or modifications thereof may, with the concurrence of two-thirds of the members of the Board, be entered into without performance or other bonds, and without regard to section 3709 of the Revised Statutes;

(7) make advances, progress, and other payments which the Board deems necessary under this chapter without regard to the

provisions of section 529 of title 31, United States Code;

(8) rent office space;

(9) conduct programs in addition to or in conjunction with the Fellowship program which shall further the Foundation's purpose of encouraging new discoveries in all fields of endeavor for the benefit of mankind; and

(10) to make other necessary expenditures.

(b) **ANNUAL REPORT.**—The Foundation shall submit to the President and to the Congress an annual report of its operations under this title.

The **SPEAKER** pro tempore. Is a second demanded?

Mr. **WYLIE**. Mr. Speaker, I demand a second.

The **SPEAKER** pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The **SPEAKER** pro tempore. The gentleman from California [Mr. **LEHMAN**] will be recognized for 20 minutes, and the gentleman from Ohio [Mr. **WYLIE**] will be recognized for 20 minutes.

The Chair recognizes the gentleman from California [Mr. **LEHMAN**].

Mr. **LEHMAN** of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the bill, H.R. 2754, was introduced by our colleague, the gentleman from Illinois [Mr. **ANNUNZIO**] and authorizes the minting of gold, silver, and clad coins to celebrate the 500th anniversary, in 1992, of the discovery of America by Christopher Columbus.

The bill also establishes the Christopher Columbus Fellowship Foundation, which would be funded through surcharges raised from the sales of commemorative coins. The Columbus Foundation shall be subject to the supervision and direction of the 13-member Board of Trustees appointed by the President, the President pro tempore of the Senate, the minority leader of the Senate, the Speaker of the House, and the minority leader of the House. The Foundation shall award fellowships to outstanding individuals to encourage new discoveries in all fields of endeavor for the benefit of mankind.

An amendment in the nature of a substitute to H.R. 2754 was offered by Mr. **HILER** and myself and adopted without dissent as original text in subcommittee markup on September 12, 1990. The substitute made the following changes: First, the number of gold coins that may be minted has been changed from 1 million to 500,000, and the required number of coin designs has been reduced from six to three. The period from commencement to termination of the coinage program has been changed to an 18-month period beginning January 1, 1992. These changes were made as a result of testimony given by the Mint that

the proposed Columbus Program was too large and would compete with other proposed coinage programs.

The amendment also adds a paragraph authorizing the Comptroller General to audit the records of the Columbus Foundation. This audit language is standard in coinage legislation.

The amendment makes one change to the second title of the bill regarding the membership of the Board of Trustees of the Foundation that is created by this act. The amendment allows the minority leaders of the Senate and the House, in addition to the President pro tempore of the Senate and the Speaker of the House, to appoint members to the Board of Trustees.

I believe the changes the amendment would make are real improvements, and I ask the House to pass this bill as amended.

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

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

Mr. Speaker, I rise in strong support of H.R. 2754, the Christopher Columbus Coin and Fellowship Act.

I want to commend the bill's chief sponsor, former Consumer Affairs and Coinage Subcommittee chairman, the gentleman from Illinois [Mr. **ANNUNZIO**], for his hard work which he has done on this bill.

□ 1250

It is very important legislation. It has been a real pleasure to work with him over the years, and I am proud to be a cosponsor of this bill. I also want to commend the current subcommittee chairman, the gentleman from California [Mr. **LEHMAN**] and the ranking member, the gentleman from Indiana [Mr. **HILER**] for the fine work they have done in bring this bill to the House floor.

The coins we authorize in this legislation commemorate the 500th anniversary of the discovery by Christopher Columbus, one of the most important events in our heritage. Christopher Columbus's epic voyage in 1492 led the way for the development of our Nation. It is an indelible part of our heritage, an event clearly appropriate to be honored through a commemorative coin issue.

Christopher Columbus represents a special figure in America's history to me, and one I believe is truly worth commemorating. I represent and live in Columbus, OH, which is the largest city in the world named for the great explorer. It is a flagship city for the quincennial celebration in 1992. We are planning the largest horticultural exhibit in the history of America. Already 16 nations have signed on. It is called Ameriflora and we are looking forward to that historic event. Our town, which has a great university,

Ohio State, and its other educational institutions, is a place that I feel has captured the spirit of Christopher Columbus.

It seems most appropriate to me that not only does this bill commemorate the 500th anniversary of the discovery of America, but also establishes an educational foundation to promote research designed to produce new discoveries in all fields of endeavor for the benefit of mankind. This idea was important to Christopher Columbus, and it embodies the spirit of my home town and our discoverer's namesake, Columbus, OH.

I am thankful that our great university, Ohio State, will in the near future have several Columbus scholars that will be able to identify both with the explorer and with our city. I am optimistic that the work and discoveries of this new generation of explorers will move our society ahead and have a significant impact, as did the discovery of America 500 years ago.

I would briefly like to outline certain key provisions of the bill. Section 102 specifies that the Treasury may mint up to 500,000 gold coins; 4 million silver coins; and 6 million clad coins. The provisions requires that the designs on the coins be emblematic of Columbus' discovery of America.

Section 104 requires that the designs for the coins be selected by the Secretary of the Treasury after consultation with the Christopher Columbus Fellowship Foundation and the Commission of Fine Arts.

Section 105 sets the time period of issuance of the coins as the 18-month period beginning January 1, 1992.

Section 106 places a surcharge of \$35 of each gold coin; \$7 on each silver coin; and \$1 on each clad coin.

Section 107 states that the coins shall be minted at no net cost to the Government.

Section 108 provides that the surcharges shall be paid over to the Christopher Columbus Fellowship Fund administered by the Christopher Columbus Fellowship Foundation.

Section 203 of the bill establishes the Christopher Columbus Fellowship Foundation. The purpose of the Foundation is to promote research, study, and labor designed to produce new discoveries in all fields of endeavors for the benefit of mankind.

Section 204 establishes a Christopher Columbus Fellowship Program for deserving scholars.

Section 206 establishes the Christopher Columbus Fellowship Fund.

Finally, section 207 provides for periodic GAO audits of the Foundation and Fund.

While supporting this bill, I would like to point out one problem area for the record. The Mint has indicated in the past that it opposes more than one commemorative coin program in any

one year. Last week, the Senate passed the House version of the 1992 Olympic Commemorative Coin Act and sent it to the President. I fully expect the President to sign that bill. Given the fact that the Columbus Coin Program would be in competition with the Olympic Coin Program it is unclear how the administration will eventually treat this legislation.

In closing, I would like to say that I believe that the discovery of America is an event worth commemorating through coins. The moneys obtained from the coin sales will go to the commendable purpose of promoting new discoveries in our world to benefit mankind.

I encourage my colleagues to join me in supporting this bill and I urge its prompt passage.

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

Mr. LEHMAN of California. Mr. Speaker, I yield such time as he may consume to the original proponent of this legislation, the chairman of the Committee on House Administration, the gentleman from Illinois [Mr. ANNUNZIO].

Mr. ANNUNZIO. Mr. Speaker, 1992 marks the quincentenary of the discovery of America by Christopher Columbus. H.R. 2754 is a bill that honors the greatest explorer in history. More importantly, it creates a Foundation which will award fellowships to assist modern day explorers in their search for discoveries that can benefit mankind.

I want to thank the chairman of the Coinage Subcommittee [Mr. LEHMAN], and its ranking minority member [Mr. HILER], for their cooperation in bringing this bill before the House.

My thanks extend to the distinguished chairman of the Banking Committee [Mr. GONZALEZ], who arranged for the bill to come to the floor today. He has always been active in coinage matters. I always appreciate his interest and counsel in this area.

I also want to express my appreciation to the ranking Republican member, the gentleman from Ohio [Mr. WYLIE] for the manner in which he has always cooperated to make all of the coin programs that this committee has sponsored in the last 10 years a success.

Most Members are not aware of the fact that in the last 10 years the Treasury Department has made \$400 million because of these coinage programs. This is one program where we can keep our head up high and say that the taxpayers are not spending one dime. They are making money.

I also want to thank the chairman of the Education and Labor Committee [Mr. HAWKINS], and the chairman of the Science and Technology Committee [Mr. ROE], for their cooperation in bringing this bill to the floor today. Those committees have jurisdiction

over title II of the bill. I thank them for permitting the Banking Committee to place the bill on today's calendar.

The importance of Columbus' discoveries cannot be overstated. It was his discovery which led others to follow in his wake to the west. Until Columbus discovered the New World, the focus in Europe had been to the east. By discovering the New World, and showing that one could return, he changed Europe's focus from east to west.

Our Nation's first commemorative coin was struck in honor of the 400th anniversary of the discovery of America by Columbus. Those coins helped raise money for the 1892 Columbian Exposition, held in my hometown of Chicago. This coin program will leave a broader and enduring legacy. The bill establishes Christopher Columbus fellowships. These fellowships, which will be awarded by the nonpartisan Christopher Columbus Foundation, will provide funding to promising explorers as they seek to better mankind.

The hardest part of Columbus' journey was not the sailing, but arranging the financing. For that, we are grateful for Queen Isabella. The Columbus fellowships will help new explorers in all fields by providing financing to those promising explorers who need it. This will be done at no cost to the taxpayer and at a profit to the Government from the sale of the commemorative coins.

Mrs. SCHROEDER. Mr. Speaker, will the gentleman yield?

Mr. ANNUNZIO. I yield to the gentlewoman from Colorado [Mrs. SCHROEDER]. I know when I am over-

Mrs. SCHROEDER. Mr. Speaker, I want to thank the distinguished gentleman from Illinois [Mr. ANNUNZIO] because I appreciate that Queen Isabella did put up the money. She may not have gone on the voyage, but she had the vision and the courage to put the jewels on the table. I thank the gentleman from Illinois for recognizing that.

I know the women in his State, even 100 years ago at the 400th exposition, put together a whole expedition for Queen Isabella, and focused on that. Therefore, I appreciate the gentleman from Illinois [Mr. ANNUNZIO] pointing that out. I want to say that that shows his enlightenment, and we appreciate that.

Mr. ANNUNZIO. Mr. Speaker, I want to assure the gentlewoman that when the foundation is finally appointed, I will talk to them. With the money they are making, not only for scholarships, but we will try to get a nice painting of Queen Isabella, and find a place for it here in the Capitol of the United States. That should please all of the women.

A sellout of the coins will raise \$52.5 million for the Christopher Columbus Fellowship Foundation. The foundation will be guided by a board of directors appointed by the President and the leadership of the House and Senate. The foundation will administer the fellowship program and award fellowships on a basis of merit.

The foundation will also be authorized to accept gifts and donations.

The General Accounting Office will have the authority to audit the activities of the foundation to assure that the funds are being used properly.

We are the most innovative country in the world with the best thinkers and inventors. But the gap between us and the rest of the world is narrowing. I see the Columbus fellowships as a way to maintain our edge. The fellowships will support those individuals whose innovative work may lead to the next great discovery in their field whether it be medicine, electronics, chemistry, or even some new field.

Mr. Speaker, this may well turn out to be the most popular commemorative coin program in the history of our Nation. The coinage publication, "Numismatic News," believes the legislation could well create the largest commemorative issue of coins in history. With 229 House cosponsors, it has received overwhelming support in the House, and I expect that the American people will greet it just as enthusiastically.

Mr. Speaker, I yield back the balance of my time.

Mr. WYLIE. Mr. Speaker, I yield 5 minutes to the gentleman from Virginia [Mr. PARRIS].

Mr. PARRIS. Mr. Speaker, I rise in support of this bill and urge its adoption. I hope that my colleagues will support it.

Now having spoken about coins, I take the floor of the House this morning to inquire from the chairman of the subcommittee about the status of H.R. 5053, the Korean Veterans War Memorial Act. I would remind the gentleman, and the balance of the House, that that bill has been sponsored by over 300 of my colleagues. It authorizes the minting of 1 million single-issue silver dollars to offset the balance of the estimated construction cost of the Korean Veterans War Memorial.

The memorial was authorized over a year ago. It has been designed. The site has been selected and has been approved; \$5 million has been raised through private sources. We need about \$6 million more in funds, private or otherwise, to complete the construction.

The bill proposes that the balance would be obtained by issuing a coin, and selling it for about \$6 each. This program has been subscribed to by veterans' organizations, including the

American Legion, the Veterans of Foreign Wars, nurses groups, paralyzed veterans, and many others. All have indicated their collective intent to support the issuance of this coin, and indicated the desire to purchase the same by many of their members. In that way we can obtain the balance of the funds necessary to complete the memorial.

To those who have never had to personally face the terror of combat, the everpresent threat of meeting instant death in a violent way, it is very hard to understand. It is even more difficult to explain. Those of us who are privileged to have lived through that, have a heightened realization that all those who are alive, when we stop to think about it, realize that one day we will all die. The thing that makes that knowledge tolerable is we do not know when. In an active combat situation, you sometimes begin to believe that your death will be almost any minute now or even tomorrow, and surely before the week is out. It can be very frightening. You know that everything you have is at risk including your very life and your future. It requires a certain amount of courage to continue with your responsibilities in the defense of your Nation, but thousands of American citizens have done it with dignity. Many have paid the supreme sacrifice.

That is why I say to my colleagues that it is altogether fitting and proper that we honor those men and women who have experienced that situation. They will never forget it, and we should not.

□ 1300

Oliver Wendell Holmes once said:

We who have shared the incommunicable experience of war. We have felt, we still feel, the passion of life to its top—in our youth our hearts were touched with fire.

Mr. Speaker, I would urge the chairman of the subcommittee to report H.R. 5053 to the full House as soon as possible and permit this memorial to be completed before the authorization expires next year.

I know the gentleman supports the bill. The delay is a function of the system and the legislative process.

I urge the gentleman to consider that course of action and to inquire, frankly, as to whether or not he can share with us any information as to the status of the matter at the moment.

Mr. LEHMAN of California. Mr. Speaker will the gentleman yield?

Mr. PARRIS. I yield to the gentleman from California.

Mr. LEHMAN of California. I thank the gentleman for yielding.

Mr. Speaker, the Subcommittee on Consumer Affairs and Coinage has discharged the bill to the full committee. I have sent the appropriate letter to the chairman of the full committee.

So that bill could come to the floor at any time that the chairman of the full committee desires.

And so at this point there is really nothing else that this Member can do to effectuate success on that issue.

If the gentleman would yield a moment further, I would take this opportunity to let Members of the House know that we on the subcommittee face a very difficult task of sorting out the dozens of good ideas for commemorative coins that invariably get the requisite number of signatures. It is very difficult, and we are going to have to have more discipline in the future.

Mr. PARRIS. Mr. Speaker, I thank the gentleman from California for his comments, and, as I have offered in the past, I would be delighted to join with him in urging the chairman of the committee to bring the bill under suspension. We do, after all, have more than 300 sponsors. There is no controversy. It has passed the Senate. It is necessary that we do it in this Congress so that we can get on with the project.

If the gentleman could use his good offices to bring that about on Monday, or Tuesday of next week when I am sure we will have that chance to continue to review these kinds of things on suspension of the rules, I would be personally grateful, and I know the veterans of the United States would be grateful as well.

Mr. LEHMAN of California. Mr. Speaker, I yield 2 minutes to the distinguished chairman of the Committee on Science, Space, and Technology, the gentleman from New Jersey [Mr. ROE].

Mr. ROE. Mr. Speaker, I thank the distinguished gentleman from California for yielding time to me. May I extend my high regard to the gentleman from California [Mr. LEHMAN], who is the chairman of our Consumer and Coinage Subcommittee for the excellent job he has been doing and particularly on this legislation. Also I commend the gentleman from Ohio [Mr. WYLIE] for his leadership in the same work that we are doing on this particular piece of legislation.

Mr. Speaker, I rise in support of the Christopher Columbus Coin and Fellowship Act. I congratulate Chairman ANNUNZIO and his colleagues on the Banking Committee for their efforts in advancing this worthy proposal. The Committee on Science, Space, and Technology was pleased to waive further consideration of the bill, at Chairman ANNUNZIO's request, in order for the bill to come before the House expeditiously.

Exploring the unknown 500 years ago, involved setting out in frail boats to find new lands, thereby expanding the known world. It is altogether fitting that the legislation before us seeks to recognize the accomplishment

of the intrepid explorer, who opened the New World to European settlement, by creating a program of fellowships for a different kind of explorers.

Today mankind's space frontiers are in the fields of science and technology. Almost daily we learn about, for example, new discovers for treatment of serious illnesses, new materials for making better products more cheaply, and new discoveries which unlock the deepest secrets of the nature of the universe. In short, science and technology are changing our lives and the world in which we live. Our economic well-being is directly linked to our abilities to discover new knowledge and transform this new knowledge into useful products and services to compete in the international marketplace.

The Christopher Columbus Coin and Fellowship Act will provide awards to talented and inventive individuals who have ideas that will lead to benefits in which all may share. These awards will help to keep alive the spirit of adventure and discovery embodied by Christopher Columbus' great enterprise. I urge my colleagues to support this legislation.

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

Mr. LEHMAN of California. Mr. Speaker, I yield myself 1 minute.

As the gentleman from Ohio so appropriately pointed out earlier, the voyage of Columbus to the New World is one of the most significant events in our heritage. Every child in school in this country learns about it very early. The date, October 12, is imprinted into our minds at a very early age.

Indeed, it is a national holiday.

We anticipate in 1992 there is going to be a tremendous worldwide celebration on the 500th anniversary of this great voyage.

Mr. Speaker, the minting of this coin and the establishment of this foundation will be a very important and significant part of that celebration.

Mr. Speaker, I thank the gentleman from Ohio [Mr. WYLIE] for his assistance, and the gentleman from Illinois [Mr. ANNUNZIO], I congratulate him for his work and thank also the gentleman from New Jersey [Mr. ROE] and all the rest of our colleagues who have assisted in this effort.

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

The SPEAKER pro tempore (Mr. TORRES). The question is on the motion offered by the gentleman from California [Mr. LEHMAN] that the House suspend the rules and pass the bill H.R. 2754, as amended.

The question was taken; and two-thirds having voted in favor thereof

the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. LEHMAN of California. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 2754, the bill just passed.

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

There was no objection.

PERMISSION FOR COMMITTEE ON ENERGY AND COMMERCE TO FILE REPORT ON H.R. 3095, SAFE MEDICAL DEVICES ACT OF 1990

Mr. TAUZIN. Mr. Speaker, I ask unanimous consent that the Committee on Energy and Commerce be permitted to have until midnight tonight to file a report on H.R. 3095, Safe Medical Devices Act of 1990.

Mr. Speaker, I understand the minority has checked off on this unanimous-consent request.

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

There was no objection.

COAST GUARD OMNIBUS ACT OF 1990

Mr. TAUZIN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4491) to amend the Vessel Bridge-to-Bridge Radiotelephone Act (33 U.S.C. 1203), as amended.

The Clerk read as follows:

H.R. 4491

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 "Coast Guard Omnibus Act of 1990".

SEC. 2. AMENDMENT TO THE VESSEL BRIDGE-TO-BRIDGE RADIOTELEPHONE ACT OF 1971.

Section 4(a)(1) of the Vessel Bridge-to-Bridge Radiotelephone Act of 1971 (33 U.S.C. 1203) is amended to read as follows:

"(1) every power-driven vessel of twenty meters or over in length while navigating;"

SEC. 3. DESIGNATION OF THE SIDNEY LANIER BRIDGE AS AN OBSTRUCTION TO NAVIGATION.

Notwithstanding another law, the Sidney Lanier Bridge at mile 6.3 on the Brunswick River in Georgia is deemed an unreasonable obstruction to navigation.

SEC. 4. EXEMPTION OF CERTAIN VESSELS USED AS MEMORIALS TO MERCHANT MARINERS FROM PASSENGER SHIP INSPECTION REQUIREMENTS.

(a) Section 3302 of title 46, United States Code, is amended by adding the following new subsection:

"(1)(1) The Secretary may issue a permit exempting the following vessels from the re-

quirements of this part for passenger vessels so long as the vessels are owned by nonprofit organizations and operated as nonprofit memorials to merchant mariners:

"(A) The S.S. JOHN W. BROWN (United States official number 242209), owned by Project Liberty Ship Baltimore, Incorporated, located in Baltimore, Maryland.

"(B) The S.S. LANE VICTORY (United States official number 248094), owned by the United States Merchant Marine Veterans of World War II, located in San Pedro, California.

"(C) The S.S. JEREMIAH O'BRIEN (United States official number 243622), owned by the United States Maritime Administration.

"(2) The Secretary may issue a permit for a specific voyage or for not more than one year. The Secretary may impose specific requirements about the number of passengers to be carried, manning, the areas or specific routes over which the vessel may operate, or other similar matters.

"(3) A designated Coast Guard official who has reason to believe that a vessel operating under this subsection is in a condition or is operated in a manner that creates an immediate threat to life or the environment or is operated in a manner that is inconsistent with this section, may direct the master or individual in charge to take immediate and reasonable steps to safeguard life and the environment, including directing the vessel to a port or other refuge."

SEC. 5. BIENNIAL DESIGNATION OF MEMBERS OF THE COAST GUARD ACADEMY CONGRESSIONAL BOARD OF VISITORS.

Section 194 of title 14, United States Code, is amended to read as follows:

"(a) In addition to the Advisory Committee, a Board of Visitors to the Academy is established to visit the Academy annually and to make recommendations on the operation of the Academy.

"(b) The Board shall be composed of—

"(1) two Senators designated by the Chairman of the Committee on Commerce, Science and Transportation of the Senate;

"(2) three Members of the House of Representatives designated by the Chairman of the Committee on Merchant Marine and Fisheries of the House of Representatives;

"(3) one Senator designated by the President of the Senate;

"(4) two Members of the House of Representatives designated by the Speaker of the House of Representatives; and

"(5) the Chairman of the Committee on Commerce, Science and Transportation of the Senate and the Chairman of the Committee on Merchant Marine and Fisheries of the House of Representatives, as *ex officio* members.

"(c) When a Member is unable to attend the annual meeting another Member may be designated as provided under subsection (b).

"(d) When an *ex officio* Member is unable to attend the annual meeting that Member may designate another Member.

"(e) Members of the Board shall be designated in the First Session and serve for the duration of the Congress.

"(f) The Board Shall visit the Academy annually on the date chosen by the Secretary. Each Member of the Board shall be reimbursed, to the extent permitted by law, by the Coast Guard for actual expenses incurred while engaged in duties as a Member of the Board."

SEC. 6. SIMPLIFIED MEASUREMENT OF CERTAIN BARGES.

Section 14301(b) of title 46, United States Code, is amended by adding the following:

"(6) a barge (except a barge engaged on a foreign voyage) unless the owner requests."

SEC. 7. COAST GUARD BONDING REQUIREMENTS.

(a) Chapter 17 of title 14, United States Code, is amended by adding the following new section:

"667. Vessel construction bonding requirements.

"The Secretary or the Commandant may require bid, payment, performance, payment and performance, or completion bonds from contractors for construction, alteration, repair, or maintenance of Coast Guard vessels if—

"(1) the bond is required by law; or

"(2) the Secretary determines after investigation that imposing these bonding requirements would not prevent a responsible bidder or offeror from competing from award of the contract."

(b) The analysis for chapter 17 of title 14, United States Code, is amended by inserting after the item relating to section 666 the following:

"667. Vessel construction bonding requirements."

SEC. 8. SELF-PROPELLED HOPPER DREDGE EXEMPTION FROM FEDERAL PILOT REQUIREMENT.

Section 8502 of title 46, United States Code, is amended by adding at the end the following new subsection:

"(i) A seagoing, self-propelled hopper dredge is exempt from subsection (a) of this section."

SEC. 9. HEMPSTEAD, NEW YORK TRANSFER.

Notwithstanding another law, the Secretary of Transportation shall transfer by quitclaim, without consideration, to the Town of Hempstead, Nassau County, New York, all rights, title, and interest of the United States in Coast Guard property and improvements located at Reynolds Channel, Atlantic Beach, New York. The Secretary shall require the property to be surveyed before it is transferred and the transferee shall pay for that survey and all conveyance costs.

SEC. 10. SOUTH HAVEN, MICHIGAN TRANSFER.

(a) Notwithstanding another law, the Secretary of Transportation shall transfer without consideration to the City of South Haven, Michigan all rights, title, and interest of the United States in Coast Guard property described in subsection (b). The transferee shall pay for all conveyance costs.

(b) The property is part of block 52 in the original Village (Now City) of South Haven, Van Buren County, Michigan. The property begins at a point found by commencing at the North quarter post of Section 10, Town 1 South, range 17 West, Van Buren County, Michigan; thence with bearings referenced to the Corps of Engineers Harbor Line Survey of 1941, South 89 degrees 34' 36" West along the North line of the Section, 2386.95 feet; thence South 00 degrees 25' 24" East at right angles to said Section Line, 450.64 feet to the place of beginning of this description, said place of beginning being 825.50 feet South 81 degrees 52' 10" West of the East terminus of the Black River Channel entrance; thence south 10 degrees 38' 30" East, 147.00 feet; thence south 81 degrees 52' 10" West, 131.47 feet; thence North 07 degrees 43' 50" West 146.85 feet; thence North 81 degrees 52' 10" East, 124.00 feet to the place of beginning of this description.

SEC. 11. MUSKEGON, MICHIGAN TRANSFER.

(a) Notwithstanding another law, the Secretary of Transportation shall transfer without consideration to the Secretary of

Commerce all rights, title, and interest of the United States in Coast Guard property and improvements described in subsection (b).

(b) The property is part of block 739 of Revised Plat of City of Muskegon of part of Section 28, Town 10 North, Range 17 West, City of Muskegon, Muskegon County, Michigan described as beginning at a point distant South 48 degrees 15 minutes 56 seconds East 414.13 feet from Corps of Engineers Disc Guard 2 and distant North 35 degrees 59 minutes 49 seconds West 225.70 feet from Corps of Engineers Monument MUS 34 and distant South 85 degrees 51 minutes 27 seconds West 727.32 feet from the Northwest corner of Block 757 of the Revised Plat of City of Muskegon and proceeding thence North 28 degrees 38 minutes 52 seconds West 230.13 feet; thence South 61 degrees 14 minutes 26 seconds West 14.96 feet; thence North 28 degrees 24 minutes West 128.23 feet; thence South 61 degrees 14 minutes 26 seconds West 150 feet, more or less, to the shore of Lake Michigan; thence Southeasterly 358 feet, more or less, along the shore of Lake Michigan to the intersection with the line bearing South 61 degrees 14 minutes 26 seconds West from the point of beginning; thence North 61 degrees 14 minutes 26 seconds East 163 feet, more or less, to the point of beginning.

(c) The Secretary of Commerce shall make the property transferred under this section available to the National Oceanic and Atmospheric Administration.

SEC. 12. STRATEGIC PLAN FOR INFORMATION RESOURCES MANAGEMENT.

(a) None of the funds authorized to be appropriated for use by the Coast Guard in Fiscal Year 1992 may be expanded to acquire additional information resources, including information equipment, until the Commandant of the Coast Guard develops and implements a strategic information resources plan to identify long-term information priorities and link the Coast Guard's missions, priorities, and organizational strategies to Coast Guard information resources.

(b) The Commandant shall submit to the Committee on Commerce, Science, and Transportation in the Senate and to the Committee on Merchant Marine and Fisheries in the House of Representatives quarterly reports during Fiscal Year 1991 concerning the progress toward completion of the strategic information resources plan, and specifically listing any expenditures or obligations made to acquire information resources.

(c) Section 663 of title 14, United States Code, is amended in the first sentence, by striking "and Shore Facilities Plan," and inserting "Shore Facilities Plan, and Information Resources Management Plan."

SEC. 13. BOATING SAFETY PROGRAM.

Chapter 131 of title 46, United States Code, is amended—

(a) in section 13101(b)(2) by striking "and with the guidelines developed under that Act; and" and inserting "the Federal Aid in Sport Fish Restoration Act of 1950 (16 U.S.C. 777-777k), and with the guidelines developed under those Acts; and";

(b) in section 13102—

(1) in subsection (a)(3) by inserting "State" after the word "general";

(2) in subsection (c)(4) by inserting "or drugs" after the word "alcohol"; and

(3) in subsection (d) striking "the proportionate share" and inserting "a proportionate share";

(c) in sections 13103(a)(3) and 13105(a) by striking "or obligated" each time it appears; and

(d) in section 13108(a)(1) to read as follows: "During the second quarter of a fiscal year and on the basis of computations made under section 13105 of this title and submitted by the States for the preceding fiscal year, the Secretary shall determine the percentage of the amounts available to which each eligible State is entitled for the next fiscal year."

SEC. 14. DARE COUNTY, NORTH CAROLINA TRANSFER.

Notwithstanding another law, the Secretary of Transportation shall transfer without consideration by quitclaim deed to Dare County, North Carolina all rights, title, and interest of the United States in Coast Guard property and improvements located on the northern end of Pea Island east side of State road 1257, 0.3 miles north of North Carolina Highway 12 in Rodanthe, Dare County, North Carolina. The Secretary shall require the property to be surveyed before it is transferred.

SEC. 15. BAYOU LAFOURCHE, LOUISIANA.

Bayou Lafourche, in the State of Louisiana, between the Percy Brown Road (Hwy 648), city of Thibodaux, parish of Lafourche, and the Southern Pacific Railroad bridge crossing the bayou, city of Thibodaux, parish of Lafourche, is declared to be a navigable waterway of the United States under chapter 11 of title 33, United States Code.

SEC. 16. COLD WATER SURVIVAL TRAINING CENTER.

In addition to any sums authorized to be appropriated for the Coast Guard for Fiscal Year 1992, \$6,000,000 is authorized to be appropriated for Fiscal Year 1992 and transferred to the University of Alaska to establish a Cold Water Survival Training Center in Kenai, Alaska.

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from Louisiana [Mr. TAUZIN] will be recognized for 20 minutes, and the gentleman from Alaska [Mr. YOUNG] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Louisiana [Mr. TAUZIN].

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

Mr. Speaker, I rise in support of H.R. 4491, the Coast Guard Omnibus Act of 1990, introduced by Hon. WALTER B. JONES, of North Carolina and the chairman of the House Committee on Merchant Marine and Fisheries. This legislation covers a number of matters of significance to the members of the Committee on Merchant Marine and Fisheries. This legislation contains measures which affect the ability of the Coast Guard to protect the life and safety of those who navigate on our waters. I have a number of technical and corrective changes to existing law which are needed in order to allow the Coast Guard to administer its programs in a more efficient manner.

I would like to take a moment to briefly describe various provisions contained in the bill. The first provision is

a safety measure that insures that large vessels passing in a narrow channel are able to effectively communicate. It requires vessels 20 meters or more to carry bridge-to-bridge radiotelephones. Presently the law requires vessels of 300 gross tons to carry this equipment. In effect, this bill would merely extend the current requirement to reach those few vessels that are over 20 meters and less than 300 gross tons. Between 1981 and 1988 the failure to use radiotelephones was involved in 25 maritime accidents.

Mr. Speaker, each year you appoint Members of the House of Representatives to the Board of Visitors to the U.S. Coast Guard Academy. This bill will simply allow you to make your designation at the beginning of each Congress with the term to continue for the remainder of that Congress. This will serve to provide for the continuity of the Board of Visitors in addition to reducing the work load of the Speaker's office.

The bill contains a provision which exempts self-propelled hopper dredges from the requirement that there be a federally licensed pilot on board at all times. The nature of these types of vessels and the fact that they transport valueless materials makes this requirement unnecessary. Hopper dredges generally operate in a very limited area. They have historically operated without Federal or State pilots and have had a strong safety record. Prior to 1977 the only hopper dredges in use were owned by the Army Corps of Engineers. They still own four of these dredges and the remainder are privately owned but are most frequently used on Federal projects. The present requirement that hopper dredges use Federal pilots could increase the cost of performing Corps of Engineers dredging contracts by 10 to 15 percent. Therefore, this change will help to reduce the cost of Corps of Engineers dredging projects by deleting this unnecessary requirement.

The bill also allows for a simplified method of measuring domestic barges. It will also require the Coast Guard to develop a strategic plan for information resources management and requires the Coast Guard to submit reports on the development of its plan to the Senate Commerce Committee and the House Merchant Marine and Fisheries Committee.

The bill makes several minor, technical changes to the Coast Guard boating safety program and changes the schedule for estimating state grants from the boat safety account. The changes will not affect the amount each State receives but will simply give the States more time for planning and determining the amount necessary to match the Federal grants.

It also establishes a cold water survival training center in Alaska. The committee unanimously agreed that such a training center could save many lives in Alaska and other cold water areas where after a vessel capsizes or sinks, most deaths are from the cold water, not drowning.

This legislation was adopted unanimously by the Subcommittee on Coast Guard and Navigation and by the full Merchant Marine and Fisheries Committee. Much of the legislation is corrective in nature and has been unopposed. It is the work of many of the members of our full committee. I wish to express my thanks to the chairman of the full committee, Mr. JONES for his efforts and to the ranking minority member, Mr. DAVIS for his contributions. Other members such as Mr. LENT, Mr. YOUNG, and Mr. SHAW have also provided assistance in bringing this bill to the floor. I would also like to thank Admiral Kime, the Commandant of the Coast Guard and his fine staff for all their assistance.

Mr. Speaker, I urge passage of H.R. 4491 as amended.

□ 1310

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

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 4491 and urge its adoption.

I especially want to thank the chairman of the subcommittee, the gentleman from Louisiana [Mr. TAUZIN], for his support of my amendment to authorize a cold water survival center in Alaska. My State supports major commercial and recreational fisheries. It also is the site of important offshore oil production facilities in Cook Inlet. Establishment of a cold water survival center in Alaska will make the jobs of those men and women who work on the sea that much safer, including the many members of the U.S. Coast Guard who serve our Nation.

I rise with Chairman TAUZIN in support H.R. 4491. Aside from the necessary provision to correct a lapse in the requirements for communication equipment on large vessels, this bill contains several sections important to the general management of the Coast Guard.

Recent requirements for 100-percent bonds for shipyards bidding on all Coast Guard contracts for construction and repairs of Coast Guard vessels, has placed an unnecessary burden on responsible yards. There has not been a specific incident in recent Coast Guard contracting which has necessitated the imposition of these bonds. These bonds are expensive and difficult for small yards to acquire, resulting in fewer yards bidding on con-

tracts, less competition, and higher costs to the Government.

Under section 7 of H.R. 4491 the Secretary of Transportation will be required to determine that a Coast Guard bonding requirement will not preclude responsible bidders from competing for a contract. Excessive bonds are not needed to protect the Government's interest in most cases, and should not be used when the effect is to exclude small business participation.

Another section of H.R. 4491 requires the Coast Guard to develop a strategic plan for Coast Guard management of information resources before further acquisitions of these resources are made in fiscal year 1992. A major systems acquisition is planned for that year totaling nearly \$100 million. The preparation of a strategic plan will maximize the benefits gained from the individual systems being installed and emphasize the need for compatibility and information exchange between the systems. This will give the Coast Guard access to a wide range of information that in the past was difficult or impossible to retrieve. It will also make the Coast Guard better able to meet all of its missions and place it in the forefront of Federal agencies with the management of its information resources.

Mr. Speaker, I understand that the Coast Guard may feel we are singling them out and being overly critical of their IRM program. Nothing could be further from the truth. To the contrary, I am encouraged by the steps the Coast Guard is taking to improve IRM management. The information I have from GAO is that all agencies can use some improvement in the way in which they use computers. The committee included this provision not as a criticism, but as a way to ensure the Coast Guard's program maintains the high standard of service for which the Coast Guard is renowned. I urge my colleagues to join us in passage of H.R. 4491.

