

## SENATE—Tuesday, September 20, 1994

(Legislative day of Monday, September 12, 1994)

The Senate met at 10:30 a.m., on the expiration of the recess, and was called to order by the Honorable RUSSELL D. FEINGOLD, a Senator from the State of Wisconsin.

## PRAYER

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

Let us pray:

*Thou wilt keep him in perfect peace, whose mind is stayed on thee \* \* \*.—Isaiah 26:3.*

Thank You, dear God, for this thoughtful word of the prophet, Isaiah. Thank You for the offer of peace—the “peace that passeth understanding”—which can be ours when we trust in Thee. Thank You for the peace in Haiti. Deliver us, Lord, from the prison of materialism, secularism, and the hopeless bondage of seeing the temporal as the ultimate of thinking and believing.

Gracious God of truth and love and mercy, help us to realize how limited we are when we rule out the transcendental—the vertical—the upward look—and confine ourselves to the horizontal limitations of the temporal.

Lord of Life, awaken us to the limitless possibilities of peace and hope when we look to Thee and trust Thee. Give us eyes to see, ears to hear, minds to understand, hearts to receive the glorious reality so filled with hope which Isaiah promises.

In the name of the Lord of Life. Amen.

## APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The assistant legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, September 20, 1994.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable RUSSELL D. FEINGOLD, a Senator from the State of Wisconsin, to perform the duties of the Chair.

ROBERT C. BYRD,  
President pro tempore.

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

## RESERVATION OF LEADER TIME

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

## EXECUTIVE SESSION

The ACTING PRESIDENT pro tempore. The Senate will now go into executive session to resume consideration of the nomination of Adm. Henry H. Mauz, which the clerk will report.

## NOMINATION OF ADM. HENRY H. MAUZ, JR., TO BE PLACED ON THE RETIRED LIST IN THE GRADE OF ADMIRAL

The assistant legislative clerk read the nomination of Adm. Henry H. Mauz, Jr., to be placed on the retired list in the grade of admiral.

The Senate resumed consideration of the nomination.

Pending:

Murray motion to recommit the nomination to the Committee on Armed Forces with instructions.

The ACTING PRESIDENT pro tempore. The pending question is on the motion to recommit, on which there shall be 40 minutes debate to be equally divided and controlled by the Senator from Georgia [Mr. NUNN] and the Senator from Washington [Mrs. MURRAY].

Who yields time?

Mr. NUNN. Mr. President, I suggest the absence of a quorum, to be equally divided.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mrs. MURRAY. Mr. President, before we begin to discuss the motion now pending regarding the nomination of Admiral Mauz, let me take this opportunity to express my sincere admiration and gratitude to the distinguished chairman of our Armed Services Committee, Senator SAM NUNN, for the important work he and the Carter delegation did over the weekend in attempting to resolve the crisis in Haiti through diplomatic means. Certainly this Nation owes a debt of gratitude to former President Carter, Gen. Colin

Powell, and Senator NUNN for their work in bringing together the agreement on Haiti which has paved the way for peaceful entry of our troops.

Like most Americans, I am relieved that our troops are not entering Haiti in an atmosphere of hostility and resistance. The chairman of the Armed Services Committee continues to provide invaluable service to our Nation, and I am proud to have this opportunity to thank him personally.

Mr. President, since last week, when consideration of this nomination was interrupted, the Armed Services Committee has worked with the Senators involved to address the longer-term issues surrounding these types of nominations. I greatly appreciate the dialog that has occurred because, as I said in my earlier remarks, the manner in which nominations are brought to the Senate by the committee and the executive branch needs to be reviewed so that Senators concerned with one aspect or another do not have to, in the words of the Senator from Maryland [Ms. MIKULSKI] stand sentry over these nominations.

It is difficult to bring these matters before the full Senate for consideration, but on the other hand, it is impossible to look the other way when individual service members appear to have legitimate and unanswered questions.

I think all of my colleagues will agree that today is, indeed, a day when standing up for the individual service member seems more important than ever.

Before I go on, let me take this opportunity to offer my prayers and support for our service men and women who are in the process of being deployed in Haiti. It is for the individual rank-and-file soldier that I have taken this issue on, and for that I apologize to no one. They are on the frontlines on behalf of our great Nation, and I as a Senator will not shy away from ensuring that their voices are heard.

So with regard to the nomination before us and the larger problems that are associated with it, it is critical that we put into place reforms for handling these nominations. But before I address that specific point, let me address several points that were made last week during this debate.

Several Senators addressed the question of my motion to recommit, and I was not provided the opportunity at that time to respond, and I would like to do so now.

To begin, on the question of allegations surrounding Admiral Mauz, I

must stop here and make an important clarification for the record. One Senator said in the Chamber last week that I am, and I quote, "alleging that Admiral Mauz used his position to protect those guilty of sexual harassment and to cover up alleged improper handling."

Let me be clear. As I said last week several times, and I shall say so again today, in no way do I seek to pass judgment on any of the allegations that have been made regarding the nomination of Admiral Mauz. I do not have the necessary information to come to a conclusion one way or the other on this nomination.

I made the motion to recommit this nomination back to the committee for a hearing because in my review of the allegations surrounding this nomination, more questions were raised than were answered. And I believe the allegations raised against Admiral Mauz are sufficiently troubling to merit a public hearing.

My bottom line is that I strongly believe the American people deserve to know that when the U.S. Senate votes to confer high honor on our Nation's military leadership, we do so with clear justification and solid grounding in the facts of an individual's career. It is my firmly held belief that those whom we honor in the Senate should serve to a higher standard. So long as I am asked to continue to vote on these types of nominations, this shall remain my standard.

With regard to the Admiral Mauz nomination we have been considering, I remain deeply troubled by the difficulty I experienced when trying to get straight information and straight facts from the Navy. Again, I must repeat for the clarification of those who question my motives here in the Chamber, the main reason I felt obliged to bring this issue before the Senate was because the Navy provided me with conflicting information. I did not do so because I wanted to pass judgment on Admiral Mauz, and I did not do so because I wanted to be, in the words of one Senator, "politically correct." That is just plain wrong.

As I noted in my previous remarks, I have had significant dialog with the Navy on the issues surrounding the current nomination, and again I say for the record that if all of the exchanges I have had with the Navy had been direct and clear, I would not be here today.

Unfortunately, the information I received from the Navy has at times been extremely confusing and downright inaccurate. Other times, the Navy's information has been full and adequate, but it has not been consistent and reliable overall.

My own process of talking and working with the Navy to clear up these issues has left me very uneasy. If I as a Senator have had a tough time getting

adequate responses from the Navy—and I have direct access to the highest level of leadership there—I can only imagine the difficulty that faced Lt. Darlene Simmons or Senior Chief George Taylor when questions persisted for them regarding their own cases.

Let us be clear. The Darlene Simmons case landed at the feet of Admiral Mauz because she had repeatedly worked within her chain of command only to see that system fail her. When she finally worked her way up to the level of Admiral Mauz, it was because others in her chain of command had failed to stop the retaliation she was repeatedly subjected to after she reported a serious case of sexual harassment.

This is not a point in dispute by the Navy or anyone else. So, again, for the record, it was perfectly appropriate—in fact, unfortunately, quite necessary—that the Lieutenant Simmons case was brought to the attention of Admiral Mauz.

And, finally, during the course of last week's debate, just raising questions on the issue of sexual harassment and whistle blowing brought on some rather personal attacks against me. It was implied that simply because I raised questions I somehow did not understand the military or the chain of command. I will not be intimidated by those kinds of remarks. I intend to debate the merits of this issue as we do with all other issues and not get involved in questioning the motivations of Senators who have raised them.

Obviously, these are difficult and troubling issues, and, as our very able chairman has said, it is clear that we are going through a difficult transition with the military, and significant improvements to the system will have to be made. Before we proceed with the resolution of the process issue before us, I will now yield to the chairman for his comments.

Mr. NUNN addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Georgia.

Mr. NUNN. Mr. President, I thank my friend and colleague from Washington for her thoughtful remarks and for her kind comments about me and the overall remarks.

Mr. President, what is the time?

The ACTING PRESIDENT pro tempore. The Senator from Georgia has 14 minutes 44 seconds.

Mr. NUNN. I thank the Chair.

Mr. President, it is my understanding that the Senate will address this issue today and complete action on it. I addressed this nomination in detail on Monday, September 12, and again on Wednesday, September 14. Today, I will simply summarize the proceedings of the Armed Services Committee on this nomination, the nomination which received the unanimous support of all 22 members of the committee.

Admiral Mauz has served our Nation in uniform with skill, with profes-

sionalism, and with dedication. His career has included direct combat experience and patrolling the rivers of Vietnam, commander of the forces which concluded successful strikes against terrorist-related targets in Libya, establishment of the maritime embargo against Iraq after Iraq had invaded Kuwait, and development of the plans for naval involvement in the Persian Gulf war.

He is presently serving as U.S. commander in chief of the U.S. Atlantic Command, one of the most senior, responsible positions in the Armed Forces of the United States.

The Committee on Armed Services has thoroughly reviewed this nomination, which we received on May 10, 1994. We considered information from the Department of Defense concerning the informal counseling that Admiral Mauz received related to travel to the Naval Air Station in Bermuda. We twice deferred action on the nomination to consider materials submitted by the Government Accountability Project, a nonprofit, private organization which alleged: First, that Admiral Mauz retaliated against Senior Chief Master-at-Arms George R. Taylor, one of the individuals who had spoken to the news media about travel of senior officers to Naval Air Station Bermuda; and second, that Admiral Mauz was aware of sexual harassment against Lt. Darlene Simmons, a female officer in a subordinate command within the Atlantic Fleet, that he suppressed findings of his own command's inquiry into the matter, and that he failed to order any corrective action on behalf of Lieutenant Simmons.

Each of these allegations was investigated by the Department of Defense and found to be unsubstantiated. The Department of the Navy, on behalf of the Department of Defense, has responded to each inquiry made by the committee with detailed, factual information, which I placed in the RECORD when the committee reported the nomination on August 12, 1994. Subsequently, the committee received additional questions, and we obtained detailed, factual responses from the Navy, demonstrating that the allegations were unsubstantiated. I placed this material in the RECORD on September 12 and September 14.

The facts demonstrate that Admiral Mauz had no role in any of the actions taken against Senior Chief Taylor. The facts demonstrate that he took reasonable actions to address the sexual harassment of Lieutenant Simmons. The facts make it clear that he played no role in the hospitalization of Lieutenant Simmons. Each of the allegations of reprisal was reviewed not only by the Navy, but also by the DOD inspector general. There has been no finding of wrongdoing or inappropriate action by Admiral Mauz.

Mr. President, Admiral Mauz should be commended, not condemned, for the

personal responsibility that he exercised with respect to the allegations of sexual harassment made by Lieutenant Simmons. To put this matter in perspective, we must remember that there were three levels of command between him and the ship where the sexual harassment took place, the U.S.S. *Cano-pus*. As the commander in chief of the Atlantic Command, Admiral Mauz has under his command 224 ships, 1,480 aircraft, 27 bases, 12,000 military officers, 125,000 enlisted personnel, and 10,000 DOD civilians. He is responsible for an annual operations and maintenance budget of \$4.6 billion for a fleet that has been involved in operations ranging from the Arctic North to South America, including:

Supporting the Haiti embargo, the war on drugs, and Cuban migration operations;

Providing forces today for Haitian operations; and

Providing forces for regular deployments to the Mediterranean and Central Command areas.

When he learned of the incident involving Lieutenant Simmons, he took reasonable actions to monitor the investigation and actions of subordinate commanders.

None of the additional material we received in response to inquiries since the committee reported the nomination has changed, in my view, that basic committee finding.

Admiral Mauz did not simply delegate this matter to a subordinate command—which would have been entirely appropriate—but gave it direct personal attention. The direct involvement of his personal assistant for women's affairs, Comdr. Cathleen Miller, led to the prompt removal of the offending officer from Lieutenant Simmons' ship. He personally intervened two times with the Chief of Naval Personnel to ensure that she was retained on active duty. Through Commander Miller, he ensured that Lieutenant Simmons had an opportunity to communicate directly with this office throughout the conduct and review of the investigation. He implemented a series of specific training and policy actions to combat sexual harassment.

Mr. President, the sexual harassment of Lieutenant Simmons was wrong.

There was no excuse for what occurred. It was wrong. It was wrong and that is not in dispute here in this nomination.

Admiral Mauz acted promptly and repeatedly to address her concerns. Some may argue that he should have done more. But it simply cannot be argued that he turned a blind eye toward sexual harassment.

Mr. President, this nomination has the vigorous support of the administration. Secretary of Defense Bill Perry, in a letter to the committee dated September 12, 1994, stated:

Admiral Mauz has served his nation for over thirty-five years. His proven record of

exemplary service \*\*\* has clearly earned the honor of retirement with four stars.

Secretary Perry added:

Admiral Mauz's relief has been confirmed by the Senate and is ready to assume command. The operational demands of the Atlantic Fleet area of responsibility make it essential that we proceed with a smooth and timely transition. I strongly endorse the Administration's and the Committee's recommendation that Admiral Mauz be confirmed to retire in his four star grade and request expeditious Senate action.

Mr. President, I understand the concern about the allegations made against Admiral Mauz.

I certainly understand the sincere and dedicated concern of the Senator from Washington. I understand her questions. I think the questions have been entirely appropriate, and we have been pleased to work with her in trying to secure prompt answers to those questions.

The committee regarded the allegations as worthy of review, and did not act on the nomination until there was sufficient time for development of the key facts and consideration of that information by the committee, and in turn certainly by the Senate. We have made that information available to the Senate, and every Senator can reach his or her own conclusion on the merits of the nomination. In the opinion of the Armed Services Committee, the 35 years of dedicated service to the Nation by Admiral Mauz warrants retirement in grade, and I urge my colleagues to support the committee's recommendation and the recommendations of the President and the Secretary of Defense.

Mr. COATS addressed the Chair.

The ACTING PRESIDENT pro tempore. Who yields time to the Senator?

Mr. NUNN. How much time do I have remaining?

The ACTING PRESIDENT pro tempore. Six minutes fifty seconds.

Mr. NUNN. How much time does the Senator from Washington retain?

The ACTING PRESIDENT pro tempore. Seven and one-half minutes.

Mr. NUNN. I believe we have plenty of time.

I yield to the Senator 5 minutes.

The ACTING PRESIDENT pro tempore. The Senator from Indiana [Mr. COATS].

Mr. COATS. Mr. President, I thank the Senator from Georgia for yielding.

#### HAITI

First of all, while he is on the floor, I want to add my commendation to him for his extraordinary efforts over this past weekend in resolving a situation which would very likely have put our men and women in uniform in a much more difficult situation. They are safely occupying the island nation of Haiti thanks to the tireless efforts of the chairman of the Armed Services Committee, the Senator from Georgia. I want to personally thank him for his efforts in that regard.

#### THE MAUZ NOMINATION

I also want to thank him for his efforts here in resolving what has been a difficult question. I regret that the distinguished 35-year career of Admiral Mauz is ending with a cloud hanging over his retirement.

I am pleased that the issue has been resolved. There may very well need to be a review of procedures within the Department of the Navy. But after very thorough examination about Admiral Mauz's involvement in this particular issue, the Armed Services Committee, and I personally, have concluded that Admiral Mauz has taken no adverse action in this regard. In fact, he took action that was beyond what he could have taken, because he recognized this as a sensitive matter and wanted to be personally involved in assuring the rights of the complainant. I think the record demonstrates that.

I think it is very unfortunate that an individual who has served this Nation so well finds his nomination held up while an issue relative to a situation under his command—but in which he, I think, performed admirably—is resolved. I am pleased that it is now resolved. I am hoping that the U.S. Senate can overwhelmingly, if not unanimously, confirm this nomination for retirement of Admiral Mauz in full grade of admiral. He has provided this Nation with extraordinary service. Senator NUNN outlined some of that service. He has been placed at levels of the highest responsibility and has conducted himself admirably in every regard. I just hope now that he can secure this retirement in full grade with the overwhelming, if not unanimous, support of the Senate.

I regret that one of the ways that we have to get attention is to utilize situations where individuals are involved and, unfortunately, it goes to their character and reputation. And I hate to see Admiral Mauz having any cloud hanging over his 35 years of distinguished service to this Nation. I trust now that this is satisfactorily resolved and we can give him our full support in the vote that is about to occur.

I yield back any time remaining.

Mrs. MURRAY. Mr. President, I wish to turn to the larger issue facing the Senate with regard to how these nominations are handled.

Senators need to know with a reasonable degree of certainty that when individual service members have made serious allegations and charges in relation to a nomination, those allegations have been adequately addressed and given full consideration by the executive branch, the committee, and the full Senate.

It is critical that we put into place reforms for handling these nominations. The very first thing we need is direct access to timely and reliable information. We need to know that legitimately raised allegations and concerns have been thoroughly reviewed.

And as the Senator from Maryland, Senator MIKULSKI, has said, we need to know that questions asked are questions answered. We need to ensure that all relevant voices have had an opportunity to be heard before these nominations come to the Senate floor.

What we are essentially asking for is an additional safeguard in the review process of these nominations by the executive branch when significant allegations persist. Toward that goal, I have joined Senators MIKULSKI, BOXER, MOSELEY-BRAUN, and FEINSTEIN, in writing to Secretary of Defense William Perry, requesting serious review of the process.

I ask unanimous consent that our letter be printed in the RECORD.

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

U.S. SENATE,  
Washington, DC, September 19, 1994.

Hon. WILLIAM PERRY,  
Secretary of Defense,  
Washington, DC.

DEAR SECRETARY PERRY: During the last several months, the United States Senate has considered and debated the retirement of two Admirals—Admiral Frank Kelso and Admiral Henry Mauz—at the rank of four stars.

During each of these debates, the five Democratic women Senators, among others, raised serious questions about how the Navy handled incidents of sexual harassment and whistle blowing. During each of these debates, we also raised issues about the process of evaluating allegations made regarding the Admirals' conduct. In each case, the seriousness of the allegations and questions raised were underestimated.

Let us be clear—we support the United States military. What we are concerned about is the integrity of the process. We owe it to the United States Navy, the United States Senate and the American people to have a sound process anticipating these issues.

When a controversial or high profile retirement is sent to the Senate, the Department of Defense must anticipate questions that will be raised and must anticipate the information Senators need to proceed on the recommendations.

We cannot continue to address controversial promotions or retirements in this fashion. The Department of Defense must develop a process for reviewing these types of cases before they come to the floor of the Senate. We look forward to hearing from you as quickly as possible.

BARBARA MIKULSKI.  
BARBARA BOXER.  
PATTY MURRAY.  
CAROL MOSELEY-BRAUN.  
DIANNE FEINSTEIN.

(Mrs. BOXER assumed the chair.)

Mrs. MURRAY. In addition, I believe I have the chairman's commitment to continue the work his committee is doing in this regard, so that we can develop a better process to deal with these types of situations.

Mr. NUNN. Madam President, I appreciate the concerns of the Senator from Washington. I understand her concern about certain communications she received from Navy officials about this nomination.

It is important that legitimate allegations about nominations be reviewed in a careful manner that provides information upon which the Senate can rely. In my judgment, the present system works well in most cases. From time to time, however, we do encounter situations in which the committee requires further review because we are not satisfied with the quality of the response from the executive branch.

As I have said before, I believe the committee received the information it needed to act on this nomination. In addition, we submitted to the Navy questions prepared by the Senator from Washington, as well as other Senators, as well as their followup questions, and we insisted upon prompt answers from the Navy. I placed these answers in the RECORD on September 14, 1994.

I recognize that this is a matter upon which Senators can disagree. Our goal should be to ensure that Senators have confidence in the information provided by the executive branch from which they are to make their judgments on nominations.

The allegations concerning nominees can involve a wide variety of issues, ranging from criminal to administrative matters. The issues may involve new allegations, or they may involve issues that have been previously investigated by the agency concerned. Given the variety of circumstances, there can be no one procedure for investigating and reporting on all of these matters. What we need to ensure, however, is that the information received reflects careful review of the issues and that it represents a clear response to the allegations made.

Quite apart from this particular nomination, Admiral Mauz's, the issues that have been raised with respect to a variety of other nominations we have considered during this Congress have led me to conclude that an assessment of the process by which the executive branch and the committee review both civilian and military nominations is in order. I am committed to engaging in a review that involves dialog with the executive branch, with a view toward implementing changes that may be warranted later this year so that they can be put in place prior to receiving nominations in the next Congress. Should any legislative changes be required, we will seek to have them enacted in the next Congress.

Mrs. MURRAY. Madam President, I appreciate the chairman's commitment to reassess the process whereby the executive branch and the committee review both civilian and military nominations. I agree that it is critical that this review take place promptly so that any changes can be implemented by the end of this calendar year.

I thank the Senator from Georgia for his ongoing assistance with this problem, and I take this opportunity to once again thank the Committee on

Armed Services for going the extra mile throughout the process to address my concerns.

Mr. NUNN. I thank the Senator from Washington and her colleagues for the constructive role they have played in raising what have been difficult and very legitimate questions.

Mrs. MURRAY. How much time is remaining, Madam President?

The PRESIDING OFFICER. The Senator from Washington has 5 minutes 12 seconds.

Mr. NUNN. I have a procedural question, Madam President. There are a couple of other Senators who want to speak on this question. If the motion to recommit is withdrawn, is the time still open for debate, under the control as previously allocated?

The PRESIDING OFFICER. If the motion to recommit is withdrawn, the consent agreement requires us to vote immediately on the nomination.

Mr. NUNN. I was told that a rollcall vote was in order, and if a rollcall vote was requested, that rollcall vote would be deferred until after the caucus.

The PRESIDING OFFICER. The Senator is correct.

Mr. NUNN. It is my intent to ask for a rollcall vote. So I guess my question now is: If a rollcall vote is ordered, is any time remaining for debate on this nomination?

The PRESIDING OFFICER. If a rollcall vote is ordered, the time between now and 12:30 would be open for debate.

Mr. NUNN. I thank the Chair.

The PRESIDING OFFICER. The Senator from Washington has 4 minutes remaining.

Mrs. MURRAY. Madam President, before I withdraw my motion to recommit this nomination, I want to be very clear about why I am taking that action.

I believe that with the distinguished chairman's commitment to address the overall problem as to how these cases are reviewed and handled by the Defense Department, we have moved the debate forward in an important way. I hope the end result will be that all members of the service will be better served—no matter how high ranking or how junior. This represents real progress in my mind. I thank those colleagues who have come to me with their support, and I assure each of them that I will continue to work with them as we seek resolution to this problem.

I say with deep regret that I continue to have serious and unanswered questions about the cases related to this current nomination before us. Unfortunately, I have been at this for many weeks now and I have come to the conclusion that the current process we are involved in is inadequate to the task of allowing for a full venting of the Simmons and Taylor allegations.

I have come to the conclusion that the best use of my time and energy is

not on a single nomination, but on bringing about reform and change to the overall system so that it is more fair in the future.

I am committed to working with the committee to see that the system is set straight. And I believe important progress can and should be made by the end of this year. Failing that, you can bet that I will be back next year standing sentry to every nomination that I have to vote on.

In America, we believe very strongly in the power of a single vote. And so I say without apology that I will never hesitate to ensure that my vote here in the U.S. Senate is available to give voice to the servicemen and women who so bravely stand sentry over this country. I owe them that much.

Madam President, how much time is remaining?

The PRESIDING OFFICER. There are 2 minutes and 3 seconds remaining.

Mrs. MURRAY. Is the Senator from Georgia controlling time?

The PRESIDING OFFICER. The Senator from Georgia has 36 seconds; the Senator from Washington has 2 minutes.

Mr. NUNN addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. NUNN. Madam President, what business will be addressed by the Senate following this time expiration?

The PRESIDING OFFICER. The Senate will stay on this nomination, debating it, until 12:30.

Mr. NUNN. So even though the time would expire on the motion to commit, there will be time for other comments on the nomination before the rollcall vote?

The PRESIDING OFFICER. The Senator is correct. There will be time remaining until 12:30 for comments on the nomination.

Mr. NUNN. I thank the Chair. I yield to the Senator from Virginia all of my 36 seconds, every one of them.

The PRESIDING OFFICER. Does the Senator ask for the yeas and nays on the nomination?

Mr. NUNN. I ask for the yeas and nays on the nomination.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from Virginia is recognized for 36 seconds.

Mr. WARNER. Madam President, I tender my apologies for being late this morning. I had a routine eye exam and did not know that this had been scheduled.

Madam President, my time has expired.

The PRESIDING OFFICER. The Senator is correct. The time has expired.

The Senator from Washington has 2 minutes remaining.

Mrs. MURRAY. Madam President, since a rollcall vote has been asked for

on the nomination, let me make very clear that I will reluctantly vote "no". It is not my preference to take a position on the nomination itself. I do not believe that we have the necessary information to come to a conclusion one way or another on this nomination. There are very important, unanswered questions in my mind and lingering doubts that remain that the current review process has failed to answer. So on the nomination, if we are required to have a vote, I will reluctantly be voting "no".

Madam President, I ask unanimous consent that the motion to recommit the nomination to the committee be withdrawn.

The PRESIDING OFFICER. Is there objection? Hearing none, it is so ordered.

All time has expired. Who seeks recognition?

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Parliamentary inquiry. What is the business now before the Senate?

The PRESIDING OFFICER. The pending question is the nomination of Adm. Henry Mauz, Jr.

Mr. WARNER. Madam President, do I understand that the nomination will be pending for the next approximately 1 hour and 15 minutes; is that correct?

The PRESIDING OFFICER. The Senator from Virginia is correct.

Mr. WARNER. Within which time Senators may address the nomination and there is no control of the time?

The PRESIDING OFFICER. The Senator is absolutely correct.

Mr. NUNN. Will the Senator from Virginia yield?

Mr. WARNER. Yes.

Mr. NUNN. Madam President, it is my intent to keep this nomination pending as long as anyone wants to speak. At such time when we do not have people to speak on the nomination and it appears to the Senator from Georgia the debate has been concluded, I will ask unanimous consent that we go back into legislative session for a period of morning business so Senators can speak up to 10 minutes each until 12:30. That would mean we would no longer be on this nomination.

So if the Senator wanted to speak on this or other things in morning business, that would be permitted.

Mr. WARNER. I wish to exercise my right to such time as I may require, which I anticipate will not be in excess of 10 minutes.

Madam President, I rise to support the nomination of Admiral Mauz to be retired in the grade of admiral. I have reviewed carefully the allegations against Admiral Mauz and the investigations of each of those allegations. I cannot find any basis for denying this superb, professional naval officer the right and privilege of being retired in

the grade in which he has served honorably since July 1992.

First, let me say that I, along with every Senator I know in this Chamber, abhor sexual harassment in any form. But Admiral Mauz has not been accused of sexual harassment. The allegations are, generally, that he did not respond adequately to a sexual harassment case within his command. Based on the results of the pertinent investigations which I have reviewed, I do not agree that the allegation has been substantiated.

I want all my colleagues to know that the chairman and ranking member have gone far beyond the normal process to ascertain the facts in this nomination. They have conducted numerous inquiries, held several executive sessions of the committee with lengthy discussions and consulted frequently with the leadership of the Navy.

Madam President, the Secretary of the Navy, the Honorable John Dalton and the Chief of Naval Operations, Admiral Boorda, have also been fully cooperative and engaged in the investigation regarding this nomination. The leadership of the Navy, and indeed, all elements of the Navy have been totally cooperative and responsive to the Armed Services Committee. I am sure I speak for all members of the committee in expressing our appreciation to Secretary Dalton, Admiral Boorda, and all those in the Navy who have endeavored to assist the committee in resolving this matter.

It is becoming obvious just how raucous even the most routine of nominations is becoming for not only the Armed Services Committee but the Senate. The chairman and ranking member are now required to spend far more time and energy on these nominations than any of us have experienced in years past. More and more of the time of the committee, including the committee staff, is consumed ascertaining the facts in an increasing number of allegations against nominees. I want to take this opportunity to commend the chairman and the ranking member for their patience, competence and perseverance in these matters. They are doing it completely objectively and very thoroughly, together with a highly qualified staff.

Madam President, it is obvious to me and I believe to all my colleagues that these nominations are becoming increasingly difficult. It should also be apparent to those in the military services that all military nominations are becoming more difficult to deal with and they should do all they can in the preparation—that is, in the Department of Defense—before they send them to the Senate.

Madam President, as I indicated earlier, I support the retirement of Admiral Mauz in his current grade of admiral. Admiral Mauz has had a distinguished naval career spanning some 35

years, which has included critically important naval commands in combat. In all these positions of immense responsibility, he has served with distinction. His effectiveness, professionalism, and integrity were continually recognized in his naval career and he was rewarded with consistent promotions attaining the highest flag rank, that of admiral.

The President has nominated Admiral Mauz to be placed on the retired list at his current grade of admiral. The Armed Services Committee—after fully reviewing all the allegations against him—has voted to recommend favorably his nomination to the Senate. I fully support this nomination and I urge all my colleagues to support it also.

I would just like to conclude, Madam President, with a few observations based on many years of experience in dealing with the professional officers, not only in the Navy but all branches of the service. These are highly dedicated people and they do their very best to adapt to the ever-changing laws and indeed the policies of this country.

In this instance, I have known Admiral Mauz personally and observed his work over many years. We have to bear in mind that at the time these allegations were raised, his command looked like a pyramid. He was on the top of literally thousands of people under his direct supervision. It is my judgment, and that of the committee, that he handled this quite well. But I am concerned about the increasing number of allegations, particularly in the area of sexual harassment. This is a new area, in some respects, which is long overdue to be examined with great care by the military and, indeed, those of us here in the Senate who have this special responsibility of reviewing the retirements when recommended by the President of the United States.

But I have always been of the impression that a retirement is something to be viewed not only in terms of that individual who served in uniform but his or her spouse, as the case may be, and, indeed, the children. It represents an investment of a family life; a career, indeed, is a family investment. We have seen evident the pictures of the men and women of the Armed Forces who have been deployed into the Haiti situation and observed the stress on the families left behind.

We should bear in mind, as we look at these promotions as well as the retirements, that it is a family situation, particularly in the case of a retirement where an officer, in this instance, has devoted in excess of 30 years and his family has been with him by his side. When we look at a challenge—to taking away part of that earned retirement, if it is to be taken is the judgment of the Senate, or awarded if it is the judgment of the Senate, whichever case—it is to both the officer and his

family. That is why I look very carefully at these and I urge all Senators to do likewise.

I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. NUNN. Madam President, in recent days the committee received a number of additional questions about this nomination which we provided to the Navy. I ask unanimous consent the Navy's response be printed in the RECORD.

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

THE SECRETARY OF THE NAVY,  
Washington, DC, September 19, 1994.

Hon. SAM NUNN,  
Chairman, Committee on Armed Services, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: Attached are responses to five additional questions forwarded from your Committee for the response of the Commander Cathleen A. Miller, U.S. Navy, regarding the pending confirmation of Admiral Henry H. Mauz, Jr.

I hope that Commander Miller's responses to these additional questions are helpful and will serve to resolve the matter.

A similar letter has been sent to Senator Thurmond.

Sincerely,

JOHN H. DALTON.

Enclosure:

Per your request, I have posed the following questions to Commander Cathleen Miller by telephone and she has provided the following responses:

1. Question: What is the name of the medical officer who was on board the U.S.S. *Cano-pus* and who referred LT Simmons for psychiatric observation?

Answer: The ship's senior medical officer, LT Michelle Burkardt, recommended that LT Simmons be evaluated by a psychiatrist at the Naval Hospital, Naval Air Station Jacksonville. The junior medical officer, LT Ken Hildreth concurred in that recommendation.

2. Question: On what date did the medical officer refer her to the psychiatrist at the Naval Hospital, Naval Air Station Jacksonville?

Answer: Oct. 9, 1992.

3. Question: In the course of your investigation and follow-on conversations with LT Simmons, did she ever allege that LT Burkardt, LT Hildreth, or Dr. Quinones acted in reprisal for her sexual harassment allegations?

Answer: No.

4. Question: In the course of your investigation and follow-on conversation with LT Simmons, did she ever lodge a complaint against LT Burkardt, LT Hildreth, or Dr. Quinones for their actions with respect to the referral, either as a separate complaint or in conjunction with her complaints against others?

Answer: She did not lodge a complaint. In the course of my investigation, she verbally informed me she did not agree with the referral because she believed it was unnecessary. In my discussion with LT Burkardt, the senior medical officer, and LT Hildreth, the junior medical officer, both provided me with specific medical reasons for the referral, which were validated by Dr. Quinones, the psychiatrist at the Naval Hospital, Naval Air Station Jacksonville.

5. Question: In the course of your investigation and follow-on conversations with LT

Simmons, did she ever lodge a complaint against LT Burkardt, LT Hildreth, or Dr. Quinones with respect to the quality of medical care during the October 9-13 period, from her referral through release from the Naval Hospital, Naval Air Station Jacksonville?

Answer: No.

#### LEGISLATIVE SESSION

Mr. NUNN. Madam President, I ask unanimous consent the Senate return to legislative session.

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

#### MORNING BUSINESS

Mr. NUNN. Madam President, I ask unanimous consent there be a period for morning business not to extend beyond 12:30 p.m., with Senators permitted to speak therein up to 10 minutes each.

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

#### DEDICATION OF THE JOHN J. SPARKMAN CENTER FOR MISSILE EXCELLENCE

Mr. HEFLIN. Madam President, the John J. Sparkman Center for Missile Excellence at Redstone Arsenal was formally dedicated on August 22. The Sparkman Center consolidates and houses the missile command that manages the missile material mission for the Army, as well as other functions located at Redstone. I was deeply gratified to see this complex completed and functional, not only for what it means to our national security, the U.S. Army, and the State of Alabama's future, but because of the fitting honor it bestows upon the memory of the late Senator John J. Sparkman.

Huntsville was, of course, John Sparkman's home, and he would be very proud of the way his city continues to grow and lead the Nation in advanced technology innovation and research. Throughout his more than 42 years in Congress, he was the driving force in making Huntsville the leading research and scientific center that it has become. The fact that Redstone Arsenal and NASA's Marshall Space Flight Center are located there is due in large part to his strong leadership. Indeed, he did so very much for this vibrant city in so many ways.

John Sparkman was born in 1899, in an unpretentious tenant farm home near Hartselle. One of 11 children, he learned the traditional American values of hard work, religious faith, and eagerness to learn at a young age. He used the proceeds from the sale of a cotton crop he had grown himself to enroll at the University of Alabama, where he planned to study to be a schoolteacher.

While earning his bachelor, master, and law degrees, John Sparkman was

awarded a teaching fellowship in history and political science, served as editor of the student newspaper, and was elected president of the student government.

In 1936, after practicing law in Huntsville for a number of years, John Sparkman was elected to the U.S. House of Representatives. During his five terms in the House, he served on the Military Affairs Committee, which was particularly crucial during World War II and to the development of Redstone Arsenal. In his last term, he served as majority whip.

In 1946, Congressman Sparkman was confronted with a rather unique situation. After he easily received the Democratic nomination for an expected sixth term in the House, the death of Senator John Bankhead, Jr., created a vacancy in the Senate. John decided to seek that vacant seat, and won the primary vote over two formidable opponents without a runoff. In the general election, his name appeared as the Democratic candidate for both the senate and House seats. I know of no other American political figure who has been elected to the Senate and the House on the same day and the same ballot.

In his early days in the Senate, one of John Sparkman's primary legislative interests was the Nation's small businesses. As the first chairman of the Senate Select Committee on Small Business, and the chief sponsor of the legislation creating the Small Business Administration, Senator Sparkman helped to establish an economic climate favorable to small businesses.

In his last term, Senator Sparkman assumed the role of chairman of the Committee on Foreign Relations. As chairman, he worked to alleviate the major health problems of the world. Earlier, as a committee member, he had been a key leader in the establishment of both NATO and of the Marshall plan. In 1950, he was the U.S. representative to the Fifth General Assembly of the United Nations. He strongly advocated bipartisan cooperation in the foreign affairs.

Additionally, he was instrumental in the passage of laws dealing with education, crop insurance, veterans' benefits, and the Tennessee Valley Authority. He once said that of all his accomplishments, he was most proud of his work to pass the Rural Electrification Act, which carried electric lights and other electrical uses to the outlying rural areas of the country and brought progress to every corner of the land. He also served as cochairman of the Joint Defense Production Committee for several Congresses.

Long before his seniority won him the chairmanship of the Committee on Banking, Housing, and Urban Affairs, he had become known as "Mr. Housing." He believed that homeownership should be the attainable goal of every

American family, and that the Federal Government should foster, encourage, and assist them in reaching this goal. He was the primary craftsman of almost all public housing legislation, beginning with the Housing Act of 1949, which began the Nation's Urban Renewal Program.

The millions of homes built under Federal Housing Programs were built largely because of Senator Sparkman's leadership, dedication, and commitment, and stand as a fitting and proper tribute to his work. The Sparkman Center is a welcome addition to his housing legacy, as it will house one of the army's most important functions.

During the 1950's and 1960's, one of the major issues that, of course, confronted Senator Sparkman was civil rights. In 1948, the Democratic Party in Alabama came under the control of the Dixiecrats and split from the national party. John Sparkman refused to go along. Not only did he keep his allegiance to the national party, he also successfully fought the Dixiecrats for control of the State party thereafter for a number of years. Throughout the civil rights struggle, John Sparkman was a southerner who was recognized as being a voice of reason, progress, and moderation.

In 1952, yet another testimonial to his outstanding abilities was paid when the Democratic National Convention selected him as its Vice Presidential nominee. Unfortunately, the Stevenson-Sparkman ticket was up against a man who was perhaps the most formidable adversary possible at that time—Gen. Dwight Eisenhower. The defeat he suffered that year would be the only electoral loss John Sparkman ever experienced, as he went on to four more successful Senate races.

Many of my present colleagues in the Senate who served with him remember John Sparkman as a leader who stood for and supported enhanced educational and professional training opportunities for all citizens. It is entirely fitting that this new complex at Redstone is named for him. Such a dynamic, living memorial is the only kind appropriate for a man whose most basic instincts resonated with a vigorous orientation toward the promise of the future.

In many ways, John Sparkman's life and career demonstrated both the opportunity which America provides and the progress we as a Nation made during the more than 85 years that he lived. He served in Congress longer than any other Alabamian—through the Great Depression, World War II, the Korean conflict, the war in Vietnam, the social discord of the civil rights struggle—much of which was centered in his home State—and the resignation of a President. We can all learn something from reflecting upon his life and times.

I am proud and excited that this living memorial to a great Alabamian and

American—the John J. Sparkman Center for Missile Excellence—has now become a reality. The center will prove instrumental in guiding our national security, the U.S. Army, and Huntsville into the next century, and will live on as a testament to the life and work of one of our most outstanding public servants.

#### KIDS VOTING ARKANSAS

Mr. PRYOR. Madam President, I would like at this time to pay a special tribute to an organization that is known as Kids Voting Arkansas. This is a fledgling organization in my State, but it is flourishing and it is involved in a most noble endeavor.

Kids Voting Arkansas is dedicated to the proposition that we should get our children interested in voting. This group believes that, by getting kids interested in the democratic process, you accomplish two things: First, you help develop a new generation of conscientious voters for life; and second, the children, in turn, encourage their parents and grandparents to vote.

Nothing is more integral to a democratic society than the right of the individual to vote in free and fair elections. I traveled to the Philippines in the mid-1980's to witness the first national elections that were held after democracy was restored to that country. I saw millions of people standing in line for hours on end, some literally risking their lives, for the right to have some say in the way their country was run. Thanks to televised news reports, most of us have witnessed similar scenes in other countries. In nearly every case in such countries, voter turnout totaled more than 80 or 90 percent.

Ironically, in the United States—the modern cradle of democracy—the right to vote has been taken for granted in most quarters. Voter turnout has been declining nationally since 1960. In 1992, only 61 percent of eligible voters cast ballots nationally. In Arkansas, that figure was only 54 percent.

Kids Voting Arkansas seeks to re-engage communities in the voting process through education and community activism. Children in participating communities receive civics lessons on elections and voting. Those lessons stress not only the mechanics of voting, but how to gather information about issues and candidates.

Meanwhile, communities become involved by organizing special registration events, candidate forums, and debates. Finally, on election day, students are allowed to go to the polls and cast a ballot in which they express their opinions on the same candidates and issues as their parents. While those ballots are not counted in the election, they are tallied and released to the media.

In Arkansas, as many as 11,000 students from the towns of Cabot and

Bentonville are taking part in Kids Voting Arkansas' pilot project this year. I am sure that the success of this program in these communities will only cause such efforts to multiply across the State.

I want to applaud Kids Voting Arkansas for seeking to breathe new life into the electoral process in our State. I also applaud Karen Brown of Siloam Springs, the organization's executive director, as well as Steve Trolinger of Bentonville and Shelly Moran of Cabot, who are serving as cochairmen of the organization's board of directors. They are engaged in a most worthy cause, and they deserve the respect and support of us all.

#### WEST VIRGINIA SCHOOLS RECEIVE AWARDS

Mr. ROCKEFELLER. Madam President, I am enormously proud to recognize three schools in West Virginia that have been selected to receive a national award by the U.S. Department of Education for their effort to combat drug abuse. The innovative programs of these schools can serve as an inspiration to other schools in West Virginia and across the country.

Richmond Elementary in Kanawha County received this honor in 1992. McKinley Elementary in Wood County, and Greenbrier East High School in Greenbrier County are winners of the 1994 National Drug-Free Schools Recognition Award. The U.S. Department of Education created this commendable program in 1987, to give national attention to those schools that have made outstanding progress in their efforts regarding drug prevention and intervention.

The Richmond Elementary School drug prevention program is unique because it draws support and participation from both students and adults in the community. Some of the activities include Drug Abuse Resistance Education [DARE], parent awareness workshops, a special needs library, Just Say No clubs, and motivational classroom programs. It is clear that this school has successfully integrated drug-free programs into the curriculum. I also want to note that each year this school participates in a Red Ribbon Rally that recognizes a commitment to a substance-free lifestyle. Like so many of West Virginia's schools, Richmond Elementary educates students to be productive citizens in a complex society through the numerous programs that have provided a positive atmosphere conducive to learning.

McKinley Elementary is another school in West Virginia that will receive a drug-free recognition award from the Department of Education. Many of the students attending McKinley are street wise children from single parent homes. Thus, the school works tirelessly to prepare these students for

a prosperous future that is devoid of drugs and other detrimental influences. McKinley Elementary is also well regarded for its after-school program. The primary goals of this program are building self-esteem, encouraging students to stay in school, and ensuring that proven students remain drug-free. McKinley's efforts have shown to be successful and have also helped improve attendance at school.

The Greenbrier East High School is the third winner of the U.S. Department of Education's Drug-Free School Recognition Program. Greenbrier follows the Horizons curriculum which provides hands-on educational experiences that include instruction in the areas of communication, self-esteem, managing stress, relationships, decisionmaking, and drugs. In addition, teachers have successfully included special drug awareness programs within the traditional classroom instruction. The students of Greenbrier East have demonstrated that they are a community that takes great pride in their school through their efforts to maintain standards of excellence.

I am especially proud to recognize these recipients because I helped draft the original legislation for the Drug-Free Schools and Communities Act in 1986. This was first a comprehensive effort at the Federal level to ensure that drug education and substance abuse prevention would be offered in classrooms around the country. I have visited numerous schools in West Virginia to see how this program has worked. I am delighted that this program will be expanded under the elementary and secondary schools reauthorization bill recently passed by the Senate to cover violence prevention as well as drug education. Both of these issues are critical to achieve a safe environment in schools, which is necessary for our children to learn.

Thanks to Goals 2000, which was signed into law by President Clinton on March 31, 1994, we have established in law our national education goals including that every school be safe and free of drugs and substance abuse by the year 2000. I believe that awareness programs will help us achieve this important goal.

This Congress has made education a priority by enacting key legislation, including Goals 2000 and the School-to-Work Opportunities Act, which I was proud to cosponsor. The reauthorization of the Elementary and Secondary Act is pending in conference and should be enacted by the end of the session. Enactment will restructure Federal programs and provide funding to move forward on fundamental education reform. All of these actions are crucial for our students and our future.

#### PLEASANTS COUNTY MIDDLE SCHOOL RECEIVES JOHN HERKLOTZ AWARD

Mr. ROCKEFELLER. Madam President, today I would like to recognize an example of outstanding excellence and community involvement in education. On April 26 of this year the Pleasants County Middle School of Belmont, WV, received the John Herklotz Award, presented by the National Association of Secondary School Principals [NASSP]. This West Virginia school was among just 10 schools from across the country recognized for "making an outstanding contribution to teaching democracy" during its mock election activities sponsored by the National Student-Parent Mock Election.

The activities which earned the eighth grade students and their civics teacher, Mr. John Eichhorn, the award began in November 1992, just prior to the national election. The classes invited community representatives to the school in order to explain the process of campaigning, voting, and balloting. The eighth graders then registered all students and staff members for their mock election and assigned each one to their respective polling places in Pleasants County's 11 districts. Other activities included the construction of student-run party headquarters and the display of campaign materials provided by local, State, and national candidates.

The school's election activities continued the Thursday before the national election with a political rally attended by all Pleasants County candidates and several State candidates. The rally, an event open to the community, was an affair of balloons, banners, music, and speeches by both students and visiting candidates. The following day the students held their election using official polling booths and ballot boxes provided by the county and manned by student commissioners and clerks.

The mock election program concluded in January with a variety of inaugural activities including a swearing-in ceremony and address featuring students portraying political figures. Local political leaders and a representative from the Governor's office were also on hand to address those present. Meanwhile, the school and community were treated to a performance of patriotic pieces by the Pleasants County Middle School choir and band. A picnic lunch was then provided for students as they watched the swearing-in of the President and Vice-President on television.

The day's events culminated with an inaugural parade and ball. The parade featured the school's band, floats, and students dressed to portray political leaders. The semi-formal Inaugural Ball and Reception was held in the school's decorated cafeteria and allowed students to mingle and converse with visiting guests and dignitaries.

I cannot stress how excited I am to see such an outstanding example of community and school interaction and hands-on learning experiences in our schools. Such programs offer an entertaining way for students to put what they have learned into a practical context, and provide for the students a sense of involvement in the political process. It is efforts like those of Mr. Eichhorn and his civics classes which help instill pride in our democratic system of government in our students and inspire them to be engaged and active citizens. I can only hope that more schools will follow this example, and use creative ways to promote citizenship.

I am sure that my colleagues and my fellow West Virginians join me in congratulating the students, faculty, and staff of the Pleasants County Middle School.

#### SWITCHED LITIGATION POSITION OF THE CIVIL RIGHTS DIVISION IN THE TAXMAN CASE

Mr. GRASSLEY. Madam President, we are beginning to see a pattern in which the Justice Department changes its position on litigation to further the implementation of social engineering.

The Justice Department has already switched sides in the Knox case. In that case the department, very much contrary to congressional intent, refused to uphold a child pornography conviction for possession of video tapes of scantily clad young girls. What is different about the Clinton Justice Department's handling of the case is that the prior administration, the Bush administration, had obtained a conviction against Knox. The Clinton Justice Department's position in that Knox child pornography case was rejected by the third circuit, but not before the Department of Justice suffered a great public embarrassment. Even the President distanced himself from the Department's views. This was after this body 100 to 0, said that the Justice Department was wrong.

We have discussed the Knox case previously. I do not want to go into that. But I just use that as a point of departure because now the Clinton Justice Department is again refusing to take yes for an answer in an employment discrimination case. The Department now argues that employers may fire someone solely because of their race. They permit such race-based firings even when the employer has never discriminated, and even when the employer's work force continues to have, and contains, a high percentage of minorities and even a higher percentage of minorities than the general population.

I fear that the Department's social engineering is contrary to title VII, and the cases interpreting title VII. And I think the Justice Department's position is going to exacerbate racial tensions for no good purpose.

Originally, the Bush Justice Department brought the case that I am talking about under title VII of the Civil Rights Act of 1964 against a New Jersey school district. That district had decided to cut teaching positions in a business education department at the high school. State law required that the teachers with the least seniority be laid off. In this case the lowest seniority was shared by two teachers. One teacher was white and one teacher was African-American. Both teachers indisputably were equally qualified. The black teacher happened to be the only black business education teacher. Solely because of her race, and pursuant to an affirmative action policy, the board fired the white teacher, Sharon Taxman, and retained the African-American teacher, Debra Williams.

The Justice Department initially argued that the layoff was an illegal minority preference, and it continued to do so long after President Clinton took office. In this case, the district's policy was not adopted to remedy the effects of past discrimination because the district had never discriminated, nor were African-Americans underrepresented in the district's work force. Minority groups made up a larger percentage of the district's teachers than their share of the general population. There is nothing wrong with that. Even if Taxman had been retained and Williams fired—in other words, if the white teacher had been retained and the black teacher fired—the school district still would not have had an underrepresentation of minority teachers.

In short, the district sought to use racial preferences not to achieve a racial balance but instead to maintain one. No case has ever upheld the use of such racial preferences in these circumstances.

There was a second reason the Justice Department originally maintained that the racial preference in this case was illegal. The district's affirmative action plan had no ending date, and it is very essential that such affirmative action plans be temporary. But this plan had existed since 1975 despite an absence of discrimination and despite the achievement of a racial balance.

Under these circumstances, the Department argued that the district court violated the rights of nonminority employees. The Federal district judge agreed with the Justice Department. The Federal district judge, a woman, held that the school district's policy violated title VII and numerous Supreme Court decisions.

When it came time for the appeal, however, the Justice Department—at the time of appeal this is a new Justice Department under President Clinton, and particularly Assistant Attorney General Deval Patrick—had a change of heart, despite passing over six earlier opportunities to repudiate its original view. The Department

switched sides, and now seeks to argue that the affirmative action plan was lawful. It claims that the district court's adoption of its own earlier positions took too narrow a view of affirmative action.

The Department's change, from my perspective, is a cause for concern, and is my reason for addressing my colleagues. If the law changes, new facts are discovered, or the Government has lost the case in a court below, then a change of position may well be warranted.

For example, when the Clinton administration reversed the Bush administration's views on the constitutionality of a California State tax in a Supreme Court case last year based on a view of congressional intent that the Court accepted, then you can find no fault with that. There is a basis for doing that. But where the decision to switch runs contrary to congressional intent, contrary to case law, and if it seeks to overturn a case the Justice Department had won below, then I do not believe there is any justification whatsoever. And that is an entirely different matter.

This country suffered, and continues to suffer, from longstanding policies that based decisions solely on the race of the person affected.

(Mr. MATHEWS assumed the chair.)

Mr. GRASSLEY. These policies were wrong, and they have caused tremendous harm and suffering and disunity within our society. In 1964, Congress demanded that employment decisions be based on the merits of the individual, not on the merits of a group which that individual might belong to.

The school district in this case fired a white school teacher based solely on her race, even though it had never discriminated before and did not have a racial imbalance in its work force. In doing so, Mr. President, the school district violated the law. Now the Justice Department believes that diversity is the highest goal in employment, not fair, individualized treatment. The switch is unjustified and it is erroneous.

Moreover, the Department and Mrs. Taxman's attorney had worked closely together in preparing their case before an assistant attorney general stepped in and changed the position of the Department. In those earlier steps, the Department and Mrs. Taxman's attorney shared confidential information. They reviewed each other's draft briefs. They coordinated litigation tactics, and they evaluated the school board's case.

Now the Justice Department, armed with these client confidences and attorney work product, seeks to use that information to fight Mrs. Taxman. This, Mr. President, is of itself an outrageous development. When the Justice Department does not make its decision based on the law, then our whole legal

process suffers and, of course, I think the Department of Justice suffers, and I only wish they would realize that.

The Government, it seems to me, has a special duty to be objective in its court appearances. It is not merely another litigant. The Justice Department has the highest responsibility of anybody to follow the law. The law supports the Department's earlier position, not the changed position now of the Justice Department.

Moreover, the Department should defend victims of discrimination, and the Department should not adopt policies in the name of diversity that will lead to anybody's victimization. It is most unfortunate that the Department has decided to advocate legal rules that would exacerbate the unfortunate realities of racial tension and polarization.

I urge the Department to reconsider its actions in order to be fair to Mrs. Taxman and to all victims of racial discrimination, and so that the Department can maintain its credibility and, most importantly, its faithfulness to the laws of this Nation.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

#### RECESS UNTIL 2:15 P.M.

Mr. PRYOR. Mr. President, I ask unanimous consent that the Senate now stand in recess until the hour of 2:15 p.m.

There being no objection, the Senate, at 12:15 p.m., recessed until 2:15 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. KOHL].

#### EXECUTIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to executive session.

The clerk will report the pending nomination.

#### NOMINATION OF ADM. HENRY H. MAUZ, JR., TO BE PLACED ON THE RETIRED LIST IN THE GRADE OF ADMIRAL

The legislative clerk read the nomination of Adm. Henry H. Mauz, Jr., to be placed on the retired list in the grade of admiral.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Henry H. Mauz, Jr., to be placed on the retired

list in the grade of admiral. The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from West Virginia [Mr. ROCKEFELLER] is necessarily absent.

Mr. SIMPSON. I announce that the Senator from South Carolina [Mr. THURMOND] is necessarily absent.

I further announce that, if present and voting, the Senator from South Carolina [Mr. THURMOND] would vote "yea."

The result was announced—yeas 92, nays 6, as follows:

[Rollcall Vote No. 300 Ex.]

#### YEAS—92

Akaka	Exon	Lugar
Baucus	Faircloth	Mack
Bennett	Feinstein	Mathews
Biden	Ford	McCain
Bingaman	Glenn	McConnell
Bond	Gorton	Mitchell
Boren	Graham	Moynihan
Bradley	Gramm	Murkowski
Breaux	Grassley	Nickles
Brown	Gregg	Nunn
Bryan	Harkin	Packwood
Bumpers	Hatch	Pell
Burns	Hatfield	Pressler
Byrd	Heflin	Pryor
Campbell	Helms	Reid
Chafee	Hollings	Riegle
Coats	Hutchison	Robb
Cochran	Inouye	Roth
Cohen	Jeffords	Sarbanes
Conrad	Johnston	Sasser
Coverdell	Kassebaum	Shelby
Craig	Kempthorne	Simpson
D'Amato	Kennedy	Smith
Danforth	Kerry	Specter
Daschle	Kerry	Stevens
DeConcini	Kohl	Wallop
Dodd	Lautenberg	Warner
Dole	Leahy	Wellstone
Domenici	Levin	Wofford
Dorgan	Lieberman	
Durenberger	Lott	

#### NAYS—6

Boxer	Metzenbaum	Murray
Feingold	Moseley-Braun	Simon

#### NOT VOTING—2

Rockefeller	Thurmond
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So the nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider the vote on the nomination is tabled. The President will be immediately notified of the Senate's action.

#### LEGISLATIVE SESSION

The PRESIDING OFFICER. Without objection, the Senate will return to legislative session.

Mr. MITCHELL. Mr. President, I was not clear on what the Chair just said. Are we back in legislative session?

The PRESIDING OFFICER. That is correct.

#### MORNING BUSINESS

Mr. MITCHELL. Mr. President, I discussed briefly with the distinguished Republican leader the schedule for the remainder of the day. He has advised me that he is going to engage in further consultation with some of his col-

leagues on how best to proceed, and therefore to accommodate his request for more time to do that, I now ask unanimous consent there be a period for morning business until the hour of 3:15 p.m., with Senators permitted to speak therein for up to 10 minutes each.

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

#### PASSAGE OF THE CONFERENCE REPORT ON THE PROCUREMENT REFORM BILL

Mr. STEVENS. Mr. President, last month, the Senate passed the procurement reform conference report. I am pleased that the conferees agreed to my request to change section 605(c)(4) of the Contracts Dispute Act. I am particularly grateful to the chairman of the Governmental Affairs Committee, Senator GLENN, and the chairman of the House Judiciary Committee, Congressman BROOKS, for working with me to develop language that resolved the problem. This change in law is significant.

The current law provides that a contractor with a claim before a contracting officer may request an agency board of contract appeals to set a deadline for a contracting officer's decision if that contracting officer has not rendered a decision in a timely manner. However, current law does not authorize the Court of Federal Claims to issue such orders. Thus, although the Contract Disputes Act generally allows a contractor to choose whether to appeal a contracting officer's decision to an agency board or to the Court of Federal Claims, the only avenue to request that a timely decision be made by the contracting officer is at the agency board level.

In certain cases, the contractor is already before the Court of Federal Claims on a related case and the logical place to take such a request for a decision deadline is the Court of Federal Claims. However, at this point, the Court of Federal Claims has no such authority.

The change in section 605(c)(4) will permit the Court of Federal Claims as well as the agency board to determine that the contracting officer is unduly delaying the decision and issue an order that a decision be rendered within a time certain.

I know of instances involving appeals from my State in which the contractor has appealed one claim to U.S. Court of Federal Claims and will have another related claim before a contracting officer. If for some reason the contracting officer delays that decision, the contractor would logically take this issue of delay to the Court of Federal Claims except that, without this amendment, the court may have no jurisdiction to order a decision in a time certain. Undue delay might be found in a case

in which a contract has been terminated for contractor breach and the contractor has submitted a claim for damages based on government breach. Such undue delay would occur if the contracting officer does not render a decision on the damages claim in a short enough time period for the contractor to pursue a single action before either tribunal.

This amendment will fix this situation. This is also in keeping with the recent 1992 amendment to the Contract Disputes Act which acted to make the jurisdiction the same for the alternative tribunals available for contractor appeal.

#### COPE MIDDLE SCHOOL BOSSIER CITY, LA, RECEIVES AWARD

Mr. JOHNSTON. Mr. President, today with recognition of the need for education to ensure a brighter future for our next generation, there are a few schools that clearly stand out as leaders among their peers. Cope Middle School of Bossier City, LA, which places special emphasis on mathematics and science, earned the right to stand proud in receiving the 1993-94 elementary Blue Ribbon Schools Award.

Despite the many outstanding programs active at Cope Middle School, the diverse group of concerned professionals that comprise the faculty have not forgotten the very reason for them being there. The programs at Cope are focused and well integrated in classrooms that constitute the complete learning center. Cope Middle School has also shown that an institution of learning must extend beyond the physical wall of the buildings, and include families and communities.

Mr. President, I am pleased to have this opportunity to applaud and congratulate the Cope Middle School on this outstanding achievement. They have set an example for all of us through their dedication and hard work.

#### EMPLOYEES OF LITTLE ROCK, AR, VA OFFICE RECEIVE HAMMER AWARD

Mr. BUMPERS. Mr. President, I rise today to pay tribute to a group of Federal employees in Arkansas who have been chosen for recognition for their efforts in expediting veterans' claims. I want to congratulate Donald D. Iddings, adjudication officer, Department of Veterans Affairs, Little Rock Regional Office, and Dan Tubbs, Becky Beatty, Melinda Cone, Donna Heffington, Patsy Tarvin, George Toney, Beverly McIntosh, Jan Avant, Bob Ward, and Larry Mack on being chosen to receive the Vice Presidential Hammer Award for innovations in the processing of original veterans' claims and subsequent reduction of bureaucratic redtape.

This is a most deserved recognition for their dedication and hard work on behalf of the veterans of America and their beneficiaries, efforts that will translate into much more timely responses to their benefits claims.

These individuals, along with the Pharmacy Department of the John L. McClellan VA Medical Center, will be presented with these awards by Department of Veterans Affairs Deputy Secretary Hershel Gober, acting on behalf of Vice President GORE, on Wednesday, September 21, 1994, at the North Little Rock Division of the John L. McClellan VA Medical Center.

Mr. President, I am proud of these Federal employees in my State who have discovered innovative ways to improve service to our veterans.

#### BUDGET SCOREKEEPING REPORT

Mr. SASSER. Mr. President, I hereby submit to the Senate the Budget Scorekeeping report prepared by the Congressional Budget Office under section 308(b) and in aid of section 311 of the Congressional Budget Act of 1974, as amended. The report meets the requirements for Senate scorekeeping of section 5 of Senate Concurrent Resolution 32, the first concurrent resolution on the budget for 1994.

This report shows the effects of congressional action on the budget through September 15, 1994. The estimates of budget authority, outlays, and revenues, which are consistent with the technical and economic assumptions of the concurrent resolution on the budget (H. Con. Res. 287), show that current level spending is below the budget resolution by \$1.9 billion in budget authority and \$0.7 billion in outlays. Current level is \$0.1 billion above the revenue floor in 1994 and below by \$30.3 billion over the 5 years, 1994-98. The current estimate of the deficit for purposes of calculating the maximum deficit amount is \$312.1 billion, \$0.7 billion below the maximum deficit amount for 1994 of \$312.8 billion.

Since the last report, dated August 16, 1994, Congress has approved and the President has signed the Commerce, Justice, State appropriation bill (Public Law 103-317) and the Social Security Independence Act of 1994 (Public Law 103-296). These actions changed the current level of budget authority, outlays, and revenues.

I ask that the report be printed in the RECORD.

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

U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE,  
Washington, DC, September 19, 1994.

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

DEAR MR. CHAIRMAN: The attached report shows the effects of Congressional action on the 1994 budget and is current through Sep-

tember 15, 1994. The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of the Concurrent Resolution on the Budget (H. Con. Res. 64). This report is submitted under Section 308(b) and in aid of Section 311 of the Congressional Budget Act, as amended, and meets the requirements for Senate scorekeeping of Section 5 of S. Con. Res. 32, the 1986 First Concurrent Resolution on the Budget.

Since my last report, dated August 15, 1994, Congress has approved and the President has signed the Commerce, Justice, State appropriation bill (P.L. 103-317) and the Social Security Independence Act of 1994 (P.L. 103-296). These actions changed the current level of budget authority, outlays, and revenues.

Sincerely,

ROBERT D. REISCHAUER,  
Director.

#### THE CURRENT LEVEL REPORT FOR THE U.S. SENATE, FISCAL YEAR 1994, 103D CONGRESS, 2D SESSION, AS OF CLOSE OF BUSINESS SEPTEMBER 15, 1994

(In billions of dollars)

	Budget resolution (H. Con. Res. 64) <sup>1</sup>	Current level <sup>2</sup>	Current level, over/under resolution
<b>On-budget:</b>			
Budget authority .....	1,223.2	1,221.3	-1.9
Outlays .....	1,218.1	1,217.5	-0.7
<b>Revenues:</b>			
1994 .....	905.3	905.4	0.1
1994-98 .....	5,153.1	5,122.8	-30.3
Maximum deficit amount .....	312.8	312.1	-0.7
Debt subject to limit .....	4,731.9	4,596.6	-135.3
<b>Off-budget:</b>			
<b>Social Security outlays:</b>			
1994 .....	274.8	274.8	.....
1994-98 <sup>3</sup> .....	1,486.5	1,486.7	0.2
<b>Social Security revenues:</b>			
1994 .....	336.3	335.2	-1.1
1994-98 <sup>3</sup> .....	1,872.0	1,871.3	-0.7

<sup>1</sup> Reflects revised allocation under section 9(g) of H. Con. Res. 64 for the Deficit-Neutral reserve fund.