Mr. TAUZIN. Mr. Speaker, I yield myself just a few additional moments only to congratulate the gentleman from Alaska [Mr. YOUNG] for the exceptionally fine work he has done and for the forethought to make sure that Alaska does have this cold water training facility. He has been an advocate for a long time for this facility, and his interest in safety and promoting the maritime workers and the fishermen will apply to not only his State, but all our States, and he is to be commended.

Mr. JONES of North Carolina. Mr. Speaker, I rise in support of H.R. 4491.

Earlier this year, I introduced H.R. 4491, legislation to amend the Vessel Bridge-to-Bridge Radiotelephone Act of 1971. This bill's purpose is to reduce the risks of collisions between vessels operating in narrow channels.

During my committee's consideration of this legislation, numerous provisions were added dealing with various unrelated, noncontroversial, yet very important matters that will promote safer navigation, reduce unnecessary regulatory burdens on certain operators, and make the Coast Guard's information management system more efficient. In addition, the bill provides for the transfer of certain Coast Guard property that the service no longer needs.

Although all of the provisions in this bill are significant, I would like to highlight one of these property transfers that is especially significant and important to me and the people of the First District of North Carolina. On May 8 of this year, I introduced H.R. 4749, which directs the Secretary of Transportation to transfer all rights, title, and interest of the United States in the Oregon Inlet Coast Guard Boat Station to Dare County, NC. Section 14 of the bill we are considering today is virtually the same.

The Oregon Inlet Boat Station has a proud history. For over a century, Coast Guard men and women protected the safety of mid-Atlantic mariners, fishermen, and recreational boaters from one of the most treacherous inlets on the Atlantic Coast. Unfortunately, in December 1988, the Coast Guard was forced by the threat of rampant beach erosion to permanently close the station. A new station is being constructed at a nearby site.

The Coast Guard's loss will be Dare County's gain. This bill will allow the county to preserve some measure of the station's history. While firm plans have not been made, Dare County is planning to convert the building to a museum or visitors center, and the grounds to a recreational facility. Mixed with the sadness that the Oregon Inlet Boat Station's time has passed, is the consolation that it will enjoy a rebirth still in public service.

In addition to this important provision, the bill was amended to:

Designate the Sidney Lanier Bridge an obstruction to navigation;

Exempt vessels used as merchant marine memorials from passenger ship inspection requirements;

Provide for the designation of the members of the Coast Guard Academy Board of Visitors to correspond to the terms of Members of Congress;

Provide for simplified measurement of inland barges;

Prohibit the Secretary of Transportation or the commandant from requiring unreasonable bonds from contractors performing work on Coast Guard vessels;

Exempt seagoing self-propelled hopper dredges from the Federal pilot requirement;

Transfer certain Coast Guard properties;

Prohibit the Coast Guard from acquiring additional information resources in fiscal year 1992 until it develops a strategic information plan;

Amend the Boating Safety Program;

Designate Bayou LaFourche a navigable waterway; and

Authorize funds for the establishment of a cold water survival school.

The legislation, as introduced, would promote a safer marine environment. The provi-

sions added by the committee make a number of important changes in existing law and provide the tools to allow the Coast Guard to better perform their vital tasks. I strongly urge my colleagues to support this bill.

Mr. DAVIS. Mr. Speaker, I rise with Chairman TAUZIN in support of H.R. 4491. Aside from the necessary provision to correct a lapse in the requirements for communication equipment on large vessels, this bill contains several sections important to the general management of the Coast Guard.

Recent requirements for 100-percent bonds for shipyards bidding on all Coast Guard contracts for construction and repairs of Coast Guard vessels has placed an unnecessary burden on responsible yards. There has not been a specific incident in recent Coast Guard contracting which has necessitated the imposition of these bonds. These bonds are expensive and difficult for small yards to acquire, resulting in fewer yards bidding on contracts, less competition, and higher costs to the Government.

Section 7 of H.R. 4491 would still allow the Secretary of Transportation to apply the traditional standards of responsibility contained in the Federal Acquisition Regulations. However, the Secretary will now be required to determine that a Coast Guard bonding requirement will not preclude responsible bidders from competing for a contract. Excessive bonds are not needed to protect the Government's interest in most cases, and should not be used when the effect is to exclude small business participation.

The Congressional Budget Office estimate for H.R. 4491 states that section 7 of the bill would limit the circumstances under which the Coast Guard may impose bonding requirements. The estimate also states that if this provision is effective in reducing the number of secured contracts, some Coast Guard maintenance and capital programs would be exposed to greater risk. These statements reflect a misunderstanding of the effect of section 7 of H.R. 4491.

Under section 7, the Coast Guard will be required to make a case-by-case determination that a particular Coast Guard bonding requirement will not preclude responsible bidders from competing for a contract. In making the determination regarding responsibility of potential bidders, the Coast Guard should apply the traditional standards of reasonability contained in the Federal Acquisition Regulations. If the bonding requirement is so high that responsible bidders are excluded from the competition, the Coast Guard may impose a bonding requirement at that level. However, the Coast Guard may adjust the level of the bond so as not to exclude responsible bidders. The case-by-case determination required by this section will not limit the circumstances under which the Coast Guard may impose bonds or reduce the number of secured Coast Guard contracts. What the determination will do is assure that the level of the bond is not so high that responsible small businesses are not able to compete for the contract. This provision does not eliminate bonds but rather regulates the amount of bonds to remove any anti-competitive effect.

I understand that the Coast Guard is still routinely requiring a bond of 100 percent for

Coast Guard vessel construction contracts. This practice disappoints me because it is keeping many small businesses from bidding on Coast Guard contracts, either because they cannot afford to purchase bonds or because they do not have the assets to pledge as security for a bond. Not only are bond rates prohibitively expensive for many small shipyards, bonds are becoming increasingly difficult for small shipyards to purchase at any price, because bondsmen are reluctant to accept the nonliquid assets of a shipyard as security.

The Coast Guard is not required by section 7 to forgo reasonable bonding requirements that do not have an anticompetitive impact. In addition, under section 7 the Coast Guard may reject bidders who are unlikely to successfully complete the contract. In these ways, the Government's interest is protected without unreasonably excluding small businesses by requiring unnecessary bonds. Excessively high bonding requirements should not be used as a substitute for effective procurement practices by the Government.

I believe this provision will strike a balance between the Government's need to ensure successful completion of contracts and the public interest in encouraging and supporting small businesses.

Another section of H.R. 4491 requires the Coast Guard to develop a strategic plan for their management of information resources before further acquisitions of these resources are made in fiscal year 1992. A major systems acquisition is planned for that year totaling nearly \$100 million. The preparation of a strategic plan will maximize the benefits gained from the individual systems being installed and emphasize the need for compatibility and information exchange between the systems. This will give the Coast Guard access to a wide range of information that in the past was difficult or impossible to retrieve. It will also make the Coast Guard better able to meet all of its missions and place it in the forefront of Federal agencies with the management of its information resources.

Mr. Speaker, I understand that the Coast Guard may feel we are singling them out and being overly critical of their IRM program. Nothing could be further from the truth. To the contrary, I am encouraged by the steps the Coast Guard is taking to improve IRM management. The information I have from GAO is that all agencies can use some improvement in the way in which they use computers. The committee included this provision not as a criticism, but as a way to ensure the Coast Guard's program maintains the high standard of service for which the Coast Guard is renowned.

I urge my colleagues to join us in passage of H.R. 4491.

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

Mr. YOUNG of Alaska. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. TORRES). The question is on the motion offered by the gentleman from Louisiana [Mr. TAUZIN] that the House suspend the rules and pass the bill, H.R. 4491, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended, and the bill, as amended, was passed.

The title of the bill was amended so as to read: "Coast Guard Omnibus Act of 1990".

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. TAUZIN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 4491, the bill just passed.

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

There was no objection.

NATIONAL ENVIRONMENTAL EDUCATION ACT

Mr. JONTZ. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3684) to increase public understanding of the natural environment and to advance and develop environmental education and training as amended.

The Clerk read as follows:

H.R. 3684

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

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "National Environmental Education Act".

(b) TABLE OF CONTENTS.—

- Sec. 1. Short title and table of contents.
- Sec. 2. Findings and policy.
- Sec. 3. Definitions.
- Sec. 4. Office of Environmental Education.
- Sec. 5. Environmental education and training program.
- Sec. 6. Environmental education grants.
- Sec. 7. Environmental internships.
- Sec. 8. Environmental education awards.
- Sec. 9. Environmental Education Advisory Council and Task Force.
- Sec. 10. The National Environmental and Training Foundation.
- Sec. 11. Authorization.

SEC. 2. FINDINGS AND POLICY.

(a) FINDINGS.—The Congress finds that—

(1) Threats to human health and environmental quality are increasingly complex, involving a wide range of conventional and toxic contaminants in the air and water and on the land.

(2) There is growing evidence of international environmental problems, such as global warming, ocean pollution, and species diversity, and that these problems pose serious threats to human health and the environment on a global scale.

(3) These problems represent a significant a threat to the quality of life and economic vitality of urban areas as they do the natural balance of rural areas.

(4) Effective response to complex environmental problems requires understanding of the natural and built environment and awareness of environmental problems and

their origins, including those in urban areas, and the skills to solve these problems.

(5) Development of effective solutions to environmental problems and effective implementation of environmental programs requires a well educated and trained, professional work force.

(6) Current Federal efforts to inform and educate the public concerning the natural and built environment and environmental problems, and its support for local, State, national and international networks to support environmental education and training, are not adequate.

(7) Existing Federal support for development and training of professionals in environmental fields is not sufficient.

(8) The Federal Government, acting through the Environmental Protection Agency, should work with local education institutions, State education agencies, not-for-profit educational and environmental organizations, noncommercial education broadcasting entities, and private sector interests to support development of curricula, special projects, and other activities, to increase understanding of the natural and built environment and to improve awareness of environmental problems.

(9) The Federal Government, acting through the efforts of its agencies, especially the Environmental Protection Agency, should work with local education institutions, State education institutions, not-for-profit educational organizations, noncommercial education broadcasting entities, and private sector interests to develop programs to provide increased emphasis and financial resources for the purpose of attracting students into environmental engineering and assisting them with financial and other means in pursuing the programs to complete the advanced technical education required to provide effective problem solving capabilities for complex environmental issues.

(b) **POLICY.**—It is the policy of the United States to establish and support a program of education on the environment, its needs and the choices involving the environment made in daily life, for students and personnel working with students, through activities in schools, institutions of higher education, and related educational activities, and to encourage postsecondary students to pursue careers related to the environment.

SEC. 3. DEFINITIONS.

For the purposes of this Act, the term—

(1) "Administrator" means the Administrator of the Environmental Protection Agency;

(2) "Agency" means the United States Environmental Protection Agency;

(3) "Federal agency" or "agency of the United States" means any department, agency or other instrumentality of the Federal Government, any independent agency or establishment of the Federal Government including any Government corporation;

(4) "Secretary" means the Secretary of the Department of Education;

(5) "local education agency" means any education agency as defined in section 198 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 3381);

(6) "not-for-profit" organization means an organization, association, or institution described in section 501(c)(3) of the Internal Revenue Code of 1986, which is exempt from taxation pursuant to the provisions of section 501(a) of such Code;

(7) "environmental engineering" means the discipline within engineering and sci-

ence concerned with the development and application of scientific and technical solutions to protecting the aquatic and atmospheric environment, including, but not limited to, all phases of water resources planning, water supply, water treatment, air pollution characterization and control, remediation of hazardous substances, environmental transport of contaminants in surface and groundwater and atmosphere, and methods for assessment and control of pollution;

(8) "noncommercial education broadcasting entities" means any noncommercial educational broadcasting station (and/or its legal nonprofit affiliates) as defined and licensed by the Federal Communications Commission;

(9) "tribal education agency" means a school or community college which is controlled by an Indian tribe, band, or nation, including any Alaska native village, which is recognized as eligible for special programs and services provided by the United States to Indians because of their status as Indians and which is not administered by the Bureau of Indian Affairs;

(10) "Foundation" means the National Environmental Education and Training Foundation;

(11) "Board of Directors" means the Board of Directors of the National Environmental Education and Training Foundation; and

(12) "environmental education" and "environmental education and training" mean educational activities and training activities involving elementary, secondary, and post-secondary students, as such terms are defined in the State in which they reside, and environmental education personnel, but does not include technical training activities directed toward environmental management professionals or activities primarily directed toward the support of noneducational research and development.

SEC. 4. OFFICE OF ENVIRONMENTAL EDUCATION.

(a) The Administrator shall establish an Office of Environmental Education within the Environmental Protection Agency.

(b) The Office of Environmental Education shall—

(1) develop and support programs and related efforts to improve understanding of the natural and built environment, and the relationships between humans and their environment, including the global aspects of environmental problems;

(2) support development and the widest possible dissemination of model curricula, educational materials, and training programs for elementary and secondary students and other interested groups, including senior Americans;

(3) develop and disseminate, in cooperation with educational and environmental and other not-for-profit organizations and with noncommercial education broadcasting entities, environmental education publications and audio/visual materials;

(4) develop and support environmental education networks, seminars, teleconferences, training programs, and workshops for environmental professionals, as provided for in section 5 of this Act;

(5) manage Federal grant assistance provided to local education agencies, institutions of higher education, other not-for-profit organizations, and noncommercial education broadcasting entities under section 6 of this Act;

(6) administer the environmental internship program provided for in section 7 of this Act;

(7) administer the environmental awards program provided for in section 8 of this Act;

(8) provide staff support to the Advisory Council and the Environmental Education Task Force provided for in section 9 of this Act;

(9) assess the demand for professional skills and training needed to respond to current and anticipated environmental problems and cooperate with appropriate institutions, organizations, and agencies to develop training programs, curricula, and continuing education programs for teachers, school administrators, and related professionals;

(10) assure the coordination of Federal statutes and programs administered by the Agency relating to environmental education, consistent with the provisions and purposes of those programs, and work to reduce duplication or inconsistencies within the programs;

(11) work with the Department of Education, the Federal Interagency Committee on Education, and with other Federal agencies to assure the effective coordination of programs related to environmental education; and

(12) otherwise provide for the implementation of this Act.

(c) The Office of Environmental Education shall—

(1) be directed by a Director who shall be a member of the Senior Executive Service;

(2) include a headquarters staff of not more than ten full-time equivalent employees; and

(3) be supported by one full-time equivalent employee in each Agency regional office.

SEC. 5. ENVIRONMENTAL EDUCATION AND TRAINING PROGRAM.

(a) There is hereby established an Environmental Education and Training Program. The purpose of the program shall be to train educational professionals in the development and delivery of environmental education and training programs and studies.

(b) The functions and activities of the program shall include, at a minimum—

(1) classroom training in environmental education and studies including environmental sciences and theory, educational methods and practices, and topical environmental issues and problems;

(2) demonstration of the design and conduct of environmental field studies and assessments;

(3) training in development of environmental programs and curriculum;

(4) sponsorship and management of international exchanges of teachers and other educational professionals involved in environmental programs and issues;

(5) maintenance of a library of environmental education materials, information, literature, and technologies, with electronic as well as hard copy accessibility;

(6) evaluation and dissemination of environmental education materials, training methods, and related programs;

(7) sponsorship of conferences, seminars, and related forums for the advancement and development of environmental education and training curricula and materials, including international conferences, seminars, and forums; and

(8) supporting effective partnerships and networks and the use of distant learning technologies of public, private, not-for-profit and governmental organizations in-

volved in environmental education and training.

Special emphasis should be placed on developing environmental education programs, workshops, and training tools which are portable and can be broadly disseminated including development of computer networks.

(c)(1) The Administrator shall make a grant on an annual basis to an institution or institutions of higher education or other research institution(s) which is/are a not-for-profit institution (or consortia of such institutions) to establish and operate the environmental education and training program required by this section.

(2) Any institution of higher education or other research institution (or consortia of such institutions) which is a not-for-profit organization and is interested in receiving a grant under this section may submit to the Administrator an application in such form and containing such information as the Administrator may require.

(3) The Administrator shall award grants under this section on the basis of—

(A) the capability to develop environmental education and training programs;

(B) the capability to deliver training to a range of participants and in a range of settings;

(C) the expertise of the staff in a range of appropriate disciplines;

(D) the relative economic effectiveness of the program in terms of the ratio of overhead costs to direct services;

(E) the results of any evaluation under paragraph (5) of this subsection; and

(F) the capability to make effective use of existing national environmental education resources, programs, and networks, including public telecommunications networks; and

(G) such other factors as the Administrator deems appropriate.

(4) No funds made available to carry out this section shall be used for the acquisition of real property (including buildings) or the construction or substantial modification of any building.

(5) The Administrator shall establish procedures for a careful and detailed review and evaluation of the environmental education and training program or programs to determine whether the quality of the program being operated by the grantee or grantees warrants continued support under this section.

(d)(1) Individuals eligible for participation in the program are teachers, faculty, administrators and related support staff associated with local education agencies, colleges, and universities, employees of State education, environmental protection, and natural resource departments, and employees of not-for-profit organizations involved in environmental education activities and issues.

(2) Environmental education professionals shall be selected for participation in the program based on applications which shall be in such form as the Administrator determines to be appropriate.

(3) In selecting individuals to participate in the program, the Administrator shall provide for a wide geographic representation and a mix of individuals, including minorities, working at primary, secondary, postsecondary levels, and with appropriate other agencies and departments.

(4) Individuals selected for participation in the program may be provided with a stipend to cover travel and accommodations in such amounts as the Administrator determines to be appropriate.

SEC. 6. ENVIRONMENTAL EDUCATION GRANTS.

(a) The Administrator may enter into a cooperative agreement or contract, or provide financial assistance in the form of grants to support projects to design, demonstrate, and disseminate practices, methods, or techniques related to environmental education and training.

(b) Activities eligible for grant support pursuant to this section shall include, but not be limited to, projects to—

(1) design, demonstrate, and disseminate environmental curricula, including development of educational tools and materials;

(2) design and demonstrate field methods, practices, and techniques;

(3) understand and assess a specific environmental issue or a specific environmental problem; and

(4) support training or related education for personnel, including teachers, faculty, or administrative staff.

(c) In making grants pursuant to this section, the Administrator shall give priority to those proposed projects which will develop—

(1) a new or significantly improved environmental education practice, method, or technique;

(2) an environmental education practice, method, or technique which may have wide application;

(3) an environmental education practice, method, or technique which addresses a skill or scientific field identified as a priority in the report developed pursuant to section 9(f) of this Act;

(4) an environmental education practice, method or technique which addresses an environmental issue which, in the judgment of the Administrator, is of a high priority; and

(5) an evaluation of the content and effectiveness of environmental education and training programs and materials.

(d) The program established by this subsection shall include solicitations for projects, selection of suitable projects from among those proposed, supervision of such projects, evaluation of the results of projects, and dissemination of information on the effectiveness and feasibility of the practices, methods, techniques, and processes. Within one year after the date of enactment of this Act, the Administrator shall publish regulations to assure satisfactory implementation of each element of the program authorized by this subsection.

(e) Within 90 days after the date on which amounts are first appropriated for carrying out this Act, the Administrator shall publish a solicitation for environmental education grants. The solicitation notice shall prescribe the information to be included in the proposal and other information sufficient to permit the Administrator to assess the project.

(f) Any local education agency, college or university, State education agency or environmental agency, not-for-profit organization, or noncommercial educational broadcasting entity may submit an application to the Administrator in response to the solicitations required by subsection (e) of this section.

(g) Each project under this section shall be performed by the applicant, or by a person satisfactory to the applicant and the Administrator.

(h) Federal funds for any demonstration project under this section shall not exceed 75 per centum of the total cost of such project. For the purposes of this section, the non-Federal share of project costs may be provided by in-kind contributions and other

noncash support. In cases where the Administrator determines that a proposed project merits support and cannot be undertaken without a higher rate of Federal support, the Administrator may approve grants under this section with a matching requirement other than that specified in this subsection, including full Federal funding.

(i) Grants under this section shall not exceed \$250,000. In addition, 25 per centum of all funds obligated under this section in a fiscal year shall be for grants of not more than \$5,000.

SEC. 7. ENVIRONMENTAL INTERNSHIPS.

(a) The Administrator shall, in consultation with the Office of Personnel Management and other appropriate Federal agencies, provide for internships by postsecondary level students with agencies of the Federal Government.

(b) The purpose of internships pursuant to this section shall be to provide college level students with an opportunity to work with professional staff of Federal agencies involved in environmental issues and thereby gain an understanding and appreciation of the skills and abilities appropriate to such professions.

(c) The Administrator shall, to the extent practicable, support not less than one hundred and fifty internships each year.

(d) The internship program shall be managed by the Office of Environmental Education. Interns may serve in appropriate agencies of the Federal Government including, but not limited to, the Environmental Protection Agency, the Department of Energy, the Department of Defense, the Fish and Wildlife Service, and the National Oceanic and Atmospheric Administration, Council on Environmental Quality, Soil Conservation Service, United States Forest Service, National Park Service, and the Bureau of Land Management.

(e) Interns shall be hired on a temporary, full-time basis for not to exceed six months and shall be compensated appropriately. Federal agencies hiring interns shall provide the funds necessary to support salaries and related costs.

(f) Individuals eligible for participation in the internship program are students enrolled at accredited colleges or universities who have successfully completed not less than four courses or the equivalent in environmental sciences or studies, as determined by the Administrator.

(g) Students shall be selected for internships based on applications which shall be in such form as the Administrator considers appropriate.

(h) In selecting individuals for internships, the Administrator shall provide for wide geographic cultural and minority representation.

SEC. 8. ENVIRONMENTAL EDUCATION AWARDS.

(a) The Administrator shall provide for a series of national awards recognizing outstanding contributions to environmental education.

(b) National environmental awards shall include—

(1) the "Theodore Roosevelt Award" to be given in recognition of an outstanding career in environmental education, teaching, or administration;

(2) the "Henry David Thoreau Award" to be given in recognition of an outstanding contribution to literature on the natural environment and environmental pollution problems; and

(3) the "Rachael Carson Award" to be given in recognition of an outstanding con-

tribution in print, film media, or broadcast to public education and information on environmental issues or problems.

(c) The Administrator may also provide for the "President's Environmental Youth Awards" to be given to young people in grades kindergarten through twelfth for an outstanding project to promote local environmental awareness.

(d) Recipients of education awards provided for in subsection (b) shall be nominated by the Environmental Education Advisory Council provided for in section 9 of this Act.

(e) The Regional Administrator of each of the ten regional offices of the Environmental Protection Agency shall, based upon uniform criteria developed by the Administrator and utilized agency-wide, present an "Outstanding Environmental Educator Award" on an annual basis to a teacher or faculty member from a local education agency, college or university, or not-for-profit organization in that region in recognition of a specific, outstanding contribution to environmental education during the past year.

SEC. 9. ENVIRONMENTAL EDUCATION ADVISORY COUNCIL AND TASK FORCE.

(a) There is hereby established a National Environmental Education Advisory Council and a Federal Task Force on Environmental Education.

(b) The Council shall advise, consult with, and make recommendations to, the Administrator on matters relating to activities, functions, and policies of the Agency under this Act. With respect to such matters, the Council shall be the exclusive advisory entity for the Administrator. The Council may exchange information with other advisory councils established for the Administrator. The Office shall provide staff support to the Council.

(c) The Council shall consist of eleven members appointed by the Administrator after consultation with the Secretary. Two members shall be appointed to represent primary and secondary education (one of whom shall be a classroom teacher); two members shall be appointed to represent colleges and universities; two members shall be appointed to represent not-for-profit organizations involved in environmental education, two members shall be appointed to represent State departments of education and natural resources; two members shall be appointed to represent business and industry, and one member shall be appointed to represent senior Americans. A representative of the Secretary, Department of Education, shall serve as an ex-officio member of the Council.

(d) The Administrator shall provide that members of the Council represent the various geographic regions of the country, has minority representation, and that the professional backgrounds of the members include scientific, policy, and other appropriate disciplines.

(e) Each member of the Council shall hold office for a term of three years, except that—

(1) any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term; and

(2) the terms of the members first taking office shall expire as follows: four shall expire three years after the date of enactment of this Act, four shall expire two years after such date, and three shall expire one year after such date, as designated by the Administrator at the time of appointment.

(f) The Council shall, after providing for public review and comment, submit to the Congress, within twenty-four months of enactment and biennially thereafter, a report which shall—

(1) describe and assess the extent and quality of environmental education in the Nation's schools, colleges, and universities;

(2) provide a general description of the activities conducted pursuant to this Act and related authorities over the previous two-year period;

(3) summarize major obstacles to improving environmental education and make recommendations for addressing such obstacles;

(4) identify personnel skills, education, and training needed to respond to current and anticipated environmental problems and make recommendations for actions to assure sufficient educational and training opportunities in these professions; and

(5) describe and assess the extent and quality of environmental education available to senior Americans, and make recommendations thereon; describe the various Federal agency programs to further senior environmental education; and evaluate and make recommendations as to how such educational apparatuses could best be coordinated with non-profit senior organizations across the Nation, and environmental education institutions and organizations now in existence.

(g) Members of the Council appointed under this section shall, while attending meetings or conferences of the Council or otherwise engaged in business of the Council, receive compensation and allowances at a rate to be fixed by the Administrator, but not exceeding the daily equivalent of the annual rate of basic pay in effect for grade GS-18 of the General Schedule for each day (including travel time) during which they are engaged in the actual performance of duties vested in the Council. While away from their homes or regular places of business in the performance of services for the Council, members of the Council shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703(b) of title 5 of the United States Code.

(h) Section 14(a) of the Federal Advisory Committee Act relating to termination, shall not apply to the Council.

(i) (1) The Federal Task Force on Environmental Education shall advise, consult with and make recommendations to the Administrator on matter relating to implementation of this Act and assure the coordination of such implementation activities with related activities of other Federal agencies.

(2) Membership of the Task Force shall include representatives of the—

- (A) Department of Education,
- (B) Fish and Wildlife Service,
- (C) National Park Service,
- (D) Forest Service,
- (E) Department of Agriculture,
- (F) Council on Environmental Quality;
- (G) National Science Foundation;
- (H) Department of Energy;
- (I) Department of Defense; and
- (J) Tennessee Valley Authority.

The Administrator of the Environmental Protection Agency shall chair the Task Force. The Federal Task Force on Environmental Education shall review and comment on a draft of the report to Congress.

SEC. 10. THE NATIONAL ENVIRONMENTAL EDUCATION FOUNDATION.

(a) ESTABLISHMENT AND PURPOSES.—

(1) ESTABLISHMENT.—(A) There is hereby established the National Environmental Education and Training Foundation (hereinafter in this chapter referred to as the "Foundation"). The Foundation is established in order to extend the contribution of environmental education and training to meeting critical environmental protection and sustainable development needs, both in this country and internationally; to facilitate the cooperation, coordination and contribution of public and private resources to create an environmentally conscious public and responsible workforce, and an environmentally advanced educational system; and to foster an open and effective partnership among Federal, State, and local government, business, industry, academic institutions, grassroots environmental advocacy groups, international organizations, and individuals dedicated to fostering a new global environmental ethic.

(B) The Foundation is a charitable and nonprofit corporation whose income is exempt from tax, and donations to which are tax deductible to the same extent as those organizations listed pursuant to section 501(c) of the Internal Revenue Code of 1986. The Foundation is not an agency or establishment of the United States.

(2) PURPOSES.—The purposes of the Foundation are—

(A) to encourage, accept, leverage, and administer private gifts for the benefit of, or in connection with, the environmental education and training activities and services of the United States Environmental Protection Agency, and

(B) to undertake and conduct such other environmental education activities as will further the development of an environmentally conscious and responsible public, a well-trained and environmentally literate workforce, and an environmentally advanced educational system, and

(C) to participate with, and otherwise assist, foreign governments, entities, and individuals in undertaking and conducting activities that will further environmental education and training worldwide.

(3) PROGRAMS.—The Foundation will develop, support and/or operate a system of programs and projects to educate and train educational and environmental management professionals, and to assist them in the development and delivery of environmental education and training program and studies. The program will be implemented through a national and international network of environmental education and training centers located within institutions of higher learning, graduate professional schools, not-for-profit environmental, education and/or training organizations, business and/or industry facilities, museums, libraries, and other such institutions which express an interest in and a capability to participate in the programs.

(b) BOARD OF DIRECTORS.—

(1) ESTABLISHMENT AND MEMBERSHIP.—(A) The Foundation shall have a governing Board of Directors (hereinafter referred to in this chapter as the "Board"), which shall consist of 15 Directors, each of whom shall be knowledgeable or experienced in environment, education, and/or training. The membership of the Board, to the extent practicable, shall represent diverse points of view relating to environmental education and training. The Administrator of the Environmental Protection Agency shall appoint a repre-

sentative to be a voting member of the Board. Ex-officio membership shall also be offered to other Federal agencies or departments with an interest and/or experience in environmental education and training. The Board shall also ensure that the activities of the Foundation are consistent with the environmental education goals and policies of the Environmental Protection Agency and with the intents and purposes of this Act. Appointment to the Board shall not constitute employment by, or the holding of an office of, the United States for the purposes of any Federal law.

(B) There shall also be established an executive committee of the Foundation, elected by the Board, which committee shall meet at least twice yearly to conduct the business of the Foundation.

(2) **APPOINTMENT AND TERMS.**—Within 90 days of the passage of this Act, the Administrator of the Environmental Protection Agency (hereinafter referred to in this chapter as the "Administrator") shall appoint the Directors of the Board. The Directors shall be appointed for terms of six years; except that the Administrator, in making the initial appointments to the Board, shall appoint five Directors to a term of two years, five Directors to a term of four years, and five Directors to a term of six years. A vacancy on the Board shall be filled within 60 days of said vacancy in the manner in which the original appointment was made. No individual may serve more than two consecutive terms as a Director.

(3) **CHAIRMAN.**—The Chairman shall be elected by the Board from its members for a two-year term.

(4) **QUORUM.**—A majority of the current membership of the Board shall constitute a quorum for the transaction of business.

(5) **MEETINGS.**—The Board shall meet at the call of the Chairman at least twice a year. If a Director misses three consecutive regularly scheduled meetings, that individual may be removed from the Board and that vacancy filled in accordance with subsection (b) of this section.

(6) **REIMBURSEMENT OF EXPENSES.**—Members of the Board shall serve without pay, but may be reimbursed for the actual and necessary traveling and subsistence expenses incurred by them in the performance of the duties of the Foundation.

(7) **GENERAL POWERS.**—(A) The Board may complete the organization of the Foundation by:

- (i) appointing officers and employees;
- (ii) adopting a constitution and bylaws consistent with the purposes of the Foundation and the provisions of this section; and
- (iii) undertaking of such other acts as may be necessary to carry out the provisions of this section.

(B) The following limitations apply with respect to the appointment of officers and employees of the Foundation:

(i) Officers and employees may not be appointed until the Foundation has sufficient funds to pay them for their service. Officers and employees of the Foundation shall be appointed without regard to the provisions of title 5, governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 of subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, except that no individual so appointed may receive pay in excess of the annual rate of basic pay in effect for grade GS-18 of the General Schedule.

(ii) The first officer or employee appointed by the Board shall be the Executive Di-

rector of the Foundation who (I) shall serve, at the direction of the Board, as the Secretary of the Board and the Foundation's chief executive officer, and (II) shall be knowledgeable and experienced in matters relating to environmental education and training.

(c) **RIGHTS AND OBLIGATIONS OF THE FOUNDATION.**—

(1) **IN GENERAL.**—The Foundation:

(A) shall have perpetual succession;

(B) may conduct business throughout the several States, territories, and possessions of the United States and abroad;

(C) shall have its principal offices in the District of Columbia or in the greater metropolitan area; and

(D) shall at all times maintain a designated agent authorized to accept service of process for the Foundation.

The service of notice to, or service of process upon, the agent required under paragraph (4), or mailed to the business address of such agent, shall be deemed as service upon or notice to the Foundation.

(2) **SEAL.**—The Foundation shall have an official seal selected by the Board which shall be judicially noticed.

(3) **POWERS.**—To carry out its purposes under section 10(a)(2) of this Act, the Foundation shall have, in addition to the powers otherwise given it under this section, the usual powers of a corporation acting as a trustee, including the power:

(A) to accept, receive, solicit, hold, administer and use any gift, devise, or bequest, either absolutely or in trust, of real or personal property or any income therefrom or other interest therein;

(B) to acquire by purchase or exchange any real or personal property or interest therein;

(C) unless otherwise required by the instrument of transfer, to sell, donate, lease, invest, reinvest, retain or otherwise dispose of any property or income therefrom;

(D) to sue or be sued, and complain and defend itself in any court of competent jurisdiction, except that the Directors of the Board shall not be personally liable, except for gross negligence;

(E) to enter into contracts or other arrangements with public agencies and private organizations and persons and to make such payments as may be necessary to carry out its function; and

(F) to do any and all acts necessary and proper to carry out the purposes of the Foundation.

For the purposes of this section, a gift, devise, or bequest may be accepted by the Foundation even though it is encumbered, restricted, or subject to beneficial interests of private persons if any current or future interest therein is for the benefit of the Foundation.

(d) **ADMINISTRATIVE SERVICES AND SUPPORT.**—

(1) **PROVISIONS OF SERVICES.**—Subject to the requirements of this subsection, the Administrator may provide personnel, facilities, and other administrative services to the Foundation, including reimbursement of expenses under subsection (b)(6) of this section, not to exceed then current Federal Government per diem rates, for a period of up to four years from the date of enactment of this Act, and may accept reimbursement therefor, to be deposited in the Treasury to the credit of the appropriations then current and chargeable for the cost of providing such services. With respect to personnel, the Administrator may provide no more than one full-time employee to serve the

Foundation in a policy capacity, and may provide clerical and other support staff at a level equivalent to two full-time equivalent employees to the Foundation, for a period not to exceed two years from the date of initial assignment of any personnel for this purpose.

(2) **REPORT.**—The Foundation shall, as soon as practicable after the end of each fiscal year, transmit to Congress a report of its proceedings and activities during such year, including a full and complete statement of its receipts, expenditures, and investments.

(e) **VOLUNTEER STATUS.**—The Administrator may accept, without regard to the civil service classification laws, rules, or regulations, the services of the Foundation, the Board, and the officers and employees of the Board, without compensation from the Environmental Protection Agency, as volunteers in the performance of the functions authorized herein, in the manner provided for under this section.

(f) **AUDITS, REPORT REQUIREMENTS, AND PETITION OF THE ATTORNEY GENERAL FOR EQUITABLE RELIEF.**—

(1) **AUDITS.**—For purposes of the Act entitled "An Act for audit of accounts of private corporations established under Federal law", approved August 30, 1964 (Public Law 88-504; 36 U.S.C. 1101-1103), the Foundation shall be treated as a private corporation established under Federal law.

(2) **REPORT.**—The Foundation shall, as soon as practicable after the end of each fiscal year, transmit to Congress a report of its proceedings and activities during such year, including a full and complete statement of its receipts, expenditures, and investments.

(g) **UNITED STATES RELEASE FROM LIABILITY.**—The United States shall not be liable for any debts, defaults, acts, or omissions of the Foundation nor shall the full faith and credit of the United States extend to any obligation of the Foundation.

(h) **AMENDMENT AND REPEAL.**—The Congress expressly reserves the right to repeal or amend this section at any time.

SEC. 11. AUTHORIZATION OF APPROPRIATIONS.

(a) There are hereby authorized to be appropriated to the Environmental Protection Agency for the purposes of carrying out this Act, \$10,000,000 for each of fiscal years 1992 and 1993, and \$12,000,000 for each of fiscal years 1994 and 1995.

(b) Of such sums appropriated in a fiscal year, not more than 30 percent shall be available for the activities of the Office of Environmental Education, not more than 30 percent shall be available for the operation of the environmental education and training program, and not more than 40 percent shall be available for environmental education grants.

(c) There are hereby, also authorized to be appropriated to the Environmental Protection Agency for each of fiscal years 1992 through 1995, inclusive, to remain available until expended, not to exceed \$1,500,000 to be made available to the Foundation—

(1) to match partially or wholly the amount or value of contributions (whether in currency, services, or property) made to the Foundation by private persons and State and local government agencies;

(2) to provide administrative services under section 10(d) of this Act; and

(3) provided that the Administrator determines that the funds appropriated will be used to carry out the statutory purposes of

the Foundation in a manner consistent with the activities authorized under this Act.

The SPEAKER pro tempore. Is a second demanded?

Mr. GOODLING. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Indiana [Mr. JONTZ] will be recognized for 20 minutes, and the gentleman from Pennsylvania [Mr. GOODLING] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Indiana [Mr. JONTZ].

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

Mr. Speaker, I rise in strong support of H.R. 3684, the National Environmental Education Act, as reported from the Committee on Education and Labor.

H.R. 3684 would establish an Office of Environmental Education within the EPA to administer and coordinate the Federal Government's environmental education contributions.

The bill establishes an environmental education and training program for teacher training in the development and delivery of environmental education programs. The programs would support activities such as international teacher exchanges, conferences and seminars.

The bill also establishes an environmental educational grant program to support activities of local school systems, colleges, State environmental and education agencies, and public broadcasting organizations.

In addition, H.R. 3684 would establish college-level environmental internships in Federal agencies, national and regional awards to recognize excellence in environmental education, a National Environmental Advisory Council to advise EPA on the programs established in the bill, and a Federal Task Force on Environmental Education to coordinate Federal environmental education activities.

The legislation would also establish a National Environmental Education and Training Foundation which, by attracting funds from the private sector to match Federal contributions, will supplement the activities provided for in this bill. The foundation will support a network of environmental education centers at universities and nonprofit environmental and education organizations which would educate and train educational and environmental management professionals.

The bill authorizes \$10 million for each of fiscal years 1992 and 1993, and \$12 million for each of fiscal years 1994 and 1995 for the EPA for these activities. It also authorizes \$1.5 million in each of fiscal years 1992 through 1995 for the National Envi-

ronmental Education and Training Foundation.

Mr. Speaker, this bill reflects the good work of our colleagues on the Education and Labor Committee and the author of H.R. 3684, GEORGE MILLER, who has constructed a proposal which enjoys support from EPA and from the bipartisan membership of the committee. A similar bill was approved by the Senate on July 18.

On April 19, the Subcommittee on Select Education, under the leadership of Chairman MAJOR OWENS, held a hearing on H.R. 3684 at which EPA Administrator William Reilly, entertainer John Denver, and a number of other distinguished witnesses testified. On July 26, the full Education and Labor Committee reported the bill with a substitute amendment offered by myself on behalf of Chairman OWENS and Congressman MILLER.

Mr. Speaker, I am not the first Hoosier on the Education and Labor Committee who has been involved in efforts to expand environmental education. In 1970, the year of the first Earth Day celebration, our former colleague, John Brademas, was the chairman of the Select Education Subcommittee and was the author of the Environmental Education Act of 1970, which became Public Law 91-516.

Unfortunately, the program authorized in the Brademas legislation was never fully funded and was plagued with administrative problems. Public Law 91-516 was repealed in 1982. Since that time, there has been only limited and indirect Federal involvement in environmental education through agencies such as the Fish and Wildlife Service, the USDA Forest Service, and the Tennessee Valley Authority.

Environmental educators in our local public schools, nonprofit organizations and the private sector have been able to sustain a variety of successful environmental education programs. But these efforts should be expanded in order to reach more of our young people.

Federal grants, training opportunities for environmental educators, internships for college students, and a network of environmental education and training centers, backed by the expertise of Federal agencies, will provide greater opportunities for improvement of existing programs and for the establishment of new ones.

It is appropriate that in 1990, the year we celebrated the 20th anniversary of Earth Day, legislation has again come before the Congress to provide a role for the Federal Government in environmental education.

Mr. Speaker, it is gratifying that several Federal agencies with environmental responsibilities are enthusiastic about participating in the programs included in H.R. 3684. EPA has taken the lead role for the Federal Government on this issue, and several

other agencies, such as the Forest Service and the Tennessee Valley Authority, have also requested to be included. Their expertise will be a valuable resource for local educators.

I am confident that we have learned from the earlier problems with the 1970 environmental education law and that we will be able to restore a positive role for the Federal Government in assisting environmental educators across our country.

Mr. Speaker, I want to especially note the great cooperation and support which we have received from the Energy and Commerce Committee. As is noted in an exchange of letters between the chairs of our respective committees, which I will insert in the record as part of my statement, this bill, which involves the EPA, does have provisions which involve the interests of the Energy and Commerce Committee. They have been very helpful and cooperative in working with us to perfect the legislation and to move it to the floor as expeditiously as possible, and I want to extend our thanks to them for their efforts.

Mr. Speaker, there are many events this year which have highlighted the renewed interest of citizens and the Federal Government in ensuring that future generations will be able to enjoy our abundant natural resources, the beauty of our lands, and the security of living in safe and clean neighborhoods.

The 20th anniversary of Earth Day, passage of clean air legislation, passage of the 1990 farm bill recognizing the importance of environmentally sound agricultural production, and reform in the way the Federal Government manages our natural resources owned by the citizens of this country. These are all significant achievements.

Passage of H.R. 3684 will help educate our Nation's young people about the important environmental choices which they will be making and about the challenges our Nation faces in responding to environmental problems.

Mr. Speaker, this proposal enjoys support from EPA, environmental groups and the bipartisan membership of the Education and Labor Committee. Again, I want to commend the work of Congressman MILLER, Chairman OWENS, and the contributions of the EPA and Energy and Commerce Committee. H.R. 3684 deserves the overwhelming approval of the House.

GENERAL LEAVE

Mr. JONTZ. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill now under consideration.

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

There was no objection.

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

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

Mr. Speaker, today we are considering H.R. 3684, the National Environmental Education Act, a bipartisan bill which will increase the public awareness of the importance of protecting our environment. The administration is strongly supporting this bill and has been very instrumental in developing the legislation before us today.

This past April, we celebrated the 20th anniversary of Earth Day, an event which inspired America's environmental consciousness by bringing environmental issues to the national agenda. Much has been accomplished in the last 20 years toward resolving environmental problems but there is still much to be done.

Environmental education can play an essential role in encouraging voluntary changes in individual habits to cut waste and to prevent pollution before it becomes a problem. The more individuals know, the more they understand, the more they benefit, the more active and involved they will be in making a personal contribution to environmental improvement. Heightened public sensitivity to the environmental consequences of individual and collective actions is a benefit of environmental education.

H.R. 3684 accomplishes these goals by creating an Office of Environmental Education within the Environmental Protection Agency [EPA] to develop and support programs to help people improve the understanding of the natural environment and the need to protect it. This bill funds environmental education and training programs to train professionals in environmental education; funds environmental education internships to help young people gain an understanding of environmental education and recognizes outstanding contributions to environmental education through several annual environmental excellence awards. H.R. 3684 authorizes \$10 million in fiscal year 1992 and fiscal year 1993 and \$12 million in fiscal year 1994 and fiscal year 1995 for these activities.

H.R. 3684 also creates a private/public foundation modeled after the successful Fish and Wildlife Foundation to help fund national and international environmental education and training networks and programs. The purposes of this Foundation are to encourage, accept, and administer private donations for environmental educational activities and raise the public consciousness about the need to protect our environment. To attract funds from the private sector for this Foundation, \$1.5 million is authorized in Federal matching funds for this Foundation.

The private sector has been steadily increasing its funding of local, regional, and national environmental projects and I am optimistic that this growth will continue. It is my hope that this Foundation will be successful in raising private sector funds for environmental education so that Federal dollars for this program can be phased out when we reauthorize this legislation in 5 years.

I think H.R. 3684 will provide Federal leadership and assistance in the area of environmental education but ultimately the actions that need to be taken are private actions and this legislation is necessary to cause those private actions to occur. I, therefore, urge my colleagues to support passage of this bill in an effort to educate Americans on the importance of protecting our environment so that future generations can enjoy its beauty.

Mr. Speaker, I yield back the balance of my time.

Mr. JONTZ. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. MILLER], the author of the bill.

Mr. MILLER of California. Mr. Speaker, I urge my colleagues to join me in supporting H.R. 3684, the National Environmental Education Act, a bill which I am proud to have introduced. This legislation renews and reestablishes the Federal role in environmental legislation, and is designed to complement existing environmental programs operated by Federal, State, and local agencies and nonprofit organizations. Its purpose is to increase the public understanding of the natural environment and to advance and develop environmental education and training.

The legislation before us today has been carefully crafted with input from members of staff of the Education and Labor and the Energy and Commerce Committees, the Environmental Protection Agency [EPA], and other Federal agencies, whom I wish to thank for their diligent efforts in strengthening this legislation. H.R. 3684 is supported by the administration as well as numerous environmental advocacy and education groups.

As we prepare to enter the 21st century, there is growing realization and concern that the environmental issues we must address are increasingly complex and interrelated. Many environmental issues, including acid rain and global warming, are of international scope. Environmental disasters, such as the *Exxon Valdez* oilspill, the oil spills off the coasts of Rhode Island, Louisiana, and California, and toxic waste dumps are becoming all too common. To address these problems, we need an environmentally educated citizenry.

Based upon my 15 years of experience as a member of the Interior Committee, I strongly believe that the Fed-

eral Government should promote and play a more active role in the development of environmental education programs. Establishing a national environmental education program will prepare tomorrow's leaders to respond effectively to increasingly complex national and global environmental problems.

H.R. 3684 creates an Office of Environmental Education within the EPA and establishes programs to prepare teaching materials and train teachers. It will also provide grants to local education agencies, colleges, and universities for the development of environmental education programs, and it will establish awards to recognize excellence in environmental education. It will award internships and fellowships for in-service teachers with Federal agencies.

The Office of Environmental Education must coordinate with environmental education activities already sponsored by other Federal agencies, including the Department of Education, the Department of Defense, the Department of Agriculture, and the Department of Energy. A Federal Advisory Council and a Federal Advisory Council operated through the EPA have been created to ensure that coordination.

The bill also establishes the National Environmental Education Foundation, whose purposes are to develop and support national and international programs to educate and train environmental management professionals and to assist in the delivery of environmental education programs. The programs will be implemented through a network of education and training centers within higher education and graduate schools, not-for-profit environmental organizations, and other institutions. The Foundation is modeled after the successful Fish and Wildlife Foundation, created by Congress. It is our expectation that the National Environmental Education Foundation will exemplify a private sector partnership with the Federal Government.

H.R. 3684 is modest but much needed legislation. The commitment to the future of our existence depends upon our finding workable solutions to these complex environmental problems. The National Environmental Education Act will help ensure that we have an environmentally educated citizenry and professionals we need to accomplish those tasks.

Mr. JONTZ. Mr. Speaker, I have no further requests for time.

In closing, I yield myself such time as I may consume to especially note the great cooperation and support which we have received from the Energy and Commerce Committee. As is noted in an exchange of letters between the Chairs of our respective Committees, which I will insert in the

RECORD as part of my statement, this bill, which involves the Environmental Protection Agency, does have provisions which involve the interests of the Energy and Commerce Committee. They have been very helpful and cooperative in working with us to perfect the legislation and to move it to the floor as expeditiously as possible, and I want to extend our thanks to them for their efforts.

The letters referred to are as follows:

COMMITTEE ON ENERGY AND COMMERCE,
Washington, DC, September 18, 1990.
Hon. AUGUSTUS F. HAWKINS,
U.S. House of Representatives,
Washington, DC

DEAR MR. CHAIRMAN: On August 4, 1990 the Committee on Education and Labor submitted its report on H.R. 3684, the National Environmental Education Act (H. Rept. 101-671). By letter dated September 7, 1990 (attached) you kindly acknowledged the jurisdictional interests of the Committee on Energy and Commerce in various provisions of H.R. 3684.

In recognition of your Committee's desire to bring this legislation expeditiously before the House of Representatives, the Committee on Energy and Commerce will not seek sequential referral of this legislation without prejudice to its jurisdiction.

I would request that you place this letter in the record during consideration of H.R. 3684 by the House of Representatives.

Your cooperation and willingness to work together on this matter is appreciated.

With best wishes.

Sincerely,

JOHN D. DINGELL,
Chairman.

COMMITTEE ON EDUCATION AND LABOR,
Washington, DC, September 7, 1990.
Hon. JOHN D. DINGELL,
U.S. House of Representatives,
Washington, DC

DEAR MR. CHAIRMAN: On August 4, the Committee on Education and Labor submitted its report on H.R. 3684, the National Environmental Education Act (H. Rept. 101-671). Similar legislation (S. 1076) passed the Senate on July 18 of this year. Our Committee would like to take H.R. 3684 to the House Floor for consideration under suspension of the rules at the earliest possible time.

We recognize your interest in this legislation's provisions, particularly those aspects relating to the responsibilities of the Environmental Protection Agency. Our Committee staff has engaged in discussions with your staff about specific features with which you are concerned. I appreciate the fact that your Committee did not pursue a request for a sequential referral of the legislation as reported by our Committee.

I hope that you will be able to support early action under suspension of the rules on this legislation, with the modifications our staffs have developed.

I wish to express my thanks for your cooperation and for your staff's helpful assistance, which hopefully will enable us to move forward expeditiously on this bill.

Sincerely,

AUGUSTUS F. HAWKINS,
Chairman.

Mr. SMITH of Vermont. Mr. Speaker, there is an area of environmental education which has not received much attention, and that is

environmental education of senior Americans, broadly defined as those over the age of 50. I have supported a number of amendments in this bill on that matter, including the addition of a member on the proposed Environmental Education Advisory Council, who would represent senior Americans. I am pleased to see that even before final passage of this bill, the Environmental Protection Agency and the American Association of Retired Persons have set up a task force to work on senior environmental education.

This matter of the need for senior environmental education was brought to my attention by Dr. John Grunehoff, who over 20 years ago served as Deputy Assistant Secretary for Legislation in Health and the Environment at the then Department of HEW [Health, Education and Welfare].

I understand he has worked on the concept with a number of people in older American groups, church groups, and environmental organizations, and that there is a high degree of interest.

He developed a well thought-out justification for senior environmental education and a senior environmental corps; I would like to share excerpts of it with my colleagues.

JUSTIFICATION FOR A SENIOR ENVIRONMENT CORPS AND SENIOR ENVIRONMENTAL EDUCATION

(By John T. Grunehoff, Ph.D.)

SENIOR ENVIRONMENTAL EDUCATION: A SIGNIFICANT OPPORTUNITY

This is a proposal for the development of a nationwide program of senior (over 50 years of age) environmental education which would have four basic thrusts:

Inculcation of an environmental ethic that is, the development of attitudes of environmental stewardship and the development of a protective and nurturing philosophy at the personal level toward the environment;

Systematic education in environmental problems and opportunities for solutions to those problems, based on highly specific situations, prioritized by practical opportunities of accomplishment, largely at the community level;

Education in major planet-threatening problems such as ozone layer depletion, global warming and acid rain, among others, which can be affected most significantly by global governmental action, in order to assist seniors to become more active in working for appropriate public policy to deal with them; and

Education about environmental and pollution insults to individual persons (for example: air pollution on lung, cardiac and nasal passage function; cumulative hearing damage from excessive environmental noise; toxic damage to the nervous system; and damage to skin, and potentially to the immune system, of excessive sun exposure).

SENIOR ENVIRONMENT CORPS

This environmental education program, sufficient and worthy in itself, might also be used as a mechanism to create a national volunteer Senior Environment Corps to assist in protecting and improving the environment. It would be composed of two kinds of people:

First, senior professionals who have had experience relating to aspects of environmental problems, such as educators, especially those who have taught environmental subjects or the sciences; former public

health officials and other physicians; professionals in the fields of air pollution control, water pollution control, land protection, fisheries development and protection, veterinary medicine, water sports, and law, among others.

Second, the millions of seniors who have had no systematic education or training in environmental matters, who could be educated by those noted immediately above and by the many individuals, organizations and institutions already in existence which are active in environmental education. (It should be noted that those over the age of 50 have not had the opportunity to be educated systematically about environmental problems; they would have completed their formal education, often through college, prior to 1960, when environmental problems had not yet reached public understanding in a significant way—Rachel Carson's *Silent Spring*, which alerted many to the problems of pesticides and other pollutants, was not published until 1962, for example.)

This second group would be expected to learn how to live in an environmentally sound way, as consumers, homemakers, businesspersons, gardeners, etc., and to become activists on environmental issues affecting their neighborhoods or communities.

Also, in this second group there are many persons who already possess skills which can be utilized in furthering the educational processes, such as persons with media experience, community organizing backgrounds, craftsmen who could design and build displays—the list of potentially useful skills would be very long, indeed.

Therefore, an enormous, unused human resource already exists within our population to assist in dealing with the problems of the environment—millions of experienced retired, semi-retired or pre-retired men and women concerned about the increasingly polluted environment we are leaving as a legacy to our children and grandchildren, and who want to do something about the problems of the environment, which will only grow worse in the future if not dealt with now.

Simply put, there are three major objectives for the Corps: convincing seniors that there really are serious environmental problems and that they affect everyone, including themselves; getting them to accept responsibility for getting involved and working toward solutions; and helping them find ways of working both individually and with others to conserve resources and to protect our environment.

During the development of a *Senior Environment Corps*, there should be consideration about the depth and seriousness of concern that seniors feel about environmental problems. Do they experience this concern as a generalized worry or anxiety, and only that, or is there a sufficiently explicit set of concerns that will cause people to take responsibility for personal actions, and in what ways? The answers to these questions are vital to the success of a *Senior Environment Corps*; otherwise there may be simply publicity "hype" and not much action, followed shortly after by disillusionment with the concept, leading to a sense of failure by those who have participated in it. A likely additional result, of course, might be that the environmental education field then would consider senior environmental education an impractical concept and lessen, or cease, activity in that area.

This Senior Environment Corps should not be considered as a "program" but as a concept which, if properly led, and national-

ly publicized, could become a *national movement*.

Members of the Corps would be unified nationally by the idea of environmental protection, held together by a dedicated communications structure, and identified to each other and the public by inexpensive external clothing (hats, jackets, etc.) carrying the Corps logo and title.

(In view of the fact that pollution is no respecter of boundaries, if this national program is successful, it may be considered a possible model for an international Senior Environment Corps.)

COOPERATION WITH EXISTING STRUCTURES/ LARGE BUREAUCRACY NOT NECESSARY

It will *not* be necessary to create a massive administrative apparatus to carry this concept forward, nor will it be necessary to create new facilities, curricula, materials, or entire educational systems. Organizations and apparatuses already exist in the field of environmental education and action which likely would be pleased to cooperate in this venture; also, senior and retirement organizations likely would join in the effort, using their own outreach and communications systems. Every effort should be made to cause this to be a *cooperative*, non-threatening, non-"turf" building effort. It *must* be recognized that there have been many people, organizations, institutions, centers and systems for environmental education working very hard over the last several decades, in many cases against great difficulties, including especially lack of significant funding and public, especially governmental, support. These determined and experienced "survivors" deserve every bit of consideration and cooperation as the concept of a Senior Environment Corps moves forward.

The administrative office will exist to develop the appropriate organizational and communications structure; to establish an apparatus of relationships with organizations already involved, or which could be involved, in environmental education; to recruit members into the Senior Environment Corps; to learn of each individual's desired area of participation and to refer them, whenever possible, to existing organizations for education and participation; to provide a program of awards and encouragement; and to promote, through appropriate media, the concept to the public.

WHY SENIOR ENVIRONMENTAL EDUCATION?

Federal agencies, educational programs, and public demonstrations of support for environmental protection (such as the recent Earth Day 1990) have stressed the education of young people, from kindergarten generally through secondary school, with some more specialized education at the college level. Education of this age group is absolutely vital because young people will be inheriting and dealing with a world in more serious difficulty than their predecessors faced. Their major impact will take place in several decades, when they become adult consumers, family heads, and business and political leaders.

As vital and important as this educational effort is, therefore, it should be realized that senior environmental education is also important and likely would produce a significant immediate (within the next decade) effect.

Why?

Many people over the age of 50 now realize that they are partly responsible for the pollution problems, largely out of ignorance, that affect us all. Nearly all of them participate in the intense economic boom that has

occurred in the United States since World War II and are the beneficiaries in many ways of that remarkable economic advance. Many who have now reached the 50-year mark have begun to develop a "nurturing spirit" regarding the planet that they are leaving to their children and grandchildren (many people are becoming grandparents at about age 50 or shortly after; this frequently awakens them to their new responsibilities for future generations). In many cases, they also re-evaluate their ethical responsibilities to others, including their community—this re-evaluation might well extend to the developing of an environmental ethic.

Additionally, and very significant, is the fact that this very large population cohort, which now numbers over 60 million, or 25% of our population, can have a very powerful effect on the environment if educated appropriately to the problems that exist. They have enormous buying power, business and political power as described below, and considerable experience and wisdom in coping with problems that have confronted them pervasively in their lives, which can be drawn upon to deal with the present environmental difficulties.

Also, these seniors will have an impact for years to come, given their life expectancy:

Age now:	Additional years of expected life
50.....	25.3
55.....	21.1
60.....	17.3

Therefore, this proposed program of senior environmental education should be seen as solid, long-term, and potentially enormously effective. Such a program simply does not exist nationwide now and never has, although there are examples of successful training for seniors in various places through the United States.

Mr. OWENS of New York. Mr. Speaker, the 1990's have been declared the Decade of the Environment. This declaration is long overdue. The environment, whether the inner city or the wilderness of Alaska, has become the concern of almost every American. Our Nation pours billions of dollars into environmental cleanup each year, and day-to-day the cost of the cleanup escalates. Our Nation cannot afford the time-honored, continuous practice of first fouling and then fixing the world in which we live. The time is now when people of all walks-of-life must understand the consequences of man's relationship to the environment and the avenues we can take to stop pollution before it starts.

H.R. 3684, the National Environmental Education Act, represents a small beacon of hope that can reverse the Neanderthal attitudes about the environment and set us on a path to nurture those values that can secure our future on this planet.

The bill reflects the concerns raised at the Subcommittee on Select Education hearing during Earth Week in April of this year that we not repeat the troubled history of similar legislation in the 1970's. H.R. 3684 represents a bipartisan bill capable of maintaining a long-term Federal investment in environmental education and training. H.R. 3684, as amended, accomplishes this objective by doing three critical things. First, it establishes a Federal mandate for environmental education within the U.S. Environmental Protection Agency. This leadership action signifies that pollution prevention is as important as command and

control in terms of our Government's strategy in dealing with the environment. Second, the bill recognizes that the environmental quality is not just a Government issue. It is a business issue, a health issue, an academic issue, and a moral issue. As a people, our success in meeting the environmental challenge will be measured not by how well the Federal Government or the business community performs, but by how all segments of society, working as an environmental protection partnership, confront these issues. Third, this bill seeks to recognize the diversity of groups and institutions that must be represented. Environmental education should embrace the needs and aspirations of all segments of our community, including minorities whose urban areas face so many environmental challenges.

As we improve our understanding of Earth's fragile ecosystem, and a new generation of leaders makes its contribution toward understanding the consequences of that knowledge, I am sure that they will bear in mind President Kennedy's words:

Never before has man had such a capacity to control his environment, to end thirst and hunger, to conquer poverty and disease, to banish illiteracy and massive human misery. We have the power to make this the best generation of mankind in the history of the world—or make it the last.

I urge your full support for this bill, and commend the work of Mr. MILLER, Mr. JONTZ, and Mr. BARTLETT in bringing this bipartisan bill to the floor today.

Mr. HAWKINS. Mr. Speaker, I rise today to voice my strong support for H.R. 3684, the Environmental Education Act. This bill will once again establish a Federal program for encouraging our young people, and the public in general, to learn about the world we live in. As we have come to realize in the last two decades, every creature on Earth is truly dependent upon every other creature and we must protect this natural home we share.

The bill before us today is a great step in recognizing that education plays a major role in this effort. It creates within the Environmental Protection Agency an office to coordinate and encourage educational efforts for elementary, secondary, and postsecondary students. These include curriculum development, teacher training, dissemination activities and seminars and environmental internships.

The bill also encourages cooperation between the Federal and the private sectors. It establishes a foundation to solicit private support for environmental education and training activities. The foundation, patterned after the Fish and Wildlife Foundation, should increase the resources available to educators and environmentalists, while heightening public awareness.

This bill has the support of both sides of the aisle, the environmental community and the administration. It is truly a bipartisan effort to address a universal concern. I particularly want to commend the gentleman from New York, Chairman MAJOR OWENS, whose Subcommittee on Select Education acted on the legislation, and commend the ranking member of that subcommittee, Mr. BARTLETT, for his assistance in this effort. I also wish to recognize Mr. MILLER, of California, the original

sponsor and prime advocate for this needed legislation.

Finally, I want to commend Mr. JONTZ, the floor manager of the bill and a major spokesperson for environmental concerns within our committee.

Mr. Speaker, this is a bill for today, and for the future. It seeks to protect our children's natural heritage by providing the information they need to understand the basic environmental choices we face every day. I ask all of my colleagues to join me in supporting H.R. 3684.

Mr. JONTZ. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Indiana [Mr. JONTZ] that the House suspend the rules and pass the bill, H.R. 3684, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended, and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

□ 1320

TEMPORARY EXTENSION OF THE EXECUTIVE EXCHANGE PROGRAM

Mrs. SCHROEDER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5643) to grant a temporary extension on the authority under which the Government may accept the voluntary services of private-sector executives; to clarify the status of Federal employees assigned to private-sector positions while participating in an executive exchange program; and for other purposes, as amended.

The Clerk read as follows:

H.R. 5643

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

PRIVATE-SECTOR EXECUTIVES PERFORMING VOLUNTARY SERVICES FOR THE GOVERNMENT.

(a) IN GENERAL.—Notwithstanding the expiration on September 30, 1990, of the Executive Exchange Program Voluntary Services Act of 1986 (5 U.S.C. 4103 note), any individual who, as of that date, is or was participating in a program established under such Act may continue to perform voluntary services for the Government, and the Government may continue to accept those services, for not more than an additional 90 days beyond that expiration date, to the same extent as if such Act had not expired.

(b) EFFECTIVE DATE.—This section shall be effective as of September 30, 1990.

SEC. 2. STATUS OF GOVERNMENT EXECUTIVES WHILE SERVING IN PRIVATE-SECTOR POSITIONS.

(1) IN GENERAL. (1) Title 5, United States Code, is amended by inserting after section 3341 the following:

§ 3342. Federal participants in executive exchange programs

“(a) For the purpose of this section, the term ‘executive exchange program’ means any program which is required, by statute

or Executive order, to be administered, in whole or in part, by the President's Commission on Executive Exchange (described in Executive Order Numbered 12493, dated December 5, 1984), a successor entity in function, or any officer thereof.

“(b) An employee assigned to a position in the private sector as a participant in an executive exchange program shall, while so assigned, be treated as if on detail to a regular work assignment in such employee's employing agency, except that nothing in section 3341(b) shall limit the period of time for which any such employee may be so assigned.

“(c) An agreement providing for the assignment of an employee to a position in the private sector as a participant in an executive exchange program shall not be effective unless it includes a provision under which the private-sector employer agrees to reimburse the employee's agency for any basic pay which is paid by the agency to such employee, and attributable to the period during which the employee is so assigned. Any reimbursement so made shall be credited to the appropriation, fund, or account used to pay the amount reimbursed.”

(2) The table of sections for chapter 33 of title 5, United States Code, is amended by inserting after the item relating to section 3341 the following:

“3342. Federal participants in executive exchange programs.”

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect 90 days after the date of enactment of this Act, and shall apply with respect to any Federal employee who begins an assignment with a private-sector employer as a participant in an executive exchange program beginning on or after that effective date.

The SPEAKER pro tempore (Mr. TORRES). Is a second demanded?

Mrs. MORELLA. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentlewoman from Colorado [Mrs. SCHROEDER] will be recognized for 20 minutes, and the gentlewoman from Maryland [Mrs. MORELLA] will be recognized for 20 minutes.

The Chair recognizes the gentlewoman from Colorado [Mrs. SCHROEDER].

GENERAL LEAVE

Mrs. SCHROEDER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks, and include extraneous material, on H.R. 5643, the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Colorado?

There was no objection.

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

Mr. Speaker, basically, in a way as we are here in this very crisis crunch looking at the end of the fiscal year, this bill may seem a little silly. But this bill is very important.

This bill does say that the Congress understands how important public service is. The President's Commission on Executive Exchange was created in 1984 by an Executive order, and it was to enable outstanding private and public executives to work in the other sector, fostering cooperation and understanding between the two sectors. This bill affects that Executive Exchange Program in two ways: First, the volunteer executive program, which is administered by the President's Commission, is extended for 90 days in order to allow executives currently participating in the program to complete their term. We think that is very important.

Second, it allows civil servants who participate in the program to receive full benefits, and that we also think is very important.

This bill has been introduced at the request of the Director of the Executive Exchange Program, and the administration is in full support of it.

Mr. Speaker, I think acknowledges how critical we think public service is and how critical it is that the private sector and people of high quality have exchange programs to understand this government. I think that on this weekend, when we are all sitting here with white knuckles, helping this Government to keep going, it is important that we pass this bill.

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

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

Mr. Speaker, I am pleased to be the original cosponsor of H.R. 5643, a bill introduced by the chairman of the Subcommittee on Civil Service.

The purpose of this bill is to extend, for 90 days, the provisions of the President's Commission on Executive Exchange.

The executive exchange has been a unique program which permits 10 exceptional executives in the public and private sectors to obtain work experience in the other sector. Payment for this employment exchange has been borne by the private sector.

The extension of 90 days is needed, Mr. Speaker, because there are some executives presently in the program who will finish up their assignment within the 90 days. Without this extension, their assignments would be incomplete. These assignments include volunteer services of personnel who work directly with two Ambassadors, in Budapest and Tokyo, another executive from the private sector is on assignment with a United States Embassy and two are serving in domestic assignments, including an employee from IBM, who is working with Dr. Kleber at the Office of National Drug Control Policy, whose assistance has

become invaluable to the programs and mission of that agency.

The administration has no objection to enactment of H.R. 5643.

Mr. Speaker, it has been my privilege and pleasure to work with the distinguished gentleman from Minnesota, the sponsor of this legislation. I commend him for his sensitivity to the needs of Federal employees. He seeks to make the free interchange of ideas between the public and private sectors an experience which is beneficial to employment and programs in both areas. I also want to recognize our distinguished colleague from New York [Mr. HORTON], whose legislation in 1986 was instrumental in removing restrictions which prevented private sector executives from joining the public sector because of salary restrictions. I would also like to commend the ranking minority member of the Post Office and Civil Service Committee, Mr. GILMAN, who has always been an active supporter of Federal employees and programs which enhance Government productivity and creativity.

I urge my colleagues to support H.R. 5643.

Mr. Speaker, I yield such time as he may deem appropriate to the ranking member of the committee, the gentleman from New York [Mr. GILMAN].

Mr. Speaker, I rise in support of H.R. 5643, the Temporary Extension of the Executive Exchange Program. As ranking minority member of the Committee on Post Office and Civil Service, I thank the Chairman of the Subcommittee on Civil Service, the gentleman from Minnesota [Mr. SIKORSKI], and the ranking minority member of the subcommittee, the gentlelady from Maryland [Mrs. MORELLA], for their timely work in fashioning this legislation.

The President's Commission on Executive Exchange was created by a 1969 Executive order to promote understanding and cooperation between the private and public sections. That Commission administers the Executive Exchange Program which permits top executives from the private and public sector to essentially exchange services for approximately 1 year.

Current law provides that the agency to which the employee is assigned to pay the salary of that individual and the agency being reimbursed by the private-sector company. This authority expires on September 30, 1990. The measure before us today extends the program an additional 90 days in order to allow the executives currently participating in the program to complete their term.

In addition, the legislation corrects a deficiency in the current authorization which has denied civil servants who participate in the exchange program full employment benefits. The legislation changes the status of employees participating in the program from

"leave-without-pay" to "detail," thereby ensuring full benefits.

Mr. Speaker, the Federal Government and the public at large benefit in innumerable ways from this program. Accordingly, I urge and invite my colleagues to join in support of this legislation.

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

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

Mr. Speaker, in closing, I would say that it is a very sad time that we bring this bill to the floor, because as we are looking at impending furloughs if some agreement is not reached, we know that it will do incredible damage to the whole concept of public service.

When I was a young student and I heard people say that you could work for the Federal Government, your toes tingled because you really wanted to participate and do great things. As we look at this weekend and see this all start to shake and rattle, we wonder if we will ever get that kind of excitement again around the concept of civil service and public service.

But this is a very important measure, and let us hope that we get this furlough issue behind us and we get back to focusing on public service and how essential it is that this Government have the best and the brightest serving, and that we treat them with the greatest respect.

Mr. SIKORSKI. Mr. Speaker, the President's Commission on Executive Exchange was created in 1984 by Executive Order 12493 to enable outstanding private and public executives to work in the other sector thereby fostering cooperation and understanding between the two sectors. H.R. 5643 affects the Executive Exchange Program in two ways.

First, the volunteer executive program which is administered by the President's Commission on Executive Exchange, is extended for 90 days.

In 1986, Congress passed H.R. 3002, legislation which encourages private participation in the Executive Exchange Program by allowing the top paid executives to receive salaries above and beyond the General Schedule cap. As a result of this legislation, the agency pays the salary of 10 private executives but is reimbursed by the private-sector company. The authorization for this experimental program expired on September 30, 1989, and H.R. 2847, passed in 1989, extended the program for 1 year. H.R. 5643 will extend the program an additional 90 days in order to allow the executives currently participating in the program to complete their term.

Second, H.R. 5643 allows civil servants who participate in the Executive Exchange Program to receive full benefits. A March 1989 Government Accounting Office [GAO] study indicated that the civil servants that participate in the program under the Executive order are not receiving full benefits while they are at the private-sector company. H.R. 5643 will correct this deficiency in the program by changing the

status of the Federal employee while at the private-sector company from "leave-without-pay" to "detail" thereby maintaining all rights and benefits for the Federal employee.

H.R. 5643 was introduced at the request of the Director of the Executive Exchange Program. Additionally the administration is in full support of this measure.

Mr. Speaker, the benefits of the exchange that occur between the public and private sectors as a result of this program go far beyond monetary value. The exchange of ideas and methods promotes professional development and is both stimulating and productive for all concerned. Extension of this program will continue these positive results.

Mrs. SCHROEDER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Colorado [Mrs. SCHROEDER] that the House suspend the rules and pass the bill, H.R. 5643, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

□ 1330

WAIVING REQUIREMENT AGAINST CONSIDERATION OF CERTAIN RESOLUTIONS ON SEPTEMBER 30, 1990, AND PROVIDING RECESS AUTHORITY FOR SEPTEMBER 30, 1990, AND OCTOBER 1, 1990

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 101-771) on the resolution (H. Res. 482) waiving the requirement of clause 4(b), rule XI, against consideration of certain resolutions reported from the Committee on Rules on the legislative day of September 30, 1990, and providing recess authority for the Speaker on September 30, 1990 and October 1, 1990, which was referred to the House Calendar and ordered to be printed.