<sup>2</sup> Current level represents the estimated revenue and direct spending effects of all legislation that Congress has enacted or sent to the President for his approval. In addition, full-year funding estimates under current law are included for entitlement and mandatory programs requiring annual appropriations even if the appropriations have not been made. The current level of debt subject to limit reflects the latest U.S. Treasury information on public debt transactions.

<sup>3</sup> Includes effects, beginning in fiscal year 1995, of the Social Security Independence Act of 1994, P.L. 103-296.

<sup>4</sup> Less than \$50 million.

Note—Detail may not add due to rounding.

#### THE ON-BUDGET CURRENT LEVEL REPORT FOR THE U.S. SENATE, 103D CONGRESS, 2D SESSION, SENATE SUPPORTING DETAIL FOR FISCAL YEAR 1994, AS OF CLOSE OF BUSINESS SEPTEMBER 15, 1994

(In millions of dollars)

	Budget authority	Outlays	Revenues
<b>ENACTED IN PREVIOUS SESSIONS</b>			
Revenues .....			905,429
Permanents and other spending legislation <sup>1</sup> .....	721,182	694,713	.....
Appropriation legislation .....	742,749	758,885	.....
Offsetting receipts .....	(237,226)	(237,226)	.....
Total previously enacted .....	1,226,705	1,216,372	905,429
<b>ENACTED THIS SESSION</b>			
<b>Appropriation bills:</b>			
Emergency Supplemental Appropriations, FY 1994 (P.L. 103-211) .....	(2,286)	(248)	.....
Foreign Operations (P.L. 103-306) .....	99	99	.....
Commerce, Justice, State (P.L. 103-317) .....	670	335	.....
<b>Authorizing bills:</b>			
Federal Workforce Restructuring Act (P.L. 103-226) .....	48	48	.....
Offsetting receipts .....	(38)	(38)	.....
Housing and Community Development Act (P.L. 103-233) .....	(410)	(410)	.....
Extending Loan Ineligibility Exemption for Colleges (P.L. 103-235) .....	5	3	.....

THE ON-BUDGET CURRENT LEVEL REPORT FOR THE U.S. SENATE, 103D CONGRESS, 2D SESSION, SENATE SUPPORTING DETAIL FOR FISCAL YEAR 1994, AS OF CLOSE OF BUSINESS SEPTEMBER 15, 1994—Continued

(In millions of dollars)

	Budget authority	Outlays	Revenues
Foreign Relations Authorization Act (P.L. 103-236)	(2)	(2)	
Marine Mammal Protection Act Amendments (P.L. 103-238)		4	
Airport Improvement Program Temporary Assistance Act (P.L. 103-260)	(65)		
Federal Housing Administration Supplemental (P.L. 103-275)	5	(2)	
Social Security Independence Act of 1994 (P.L. 103-296) <sup>4</sup>			
Aviation Infrastructure Investment Act (P.L. 103-305)	2,170		
Total enacted this session	192	(211)	
<b>ENTITLEMENTS AND MANDATORIES</b>			
Budget resolution baseline estimates of appropriated entitlements and other mandatory programs not yet enacted	(5,562)	1,326	
Total current level <sup>2,3</sup>	1,221,334	1,217,488	905,429
Total budget resolution	1,223,249	1,218,149	905,349
Amount remaining:			
Under budget resolution	1,915	661	
Over budget resolution			80

<sup>1</sup> Includes Budget Committee estimate of \$2.4 billion in outlay savings for FCC spectrum license fees.

<sup>2</sup> In accordance with the Budget Enforcement Act, the total does not include \$14,735 million in budget authority and \$9,215 million in outlays in funding for emergencies that have been designated as such by the President and the Congress, and \$800 million in budget authority and \$285 million in outlays for emergencies that would be available only upon an official budget request from the President designating the entire amount as an emergency requirement.

<sup>3</sup> At the request of Budget Committee staff, current level does not include scoring of section 601 of P.L. 102-391.

<sup>4</sup> The effects of this Act begin in fiscal year 1995.

<sup>5</sup> Less than \$500 thousand.

Notes.—Numbers in parentheses are negative. Detail may not add due to rounding.

### SIMILAR-OFFENSE EVIDENCE

Mr. DOLE. Mr. President, the crime legislation signed into law last week contains a critical reform designed to protect the public from crimes of sexual violence: new Federal rules of evidence establishing a general presumption that evidence of past similar offenses in sexual assault and child molestation cases is admissible at trial.

Congresswoman SUSAN MOLINARI and I initially proposed this reform in February 1991 in the Women's Equal Opportunity Act, and we later reintroduced it in the Sexual Assault Prevention Act bills of the 102d and 103d Congresses. The proposal also enjoyed the strong support of the administration in the 102d Congress, and was included in President Bush's violent crime bill of that Congress, S. 635. This Chamber passed the proposed rules on Nov. 5, 1993, by a vote of 75 to 19, as an amendment to the crime bill. The House of Representatives endorsed the same rules on June 29, 1994, by a vote of 348 to 62, through a motion to instruct conferees offered by Representative MOLINARI.

The enacted rules are substantially identical to our earlier proposals. Provisions that temporarily defer the effective date of the new rules, pending a

report by the Judicial Conference, were added in order to accommodate procedural objections raised by opponents of the reform. However, regardless of what the Judicial Conference may recommend, the new rules will take effect within at most 300 days of the crime bill's enactment, unless repealed or modified by subsequent legislation.

The need for these rules, their precedential support, their interpretation, and the issues and policy questions they raise have been analyzed at length in the legislative history of this proposal. Two earlier statements deserve particular attention:

The first is section 801 of the section-by-section analysis of S. 635, which President Bush transmitted to Congress in 1991. That statement appears on pages S3238 through S3242 of the CONGRESSIONAL RECORD for March 13, 1991.

The second is the prepared text of an address—entitled "Evidence of Propensity and Probability in Sex Offense Cases and Other Cases"—by Senior Counsel David J. Karp of the Office of Policy Development of the U.S. Department of Justice. Mr. Karp presented this statement on behalf of the Justice Department to the Evidence Section of the Association of American Law Schools on January 9, 1993. The statement provided a detailed account of the views of the legislative sponsors and the administration concerning the proposed reform, and should also be considered an authoritative part of its legislative history.

These earlier statements address the issues raised by this reform in considerable detail. In my present remarks, I will simply emphasize the following points:

The new rules will supersede in sex offense cases the restrictive aspects of Federal rule of evidence 404(b). In contrast to rule 404(b)'s general prohibition against evidence of character or propensity, the new rules for sex offense cases authorize admission and consideration of evidence of an uncharged offense for its bearing "on any matter to which it is relevant." This includes the defendant's propensity to commit sexual assault or child molestation offenses, and assessment of the probability or improbability that the defendant has been falsely or mistakenly accused of such an offense.

In other respects, the general standards of the rules of evidence will continue to apply, including the restrictions on hearsay evidence and the court's authority under evidence rule 403 to exclude evidence whose probative value is substantially outweighed by its prejudicial effect. Also, the government, or the plaintiff in a civil case, will generally have to disclose to the defendant any evidence that is to be offered under the new rules at least 15 days before trial.

The reform effected by these rules is critical to the protection of the public

from rapists and child molesters, and is justified by the distinctive characteristics of the cases to which it applies. In child molestation cases, for example, a history of similar acts tends to be exceptionally probative because it shows an unusual disposition of the defendant—a sexual or sado-sexual interest in children—that simply does not exist in ordinary people. Moreover, such cases require reliance on child victims whose credibility can readily be attacked in the absence of substantial corroboration. In such cases, there is a compelling public interest in admitting all significant evidence that will shed some light on the credibility of the charge and any denial by the defense.

Similarly, sexual assault cases, where adults are the victims, often turn on difficult credibility determinations. Alleged consent by the victim is rarely an issue in prosecutions for other violent crimes—the accused mugger does not claim that the victim freely handed over his wallet as a gift—but the defendant in a rape case often contends that the victim engaged in consensual sex and then falsely accused him. Knowledge that the defendant has committed rapes on other occasions is frequently critical in assessing the relative plausibility of these claims and accurately deciding cases that would otherwise become unresolvable swearing matches.

The practical effect of the new rules is to put evidence of uncharged offenses in sexual assault and child molestation cases on the same footing as other types of relevant evidence that are not subject to a special exclusionary rule. The presumption is that the evidence admissible pursuant to these rules is typically relevant and probative, and that its probative value is not outweighed by any risk of prejudice.

In line with this judgment, the rules do not impose arbitrary or artificial restrictions on the admissibility of evidence. Evidence of offenses for which the defendant has not previously been prosecuted or convicted will be admissible, as well as evidence of prior convictions. No time limit is imposed on the uncharged offenses for which evidence may be admitted; as a practical matter, evidence of other sex offenses by the defendant is often probative and properly admitted, notwithstanding substantial lapses of time in relation to the charged offense or offenses. See, e.g., *United States v. Hadley*, 918 F.2d 848, 850-51 (9th Cir. 1990), cert. dismissed, 113 S.Ct. 486 (1992) (evidence of offenses occurring up to 15 years earlier admitted); *State v. Plymate*, 345 N.W.2d 327 (Neb. 1984) (molestations more than 20 years earlier admitted).

Finally, the effectiveness of the new rules will depend on the faithful execution by judges of the will of Congress in adopting this critical reform. The courts should liberally construe the

rules so that the defendant's propensities, as well as questions of probability in light of the defendant's past conduct, can be properly assessed.

#### PASSING OF JERRY TINKER

Mr. HATFIELD. Mr. President. I would like to join Senators KENNEDY, SIMPSON, and many others of my colleagues as well as people in many parts of the world in expressing my deepest sympathy on the death of Jerry Tinker, long-time staff director of the Immigration and Refugee Affairs Subcommittee.

For nearly a quarter century, there has not emerged a significant piece of legislation dealing with immigration or refugees that was not substantially written or influenced by Jerry Tinker.

Helping refugees is an ongoing effort which has been a high priority of mine for nearly 20 years, and I and my staff have benefited greatly from Jerry's counsel.

He was a man who was equally at home with the politically powerful and with the poorest of the poor. He regularly visited refugee camps in Central America, India, Bangladesh, Thailand, Vietnam, Ethiopia, and other troubled regions around the world where the poor were suffering.

In a remembrance at Jerry's memorial service, Senator KENNEDY stated that there was probably not another individual in the world who was as personally responsible for saving lives as Jerry Tinker. What a marvelous epitaph to commemorate one's life.

I would like to extend my sympathies to Jerry's family.

#### HONORING THE LATE JEAN YOUNG

Mr. DURENBERGER. Mr. President, as we discuss the proper role of religion in our Nation's political life, we would do well to look at the example of men and women who have improved our society by acting on the eternal principles taught them by a solid religious faith.

It was my great privilege to know just such a person. Jean Young, who died last week at the age of 61, was one of the most effective advocates for civil rights that this country ever had. She was steeped in a Bible that taught her that all people were created equal—and the strength of her convictions helped expand the liberty and secure the equality of men and women the world over.

Back in 1980-82, I caught a personal glimpse of Mrs. Young's deep faith and commitment when we served together on the National Voluntarism Commission sponsored by the Aid Association for Lutherans. She made a difference because she knew what counted. She had a character based in eternal values stronger than any individual, and she was an example to us all.

Jean Young's faith in men and women with opportunities to serve others was unique. She knew from experience the power of loving God and loving others as we learn to love ourselves.

She knew there is an important role in our society for Government—but that the leadership in our Government and in our Nation must come from people with the spirit of service and commitment. The résumé of her own life is testimony to this.

Mr. President, since the day in early December 1990 when I discovered her illness, I had prayed every single morning for Jean Young. I mourn her passing, but I also delight in her many gifts to all of us.

I ask my colleagues to join me in expressing warm condolences to the Young family on the passing of this great American.

And I ask unanimous consent that the Atlanta Journal profile of Mrs. Young be included in the RECORD at the conclusion of my remarks.

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

[From the Atlanta Journal, Sept. 16, 1994]

JEAN YOUNG, EX-MAYOR'S WIFE, DIES, NOTED CHILDREN'S ADVOCATE WAS 61

(By Tom Bennett)

Jean Childs Young, educator, civil rights advocate and the wife of former Atlanta Mayor Andrew Young, died of cancer today at Crawford Long Hospital of Emory University. She was 61.

A wake will be held from 7 to 9 p.m. Sunday at the First Congregational Church, U.C.C. at 105 Courtland St. The funeral will be at 11 a.m. Monday at the same church, with burial at South-View Cemetery.

Although it was her husband who frequently made headlines as a civil rights leader, congressman, diplomat and mayor, Mrs. Young was a woman of wide-ranging accomplishments in the fields of education and human rights.

One of her most prominent roles was as an advocate of children's welfare. In 1979, she chaired the U.S. Commission of the International Year of the Child, a United Nations program designed to improve the lives of children around the world. In that post, she developed a network of child welfare advocates in each state.

The Rev. Joseph E. Lowery, president of the Southern Christian Leadership Conference, remembers Mrs. Young as a "great mother."

"I think she was almost an ideal kind of mother who not only loved her own children and family but shared that with all children," Lowery said.

"As first lady of Atlanta, as wife of an ambassador, she shared her skills, her love, her nurturing with all young people. And I think this was a great part of her life, to inspire and encourage young people to become useful and creative citizens."

Carol Muldower, whose friendship with the Youngs began in the 1960s, used to greet Mrs. Young with "Hey, lady," because that's exactly what she was. Muldower served as administrative assistant to Young when he was mayor.

"I will always think of her as a wonderful lady \* \* \* someone with honesty and integ-

riety, and the kind of person who [when she] said she was going to do something, you could always count on her and it would be done."

Mrs. Young established the Atlanta Task Force on Education when her husband was mayor, and she served seven terms as its chairwoman. The task force sponsored the Mayors Scholars and the "Dream Jamboree" at the Civic Center, which brought together Atlanta high school seniors and recruiters from colleges and trade schools.

Most recently, she was co-founder of the Atlanta-Fulton Commission on Children and Youth.

While maintaining a busy schedule, Mrs. Young also served as a stabilizing force in the Youngs' 40-year marriage. She provided solace when her outspoken husband landed in hot water with controversial statements or actions—as when he said that Iran's Ayatollah Khomeini one day would be remembered as a "saint."

When her husband resigned as U.S. ambassador to the United Nations in 1979 after an unauthorized meeting with the Palestine Liberation Organization, they "had a crying spell," Mrs. Young later recalled.

"We were sad and had some regrets that understanding did not occur. But there was no bitterness, no lamenting, no feeling that our lives had been destroyed. I mean, one minute you could cry about it, and the next minute you could laugh."

They shared a family joke—that at any moment, after he had said or done something controversial, he might call home and ask, "Are our bags packed? We may be leaving town tomorrow."

With her husband, Mrs. Young took part in historic civil rights events, including the 1961 boycott of downtown lunch counters in Atlanta, the 1964 St. Augustine marches, the 1965 Selma march for voting rights, and the 1968 Poor People's Campaign in Washington.

The Youngs' home in southwest Atlanta was a way station for civil rights leaders, who often stayed there overnight. In the late 1970s, they took into their home the two children of Robert Sobukwe, the leader of the Pan-Africanist Congress of South Africa.

Throughout their marriage, the Youngs were unconventional, shunning pretense and ostentation.

While heading the U.S. Mission to the United Nations, they lived in a penthouse at the Waldorf Towers of New York's Waldorf-Astoria Hotel, but they fired the maid and the butler. They did it, they said, because each time their son Bo asked for a glass of water, the maid or butler delivered it "in a silver goblet on a doily-lined silver tray," Mrs. Young recalled.

She learned she had cancer in 1991, not long after her husband's unsuccessful campaign for governor of Georgia and Atlanta's bid to host the 1996 Summer Olympics, which she helped boost by traveling throughout Africa, the Middle East and Europe to garner votes from members of the International Olympic Committee.

Jean Childs was born July 1, 1933, in Marion, Ala.—also the hometown of Atlanta's Coretta Scott King. They knew each other while growing up.

She was the youngest of five children of Norman Childs, who owned a combination grocery, soda fountain and candy store, and Idella Young, a teacher in a one-room segregated elementary school that had a potbellied stove for heat and benches without backs for the children to sit on.

Jim Crow segregation was all around her. "If five whites came in a store after you, all

five were waited on before you," she recalled. Five black people in Marion were registered to vote. The white school was freshly painted, hers was rough clapboard. White students used school books, then handed them down to black students. Her parents "were very concerned about me. They said I was developing a chip on my shoulder."

The American Missionary Association operated Lincoln High School (which also produced Coretta Scott). After her graduation, Jean Childs enrolled at Manchester College in North Manchester, Ind., near Fort Wayne. It is affiliated with the Church of the Brethren, a fundamental religious group. While there, she applied to be a missionary to Angola, a step, unbeknownst to her, that Andrew Young, then at Hartford, Conn., Theological Seminary, also was taking. But the American Board of Commissioners for Foreign Mission then had a policy against single missionaries.

In 1953, Andrew Young, a graduate of Howard University in Washington, was pastor of a church in Marion. A New Orleans native, he had suspended seminary classes and returned to the South "to be around plain, wise black folk." The Childs family was in his church while Jean was away at Manchester College.

On a visit to the Childs home, Young "met" her by standing in her room and looking at her belongings—an underlined Bible that indicated a deep religious faith; her other books; and a Red Cross lifesaving certificate. Later, she came home from school and Young formally met her for the first time—while she was milking a cow.

On their first date, they drove 30 miles to Selma to swim in a pool for black people because Marion had none.

She graduated from Manchester in 1954, and they were married that June. It was a crucial time in the civil rights movement—the Supreme Court had outlawed school segregation—but their goals still lay in church, not political work.

Their first pastorate together was in Thomasville, where Young led two small churches there and in Beachton. She angered the conservative members of one of the congregations by wearing shorts in public, and he angered the Ku Klux Klan by starting a voter registration drive. They moved to New York, where he joined the National Council of Churches.

They lived in the Connecticut suburbs. She taught in Hartford and earned a master's degree from Queens College in Flushing, N.Y.

But she wanted to go home "because there was a vacuum for trained teachers in the South."

After they watched on television as Fisk University students were arrested after demonstrations in Nashville in 1960, they decided to return to the South and get involved first-hand in the movement.

In addition to being a teacher in Connecticut and Thomasville, Mrs. Young was a coordinator of school programs for the Atlanta city schools and was a lead teacher in the Teacher Corps. She was a member of the team that developed Atlanta Metropolitan College and served as its first public relations officer and later on its board of advisers.

Among her many awards were honorary doctorates from Loyola University in Chicago, Manchester College and New York City Technical College of the City University of New York. She received the 1989 NAACP Distinguished Leadership Award, the 1993 YWCA Woman of Achievement Award and the 1993 Community Service Award from WXIA-TV/Channel 11.

She chaired the board of directors of the African American Panoramic Experience Museum in Atlanta and served on advisory boards of Outward Bound, UNICEF, Families First, the Georgia Women of Achievement Museum and Habitat for Humanity.

She was a member of the First Congregational Church of Atlanta.

Surviving in addition to her husband are four children, Lisa Alston of Atlanta, Paula Shelton of Washington, Andrea Young of Washington and Andrew Young III of Atlanta; her mother, Idella J. Childs of Marion; four siblings, Normal Childs de Paur of New York, Norman Childs of Yellow Springs, Ohio, William Childs of Tuskegee, Ala., and Cora Childs Moore of Marion; and seven grandchildren.

#### REGARDING HAITI

Mr. D'AMATO. Mr. President, I rise today to discuss the deal that the Carter diplomatic mission made with the Haitian junta.

The merits of the deal have been discussed at length. The shortfalls of the deal have also been discussed. Yet, what is missing is what this deal shows about the Clinton administration.

First and foremost, this deal shows that the administration is incapable of forming a coherent foreign policy. No country believes that this administration has any credibility. The administration continues to make deals with dictators and quickly forgets its friends—President Aristide is reportedly already very displeased that a deal has been made that allows the generals to remain free. Finally, the need to send former President Carter, Senator NUNN, and General Powell illustrates that our Secretary of State is clearly irrelevant.

In relation to the administration's lack of credibility in foreign affairs, little more need be said than that General Cedras, according to Mr. Carter, never did believe that the United States would attack. Even after bearing witness to the most advertised invasion in history, and the formation of a "glowing coalition," that was neither glowing nor a coalition, but a show for the world to see, Cedras still didn't believe that an invasion was coming until he was told that the planes were said to have been in the air.

Interestingly, the same President that labeled Cedras and his cohorts as "dictators," was quick to make a deal with them. This should not be strange for an administration that has concluded an agreement with Fidel Castro, negotiated with Hafez Assad, and appeased the Chinese dictators. In each case, the action was in direct contradiction to the stated policies and pronouncements that the administration had once set.

Beyond the negotiations, one has to wonder where was Secretary of State Christopher? Has he disappeared? During the Iraq crisis, Secretary of State Baker was the man that President Bush relied upon to attempt a last

minute negotiation with the Iraqis. Where was Secretary Christopher and why didn't the President send him to negotiate a deal with the Haitians? Moreover, why didn't the President send him, or for that matter, anyone else, earlier?

Whatever the outcome of this latest crisis, one thing is abundantly clear: This administration is unable to set a clear and coherent foreign policy. Because of this, the Nation is quickly becoming the laughingstock of the world. We can be bullied to back down, outsmarted, or simply outlasted by any two-bit dictatorship that is willing to challenge us.

Mr. President, I ask unanimous consent that the following articles be included in the RECORD, at the conclusion of my remarks: "A Soldier of the Not Great War," by Mark Helprin; "Aristide's Policemen," by Robert D. Novak; and "Aristide's Silence Conveys Disappointment in Deal," by John M. Goshko and Gary Lee.

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

[From the Wall Street Journal, Sept. 20, 1994]

#### A SOLDIER OF THE NOT GREAT WAR

(By Mark Helprin)

Mr. President, Haiti is on an island, and its navy, which was built mainly in Arkansas, is well characterized by the International Institute for Strategic Studies as "Boats only." The Haitian gross national product is little more than half of what Americans spend each year on greeting cards, its defense forces outnumbered five to one by the corps of lawyers in the District of Columbia.

With other than a leading role in world military affairs, the Haitian army has retreated into a kind of relaxed confusion in which it is also the fire department, captains can outrank colonels, and virtually no one has ever seen combat. Which raises the question, why has the leading superpower placed Haiti at the center of its political universe?

Mr. President, in trumpeting this gnatfest at a hundred times the volume of the Normandy Invasion you have invited challenges from all who would take comfort at the spectacle of the U.S. in full fluster over an object so diminutive as to be a source of wonder.

Anyone considering a serious challenge to the U.S. has been reassured that we have no perspective in international affairs, that we act not in regard to our basic interests but in reaction to sentiment and ideology, that we can be distracted by the smallest matter and paralyzed by the contemplation of force, that we have become timid, weak, and slow. This is what happens when the leaders of the world's most powerful nation take a year to agonize over Haiti. This is what happens when the elephant ignores the jackals and gravely battles a fly.

#### WHY NOT CUBA?

Given that Haiti is a nation doomed to perpetual harmlessness, that it is not allied to any great power, that it does not export an ideology, that it does not have an ideology, and that it is of no economic consequence to any nation except perhaps the Dominican Republic, you strained to justify intervention the way a prisoner with his hand

stretched through the bars strains for a key just out of his reach.

In your recent address you mentioned rape three times, the killing of children three times, and the words "dictator" or "tyrant" 18 times. If we must act "when brutality occurs close to our shores," why not now invade Cuba, or Colombia, or the South Bronx, or Anacostia? Every year in the U.S. we are subject to more than 100,000 reported rapes and 20,000 homicides. How do rape and murder in Haiti, no numbers supplied, justify U.S. intervention? And if they do, where were we in Rwanda?

Is it possible that having no idea whatsoever about the balance of power among nations, the workings of the international system, and the causes and conduct of war, you are directing the foreign relations of the United States of America in accord with the priorities of feminism, environmentalism, and political correctness? Why not invade Saudi Arabia because of the status of women there, Canada because they kill baby seals, Papua New Guinea because it doesn't have enough wheelchair ramps?

Haitian illegal immigrants (did you not mention AIDS because it would offend the Haitians, or some other group?) have been to some extent motivated by the embargo and are a minute proportion of the total that seek our shores. If it is so that the best way to deal with a country that spills over with souls is to invade it, que viva Mexico? Should the U.K. invade Pakistan; France, Algeria; and Hong Kong, Vietnam? For that matter, why have you not hastened forward to Havana? In fact, the history of great-power interventions shows that conquest does not prevent but, rather, facilitates population transfers.

Your desire to wipe out the expenditure of \$14 million a month to maintain the leaky embargo that you put in place was not consonant with your robust urge to spend elsewhere, and was a rather dainty pretext. Fourteen million dollars is what we in this country spend on "sausages and other prepared meats" every seven hours. If you truly believe, Mr. President, that "restoring Haiti's democratic government will help lead to more stability and prosperity in our region," then you, sir, have more Voo doo than they do. The entire Haitian gross national product is worth but three hours of our own. Were it to grow after intervention by 10% and were the U.S. to reap fully one half the benefit, we would surge ahead another nine minutes' worth of GNP. This is not exactly high-stakes geopolitics.

Why, then, Haiti? Why are your subordinates suddenly so Churchillian? Clearly, in a real crisis they would be so worked up that all their bulbs would burst. The nations towed along for the ride (Poles? Jordanians?) seemed not to know whether to be embarrassed by the stupidity of the task or amused by the peculiarity of their bedfellows. This the secretary of state described as "a glowing coalition." Never in the history of the English language has such an inept phrase been launched with such forced enthusiasm to miss so little a target. Granted, the vice president's "modalities of departure" did much to inspire the nation to a frenzy of war.

Why Haiti? Because, like the father in Joyce's story, "Counterparts," who bullies his son because he cannot fight his bullying boss, what you do in Haiti says less about Haiti than about North Korea, Europe, and the Middle East, where the real challenges lie, and where you cannot act because you do not have a lamp to go by and you have forced your own military to its knees.

Why Haiti? Because you have been unable to say no to the Black Caucus as it stands like the candlestick on the seesaw of your grandiose legislation, and because you a liberal and in race you see wisdom, or lack of wisdom; qualification, or lack of qualification; virtue, or lack of virtue. And because the Black Caucus is way too tight with Father Aristide.

Why Haiti? Because you have no more sense of what to do or where to turn in a foreign policy crisis than a moth in Las Vegas at 2 a.m. You should not have singled out Haiti in the first place, but once you did you should not have spent so much time and so much capital on it, blowing it out of all proportion, so that this, this Gulf Light, this No-Fat Desert Storm, is your Stalingrad. Six weeks and it should have been over, even including an invasion, about which the world would have learned only after it has begun. All communications with the Haitian regime should have been in private, leaving them the flexibility to capitulate without your having to distract Jimmy Carter from his other good works.

Though you and your supporters made a marriage of convenience with the principles of presidential war powers, your new position is miraculously correct, while that of the Republicans who also switched sides in the question is not. You did have the legal authority to invade Haiti. What you did not have was the moral authority. Despite what you have maintained during the first 46/48ths of your life, the decision was yours, but your power was merely mechanical.

#### DRY BONES

Like your false-ringing speech, the dry bones of your authority had none of the moral flesh and blood that might otherwise have invigorated even a senseless policy. The animation that you have failed to lend to this enterprise was left to the soldier in the field, who with the greatest discipline and selflessness would have taken on the task that, generations ago, you refused. I wonder if your view of them has really changed. In your philosophy they must have been pawns then, and they must be pawns now: The only thing that has been altered is your position.

Though it is fair to say that I differ with your policy, if our soldiers had gone into combat I would have been behind them 100%, and I hope that, despite the orders in Somalia, you would have been too. This is a lesson that you might have learned earlier but did not, the truth of which you now embrace only because you have become president of the United States. You are the man who will march only if he is commander in chief. Yours, Mr. President, has been a very expensive education. And, unfortunately, every man, woman, and child in this country is destined to pay the bill for your training not because it is so costly but because it is so achingly incomplete.

[From the Washington Post, Sept. 19, 1994]

#### ARISTIDE'S POLICEMAN

(By Robert D. Novak)

Jean-Bertrand Aristide's principal police recruiter a reluctant U.S. stamp of approval despite secret intelligence linking him to a notorious Haitian death squad and despite opposition from the State Department's anti-narcotics officer.

Lt. Col. Pierre Cherubin is connected by official State Department documents to one of the worst atrocities during Aristide's eight months as president of Haiti before he was toppled by an army coup: the murder of five youths three years ago. For the United

States to acquiesce in Cherubin's police role conflicts with President Clinton's citing of the human rights issue as justification for military intervention in Haiti.

It also stirs doubts about the "new Haiti" given birth by U.S. military force. Aristide, described by President Clinton as a new-born democrat devoted to constitutional principles, in picking Cherubin has warned that he could repeat the excesses of his brief regime. The Clinton administration, in turn, shows it will not be too severe in its oversight of the Aristide restoration.

The sudden appearance of Cherubin recently at Guantanamo Bay, Cuba, recruiting Haitian refugees to join the country's reconstituted post-invasion force sent shock waves through Washington. He is frequently—and unfavorably—mentioned in files of the State Department's Bureau of Intelligence and Research as police chief under Aristide. These papers put him at Aristide's side Sept. 29, 1991, approving the Haitian president's order to execute Roger LaFontant, a supporter of the Duvalier dictatorship, in his prison cell. Aristide was overthrown by a military coup the next day.

The most damning indictment of Cherubin in secret U.S. papers concerns the murder of the youths on July 26, 1991, by the police antigang unit. The killings were allegedly carried out by Cherubin's subordinate and the unit's deputy commander, 2nd Lt. Richard (Sha Sha) Salomon. Cables to Washington from the U.S. Embassy in Port-au-Prince accused Cherubin of blocking an investigation.

According to a State Department document, Salomon belonged to "a politically activist group of officers that Aristide directed be put in positions of authority," though many (including Salomon) had been cashiered out of the army. Cherubin is associated with the group.

The document cites allegations that Aristide's prime minister, Rene Preval, "secretly authorized . . . Cherubin to execute certain criminals without benefit of due process" and that "Cherubin passed along these instructions to the anti-gang Unit." It was further charged that "this new get-tough policy resulted in the torture and execution of the five youths." The paper cites "circumstantial evidence" that would make it "difficult to believe Aristide was not fully informed."

On top of all this, U.S. officials recently received new accusations that Cherubin has been involved in the drug trade.

That this was taken seriously is shown by the attempt to block Cherubin's appointment (reported to me by well-placed congressional sources) by Robert Gelbard, assistant secretary of state for international narcotics. Gelbard, a professional foreign service officer, as deputy assistant secretary for inter-American affairs in both the Bush and Clinton administrations was a staunch supporter of Aristide's restoration.

Gelbard was overruled, and Cherubin went to Guantanamo. That suggests the United States is not prepared to monitor Aristide's appointments the way it did in El Salvador during that government's struggle against communist insurgents. Former Rep. William Gray, Clinton's unpaid, part-time special adviser on Haiti, has made it a point to get along with Aristide, and that rules out confirming his lieutenants.

Administration officials get fuzzy when asked just how much control they will exercise over the new Haitian security forces. They describe a "double-key" system under which either side—the United States or the

Haitians—can veto any prospective policeman. But what about the police chiefs? There, it seems, Washington will not press too hard to exclude people like Cherubin.

Accordingly, the U.S. policy boils down to trust in Aristide. In the East Room of the White House Friday over international television, he preached reconciliation. Speaking at Our Lady of Sorrows Catholic Church the previous Sunday, he talked of restoring democracy to Haiti through a "Caesarean operation." To some present, that sounded like a bloody solution. The reemergence of Pierre Cherubin tends to confirm those suspicions.

[From the Washington Post, Sept. 20, 1994]  
ARISTIDE'S SILENCE CONVEYS DISAPPOINTMENT IN DEAL: OUSTED LEADER FEARS NEW THREATS, SOURCES SAY

(By John M. Goshko and Gary Lee)

Deposed Haitian President Jean-Bertrand Aristide is upset and bitterly disappointed by the deal to remove Haiti's military dictatorship because it allows key military leaders to remain in Haiti, where Aristide fears they could pose new threats to his rule, sources close to him said yesterday.

Perhaps the most eloquent comment on how Aristide felt was his silence. He met for hours with advisers to discuss a possible news conference or statement. But by the end of the day, the Aristide camp had reached no decision on what to say publicly, and it deferred a possible statement until today.

Aristide's restoration to power at the head of a democratic government is the stated reason for the U.S. action in Haiti, and the three years of agonizing diplomacy and threats that led up to it. Yet he has not appeared in public since Friday, when he joined President Clinton and Caribbean leaders at the White House demonstration of solidarity, and his name was barely mentioned yesterday in voluminous briefings and news conferences by administration officials who credited the Haitian military for cooperating with U.S. forces.

His aides said Aristide was grateful that the United States finally had succeeded in ousting the military regime, and they said he was very glad that the crisis had been resolved in a way designed to prevent casualties on either side.

"Still it obviously is not a very good agreement from his perspective, and his dilemma now is how to make clear the dangers it poses without appearing to be ungrateful to the United States," one source said.

Aristide's advisers privately criticized nearly every aspect of the agreement reached between the Haitian military and the three-man delegation led by former president Jimmy Carter. It includes a provision allowing Haitian armed forces chief Lt. Gen. Raoul Cedras to remain in power until Oct. 15 and envisions an amnesty for him and other military leaders.

"By now the United States should have learned that with these people a deal is not a deal," said another well-informed source, referring to the military regime's past record of broken promises. "They will now use the grace period the agreement gives them to try to bargain further so they can stay on and cause trouble."

"President Aristide believed the assurances of President Clinton that Cedras and the others would have to leave Haiti," the source said. The source added that as recently as Saturday, when the Carter mission began, "Aristide was being assured that the Clinton administration would accept nothing less than \* \* \*. Cedras and the others being

put on a plane to Panama. Instead, it ends up with them being allowed to stay and possibly getting amnesty for all the crimes they have committed."

The sources described as misleading statements by Clinton and Carter that a year-old accord signed by Aristide and Cedras provided a full amnesty for Haitian armed forces members. They said the agreement, signed at Governors Island, N.Y., was limited to "political crimes," in accordance with the limits placed on presidential power by the Haitian constitution. Cedras abrogated the agreement, and it was never carried out.

Amnesty for non-political crimes such as murder, rape and looting of public funds—crimes that Clinton accused the military leaders of committing in a national television address last Thursday—can be granted only by the Haitian Parliament.

One of the things that remains unclear about the new agreement, however, is who will constitute the Haitian Parliament that will determine whether there are new amnesty provisions. After the military held elections early last year to fill 13 parliamentary vacancies left by members who fled into exile with Aristide following the September 1991 military coup, the United States and the international community declared the body illegal.

But Secretary of State Warren Christopher said Sunday night that the United States would try to facilitate the return of Aristide's parliamentary supporters, thereby implying that the parliament would be restored to its former legitimacy so it could act on an extended amnesty.

Clinton administration officials had made special efforts to keep Aristide abreast of the Carter negotiations while they were underway. On Sunday, national security adviser Anthony Lake and Clinton's special adviser for Haiti, William H. Gray III, held two lengthy meetings with Aristide to brief him on the negotiations and the reasons why the administration thought the deal should be made.

A senior administration official said Lake and Gray spoke with Aristide again yesterday. Asked about Aristide's silence, the official said, "Some things take time."

"We've talked to him, and I think he'll speak for himself," the official added. "He's a thoughtful person, and he's going to think about what's best for his vision of the future. I think he ultimately will see that this is very much in his interest."

Other U.S. officials said that with 15,000 U.S. troops in Haiti by Oct. 15, the military leaders will not be in a position to challenge Aristide or to incite violence. Some U.S. officials hinted that they expect Cedras and his chief cohorts to recognize that without control of the armed forces, they face potential danger from a populace that is strongly pro-Aristide and would elect to leave the country for their own safety.

However, many of Aristide's American supporters continued to voice deep-seated mistrust of giving Cedras the option of staying in the country. Randall Robinson, a human-rights activist who staged a hunger strike last spring that helped to force Clinton into a tougher stance on Haiti, called the military leaders "murderous thugs."

At a news conference, Robinson voiced "serious misgivings" about the Carter agreement and said it should be amended to demand that Cedras and other military leaders leave Haiti.

#### THE HAITI RESOLUTION

Ms. MOSELEY-BRAUN. Mr. President, when the coup in Haiti first oc-

curred, then Secretary of State Baker, on behalf of the Bush administration, committed that "this coup must not, and will not, succeed."

President Clinton, when he took office, maintained that commitment, because he understood that the commitment made by the Bush administration was strongly in our national interest.

The President therefore worked long and hard, using every diplomatic and economic tool possible, to restore democracy to Haiti.

Unfortunately, the plotters who overthrew Haiti's constitutional government were prepared to see their people suffer and starve rather than give up their power. While they agreed to leave Haiti in the Governor's Island Accord, they broke that agreement and continued to try to cling to power.

To cement their rule, they terrorized their own people, even killing orphans and priests who had the temerity to support the democratically-elected leader of Haiti.

Economic sanctions were bringing the Haitian economy, already the poorest in this hemisphere, to an ever more desperate condition. And still, the military dictators refused to end their illegal usurpation of Haiti's duly-elected government.

The President, therefore, reluctantly concluded that only force would enable the United States to meet its commitment to restoring democratic government to Haiti.

I supported that decision. Diplomacy was not working, and sanctions were causing terrible hardships for the average Haitian without inflicting any comparable pressure on the Haitian military dictators.

However, I also strongly supported the President's decision to send three very distinguished envoys to Haiti to make one final attempt to obtain a peaceful restoration of democracy in Haiti. I commend former President Carter, ex-chairman of the Joint Chiefs of Staff, Gen. Colin Powell, and the chairman of the Senate Armed Services Committee, Senator NUNN to Haiti for the exemplary way they handled those very difficult negotiations, and for their willingness to work up until the final moment to achieve success.

The United States had a number of objectives in those final negotiations, but the two core objectives were: First, to meet our commitment to restoring democracy to Haiti, and, Second, to meet that commitment peacefully, if possible.

All of us know how serious it is to put U.S. forces at risk. No one wanted to see young American soldiers, sailors, or Air Force personnel wounded or killed.

I am very pleased, therefore, that the Haitian dictators finally came to understand that the United States meant what it said, and that our commitment to democracy was a firm one.

Like every American, I was relieved to see the television picture of the United States forces going into Haiti peacefully. I commend the President of the United States for working up until the very last moment, even until after the first planes carrying our paratroopers had already taken off from their airbases, to see that an agreement providing for the peaceful restoration of democracy was reached.

His leadership, and the extraordinary work of President Carter, General Powell, and Senator NUNN, led to this diplomatic triumph, and they deserve the country's thanks for their efforts on behalf of our Nation's interests.

I am very grateful that our forces, that our young men and women, are entering Haiti peacefully. I am also very grateful to see that the initial results of our entry into Haiti are encouraging.

We now have a plan in place for restoring democracy to Haiti. And, the presence of our forces in Port-Au-Prince, and soon, throughout the country, is already beginning to restore some sense of civil order for the vast majority of the population which is unarmed, and which has been terrorized for all too long.

Until yesterday, ordinary Haitians thought their only chance was to leave their country, even if that meant taking the terrible risk of going to sea in very small boats and rafts. Now, that can begin to change.

Until yesterday, restoration of democracy seemed like a far off dream to ordinary Haitians. Now, restoration of democracy and civil order is already beginning to take shape.

It is true, of course, that there remains much to do in Haiti, and that the peaceful entry of our military forces into that country does not end our job.

It is also true that the agreement negotiated by President Carter, General Powell, and Senator NUNN, has a number of points that will require future interpretation.

However, I share the view of General Powell, who said when he returned from Haiti, that all of the details "will be worked out in due course."

And, with our troops now on the ground, I am confident that the agreement will be interpreted and implemented in a manner fully consistent with the United States' view of that agreement.

I also agree with General Powell's statement that we should:

Not lose sight of the overall achievement. The U.N. resolutions will be executed. President Aristide will return. And we have the opportunity for a future of peace and democracy in Haiti and superb relationship between our two countries.

General Powell is entirely correct. The agreement achieved on Sunday, and the peaceful entry of our forces into Haiti beginning on Monday, was a

real achievement. It does open real opportunities, and it does enhance the prospects for the future success of our policies in Haiti.

We can now begin to restore democracy, to restore civil order and the basic human rights of ordinary Haitians, and to make it possible for average Haitians to begin to think about a real future in their own country, rather than at sea in fragile rafts and boats.

Finally, I want to say that the agreement reached over the weekend, and the subsequent peaceful actions by our military, represents a demonstration of the power that American values and American principles can have in the world.

Last week, I said that:

We have to stand for something, and we have to let the world know that when we say something, we give our word, when we make speeches and make pronouncements about the lofty principles that we hold dear, that they are not just conversation, that those principles have real meaning to us; that we really do believe that democracy has a value; we really do believe that human rights have a value \* \* \* We really do want to see to it that people can stay in their own homes [without fear].

And that is what we are demonstrating in Haiti, that we have values in this country, and those values form the bedrock foundation of our policy, both domestic and foreign.

The President's diplomatic achievement is our Nation's achievement. We have once again renewed our commitment to the principles that make the United States so unique on the world stage. We have demonstrated that we mean what we say, and that we are prepared to act based on our principles and our core values.

I believe our willingness to act on behalf of those principles, and on behalf of our own national interests was, in the final analysis, what made the agreement, and the subsequent peaceful entry of our military forces into Haiti to begin the process of restoring democracy, possible.

I want to conclude by congratulating all of the young men and women in our Armed Forces participating in the Haiti mission for their skill, their dedication, and for the highly professional way in which they are conducting themselves.

The next weeks and months will not be without risk for them. However, there is no doubt that what we are seeing in Haiti now is an American military that every single American can justifiably take pride in.

I commend our forces, I again commend President Carter, General Powell, and Senator NUNN for their achievement, and I congratulate the President of the United States for his leadership.

I strongly support an American foreign policy that is rooted in our own values. Indeed, I think that is the only kind of foreign policy this country can

conduct. That is what we are seeing now in Haiti, and that is why we had to act in Haiti.

#### HOMICIDES BY GUNSHOT IN NEW YORK CITY

Mr. MOYNIHAN. Mr. President, I rise, as has been my practice each week in this session of the 103d Congress, to announce to the Senate that during the last week, 15 people were killed in New York City by gunshot, bringing this year's total to 713.

#### ORDER OF PROCEDURE

Mr. WALLOP. Madam President, I ask unanimous consent that morning business be extended for another 10 minutes, and under the same condition as laid down by the majority leader's unanimous-consent request.

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

#### UNITED STATES POLICY ON HAITI

Mr. WALLOP. Madam President, I take great exception to the notion, which I consider very misguided, that the administration's Haiti policy has somehow been vindicated. The President may well have scored an immediate political success, but his policies are no more compelling today than they were last week. And the dilemma we face, he faces, the Nation faces, remains fundamentally unchanged.

The agreement reached over the weekend which allowed U.S. military personnel to enter Haiti without initial resistance does not in any way remove the most glaring defect in the President's Haiti policy. First, there are no goals. There are no benchmarks by which the public, by which the press, by which the Congress, by which our military can judge the completion of their tasks. There is nothing that we can look at on any horizon and say they have done it, or another 3 weeks and they will have done it, or another 3 months and they will have done it, because it does not exist. It has never been laid down as somewhere to go or something to do.

Our military has no enemy, but it has plenty of danger. Sadly, their reputation is on the line because who threatens them cannot be known, but it does not lessen the threat that they face. And somewhere—mark my words—with this CNN operation, there is going to come a moment when a soldier or sailor or marine is confronted with a circumstance that looks for all the world like peril to his or her own body, or that of their unit, and a violent reaction is going to end out with a pregnant woman shot, a child maimed, or some other dreadful pictures. And it will not be the fault of those military people, but of a nation which sent them

to do a job but has not been able to tell them what it is.

If our objective, if the President's objective, is the restoration of Aristide, let us be prepared for a full withdrawal the day after he returns and has shaken our hand. But our objective is much more open ended and without definition. Aristide seems an irrelevant stop on the way, and he is arrogant enough to be complaining about the sacrifice that this Nation's taxpayers have made, this Nation's military people have made, to return him to power. How dare that insolent man take objection. But then we have only to know that this man is no priest, as the press and some on the left have described him. He is defrocked and a communist, and a detester of the United States.

If our capacity is to build the foundations of order and democracy, then surely the administration has lost sight of the lessons learned in Somalia, also open ended, also ending in catastrophe, as this surely will, and also ending with the United States representative sneaking out in the dark of night.

In Haiti today, U.S. military forces are once again in this task of nation building. Madam President, nations are not built by foreign powers, not even ones with good will such as our good Nation. Nations grow from within. Nations are only controlled by foreign powers. And, therefore, when our military is asked to perform this inappropriate task in the midst of civil strife and fundamental division between rival factions, make no mistake. We will end out the detested party by those we were sent to help. As in Somalia, United States military personnel in Haiti will be appealing targets for those unhappy with whatever status quo we attempt to enforce.

Without exception, Madam President, our military leaders, our diplomatic personnel, and our congressional leaders have said that the hard part, the dangerous part, would be the occupation of Haiti, not the invasion of Haiti.

Well, Madam President, now we are an occupying power. The fact of the matter is that we have no business choosing sides in a domestic conflict where both sides have more than enough blood on their hands. If our forces stay long enough, they will become the targets of resentment from both sides. The recent agreement in no way alters this fundamental dilemma. Though it may have taken the moment's political heat off the President, it in no way declared or defined our military mission, our U.S. policy, or even indeed our purpose.

I will not support any resolution praising this agreement or the President because we do not yet know what it is that we would be praising or thanking them for except the moment's relief in a long scale of the pol-

icy that is still mystical to most people on both sides of the political aisle.

In my view, we deferred rather than resolved the fundamental flaws in the administration's Haiti policy. Such an outcome does not deserve the Senate's applause but its very real concern and ultimately, fundamentally, and finally, a debate—even though we are now there—on why it is we are there and what it is we expect to do there. Until we know what it is we expect to do, we will never know when we have done what somebody had in mind when they put this Nation in line for the expenditures of hundreds of millions of dollars to do what and to accept what danger, for what purpose, and for how long? When will they come home? When will it be that we can have been judged as a Nation that has done right or wrong, because right or wrong will never have been part of the equation that the American people have been asked to conclude?

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

#### ORDER OF PROCEDURE

Mr. PRESSLER. Madam President, I ask unanimous consent to speak for up to 10 minutes on the subject of Haiti as if in morning business.

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

#### HAITI

Mr. PRESSLER. Madam President, I know that there is much gratitude to be expressed to former President Carter, General Powell, and Senator NUNN for averting bloodshed. But this Senator still disagrees with the basic decision to send troops into Haiti. I know our troops are there now. I support our troops but not the decision to send them. As a former second lieutenant in the Army who served in Vietnam, I can say firsthand that I want our soldiers in the field to be well cared for and well supported in terms of logistics. They are obeying their Commander in Chief. I disagree very strongly with the decision of their Commander in Chief to send them to Haiti even though it is not an invasion. Let me explain why.

I feel very strongly that we are not going to be able to install democracy at the point of a gun in Haiti. I feel very strongly that we will not be able to do much for economic reconstruction in Haiti. I have been for lifting the embargo for a long time. I stood on the

Senate floor in early September and said that we should have a clear policy in Haiti that would say no invasion is to be expected, that Haitians will have to solve their own problems, a clear policy to lift the economic embargo so there would not be so much poverty there, and a clear policy to follow traditional immigration and refugee rules that have been used in this country for many years; that is, no mass deception.

That would have sent forth the message that Haitians have to solve their own problems, and they will have to in the end. Now the burden is on us to put someone in power. I guess Aristide does not want to be president now. He has changed his mind. He really does not want to be President of Haiti after all. He wants to stay up here. He has found a good life, and it is better to pontificate at a distance than to try to manage or to run Haiti.

So who are we going to put in as president? We will have to find somebody else, apparently, unless we can persuade Aristide to go. Maybe he will be persuaded to go down after a while. He is a very controversial figure in Haiti.

This invasion which looks so glorious and will look so glorious during the first 3 weeks, just as Somalia did, will not turn out very well in this Senator's judgment. I do not mean to denigrate or naysay what President Clinton does because I support him frequently on this floor. I want our President to be successful in foreign policy.

I want the President of the United States to be successful. I have said on this floor that these types of occupations are very exciting, very exciting on TV, and frequently give the President a boost in the polls. We all like to see military helicopters landing and troops going ashore. But it is very expensive to the taxpayer—to the janitor in Sioux Falls, SD, who supports a family of three or four; to a farmer, to a factory worker, to a teacher. This is a very costly adventure, and it is going to be more costly in the future.

Look at what happened in other countries where our troops were sent, like Somalia, where we are being sued to rebuild bridges that our trucks went over. They claim our trucks broke them down and, in reality, they were in bad shape in the first place. By the way, from this desk, on the Senate floor, I opposed the invasion of Somalia on the day our troops went in. So I am not speaking as a latecomer to this issue. The American taxpayers are going to be paying for years to come for things that result from our soldiers being in Haiti. It is not just a matter of them being withdrawn, and I hope they are withdrawn quickly.

I noted, with some irony, that yesterday the House of Representatives passed a resolution in which they seemed to have approved of all of this, and they added at the end "but we

want a hasty withdrawal." If you are sending troops down there, you do not want to withdraw them until they do their jobs, do you? That gives political protection for incumbents running for office. I find it rather hypocritical. I will not vote for such a resolution in this Chamber.

With the invasion fever, let me raise a very telling point. I would genuinely like to see troops come to Washington, DC, and so would the Mayor. She has asked for them. Here we have 22 aggravated assaults or rapes a day. We have between one and two murders each day. We have nearly 400 murders and shootings on the streets of the Nation's Capital per year. Our level of violence on a per capita basis is higher than it has been in Haiti this last year.

We have poor people here. In fact, the infrastructure in the District of Columbia is so bad that a Federal judge has ordered that the Federal court should take over public housing in the District of Columbia because in brand-new housing built by the taxpayers, the water does not work, the toilets do not work, because nobody cares. The infrastructure is broken down here in the Capital of the United States.

The Federal court took over the foster children division of the District of Columbia last week. Nobody is doing the paperwork on the 500 babies. It is a sad day when the Federal court has to take over a jurisdiction's local government. But the infrastructure in the Capital has collapsed.

We have a situation in the Nation's Capital where violence, drug dealing, poverty, and infrastructure problems are just as great as they are in many parts of Haiti. We have problems on our American Indian reservations that are just as great. We have similar problems in many of our Nation's cities. Maybe troops could come here, as they did some years ago, restore order by being on the street corners, end the drug dealing and work with the infrastructure as they are doing in Haiti.

We are going to be spending all this money on Haiti. There is going to be a supplemental aid appropriation coming to the floor soon to appropriate millions of dollars to rebuild the infrastructure Haiti. A lot of it is going to be wasted. I have been on the Foreign Relations Committee for 16 years, and three-fourths of our money is wasted when it goes abroad. It should be spent here on problems in the United States, where it is spent efficiently in a businesslike way, and at least spent on American citizens, and at least American lives will not be lost. How long can we go on in the Nation's Capital, where we have 22 aggravated assaults and rapes a day? How long can we go on with between one and two murders a day on the average?

I think we need to think about this foreign adventure we are conducting in Haiti. Why are we doing it? What are we going to accomplish?

Now, the House passed a resolution to withdraw the troops quickly. Well, why did we send them in the first place? I would be in favor of withdrawing them quickly because I was against ever sending them. Do we think that a country with those traditions of violence and no democracy is going to be transformed? I doubt it. In my opinion, it is going to be as ill-fated as the Somalia adventure.

In early September, I said on the floor of the Senate that I think this invasion—or occupation, or whatever it is—is a great mistake. I hope we will make a pilot project—I am not picking on the District of Columbia because there are a lot of hardworking people in the District who try—but I hope at some point we will make a pilot project of the District of Columbia and turn it into a gleaming example of what a nation's capital should be.

It seems that we think about it as being much easier when things are far away. When I was growing up in my hometown, it was exciting, in church, to take up a collection for something far on the other side of the Earth, or to hear a sermon about something happening many countries away. But there were a lot of problems in the hometown nobody wanted to touch because they were controversial, hard to solve, and not glamorous. That is what this whole Haiti thing is all about.

We are 6 weeks before elections in this country. Let us not paper over the fact that the opposition party is leading in the polls, and this Chamber may be taken over by a different party. I do not like to accuse the President of using our troops for political reasons. But as a former lieutenant in the Army, I feel strongly that the White House is looking for a political boost in the polls with this occupation.

But I do not think they are going to find it. During the first month of such an occupation, things seem to go gloriously well, and by the time reality sets in, the elections will be over. Those who vote for resolutions in the Senate commending the President, and at the end say, "By the way, we think the troops should be swiftly withdrawn," tell their constituents "I voted to withdraw the troops swiftly." That is hypocrisy at its greatest. That is why I will not vote for the resolution.

I will conclude by saying I am very interested in democracy flourishing. But I believe we have set the cause of democracy back in Haiti. We do not have anybody to install at the point of a gun. We are trying to find somebody. The military is still in control. We are just at a crossroads. We are just swimming in inconsistency. We are doing it while our own domestic priorities here in Washington, DC, within a mile of this Chamber, are not being met.

I hope we will wake up and meet our priorities here at home. I hope we will end the occupation of Haiti as quickly

as possible so American taxpayers will not be hurt as much as they could be.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

#### IOWA—A GREAT PLACE TO RAISE A FAMILY

Mr. GRASSLEY. Mr. President, I was pleased to read a recent article in the Washington Post by Laura Sessions Stepp, Washington Post staff writer. The title of it was: "Iowa, Where the Living Is Easier," and it is a report on all 50 States. The subheadline says: "Report: Maryland, Virginia Above Average for Families; DC Ranks Poorly."

In reading this article, obviously I was very proud for my State that the Post acknowledged what I and many other residents of Iowa—all Iowans—know and have known for many years: That Iowa is a great place to raise a family.

Ms. Stepp is reporting in the Washington Post article on a publication called "Running in Place." This report is by a Washington-based research organization called Child Trends, Inc. This study compares the 50 States and the District of Columbia on nine measures affecting family life, including number of intact families, rate of child poverty and education levels.

The report examined three challenges that families face as they attempt to fulfill their responsibilities in today's society: Making ends meet, combating negative peer influences on their children, and maintaining parental control as children grow older.

Some people would argue that this generation of young couples is simply more materialistic and consumed with bigger houses and fancier cars than other generations. While that might be true of some couples, obviously, it is not true of all couples.

Unfortunately, though, Mr. President, there is another reality out there. Unfortunately, some of these challenges are made worse by unwise public policies creating ever-increasing tax burdens on the American family. This forces more parents into a Hobson's choice of making ends meet or having time with their children. Many American families are so preoccupied with earning enough money to keep from falling behind financially that it may detract from their ability to raise their children.

According to this study, called "Running in Place," to avoid poverty in the current economy, most families need

to have both parents working to help support themselves and to help provide the resources for raising their kids.

Another result of the difficult financial reality of this day is that during a child's high school years, a time when most young people need more parental involvement and particularly to balance the peer cultures which support risky activities, many parents are less active, less involved than at other times in their child's development.

According to this study, parental involvement in schools falls to 50 percent when children are 16 or older, compared to 73 percent when children are ages 8 to 11, as an example.

At a time when educators believe that children are more likely to do well in school if their parents are involved in school activities, this decrease of parental involvement is particularly disturbing and may be indicative of worst times ahead.

While our State's per household income averages only \$26,229—and that is well below the richest State which has an average of \$41,721—it reflects a different lifestyle chosen by many residents of my State and I think it focuses upon our people putting the family first and the importance of family.

Because the cost of living in Iowa is more reasonable for families, it allows and encourages greater parental involvement in the lives of children. Iowa ranks in the lowest 10 States in the percentage of female-headed families with children. This is important because of the fact that if a family is a two-parent family, the median income is \$43,578, but if it is a female-headed family, the median income is \$12,073. Compare \$12,073 to \$43,578, and it speaks about why lots of families have problems, because this discrepancy means the difference between poverty and nonpoverty for many families.

Iowa also benefits from the fact that it is in the lowest 10 States in terms of unemployment, with the rate of only 4.5 percent of the work force unemployed. This means that Iowa parents are more able to provide for their families than parents from other States where unemployment is much higher.

Iowa also continues to rank at the top of the Nation in terms of education, with the highest ACT and SAT scores in the Nation for several years now. One of the reasons for this great achievement, reflecting the beliefs of many educators, is the involvement of parents in the education of their children. In this study that I am referring to, Iowa ranked in the lowest 10 States on high school teachers' reports that lack of parental involvement and student disrespect are serious problems in their schools.

So I am thankful that it is not a serious problem in our schools, as determined by our own educators.

While this is good news for Iowa, there are some concerns raised by the

report. The percentage of children not living with both their birth parents rose from 33 percent in 1981 to 43 percent in 1993.

While there are clearly some cases where circumstances warrant this result, the continuing trend toward broken homes is disturbing. One of the major issues raised by the increase in single-parent homes is the increase in child poverty. As I mentioned earlier, if a child is in a two-parent home, the median income was \$43,578; if a child is in a mother-only family, that median income was \$12,073.

Another issue raised by the increase in single-parent homes is the fact that only 37 percent of custodial parents with children from absent parents were receiving child support. And this, Mr. President, despite the efforts at both the State level and the Federal level to boost and to collect child support payments.

Although I do not agree with every conclusion drawn by the authors of this study, it raises some very interesting issues and questions for all of us as policymakers to consider.

So I urge my colleagues to consider this study titled "Running In Place," as we continue to confront the difficult issues facing our Nation today, whether they be issues connected with welfare reform, with collecting child support payments, with a lot of issues that we are going to be dealing with here—the issue of poverty as well. I think this study has a lot of good information that we ought to take into consideration.

I ask unanimous consent that a copy of the article by Laura Sessions Stepp from the Washington Post be printed in the RECORD.

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

IOWA, WHERE THE LIVING IS EASIER  
REPORT: MD., VA., ABOVE AVERAGE FOR  
FAMILIES, D.C. RANKS POORLY

(By Laura Sessions Stepp)

If you want to raise a family, move to Iowa. The state that touts itself as "A Place to Grow;" apparently grows healthy families, according to a national study released today. For that matter, so do Minnesota, Nebraska, New Hampshire, Vermont and Utah.

"Running in Place," a report by the Washington-based research organization Child Trends Inc., compares the 50 states and the District of Columbia on nine measures affecting family life, including childhood poverty and parental employment, education level and involvement in schooling.

Most states enjoy some favorable ratings, although four look pretty dismal; Louisiana, Mississippi, New Mexico and South Carolina. The district also doesn't fare very well.

Some of the richest states, such as Connecticut (with a per-household income of \$41,721), score less well than poorer states such as Iowa (with an income of \$26,229). In part that's because states like Connecticut have urban centers with all the social ills that big cities bring, said Nicholas Zill, the report's coauthor. Also, families in places

like Iowa may have accepted lower wages in return for better overall environments for families, Zill said.

Maryland and Virginia rank about average in this report, with Maryland slightly ahead of Virginia. In Maryland, Zill and co-author Christine Winquist Nord find a relatively low percentage of children under 18 living in poverty (11 percent), a better-than-average proportion of the population over age 25 with at least a high school diploma (78 percent) and low percentage of the work force unemployed (4.3 percent). On the negative side, Maryland has a high rate of repeat births to teenagers (26 percent). Also, according to data from a national teacher survey, Maryland suffers from a higher-than-average proportion of parents who are uninvolved in their children's schooling (35 percent) and a comparatively high percentage of students who show disrespect toward their teachers (23 percent).

Proportionately fewer students in Virginia are discourteous to teachers (17 percent), but Virginia parents are uninvolved in a similar proportion to their Maryland counterparts (31 percent). Virginia has a slightly higher percentage of children in poverty than Maryland (13 percent) but an equally low rate of unemployment (4.5 percent).

The District rates poorly on every measure, as do other major urban centers surveyed. However, the D.C. child poverty rate of 25 percent, while high, is not nearly as high as the rates in Hartford, Miami, Atlanta, Gary, Ind., Brownsville, Tex., and especially Camden, N.J., where, according to this report, 50 percent of the children live in poverty.

In Iowa's biggest city, Des Moines, 19 percent of the children are poor, but statewide, that drops to 14 percent. Eighty percent of Iowa's residents over 25 graduated from high school and only 4.5 percent are unemployed. Iowa enjoys a lower-than-average rate of first births to at-risk mothers (37 percent) and an apparently higher-than-average proportion of two-parent households (only 15 percent of its families with children are headed by the mother). Christina Martin, press secretary to Iowa Gov. Terry Branstad, says many Iowa families are now benefiting from state reforms in welfare, child welfare, health care and child support. "Iowa realized early that strong families were the foundation for building a sound education system and encouraging economic growth," she says.

Along with Nebraska and South Dakota, it also has the highest proportion of working mothers with young children (70 percent). And talk about Midwestern civility: Only 10 percent of Iowa students are rude to their teachers.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Alaska is recognized.

Mr. MURKOWSKI. I thank the Chair.

Mr. President, I ask to speak for not more than 10 minutes as if in morning business.

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

Mr. MURKOWSKI. I thank the Chair.

#### HAITI

Mr. MURKOWSKI. Mr. President, I rise this afternoon to join with a number of my colleagues who have already spoken regarding the recent actions by the administration in Haiti. I wish to share with my colleagues, as well as the American people, the relief that I am not standing here today talking about the military invasion of Haiti but, rather, an intervention in Haiti that was negotiated. Thus, the loss of American lives, so much the concern of all of us last week, has been thwarted by the success of the negotiators.