MARKET REFORM ACT OF 1990

Mr. MARKEY. Mr. Speaker, I move to suspend the rules and concur in the Senate amendments to the bill (H.R. 3657) to amend the Securities Exchange Act of 1934 to provide additional authorities to the Securities and Exchange Commission to prevent disruptions to the Nation's securities markets.

The Clerk read as follows:

Senate amendments:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Market Reform Act of 1990".

SEC. 2. EMERGENCY AUTHORITY; TRADING HALTS.

Section 12(k) of the Securities Exchange Act of 1934 (15 U.S.C. 78i(k)) is amended to read as follows:

"(k) **TRADING SUSPENSIONS; EMERGENCY AUTHORITY.**—

"(1) **TRADING SUSPENSIONS.**—If in its opinion the public interest and the protection of investors so require, the Commission is authorized by order—

"(A) summarily to suspend trading in any security (other than an exempted security) for a period not exceeding 10 business days, and

"(B) summarily to suspend all trading on any national securities exchange or otherwise, in securities other than exempted securities, for a period not exceeding 90 calendar days.

The action described in subparagraph (B) shall not take effect unless the Commission notifies the President of its decision and the President notifies the Commission that the President does not disapprove of such decision.

"(2) **EMERGENCY ORDERS.**—(A) The Commission, in an emergency, may by order summarily take such action to alter, supplement, suspend, or impose requirements or restrictions with respect to any matter or action subject to regulation by the Commission or a self-regulatory organization under this title, as the Commission determines is necessary in the public interest and for the protection of investors—

"(i) to maintain or restore fair and orderly securities markets (other than markets in exempted securities); or

"(ii) to ensure prompt, accurate, and safe clearance and settlement of transactions in securities (other than exempted securities).

"(B) An order of the Commission under this paragraph (2) shall continue in effect for the period specified by the Commission, and may be extended, except that in no event shall the Commission's action continue in effect for more than 10 business days, including extensions. In exercising its authority under this paragraph, the Commission shall not be required to comply with the provisions of section 553 of title 5, United States Code, or with the provisions of section 19(c) of this title.

"(3) **TERMINATION OF EMERGENCY ACTIONS BY PRESIDENT.**—The President may direct that action taken by the Commission under paragraph (1)(B) or paragraph (2) of this subsection shall not continue in effect.

"(4) **COMPLIANCE WITH ORDERS.**—No member of a national securities exchange, broker, or dealer shall make use of the mails or any means or instrumentality of interstate commerce to effect any transaction in, or to induce the purchase or sale of, any security in contravention of an order of the Commission under this subsection unless such order has been stayed, modified, or set aside as provided in paragraph (5) of this subsection or has ceased to be effective upon direction of the President as provided in paragraph (3).

"(5) **LIMITATIONS ON REVIEW OF ORDERS.**—An order of the Commission pursuant to this subsection shall be subject to review only as provided in section 25(a) of this title. Review shall be based on an examination of all the information before the Commission at the time such order was issued. The reviewing court shall not enter a stay, writ of mandamus, or similar relief unless the court finds, after notice and hearing before a panel of the court, that the Commission's action is arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law.

"(6) **DEFINITION OF EMERGENCY.**—For purposes of this subsection, the term 'emergency' means a major market disturbance characterized by or constituting—

"(A) sudden and excessive fluctuations of securities prices generally, or a substantial threat thereof, that threaten fair and orderly markets, or

"(B) a substantial disruption of the safe or efficient operation of the national system for clearance and settlement of securities, or a substantial threat thereof."

SEC. 3. LARGE TRADER REPORTING.

Section 13 of the Securities Exchange Act of 1934 (15 U.S.C. 78m) is amended by adding at the end the following:

"(h) **LARGE TRADER REPORTING.**—

"(1) **IDENTIFICATION REQUIREMENTS FOR LARGE TRADERS.**—For the purpose of monitoring the impact on the securities markets of securities transactions involving a substantial volume or a large fair market value or exercise value and for the purpose of otherwise assisting the Commission in the enforcement of this title, each large trader shall—

"(A) provide such information to the Commission as the Commission may by rule or regulation prescribe as necessary or appropriate, identifying such large trader and all accounts in or through which such large trader effects such transactions; and

"(B) identify, in accordance with such rules or regulations as the Commission may prescribe as necessary or appropriate, to any registered broker or dealer by or through whom such large trader directly or indirectly effects securities transactions, such large trader and all accounts directly or indirectly maintained with such broker or dealer by such large trader in or through which such transactions are effected.

"(2) **RECORDKEEPING AND REPORTING REQUIREMENTS FOR BROKERS AND DEALERS.**—Every registered broker or dealer shall make and keep for prescribed periods such records as the Commission by rule or regulation prescribes as necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of this title, with respect to securities transactions that equal or exceed the reporting activity level effected directly or indirectly by or through such registered broker or dealer or for any person that such broker or dealer knows is a large trader, or any person that such broker or dealer has reason to know is a large trader on the basis of transactions in securities effected by or through such broker or dealer. Such records shall be available for reporting to the Commission, or any self-regulatory organization that the Commission shall designate to receive such reports, on the morning of the day following the day the transactions were effected, and shall be reported to the Commission or a self-regulatory organization designated by the Commission immediately upon request by the Commission or such a self-regulatory organization. Such records and reports shall be in a format and transmitted in a manner prescribed by the Commission (including, but not limited to, machine readable form).

"(3) **AGGREGATION RULES.**—The Commission may prescribe rules or regulations governing the manner in which transactions and accounts shall be aggregated for the purpose of this subsection, including aggregation on the basis of common ownership or control.

"(4) **EXAMINATION OF BROKER AND DEALER RECORDS.**—All records required to be made and kept by registered brokers and dealers

pursuant to this subsection with respect to transactions effected by large traders are subject at any time, or from time to time, to such reasonable periodic, special, or other examinations by representatives of the Commission as the Commission deems necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of this title.

"(5) **FACTORS TO BE CONSIDERED IN COMMISSION ACTIONS.**—In exercising its authority under this subsection, the Commission shall take into account—

"(A) existing reporting systems;

"(B) the costs associated with maintaining information with respect to transactions effected by large traders and reporting such information to the Commission or self-regulatory organizations; and

"(C) the relationship between the United States and international securities markets.

"(6) **EXEMPTIONS.**—The Commission, by rule, regulation, or order, consistent with the purposes of this title, may exempt any person or class of persons or any transaction or class of transactions, either conditionally or upon specified terms and conditions or for stated periods, from the operation of this subsection, and the rules and regulations thereunder.

"(7) **AUTHORITY OF COMMISSION TO LIMIT DISCLOSURE OF INFORMATION.**—Notwithstanding any other provision of law, the Commission shall not be compelled to disclose any information required to be kept or reported under this subsection. Nothing in this subsection shall authorize the Commission to withhold information from Congress, or prevent the Commission from complying with a request for information from any other Federal department or agency requesting information for purposes within the scope of its jurisdiction, or complying with an order of a court of the United States in an action brought by the United States or the Commission. For purposes of section 552 of title 5, United States Code, this subsection shall be considered a statute described in subsection (b)(3)(B) of such section 552.

"(8) **DEFINITIONS.**—For purposes of this subsection—

"(A) the term 'large trader' means every person who, for his own account or an account for which he exercises investment discretion, effects transactions for the purchase or sale of any publicly traded security or securities by use of any means or instrumentality of interstate commerce or of the mails, or of any facility of a national securities exchange, directly or indirectly by or through a registered broker or dealer in an aggregate amount equal to or in excess of the identifying activity level;

"(B) the term 'publicly traded security' means any equity security (including an option on individual equity securities, and an option on a group or index of such securities) listed, or admitted to unlisted trading privileges, on a national securities exchange, or quoted in an automated inter-dealer quotation system;

"(C) the term 'identifying activity level' means transactions in publicly traded securities at or above a level of volume, fair market value, or exercise value as shall be fixed from time to time by the Commission by rule or regulation, specifying the time interval during which such transactions shall be aggregated;

"(D) the term 'reporting activity level' means transactions in publicly traded securities at or above a level of volume, fair market value, or exercise value as shall be fixed from time to time by the Commission

by rule, regulation, or order, specifying the time interval during which such transactions shall be aggregated; and

"(E) the term 'person' has the meaning given in section 3(a)(9) of this title and also includes two or more persons acting as a partnership, limited partnership, syndicate, or other group, but does not include a foreign central bank."

SEC. 4. RISK ASSESSMENT FOR HOLDING COMPANY SYSTEMS.

(a) AMENDMENT.—Section 17 of the Securities Exchange Act of 1934 (15 U.S.C. 78q) is amended by adding at the end the following:

"(h) RISK ASSESSMENT FOR HOLDING COMPANY SYSTEMS.—

"(1) OBLIGATIONS TO OBTAIN, MAINTAIN, AND REPORT INFORMATION.—Every person who is (A) a registered broker or dealer, or (B) a registered municipal securities dealer for which the Commission is the appropriate regulatory agency, shall obtain such information and make and keep such records as the Commission by rule prescribes concerning the registered person's policies, procedures, or systems for monitoring and controlling financial and operational risks to it resulting from the activities of any of its associated persons, other than a natural person. Such records shall describe, in the aggregate, each of the financial and securities activities conducted by, and the customary sources of capital and funding of, those of its associated persons whose business activities are reasonably likely to have a material impact on the financial or operational condition of such registered person, including its net capital, its liquidity, or its ability to conduct or finance its operations. The Commission, by rule, may require summary reports of such information to be filed with the Commission no more frequently than quarterly.

"(2) AUTHORITY TO REQUIRE ADDITIONAL INFORMATION.—If, as a result of adverse market conditions or based on reports provided to the Commission pursuant to paragraph (1) of this subsection or other available information, the Commission reasonably concludes that it has concerns regarding the financial or operational condition of (A) any registered broker or dealer, or (B) any registered municipal securities dealer, government securities broker, or government securities dealer for which the Commission is the appropriate regulatory agency, the Commission may require the registered person to make reports concerning the financial and securities activities of any of such person's associated persons, other than a natural person, whose business activities are reasonably likely to have a material impact on the financial or operational condition of such registered person. The Commission, in requiring reports pursuant to this paragraph, shall specify the information required, the period for which it is required, the time and date on which the information must be furnished, and whether the information is to be furnished directly to the Commission or to a self-regulatory organization with primary responsibility for examining the registered person's financial and operational condition.

"(3) SPECIAL PROVISIONS WITH RESPECT TO ASSOCIATED PERSONS SUBJECT TO FEDERAL BANKING AGENCY REGULATION.—

"(A) COOPERATION IN IMPLEMENTATION.—In developing and implementing reporting requirements pursuant to paragraph (1) of this subsection with respect to associated persons subject to examination by or reporting requirements of a Federal banking agency, the Commission shall consult with

and consider the views of each such Federal banking agency. If a Federal banking agency comments in writing on a proposed rule of the Commission under this subsection that has been published for comment, the Commission shall respond in writing to such written comment before adopting the proposed rule. The Commission shall, at the request of the Federal banking agency, publish such comment and response in the Federal Register at the time of publishing the adopted rule.

"(B) USE OF BANKING AGENCY REPORTS.—A registered broker, dealer, or municipal securities dealer shall be in compliance with any recordkeeping or reporting requirement adopted pursuant to paragraph (1) of this subsection concerning an associated person that is subject to examination by or reporting requirements of a Federal banking agency if such broker, dealer, or municipal securities dealer utilizes for such recordkeeping or reporting requirement copies of reports filed by the associated person with the Federal banking agency pursuant to section 5211 of the Revised Statutes, section 9 of the Federal Reserve Act, section 7(a) of the Federal Deposit Insurance Act, section 10(b) of the Home Owners' Loan Act, or section 8 of the Bank Holding Company Act of 1956. The Commission may, however, by rule adopted pursuant to paragraph (1), require any broker, dealer, or municipal securities dealer filing such reports with the Commission to obtain, maintain, or report supplemental information if the Commission makes an explicit finding that such supplemental information is necessary to inform the Commission regarding potential risks to such broker, dealer, or municipal securities dealer. Prior to requiring any such supplemental information, the Commission shall first request the Federal banking agency to expand its reporting requirements to include such information.

"(C) PROCEDURE FOR REQUIRING ADDITIONAL INFORMATION.—Prior to making a request pursuant to paragraph (2) of this subsection for information with respect to an associated person that is subject to examination by or reporting requirements of a Federal banking agency, the Commission shall—

"(i) notify such agency of the information required with respect to such associated person; and

"(ii) consult with such agency to determine whether the information required is available from such agency and for other purposes, unless the Commission determines that any delay resulting from such consultation would be inconsistent with ensuring the financial and operational condition of the broker, dealer, municipal securities dealer, government securities broker, or government securities dealer or the stability or integrity of the securities markets.

"(D) EXCLUSION FOR EXAMINATION REPORTS.—Nothing in this subsection shall be construed to permit the Commission to require any registered broker or dealer, or any registered municipal securities dealer, government securities broker, or government securities dealer for which the Commission is the appropriate regulatory agency, to obtain, maintain, or furnish any examination report of any Federal banking agency or any supervisory recommendations or analysis contained therein.

"(E) CONFIDENTIALITY OF INFORMATION PROVIDED.—No information provided to or obtained by the Commission from any Federal banking agency pursuant to a request by the Commission under subparagraph (C) of this paragraph regarding any associated person

which is subject to examination by or reporting requirements of a Federal banking agency may be disclosed to any other person (other than a self-regulatory organization), without the prior written approval of the Federal banking agency. Nothing in this subsection shall authorize the Commission to withhold information from Congress, or prevent the Commission from complying with a request for information from any other Federal department or agency requesting the information for purposes within the scope of its jurisdiction, or complying with an order of a court of the United States in an action brought by the United States or the Commission.

"(F) NOTICE TO BANKING AGENCIES CONCERNING FINANCIAL AND OPERATIONAL CONDITION CONCERNS.—The Commission shall notify the Federal banking agency of any concerns of the Commission regarding significant financial or operational risks resulting from the activities of any registered broker or dealer, or any registered municipal securities dealer, government securities broker, or government securities dealer for which the Commission is the appropriate regulatory agency, to any associated person thereof which is subject to examination by or reporting requirements of the Federal banking agency.

"(G) DEFINITION.—For purposes of this paragraph, the term 'Federal banking agency' shall have the same meaning as the term 'appropriate Federal bank agency' in section 3(q) of the Federal Deposit Insurance Act (12 U.S.C. 1813(q)).

"(4) EXEMPTIONS.—The Commission by rule or order may exempt any person or class of persons, under such terms and conditions and for such periods as the Commission shall provide in such rule or order, from the provisions of this subsection, and the rules thereunder. In granting such exemptions, the Commission shall consider, among other factors—

"(A) whether information of the type required under this subsection is available from a supervisory agency (as defined in section 1101(6) of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3401(6))), a State insurance commission or similar State agency, the Commodity Futures Trading Commission, or a similar foreign regulator;

"(B) the primary business of any associated person;

"(C) the nature and extent of domestic or foreign regulation of the associated person's activities;

"(D) the nature and extent of the registered person's securities activities; and

"(E) with respect to the registered person and its associated persons, on a consolidated basis, the amount and proportion of assets devoted to, and revenues derived from, activities in the United States securities markets.

"(5) AUTHORITY TO LIMIT DISCLOSURE OF INFORMATION.—Notwithstanding any other provision of law, the Commission shall not be compelled to disclose any information required to be reported under this subsection, or any information supplied to the Commission by any domestic or foreign regulatory agency that relates to the financial or operational condition of any associated person of a registered broker, dealer, government securities broker, government securities dealer, or municipal securities dealer. Nothing in this subsection shall authorize the Commission to withhold information from Congress, or prevent the Commission from complying with a request for information from any other Federal department or

agency requesting the information for purposes within the scope of its jurisdiction, or complying with an order of a court of the United States in an action brought by the United States or the Commission. For purposes of section 552 of title 5, United States Code, this subsection shall be considered a statute described in subsection (b)(3)(B) of such section 552. In prescribing regulations to carry out the requirements of this subsection, the Commission shall designate information described in or obtained pursuant to subparagraph (B) or (C) of paragraph (3) of this subsection as confidential information for purposes of section 24(b)(2) of this title."

(b) CONFORMING AMENDMENT.—Section 15C(b) of the Securities Exchange Act of 1934 (15 U.S.C. 78o-4(b)) is amended—

(1) by redesignating paragraphs (2) through (5) as paragraphs (3) through (6), respectively; and

(2) by inserting after paragraph (1) the following new paragraph:

"(2) RISK ASSESSMENT FOR HOLDING COMPANY SYSTEMS.—

"(A) OBLIGATIONS TO OBTAIN, MAINTAIN, AND REPORT INFORMATION.—Every person who is registered as a government securities broker or government securities dealer under this section shall obtain such information and make and keep such records as the Secretary by rule prescribes concerning the registered person's policies, procedures, or systems for monitoring and controlling financial and operational risks to it resulting from the activities of any of its associated persons, other than a natural person. Such records shall describe, in the aggregate, each of the financial and securities activities conducted by, and customary sources of capital and funding of, those of its associated persons whose business activities are reasonably likely to have a material impact on the financial or operational condition of such registered person, including its capital, liquidity, or its ability to conduct or finance its operations. The Secretary, by rule, may require summary reports of such information to be filed with the registered person's appropriate regulatory agency no more frequently than quarterly.

"(B) AUTHORITY TO REQUIRE ADDITIONAL INFORMATION.—If, as a result of adverse market conditions or based on reports provided pursuant to subparagraph (A) of this paragraph or other available information, the appropriate regulatory agency reasonably concludes that it has concerns regarding the financial or operational condition of any government securities broker or government securities dealer registered under this section, such agency may require the registered person to make reports concerning the financial and securities activities of any of such person's associated persons, other than a natural person, whose business activities are reasonably likely to have a material impact on the financial or operational condition of such registered person. The appropriate regulatory agency, in requiring reports pursuant to this subparagraph, shall specify the information required, the period for which it is required, the time and date on which the information must be furnished, and whether the information is to be furnished directly to the appropriate regulatory agency or to a self-regulatory organization with primary responsibility for examining the registered person's financial and operational condition.

"(C) SPECIAL PROVISIONS WITH RESPECT TO ASSOCIATED PERSONS SUBJECT TO FEDERAL BANKING AGENCY REGULATION.—

"(i) COOPERATION IN IMPLEMENTATION.—In developing and implementing reporting requirements pursuant to subparagraph (A) of this paragraph with respect to associated persons subject to examination by or reporting requirements of a Federal banking agency, the Secretary shall consult with and consider the views of each such Federal banking agency. If a Federal banking agency comments in writing on a proposed rule of the Secretary under this paragraph that has been published for comment, the Secretary shall respond in writing to such written comment before adopting the proposed rule. The Secretary shall, at the request of a Federal banking agency, publish such comment and response in the Federal Register at the time of publishing the adopted rule.

"(ii) USE OF BANKING AGENCY REPORTS.—A registered government securities broker or government securities dealer shall be in compliance with any recordkeeping or reporting requirement adopted pursuant to subparagraph (A) of this paragraph concerning an associated person that is subject to examination by or reporting requirements of a Federal banking agency if such government securities broker or government securities dealer utilizes for such recordkeeping or reporting requirement copies of reports filed by the associated person with the Federal banking agency pursuant to section 5211 of the Revised Statutes, section 9 of the Federal Reserve Act, section 7(a) of the Federal Deposit Insurance Act, section 10(b) of the Home Owners' Loan Act, or section 8 of the Bank Holding Company Act of 1956. The Secretary may, however, by rule adopted pursuant to subparagraph (A), require any registered government securities broker or government securities dealer filing such reports with the appropriate regulatory agency to obtain, maintain, or report supplemental information if the Secretary makes an explicit finding, based on information provided by the appropriate regulatory agency, that such supplemental information is necessary to inform the appropriate regulatory agency regarding potential risks to such government securities broker or government securities dealer. Prior to requiring any such supplemental information, the Secretary shall first request the Federal banking agency to expand its reporting requirements to include such information.

"(iii) PROCEDURE FOR REQUIRING ADDITIONAL INFORMATION.—Prior to making a request pursuant to subparagraph (B) of this paragraph for information with respect to an associated person that is subject to examination by or reporting requirements of a Federal banking agency, the appropriate regulatory agency shall—

"(I) notify such banking agency of the information required with respect to such associated person; and

"(II) consult with such agency to determine whether the information required is available from such agency and for other purposes, unless the appropriate regulatory agency determines that any delay resulting from such consultation would be inconsistent with ensuring the financial and operational condition of the government securities broker or government securities dealer or the stability or integrity of the securities markets.

"(iv) EXCLUSION FOR EXAMINATION REPORTS.—Nothing in this subparagraph shall be construed to permit the Secretary or an appropriate regulatory agency to require any registered government securities broker or government securities dealer to obtain,

maintain, or furnish any examination report of any Federal banking agency or any supervisory recommendations or analysis contained therein.

"(v) CONFIDENTIALITY OF INFORMATION PROVIDED.—No information provided to or obtained by an appropriate regulatory agency from any Federal banking agency pursuant to a request under clause (iii) of this subparagraph regarding any associated person which is subject to examination by or reporting requirements of a Federal banking agency may be disclosed to any other person (other than a self-regulatory organization), without the prior written approval of the Federal banking agency. Nothing in this clause shall authorize the Secretary or any appropriate regulatory agency to withhold information from Congress, or prevent the Secretary or any appropriate regulatory agency from complying with a request for information from any other Federal department or agency requesting the information for purposes within the scope of its jurisdiction, or complying with an order of a court of the United States in an action brought by the United States or the Commission.

"(vi) NOTICE TO BANKING AGENCIES CONCERNING FINANCIAL AND OPERATIONAL CONDITION CONCERNS.—The Secretary or appropriate regulatory agency shall notify the Federal banking agency of any concerns of the Secretary or the appropriate regulatory agency regarding significant financial or operational risks resulting from the activities of any government securities broker or government securities dealer to any associated person thereof which is subject to examination by or reporting requirements of the Federal banking agency.

"(vii) DEFINITION.—For purposes of this subparagraph, the term 'Federal banking agency' shall have the same meaning as the term 'appropriate Federal banking agency' in section 3(q) of the Federal Deposit Insurance Act (12 U.S.C. 1813(q)).

"(D) EXEMPTIONS.—The Secretary by rule or order may exempt any person or class of persons, under such terms and conditions and for such periods as the Secretary shall provide in such rule or order, from the provisions of this paragraph, and the rules thereunder. In granting such exemptions, the Secretary shall consider, among other factors—

"(i) whether information of the type required under this paragraph is available from a supervisory agency (as defined in section 1101(6) of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3401(6))), a State insurance commission or similar State agency, the Commodity Futures Trading Commission, or a similar foreign regulator;

"(ii) the primary business of any associated person;

"(iii) the nature and extent of domestic or foreign regulation of the associated person's activities;

"(iv) the nature and extent of the registered person's securities transactions; and

"(v) with respect to the registered person and its associated persons, on a consolidated basis, the amount and proportion of assets devoted to, and revenues derived from, activities in the United States securities markets.

"(E) CONFORMITY WITH REQUIREMENTS UNDER SECTION 17(h).—In exercising authority pursuant to subparagraph (A) of this paragraph concerning information with respect to associated persons of government securities brokers and government securities dealers who are also associated persons of registered brokers or dealers reporting to the

Commission pursuant to section 17(h) of this title, the requirements relating to such associated persons shall conform, to the greatest extent practicable, to the requirements under section 17(h).

"(F) **AUTHORITY TO LIMIT DISCLOSURE OF INFORMATION.**—Notwithstanding any other provision of law, the Secretary and any appropriate regulatory agency shall not be compelled to disclose any information required to be reported under this paragraph, or any information supplied to the Secretary or any appropriate regulatory agency by any domestic or foreign regulatory agency that relates to the financial or operational condition of any associated person of a registered government securities broker or a government securities dealer. Nothing in this paragraph shall authorize the Secretary or any appropriate regulatory agency to withhold information from Congress, or prevent the Secretary or any appropriate regulatory agency from complying with a request for information from any other Federal department or agency requesting the information for purposes within the scope of its jurisdiction, or complying with an order of a court of the United States in an action brought by the United States or the Commission. For purposes of section 552 of title 5, United States Code, this paragraph shall be considered a statute described in subsection (b)(3)(B) of such section 552."

SEC. 5. COORDINATED CLEARING.

(a) **AUTHORITY TO FACILITATE COORDINATED CLEARING MECHANISMS.**—Section 17A(a)(2) of the Securities Exchange Act of 1934 (15 U.S.C. 78q-1) is amended to read as follows:

"(2)(A) The Commission is directed, therefore, having due regard for the public interest, the protection of investors, the safeguarding of securities and funds, and maintenance of fair competition among brokers and dealers, clearing agencies, and transfer agents, to use its authority under this title—

"(i) to facilitate the establishment of a national system for the prompt and accurate clearance and settlement of transactions in securities (other than exempt securities); and

"(ii) to facilitate the establishment of linked or coordinated facilities for clearance and settlement of transactions in securities, securities options, contracts of sale for future delivery and options thereon, and commodity options;

in accordance with the findings and to carry out the objectives set forth in paragraph (1) of this subsection.

"(B) The Commission shall use its authority under this title to assure equal regulation under this title of registered clearing agencies and registered transfer agents. In carrying out its responsibilities set forth in subparagraph (A)(ii) of this paragraph, the Commission shall coordinate with the Commodity Futures Trading Commission and consult with the Board of Governors of the Federal Reserve System."

(b) **TRANSFER AND PLEDGE OF SECURITIES.**—Section 17A of the Securities Exchange Act of 1934 (15 U.S.C. 78q-1) is amended by adding at the end the following:

"(f)(1) Notwithstanding any provision of State law, except as provided in paragraph (3), if the Commission makes each of the findings described in paragraph (2)(A), the Commission may adopt rules concerning—

"(A) the transfer of certificated or uncertificated securities (other than government securities issued pursuant to chapter 31 of title 31, United States Code, or securities otherwise processed within a book-entry system operated by the Federal Reserve

banks pursuant to a Federal book-entry regulation) or limited interests (including security interests) therein; and

"(B) rights and obligations of purchasers, sellers, owners, lenders, borrowers, and financial intermediaries (including brokers, dealers, banks, and clearing agencies) involved in or affected by such transfers, and the rights of third parties whose interests in such securities devolve from such transfers.

"(2)(A) The findings described in this paragraph are findings by the Commission that—

"(i) such rule is necessary or appropriate for the protection of investors or in the public interest and is reasonably designed to promote the prompt, accurate, and safe clearance and settlement of securities transactions;

"(ii) in the absence of a uniform rule, the safe and efficient operation of the national system for clearance and settlement of securities transactions will be, or is, substantially impeded; and

"(iii) to the extent such rule will impair or diminish, directly or indirectly, rights of persons specified in paragraph (1)(B) under State law concerning transfers of securities (or limited interests therein), the benefits of such rule outweigh such impairment or diminution of rights.

"(B) In making the findings described in subparagraph (A), the Commission shall give consideration to the recommendations of the Advisory Committee established under paragraph (4), and it shall consult with and consider the views of the Secretary of the Treasury and the Board of Governors of the Federal Reserve System. If the Secretary of the Treasury objects, in writing, to any proposed rule of the Commission on the basis of the Secretary's view on the issues described in clauses (i), (ii), and (iii) of subparagraph (A), the Commission shall consider all feasible alternatives to the proposed rule, and it shall not adopt any such rule unless the Commission makes an explicit finding that the rule is the most practicable method for achieving safe and efficient operation of the national clearance and settlement system.

"(3) Any State may, prior to the expiration of 2 years after the Commission adopts a rule under this subsection, enact a statute that specifically refers to this subsection and the specific rule thereunder and establishes, prospectively from the date of enactment of the State statute, a provision that differs from that applicable under the Commission's rule.

"(4)(A) Within 90 days after the date of enactment of this subsection, the Commission shall (and at such times thereafter as the Commission may determine, the Commission may), after consultation with the Secretary of the Treasury and the Board of Governors of the Federal Reserve System, establish an advisory committee under the Federal Advisory Committee Act (5 U.S.C. App.). The Advisory Committee shall be directed to consider and report to the Commission on such matters as the Commission, after consultation with the Secretary of the Treasury and the Board of Governors of the Federal Reserve System, determines, including the areas, if any, in which State commercial laws and related Federal laws concerning the transfer of certificated or uncertificated securities, limited interests (including security interests) in such securities, or the creation or perfection of security interests in such securities do not provide the necessary certainty, uniformity, and clarity for purchasers, sellers, owners, lenders, borrowers, and financial intermediaries concerning their respective rights and obligations.

"(B) The Advisory Committee shall consist of 15 members, of which—

"(i) 11 shall be designated by the Commission in accordance with the Federal Advisory Committee Act; and

"(ii) 2 each shall be designated by the Board of Governors of the Federal Reserve System and the Secretary of the Treasury.

"(C) The Advisory Committee shall conduct its activities in accordance with the Federal Advisory Committee Act. Within 6 months of its designation, or such longer time as the Commission may designate, the Advisory Committee shall issue a report to the Commission, and shall cause copies of that report to be delivered to the Secretary of the Treasury and the Chairman of the Board of Governors of the Federal Reserve System."

SEC. 6. LIMITATION ON PRACTICES WHICH RESULT IN VOLATILITY.

(a) **IN GENERAL.**—Section 9 of the Securities Exchange Act of 1934 (15 U.S.C. 78i) is amended by adding at the end thereof the following new subsection:

"(h) **LIMITATIONS ON PRACTICES THAT AFFECT MARKET VOLATILITY.**—It shall be unlawful for any person, by the use of the mails or any means or instrumentality of interstate commerce or of any facility of any national securities exchange, to use or employ any act or practice in connection with the purchase or sale of any equity security in contravention of such rules or regulations as the Commission may adopt, consistent with the public interest, the protection of investors, and the maintenance of fair and orderly markets—

"(1) to prescribe means reasonably designed to prevent manipulation of price levels of the equity securities market or a substantial segment thereof; and

"(2) to prohibit or constrain, during periods of extraordinary market volatility, any trading practice in connection with the purchase or sale of equity securities that the Commission determines (A) has previously contributed significantly to extraordinary levels of volatility that have threatened the maintenance of fair and orderly markets; and (B) is reasonably certain to engender such levels of volatility if not prohibited or constrained.

In adopting rules under paragraph (2), the Commission shall, consistent with the purposes of this subsection, minimize the impact on the normal operations of the market and a natural person's freedom to buy or sell any equity security."

(b) **CONFORMING AMENDMENT.**—Section 25(b)(1) of the Securities Exchange Act of 1934 (15 U.S.C. 78y(b)(1)) is amended by inserting "9(h)(2)," after "section 6,".

SEC. 7. NOTIFICATION OF SEC CONCERNING RISKS TO SECURITIES SUBSIDIARY.

The Federal Deposit Insurance Act (12 U.S.C. 1811 et seq.) is amended by adding at the end the following new section:

"SEC. 35. **COORDINATION OF RISK ANALYSIS BETWEEN SEC AND FEDERAL BANKING AGENCIES.**

"Any appropriate Federal banking agency shall notify the Securities and Exchange Commission of any concerns of the agency regarding significant financial or operational risks to any registered broker or dealer, or any registered municipal securities dealer, government securities broker, or government securities dealer for which the Commission is the appropriate regulatory agency (as defined in section 3 of the Securities Exchange Act of 1934), resulting from the activities of any insured depository in-

stitution, any depository institution holding company, or any affiliate of any such institution or company if such broker, dealer, municipal securities dealer, government securities broker, or government securities dealer is an affiliate of any such institution, company, or affiliate."

SEC. 8. REPORTS TO CONGRESS.

(a) **INTERMARKET COORDINATION.**—The Secretary of the Treasury, the Chairman of the Board of Governors of the Federal Reserve System, the Chairman of the Securities and Exchange Commission, and the Chairman of the Commodity Futures Trading Commission, shall report to the Congress not later than May 31, 1991, and annually thereafter until May 31, 1995, on the following:

(1) the efforts their respective agencies have made relating to the coordination of regulatory activities to ensure the integrity and competitiveness of United States financial markets;

(2) the efforts their respective agencies have made to formulate coordinated mechanisms across marketplaces to protect the payments and market systems during market emergencies;

(3) the views of their respective agencies with respect to the adequacy of margin levels and use of leverage by market participants; and

(4) such other issues and concerns relating to the soundness, stability, and integrity of domestic and international capital markets as may be appropriate.

The agencies shall cooperate in the development of their reports, and prior to submitting its report to Congress, each agency shall provide copies to the other agencies.

(b) **CLEARANCE AND SETTLEMENT.**—The Securities and Exchange Commission, in consultation with the Commodity Futures Trading Commission, the Board of Governors of the Federal Reserve System, and other relevant regulatory authorities, shall examine progress toward establishing linked or coordinated facilities for clearance and settlement of transactions in securities, securities options, contracts of sale for future delivery and options thereon, and commodity options, and shall submit to the Committees on Energy and Commerce and Agriculture of the House of Representatives and the Committees on Banking, Housing, and Urban Affairs and Agriculture, Nutrition, and Forestry of the Senate, not later than 2 years from the date of enactment of this section, a report detailing and evaluating such progress.

Amend the title so as to read:

An Act to amend the Securities Exchange Act of 1934 to strengthen regulatory oversight of the United States securities markets, improve supervision of financial market participants, and improve the safety and efficiency of market mechanisms, and for other purposes.

The SPEAKER pro tempore (Mr. TORRES). Is a second demanded?

Mr. RINALDO. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Massachusetts [Mr. MARKEY] will be recognized for 20 minutes, and the gentleman from New Jersey [Mr. RINALDO] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Massachusetts [Mr. MARKEY].

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

Mr. Speaker, the bill we are considering today, H.R. 3657, the Market Reform Act of 1990, represents the culmination of nearly 3 years of hard work and steady deliberation. When our financial markets came perilously close to total collapse on October 19, 1987, an intense inquiry began as to the causes of that collapse and the need for our regulators to adopt new tools to more effectively monitor and protect our financial markets. With our action today, the House will be sending this bill to the President's desk for signature.

Equally important, we will send a long-awaited message to individual investors across the country: we will do everything in our power to restore your confidence in our financial markets.

Over the last several weeks, members from the Committee on Energy and Commerce and the U.S. Senate's Committee on Banking, Housing and Urban Affairs, in a spirit of cooperation and mutual understanding, reached a consensus on resolving differences between our two versions of market reform legislation. I would like to thank Senator DODD for his persistent leadership in forging a consensus between the House and Senate members. I also owe a debt of gratitude to Senator RIEGLE, Senator HEINZ, and Senator GARN for working with the House to resolve quickly, and reasonably, our differences. I also appreciate Senator GRAMM's efforts to improve and strengthen this bill. In resolving our differences, I believe we have made significant improvements to this legislation and I thank all my Senate and House colleagues for their special efforts to produce this bill.

Most especially, I would like to thank the gentleman from Michigan [Mr. DINGELL] and our minority leader, the gentleman from New York [Mr. LENT], and make special note, as usual, of the efforts of the gentleman from New Jersey [Mr. RINALDO], the ranking minority member of the Subcommittee on Telecommunications and Finance.

Mr. Speaker, this is an historic piece of legislation, a major piece of market reform legislation passing the Congress this year, and is very largely attributable to the efforts of the gentleman from New Jersey [Mr. RINALDO]. I do want to compliment him personally for his commitment.

On June 5, the House of Representatives passed H.R. 3657, which contained the reforms necessitated by the October 19, 1987 crash and the ensuing volatility, which has repeatedly threatened our financial markets and shaken the confidence of the investing public. On September 25, the Senate

took up the House-passed bill and amended it with a substitute which reflects the substance of our agreements.

The substitute before us today provides the Commission with the following seven new powers. First, it provides the Commission emergency authority to suspend trading or institute any other emergency measures within its regulatory authority. Second, it provides for the Commission to institute a large trader reporting system, so that the Commission can understand the trading strategies being used in our securities markets, and to monitor our markets closely for any manipulative or abusive activities. Third, it grants the Commission the authority to more fully monitor the financial or operational risks that are posed to SEC-regulated entities by their associated persons. Fourth, it provides the Commission with the ability to facilitate the establishment of a coordinated national system for safe and accurate clearance and settlement. These provisions had been included in a separate House bill, H.R. 3656. Fifth, it authorizes the Commission to place limitations on practices which result in volatility. Sixth, it requires our Federal banking regulators to notify the Commission when they are concerned about the financial or operational risks posed to a SEC-regulated entity. And seventh, at Senator RIEGLE's suggestion, the legislation requires the SEC, the Commodity Futures Trading Commission, the Federal Reserve System, and the Department of Treasury, to report annually to the Congress on efforts to coordinate the regulation of our financial markets.

In brief, I will touch upon the differences between the substitute and H.R. 3657, as passed by the House on June 5, 1990. Regarding the grant of authority to the Securities and Exchange Commission to address market volatility and market manipulation, we agree to uphold the purpose of this section as expressed in the House report on H.R. 3657 and the bill's legislative history, and to make certain statutory modifications which enhance and clarify the purpose of that section. In the first instance, under the Senate substitute, the SEC is granted the authority to prescribe means reasonably designed to prevent manipulation of price levels of the equity securities market, or a substantial segment thereof. In the second instance, the commission, with the greatest deference given to its judgment, is authorized to prohibit or constrain any trading practice which has previously contributed significantly to extraordinary levels of volatility that have threatened the maintenance of fair and orderly markets, and which the commission determines is reasonably certain to engender such levels of

volatility, if not prohibited or constrained.

The House and Senate members, in agreeing to such changes, concur that the commission will not have to make a factual finding in order to determine whether any trading practice meets the standards set forth, and that the greatest deference will be given to the commission's judgment in making such determinations. This degree of deference to the Commission's judgment is necessary, given that trading and execution strategies have become so complex that their surface subtlety belies their ultimate impact on our financial markets. Sophisticated strategies applied with a seemingly light touch, can nonetheless, trigger a series of events which can culminate in extraordinary levels of volatility. Under this provision, the commission is granted the flexibility to fashion rules and regulations with this reality in mind.

As I stated in my floor remarks on the passage of H.R. 3657 by the House on June 5, 1990, the need for this provision stems from the changes which have significantly reshaped our securities markets in the last decade—the swift domination of the stock market by institutions, and the rise of trading by securities firms for their own accounts.

This concentration of greater and greater financial power in the hands of fewer individuals, has led to the birth of a host of new trading strategies and financial instruments which have been specifically tailored for trading the value of the stock market as a whole. The umbrella term for such strategies is program trading, which covers index arbitrage, portfolio insurance, tactical asset allocation, and other strategies. Unfortunately, with the increased dominance of the market by institutions and securities firms, has come the opportunity to profit from manipulative acts or practices, such as intermarket frontrunning or self-frontrunning, or aggressive trading strategies which prey on the existing fragility of our markets. To compound matters, our regulatory scheme, and the imposition of operational safeguards in our markets, have lagged behind these tremendous changes which have altered the nature and behavior of financial markets. In addition, the pace of innovation promises that new products and new trading strategies, unthought of today, may pose similar hazards to our markets in the future. The power we give the Commission today assures that our regulators will be able to deal with such developments, should they arise in the future.

Senator GRAMM expressed a concern that this authority not unduly impinge upon the small individual investor's ability to buy or sell. The language in the substitute directs the

Commission to seek to minimize such impacts on the average investor. Certainly, such investors should take great comfort in the fact that one of the underlying purposes of this section is to stem the volatility in our market, which has so damaged the average investor's confidence in our financial markets. And finally, regarding this section, we have added a provision which allows a person adversely affected by the Commission's rulemaking to obtain judicial review of the rule within 60 days after promulgation of the rule.

Additionally, concerning the risk assessment section of the substitute, House Members agreed to delete a provision, which allowed for an exclusion from the requirements of that section for any person whose net worth is less than \$25 million and who does not devote a significant amount of their assets to, or obtain a significant amount of their revenues from, activities in the United States. It was agreed that this statutory exemption was unnecessary, given the broad exemptive power of the Commission to allow such exclusions by rule or order.

With respect to the operation of the risk assessment provisions, I also concur with my Senate colleagues in their comments concerning the case of associated persons who are subject to examination or reporting requirements of a Federal banking agency, where the legislation establishes an alternative procedure for broker-dealers to comply with the legislation's recordkeeping and reporting requirements. To use this alternative, a broker-dealer may obtain copies of reports of condition and similar reports filed by the associate person with the appropriate Federal banking agency. However, a broker-dealer is not required, under any circumstances, to obtain copies of examination reports. Moreover, it is not a condition of this procedure that the broker-dealer obtain copies of reports, such as F.R. 2068 filed with the Board of Governors of the Federal Reserve System, that are subject to confidentiality procedures, similar to or more stringent, than those applicable to examination reports.

And finally, concerning the risk assessment section, I would like to correct a typographical error which appears in the House Report No. 101-524 on the Securities Markets Reform Act of 1990. On page 31, the last sentence of the section of the report which follows the heading "Risk Assessment for Holding Company Systems" and is directly before the subheading, "Paragraph (h)(2)—Call Reports", should read: "The committee expects that the Commission will not require that summary reports be prepared on an affiliate-by-affiliate basis, except to the extent of providing consolidating balance sheet information." The word

"consolidating" should have appeared in the House report, and replaces the incorrect use of the word "consolidated."

Regarding the section of this substitute which provides for the facilitation of a safe and accurate national system for coordinated clearance and settlement, we have agreed to changes that provide an added measure of protection for States. In granting the SEC the authority to pre-empt State laws which unavoidably interfere with the attainment of a safe and accurate national clearing and settlement system, the concern was raised that a more effective balance needed to be struck between the SEC rulemaking authority and the States in achieving such a system. For that reason, the substitute enables States to specifically override specific SEC rules by passing legislation to that end.

The passage of this bill represents an historic event. It is something which I am quite proud of. The gentlemen from Michigan [Mr. DINGELL] and I have worked together with the subcommittee members over the last 2 years in helping to draft this legislation, working with the minority.

I would like to commend this bill to the President for his signature. We think that it deserves it.

I would like to thank the SEC staff, whose excellent work has greatly assisted our efforts today, to Chairman Breeden of the Securities and Exchange Commission, under whose leadership this bill has reached passage today, to former Chairman Ruder, of the SEC, under whose leadership this process toward reform started, to Consuela Washington, the right arm in security matters for the gentleman from Michigan [Mr. DINGELL], who has worked tirelessly in ensuring that any bill that was produced out of the negotiations with the Senate would fully reflect the goals that the gentleman from Michigan [Mr. DINGELL] has for reforming our markets, to Steve Blumenthal, the committee's minority counsel, who has worked with us in a partnership that has to necessarily be at the heart of any working arrangement between majority and minority on subjects of this complexity.

I would also like to thank Herb Brown, the subcommittee staff director, for his work. Since he has come on board in January of this year, his fine touch for negotiations and for insight into how we can resolve very difficult issues has been absolutely critical in bringing this piece of legislation to this point.

Finally, I would like to thank Nancy Smith from my staff, who has worked over the last 3 years, since October 1987, toward developing a set of policy initiatives that could deal effectively with these issues. Despite the daunt-

ing task, she kept the faith. Despite the naysayers that said it could not be done, at this point she is witnessing the final product of her good work.

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

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

Mr. Speaker, in the interest of time, I want to associate myself with the remarks of the gentleman from Massachusetts [Mr. MARKEY], the distinguished chairman of the Subcommittee on Telecommunications and Finance. I certainly join him in complimenting the chairman of the full committee, the gentleman from Michigan [Mr. DINGELL], for expediting the passage of this piece of legislation and for the work that he and his staff and the staffs of both sides of the aisle did on this piece of legislation.

Mr. Speaker, most of all I would like to commend the gentleman from Massachusetts [Mr. MARKEY] for his very dedicated efforts in helping to craft a bipartisan piece of legislation during a very difficult period of time when there were many people screaming and shouting for tougher and harsher measures that would have actually hindered the economic growth of this country by putting into effect procedures that would slow down what was taking place in our markets. He has done an admirable job. I am proud to be one of the original sponsors of this legislation with the gentleman from Massachusetts [Mr. MARKEY].

Mr. Speaker, I rise in support of H.R. 3657, the Market Reform Act of 1990. I am proud to be an original sponsor of this legislation.

Although born out of the crises of severe and sudden stock market corrections in 1987 and 1989, this legislation is not a quick fix. It is a carefully considered review of new authority the Securities and Exchange Commission must have to ensure the integrity of our capital raising process.

This bill grants authority to the SEC to act in a market crisis, collect information for regulatory and surveillance purposes, and assess risks to holding companies from the activities of broker dealer subsidiaries. This legislation also provides the SEC with needed authority to address trading practices that create extraordinary volatility. This provision in the bill, commonly referred to as the program trading provision, was crafted jointly by myself and my colleague, the chairman of the subcommittee, Mr. MARKEY, after lengthy and detailed negotiation with the SEC, the Department of the Treasury, representatives of the securities industry, and expert legal counsel. In sum, this bill provides the SEC with the tools it needs to regulate the computer-driven markets of the 21st century.

H.R. 3657 also contains the provisions of H.R. 3656, the Coordinated

Clearance and Settlement Act. Although clearing and settlement is the technical side of the securities business, its impact on investors is dramatic. This legislation directs the SEC to bring about a linked and coordinated system of clearance and settlement of securities transactions. The balkanized system in place today, in which stock and commodities exchanges have their own independent clearing arms, subject to differing laws and regulations and adopting differing membership requirements, does not provide the desired level of uniformity and clarity that institutional and individual purchasers, sellers, financial intermediaries, and lenders are entitled to have.

One of the most important features of this bill provides a compromise solution to a problem that will have to be dealt with in the future, perhaps more decisively, if our markets are to compete in the global economy. The question concerns the role of the States in the regulation of financial markets that are already national in scope and increasingly international. Clearance and settlement of securities transactions is a mechanical and clerical process, it is particularly well suited to computerization and an efficient, nationwide system is well within the limits of today's technology. Unfortunately, inconsistent State laws governing secured interests in negotiable securities have played a large role in preventing the development of a national system of settlement.

Recognizing this, H.R. 3657 authorizes the SEC to preempt inconsistent State laws that it finds are interfering with the development of a national clearance and settlement system. In the spirit of legislative compromise, we have accepted a Senate provision that will allow the States, for a limited time, to opt back in to this regulation. It is difficult to believe, however, that this solution could be any kind of model for other areas of securities regulation. The lack of uniformity in regulation imposed by inconsistent State laws unnecessarily elevates the cost of doing business, increases the costs of raising capital, and places our financial markets at a competitive disadvantage to those of a uniting Europe.

The financial markets of our Nation face challenges in the 1990's that have never been seen before. We live in an era when market meltdowns and emergencies, characterized by excessive fluctuations of securities prices threaten fair and orderly markets. Investor confidence in the integrity of the market is dangerously low and, some argue, for good reason. The securities laws of the United States are the model the world uses for regulation of capital markets, but there is broad bipartisan agreement that our laws are in need of fine tuning. H.R. 3657 responds to that need.

Mr. Speaker, H.R. 3657 is an important step in the continuing development of regulation of the American financial markets and I urge my colleagues to support it unanimously.

Mr. DINGELL. Mr. Speaker, I rise in strong support of this bipartisan substitute to resolve the differences between the House and Senate market reform bills.

New York Stock Exchange president Richard Whitney called the market of his day a "perfect institution." In 1937, SEC Chairman William O. Douglas offered a less glowing view, implying that it was a "private club" with "elements of a casino." The Senate Banking and Currency Committee's 1932-34 investigation of stock exchange practices and the 1929 Crash produced the following exchange:

Mr. WIGGIN. I think it was a God-given market.

Mr. PECORA. What is that?

Mr. WIGGIN. I think it was a God-given market.

Senator ADAMS. Are you sure as to the source?

Much has changed since 1929, let alone since 1725 when securities were first traded in New York City. Wall Street has become the symbol of the positive American attributes of free enterprise, initiative, and prosperity. However, the advances in information technology and new products that have brought many benefits also carry great risks—risks often not fully recognized until a market disruption like October 1987 or a firm failure like that of Drexel Burnham brings them into sharp focus.

The compromise legislation which we send to the President today will provide the Securities and Exchange Commission with the necessary information and regulatory tools to safeguard the Nation's capital formation mechanisms and enhance investor protection to make sure that this country's markets continue to provide a fair and efficient center for world securities trading.

By agreement with the Senate, the House and Senate committee reports on H.R. 3657, H.R. 3656, and S. 648 shall constitute the legislative history for the amendment in the nature of a substitute for H.R. 3657 that we pass today. The key components of the compromise have been explained in the floor statements of Senator DODD and Mr. MARKEY so I will not belabor them here. Mr. Speaker, I do, however, want to commend the chairman of the Subcommittee on Telecommunications and Finance, Mr. MARKEY, that subcommittee's ranking Republican, Mr. RINALDO, and the ranking Republican of the full committee, Mr. LENT, for their strong leadership and extraordinary efforts in bringing this important legislation to this point. I also want to thank the leadership of the Committee on Agriculture and of the Committee on Banking, Finance and Urban Affairs for the cooperative spirit in which they have worked with the Committee on Energy and Commerce to facilitate action on this bill. Finally, I must recognize the contributions of Senators RIEGLE, GARN, DODD, HEINZ, and GRAMM for their willingness to work with us to resolve differences and bring an excellent piece of legislation to final passage.

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

only to conclude by thanking Steve Cope, legislative counsel, who worked with the majority and minority in drafting this legislation, and to all of the members of the committee. This bill is a tribute to them and their patience and dedication to putting on the books laws which can deal with the market volatility characterized in the 1980's.

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

Mr. MARKEY. I am glad to yield to the gentleman from Texas.

Mr. GONZALEZ. Mr. Speaker, I would ask the gentleman from Massachusetts [Mr. MARKEY], is there any language, explicit or implicit, in this measure, that would in any way enlarge upon the powers of the SEC in its regulatory activities over commercial banks or bank holding companies?

Mr. MARKEY. Mr. Speaker, reclaiming my time, in the risk assessment area of the legislation, which we worked on closely with the Banking Committee to draft and have the acquiescence of the Banking Committee and through your leadership, there has been some extension of such authority. But we have done so in a way that is surgically targeted to restrain the SEC's authority.

□ 1340

Mr. GONZALEZ. It does follow the agreed language?

Mr. MARKEY. That is correct. We have followed the letter of the agreement which has been reached between the Energy and Commerce Committee and the Committee on Banking, Finance and Urban Affairs with regard to the scope of the SEC's authority in this area, and we will maintain the spirit of that agreement throughout its implementation.

Mr. GONZALEZ. I thank the gentleman.

Mr. LENT. Mr. Speaker, I rise in support of H.R. 3657.

H.R. 3657 contains a congressional authorization for timely regulatory responses to conditions in the securities markets that, in the past, have brought about stock market crashes. This comprehensive bill will go a long way toward ensuring the investing public that the Congress and its regulatory agencies are attentive to the problems existing in the financial markets. Increasing investor confidence is, in many ways, the first step in increasing investor protection.

Last November, the Subcommittee on Telecommunications and Finance marked up and unanimously adopted H.R. 3657. In the months that followed, the Energy and Commerce Committee has worked closely with the SEC and representatives of the securities industry to refine the drafting of this bill. The result is legislation that provides the SEC with the tools it needs to adequately address regulatory challenges unprecedented in the history of our Nation.

H.R. 3657 is significant legislation in each of its four parts. First, it grants the SEC emer-

gency authority to act in a market crisis, broadening the Commission's authority to suspend trading. The events of the last few months, in which stock-exchange-imposed circuit breakers are credited with preventing market meltdowns like those experienced in October 1987, show the wisdom of this legislation. Congress cannot, however, rely solely on the good faith efforts of the stock exchanges to protect investors. Accordingly, the SEC is given the authority it needs to monitor the markets and take appropriate action.

Second, the SEC is authorized to establish an information gathering system for monitoring large securities transactions. With upward of 70 percent of trading being done by institutions, clearly a regulator without this information is inadequately informed.

Third, H.R. 3657 provides authority to the SEC to collect broker/dealer risk assessment information from holding companies. The tragic experience of the demise of Drexel Burnham speaks volumes of the need for regulators of this provision.

Finally, the stock market reform portion of this legislation grants the SEC discretionary authority under certain circumstances, and after a deliberative process, to prohibit or constrain acts that contribute to extraordinary levels of market volatility. In the broad powers granted to the SEC in this bill lie the foundations of safer and sounder securities markets.

The remaining provisions of H.R. 3657 are a congressional mandate to the SEC to bring about a linked and coordinated system for the clearance and settlement of securities transactions. Inefficiencies in this area translate directly into less capital being available to trade stocks. These friction costs reduce the depth and liquidity of our stock markets and ultimately it is the investor who pays the price. Anything that Congress can do to eliminate unnecessarily wasting the capital of the financial industry should be undertaken.

It was for just that reason that the House version of this bill, designated H.R. 3656, preempted State laws that are generally recognized as interfering with the development of a uniform, national system for the regulation and operation of clearance and settlement systems. In recognition of State interests that may not, in this case, be consistent with the national interest in developing uniform laws, a provision was added to this bill to provide the States with an opportunity to continue to regulate securities under the applicable sections of the State commercial code. It is well that a series of actions and findings are necessary before a preempted State can return to these activities. The consequences of destroying the rationale behind a national system by opting out six or eight States are so dire that it is hoped our colleagues in the State legislatures will act with their usual levels of responsibility and recognize the preeminent national interest.

Mr. Speaker, I am pleased to say that H.R. 3657 enjoys broad bipartisan support and should be approved unanimously.

Mr. RINALDO. Mr. Speaker, I yield back the balance of my time.

Mr. MARKEY. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. TORRES). The question is on the

motion offered by the gentleman from Massachusetts [Mr. MARKEY] that the House suspend the rules and concur in the Senate amendments to H.R. 3657.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate amendments were concurred in.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MARKEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the Senate amendments to H.R. 3657 that were just concurred in.

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

There was no objection.

INCREASING WITHDRAWAL AUTHORITY FROM STRATEGIC PETROLEUM RESERVE

Mr. TAUZIN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5731) to increase the amount of petroleum products that may be withdrawn from the strategic petroleum reserve under a certain provision of the Energy Policy and Conservation Act.

The Clerk read as follows:

H.R. 5731

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 161(g)(1) of the Energy Policy and Conservation Act (42 U.S.C. 6241(g)(1)) is amended by striking out "5,000,000" and inserting in lieu thereof "15,000,000".

The SPEAKER pro tempore. Is a second demanded?

Mr. MOORHEAD. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Louisiana [Mr. TAUZIN] will be recognized for 20 minutes, and the gentleman from California [Mr. MOORHEAD] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Louisiana [Mr. TAUZIN].

GENERAL LEAVE

Mr. TAUZIN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill presently under consideration.

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

There was no objection.

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

At a hearing yesterday before the Energy and Commerce Committee, the Secretary of Energy discussed the President's decision to conduct a 5-million-barrel test sale of oil from the strategic petroleum reserve. The Secretary, to our surprise, stated that the 5-million-barrel statutory limitation on a test sale was too small to adequately stress the SPR system capability. He said that the 5-million-barrel size was picked because that was the maximum authorized by law, and he recommended that the size of the test be tripled.

As a result of the Secretary's recommendation, Chairman SHARP, Chairman DINGELL, Mr. LENT, Mr. MOORHEAD, and other members of the committee, yesterday introduced H.R. 5731. This bill expands the statutory size of the test sale to a maximum of 15 million barrels—the size recommended by the Secretary.

The authority to conduct the actual test sale of wet barrels of oil was just recently enacted as part of the Energy Policy and Conservation Act [EPCA] Amendments of 1990. The language in this law is written in such a manner that additional consecutive test sales may be conducted. If the Secretary of Energy believes that the 15-million-barrel language is still too restrictive he has authority to conduct additional tests. Each test sale may contain up to 15 million barrels.

I believe it is worth noting that during the conference committee deliberations on the EPCA amendments, Congress considered authorizing test sales of as much as 20 million barrels. Informal consultations with the Department of Energy led us to believe that anything higher than 5 million barrels would be vetoed. The committee is therefore pleased to learn at this point that the Secretary agrees on the need for a test sale large enough to stress the system, and we are pleased to give him the needed authority.

It is also worth noting that the EPCA amendments also contained minddrawdown language. This authority could be used to allow the drawdown of limited amounts of SPR oil for shortages of domestic oil regardless of the cause.

I welcome the Secretary's recommendations and assure him that the House will expeditiously consider this change and any other changes he may propose to manage this crisis and protect the American public.

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

Mr. Speaker, I rise in support of H.R. 5731, which raises from 5 million barrels to 15 million barrels the cap on the size of a test of the strategic petroleum reserve under the Energy Policy and Conservation Act.

Just 2 weeks ago, the Congress extended the SPR authorities in EPCA

and added a provision making it clear that short of an actual drawdown of the SPR, the Department of Energy can conduct a test of the SPR which includes actually selling some of the oil so that we fully test the SPR drawdown system. The cap on the size of such a test sale was set at 5 million barrels.

Earlier this week, President Bush decided to invoke this new authority and direct the Secretary of Energy, Adm. James Watkins, to conduct a test sale. In testimony yesterday before a joint hearing of two of the subcommittees of the Committee on Energy and Commerce, Secretary Watkins indicated that a 5-million-barrel test sale will not fully test the SPR, much less dampen market speculation which has artificially driven oil prices to twice the level before the Iraqi invasion of Kuwait. In response to questions from the committee, the Secretary stated that a 15-million-barrel test—or 500,000 barrels per day over 30 days—would be needed to conduct a proper test. It is also the minimum level that private analysts have said would help dampen market speculation. The fact that oil prices did not drop in response to the President's decision shows that 5 million barrels is not enough. The President is to be commended for using the limited authority we gave him and the Secretary of Energy is to be commended for his candor in suggesting the benefit of a larger test sale.

This bill was introduced to implement the increase in the size cap recommended by Secretary Watkins. I co-sponsored this bill with the chairman and ranking Republican member of the full Committee on Energy and Commerce, and the chairman of the Subcommittee on Energy and Power. This bill must be acted upon with dispatch so that the Secretary will have the authority to conduct a larger test sale of the strategic petroleum reserve. In light of current conditions in oil markets, this is must legislation for which I urge my colleagues' support.

While the strategic petroleum reserve test sale is important, many of us on the Committee on Energy and Commerce continue to believe that a modest drawdown of the reserve, not just a one-time test—as important as that is—should be undertaken in concert with our allies.

Furthermore, the SPR is an insurance policy against oil disruptions, not a substitute for a comprehensive energy policy. President Bush ordered a national energy strategy prepared long before Iraq invaded Kuwait. That strategy will be sent to Congress next year. Yesterday, Energy and Commerce Committee Republicans introduced a comprehensive energy package which addresses both conservation and production of energy resources. I hope we will have an opportunity this

year to do more on energy policy beyond the SPR. I urge support for this bill. For the time being, I urge support for this bill to increase the size limit on SPR test sales to 15 million barrels.

□ 1350

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

Mr. Speaker, let me associate myself with the words of my friend, the gentleman from California [Mr. MOORHEAD].

Indeed, this bill is no substitute for a good energy policy for America, and we have work yet to do, but this bill recognizes one salient fact, and that is the speculators on Wall Street may be greedy but they are not dumb. They watched as the Secretary announced this modest drawdown of 5 million barrels, which is no more than one-third of a day's use of oil in America, and they reacted. The price of oil dropped temporarily, and then they realized that this was just a modest effort. This was just a 1-day announcement. They realized that we have not yet made the firm commitment to use the SPR to stop this awful speculation and to assure the American public there will be no shortages.

This bill is aimed at doing the rest. This bill is aimed at making sure the speculators get the message that America does not allow them to keep earning these outrageous profits with artificial prices not justified in the marketplace.

Mr. Speaker, we commend this bill to the Members of the House.

Mr. Speaker, I yield such time as he may consume to my friend, the gentleman from Massachusetts [Mr. MARKEY].

Mr. MARKEY. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, let me tell the Members what has been wrong over the last 7 weeks with the administration's policy. Right from the get-go, the administration said, the Department of Energy said, the Secretary of Energy said that they will not use the strategic petroleum reserve in order to control prices, and so as prices have escalated from \$20 to \$25 to \$30 to \$35 to \$40 a barrel, the administration has continued to argue that the strategic petroleum reserve was never intended to be used in a way that will keep prices down.

Until now, what are the consequences? Well, since August 2, \$4 billion more in energy costs have been paid by American consumers, going overseas, going to war profiteers than should have. Across the country, there is a \$300 million-per-day higher price that American industries, American consumers have to pay. In New England alone, New England, \$20 million

each day is going out of our region above and beyond what was going out on August 2 for energy prices. That is a new startup company for New England every single day, \$20 million every day going out of our region. We cannot afford to see this continue any longer.

Businesses are being driven into a recession by this head-in-the-sand energy policy which the administration has adopted. Consumers are reeling from this policy. Right now in New England, across the Northeast, home heating oil consumers should expect to pay \$500 more this winter than they paid last winter for home heating oil, and that is fine if you are in the upper income brackets, but if you are down in the working class level, \$500 out of your discretionary income after taxes is really going to put a pinch in a lot of other things that you might have planned to have done this winter.

For low-income families on the margin, they have been pushed off that margin now. They now go from being vulnerable to being victims. Just to stay even, the low-income energy assistance program now needs an additional \$600 million. Those who have said that we should not be concerned about this rise in prices of oil across this country and that we should not use the strategic petroleum reserve in order to control those prices should not now cry their crocodile tears when we come in and say that we are going to have to increase by \$600 million the low-income fuel assistance program, because that is all part and parcel. Where do you think the money is going? If you want to put that money into the hands of the oil companies or into the hands of oil speculators, more accurately, and the sheikhs over in the Persian Gulf, well, do not expect the poor people then to be able to pay for their home heating oil bill and cough up the cash to help them out. That is part of what our country should be all about.

So while I do not share any real confidence that this administration is going to engage in that kind of a policy that is now reaching out to help the poor and to help them in a way which they really need, and let us not, as well, in any manner, shape, or form, pretend that this program is going to work.

Secretary Watkins has now said that this is not a drawdown. We are not using this as a drawdown. We are just doing this as a test to enhance our readiness in the event that a drawdown is really necessary, and so if you are out there now wondering why your gasoline prices are skyrocketing, why your home heating oil prices are skyrocketing, just ask yourself why, for the last 15 years, that we built a strategic petroleum reserve, why are we not flooding the marketplace with a million barrels of oil a day that the

American taxpayer, the American consumer has already paid for in order to depress those worldwide oil prices, and let the world energy merchants know that we mean business?

We are not just going to stand idly by and allow them to capitalize upon the vulnerable position that the United States has placed itself in by injecting itself, I think, nobly into the middle of that Persian Gulf crisis.

I congratulate the gentleman from Louisiana for his work on this legislation. He has been pressing this case for the last year, that we have to do more to fill the strategic petroleum reserve. We have to do more to make sure it is ready to go, and now we begin to see some action, but it still is only 10 cents on the dollar of what we are going to need if we are going to be successful.

I also want to compliment the gentleman from Indiana [Mr. SHARP], chairman of the subcommittee, and the gentleman from Michigan [Mr. DINGELL], our chairman, the gentleman from California [Mr. MOORHEAD]. We have worked on this over the last 15 years on a bipartisan basis in the committee, and we have tried hard to put together an energy policy in this country, but it has been almost impossible with the Energy Secretaries that we have been given to work with.

My hope is that this will be the beginning of a new era with Secretary Watkins, and that finally we can do something which is positive, constructive and, in fact, deals with the real issues which are out there.

Mr. TAUZIN. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas [Mr. GONZALEZ].

Mr. GONZALEZ. Mr. Speaker, I have a question for the gentleman. The gentleman has very well explained the purpose of this bill. Those of us who have been reading the newspapers read a few days ago that the President intended to intervene in the market in order to protect the consumers. What I am asking about is: What would be the plans for replenishing the strategic supply, and if the maintenance of that supply must be at a certain level, at what cost to the Government would it be?

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

Mr. GONZALEZ. I am happy to yield to the gentleman from Louisiana.

Mr. TAUZIN. There are no such plans on board today other than the fact that about 12 days ago we passed the reauthorization of the strategic petroleum reserve and authorized it up to 1 billion barrels, so that given the right appropriations, we can acquire oil for the strategic petroleum reserve even as we draw it down. That authority now exists for the administration. The funds, however, must be

provided as part of the budget agreement.

I can, however, suggest to the gentleman that I have already proffered a plan for refilling the strategic petroleum reserve on the basis of SPR bonds that would be sold to the public, bonds that would yield an interest and a bonus when, in fact, that oil is sold in the marketplace, a plan that would also dedicate domestic wells, that is, new production in America, to help fill the strategic petroleum reserve.

I have offered that plan to the administration and to our chairman, the gentleman from Indiana [Mr. SHARP], and it is under active consideration right now by various members of the administration and the committees on energy.

But right at the moment the only plans to fill the reserve are contained in the legislation that was passed and will be determined by the amount offered in the budget summit conference or the agreement we reach on a CR.

Mr. GONZALEZ. I thank the gentleman. I congratulate him on his proposal that he is asking the administration to consider. The worry I had was that we may lose with one hand what we are trying to achieve with the other, and that is that if we have to resupply that capacity there that we want for the strategic purposes and if it is at a cost that would be at an exorbitant level, then that would offset whatever good we would do on the other hand, because, in effect, the taxpayer is paying the price.

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Mr. TAUZIN. The average cost, in answer to the gentleman, the average cost of acquisition of oil to the strategic petroleum reserve today is \$27 a barrel. The plan I suggested to the administration would guarantee production in domestic oil wells at \$25 a barrel, guaranteed whether the price goes up or down. It makes good sense.

Mr. GONZALEZ. Mr. Speaker, I agree. It does make good sense, and I congratulate the gentleman.

Mr. MOORHEAD. Mr. Speaker, I yield myself 1 minute to say that this is a nonpartisan piece of legislation, and not one on which we should debate our national energy policy. For those who feel there are problems with the shortages we have, this bill will not solve all of our problems. What we need to do is to be able to develop the oil that we have available in our country which has been stopped by politics. We need to go ahead and develop a worthwhile national energy plan which I believe the Republican members of the Committee on Energy and Commerce have introduced this last week. I think we need to go ahead in every single area that will produce to make the United States energy independent, so that this will not

happen in the future. I strongly support the 1-billion-barrel level.

Mr. Speaker, I yield to the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. Mr. Speaker, I was just interested a moment ago in the fine speech that we heard about how much it is costing the American people to have the energy costs raised as a result of what is happening in the Middle East. It just seems to me that we ought to also recognize that a part of that, that the proposal put on the table by the Democrats, as we were blaming the policy on the administration, the proposals put on the table by the Democrats in the budget summit included gasoline taxes, energy taxes, and a number of other things that are also going to raise those same costs on the American people, so that when their prices go up sometime in the near future, if such a budget plan would pass, they ought to also remember the people who not only added to the costs, but of the situation in the Middle East, but added to the cost of all those products as a result of additional taxes.

Mr. TAUZIN. Mr. Speaker, I yield 1 minute to the gentleman from Massachusetts [Mr. MARKEY].

Mr. MARKEY. Mr. Speaker, I just rise to note that the only difference from the American consumers' perspective is that if they paid an extra penny or two or five in the gasoline tax, they would know that that money was being spent on our troops over in the Persian Gulf. They would know that it is to be spent on health care for the elderly. Right now, as they pay this energy tax, this \$4 billion so far, and much more to come, that money is not going into anything that is helping them. That money is going into the hands of war profiteers.

This Government is going to have to recognize that the American public can tell the difference between the taxes that are used for their benefit, and taxes being used for the benefit of those who are attempting to use the spoils from the Middle East crisis.

Mr. MOORHEAD. Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. Mr. Speaker, the gentleman from Massachusetts has just given a very interesting idea there. In order to have that happen, as the gentleman just portrayed it, we would have to, in fact, devote the gas taxes to something other than the highway trust fund. In other words, break a compact that we have had for a number of years where all of the money goes into the highway trust fund, where it now is sitting in the fund and not being used.

So the gentleman, in suggesting that the money is going to go toward the kind of things he just talked about, is talking about something that cannot happen under present law. I am rather

surprised by the fact that they are evidently going to propose now that not only are the gas taxes going to be raised, but they are now going to be used as a part of a general fund. That would be a real break with everything we have done in the past.

Mr. TAUZIN. Mr. Speaker, I yield myself such time as I may consume. I want to point out that not all Democrats support gasoline taxes, and the gentleman knows that. Certainly not this gentleman.

Second, there are others hurting in this crisis, other than those who burn home fuel oils, or gasoline. A good example of those being crushed by the rising cost of fuel, because of the speculators on Wall Street, are the fishermen in my district. When gasoline prices went up 12 cents, diesel prices went up 30 cents. Segments of our society are being crushed now. This bill is designed to help the administration with all the authority it needs to tell those speculators to cut it out, to stop this artificial pricing of fuel, and to get prices down where they ought to be, even considering the crisis in the Middle East.

I would like to also point out that when oil is sold under this, the money derived from the sales goes into a special SPR account. That money can be used if we budget it so, for the purchase of additional oil to refill the strategic petroleum reserve, probably after this crisis is over, hopefully at lower prices. The system can work. The Secretary wants to use his authority.

Finally, so that people not misunderstand that we are suddenly asking the administration to use the security of the SPR too early, we could draw down 500 barrels a day out of the SPR for 1,180 days. We could withdraw from the SPR a million barrels a day if we needed to for 580 days, hopefully much longer than this crisis will last.

The American consumer needs to know that. The SPR, while not a billion barrels, is still a mighty hefty security for America if we want to use it. This authority given the administration hopefully will be used to put the speculators back in line, and to tell them to quit profiting at the expense of shrimpers and fishermen, and those on the highways, and those poor, and those in American society that can ill-afford the kind of increases that artificially are being accounted for in the prices the speculators are driving up on Wall Street.

Mr. SHARP. Mr. Speaker, on Wednesday the President announced a small test sale of oil from the strategic petroleum reserve. It is not the real drawdown that many of us in Congress have recommended as a way to limit the skyrocketing oil prices, but it is useful step.

It is useful for two reasons. First, a successful test will allay any remaining concerns about the ability of the Department of Energy

to actually deliver the oil we have stored over the past decade. Congress required a small test—1 million barrels—in 1985, and it was successful, but a larger test in volatile market conditions will be even more meaningful. We are pleased that the Secretary has recognized the need for a 15 million barrel test instead of the announced 5 million barrel test, and we are pleased to give him that authority.

Second, it is useful because it helps to persuade the traders and speculators who are bidding up the price in advance of any shortage that the President may call for a real drawdown of a significant size. In other words, the President's willingness to test the reserve makes its real use a somewhat more credible threat, and that should worry speculators who have discounted the risk of a drawdown.