I wish to praise the efforts of former President Jimmy Carter, General Powell, and our colleague, Senator SAM NUNN. Because of their contribution, our Armed Forces entered into a less hostile environment in Haiti yesterday.

Mr. President, that was yesterday. A new day has begun and a new obligation has begun. The ramifications of that, of course, are still to unfold. Time will be the judge of the contents of the agreement. Many in the international community and at home believe that this agreement, in my opinion, is much more lenient on the military junta than the Governors Island accord. This could have been achieved, of course, without the brinkmanship that the administration engaged in, but I am not going to dwell on hindsight. The fact is we are fortunate it did not involve the loss of American lives, and we are fortunate it did not result in the invasion that was contemplated.

One wonders why there was not more thought and consideration given to the proposal that economic and political sanctions be used more effectively but, again, that is hindsight.

So we should look ahead. We should be positive. We should not be lulled into a premature declaration of victory, however, because, according to our President, our goal is to stay in Haiti not only until President Aristide is returned to power but until order is restored. A good deal of that is going to depend on actions within the Haitian Government.

But really, Mr. President, as you and I know, getting into Haiti was never the heart of the operation. No one wants to say the word, but in reality what we are involved in is nation building, something that we do not acknowledge but is certainly occurring in the sense that we are staying there until President Aristide is returned to power and until order is restored.

So I would encourage my colleagues to recognize what it is that we have undertaken. It is, indeed, nation building. We have had some experience in nation building. I think that is what led us to stay in Somalia long after the humanitarian mission was complete.

Perhaps this is a sign of a purpose that resulted in the unfortunate loss of a number of rangers who were involved in the manhunt for the warlord Muhammed Aided. We all remember those tragic circumstances.

The words "peacekeepers" and "peacemakers" bear an interesting connotation. Our troops are not merely "peacekeepers," they are "peacemakers" in Haiti. Under the terms of the U.N. Resolution No. 940, this is a mission to "establish and maintain a secure environment." We are not quite sure what all of that involves.

But I would note that last year when I had an opportunity to spend a few days in a seminar, in attendance was one of our top Marine generals. He was very eloquent in his expression of the role of our military men and women who are taught how to fight wars. "Fighting" wars and "peacekeeping" or "peacemakers" have entirely different connotations, entirely different responsibilities, entirely different types of training. But we are asking our warriors, those that are in Haiti, to be involved in a peacemaking, peacekeeping, nation-building engagement. Mr. President, that troubles this Senator from Alaska.

Political and economic sanctions, of course, as I said earlier, were preferable. There is nothing new about the fact that Haiti is our neighbor and the turbulent conditions there have led to human rights abuses and immigration problems. I regret to say that I think that this may also be true at the end of our occupation. But again, time will tell.

We face potentially an unknown and certainly costly commitment to keep peace in Haiti—unknown in the sense of how long we are going to be there—and one can only guess the cost commitment.

I am still not satisfied that this was a specific goal worth risking American lives. But, clearly, the negotiators were successful, and the engagement that was anticipated, the invasion of Haiti, fortunately did not become a reality. I would prefer to have seen the sanctions extended. But again I am not going to draw on hindsight.

I acknowledge the immigration problems and human rights abuses. These are terrible problems. These problems could be addressed I think in another manner. We certainly are not occupying Mexico to stop the enormous flow of immigrants from there. We are not occupying China to prevent human rights abuses there. But we are occupying Haiti.

Even though I remain skeptical of the goals of this mission under any circumstances, I would have been more committed if I had a little more faith in the leader President Clinton is determined to restore. I think it is legitimate to question whether Aristide is a good risk, a good risk to have the support of the people of Haiti.

We have heard confirmed and unconfirmed reports of Aristide's own human rights abuses, and anti-Americanism. This raises the concern that we will risk American lives and spend taxpayer dollars to restore a man to power who has a questionable commitment to the very objectives we seek to achieve in Haiti.

So I would remind my colleagues that we are committed to support Aristide at least until the next elections in Haiti, that we are embarked on an unknown commitment beyond that of the stabilization, establishment and maintenance of a secure environment. We are also involved in a substantial monetary commitment, the amount unknown, but clearly an obligation that the American taxpayers are going to have to underwrite.

In closing, Mr. President, I commend our negotiators. I commend the President for the success of having our troops there without bloodshed, and without initiating an invasion. But I would urge the President to bring our U.S. troops home as soon as possible.

I am sure that this body will have an opportunity over the coming months to address the points that I am somewhat uncomfortable about; that is, the obligation we are undertaking to ensure the support of Aristide, the commitment of funds, and the commitment of U.S. military personnel in a peacekeeping role.

I thank the Chair. I wish the President a good day.

I suggest the absence of a quorum.  
The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

#### THE SITUATION IN HAITI

Mr. HARKIN. Mr. President, I am sure, like almost all Americans, over the last few days, I have had a mixture of emotions concerning what happened in the neighboring country of Haiti. I know I share with all my fellow citizens a great sense of relief that there was not an invasion in which there would have been, possibly, a great loss of life. I share a great sense of relief that our troops are landing there safely and that a process is now underway that, hopefully, will lead to the peaceful transition back to democracy in that very troubled country of Haiti.

On the other hand, I remain concerned, as I am sure many Americans do, about just what we are about in Haiti and just what our troops are going to be doing there, and what the next sequence of events might bring. The President has very forthrightly said that we are still not out of danger and that there is still a risk.

So I want to, first of all, commend our President, President Clinton, for being steadfast since he first took office in carrying out the stated policy of not letting the coup stand in Haiti and returning President Aristide and democracy to that country. That policy was first enunciated by President Bush when the coup happened in September of 1991, when he said that the coup represented an unusual and extraordinary threat to the vital interests of the United States. Then Secretary of State James Baker said that the coup cannot and will not stand.

President Clinton continued to carry forth that bipartisan, and I hope to say nonpartisan, approach to foreign affairs during the ensuing years after he was inaugurated. The policy was to try to go the extra mile, and President Clinton did go the extra mile in trying to seek a peaceful resolution. Thus, we had the Governors Island accord, in which both sides, the duly elected President Aristide and Raoul Cedras, the general who was the leader of the coup that overthrew President Aristide, signed the Governors Island accord saying they would step down and President Aristide would return last fall.

But as we all know now, the military leaders, led by Raoul Cedras, reneged on that and President Aristide was not able to return, and thus we had the ensuing crisis. President Clinton has maintained steadfastness in that we would return Aristide and democracy to Haiti. He imposed a complete embargo on Haiti. The people of Haiti have been suffering over the last few months. But they have suffered for many years under cruel dictators and tyrants and under the cruel military leadership there.

The President, last Thursday a week ago, went before the Nation and, I think, very forcefully and clearly outlined our national security interests, the vital interests of this country, and what was at stake. I thought, very forcefully, as the President and Commander in Chief, he said that the coup would not stand and their time was up and they had to go. A force was ready to carry that out.

Again, to repeat, Mr. President, I think I can sum up the vital interests of the United States in Haiti in three ways. First of all, we have 16,000 Haitians now in Guantanamo Bay—refugees from their own country—because they were supporters of President Aristide, and they cannot under the present circumstances return to Haiti or they risk losing their lives. Where are they to go? They cannot stay in Guantanamo Bay. Will we open our doors here?

Will we then keep the generals in charge in Haiti and watch as 100,000 to 300,000, perhaps more, Haitians get in their boats and come to the United States, or the Bahamas, or other Carib-

bean islands where they cannot take and handle such refugees?

So I think that is our first vital national interest.

The second vital national interest is that we have a lot of fragile democracies in this hemisphere, many of whom have just overthrown dictators and military dictatorships. They are now sort of getting their sea legs in democracy. But in the wings are waiting their military ready to take over.

(Mr. BRYAN assumed the chair.)

Mr. HARKIN. If we were to allow the coup to continue and to allow Cedras and the military to continue their dictatorship in Haiti, that would have sent, I think, shock waves throughout not only the Caribbean but all of Latin America, destabilizing governments, bringing back military dictators, and that would not be in our vital national interest.

The third reason that is in our vital national interest is because of the gross violations of human rights in Haiti.

President Clinton was right last Thursday when he deemed it a reign of terror. We have not seen anything like this before in our hemisphere. We have seen things like this in Cambodia, we have seen it in Rwanda, but never in this hemisphere.

While I do not think and do not believe that the United States should be the policemen of the world, we cannot be that, at least when it happens in our own backyard in a country in which we have vital interest and a country in which we have seen the heavy hand of the United States disrupting that country before, then I think we have an obligation to act and an obligation to ensure that these gross violations of human rights, these murders, tortures, the killing of orphans, the rapes, are not continued by this military dictatorship.

President Clinton spelled that out quite clearly last Thursday. Now over the weekend we had former President Carter, former Chairman of the Joint Chiefs of Staff Colin Powell, and of course our colleague, Senator NUNN, as we know engage in discussions with the military in Haiti to reach an agreement for their departure and for the return of democracy.

Now, Mr. President, while I applaud and I commend those who went and who hammered out this agreement, I must at this time raise some serious questions as to what now will take place and what this agreement really means and what our troops are in Haiti for.

I guess I have been pretty disturbed to hear people talk about the military in Haiti as our friends, as patriots, honorable people acting in the best interest of their country. Mr. President, they are not our friends, and they are not patriots.

Keep in mind this is the military in Haiti responsible over the last 3 years

for somewhere between 3,000 and 4,000 murders, disappearances, countless tortures and rapes. This is the military in charge down there under which now orphans are being killed, the orphans of people who were Aristide's supporters. A daily occurrence is for Aristide's supporters to be summarily executed. No, they are not patriots and they are not our friends.

I recognize that we have to deal with them. They have the guns, and they are in power, and we have to deal with them. So I am not going to take those to task who tried to hammer out this agreement. I think we had to do that.

I guess the other problem I have is when I keep hearing former President Carter refer to "President Jonassaint of Haiti." I saw it a couple times on television today, former President Carter referring to President Jonassaint.

Mr. Jonassaint is not the President of Haiti. Haiti only has one President, and it is President Jean-Bertrand Aristide, who was elected with over two-thirds of the vote in an open and free election. Mr. Jonassaint was simply put there by the dictators, by the junta, by General Cedras and his compatriots. He was put there as a puppet by the very military that initiated the coup.

So I hope that we will quit referring to Mr. Jonassaint as the President of Haiti. He may be something but he is not the President. He may be a friend of the military. He may be their puppet, but he is not the President of Haiti. I certainly wish that Mr. Carter would quit referring to him as that.

So why are the troops there? Last night we saw the first instances of violations, and another instance today. As I understand the news reports, what happened last night is that some of President Aristide's supporters came down to the dock to welcome the American troops in a demonstration. They were not hurting people. They were not damaging anything. But the police forces came in there and broke them up, beat some with batons, and dispersed them. And we saw the things happen today.

Our troops are standing idly by. I understand that our troops are not to engage in policing activities in Haiti. I understand that. But does that not then give the appearance to the Haitian people that now our military is there on the side of their military and their police who have been repressing them? That sends all the wrong signals.

Initially we were going in there as friends of the Haitian people and on behalf of the Haitian people. Now the appearance is that we have gone in there on behalf of the Haitian military and the Haitian police forces.

I believe that is a formula for disaster. The Haitian people had their hopes raised by President Clinton and by the

actions we took, by the strong policies we have had and enunciated for over 3 years that we were going to return democracy and return President Aristide.

Now, somehow if they see or if they feel, if they perceive that we are there on behalf of the military and that we are only dealing with the military, then I think reactions are going to occur, and I think that could spell big trouble for our troops and for us in Haiti.

So, what do we do about it? We cannot act as policemen. I understand that, and I would not ask our troops to act as policemen. We should not do that. We cannot do that.

So then what is the solution to this? I believe there is only one, Mr. President. First of all, we have to start dealing not just with the military. I understand we have to deal with them. But as soon as our troops are in place by this weekend, as soon as they have secured whatever they are going to secure, the ports, the airport, the roads, and things like that, then I believe that we have to immediately begin dealing with the duly elected and constituted Government of Haiti. That means, first and foremost, we have to start negotiating and deal with—not negotiating but deal with—and talking with and involving President Aristide, not Mr. Jonassaint—he is not the President—but President Aristide.

Second, I believe that we should begin dealing as soon as possible with President Aristide's Minister of Defense, not the generals, but President Aristide's Minister of Defense, not the rump Parliament that is there now, but the Parliament that was elected in that free election in 1990, and we must start dealing with President Aristide's Cabinet and President Aristide's nominated interim Prime Minister.

We have to start doing that very soon because if we do not, then we will go down that road of dealing more and more only with the military, only with Mr. Jonassaint, who, as I pointed out, is not the President of Haiti. This will send all the wrong signals and images to the Haitian people.

So I am hopeful that as soon as possible we will begin the process of dealing with the duly elected Government in sending those signals to the Haitian people that we recognize President Aristide as their duly elected President, that we do not recognize this rump Parliament that was elected in January of this year in what no one believes was any kind of open and free election but that we will deal with the duly elected Parliament of 1990. In order to effectively do that, then our troops must ensure the safety of President Aristide, of his Cabinet, of his Ministers, of his Prime Minister, of his Minister of Defense.

I thought that is what our troops were going there for and I hope that is what they are there for. Those are

clear orders, a clear delineation of responsibility.

So I hope, beginning early next week, that we would see that our orders to our troops from our commander in chief would be that they are there and they should protect, 24 hours a day, in their jobs and in their homes and on their way to and from work and their families, those who constitute the duly elected Government of Haiti. That sends a signal to the Haitian people about whose side we are on.

And this cannot wait too long. If this waits 2 more weeks or 3 more weeks and all we deal with is the military, I am afraid of a reaction that might happen.

There is a risk, as the President said, still to Haiti. We can reduce that risk. We cannot get rid of it completely, but we can reduce that risk if we start dealing with the Minister of Defense, for example, that was appointed by President Aristide.

Again, I am not saying that we cannot deal with Mr. Cedras and his military. I understand that. I understand that we have to deal with him. But we should not be dealing with him exclusively as now appears.

So I am hopeful that, as soon as possible, we will provide that protection.

And I would further suggest, Mr. President, that we make it clear to the Haitian people that we are going to return President Aristide to Haiti at the earliest possible moment—and I hope that would be as soon as next week—with the commitment of our thousands of troops who are there, that we will give him the protection he needs and the protection his government needs so that they can operate, so that Parliament can indeed meet and pass an amnesty law. I know that amnesty is a big issue, and I understand that. And the agreement that was signed by Mr. Jonassaint and former President Carter speaks to that issue of amnesty.

But what parliament is going to pass it? Is it the rump Parliament that does not represent the Haitian people? Or will it be the real Parliament, the one that was elected in 1990? I would suggest for it to have any force and effect, it has to be the latter, it has to be the real Parliament.

Well, 40 members of the Haitian House who were elected in 1990, who are President Aristide's supporters, are now living in exile in Miami, afraid to go back, afraid for their lives. Many others are in hiding in Haiti. So we are going to have to enable these 40 to go back. But we are going to have to make sure we provide them the protection that is necessary for them to get back the reins of government and to start functioning again. Then, the police forces will be under the civilian government. Then the military in Haiti will be under the civilian government, as it ought to be.

So I hope we are not putting the cart before the horse here, in trying to re-

structure a military and deal with Mr. Cedras and his coconspirator who engineered the coup.

But I hope we will do everything to expedite the return of President Aristide. And I think this should happen as early as next week. And with the return of a duly elected Parliament, then they can go about the business of passing an amnesty law.

Mr. President, the military thugs in Haiti are not our friends. Some have even tried to make General Cedras as something like a democrat or something. In today's Washington Post, it is reported that former President Carter said that those who referred to General Cedras as a dictator were dead wrong.

Tell that to the 4,000 murdered and brutalized Haitians who were murdered and brutalized under Cedras' regime. Tell that to the estimated 300,000 Aristide supporters who are in hiding and in fear for their lives. Tell that to the women raped by Cedras' military, many times in front of their own husbands and children. Tell that to the orphans who have been killed and orphanages that have been ravaged by the military. Tell that to the countless thousands of refugees who risked their lives to flee the repression, often at risk, great risk, to themselves and their families.

Mr. Cedras may be many things, but he is not our friend and he is certainly not a democrat with a small "d." It is time, as President Clinton said, for him to go.

There is another story circulating around that was in the Washington Post today that, according to former President Carter, it was General Cedras who saved President Aristide's life. This is a myth. I do not know what sources former President Carter has for this statement, but President Aristide categorically denies that Cedras saved his life. And there is other evidence that exists to refute that claim and that it was other military people who, in fact, saved Aristide's life, while those coup plotters, including Mr. Cedras and Mr. Biambly and Mr. Michel Francois and others, were debating whether or not to kill him.

So, Mr. President, I wanted to take this time to again commend and compliment, first of all, President Clinton, for being steadfast and strong and ensuring that a coup like this would not stand and we will return democracy and President Aristide to Haiti.

I commend those who went to Haiti this weekend at great trouble to themselves and I think at great risk, great risk, to themselves to hammer out this agreement.

I think now we must look ahead and we must, as expeditiously as possible, get our troops in—I understand they will be there by this weekend—and then we must right now begin dealing

with the duly elected civilian Government of Haiti. We must return President Aristide to Haiti as soon as possible, with the protection that we can afford him with our military there, so that he can once again get the reins of government with his Cabinet, so that the duly elected Parliament elected in 1990 can come back into existence; so that we can look forward to December of this year of having some more truly free elections in Haiti.

I fear that if this does not happen, we can expect more violence in Haiti, more occurrences of what happened yesterday and today.

Having served for a great number of years in the military—5 years active and 3 years in the Reserves—I have a great deal of respect for those who serve in our military. I think we ought to be cautious whenever we commit our young men and women to risk their lives in any kind of military endeavor. I believe that when we do that, we ought to back them up with every possible resource that we can give them. And I believe that the orders that we give them ought to be clear and concise and unambiguous.

And I guess that is what I fear about this operation in Haiti right now. And that is why I believe if they had the orders to protect the key civilian components of the Haitian Government, those would be clear, unambiguous, recognizable and enforceable orders, and orders that could be carried out. They would not be offensive in nature. We would not be seeking to harm anyone, but only to protect the civilian elected government of Haiti.

That, I believe, should be the role for our military for the next several weeks, maybe for the next couple of months. And then turn over the peace-keeping operations to the multinational force so that we can set up structures where by December we can have another round of free elections in Haiti.

So, Mr. President, again I hope that the ensuing few days will not see an outbreak of violence. I hope that our young men and women who are in Haiti will have all of the full resources of this country behind them.

And I am hopeful that, as soon as possible, our Government and our President reaches out to President Aristide to set up the structures so that he, his Cabinet, his Ministers, and the Parliament elected in 1990 can, within the next 2 or 3 weeks, start assuming command and control of their country once again and get the reins of government. The faster we do that, I believe, the more peaceful will be the transition to democracy in Haiti. The more we prolong that, I believe the more violent it will become.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Wisconsin [Mr. FEINGOLD].

#### HAITI WAR POWERS AMENDMENT

Mr. FEINGOLD. Mr. President, I endorse those provisions of the proposed sense-of-the Senate resolution which state that the American people and the Congress support the United States Armed Forces now engaged in the mission in Haiti.

Of course the American people and the Congress support our men and women in uniform, wherever their Government sends them. There should never be any question as to that point.

But I want to make it absolutely clear that I do not necessarily endorse the invasion of the Island of Haiti by the United States whether by force or under an agreement without explicit congressional authorization.

The New York Times in an editorial published today put the issue succinctly:

Even with no invasion, Mr. Clinton is deliberately placing U.S. forces in harm's way. He should seek Congressional approval now.

I believe that we should make it clear, here and now, that the Congress of the United States has a direct role and responsibility to either ratify or repudiate the use of United States military troops in the action taking place in Haiti. At some point, therefore, I intend to send to the desk an amendment to the proposed resolution.

The amendment I would offer is straightforward and simple. It states that it is the sense of the Senate that Congress should vote on or before October 15 on a measure containing specific authorization for the use of United States Armed Forces in Haiti. As we all know, October 15 is the final deadline under the new agreement for the military dictators to resign. By that time, we ought to vote up or down on whether the Congress of the United States is willing to share responsibility for this military action. To fail to do so is to shirk our responsibility under the Constitution and to fail to faithfully discharge our duties of office. It also deprives the President of the support he truly needs, whether his advisors agree or not, to effectively carry out this mission.

Some of my colleagues in the House yesterday raised the issues of congressional authorization of troops both before and after this weekend's events, but said they should be saved for another day. However, I would say that while today is properly dedicated to complimenting the peaceful resolution brokered by the Carter team, we certainly must address the issue of congressional authorization for the use of armed force very soon. This is an issue, while most recently tested in the context of the Haitian invasion, goes beyond any particular incident or military adventure.

The entire process by which the President went about building support for the invasion illustrates that we lack a suitable operating framework

within which the Congress and the President can work together to decide when this Nation will use its Armed Forces abroad. In our system, no one person is vested with the sole decision of when and where to commit U.S. Armed Forces. And no one person can decide when or when not he needs the support of Congress for such operations. That is the essence of the Constitution and is illustrated in the War Powers Act. However, last Sunday, only one person—albeit the Commander in Chief—made the decision about launching troops into Haiti.

When all of the nonmilitary avenues for ending power struggles are exhausted, military force is an alternative. We often seek multilateral arrangements or international support for the use of force—such as the U.N. resolution the President used to build support for the Haiti invasion. But that alone, as we have all voted here on this floor, does not constitute authorization for the use of armed force under the U.S. Constitution. The U.S. Congress is supposed to have a central role in this process.

One can hardly mention this topic without appearing to debate the War Powers Resolution of 1973. When that is not my intention today, the War Powers Resolution is a good starting point. The drafters of this resolution said that their purpose was to fulfill the intent of the Framers of the Constitution and to ensure that the collective judgment of both the Congress and the President would apply to the introduction of U.S. Armed Forces into hostilities. In terms of these goals, I believe, unfortunately, that the War Powers Resolution has failed to achieve its very worthy purpose.

In essence, the War Powers Resolution has not fulfilled its intended purpose. In today's world, when candor and cooperation seem paramount, the War Powers Resolution has become a bit like the family relative that nobody wants to talk about. But we need to talk about it. Our legislative horizons need to move beyond the Vietnam era when a President could secretly deploy thousands of troops in cold war struggles outside of the view of a CNN camera. We must move into a frank debate about what we need in today's world because the dangers of not addressing the matter head-on continue to mount.

I believe a suitable war powers framework must start with an agreement between the President and the Congress that the President needs the backing of a statutory authorization for decisions to commit U.S. Armed Forces into hostilities. This means not just funds appropriated in some general way. I believe the President needs a specific authorization. How can we insist upon authorizing the most ordinary domestic programs but then duck the extraordinary question of sending

American men and women into combat or situations which may lead to combat if things go awry? The President clearly understands the importance of being able to marshal public and congressional support for such military commitments. I know he also understands how quickly public support can evaporate once the bodies start coming home—what one of our colleagues, the senior Senator of Ohio, JOHN GLENN, has called the Dover, DE test; that is, when the body bags pile up at Dover, DE, realizing the impact of loss of American life for our cause. Make no mistake, congressional views will quickly follow the public in the Dover, DE test unless the President has our statutory authorization up front.

In addition, the President should understand that a statutory authorization would completely sidestep the flawed War Powers Resolution because the entire law sort of becomes moot when the Congress authorizes a military action by act or joint resolution. The President says he wants to eliminate the 60-day withdrawal provisions of the War Powers Resolution; a statutory authorization along the lines I have suggested would do just that.

There is only one acceptable excuse for a President to act without statutory authorization and that is to respond to legitimate emergencies. Given the transparency with which the White House prepared the potential invasion of Haiti, in addition to the absence of any immediate emergency, it is very difficult to sustain any argument that the President did not need statutory authorization in this case.

But I want to stress that I recognize that we must provide the President with the flexibility needed to respond when real emergencies occur. The Constitution foresaw and history has since demonstrated that there will continue to be legitimate emergencies in which the President must respond in the defense of the country or in response to urgent and vital interests abroad. Congress owns the war power. But what I would like to say today is that the Congress can loan it to the President in such emergencies. The War Powers Resolution handles such emergencies very crudely. It first defines these legitimate emergencies in a way which even the late Senator Javits—the Senate sponsor of the War Powers Resolution—admitted was incomplete and then it gives a President a completely free hand for 60 days to respond to any world event in whatever way the President determines to be appropriate. I do not think in this respect the War Powers Resolution is consistent with either the intent of the Framers of our Constitution or with most Presidential practice prior to the cold war. So we must do better.

I understand that there are dangers in this world which the Framers could not foresee. While that may change the

letter of our working definition of legitimate emergencies, it ought not change the spirit. Legitimate emergencies should be situations whose gravity threatens our borders, the safety of Americans, our military installations abroad, or other matters of supreme national interest. Moreover, these situations should demand a response of such decisiveness, secrecy, or dispatch that is only provided by the President as Commander in Chief. But even if such an emergency occurs, our tradition since the Constitution has been for the President to act and then seek so-called indemnification from the Congress.

So to illustrate, I would expect, for instance, President Clinton to respond promptly to a North Korean invasion of South Korea that threatened United States forces. I would then expect him to seek proper authorization, promptly thereafter. President Truman decided not to do that in 1950 and his decision is widely viewed as the most egregious abuse of constitutional war powers in the history of the United States. President Eisenhower's more constructive working relationship with Congress was tempered by the Truman experience. Even President Johnson, the father of the Tonkin Gulf resolution, considered Truman to have made a serious error in not seeking congressional authorization. As one U.S. Congressman has said:

Allow the President to invade a neighboring nation, whenever he shall deem it necessary to repel an invasion, and you allow him to do so, whenever he may choose to say he deems it necessary for such purpose—and you allow him to make war at pleasure.

Those were the words of Congressman Abraham Lincoln. Years later, at the outbreak of the Civil War, President Lincoln himself deployed U.S. Armed Forces without the authorization of Congress but later told the Congress that these actions—

Whether strictly legal or not, were ventured upon under what appeared to be a popular demand and public necessity, trusting then, as now, that Congress would readily ratify them.

Thus Lincoln explicitly sought congressional approval by statute of his emergency actions. He never claimed to have full and independent constitutional support for his initiatives.

Congressional ratification was an essential legitimating step for his actions. Later the Supreme Court upheld his action in the famous 1863 prize cases. Mr. President, I would contrast President Lincoln's sophisticated understanding of constitutional war powers with the following more recent statement by former-President Bush who said:

I didn't have to get permission from some old goat in the United States Congress to kick Saddam Hussein out of Kuwait.

Or with President Clinton's August statement on Haiti that—

I would welcome the support of the Congress, and I hope I have that. Like my predecessors of both parties, I have not agreed that I was constitutionally mandated to get it.

So, Mr. President, Congress needs certain assurances of good faith in order to support a President in potential emergencies. We can acknowledge legitimate emergency reasons for a President to act unilaterally without turning our back on who owns the war power under the Constitution.

Unfortunately, there have been too many cases in which we have been asked to make loans of the war power in other than emergency situations. As many of my colleagues have said over the last several weeks regarding Haiti, it is not enough to seek the approval of the U.S. Security Council or of a regional alliance like the OAS or NATO only then to ignore the role—the central role—of the United States Congress.

I also recognize that power-of-the-purse legislation relating to the commitment of U.S. Armed Forces is an available remedy, but not an ideal model. The distinguished President pro tempore, Senator BYRD, in testimony before the Foreign Relations Committee last February, likened the power of the purse to a watering hole in the forest to which all the animals eventually must come to drink. I agree with the distinguished President pro tempore's characterization; the power of the purse is an excellent and effective tool in most matters for which we appropriate public funds. But I worry, nonetheless, about how close we are coming to a constitutional crisis when we rely on such measures as a last resort in a war powers struggle with the President. In a way, it illustrates our level of desperation about preserving our constitutional war power responsibilities and they risk infringement upon the President's equally valid constitutional responsibilities as Commander in Chief.

These extreme gestures usually come in two forms: attempts to end ongoing military operations and attempts to preclude future military options. In September 1993, for instance, Senators BYRD, MITCHELL, and others offered an amendment which extended the President's Somalia reporting deadline into October and set a November deadline for congressional authorization. By implication, funding for United States Armed Forces in Somalia would be cut by November unless Congress authorized them to remain. I opposed that measure as an unwise extension of an unwarranted loan of the congressional war power in the February 1993 resolution. I expect we will find ourselves in a similar situation regarding this Haiti invasion.

We can learn much from last fall's Somalia experience. One lesson is that without a specific and well-crafted

statutory authorization that we could then modify or renew, the only remaining tool for affecting ongoing military operations is the power of the purse.

So, Mr. President, we need to focus on some very specific questions about the current occupying force in Haiti. This is an unprecedented situation, where U.S. troops are occupying a country, and working with the foreign force to do it. We will have almost 15,000 troops in Haiti definitely in harm's way. Thankfully, this is not the invasion force we had thought it would be at this point, but it is a use of force which should require congressional concurrence. The question to ask regarding this operation is, "Should the President alone have the authority to put almost 15,000 lives in danger for a risky operation in Haiti?" That is the question, and my answer is, I think not.

A second question is whether our troops face imminent hostilities or are likely to face at some point in time. While cooperating with Haitian Armed Forces, it is arguable that they will not, but the situation is fluid and after October 15, we may face a dire situation if the military leaders do not step down.

Let us focus for a moment on the risks that our troops will face in this action.

First, the possibility of mob violence and looting. There is reason to believe that there may be activity such as that which occurred in Panama City after the United States invasion in 1990, as thousands of citizens took advantage of the disarray surrounding the arrival of United States troops to engage in widespread looting. Given the economic strain Haiti has suffered under the U.N. sanctions, this is a very real possibility.

Second, urban street-to-street combat. Just as Aideed loyalists in Mogadishu used small arms to hamper United States and U.N. troops, our troops could again become the targets of urban assaults.

So long-term resistance or guerrilla warfare. Haiti is a largely rural country with a rough terrain and poor infrastructure. If the situation turns bad, we could be facing very hostile circumstances for a prolonged period.

We all hope and pray that this will not be the case.

But we should not ignore the very real possibility that 15,000 American service men and women have been sent to a foreign soil, armed and prepared to fight. Congress ought to either ratify that action or reject it; we should not stand by pretending that the deployment of U.S. troops is not a shared responsibility between the executive branch and the legislative branch under our system of government.

To conclude, the Wisconsin State Journal said in an editorial published today the following remarks which I

think are very appropriate. The editorial said:

The United States may have avoided "invading" Haiti, but the military occupation that began Monday walks and quacks like a very similar duck. "What is the mission of U.S. troops—will they become "rent-a-cops", as one soldier grumbled after the invasion was scratched? What happens if Cedras and crew try to renege on the agreement, as feared by the Haitian community in the United States? Almost certainly, U.S. troops will become targets. How long will American forces stay? It's worth remembering that U.S. Marines invaded Haiti in 1915 to restore order after a Haitian mob killed an unpopular president—and stayed for 19 years.

Mr. President, we deserve to know the precise mission of the troops in Haiti. Our constituents rightly want to know that there is an exit strategy. And Congress should have the opportunity to authorize this large, military mission.

So, Mr. President, to finally conclude, we deserve to know the precise mission of the troops in Haiti. Our constituents rightly want to know that there is an exit strategy. Congress should have the opportunity very soon to either authorize or disapprove of this large military mission.

I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. Who seeks recognition?

Mr. DANFORTH addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri [Mr. DANFORTH].

#### USE OF AMERICAN MILITARY FORCE

Mr. DANFORTH. Mr. President, United States troops are on the ground in Port-au-Prince, and any time United States troops are present on foreign soil, all of us want to voice our support for them. Whatever we say and whatever we do, we want to make it clear that the safety of Americans and their success is something that we want to support. So I do not want anything I say this evening to be misconstrued as in any way pulling the rug out from under our troops who are present in Haiti. We do support them, and we will support them. Their safety and success will henceforth be of paramount interest for each one of us.

Having said that, I would like to voice my concerns about what we are up to as a country. A lot of people were voicing concerns last week about Haiti and about American policy with respect to Haiti, and then the announcement was made about the success of President Carter's mission.

I have a high regard for President Carter, and certainly for our colleague, Senator NUNN, and for General Powell as well. But I must say that I did not share in the widespread euphoria that was expressed about President Carter's mission because it seemed to me that what that mission accomplished for us

was to assure that there would be an easy entry of American troops into Haiti. But nobody ever really thought that it would be anything other than an easy entry of American troops into Haiti.

I do not remember hearing anybody say that we were going to have a lot of casualties when our soldiers landed in that country. Most people believed that it would be simple; that the Haitian army amounted to very little; that it was poorly trained and poorly equipped; and that it was no match whatever for a full-fledged use of American force. The concern was not about the introduction of American troops into Haiti. The concern was about something else, and I would like to speak about that something else tonight.

Since the war in Vietnam, the question that has been before our country has been what are the limits of the use of American military force? I thought the limiting factor that was established during and at the end of the war in Vietnam was that American troops would be deployed only where our national interests were at stake; that if the test of national interest is abandoned, then there are no limiting criteria to be used with respect to the use of military force.

Now, in the case of Somalia, we did depart from the national interest test, but we did so on the belief that we had a very limited mission, and that limited mission was to save lives; that we could save a lot of lives by feeding people; and that our military would be agents of feeding people and keeping them alive; that we could keep many, many people alive and there would be almost no risk to American life.

It was a departure from the national interest test because we had no interest in Somalia. At the time, I was concerned about that departure, but I for one was willing to go along with it because it was such a limited mission and because so many lives would be saved.

Then once we got into Somalia, we changed our mission, and we undertook something much different from feeding people, much different from the simple humanitarian task of keeping people alive. We got into the business of what we call nation building, and when we got into the business of nation building we got into real trouble and people started to get killed. Our people started to get killed. And then, finally, we got out of Somalia.

Now the debate began with this very long buildup on the part of the President and his administration about Haiti. This was different from Somalia because it was not a food crisis. We did not have people who were starving to death who could be fed by our soldiers. No, the concern for Haiti was about the nature of the Haitian Government or whoever was in control of the Haitian Government. We did not like them. We

did not like the kind of people they were. We do not like them. We said that they were brutal; that they were not democratic; that they had overthrown a democratic government; and that that was wrong.

This was not a humanitarian mission which was the justification of our departure from the national interest test in Somalia. This was a matter of us not liking their government, the regime, General Cedras. And so we had this long buildup of saber rattling and threats, and maybe if we threaten them enough they will do something and General Cedras will leave the country.

The threats got more and more bellicose, and before you knew it we could not do anything about it. The President decided that he made the threat and nothing was happening. So then he felt compelled to say, in effect, well, we really do mean it, and if you do not move we are going to send in the Army.

We did send in the Army. But what was accomplished by President Carter and his mission was simply the terms of the military intervention, the terms of the introduction of U.S. troops. It was still a military intervention. It was still the use of our Army in order to interfere in the internal affairs of another country.

If that is to be the new policy of the United States, it really is not any answer to say, well, the policy of this other country is really a terrible policy, and it is no answer to say, well, these people are really terrible people. Obviously, we would never intervene militarily in the affairs of another country if we thought that they were good people, or if we thought that they were a democracy, if we thought they were just like we are.

So what we did was send in the Army because we did not like their regime, and we did not like their leadership, and we did not like the way they were conducting their internal affairs.

There was no real argument of national interest. There was a kind of bogus argument of national interest. It was said, well, it is our national interest to have democracies. It is our national interest to have people around who agree with us, who are like us. But that is not a real interest test because if that is the test, then we could intervene anywhere in the world, militarily, where there is not a democracy.

It was said, well, Haitians are taking to their boats, and if we got rid of Cedras they would not be taking to their boats. But why were they taking to their boats in the first place? Most of them were on those boats trying to get away from Haiti because of an economic blockade that we had put in place. It was our policy that got them in the boats in the first place.

So there was not any national interest unless it was to try to somehow

remedy some situation that we created ourselves.

We sent in the Army. President Carter went to Port-au-Prince and he met with General Cedras. What did he accomplish? He accomplished the safe arrival of American troops. That is all he accomplished. But any concessions, if indeed there were concessions by the military regime in Haiti, were concessions that were accomplished at the point of a gun.

The announcement that was made of the apparent willingness of General Cedras to step down at a future date was made when he found out that American paratroopers were in the air flying in from Fort Bragg, NC. That is a military action. The fact that guns were not shot, that people were not killed, does not make it any less a military action. It was a military incursion into another country for the purpose of changing the internal structure of that other country. That is all it was. As such, it was a departure from the basic principle that we had put in place to try to restrain American military adventurism around the world.

Now we ask ourselves, after the cold war, well, what is the purpose of America's military force? I hope that we are now something more than a country with a strong military looking for some purpose for that military. But it would appear to me that the new policy is that now that we do not have the Soviet Union to worry about anymore, the purpose of the military is to gain our will in countries that we do not like. So that is what we have attempted to achieve in Haiti.

The first point I want to make tonight is that I think this is a bad policy. I think that it is a bad precedent for the United States to see our military as the instrument of achieving changes in foreign countries where there is no plausible national interest of the United States.

The second point that I want to make is one that a lot of people have made; that is, it is much easier to get into another country than it is to get out of another country. That was the lesson in Vietnam, of course. It was the lesson in Somalia. It is easier to get in than it is to get out. And it is particularly hard to get out when the purpose of getting in in the first place is to accomplish political change within a country. If the purpose of getting in there with all of our troops in the first place is to accomplish political change, then do we not vouch for whatever political change occurs? It is our political change. We are the ones who have done it, at the point of a gun.

So how do we leave unless the change that we ourselves have brought about is one that is firmly in place? I believe that the United States now has taken upon itself a responsibility for the future of Haiti, of all places. It is our thing. It is our responsibility. We are

for democracy, and we are there with our military to establish and to prop up democracy in Haiti.

Many people have pointed out that democracy does not spring from nowhere. Democracy generally is developed on the basis of a culture, on the basis of a tradition. In our country, it was a tradition that went back to ancient times in Europe, in England, in particular. There is no such tradition in Haiti.

So we are supposed to plant the seed of democracy on the rock of Haiti and hope that something flourishes. I do not think that is likely to happen. But we are there and we are vouching for it.

We are so pleased that American troops, when they entered Haiti, were not shot at, and that this was accomplished by President Carter, that we are about to take up a resolution thanking President Carter for his efforts. And I am happy to thank President Carter. I think he is a very, very admirable person in many, many ways.

But in order to protect our soldiers from being killed on the way in—and it would be an easy exercise, and probably not many would be killed—what did we do? We embraced General Cedras and we now describe him as our "partner." We are cooperating with General Cedras, of all people, in our military enterprise.

So it is somehow that we are pleased that it became the Clinton-Cedras military exercise for the purpose of interfering with the Government of Haiti. And, by the way, part of the deal is that the Parliament of Haiti has to do something, namely grant amnesty for the military leaders.

The Parliament of Haiti is not exactly the Senate of the United States. The Parliament of Haiti is not exactly the paragon of democratic values. This is Cedras' Parliament. We are saying we are there with our military force, and one of the objectives that we are trying to achieve in the name of democracy is a specific action on the part of the Parliament of Haiti.

It is ironic in the extreme that a mission for the stated purpose of establishing democracy is utilizing a government which we say is not democratic.

I want to reiterate that we support our troops on the ground, and we are loyal to them. We are going to do what is necessary to support them and to protect them. For that reason, once we have engaged in an operation, it is very hard to disengage. It is even harder to disengage when we are vouching for a governmental system which we want to be able to describe to the people of our country as consistent with our own American values. I do not think that will ever come to an end.

Mr. President, I hope we are not there long. I know that when we were in Somalia and the military operation in Somalia turned from keeping people

alive by feeding them into nation building Senator BYRD successfully led an effort to try to place a limitation on the duration of our military presence in Somalia. And I believe that there should be some appropriate limitation on the duration of our stay in Haiti as well because, otherwise, we are going to be there forever. And it is not going to be easy to get out. Particularly, it is not going to be easy to get out if we do not much like the people we have left behind. It is never easy to get out.

(Mr. CAMPBELL assumed the chair.)  
Mr. DANFORTH. At the time of the Vietnam war, there was a great debate about how we could get out once we got in, how we could get out with honor. And there were those who concluded at that time that the only way to get out was to just get out. I believe that time is going to come in Haiti and that it should come in Haiti in the foreseeable future.

Somehow we have blundered into a situation here without really thinking about what we were doing—maybe we did think about it, but just not very well. We have adopted a practice of using American military power for the purpose of intervening in the internal affairs of a country in which we have no national interest. We sent our troops in in a way which was intended to create democracy in a country that does not have any history of democracy. I think it was a terrible, terrible mistake.

I understand the great euphoria from President Carter's mission, and I understand further that when American troops accomplish something, people are proud of those troops. But, Mr. President, it is not really much of an accomplishment to land soldiers in Haiti.

So I wanted to voice my own concern about what we are doing, to express the hope that we are going to extricate ourselves from this situation in the foreseeable future, and especially to express the hope that the utilization of American troops for the purpose of nation building is not going to be the standard practice of our country in the future.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

#### LIFT THE ECONOMIC SANCTIONS

Mr. NUNN. Mr. President, I believe the Senate should go on record as soon as possible, hopefully tonight, but if not tonight, tomorrow, in full support of our troops who are now ashore in Haiti, and I am confident that we will.

As a related matter, I believe that any such resolution should also address the immediate lifting of economic sanctions, and I understand that the draft resolutions that are being passed back and forth will make that explicit call.

These sanctions are hurting the very people we are trying to help: the poor people of Haiti who are suffering. At this time, moreover, when the United States forces are arriving in numbers—in very large numbers—in Haiti, I believe it is absolutely imperative that we alleviate the suffering of the Haitian people as soon as possible so that we can provide a tangible demonstration of the benefit of our presence in that country. In other words, lifting the embargo and sanctions without delay will serve to minimize the risk to our own soldiers who are in that country. Every day we continue the embargo increases their risk and the difficulty of their mission.

The agreement that President Carter, General Powell, and I negotiated on behalf of President Clinton specifically calls for, quoting from that agreement, "the economic embargo and the economic sanctions to be lifted without delay in accordance with relevant U.N. resolutions \* \* \*"

Mr. President, we need to live up to that commitment as soon as possible. I have heard that some people believe that the international embargoes should only be lifted when President Aristide returns to Haiti. I do not believe that President Aristide would want to prolong the suffering of the Haitian people. I would hope that he would publicly endorse the immediate lifting of the embargo, if that is needed to convince the members of the Security Council to do so.

I understand that part of the embargo has been imposed by the United States independent of the international embargo imposed by the United Nations. And I would hope that President Clinton would make an early decision to lift those parts of the embargo that are not internationally imposed immediately and do everything through our good offices, through Ambassador Albright at the United Nations, to persuade the Security Council to take the step, or steps, needed to lift the international embargo.

I do not understand how anyone can believe that depriving Haitian children of food or preventing Haitian adults from obtaining employment is in our interest when we occupy that country. The only interest it would serve would be the interest of those who would want to see the agreement unravel.

Mr. President, I think we must keep our word and do all we can to lift the economic sanctions, and I am hopeful that the Senate resolution will make that explicit when we adopt it on the floor.

I thank the Chair, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

#### COMMENDING THE PRESIDENT AND THE SPECIAL DELEGATION TO HAITI—SENATE RESOLUTION 259

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Senate Resolution 259. Regarding Haiti, submitted earlier today by myself and Senator DOLE and others; that no amendments or motions to commit be in order to the resolution or the preamble; that the Senate vote on adoption of the resolution no later than 3 p.m. tomorrow; that the preamble be agreed to immediately upon the disposition of the resolution; and that the time for debate tomorrow on the resolution be equally divided between the two leaders or their designees.

The PRESIDING OFFICER. Is there objection?

The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, reserving the right to object, when I spoke earlier this evening on the resolution which has been proposed, I indicated that I intended to offer an amendment stating the sense of the Senate that Congress should vote—up or down—on a measure containing specific authorization for the use of U.S. forces and military operations in Haiti on or before October 15, the date on which the new agreement calls for the military dictators to step down.

I stated in some detail, why I believe the President needs specific authorization from the Congress for the Haiti operation. I have, however, agreed not to offer that sense-of-the-Senate language to the pending measure and will instead introduce it as a freestanding resolution for appropriate reference.

I strongly believe this specific authorization should be voted on in the very near future but I recognize the desire of the proponents of this resolution to move forward with a unanimous-consent agreement to expedite consideration of this resolution and I do not intend to object.

The PRESIDING OFFICER. Is there objection. Hearing none, it is so ordered.

Mr. MITCHELL. I thank the Senator from Wisconsin.

#### HOUSE OF REPRESENTATIVES CAMPAIGN SPENDING LIMIT AND ELECTION REFORM ACT OF 1993

Mr. MITCHELL. Mr. President, I ask that the Chair lay before the Senate a

message from the House of Representatives on a bill (S. 3) entitled the "Congressional Spending Limit and Election Reform Act of 1993."

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives.

Resolved, That the bill from the Senate (S. 3) entitled "An Act entitled the 'Congressional Spending Limit and Election Reform Act of 1993'", do pass with the following amendments:

Strike out all after the enacting clause and insert:

**SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

(a) **SHORT TITLE.**—This Act may be cited as the "House of Representatives Campaign Spending Limit and Election Reform Act of 1993".

(c) **TABLE OF CONTENTS.**—

Sec. 1. Short title; table of contents.

**TITLE I—CONTROL OF CONGRESSIONAL CAMPAIGN SPENDING**

**Subtitle A—[Reserved]**

**Subtitle B—Expenditure Limitations, Contribution Limitations, and Voter Communication Vouchers for Eligible House of Representatives Candidates**

Sec. 121. Provisions applicable to eligible House of Representatives candidates.

Sec. 122. Registration as eligible House of Representatives candidate.

Sec. 123. Definitions.

**TITLE II—LIMITATIONS ON POLITICAL COMMITTEE AND LARGE DONOR CONTRIBUTIONS THAT MAY BE ACCEPTED BY HOUSE OF REPRESENTATIVES CANDIDATES**

Sec. 201. Limitations on political committee and large donor contributions that may be accepted by House of Representatives candidates.

**TITLE III—INDEPENDENT EXPENDITURES**

Sec. 301. Clarification of definitions relating to independent expenditures.

Sec. 302. Reporting requirements for certain independent expenditures.

Sec. 303. Broadcast and cable independent expenditure communications against eligible House of Representatives candidates.

**TITLE IV—CONTRIBUTIONS AND EXPENDITURES BY POLITICAL PARTY COMMITTEES**

Sec. 401. Definitions.

Sec. 402. Contributions to political party committees.

Sec. 403. Provisions relating to national, State, and local party committees.

Sec. 404. Reporting requirements.

Sec. 405. Restrictions on fundraising by candidates and officeholders.

Sec. 406. Increase in authorized political committee contributions to congressional campaign committees.

Sec. 407. Increase in the amount that multicandidate political committees may contribute to national political party committees.

Sec. 408. Merchandising and affinity cards.

Sec. 409. Increased limitation amount for certain contributions to political committees of State political parties.

**TITLE V—CONTRIBUTIONS**

Sec. 501. Restrictions on bundling.

Sec. 502. Contributions by dependents not of voting age.

Sec. 503. Prohibition of acceptance by a candidate of cash contributions from any one person aggregating more than \$100.

Sec. 504. Contributions to candidates from State and local committees of political parties to be aggregated.

Sec. 505. Prohibition of false representation to solicit contributions.

Sec. 506. Limited exclusion of advances by campaign workers from the definition of the term "contribution".

Sec. 507. Amendment to section 316 of the Federal Election Campaign Act of 1971.

Sec. 508. Prohibition of certain election-related activities of foreign nationals.

**TITLE VI—REPORTING REQUIREMENTS**

Sec. 601. Change in certain reporting from a calendar year basis to an election cycle basis.

Sec. 602. Personal and consulting services.

Sec. 603. Reduction in threshold for reporting of certain information by persons other than political committees.

Sec. 604. Computerized indices of contributions.

Sec. 605. Identification.

Sec. 606. Political committees.

Sec. 607. Use of candidates' names.

Sec. 608. Reporting requirements.

Sec. 609. Simultaneous registration of candidate and candidate's principal campaign committee.

**TITLE VII—FEDERAL ELECTION COMMISSION**

Sec. 701. Appearance as amici curiae.

Sec. 702. Federal Election Commission public service announcements.

Sec. 703. Authority to seek injunction.

Sec. 704. Expedited procedures.

Sec. 705. Insolvent political committees.

**TITLE VIII—BALLOT INITIATIVE COMMITTEES**

Sec. 801. Definitions relating to ballot initiatives.

Sec. 802. Amendment to definition of contribution.

Sec. 803. Amendment to definition of expenditure.

Sec. 804. Organization of ballot initiative committees.

Sec. 805. Registration of ballot initiative committees.

Sec. 806. Reporting by ballot initiative committees.

Sec. 807. Enforcement for ballot initiative committees.

Sec. 808. Prohibition on contributions and expenditures by ballot initiative committees.

**TITLE IX—MISCELLANEOUS**

Sec. 901. Broadcast rates and preemption.

Sec. 902. Campaign advertising amendments.

Sec. 903. Telephone voting by persons with disabilities.

Sec. 904. Transfer of presidential election financing provisions to Federal Election Campaign Act of 1971.

**TITLE X—HOUSE OF REPRESENTATIVES CAMPAIGN ELECTION FUNDING AND RELATED MATTERS**

Sec. 1001. Make Democracy Work Election Fund.

**TITLE XI—EFFECTIVE DATES; SEVERABILITY**

Sec. 1101. Effective date.

Sec. 1102. Severability.

Sec. 1103. Expedited review of constitutional issues.

Sec. 1104. Regulations.

Sec. 1105. Budget neutrality.

**TITLE I—CONTROL OF CONGRESSIONAL CAMPAIGN SPENDING**

**Subtitle A—[Reserved]**

**Subtitle B—Expenditure Limitations, Contribution Limitations, and Voter Communication Vouchers for Eligible House of Representatives Candidates**

**SEC. 121. PROVISIONS APPLICABLE TO ELIGIBLE HOUSE OF REPRESENTATIVES CANDIDATES.**

(a) **IN GENERAL.**—The Federal Election Campaign Act of 1971 is amended by adding at the end the following new title:

**"TITLE VI—EXPENDITURE LIMITATIONS, CONTRIBUTION LIMITATIONS, AND VOTER COMMUNICATION VOUCHERS FOR ELIGIBLE HOUSE OF REPRESENTATIVES CANDIDATES**

**"SEC. 601. EXPENDITURE LIMITATIONS.**

"(a) **IN GENERAL.**—An eligible House of Representatives candidate may not, in an election cycle, make expenditures aggregating more than \$600,000.

"(b) **RUNOFF ELECTION AND SPECIAL ELECTION AMOUNTS.**—

"(1) **RUNOFF ELECTION AMOUNT.**—If an eligible House of Representatives candidate is a candidate in a runoff election, the candidate may make additional expenditures aggregating not more than \$200,000 in the election cycle.

"(2) **SPECIAL ELECTION AMOUNT.**—An eligible House of Representatives candidate who is a candidate in a special election may make expenditures aggregating not more than \$600,000 with respect to the special election.

"(c) **CLOSELY CONTESTED PRIMARY.**—If, as determined by the Commission, an eligible House of Representatives candidate in a contested primary election wins that primary election by a margin of 20 percentage points or less, the candidate may make additional expenditures aggregating not more than \$200,000 in the election cycle.

"(d) **NONPARTICIPATING OPPONENT PROVISIONS.**—

"(1) **LIMITATION EXCEPTION.**—The limitations imposed by subsections (a) and (b) do not apply in the case of an eligible House of Representatives candidate if any other general election candidate seeking nomination or election to that office—

"(A) is not an eligible House of Representatives candidate; and

"(B) receives contributions or makes expenditures in excess of 25 percent of the limitation under subsection (a).

"(2) **CONTINUED ELIGIBILITY AND ADDITIONAL MATCHING FUNDS.**—An eligible House of Representatives candidate referred to in paragraph (1)—

"(A) shall continue to be eligible for all benefits under this title; and

"(B) shall receive voter communication vouchers under section 604.

"(3) **REPORTING REQUIREMENT.**—A candidate for the office of Representative in, or Delegate or Resident Commissioner to, the Congress—

"(A) who is not an eligible House of Representatives candidate; and

"(B) who makes contributions in excess of \$50,000 of personal funds of the candidate and members of the candidate's immediate family to the authorized committee of the candidate or receives contributions or makes expenditures in excess of 25 percent of the limitation under subsection (a);

shall report that the threshold has been reached to the Clerk of the House of Representatives not later than 48 hours after reaching the threshold. The Clerk shall transmit a report received under this paragraph to the Commission as soon as possible (but no later than 4 working hours of the Commission) after such receipt, and the

Commission shall transmit a copy to each other candidate for election to the same office within 48 hours of receipt.

**"(e) EXEMPTION FOR LEGAL COSTS AND TAXES.**—Any costs incurred by an eligible House of Representatives candidate or his or her authorized committee, or a Federal officeholder, for legal services or Federal, State, or local income and payroll taxes with respect to a candidate's authorized committees, or to comply with section 606, shall not be considered in the computation of amounts subject to limitation under this section.

**"(f) EXEMPTION FOR ACCOUNTING OR FUNDRAISING COSTS.**—

**"(1)** Any costs incurred by an eligible House of Representatives candidate or his or her authorized committee in connection with the solicitation of contributions on behalf of such candidate or for accounting services to ensure compliance with this Act shall not be considered in the computation of amounts subject to limitation under subsection (a) to the extent that the aggregate of such costs does not exceed 10 percent of the limitation under subsection (a).

**"(2)** An amount equal to 10 percent of salaries and overhead expenditures of an eligible House of Representatives candidate's campaign headquarters and offices shall not be considered in the computation of amounts subject to limitation under this section. Any amount excluded under this paragraph shall be applied against the accounting or fundraising expenditure exemption under paragraph (1).

**"(g) CIVIL PENALTIES.**—

**"(1) LOW AMOUNT OF EXCESS EXPENDITURES.**—Any eligible House of Representatives candidate who makes expenditures that exceed a limitation under subsection (a) or subsection (b) by 2.5 percent or less shall pay to the Commission an amount equal to the amount of the excess expenditures.

**"(2) MEDIUM AMOUNT OF EXCESS EXPENDITURES.**—Any eligible House of Representatives candidate who makes expenditures that exceed a limitation under subsection (a) or subsection (b) by more than 2.5 percent and less than 5 percent shall pay to the Commission an amount equal to three times the amount of the excess expenditures.

**"(3) LARGE AMOUNT OF EXCESS EXPENDITURES.**—Any eligible House of Representatives candidate who makes expenditures that exceed a limitation under subsection (a) or subsection (b) by 5 percent or more shall pay to the Commission an amount equal to three times the amount of the excess expenditures plus a civil penalty in an amount determined by the Commission.

**"(h) INDEXING.**—The dollar amounts specified in subsections (a), (b), and (c) shall be adjusted at the beginning of each calendar year based on the increase in the price index determined under section 315(c), except that, for the purposes of such adjustment, the base period shall be calendar year 1992.

**"(i)** The limitations of this section do not apply in the case of any recall action held pursuant to State law.

**"SEC. 602. CONTRIBUTION LIMITATIONS.**

**"(a) PERSONAL CONTRIBUTIONS.**—An eligible House of Representatives candidate may not, with respect to an election cycle, make contributions or loans to his or her own campaign totaling more than \$50,000 from the personal funds of the candidate. The amount that the candidate may accept from persons referred to in section 315(i)(2) shall be reduced by the amount of contributions made under the preceding sentence. Contributions from the personal funds of a candidate may not be matched under section 604.

**"(b) LIMITATION EXCEPTION.**—The limitation imposed by subsection (a) does not apply in the case of an eligible House of Representatives candidate if any other candidate for that office—

**"(1)** is not an eligible House of Representatives general election candidate; and

**"(2)** makes contributions or loans to his or her own campaign totaling more than \$50,000 from his or her own personal funds.

**"SEC. 603. DECLARATION OF PARTICIPATION; CONTINUING ELIGIBILITY.**

**"The Commission shall determine whether a candidate is eligible under this title and, by reason of such eligibility may receive benefits under this title. Such determination shall—**

**"(1)** in the case of an initial determination, be based on a declaration of participation submitted by the candidate; and

**"(2)** in the case of a determination of continuing eligibility, be based on relevant additional information submitted in such form and manner as the Commission may require.

**"SEC. 604. VOTER COMMUNICATION VOUCHERS.**

**"(a) IN GENERAL.**—An eligible House of Representatives candidate shall be entitled to receive, with respect to the general election, an amount of voter communication vouchers equal to the amount of contributions from individuals received by the candidate, but not more than \$200,000, with not more than \$200 to be taken into account per individual.

**"(b) SPECIFIC REQUIREMENTS.**—A candidate for the office of Representative in, or Delegate or Resident Commissioner to, the Congress may receive voter communication vouchers under subsection (a) only if the candidate—

**"(1)** in an election cycle, has received 10 percent of the limit specified in section 601(a) in contributions from individuals, with not more than \$200 to be taken into account per individual;

**"(2)** qualifies for the general election ballot;

**"(3)** has an opponent on the general election ballot; and

**"(4)** files a declaration of participation in which the candidate agrees to—

**"(A)** comply with the limitations under sections 601 and 315(i);

**"(B)** cooperate in the case of any audit by the Commission by furnishing such campaign records and other information as the Commission may require; and

**"(C)** comply with any repayment requirement under section 606.

**"(c) WRITTEN INSTRUMENT REQUIREMENT.**—No contribution in any form other than a gift of money made by a written instrument or a certification by the committee making the request that identifies the individual making the contribution by full name and address may be used as a basis for any matching payment under this section.

**"(d) CERTIFICATION AND PAYMENT.**—

**"(1) CERTIFICATION.**—Except as provided in paragraphs (2), (3), and (4) not later than 5 days after receiving a request for payment, the Commission shall certify for payment the amount requested under this section. The request by an eligible candidate to receive voter communication vouchers under this section shall contain—

**"(A)** such information and be made in accordance with such procedures as the Commission may provide by regulation; and

**"(B)** a verification signed by the candidate and the treasurer of the principal campaign committee of such candidate stating that the information furnished in support of the request, to the best of their knowledge, is correct and fully satisfies the requirements of this title.

**"(2) PAYMENTS.**—The initial payment of voter communication vouchers under subsection (a) to an eligible candidate shall be an amount equal to at least 10 percent of the limit specified in section 601(a). All payments shall be—

**"(A)** made not later than 48 hours after certification under paragraph (1); and

**"(B)** subject to proportional reduction in the case of insufficient funds.

**"(3) PARTIAL CERTIFICATION.**—If the Commission determines that any portion of a request does not meet the requirements for certification, the Commission shall withhold the certification for that portion only and inform the candidate as to how the candidate may correct the request.

**"(4) CERTIFICATION WITHHELD.**—The Commission may withhold certification if it determines that a candidate who is otherwise eligible has engaged in a pattern of activity indicating that the promises in the candidate's statement of participation cannot be relied upon.

**"(e) CLOSELY CONTESTED PRIMARY.**—If, as determined by the Commission, an eligible House of Representatives candidate in a contested primary election wins that primary election by a margin of 20 percentage points or less, the candidate shall be eligible to receive matching vouchers totaling not more than \$66,600, in addition to any other amount received under this section. The amount available under the preceding sentence is subject to the matching requirements of this section.

**"(f) INDEPENDENT EXPENDITURE PROVISION.**—If, with respect to a general election involving an eligible House of Representatives candidate, independent expenditures totaling \$10,000 are made against the eligible House of Representatives candidate or in favor of another candidate, the eligible House of Representatives candidate shall be entitled, in addition to any amount received under subsection (a), to voter communication vouchers equal to the amount of such independent expenditures, and expenditures may be made from such vouchers without regard to the limitations in section 601.

**"(g) PROHIBITION OF CONVERSION TO PERSONAL USE.**—An eligible candidate who receives voter communication vouchers under this section may not convert any amount to personal use or make any payments, directly or indirectly, to such candidate or to any members of the immediate family of the candidate.

**"(h) INDEXING.**—The dollar amount specified in subsections (a) and (e) (other than the amount taken into account per individual) shall be adjusted at the beginning of the calendar year based on the increase in the price index determined under section 315(c), except that, for the purposes of such adjustment, the base period shall be calendar year 1992.

**"(i) USE OF VOTER COMMUNICATION VOUCHERS.**—Voter communication vouchers shall be used by an eligible House of Representatives candidate—

**"(1)** to purchase broadcast time during the general election period in the same manner as other broadcast time may be purchased by the candidate;

**"(2)** to purchase print advertisements during the general election period;

**"(3)** to purchase voter contact campaign materials (brochures, bumper stickers, handbills, pins, posters, and yard signs) used during the general election period; or

**"(4)** to pay for postage expenses incurred during the general election period.

**"(j) UNEXPENDED VOUCHERS.**—Any amount of voter communication vouchers received by an eligible House candidate under this title and not expended on or before the date of the general election shall be repaid within 60 days of the election, except that a reasonable amount may be retained for a period not exceeding 120 days after the date of the general election for the liquidation of obligations to pay expenditures for the general election incurred during the general election period. At the end of the 120-day period, any unexpended vouchers received under this title shall be promptly repaid.

**"SEC. 605. CLOSED CAPTIONING REQUIREMENT FOR TELEVISION COMMERCIALS OF ELIGIBLE HOUSE OF REPRESENTATIVES CANDIDATES.**

**"No eligible House of Representatives candidate may receive amounts under section 604**

unless such candidate has certified to the Federal Election Commission that any television commercial prepared or distributed by the candidate will be prepared in a manner that contains, is accompanied by, or otherwise readily permits closed captioning of the oral content of the commercial to be broadcast by way of line 21 of the vertical blanking interval, or by way of comparable successor technologies.

**"SEC. 606. EXAMINATION AND AUDITS; REPAYMENTS.**

**"(a) GENERAL ELECTION.**—After each general election, the Commission shall conduct an examination and audit of the campaign accounts of 5 percent of the eligible House of Representatives candidates, as designated by the Commission through the use of an appropriate statistical method of random selection, to determine whether such candidates have complied with the conditions of eligibility and other requirements of this title. No other factors shall be considered in carrying out such an examination and audit. The Commission shall conduct an examination and audit of the accounts of all candidates from a congressional district where any eligible candidate is selected for examination and audit.