The news reports of the President's announcement, unfortunately, did not stress the fact that he is only conducting a test, and a very small one. Five million barrels over 30 to 60 days is a fairly insignificant response to an anticipated worldwide crude oil shortage of 1 million barrels per day.

The markets yesterday quickly realized this fact. After an initial drop in the price of oil, due apparently to the news reports of the announcement, prices rose again on the basis of new rumors from the Middle East.

Let no one mistake this reaction for a precursor of what a real drawdown would bring. In the present circumstances, if the United States and its allies in the International Energy Agency, particularly Japan and Germany, were to announce plans to sell a million barrels a day, that would drive oil prices down. The recent price rise is based on a fear of future shortages, and a combined announcement by the IEA nations that they do not intend to let a shortage occur would remove or reduce that fear.

Further bad news from the Middle East could, of course, offset the good news of an announcement of a drawdown, so there is no guarantee of lower prices. But the fear of a bigger crisis in the future should not deter us from trying to mitigate the impact of the present problem. We have nearly 600 million barrels of oil in storage, and drawing down a half million barrels a day for several months will still leave us with the ability to increase the rate if necessary.

Mr. Speaker, I applaud the President's decision to conduct a test, but I renew my call to him to conduct a real drawdown and to persuade Germany and Japan and the other IEA nations to do the same.

Mr. SYNAR. Mr. Speaker, I want to commend my colleague, PHIL SHARP, for his leadership in bringing before the House this legislation to amend EPCA to increase the level of strategic petroleum reserve oil which can be drawn down for purposes of testing the physical integrity and overall readiness of the SPR system. As chairman of the Energy and Power Subcommittee, PHIL has been a leader in the Congress in efforts to enhance the Nation's energy security and our emergency preparedness programs, and I am pleased to join him as a cosponsor of this measure.

Mr. Speaker, a number of hearings by my own Subcommittee on Environment, Energy and Natural Resources revealed some serious

problems with the strategic petroleum reserve system. To its credit, the Department of Energy has made effort to correct these deficiencies and to make needed improvement in the drawdown and distribution capability of the reserve.

Nevertheless, it is just a simple fact of life that any large, physical system of this kind is bound to experience some problems when first cranked up to full capacity. But the time to find and correct those problems is before a crisis, not during a crisis. As a result, I have long believed that the Department should conduct a meaningful test of the entire SPR system, at a drawdown level designed to simulate the stress that would be imposed on the system during an emergency maximum-capacity drawdown. And we should do so purely for the purposes of identifying and correcting any problems with the pumps, valves, pipelines, computer network, distribution capabilities, and other essential components of the system.

Indeed, as recently as last week, I again urged the Department to undertake such a test and I want to commend DOE for making the decision to move forward with a drawdown test at this time.

However, I do not believe that the administration's announced 5 million barrel test is adequate to simulate real life conditions during a significant emergency drawdown. For instance, the Department's announcement of the test indicates that the average drawdown rate during the 5 million barrel test would be only 167,000 barrels a day. Since the reserve is designed to be capable of drawing down 3.5 million barrels a day for several months, it is obvious that a drawdown test of less than 200,000 barrels a day does not constitute the kind of stress to which the system would be subjected during a maximum drawdown. Accordingly, there is a clear need for a higher level drawdown test to be authorized.

I would note that in testimony before the House Energy and Commerce Committee yesterday, the Department stated that it would like to conduct a test of the SPR system at a higher drawdown level, but that it could not do so because Congress had authorized a wet test of only up to 5 million barrels. Mr. Speaker, I find this response somewhat disingenuous on DOE's part, in view of the fact that during the conference negotiations on the most recent EPCA extension, which took place only a few weeks ago, the administration actually opposed authorization of a higher drawdown level for test purposes.

Nevertheless, I am pleased the administration has reconsidered and has now come to recognize the wisdom and prudence of a drawdown test which would actually stress the system in order to get the bugs out.

I strongly urge my colleagues to support the legislation before us today so that the Department may proceed with dispatch in conducting a meaningful test of the strategic petroleum reserve system. Conducting such a test now can reassure both the American people and the markets that the United States is indeed fully prepared to utilize this vital crude reserve, if necessary, to counter a serious supply disruption.

Mrs. KENNELLY. Mr. Speaker, I rise in strong support of H.R. 5731 to allow for the

withdrawal of oil from the strategic petroleum reserve in order to calm speculation on the world oil markets.

This legislation, combined with the President's announcement puts producers and dealers on notice that they cannot continue to raise the price of oil. Dealers and producers claim there is a supply problem and that it is growing over time. If that's true, we have the answer in the reserve.

Last December, well before the Iraqi situation, we had a home heating oil crisis in Connecticut. Prices rose out of reach for many low-income energy consumers. This year, before the cold spell hits, let's take every step to ensure our citizens aren't left out in the cold once again. No. 2 home heating oil sold for \$0.89 a gallon a year ago yesterday and \$1.19 yesterday with even higher prices on the horizon.

Prices for petroleum have continued to spiral upward with October futures reaching over \$39 per barrel, a near doubling of the price of oil since the Iraqi invasion of Kuwait.

The impact of higher oil prices is already being felt throughout the economy. Inflation in August was 0.8 percent, which translates to an annual rate of about 10 percent. Economists are predicting significant recession impacts, similar to those seen when oil prices soared in 1980. Higher oil prices also make efforts to reduce the Federal deficit and trade deficits more difficult.

It is for just such circumstances that the strategic petroleum reserve was created, and the recent amendments reflect the widespread view in Congress that the authority should be utilized. Sales should dampen speculation that prices will continue to rise. Current market prices, which are influenced by the futures market, would also be dampened.

A downturn in the reserve is the least intrusive interference in the market. In fact, it is a market-oriented response to an oil disruption. Failure to take this step will certainly give stronger impetus to those who will propose other more intrusive actions.

Double-digit inflation and severe recession are not the inevitable consequences of the disruption of a portion of Middle East oil supplies. The strategic petroleum reserve is our Nation's insurance policy against just such an outcome.

I urge my colleagues to support H.R. 5731.

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

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

The SPEAKER pro tempore (Mr. TORRES). The question is on the motion offered by the gentleman from Louisiana [Mr. TAUZIN] that the House suspend the rules and pass the bill, H.R. 5731.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

WE NEED AN ENERGY POLICY

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

Mr. TORRES. Mr. Speaker, I rise today to discuss America's energy policy.

Some people claim that under the Reagan-Bush administration America has not had an energy policy.

But this may not be the case.

An argument can be made that under Reagan/Bush we have had a consistent policy to make America more dependent on foreign oil.

I have here a brilliant article that recently appeared in the Washington Post that illustrates what the position of the administration has been for the last 10 years.

According to the authors of this article, David Freeman and Curtis Moore, the position of the Reagan/Bush administration as articulated by David Stockman, has been that America should: "buy cheap OPEC oil, rely on strategic reserves and rely on strategic forces, to guard against disruptions" of what we consider our God-given right: Cheap oil.

Mr. Speaker, I would like to enter this article into the CONGRESSIONAL RECORD.

And I would implore my colleagues to read this article and think about exactly what our priorities are, and where this policy will put us in the future.

KICKING AMERICA'S OIL HABIT

WE'VE GOT THE TECHNOLOGY—WHAT WE NEED IS THE WILLPOWER

[By Curtis Moore and S. David Freeman]

That racket you hear from the Middle East is opportunity knocking. It's telling us that when it comes to energy policy, the moral equivalent of war is vastly preferable to the real thing.

Before we can capitalize on that opportunity, however, we have to dispel two dangerously common misconceptions. One was voiced last Tuesday night by Rep. Richard Gephardt in delivering the Democratic Party's reply to President Bush's nationwide address. "For a decade," Gephardt said, "America has been left with no real energy policy at all."

Nothing could be farther from the truth. The nation has a clear policy, the vigorous and consistent pursuit of which has inexorably impelled us in the direction of war. Put simply, it calls for the United States to intentionally increase its reliance on Mideast oil and, when necessary, wage war to keep cheap oil flowing. Marines now swelter in the blistering heat of Saudi Arabia in large part because of what may be called "The Stockman Doctrine," after David Stockman, who became Ronald Reagan's first director of the Office of Management and Budget. In the Fall 1978 issue of *The Public Interest*, Stockman pilloried the energy self-sufficiency proposals of the Nixon-Ford-Carter administrations as "cramped, inward looking" strategies based on "Chicken Little logic." Calling for a strategy of "reliance on

the world market for energy," he dismissed fears of OPEC extortion as "economic mythology." Avoiding dangers, he argued, requires "only two policies—strategic reserves and strategic forces."

To this day, the Stockman cheap-oil strategy remains the nation's real energy policy. For example, President Bush last Tuesday called on Congress to "enact measures to increase . . . energy conservation." Yet his administration continues to oppose a Senate bill to boost the mileage standard for cars (from the current 27.5 mpg to 34 mpg in 1995 and 40 mpg by 2001), a bill which could completely eliminate oil imports from the Persian Gulf by saving 2.8 million barrels of oil per day.

Bush also called for enactment of "fuel switching"—presumably a reference to his widely publicized "clean fuels" proposal of 1989 which would have converted 9 million cars in our dirtiest cities to cleaner fuels such as electricity, ethanol, methanol and natural gas—all available from domestic sources. But in back-room meetings with Senate negotiators over amendments to the federal Clean Air Act, White House aides abandoned the clean fuels program, agreeing instead to continue reliance on "reformulated" gasoline—and the so-called free market in oil.

Therein lies the second dangerous misconception of the current Gulf debate: that the global oil trade is a classic free market. It isn't. About 75 percent of the world's oil is controlled by the OPEC cartel, many of whose members are, at best, uneasy allies of the United States and, at worst, outright enemies. The hand on the pump is not Adam Smith's: It is Saddam Hussein's, Moammar Gadhafi's or Ayatollah Ali Khamenei's.

HOW PETROLEUM MAKES POLICY

The Stockman-free market doctrine has obliged the United States to surrender something vastly more important than money: independence. Moreover, the determined pursuit of our present policy—burn imported oil and fight to get it—effectively dictates many other policies:

National security: Oil imports from the Middle East, which were about 6 percent of our total energy supply in 1973, stood at 12 percent in 1989. Thus we are twice as dependent on Persian Gulf oil (relatively and absolutely) as in 1973. True, the U.S. has 600 million barrels of oil stored in the Strategic Petroleum Reserve—but that's only enough to replace a complete loss of OPEC oil for about 10 months. As a result, massive military might is required to maintain the steady flow of oil. To be sure, there are excellent moral reasons for our military presence in the Gulf. But the fact remains that as long as imported oil remains the lifeblood of U.S. cars and trucks, we will be at grave risk.

National industrialization: Investing in fuels rather than fuel efficiency is implicitly a decision to direct capital and profits towards coal, oil and gas companies rather than to industries that manufacture energy-efficient capital goods. Worse yet, much of the money goes overseas: Cumulative U.S. payments for oil imports between 1970 and 1989 totalled \$1.1 trillion in 1989 dollars—roughly three years of U.S. defense spending.

National public works and transportation: A decision to rely on oil and the automobile is a commitment to continued dependence on streets, highways and bridges, rather than rails and rehabilitated housing and neighborhoods. Urban growth and government spending become caught in a vi-

cious cycle: Worn-out highways must be repaired because so many people commute from suburbs that were built around the roads. With no money available to rehabilitate urban housing or construct urban transit, workers have only one way to commute—in a car.

ENERGY AGENDA FOR THE 1990S

If we are ever to free ourselves from the threat of buying foreign oil with American blood, we must set achievable goals and then pursue them with the same conviction we brought to putting a man on moon. In that case, we made the commitment, then we figured out how. In the case of energy, however, we already know what to do.

At the outset, a rational energy policy must acknowledge something that Americans seem to have forgotten: "Government" is not a dirty word. It is, after all, government which is protecting the Mideast oil lifeline; government which fills the Strategic Petroleum Reserves; and government which in the '70s mandated the policies of conservation and fuel efficiency that have (so far) cushioned the impact of the Iraqi invasion.

Whatever the policy, the first two priorities must be cars and power plants. Cars because they burn roughly half the nation's oil, creating about half the air pollution; utilities because they consume about 33 percent of the energy and because they are notably inefficient.

There are those—including President Bush—who say the answer to America's voracious appetite is to feed it more oil by opening reserves in Alaska, California and elsewhere. Such a strategy ignores both reality and recent experience. Nor can it provide for our long-range security. The reason is simple: The world may not be running out of oil, but the United States is.

The federal government collects data on oil already discovered (called "reserves") and oil which might be found ("resources"). According to optimistic estimates of both, we now have a 25-year supply at current rates of consumption—less if the price falls again. Yet even when prices were high, production was steadily declining. Our cheap and easy oil has long since been found and burned; America is punctured by 600,000 wells compared to 6,000 in the Middle East. According to World Oil, a trade magazine, three-fourths of the world's dry holes last year were drilled in the United States. The number in Iraq: zero.

What about Alaska? Between the last oil crisis and this one, most of the North Slope oil was burned. Pressure is mounting to open up the Alaskan wilderness. How much oil is there? No one is sure. The most optimistic estimates put it at 29 billion barrels, though according to the U.S. Geological Survey, there's only a 5-percent chance of resources that large. But even assuming that we have that much—and that is would be economically and environmentally possible to get every last hypothetical drop out of the frigid ground—it could fuel the nation for only five years. A more likely outcome is a six- to 12-month supply (again assuming that prices stay high enough to make drilling cost-effective), after which we'd still have only one place to turn—OPEC.

Thus, the first goal has to be to get off of oil—from any source. The United States should commit itself to a 50-percent reduction in oil consumption by the year 2000. That is roughly the share of U.S. oil that would be imported by the turn of the century. Drastic changes are also needed in our

use of coal, the chief producer of greenhouse gases and acid rain and a major factor in smog formation. A sensible target is a 50-percent reduction by 2020—by which time most U.S. power plants will have reached the end of their useful lives and can be replaced with cleaner, more efficient versions. (It is unlikely that Americans will tolerate massive expansion of atomic power with current technologies; and new, supposedly "meltdown-proof" designs could not make a significant contribution before the next century, if even then.)

Does that kind of reduction sound alarmingly drastic? It shouldn't. It's not only possible, but can be accomplished with existing technologies and policies that Americans have already shown themselves willing to accept.

Among the proven options is cogeneration, which involves putting the heat that would otherwise be wasted to some use: warming homes, offices and apartments or even running manufacturing processes. Sweden relies heavily on cogeneration; and Japan has emphasized similar efficiencies, with the result that their firms produce 11 percent more electricity—twice as much steel—per unit of fuel consumed than we do.

Moreover, we have achieved extraordinary energy savings before, thanks to policies implemented during the administrations of Nixon, Ford and especially Carter. Automobile efficiency standards doubled the mileage of new American cars; insulation standards drove down the household consumption of energy; and energy pricing policies and government funding programs spurred development of highly efficient, promising new technologies.

One result was that there is a vast array of energy-saving techniques and new fuels waiting to be deployed. For example, huge trough-like mirrors capture and convert enough solar heat to produce electricity for 300,000 homes in Southern California. Solar-voltaic technology is within reach of competing with coal, oil- and natural gas-fired plants. What is needed now is not more research, but purchase orders.

Electric cars and vans are ready to hit the street, but they can't compete with gasoline, which is cheaper than bottled water. Ironically, the government put an electric car on the moon, but the Big Three can't put one on the Great American Road. Ethanol can power homes and cars. Light bulbs, refrigerators, furnaces—all are now two to 10 times as efficient as they were in 1973.

Having coasted for 10 years on the momentum of these and other efforts, it's time to put the pedal to the metal. Some suggest that we start by taxing crude oil or gasoline, citing studies such as the EPA's recent finding that a \$1.24 increase in the pump price of gas would cut consumption roughly 24 percent—yielding a \$24-billion annual savings. But taxes are a tool, not a policy. First we need the plans for a new house, then perhaps a hammer to build it.

What could be achieved? Based on a 1988 staff analysis by the Office of Technology Assessment, an aggressive conservation program might resemble the following:

Action: Equip new cars with existing technologies ranging from four-valves-per-cylinder to sleeker designs that catch less wind. These could boost average mileage to 43.8 miles per gallon, according to a study conducted by the American Council for an Energy Efficient Economy, a non-profit research group based in Washington. Then mandate other state-of-the-art technologies to boost mileage or require non-polluting

fuels. (General Motors has designed one electric car prototype and begun work on a second.)

Result: Automotive gasoline consumption is cut by 75 percent, oil imports by 50—about \$30 billion a year at present prices. As an added bonus, carbon dioxide, the most difficult of pollutants to control, would drop by 50 percent or more.

Action: Put federal limits on carbon dioxide emissions equivalent to a coal-fired powerplant operating at 75-percent efficiency (the current average is about 35 percent). Utilities could switch to cleaner fuels, upgrade to improve efficiency or replace plants with new, cleaner-burning systems. Powerplants in Europe regularly achieve efficiencies of 90 percent by utilizing heat instead of wasting it, and California now generates 17 percent of its electricity from alternate fuels—up 11-fold since 1977.

Result: Utility fuel consumption declines by up to 50 percent.

Action: Require that when furnaces, air conditioners, hot-water heaters or refrigerators are replaced, the new units must be the most efficient available. Many local building codes already require replacement toilets to be water savers—the same could be done for furnaces. Or try the British Columbia approach: The state pays the salesperson a bounty for each high-efficiency appliance sold.

Result: Assuming continued population growth, total household energy consumption is capped at 1985 levels.

PAY NOW OR PAY LATER

Some would say that such a program would be the end of consumer freedom of choice. They confuse change with sacrifice. It was a change to develop a vaccine for polio, and it no doubt had a grievous effect on manufacturers of iron lungs. But certainly it was no sacrifice. What Americans want isn't a gasoline-fueled car. What they want—and will pay for—is convenient, safe and comfortable travel.

Others will say that such a program would deal a devastating blow to the U.S. economy. Yet somehow the Japanese, German, Swedish and other economies already do quite well using roughly one-half as much energy per capita as the United States. To think that the technological genius of a nation capable of building a warplane invisible to radar and a submarine silent as a winter's night cannot build efficient cars and buildings is an insult to America.

In truth, the war to free America from oil—and Iraq—needn't have been fought in Kuwait. The weapons to win were developed years ago in our laboratories and proving grounds. What we need are leaders with the courage to deploy them.

SEQUESTRATION

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

Mr. PARRIS. Mr. Speaker, there are those in the Congress who are, or at least appear to be, sanguine about the pending sequestration on October 1, because we have been there before, somehow they believe they will avoid the disaster by clever maneuvers at the last minute, and we will pull some card trick out of our hat.

Well, if anyone is one of those who have that view, I think they ought to

rethink their position and examine that question once again.

□ 1410

Because of the requirement of the U.S. Constitution for this House to be the body where spending and tax legislation must originate, that circumstance creates some very complex and disconcerting situations.

We are, as has been said by others, playing some very serious cards here, and the stakes are enormous. There will not be selective enforcement of the spending based on categories, at least not constitutionally, and you can rest assured that it will be tested judicially if we try it.

The air transportation system of this Nation will come to a complete standstill, not just a few air traffic controllers who will not be at work, there will not be an operable system in this Nation if sequestration hits.

The safety of whoever does travel, however few or many that may be—and it will not be many—their safety will be threatened. Hundreds of thousands of people will be on the streets concerned about their house payment and their grocery money and the future of their children and their very lives.

The national security interests of America will be threatened and jeopardized. The toleration of a set of circumstances that will permit sequestration is just simply unthinkable.

Regardless of your position on the issue and whether or not you believe we should cut capital gains or whether we should reduce domestic spending or for whatever technical reason you have trouble understanding where we are, regardless of all that and aside from any partisan considerations or advantages, we should, and I hope would, all agree that the President of the United States and the leadership of this House over the next 3 days must in some responsible way attempt to reach some solution to this combination of circumstances in accordance with the satisfaction of our responsibilities.

Mr. Speaker, I wish them well in that endeavor. I believe the future of this Nation literally rests on the outcome.

MY ADVICE TO THE PRIVILEGED ORDERS

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

Mr. GONZALEZ. Mr. Speaker, this week marks 50 years ago that Sam Rayburn, my fellow Texan, assumed the speakership of the House of Representatives of the United States. That was September 1940.

If there was some way I could evoke that period of time, not too dissimilar

in some respects because even though there was talk of peace, there was war. By September 1940, France had been overrun. The phony war from the inception of what turned out to be World War II, September 2, 1939, the invasion of Poland by the Nazi Wehrmacht and Navy in the horrible, horrible invasion in Danzig in which the Poles, in cavalry outfits, were attempting to arrest the course of the German panzer divisions.

They were slaughtered, but they resisted heroically.

Czechoslovakia, Austria, before that, with the Anschluss, it is not dissimilar to what we have right now. It is a phony war.

We have an expeditionary force somewhere around 175,000 of our servicemen, at least, in the sands of Araby.

In my opinion, they are hostage, and it will be more evident, and I pray that I am dead wrong, as the days turn into weeks, as they have since the inception of the buildup of this expeditionary force in Saudi Arabia.

So that Sam Rayburn became Speaker after the first peacetime draft was enacted. In the House of Representatives, obedient to the—I can recall it vividly. I was a student.

Mr. Speaker, I have been blessed, or maybe not so much blessed, with a very good memory, practically total recall. I remember the atmosphere. Some of my colleagues even invited me to leave school and go to Canada and join the Canadian or Royal Air Force. And some did.

The imminency of war, Dunkirk, the distress that we heard over that crackling radio from England as Churchill in that most memorable fashion and voice said, "We will fight on every street, on every corner. We will never surrender." But the outlook was very grim.

President Roosevelt, in effect, had arranged for and provided some intervention actually, but it was not called that, the lend-lease agreement. Our boats were actually patrolling the North Atlantic where U-boats were in droves.

That was the atmosphere for the debate for the consideration of the first peacetime, what we call draft, or universal service.

The only way it was passed was that it was sunsetted; that is, it was to be enacted for 1 year.

The then-Members of the Congress, I think a lot more sensitive and perhaps closer in touch with the whole cross-section of our American constituencies, said, "Hey, wait a while. Who is going to get called in this peacetime? This has not happened since the Civil War."

But even during the Civil War, if an individual, subject to the draft, had \$300, he would pay a substitute to go in for him. So they said, "OK, we are

going to protect that little working stiff so that if he is called in, even for a year, when he gets out, he will have a job that he will have to give up in the interim. Or if he has a mortgage he is paying his payments on, that will suspend or at least be tabbed at no more than 6 percent." That became known as the Soldiers and Sailors Relief Act.

Unwittingly, some of the powerful forces that have watered down all of the protection that the American citizen, the little guy, ever had just did not get around to doing that.

So now that we have had the callup of the Reserves, the banks and the others have discovered, "By golly, these individuals are subject to the provisions of the Soldiers and Sailors Relief Act." So if they have a mortgage or a contract or a home they are paying on, they are not going to lose it, and we cannot charge them more than 6 percent anyway. Well, it should never have been more than 6 percent.

For 25 years I have taken this floor and have spoken out against the prime cause of any dismemberment of the very delicate economic and financial environment and structure and framework in our country that resulted subsequent to the cessation of the hot shooting phase of World War II.

□ 1420

But 1940, like 1990, we had massed armies, but no movement up until June 1940, when the Germans took on, and easily evaded and surrounded, the so-called Maginot line, and took France. But up to then, for a whole year, nobody was moving anywhere. Everybody was thinking, "Hey, maybe there won't be a war."

Mr. Speaker, let me assure my colleagues that I deplore the fact that we in the Congress, as a majority; that is, and in the majority, have not had that sense of activity to constitutional responsibilities that we accepted when we sought and were favored with this office in defending the uninhibited, unrestricted, undivided, and exclusive power of the Congress to declare war.

Sam Rayburn, were we to say that he assumed the speakership at that time under different circumstances; because it is now a sort of legend that he amassed the great power, that he was such a powerful Speaker that all he had to do was gavel his order, and it was carried out. That is a terrible mistake. Sam Rayburn acquired that power because it was derived from the consent of the Members of the House of Representatives that elected him Speaker, and then he never abdicated the responsibility of defending the copoly, the independence and the separateness, of the U.S. House of Representatives as an integral part of the Congress as provided for in our fundamental law, the Constitution.

However, Mr. Speaker, what followed is one of the most glorious achievements and performance of public service in the history and annals of our Congress, and Sam Rayburn was Speaker until the day he died, which was just about 5 or 6 days after my election to the U.S. Congress, in 1961, in November.

Earlier today, we had what we call Suspension Calendars. We had bills, very important bills, but they were brought up under these rules that provide for quick and expeditious consideration. No amendments. Maybe a little discussion.

Also, we heard speeches lamenting the travail, the uncertainty, the tremendous damage done to the morale of the great corps of public servants in the Federal service. Every one of us who has any Federal employees in his district knows what they are going through.

Mr. Speaker, that would not have happened, and in fact it did not happen, in the first 15 years, 16 years, of my service here in the House.

Why? Because the integrity of the processes were not eroded.

I do not recall, since 1961 until about 1966—1967, such a thing as a supplemental or a continuing appropriation. It just did not happen.

Then the Vietnam war, and the first supplemental was requested by the Secretary of Defense, about some \$750 million, and of course then, as now, the question was:

You mean you don't want to vote to support those men who are out there a thousand miles away fighting for you and for me?

Vietnam is a good example of how we have failed to learn, because those were twilight Presidential wars, as was Korea. Korea happened when Speaker Rayburn was still Speaker, 1950 to 1953, when we had what anybody else would call an armistice or a truce, which brings to mind what I have been speaking on here for about 6 months, and that is our failure to address as much as we did before the so-called resurgence of German cohesion, and that is the question of the military mission of the 45,000-plus military we have in Korea.

Mr. Speaker, what is their military mission? Under the treaty it is not the defense of South Korea, and it would be foolish, in light of the reality of the situation and logistics, to say that we are in a position to defend South Korea. The South Korean Government has a greater army, a better air force, better equipped than most of our NATO partners. They have an army of close to 700,000, highly trained, very well equipped air force that has F-16's and what not. And our 45,000 soldiers are there to defend?

But where is this situation now in Korea? My suggestion, as of a couple of years ago, and especially this year,

was an appeal to the President to say, "Mission accomplished." We went in under the aegis of the United Nations in 1950. We did not go in there unilaterally, as my colleagues know. We at least had the name of the U.N. with us, and we had, in fact, Turkish troops in that war, and later, in Vietnam, enabled Turkey to become a member of NATO. We had Australians. We had other contingents. But of course the main thrust, and the main burden and the main responsibility in blood and in treasure was America's, as it is now, in the deserts of the Middle East.

Mr. Speaker, the end result, I think, should have proved to us that to the degree that we stray from the basic functions, and policies and mandates of our Constitution, we will flounder, we will fail, we will be at risk as to the future of democracy and self-government in our own country.

If that sounds strong, I cannot tell my colleagues how much I hope that it does.

My inspiration has been, even before I ever dreamed I would be either in politics, much less in the Congress, from men like Sam Rayburn and Wright Patman, my predecessor as chairman of the Committee on Banking, Finance and Urban Affairs, and other Texas stalwarts who served greatly and honorably all through history in the U.S. Congress. Tremendous role models for those of us who later discovered that this in effect, what I call legislative advocacy, was indeed our calling.

□ 1430

So it was 50 years ago this week that Sam Rayburn became Speaker of the U.S. House of Representatives. Now, let us evoke that period in order to benefit from it and have it be of service to us in this period.

In 1964, one morning the headlines read our "Ship in Southeast Asian Waters Attacked by Communists," presumably North Vietnamese Communists.

The bells rang. We were summoned to the House. At that time we had about one-tenth the number of roll-calls we have today. So everybody was surprised. We came on, and it was a quorum call. The chairman of the Foreign Affairs Committee, Dr. Morgan of Pennsylvania, was at that table, and then we were told that there was a resolution supporting the President and backing him in any action he would see fit to take in order to defend the national interests.

I read the resolution. It seemed very far-reaching. It seemed to me to be a backdoor declaration of war. So I went to the chairman, Dr. Morgan, and I said, "Doc, you know, this goes beyond our moral support of the President." And he looked at me. He was a very

wonderful man, very patient and very genial.

He smiled and he said, "Henry, do you want to deny President Johnson what we gave President Eisenhower in the case of Lebanon and President Kennedy in the case of the Berlin airlift?"

Well, I assumed it was the same wording, and I said, "Well, no, I guess you're right." And I still hesitated, and I did not vote until after the first two verbal rollcalls or oral rollcalls. Finally, being that I would be the only one voting in any way other than "aye," I succumbed to what I hope I have not since then and hope I will not, and that was fear of ridicule in not supporting a great man from Texas, a neighbor 50 miles away from my district.

But I had great hesitation. I noticed a reporter who was then covering the news for one of the San Antonio papers, and he asked me, "Why were you hesitating? Surely you wouldn't think of voting no?"

I said, "No, I wouldn't vote no, but the language here was far-reaching, and to me it seemed to be a back door declaration of war."

That reporter wrote the story that way and sent it back, and it was printed in the San Antonio paper. Since then, the rest is history. That was, believe it or not, the basis for such an enlargement unilaterally on the part of the United States that it led to the most divisive period in our society since the Civil War.

How could it have been otherwise? What system were we using to impress young men into service? We were using a selective service that was jerry-built, one that never once was reconsidered by the Congress.

When that first draft act that was, as I say, inherited by Speaker Rayburn in the first year, came up for renewal 1 year later, in 1941, in August 1941, it passed by one vote only, and then only when a clause was inserted that said, "Notwithstanding any of the hereinabove, no person subject to the terms of this act shall be compelled against his will to serve outside of the continental United States unless a declaration of war is expressly provided by the Congress." Then it passed by one vote, and that was August 1941.

Pearl Harbor came a few months later, on December 7. A declaration of war came the next day. It was a declaration of war, so the Draft Act was triggered. Then we waged war.

We were the only creditor nation in that war and in World War I. But today we are the biggest debtor nation in the world, and we are going to war, with our dollar suffering a 55-percent loss in value, with a beggar's bowl in the hands of our Deputy Secretary of State and others going around to Germany and France and even Russia and saying, "You're got to help us."

And what are they saying? Chancellor Kohl of Germany said, "Yes, we think we can give half a billion or a billion or so, but we can't send any soldiers."

Why? "Because our constitution prohibits it."

Well, let me tell my colleagues, so does the implicit wording of our Constitution prohibit our President's sending soldiers, and I said so all during Vietnam.

So when the Draft Act came up for extension in August 1967, I took this floor and I offered what was really tautological. It was redundant. I offered the same amendment that was already in the law, and had been since 1941, that said no American shall be compelled to serve unwillingly except under a declaration of war.

Well, what had happened? We concluded that we had won World War II because we finished the shooting phase of it, but that was not reflected unless we decommissioned our Army. We had up to 14 million men in uniform, and by 1948 we had barely over a quarter of a million, and as to the rest, we brought the boys home. But we did not review the Selective Service System, so they built in all kinds of exemptions. If you were in college, if you had "x" or "y" or "z" reasons, you did not have to serve.

Then came Korea, and that is when I realized it could not go for long that way. I had some of my playmates in baseball called up, and they went over and died in Korea. The first man to fall in Korea was from my area, my district. My district had the most volunteers, and it had the greatest number of those who were languishing in Commie jails, in Chinese Commie jails, during Korea. But not a one of them was ever a turncoat. There were some who did, but not any particularly from that great segment of our population that I came from, even despite the fact that they had been discriminated against and could not get employment. When the war came, they volunteered; they did not want to be drafted. We had seven or eight Medal of Honor winners from Texas, from that group alone.

So in proportion to the numbers, they were there. I was the first to bring that out after World War II. I was the first to bring out the statistics in Korea and in Vietnam.

By August 1965, over 45 percent of the men, of our soldiers in the areas likely to see action, were draftees. Where were all the others, the pros? Like in all wars, they were taking care of themselves.

What effect did that have? None. I got up and I offered the same amendment. I could not get three Members to join me so that we could have some kind of a rollcall.

□ 1440

But then came 4 years later, because it was extended for 4 years, 1971, and I got up and offered the same amendment. We got a vote, and we had 151 Members that joined me on that occasion.

Now, on each one of those occasions when I would take the floor during the 1960's, and I would say, "Mr. President, we really ought to revisit who is being called to suffer death or bodily harm. Why not all of us?" And I would get calls from the President's assistants. They would let me know there is displeasure over there.

So what? That is as far as we got. Who feared me, one voice, like a coyote out in the brush would at midnight howling to the Moon?

But today I think it is very sad that I would have to write a letter to the Speaker in August asking him to join the majority leader in the Senate and convene a special session of the Congress so that the President could be asked, "Mr. President, why are you making war? The Congress has not declared war."

I said the same thing to Mr. Reagan. Why were there imminent plans to invade Nicaragua in 1987? Fortunately, though, we have had the glorious element in our military, professional, not political, and some of them spoke and just gave the plain logistics, and some had attempted to before our involvement in that portion of Southeast Asia known as Vietnam. It went unheeded.

I said the same thing in 1982, when President Reagan ordered the Marines to Beirut. I spoke for a year, in fact, longer, until the untimely death of 241. In fact, 3 days before that eventually I took this floor. It was the last speech of the day, very much like today.

I said, "My colleagues, Mr. President, you are going to leave here. You will have a real nice supper tonight. You will sleep in comfortable quarters. But you got marines that are exposed to death. You have put them in an untenable military situation."

What was the President saying was the purpose? Well, he finally told a reporter they were there as peacekeepers and intervening on behalf of the Gemayel regime.

Well, you could not have both, because the Gemayel regime was one of four factions fighting to death, as they still are, in Lebanon. So if you intervene on behalf of one, you could hardly be a peacekeeper.

The other was military. Where were they situated? I did not have to be a military expert to know that if you put 2,000 marines in, you set them down in a saucer like in the bottom, and the room is full of hostility, that something can happen. If it does, they are at a disadvantage.

I found out that the President, as Commander in Chief, chose to ignore the unanimous advice of the Joint Chiefs of Staff. Now, these are professional military, upon which our country depends and wants to provide that expertise that we should have if military judgments, if military is going to be invoked. And we did not.

You had a Commander in Chief that willy-nilly, willy-nilly, ignored the unanimous advice of the Joint Chiefs.

I felt in my bones that anybody in any responsible position of military leadership would have plainly seen and would have asked the only question you can ask from time immemorial, since St. Paul said, "If the trumpet gives an uncertain sound, who then shall be prepared to do battle?"

On August 2, we were in session, it was a Thursday. Saddam Hussein invaded what was known as Kuwait, a nation drawn in the sand by British oil colonialists back some years ago.

Iraq has always protested, like Syria today. Syria has never accepted the formation of what we call Lebanon. They still claim that upper third of Lebanon.

But we do not have the perspective to see ourselves as the world sees us, particularly in that part of the world. That part of the world and everywhere else sees us as the country stepping into the shoes of the two departed colonial powers, Great Britain and France. All we like to say is we are in there to protect, what, democracy? There has not been a free election yet in Saudi Arabia. I am not criticizing that society. It is a different way of living, like other parts of the world. But we cannot say that is what we are doing, like we did when we invaded Panama and committed atrocities such as firebombing highly incendiary wooden structures that had been built for the black workers that were imported in 1908 to construct the Panama Canal.

We killed more than 1,000 or 2,000 or 3,000, incinerated them. They were all black or mulatto. Who has given a hoot for them? Who has given a hoot for the hundreds of children who are blind, armless, old men and women in Panama?

As far as I know, nobody. Would that not have been called Hitlerian tactics? Would that not have been called war crimes? So what moral right do we have? What is the moral premise to say that as it was first said in the contradictory statement that the President made to the press when he came back after Camp David on August 3 and 4, where the decision was made to form an expeditionary force, without consultation with the Congress?