**"(b) SPECIAL ELECTION.**—After each special election, the Commission shall conduct an examination and audit of the campaign accounts of all eligible candidates in the election to determine whether the candidates have complied with the conditions of eligibility and other requirements of this title.

**"(c) AFFIRMATIVE VOTE.**—The Commission may conduct an examination and audit of the campaign accounts of any eligible House of Representatives candidate in a general election if the Commission, by an affirmative vote of 4 members, determines that there exists reason to believe whether such candidate may have violated any provision of this title.

**"(d) PAYMENTS.**—If the Commission determines that any amount of a payment to a candidate under this title was in excess of the aggregate payments to which such candidate was entitled, the Commission shall so notify the candidate, and the candidate shall pay an amount equal to the excess.

**"SEC. 607. JUDICIAL REVIEW.**

**"(a) JUDICIAL REVIEW.**—Any agency action by the Commission made under the provisions of this title shall be subject to review by the United States Court of Appeals for the District of Columbia Circuit upon petition filed in such court within 30 days after the agency action by the Commission for which review is sought. It shall be the duty of the Court of Appeals, ahead of all matters not filed under this title, to advance on the docket and expeditiously take action on all petitions filed pursuant to this title.

**"(b) APPLICATION OF TITLE 5.**—The provisions of chapter 7 of title 5, United States Code, shall apply to judicial review of any agency action by the Commission.

**"(c) AGENCY ACTION.**—For purposes of this section, the term 'agency action' has the meaning given such term by section 551(13) of title 5, United States Code.

**"SEC. 608. PARTICIPATION BY COMMISSION IN JUDICIAL PROCEEDINGS.**

**"(a) APPEARANCES.**—The Commission is authorized to appear in and defend against any action instituted under this section and under section 607 either by attorneys employed in its office or by counsel whom it may appoint without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and whose compensation it may fix without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title.

**"(b) INSTITUTION OF ACTIONS.**—The Commission is authorized, through attorneys and counsel described in subsection (a), to institute ac-

tions in the district courts of the United States to seek recovery of any amounts determined under this title to be payable to the Secretary.

**"(c) INJUNCTIVE RELIEF.**—The Commission is authorized, through attorneys and counsel described in subsection (a), to petition the courts of the United States for such injunctive relief as is appropriate in order to implement any provision of this title.

**"(d) APPEALS.**—The Commission is authorized on behalf of the United States to appeal from, and to petition the Supreme Court for certiorari to review, judgments or decrees entered with respect to actions in which it appears pursuant to the authority provided in this section.

**"SEC. 609. REPORTS TO CONGRESS; CERTIFICATIONS; REGULATIONS.**

**"(a) REPORTS.**—The Commission shall, as soon as practicable after each election, submit a full report to the House of Representatives setting forth—

**"(1) the expenditures (shown in such detail as the Commission determines appropriate) made by each eligible candidate and the authorized committees of such candidate;**

**"(2) the aggregate amount of voter communication vouchers certified by the Commission under section 604 for each eligible candidate; and**

**"(3) the amount of repayments, if any, required under section 606, and the reasons for each repayment required.**

Each report submitted pursuant to this section shall be printed as a House document.

**"(b) DETERMINATIONS BY COMMISSION.**—All determinations (including certifications under section 604) made by the Commission under this title shall be final and conclusive, except to the extent that they are subject to examination and audit by the Commission under section 606 or judicial review under section 607.

**"(c) RULES AND REGULATIONS.**—The Commission is authorized to prescribe such rules and regulations, in accordance with the provisions of subsection (d), to conduct such audits, examinations and investigations, and to require the keeping and submission of such books, records, and information, as it deems necessary to carry out the functions and duties imposed on it by this title.

**"(d) REPORT OF PROPOSED REGULATIONS.**—The Commission shall submit to the House of Representatives a report containing a detailed explanation and justification of each rule, regulation, and form of the Commission under this title. No such rule, regulation, or form may take effect until a period of 30 legislative days has elapsed after the report is received. As used in this subsection—

**"(1) the term 'legislative day' means any calendar day on which the House of Representatives is in session; and**

**"(2) the terms 'rule' and 'regulation' mean a provision or series of interrelated provisions stating a single, separable rule of law."**

**(b) REPORT ON USING VOTER COMMUNICATION VOUCHERS FOR PRIMARY ELECTIONS.**—The Commission shall submit to the House of Representatives, not later than January 1, 1997, a report containing an evaluation for expanding the use of voter communication vouchers in primary elections for eligible candidates to the House of Representatives for the election year 2000 and thereafter. The report shall include a detailed cost estimate for such expansion and options for financing the use of Voter Communication Vouchers in primary elections.

**SEC. 122. REGISTRATION AS ELIGIBLE HOUSE OF REPRESENTATIVES CANDIDATE.**

**(a) IN GENERAL.**—Section 302(e) of the Federal Election Campaign Act of 1971 (2 U.S.C. 432(e)) is amended by adding at the end the following new paragraph:

**"(6)(A) In the case of a candidate for the office of Representative in, or Delegate or Resi-**

**dent Commissioner to, the Congress, who desires to be an eligible House of Representatives candidate, a declaration of participation of the candidate to abide by the limits specified in sections 601 and 315(i) and provide the information required under section 604(b)(4) shall be included in the designation required to be filed under paragraph (1).**

**"(B)(i) In the case of a candidate referred to in subparagraph (A), if the statement of candidacy does not include a declaration referred to in that paragraph, the candidate may amend the statement to include such declaration, if such amendment is filed under subsection (g) not later than 7 days after the earlier of—**

**"(I) the date the candidate qualifies for the general election ballot under State law; or**

**"(II) if, under State law, a primary or runoff election to qualify for the general election ballot occurs after September 1, the date the candidate wins the primary or runoff election.**

**"(ii) A declaration of participation that is included in a statement of candidacy or has been added by amendment under subparagraph (B) may not thereafter be revoked."**

**SEC. 123. DEFINITIONS.**

Section 301 of the Federal Election Campaign Act of 1971 (2 U.S.C. 431) is amended by striking paragraph (19) and inserting the following new paragraphs:

**"(19) The term 'general election' means any election which will directly result in the election of a person to a Federal office, but does not include an open primary election.**

**"(20) The term 'general election period' means, with respect to any candidate, the period beginning on the day after the date of the primary or runoff election for the specific office the candidate is seeking, whichever is later, and ending on the earlier of—**

**"(A) the date of such general election; or**  
**"(B) the date on which the candidate withdraws from the campaign or otherwise ceases actively to seek election.**

**"(21) The term 'immediate family' means—**  
**"(A) a candidate's spouse;**  
**"(B) a child, stepchild, parent, grandparent, brother, step-brother, sister or step-sister of the candidate or the candidate's spouse; and**  
**"(C) the spouse of any person described in subparagraph (B).**

**"(22) The term 'primary election' means an election which may result in the selection of a candidate for the ballot in a general election for a Federal office.**

**"(23) The term 'primary election period' means, with respect to any candidate, the period beginning on the day following the date of the last election for the specific office the candidate is seeking and ending on the earlier of—**

**"(A) the date of the first primary election for that office following the last general election for that office; or**

**"(B) the date on which the candidate withdraws from the election or otherwise ceases actively to seek election.**

**"(24) The term 'runoff election' means an election held after a primary election which is prescribed by applicable State law as the means for deciding which candidate will be on the ballot in the general election for a Federal office.**

**"(25) The term 'runoff election period' means, with respect to any candidate, the period beginning on the day following the date of the last primary election for the specific office such candidate is seeking and ending on the date of the runoff election for such office.**

**"(26) The term 'voting age population' means the resident population, 18 years of age or older, as certified pursuant to section 315(e).**

**"(27) The term 'eligible House of Representatives candidate' means a candidate for election to the office of Representative in, or Delegate or Resident Commissioner to, the Congress, who, as**

determined by the Commission under section 603, is eligible to receive matching vouchers and other benefits under title VI by reason of filing a declaration of participation under section 302(e) and complying with the continuing eligibility requirements under section 603.

"(28) The term 'election cycle' means—

"(A) in the case of a candidate or the authorized committees of a candidate, the term beginning on the day after the date of the most recent general election for the specific office or seat which such candidate seeks and ending on the date of the next general election for such office or seat; or

"(B) for all other persons, the term beginning on the first day following the date of the last general election and ending on the date of the next general election."

**TITLE II—LIMITATIONS ON POLITICAL COMMITTEE AND LARGE DONOR CONTRIBUTIONS THAT MAY BE ACCEPTED BY HOUSE OF REPRESENTATIVES CANDIDATES**

**SEC. 201. LIMITATIONS ON POLITICAL COMMITTEE AND LARGE DONOR CONTRIBUTIONS THAT MAY BE ACCEPTED BY HOUSE OF REPRESENTATIVES CANDIDATES.**

Section 315 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a) is amended by adding at the end the following new subsections:

"(i)(1) A candidate for the office of Representative in, or Delegate or Resident Commissioner to, the Congress may not, with respect to an election cycle, accept contributions from political committees aggregating in excess of \$200,000.

"(2) A candidate for the office of Representative in, or Delegate or Resident Commissioner to, the Congress may not, with respect to an election cycle, accept contributions aggregating in excess of \$200,000 from persons other than political committees whose contributions total more than \$200.

"(3) In addition to the contributions under paragraphs (1) and (2), if an eligible House of Representatives candidate in a contested primary election wins that primary election by a margin of 20 percentage points or less, the candidate may accept contributions of—

"(A) not more than \$66,600 from political committees; and

"(B) not more than \$66,600 from persons referred to in paragraph (2).

"(4) In addition to the contributions under paragraphs (1) and (2), a House of Representatives candidate who is a candidate in a runoff election may accept contributions of (A) not more than \$100,000 from political committees; and (B) not more than \$100,000 from persons referred to in paragraph (2).

"(j) **NONPARTICIPATING OPPONENT PROVISIONS.**—The limitations imposed by section 315(i) do not apply in the case of an eligible House of Representatives candidate if any other candidate seeking nomination or election to that office—

"(1) is not an eligible House of Representatives general election candidate; and

"(2) makes contributions or loans to his or her own campaign totaling more than \$50,000 from his or her own personal funds.

"(k) **CIVIL PENALTIES.**—

"(1) **LOW AMOUNT OF EXCESS CONTRIBUTIONS.**—Any eligible House of Representatives candidate who accepts contributions that exceed the limitations under this section by 2.5 percent or less shall refund the excess contributions to the persons who made the contributions.

"(2) **MEDIUM AMOUNT OF EXCESS CONTRIBUTIONS.**—Any eligible House of Representatives candidate who accepts contributions that exceed the limitations under this section by more than 2.5 percent and less than 5 percent shall pay to the Commission an amount equal to three times the amount of the excess contributions.

"(3) **LARGE AMOUNT OF EXCESS CONTRIBUTIONS.**—Any eligible House of Representatives candidate who accepts contributions that exceed the limitations under this section by 5 percent or more shall pay to the Commission an amount equal to three times the amount of the excess contributions plus a civil penalty in an amount determined by the Commission.

"(l) **EXEMPTION FOR CERTAIN COSTS.**—Any amount—

"(1) accepted by a House of Representatives candidate; and

"(2) used for costs incurred under section 601(e) and (f) shall not be considered in the computation of amounts subject to limitation.

"(m) **INDEXING.**—The dollar amounts specified in section 315(i) shall be adjusted at the beginning of the calendar year based on the increase in the price index determined under section 315(c), except that, for the purposes of such adjustment, the base period shall be calendar year 1992.

"(n) **TRANSFER PROVISION.**—The limitations imposed by section 315(i) apply without regard to amounts transferred from previous election cycles or other authorized committees of the same candidate. Candidates shall not be required to seek the redesignation of contributions in order to transfer such contributions to a later election cycle."

**TITLE III—INDEPENDENT EXPENDITURES**

**SEC. 301. CLARIFICATION OF DEFINITIONS RELATING TO INDEPENDENT EXPENDITURES.**

(a) **INDEPENDENT EXPENDITURE DEFINITION AMENDMENT.**—Section 301 of the Federal Election Campaign Act of 1971 (2 U.S.C. 431) is amended by striking paragraphs (17) and (18) and inserting the following:

"(17)(A) The term 'independent expenditure' means an expenditure for an advertisement or other communication that—

"(i) contains express advocacy; and

"(ii) is made without the participation or cooperation of, or consultation with, a candidate or a candidate's representative.

"(B) The following shall not be considered an independent expenditure:

"(i) An expenditure made by an authorized committee of a candidate for Federal office or a political committee of a political party.

"(ii) An expenditure made by a person who, during the election cycle, has made a contribution to a candidate, where the expenditure is in support of that candidate or in opposition to another candidate for the same office.

"(iii) An expenditure made by a person, or a political committee established, maintained or controlled by such person, who is required to register, under section 308 of the Federal Regulation of Lobbying Act (2 U.S.C. 267) or the Foreign Agents Registration Act (22 U.S.C. 611) or any successor Federal law requiring a person who is a lobbyist or foreign agent to register.

"(iv) An expenditure made by a person who, during the election cycle, has communicated with or received information from a candidate or a representative of that candidate regarding activities that have the purpose of influencing that candidate's election to Federal office, where the expenditure is in support of that candidate or in opposition to another candidate for that office.

"(v) An expenditure if, in the same election cycle, the person making the expenditure is or has been—

"(1) authorized to raise or expend funds on behalf of the candidate or the candidate's authorized committees; or

"(2) serving as a member, employee, or agent of the candidate's authorized committees in an executive or policymaking position.

"(18) The term 'express advocacy' means, when a communication is taken as a whole and

with limited reference to external events, an expression of support for or opposition to a specific candidate, to a specific group of candidates, or to candidates of a particular political party, or a suggestion to take action with respect to an election, such as to vote for or against, make contributions to, or participate in campaign activity."

(b) **CONTRIBUTION DEFINITION AMENDMENT.**—Section 301(8)(A) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(8)(A)) is amended—

(1) in clause (i), by striking "or" after the semicolon at the end;

(2) in clause (ii), by striking the period at the end and inserting "or"; and

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

"(iii) any payment or other transaction referred to in paragraph (17)(A)(i) that does not qualify as an independent expenditure under paragraph (17)(A)(ii)."

**SEC. 302. REPORTING REQUIREMENTS FOR CERTAIN INDEPENDENT EXPENDITURES.**

Section 304(c) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(c)) is amended—

(1) in paragraph (2), by striking out the undesignated matter after subparagraph (C);

(2) by redesignating paragraph (3) as paragraph (8); and

(3) by inserting after paragraph (2), as amended by paragraph (1), the following new paragraphs:

"(3)(A) Any person (including a political committee) making an independent expenditure (including those described in subsection (b)(6)(B)(iii) of this section) aggregating \$1,000 or more made after the 20th day, but more than 24 hours, before any election shall file a report within 24 hours after such independent expenditure is made.

"(B) Any person (including a political committee) making an independent expenditure aggregating \$5,000 or more made at any time up to and including the 20th day before any election shall file a report within 48 hours after such independent expenditure is made. An additional report shall be filed each time independent expenditures aggregating \$5,000 are made with respect to the same election as the initial report filed under this section.

"(C) Such report shall be filed with the Clerk of the House of Representatives, the Secretary of the Senate, or the Commission, whichever is applicable, and the Secretary of State of the State involved and shall contain the information required by subsection (b)(6)(B)(iii) of this section, including whether the independent expenditure is in support of, or in opposition to, the candidate involved. The Clerk of the House of Representatives and the Secretary of the Senate shall as soon as possible (but not later than 4 working hours of the Commission) after receipt of a report transmit it to the Commission. Not later than 48 hours after the Commission receives a report, the Commission shall transmit a copy of the report to each candidate seeking nomination or election to that office.

"(D) For purposes of this section, the term 'made' includes any payment and any action taken to incur an obligation for payment.

"(4)(A) If any person (including a political committee) intends to make independent expenditures totaling \$5,000 during the 20 days before an election, such person shall file a report no later than the 20th day before the election.

"(B) Such report shall be filed with the Clerk of the House of Representatives, the Secretary of the Senate, or the Commission, whichever is applicable, and the Secretary of State of the State involved, and shall identify each candidate whom the expenditure is actually intended to support or to oppose. The Clerk of the House of Representatives and the Secretary of the Senate

shall as soon as possible (but not later than 4 working hours of the Commission) after receipt of a report transmit it to the Commission. Not later than 48 hours after the Commission receives a report under this paragraph, the Commission shall transmit a copy of the statement to each candidate identified.

"(5) The Commission may make its own determination that a person has made, or has incurred obligations to make, independent expenditures with respect to any Federal election which in the aggregate exceed the applicable amounts under paragraph (3) or (4). The Commission shall notify each candidate in such election of such determination within 24 hours of making it.

"(6) At the same time as an eligible candidate who has qualified under section 604(b) is notified under paragraph (3), (4), or (5) with respect to expenditures during a general election period, the Commission shall certify eligibility to receive benefits under section 604(b).

"(7) The Clerk of the House of Representatives and the Secretary of the Senate shall make any report received under this subsection available for public inspection and copying in the same manner as the Commission under section 311(a)(4), and shall preserve such statements in the same manner as the Commission under section 311(a)(5)."

**SEC. 303. BROADCAST AND CABLE INDEPENDENT EXPENDITURE COMMUNICATIONS AGAINST ELIGIBLE HOUSE OF REPRESENTATIVES CANDIDATES.**

Section 315 of the Communications Act of 1934 (47 U.S.C. 315) is amended—

(1) by redesignating subsections (c) and (d) as subsections (e) and (f), respectively; and

(2) by inserting immediately before subsection (e) as redesignated the following new subsection:

"(d) If any person makes an independent expenditure through a communication on a broadcasting station or a cable system (as defined in section 602 of this Act) that expressly advocates the defeat of an eligible House of Representatives candidate, or the election of the opponent of an eligible House of Representatives candidate (regardless of whether such opponent is an eligible candidate), the licensee or cable operator, as applicable, shall, not later than one week after the communication (or not later than 24 hours after the communication, if the communication occurs not more than one week before the election) transmit to such candidate—

"(1) a statement of the date and time of the communication;

"(2) a script or tape recording of the communication, or an accurate summary of the communication if a script or tape recording is not available; and

"(3) an offer of an equal opportunity for such candidate to use the broadcasting station or cable system to respond to the communication at a charge determined in accordance with subsection (b)."

**TITLE IV—CONTRIBUTIONS AND EXPENDITURES BY POLITICAL PARTY COMMITTEES**

**SEC. 401. DEFINITIONS.**

(a) CONTRIBUTION AND EXPENDITURE EXCEPTIONS.—(1) Clause (xii) of section 301(8)(B) of Federal Election Campaign Act of 1971 (2 U.S.C. 431(8)(B)(xii)) is amended—

(A) by inserting "in connection with volunteer activities" after "such committee"; and

(B) by striking "and" at the end of subclause (2), by inserting "and" at the end of subclause (3), and by adding at the end the following new subclause:

"(4) such activities are conducted solely by, and any materials are prepared for distribution, and are distributed solely by, volunteers;"

(2) Clause (ix) of section 301(9)(B) of Federal Election Campaign Act of 1971 (2 U.S.C. 431(9)(B)(ix)) is amended—

(A) by inserting "in connection with volunteer activities" after "such committee";

(B) by striking "and" at the end of subclause (2); and

(C) by adding at the end the following new subclause:

"(4) such activities are conducted solely by, and any materials are prepared for distribution and are distributed solely by, volunteers; and"

(b) GENERIC ACTIVITIES; STATE PARTY GRASSROOTS FUND.—Section 301 of Federal Election Campaign Act of 1971 (2 U.S.C. 431), as amended by section 123, is further amended by adding at the end the following new paragraphs:

"(29) The term 'generic campaign activity' means any campaign activity conducted by a political party to promote a political party rather than any Federal or non-Federal candidate and which does not identify any Federal or non-Federal candidate.

"(30) The term 'State Party Grassroots Fund' means a separate segregated fund established and maintained by a State committee of a political party solely for purposes of making expenditures and other disbursements described in section 323(d)."

**SEC. 402. CONTRIBUTIONS TO POLITICAL PARTY COMMITTEES.**

(a) INDIVIDUAL CONTRIBUTIONS TO POLITICAL PARTY COMMITTEES.—Paragraph (1) of section 315(a) of Federal Election Campaign Act of 1971 (2 U.S.C. 441(a)(1)) is amended by striking "or" at the end of subparagraph (B), by redesignating subparagraph (C) as subparagraph (D), and by inserting after subparagraph (B) the following new subparagraph:

"(C) to—

"(i) a State Party Grassroots Fund established and maintained by a State committee of a political party in any calendar year which, in the aggregate, exceed \$20,000;

"(ii) any other political committee established and maintained by a State committee of a political party in any calendar year which, in the aggregate, exceed \$5,000,

except that the aggregate contributions described in this subparagraph which may be made by a person to the State Party Grassroots Fund and all committees of a State Committee of a political party in any State in any calendar year shall not exceed \$20,000; or"

(b) MULTICANDIDATE COMMITTEE CONTRIBUTIONS TO STATE PARTY.—Paragraph (2) of section 315(a) of Federal Election Campaign Act of 1971 (2 U.S.C. 441(a)(2)) is amended by striking "or" at the end of subparagraph (B), by redesignating subparagraph (C) as subparagraph (D), and by inserting after subparagraph (B) the following new subparagraph:

"(C) to—

"(i) a State Party Grassroots Fund established and maintained by a State committee of a political party in any calendar year which, in the aggregate, exceed \$15,000;

"(ii) to any other political committee established and maintained by a State committee of a political party which, in the aggregate, exceed \$5,000,

except that the aggregate contributions described in this subparagraph which may be made by a multicandidate political committee to the State Party Grassroots Fund and all committees of a State Committee of a political party in any State in any calendar year shall not exceed \$15,000; or"

(c) OVERALL LIMIT.—Paragraph (3) of section 315(a) of Federal Election Campaign Act of 1971 (2 U.S.C. 441(a)(3)) is amended to read as follows:

"(3)(A) No individual shall make contributions during any election cycle (as defined in section 301(29)(B)) which, in the aggregate, exceed \$60,000.

"(B) No individual shall make contributions during any calendar year—

"(i) to all candidates and their authorized political committees which, in the aggregate, exceed \$25,000; or

"(ii) to all political committees established and maintained by State committees of a political party which, in the aggregate, exceed \$20,000.

"(C) For purposes of subparagraph (B)(i), any contribution made to a candidate or the candidate's authorized political committees in a year other than the calendar year in which the election is held with respect to which such contribution is made shall be treated as made during the calendar year in which the election is held."

**SEC. 403. PROVISIONS RELATING TO NATIONAL, STATE, AND LOCAL PARTY COMMITTEES.**

(a) SOFT MONEY OF COMMITTEES OF POLITICAL PARTIES.—Title III of Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) is amended by adding after section 322 the following new section:

**"SEC. 323. POLITICAL PARTY COMMITTEES.**

"(a) LIMITATIONS ON NATIONAL COMMITTEE.—

(1) A national committee of a political party and the congressional campaign committees of a political party may not solicit or accept contributions or transfers not subject to the limitations, prohibitions, and reporting requirements of this Act.

"(2) Paragraph (1) shall not apply to contributions—

"(A) that—

"(i) are to be transferred to a State committee of a political party and are used solely for activities described in clauses (xi) through (xvii) of paragraph (9)(B) of section 301;

"(ii) are described in section 301(8)(B)(viii); and

"(B) with respect to which contributors have been notified that the funds will be used solely for the purposes described in subparagraph (A).

"(b) ACTIVITIES SUBJECT TO THIS ACT.—Any amount solicited, received, expended, or disbursed directly or indirectly by a national, State, district, or local committee of a political party with respect to any of the following activities shall be subject to the limitations, prohibitions, and reporting requirements of this Act:

"(A) Any get-out-the-vote activity conducted during a calendar year in which an election for the office of President is held.

"(B) Any other get-out-the-vote activity unless subsection (c)(2) applies to the activity.

"(C) Any generic campaign activity.

"(D) Any activity that identifies or promotes a Federal candidate, regardless of whether—

"(i) a State or local candidate is also identified or promoted; or

"(ii) any portion of the funds disbursed constitutes a contribution or expenditure under this Act.

"(E) Voter registration.

"(F) Development and maintenance of voter files during an even-numbered calendar year.

"(G) Any other activity that—

"(i) significantly affects a Federal election, or

"(ii) is not otherwise described in section 301(8)(B)(xvii).

Any amount spent to raise funds that are used, in whole or in part, in connection with activities described in the preceding paragraphs shall be subject to the limitations, prohibitions, and reporting requirements of this Act.

"(c) GET-OUT-THE-VOTE ACTIVITIES BY STATE, DISTRICT, AND LOCAL COMMITTEES OF POLITICAL PARTIES.—(1) Except as provided in paragraph (2), any get-out-the-vote activity for a State or local candidate, or for a ballot measure, which is conducted by a State, district, or local committee of a political party shall be subject to the limitations, prohibitions, and reporting requirements of this Act.

"(2) Paragraph (1) shall not apply to any activity which the State committee of a political

party certifies to the Commission is an activity which—

"(A) is conducted during a calendar year other than a calendar year in which an election for the office of President is held,

"(B) is exclusively on behalf of (and specifically identifies only) one or more State or local candidates or ballot measures, and

"(C) does not include any effort or means used to identify or turn out those identified to be supporters of any Federal candidate (including any activity that is undertaken in coordination with, or on behalf of, a candidate for Federal office).

"(d) STATE PARTY GRASSROOTS FUNDS.—(1) A State committee of a political party may make disbursements and expenditures from its State Party Grassroots Fund only for—

"(A) any generic campaign activity;

"(B) payments described in clauses (v), (x), and (z) of paragraph (8)(B) and clauses (iv), (viii), and (ix) of paragraph (9)(B) of section 301;

"(C) subject to the limitations of section 315(d), payments described in clause (z) of paragraph (8)(B), and clause (ix) of paragraph (9)(B), of section 301 on behalf of candidates other than for President and Vice President;

"(D) voter registration; and

"(E) development and maintenance of voter files during an even-numbered calendar year.

"(2) Notwithstanding section 315(a)(4), no funds may be transferred by a State committee of a political party from its State Party Grassroots Fund to any other State Party Grassroots Fund or to any other political committee, except a transfer may be made to a district or local committee of the same political party in the same State if such district or local committee—

"(A) has established a separate segregated fund for the purposes described in paragraph (1); and

"(B) uses the transferred funds solely for those purposes.

"(e) AMOUNTS RECEIVED BY GRASSROOTS FUND FROM STATE AND LOCAL CANDIDATE COMMITTEES.—(1) Any amount received by a State Party Grassroots Fund from a State or local candidate committee for expenditures described in subsection (b) that are for the benefit of that candidate shall be treated as meeting the requirements of subsection (b) and section 304(e) if—

"(A) such amount is derived from funds which meet the requirements of this Act with respect to any limitation or prohibition as to source or dollar amount specified in section 315(a) (1)(A) and (2)(A); and

"(B) the State or local candidate committee—

"(i) maintains, in the account from which payment is made, records of the sources and amounts of funds for purposes of determining whether such requirements are met; and

"(ii) certifies that such requirements were met.

"(2) For purposes of paragraph (1)(A), in determining whether the funds transferred meet the requirements of this Act described in such paragraph—

"(A) a State or local candidate committee's cash on hand shall be treated as consisting of the funds most recently received by the committee, and

"(B) the committee must be able to demonstrate that its cash on hand contains sufficient funds meeting such requirements as are necessary to cover the transferred funds.

"(3) Notwithstanding paragraph (1)—

"(A) any State Party Grassroots Fund receiving any transfer described in paragraph (1) from a State or local candidate committee shall be required to meet the reporting requirements of this Act, and shall submit to the Commission all certifications received, with respect to receipt of the transfer from such candidate committee; and

"(B) in the case of a subordinate committee of a State committee which maintains segregated accounts which are not commingled with other accounts of the State committee and which subordinate committee is subject to reporting and contribution limitation requirements of State law, the certification required by this paragraph may be made by such subordinate committee.

"(4) For purposes of this subsection, a State or local candidate committee is a committee established, financed, maintained, or controlled by a candidate for other than Federal office."

(b) CONTRIBUTIONS AND EXPENDITURES.—(1) Section 301(8)(B) of Federal Election Campaign Act of 1971 (2 U.S.C. 431(8)(B)) is amended—

(A) in clause (viii), by inserting after "Federal office" the following: "or any amounts received by any committee of any National or State political party to support the operation of a television and radio broadcast facility";

(B) by striking "and" at the end of clause (xiii);

(C) by striking clause (xiv); and

(D) by inserting after clause (xiii) the following new clauses:

"(xiv) any amount contributed to a candidate for other than Federal office;

"(xv) any amount received or expended to pay the costs of a State or local political convention; "(xvi) any payment for campaign activities that are exclusively on behalf of (and specifically identify only) State or local candidates and do not identify any Federal candidate, and that are not activities described in section 323(b) (without regard to paragraph (6)(B)) or section 323(c)(1);

"(xvii) any payment for administrative expenses of a State or local committee of a political party, including expenses for—

"(I) overhead, including party meetings;

"(II) staff (other than individuals devoting a significant amount of their time to elections for Federal office and individuals engaged in conducting get-out-the-vote activities for a Federal election); and

"(III) conducting party elections or caucuses;

"(xviii) any payment for research pertaining solely to State and local candidates and issues;

"(xix) any payment for development and maintenance of voter files other than during the 1-year period ending on the date during an even-numbered calendar year on which regularly scheduled general elections for Federal office occur; and

"(xx) any payment for any other activity which is solely for the purpose of influencing, and which solely affects, an election for non-Federal office and which is not an activity described in section 323(b) (without regard to paragraph (6)(B)) or section 323(c)(1)."

(2) Section 301(9)(B) of Federal Election Campaign Act of 1971 (2 U.S.C. 431(9)(B)), as amended by section 401, is further amended by striking "and" at the end of clause (ix), by striking the period at the end of clause (x) and inserting a semicolon, and by adding at the end the following new clauses:

"(xi) any amounts expended by any committee of any National or State political party to support the operation of a television and radio broadcast facility;

"(xii) any amount contributed to a candidate for other than Federal office;

"(xiii) any amount received or expended to pay the costs of a State or local political convention;

"(xiv) any payment for campaign activities that are exclusively on behalf of (and specifically identify only) State or local candidates and do not identify any Federal candidate, and that are not activities described in section 323(b) (without regard to paragraph (6)(B)) or section 323(c)(1);

"(xv) any payment for administrative expenses of a State or local committee of a political party, including expenses for—

"(I) overhead, including party meetings;

"(II) staff (other than individuals devoting a significant amount of their time to elections for Federal office and individuals engaged in conducting get-out-the-vote activities for a Federal election); and

"(III) conducting party elections or caucuses;

"(xvi) any payment for research pertaining solely to State and local candidates and issues;

"(xvii) any payment for development and maintenance of voter files other than during the 1-year period ending on the date during an even-numbered calendar year on which regularly scheduled general elections for Federal office occur; and

"(xviii) any payment for any other activity which is solely for the purpose of influencing, and which solely affects, an election for non-Federal office and which is not an activity described in section 323(b) (without regard to paragraph (6)(B)) or section 323(c)(1)."

(c) LIMITATION APPLIED AT NATIONAL LEVEL.—Paragraph (3) of section 315(d) of Federal Election Campaign Act of 1971 (2 U.S.C. 441a(d)(3)) is amended by adding at the end the following new flush sentence:

"Notwithstanding the preceding sentence, the applicable congressional campaign committee of a political party shall make the expenditures described in this paragraph which are authorized to be made by a national or State committee with respect to a candidate in any State unless it allocates all or a portion of such expenditures to either or both of such committees."

(d) LIMITATIONS APPLY FOR ENTIRE ELECTION CYCLE.—Section 315(d)(1) of Federal Election Campaign Act of 1971 (2 U.S.C. 441a(d)(1)) is amended by adding at the end the following new sentence: "Each limitation under the following paragraphs shall apply to the entire election cycle for an office."

#### SEC. 404. REPORTING REQUIREMENTS.

(a) REPORTING REQUIREMENTS.—Section 304 of Federal Election Campaign Act of 1971 (2 U.S.C. 434) is amended by adding at the end the following new subsection:

"(d) POLITICAL COMMITTEES.—(1) The national committee of a political party and any congressional campaign committee of a political party, and any subordinate committee of either, shall report all receipts and disbursements during the reporting period, whether or not in connection with an election for Federal office.

"(2) A political committee (not described in paragraph (1)) to which section 323 applies shall report all receipts and disbursements including separate schedules for receipts and disbursements for State Grassroots Funds described in section 301(30).

"(3) Any political committee to which section 323 applies shall include in its report under paragraph (1) or (2) the amount of any transfer described in section 323(d)(2) and shall itemize such amounts to the extent required by section 304(b)(3)(A).

"(4) Any political committee to which paragraph (1) or (2) does not apply shall report any receipts or disbursements which are used in connection with a Federal election.

"(5) If a political committee has receipts or disbursements to which this subsection applies from any person aggregating in excess of \$200 for any calendar year, the political committee shall separately itemize its reporting for such person in the same manner as subsection (b) (3)(A), (5), or (6).

"(6) Reports required to be filed by this subsection shall be filed for the same time periods required for political committees under subsection (a)."

(b) REPORT OF EXEMPT CONTRIBUTIONS.—Section 301(8) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(8)) is amended by adding at the end the following:

"(C) The exclusion provided in clause (viii) of subparagraph (B) shall not apply for purposes of any requirement to report contributions under this Act, and all such contributions aggregating in excess of \$200 shall be reported."

(c) **REPORTS BY STATE COMMITTEES.**—Section 304 of Federal Election Campaign Act of 1971 (2 U.S.C. 434), as amended by subsection (a), is amended by adding at the end the following new subsection:

"(e) **FILING OF STATE REPORTS.**—In lieu of any report required to be filed by this Act, the Commission may allow a State committee of a political party to file with the Commission a report required to be filed under State law if the Commission determines such reports contain substantially the same information."

(d) **OTHER REPORTING REQUIREMENTS.**—

(1) **AUTHORIZED COMMITTEES.**—Paragraph (4) of section 304(b) of Federal Election Campaign Act of 1971 (2 U.S.C. 434(b)(4)) is amended by striking "and" at the end of subparagraph (H), by inserting "and" at the end of subparagraph (I), and by adding at the end the following new subparagraph:

"(J) in the case of an authorized committee, disbursements for the primary election, the general election, and any other election in which the candidate participates";

(2) **NAMES AND ADDRESSES.**—Subparagraph (A) of section 304(b)(5) of Federal Election Campaign Act of 1971 (2 U.S.C. 434(b)(5)(A)) is amended—

(A) by striking "within the calendar year", and

(B) by inserting ", and the election to which the operating expenditure relates" after "operating expenditure".

**SEC. 405. RESTRICTIONS ON FUNDRAISING BY CANDIDATES AND OFFICEHOLDERS.**

Section 315 of Federal Election Campaign Act of 1971 (2 U.S.C. 441a), as amended by section 201, is further amended by adding at the end the following new subsection:

"(o) **LIMITATIONS ON FUNDRAISING ACTIVITIES OF FEDERAL CANDIDATES AND OFFICEHOLDERS AND CERTAIN POLITICAL COMMITTEES.**—(1) For purposes of this Act, a candidate for Federal office, an individual holding Federal office, or any agent of the candidate or individual may not solicit funds to, or receive funds on behalf of, any Federal candidate or political committee, or any party or other multicandidate committee organized under State law to support more than one candidate for non-Federal office—

"(A) which are to be expended in connection with any election for Federal office unless such funds are subject to the limitations, prohibitions, and requirements of this Act; or

"(B) which are to be expended in connection with any election for other than Federal office unless such funds are not in excess of amounts permitted with respect to Federal candidates and political committees under subsections (a) (1) and (2), and are not from sources prohibited by such subsections with respect to elections to Federal office.

The limitations of this subsection do not apply to the solicitation or receipt of funds by a Federal candidate on behalf of any committee or organization organized primarily for purposes other than the election of particular candidates for public office.

"(2)(A) The aggregate amount which a person described in subparagraph (B) may solicit from a multicandidate political committee for State committees described in subsection (a)(1)(C) (including subordinate committees) for any calendar year shall not exceed the dollar amount in effect under subsection (a)(2)(B) for the calendar year.

"(B) A person is described in this subparagraph if such person is a candidate for Federal office, an individual holding Federal office, an

agent of such a candidate or individual, or any national, State, district, or local committee of a political party (including a subordinate committee) and any agent of such a committee.

"(3) The personal appearance or participation by a candidate for Federal office or individual holding Federal office in any fundraising event conducted by a committee of a political party or a candidate for other than Federal office shall not be treated as a solicitation for purposes of paragraph (1) if such candidate or individual does not receive, or make disbursements from, any funds resulting from such activity.

"(4) Paragraph (1) shall not apply to the solicitation or receipt of funds, or disbursements, by an individual who is a candidate for other than Federal office if such activity is permitted under State law.

"(5) For purposes of this subsection, an individual shall be treated as holding Federal office if such individual—

"(A) holds a Federal office; or

"(B) holds a position described in level I of the Executive Schedule under section 5312 of title 5, United States Code."

**SEC. 406. INCREASE IN AUTHORIZED POLITICAL COMMITTEE CONTRIBUTIONS TO CONGRESSIONAL CAMPAIGN COMMITTEES.**

Section 315 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a), as amended by sections 201 and 405 is further amended by adding at the end the following new subsection:

"(p) **AUTHORIZED POLITICAL COMMITTEE CONTRIBUTIONS TO CONGRESSIONAL CAMPAIGN COMMITTEE.**—For purposes of the limitations imposed by this section and notwithstanding any other provision of this section, the authorized political committees of a House of Representatives or United States Senate candidate shall not make contributions aggregating more than \$10,000 in any calendar year to the congressional campaign committees of a political party."

**SEC. 407. INCREASE IN THE AMOUNT THAT MULTICANDIDATE POLITICAL COMMITTEES MAY CONTRIBUTE TO NATIONAL POLITICAL PARTY COMMITTEES.**

Section 315(a)(2)(B) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)(2)(B)) is amended by striking out "\$15,000" and inserting in lieu thereof "\$25,000".

**SEC. 408. MERCHANDISING AND AFFINITY CARDS.**

Section 316 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441b) is amended by adding at the end the following new subsection:

"(c) Notwithstanding the provisions of this section or any other provision of this Act to the contrary, an amount received from a corporation (including a State-chartered or national bank) by any political committee (other than a separate segregated fund established under section 316(b)(2)(C)) shall be deemed to meet the limitations and prohibitions of this Act if such amount represents a commission or royalty on the sale of goods or services, or on the issuance of credit cards, by such corporation and if—

"(1) such goods, services, or credit cards are promoted by or in the name of the political committee as a means of contributing to or supporting the political committee and are offered to consumers using the name of the political committee or using a message, design, or device created and owned by the political committee, or both;

"(2) the corporation is in the business of merchandising such goods or services, or of issuing such credit cards;

"(3) the royalty or commission has been offered by the corporation to the political committee in the ordinary course of the corporation's business and on the same terms and conditions as those on which such corporation offers royalties or commissions to nonpolitical entities;

"(4) all revenue on which the commission or royalty is based represents, or results from, sales to or fees paid by individual consumers in the ordinary course of retail transactions;

"(5) the costs of any unsold inventory of goods are ultimately borne by the political committee in accordance with rules to be prescribed by the Commission; and

"(6) except for any royalty or commission permitted to be paid by this subsection, no goods, services, or anything else of value is provided by such corporation to the political committee, provided that such corporation may advance or finance costs or extend credit in connection with the manufacture and distribution of goods, provision of services, or issuance of credit cards pursuant to this subsection if and to the extent such advance, financing, or extension is undertaken in the ordinary course of the corporation's business and is undertaken on similar terms by such corporation in its transactions with nonpolitical entities in like circumstances."

**SEC. 409. INCREASED LIMITATION AMOUNT FOR CERTAIN CONTRIBUTIONS TO POLITICAL COMMITTEES OF STATE POLITICAL PARTIES.**

Section 315(a)(1)(B) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)(1)(B)) is amended—

(1) by inserting after "(B)" the following: "notwithstanding any other provision of law,"; and

(2) by inserting after "national" the following: "or State".

**TITLE V—CONTRIBUTIONS**

**SEC. 501. RESTRICTIONS ON BUNDLING.**

Section 315(a)(8) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)(8)) is amended to read as follows:

"(8)(A) No person, either directly or indirectly, may act as a conduit or intermediary for any contribution to a candidate.

"(B)(i) Nothing in this section shall prohibit—

"(1) joint fundraising conducted in accordance with rules prescribed by the Commission by 2 or more candidates; or

"(2) fundraising for the benefit of a candidate that is conducted by another candidate.

"(ii) No other person may conduct or otherwise participate in joint fundraising activities with or on behalf of any candidate.

"(C) The term 'conduit or intermediary' means a person who transmits a contribution to a candidate or candidate's committee or representative from another person, except that—

"(i) a House of Representatives candidate or representative of a House of Representatives candidate is not a conduit or intermediary for the purpose of transmitting contributions to the candidate's principal campaign committee or authorized committee;

"(ii) a professional fundraiser is not a conduit or intermediary, if the fundraiser is compensated for fundraising services at the usual and customary rate;

"(iii) a volunteer hosting a fundraising event at the volunteer's home, in accordance with section 301(8)(b), is not a conduit or intermediary for the purposes of that event; and

"(iv) an individual is not a conduit or intermediary for the purpose of transmitting a contribution from the individual's spouse.

For purposes of this section a conduit or intermediary transmits a contribution when receiving or otherwise taking possession of the contribution and forwarding it directly to the candidate or the candidate's committee or representative.

"(D) For purposes of this section, the term 'representative'—

"(i) shall mean a person who is expressly authorized by the candidate to engage in fundraising, and who, in the case of an individual, is

not acting as an officer, employee, or agent of any other person;

"(ii) shall not include—

"(I) a political committee with a connected organization;

"(II) a political party;

"(III) a partnership or sole proprietorship;

"(IV) an organization prohibited from making contributions under section 316; or

"(V) a person required to register under section 308 of the Federal Regulation of Lobbying Act (2 U.S.C. 267) or the Foreign Agents Registration Act (22 U.S.C. 611) or any successor Federal law requiring a person who is a lobbyist or a foreign agent to register.

"(E) For purposes of this section, the term 'acting as an officer, employee, or agent of any other person' includes the following activities by a salaried officer, employee, or paid agent of a person described in subparagraph (D)(ii)(IV):

"(i) Soliciting contributions to a particular candidate in the name of, or by using the name of, such a person.

"(ii) Soliciting contributions to a particular candidate using other than the incidental resources of such a person.

"(iii) Soliciting contributions to a particular candidate under the direction or control of other salaried officers, employees, or paid agents of such a person.

For purposes of this subparagraph, the term 'agent' shall include any person (other than individual members of an organization described in subparagraph (b)(4)(C) of section 316) acting on authority or under the direction of such organization."

**SEC. 502. CONTRIBUTIONS BY DEPENDENTS NOT OF VOTING AGE.**

Section 315 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a), as amended by sections 201, 405, and 406, is further amended by adding at the end the following new subsection:

"(q) For purposes of this section, any contribution by an individual who—

"(1) is a dependent of another individual; and

"(2) has not, as of the time of such contribution, attained the legal age for voting for elections to Federal office in the State in which such individual resides,

shall be treated as having been made by such other individual. If such individual is the dependent of another individual and such other individual's spouse, the contribution shall be allocated among such individuals in the manner determined by them."

**SEC. 503. PROHIBITION OF ACCEPTANCE BY A CANDIDATE OF CASH CONTRIBUTIONS FROM ANY ONE PERSON AGGREGATING MORE THAN \$100.**

Section 321 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441g) is amended by inserting ", and no candidate or authorized committee of a candidate shall accept from any one person," after "make".

**SEC. 504. CONTRIBUTIONS TO CANDIDATES FROM STATE AND LOCAL COMMITTEES OF POLITICAL PARTIES TO BE AGGREGATED.**

Section 315(a) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)) is amended by adding at the end the following new paragraph:

"(9) Notwithstanding paragraph (5)(B), a candidate for Federal office may not accept, with respect to an election, any contribution from a State or local committee of a political party (including any subordinate committee of such committee), if such contribution, when added to the total of contributions previously accepted from all such committees of that political party, exceeds the limitation on contributions to a candidate under paragraph (2)(A)."

**SEC. 505. PROHIBITION OF FALSE REPRESENTATION TO SOLICIT CONTRIBUTIONS.**

Section 322 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441h) is amended—

(1) by inserting after "SEC. 322." the following: "(a)"; and

(2) by adding at the end the following:

"(b) No person shall solicit contributions by falsely representing himself as a candidate or as a representative of a candidate, a political committee, or a political party."

**SEC. 506. LIMITED EXCLUSION OF ADVANCES BY CAMPAIGN WORKERS FROM THE DEFINITION OF THE TERM "CONTRIBUTION".**

Section 301(8)(B) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(8)(B)), as amended by section 403, is further amended—

(1) in clause (ix), by striking "and" after the semicolon at the end;

(2) in clause (xx), by striking the period at the end and inserting: "; and"; and

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

"(xxi) any advance voluntarily made on behalf of an authorized committee of a candidate by an individual in the normal course of such individual's responsibilities as a volunteer for, or employee of, the committee, if the advance is reimbursed by the committee within 10 days after the date on which the advance is made, and the value of advances on behalf of a committee does not exceed \$500 with respect to an election."

**SEC. 507. AMENDMENT TO SECTION 316 OF THE FEDERAL ELECTION CAMPAIGN ACT OF 1971.**

Section 316(b)(2) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441b(b)(2)) is amended—

(1) by striking "(2) For" and inserting "(2)(A) Except as provided in subparagraph (B), for";

(2) by redesignating subparagraphs (A), (B), and (C) as clauses (i), (ii), and (iii), respectively; and

(3) by adding at the end the following:

"(B) Expenditures by a corporation or labor organization for candidate appearances, candidate debates, voter guides, or voting records directed to the general public shall be considered contributions unless—

"(i) in the case of a candidate appearance, the appearance takes place on corporate or labor organization premises or at a meeting or convention of the corporation or labor organization, and all candidates for election to that office are notified that they may make an appearance under the same or similar conditions;

"(ii) in the case of a candidate debate, the organization staging the debate is either an organization described in section 301 whose broadcasts or publications are supported by commercial advertising, subscriptions or sales to the public, including a noncommercial educational broadcaster, or a nonprofit organization exempt from Federal taxation under section 501(c)(3) or 501(c)(4) of the Internal Revenue Code of 1986 that does not endorse, support, oppose candidates or political parties and any such debate features at least 2 candidates competing for election to that office;

"(iii) in the case of a voter guide, the guide is prepared and distributed by a corporation or labor organization and consists of questions posed to at least two candidates for election to that office; and

"(iv) in the case of a voting record, the record is prepared and distributed by a corporation or labor organization and such preparation and distribution occurs either without consultation with any candidate whose record is included or in consultation with all such candidates; provided that no communication made by a corporation or labor organization in connection with the candidate appearance, candidate debate, voter guide, or voting record contains express advocacy, or that no structure or format of the candidate appearance, candidate debate, voter guide, or voting record, nor any prepara-

tion or distribution of any such guide or record, reflects a purpose of influencing the election of a particular candidate."

**SEC. 508. PROHIBITION OF CERTAIN ELECTION-RELATED ACTIVITIES OF FOREIGN NATIONALS.**

Section 319 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441e) is amended by adding at the end the following new subsections:

"(c) A foreign national shall not directly or indirectly direct, control, influence or participate in any person's election-related activities, such as the making of contributions or expenditures in connection with elections for any local, State, or Federal office or the administration of a political committee.

"(d) A separate segregated fund established in accordance with section 316(b)(2)(C) involved in the making of contributions or expenditures in connection with elections for any Federal, State, or local office shall include the following statement on all printed materials produced for the purpose of soliciting contributions:

"It is unlawful for a foreign national to make any contribution of money or other thing of value to a political committee."

**TITLE VI—REPORTING REQUIREMENTS**

**SEC. 601. CHANGE IN CERTAIN REPORTING FROM A CALENDAR YEAR BASIS TO AN ELECTION CYCLE BASIS.**

Paragraphs (2), (3), (4), (6), and (7) of section 304(b) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(b)(2), (3), (4), (6), and (7)), are amended by inserting after "calendar year" each place it appears the following: "(election cycle, in the case of an authorized committee of a candidate for Federal office)".

**SEC. 602. PERSONAL AND CONSULTING SERVICES.**

(a) **REPORTING BY POLITICAL COMMITTEES.**—Section 304(b)(5)(A) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(b)(5)(A)), as amended by section 405, is further amended by inserting before the semicolon at the end the following: ", except that if a person to whom an expenditure is made is merely providing personal or consulting services and is in turn making expenditures to other persons (not including employees) who provide goods or services to the candidate or his or her authorized committees, the name and address of such other person, together with the date, amount and purpose of such expenditure shall also be disclosed".

(b) **RECORDKEEPING AND REPORTING BY PERSONS TO WHOM EXPENDITURES ARE PASSED THROUGH.**—Section 302 of Federal Election Campaign Act of 1971 (2 U.S.C. 432) is amended by adding at the end the following new subsection:

"(j) The person described in section 304(b)(5)(A) who is providing personal or consulting services and who is in turn making expenditures to other persons (not including employees) for goods or services provided to a candidate shall maintain records of and shall provide to a political committee the information necessary to enable the political committee to report the information described in section 304(b)(5)(A)."

**SEC. 603. REDUCTION IN THRESHOLD FOR REPORTING OF CERTAIN INFORMATION BY PERSONS OTHER THAN POLITICAL COMMITTEES.**

Section 304(b)(3)(A) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(b)(3)(A)) is amended by striking "\$200" and inserting "\$100".

**SEC. 604. COMPUTERIZED INDICES OF CONTRIBUTIONS.**

Section 311(a) of the Federal Election Campaign Act of 1971 (2 U.S.C. 438(a)) is amended—

(1) by striking "and" at the end of paragraph (9);

(2) by striking the period at the end of paragraph (10) and inserting "; and"; and

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

"(11) maintain computerized indices of contributions of \$200 or more."

#### SEC. 605. IDENTIFICATION.

Section 301(13)(A) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(13)(A)) is amended by striking "mailing address" and inserting "permanent residence address".

#### SEC. 606. POLITICAL COMMITTEES.

Section 303(b) of the Federal Election Campaign Act of 1971 (2 U.S.C. 433(b)) is amended—

(1) in paragraph (2), by inserting ", and if the organization or committee is incorporated, the State of incorporation" after "committee"; and

(2) by striking the "name and address of the treasurer" in paragraph (4) and inserting "the names and addresses of the officers, including the treasurer".

#### SEC. 607. USE OF CANDIDATES' NAMES.

Section 302(e)(4) of the Federal Election Campaign Act of 1971 (2 U.S.C. 432(e)(4)) is amended to read as follows:

"(4)(A) The name of each authorized committee shall include the name of the candidate who authorized the committee under paragraph (1).

"(B) A political committee that is not an authorized committee shall not—

"(i) include the name of any candidate in its name, or

"(ii) except in the case of a national, State, or local party committee, use the name of any candidate in any activity on behalf of such committee in such a context as to suggest that the committee is an authorized committee of the candidate or that the use of the candidate's name has been authorized by the candidate."

#### SEC. 608. REPORTING REQUIREMENTS.

Section 304 of the Federal Election Campaign Act of 1971 (2 U.S.C. 434), as amended by section 404, is further amended by adding at the end the following new subsection:

"(f) WAIVER.—The Commission may relieve any category of political committees of the obligation to file 1 or more reports required by this section, or may change the due dates of such reports, if it determines that such action is consistent with the purposes of this Act. The Commission may waive requirements to file reports in accordance with this subsection through a rule of general applicability or, in a specific case, may waive or change the due date of a report by notifying all political committees affected."

#### SEC. 609. SIMULTANEOUS REGISTRATION OF CANDIDATE AND CANDIDATE'S PRINCIPAL CAMPAIGN COMMITTEE.

Section 303(a) of the Federal Election Campaign Act of 1971 (2 U.S.C. 433(a)) is amended in the first sentence by striking "no later than 10 days after designation" and inserting "on the date of its designation".

### TITLE VII—FEDERAL ELECTION COMMISSION

#### SEC. 701. APPEARANCE AS AMICI CURIAE.

Section 306(f) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437c(f)) is amended by striking out paragraph (4) and inserting in lieu thereof the following new paragraph:

"(4)(A) Notwithstanding the provisions of paragraph (2), or of any other provision of law, the Commission is authorized to appear on its own behalf in any action related to the exercise of its statutory duties or powers in any court as either a party or as amicus curiae, either—

"(i) by attorneys employed in its office, or

"(ii) by counsel whom it may appoint, on a temporary basis as may be necessary for such purpose, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and whose compensation it may fix without regard to the provisions of chapter 51 and subchapter III of chapter 53

of such title. The compensation of counsel so appointed on a temporary basis shall be paid out of any funds otherwise available to pay the compensation of employees of the Commission.

"(B) The authority granted under subparagraph (A) includes the power to appeal from, and petition the Supreme Court for certiorari to review, judgments or decrees entered with respect to actions in which the Commission appears pursuant to the authority provided in this section."

#### SEC. 702. FEDERAL ELECTION COMMISSION PUBLIC SERVICE ANNOUNCEMENTS.

Title III of Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.), as amended by sections 403 and 610, is further amended by inserting after section 324 the following new section:

##### "SEC. 325. PUBLIC SERVICE ANNOUNCEMENTS.

"(a) IN GENERAL.—Beginning on January 15, and continuing through April 15 of each year, the Federal Election Commission shall carry out a program, utilizing broadcast announcements and other appropriate means, to inform the public of the existence and purpose of the Make Democracy Work Election Fund and the role that individual citizens can play in the election process by voluntarily contributing to the Fund. The Commission shall seek to broadcast such announcements during prime time viewing hours in 30-second advertising segments equivalent to 200 gross rating points per network per week. The Commission shall attempt to ensure that the maximum number of taxpayers shall be exposed to these announcements. The Federal Election Commission shall attempt to utilize a variety of communications media, including television, cable, and radio networks, and individual television, cable, and radio stations, to provide similar announcements.

"(b) GROSS RATING POINT.—The term 'gross rating point' is a measure of the total gross weight delivered. It is the sum of the ratings for individual programs. Since a household rating period is 1 percent of the coverage base, 200 gross rating points means 2 messages a week per average household."

##### SEC. 703. AUTHORITY TO SEEK INJUNCTION.

Section 309(a) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437g(a)) is amended—

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

"(13)(A) If, at any time in a proceeding described in paragraph (1), (2), (3), or (4), the Commission believes that—

"(i) there is a substantial likelihood that a violation of this Act or of chapter 95 or chapter 96 of the Internal Revenue Code of 1986 is occurring or is about to occur;

"(ii) the failure to act expeditiously will result in irreparable harm to a party affected by the potential violation;

"(iii) expeditious action will not cause undue harm or prejudice to the interests of others; and

"(iv) the public interest would be best served by the issuance of an injunction, the Commission may initiate a civil action for a temporary restraining order or a temporary injunction pending the outcome of the proceedings described in paragraphs (1), (2), (3), and (4).

"(B) An action under subparagraph (A) shall be brought in the United States district court for the district in which the defendant resides, transacts business, or may be found or in which the violation is occurring, has occurred, or is about to occur."

(2) in paragraph (7), by striking "(5) or (6)" and inserting "(5), (6), or (13)"; and

(3) in paragraph (11), by striking "(6)" and inserting "(6) or (13)".

##### SEC. 704. EXPEDITED PROCEDURES.

Section 309(a) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437g(a)), as amended by section 703, is further amended by adding at the end the following new paragraph:

"(14)(A) If the complaint in a proceeding was filed within 60 days immediately preceding a general election, the Commission may take action described in this subparagraph.

"(B) If the Commission determines, on the basis of facts alleged in the complaint and other facts available to it, that there is clear and convincing evidence that a violation of this Act or of chapter 95 or 96 of the Internal Revenue Code of 1986 has occurred, is occurring, or is about to occur and it appears that the requirements for relief stated in paragraph (13)(A)(ii), (iii), and (iv) are met, the Commission may—

"(i) order expedited proceedings, shortening the time periods for proceedings under paragraphs (1), (2), (3), and (4) as necessary to allow the matter to be resolved in sufficient time before the election to avoid harm or prejudice to the interests of the parties; or

"(ii) if the Commission determines that there is insufficient time to conduct proceedings before the election, immediately seek relief under paragraph (13)(A).

"(C) If the Commission determines, on the basis of facts alleged in the complaint and other facts available to it, that the complaint is clearly without merit, the Commission may—

"(i) order expedited proceedings, shortening the time periods for proceedings under paragraphs (1), (2), (3), and (4) as necessary to allow the matter to be resolved in sufficient time before the election to avoid harm or prejudice to the interests of the parties; or

"(ii) if the Commission determines that there is insufficient time to conduct proceedings before the election, summarily dismiss the complaint."

##### SEC. 705. INSOLVENT POLITICAL COMMITTEES.

(a) IN GENERAL.—Section 303(d) of the Federal Election Campaign Act of 1971 (2 U.S.C. 433(d)) is amended by adding at the end the following new paragraph:

"(3) Proceedings by the Commission under paragraph (2) constitute the sole means, to the exclusion of proceedings under title 11, United States Code, by which a political committee that is determined by the Commission to be insolvent may compromise its debts, liquidate its assets, and terminate its existence."

(b) PROCEDURES.—Section 303(d)(2) of the Federal Election Campaign Act of 1971 (2 U.S.C. 433(d)(2)) is amended by striking out "Nothing" and all that follows through "procedures" and inserting in lieu thereof "The Commission shall establish procedures to allow".

### TITLE VIII—BALLOT INITIATIVE COMMITTEES

#### SEC. 801. DEFINITIONS RELATING TO BALLOT INITIATIVES.

Section 301 of the Federal Election Campaign Act of 1971 (2 U.S.C. 431), as amended by sections 123 and 401, is further amended by adding at the end the following new paragraphs:

"(31) The term 'ballot initiative political committee' means any committee, club, association, or other group of persons which makes ballot initiative expenditures or receives ballot initiative contributions in excess of \$1,000 during a calendar year.

"(32) The term 'ballot initiative contribution' means any gift, subscription, loan, advance, or deposit of money or anything of value made by any person for the purpose of influencing the outcome of any referendum or other ballot initiative voted on at the State, commonwealth, territory, or District of Columbia level which involves—

"(A) the election of candidates for Federal office and the permissible terms of those so elected; or

"(B) the regulation of speech or press, or any other right guaranteed under the United States Constitution.

"(33) The term 'ballot initiative expenditure' means any purchase, payment, distribution,

loan, advance, deposit or gift of money or anything of value made by any person for the purpose of influencing the outcome of any referendum or other ballot initiative voted on at the state, commonwealth, territory, or District of Columbia level which involves—

“(A) the election of candidates for Federal office and the permissible terms of those so elected; or

“(B) the regulation of speech or press, or any other right guaranteed under the United States Constitution.”.

#### SEC. 802. AMENDMENT TO DEFINITION OF CONTRIBUTION.

Section 301(3)(B) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(3)(B)), as amended by sections 403 and 506, is further amended—

(1) in clause (ix), by striking “and” after the semicolon;

(2) in clause (xii), by striking the period and inserting “; and”; and

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

“(xiii) a ballot initiative contribution.”.

#### SEC. 803. AMENDMENT TO DEFINITION OF EXPENDITURE.

Section 301(9)(B) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(9)(B)), as amended by sections 401 and 403, is further amended—

(1) in clause (xvii), by striking “and” after the semicolon;

(2) in clause (xviii), by striking the period and inserting “; and”; and

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

“(xix) a ballot initiative expenditure.”.

#### SEC. 804. ORGANIZATION OF BALLOT INITIATIVE COMMITTEES.

Section 302 of the Federal Election Campaign Act of 1971 (2 U.S.C. 432), as amended by section 602, is further amended by adding at the end the following new subsection:

“(k) Every ballot initiative committee shall comply with the organizational and record-keeping requirements of this section, with respect to all ballot initiative contributions and ballot initiative expenditures.”.

#### SEC. 805. REGISTRATION OF BALLOT INITIATIVE COMMITTEES.

Section 303 of the Federal Election Campaign Act of 1971 (2 U.S.C. 433) is amended by adding at the end the following new subsection:

“(e) Every ballot initiative committee shall comply with the registration requirements of this section.”.

#### SEC. 806. REPORTING BY BALLOT INITIATIVE COMMITTEES.

Section 304 of the Federal Election Campaign Act of 1971 (2 U.S.C. 434), as amended by sections 404 and 608, is further amended by adding at the end the following new subsection:

“(g) Every ballot initiative committee shall comply with the reporting requirements of subsections (a)(1), (a)(4), and (b), with respect to the reporting of all ballot initiative contributions and ballot initiative expenditures. The provisions of subsections (a)(5), (7), and (8) shall apply to reports filed by ballot initiative committees.”.

#### SEC. 807. ENFORCEMENT FOR BALLOT INITIATIVE COMMITTEES.

Section 309 of the Federal Election Campaign Act of 1971 (2 U.S.C. 437g) is amended by adding at the end the following new subsection:

“(e) The Commission may proceed in accordance with the requirements of this section, either on the basis of a complaint filed under subsection (a)(1) or on information ascertained in the normal course of carrying out its supervisory responsibilities, to determine whether a ballot initiative committee has complied with the requirements of sections 302, 303, and 304(a)(1), (a)(4) and (b).”.

#### SEC. 808. PROHIBITION ON CONTRIBUTIONS AND EXPENDITURES BY BALLOT INITIATIVE COMMITTEES.

Section 315 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a), as amended by sections 201, 405, 406, and 502, is further amended by adding at the end the following new subsection:

“(r) Notwithstanding the provisions of subsection (a)(1), it shall be unlawful for any ballot initiative committee to make any contribution or expenditure for the purpose of influencing any election for Federal office.”.

#### TITLE IX—MISCELLANEOUS

##### SEC. 901. BROADCAST RATES AND PREEMPTION.

Section 315 of the Communications Act of 1934 (47 U.S.C. 315) is amended—

(1) in subsection (b)(1)—

(A) by striking “forty-five” and inserting “30”; and

(B) by striking “sixty” and inserting “45”; and

(C) by striking “lowest unit charge of the station for the same class and amount of time for the same period” and insert “lowest charge of the station for the same amount of time for the same period”; and

(2) by inserting after subsection (b) the following new subsection:

“(c)(1) Except as provided in paragraph (2), a licensee shall not preempt the use, during any period specified in subsection (b)(1), of a broadcasting station by a legally qualified candidate for public office who has purchased and paid for such use pursuant to the provisions of subsection (b)(1).

“(2) If a program to be broadcast by a broadcasting station is preempted because of circumstances beyond the control of the broadcasting station, any candidate advertising spot scheduled to be broadcast during that program may also be preempted.”.

##### SEC. 902. CAMPAIGN ADVERTISING AMENDMENTS.

Section 318 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441d) is amended—

(1) in the matter before paragraph (1) of subsection (a), by striking “Whenever” and inserting “Whenever a political committee makes a disbursement for the purpose of financing any communication through any broadcasting station, newspaper, magazine, outdoor advertising facility, mailing, or any other type of general public political advertising, or whenever”;

(2) in the matter before paragraph (1) of subsection (a), by striking “an expenditure” and inserting “a disbursement”;

(3) in the matter before paragraph (1) of subsection (a), by striking “direct”;

(4) in paragraph (3) of subsection (a), by inserting after “name” the following “and permanent street address”; and

(5) by adding at the end the following new subsections:

“(c) Any printed communication described in subsection (a) shall be—

“(1) of sufficient type size to be clearly readable by the recipient of the communication;

“(2) contained in a printed box set apart from the other contents of the communication; and

“(3) consist of a reasonable degree of color contrast between the background and the printed statement.

“(d)(1) Any communication described in subsection (a)(1) or subsection (a)(2) that is provided to and distributed by any broadcasting station or cable system (as such terms are defined in sections 315 and 602 (respectively) of the Communications Act of 1934) shall include, in addition to the requirements of subsections (a)(1) and (a)(2), an audio statement by the candidate that identifies the candidate and states that the candidate has approved the communication.

“(2) If a communication described in paragraph (1) contains any visual images, the statement required by paragraph (1) shall—

“(A) appear in a clearly readable manner with a reasonable degree of color contrast between the background and the printed statement, for a period of at least 4 seconds at the end of the communication; and

“(B) be accompanied by a clearly identifiable photographic or similar image of the candidate.

“(e) Any communication described in subsection (a)(3) that is provided to and distributed by any broadcasting station or cable system (as such terms are defined in sections 315 and 602 (respectively) of the Communications Act of 1934) shall include, in addition to the requirements of those subsections, in a clearly spoken manner, the following statement—

“I am responsible for the content of this advertisement.”

with the blank to be filled in with the name of the political committee or other person paying for the communication and the name of any connected organization of the payor; and, if such communication contains visual images, shall also appear in a clearly readable manner with a reasonable degree of color contrast between the background and the printed statement, for a period of at least 4 seconds.”.

##### SEC. 903. TELEPHONE VOTING BY PERSONS WITH DISABILITIES.

(a) STUDY OF SYSTEMS TO PERMIT PERSONS WITH DISABILITIES TO VOTE BY TELEPHONE.—

(1) IN GENERAL.—The Federal Election Commission shall conduct a study to determine the feasibility of developing a system or systems by which persons with disabilities may be permitted to vote by telephone.

(2) CONSULTATION.—The Federal Election Commission shall conduct the study described in paragraph (1) in consultation with State and local election officials, representatives of the telecommunications industry, representatives of persons with disabilities, and other concerned members of the public.

(3) CRITERIA.—The system or systems developed pursuant to paragraph (1) shall—

(A) propose a description of the kinds of disabilities that impose such difficulty in travel to polling places that a person with a disability who may desire to vote is discouraged from undertaking such travel;

(B) propose procedures to identify persons who are so disabled; and

(C) describe procedures and equipment that may be used to ensure that—

(i) only those persons who are entitled to use the system are permitted to use it;

(ii) the votes of persons who use the system are recorded accurately and remain secret;

(iii) the system minimizes the possibility of vote fraud; and

(iv) the system minimizes the financial costs that State and local governments would incur in establishing and operating the system.

(4) REQUESTS FOR PROPOSALS.—In developing a system described in paragraph (1), the Federal Election Commission may request proposals from private contractors for the design of procedures and equipment to be used in the system.

(5) PHYSICAL ACCESS.—Nothing in this section is intended to supersede or supplant efforts by State and local governments to make polling places physically accessible to persons with disabilities.

(6) DEADLINE.—The Federal Election Commission shall submit to Congress the study required by this section not later than 1 year after the date of enactment of this Act.

##### SEC. 904. TRANSFER OF PRESIDENTIAL ELECTION FINANCING PROVISIONS TO FEDERAL ELECTION CAMPAIGN ACT OF 1971.

(a) GENERAL RULE.—The Federal Election Campaign Act of 1971 is amended by adding at the end the following:

**"TITLE VIII—FINANCING OF  
PRESIDENTIAL ELECTION CAMPAIGNS  
"Subtitle A—Presidential Election Campaign  
Fund**

**"Subtitle B—Presidential Primary Matching  
Payment Account"**

(b) TRANSFER OF PROVISIONS FROM INTERNAL REVENUE CODE.—

(1) Sections 9001 through 9012 of the Internal Revenue Code of 1986 are hereby transferred to the Federal Election Campaign Act of 1971, inserted after the heading for subtitle A of title VIII of such Act (as added by subsection (a)), and redesignated as sections 801 through 812, respectively.

(2) Sections 9031 through 9042 of the Internal Revenue Code of 1986 are hereby transferred to the Federal Election Campaign Act of 1971, inserted after the heading for subtitle B of title VIII of such Act, and redesignated as sections 831 through 842, respectively.

(c) CONFORMING AMENDMENTS TO INTERNAL REVENUE CODE.—The Internal Revenue Code of 1986 is amended—

(1) by striking "section 9006(a)" in section 6096(a) and inserting "section 806(a) of the Federal Election Campaign Act of 1971",

(2) by striking subtitle H, and

(3) by striking the item relating to subtitle H in the table of subtitles.

(d) CONFORMING AMENDMENTS TO TRANSFERRED SECTIONS.—

(1) Each section transferred under subsection (b) is amended by striking each reference contained therein to another provision transferred and redesignated by subsection (b) and inserting a reference to the redesignated provision.

(2) Title VIII of the Federal Election Campaign Act of 1971 (as amended by the foregoing provisions of this section) is amended—

(A) by striking "This chapter" each place it appears and inserting "This subtitle",

(B) by striking "this chapter" each place it appears and inserting "this subtitle",

(C) by striking "of the Federal Election Campaign Act of 1971" each place it appears,

(D) by striking "chapter 96" in section 803(e) and inserting "subtitle B",

(E) by striking "section 6096" in sections 806(a), 808(a), and 810(c) and inserting "section 6096 of the Internal Revenue Code of 1986", and

(F) by striking "this subtitle" in section 810(c) and inserting "this title".

(e) SAVINGS PROVISIONS.—

(1) CONTINUATION OF FUNDS.—The fund established under section 806(a) of the Federal Election Campaign Act of 1971 (as amended by this section) shall be treated for all purposes of law as a continuation of the fund established by section 9006(a) of the Internal Revenue Code of 1986 (as in effect on the day before the date of the enactment of this Act). A similar rule shall apply to the accounts required under sections 808 and 837 of the Federal Election Campaign Act of 1971 (as so amended).

(2) REFERENCES TO TRANSFERRED PROVISIONS.—Any reference in any law, rule, regulation, or other official paper to a provision of the Internal Revenue Code of 1986 which was transferred under subsection (b) shall be treated as reference to the appropriate provision of the Federal Election Campaign Act of 1971.

**TITLE X—HOUSE OF REPRESENTATIVES  
CAMPAIGN ELECTION FUNDING AND RELATED MATTERS**

**SEC. 1001. MAKE DEMOCRACY WORK ELECTION FUND.**

The Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.), as amended by section 121, is further amended by adding at the end the following new title:

**"TITLE VII—MAKE DEMOCRACY WORK  
ELECTION FUND**

**"SEC. 701. ESTABLISHMENT AND OPERATION OF THE FUND.**

"(a) IN GENERAL.—There is hereby established on the books of the Treasury of the United States a special fund to be known as the Make Democracy Work Election Fund (hereinafter in this title referred to as the 'Fund'). The amounts designated for the Fund shall remain available without fiscal limitation for purposes of providing benefits under title VI and making expenditures for the administration of the Fund. The Secretary shall maintain such accounts in the Fund as may be required by this title or which the Secretary determines to be necessary to carry out the provisions of this title.

"(b) PAYMENTS UPON CERTIFICATION.—Upon receipt of a certification from the Commission under section 604, except as provided in subsection (c), the Secretary shall issue within 48 hours to an eligible candidate the amount of voter communication vouchers certified by the Commission to the eligible candidate out of the Fund.

"(c) REDUCTIONS IN PAYMENTS IF FUNDS INSUFFICIENT.—If on June 1, 1996, or on June 1 of a Federal election year thereafter, the Secretary determines that the moneys in the account are not, or may not be, sufficient to satisfy the full entitlement of all eligible candidates, the Secretary shall withhold from such payment the amount necessary to assure that each eligible candidate will receive a pro rata share of the candidate's full entitlement. Amounts so withheld shall be paid when the Secretary determines that there are sufficient moneys in the account to pay such amounts, or portions thereof, to all eligible candidates from whom amounts have been withheld, but, if there are not sufficient moneys in the account to satisfy the full entitlement of an eligible candidate, the amounts so withheld shall be paid in such manner that each eligible candidate receives a pro rata share of the full entitlement, except that—

"(1) in special elections, a candidate shall receive the full entitlement not a pro rata share; and

"(2) a candidate who receives vouchers from the Fund in response to an independent expenditure as provided in section 604(f) shall receive the full entitlement not a pro rata share.

"(d) NOTIFICATION.—The Secretary shall notify the Commission and each eligible candidate by registered mail of any reduction of any payment by reason of subsection (c).

"(e) REDEEMABILITY OF VOUCHERS.—Voter communication vouchers issued and used as provided in this section shall be redeemable at face value by the Secretary through the facilities of the Treasury of the United States. The Secretary shall issue regulations providing for the redemption of voter communication vouchers through financial institutions which are insured by the Federal Deposit Insurance Corporation or the Federal Savings and Loan Insurance Corporation. No financial institution may impose a fee or other charge for the redemption of voter communication vouchers."

**TITLE XI—EFFECTIVE DATES;  
SEVERABILITY**

**SEC. 1101. EFFECTIVE DATE.**

Except as otherwise provided in this Act, the amendments made by, and the provisions of, this Act shall take effect on the date of the enactment of this Act but shall not apply with respect to activities in connection with any election occurring before January 1, 1995.

**SEC. 1102. SEVERABILITY.**

(a) Except as provided in subsection (b), if any provision of this Act (including any amendment made by this Act), or the application of any such provision to any person or cir-

cumstance, is held invalid, the validity of any other provision of this Act, or the application of such provision to other persons and circumstances, shall not be affected thereby.

(b) If title VI of the Federal Election Campaign Act of 1971, section 315(i) through (j) (as added by this Act), or section 701 (as added by this Act), or any part thereof, is held to be invalid, all provisions of, and amendments made by title VI, section 315(i) through (j) of this Act, or section 701 of this Act shall be treated as invalid.

**SEC. 1103. EXPEDITED REVIEW OF CONSTITUTIONAL ISSUES.**

(a) DIRECT APPEAL TO SUPREME COURT.—An appeal may be taken directly to the Supreme Court of the United States from any final judgment, decree, or order issued by any court finding any provision of this Act, or amendment made by this Act to be unconstitutional.

(b) ACCEPTANCE AND EXPEDITION.—The Supreme Court shall, if it has not previously ruled on the question addressed in the ruling below, accept jurisdiction over, advance on the docket, and expedite the appeal to the greatest extent possible.

**SEC. 1104. REGULATIONS.**

The Federal Election Commission shall prescribe any regulations required to carry out the provisions of this Act within 12 months after the effective date of this Act.

**SEC. 1105. BUDGET NEUTRALITY.**

The provisions of this Act (other than this section) shall not be effective and shall not be considered to be an estimate required under the procedures specified in section 252(d) of the Balanced Budget and Emergency Deficit Control Act of 1985 until the enactment of revenue legislation effectuating section 701 of the Federal Election Campaign Act of 1971.

**CLOTURE MOTION**

Mr. MITCHELL. Mr. President, I move the Senate disagree to the House amendments to the Senate bill and I send to the desk a cloture motion on the motion to disagree and ask for its immediate consideration.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

**CLOTURE MOTION**

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to disagree to the House amendments to the Senate bill, S. 3, the Campaign Finance Reform Act:

David L. Boren, Wendell Ford, Harlan Mathews, John Glenn, Paul Simon, Barbara Mikulski, Don Riegle, Frank R. Lautenberg, Claiborne Pell, J. Lieberman, Charles S. Robb, Chris Dodd, John F. Kerry, Tom Harkin, Barbara Boxer, David Pryor, Daniel Akaka.

Mr. MITCHELL. Mr. President, I ask unanimous consent that with respect to this cloture motion, the mandatory live quorum required under rule XXII be waived.

The PRESIDING OFFICER. There is objection? Hearing none, it is so ordered.

**CALIFORNIA DESERT PROTECTION ACT OF 1993; CALIFORNIA MILITARY LANDS WITHDRAWAL AND OVERFLIGHTS ACT OF 1991**

Mr. MITCHELL. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on a bill (S. 21) to designate certain lands in the California desert as wilderness, to establish Death Valley, Joshua Tree, and Mojave National Parks, and for other purposes.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

*Resolved*, That the bill from the Senate (S. 21) entitled "An Act to designate certain lands in the California Desert as wilderness, to establish Death Valley, Joshua Tree, and Mojave National Parks, and for other purposes", do pass with the following amendments:

**Strike out all after the enacting clause, and insert:**

*That this Act may be cited as the "California Desert Protection Act of 1994".*

**FINDINGS AND POLICY**

**SEC. 2. (a) The Congress finds and declares that—**

(1) the federally owned desert lands of Southern California constitute a public wildland resource of extraordinary and inestimable value for this and future generations;

(2) these desert wildlands display unique scenic, historical, archeological, environmental, ecological, wildlife, cultural, scientific, educational, and recreational values used and enjoyed by millions of Americans for hiking and camping, scientific study and scenic appreciation;

(3) the public land resources of the California desert now face and are increasingly threatened by adverse pressures which would impair, dilute, and destroy their public and natural values;

(4) the California desert, embracing wilderness lands, units of the National Park System, other Federal lands, State parks and other State lands, and private lands, constitutes a cohesive unit posing unique and difficult resource protection and management challenges;

(5) through designation of national monuments by Presidential proclamation, through enactment of general public land statutes (including section 601 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2743, 43 U.S.C. 1701 et seq.) and through interim administrative actions, the Federal Government has begun the process of appropriately providing for protection of the significant resources of the public lands in the California desert; and

(6) statutory land unit designations are needed to afford the full protection which the resources and public land values of the California desert merit.

(b) In order to secure for the American people of this and future generations an enduring heritage of wilderness, national parks, and public land values in the California desert, it is hereby declared to be the policy of the Congress that—

(1) appropriate public lands in the California desert shall be included within the National Park System and the National Wilderness Preservation System, in order to—

(A) preserve unrivaled scenic, geologic, and wildlife values associated with these unique natural landscapes;

(B) perpetuate in their natural state significant and diverse ecosystems of the California desert;

(C) protect and preserve historical and cultural values of the California desert associated

with ancient Indian cultures, patterns of western exploration and settlement, and sites exemplifying the mining, ranching and railroading history of the Old West;

(D) provide opportunities for compatible outdoor public recreation, protect and interpret ecological and geological features and historic, paleontological, and archeological sites, maintain wilderness resource values, and promote public understanding and appreciation of the California desert; and

(E) retain and enhance opportunities for scientific research in undisturbed ecosystems.

**TITLE I—WILDERNESS ADDITIONS**

**FINDINGS**

**SEC. 101. The Congress finds and declares that—**

(1) wilderness is a distinguishing characteristic of the public lands in the California desert, one which affords an unrivaled opportunity for experiencing vast areas of the Old West essentially unaltered by man's activities, and which merits preservation for the benefit of present and future generations;

(2) the wilderness values of desert lands are increasingly threatened by and especially vulnerable to impairment, alteration, and destruction by activities and intrusions associated with incompatible use and development; and

(3) preservation of desert wilderness necessarily requires the highest forms of protective designation and management.

**DESIGNATION OF WILDERNESS**

**SEC. 102. In furtherance of the purpose of the Wilderness Act (78 Stat. 890, 16 U.S.C. 1131 et seq.), and sections 601 and 603 of the Federal Land Policy and Management Act of 1976 (90 Stat. 2743, 43 U.S.C. 1701 et seq.), the following lands in the State of California, as generally depicted on maps referenced herein, are hereby designated as wilderness, and therefore, as components of the National Wilderness Preservation System:**

(1) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately seventy-four thousand eight hundred and ninety acres, as generally depicted on a map entitled "Argus Range Wilderness—Proposed 1", dated May 1991, and two maps entitled "Argus Range Wilderness—Proposed 2" and "Argus Range Wilderness—Proposed 3", dated January 1989, and which shall be known as the Argus Range Wilderness. If at any time within 15 years after the date of enactment of this Act the Secretary of the Navy notifies the Secretary of the Interior that permission has been granted to use lands within the area of the China Lake Naval Air Warfare Center for installation of a space energy laser facility, and that establishment of a right-of-way across lands within the Argus Range Wilderness is desirable in order to facilitate access to the lands to be used for such facility, the Secretary of the Interior, pursuant to the Federal Land Policy and Management Act of 1976, may grant a right-of-way for, and authorize construction of, a road to be used solely for that purpose across such lands, notwithstanding the designation of such lands as wilderness. So far as practicable, any such road shall be aligned in a manner that takes into account the desirability of minimizing adverse impacts on wilderness values.

(2) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately ten thousand three hundred and eighty acres, as generally depicted on a map entitled "Bigelow Cholla Garden Wilderness—Proposed", dated July 1993, and which shall be known as the Bigelow Cholla Garden Wilderness.

(3) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, and within the San Bernardino Na-

tional Forest, which comprise approximately thirty-nine thousand two hundred acres, as generally depicted on a map entitled "Bighorn Mountain Wilderness—Proposed", dated September 1991, and which shall be known as the Bighorn Mountain Wilderness.

(4) Certain lands in the California Desert Conservation Area and the Yuma District, of the Bureau of Land Management, which comprise approximately forty-seven thousand five hundred and seventy acres, as generally depicted on a map entitled "Big Maria Mountains Wilderness—Proposed", dated February 1986, and which shall be known as the Big Maria Mountains Wilderness.

(5) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately thirteen thousand nine hundred and forty acres, as generally depicted on a map entitled "Black Mountain Wilderness—Proposed", dated July 1993, and which shall be known as the Black Mountain Wilderness.

(6) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately nine thousand five hundred and twenty acres, as generally depicted on a map entitled "Bright Star Wilderness—Proposed", dated May 1991, and which shall be known as the Bright Star Wilderness.

(7) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately sixty-eight thousand five hundred and fifteen acres, as generally depicted on two maps entitled "Bristol Mountains Wilderness—Proposed 1", and "Bristol Mountains Wilderness—Proposed 2", dated September 1991, and which shall be known as Bristol Mountains Wilderness.

(8) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately thirty-nine thousand seven hundred and forty acres, as generally depicted on a map entitled "Cadiz Dunes Wilderness—Proposed", dated July 1993, and which shall be known as the Cadiz Dunes Wilderness.

(9) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately eighty-four thousand four hundred acres, as generally depicted on a map entitled "Cady Mountains Wilderness—Proposed", dated July 1993, and which shall be known as the Cady Mountains Wilderness.

(10) Certain lands in the California Desert Conservation Area and Eastern San Diego County, of the Bureau of Land Management, which comprise approximately fifteen thousand seven hundred acres, as generally depicted on a map entitled "Carrizo Gorge Wilderness—Proposed", dated February 1986, and which shall be known as the Carrizo Gorge Wilderness.

(11) Certain lands in the California Desert Conservation Area and Yuma District, of the Bureau of Land Management, which comprise approximately sixty-four thousand three hundred and twenty acres, as generally depicted on a map entitled "Chemehuevi Mountains Wilderness—Proposed", dated July 1993, and which shall be known as the Chemehuevi Mountains Wilderness.

(12) Certain lands in the Bakersfield District, of the Bureau of Land Management, which comprise approximately thirteen thousand seven hundred acres, as generally depicted on two maps entitled "Chimney Peak Wilderness—Proposed 1" and "Chimney Peak Wilderness—Proposed 2", dated May 1991, and which shall be known as the Chimney Peak Wilderness.

(13) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately one

hundred fifty-eight thousand nine hundred and fifty acres, as generally depicted on two maps entitled "Chuckwalla Mountains Wilderness—Proposed 1" and "Chuckwalla Mountains Wilderness—Proposed 2", dated January 1989, and which shall be known as the Chuckwalla Mountains Wilderness.

(14) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise thirty-four thousand three hundred and eighty acres, as generally depicted on a map entitled "Cleghorn Lakes Wilderness—Proposed", dated September 1991, and which shall be known as the Cleghorn Lakes Wilderness. The Secretary may, pursuant to an application filed by the Department of Defense, grant a right-of-way for, and authorize construction of, a road and utilities within the area depicted as "nonwilderness road corridor" on such map.

(15) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately forty thousand acres, as generally depicted on a map entitled "Clipper Mountain Wilderness—Proposed", dated May 1991, and which shall be known as Clipper Mountain Wilderness.

(16) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately fifty thousand five hundred and twenty acres, as generally depicted on a map entitled "Coso Range Wilderness—Proposed", dated May 1991, and which shall be known as Coso Range Wilderness.

(17) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately seventeen thousand acres, as generally depicted on a map entitled "Coyote Mountains Wilderness—Proposed", dated July 1993, and which shall be known as Coyote Mountains Wilderness.

(18) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately eight thousand six hundred acres, as generally depicted on a map entitled "Darwin Falls Wilderness—Proposed", dated May 1991, and which shall be known as Darwin Falls Wilderness.

(19) Certain lands in the California Desert Conservation Area and the Yuma District, of the Bureau of Land Management, which comprise approximately forty-eight thousand eight hundred and fifty acres, as generally depicted on a map entitled "Dead Mountains Wilderness—Proposed", dated October 1991, and which shall be known as Dead Mountains Wilderness.

(20) Certain lands in the Bakersfield District, of the Bureau of Land Management, which comprise approximately thirty-six thousand three hundred acres, as generally depicted on two maps entitled "Domeland Wilderness Additions—Proposed 1" and "Domeland Wilderness Additions—Proposed 2", dated February 1986 and which are hereby incorporated in, and which shall be deemed to be a part of, the Domeland Wilderness as designated by Public Laws 93-632 and 98-425.

(21) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately twenty-three thousand seven hundred and eighty acres, as generally depicted on a map entitled "El Paso Mountains Wilderness—Proposed", dated July 1993, and which shall be known as the El Paso Mountains Wilderness.

(22) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately twenty-five thousand nine hundred and forty acres, as generally depicted on a map entitled "Fish Creek Mountains Wilderness—Proposed", dated July 1993, and which shall be known as Fish Creek Mountains Wilderness.

(23) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately twenty-eight thousand one hundred and ten acres, as generally depicted on a map entitled "Funeral Mountains Wilderness—Proposed", dated May 1991, and which shall be known as Funeral Mountains Wilderness.

(24) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately thirty-seven thousand seven hundred acres, as generally depicted on a map entitled "Golden Valley Wilderness—Proposed", dated February 1986 and which shall be known as Golden Valley Wilderness.

(25) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately thirty-one thousand seven hundred and twenty acres, as generally depicted on a map entitled "Grass Valley Wilderness—Proposed", dated February 1986 and which shall be known as the Grass Valley Wilderness.

(26) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately twenty-two thousand two hundred and forty acres, as generally depicted on a map entitled "Hollow Hills Wilderness—Proposed", dated May 1991, and which shall be known as the Hollow Hills Wilderness.

(27) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately twenty-six thousand four hundred and sixty acres, as generally depicted on a map entitled "Iber Wilderness—Proposed", dated May 1991, and which shall be known as the Iber Wilderness.

(28) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately thirty-four thousand and fifty-five acres, as generally depicted on a map entitled "Indian Pass Wilderness—Proposed", dated May 1994, and which shall be known as the Indian Pass Wilderness.

(29) Certain lands in the California Desert Conservation Area and the Bakersfield District, of the Bureau of Land Management, and within the Inyo National Forest, which comprise approximately two hundred five thousand and twenty acres, as generally depicted on three maps entitled "Inyo Mountains Wilderness—Proposed", numbered in the title one through three, and dated May 1991, and which shall be known as the Inyo Mountains Wilderness.

(30) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately thirty-three thousand six hundred and seventy acres, as generally depicted on a map entitled "Jacumba Wilderness—Proposed", dated July 1993, and which shall be known as the Jacumba Wilderness.

(31) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately one hundred and twenty-nine thousand five hundred and eighty acres, as generally depicted on a map entitled "Kelso Dunes Wilderness—Proposed 1", dated October 1991, a map entitled "Kelso Dunes Wilderness—Proposed 2", dated May 1991, and a map entitled "Kelso Dunes Wilderness—Proposed 3", dated September 1991, and which shall be known as the Kelso Dunes Wilderness.

(32) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, and the Sequoia National Forest, which comprise approximately eighty-eight thousand two hundred and ninety acres, as generally depicted on a map entitled "Kiavah Wilderness—Proposed 1", dated February 1986, and a map entitled "Kiavah Wilderness—Pro-

posed 2", dated May 1991, and which shall be known as the Kiavah Wilderness.

(33) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately two hundred nine thousand six hundred and eight acres, as generally depicted on four maps entitled "Kingston Range Wilderness—Proposed", numbered in the title one through four dated May 1994, and which shall be known as the Kingston Range Wilderness.

(34) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately twenty-nine thousand eight hundred and eighty acres, as generally depicted on a map entitled "Little Chuckwalla Mountains Wilderness—Proposed", dated July 1993, and which shall be known as the Little Chuckwalla Mountains Wilderness.

(35) Certain lands in the California Desert Conservation Area and the Yuma District, of the Bureau of Land Management, which comprise approximately thirty-three thousand six hundred acres, as generally depicted on a map entitled "Little Picacho Wilderness—Proposed", dated July 1993, and which shall be known as the Little Picacho Wilderness.

(36) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately thirty-two thousand three hundred and sixty acres, as generally depicted on a map entitled "Malpais Mesa Wilderness—Proposed", dated September 1991, and which shall be known as the Malpais Mesa Wilderness.

(37) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately sixteen thousand one hundred and five acres, as generally depicted on a map entitled "Manly Peak Wilderness—Proposed", dated October 1991, and which shall be known as the Manly Peak Wilderness.

(38) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately twenty-four thousand two hundred acres, as generally depicted on a map entitled "Mecca Hills Wilderness—Proposed", dated July 1993, and which shall be known as the Mecca Hills Wilderness.

(39) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately forty-seven thousand three hundred and thirty acres, as generally depicted on a map entitled "Mesquite Wilderness—Proposed", dated May 1991, and which shall be known as the Mesquite Wilderness.

(40) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately twenty-two thousand nine hundred acres, as generally depicted on a map entitled "Newberry Mountains Wilderness—Proposed", dated February 1986, and which shall be known as the Newberry Mountains Wilderness.

(41) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately one hundred ten thousand eight hundred and sixty acres, as generally depicted on a map entitled "Nopah Range Wilderness—Proposed", dated July 1993, and which shall be known as the Nopah Range Wilderness.

(42) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately thirty-two thousand two hundred and forty acres, as generally depicted on a map entitled "North Algodones Dunes Wilderness—Proposed", dated October 1991, and which shall be known as the North Algodones Dunes Wilderness.

(43) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately twenty-

five thousand five hundred and forty acres, as generally depicted on a map entitled "North Mesquite Mountains Wilderness—Proposed", dated May 1991, and which shall be known as the North Mesquite Mountains Wilderness.

(44) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately one hundred forty-six thousand and seventy acres, as generally depicted on a map entitled "Old Woman Mountains Wilderness—Proposed 1", dated May 1994 and a map entitled "Old Woman Mountains Wilderness—Proposed 2", dated October 1991, and which shall be known as the Old Woman Mountains Wilderness.

(45) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately fifty-seven thousand four hundred and eighty acres, as generally depicted on a map entitled "Orocopia Mountains Wilderness—Proposed", dated May 1994, and which shall be known as the Orocopia Mountains Wilderness.

(46) Certain lands in the California Desert Conservation Area and the Bakersfield District, of the Bureau of Land Management, which comprise approximately seventy-four thousand six hundred and forty acres, as generally depicted on a map entitled "Owens Peak Wilderness—Proposed 1", dated February 1986, and two maps entitled "Owens Peak Wilderness—Proposed 2" dated February 1986 and "Owens Peak Wilderness—Proposed 3", dated May 1991, and which shall be known as the Owens Peak Wilderness.

(47) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately seventy-four thousand eight hundred acres, as generally depicted on a map entitled "Pahrump Valley Wilderness—Proposed", dated February 1986 and which shall be known as the Pahrump Valley Wilderness.

(48) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately two hundred seventy thousand six hundred and twenty-nine acres, as generally depicted on a map entitled "Palen/McCoy Wilderness—Proposed 1", dated July 1993, and a map entitled "Palen/McCoy Wilderness—Proposed 2", dated July 1993, and which shall be known as the Palen/McCoy Wilderness.

(49) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately thirty-two thousand three hundred and ten acres, as generally depicted on a map entitled "Palo Verde Mountains Wilderness—Proposed", dated July 1993, and which shall be known as the Palo Verde Mountains Wilderness.

(50) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately seven thousand seven hundred acres, as generally depicted on a map entitled "Picacho Peak Wilderness—Proposed", dated May 1991, and which shall be known as the Picacho Peak Wilderness.

(51) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately seventy-two thousand six hundred acres, as generally depicted on a map entitled "Piper Mountain Wilderness—Proposed", dated May 1991, and which shall be known as the Piper Mountain Wilderness.

(52) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately thirty-six thousand eight hundred and forty acres, as generally depicted on a map entitled "Piute Mountains Wilderness—Proposed", dated July 1993, and which shall be known as the Piute Mountains Wilderness.

(53) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately seventy-eight thousand eight hundred and sixty-eight acres, as generally depicted on a map entitled "Resting Spring Range Wilderness—Proposed", dated May 1991, and which shall be known as the Resting Spring Range Wilderness.

(54) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately forty thousand eight hundred and twenty acres, as generally depicted on a map entitled "Rice Valley Wilderness—Proposed", dated May 1991, and which shall be known as the Rice Valley Wilderness.

(55) Certain lands in the California Desert Conservation Area and the Yuma District, of the Bureau of Land Management, which comprise approximately twenty-two thousand three hundred eighty acres, as generally depicted on a map entitled "Riverside Mountains Wilderness—Proposed", dated May 1991, and which shall be known as the Riverside Mountains Wilderness.

(56) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately twenty-seven thousand seven hundred acres, as generally depicted on a map entitled "Rodman Mountains Wilderness—Proposed", dated January 1989, and which shall be known as the Rodman Mountains Wilderness.

(57) Certain lands in the California Desert Conservation Area and the Bakersfield District, of the Bureau of Land Management, which comprise approximately fifty-one thousand nine hundred acres, as generally depicted on two maps entitled "Sacatar Trail Wilderness—Proposed 1" and "Sacatar Trail Wilderness—Proposed 2", dated May 1991, and which shall be known as the Sacatar Trail Wilderness.

(58) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately one thousand four hundred and forty acres, as generally depicted on a map entitled "Saddle Peak Hills Wilderness—Proposed", dated July 1993, and which shall be known as the Saddle Peak Hills Wilderness.

(59) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately thirty-seven thousand nine hundred and eighty acres, as generally depicted on a map entitled "San Geronio Wilderness Additions—Proposed", dated July 1993, and which are hereby incorporated in, and which shall be deemed to be a part of, the San Geronio Wilderness as designated by Public Laws 88-577 and 98-425.

(60) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately sixty-four thousand three hundred and forty acres, as generally depicted on a map entitled "Santa Rosa Wilderness Additions—Proposed", dated March 1994, and which are hereby incorporated in, and which shall be deemed to be part of, the Santa Rosa Wilderness designated by Public Law 98-425.

(61) Certain lands in the California Desert District, of the Bureau of Land Management, which comprise approximately thirty-five thousand and eighty acres, as generally depicted on a map entitled "Sawtooth Mountains Wilderness—Proposed", dated July 1993, and which shall be known as the Sawtooth Mountains Wilderness.

(62) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately one hundred seventy-four thousand eight hundred acres, as generally depicted on two maps entitled "Sheep Hole Valley Wilderness—Proposed 1", dated July 1993, and "Sheep Hole Valley

Wilderness—Proposed 2", dated July 1993, and which shall be known as the Sheephole Valley Wilderness.

(63) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately forty-four thousand four hundred and ten acres, as generally depicted on a map entitled "Slate Range Wilderness—Proposed", dated October 1991, and which shall be known as the Slate Range Wilderness.

(64) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately sixteen thousand seven hundred and eighty acres, as generally depicted on a map entitled "South Nopah Range Wilderness—Proposed", dated February 1986, and which shall be known as the South Nopah Range Wilderness.

(65) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately seven thousand and fifty acres, as generally depicted on a map entitled "Stateline Wilderness—Proposed", dated May 1991, and which shall be known as the Stateline Wilderness.

(66) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately eighty-one thousand six hundred acres, as generally depicted on a map entitled "Stempladder Mountains Wilderness—Proposed", dated February 1986, and which shall be known as the Stempladder Mountains Wilderness.

(67) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately twenty-nine thousand one hundred and eighty acres, as generally depicted on a map entitled "Surprise Canyon Wilderness—Proposed", dated September 1991, and which shall be known as the Surprise Canyon Wilderness.

(68) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately seventeen thousand eight hundred and twenty acres, as generally depicted on a map entitled "Sylvania Mountains Wilderness—Proposed", dated February 1986, and which shall be known as the Sylvania Mountains Wilderness.

(69) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately thirty-three thousand seven hundred and twenty acres, as generally depicted on a map entitled "Trilobite Wilderness—Proposed", dated May 1991, and which shall be known as the Trilobite Wilderness.

(70) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately one hundred forty-four thousand five hundred acres, as generally depicted on a map entitled "Turtle Mountains Wilderness—Proposed 1", dated February 1986 and a map entitled "Turtle Mountains Wilderness—Proposed 2", dated May 1991, and which shall be known as the Turtle Mountains Wilderness.

(71) Certain lands in the California Desert Conservation Area and the Yuma District, of the Bureau of Land Management, which comprise approximately seventy-seven thousand five hundred and twenty acres, as generally depicted on a map entitled "Whipple Mountains Wilderness—Proposed", dated July 1993, and which shall be known as the Whipple Mountains Wilderness.

#### ADMINISTRATION OF WILDERNESS AREAS

SEC. 103. Subject to valid existing rights, each wilderness area designated under section 102 shall be administered by the appropriate Secretary in accordance with the provisions of the Wilderness Act, except that any reference in such provisions to the effective date of the Wilderness Act shall be deemed to be a reference to

the effective date of this title and any reference to the Secretary of Agriculture shall be deemed to be a reference to the Secretary who has administrative jurisdiction over the area.

#### GRAZING

SEC. 104. Within the wilderness areas designated under section 102, the grazing of livestock, where established prior to the enactment of this Act, shall be permitted to continue subject to such reasonable regulations, policies, and practices as the Secretary deems necessary, as long as such regulations, policies, and practices fully conform with and implement the intent of Congress regarding grazing in such areas as such intent is expressed in the Wilderness Act and section 108 of Public Law 96-560 (16 U.S.C. 133 note).

#### BUFFER ZONES

SEC. 105. The Congress does not intend for the designation of wilderness areas in section 102 of this Act to lead to the creation of protective perimeters or buffer zones around any such wilderness area. The fact that nonwilderness activities or uses can be seen or heard from areas within a wilderness shall not, of itself, preclude such activities or uses up to the boundary of the wilderness area.

#### MINING CLAIM VALIDITY REVIEW

SEC. 106. The Secretary of the Interior shall not approve any plan of operation prior to determining the validity of the unpatented mining claims, mill sites, and tunnel sites affected by such plan within any wilderness area designated under section 102, and shall submit to Congress recommendations as to whether any valid or patented claims should be acquired by the United States, including the estimated acquisition costs of such claims, and a discussion of the environmental consequences of the extraction of minerals from these lands.

#### FILING OF MAPS AND DESCRIPTIONS

SEC. 107. As soon as practicable after enactment of section 102, a map and a legal description on each wilderness area designated under this title shall be filed by the Secretary concerned with the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives, and each such map and description shall have the same force and effect as if included in this title, except that the Secretary may correct clerical and typographical errors in each such legal description and map. Each such map and legal description shall be on file and available for public inspection in the office of the Director of the Bureau of Land Management, Department of the Interior, or the Chief of the Forest Service, Department of Agriculture, as is appropriate.

#### WILDERNESS REVIEW

SEC. 108. (a) The Congress hereby finds and directs that except for those areas provided for in subsection (b), the public lands in the California Desert Conservation Area, managed by the Bureau of Land Management, not designated as wilderness or wilderness study areas by this Act, have been adequately studied for wilderness designation pursuant to section 603 of the Federal Land Policy and Management Act of 1976 (90 Stat. 2743, 43 U.S.C. 1782), and are no longer subject to the requirements of section 603(c) of the Federal Land Policy and Management Act of 1976 pertaining to the management of wilderness study areas in a manner that does not impair the suitability of such areas for preservation as wilderness.

(b) The following areas shall continue to be subject to the requirements of section 603(c) of the Federal Land Policy and Management Act of 1976, pertaining to the management of wilderness study areas in a manner that does not impair the suitability of such areas for preservation as wilderness:

(1) Certain lands which comprise approximately sixty-one thousand three hundred and twenty acres, as generally depicted on a map entitled "Avawatz Mountains Wilderness—Proposed", dated May 1991.

(2) Certain lands which comprise approximately eighty thousand four hundred and thirty acres, as generally depicted on two maps entitled "Soda Mountains Wilderness—Proposed 1", dated May 1991, and "Soda Mountains Wilderness—Proposed 2", dated January 1989.

(3) Certain lands which comprise approximately twenty-three thousand two hundred and fifty acres, as generally depicted on a map entitled "South Avawatz Mountains—Proposed", dated May 1991.

(4) Certain lands which comprise approximately eight thousand eight hundred acres, as generally depicted on a map entitled "Great Falls Basin Wilderness—Proposed", dated February 1986.

(5) Certain lands which comprise approximately thirty-nine thousand seven hundred and sixty acres, as generally depicted on a map entitled "Kingston Range Potential Future Wilderness", dated May 1994.

(c) Subject to valid existing rights, the Federal lands referred to in subsection (b) are hereby withdrawn from all forms of entry, appropriation, or disposal under the public land laws; from location, entry, and patent under the United States mining laws; and from disposition under all laws pertaining to mineral and geothermal leasing, and mineral materials, and all amendments thereto, and shall be administered by the Secretary in accordance with the provisions of section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782).

#### DESIGNATION OF WILDERNESS STUDY AREA

SEC. 109. In furtherance of the provisions of the Wilderness Act, certain public lands in the California Desert Conservation Area of the Bureau of Land Management which comprise eleven thousand two hundred acres as generally depicted on a map entitled "White Mountains Wilderness Study Area—Proposed", dated May 1991, are hereby designated the White Mountains Wilderness Study Area and shall be administered by the Secretary in accordance with the provisions of section 603(c) of the Federal Land Policy and Management Act of 1976.

#### SUITABILITY REPORT

SEC. 110. The Secretary is required, ten years after the date of enactment of this Act, to report to Congress on current and planned exploration, development or mining activities on, and suitability for future wilderness designation of, the lands as generally depicted on maps entitled "Surprise Canyon Wilderness—Proposed", "Middle Park Canyon Wilderness—Proposed", and "Death Valley National Park Boundary and Wilderness 15", dated September 1991 and a map entitled "Manly Peak Wilderness—Proposed", dated October 1991.

#### WILDERNESS DESIGNATION AND MANAGEMENT IN THE NATIONAL WILDLIFE REFUGE SYSTEM

SEC. 111. (a) In furtherance of the purposes of the Wilderness Act, the following lands are hereby designated as wilderness and therefore, as components of the National Wilderness Preservation System:

(1) Certain lands in the Havasu National Wildlife Refuge, California, which comprise approximately three thousand one hundred and ninety-five acres, as generally depicted on a map entitled "Havasas Wilderness—Proposed", and dated October 1991, and which shall be known as the Havasu Wilderness.

(2) Certain lands in the Imperial National Wildlife Refuge, California, which comprise approximately five thousand eight hundred and thirty-six acres, as generally depicted on two maps entitled "Imperial Refuge Wilderness—

Proposed 1" and "Imperial Refuge Wilderness—Proposed 2", and dated October 1991, and which shall be known as the Imperial Refuge Wilderness.

(b) Subject to valid existing rights, the wilderness areas designated under this section shall be administered by the Secretary in accordance with the provisions of the Wilderness Act governing areas designated by that Act as wilderness, except that any reference in such provisions to the effective date of the Wilderness Act (or any similar reference) shall be deemed to be a reference to the date of enactment of this Act and any reference to the Secretary of Agriculture shall be deemed to be a reference to the Secretary of the Interior.

(c) As soon as practicable after enactment of this section, the Secretary shall file a map and a legal description of each wilderness area designated under this section with the Committees on Energy and Natural Resources and Environment and Public Works of the Senate and Natural Resources and Merchant Marine and Fisheries of the House of Representatives. Such map and description shall have the same force and effect as if included in this Act, except that correction of clerical and typographical errors in such legal description and map may be made. Such map and legal description shall be on file and available for public inspection in the Office of the Director, United States Fish and Wildlife Service, Department of the Interior.

#### LAW ENFORCEMENT ACCESS

SEC. 112. Nothing in this Act, including the wilderness designations made by this Act, may be construed to preclude Federal, State, and local law enforcement agencies from conducting law enforcement and border operations as permitted before the enactment of this Act, including the use of motor vehicles and aircraft, on any lands designated as wilderness by this Act.

#### FISH AND WILDLIFE MANAGEMENT

SEC. 113. As provided in section 4(d)(7) of the Wilderness Act, nothing in this title shall be construed as affecting the jurisdiction of the State of California with respect to fish and wildlife on the public lands located in that State. Management activities to maintain or restore fish and wildlife populations and the habitats to support such populations may be carried out within wilderness areas designated by this title and shall include the use of motorized vehicles by the appropriate State agencies.

#### TITLE II—DEATH VALLEY NATIONAL PARK

##### FINDINGS

SEC. 201. The Congress hereby finds that—

(1) proclamations by Presidents Herbert Hoover in 1933 and Franklin Roosevelt in 1937 established and expanded the Death Valley National Monument for the preservation of the unusual features of scenic, scientific, and educational interest therein contained;

(2) Death Valley National Monument is today recognized as a major unit of the National Park System, having extraordinary values enjoyed by millions of visitors;

(3) the Monument boundaries established in the 1930's exclude and thereby expose to incompatible development and inconsistent management, contiguous Federal lands of essential and superlative natural, ecological, geological, archeological, paleontological, cultural, historical and wilderness values;

(4) Death Valley National Monument should be substantially enlarged by the addition of all contiguous Federal lands of national park caliber and afforded full recognition and statutory protection as a national park; and

(5) the wilderness within Death Valley should receive maximum statutory protection by designation pursuant to the Wilderness Act.

## ESTABLISHMENT OF DEATH VALLEY NATIONAL PARK

SEC. 202. There is hereby established the Death Valley National Park, as generally depicted on 23 maps entitled "Death Valley National Park Boundary and Wilderness—Proposed", numbered in the title one through twenty-three, and dated May 1994 or prior, which shall be on file and available for public inspection in the offices of the Superintendent of the Park and the Director of the National Park Service, Department of the Interior. The Death Valley National Monument is hereby abolished as such, the lands and interests therein are hereby incorporated within and made part of the new Death Valley National Park, and any funds available for purposes of the monument shall be available for purposes of the park.

## TRANSFER AND ADMINISTRATION OF LANDS

SEC. 203. Upon enactment of this title, the Secretary shall transfer the lands under the jurisdiction of the Bureau of Land Management depicted on the maps described in section 202 of this title, without consideration, to the administrative jurisdiction of the Director of the National Park Service for administration as part of the National Park System. The boundaries of the public lands and the national parks shall be adjusted accordingly. The Secretary shall administer the areas added to the National Park System by this title in accordance with the provisions of law generally applicable to units of the National Park System, including the Act entitled "An Act to establish a National Park Service, and for other purposes", approved August 25, 1916 (39 Stat. 535; 16 U.S.C. 1-4).

## MAPS AND LEGAL DESCRIPTION

SEC. 204. Within six months after the enactment of this title, the Secretary shall file maps and a legal description of the park designated under this title with the Energy and Natural Resources Committee of the Senate and the Natural Resources Committee of the House of Representatives. Such maps and legal description shall have the same force and effect as if included in this title, except that the Secretary may correct clerical and typographical errors in such legal description and in the maps referred to in section 202. The maps and legal description shall be on file and available for public inspection in the offices of the Superintendent of the Park and the Director of the National Park Service, Department of the Interior.

## WITHDRAWAL

SEC. 205. Subject to valid existing rights, the Federal lands and interests therein added to the National Park System by this title are withdrawn from disposition under the public land laws and from entry or appropriation under the mining laws of the United States, from the operation of the mineral leasing laws of the United States, and from operation of the Geothermal Steam Act of 1970.

## STUDY AS TO VALIDITY OF MINING CLAIMS

SEC. 206. The Secretary shall not approve any plan of operation prior to determining the validity of the unpatented mining claims, mill sites, and tunnel sites affected by such plan within the additions to the park and shall submit to Congress recommendations as to whether any valid or patented claims should be acquired by the United States, including the estimated acquisition costs of such claims, and a discussion of the environmental consequences of the extraction of minerals from these lands.

## GRAZING

SEC. 207. (a) The privilege of grazing domestic livestock on lands within the park shall continue to be exercised at no more than the current level, subject to applicable laws and National Park Service regulations.

(b) If a person holding a grazing permit referred to in subsection (a) informs the Secretary

that such permittee is willing to convey to the United States any base property with respect to which such permit was issued and to which such permittee holds title, the Secretary shall make the acquisition of such base property a priority as compared with the acquisition of other lands within the park, provided agreement can be reached concerning the terms and conditions of such acquisition. Any such base property which is located outside the park and acquired as a priority pursuant to this section shall be managed by the Federal agency responsible for the majority of the adjacent lands in accordance with the laws applicable to such adjacent lands.

## DEATH VALLEY NATIONAL PARK ADVISORY COMMISSION

SEC. 208. (a) The Secretary shall establish an advisory commission of no more than 15 members, to advise the Secretary concerning the development and implementation of a new or revised comprehensive management plan for Death Valley National Park.

(b)(1) The advisory commission shall include an elected official for each County within which any part of the park is located, a representative of the owners of private properties located within or immediately adjacent to the park, and other members representing persons actively engaged in grazing and range management, mineral exploration and development, and persons with expertise in relevant fields, including geology, biology, ecology, law enforcement, and the protection and management of National Park resources and values.

(2) Vacancies in the commission shall be filled by the Secretary so as to maintain the full diversity of views required to be represented on the commission.

(c) The Federal Advisory Committee Act shall apply to the procedures and activities of the advisory commission.

(d) The advisory commission shall cease to exist ten years after the date of its establishment.

## BOUNDARY ADJUSTMENT

SEC. 210. In preparing the maps and legal descriptions required by sections 204 and 502, the Secretary shall adjust the boundaries of the Death Valley National Park and Death Valley National Park Wilderness so as to exclude from such National Park and Wilderness the lands generally depicted on the map entitled "Porter Mine (Panamint Range) Exclusion Area" dated June 1994.

## TITLE III—JOSHUA TREE NATIONAL PARK FINDINGS

SEC. 301. The Congress hereby finds that—

(1) a proclamation by President Franklin Roosevelt in 1936 established Joshua Tree National Monument to protect various objects of historical and scientific interest;

(2) Joshua Tree National Monument today is recognized as a major unit of the National Park System, having extraordinary values enjoyed by millions of visitors;

(3) the Monument boundaries as modified in 1950 and 1961 exclude and thereby expose to incompatible development and inconsistent management, contiguous Federal lands of essential and superlative natural, ecological, archeological, paleontological, cultural, historical and wilderness values;

(4) Joshua Tree National Monument should be enlarged by the addition of contiguous Federal lands of national park caliber, and afforded full recognition and statutory protection as a national park; and

(5) the nondesignated wilderness within Joshua Tree should receive statutory protection by designation pursuant to the Wilderness Act.

## ESTABLISHMENT OF JOSHUA TREE NATIONAL PARK

SEC. 302. There is hereby established the Joshua Tree National Park, as generally depicted on

a map entitled "Joshua Tree National Park Boundary—Proposed", dated May 1991, and four maps entitled "Joshua Tree National Park Boundary and Wilderness", numbered in the title one through four, and dated October 1991 or prior, which shall be on file and available for public inspection in the offices of the Superintendent of the Park and the Director of the National Park Service, Department of the Interior. The Joshua Tree National Monument is hereby abolished as such, the lands and interests therein are hereby incorporated within and made part of the new Joshua Tree National Park, and any funds available for purposes of the monument shall be available for purposes of the park.

## TRANSFER AND ADMINISTRATION OF LANDS

SEC. 303. Upon enactment of this title, the Secretary shall transfer the lands under the jurisdiction of the Bureau of Land Management depicted on the maps described in section 302 of this title, without consideration, to the administrative jurisdiction of the Director of the National Park Service for administration as part of the National Park System. The boundaries of the public lands and the national parks shall be adjusted accordingly. The Secretary shall administer the areas added to the National Park System by this title in accordance with the provisions of law generally applicable to units of the National Park System, including the Act entitled "An Act to establish a National Park Service, and for other purposes", approved August 25, 1916 (39 Stat. 535; 16 U.S.C. 1-4).

## MAPS AND LEGAL DESCRIPTION

SEC. 304. Within six months after the enactment of this title, the Secretary shall file maps and legal description of the park designated by this title with the Energy and Natural Resources Committee of the Senate and the Natural Resources Committee of the House of Representatives. Such maps and legal description shall have the same force and effect as if included in this title, except that the Secretary may correct clerical and typographical errors in such legal description and in the maps referred to in section 302. The maps and legal description shall be on file and available for public inspection in the offices of the Superintendent of the Park and the Director of the National Park Service, Department of the Interior.

## WITHDRAWAL

SEC. 305. Subject to valid existing rights, Federal lands and interests therein added to the National Park System by this title are withdrawn from disposition under the public lands laws and from entry or appropriation under the mining laws of the United States, from the operation of the mineral leasing laws of the United States, and from the operation of the Geothermal Steam Act of 1970.

## UTILITY RIGHTS-OF-WAY

SEC. 306. Nothing in this title shall have the effect of terminating any validly issued right-of-way or customary operation maintenance, repair, and replacement activities in such right-of-way, issued, granted, or permitted to the Metropolitan Water District pursuant to the Boulder Canyon Project Act (43 U.S.C. 617-619b), which is located on lands included in the Joshua Tree National Park, but outside lands designated as wilderness under section 501(2). Such activities shall be conducted in a manner which will minimize the impact on park resources. Nothing in this title shall have the effect of terminating the fee title to lands or customary operation, maintenance, repair, and replacement activities on or under such lands granted to the Metropolitan Water District pursuant to the Act of June 18, 1932 (47 Stat. 324), which are located on lands included in the Joshua Tree National Park, but outside lands designated as wilderness under section 501(2). Such activities shall be conducted

in a manner which will minimize the impact on park resources. The Secretary shall prepare within 180 days after the date of enactment of this Act, in consultation with the Metropolitan Water District, plans for emergency access by the Metropolitan Water District to its lands and rights-of-way.

#### STUDY AS TO VALIDITY OF MINING CLAIMS

SEC. 307. The Secretary shall not approve any plan of operation prior to determining the validity of the unpatented mining claims, mill sites, and tunnel sites affected by such plan within the park and shall submit to Congress recommendations as to whether any valid or patented claims should be acquired by the United States, including the estimated acquisition costs of such claims, and a discussion of the environmental consequences of the extraction of minerals from these lands.

#### JOSHUA TREE NATIONAL PARK ADVISORY COMMISSION

SEC. 308. (a) The Secretary shall establish an advisory commission of no more than 15 members, to advise the Secretary concerning the development and implementation of a new or revised comprehensive management plan for Joshua Tree National Park.

(b)(1) The advisory commission shall include an elected official for each County within which any part of the park is located, a representative of the owners of private properties located within or immediately adjacent to the park, and other members representing persons actively engaged in grazing and range management, mineral exploration and development, and persons with expertise in relevant fields, including geology, biology, ecology, law enforcement, and the protection and management of National Park resources and values.

(2) Vacancies in the commission shall be filled by the Secretary so as to maintain the full diversity of views required to be represented on the commission.

(c) The Federal Advisory Committee Act shall apply to the procedures and activities of the advisory commission.

(d) The advisory commission shall cease to exist ten years after the date of its establishment.

#### TITLE IV—MOJAVE NATIONAL PRESERVE FINDINGS

SEC. 401. The Congress hereby finds that—

(1) Death Valley and Joshua Tree National Parks, as established by this Act, protect unique and superlative desert resources, but do not embrace the particular ecosystems and transitional desert type found in the Mojave Desert area lying between them on public lands now afforded only impermanent administrative designation as a national scenic area;

(2) the Mojave Desert area possesses outstanding natural, cultural, historical, and recreational values meriting statutory designation and recognition as a unit of the National Park System;

(3) the Mojave Desert area should be afforded full recognition and statutory protection as a national preserve;

(4) the wilderness within the Mojave Desert should receive maximum statutory protection by designation pursuant to the Wilderness Act; and

(5) the Mojave Desert area provides an outstanding opportunity to develop services, programs, accommodations and facilities to ensure the use and enjoyment of the area by individuals with disabilities, consistent with section 504 of the Rehabilitation Act of 1973, Public Law 101-336, the Americans With Disabilities Act of 1990 (42 U.S.C. 12101), and other appropriate laws and regulations.

#### ESTABLISHMENT OF THE MOJAVE NATIONAL PRESERVE

SEC. 402. (a) There is hereby established the Mojave National Preserve, comprising approxi-

mately one million four hundred nineteen thousand eight hundred acres, as generally depicted on a map entitled "Mojave National Park Boundary—Proposed", dated May 17, 1994, which shall be on file and available for inspection in the appropriate offices of the Director of the National Park Service, Department of the Interior.

(b)(1) There is hereby established the Dinosaur Trackway Area of Critical Environmental Concern within the California Desert Conservation Area, of the Bureau of Land Management, comprising approximately five hundred and ninety acres as generally depicted on a map entitled "Dinosaur Trackway Area of Critical Environmental Concern", dated July 1993. The Secretary shall administer the area to preserve the paleontological resources within the area.

(2) Subject to valid existing rights, the Federal lands within and adjacent to the Dinosaur Trackway Area of Critical Environmental Concern, as generally depicted on a map entitled "Dinosaur Trackway Mineral Withdrawal Area", dated July 1993, are hereby withdrawn from all forms of entry, appropriation, or disposal under the public land laws; from location, entry, and patent under the United States mining laws; and from disposition under all laws pertaining to mineral and geothermal leasing, and mineral materials, and all amendments thereto.

#### TRANSFER OF LANDS

SEC. 403. Upon enactment of this title, the Secretary shall transfer the lands under the jurisdiction of the Bureau of Land Management depicted on the maps described in section 402 of this title, without consideration, to the administrative jurisdiction of the Director of the National Park Service. The boundaries of the public lands shall be adjusted accordingly.

#### MAPS AND LEGAL DESCRIPTION

SEC. 404. Within six months after the enactment of this title, the Secretary shall file maps and a legal description of the preserve designated under this title with the Energy and Natural Resources Committee of the Senate and the Natural Resources Committee of the House of Representatives. Such maps and legal description shall have the same force and effect as if included in this title, except that the Secretary may correct clerical and typographical errors in such legal description and in the maps referred to in section 402. The maps and legal description shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior.

#### ABOLISHMENT OF SCENIC AREA

SEC. 405. The East Mojave National Scenic Area, designated on January 13, 1981 (46 FR 3994), and modified on August 9, 1983 (48 FR 36210), is hereby abolished.

#### ADMINISTRATION OF LANDS

SEC. 406. (a) The Secretary shall administer the preserve in accordance with this title and with the provisions of law generally applicable to units of the National Park System, including the Act entitled "An Act to establish a National Park Service, and for other purposes", approved August 25, 1916 (39 Stat. 535; 16 U.S.C. 1-4).

(b) The Secretary shall permit hunting, fishing, and trapping on lands and waters within the preserve designated by this Act in accordance with applicable Federal and State laws except that the Secretary may designate areas where, and establish periods when, no hunting, fishing, or trapping will be permitted for reasons of public safety, administration, or compliance with provisions of applicable law. Except in emergencies, regulations closing areas to hunting, fishing, or trapping pursuant to this subsection shall be put into effect only after consultation with the appropriate State agency having responsibility for fish and wildlife. Not-

ing in this Act shall be construed as affecting the jurisdiction or responsibilities of the States with respect to fish and wildlife on Federal lands and waters covered by this title nor shall anything in this Act be construed as authorizing the Secretary concerned to require a Federal permit to hunt, fish, or trap on Federal lands and waters covered by this title.

#### WITHDRAWAL

SEC. 407. Subject to valid existing rights, Federal lands within the preserve, and interests therein, are withdrawn from disposition under the public land laws and from entry or appropriation under the mining laws of the United States, from the operation of the mineral leasing laws of the United States, and from operation of the Geothermal Steam Act of 1970.

#### STUDY AS TO VALIDITY OF MINING CLAIMS

SEC. 408 (a) The Secretary shall not approve any plan of operation prior to determining the validity of the unpatented mining claims, mill sites, and tunnel sites affected by such plan within the preserve and shall submit to Congress recommendations as to whether any valid or patented claims should be acquired by the United States, including the estimated acquisition costs of such claims, and a discussion of the environmental consequences of the extraction of minerals from these lands.

(b)(1) Notwithstanding any other provision of law, the Secretary of the Interior shall permit the holder or holders of mining claims identified on the records of the Bureau of Land Management as Volco #A CAMC 105446 and Volco #B CAMC 105447 to continue exploration and development activities on such claims for a period of two years after the date of enactment of this Act, subject to the same regulations as applied to such activities on such claims on the day before such date of enactment.

(2) At the end of the period specified in paragraph (1), or sooner if so requested by the holder or holders of the claims specified in such paragraph, the Secretary shall determine whether there has been a discovery of valuable minerals on such claims and whether, if such discovery had been made on or before July 1, 1994, such claims would have been valid as of such date under the mining laws of the United States in effect on such date.

(3) If the Secretary, pursuant to paragraph (2), makes an affirmative determination concerning the claims specified in paragraph (1), the holder or holders of such claims shall be permitted to continue to operate such claims subject only to such regulations as applied on July 1, 1994 to the exercise of valid existing rights on patented mining claims within a unit of the National Park System.

#### GRAZING

SEC. 409. (a) The privilege of grazing domestic livestock on lands within the preserve shall continue to be exercised at no more than the current level, subject to applicable laws and National Park Service regulations.

(b) If a person holding a grazing permit referred to in subsection (a) informs the Secretary that such permittee is willing to convey to the United States any base property with respect to which such permit was issued and to which such permittee holds title, the Secretary shall make the acquisition of such base property a priority as compared with the acquisition of other lands within the preserve, provided agreement can be reached concerning the terms and conditions of such acquisition. Any such base property which is located outside the preserve and acquired as a priority pursuant to this section shall be managed by the Federal agency responsible for the majority of the adjacent lands in accordance with the laws applicable to such adjacent lands.

#### UTILITY RIGHTS OF WAY

SEC. 410. (a)(1) Nothing in this title shall have the effect of terminating any validly issued

right-of-way or customary operation, maintenance, repair, and replacement activities in such right-of-way, issued, granted, or permitted to Southern California Edison Company, its successors or assigns, which is located on lands included in the Mojave National Preserve, but outside lands designated as wilderness under section 501(3). Such activities shall be conducted in a manner which will minimize the impact on preserve resources.

(2) Nothing in this title shall have the effect of prohibiting the upgrading of an existing electrical transmission line for the purpose of increasing the capacity of such transmission line in the Southern California Edison Company validly issued Eldorado-Lugo Transmission Line right-of-way and Mojave-Lugo Transmission Line right-of-way, or in a right-of-way if issued, granted, or permitted by the Secretary adjacent to the existing Mojave-Lugo Transmission Line right-of-way (hereafter in this section referred to as "adjacent right-of-way"), including construction of a replacement transmission line: Provided, That—

(A) in the Eldorado-Lugo Transmission Line rights-of-way (hereafter in this section referred to as the "Eldorado rights-of-way") at no time shall there be more than three electrical transmission lines,

(B) in the Mojave-Lugo Transmission Line right-of-way (hereafter in this section referred to as the "Mojave right-of-way") and adjacent right-of-way, removal of the existing electrical transmission line and reclamation of the site shall be completed no later than three years after the date on which construction of the upgraded transmission line begins, after which time there may be only one electrical transmission line in the lands encompassed by Mojave right-of-way and adjacent right-of-way,

(C) if there are no more than two electrical transmission lines in the Eldorado rights-of-way, two electrical transmission lines in the lands encompassed by the Mojave right-of-way and adjacent right-of-way may be allowed,

(D) in the Eldorado rights-of-way and Mojave right-of-way no additional land shall be issued, granted, or permitted for such upgrade unless an addition would reduce the impacts to preserve resources,

(E) no more than 350 feet of additional land shall be issued, granted, or permitted for an adjacent right-of-way to the south of the Mojave right-of-way unless a greater addition would reduce the impacts to preserve resources, and

(F) such upgrade activities, including helicopter aided construction, shall be conducted in a manner which will minimize the impact on preserve resources.