I say to you I do not think Sam Rayburn would have accepted this. I think he would have chosen and preferred

not to be Speaker under those circumstances.

But then even Franklin Roosevelt consulted, and he had great power but I would say almost a consensus. But he still consulted the congressional leaders, even on a bipartisan basis. Senator Vandenberg was in on every key decision.

But today, what do we face? With no thought given, as no thought was given at the invasion of Panama, as to what is going to happen.

I will tell you, my colleagues, we still have our troops governing and running Panama. We dare not pull them out, I will tell you, because no American will be safe the moment we remove our troops.

We swore in Endara at the time of the invasion at our military post and base, so we could hardly say that he was elected in.

But what about the Middle East? I was very distraught. I was home. We had adjourned. I was distraught to read that the President said that we were there to roll back and see how we could restore Kuwait. Too, and above all, to protect our friends. I presume that meant Saudi Arabia, and oil, so that this tremendous percentage of the world's supply would not fall into the hands of this powerful and cruel leader, judged by our own standards.

But since then we have had a buildup unprecedented. At no time had reserves been called up in 20 years, with no thought to the cost or how to suffer the expenses. So we are going to get commitments from the Japanese.

□ 1450

Well, the Japanese contribute about \$4 billion a year to the support of our defense capabilities in Japan. This is a very little noted thing, but they do, \$4 billion a year they have been contributing.

Germany of course used to, but now, what are you going to do with 315,000 or 320,000 American troops. Ever since 20 years ago I tried to broach the subject of the eventual German question, as I used the word then. But today we are not going to beggar nor can we commandeer successfully.

What concerns me fundamentally is that the process be observed. It is fine, and who does not want to support our men in arms. But is that true support? Were we supporting the men in arms in Vietnam when we knew that the service under the conditions then were questionable, constitutionally speaking? Are they not now equally questionable? The thing the men who wronged the Constitution feared the most were king-made wars, but today do we have presidents, coequal, not dominant, not greater in power but coequal, independent, and separate from the other two organs of government, or do we have Caesars? To me this is more evocative of the Caesarian period

in Roman history, which you recall emerged from a republic. The Caesars were not like we picture a modern director, like Hitler, or something like that. No, they wanted to be popular with the populace. They wanted to play for public opinion. They did not want to be disliked. But they assumed total and complete power, and they first had to overcome what we have called the original Roman way of doing things, our Constitution.

Now there is no other country, including our mother country, England, that has similar apparatus. We are the only country that has the first amendment, for instance. England does not. England has a Ministry of Information and Censorship. So when you had the recent outbreak of hostilities in the Falklands, you had an official guy reading very much like old Goebbels used to in Hitler Germany saying a week ago we engaged the enemy and we defeated him, or then maybe a week later they would say may be we lost, like they did in the case of the Essex, 300 sailors.

We are used to having a reporter there like we did in Vietnam, and like we tried to do here in the beginning in Arabia until not us, but the other political entities decided that that was foreign to their customs and practices. We are in an area in which the situation I would say is tenuous, my colleagues. We cannot afford any longer, even though it is a politically charged year, even though we will face reelection in a few weeks, even though it might mean that it is unpopular, and we will be condemned, and maybe we could be voted out. So what. Are we right or are we wrong? Is not the United States now subject to the whims of decisions made elsewhere?

We are in the midst of a worldwide revolt of Islam, it is not just the Middle East, from Pakistan to Jordan. Witness the recent reconciliation between these two warring nations in the cruelest war of all where ever poison gas was used, Iraq and Iran, a non-Arabic nation, are now reconciled. Why? Because of the common bond of the Moslem faith.

We are infidels. Our way is not God's way in those lands. If we are there to defend kings, then it stands to reason that our position is as safe as theirs is in power. How safe is that? Must we forget so soon the Shah of Iran?

I recall my colleagues going to Iran on missions and the announcement of the gift of F-15's and armaments and everything to the good Shah. He was individually a fine man. It just so happened that the people were not for him.

Every day our troops are in Saudi Arabia, the kings announced as of 2 weeks ago that under no circumstances could any attack be launched

by anyone from Saudi Arabian soil. So where does that leave your defense? In the meanwhile, let us face reality, no matter how distasteful. It is kind of sad and horrible to contemplate the fact that this Iraqi, Saddam Hussein, and if you read the history of the tragedy, he comes from an area in the immediacy of Baghdad, in the outlying area. He scratched, fought, betrayed, was loyal to some and others in order to take the power that he has. But he is also in charge of the most powerful radio and TV disseminating voice in the whole Middle East, clear over to Turkey and beyond. And his appeal is on the basis of that solidarity.

We have heard the King of Jordan, also Hussein, say that it is untenable. Every day, every week, does the strength of the kings in Saudi Arabia gain or lessen? I think it is something that should have been pondered. I think it is something that should have been considered.

Are we there then only simply for the purpose of protecting our oil lines of supply? If that is the case, they are the most vulnerable to disruption and probably would be the first victims of any kind of an onslaught. But if that is the case, then do I want my constituents to go and fight and die on behalf of Exxon?

□ 1500

Because we do not have, like those nations do and most of the European nations, government-operated corporations. We have these private enterprises, and I think those of you who heard the little debate we had earlier about the speculators who are gouging our American public and we are paying so much now for gas, that ought to be clear indication that as far as we are concerned we do not have that kind of control. We do not have that form of government, nor do we desire it.

But we have also got to be realistic to the limitations that indicate, so I say, evoking the memory of Sam Rayburn.

Mr. Speaker, at this point, to close out, I incorporate into the RECORD the very eloquent remarks made by our former Speaker, Jim Wright, on the occasion of the Sam Rayburn statue dedication in the Rayburn Library in Bonham, TX. I also wish to insert my letter of August 20, to the Speaker of the U.S. House of Representatives.

REMARKS OF FORMER SPEAKER JIM WRIGHT, SAM RAYBURN STATUE DEDICATION, SEPTEMBER 14, 1990

For a whole generation of Texans with an interest in national political affairs, Sam Rayburn was our model, our mentor and our hero. His influence was pervasive. He set the standard.

By any measurement, Sam Rayburn must rank as the greatest lawmaker in the history of our country. There isn't even a close second except perhaps for Henry Clay. More truly significant laws bear the stamp

of Rayburn's authorship than that of any other man. He served longer in Congress than any other person in the first 200 years of our nationhood. He presided over the House longer than any other Speaker in history, and twice as long as any predecessor in that office.

Law guided and shaped by Sam Rayburn led the United States out of its worse depression, to victory in World War II and to the pinnacle of power our country achieved in the post war years. Presidents inspired us and occasionally stirred us with their oratory. But a short, bald, unpretentious man from Boham, TX, performed the necessary work. Without him, much of it would not have been done.

The country owes more to Sam Rayburn that most Americans realize. It was his dogged personal insistence that extended the draft in 1941—by a one-vote margin—and saved us from being caught wholly unprepared when the sneak attack at Pearl Harbor plunged us into World War II. It was because Congress trusted him that, upon his word alone it voted the funds for the atom bomb which hastened the end of that war and saved untold millions of lives.

Toward the end of his eventful career Mr. Rayburn once was asked how many presidents he'd served under. "Hun!" snapped the crusty old Speaker. "I haven't served under any. I've served with eight."

He never kowtowed to anyone; he never looked down on anyone; he never forgot where he came from; and he believed that where he came from was as good as any place on earth.

Because of legislation sponsored by Sam Rayburn, the average people in America live more comfortably, eat more wholesomely, work more productively, invest more securely, travel more safely and get to work more conveniently. Because of Sam Rayburn's concern, the good things in life were spread more widely and shared more fully with the humblest and poorest members of the American family.

It was Rayburn laws that made the skies a safer place, and the stock market a more honest place, and public utilities affordable. He opened the way for rural electrification and farm-to-market roads.

People seeing Mr. Rayburn on television once every four years as he presided over the National Democratic Conventions often gained the wrong impression. In his latter years Mr. Rayburn's eyes were bad and the television lights blinded him, make him squint and scowl. Moreover, Mr. Rayburn had a reverence for orderly democratic procedure. He was accustomed to rapping the gavel gently and its being respectfully heeded. Suddenly he would find himself in a weltering sea of humanity whose members neither knew the rules nor cared. Whenever conventioners were unruly—as they sometimes were at national conventions—it outraged his sense of propriety! Casually observing this, some thought of him as a cross and crotchety and churlish old man. Nothing could be farther from his character.

At heart, Sam Rayburn was a kindly man. Kind and generous and wise. How freely he would give of his time, and what a treasure it was to sit around and listen as he shared his reminiscences of the great and near great with whom he had been thrown in contact. Little vignettes called up out of the rich store of his memory shed light on the personalities of people like Teddy Roosevelt and Woodrow Wilson and Mr. Rayburn's all time personal hero, Joseph Weldon Bailey.

Harry Truman was visiting Sam Rayburn, just the two of them, when they learned of

the death of President Franklin D. Roosevelt. Truman's face grew ashen white. "I can't do it, Sam," he stammered. Mr. Rayburn's answer, as always, was brief and to the point: "Mr. President, you've got to do it."

He was, in so many ways a simple man. He used plain and simple words. He never traveled but once outside the United States. Until he was almost 70, he never flew in an airplane. The place nearest his heart was Bonham. He loved his home town, he said, "Because people know it and when you're sick and they care when you die."

Sam Rayburn was a man of direct action. He felt impatience and contempt for ceremonious delays. Once when Omar Burleson was chairman of the House Administration Committee he brought to the Speaker a resolution which he wanted to introduce, authorizing a study of the need for a third House office building. "Would authorize a—what?" Rayburn asked. "A study, Mr. Speaker," said Burleson. "That's the way it's done, you know. We authorize a study, then fund the study, then complete the study, and if worthy we then authorize money for planning and eventually construct the facility."

"Study, hell!" replied Rayburn impatiently. "Everybody knows they need that building. Don't study it! Build it!" Burleson returned to the drawing board and produced a new resolution authorizing construction.

Sam Rayburn may have been a trifle quaint, and in his own way almost otherworldly. He was a throwback to an age when political contributions were made in cash, appeals for votes were made in person, and a man's word was his bond. A handshake from Sam Rayburn was better than a Wall Street contract.

He lived in a house built for his parents and he never had much money. He was content with a bachelor's life. He was wed to the U.S. Congress as surely as a Roman Catholic priest is wed to the church. He died childless, but his proteges were legion, and his intellectual offspring—those influenced by his uncomplicated traits of honesty, and straightforwardness, absolute dependability, sympathy for the underdog and undeviating love of country—are beyond our capacity to number.

Patriots have died for their country, and such devotion awes us. Sam Rayburn did a less dramatic but even more difficult thing. For the better part of a century, he lived for his country. And no man can do more than that.

HOUSE OF REPRESENTATIVES,
Washington, DC, August 20, 1990.

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

DEAR MR. SPEAKER: I urge you in the strongest possible manner to contact Senate Majority Leader George Mitchell immediately and initiate a special session of Congress. In view of the ominous and far-reaching foreign policy decisions being made by the President, and the unilateral actions being taken by him in order to preserve the integrity of its own powers in passing the War Powers Resolutions. The President has committed our country to a full-scale war under the guise of a multinational effort, when anyone who is watching what is happening realizes that it is virtually an exclusive American military operation which is risking only the lives of American soldiers.

Do we or do we not have a Constitution? Will Congress maintain the integrity, or will

it impeach the integrity, of its deliberations and legislative enactments such as the War Powers Resolution. Do we have a President? A Caesar? a monarch? a potentate? What happened to the checks and balances established by the United States Constitution and the constitutional power invested in Congress to declare war?

In the interest of the American people, Congress cannot abdicate its responsibility to assert its constitutional prerogatives as a co-equal, separate, and independent body. We have the responsibility—the constitutional mandate—to declare war when war is the proper course to pursue. If we refuse to accept this burden to act under our constitutional authority, in complete disregard for the oath of office to which we have been sworn, we deserve no longer to be representatives of the people's interests and protectors of the American constitutional system of government.

Mr. Speaker, there can be no greater interest at this time than the lives of our citizens and the protection of our Constitution. I implore you to call Congress back into session to exercise its authority and responsibility in this time of national crisis.

With every good wish, I remain,

Sincerely,

HENRY B. GONZALEZ,
Member of Congress.

THE 50TH ANNIVERSARY OF THE BATTLE OF BRITAIN

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

Mr. DORNAN of California. My colleagues and all those who follow the proceedings of this House carefully, and who are interested in the history of mankind, know that we have been living through the 50th anniversary of a 3-month period of great history. It was the darkest days of World War II, 50 years ago, when Great Britain was standing truly alone and a handful of fighter pilots flying Hurricanes and Spitfires were the thin line between Adolf Hitler having his way with all of Europe and turning the corner where Western civilization would have a chance to avoid what Churchill called a new Dark Age. I am referring, of course, to the Battle of Britain.

I had the honor of being appointed by President George Bush as the Presidential representative to the 50th anniversary of the Battle of Britain earlier this month. I chose to take with me on that trip former American prisoners of war from Hitler's stalag concentration camps, run by the Luftwaffe for captured aviators and air crewmen. I also took with me fighter aces from that conflict, aces that began to turn the tide shooting down Luftwaffe planes in 1939, achieving great success in 1944, finally breaking the back of the Luftwaffe and gaining air superiority over the European theater, the Mediterranean area, France, the lowland countries, and Germany itself.

It also put out a call across this country for eagle squadron members, Americans who with prior experience

were commissioned through something called the Clayton Knight Commission. Clayton was a Canadian and a friend of Americans who had flown with Billy Bishop. He gave Americans a commission in the RAF. They had operational training experience in Great Britain and then went right into combat. Some were sent to Canada for training. These young Americans in the earliest year, 1940, lost their citizenship. They were actually threatened by our colleague, JOE KENNEDY's grandfather, who had one of his lapses of good judgment, one of his rare lapses. Ambassador Kennedy had told these young Americans who came to England to fly that Germany was going to win the war, and that they should leave the country, Great Britain, instantly. If they did not he would make sure they lost their citizenship. Many of them did.

One of them who later became a good friend of mine, Jim Goodson, shot down over 30 German aircraft in the air and on the ground. He achieved the rank of full colonel in the U.S. Air Force. He wore his RAF wings over his right chest. He also wore his Air Force wings, five rows of ribbons, the Distinguished Service Medal, Silver Stars, Distinguished Flying Crosses, multiple flying crosses and air medals. When he came home in 1945, he was met at the airport out at Mitchell Field and told that he must, by immigration officers, go to a courtroom in Jamaica, NY, and be sworn in again as an American citizen. He had truly lost his citizenship for flying with the RAF, and later being assigned to one of the three eagle squadrons. I was able to find five eagle squadron members to come on this flight to Great Britain the first week of September.

The most fascinating person on our trip, who is now an American citizen but was not then, was a proud Polish officer. A fighter pilot who had run the Polish pilot training school at Lublin in Poland when it was overrun by Nazi forces in the sneak attack that began World War II on September 1, 1939. This distinguished Polish officer, who was then in his thirties, took 50 of his young Polish air trainee cadets, worked his way out of Poland through Romania, down into Greece, through the Mediterranean, and up to southern France where they sought to fly for the French. Some did briefly before the collapse of France in mid-June 1940. Then most of them made their way to Great Britain.

This man's name is Witold Urbanowicz. He is now 82 years young. It was an unbelievable honor to have him with us as a proud Polish-American to attend the 50th anniversary of the Battle of Britain. And I thought it was amazing that he was not given a special invitation by the British Government because he was the highest

ranking living ace from that Battle of Britain period 50 years ago.

The Battle of Britain dates are different for the Luftwaffe than for Great Britain. The Germans' campaign ribbons were awarded to anyone who flew on what they called Eagle Day which started late in the afternoon of August 13, 1940, and lasted until mid-September when Hitler called off the impending invasion of Great Britain, what the Nazis called Operation Sealion. So for the Germans the battle lasted a month. For the British they have set the dates July 10, 1940, until October 31, 1940. So we still have a month and a half of the Battle of Britain memorial period to live through here.

September 27 is a special day. It was the eighth highest day in losses for the Royal Air Force. It was the fourth highest day in aircraft shot down of the Luftwaffe. The Luftwaffe lost 55 airplanes 50 years ago today. The RAF lost 28.

What was particularly special today, and I hope that somebody on my staff has thought to call Colonel Urbanowicz in Glendale, NY, as I would like him to be watching, was that flight leader, then flight lieutenant, Witold Urbanowicz, flew four missions over the skies of southern England. It was a beautiful, clear, early fall day. And on that day 50 years ago, Witold accounted for four German aircraft shot down, a Donier bomber, Messerschmidt 109 fighters, and I believe one Heinkel. Three days from now on what was to be the last major air battle of the Battle of Britain, although the fighting went on through all the month of October, as I just said, Witold Urbanowicz shot down four airplanes. September 30, this coming Sunday, will be the 50th anniversary of that special event.

Those eight victories added to his total of 17 victories in the Battle of Britain. His great Polish squadron, No. 303 Squadron in the RAF, accounted for 126 German aircraft shot down during the Battle of Britain. That is more than double the next closest Royal Air Force squadron, which had less than half of that. That was the excellent 242 Squadron, a group of courageous young RAF fighter pilots.

In the film "Battle of Britain," which was made in 1967-68, released in the United States generally in 1969, they used the heroism and the aggressive fighting spirit of the Polish pilots in an honorable way, but it was also sort of comedy relief in this otherwise excellent film. They used the story where some of these Polish fighter pilots, up on a training mission, with their guns armed, could not stand the lure of battle being so close and broke away from their British training commander and entered combat for the first time. They accounted for some

victories over the invading German Luftwaffe. They also used the fact that in moments of tension in combat the Polish pilots would begin to speak in their native language, Polish, and not use English, so that their English commanders could not understand them. In the film they showed these true incidents where the Polish officers would begin speaking in Polish, and the audiences would laugh. These scenes were in the film for their inherent comedic value. But the people were laughing with the Polish pilots, not against them. But I think that the producers of the film, or the director, missed something in using these excellent and true vignettes as partial comedy relief. They missed the fact that although the Polish pilots and the Czech pilots, because one Czech pilot, Joseph Frantisek, also achieved 17 victories and died in a service-connected crash on October 8, 1940, tying Colonel Urbanowicz' record, I think what they missed was that although these Czech and Polish pilots accounted for less than 10 percent of RAF strength, they accounted for 15 or 16 percent of the aerial victories. They had an aggressive spirit that is common to all fighter pilots. But they had an extra elan, an extra drive, because their homelands Czechoslovakia and Poland, had been devastated by the Nazis.

As one of the great British RAF squadron commanders, later to be a wing commander, Douglas Bader, lost his legs in a peacetime crash in the late 1930's. He went on to fly with artificial prosthetic legs, and became an ace in the Battle of Britain. As he said, when the streams of Nazi bombers started to come over, particularly when they started bombing the Midland cities, Birmingham, Manchester, and Liverpool, and then moved on to pound London itself, killing thousands of innocent women and children, "We began to understand that extra spirit that the Poles and the Czechs had." He said, "We had had enough of these German bully boy tactics, but we had not suffered as deeply as had the people in conquered Europe." He said, "When I finally saw the bomber streams coming over one beautiful day," 50 years ago July, he said, "who the hell do these Huns think they are flying over my country with their bombers with their crosses and swastikas, pounding it, pounding my country?"

But the Czechs and the Polish officers, led by people like Witold Urbanowicz, they already knew it was not just a question of bully boys. They knew the horror, the depth of the horror involved in Adolph Hitler's attempted conquest of all the European area of the world, and they knew that in the offing were the nightmare stories of the concentration camps to come.

Witold Urbanowicz, my young new friend from this great week we spent in England, is a remarkable man. After the Battle of Britain, he went on to command the 303 Squadron himself. This was after the RAF finally realized the skill and the loyalty of these foreign nationals flying with the RAF. Witold then became the commander of a Polish wing flying in the RAF.

He was sent to Washington, DC, as deputy air attaché, and at one of those cocktail parties that we all suffer through he cornered a great American air leader, Gen. Claire Chennault, and he said, "General Chennault, will you save this Polish fighter pilot from wartime service in Washington, DC?" He said, "Can't you use a fighter pilot in China?" By now he was 34 years of age. Chennault did not have to think long and hard. "Yes," Chennault said, "Witold, you come to China with me."

At 35 years of age, colonel, flight lieutenant, squadron leader, and he said the title he likes best is lieutenant, Witold Urbanowicz is back in combat over the skies of China, now against the facism of the war lords of Tojo. He had yet 2 more victories in the air and 11 on the ground for a total of 28.

What a remarkable man. He now calls himself a walking tiger, not a Flying Tiger.

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

Mr. DORNAN of California. Mr. Speaker, I gladly yield to my fellow lover of history, a major general, the gentleman from Mississippi [Mr. MONTGOMERY].

Mr. MONTGOMERY. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I think it is of great interest to the Members in talking about the history of the Czechs and the Poles and their flights as aviators.

Several years ago, and I am not sure whether the gentleman was at this reception, the German Luftwaffe aces of World War II came over to the United States, and I was amazed.

Mr. DORNAN of California. I missed that.

Mr. MONTGOMERY. I was amazed at the kills that they had, turning 50, 150 shooting-down of enemy aircraft. How do they build up such large numbers?

I think in our country, our war ace, and the gentleman probably knows, what was the top in World War II?

Mr. DORNAN of California. It is interesting that the gentleman should ask me that, because I just shook the hand of the living German ace with the second highest number of kills, Gunther Raul. He had 275 victories. The only two ahead of him were Gerhardt Barkhorn, who had 301, and the incomparable blond knight of Germany, who had 352 victories, and I will think of his name any second here. Gerhardt Barkhorn, unfortunately,

died on the autobahn with his wife in Germany near Bonn just 3 years ago, but their three top leading aces survived.

They had 4 others that had over 200 that also survived. The reason they survived, they will tell people themselves, is that when they were shot down they could turn around and go right back up. And if they survived the early part of the war, every potential major ace in Germany who got shot down in the Battle of Britain went to Arizona, Minnesota, where they became prisoners for the rest of the war in the United States. A few managed to escape. One escaped from Canada, came down through the United States and made it to Mexico City. But the war was over for them as it was for our early men who got shot down. One told me he held up his left hand and said, "the 56th Fighter Group got my left thumb," one of the men I took with me to London this month, was Bob Johnson, the highest ranking ace in Europe when he left. He had 28 victories. He is from South Carolina but was raised in Kansas. Another one I had with me is the incomparable Walker McHuren. He was shot down with 21 victories, the highest ace in Europe at the time on our side. He escaped and evaded, with the help of the French maquis, made it back. He went to the Pacific, and shot down a Japanese plane in that theater. He shot down Migs in Korea. He was badly tortured after he crash landed and was captured.

I had a group of heroes, and they could hardly comprehend the number of German air victories. But the highest ranking ace on our side is supposed to be a Russian named Ivan Cozehdub who got 62. Like the Germans, he could have been shot down six or seven times over Russian territory and kept coming back up.

Mr. MONTGOMERY. Mr. Speaker, if the gentleman will yield, I wonder if they counted the aces like we did? Shoot downs and victories, as we call it, of actually shooting down aircraft? Is that how they counted, or how did the Germans count?

Mr. DORNAN of California. Let me make a comment on that.

Mr. MONTGOMERY. I ask that because to get such a large number, when I think our top was probably less.

Mr. DORNAN of California. In some wings, some of the German wings, they did not count ground kills. In others, they did. Here is what Squadron Leader Urbanowicz told me. He said:

When I first fought the Germans, I thought they were superb fighter pilots. But then I decided later they were also superb liars.

They found out after the war, that if four Messerschmidts saw one British

Spitfire falling they would all make note of where it crashed, and they all claimed him. When the dust settled, we found out after the war the British claimed twice as many victories as they truly had, but the Germans were claiming three to four times as many victories as they had. Colonel Urbanowicz's 28 victories, including those against the Japanese have all been documented by historians.

For example, Ace Bob Johnson told me that just 4 years ago he was informed that he really did not have 28 victories, that there was one day he supposedly had 2, but he was not even flying that day. They also found one he had not claimed. So now his official record sits at 27, and he says, "That is fine with me. Eddie Rickenbacher got 26. If you pass Eddie Rickenbacher that is excellent."

What they were all saying in Great Britain is the importance of not remembering just aces, but all who flew and who fought, because any one of them realized that they could have been shot down on their first mission, as many young British boys were. Some of these lads had less than 10, 12, 15 hours of combat training in a Hurricane before being sent into battle for the first time. As the gentleman knows, having been in war and sea war, God makes the majority calls, and who knows, maybe the world's greatest ace died on his first mission.

The highest ranking British ace with 38 victories is quick to tell people he did not achieve a single kill or victory in the Battle of Britain. He says, "Most of us were terrible shots, myself included, and the Germans had the advantage with the likes of Adolf Goland and Vernon Molders. Their senior pilot excelled in tactics and worked out the finger formation that the Thunderbirds and Blue Angels fly today. The British were flying Vic formations, three in a V, with either wingman not knowing who was the senior guy. They were losing what they call Tail End Charlie all the time. The Germans had this experience in Spain, with the Condor Legion, when they were really flying for Adolf Hitler. They raped Poland and the Netherlands and Denmark and Belgium, and had destroyed the French Air Force in less than 1 month. So, they had plenty of experience going into the Battle of Britain, and that is what makes this battle so remarkable. At the beginning of the battle, Britain did not have 900 serviceable Hurricanes and Spitfires, and as I am sure the gentleman from Mississippi [Mr. MONTGOMERY] knows. There we had 32 Hurricane squadrons to the 20 Spitfire squadrons. But the Spitfire is such a beautiful airplane, it took all the glory, even to this day. However, the Hurricane shot down most of the airplanes, by a ratio of about 3 to 2 to their number of squadrons.

Mr. MONTGOMERY. If the gentleman will yield, I thank him very much for his information. I have been told that some of these German war aces gained a higher count of the Soviet, the Russian planes that were shot down in the invasion into the Soviet Union, that the Russian aircraft were not good pilots or good planes, and they were easy prey for the Germans.

Mr. DORNAN of California. Mr. Speaker, the gentleman from Mississippi [Mr. MONTGOMERY] is correct. Some of the Russians would go into combat with 4, 5, 6, 7, 8, 10 hours of flying time, and some of these German pilots, like Erik Hartmann, their leading ace with 350 victories, shot down as many as six, seven, eight young Russians a day. They, when the tide turned, and if a Russian pilot could survive all the early conflicts, get shot down, learn deflection shootings from angles, then the Russians could produce someone like Ivan Cozehdub, who would get up to 62 victories. Now the amazing thing in the Battle of Britain was that so many young men were willing to offer their lives. The death figure was 497 of England's finest young men, that's just in the RAF. Dozens of others from other countries. We had one American killed in the conflict that we know of. Many had changed their names or their citizenship to fly with RAF squadrons, so they have not been identified to this day. Many were American, which is tragic.

However, Billy Fisk, who died flying with the 601 Squadron out of Tangier, was recognized by his squadron commander, his squadron leader, was the greatest pilot he had ever met. He died in a Hurricane after shooting down several German airplanes over the southern coast.

Mr. MONTGOMERY. If the gentleman will continue to yield, I know that we will be going to Saudi Arabia, but I had the pleasure, with the majority leader, the privilege of going to Saudi Arabia. We visited our different temporary air bases in Saudi Arabia, and I was terribly impressed. No question in my mind, the United States of America has the finest air force of pilots in the sky, for the Navy, for the Marines, for the Air Force. I saw that not only do we have the good aviators and the good pilots, but the young 26- and 27-year-old crew chiefs, they prided themselves in the planes as well as the weapons systems that are right on the plane, Sidewinders, and other types of missiles. They knew all about it. I was greatly impressed.

Mr. DORNAN of California. Mr. MONTGOMERY, they are the very best. Like Israeli fighter pilots, like the Chinese fighter pilots on the free island of Taiwan. These two leave their pilots in the cockpit their whole career. They could be flying in their thirties, and be at the peak of their flying

skills. We take our young men and move them out into other career duties to our own detriment. I think we should leave some people in the cockpit for at least 15 years, if not the full 20 or 25 that the Israelis do.

But I wish, and I do not want us to get overly enthusiastic because the gentleman knows I mean this from my heart, I wish that all of these fighter pilots serve the way I did, in peacetime tearing up targets in the desert, never being called upon to kill another mother's son. They do not want to fly against the F-1 Mirages, or the other Iraqi planes capable of taking on our pilots. Sure, 500 airplanes are mostly old and junk, but they do have Fulcrum Mig-29's and F-1 Mirages, about 100 of them. As ignorant as they are, like some of the young German pilots flying for Adolf Hitler, when they mature, they may one day say, "How could I fly for such a monster and shoot up other people's countryside, and bomb London?" They will do it because they will obey. I hope we do not have to kill any young Iraqi fighter pilots because fighter pilots are the same all over the world. But I know our kids are ready to go, unlike the British pilots 50 years ago, when several young people died on their first mission. Our guys are ready to go.

They have flown the red flag in Las Vegas. The gentleman has been out there and watched that operation. Some of these people have a couple thousand hours in F-15's. Pulling 9 G's to them is like us walking down the stairs of this building, or jogging or something. They are in top physical shape.

Saddam Hussein will think the furies of hell itself have been unleashed on his head if he thinks his Air Force is going to survive more than 24 hours. They will be ripped asunder by these Navy pilots off our three carriers, by these Marine pilots in these Harriers and this excellent F-18 Hornet, these F-16 and F-15 pilots in the Air Force will tear through him like a warm knife through butter.

And for what will it all be? For his ego to have these mothers and fathers in Iraq hear that all their sons have been slaughtered fighting for the right to crush Kuwait, hang 13-year-old little boys in front of their parents and strip that country bear?

We are ready to go, but I hope this jerk Hussein does not bring the furies of God down upon his head.

Let me just finish, Mr. Speaker, and discuss just for a second, I do not want to lose my enthusiasm for these heroes, the point of why I honor Polish-American Witold Urbanowicz and all the heroes that I took with me to England early this month in the name of our President.

I am not a hero worshipper. The word worship should be applied to

God and God alone, the Son of God, but I am a hero respecter. I grew up in a home where the father had been an Army lieutenant colonel in artillery. He had three wound chevrons in World War I. We now call that the Purple Heart. It was reinstituted in the mid-thirties out of respect for George Washington who inaugurated the first one on the plains of Newburgh, NY, which coincidentally is where my dad was born.

Two of my dad's chevrons, or Purple Hearts, were for poison gas. I remember together with my brothers opening up a trunk in the cellar of the apartment building where we lived in New York, on 75 Central Park West, and finding my dad's gas mask with traces of dried vomit still in it. If you got a whiff of gas and you did not know it was coming, you would put on your mask and throw up in your mask. You could not take it off or you would die. He told us that story, and then we saw the evidence.

There were other mementoes that my dad had brought back from the world's first incomprehensible massive killing operation. It was worse on the Somme River, if that is possible, than any of the battles in this phenomenally successful educational series on the Civil War that has been running the last 4 nights and concludes tonight. I think it is going to start running again Saturday.

Warfare is Satan turned loose on the Earth. Individual rape becomes the rape of whole cities. Individual felonious arson becomes the burning of entire cities and counties. First degree murder is wholesale.

No one should ever hunger for war, and we have not really since the early days of World War I when the European societies seemed to be anxious for it. They put on their uniforms and heard the bands play and they all went off to war in colored uniforms, and pretty soon it descended into khaki, mud, gas, tanks, airplanes, and machineguns. The machinegun alone changed warfare in 1914, 1915, and 1916; but when an aggressor forces our young men, and now our young women, to put their lives on the line in the name of human dignity and to stop the terror that is taking place in Kuwait City as we speak at this moment, then we have to call upon young men and women to be heroes in the fight for freedom.

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

Mr. DORNAN of California. Yes, certainly, I yield to the gentleman from Mississippi.

Mr. MONTGOMERY. I wanted to note, Mr. Speaker, that someone watching this debate said that the German ace we were talking about was Erik Hartmann.

Mr. DORNAN of California. Right.

Mr. MONTGOMERY. And he had 352 kills, and that he had taken an oath—the gentleman can explain this better than I can, they had two wingmen and they took an oath that they would have to have 100 kills to become a wingman.

Mr. DORNAN of California. Just to be a wingman.

Mr. MONTGOMERY. Yes.

Mr. DORNAN of California. You know, a sad note about Erik Hartmann is that we turned him over to the Russians. He flew his Fokker 190 at the end of the war over to the Western side. We turned him and all his squadron over to the Soviets. They drew a circle of trucks around all his young enlisted men, his ground crewmen, raped their wives and daughters in front of them, and then tore them apart. One young 10-year-old watched her mother and father killed in front of her, broke away, and made it to an Army truck where our kids put her on the truck and under Soviet fire drove away. She was one of the survivors from the massacre of Erik Hartmann's squadron.

Erik Hartmann served 11 years, almost 11 years in Soviet concentration camps because we betrayed him. He was only 24 or 25 years of age at the end of the war, 24 I believe. He was terribly abused in his early days in Russian captivity, came back after 10½ years, went back in the Air Force. Some of these German officers went on to rise up in the reborn Luftwaffe, keeping Europe free and bringing about the demise of communism as we know it now.

One of the badly burned men, Mackie Steinhoff, went on to be the head of the Luftwaffe. Gunther Raul, who I mentioned, with 275 victories, went on to be a high ranking officer in the new German Luftwaffe under our great Supreme Commanders at NATO. They will be the first ones to tell you that it was a tragedy that they killed so many young men in the prime of their lives and lost so many of their own friends in an ignoble cause. That is why war is so terrible and why we must stop early on, a person like Saddam Hussein who is on such a terrible ego trip. We must stop him before the whole Middle East explodes in warfare.

But I thank the gentleman for mentioning the German ace.

I hope no one watching misunderstands my enthusiasm. I am a man who, only by an accident of birth found himself in pilot training when the Korean war ended. I was never called upon to be anything but become combat ready, which is difficult and honorable, but is a far cry from being in combat. I left the Air Force after 6 years of active duty, going into the Reserves and finding myself serving as a rescue seaplane pilot at March Air Force Base with the 33d Air Rescue

Air Force Reserve. Then the Vietnam war started, and I was not called upon to serve in combat in the Vietnam war. I volunteered to go over there but was told I'd been out of the cockpit too long. So I went as a reporter, over eight trips in the decade lasting from the mid-sixties, to the mid-seventies. I volunteered to fly as an observer on 14 missions; just as dangerous. You can get shot down and end up a prisoner, or you can end up dead. But you are not there in uniform. I was wearing a flying suit with no markings on it as a civilian, observing what the men are doing. And yes, I ended up realizing how grateful I should be to God and those who came before me and after me who put their lives on the line.

The full measure of devotion is, as Lincoln called it in the Civil War, death for a cause, or being in a wheelchair for the rest of their lives, or losing a limb or eyesight.

There is a memorial to all the fighter pilots and air crewmen who died over Europe. It was inaugurated by both allied and German pilots. It is in Germany now. I have seen that memorial. They were on the wrong side, the evil side, the side of death and destruction and cruelty and the Gestapo and nazism and concentration camps and Zyklon B gas and the slaughter of 6 million European Jews, hundreds of thousands of gypsies, priests, ministers. They were murdered like St. Maximilian, Dietrich Bonhoeffer, a nightmare unparalleled except by what was happening with Stalin at the same time in Russia.