(3) The Secretary shall prepare within 180 days after the date of enactment of this Act, in consultation with the Southern California Edison Company, plans for emergency access by the Southern California Edison Company to its rights-of-way.

(b)(1) Nothing in this title shall have the effect of terminating any validly issued right-of-way, or customary operation, maintenance, repair, and replacement activities in such right-of-way; prohibiting the upgrading of and construction on existing facilities in such right-of-way for the purpose of increasing the capacity of the existing pipeline; or prohibiting the renewal of such right-of-way issued, granted, or permitted to the Southern California Gas Company, its successors or assigns, which is located on lands included in the Mojave National Preserve, but outside lands designated as wilderness under section 501(3). Such activities shall be conducted in a manner which will minimize the impact on preserve resources.

(2) The Secretary shall prepare within one hundred and eighty days after the date of enactment of this title, in consultation with the

Southern California Gas Company, plans for emergency access by the Southern California Gas Company to its rights-of-way.

(c) Nothing in this title shall have the effect of terminating any validly issued right-of-way or customary operation, maintenance, repair, and replacement activities of existing facilities issued, granted, or permitted for communications cables or lines, which are located on lands included in the Mojave National Preserve, but outside lands designated as wilderness under section 501(3). Such activities shall be conducted in a manner which will minimize the impact on preserve resources.

(d) Nothing in this title shall have the effect of terminating any validly issued right-of-way or customary operation, maintenance, repair, and replacement activities of existing facilities issued, granted, or permitted to Molybdenum Corporation of America; Molycorp, Incorporated; or Union Oil Company of California (d/b/a Unocal Corporation); or its successors or assigns, or prohibiting renewal of such right-of-way, which is located on lands included in the Mojave National Preserve, but outside lands designated as wilderness under section 501(3). Such activities shall be conducted in a manner which will minimize the impact on preserve resources.

#### PREPARATION OF MANAGEMENT PLAN

SEC. 411. Within three years after the date of enactment of this title, the Secretary shall submit to the Energy and Natural Resources Committee of the Senate and the Natural Resources Committee of the House of Representatives a detailed and comprehensive management plan for the preserve. Such plan shall place emphasis on historical and cultural sites and ecological and wilderness values within the boundaries of the preserve. Any development, including road improvements, proposed by such plan shall be strictly limited to that which is essential and appropriate for the administration of the preserve and shall be designed and located so as to maintain the primitive nature of the area and to minimize the impairment of preserve resources or ecological values. To the extent practicable, administrative facilities, employee housing, commercial visitor services, accommodations, and other preserve-related development shall be located or provided for outside of the boundaries of the preserve. Such plan shall evaluate the feasibility of using the Kelso Depot and existing railroad corridor to provide public access to and a facility for special interpretive, educational, and scientific programs within the preserve. Such plan shall specifically address the needs of individuals with disabilities in the design of services, programs, accommodations and facilities consistent with section 504 of the Rehabilitation Act of 1973, Public Law 101-336, the Americans with Disabilities Act of 1990 (42 U.S.C. 12101), and other appropriate laws and regulations.

#### GRANITE MOUNTAINS NATURAL RESERVE

SEC. 412. (a) There is hereby designated the Granite Mountains Natural Reserve within the preserve comprising approximately nine thousand acres as generally depicted on a map entitled "Mojave National Park Boundary and Wilderness—Proposed 6", dated May 1991.

(b) Upon enactment of this title, the Secretary of the Interior shall enter into a cooperative management agreement with the University of California for the purposes of managing the lands within the Granite Mountains Natural Reserve. Such cooperative agreement shall ensure continuation of arid lands research and educational activities of the University of California, consistent with the provisions of law generally applicable to units of the National Park System.

#### CONSTRUCTION OF VISITOR CENTER

SEC. 413. The Secretary is authorized to construct a visitor center in the preserve for the

purpose of providing information through appropriate displays, printed material, and other interpretive programs, about the resources of the preserve.

#### ACQUISITION OF LANDS

SEC. 414. The Secretary is authorized to acquire all lands and interest in lands within the boundary of the preserve by donation, purchase, or exchange, except that—

(1) any lands or interests therein within the boundary of the preserve which are owned by the State of California, or any political subdivision thereof, may be acquired only by donation or exchange except for lands managed by the California State Lands Commission; and

(2) lands or interests therein within the boundary of the preserve which are not owned by the State of California or any political subdivision thereof may be acquired only with the consent of the owner thereof unless the Secretary determines, after written notice to the owner and after opportunity for comment, that the property is being developed, or proposed to be developed, in a manner which is detrimental to the integrity of the preserve or which is otherwise incompatible with the purposes of this title.

#### ACQUIRED LANDS BE MADE PART OF MOJAVE NATIONAL PRESERVE

SEC. 415. Any lands acquired by the Secretary under this title shall become part of the Mojave National Preserve.

#### MOJAVE NATIONAL PRESERVE ADVISORY COMMISSION

SEC. 416. (a) The Secretary shall establish an advisory commission of no more than 15 members, to advise the Secretary concerning the development and implementation of a new or revised comprehensive management plan for Mojave National Preserve.

(b)(1) The advisory commission shall include an elected official for each County within which any part of the preserve is located, a representative of the owners of private properties located within or immediately adjacent to the preserve, and other members representing persons actively engaged in grazing and range management, mineral exploration and development, and persons with expertise in relevant fields, including geology, biology, ecology, law enforcement, and the protection and management of National Park resources and values.

(2) Vacancies in the commission shall be filled by the Secretary so as to maintain the full diversity of views required to be represented on the Commission.

(c) The Federal Advisory Committee Act shall apply to the procedures and activities of the advisory commission.

(d) The advisory commission shall cease to exist ten years after the date of its establishment.

#### NO ADVERSE AFFECT ON LAND UNTIL ACQUIRED

SEC. 417. Unless and until acquired by the United States, no lands within the boundaries of wilderness areas or National Park System units designated or enlarged by this Act that are owned by any person or entity other than the United States shall be subject to any of the rules or regulations applicable solely to the Federal lands within such boundaries and may be used to the extent allowed by applicable law. Neither the location of such lands within such boundaries nor the possible acquisition of such lands by the United States shall constitute a bar to the otherwise lawful issuance of any Federal license or permit other than a license or permit related to activities governed by 16 U.S.C. 4601-22(c). Nothing in this section shall be construed as affecting the applicability of any provision of the Mining in the Parks Act (16 U.S.C. 1901 et seq.), the Clean Air Act (42 U.S.C. 7401 et seq.), or regulations applicable to oil and gas development as set forth in 36 CFR 9B.

**TITLE V—NATIONAL PARK WILDERNESS  
DESIGNATION OF WILDERNESS**

**SEC. 501.** The following lands are hereby designated as wilderness in accordance with the Wilderness Act (78 Stat. 890; 16 U.S.C. 1131 et seq.) and shall be administered by the Secretary of the Interior in accordance with the applicable provisions of the Wilderness Act:

(1) Death Valley National Park Wilderness, comprising approximately three million one hundred sixty-two thousand one hundred and thirty-eight acres, as generally depicted on 23 maps entitled "Death Valley National Park Boundary and Wilderness", numbered in the title one through twenty-three, and dated May 1994 or prior, and three maps entitled "Death Valley National Park Wilderness", numbered in the title one through three, and dated May 1994 or prior, and which shall be known as the Death Valley Wilderness.

(2) Joshua Tree National Park Wilderness Additions, comprising approximately one hundred thirty-one thousand seven hundred and eighty acres, as generally depicted on four maps entitled "Joshua Tree National Park Boundary and Wilderness—Proposed", numbered in the title one through four, and dated October 1991 or prior, and which are hereby incorporated in, and which shall be deemed to be a part of the Joshua Tree Wilderness as designated by Public Law 94-567.

(3) Mojave National Preserve Wilderness, comprising approximately six hundred ninety-four thousand acres, as generally depicted on ten maps entitled "Mojave National Park Boundary and Wilderness—Proposed", numbered in the title one through ten, and dated May 1994 or prior, and seven maps entitled "Mojave National Park Wilderness—Proposed", numbered in the title one through seven, and dated May 1994 or prior, and which shall be known as the Mojave Wilderness.

(4) Upon cessation of all uses prohibited by the Wilderness Act and publication by the Secretary in the Federal Register of notice of such cessation, potential wilderness, comprising approximately six thousand eight hundred and forty acres, as described in "1988 Death Valley National Monument Draft General Management Plan Draft Environmental Impact Statement" (hereafter in this title referred to as "Draft Plan") and as generally depicted on a map in the Draft Plan entitled "Wilderness Plan Death Valley National Monument", dated January 1988, shall be deemed to be a part of the Death Valley Wilderness as designated in paragraph (1). Lands identified in the Draft Plan as potential wilderness shall be managed by the Secretary insofar as practicable as wilderness until such time as said lands are designated as wilderness.

**FILING OF MAPS AND DESCRIPTIONS**

**SEC. 502.** Maps and a legal description of the boundaries of the areas designated in section 501 of this title shall be on file and available for public inspection in the Office of the Director of the National Park Service, Department of the Interior, and in the Office of the Superintendent of each area designated in section 501. As soon as practicable after this title takes effect, maps of the wilderness areas and legal descriptions of their boundaries shall be filed with the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives, and such maps and descriptions shall have the same force and effect as if included in this title, except that the Secretary may correct clerical and typographical errors in such maps and descriptions.

**ADMINISTRATION OF WILDERNESS AREAS**

**SEC. 503.** The areas designated by section 501 of this title as wilderness shall be administered by the Secretary in accordance with the applicable provisions of the Wilderness Act governing

areas designated by that title as wilderness, except that any reference in such provision to the effective date of the Wilderness Act shall be deemed to be a reference to the effective date of this title, and where appropriate, and reference to the Secretary of Agriculture shall be deemed to be a reference to the Secretary of the Interior.

**TITLE VI—MISCELLANEOUS PROVISIONS  
TRANSFER OF LANDS TO RED ROCK CANYON STATE PARK**

**SEC. 601.** Upon enactment of this title, the Secretary of the Interior shall transfer to the State of California certain lands within the California Desert Conservation Area, California, of the Bureau of Land Management, comprising approximately twenty thousand five hundred acres, as generally depicted on two maps entitled "Red Rock Canyon State Park Additions 1" and "Red Rock Canyon State Park Additions 2", dated May 1991, for inclusion in the State of California Park System. Should the State of California cease to manage these lands as part of the State Park System, ownership of the lands shall revert to the Department of the Interior to be managed as part of the California Desert Conservation Area to provide maximum protection for the area's scenic and scientific values.

**DESERT LILY SANCTUARY**

**SEC. 602.** (a) There is hereby established the Desert Lily Sanctuary within the California Desert Conservation Area, California, of the Bureau of Land Management, comprising approximately two thousand forty acres, as generally depicted on a map entitled "Desert Lily Sanctuary", dated February 1986. The Secretary of the Interior shall administer the area to provide maximum protection to the desert lily.

(b) Subject to valid existing rights, Federal lands within the sanctuary, and interests therein, are withdrawn from disposition under the public land laws and from entry or appropriation under the mining laws of the United States, from the operation of the mineral leasing laws of the United States, and from operation of the Geothermal Steam Act of 1970.

**LAND TENURE ADJUSTMENTS**

**SEC. 603.** In preparing land tenure adjustment decisions within the California Desert Conservation Area, of the Bureau of Land Management, the Secretary shall give priority to consolidating Federal ownership within the national park units and wilderness areas designated by this Act.

**DISPOSAL PROHIBITION**

**SEC. 604.** Notwithstanding any other provision of law, the Secretary of the Interior and the Secretary of Agriculture may not dispose of any lands within the boundaries of the wilderness, parks, or preserve designated under this Act or grant a right-of-way in any lands within the boundaries of the wilderness designated under this Act. Further, none of the lands within the boundaries of the wilderness, parks, or preserve designated under this Act shall be granted to or otherwise made available for use by the Metropolitan Water District and any other agencies or persons pursuant to the Boulder Canyon Project Act (43 U.S.C. 617-619b) or any similar Acts.

**MANAGEMENT OF NEWLY ACQUIRED LANDS**

**SEC. 605.** Any lands within the boundaries of a wilderness area designated under this Act which are acquired by the Federal Government shall become part of the wilderness area within which they are located and shall be managed in accordance with all the provisions of this Act and other laws applicable to such wilderness area.

**NATIVE AMERICAN USES**

**SEC. 606.** (a) In recognition of the past use of the parks, wilderness, and preserve areas designated under this Act by Indian people for traditional cultural and religious purposes, the Secretary shall ensure access to such parks, wil-

derness, and preserve areas by Indian people for such traditional cultural and religious purposes. In implementing this section, the Secretary, upon the request of an Indian tribe or Indian religious community, shall temporarily close to the general public use of one or more specific portions of park, wilderness, or preserve areas in order to protect the privacy of traditional cultural and religious activities in such areas by Indian people. Such access shall be consistent with the purpose and intent of Public Law 95-341 (42 U.S.C. 1996) commonly referred to as the "American Indian Religious Freedom Act", and with respect to areas designated as wilderness, the Wilderness Act (78 Stat. 890; 16 U.S.C. 1131).

(b)(1) The Secretary, in consultation with the Timbisha Shoshone Tribe and relevant Federal agencies, shall conduct a study, subject to the availability of appropriations, to identify lands suitable for a reservation for the Timbisha Shoshone Tribe that are located within the Tribe's aboriginal homeland area.

(2) Not later than two years after the date of enactment of this Act, the Secretary shall submit a report to the Committee on Energy and Natural Resources and the Committee on Indian Affairs of the Senate, and the Committee on Natural Resources of the House of Representatives on the results of the study conducted under paragraph (1).

**WATER RIGHTS**

**SEC. 607.** (a) With respect to each wilderness area designated by this Act, Congress hereby reserves a quantity of water sufficient to fulfill the purposes of this Act. The priority date of such reserved water rights shall be the date of enactment of this Act.

(b) The Secretary of the Interior and all other officers of the United States shall take all steps necessary to protect the rights reserved by this section, including the filing by the Secretary of a claim for the quantification of such rights in any present or future appropriate stream adjudication in the courts of the State of California in which the United States is or may be joined and which is conducted in accordance with section 208 of the Act of July 10, 1952 (66 Stat. 560, 43 U.S.C. 666; commonly referred to as the McCarran Amendment).

(c) Nothing in this Act shall be construed as a relinquishment or reduction of any water rights reserved or appropriated by the United States in the State of California on or before the date of enactment of this Act.

(d) The Federal water rights reserved by this Act are specific to the wilderness areas located in the State of California designated under this Act. Nothing in this Act related to the reserved Federal water rights shall be construed as establishing a precedent with regard to any future designations, nor shall it constitute an interpretation of any other Act or any designation made thereto.

(e) Nothing in this Act shall be construed to affect the operation of federally owned dams located on the Colorado River in the Lower Basin.

(f) Nothing in this Act shall be construed to amend, supersede, or preempt any State law, Federal law, interstate compact, or international treaty pertaining to the Colorado River (including its tributaries) in the Upper Basin, including, but not limited to the appropriation, use, development, storage, regulation, allocation, conservation, exportation, or quality of those rivers.

(g) With respect to the Havasu and Imperial wilderness areas designated by section 111 of title I of this Act, no rights to water of the Colorado River are reserved, either expressly, impliedly, or otherwise.

## STATE SCHOOL LANDS

SEC. 608. (a) Upon request of the California State Lands Commission (hereinafter in this section referred to as the "Commission"), the Secretary shall enter into negotiations for an agreement to exchange Federal lands or interests therein on the list referred to in subsection (b)(2) for California State School Lands (hereinafter in this section referred to as "State School Lands") or interests therein which are located within the boundaries of one or more of the wilderness areas or park units designated by this Act. The Secretary shall negotiate in good faith to reach a land exchange agreement consistent with the requirements of section 206 of the Federal Land Policy and Management Act of 1976.

(b) Within six months after the date of enactment of this Act, the Secretary shall send to the Commission and to the Committees a list of the following:

(1) The State School Lands or interests therein (including mineral interests) which are located within the boundaries of the wilderness areas or park units designated by this Act.

(2) Lands under the Secretary's jurisdiction to be offered for exchange, including in the following priority:

(A) Lands with mineral interests, including geothermal, which have the potential for commercial development but which are not currently under mineral lease or producing Federal mineral revenues.

(B) Federal lands in California managed by the Bureau of Reclamation that the Secretary determines are not needed for any Bureau of Reclamation project.

(C) Any public lands in California that the Secretary, pursuant to the Federal Land Policy and Management Act of 1976, has determined to be suitable for disposal through exchange.

(3) The Secretary may exclude, in his discretion, lands located within, or contiguous to, the exterior boundaries of lands held in trust for a Federally recognized Indian tribe located in the State of California.

(c)(1) If an agreement under this section is for an exchange involving five thousand acres or less of Federal land or interests therein, or Federal lands valued at less than \$5,000,000, the Secretary may carry out the exchange in accordance with the Federal Land Policy and Management Act of 1976.

(2) If an agreement under this section is for an exchange involving more than five thousand acres of Federal land or interests therein, or Federal land valued at more than \$5,000,000, the agreement shall be submitted to the Committees, together with a report containing—

(A) a complete list and appraisal of the lands or interests in lands proposed for exchange; and

(B) a determination that the State School Lands proposed to be acquired by the United States do not contain any hazardous waste, toxic waste, or radioactive waste.

(d) An agreement submitted under subsection (c)(2) shall not take effect unless approved by a joint resolution enacted by the Congress.

(e) If exchanges of all of the State School Lands are not completed by October 1, 2004, the Secretary shall adjust the appraised value of any remaining inholdings consistent with the provisions of section 206 of the Federal Land Management Policy Act of 1976. The Secretary shall establish an account in the name of the Commission in the amount of such appraised value. Title to the State School Lands shall be transferred to the United States at the time such account is credited.

(f) The Commission may use the credit in its account to bid, as any other bidder, for excess or surplus Federal property to be sold in the State of California in accordance with the applicable laws and regulations of the Federal agency offering such property for sale. The account shall

be adjusted to reflect successful bids under this section or payments or forfeited deposits, penalties, or other costs assessed to the bidder in the course of such sales. In the event that the balance in the account has not been reduced to zero by October 1, 2009, there are authorized to be appropriated to the Secretary for payment to the California State Lands Commission funds equivalent to the balance remaining in the account as of October 1, 2009.

(g) As used in this section, the term "Committees" means the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.

## EXCHANGES

SEC. 609. (a) Upon request of the holder of private lands (hereafter in this section referred to as the "landowner"), the Secretary shall enter into negotiations for an agreement or agreements to exchange Federal lands or interests therein on the list referred to in subsection (b)(2) of this section for lands of the landowner or interests therein which are located within the boundaries of one or more of the wilderness areas or park units designated by this Act.

(b) Within six months after the date of enactment of this Act, the Secretary shall send to the landowner and to the Committees a list of the following:

(1) Lands of the landowner or interests therein (including mineral interests) which are located within the boundaries of the wilderness areas or park units designated by this Act.

(2) Lands under the Secretary's jurisdiction to be offered for exchange, in the following priority:

(A) Lands, including lands with mineral and geothermal interests, which have the potential for commercial development but which are not currently under lease or producing Federal revenues.

(B) Federal lands managed by the Bureau of Reclamation that the Secretary determines are not needed for any Bureau of Reclamation project.

(C) Any public lands that the Secretary, pursuant to the Federal Land Policy and Management Act of 1976, has determined to be suitable for disposal through exchange.

(3) The Secretary may exclude, in his discretion, lands located within, or contiguous to, the exterior boundaries of lands held in trust for a Federally recognized Indian tribe located in the State of California.

(c)(1) If an agreement under this section is for (A) an exchange involving lands outside the State of California, (B) more than 5,000 acres of Federal land or interests therein in California, or (C) Federal lands in any State valued at more than \$5,000,000, the Secretary shall provide to the Committees a detailed report of each such land exchange agreement.

(2) All land exchange agreements shall be consistent with the Federal Land Policy and Management Act of 1976.

(3) Any report submitted to the Committees under this subsection shall include the following:

(A) A complete list and appraisal of the lands or interests in land proposed for exchange.

(B) A complete list of the lands, if any, to be acquired by the United States which contain any hazardous waste, toxic waste, or radioactive waste which requires removal or remedial action under Federal or State law, together with the estimated costs of any such action.

(4) An agreement under this subsection shall not take effect unless approved by a joint resolution enacted by the Congress.

(d) The Secretary shall provide the California State Lands Commission with a one hundred eighty-day right of first refusal to exchange for any Federal lands or interests therein, located

in the State of California, on the list referred to in subsection (b)(2). Any lands with respect to which a right of first refusal is not noticed within such period or exercised under this subsection shall be available to the landowner for exchange in accordance with this section.

(e) On January 3, 1999, the Secretary shall provide to the Committees a list and appraisal consistent with the Federal Land Policy and Management Act of 1976 of all private lands eligible for exchange under this section for which an exchange has not been completed. With respect to any of such lands for which an exchange has not been completed by October 1, 2004 (hereafter in this section referred to as "remaining lands"), the Secretary shall establish an account in the name of each landowner (hereafter in this section referred to as the "exchange account"). Upon the transfer of title by the landowner to all or a portion of the remaining lands to the United States, the Secretary shall credit the exchange account in the amount of the appraised value of the transferred remaining lands at the time of such transfer.

(f) The landowner may use the credit in its account to bid, as any other bidder, for excess or surplus Federal property to be sold in the State of California in accordance with the applicable laws and regulations of the Federal agency offering such property for sale. The account shall be adjusted to reflect successful bids under this section or payments or forfeited deposits, penalties, or other costs assessed to the bidder in the course of such sales. Upon approval by the Secretary in writing, the credits in the landowner's exchange account may be transferred or sold in whole or in part by the landowner to any other party, thereby vesting such party with all the rights formerly held by the landowner. The exchange account shall be adjusted to reflect successful bids under this section or payments or forfeited deposits, penalties, or other costs assessed to the bidder in the course of such sales.

(g)(1) The Secretary shall not accept title pursuant to this section to any lands unless such title includes all right, title, and interest in and to the fee estate.

(2) Notwithstanding paragraph (1), the Secretary may accept title to any subsurface estate where the United States holds title to the surface estate.

(3) This subsection does not apply to easements and rights-of-way for utilities or roads.

(h) In no event shall the Secretary accept title under this section to lands which contain any hazardous waste, toxic waste, or radioactive waste which requires removal or remedial action under Federal or State law unless such remedial action has been completed prior to the transfer.

(i) For purposes of the section, any appraisal shall be consistent with the provisions of section 206 of the Federal Land Policy and Management Act of 1976.

(j) As used in this section, the term "Committees" means the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.

TITLE VII—DEFINITIONS AND AUTHORIZATION OF APPROPRIATIONS  
DEFINITIONS

SEC. 701. For the purposes of this Act:

(1) The term "Secretary", unless specifically designated otherwise, means the Secretary of the Interior.

(2) The term "public lands" means any land and interest in land owned by the United States and administered by the Secretary of the Interior through the Bureau of Land Management.

## AUTHORIZATION OF APPROPRIATIONS

SEC. 702. There are hereby authorized to be appropriated to the National Park Service and Bureau of Land Management to carry out the

purposes of this Act an amount not to exceed \$36,000,000 over and above that provided in fiscal year 1994 for additional administrative and construction costs over the fiscal year 1995-1999 period and \$300,000,000 for all land acquisition costs. No funds in excess of these amounts may be used for construction, administration, or land acquisition authorized under this Act without a specific authorization in an Act of Congress enacted after the date of enactment of this Act.

#### LAND APPRAISAL

SEC. 703. Lands and interests in lands acquired pursuant to this Act shall be appraised without regard to the presence of a species listed as threatened or endangered pursuant to the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

### TITLE VIII—CALIFORNIA MILITARY LANDS WITHDRAWAL

#### SEC. 801. SHORT TITLE AND FINDINGS.

(a) **SHORT TITLE.**—This title may be cited as the "California Military Lands Withdrawal and Overflights Act of 1994".

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

(1) the Federal lands within the desert regions of California have provided essential opportunities for military training, research, and development for the Armed Forces of the United States and allied nations;

(2) alternative sites for military training and other military activities carried out on Federal lands in the California desert area are not readily available;

(3) while changing world conditions have lessened to some extent the immediacy of military threats to the national security of the United States and its allies, there remains a need for military training, research, and development activities of the types that have been carried out on Federal lands in the California desert area; and

(4) continuation of existing military training, research, and development activities, under appropriate terms and conditions, is not incompatible with the protection and proper management of the natural, environmental, cultural, and other resources and values of the Federal lands in the California desert area.

#### SEC. 802. WITHDRAWALS.

(a) **CHINA LAKE.**—(1) Subject to valid existing rights and except as otherwise provided in this title, the Federal lands referred to in paragraph (2), and all other areas within the boundary of such lands as depicted on the map specified in such paragraph which may become subject to the operation of the public land laws, are hereby withdrawn from all forms of appropriation under the public land laws (including the mining laws and the mineral leasing laws). Such lands are reserved for use by the Secretary of the Navy for—

(A) use as a research, development, test, and evaluation laboratory;

(B) use as a range for air warfare weapons and weapon systems;

(C) use as a high hazard training area for aerial gunnery, rocketry, electronic warfare and countermeasures, tactical maneuvering and air support; and

(D) subject to the requirements of section 804(f), other defense-related purposes consistent with the purposes specified in this paragraph.

(2) The lands referred to in paragraph (1) are the Federal lands, located within the boundaries of the China Lake Naval Weapons Center, comprising approximately 1,100,000 acres in Inyo, Kern, and San Bernardino Counties, California, as generally depicted on a map entitled "China Lake Naval Weapons Center Withdrawal—Proposed", dated January 1985, and filed in accordance with section 803.

(b) **CHOCOLATE MOUNTAIN.**—(1) Subject to valid existing rights and except as otherwise

provided in this title, the Federal lands referred to in paragraph (2), and all other areas within the boundary of such lands as depicted on the map specified in such paragraph which may become subject to the operation of the public land laws, are hereby withdrawn from all forms of appropriation under the public land laws (including the mining laws and the mineral leasing and the geothermal leasing laws). Such lands are reserved for use by the Secretary of the Navy for—

(A) testing and training for aerial bombing, missile firing, tactical maneuvering and air support; and

(B) subject to the provisions of section 804(f), other defense-related purposes consistent with the purposes specified in this paragraph.

(2) The lands referred to in paragraph (1) are the Federal lands comprising approximately 226,711 acres in Imperial County, California, as generally depicted on a map entitled "Chocolate Mountain Aerial Gunnery Range Proposed—Withdrawal" dated July 1993 and filed in accordance with section 803.

(c) **EL CENTRO RANGES.**—(1) Subject to valid existing rights, and except as otherwise provided in this title, the Federal lands referred to in paragraph (2), and all other areas within the boundaries of such lands as depicted on the map specified in such paragraph which may become subject to the operation of the public land laws, are hereby withdrawn from all forms of appropriation under the public land laws (including the mining laws) but not the mineral or geothermal leasing laws. Such lands are reserved for use by the Secretary of the Navy for—

(A) defense-related purposes in accordance with the Memorandum of Understanding dated June 29, 1987, between the Bureau of Land Management, the Bureau of Reclamation, and the Department of the Navy; and

(B) subject to the provisions of section 804(f), other defense-related purposes consistent with the purposes specified in this paragraph.

(2) The lands referred to in paragraph (1) are the Federal lands comprising approximately 46,600 acres in Imperial County, California, as generally depicted on a map entitled "Exhibit A, Naval Air Facility, El Centro, California, Land Acquisition Map, Range 2510 (West Mesa) dated March 1993 and a map entitled "Exhibit B, Naval Air Facility, El Centro, California, Land Acquisition Map Range 2512 (East Mesa)" dated March 1993.

#### SEC. 803. MAPS AND LEGAL DESCRIPTIONS.

(a) **PUBLICATION AND FILING REQUIREMENT.**—As soon as practicable after the date of enactment of this title, the Secretary of the Interior shall—

(1) publish in the Federal Register a notice containing the legal description of the lands withdrawn and reserved by this title; and

(2) file maps and the legal description of the lands withdrawn and reserved by this title with the Committee on Energy and Natural Resources of the United States Senate and with the Committee on Natural Resources of the United States House of Representatives.

(b) **TECHNICAL CORRECTIONS.**—Such maps and legal descriptions shall have the same force and effect as if they were included in this title except that the Secretary of the Interior may correct clerical and typographical errors in such maps and legal descriptions.

(c) **AVAILABILITY FOR PUBLIC INSPECTION.**—Copies of such maps and legal descriptions shall be available for public inspection in the Office of the Director of the Bureau of Land Management, Washington, District of Columbia; the Office of the Director, California State Office of the Bureau of Land Management, Sacramento, California; the office of the commander of the Naval Weapons Center, China Lake, California; the office of the commanding officer, Marine

Corps Air Station, Yuma, Arizona; and the Office of the Secretary of Defense, Washington, District of Columbia.

(d) **REIMBURSEMENT.**—The Secretary of Defense shall reimburse the Secretary of the Interior for the cost of implementing this section.

#### SEC. 804. MANAGEMENT OF WITHDRAWN LANDS.

(a) **MANAGEMENT BY THE SECRETARY OF THE INTERIOR.**—(1) Except as provided in subsection (g), during the period of the withdrawal the Secretary of the Interior shall manage the lands withdrawn under section 802 pursuant to the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.) and other applicable law, including this Act.

(2) To the extent consistent with applicable law and Executive orders, the lands withdrawn under section 802 may be managed in a manner permitting—

(A) the continuation of grazing pursuant to applicable law and Executive orders where permitted on the date of enactment of this title;

(B) protection of wildlife and wildlife habitat;

(C) control of predatory and other animals;

(D) recreation (but only on lands withdrawn by section 802(a) (relating to China Lake));

(E) the prevention and appropriate suppression of brush and range fires resulting from nonmilitary activities; and

(F) geothermal leasing and development and related power production activities on the lands withdrawn under section 802(a) (relating to China Lake).

(3)(A) All nonmilitary use of such lands, including the uses described in paragraph (2), shall be subject to such conditions and restrictions as may be necessary to permit the military use of such lands for the purposes specified in or authorized pursuant to this title.

(B) The Secretary of the Interior may issue any lease, easement, right-of-way, or other authorization with respect to the nonmilitary use of such lands only with the concurrence of the Secretary of the Navy.

(b) **CLOSURE TO PUBLIC.**—(1) If the Secretary of the Navy determines that military operations, public safety, or national security require the closure to public use of any road, trail, or other portion of the lands withdrawn by this title, the Secretary may take such action as the Secretary determines necessary or desirable to effect and maintain such closure.

(2) Any such closure shall be limited to the minimum areas and periods which the Secretary of the Navy determines are required to carry out this subsection.

(3) Before and during any closure under this subsection, the Secretary of the Navy shall—

(A) keep appropriate warning notices posted; and

(B) take appropriate steps to notify the public concerning such closures.

(c) **MANAGEMENT PLAN.**—The Secretary of the Interior (after consultation with the Secretary of the Navy) shall develop a plan for the management of each area withdrawn under section 802 during the period of such withdrawal. Each plan shall—

(1) be consistent with applicable law;

(2) be subject to conditions and restrictions specified in subsection (a)(3);

(3) include such provisions as may be necessary for proper management and protection of the resources and values of such area; and

(4) be developed not later than three years after the date of enactment of this title.

(d) **BRUSH AND RANGE FIRES.**—The Secretary of the Navy shall take necessary precautions to prevent and suppress brush and range fires occurring within and outside the lands withdrawn under section 802 as a result of military activities and may seek assistance from the Bureau of Land Management in the suppression of such fires. The memorandum of understanding required by subsection (e) shall provide for Bureau of Land Management assistance in the

suppression of such fires, and for a transfer of funds from the Department of the Navy to the Bureau of Land Management as compensation for such assistance.

(e) **MEMORANDUM OF UNDERSTANDING.**—(1) The Secretary of the Interior and the Secretary of the Navy shall (with respect to each land withdrawn under section 802) enter into a memorandum of understanding to implement the management plan developed under subsection (c). Any such memorandum of understanding shall provide that the Director of the Bureau of Land Management shall provide assistance in the suppression of fires resulting from the military use of lands withdrawn under section 802 if requested by the Secretary of the Navy.

(2) The duration of any such memorandum shall be the same as the period of the withdrawal of the lands under section 802.

(f) **ADDITIONAL MILITARY USES.**—(1) Lands withdrawn by section 802 may be used for defense-related uses other than those specified in such section. The Secretary of Defense shall promptly notify the Secretary of the Interior in the event that the lands withdrawn by this title will be used for defense-related purposes other than those specified in section 802. Such notification shall indicate the additional use or uses involved, the proposed duration of such uses, and the extent to which such additional military uses of the withdrawn lands will require that additional or more stringent conditions or restrictions be imposed on otherwise-permitted nonmilitary uses of the withdrawn land or portions thereof.

(g) **MANAGEMENT OF CHINA LAKE.**—(1) The Secretary of the Interior may assign the management responsibility for the lands withdrawn under section 802(a) to the Secretary of the Navy who shall manage such lands, and issue leases, easements, rights-of-way, and other authorizations, in accordance with this title and cooperative management arrangements between the Secretary of the Interior and the Secretary of the Navy. In the case that the Secretary of the Interior assigns such management responsibility to the Secretary of the Navy before the development of the management plan under subsection (c), the Secretary of the Navy (after consultation with the Secretary of the Interior) shall develop such management plan. Nothing in this title shall affect geothermal leases issued by the Secretary of the Interior prior to the date of enactment of this title or the responsibility of the Secretary to administer and manage such leases consistent with the provisions of this title.

(2) The Secretary of the Interior shall be responsible for the issuance of any lease, easement, right-of-way, and other authorization with respect to any activity which involves both the lands withdrawn under section 802(a) and any other lands. Any such authorization shall be issued only with the consent of the Secretary of the Navy and, to the extent that such activity involves lands withdrawn under section 802(a), shall be subject to such conditions as the Secretary of the Navy may prescribe.

(3) The Secretary of the Navy shall prepare and submit to the Secretary of the Interior an annual report on the status of the natural and cultural resources and values of the lands withdrawn under section 802(a). The Secretary of the Interior shall transmit such report to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.

(4) The Secretary of the Navy shall be responsible for the management of wild horses and burros located on the lands withdrawn under section 802(a) and may utilize helicopters and motorized vehicles for such purposes. Such management shall be in accordance with laws applicable to such management on public lands and with an appropriate memorandum of under-

standing between the Secretary of the Interior and the Secretary of the Navy.

(5) Neither this Act nor any other provision of law shall be construed to prohibit the Secretary of the Interior from issuing and administering any lease for the development and utilization of geothermal steam and associated geothermal resources on the lands withdrawn under section 802(a) pursuant to the Geothermal Steam Act of 1970 (30 U.S.C. 1001 et seq.) and other applicable law, but no such lease shall be issued without the concurrence of the Secretary of the Navy.

(6) This title shall not affect the geothermal exploration and development authority of the Secretary of the Navy under section 2689 of title 10, United States Code, except that the Secretary of the Navy shall obtain the concurrence of the Secretary of the Interior before taking action under that section with respect to the lands withdrawn under section 802(a).

(7) Upon the expiration of the withdrawal made by subsection (a) of section 802 or relinquishment of the lands withdrawn by that subsection, Navy contracts for the development of geothermal resources at China Lake then in effect (including amendments or renewals by the Navy after the date of enactment of this Act) shall remain in effect: Provided, That the Secretary of the Interior, with the consent of the Secretary of the Navy, may offer to substitute a standard geothermal lease for any such contract.

(h) **MANAGEMENT OF EL CENTRO RANGES.**—To the extent consistent with this title, the lands and minerals within the areas described in section 802(c) shall be managed in accordance with the Cooperative Agreement entered into between the Bureau of Land Management, Bureau of Reclamation, and the Department of the Navy, dated June 29, 1987.

#### SEC. 805. DURATION OF WITHDRAWALS.

(a) **DURATION.**—The withdrawal and reservation established by this title shall terminate 15 years after the date of enactment of this Act.

(b) **DRAFT ENVIRONMENTAL IMPACT STATEMENT.**—No later than 12 years after the date of enactment of this Act, the Secretary of the Navy shall publish a draft environmental impact statement concerning continued or renewed withdrawal of any portion of the lands withdrawn by this title for which that Secretary intends to seek such continued or renewed withdrawal. Such draft environmental impact statement shall be consistent with the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) applicable to such a draft environmental impact statement. Prior to the termination date specified in subsection (a), the Secretary of the Navy shall hold a public hearing on any draft environmental impact statement published pursuant to this subsection. Such hearing shall be held in the State of California in order to receive public comments on the alternatives and other matters included in such draft environmental impact statement.

(c) **EXTENSIONS OR RENEWALS.**—The withdrawals established by this title may not be extended or renewed except by an Act or joint resolution.

#### SEC. 806. ONGOING DECONTAMINATION.

(a) **PROGRAM.**—Throughout the duration of the withdrawals made by this title, the Secretary of the Navy, to the extent funds are made available, shall maintain a program of decontamination of lands withdrawn by this title at least at the level of decontamination activities performed on such lands in fiscal year 1986.

(b) **REPORTS.**—At the same time as the President transmits to the Congress the President's proposed budget for the first fiscal year beginning after the date of enactment of this Act and for each subsequent fiscal year, the Secretary of the Navy shall transmit to the Committees on Appropriations, Armed Services, and Energy

and Natural Resources of the Senate and to the Committees on Appropriations, Armed Services, and Natural Resources of the House of Representatives a description of the decontamination efforts undertaken during the previous fiscal year on such lands and the decontamination activities proposed for such lands during the next fiscal year including:

(1) amounts appropriated and obligated or expended for decontamination of such lands;

(2) the methods used to decontaminate such lands;

(3) amount and types of contaminants removed from such lands;

(4) estimated types and amounts of residual contamination on such lands; and

(5) an estimate of the costs for full decontamination of such lands and the estimate of the time to complete such decontamination.

#### SEC. 807. REQUIREMENTS FOR RENEWAL.

(a) **NOTICE AND FILING.**—(1) No later than three years prior to the termination of the withdrawal and reservation established by this title, the Secretary of the Navy shall advise the Secretary of the Interior as to whether or not the Secretary of the Navy will have a continuing military need for any of the lands withdrawn under section 802 after the termination date of such withdrawal and reservation.

(2) If the Secretary of the Navy concludes that there will be a continuing military need for any of such lands after the termination date, the Secretary shall file an application for extension of the withdrawal and reservation of such needed lands in accordance with the regulations and procedures of the Department of the Interior applicable to the extension of withdrawals of lands for military uses.

(3) If, during the period of withdrawal and reservation, the Secretary of the Navy decides to relinquish all or any of the lands withdrawn and reserved by this title, the Secretary shall file a notice of intention to relinquish with the Secretary of the Interior.

(b) **CONTAMINATION.**—(1) Before transmitting a notice of intention to relinquish pursuant to subsection (a), the Secretary of Defense, acting through the Department of Navy, shall prepare a written determination concerning whether and to what extent the lands that are to be relinquished are contaminated with explosive, toxic, or other hazardous materials.

(2) A copy of such determination shall be transmitted with the notice of intention to relinquish.

(3) Copies of both the notice of intention to relinquish and the determination concerning the contaminated state of the lands shall be published in the Federal Register by the Secretary of the Interior.

(c) **DECONTAMINATION.**—If any land which is the subject of a notice of intention to relinquish pursuant to subsection (a) is contaminated, and the Secretary of the Interior, in consultation with the Secretary of the Navy, determines that decontamination is practicable and economically feasible (taking into consideration the potential future use and value of the land) and that upon decontamination, the land could be opened to operation of some or all of the public land laws, including the mining laws, the Secretary of the Navy shall decontaminate the land to the extent that funds are appropriated for such purpose.

(d) **ALTERNATIVES.**—If the Secretary of the Interior, after consultation with the Secretary of the Navy, concludes that decontamination of any land which is the subject of a notice of intention to relinquish pursuant to subsection (a) is not practicable or economically feasible, or that the land cannot be decontaminated sufficiently to be opened to operation of some or all of the public land laws, or if Congress does not appropriate a sufficient amount of funds for the

decontamination of such land, the Secretary of the Interior shall not be required to accept the land proposed for relinquishment.

(e) **STATUS OF CONTAMINATED LANDS.**—If, because of their contaminated state, the Secretary of the Interior declines to accept jurisdiction over lands withdrawn by this title which have been proposed for relinquishment, or if at the expiration of the withdrawal made by this title the Secretary of the Interior determines that some of the lands withdrawn by this title are contaminated to an extent which prevents opening such contaminated lands to operation of the public land laws—

(1) the Secretary of the Navy shall take appropriate steps to warn the public of the contaminated state of such lands and any risks associated with entry onto such lands;

(2) after the expiration of the withdrawal, the Secretary of the Navy shall undertake no activities on such lands except in connection with decontamination of such lands; and

(3) the Secretary of the Navy shall report to the Secretary of the Interior and to the Congress concerning the status of such lands and all actions taken in furtherance of this subsection.

(f) **REVOCACTION AUTHORITY.**—Notwithstanding any other provision of law, the Secretary of the Interior, upon deciding that it is in the public interest to accept jurisdiction over lands proposed for relinquishment pursuant to subsection (a), is authorized to revoke the withdrawal and reservation established by this title as it applies to such lands. Should the decision be made to revoke the withdrawal and reservation, the Secretary of the Interior shall publish in the Federal Register an appropriate order which shall—

(1) terminate the withdrawal and reservation;

(2) constitute official acceptance of full jurisdiction over the lands by the Secretary of the Interior; and

(3) state the date upon which the lands will be opened to the operation of some or all of the public lands laws, including the mining laws.

#### SEC. 808. DELEGABILITY.

(a) **DEFENSE.**—The functions of the Secretary of Defense or the Secretary of the Navy under this title may be delegated.

(b) **INTERIOR.**—The functions of the Secretary of the Interior under this title may be delegated, except that an order described in section 807(f) may be approved and signed only by the Secretary of the Interior, the Under Secretary of the Interior, or an Assistant Secretary of the Department of the Interior.

#### SEC. 809. HUNTING, FISHING, AND TRAPPING.

All hunting, fishing, and trapping on the lands withdrawn by this title shall be conducted in accordance with the provisions of section 2671 of title 10, United States Code.

#### SEC. 810. IMMUNITY OF UNITED STATES.

The United States and all departments or agencies thereof shall be held harmless and shall not be liable for any injury or damage to persons or property suffered in the course of any geothermal leasing or other authorized non-military activity conducted on lands described in section 802 of this title.

#### SEC. 811. MILITARY OVERFLIGHTS.

(a) **EFFECT OF ACT.**—(1) Nothing in this Act shall be construed to—

(A) restrict or preclude continuation of low-level military overflights, including those on existing flight training routes; or

(B) affect the designation of new units of special airspace or the establishment of new flight training routes, over the lands designated by this Act for inclusion within new or expanded units of the National Park System or National Wilderness Preservation System.

(2) Nothing in this Act shall be construed as requiring revision of existing policies or proce-

dures applicable to the designation of units of special airspace or the establishment of flight training routes over any Federal lands affected by this Act.

(b) **MONITORING.**—The Secretary of the Interior and the Secretary of Defense shall monitor the effects of military overflights on the resources and values of the units of the National Park System and National Wilderness Preservation System designated or expanded by this Act, and shall attempt, consistent with national security needs, to resolve concerns related to such overflights and to avoid or minimize adverse impacts on resources and values and visitor safety associated with such overflight activities.

#### SEC. 812. TERMINATION OF PRIOR RECLAMATION WITHDRAWALS.

Except to the extent that existing Bureau of Reclamation withdrawals of public lands were identified for continuation in Federal Register Notice Document 92-4838 (57 Federal Register 7599, March 3, 1992), as amended by Federal Register Correction Notices (57 Federal Register 19135, May 4, 1992; 57 Federal Register 19163, May 4, 1992; and 58 Federal Register 30181, May 26, 1993), all existing Bureau of Reclamation withdrawals made by Secretarial Orders and Public Land Orders affecting public lands and Indian lands located within the California Desert Conservation Area established pursuant to section 601 of the Federal Land Policy and Management Act of 1976 are hereby terminated.

#### TITLE IX—BUY AMERICAN ACT

##### SEC. 901. COMPLIANCE WITH BUY AMERICAN ACT.

None of the funds made available in this Act may be expended in violation of sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a-10c, popularly known as the "Buy American Act"), which are applicable to those funds.

#### TITLE X—PROTECTION OF BODIE BOWL

##### SEC. 1001. SHORT TITLE.

This title may be cited as the "Bodie Protection Act of 1994".

##### SEC. 1002. FINDINGS.

The Congress finds that—

(1) the historic Bodie gold mining district in the State of California is the site of the largest and best preserved authentic ghost town in the western United States;

(2) the Bodie Bowl area contains important natural, historical, and aesthetic resources;

(3) Bodie was designated a National Historical Landmark in 1961 and a California State Historic Park in 1962, is listed on the National Register of Historic Places, and is included in the Federal Historic American Buildings Survey;

(4) nearly 200,000 persons visit Bodie each year, providing the local economy with important annual tourism revenues;

(5) the town of Bodie is threatened by proposals to explore and extract minerals: mining in the Bodie Bowl area may have adverse physical and aesthetic impacts on Bodie's historical integrity, cultural values, and ghosttown character as well as on its recreational values and the area's flora and fauna;

(6) the California State Legislature, on September 4, 1990, requested the President and the Congress to direct the Secretary of the Interior to protect the ghosttown character, ambience, historic buildings, and scenic attributes of the town of Bodie and nearby areas;

(7) the California State Legislature also requested the Secretary, if necessary to protect the Bodie Bowl area, to withdraw the Federal lands within the area from all forms of mineral entry and patent;

(8) the National Park Service listed Bodie as a priority one endangered National Historic Landmark in its fiscal year 1990 and 1991 report to Congress entitled "Threatened

and Damaged National Historic Landmarks" and recommended protection of the Bodie area; and

(9) it is necessary and appropriate to provide that all Federal lands within the Bodie Bowl area are not subject to location, entry, and patent under the mining laws of the United States, subject to valid existing rights, and to direct the Secretary to consult with the Governor of the State of California before approving any mining activity plan within the Bodie Bowl.

#### SEC. 1003. DEFINITIONS.

For purposes of this title:

(1) The term "Bodie Bowl" means the Federal lands and interests in lands within the area generally depicted on the map referred to in section 1004(a).

(2) The term "mineral activities" means any activity involving mineral prospecting, exploration, extraction, milling, beneficiation, processing, and reclamation.

(3) The term "Secretary" means the Secretary of the Interior.

#### SEC. 1004. APPLICABILITY OF MINERAL MINING, LEASING AND DISPOSAL LAWS.

(a) **RESTRICTION.**—Subject to valid existing rights, after the date of enactment of this title Federal lands and interests in lands within the area generally depicted on the map entitled "Bodie Bowl" and dated June 12, 1992, shall not be—

(1) open to the entry or location of mining and mill site claims under the general mining laws of the United States;

(2) subject to any lease under the Mineral Leasing Act (30 U.S.C. 181 and following) or the Geothermal Steam Act of 1970 (30 U.S.C. 100 and following), for lands within the Bodie Bowl; and

(3) available for disposal of mineral materials under the Act of July 31, 1947, commonly known as the Materials Act of 1947 (30 U.S.C. 601 and following).

Such map shall be on file and available for public inspection in the Office of the Secretary, and appropriate offices of the Bureau of Land Management and the National Park Service. As soon as practicable after the date of enactment of this title, the Secretary shall publish a legal description of the Bodie Bowl area in the Federal Register.

(b) **VALID EXISTING RIGHTS.**—As used in this subsection, the term "valid existing rights" in reference to the general mining laws means that a mining claim located on lands within the Bodie Bowl was properly located and maintained under the general mining laws prior to the date of enactment of this title, was supported by a discovery of a valuable mineral deposit within the meaning of the general mining laws on the date of enactment of this title, and that such claim continues to be valid.

(c) **VALIDITY REVIEW.**—The Secretary shall undertake an expedited program to determine the validity of all unpatented mining claims located within the Bodie Bowl. The expedited program shall include an examination of all unpatented mining claims, including those for which a patent application has not been filed. If a claim is determined to be invalid, the Secretary shall promptly declare the claim to be null and void, except that the Secretary shall not challenge the validity of any claim located within the Bodie Bowl for the failure to do assessment work for any period after the date of enactment of this title. The Secretary shall make a determination with respect to the validity of each claim referred to under this subsection within 2 years after the date of enactment of this title.

#### (d) LIMITATION ON PATENT ISSUANCE.—

(1) **MINING CLAIMS.**—(A) After January 11, 1993, no patent shall be issued by the United

States for any mining claim located under the general mining laws within the Bodie Bowl unless the Secretary determines that, for the claim concerned—

(i) a patent application was filed with the Secretary on or before such date; and

(ii) all requirements established under sections 2325 and 2326 of the Revised Statutes (30 U.S.C. 29 and 30) for vein or lode claims and sections 2329, 2330, 2331, and 2333 of the Revised Statutes (30 U.S.C. 35, 36, 37) for placer claims were fully complied with by that date.

(B) If the Secretary makes the determinations referred to in subparagraph (A) for any mining claim, the holder of the claim shall be entitled to the issuance of a patent in the same manner and degree to which such claim holder would have been entitled to prior to the enactment of this title, unless and until such determinations are withdrawn or invalidated by the Secretary or by a court of the United States.

(2) **MILL SITE CLAIMS.**—(A) After January 11, 1993, no patent shall be issued by the United States for any mill site claim located under the general mining laws within the Bodie Bowl unless the Secretary determines that, for the claim concerned—

(i) a patent application was filed with the Secretary on or before January 11, 1993; and

(ii) all requirements applicable to such patent application were fully complied with by that date.

(B) If the Secretary makes the determinations referred to in subparagraph (A) for any mill site claim, the holder of the claim shall be entitled to the issuance of a patent in the same manner and degree to which such claim holder would have been entitled to prior to the enactment of this title, unless and until such determinations are withdrawn or invalidated by the Secretary or by a court of the United States.

#### SEC. 1005. MINERAL ACTIVITIES.

(a) **IN GENERAL.**—Notwithstanding the last sentence of section 302(b) of the Federal Land Policy and Management Act of 1976, and in accordance with this title and other applicable law, the Secretary shall require that mineral activities be conducted in the Bodie Bowl so as to—

(1) avoid adverse effects on the historic, cultural, recreational and natural resource values of the Bodie Bowl; and

(2) minimize other adverse impacts to the environment.

(b) **RESTORATION OF EFFECTS OF MINING EXPLORATION.**—As soon as possible after the date of enactment of this title, visible evidence or other effects of mining exploration activity within the Bodie Bowl conducted on or after September 1, 1988, shall be reclaimed by the operator in accordance with regulations prescribed pursuant to subsection (d).

(c) **ANNUAL EXPENDITURES; FILING.**—The requirements for annual expenditures on unpatented mining claims imposed by Revised Statute 2324 (30 U.S.C. 28) shall not apply to any such claim located within the Bodie Bowl. In lieu of filing the affidavit of assessment work referred to under section 314(a)(1) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1744(a)(1)), the holder of any unpatented mining or mill site claim located within the Bodie Bowl shall only be required to file the notice of intention to hold the mining claim referred to in such section 314(a)(1).

(d) **REGULATIONS.**—The Secretary shall promulgate rules to implement this section, in consultation with the Governor of the State of California, within 180 days after the date of enactment of this title. Such rules shall be no less stringent than the rules promulgated pursuant to the Act of September 28, 1976 entitled "An Act to provide for the regulation of mining activity within, and to repeal the application of mining

laws to, areas of the National Park System, and for other purposes" (Public Law 94-429; 16 U.S.C. 1901-1912).

#### SEC. 1006. STUDY.

Beginning as soon as possible after the date of enactment of this title, the Secretary of the Interior shall review possible actions to preserve the scenic character, historical integrity, cultural and recreational values, flora and fauna, and ghost town characteristics of lands and structures within the Bodie Bowl. No later than 3 years after the date of such enactment, the Secretary shall submit to the Committee on Natural Resources of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate a report that discusses the results of such review and makes recommendations as to which steps (including but not limited to acquisition of lands or valid mining claims) should be undertaken in order to achieve these objectives.

Amend the title so as to read: "An Act to designate certain lands in the California Desert as wilderness, to establish the Death Valley and Joshua Tree National Parks and the Mojave National Monument, and for other purposes."

#### CLOTURE MOTION

Mr. MITCHELL. I move the Senate disagree to the House amendments to the Senate bill and send to the desk a cloture motion and ask for its immediate consideration.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on the motion to disagree to the House amendments to S. 21, the California desert protection bill:

Byron L. Dorgan, Harry Reid, Barbara Boxer, Claiborne Pell, Dianne Feinstein, Max Baucus, Frank R. Lautenberg, Barbara A. Mikulski, David Pryor, Tom Daschle, Patrick Leahy, John Glenn, John Breaux, Harris Wofford, Don Reigle, Tom Harkin.

Mr. MITCHELL. Mr. President, I ask unanimous consent that with respect to this cloture motion, the mandatory live quorum required under rule XXII be waived.

The PRESIDING OFFICER. Is there objection? Hearing none, it is so ordered.

#### MORNING BUSINESS

Mr. MITCHELL. Mr. President, I ask unanimous consent that there now be a period for morning business.

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

#### MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.

#### EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

#### AGREEMENT BETWEEN THE UNITED STATES AND THE PEOPLE'S REPUBLIC OF CHINA WITH RESPECT TO FISHERIES—MESSAGE FROM THE PRESIDENT—PM 144

The PRESIDING OFFICER laid before the Senate a message from the President of the United States, together with accompanying papers; which were referred jointly to the Committee on Commerce, Science, and Transportation and the Committee on Foreign Relations:

To the Congress of the United States:

In accordance with the Magnuson Fishery Conservation and Management Act of 1976 (16 U.S.C. 1801 *et seq.*), I transmit herewith an Agreement between the Government of the United States of America and the Government of the People's Republic of China Extending the Agreement of July 23, 1985, Concerning Fisheries Off the Coasts of the United States, as extended and amended. The Agreement, which was effected by an exchange of notes at Beijing on March 4 and May 31, 1994, extends the 1985 Agreement to July 1, 1996.

In light of the importance of our fisheries relationship with the People's Republic of China, I urge that the Congress give favorable consideration to this Agreement at an early date.

WILLIAM J. CLINTON.

THE WHITE HOUSE, September 20, 1994.

#### REPORT ON THE NATIONAL EMERGENCY WITH RESPECT TO ANGOLA—MESSAGE FROM THE PRESIDENT—PM 145

The PRESIDING OFFICER laid before the Senate a message from the President of the United States; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

I hereby report to the Congress on the developments since March 26, 1994, concerning the national emergency with respect to Angola that was declared in Executive Order No. 12865 of September 26, 1993. This report is submitted pursuant to section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c).

On September 26, 1993, I declared a national emergency with respect to

Angola, invoking the authority, *inter alia*, of the International Emergency Economic Powers Act (50 U.S.C. 1701 *et seq.*) and the United Nations Participation Act of 1945 (22 U.S.C. 287c). Consistent with United Nations Security Council Resolution No. 864, dated September 15, 1993, the order prohibited the sale or supply by U.S. persons or from the United States, or using U.S.-registered vessels or aircraft, of arms and related materiel of all types, including weapons and ammunition, military vehicles, equipment and spare parts, and petroleum and petroleum products to the territory of Angola other than through designated points of entry. The order also prohibited such sale or supply to the National Union for the total Independence of Angola ("UNITA"). United States persons are prohibited from activities that promote or are calculated to promote such sales or supplies, or from attempted violations, or from evasion or avoidance or transactions that have the purpose of evasion or avoidance, of the stated prohibitions. The order authorized the Secretary of the Treasury, in consultation with the Secretary of State, to take such actions, including the promulgation of rules and regulations, as might be necessary to carry out the purposes of the order.

1. On December 10, 1993, the Treasury Department's Office of Foreign Assets Control ("FAC") issued the UNITA (Angola) Sanctions Regulations (the "Regulations") (58 *Fed. Reg.* 64904) to implement the President's declaration of a national emergency and imposition of sanctions against Angola (UNITA). There have been no amendments to the Regulations since my report of April 12, 1994.

The Regulations prohibit the sale or supply by U.S. persons or from the United States, or using U.S.-registered vessels or aircraft, of arms and related materiel of all types, including weapons and ammunition, military vehicles, equipment and spare parts, and petroleum and petroleum products to UNITA or to the territory of Angola other than through designated points. United States persons are also prohibited from activities that promote or are calculated to promote such sales or supplies to UNITA or Angola, or from any transaction by any U.S. persons that evades or avoids, or has the purpose of evading or avoiding, or attempts to violate, any of the prohibitions set forth in the Executive order. Also prohibited are transactions by U.S. persons, or involving the use of U.S.-registered vessels or aircraft relating to transportation to Angola or UNITA of goods the exportation of which is prohibited.

The Government of Angola has designated the following points of entry as points in Angola to which the articles otherwise prohibited by the Regulations may be shipped: Airports: Luanda

and Katumbela, Benguela Province; Ports: Luanda and Lobito, Benguela Province; and Namibe, Namibe Province; and Entry Points: Malongo, Cabinda Province. Although no specific license is required by the Department of the Treasury for shipments to these designated points of entry (unless the item is destined for UNITA), any such exports remain subject to the licensing requirements of the Departments of State and/or Commerce.

2. FAC has worked closely with the U.S. financial community to assure a heightened awareness of the sanctions against UNITA—through the dissemination of publications, seminars, and notices to electronic bulletin boards. This educational effort has resulted in frequent calls from banks to assure that they are not routing funds in violation of these prohibitions. United States exporters have also been notified of the sanctions through a variety of media, including special fliers and computer bulletin board information initiated by FAC and posted through the Department of Commerce and the Government Printing Office. There have been no license applications under the program.

3. The expenses incurred by the Federal Government in the 6-month period from March 26, 1994, through September 25, 1994, that are directly attributable to the exercise of powers and authorities conferred by the declaration of a national emergency with respect to Angola (UNITA) are reported at about \$75,000, most of which represents wage and salary costs for Federal personnel. Personnel costs were largely centered in the Department of the Treasury (particularly in the Office of Foreign Assets Control, the U.S. Customs Service, the Office of the Under Secretary for Enforcement, and the Office of the General Counsel) and the Department of State (particularly the Office of Southern African Affairs).

I will continue to report periodically to the Congress on significant developments, pursuant to 50 U.S.C. 1703(c).

WILLIAM J. CLINTON.

THE WHITE HOUSE, September 20, 1994.

#### MESSAGES FROM THE HOUSE

At 2:15 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 3694. An act to amend title 5, United States Code, to permit the garnishment of an annuity under the Civil Service Retirement System or the Federal Employees' Retirement System, if necessary to satisfy a judgment against an annuitant for physically abusing a child.

H.R. 4192. An act to designate the United States Post Office located at 100 Veterans Drive in Saint Thomas, Virgin Islands, as the "Arturo R. Watlington, Sr. United States Post Office."

H.R. 4193. An act to designate the United States Post Office located at 100 Vester Gade, in Cruz Bay, Saint John, Virgin Islands, as the "Ubalina Simmons United States Post Office."

H.R. 4194. An act to designate the United States Post Office located in the Tutu Park Mall in Saint Thomas, Virgin Islands, as the "Earle B. Ottley United States Post Office."

H.R. 4361. An act to amend title 5, United States Code, to provide that an employee of the Federal Government may use sick leave to attend to the medical needs of a family member; to modify the voluntary leave transfer program with respect to employees who are members of the same family; and for other purposes.

H.R. 4452. An act to designate the Post Office building at 115 West Chester in Ruleville, Mississippi, as the "Fannie Lou Hamer United States Post Office."

H.R. 4541. An act to authorize assistance to promote the peaceful resolution of conflicts in Africa.

H.R. 4551. An act to designate the Post Office building located at 301 West Lexington in Independence, Missouri, as the "William J. Randall Post Office."

H.R. 4571. An act to designate the United States Post Office located at 103-104 Estate Richmond in Saint Croix, Virgin Islands, as the "Wilbert Armstrong United States Post Office."

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

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 290. Concurrent resolution commending the President and the special delegation to Haiti, and supporting the United States Armed Forces in Haiti.

The message further announced that the House agrees to the Senate amendments to the bill (H.R. 1779) to designate the facility of the U.S. Postal Service located at 401 South Washington Street in Chillicothe, MO, as the "Jerry L. Litton United States Post Office Building"; with amendments.

The message also announced that the House agrees to the amendments of the Senate to the bill (H.R. 4190) to designate the United States Post Office located at 41-42 Norre Gade in Saint Thomas, Virgin Islands, as the "Alvaro de Lugo United States Post Office."

At 4:08 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House agrees to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 291. Concurrent resolution directing the Secretary of the Senate to make corrections in the enrollment of S. 1587.

The message also announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1587) to revise and streamline the acquisition laws of the Federal Government, and for other purposes.

The message further announced that the House disagrees to the amendments

of the Senate to the bill (H.R. 4556) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1995, and for other purposes; it agrees to the conference asked by the Senate and appoints Mr. CARR, Mr. DURBIN, Mr. SABO, Mr. PRICE of North Carolina, Mr. COLEMAN, Mr. FOGLIETTA, Mr. OBEY, Mr. WOLF, Mr. DELAY, Mr. REGULA, and Mr. MCDRADE as managers of the conference on the part of the House.

#### MEASURES PLACED ON THE CALENDAR

The following bill was read the first and second times and placed on the Calendar:

S. 2259. A bill to provide for the settlement of the claims of the Confederated Tribes of the Colville Reservation concerning their contribution to the production of hydro-power by the Grand Coulee Dam, and for other purposes.

#### EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-3298. A communication from the President of the United States, transmitting, pursuant to law, the report of an alternative pay plan; to the Committee on Governmental Affairs.

EC-3299. A communication from the District of Columbia Auditor, transmitting, pursuant to law, the report of the analysis of June 1994 revenue; to the Committee on Governmental Affairs.

EC-3300. A communication from the District of Columbia Auditor, transmitting, pursuant to law, the report of the review of ADASA'S Spending and Contractual Administrative Practices; to the Committee on Governmental Affairs.

EC-3301. A communication from the President, Federal Financing Bank, transmitting, pursuant to law, the management report for fiscal year 1992; to the Committee on Governmental Affairs.

EC-3302. A communication from the President, Federal Financing Bank, transmitting, pursuant to law, the management report for fiscal year 1993; to the Committee on Governmental Affairs.

EC-3303. A communication from the Acting Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, the report on Freedom of Information Act activities for calendar year 1993; to the Committee on the Judiciary.

EC-3304. A communication from the Freedom of Information Officer, Environmental Protection Agency, transmitting, pursuant to law, the report on Freedom of Information Act activities for calendar year 1993; to the Committee on the Judiciary.

EC-3305. A communication from the National Treasurer, American Gold Star Mothers, Inc., transmitting, pursuant to law, the report of the financial statements and supplementary information for the years ending June 30, 1993 and 1994; to the Committee on the Judiciary.

EC-3306. A communication from the Chief Financial Officer, Assistant Secretary for Administration, Department of Commerce, transmitting, pursuant to law, the report on Freedom of Information Act activities for calendar year 1993; to the Committee on the Judiciary.

EC-3307. A communication from the Secretary of Labor, transmitting, pursuant to law, a report on the governance, management and organization of the School-To-Work Opportunities Act; to the Committee on Labor and Human Resources.

EC-3308. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report on the Youth Gang Drug Prevention Program for fiscal year 1993; to the Committee on Labor and Human Resources.

EC-3309. A communication from the Commissioner of the National Center for Educational Statistics (Office of Educational Research and Improvement), Department of Education, transmitting, pursuant to law, the report entitled "Vocational Education in G-7 Countries: Profiles and Data"; to the Committee on Labor and Human Resources.

EC-3310. A communication from the Director of Communications and Legislative Affairs, Equal Employment Opportunity Commission, transmitting, pursuant to law, the report of enforcement and budget activities for fiscal years 1991 and 1992; to the Committee on Labor and Human Resources.

EC-3311. A communication from the Board Members of the Railroad Retirement Board, transmitting, pursuant to law, the report of the budget submission for fiscal year 1996; to the Committee on Labor and Human Resources.

EC-3312. A communication from the Office of Inspector General, Railroad Retirement Board, transmitting, pursuant to law, the report of the budget submission for fiscal year 1996; to the Committee on Labor and Human Resources.

EC-3313. A communication from the Secretary of Education, transmitting, pursuant to law, the annual report on the implementation of the Individuals with Disabilities Act; to the Committee on Labor and Human Resources.

EC-3314. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report relative to the implementation of the Breast and Cervical Cancer Mortality Prevention Act for 1992; to the Committee on Labor and Human Resources.

EC-3315. A communication from the Commissioner of the Office of Educational Research and Improvement, Department of Education, transmitting, pursuant to law, the annual statistical report of the National Center for Education Statistics for 1994; to the Committee on Labor and Human Resources.

#### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. ROCKEFELLER (for himself and Mr. BYRD):

S. 2442. A bill to extend the Appalachian Regional Development Act of 1965 and to provide authorizations for the Appalachian highway and Appalachian area development programs, and for other purposes; to the Committee on Environment and Public Works.

By Mr. LAUTENBERG (for himself and Mr. SIMON):

S. 2443. A bill to provide compensation for victims from persons who unlawfully provide firearms to juveniles, felons, and other disqualified individuals; to the Committee on the Judiciary.

By Mr. GORTON (for himself and Mr. STEVENS):

S. 2444. A bill to require the approval and implementation by the Secretary of Commerce of a rule to provide a moratorium for a temporary period on the entry of new vessels into certain groundfish, crab, and halibut fisheries in the North Pacific; to the Committee on Commerce, Science, and Transportation.

#### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. MITCHELL (for himself and Mr. DOLE):

S. Res. 259. A resolution commending the President and the special delegation to Haiti, and supporting the United States Armed Forces in Haiti; submitted and read.

By Mr. SHELBY (for himself and Mr. HEFLIN):

S. Res. 260. A resolution congratulating Heather Whitestone on being crowned Miss America 1995; considered and agreed to.

By Mr. MURKOWSKI (for himself, Mr. ROBB, Mr. SIMON, and Mr. HELMS):

S. Res. 261. A resolution commending Ambassador Mou-shih Ding, Representative of the Taipei Economic and Cultural Representative Office in Washington, D.C.; considered and agreed to.

By Mr. FEINGOLD:

S. Res. 262. A resolution concerning the use of United States forces and military operations in Haiti; to the Committee on Foreign Relations.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. ROCKEFELLER (for himself and Mr. BYRD):

S. 2442. A bill to extend the Appalachian Regional Development Act of 1965 and to provide authorizations for the Appalachian highway and Appalachian area development programs, and for other purposes; to the Committee on Environment and Public Works.

##### APPALACHIAN REGIONAL COMMISSION REAUTHORIZATION ACT

Mr. ROCKEFELLER. Mr. President, along with Senator BYRD, I am introducing the Appalachian Regional Development Act Amendments of 1994.

The purpose of this bill is to reauthorize the Appalachian Regional Commission for fiscal years 1995 through 1999. It proposes level funding of \$290 million for each year over this 5-year period, as a proven investment in a region that is anxious to grow economically and improve life for its people.

I am introducing this legislation because I believe deeply in the mission of the Appalachian Regional Commission and the essential role it has played in improving the lives of West Virginians

and the citizens and families living in Appalachia. As Governor of West Virginia for 8 years, I was able to see firsthand what the ARC and its programs accomplished in my State and the Appalachian region. Now as Senator, one of my priorities has been to ensure the ARC's continuation. The program is crucial to the Appalachian region, and it is working.

The ARC was created in 1965 by an act of law signed by President Johnson. Thanks to this bold measure, West Virginia and the other 12 States served by the ARC are better off today than we were 25 years ago. This unique partnership between the Federal Government and the 13 Appalachian States has been effective in helping to address the searing poverty of our Nation's most isolated and historically neglected region.

The ARC has played an important role in the development of West Virginia, and in raising the quality of life for all our citizens. Whether the funding has been used for public facilities, work force training programs, adult literacy training, or physician recruitment, it has made a difference to our people and families.

Let me cite some specific examples.

In the early 1980's, Mrs. Elizabeth Williams, a retired school teacher well into her seventies, started a grassroots movement to obtain a public water system for several rural communities in Wyoming County—in the heart of southern West Virginia's coalfields. Many residents did not have indoor plumbing, ground water was seriously contaminated with iron, and the nearest laundromat was 10 miles away. Today, thanks largely to Mrs. Williams' efforts and to a grant from the Appalachian Regional Commission, nearly the entire eastern third of the county has clean water, there has been a local housing boom, and a State community college has been constructed.

Another example occurred several years ago, when a group of elected officials, local business people and interested citizens from Princeton, WV, raised sufficient local funds to match a grant from the ARC to acquire and renovate a large vacant building in the community. Space in the building was then made available for limited time periods at low rent and shared overhead costs to small businesses during their critical startup periods. Among the success stories from this venture is Mountaineer Home Nursing, begun as a two-person business in 1986 that today has 48 employees and provides a vital community service.

Community development projects such as the Alderson-Broadus College Rural Health Care Expansion Project have also made significant impacts on the lives and health of rural West Virginians. In 1969, Alderson-Broadus College pioneered the Nation's first baccalaureate Physician Assistant Program, creating a curriculum so suc-

cessful that it became a prototype for the creation of physician assistant programs nationwide. This highly successful program is one of two such programs in Appalachia, and has been a key factor in improving rural health care in the region. In 1993, an ARC grant to Alderson-Broadus assisted in the training of physician assistant students, and placed 75 second and third-year students in rural clinical settings. This was especially important in those communities which were severely lacking in clinical personnel. In addition, two new clinical sites were established and a clinical prenatal and postnatal care training program was developed.

Other ARC projects in West Virginia include the Mid-Atlantic Aerospace Complex near Clarksburg, which has become one of the State's major employers; the 11 rural communities that have started a community self-help program to construct, small innovative wastewater treatment facilities to help them meet the requirements of the Clean Water Act; the primary health care clinics in rural areas that lacked doctors; the vocational education facilities that are teaching young people skills to get them ready to work; the adult literacy and dropout prevention programs; and on and on and on.

But perhaps the most significant program that the ARC has helped bring to the Appalachian States is the construction of the Appalachian Development Highway System. Much has been invested by the ARC in these Appalachian corridors, and more than 2,200 miles of the 3,000-mile system are now complete. The senior Senator from West Virginia deserves enormous credit for his commitment to the corridors as well. But we have more to do; put very simply, this highway system must be completed. As I have said before, until it is, there will continue to be roads that some call highway to nowhere, and the value of the investment of Federal and State funds already spent will be unfulfilled. Continued investment in these highways is absolutely vital to overcome the region's isolation, and make it accessible to new business and industry. We must ensure that instead of being roads "halfway to nowhere," these corridors become highways "the whole way to somewhere."

A study by the Commission underscores the success we have achieved so far with the corridors, and the need to finish the task we have started. The study found that more than 80 percent of the two million new private sector jobs created in the region since 1965 have been created in counties with an interstate or Appalachian development highway.

This study is evidence that these highways have indeed helped bring the kind of change envisioned when the ARC was created in 1965 on the recommendation of a group brought to-

gether by President Kennedy shortly before his death. That group's mission was to address the poverty of our Nation's most isolated and neglected region, Appalachia, which some at the time called "The Other America." These highways have helped address the isolation and inaccessibility of the region, opening it up to opportunities that were not possible before. But, again, the job is not done; we must complete these corridors.

The success stories I have outlined from West Virginia are duplicated in each of the other 12 Appalachian States, from the southern tier of up-state New York to northeast Mississippi. And the importance of completing the ARC Corridors is evident in each State as well. These are the reasons I have introduced legislation to reauthorize and strengthen the ARC in every Congress since I came here in 1985.

But we still have a long way to go, and ARC's objectives have yet to be fulfilled. In West Virginia, over 22 percent of our citizens continue to live in poverty, while the figure is about 14 percent nationally. Throughout the Appalachian Region, the non-metro poverty rate is 18.3 percent. There are 600 distressed counties in the United States, and 150—or 25 percent—of these counties are in Appalachia. This figure is even more distressing considering that Appalachia has only 12 percent of the total counties in the country. So there is still work to be done, and we must allow the ARC to complete its mission.

The bill I am introducing today would reauthorize ARC for fiscal years 1995 through 1999, at a funding level of \$290 million for each fiscal year. Of these sums, \$190 million is authorized yearly for development of the Appalachian highways, \$96 million is designated for area development activities, and \$4 million is made available for administrative expenses.

This bill would authorize the ARC to the end of this century. It would allow the ARC, with its unique partnership of Federal, State and local government entities, to continue its essential mission, supporting the development of the region's infrastructure and its people to help create increased economic opportunities and jobs. Fulfilling this vital mission of the ARC will enable my State and the others in the region to grow and to make the contribution we want to make to the betterment of this Nation.

In closing, I would like to share a quote by Robert Kennedy which I believe expresses very eloquently the reasons why programs like the ARC are essential in combating chronic poverty. His words ring just as true today as they did when he said them in 1968, and underscore the reasons for continuing the good work of the Appalachian Regional Commission.

[...] It is time to act to bridge the gaps which divide this nation and threaten to rip it asunder, through violent chaos in our cities or the silent decay of hope and purpose in Appalachia or the Mississippi Delta. It is time to stop treating the diseases of poverty and deprivation with welfare doles—and to begin a massive effort, public and private, to provide jobs and housing and hope to the people who dwell in the Other America.

Mr. President, I ask that the full text of this measure be printed in the RECORD. I urge my colleagues to support this measure.

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

S. 2442

*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 "Appalachian Regional Development Act Amendments of 1994".

#### SEC. 2. ADMINISTRATIVE EXPENSES OF THE COMMISSION.

Subsection (b) of section 105 of the Appalachian Regional Development Act of 1965 (40 U.S.C. App. 105(b)) is amended to read as follows:

"(b) There are authorized to be appropriated to the Commission to carry out this section \$4,000,000 for each of the fiscal years 1995 through 1999. Not more than \$1,500,000 of the amounts authorized to be appropriated for each fiscal year pursuant to the preceding sentence shall be available for expenses of the Federal Cochairman, the alternate of the Federal Cochairman, and the staff of the Federal Cochairman."

#### SEC. 3. ADMINISTRATIVE POWERS OF THE COMMISSION.

Section 106(7) of the Appalachian Regional Development Act of 1965 (40 U.S.C. App. 106(7)) is amended by striking "1982" and inserting "1999".

#### SEC. 4. APPALACHIAN DEVELOPMENT HIGHWAY SYSTEM.

(a) AUTHORIZATION.—Subsection (g) of section 201 of the Appalachian Regional Development Act of 1965 (40 U.S.C. App. 201(g)) is amended to read as follows:

"(g) There are authorized to be appropriated to carry out this section an amount equal to \$190,000,000, plus such additional sums as may be necessary, for each of fiscal years 1995 through 1999."

(b) FEDERAL SHARE.—Section 201(h)(1) of such Act (40 U.S.C. App. 201(h)(1)) is amended by striking "70 per centum" and inserting "80 percent (70 percent for projects approved on or before March 31, 1979)".

#### SEC. 5. DEFINITION OF FEDERAL GRANT-IN-AID PROGRAMS.

Subsection (c) of section 214 of the Appalachian Regional Development Act of 1965 (40 U.S.C. App. 214(c)) is amended in the first sentence by striking "December 31, 1980" and inserting "September 30, 1999".

#### SEC. 6. PROGRAM DEVELOPMENT CRITERIA.

Subsection (b) of section 224 of the Appalachian Regional Development Act of 1965 (40 U.S.C. App. 224(b)) is amended to read as follows:

"(b) No financial assistance shall be authorized under this Act to be used to assist establishments relocating from one area to another."

#### SEC. 7. AUTHORIZATION.

Section 401 of the Appalachian Regional Development Act of 1965 (40 U.S.C. App. 401) is amended to read as follows:

#### "SEC. 401. AUTHORIZATION OF APPROPRIATIONS.

"In addition to the appropriations authorized in section 105 for administrative expenses, and in section 201(g) for the Appalachian development highway system and local access roads, there are authorized to be appropriated to carry out this Act, to remain available until expended, \$96,000,000 for each of fiscal years 1995 through 1999."

#### SEC. 8. TERMINATION.

Section 405 of the Appalachian Regional Development Act of 1965 (40 U.S.C. App. 405) is amended by striking "1982" and inserting "1999".

By Mr. LAUTENBERG (for himself and Mr. SIMON):

S. 2443. A bill to provide compensation for victims from persons who unlawfully provide firearms to juveniles, felons, and other disqualified individuals; to the Committee on the Judiciary.

#### GUN VICTIM COMPENSATION ACT

● Mr. LAUTENBERG. Mr. President, today Senate SIMON and I are introducing legislation, the Gun Victim Compensation Act, to provide compensation to victims of gun violence, and to discourage the transfer of firearms to juveniles, felons, drug addicts, and others barred by law from receiving guns.

Under the legislation, any person who provides a firearm to a disqualified individual would be liable for all damages caused by the discharge of the firearm by the transferee, if bodily injury or death results. The term "disqualified individual" means an individual to whom it is unlawful to provide a firearm either under current law, or under the Senate-passed crime bill. This generally includes juveniles, felons, drug addicts, individuals who have been committed to a mental institution, fugitives, and illegal aliens, among others.

Mr. President, given the epidemic of gun violence around our Nation, especially among young people, we need to do everything possible to discourage transfers of guns to juveniles, felons, and others who cannot be trusted with firearms. Until now, we have relied largely on criminal sanctions to deter such transfers. However, experience has shown that criminal sanctions are not sufficient.

The fact is, if gun dealers sell guns to juveniles or felons, it is unlikely they will find themselves in prison. There are far too few ATF agents for the huge number of licensed dealers, and other law enforcement officials also are swamped with competing demands. Moreover, even if someone is both caught and prosecuted, prosecutors have the difficult burden of proving a case beyond a reasonable doubt.

The bottom line, Mr. President, is obvious: Criminal sanctions are not working. Too many children, and too many dangerous adults, are getting access to guns. We need to do more.

Mr. President, civil liability can be an important complement to the crimi-

nal justice system as a means of ensuring compliance with gun control laws. In a sense, civil liability privatizes gun control, establishing a private army of victims and attorneys to aggressively pursue wrongdoers. Not only do these so-called private attorneys general have direct financial incentives to seek redress, they often have an easier time winning cases than do criminal prosecutors. This is largely because the standard of proof in a civil case is significantly lower than in a criminal case.

The concept of applying civil liability to improper gun transfers is hardly a radical idea. In fact, many State courts already allow victims to sue gun sellers in certain circumstances. However, there are several problems.

Perhaps most importantly, current law is unclear and inconsistent. There are few, if any, State statutes that clearly lay out the rules for liability. And in many States, there are no direct precedents on the liability of gun sellers in these kinds of situations.

Standards also vary dramatically in different States. For example, courts differ on whether a transferor can be held liable for injuries caused when the transferee commits a subsequent crime. In some cases, such a crime has been held to be an intervening cause that excuses the original transferor from liability. In other cases, courts have refused to let the original transferor off the hook. In my view, this latter approach is preferable both as a means of deterring unlawful transfers, and ensuring full compensation for victims.

Courts also have differed on whether negligence can be established from the fact that a gun is transferred to a person who is legally prohibited from receiving guns. In many States, violating such a statute constitutes "negligence per se," meaning that the violation is sufficient to establish negligence. However, other State courts have not adopted this rule. So a gun dealer can go into court and may be able to escape responsibility by arguing: "Well, yes, I did sell a handgun to someone who I knew was a convicted murderer, but I thought he had been rehabilitated, and I didn't know that he planned to go out and shoot someone else."

This bill would preclude that kind of argument. It says: If you knowingly provide a gun to a convicted felon, it doesn't matter that you think he's a nice guy. It doesn't matter that he claims to be rehabilitated. And it doesn't matter that he says he will use the gun only to hunt deer. Under this bill, you're on the hook. If that felon goes out and shoots someone, the victim is going to be able to come to you and get the compensation he or she deserves.

Beyond establishing a strong, clear, uniform standard for liability, this bill also would shift the burden of paying

attorneys fees from victims to wrongdoers. Currently, victims who seek redress under State common law generally are forced to bear the burden of attorney's fees. This discourages some victims from seeking redress, especially if their recovery is likely to be swallowed up by the costs of pursuing the action.

Mr. President, I have gone out of my way to draft this proposal in the most reasonable and limited way possible, in the hope of attracting broad support. The bill therefore includes several strict limitations.

Most importantly, the legislation would apply civil liability only to transfers that are already illegal under current law. Also, the bill would preclude relief for injuries that are self-inflicted, except in the case of juveniles or those with histories of mental problems. In addition, the bill generally would preclude an award if the person injured, as opposed to the transferee, was engaged in a crime when shot. Finally, the legislation would apply only to damages that are caused within 5 years of the original transfer.

Mr. President, let me also explain what this bill would not do.

First, this legislation does not create strict liability. That is, the bill does not base liability simply on the fact that someone has marketed a dangerous product. So long as a gun is not transferred to a disqualified individual, there would be no liability under the legislation.

Nor would this proposal hold liable a dealer who acts entirely in good faith, and who sells a gun to someone having no reason to believe that the buyer is a disqualified individual.

Similarly, the bill would not hold liable a parent who leaves a gun around the house unattended, if a child gets access to the gun and hurts someone. There may be a good argument that parents should be liable in those circumstances. However, that is not what this bill is about. The legislation applies only to situations in which a person affirmatively transfers a gun to someone who the transferor knows, or has reasonable cause to believe, is a disqualified individual.

Mr. President, this legislation is supported by gun control organizations and consumer groups. The proposal has been endorsed by the Coalition To Stop Gun Violence, the Violence Policy Center, and Consumers Union. The Children's Defense Fund also endorsed a nearly identical amendment I filed to S. 687, the product liability bill.

In conclusion, Mr. President, I do not claim that this legislation is a cure-all. It will not prevent all juveniles, or all felons, from obtaining firearms. But it should make a real difference. And even if it prevents only a few deaths, and provides financial relief to a few innocent victims, it will be well worth it.

I ask unanimous consent that a copy of the legislation be printed in the RECORD.

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

S. 2443

*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 "Gun Victim Compensation Act".

**SEC. 2. VICTIM COMPENSATION FROM PERSONS WHO UNLAWFULLY PROVIDE FIREARMS TO JUVENILES, FELONS, AND OTHER DISQUALIFIED INDIVIDUALS.**

(a) **VICTIM COMPENSATION.**—Section 924 of title 18, United States Code, is amended by adding at the end the following new subsection:

"(j) **VICTIM COMPENSATION.**—

"(1) **IN GENERAL.**—Any person who sells, delivers, or otherwise transfers—

"(A) a firearm in violation of section 922(d) or section 922(b)(1); or

"(B) a handgun to a person who the transferor knows or has reasonable cause to believe is a juvenile, except as provided in paragraph (6),

shall be liable for damages caused by a discharge of the transferred firearm by the transferee.

"(2) **CIVIL ACTION.**—An action to recover damages under paragraph (1) may be brought in a United States district court by, or on behalf of, any person, or the estate of any person, who suffers damages resulting from bodily injury to or the death of any person caused by a discharge of the transferred firearm by the transferee.

"(3) **DISSENTITLEMENT TO RECOVERY.**—There shall be no liability under this subsection if it is established by a preponderance of the evidence that—

"(A) the damages were suffered by a person who was engaged in a criminal act against the person or property of another at the time of the injury; or

"(B) the injury was self-inflicted, unless the plaintiff establishes that, at the time of the transfer, the transferor knew or had reasonable cause to believe that the transferee had not attained the age of 18 years or had been adjudicated as a mental defective or committed to a mental institution.

"(4) **PERIOD OF LIABILITY.**—No action under this subsection may be brought for damages that are caused more than 5 years after the date of the transfer of a firearm upon which an action could otherwise be based.

"(5) **ATTORNEY'S FEES AND PUNITIVE DAMAGES.**—A prevailing plaintiff in an action under this subsection—

"(A) shall be awarded reasonable attorney's fees and costs, and

"(B) may be awarded punitive damages.

"(6) **JUVENILES.**—Paragraph (1)(B) does not apply to—

"(A) a temporary transfer of a handgun to a juvenile if the handgun is used by the juvenile—

"(i) in the course of employment, in the course of ranching or farming related to activities at the residence of the juvenile (or on property used for ranching or farming at which the juvenile, with the permission of the property owner or lessee, is performing activities related to the operation of the farm or ranch), target practice, hunting, or a course of instruction in the safe and lawful use of a handgun;

"(ii) with the prior written consent of the juvenile's parent or guardian who is not pro-

hibited by Federal, State, or local law from possessing a firearm, except—

"(I) during transportation by the juvenile of an unloaded handgun in a locked container directly from the place of transfer to a place at which an activity described in clause (i) is to take place and transportation by the juvenile of that handgun, unloaded and in a locked container, directly from the place at which such an activity took place to the transferor; or

"(II) with respect to ranching or farming activities as described in clause (i), with the prior written approval of the juvenile's parent or legal guardian and at the direction of an adult who is not prohibited by Federal, State, or local law from possessing a firearm;

"(iii) if the juvenile keeps the prior written consent in the juvenile's possession at all times when a handgun is in the possession of the juvenile; and

"(iv) in accordance with State and local law;

"(B) issuance of a handgun to a juvenile who is a member of the Armed Forces of the United States or the National Guard who possesses or is armed with the handgun in the line of duty;

"(C) a transfer by inheritance of title (but not possession) of a handgun to a juvenile;

"(D) a delivery of a handgun by a juvenile to be used in defense of the juvenile or other persons against an intruder into the residence of the juvenile or a residence in which the juvenile is an invited guest; or

"(E) a transfer of a handgun for consideration if the transfer is made in accordance with State and local law and with the prior consent of the juvenile's parent or legal guardian who is not prohibited by Federal, State, or local law from possessing a firearm.

"(7) **RULE OF CONSTRUCTION.**—Nothing in this subsection shall be construed to limit or have any other effect on any other cause of action available to any person."

(b) **DEFINITION.**—Section 921(a) of title 18, United States Code, is amended by adding at the end the following new paragraph:

"(30) The term 'juvenile' means a person who is less than 18 years of age."

(c) **APPLICATION OF AMENDMENT.**—The amendment made by subsection (a) shall apply to damages resulting from a firearm that was transferred as described in section 924(j)(1) of title 18, on or after the date of enactment of this Act.●

By Mr. GORTON (for himself and Mr. STEVENS):

S. 2444. A bill to require the approval and implementation by the Secretary of Commerce of a rule to provide a moratorium for a temporary period on the entry of new vessels into certain groundfish, crab, and halibut fisheries in the North Pacific; to the Committee on Commerce, Science, and Transportation.

NORTH PACIFIC VESSEL ENTRY MORATORIUM ACT OF 1994

● Mr. GORTON. Mr. President, the bill I am introducing today would implement a moratorium on the entry of new fishing vessels into North Pacific groundfish, crab and halibut fisheries.

This moratorium is a fundamental component of efforts to reduce fishing capacity in North Pacific fisheries.

The North Pacific Fishery Management Council approved the moratorium in June 1992, and it was published

in the Federal Register as a proposed rule on June 3, 1994.

On August 5, 1994, however, the National Marine Fisheries Service disapproved the proposed rule, stating a number of concerns about elements of the Council proposal.

In its letter of disapproval, NMFS expressed the hope that the Council would revise the moratorium proposal and resubmit it, acknowledging the pressing need for interim controls on fishing capacity in the North Pacific. While I do not question the validity of NMFS's concerns with the Council's proposal, I believe the need for a moratorium is too great to wait for the Council to make the suggested changes.

The delay in the moratorium has already, I am told, led some fishermen to begin gearing up to enter these fisheries.

The bill I am introducing today would put the proposed moratorium in place until the Council is able to consider the modifications suggested by NMFS, or until December 31, 1997, whichever comes sooner.

It would greatly help to prevent new entry into fisheries which already have too much fishing capacity.

I hope that my colleagues will support this important legislation, and that we can pass it before the adjournment of Congress. I ask unanimous consent that a copy of the bill be printed in the RECORD.

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

S. 2444

*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 "North Pacific Vessel Entry Moratorium Act of 1994".

**SEC. 2. IMPLEMENTATION OF MORATORIUM.**

(a) Notwithstanding any other provision of law, the Secretary of Commerce shall, by not later than October 15, 1994, approve and implement the proposed rule to establish a moratorium for a temporary period on the entry of new vessels into certain groundfish, crab, and halibut fisheries in the North Pacific and Bering Sea published on June 3, 1994 at 59 Federal Register 28827.

(b) The moratorium in subsection (a) shall remain in effect until December 31, 1997, or until the Secretary approves an amendment to such moratorium prepared by the North Pacific Fishery Management Council in accordance with the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.), whichever is earlier.●

● Mr. STEVENS. Mr. President, I am glad to be able to cosponsor this important legislation with Senator GORTON. It will really help to address the overcapacity problems in the North Pacific fisheries.

I agree with Senator GORTON that the North Pacific Fishery Management Council should not overlook the concerns expressed by the National Marine Fisheries Service with the proposed moratorium.

However, I share Senator GORTON'S view that until the Council can address these concerns, we should keep the proposed moratorium in place.

I hope that other Members of the Senate will join us in supporting this legislation which is critical to the conservation of fisheries off Alaska.●

**ADDITIONAL COSPONSORS**

S. 993

At the request of Mr. KEMPTHORNE, the name of the Senator from Tennessee [Mr. SASSER] was added as a cosponsor of S. 993, a bill to end the practice of imposing unfunded Federal mandates on States and local governments and to ensure that the Federal Government pays the costs incurred by those governments in complying with certain requirements under Federal statutes and regulations.

S. 1737

At the request of Mr. MCCAIN, the name of the Senator from Mississippi [Mr. LOTT] was added as a cosponsor of S. 1737, a bill to establish the Office of the Inspector General within the General Accounting Office, modify the procedure for congressional work requests for the General Accounting Office, establish a Peer Review Committee, and for other purposes.

S. 1971

At the request of Mr. MCCAIN, the name of the Senator from Mississippi [Mr. LOTT] was added as a cosponsor of S. 1971, a bill to require the reauthorization of executive reporting requirements at least every 5 years.

S. 2094

At the request of Mr. DASCHLE, the name of the Senator from Hawaii [Mr. AKAKA] was added as a cosponsor of S. 2094, a bill to make permanent the authority of the Secretary of Veterans Affairs to approve basic educational assistance for flight training.

S. 2264

At the request of Mr. DORGAN, the name of the Senator from Massachusetts [Mr. KERRY] was added as a cosponsor of S. 2264, a bill to provide for certain protections in the sale of a short line railroad, and for other purposes.

S. 2347

At the request of Mr. SASSER, the name of the Senator from New Mexico [Mr. BINGAMAN] was added as a cosponsor of S. 2347, a bill to require the Secretary of the Treasury to mint coins in commemoration of the 150th anniversary of the founding of the Smithsonian Institution.

S. 2410

At the request of Mr. GRAMM, the name of the Senator from Mississippi [Mr. LOTT] was added as a cosponsor of S. 2410, a bill to provide appropriate protection for the constitutional guarantee of private property rights, and for other purposes.

S. 2441

At the request of Mr. HEFLIN, the names of the Senator from Alabama [Mr. SHELBY] and the Senator from Pennsylvania [Mr. WOFFORD] were added as cosponsors of S. 2441, a bill to provide for an independent review of the implementation of the National Implementation Plan for modernization of the National Weather Service at specific sites, and for other purposes.

SENATE JOINT RESOLUTION 184

At the request of Mr. THURMOND, the name of the Senator from Florida [Mr. GRAHAM] was added as a cosponsor of Senate Joint Resolution 184, a joint resolution designating September 18, 1994, through September 24, 1994, as "Iron Overload Diseases Awareness Week."

SENATE JOINT RESOLUTION 206

At the request of Mr. WOFFORD, the names of the Senator from Nebraska [Mr. EXON], the Senator from Hawaii [Mr. AKAKA], the Senator from Tennessee [Mr. SASSER], the Senator from Maryland [Mr. SARBANES], the Senator from South Carolina [Mr. THURMOND], and the Senator from Virginia [Mr. ROBB] were added as cosponsors of Senate Joint Resolution 206, a joint resolution designating September 17, 1994, as "Constitution Day."

SENATE JOINT RESOLUTION 208

At the request of Mr. WOFFORD, the names of the Senator from New Jersey [Mr. BRADLEY] and the Senator from North Dakota [Mr. DORGAN] were added as cosponsors of Senate Joint Resolution 208, a joint resolution designating the week of November 6, 1994, through November 12, 1994, "National Health Information Management Week."

SENATE JOINT RESOLUTION 214

At the request of Mr. BINGAMAN, the name of the Senator from West Virginia [Mr. BYRD] was added as a cosponsor of Senate Joint Resolution 214, a joint resolution designating August 9, 1994, as "Smokey Bear's 50th Anniversary."

SENATE CONCURRENT RESOLUTION 65

At the request of Mr. LEAHY, the names of the Senator from Florida [Mr. GRAHAM], the Senator from New Mexico [Mr. BINGAMAN], the Senator from Massachusetts [Mr. KERRY], the Senator from Michigan [Mr. LEVIN], and the Senator from Connecticut [Mr. LIEBERMAN] were added as cosponsors of Senate Concurrent Resolution 65, a concurrent resolution to express the sense of Congress that any health care reform legislation passed by Congress include guaranteed full funding for the special supplemental food program for women, infants, and children (WIC) so that all eligible women, infants, and children who apply could be served by the end of fiscal year 1996 and full funding could be maintained through fiscal year 2000, and for other purposes.

SENATE RESOLUTION 257

At the request of Mrs. KASSEBAUM, the names of the Senator from Indiana

[Mr. LUGAR], the Senator from Kentucky [Mr. FORD], the Senator from Alaska [Mr. STEVENS], and the Senator from Idaho [Mr. KEMPTHORNE] were added as cosponsors of Senate Resolution 257, a resolution to express the sense of the Senate regarding the appropriate portrayal of men and women of the Armed Forces in the upcoming National Air and Space Museum's exhibit on the *Enola Gay*.

**SENATE RESOLUTION 259—COM-MENDING THE PRESIDENT AND THE SPECIAL DELEGATION TO HAITI AND SUPPORTING UNITED STATES ARMED FORCES IN HAITI**

Mr. MITCHELL (for himself and Mr. DOLE) submitted the following resolution; which was considered:

S. RES. 259

Whereas the special delegation sent to Haiti on September 17, 1994, has succeeded in convincing the de facto authorities in Haiti to agree to leave power;

Whereas on September 18, 1994, after an agreement was reached in Port-au-Prince that day, the President ordered the present deployment of men and women of the United States Armed Forces in and around Haiti;

Whereas U.S. and multilateral sanctions have imposed a heavy burden on the Haitian people;

Whereas the Congress and the people of the United States have great pride in the men and women of the United States Armed Forces and fully support them in all their efforts overseas, including those in Haiti: Now, therefore, be it

*Resolved*, That the Senate—

(1) commends the efforts of the President in sending former President Jimmy Carter, retired General Colin Powell and Senator Sam Nunn to Haiti in an effort to avoid the loss of American lives;

(2) fully supports the men and women of the United States Armed Forces in Haiti who are performing with professional excellence and dedicated patriotism;

(3) supports the departure from power of the de facto authorities in Haiti, and Haitian efforts to achieve national reconciliation, democracy and the rule of law;

(4) supports lifting without delay of U.S. unilateral economic sanctions on Haiti, and lifting without delay of economic sanctions imposed pursuant to U.N. resolutions in accordance with such resolutions; and

(5) supports a prompt and orderly withdrawal of all United States Armed Forces from Haiti as soon as possible.

**SENATE RESOLUTION 260—CON-GRATULATING HEATHER WHITESTONE ON BEING CROWNED MISS AMERICA**

Mr. SHELBY (for himself and Mr. HEFLIN) submitted the following resolution; which was considered and agreed to.

S. RES. 260

Whereas on September 17, 1994, Heather Whitestone, a resident of Birmingham, Alabama and a student at Jacksonville State University, was crowned Miss America 1995;

Whereas Heather Whitestone is the first hearing-impaired woman to hold the title of Miss America;

Whereas Heather Whitestone's outstanding academic, artistic, and personal achievements make her a role model for the youth of the United States;

Whereas Heather Whitestone's success in overcoming significant obstacles to her personal and professional goals is an inspiration to all the people of the United States who face similar barriers to realizing their dreams; and

Whereas Heather Whitestone's commitment to excellence makes her an exceptional choice for Miss America 1995: Now, therefore, be it

*Resolved*, That the Senate congratulates Heather Whitestone on being crowned Miss America 1995.

SEC. 2. The Secretary of the Senate shall transmit a copy of this resolution to Heather Whitestone, Miss America 1995.

**SENATE RESOLUTION 261—COM-MENDING AMBASSADOR MOU-SHIIH DING OF TAIPEI**

Mr. MURKOWSKI (for himself and Mr. ROBB, Mr. SIMON, and Mr. HELMS) submitted the following resolution; which was considered and agreed to:

S. RES. 261

Whereas Ambassador Mou-shih Ding has served since 1988 as Representative of the Taipei Economic and Cultural Representative Office (TECRO) (formerly the Coordination Council for North American Affairs (CCNAA)) in Washington, D.C., representing the interests of the Republic of China on Taiwan;

Whereas during his tenure, Ambassador Ding has made a major contribution to strengthening the friendship of and fostering beneficial cooperation between the people of the Republic of China and the people of the United States, including his successful efforts to change the name of the office from Coordination Council for North American Affairs to the Taipei Economic and Cultural Representative Office;

Whereas during his years in Washington, Ambassador Ding has made countless friends in the United States Congress and successive Administrations; and

Whereas this month Ambassador Ding is departing his post in Washington to return to accept his prestigious appointment as the Secretary General of the National Security Council: Now therefore be it

*Resolved*, That the United States Congress—

(1) salutes Ambassador Mou-shih Ding for his creative leadership of the TECRO (CCNAA) in Washington;

(2) commends his tireless efforts to further the interests of the Republic of China by building closer ties to the United States;

(3) thanks him for the friendship he has shown to so many members of the Senate; and

(4) expresses to him and to his family the warmest wishes for the future.

**SENATE RESOLUTION 262—CON-CERNING A DATE FOR A VOTE ON THE MILITARY OPERATIONS IN HAITI**

Mr. FEINGOLD submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 262

*Resolved*, It is the sense of the Senate that Congress should vote on or before October 15,

1994, on a measure containing specific authorization for the use of United States Forces and military operations in Haiti.

**AUTHORITY FOR COMMITTEES TO MEET**

**COMMITTEE ON ARMED SERVICES.**

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet on Tuesday, September 20, 1994, at 2:30 p.m. in open session to receive testimony on the Department of Defense future years defense program.

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

**COMMITTEE ON FOREIGN RELATIONS**

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, September 20 at 2 p.m. to hold a hearing on the ILO Convention No. 150 concerning labor administration—Treaty Doc. 103-26.

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

**COMMITTEE ON GOVERNMENTAL AFFAIRS**

Mr. MITCHELL. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Committee for authority to meet on Tuesday, September 20, at 2 p.m. for a nomination hearing on Harvey G. Ryland, Deputy Director, FEMA.

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

**COMMITTEE ON GOVERNMENTAL AFFAIRS**

Mr. MITCHELL. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Committee for authority to meet on Tuesday, September 20, at 10 a.m. for a markup.

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

**COMMITTEE ON INDIAN AFFAIRS**

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Tuesday, September 20, 1994, beginning at 9:30 a.m., in 485 Russell Senate Office Building on tribal self-governance.

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

**SELECT COMMITTEE ON INTELLIGENCE**

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Intelligence be authorized to meet during the session of the Senate on Tuesday, September 20, 1994, at 4 p.m. to hold a closed briefing on intelligence matters.

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

**SUBCOMMITTEE ON ANTITRUST, MONOPOLIES AND BUSINESS RIGHTS**

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Subcommittee on Antitrust, Monopolies and Business Rights of the Committee on the Judiciary, be authorized to meet during the session of the Senate on

Tuesday, September 20, 1994, at 9:30 a.m. to hold a hearing on S. 1822, the Communications Act of 1994.

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

**CONGRATULATING HEATHER  
WHITESTONE ON BEING  
CROWNED MISS AMERICA 1995—S.  
RES. 260**

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Senate Resolution 260, a resolution congratulating Heather Whitestone on being crowned Miss America, 1995, submitted earlier today by Senators SHELBY and HEFLIN, that the resolution be agreed to and the motion to reconsider be laid upon the table, that the preamble be agreed to and any statements relating to this legislation be placed in the RECORD at the appropriate place as if read.

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

Mr. SHELBY. Mr. President, I rise today to honor Miss America 1995, Heather Whitestone, crowned on September 17, 1995. Miss Whitestone, a resident of Birmingham, AL, is a wonderful choice to receive this honor. She brings much pride to the State of Alabama and the Nation.

Miss Whitestone is an outstanding example and inspiration for us all. Being the first hearing-impaired woman to be crowned Miss America, Miss Whitestone has overcome the hardships and challenges of her handicap with hard work, determination, and a positive attitude. A graduate of Berry High School in Birmingham, with a 3.6 grade point average—on a 4.0 scale—Miss Whitestone maintains high academic standing as a junior accounting major at Jacksonville State University. She is an accomplished, awe-inspiring ballerina, as those of us who saw her performance during the competition can firmly attest.

Mr. President, I am sure I am not alone when I say that more than her striking beauty and intelligence, Miss Whitestone's attitude toward life and her handicap makes her a truly special and inspiring individual. She often makes statements such as "The most handicapped [person] in the world is a negative thinker," and quotes Helen Keller as saying: "Know your problems, but don't let them master you." She is not just an inspiration to the handicapped men, women, and children of this Nation, but to us all.

Mr. President, I am excited, pleased, and proud that Heather Whitestone from Alabama has been named Miss America 1995. She is a wonderful selection and I am confident she will bring honor and integrity to the crown and to this country.

The resolution (S. Res. 260) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

**S. RES. 260**

Whereas on September 17, 1994, Heather Whitestone, a resident of Birmingham, Alabama and a student at Jacksonville State University, was crowned Miss America 1995;

Whereas Heather Whitestone is the first hearing-impaired woman to hold the title of Miss America;

Whereas Heather Whitestone's outstanding academic, artistic, and personal achievements make her a role model for the youth of the United States;

Whereas Heather Whitestone's success in overcoming significant obstacles to her personal and professional goals is an inspiration to all the people of the United States who face similar barriers to realizing their dreams; and

Whereas Heather Whitestone's commitment to excellence makes her an exceptional choice for Miss America 1995; Now, therefore, be it

*Resolved*, That the Senate congratulates Heather Whitestone on being crowned Miss America 1995.

SEC. 2. The Secretary of the Senate shall transmit a copy of this resolution to Heather Whitestone, Miss America 1995.

**COMMENDING AMBASSADOR MOU-SHIH DING, REPRESENTATIVE OF THE TAIPEI ECONOMIC AND CULTURAL REPRESENTATIVE OFFICE**

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Senate Resolution 261, a resolution commending Ambassador Mou-shih Ding, Representative of the Taipei Economic and Cultural Representative Office in Washington, DC; submitted earlier today by Senator MURKOWSKI, ROBB, and others; that the resolution and the preamble be agreed to; the motions to reconsider be laid on the table en-bloc; and any statements thereon appear in the RECORD at the appropriate place as though read.

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

The resolution (S. Res. 261) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

**S. RES. 261**

Whereas Ambassador Mou-shih Ding has served since 1988 as Representative of the Taipei Economic and Cultural Representative Office (TECRO) (formerly the Coordination Council for North American Affairs (CCNAA)) in Washington, D.C., representing the interests of the Republic of China on Taiwan;

Whereas during his tenure, Ambassador Ding has made a major contribution to strengthening the friendship of and fostering beneficial cooperation between the people of the Republic of China and the people of the United States, including his successful efforts to change the name of the office from Coordination Council for North American Affairs to the Taipei Economic and Cultural Representative Office;

Whereas during his years in Washington, Ambassador Ding has made countless friends in the United States Congress and successive Administrations; and

Whereas this month Ambassador Ding is departing his post in Washington to return to accept his prestigious appointment as the Secretary General of the National Security Council; Now therefore be it

*Resolved*, That the United States Congress—

(1) salutes Ambassador Mou-shih Ding for his creative leadership of the TECRO (CCNAA) in Washington;

(2) commends his tireless efforts to further the interests of the Republic of China by building closer ties to the United States;

(3) thanks him for the friendship he has shown to so many members of the Senate; and

(4) expresses to him and to his family the warmest wishes for the future.

**ORDERS FOR TOMORROW**

Mr. MITCHELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 10 a.m., Wednesday, September 21; that following the prayer, the Journal of proceedings be deemed approved to date and the time for the two leaders reserved for their use later in the day; that there then be a period for morning business not to extend beyond 10:30 a.m., with Senators permitted to speak therein for up to 5 minutes each, with Senator REID recognized for up to 15 minutes; that at 10:30 a.m., the Senate resume consideration of Senate Resolution 259.

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

**PROGRAM**

Mr. MITCHELL. Mr. President, the Senate has just completed 2 days with very little activity. In view thereof, Senators should be on notice, and I now place all Senators on notice, that votes will be possible at any time of the day or night when the Senate is in session in the future, including on Friday. We may need to have a full and longer day Friday to make up for the lack of activity in the last 2 days. I merely want all Senators to be aware of that so they can plan their schedules accordingly, unless there is an announcement to the contrary, as will be the case with respect to each day the Senate is in session from now until the end of this session.

I thank my colleagues, Mr. President.

**RECESS UNTIL TOMORROW AT  
10 A.M.**

Mr. MITCHELL. Mr. President, if there is no further business to come before the Senate today, I ask unanimous consent that the Senate stand in recess as previously ordered.

There being no objection, the Senate, at 8:50 p.m., recessed until Wednesday, September 21, 1994, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate September 20, 1994:

THE JUDICIARY

KATHLEEN M. O'MALLEY, OF OHIO, TO BE U.S. DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF OHIO, VICE JOHN W. POTTER, RETIRED.

DEPARTMENT OF THE INTERIOR

RHEA LYDIA GRAHAM, OF NEW MEXICO, TO BE DIRECTOR OF THE UNITED STATES BUREAU OF MINES, VICE T.S. ARY, RESIGNED.

CONFIRMATION

Executive nomination confirmed by the Senate September 20, 1994:

IN THE NAVY

THE FOLLOWING-NAMED OFFICER TO BE PLACED ON THE RETIRED LIST IN THE GRADE INDICATED UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be admiral

ADM. HENRY H. MAUZ, JR. [XXX-XX-X-XX]

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Senate Resolution 300, a resolution honoring Miss Whitestone on being crowned Miss America 1993.

ORDERS FOR TOMORROW

Mr. MITCHELL. Mr. President, I ask unanimous consent that when the Senate convenes tomorrow, the following orders be in effect: (1) that the Senate proceed to the consideration of Senate Resolution 301, a resolution honoring the Ambassador Mon-Shiff Ding as representative of the Taipei Economic and Cultural Representative Office in Washington, D.C., nominated earlier today by Senator MURKOWSKI; and (2) that the resolution and the preamble be agreed to by the Senate and that the resolution be read on the floor and that any statements thereon appear in the Record at the appropriate place as though read.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Senate Resolution 301, a resolution honoring the Ambassador Mon-Shiff Ding as representative of the Taipei Economic and Cultural Representative Office in Washington, D.C., nominated earlier today by Senator MURKOWSKI; and (2) that the resolution and the preamble be agreed to by the Senate and that the resolution be read on the floor and that any statements thereon appear in the Record at the appropriate place as though read.

COMMENDING AMBASSADOR MON-SHIFF DING REPRESENTATIVE OF THE TAIPEI ECONOMIC AND CULTURAL REPRESENTATIVE OFFICE

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Senate Resolution 301, a resolution honoring the Ambassador Mon-Shiff Ding as representative of the Taipei Economic and Cultural Representative Office in Washington, D.C., nominated earlier today by Senator MURKOWSKI; and (2) that the resolution and the preamble be agreed to by the Senate and that the resolution be read on the floor and that any statements thereon appear in the Record at the appropriate place as though read.

PROGRAM

Mr. MITCHELL. Mr. President, the Senate has just completed 2 days with very little activity in view thereof. Senators should be on notice that now when all Senators on notice that you will be possible at any time of the day or night when the Senate is in session in the future, including on Friday. We may need to have a full day. We may need to make up for the lack of activity in the last 2 days. I merely want all Senators to be aware of that so they can plan their schedules accordingly, unless there is an announcement to the contrary, as will be the case with respect to each day the Senate is in session from now until the end of this session.

RECORDS UNTIL TOMORROW AT 10 A.M.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Senate Resolution 301, a resolution honoring the Ambassador Mon-Shiff Ding as representative of the Taipei Economic and Cultural Representative Office in Washington, D.C., nominated earlier today by Senator MURKOWSKI; and (2) that the resolution and the preamble be agreed to by the Senate and that the resolution be read on the floor and that any statements thereon appear in the Record at the appropriate place as though read.

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Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Senate Resolution 300, a resolution honoring Miss Whitestone on being crowned Miss America 1993.

COMMENDING AMBASSADOR MON-SHIFF DING REPRESENTATIVE OF THE TAIPEI ECONOMIC AND CULTURAL REPRESENTATIVE OFFICE

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## HOUSE OF REPRESENTATIVES—Tuesday, September 20, 1994

The House met at 10:30 a.m. and was called to order by the Speaker pro tempore [Mr. TEJEDA].

### DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communications from the Speaker:

WASHINGTON, DC,  
September 20, 1994.

I hereby designate the Honorable FRANK TEJEDA to act as Speaker pro tempore on this day.

THOMAS S. FOLEY,  
Speaker of the House of Representatives.

### MORNING BUSINESS

The SPEAKER pro tempore. Pursuant to the order of the House of February 11, 1994, and June 10, 1994, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member, except the majority and minority leaders, limited to not to exceed 5 minutes.

### THE MORNING AFTER IN HAITI

The SPEAKER pro tempore. Under the Speaker's announced policy of February 11, 1994, and June 10, 1994, the gentleman from Florida [Mr. GOSS] is recognized during morning business for 5 minutes.

Mr. GOSS. Mr. Speaker, yesterday in this Chamber Members of the House of Representatives paused in the legislative agenda, took time out to do something that was extremely appropriate. That is we passed a resolution to reinforce our support for our troops who are now overseas; we would say "not in harm's way," but certainly in a sensitive and delicate situation where the risk for hazards and bodily harm is certainly greater than normal business as usual for members of our military, and of course it is appropriate for Congress to take the time to send that support because it means a lot. We have some Members who have been on the receiving end of that in other actions we have had on behalf of our country. We have a gentleman from California [Mr. CUNNINGHAM] who testified to that so eloquently, that when he was in Vietnam, how much it meant to him that Members of Congress, speaking for the districts of the people they represented

across America, knew of the sacrifice and the extra effort, the risk and the hazards, that our men and women in uniform are taking on behalf of our Nation, and in the resolution we passed yesterday, Mr. Speaker, there was a little bit of self-congratulation, too, by the administration for avoiding, at least for the time being, the worst of the consequences of the Clinton administration's ill-advised policy for Haiti. But unfortunately, after those kinds of celebrations, there always comes a morning after, and when it has been a particularly difficult celebration, Mr. Speaker, there sometimes is a hangover, and we do, in fact, have a hangover.

The situation in Haiti so far has been generally without violence. There has been no conflict that I am aware of between American forces and Haitians. There certainly has been some confrontation between Haitians because they are, in fact, in the middle of a very difficult civil discord, if not a civil war, and our troops are really the ham in the sandwich, as it were, but our troops, it seems from the reports we have seen come in, are in an almost circuslike atmosphere, perhaps not lighthearted, but they have been welcomed with some openness and friendliness by the Haitians, which is certainly understandable because this is a friendly neighboring country that we have gotten along with for years, enjoyed wonderful relations with. We have many Haitian-Americans, and they have many Americans living in Haiti, and vice versa, and it has been a very good and happy relationship.

It is unfortunate that in the country of Haiti they have not evolved to the level of democracy that we have in this country and that they are struggling to do that, and that struggle regrettably has involved some violence, and it has not yet been resolved, and I would ask every American to think back in the history our country, of the hard times we have had solving our own problems in the evolution of democracy and developing a wonderful Constitution that serves us so well no matter which way the wind blows, no matter how hard it blows in our country. The Haitians have no such anchor; they have no such constitution. They are a republic formed by runaway slaves, so they did not have the traditions, or the wisdom in those days, or the opportunity perhaps, to pull together a plan or vision for their nation that we enjoy in our country, and still have, and pursue diligently. So, we end up with an evolving

situation, and I would point out that in our own history we did not get it all done peacefully either. There was, regrettably, a time of war between our States when a great many American lives were lost, and we sorted out our differences. That is never the way to do it, but I do not think we can say that others are any less worthy than we and other nations because they fail to avoid the path of violence when we in our own history failed to avoid that path as well.

So, now we are left with a country that is still very, very divided, and we are seeing that there is great unhappiness on both sides with the arrangements that have been made to avoid the armed conflict. We have the pro-Aristide supporters in dismay in this country and in Haiti that Cedras has not been thrown out and put in jail or had horrible things happen to him. On the other hand, we have dismay that Cedras has undergone a rehabilitation. In 72 hours the worst, most brutal dictator in the Western Hemisphere, to quote President Clinton, has rehabilitated to a man with honor, a worthy partner in a military venture, to paraphrase the words of Colin Powell and former President Carter, so I suspect the American public is a little confused about whether Cedras is a monster or a loyal soldier trying to carry out his duty in Haiti, remembering that they have a different mission and he being a citizen of Haiti, not of the United States. These kinds of complex enigmas are going to sort themselves out as we go along and as the administration belatedly finds out more and more about Haiti and what is afoot there.

There are some lessons that have to be learned from this, and we will be using the time in the days ahead to review these lessons so we do not make the same mistake again and have to try and avoid armed conflict with last-minute negotiations as we did this Sunday.

### RECESS

The SPEAKER pro tempore. There being no further requests for morning business, pursuant to clause 12, rule I, the Chair declares the House in recess until 12 noon.

Accordingly (at 10 o'clock and 38 minutes a.m.) the House stood in recess until 12 noon.

□ 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.

□ 1200

## AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 12 noon.

The Reverend Donald Paul Cooper, Beaver Dam Baptist Church, Fayetteville, NC, offered the following prayer:

Shall we pray. O God, we invite You into this place. We invite You because Thou art the God of Heaven and Earth and all that is therein and besides Thee there is none other.

We pray, O God, that You will continue to remind this body that You are the God and that we are one Nation under You, with liberty and justice for all, and to this hour they have been called.

I pray, O God, as they uphold the laws and make new laws in this great country, that they will be reminded of another great law giver, even Moses. I pray, O God, as they deliberate and discuss and debate various issues that shall come before them from time to time, that You will give unto them the wisdom of Solomon.

O God, as they walk among men and work among the people, both here at home and abroad, I pray that You have given to them the integrity, the honesty, and the statesmanship of that of an Isaiah.

Lord, as they seek for peace for the world, I pray that they may know the Prince of Peace who passeth all understanding.

Lord, grant unto these Thy servants the grace and the grit and the guts to act upon those things which are best for every citizen rather than to be persuaded by a few.

We pray, Lord God, You will bless their families, their husbands and their wives and their children and their grandchildren and above all, O God, may Thy will and Thy purpose and Thy mission be done in and through each and all of us.

In the name of Christ our Lord we pray, amen and 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.

## PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Colorado [Mr. HEFLEY] come forward and lead the House in the Pledge of Allegiance.

Mr. HEFLEY led the Pledge of Allegiance as follows:

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

## WELCOME TO REVEREND COOPER

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

Mr. ROSE. Mr. Speaker, I have the pleasure today of introducing to the House a distinguished clergyman from North Carolina, the Reverend Donald F. Cooper. Reverend Cooper is the pastor of the Beaver Dam Baptist Church near my home in Fayetteville, NC. This man has for 40 years served the Lord in various localities, including South Carolina, Virginia, and New York. He has dedicated his life to the service of his Heavenly Father and to the preaching of the word of God.

Reverend Cooper is accompanied today by several members of his congregation and by his wife, Mrs. Annie Lois Cooper. I am sure the House will benefit from the wisdom and the spirit of Reverend Cooper's prayer during these difficult times.

## RESIGNATION OF THE PARLIAMENTARIAN, THE HONORABLE WM. HOLMES BROWN, AND APPOINTMENT OF THE HONORABLE CHARLES W. JOHNSON AS PARLIAMENTARIAN

The SPEAKER laid before the House the following communication from the Parliamentarian of the House of Representatives, which was read:

U.S. HOUSE OF REPRESENTATIVES,  
THE SPEAKER'S ROOMS,  
Washington, DC, August 20, 1994.

Hon. THOMAS S. FOLEY,  
Speaker, U.S. House of Representatives,  
Washington, DC.

DEAR MR. SPEAKER: In March of this year, I completed my thirty-sixth year with the House of Representatives. In July, I completed my twentieth year as Parliamentarian.

In the past few months, circumstances, both personal and professional, have focused my attention on retirement. It has been a difficult decision to reach, but I have concluded that it's time for a change.

The office which I have been privileged to hold continues to be both challenging and rewarding. It is fascinating to encounter—almost daily—fresh interpretations of rules and bill language which require constant evaluation of yesterday's assumptions and conclusions. The House changes from year to year, with new Members and staff and circumstances always reshaping this institution; what does not change is the reservoir of intellect and inventiveness which characterizes those who work in the legislative branch of our government. Daily interaction with such talented people makes the Congress a uniquely fascinating place to work.

I could not have done this job without a lot of help, without the love and support of my family, who have learned to live with long hours and erratic schedules; without the teamwork at the rostrum and in all the support offices of the House; without the reservoir of personal commitment and professional strength from my colleagues in the Office. Among the Deputy and the assistant parliamentarians there is a wealth of experience and talent. Their accumulated service

totals over 80 years. Each is dedicated to the proposition that the rules of this great institution should be applied and enforced without political considerations. All are open to Members and staff with respect to the rules and precedents which govern and guide the deliberations of the House and its committees. They are all exemplary public servants; they can and will continue to carry out the responsibilities of the Office in a manner which reflects the best traditions of the House. We share a lasting bond and I will miss these friends whom I admire and care for so deeply.

I owe a great debt of gratitude to all the Speakers whom I have been fortunate to know: Sam Rayburn, who first appointed me as an assistant parliamentarian on the recommendation of my legendary predecessor as Parliamentarian, Lewis Deschler; John McCormack, who shared his anecdotes and love of the House during long evening conversations in the Speaker's Rooms; Carl Albert, who had faith enough in my abilities to appoint me as Parliamentarian during a very tumultuous time in the history of the House and has continued to be a valued mentor since his retirement; Thomas P. 'Tip' O'Neill, whose good humor and warmth toward me survived some parliamentary decisions which he must have found vexing; Jim Wright, whose eloquence and courage are unflagging. Finally, Mr. Speaker, I must say how much I have valued your friendship and support. You have always been sensitive and faithful to the distinctions between political and parliamentary decisions and your gavel has been both firm and impartial. The opportunities you have given me to interact with other parliamentary institutions, particularly with the newly emerging democratic republics in eastern Europe, have revealed new horizons which I hope to explore more fully in the future. Programs to encourage and foster parliamentary democracy in that area of our world are of critical importance. The House can be proud of the contribution it is making to this effort and if I can be of assistance in these endeavors I will be available to do so.

I must acknowledge the courtesies and cooperation shown me by the distinguished Minority Leader, Bob Michel. He has always shown an appreciation of the role of our office and he and his staff have been of inestimable support. To have known so many of his predecessors, such distinguished men as Joe Martin, Charley Halleck, John Rhodes and Gerald Ford, has been a rare privilege. All of these Leaders have made the House a better place and have left an indelible mark on its history.

I will miss the many friendships with Members that have formed over the years. May I extend to them, through you, my appreciation for their kindnesses.

With your concurrence, my termination as Parliamentarian will be effective on September 15, 1994.

Very respectfully yours,  
WM. HOLMES BROWN.

The SPEAKER. It is with great regret that the Chair accepts the resignation of the distinguished Parliamentarian of the House Wm. Holmes Brown.

Pursuant to the provisions of 2 U.S.C. 297a, the Chair announces that on September 16, 1994, he appointed Charles W. Johnson as Parliamentarian of the House of Representatives to succeed Wm. Holmes Brown, resigned.

□ 1210

**A WARM FAREWELL TO WILLIAM H. BROWN, PARLIAMENTARIAN**

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

Mr. MICHEL. Mr. Speaker, I think the news that was just announced here, that the Parliamentarian of the House is going to retire, comes as a sad note for many of us who have known Bill through all of these years, although I am happy that he is leaving in a commensurate year with my own retirement. He could not be leaving at a better time, from that standpoint.

However, things have changed since I first started in this House. At that time the Parliamentarian was Lou Deschler, referred to by those who dared to call him "the Judge." He was a tough old bird. He would not talk to staff, and he would hardly talk to Members.

I remember one time I took him five different versions of an amendment prohibiting food stamps for strikers and said, "Okay, Judge, one of these has got to be in order." And you see, he had the only copy of all the precedents of the House from 1936 on in his office, and he had all the power.

Bill Brown has changed all that. He and his staff have done a magnificent job in compiling and publishing those the Judge had kept hidden. He has done an excellent job organizing the Office of the Parliamentarian and helping the membership. Many of the precedents are now "on-line," available through the House Information System.

Bill was born in West Virginia, receiving a bachelor of science degree from Swarthmore College in Pennsylvania in 1951. He received his law degree from the University of Chicago, out our way in Illinois, and served in the Naval Reserve with active duty in the Persian Gulf, returning as a lieutenant commander in 1974.

Bill was first appointed Assistant Parliamentarian by Speaker Sam Rayburn, and then became Parliamentarian in 1974 under Speaker Albert, and has served under six Speakers of the House.

Bill has been a great Parliamentarian, but most do not realize that he is also a farmer. He lives in a 200-year-old home on the Oakland Green Farm, has expanded the log cabin with a stone addition, and later a brick addition. Bill, I am not sure about the aluminum siding you and your lovely wife Jean have now added.

The Browns do have one daughter, Sarah, who is currently studying in Kenya.

Being a farmer and a Parliamentarian involves a lot of work. He is often late coming in, as he has been birthing calves, or on snowy days he has had to drive his tractor to a main road to get

a ride. You cannot miss his car in the Rayburn garage, as it looks like he keeps it in the chicken coop all night.

Bill, we are sorely going to miss you, and can imagine you reciting precedents to your cows as the Congress continues writing new ones. I believe we will still use your expertise in attempting to finalize the publishing of the Deschler-Brown precedents, which I will always consider the "Brown volumes."

Taking Bill's place in the top spot is someone who I also have known and argued with many a time, Charlie Johnson.

We have had a good laugh telling the story of when Charlie first was working for the Judge, and Lou assigned Charlie the responsibility of compiling old contested election cases. Charlie worked for weeks, researching and writing, only to find out later that they were all neatly compiled in Cannon's precedents.

Charlie still works harder than he needs to. He is a good guy and a dedicated worker. He is the perfect choice. Charlie, I hope you will last longer than Lehr Fess, who some of you may not know lasted just a year.

Best to you, Bill, and we know, Charlie, John, Tom, and Muftiah will carry on the strong tradition of professionalism and cooperation that you started.

**TRIBUTE TO THE HONORABLE WILLIAM HOLMES BROWN, PARLIAMENTARIAN, ON HIS RETIREMENT**

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

Mr. FOLEY. Mr. Speaker, nothing gives me greater satisfaction than to hear on this day of retirement of Bill Brown these wonderfully warm words from the Republican leader, because I think the lifeblood of any parliamentary body is the sense that our debates and discussions, the votes and actions taken here, are taken in a context of rules and observance, conventions and procedures, that are fair to each Member of the body. Indeed, I think the history of our House of Representatives, certainly in this recent period, has been one of scrupulous adherence to the rules.