But the RAF pilots, the young Americans in the eagle squadrons who lost their citizenship, saved us from this. Flying in 1942 and 1943 in what they called the rodeos and the circuses and the sweeps across Europe when they were still outnumbered by the Luftwaffe, the young men of the 56th Fighter Group, like Curran and Bob Johnson who I mentioned came with me, the men of the 78th Fighter Group, the 4th Fighter Group, which was born in September 1942 out of the three eagle squadrons, the 71st Squadron, the 121st, and the 133rd, the Mosquito pilots, like Dick Sage who came with us, who flew at night, the Lancaster pilots, the Halifax pilots, the Sterling pilots, and then our incomparable 8th and 9th Air Forces, the B-17 crews, they all saved us from the horrors of totalitarianism.

Imagine 60 B-17's being shot down in 1 day alone in the Schweinfurt raid, with 10 to 11 men on each airplane. We lost over 86,000 American pilots and navigators and bombardiers and air crewmen all over Nazi Germany, many of them rotting for 4 years, 3 years, 2 years, 1 year in those concentration stalag camps. Tough treatment, but not as bad as the poor Jewish people or the Russian prison-

ers just a few miles away, who were being slaughtered by the thousands in their camps. At least in the stalag camps run by the Luftwaffe, less than 1 percent of our Americans died. Thirty-nine percent died in the Japanese prison camps which were run in the most inhumane way. There, American prisoners got to know what it was like to be a plain civilian or a Russian prisoner in a Nazi camp. All of that horror of Nazi Germany was stopped initially by Great Britain alone.

On June 18 Churchill said it best in his absolutely incomparable style, the greatest English writer and speaker and conveyor of thoughts since Abraham Lincoln in our War Between the States, the Civil War. On June 18, had only reached a role of leadership in his country on May 10, when the Nazi forces rolled in a blitzkrieg into the lowland countries of Belgium, Holland, having already hit Denmark and Norway the month before, April. On that day Churchill was back as Prime Minister, the highest position he had ever held in his country. And on June 18 in the House of Commons, Churchill expressed his grave forebodings.

The Battle of France is over. I expect that the Battle of Britain is about to begin. Upon this battle depends the future of Christian civilization. Upon it depends our own British life, and the long continuity of our institutions and our Empire. The whole fury and might of the enemy must very soon be turned on us. Hitler knows that he will have to break us in this island or lose the war. If we can stand up to him, all Europe may be free and the life of the world may move forward into broad, sunlit uplands. But if we fail, then the whole world, including the United States, including all that we have known and cared for, will sink into the abyss of a new Dark Age made more sinister, and perhaps more protracted, by the lights of "perverted science." Let us therefore brace ourselves to our duties, and so bear ourselves that, if the British Empire and its Commonwealth last for a thousand years, men will still say, "This was their finest hour."

Two months and 2 days later, on August 20, Churchill was speaking to the House of Commons, a routine day, probably about the same number of members as we have on the floor today. He was speaking on other issues of the day. Then he concluded his remarks with no sense of the dramatic, no raise in his voice level. This is how it was described at the time by Churchill's private Secretary, followed by Churchill's words.

August 20, 1940. Although the gallery was crowded I made my way down to the House to hear the P.M. speak. It was less oratory than usual and the point of chief interest to the House was the account of the bargain with America about the lease of air-bases. . . . On the whole, except for bright patches—like that about "the Führer's reputation for veracity," which had a big success—the speech seemed to drag and the House, which is not used to sitting in August, was languid.

The gratitude of every home in our Island, in our Empire, and indeed throughout the world, except in the abodes of the guilty, goes out to the British airmen who, undaunted by odds, unwearied in their constant challenge and mortal danger, are turning the tide of world war by their prowess and by their devotion. Never in the field of human conflict was so much owed by so many to so few.

Men from all over flew in the battle. Not to be forgotten were those in some British squadrons flying obsolete airplanes who were slaughtered. The Bolton Pole, the defiant airplane, the Ferry Battle airplanes, the biplane, the Gloucester Gladiators who were shot out of the skies. But Churchill's remark about the few was not discovered until later on during the battle. And as I said, it went on through today when the Polish flight element leader, Witold Urbanowicz, achieved four victories on this 1 day, September 27, four more on September 30, a few days later, and the final real high-intensity day of the 3 months of air battles.

There were also pilots from Norway, many from Poland and Czechoslovakia, as I said, a handful from France. There were 7 identified Americans flying in the Battle of Britain, but probably many more. Who knows, perhaps 3 dozen were lost in the mists of history because they had to get citizenship from other nations when they went up to Canada to learn to fly against Hitler's onslaught in Europe.

Even one Palestinian flew in the Battle of Britain. Many South Africans. One of the greatest air leaders was "Sailor," Milan. I only found out recently that he died. I learned that talking with President de Klerk of South Africa. There were also Australians, New Zealanders, and Canadians, who took tremendous casualties as they did later in August 1942 in the Dieppe raid.

Jamaica has some pilots flying from the British Commonwealth of Nations. Some from Rhodesia, like Ian Smith who was a Spitfire pilot. He did not fly in the Battle of Britain, I do not believe. A truly great effort. Just a word about our American, Billy Fish, who flew with the 601 Hurricane Squadron out of Tangmere. Billy had worked in Hollywood for a while, helped develop, believe it or not, the Aspen ski resort in its earliest days in the 1930's. He won a medal in the U.S. Olympics for tobogganing in 1936, when he was barely 19 years of age. He went to St. Moritz and broke the speed record on what is the world's most famous toboggan run at Cresta. That record stayed for 15 years after he was dead, until 1955. He was familiar with speed. He already had not only all those Olympic records in one of the most dangerous of all sports at that time, tobogganing, but was himself a private pilot who flew around Great Britain. He married the daugh-

ter of an earl. He did not have to fly in England's cause, but volunteered his services. On one mission he crashed on the runway, severely burning his face and hands. Some of his pilot friends pulled him out of the cockpit. He was talking, seemed all right. That night, friends visited him in the hospital. He seemed OK.

Later that night, Billy Fish died of shock.

He is buried in a small British country church gravesite not far from where he died flying with the Royal Air Force against Hitler as a proud American. And I repeat, he was described by his squadron commander as the greatest fighter pilot he had ever known.

Though having lived a privileged life as a young man, he was amiable, loved by all the pilots in that 601 squadron. This was a great period of history for the West because England was standing alone and bought us the time for the whole world to come together and form what was then loosely called not only the Allied effort but the United Nations, that term being formally adopted in San Francisco in 1945.

It is a period of history like the Civil War series running on PBS stations all across America. We cannot forget the history of the 1860's or that of 50 years ago over the beautiful English countryside of Kent and Surry. People dying while other people played golf. One British fighter pilot had the misfortune to crash on a golf course where people shook their golf clubs at him because he had ruined their golf game. Another pilot crashed on a golf course with a little better quality of people who took him in with a broken leg, splinted it, put him on one of the pool tables in the golf clubhouse, fed him so many sandwiches and so much liquor that he forgot about the pain of his compound fractured leg.

Some British farmers were doing what they were supposed to do, bring in the August and September harvests while they looked at these contrails in the skies above them, seeing young men on their third or fourth mission that day. Or maybe it was their first mission, on which they would die trying to stop the Luftwaffe's attempt to conquer Great Britain. And probably, since the United States was not in the war, bring about truly what Churchill called a new dark age.

So I hope that we will take the advice of former President Ronald Reagan gave to our Nation and to any freedom-loving nation in his final speech when he said that we must not forget the heroes or our history, the men and women of our past who brought us to where we are today.

So to those seven known Americans, none of whom survived the war; one Havilland seems to have survived, but nobody can find him; to all the Amer-

icn who felt it necessary to hide their nationality so they could fight Adolph Hitler that are lost to the historical records, to all the nations that joined Great Britain, to our 497 young fighter pilots who gave the full measure of devotion, to all of those who suffered those horrible high octane fuel burns that literally took their entire face off and of their fingers, and some of them still survived; I have me them; to all those who fought in World War II, to may eagle squadron friends that I took with me to the highest-scoring American group, the 56th, to Bob Behearn, and Bob Johnson, and those that I took with me on the trip to my desert rats, I call them; the P-40 and P-39 pilots who went from Great Britain down to Operation Torch and fought all the way across North Africa, up to Sicily, through out of Corsica and Sardinia against Italy, and then Italy itself, into Europe itself, where many of them were shot down; I repeat I had five POW's on this trip; to Dick Dickinson, and Colonel Dow, another ace, to our two wheelchair veterans from the 133d Squadron, Dixie Alexander, another ace, and POW George Sperry who was shot down in September of 1942 with the entire 12 planes put in the air that day by 133 Squadron within days of it being the 336th U.S. Air Force Fighter Squadron in that transfer I mentioned; to all of these heroes; I salute you, and to the man that personified best what men and women will do to fight for freedom, to colonel squadron leader, flight lieutenant, Vitold Urbanowicz; I salute you, Vitold. You and men like you have created a fascinating record of history for those that breathe the air of freedom so easily and so effortlessly.

I hope to go to the gulf with 19 of my colleagues from both sides of the aisle here on October 5 and see those young men and women serving in the sand. Our paratroopers, our Minute Men, those that have given their lives in the dark of night, one being hit by a truck which was our first fatality over there. Those ground service personnel, and, yes, our fighter pilots, from the Navy, the Marine Corps, and the Air Force. Our pilots who fly helicopters.

To all of these people that are on the fringes of the world, wherever they are defending freedom, I salute all of you, and I only wish that you would have the opportunity to spend many nights and days traveling to some of the scenes of the "World War II bases across Great Britain, as we did with this American contingent to honor the Royal Air Force and its effort of 50 years ago.

Bell Helicopter was nice enough to give us a couple of helicopters to use for a few hours during the Farnborough Air Show to take some of our aces, Dixie Alexander, George Sperry, in their wheelchairs to view these

sites. Well, actually they left their wheelchairs behind, and the British met us with wheelchairs at Manston Air Field, one of the biggest air fields in Great Britain. It is right on the coast near Dover. And we took our helicopters and flew along the white cliffs of Dover, as chalk white as one would expect chalk to be, and we looked at those hills, which was a sign to wounded airmen coming home, that they might just make it. Are one could hear, corny as all of us were, the strains in our heads of Vera Ellen's, "There will be bluebirds over the white cliffs of Dover," and what these young Americans did for us. It will remain in my memory forever.

What some of these pilots have told me brought me to tears. They said it was the greatest trip of their lives. The trip was a great experience for those of us, like young Brigadier General Dula and his wife, Terry, who were with us, and Congressman CARROLL HUBBARD of Kentucky, and the younger F-15 and F-16 pilots, Col. Jerry Woods and Col. Jeffery McChesney who were lucky enough to be on this trip. These pilots, some of whom flew in Vietnam, but some who, like me, are peacetime pilots, and I repeat: May they never have to kill another mother's son, shared a moment with kings and heroes. It was an honor to be with these people earlier this month.

Vitold, I may redo part of this special order on Sunday the second day when you achieved four victories. Oddly enough it looks like we are going to be in the House of Representatives, and there may be a slow moment when we are waiting to work our way through the morass of our budgetary problems here where I can salute Col. Vitold Urbanowicz again on the day of his second incredible triumph in the Battle of Britain, a day on which most of the courageous pilots shot down on German airplanes. To have a man shoot down four on 2 days only 3 days apart in totaling up his 17 victories for freedom is truly a remarkable accomplishment. And how lucky American is that you, Colonel Urbanowicz, chose to become an American citizen with many of your other Polish heroic friends who were unable to go back to Poland because through political stupidity and some treachery we turned over the freedom loving nation of Poland to the horror of communism for half a century. Only in the last year has Colonel Urbanowicz and others been even able to consider the thought of going home to their beloved Poland. To this very day Vitold has never been back to the country that he fought for so valiantly over the skies of Poland, the skies of France, the skies of Great Britain, back to France, China, and then back again for the D-day invasion, fighting to the conclusion of the war over Ger-

many, tearing up more German Luftwaffe planes on the ground. What an incredible career.

As Vitold told my wife, Sally, one night; he said, "The amazing thing is in all of that combat I had only one bullet hole in one aircraft once, and I was never scratched during all of that," and he appreciates fully that that was God's call, having seen so many of his young wingmen shot down on their first mission.

THE INTRA-ARAB CONFLICT IN THE MIDDLE EAST

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Utah [Mr. OWENS] is recognized for 15 minutes.

Mr. OWENS of Utah. Mr. Speaker, I rise to speak today about the intra-Arab conflict in the Middle East.

I visited that area eight times in the last 2½ years in the capacity of my assignment to the European and Middle East Subcommittee, as recently as 2½ weeks ago.

After more than four decades of conflict in that troubled area, the fiercest battles will hopefully no longer be fought in the desert or in the streets but in the political arena between moderates and radicals, between those anxious to explore a cooperative future and those trapped within an outdated ideology of hate and intransigence.

This is the fundamental struggle which underlies the current political conflict. It knows no national identity, no religion, no single piece of land.

For the vast majority of the international community, the gulf crisis is a matter of naked aggression, the unprovoked, unjustified violation of a nation's sovereignty, and continuing human rights abuses.

Moreover, it is a matter of oil security and the economic stability of an increasingly integrated global marketplace. But as the crown prince of Jordan testified yesterday, another gulf crisis with implications just as alarming is the growing gulf between the Arab governments and their populations, a rising tide of anti-American and anti-Western public opinion. Prince Hassan pointed to a vast majority in this country who are overwhelmingly supportive of Iraq's invasion of Kuwait. Palestinians on the West Bank and Gaza rally to Saddam, and yesterday, Algeria's exiled President, Ahmed Ben Bella, returned home to cheering crowds who held aloft his likeness along with that of Iraq's dictator. This, unfortunately, is more the rule than the exception.

Anti-American public opinion is nothing new in that part of the world, and it certainly should not, and I am confident will not, weaken our resolve to roll back the Iraqi occupation of

Kuwait and deter future acts of aggression. It should give us food for thought though beyond this present crisis into a world where high technology and cheap weapons of mass destruction will continue to erode Israel's military edge and increase political instability.

We must search for ways to give the people on the ground a vested interest in peace.

In Iraq's desperate search for allies in this crisis, Saddam Hussein has pulled every emotional chain possible. He tried and failed to raise a cry for pan-Arab unity or for the protection of Muslim holy places from foreign invaders. He did strike a chord, and continues to do so, among the Arab world's disenfranchised, impoverished masses: "Here is the savior of the common man," the feeling goes, "the Arab knight, wreaking vengeance on the unyielding avarice and neglect of the gulf sheikhdoms; the fabulously wealthy kingdoms and sheikhdoms of the Persian Gulf," he claims, "should be overrun and their wealth shared with the poor Arab countries."

This image of Saddam Hussein is an amalgam of Arab nationalism, a history of colonialism and military defeat and, more importantly, a growing sense of frustration born of economic hopelessness. This despair impedes our efforts to effect a resolution to the Persian Gulf crisis and will remain a source of foment and instability in the most volatile region in the world.

If the trend continues as it has, it will fuel the fire of Islamic fundamentalism and harden the hearts of those who should have a longing for peace. The promotion of economic growth, resource-sustainable development, poverty alleviation and political pluralism are the pillars of our foreign aid program. They are the underpinnings of our hopes for long-term national security.

Our priorities at home and our looming deficit of more than \$300 billion prevent us from adequately pursuing these goals abroad. The immense cost of Operation Desert Shield alone, estimated at more than \$15 billion this year, sets us back even further.

A great deal has already been said about burden-sharing in the gulf, and Saudi Arabia, the principal beneficiary of our efforts there, has committed a contribution of about \$7 billion both to support military operations and countries adversely affected by the crisis. But, Mr. Speaker, someone must ask a tasteless question: Cannot Saudi Arabia and other wealthy Persian Gulf countries whose very existence depends on the presence of the international military force, cannot these countries be asked to do more?

In this context, I do not speak just of payment of incremental military costs or compensation to those countries like Egypt and Jordan whose

compliance with the embargo place heavy drains on their economies. I speak, rather, of the need to build a large development fund for the undeveloped, poor Arabic nations and, yes, ultimately Israel as well.

If we take a look at oil prices before the Iraqi invasion, they stood at approximately \$18 per barrel, with Saudi production, for example, of about 5 million barrels per day. Averaging daily prices since the invasion, oil has averaged about \$30 per barrel, an increase of 60 percent. What is more, in order to compensate for a net world oil loss, Saudi Arabia increased production from 5 million to 7 million barrels per day.

In dollars, this translates from more than \$32 billion per year in gross sales before the invasion to more than \$82 billion per year since the invasion. This is typical, although in smaller numbers, of the other gulf countries.

Clearly, these countries can afford to do more, and in their own enlightened self-interest should be anxious to take this step to undercut the only semilegitimate point which Saddam Hussein is making.

Aside from contributing to the military effort and the immediate desperate needs of countless countries suffering from the crisis, the United States should strongly urge that windfall profits be applied to a fund for long-term development in the Arab world serving the mutual interests of both the United States and the gulf countries.

The United States and others in the international force should insist that these Persian Gulf states now benefiting from huge windfall profits use this unjustified windfall to provide such relief. Development projects and technical assistance will improve the quality of life and economic future of an increasingly radical Arab population. Stability cannot emerge from poverty and blight. There must be a reason to cling to moderation, a vested interest in the present and in the future.

A solution to the present crisis is not enough to ensure peace for future generations. Entire populations seething with hatred cannot pound sword into plowshare until economic promise replaces the hopelessness which prevails today.

The United States, along with other governments in the regions, must attack the root causes of instability, not simply the symptoms, and prepare for the future, and the tools, Mr. Speaker, if we will use them, are available and in our hands.

WHO NEEDS A SEQUESTER? THE CONGRESS DOES!

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota [Mr. FRENZEL] is recognized for 15 minutes.

Mr. FRENZEL. Mr. Speaker, Congress is rapidly approaching the deadline for a sequester under the Gramm-Rudman-Hollings Act [GRH]. Unless we achieve significant budget reduction by October 1, sequestration will automatically take effect. The projected sequester will cause economic disruption, lost wages and reduced government services.

The administration and Congress have been unsuccessful in their efforts to achieve a budget agreement which would forestall these cuts. After 5 long, frustrating months of summitry, the deficit problem has been pending so long that an agreement, even if supported by congressional leaders, could fail in either House. Only the threat of a sequester is driving Congress toward an agreement in spite of these difficulties.

It is important that the American public understand the reasons why the budget impasse makes a sequester necessary. GRH was constructed on three major premises. The first premise was that the Federal deficit was a serious economic problem with severe negative effects on the long-term performance of the rest of the economy. Almost all economists agree that deficit reduction is the proper remedy.

Second premise of GRH was that Congress is incapable of reducing the structural deficit under normal circumstances. The authors of GRH believed that the natural momentum of Congress favors unending increases in Government spending, immortal programs, and more and more new initiatives. Unless it is forced to deal with the deficit, Congress will always postpone making tough budget cuts.

Finally, GRH makes the fundamental assumption that Congress can impose on itself a mechanism which will force it to deal with deficit reduction. This is the sequester. It is supposed to be so horrible that Congress will do anything, even cut spending, to avoid it.

If the sequester is avoided or deferred, the only effective constraint forcing Congress to achieve savings will be removed. Sequester has never been completely effective, but it has generally been considered the last line of defense against congressional profligacy. If it is waived, the last trace of fiscal sobriety will be gone.

It is vitally important that Congress achieve an agreement this year. The economy is currently in a precarious position. Overall growth is slowing at the same time that inflation is heating up. The Federal Reserve can address one of these problems, but it cannot deal with both.

Any policy which the Fed pursues to alleviate inflation is likely to worsen growth and vice versa. Chairman Greenspan has often said that the Fed cannot risk stimulating growth until Congress tightens up its fiscal policy.

Traditional economic theory says that reducing Government spending or raising taxes is deflationary. For this reason some observers question whether the economy can afford deficit reduction at this time. One of the main reasons for current economic uncertainty is the lack of faith people have in Congress' ability to properly manage the Nation's fiscal policy. By addressing this concern, deficit re-

duction will restore the public's confidence in our economic future.

In the current economic environment, the principal contribution that Congress can make toward raising confidence is a believable signal that real deficit reduction will occur automatically over the next 5 years. The negotiators have led credit markets to expect a reduction of approximately \$50 billion this year and \$500 billion over the next 5 years. Anything less now, will be viewed as a failure.

Nobody wants the disruption of a sequester. It is only intended to force Congress to do what is right. But unless there is a willingness to endorse the sequester, the Congress will continue to avoid fulfilling its responsibilities. Therefore, unless there is a budget agreement, we must stick to the sequester.

Contrary to some recent reports, capital gains is not the only issue preventing agreement. It is important, but less so than the spending reductions or the enforcement mechanisms. Republicans and Democrats have fundamentally different views on basic issues. Republicans insist on real domestic spending reductions, including reform of entitlement programs, assured enforcement of budget agreements, and features to stimulate growth, like capital gains. Democrats wish to reduce spending less, while taxing more, and have resisted enforcement procedures.

Despite the enormous differences between the negotiating parties, and despite the congressional proclivity to escalate spending, it is still probable that a budget agreement can be reached. If so, the reason for success will not be nobility of spirit. Success is probable only because of the threat of the much despised sequester. Although avoiding the disruption of the sequester is tempting, the American people must recognize the necessity of dealing with the deficit now so that the Nation can resume its normal pattern of growth. GRH offers the only mechanism available for forcing an agreement. Once lost it cannot be replaced.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. WALKER) to revise and extend their remarks and include extraneous material:)

Mr. McEWEN, for 5 minutes, today.
Mr. PARRIS, for 5 minutes, today.
Mr. GINGRICH, for 60 minutes, on October 15, 16, 17, 18, and 19.

Mr. FRENZEL, for 15 minutes, today; 60 minutes on September 30, October 1, 2, and 3.

(The following Members (at the request of Mr. GONZALEZ) to revise and extend their remarks and include extraneous material:)

Mr. CARR, for 5 minutes, today.
Mr. ANNUNZIO, for 5 minutes, today.
Mr. OWENS of Utah, for 15 minutes, today.

Mr. FALEOMAVAEGA, for 60 minutes, each day on October 2, 3, and 4.

Mr. GONZALEZ, for 60 minutes, each day on October 4 and 5.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. DINGELL following Mr. RINALDO in concurring to Senate amendments to H.R. 3567.

(The following Members (at the request of Mr. WALKER) and to include extraneous material:)

Mr. COBLE.
Mr. SOLOMON in two instances.
Mr. BEREUTER.
Mr. McDADE.
Mr. RIDGE.

(The following Members (at the request of Mr. GONZALEZ) and to include extraneous material:)

Mr. McHUGH.
Mr. WAXMAN.
Mr. ACKERMAN.
Mr. DOWNEY.
Mr. VENTO.
Mr. TORRICELLI.
Mr. DORGAN of North Dakota.
Mr. KOLTER.
Mr. DURBIN.
Mr. DONNELLY.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 2545. An act to amend title 18 of the United States Code, to increase the term of imprisonment for offenses involving driving while intoxicated when a minor is present in the vehicle; to the Committee on the Judiciary.

S. 3127. An act to designate the Department of Veterans Affairs Medical Center in Albany, New York, as the "Samuel S. Stratton Department of Veterans Affairs Medical Center"; to the Committee on Veterans Affairs.

BILLS PRESENTED TO THE PRESIDENT

Mr. ANNUNZIO, from the Committee on House Administration, reported that that committee did on the following date present to the President, for his approval, bills of the House of the following titles:

On September 27, 1990:

H.R. 4962. An act to authorize the minting of commemorative coins to support the training of American athletes participating in the 1992 Olympic Games, and

H.R. 2761. An act to require the Secretary of the Treasury to mint coins in commemoration of the 50th anniversary of the United Services Organization.

ADJOURNMENT

Mr. OWENS of Utah. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 10 minutes

p.m.), under its previous order, the House adjourned until Sunday, September 30, 1990, at 2 p.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3965. A letter from the Secretary of Defense, transmitting his certification that the current 5-year defense program fully funds the support cost associated with the Bradley Fighting Vehicle Program, pursuant to Public Law 100-180; to the Committee on Armed Services.

3966. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed license for the export of defense equipment sold commercially to Saudi Arabia (Transmittal No. DTC-37-90), pursuant to 22 U.S.C. 2776(c); to the Committee on Foreign Affairs.

3967. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed license for the export of defense equipment sold commercially to Saudi Arabia (Transmittal No. DTC-36-90), pursuant to 22 U.S.C. 2776(c); to the Committee on Foreign Affairs.

3968. A letter from the Administrator, General Services Administration, transmitting his announcement of the award of two Federal contracts for a limited number of alcohol-powered vehicles; to the Committee on Government Operations.

3969. A letter from the Assistant Secretary for Civil Works, Department of the Army, transmitting a report dated September 15, 1987, from the Chief of Engineers, on Pleasure Island, Port Arthur, TX, together with other pertinent reports; to the Committee on Public Works and Transportation.

3970. A letter from the Assistant Secretary for Civil Works, Department of the Army, transmitting a report dated February 13, 1989, from the Chief of Engineers, on Little Pee Dee and Pee Dee Rivers, North Carolina and South Carolina, together with other pertinent reports; to the Committee on Public Works and Transportation.

3971. A letter from the Assistant Secretary for Civil Works, Department of the Army, transmitting a report dated November 15, 1988, from the Chief of Engineers, on the Northwest Florida Comprehensive Study, together with other pertinent reports; to the Committee on Public Works and Transportation.

3972. A letter from the Assistant Secretary for Civil Works, Department of the Army, transmitting a report dated November 16, 1987, from the Chief of Engineers, on Vermillion River Basin, IL, together with other pertinent reports; to the Committee on Public Works and Transportation.

3973. A letter from the Assistant Secretary for Civil Works, Department of the Army, transmitting a report dated December 22, 1987, from the Chief of Engineers, on Turkey Creek, GA, together with other pertinent reports; to the Committee on Public Works and Transportation.

3974. A letter from the Assistant Secretary for Civil Works, Department of the Army, transmitting a report dated December 12, 1988, from the Chief of Engineers,

on Portland Harbor and Fore River, Portland and South Portland, ME, together with other pertinent reports; to the Committee on Public Works and Transportation.

3975. A letter from the Secretary of Health and Human Services, transmitting a report on the cost-effectiveness of providing therapeutic shoes to Medicare beneficiaries with severe diabetic foot disease, pursuant to 42 U.S.C. 1395x nt.; jointly, to the Committees on Energy and Commerce and Ways and Means.

3976. A letter from the Assistant Secretary for Policy, Budget and Administration, Department of the Interior, transmitting the Bureau of Land Management and the Fish and Wildlife Service reports on the implementation of section 318 of the 1990 Department of the Interior and Related Agencies Appropriations Act through August 1, 1990, pursuant to Public Law 101-121, sec. 318(h) (103 Stat. 750); jointly, to the Committees on Agriculture, Appropriations, Interior and Insular Affairs, and Merchant Marine and Fisheries.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. ASPIN: Committee on Armed Services. H.R. 5422. A bill to authorize appropriations for fiscal year 1991 for intelligence and intelligence-related activities of the U.S. Government, the Intelligence Community Staff, and the Central Intelligence Agency Retirement and Disability System, and for other purposes; with an amendment (Rept. 101-725, Pt. 2). Referred to the Committee of the Whole House on the State of the Union.

Mr. JONES of North Carolina: Committee on Merchant Marine and Fisheries. H.R. 3613. A bill to establish an Upper Sacramento River fishery resources restoration program; with an amendment (Rept. 101-726, Pt. 2). Referred to the Committee of the Whole House on the State of the Union.

Mr. JONES of North Carolina: Committee on Merchant Marine and Fisheries. H.R. 2800. A bill to amend titles 10 and 14, United States Code, to permit recordings of military bands to be sold commercially; with an amendment (Rept. 101-769, Pt. 1). Ordered to be printed.

Mr. FORD of Michigan: Committee on Post Office and Civil Service. H.R. 4174. A bill to establish a comprehensive personnel system for employees of the Administrative Office of the United States Courts, and for other purposes; with an amendment (Rept. 101-770, Pt. 1). Ordered to be printed.

Mr. MOAKLEY: Committee on Rules. House Resolution 482. Resolution waiving the requirement of clause 4(b), Rule XI, against consideration of certain resolutions reported from the Committee on Rules on the legislative day of September 30, 1990, and providing recess authority for the Speaker on September 30, 1990 and October 1, 1990 (Rept. 101-771). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions

were introduced and severally referred as follows:

By Mr. FASCELL:

H.R. 5746. A bill to extend the Export Administration Act of 1979, and for other purposes; considered and passed.

By Mr. GONZALEZ (for himself and Mr. WYLIE):

H.R. 5747. A bill to provide for the temporary extension of certain programs relating to housing and community development, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

By Mr. BURTON of Indiana:

H.R. 5748. A bill to amend the Small Business Act to make small business concerns owned and controlled by special disabled veterans eligible to receive procurement contracts awards under that act; to the Committee on Small Business.

By Mr. DELLUMS:

H.R. 5749. A bill to amend the act entitled "An Act to incorporate the American University," approved February 24, 1893, to clarify the relationship between the board of trustees of the American University and the general board of Higher education and Ministry of the United Methodist church; to the Committee on the District of Columbia.

By Mr. DURBIN (for himself and Mr. MILLER of California):

H.R. 5750. A bill to amend title XIX of the Social Security Act to provide for coverage of alcoholism and drug dependency residential treatment services for pregnant women and certain family members under the Medicaid Program; to the Committee on Energy and Commerce.

By Mr. HUGHES (for himself Ms. OAKAR and Mrs. LLOYD):

H.R. 5751. A bill to amend title II of the Social Security Act to provide for an increase of up to 5 in the number of years disregarded in determining average annual earnings on which benefit amounts are based upon timely showing of preclusion from remunerative work during such years occasioned to meet to provide child care or care to a chronically dependent relative; to the Committee on Ways and Means.

By Mr. MANTON:

H.R. 5752. A bill to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 to provide a lump sum payment to public safety officers who become totally and permanently disabled as a result of a catastrophic injury sustained in the line of duty, and for other purposes; to the Committee on the Judiciary.

By Mr. MATSUI:

H.R. 5753. A bill to amend the Internal Revenue Code of 1986 to clarify the application of the passive foreign investment company rules, to repeal the export trade corporation rules, and for other purposes; to the Committee on Ways and Means.

By Mr. RAVENEL (for himself, Mr. DERRICK, Mr. SPRATT, Mr. TALLON, Mr. SPENCE, and Ms. PATTERSON):

H.R. 5754. A bill to designate the Department of Veterans Affairs medical center in Charleston, SC, as the "Ralph H. Johnson Department of Veterans Affairs Medical Center"; to the Committee on Veterans' Affairs.

By Mr. PANETTA:

H.J. Res. 659. Joint resolution to designate the month of October 1990 as "National Seafood Month"; to the Committee on Post Office and Civil Service.

By Mr. CONTE (for himself and Mr. DREIER of California):

H. Con. Res. 376. Concurrent resolution to salute and congratulate the people of Poland as they commemorate the 200th anniversary of the adoption of the Polish Constitution on May 3, 1991; jointly, to the Committees on House Administration and Post Office and Civil Service.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 303: Mr. AuCOIN.
H.R. 369: Mr. PETRI.
H.R. 885: Mr. MINETA.
H.R. 2295: Mr. BLAZ.
H.R. 2531: Mr. PERKINS, Mr. POSHARD, Mr. HEFNER, and Mr. NAGLE.

H.R. 2724: Mr. COBLE.
H.R. 2816: Mrs. MORELLA and Mr. LEWIS of Georgia.

H.R. 3415: Mr. LENT.
H.R. 3740: Mr. TALLON.
H.R. 3930: Mr. FISH.
H.R. 3970: Mr. BATES.
H.R. 4818: Mr. GALLO, Mrs. MORELLA, and Mr. PORTER.

H.R. 4864: Mr. MACHTLEY and Mr. MORRISON of Connecticut.

H.R. 4865: Mr. MACHTLEY and Mr. MORRISON of Connecticut.

H.R. 5188: Mrs. BOXER.
H.R. 5259: Mr. LEWIS of Georgia.

H.R. 5471: Mr. COLEMAN of Texas and Mr. JONTZ.

H.R. 5475: Mr. PEASE.
H.R. 5480: Mr. MFUME, Mr. MORRISON of Connecticut, Mr. LIPINSKI, Mrs. BOXER, Mr. PEASE, Mr. HERTEL, and Mr. YATES.

H.R. 5499: Ms. PELOSI, Mr. JOHNSON of South Dakota, and Mr. MOODY.

H.R. 5505: Mr. SOLOMON and Mr. BROWN of California.

H.R. 5511: Mr. MINETA.

H.R. 5585: Mr. MACHTLEY, Mr. BENNETT, Mr. SHAYS, Mr. KOLBE, Mr. LAGOMARSINO, Mr. GRANT, Mr. DeWINE, Mr. STALLINGS, Mr. SHUMWAY, Mr. JOHNSON of South Dakota, Mr. SCHIFF, Mr. RITTER, Mr. KASICH, Mr. MOORHEAD, and Mr. HOLLOWAY.

H.R. 5616: Mr. LENT.

H.R. 5652: Mr. BLAZ, Mr. LANCASTER, Mr. DICKS, Mr. STALLINGS, Mr. SYNAR, Mr. PENNY, Mr. ALEXANDER, Mr. ANNUNZIO, Mr. APPELEGATE, Mr. HUGHES, Mr. DYSON, Mr. BE-REUTER, Ms. ROS-LEHTINEN, Mr. PAYNE of Virginia, Mr. RICHARDSON, Mr. HYDE, Mr. ROE, and Mr. HILER.

H.R. 5722: Mr. MYERS of Indiana, Mr. SHAW, Mr. HERGER, Mr. SAXTON, Mr. GEKAS, Mr. McMILLAN of North Carolina, Mr. DENNY SMITH, Mr. SENSENBRENNER, and Mr. CHANDLER.

H.J. Res. 214: Mr. SCHEUER, Mr. TOWNS, Mr. VALENTINE, Mr. AuCOIN, Mr. PAXON, Mr. MOORHEAD, Mr. RHODES, Mrs. SAIKI, Mr. PURSELL, and Mr. EDWARDS of California.

H.J. Res. 525: Mr. PASHAYAN, Mr. RITTER, Mr. KENNEDY, Mr. MARTIN of New York, Mr. LIPINSKI, Mrs. VUCANOVICH, Mr. DORNAN of California, Mr. STAGGERS, Mr. THOMAS A. LUKE, Mr. McCLOSKEY, Mr. McCOLLUM, Mr. McDADE, Mr. McEWEN, Mr. McHUGH, Mrs. MEYERS of Kansas, Mr. MOODY, Mr. MURPHY, Mr. OWENS of New York, Mr. OWENS of Utah, Mr. PARKER, Mr. FEIGHAN, Mr. GUNDERSON, Mr. HALL of Texas, Mr. DUNCAN, and Mr. LEWIS of Florida.

H.J. Res. 543: Mr. STEARNS.

H.J. Res. 612: Mr. JACOBS, Mr. JONES of North Carolina, and Mr. McCLOSKEY.

H. Con. Res. 313: Mr. VISCLOSKY, Mrs. VUCANOVICH, Mr. HILER, Mr. POSHARD, Mr. YOUNG of Florida, Mr. LEWIS of Georgia, and Mr. ACKERMAN.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

236. By the SPEAKER: A petition of the American Bar Association, Chicago, IL, rela-

tive to H.R. 5336; to the Committee on the Judiciary.

237. Also, petition of the Board of Chosen Freeholders, Paterson, NJ, relative to veterans benefits; to the Committee on Veterans' Affairs.