As Speaker I have tried to follow that guide of fairness and objectivity in every ruling I have made, and if I had any tendency to veer from that, I would find resistance, very strong resistance, from the Parliamentarians of the House, who are committed in an almost religious sense to ensuring that the rules are absolutely impartially observed here, I think there is a record, perhaps, of the fact that this body has hardly ever overruled the Chair, and that in those cases where there sometimes has been a question of moving to

override the Chair, Republican leadership has often joined with our Members and Republican Members have joined with Democratic Members in supporting the Chair.

Certainly no small part of the credit for this belongs to Bill Brown. He has been an absolutely sterling Parliamentarian in every way. He has served six Speakers. He has been in this body for almost a longer period than virtually anyone. There are few Members and very few professional staff who have served as long.

He begins his retirement with the best wishes and warm affection of an overwhelming number of Members and those who serve with him in aiding this body to achieve its objectives. He has compiled, as BOB MICHEL says, the precedents of the House. They are now available for all. He has in recent months been a special resource of assistance to emerging parliamentary democracies in Eastern Europe. I think he has found great satisfaction and opportunity for additional service in that work.

Charlie Johnson, his very long-time Assistant Parliamentarian, has our full confidence on both sides of the aisle, and I have made his appointment with great satisfaction; and if it is time, in Bill Brown's judgment, to leave, that a successor as worthy and able and committed and dedicated as Charlie Johnson stands ready to assume the responsibilities.

Mr. Speaker, I want to extend again, not only on my own behalf but on the behalf of all Members of this House, my thanks and my appreciation and my warmest best wishes to Bill Brown, and every success and happiness for him and Jean in the years that lie ahead.

Mr. MONTGOMERY. Mr. Speaker, I want to join you and the minority leader in recognizing the more than 36 years of service Parliamentarian Bill Brown has given to this House.

Bill is retiring this week after serving in the Parliamentarian's office since 1958. He was Assistant Parliamentarian from 1958-1974 and then was appointed to the position of Parliamentarian by House Speaker Carl Albert in 1974. During those years, Bill served under six House Speakers, including Sam Rayburn, John McCormack, Carl Albert, Tip O'Neill, Jim Wright, and TOM FOLEY.

Bill has been successful over the years in making sure the Parliamentarian's office remained nonpartisan in its duties of advising the Speaker, all Members of Congress, committees and staff on constitutional questions and rules of order within this House. He is held in high regard by Members on both sides of the aisle.

In addition to those responsibilities, Bill was involved in recent years in projects involving parliamentary development in several Eastern European republics. He and his support personnel have participated in seminars and training programs in Poland, Estonia, and Romania, as these countries and others move toward democracy.

Bill is a graduate of Swarthmore College, Pennsylvania and the University of Chicago Law School. He served on active duty in the U.S. Navy from 1954-57 and then served in the Naval Reserve from 1954-74, retiring as a lieutenant commander.

It has been a great honor to get to know Bill Brown on a personal level. I consider him a close friend and certainly will miss the wise counsel he has given me over the years. He is one of the true unsung heroes who make things work around the people's House. We will miss Bill, but he has earned his retirement. I salute Bill Brown on a job well done and wish Bill, Jean, and Sara the best in the future.

#### WELCOME TO JOHN HUME, LEADER OF THE SOCIAL DEMOCRATIC LABOR PARTY OF IRELAND

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

Mr. NEAL of Massachusetts. Mr. Speaker, a true man of peace, and one of the principal architects of the historic ceasefire in Northern Ireland arrived here in the United States earlier this week.

John Hume, the courageous leader of the Social Democratic and Labor Party, brings with him an encouraging message of hope, justice and reconciliation. And because of his efforts, for the first time in years, people of both traditions in Northern Ireland believe that a permanent cessation of violence is finally at hand.

In many ways, John Hume's visit represents a clear vindication for the 25 years he has spent trying to bring about a peaceful end to the longest standing political dispute in the history of the Western World. We are honored to have him in our Nation's Capital today.

As the leader of the largest nationalist party in Northern Ireland, John Hume brought unquestioned credibility and integrity to a conflict that many felt would never be solved. He worked tirelessly with Catholics and Protestants, republicans and loyalists, to convince them that the gun and bomb no longer had a place in the future of Northern Ireland. And despite long odds and great personal sacrifice, he appears to have succeeded.

Mr. Speaker, I have just returned from Northern Ireland where I met with leaders from both traditions who expressed their optimism over the John Hume brokered ceasefire. As he brings his message of peace here, let us welcome this distinguished man from Derry, and pledge to work with him to resolve the sectarian conflict known as the troubles.

□ 1220

#### OPERATION RESTORE DEMOCRACY

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

Mr. LINDER. Mr. Speaker, Operation Restore Democracy appears to be the best solution among a number of bad alternatives.

I am pleased that the diplomatic course in Haiti reached a reasonable conclusion before the all-out invasion reached the point of no return.

While President Clinton clearly mismanaged the situation in Haiti from the beginning, I do believe that he should be congratulated for giving diplomacy a chance.

Former President Carter, General Powell, and Senator NUNN were a successful team in this delicate diplomacy. And they deserve our thanks.

We must remember, however, when our troops came ashore in Port-au-Prince yesterday, the Haitian problem became an American problem.

Let us all hope that the 15,000 American troops serving in this mission will leave shortly after the dictators step down. We must not prolong this mission unnecessarily.

One lesson we should keep in mind during this mission in Haiti is that we can ill afford to slash our military budget further and then expect our men and women in uniform to feed, clothe, and protect the world.

#### IN MEMORIAM: THE HONORABLE EDWARD PATTEN

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

Mr. MENENDEZ. Mr. Speaker, I want to commemorate the passing of former New Jersey Congressman Edward Patten. Congressman Patten was one of the few with the courage to sponsor the landmark 1964 Civil Rights Act. The nine-term Congressman died Saturday. He was 89.

Congressman Patten served the former 15th district from 1963 until he retired in 1981. Born in Perth Amboy, Ed Patten was a lifelong resident and active Democrat in that city. His political career took off in 1934, when he was elected mayor of Perth Amboy. He held the mayoral post until 1940. From 1940 to 1954, he was elected Middlesex County clerk. Ed Patten also served as New Jersey secretary of state from 1954 to 1962. Ed Patten served on the House Appropriations Committee.

Ed Patten was devoted to the people of his district. He was proud that he never missed a funeral, a wedding, or a bar mitzvah. The people of New Jersey were enriched by his service and mourn his passage.

Mr. Speaker, at this time, I would ask the House to observe a moment of silence.

GENERAL LEAVE

Mr. MENENDEZ. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the life, character, and public services of the late Hon. Edward Patten.

The SPEAKER pro tempore (Mr. MONTGOMERY). Is there objection to the request of the gentleman from New Jersey?

There was no objection.

#### LET THE RECORD SPEAK FOR ITSELF

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

Mr. WELDON. Mr. Speaker, many of our colleagues yesterday were concerned that the vote to support our troops and the Carter Commission yesterday would somehow be misconstrued by the administration nationwide as though this body went on record in favor of the Clinton policy in Haiti. Nothing could be further from the truth, yet the American media in fact stated that. It was not until 8:55 last night that I was able to get CNN to correct on the air the fact that that vote was not in support of the Clinton Haiti policy but was merely a vote to support the troops and the Carter Commission.

Mr. Speaker, let us look at the RECORD as I did today. There were 33 Members who spoke on that resolution yesterday. All 13 Republicans and 10 of the 20 Members of the opposition party rose and spoke that they had major concerns with the President's policy in regard to Haiti. I find it somewhat ironic that just within the last hour, President Clinton in a live press conference said he was gratified by our vote. This was not a vote in support of President Clinton's policy in Haiti. It was a vote in support of our troops and the Carter Commission's efforts. Let the record speak for itself.

#### GET REAL, MR. ARISTIDE

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

Mr. TRAFICANT. Mr. Speaker, Jean-Bertrand Aristide is upset. He is upset with the deal helped developed by former President Carter. He says General Cedras will have too much time. I say unbelievable and it is time for Jean-Bertrand Aristide to get real. While America is spending a half a billion dollars over there to help straighten out Haiti, we have 40 million Americans without health care. American workers are absolutely worried about their next paycheck, how they are going to pay their mortgage off. I say

enough is enough. Maybe Congress should hand Aristide an M-16 rifle and have him take care of business for himself.

One thing for sure is Congress should be using these billions of dollars to take care of the problems in America where democracy is passing over an awful lot of Americans. Think about it.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair asks our gallery guests not to participate with applause or become involved in statements on the House floor.

#### WHEN ARE THE TROOPS COMING HOME?

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

Mr. EWING. Mr. Speaker, I support our troops in Haiti. I am glad that they were able to go ashore in a friendly atmosphere. And I have full confidence in their ability to get the job done.

But, Mr. Speaker, I am worried that our troops are in Haiti indefinitely. There is no time certain for their withdrawal. I am afraid that we have entered into a mission with no end. President Clinton needs to articulate an exit strategy and set a specific date for our troops to return safely to the United States.

You would think that President Clinton would have learned from his own experience with the Vietnam war and the disastrous result in Somalia that open-ended missions only lead us further into conflict.

How and when American troops will come home—there will be real uneasiness about his Haitian policy.

#### THE PROPER RESPONSE

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

Mr. OBEY. Mr. Speaker, I note that President Aristide is today expressing unhappiness with some aspects of the agreement worked out by the Carter mission to Haiti earlier this week. I would simply point out to Mr. Aristide that there are 14,000 American troops presently in harm's way to pave the way for a return to a democratically elected government. The proper response from Mr. Aristide is not to second-guess or nit-pick. The proper response is two words: "Thank You," to President Clinton, to President Carter, to the other members of the mission, and to every single American service man and woman presently on duty in Haiti. Mr. Aristide, like all of us is not

immune from the real world necessity to compromise. My advice to Mr. Aristide is: Few people get a second chance. Get real. Don't screw it up.

#### HAITI COULD BECOME SOMALIA II

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

Mr. HEFLEY. Mr. Speaker, Bill Clinton believes he averted catastrophe by not having to invade Haiti. We need to remind Mr. Clinton that we did not have to shoot our way into Somalia either—but we did have to shoot our way out.

Our military believed that an invasion of Haiti would be easy. Within 7 to 10 days we would have effective control of the country. The thing that has always worried our military commanders was not the invasion, but the mission after the invasion.

If we had invaded Haiti our mission would have been simple: Gain control of the Haitian Government and capture General Cedras. This is a clear, attainable goal. Mr. Speaker, now that the invasion was cut short, what is our mission in Haiti? Build a democracy? Feed the needy?

Mr. Speaker, we need to pray for our soldiers in Haiti every day. They deserve our unequivocal, steadfast support. They have been given a mission which closely resembles the misguided and failed mission of nation-building which tragically took the lives of Americans in Somalia.

#### APPRECIATION FOR HAITIAN CONFLICT RESOLUTION

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

Mr. FLAKE. Mr. Speaker, on yesterday I was absent when the vote on the resolution was taken. Had I been here, I certainly would have supported it. I support the President, Jimmy Carter, Colin Powell, and SAM NUNN for the tremendous job they did to assure that we would be able to have a peaceful resolution of the conflict in Haiti. There is no doubt in my mind that without this resolution and without the resolve of those persons who are working toward peace and not war, many lives would have been lost. Even with the potential for those American lives that are jeopardized by being there, I think that we have moved a step closer to a resolution of this matter. I believe it is a matter that America can feel proud about not only by those who have represented it in the negotiations with those who are leaders in Haiti but for this President who saw a way to do it without having to fire a weapon. Thank God. Thank God we are on the way to peace in Haiti.

#### REPUBLICANS' UNQUESTIONABLE SUPPORT FOR U.S. TROOPS

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

Mr. BAKER of California. Mr. Speaker, I want to express House Republicans' unquestionable support for the American troops now in Haiti.

At the same time, I want to remind my colleagues that this does not mean that our view of the President's Haitian policy is unquestioning.

Our committing young lives to Haiti appears to be more political than strategic. The United States still has no national interest in Haiti.

In contrast to what some would say, the last 48 hours do not put an end to debate on this issue. In fact, if anything they raise more questions than it answers.

How many troops will the President commit to this exercise?

What exactly is their mission? How much will it cost and who will pay for it—will it come out of a defense budget that the White House has already slashed?

What is the command structure for American troops, U.N. troops, and the Haitian personnel? And most important, when will our people be coming home?

Haiti has no democratic institutions and our troops may be faced with a quicksand in time not unlike Somalia.

I support the United States troops in Haiti. But I would support them being back in America even more.

□ 1230

#### LINGERING QUESTIONS ON CLINTON HAITIAN POLICY

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

Mr. DE LUGO. Mr. Speaker, yesterday morning I was watching television as our troops began going ashore in Haiti, and as a person from the Caribbean, an island person from that area, I said thank God to see our young soldiers, men and women, entering without firing a shot.

A lot of people did a lot of things right this past Sunday, particularly our President.

Regardless of which side of the aisle you sit on in this House, he is our President. It took a lot of courage to do what he did, and it is time to support our President.

A lot of people did a lot of things right: Our President, our former President Jimmy Carter, the members of the Carter team that President Clinton sent to Haiti, former Chairman of the Joint Chiefs of Staff Gen. Colin Powell, whose parents are from Jamaica and whose sensitivity played a key role in

resolving the matter, and Senator NUNN.

It is time to stop carping. It is time to support our President and our troops.

#### HAITI: QUESTIONS REMAIN UNRESOLVED

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

Mr. KNOLLENBERG. Mr. Speaker, yesterday both Republicans and Democrats voted in support of our young men and women serving in Haiti. But what we did not do was debate some very serious lingering questions about President Clinton's newest foreign policy.

Specifically, I think that there are four essential questions that need to be answered before we become further entrenched in Haiti:

First and most importantly, how does this exercise in gunboat diplomacy serve, and or protect, the U.S. national security interests?

Second, in simple terms, what is the military's stated mission, and do we have an exit strategy?

Third, how long is it estimated that this mission and its objectives will take to complete?

And finally, what type of financial pricetag are we going to be asking the American public to shoulder for this Haitian expedition?

These are important questions that require honest debate and straightforward answers. As Members of Congress, we are constitutionally obligated to pursue these questions to their resolution. As American citizens, we owe it to our Armed Forces who are risking their lives on behalf of this policy.

#### BENEFITS OF THE CARTER MISSION ON HAITI

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

Ms. NORTON. Mr. Speaker, sure there are pieces still to fall in place for the extraordinary unfolding Haitian puzzle put together by former President Carter, Senator NUNN, and Colin Powell. Yet, who can deny that their way is the best way given the alternatives? The alternatives were humiliation for the United States at our inability to carry out the Governor's Island Agreement and to contain refugees rushing the overwhelmed Florida shores.

Premature criticism of the settlement while our troops are deployed misapprehends the nature of negotiation. As a professor who taught negotiation, I always began with the basics. A successful negotiation is a win-win, not a zero sum game. Each side gets

something, not necessarily parity, but humiliation for one side and victory for the other seldom yields settlement. Unconditional surrender requires war and inevitable bloodshed. That is what the Carter mission has avoided. Let the critics put themselves to the exercise of crafting a better solution. I have yet to hear one.

#### TRIBUTE TO BOBBY THOMSON

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

Mr. FRANKS of New Jersey. Mr. Speaker, I rise today to pay tribute to my constituent, Bobby Thomson, of Watchung, NJ. Although Bobby has accomplished many things in his life, he is probably best known for hitting the vaunted "Shot Heard 'Round the World," the most famous home run ever hit. As all baseball fans know, Bobby belted that game-winning home run in the ninth inning of the New York Giants-Brooklyn Dodgers 1951 playoff game, enabling the Giants to win the National League pennant.

While Bobby will always be known as a great slugger, I pay tribute to him today for his exemplary service to his community since his retirement from baseball. Bobby has done extensive charitable work on behalf of cancer-stricken children, coached Little League for many years, and also served as a member of the Watchung borough council. Additionally, Bobby has raised funds for JFK Hospital in Edison, and also for Contact We Care, a volunteer 24-hour helpline/crisis intervention service based in our home county of Union.

Mr. Speaker, while it's unfortunate that there will be no game-winning home runs this October, it is reassuring to know that Bobby Thomson's 250 homers, coupled with his considerable accomplishments off the baseball diamond, have ensured this remarkable gentleman a well-deserved place in history.

#### SUPPORT FOR THE CLINTON POLICY IN HAITI

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

Ms. MCKINNEY. Mr. Speaker, the Haitian people have been dying for democracy for decades. Despite their cries, the United States stood idly by. First in support of Papa Doc against their cries of freedom and next in support of Baby Doc. How long were the Haitian people to wait for United States action on behalf of democracy. By day and by night body parts were found on the sides of Haitian streets. Haitian women fighting for democracy had become targets for rapists. Or-

phaned Haitian children had become targets for murderous thugs. All while the Haitian coup leaders thumbed their noses at the international community.

Operation restore democracy hopefully will bring these atrocities to an end. We should never allow democracy to be hijacked within our own hemisphere and we should reject the obstructionism of the gridlock gang.

The purpose of United States action is not to install a puppet, not to install a dictator, but to reinstate the justly elected choice of the Haitian people. Job well done, Mr. President.

#### UNANSWERED QUESTIONS REGARDING HAITI

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

Mr. BALLENGER. Mr. Speaker, while we commend the efforts of former President Jimmy Carter, Gen. Colin Powell, and Senator SAM NUNN in dodging a bullet in the occupation of Haiti, let us not forget that American soldiers are still sitting on a powder keg.

The President has yet to clearly outline our objectives in Haiti and most importantly set a date for the return of our troops. We must not forget the lessons of Somalia, it is much easier to step into a quagmire like Haiti than to get out. And most importantly, is a mission of nation building worth the cost at all?

Besides the unclear mission of our troops, there is the question of our defense budget. During a period when this administration is drastically cutting our defenses, does it make sense to expend precious and limited resources in a Caribbean country of little importance to national interests or security?

Mr. Speaker, there are many questions to be answered regarding our involvement in Haiti, and with American men and women in a potentially explosive situation, we deserve clear decisive answers.

#### AGREEMENT—BACKED BY UNITED STATES TROOPS—IS BEST HOPE TO RESTORE DEMOCRACY IN HAITI

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

Mrs. MEEK of Florida. Mr. Speaker, everyone is talking about Haiti. This Congress has been talking about Haiti I know for 7 or 8 years. But guess what, Mr. Speaker? They have done absolutely nothing to assist the turmoil in Haiti, to stop the killings, to stop the rapes, to help the poor people of Haiti. They have done nothing. And if President Clinton had not intervened we would still be at that same point.

□ 1240

I stand here to say to the world that I support President Clinton's effort. It took strong stamina. It took a bold and creative methodology.

Everyone is saying, "We praise the troops. We praise President Carter." Neither one of them could have moved if it were not for the President.

So we needed someone to provide leadership for this country to move forward, to help Haiti. I must say we must support President Clinton. He will go down in history as someone who was not afraid, and it is so important to understand that we all know that this agreement is not the best, but we must begin to help to solve some of this problem.

We must minimize the risk, but we also must realize that Haiti has to be helped.

#### COMMENDING AND CONGRATULATING PRESIDENT CLINTON

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

Mr. FOGLIETTA. Mr. Speaker, I yield to the gentlewoman from Florida [Mrs. MEEK].

Mrs. MEEK of Florida. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, why do we not ask: Why does not this Congress share that sense of humanity? Why do others respond selectively? Why do others respond selectively and differently to suffering when the persons suffering are black or from a Third World country?

We are kin to the Holocaust victims, to the Arabs on the West Bank, to Moslems in Bosnia and Serbia, to Catholics and Protestants in Ireland, to the victims of terrible atrocities in Rwanda.

Maybe it is someone's feeling that we are unfit to contribute to policy in this global village, but we must begin to fit and change policy in these global villages.

Everyone is talking about Haiti, but this Congress is doing little to resolve the problems there.

The agreement that the administration made with the leaders of the illegal government in Haiti is not perfect, but it clearly represents the brightest hope since the military coup 3 years ago to end the murder and atrocities and to restore democracy in Haiti.

President Clinton has demonstrated that he is Commander in Chief in the fullest sense. He has moved forward with strength and conviction, masterfully using the Presidential tools of military force and diplomacy to achieve U.S. objectives in the most effective and least costly manner.

The President made it clear last week that the coup leaders must give up power. And under this agreement they will, by October 15 at the latest—and the guarantee is the 15,000 American troops in Haiti.

The President made it clear last week that President Aristide will be returned to power in Haiti. And on or about October 15, under this

agreement, he will—and the guarantee is the 15,000 American troops in Haiti.

I would have liked to have seen Cedras, Biamby, and Francois not only removed from power, but also forced to leave Haiti. The reign of terror over which they presided or acquiesced and the untold death and sorrow that they inflicted on their helpless country men and women are crimes against humanity and cry out for justice.

However, the amnesty provision of the agreement—which can only be enacted by the Haitian Parliament—was part of the Governors Island Agreement, to which the United States had previously agreed. Also, under international law, foreign governments cannot force people to become stateless.

Haitians must affix responsibility for the atrocities that have occurred. This agreement insures that the democratically elected government will make these decisions, not foreign powers and not the coup leaders. Again, the guarantee is the 15,000 American troops in Haiti.

Some have criticized the agreement because it did not set a date for President Aristide's return. But clearly, this agreement creates the conditions for his return. President Aristide has always said he would return soon after the coup leaders leave power. That will happen by October 15.

Finally, there is some frustration because the coup leaders are not forced to step down immediately.

But the tradeoff for this delay is that, because of this agreement, there is much less probability that United States and Haitian lives will be lost. It is in the interests of the United States and Haiti to reduce violence as much as possible, because the loss of life in a hostile invasion would have created enormous barriers between the United States and Haiti in the future.

The agreement will end the illegal government in Haiti and restore President Aristide and democratic government; ease the pain of the Haitian people by lifting the international embargo; and allow the thousands of Haitians seeking refuge at Guantanamo Bay to return to their homes.

Under the best of conditions, President Aristide faces a daunting task of coalition building in his own country and in the Parliament, and the task of choosing new military leaders and completely reforming the national police force and the task of rebuilding a ruined economy in what is, even in the best of times, the poorest country in our hemisphere.

This agreement does not begin to solve Haiti's problems. But it is nonetheless a dramatic and powerful step forward that moves us much closer to achieving United States interests while minimizing the risk to United States soldiers and the Haitian people.

Mr. FOGLIETTA. Mr. Speaker, reclaiming my time, I do so to commend the gentlewoman from Florida on her remarks, because I join in her remarks in commending the President, congratulating President Clinton on the masterful job that he has done in bringing an attempted peace to the people of Haiti.

I commend the gentlewoman and all the supporters of the people of Haiti,

and I commend the President of the United States of America.

#### HEALTH CARE REFORM: ANOTHER OPPORTUNITY LOST

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

Mrs. JOHNSON of Connecticut. Mr. Speaker, I rise today in utter frustration with this body's inability to address even the simple but terrible problem of people being denied health insurance because they have been sick. As an author of legislation to solve this kind of problem and a cosponsor of bipartisan health care reform proposals in this Congress, I am simply outraged at the Democrat leadership's handling of health care reform and ashamed of this body's inaction.

Instead of focusing on the broad areas of agreement for reform like insurance reforms, administrative simplification, malpractice reform, voluntary pooling arrangements, and other reforms that would expand access to health care and begin to control costs, the Democrat leadership has wasted yet another year by focusing on issues that had little or no support.

Rather than fighting for employer mandates as a means of funding an expensive new entitlement, they should have seen months ago that the majority of Members think health care reform should not compromise small businesses vitality. Rather than seeking to impose Government-set global budgets and price controls, which have failed miserably in every instance they have been tried, the Democrat leadership should have been working with the bipartisan group of members building on cost containment strategies that have already actually worked in the real world. Rather than dealing with only the single payer advocates, they should have worked with those of us who have set aside partisan politics to enact meaningful, practical solutions to our health care problems.

Mr. Speaker, all time has not run out on this Congress. There are solid reforms we can still enact this year that will help people by giving them access to better, more affordable health care plans. Major reforms always serve us better as a society if they have bipartisan support. So let us not let yet another session of Congress slide by without passage of the concrete, useful reforms on which there is broad agreement.

To fail to act, to fail to help people locked in their jobs, people forced to retire early and locked into high cost plans, to fail to reform at least the health insurance industry would be a disgrace for this Congress. This Member stands ready, willing, and able to do what is necessary to get the job done.

**PAY ATTENTION TO OUR  
HEMISPHERE, TOO**

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

Mr. HUGHES. Mr. Speaker, I rise in support of President Clinton and ask my colleagues to reduce the rhetoric, and let us start trying to work with the administration in what has become a very difficult quagmire we have been in for some time.

I spoke in this well when we went into the Persian Gulf, supporting President Bush, because we can only have one President and one Secretary of State. It is the administration that carries out foreign policy, not Members of Congress. We cannot have 435 Secretaries of State.

There are a lot of unanswered questions; I have the same concerns most of my colleagues have. But I think what we need to do at this point is work it through the process.

There is no question that leadership in this world brings risks. It is not a riskless, risk-free world that we are in, as a matter of fact, and President Clinton and former President Carter's mission to Haiti pointed a direction that we did not see coming, but can lead us out of what has become a very difficult situation in our hemisphere.

You know, ladies and gentlemen, one of the reasons why we have had so many problems in this hemisphere is because we have neglected it for too many years. We need to start paying more attention in our backyard.

**BE GLAD OUR DEMOCRACY STILL  
WORKS**

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

Mr. GOSS. Mr. Speaker, Thomas Jefferson is said to have described our representative democracy this way:

Democracy is cumbersome, slow and inefficient, but in due time, the voice of the people will be heard and their latent wisdom will prevail.

For those of us who participated in the countless hours of committee meetings, informal discussions, and floor debate on health care reform, these words ring especially true. Although the process has seemed cumbersome, the "latent wisdom" of the American people has indeed prevailed: most Americans do not want Government-run health care. They especially do not want radical changes that will lead to diminished choice and reduced quality. Some political post-mortems bemoan the fact that Clinton health reform is dead. But rather than mourn the passing of that misguided, heavy-handed approach to health reform, let us be glad our democracy still works and that we have the opportunity to

achieve workable, realistic affordable reforms in Congress next year.

**APPOINTMENT OF CONFEREES ON  
H.R. 4556, DEPARTMENT OF  
TRANSPORTATION AND RELATED  
AGENCIES APPROPRIATIONS  
ACT, 1995**

Mr. CARR of Michigan. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 4556) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1995, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The SPEAKER pro tempore (Mr. MONTGOMERY). Is there objection to the request of the gentleman from Michigan?

There was no objection.

**MOTION TO INSTRUCT CONFEREES OFFERED BY  
MR. WOLF**

Mr. WOLF. Mr. Speaker, I offer a motion to instruct.

The Clerk read as follows:

Mr. WOLF of Virginia moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill, H.R. 4556, be instructed to disagree to the amendment of the Senate numbered 89.

**PARLIAMENTARY INQUIRY**

Mr. NADLER. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. NADLER. Mr. Speaker, is the gentleman from Michigan rising in opposition to this motion?

Mr. CARR of Michigan. Mr. Speaker, I will not oppose the motion, but will claim the appropriate amount of time.

Mr. NADLER. Mr. Speaker, I am opposed to this motion. I ask for one-third of the time in opposition.

The SPEAKER pro tempore. The gentleman from Michigan [Mr. CARR] will be recognized for 20 minutes, the gentleman from Virginia [Mr. WOLF] will be recognized for 20 minutes, and the gentleman from New York [Mr. NADLER] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Virginia [Mr. WOLF].

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

Mr. Speaker, during the debate on my motion to instruct the conferees today, I want to highlight two large projects, the Pennsylvania Station redevelopment project in New York City and the Corridor H Highway across central West Virginia.

In its version of H.R. 4556, the fiscal year 1995 transportation appropriations bill, the House did not fund either of these two projects, which will drain scarce resources from other transpor-

tation needs across the country. And the House was right.

My motion to instruct asks the conferees on behalf of the House to insist on the House position with respect to the Penn Station project, which is zero funding for fiscal year 1995, and I will enumerate the reasons for offering this motion.

It is not possible to include the West Virginia Corridor H project in the motion to instruct because it is tucked neatly away in Senate report language which lists the projects included in the \$352 million appropriated for highway demonstration projects. Of that \$352 million, the State of West Virginia is allocated \$165 million or nearly half of the total account.

I have written to all the Members of this body about Corridor H, but before we get into that, please allow me to discuss the substance of my motion to instruct—the Penn Station redevelopment project.

Specifically, the \$40 million in fiscal year 1995 funding the Senate has directed to this project would be used to fund engineering, design, and construction activities necessary to convert the James A. Farley Post Office in New York into an intercity railroad passenger station and commercial center.

The House committee decided not to fund this project for some very good reasons. And I also should note here that when the House bill was considered on the floor, not one single objection was heard concerning the committees' decision not to fund the Penn Station project.

The reasons it was not funded are basic:

The project was first included in the 1992 Amtrak reauthorization bill. In that legislation, Amtrak was directed to prepare a feasibility study predicated upon completion of the project without Federal funds. Despite these instructions, the feasibility study submitted by Amtrak estimated that approximately \$92 to \$132 million in Federal funds would be needed.

The project is not authorized. The proponents will tell you that authorization is imminent, but I think most of us know that the Amtrak bill is hung up on labor issues.

The project was not included in the internal budget request of either the Federal Railroad Administration [FRA] or of the Department of Transportation [DOT].

The project was not requested by Amtrak this year, even though Amtrak is stated by proponents to be the primary beneficiary of this project.

The proponents will argue that they are not robbing Peter to pay Paul, and that this project will not deplete scarce Amtrak capital. Well if you believe that, then you also believe that tax dollars grow on trees in a forest that knows no boundaries. If we do this large Penn Station project, then it

seems to me that we have less to provide for Amtrak subsidies. And any way you cut it, it will increase operation costs for Amtrak through higher rental payments. If you vote for the Penn Station/Farley project, you are voting for higher fares.

Amtrak, FRA, and DOT officials are all being good sports about this project now that word has come down from the White House that this project must be funded.

But, it is no wonder Amtrak did not ask for this project. When Amtrak officials came before our committee, they indicated that capital funds were already so oversubscribed and overleveraged that the railroad is not welcome at the banks anymore. However meritorious the Penn Station/Farley project is, it simply cannot be justified in light of Amtrak's current fiscal condition.

And, other commuter transit properties in the country could also be hurt by this \$315 million project, which seeks \$100 million from the Federal Government, through the draining of scarce resources.

There also remains the dilemma of a local match for this project. The proponents will tell you that a memorandum of agreement, hurriedly executed just last month, requires the city and the State to contribute \$50 million each for a total local match of \$100 million. Therefore, with \$200 million slated to come from Federal, State, and local sources, only \$115 million would come from incremental retail revenues made possible by the redevelopment, by historic tax credits and by improvements made by the Postal Service to the Farley Building.

It is important to note that the sole owner of the Farley Building, the U.S. Postal Service, is not even a party to this MOA. All that has been elicited from the Postal Service is a letter from Postmaster General Runyon pledging to "work in good faith" toward a "mutually beneficial plan and transaction."

But it is important to remember that MOA's are not legally binding to any of the non-Federal parties. This one was signed by the Governor of New York and the mayor of New York City. If we are to be good stewards of Federal tax dollars, why on Earth would we put up those dollars for any project before we see the color of the other parties' money. I think it would be appropriate to see a vote and a line item in the budget for both the State legislature and the city council before we rush to appropriate Federal dollars.

You will also hear the proponents of this project talk about a fire which broke out in Penn Station 2 weeks ago. The incident was successfully handled without tragedy, but the proponents of the redevelopment project correctly point out that there should be more egress and ingress for this crowded fa-

cility. If there are safety problems with Penn Station, and I don't doubt the word of those who say there are, then we should address those safety problems.

But shame on us if we mislead the taxpayers by using safety as a convenient, last minute mantle to wrap around an expensive economic redevelopment. Particularly one that has not yet been duly authorized at the Federal, State, or local levels of government.

So, Mr. Speaker, I urge my colleagues to accept this motion to instruct House conferees to insist that the Senate recede from its position on this matter and that no funding be included for this project for this year.

Before I yield, I would like to go back to the West Virginia Corridor H project I mentioned earlier. As I indicated, the House cannot instruct the conferees on that project because it is included on a list of highway demonstration projects within the report.

But I must highlight this action on the part of the Senate because it permits a rural State to monopolize very limited highway demonstration resources to the detriment of large urban States who are buried in traffic congestion.

Of the \$352 million in the highway demo account in the Senate bill, \$140 million is earmarked for Corridor H. And another \$75 million for this same project was included in the fiscal year 1995 energy-water appropriations bill which has already been signed into law.

That means that the Corridor H project could end up with \$215 million for the coming fiscal year. And the maximum amount that the West Virginia Department of Transportation says it can obligate in fiscal year 1995 is \$82 million. And, remember that the project already has \$75 million in the energy-water bill. By my calculations, the need in our bill is only \$7 million more—not \$140 million.

If you add up the total earmarked in that same Senate account for 6 of the 7 most populous States—California, Florida, Illinois, New York, Ohio, and Texas—that only amounts to \$10.2 million.

A State with 1.7 million people receives \$140 million. On the other hand, 6 States with more than 100 million citizens—who I might add are represented by 175 Members of Congress—get only \$10 million. That's not fair.

Frankly, when my colleagues from the State of New York rise to discuss the Penn Station project, I would hope that they keep some of their powder dry for this downright inequitable allocation of highway dollars. When my motion to instruct was posted, one New York office asked my staff, "Why is your boss picking on New York?" I'm not, but someone in the Senate is. I do not think the time is right for allocating dollars to the Penn Station project,

nor does the committee. But I do not think it is right for populous States like New York to come up with such a short end of the stick on highway funding demonstration projects.

California, the most populated State in the Union, gets no funding at all in the Senate highway demo account. That's not fair either.

Mr. Speaker, again, I urge my colleagues to support the motion to instruct the House conferees to insist on the House position with respect to the Penn Station project.

And since we cannot address the report language dealing with the Corridor H project, I would urge the Members of this body whose States are getting hurt by this inequitable situation in the Senate report to speak with the Senators in your respective States. Urge them to contact the Senate conferees and express their opposition. Because unless the Senate conferees are willing to address this problem, the conferees will have a very difficult time coming up with a funding split that is fair to those projects included in the House bill.

□ 1250

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

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

Mr. Speaker, I rise in opposition to the gentleman's motion to instruct the conferees. It is an attempt to pit one section of the country against the other and is a shortsighted attempt to kill a sound project to improve our Nation's transportation infrastructure.

Now, some Members may be tempted to support this motion as an easy way to vote against Federal spending and to vote against New York. I urge my colleagues to resist this temptation both because we in New York routinely support important projects in other regions and because this project will benefit passengers using the national passenger rail network, passengers from all parts of the country. In fact, 75 million passengers use Penn Station each year. This accounts for nearly 40 percent of all Amtrak passengers each year.

□ 1300

Penn Station is a major regional hub serving passengers not only in the Northeast corridor but also to and from points south and west. There is no doubt that this project is crucial. The current underground facility built in 1963, when people thought that rail travel was going to die out, is inadequate, decrepit, cramped, and dangerous, pushing Amtrak commuters and subway riders into the same space.

Secretary Peña has pointed out that the station is not only esthetically unpleasant, it is inadequate to the travel demands of the 75 million Americans who use it each year. More importantly, Secretary Peña points out that

it is unsafe as well. The recent fire a few weeks ago points that out as well.

This funding is actually quite modest when compared with other transportation expenditures for projects serving far fewer Americans—\$8.8 billion for Boston's Central Artery, \$700 million for Atlanta Rail, \$1.5 billion for the Los Angeles Subway, and here we are talking about \$100 million in Federal funds. We have also spent significant funds in other Amtrak stations around the country.

Amtrak spent over \$70 million on Washington's Union Station a few blocks from here. Philadelphia's 30th Street Station received \$13 million in a USDAG grant, plus \$32 million from Amtrak and \$20 million from the Federal Transit Administration. That is \$65 million.

The claim is made that this is not authorized. Although it is true that the project is not specifically earmarked, the House authorization bill contains an authorization for Amtrak sufficiently large to contain sufficient funds for this project. The bill now moving through the Senate contains a more specific authorization.

New York is already committing funds for this project. The Long Island Rail Road has just completed its \$200 million portion of the project. New York City and New York State have signed an agreement to fund their \$100 million share. New Jersey Transit will renovate its portion as soon as Amtrak begins use of the Farley Building. Amtrak will fund its portion of the project with revenues from businesses that will be attracted to the renovated Farley Building.

The administration, Mr. Speaker, strongly supports this project. I would like to read into the RECORD a letter to the distinguished chairman of the Appropriations Committee from Transportation Secretary Federico Peña, dated September 19, in which Secretary Peña writes as follows:

DEAR MR. CHAIRMAN: I understand that the House, when it names conferees for the Department of Transportation and Related Agencies FY 1995 appropriations bill, will consider a motion to instruct the conferees to hold to the House bill provision regarding no funding for the Farley building project in New York City. I want to convey to the Committee, the Administration's strong support for this project and encourage the Committee to oppose this motion to instruct.

Penn Station in New York City is the single most heavily used intermodal transportation facility in the country serving 75 million people every year. But in its present condition, it is minimally acceptable as a public facility and poses safety risks. The proposed project will provide the needed station capacity and trackage to ensure Amtrak an efficient station to support intercity train operations and give travelers a significantly more comfortable and serviceable station. The station complex will also provide economic benefits to the immediate area, as has Union Station in Washington, D.C.

The Administration is committed to providing \$100 million in Federal funds to sup-

port the redevelopment of the Pennsylvania Station including the conversion of the Farley Post Office Building into a intercity railroad passenger station and commercial center. These funds will complement substantial investments from both New York City and New York state, as well as the private sector. Congress has already provided \$10 million in FY 1994 and the Senate proposes \$40 million for FY 1995.

We ask the House to support the Senate and provide this funding. As the President said last October in New York City, "For more than half a million commuters every day Penn Station is the gateway to New York City. We can build a beautiful new station worthy of this great future and this great city."

An identical letter has been sent to Chairman Carr.

Sincerely,

FEDERICO PEÑA.

We have already, as was stated in the letter, provided \$10 million in Federal funds for this project. It is moving along in an orderly and efficient manner, making optimum use of local and private funds. We should not pull the plug now. We should not abandon our constituents who will have to use it in the years to come. This Nation should once again have a Penn Station we can be proud of.

At this point, before I conclude, I would like to simply rebut a number of points made in the report language accompanying the June 8, 1994, House Appropriations Committee markup that raised several objections to this project.

The report said that the project is not justified in tight budgetary times, that is too uncertain and too big.

It is an absolutely necessary project. Last week's fire underscores the urgency. I already gave some figures on comparable projects at much higher cost—Central Artery, \$8.8 billion; Atlanta Rail, \$700 million; and Los Angeles Subway, \$1.5 billion.

It is not too uncertain. About \$10 million has already been contracted out. The Long Island Rail Road has already completed its \$200 million portion. The mayor and Governor of New York City and New York State have signed an agreement to provide \$100 million with the Federal money when construction work will begin this fall.

The second point made was that the project was not requested by Amtrak this year. The truth is that this project will not use Amtrak capital funds. Therefore, it is not Amtrak's budget request. It will use \$100 million of State and local funds to leverage a \$100 million Federal grant, of which \$10 million is already received and \$40 million is in the fiscal year 1995 transportation appropriation bill, in the Senate version, along with \$115 million made possible by the incremental revenue from the redevelopment of the retail component. Amtrak is fully supportive of this project.

The third point made was that the project was not included in the inter-

nal budget request of FRA or DOT. The project was in the President's budget. It is a high priority project for FRA and DOT. Both agencies have included funding for Penn Station within the administration's budget ceilings.

The next point made was that the administration's proposed authorizing legislation only covers one part of the project. The legislation in fact covers the entire project, including renovation of the Farley Building, Penn Station, and the service building, and all the work necessary to establish and develop a new station and supporting facility.

The point is made that not all parties are expected to sign a binding agreement. All parties have already entered into a written agreement. Governor Cuomo, Mayor Giuliani, Amtrak, and the FRA have signed a written agreement to fund the project. Postmaster General Runyon has written a letter of intent.

Administration officials, it is said, have declined to offer a schedule showing when construction will begin, while the fiscal year 1995 request is for construction. Detailed construction schedules with critical path time lines are fully available. Steel remediation and fire protection work is scheduled to begin this fall.

Finally, it is said that it appears the funds requested for fiscal year 1995 are only a lure to attract commitments for the other \$215 million needed. But as already mentioned, the city and State have signed an agreement to fund their \$100 million share. The Long Island Rail Road has completed its \$200 million portion of the station. New Jersey Transit has committed to renovate its portion as Amtrak uses the Farley Building. The Farley project has already received and committed \$10 million. The fiscal year 1995 funds are not needed as a lure; they are needed to continue the Federal, State, and local commitment to improve the safety, function, and appearance of the busiest intermodal station in the Nation.

In conclusion, Mr. Speaker, I think this project is underway. The bulk of the funds are State and local government funds, and they are committed. I urge my colleagues to oppose this motion to instruct.

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

Mr. WOLF. Mr. Speaker, before I yield time to other Members, I yield myself such time as I may consume in order to make just one comment on what the gentleman from New York [Mr. NADLER] has said.

First, the letter is really not binding. It is a memorandum of understanding to the Post Office that actually owns the building. It really is not even part of the letter, so it has not been involved in binding either the Post Office or anyone else who might be involved.

Mr. Speaker, I yield 3 minutes to the gentleman from Illinois [Mr. FAWELL].

□ 1310

Mr. FAWELL. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I rise in support of the Wolf motion to provide instructions to the conferees in regard to not funding the Penn Station redevelopment project in New York, a project which the Senate appropriators funded at \$40 million.

Mr. Speaker, the Penn Station project is by no means a new project. It is one that the House appropriators and the House authorizers have previously unanimously opposed. In fact, both the Committee on Transportation and Public Works on appropriations and the Committee on Energy and Commerce authorization reports have not only not authorized, but have gone to the extent of specifically prohibiting Federal funding for this project, which would develop the Penn Station in New York City into a train station and into a commercial center.

I cannot overestimate the fact that the gentleman from Michigan [Mr. DINGELL] and his committee—and there is a letter from Mr. DINGELL which I have here—strongly opposes the Penn Station Project because of the lack of an authorization from the House Committee on Energy and Commerce. If we do not have the authorization from the authorizing committees, then why not send this back and get that authorization? That is how the process is supposed to work, and that is why we are so deeply in debt in this country. We have an authorizing committee, and we just ignore the authorizing committee.

Earlier in the year, a \$10 million appropriation for this project was slipped into the supplemental emergency appropriation bill for the California earthquake. Now, unbelievably, even though funding was prohibited by the House, the startup money was taken from the victims of the California earthquake by way of the Senate appropriators. At the last minute they pulled the wool over the eyes of the House, having assured the House there would be a clean bill, but then loading it up with a number of projects from points as far away from the earthquake epicenter as, of course, New York City.

I and 65 other Republicans and Democrats who are concerned about this have sponsored a bill to rescind the \$10 million appropriation for this development project. Now they want \$40 million more.

Well, at least it is not disguised as an emergency this time. Ultimately, I understand the estimates for the total cost could be \$315 million. I am not sure, of course, how much of that will be put on the backs of the Federal taxpayers.

Although the \$10 million appropriated in the earthquake bill may not be rescinded, the House certainly should not stand by and let the Senate appropriators attach authorizing legis-

lation to an appropriation bill, as well as funding the project in the conference report on this bill. The project has never been authorized, I repeat, through a House or Senate committee, and funding it has been specifically prohibited.

I thus think it is only natural and right that we should stand up and simply say that with the dire financial straits that Amtrak faces, we should not allow this, at least until such time as the authorizing committees and the appropriation committees here have approved it.

I support the actions of the House Transportation Subcommittee chairman and ranking member, Mr. CARR and Mr. WOLF, who provided not only no funding for the Pennsylvania Station redevelopment project but specifically provided that no Federal funds be used on the project. I urge Members to vote for the motion to instruct conferees to insist on the House position in this matter.

Mr. NADLER. Mr. Speaker, I yield 4 minutes to the gentlewoman from New York [Mrs. LOWEY].

Mrs. LOWEY. Mr. Speaker, although New York is the largest city in the United States, its principal train station—Penn Station—is second-rate at best.

Penn Station is Amtrak's busiest, serving nearly 40 percent of all Amtrak passengers nationwide. Millions of Americans traveling the length of the east coast—from Florida to Maine—go through Penn Station each year. It is one of the linchpins of our Nation's transportation network.

Yet Penn Station is falling apart. In fact, its condition is absolutely deplorable. It is ugly, it is dingy, and it is dangerous. Just last week there was a serious fire in the station, which delayed Amtrak travelers and local commuters and injured 12 people.

This year the President's budget included funds for the renovation of Penn Station. This request was made because the administration understands the urgency of rebuilding Penn Station.

Unfortunately, the House did not include any funding for the project. As a member of the Appropriations Committee, I understand that these are tight times, and I applaud the effort that the members of the Transportation Subcommittee made to cut waste and invest in our Nation's critical transportation needs.

However, Mr. Speaker, the redevelopment of Penn Station is one of our Nation's critical transportation needs.

Anyone who questions the merits of the project should take the Metroliner from Union Station here in Washington up to Penn Station. Union Station—rebuilt at taxpayer expense—is a national model of urban renewal. Penn Station is a poster child for redevelopment. New Yorkers, and all Americans, deserve better.

The renovation of Penn Station will increase train travel and make Amtrak less dependent on Federal subsidies. On the other hand, failure to assist in this effort will leave Amtrak's busiest station in serious disrepair. Significant State and local funding for the renovation will likely disappear without this Federal investment.

New York is not a Third World nation, and it should not have a Third World train station. In fact, New York is the greatest city in the greatest Nation on Earth. Its monuments define our civic aspirations. Penn Station was once the greatest of these structures—not simply a gateway to and from New York—but a reminder of why we made the journey in the first place. I urge my colleagues to support this project.

Mr. NADLER. Mr. Speaker, I yield 4 minutes to the gentleman from New York [Mr. SCHUMER].

Mr. SCHUMER. Mr. Speaker, I thank the gentleman and join my colleagues, the gentleman from New York [Mr. NADLER] and the gentlewoman from New York [Mrs. LOWEY], in opposing this motion to instruct.

Mr. Speaker, I rise in opposition to the motion to instruct.

A week ago Penn Station barely averted yet another potential disaster. On Sunday, September 11, at 9:42 a.m., a fire broke out in the station. If this fire occurred at rush hour, when 250,000 people are usually in the building, who knows how many casualties would have occurred?

Fortunately, it was Sunday and the station was not crowded. Thankfully, only 12 people were injured.

Penn Station is America's busiest train station, but it is old, crowded, rundown, and dangerous. It operates at over capacity. It does not have enough exits or staircases to handle a rush hour disaster. It does not have enough room, ticket counters, stairs, and seating to handle the 500,000 people who come through every business day. It was built long ago for a different time.

This year, 75 million people—nearly 40 percent of Amtrak's passengers—will use Penn Station. It is the single most heavily used transportation hub in the United States, and it is falling apart.

Like Union Station in Washington, 30th Street Station in Philadelphia, and South Station in Boston, a Federal investment in the renovation of Penn Station is a sure bet to improve the station and the neighborhood surrounding the station. All of these stations got Federal funds for their projects—\$70 million for Union Station, \$65 million for 30th Street Station, South Station in Boston received millions as well.

Anyone who has been to the train stations in Boston, Philadelphia or Washington cannot help but be impressed by what the station renovations have meant for each city.

Perhaps that is what disturbs me the most about this motion. There are

times when the Federal Government spends money on a project and it does absolutely no good. But there are other times when Federal funds are guaranteed to work. That is clearly the case for Penn Station. We know it will work because we have seen it work in Boston, Philadelphia, Washington, Wilmington, Providence, New London, Stamford, and on and on. That is why the administration is so supportive of this project—requesting it in their budget and drafting a letter to Chairman OBEY in support of funding.

Last June, when the House passed the transportation appropriations bill, the committee had some legitimate concerns about Penn Station.

But the principal concerns have been met.

The committee wanted local government support and a commitment of local funding. They got it. On August 19, Governor Cuomo and Mayor Giuliani signed an agreement with Amtrak and the Federal Railroad Administration to provide \$100 million in State and city funds for the Penn Station renovation.

Another \$115 million in renovation funds will come from bonds which have no impact whatsoever on Federal outlays. Inexplicably, after all this work, the Wolf motion singles out the most important train station in America and says no to the Federal share of this desperately needed renovation.

I find it difficult to believe that the most objectionable item in the Senate bill—the one item where we need to instruct conferees—is Penn Station. If that is indeed the case, we should just accept the Senate bill as it is written.

It is a shame that a project that we all know is worthwhile—that Congress has already funded in Boston, Philadelphia, Washington, and other cities as well—is being singled out here.

One final point: This \$40 million is not going to deficit reduction. We all know it will go to some other program, is a guarantee.

So this motion saves the taxpayer no money. All it does is prolong a headache for 75 million rail passengers. It sounds like a horrible deal to me.

If we are not committed to maintaining our infrastructure—whether it's highways, ports, mass transit, airports, or rail—we will have deep economic troubles in the future.

I hope Members will vote "no" on this arbitrary motion to punish everyone who rides a train into New York City.

□ 1320

The SPEAKER pro tempore (Mr. MONTGOMERY). The gentleman from New York [Mr. NADLER] has 2 minutes remaining. The gentleman from Virginia [Mr. WOLF] has 7½ minutes remaining, and the gentleman from Michigan [Mr. CARR] has 20 minutes remaining.

Mr. NADLER. Mr. Speaker, I yield 1 minute to the gentleman from New York [Mr. ENGEL].

Mr. ENGEL. Mr. Speaker, I thank the gentleman for yielding time to me.

Let me say I am very distressed about this. This is not something that is frivolous or something in which we ought to engage in semantics. This is something that is very, very important to New York and, frankly, I do not think that we ought to take an attitude that I see in some quarters here as a dumping on New York as something that we ought to be very proud of.

The fact of the matter is, the redevelopment of Penn Station in New York will increase safety in the station, will increase capacity and provide jobs.

The project is certainly necessary: The fire last week, the fact that the project is included in the President's budget, and it is something that we desperately need.

I have voted in my 6 years here to help people all over the country, to help projects all over the country. What we are saying in New York now is that we need the help. Somehow or other, all these, as far as I am concerned, silly arguments for knocking out this project is something that I really think is totally inappropriate.

New York needs the help. Penn Station is something that everybody knows about, not only in New York but across the country. It desperately needs the help.

We help people all over the country. Now New York needs some help. I support my colleague, the gentleman from New York [Mr. NADLER], and we ought to continue to do the kinds of things that are necessary to help Penn Station.

Mr. NADLER. Mr. Speaker, I yield 1 minute to the distinguished gentleman from New York [Mr. HINCHEY].

Mr. HINCHEY. Mr. Speaker, I just want to join some of my colleagues in support today of the Senate position which would provide \$40 million toward the Federal share of the proposed renovation of Penn Station. I want to do so on the basis of the fact that this is a facility that is much used and much needed. It is a facility that provides transportation for people all across the Northeast.

People come into New York from all over the country. As a matter of fact, 75 million people come through Penn Station from all over the Nation every year.

This is not just a facility for New Yorkers. It is for people all over the country. New York has already committed a substantial amount of money for this renovation, more than \$100 million committed by the State. So this is a case where I think we are in danger of being penny-wise and pound-foolish.

We need this renovation. It is good for the Northeast. It is good for people all across the country. We really ought

to provide this kind of funding for those reasons.

The SPEAKER pro tempore. The time of the gentleman from New York [Mr. NADLER] has expired.

Mr. CARR of Michigan. Mr. Speaker, I yield 1 minute to the gentleman from New York [Mr. NADLER].

Mr. NADLER. Mr. Speaker, to close in opposition, I simply want to reiterate a couple clear points.

One, this is a necessary project; 40 percent of all the Amtrak passengers in this country, 75 million people a year use Penn Station. It is decrepit. It is unsafe. The letter from Secretary Peña says that.

Second, the administration supports the project.

Third, for roughly \$100 million, we are getting \$200 million leveraged from the Long Island Railroad, an agency of the State of New York, another \$100 million already committed from the State and city of New York.

It is not an outsized project. I read a list of projects with far larger funding before.

The project is ready to go. It is an essential project, and I urge my colleagues to vote against the motion to instruct.

Mr. WOLF. Mr. Speaker, I yield myself such time as I may consume. I want to make a closing comment.

In closing, Mr. Speaker, let me make just a couple comments in summary. One, and I acknowledge some of my colleagues from New York have made some interesting arguments and having used the station, I understand. But let me make some on other side.

One, the project is not authorized. Two, when this bill came up in the House, no one from New York raised the issue. Third, the memorandum of agreement is not binding. Fourth, the Postal Service which owns the building is not a part to this MOA.

The last two points are, as Amtrak pays for its share, it can only come from one of two sources: One, a ticket increase, so by doing this we raise ticket prices for every one. And last, the American taxpayer around the country pays.

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

Mr. CARR of Michigan. Mr. Speaker, I yield 2 minutes to the gentleman from West Virginia [Mr. WISE].

Mr. WISE. Mr. Speaker, Members might ask, why is the gentleman from West Virginia rising to speak on the Penn Station situation. Actually, while it is my understanding that it is not part of this motion to instruct, the gentleman from Virginia [Mr. WOLF], did make some statements concerning corridor H, which is a vital project not only to my State but to many other States.

I simply want, for the record, to show that corridor H is an authorized project and has been for a long period of time.

Corridor H is part of that segment of the Appalachian Regional Commission sections of highways comprising 13 States, of which two-thirds is complete; corridor H being one of the most difficult sections to complete because of the terrain, has always fallen in line behind the others. It is time now to move this one forward.

Corridor H, the proposed corridor H would be a major lifesaver literally. It is estimated that in one major section, the fatality rate would be cut by one-half. For those who think this is strictly a West Virginia project, and I know the gentleman from Virginia is opposed to corridor H, the 12- to 20-mile segment that would be in Virginia, for those who think it is simply a West Virginia project, let me ask them to look at a map and they will quickly disabuse themselves of that notion.

Corridor H is a major east-west corridor of which, I might add, this Congress has already contributed to 35 miles roughly being completed or about to be complete, roughly one-quarter of the distance.

So I think that while this debate today is on something else, I do want the record to reflect that. I suspect that the gentleman from Virginia and I will be joining this issue in the future in other areas. I happen to think there are ways that corridor H can be accommodated to some of the gentleman's concerns, at least as regards Virginia.

That is for another day. But I would like the record to reflect that.

Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. WOLF. Mr. Speaker, I yield myself such time as I may consume. Let me just respond to the gentleman. I have great respect for the gentleman. His district is across from ours and he is accurate. Corridor H is a dagger at the heart of my congressional district to which every one there is opposed.

Second, I have and I will submit, I was not going to submit them but since the gentleman came here, I will submit into the record so Members can read a number of letters that I have received, this is just a sample, from West Virginians who are opposed to the project.

Third, I think the gentleman raises a valid issue with regard to the safety issue, and I think that much can be done to improve and straighten and widen out. For instance, on route 55 in my area, I think we could turn it into a scenic parkway, straighten out, have some truck lanes, have some barriers and really turn it into a scenic road without destroying all of the homes.

But in closing, since the gentleman was not here, I want to cover a couple of the points. Of the \$352 million of the highway demo account in the Senate bill, \$140 million is earmarked for corridor H.

□ 1330

Mr. Speaker, nobody believes that any State, even California, ought to

get \$140 million out of \$352. I would tell the gentleman from Michigan [Mr. CARR], who I have the greatest respect for, he has done an outstanding job on this committee of putting together performance standards. Michigan should not get \$140 million, New York should not get \$140 million for one project, and it is just wrong.

It is frankly, fundamentally flawed. It is wrong. I know Members in their heart know that it is not appropriate, and it should not stand.

Second, this means that corridor H could end up with \$215 million for the fiscal year, \$215 million, and at the max, we checked with the Federal Highway Administration, the maximum amount they can obligate, I would tell the gentleman, is really \$82 million.

Some people think West Virginia wants to bank this money for the future. When I see all the good projects in the district of the gentleman from New York, the gentlemen from California, Michigan, New York, places like that that could use these projects to put people back to work, create jobs, but also to eliminate gridlock. How do you explain giving West Virginia in one bill \$165 million out of a total allocation of \$215 million, when the rest of the country does not even get that much? It is just not appropriate.

Last, the gentleman knows, and it is probably a tribute to his hard work and effort, in the energy and water bill there was \$75 million for the same project. Enough is enough, Mr. Speaker. A sense of fairness, if we put this to a referendum, to the American people, and they voted on it, they would say no.

I am not against West Virginia. Let me just say to the gentleman, I have great respect for the gentleman. I have great respect for him and the Representatives from West Virginia, and I hope I do not hurt her back in West Virginia, but my senior legislative assistant is from West Virginia. Some of the best people I know are from West Virginia. However, it is inappropriate.

If you add up the earmark for the same Senate amendment, for the six or seven most popular States, California, and I see the gentleman from California, Florida, the fastest growing State, Illinois, New York, I see the New York delegation is sitting there, Ohio, Texas, that only amounts to \$10.2 million. Did I say billion? No. It is \$10.2 million.

We know West Virginia is going to get \$215 million. \$215 million, and all these States, California, Florida, Illinois, New York, Ohio, Texas, that have 175 Members of Congress, are going to get \$10.2 million?

Mr. Speaker, I would say that I do not know how this is going to come out when we go to conference, but we know in our fibers, in our sense of integrity of what we know is right and wrong, we know this is wrong. We know what is happening.

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

Mr. WOLF. I yield to the gentleman from West Virginia [Mr. WISE].

Mr. WISE. Mr. Speaker, the gentleman refers to the letters. I think it would be worth consulting our highway department, which has held extensive public hearings. Seventy-two percent of the 6,700 letters received by the highway department are in favor, almost every community.

I would just invite the gentleman, if he wants to work in Virginia to build that type of parkway, fine. Please come to West Virginia and see the West Virginia Turnpike and Corridor L, we which we are now extending to a four-lane status, because we did build such a parkway as the gentleman suggested. What we found out is, this increased fatality rates and in some cases made it even more hazardous. We will revisit this, I know, much more in the future.

Mr. WOLF. Mr. Speaker, I commend the gentleman. People have urged me and said, "Please do not bring this issue up." They say there will be retribution. One, there has been no retribution; two, I expect no retribution; but, three, if there is retribution, I will be down on this floor every day giving 1-minutes, and believe me, when I get involved in an issue, I never, ever let it go.

Let me just say that \$215 million for West Virginia versus \$10.2 for these States like California, Florida, Illinois, New York, Ohio, and Texas, I just do not think that is fair. I hope when we go to conference that we can, in the spirit of reconciliation, in the spirit of bipartisanship, really resolve this issue, because it is not an issue of partisanship.

In closing, Mr. Speaker, I truly like the gentleman, I think he knows it, and I respect him.

Mr. Speaker, I include these documents for the RECORD:

POTOMAC VALLEY AUDUBON SOCIETY,  
Shepherdstown, WV, September 13, 1994.

HON. FRANK WOLF,  
Cannon Office Building, Washington, DC.

DEAR CONGRESSMAN WOLF: I write on behalf of the 450 members of the Potomac Valley Audubon Society living in Jefferson, Berkeley, and Morgan counties in West Virginia to oppose inclusion of \$140 million for the Corridor H four-lane highway project in the Fiscal Year 1995 Transportation Appropriations bill currently awaiting conference committee action.

As you know, the House voted not to include any funds for the Corridor H project in its version of the bill. We ask you do your utmost to have the House conferees hold firm to this decision.

As taxpayers and small business owners, we oppose federal spending on this porkbarrel project at this time because of Corridor H's extreme cost—currently estimated to be at least \$1 billion, or about \$10 million per mile—and limited economic benefits.

As drivers, we oppose this project because it would drain state and federal funds away from desperately needed improvements to other, more used and but less safe roads.

As hunters, anglers, and naturalists who appreciate the beauty of the Virginia/West Virginia, highlands, we oppose this project because of the harm it would do to our trout streams, forest, farmlands, and wilderness.

Finally, as environmentalists concerned with good government, we question whether it is wise to appropriate taxpayer dollars for this project before the required environmental studies have been completed and the public is allowed to fully comment on the project. Decisions to spend millions of public dollars should follow the public's expressed desire—not precede it.

Thank you for your efforts to oppose this wasteful spending.

Regards,

DAVID MALAKOFF,  
Vice President.

OHIO VALLEY  
ENVIRONMENTAL COALITION,  
Kenova, WV, September 14, 1994.

Congressman FRANK WOLFE,  
House Office Bldg., Washington, DC.

DEAR CONGRESSMAN WOLFE: The Ohio Valley Environmental Coalition, a grassroots environment justice organization, opposes Corridor-H. please remove funding for this project from the appropriations bill.

Sincerely,

JANET FLETCHER,  
OVEC project coordinator.

NORTHERN SHENANDOAH  
VALLEY AUDUBON SOCIETY,  
Boyce, VA, September 14, 1994.

Hon. FRANK R. WOLF,  
House of Representatives, Washington, DC.  
Re: Corridor H

DEAR CONGRESSMAN WOLF: On behalf of the 500 members of the Northern Shenandoah Valley Audubon Society, I urge you to stand firm on your opposition to Corridor H and to vote to cut off any funding for it.

Thank you for your courageous position against this unnecessary porkbarrel project.

Yours truly,

JOHN WATSON-JONES,  
President.

WEST VIRGINIA  
ENVIRONMENTAL COUNCIL,  
Charleston, WV, September 13, 1994.

Hon. FRANK WOLF,  
House of Representatives, Cannon Building,  
Washington, DC.  
Re: Corridor H

DEAR REPRESENTATIVE WOLF: The West Virginia Environmental Council, a coalition of state organizations, opposes the construction of Corridor H. At our annual meeting this past weekend, we adopted a resolution to that effect, which is attached.

We had previously called for a two-lane upgrade alternative; we understood that Virginia's Commonwealth Transportation Board was studying such a proposal. However, we found the so-called "Improved Roadway Alternative," presented by the WVDOT, completely unacceptable. It's time to throw out Corridor H and start from scratch, using the transportation planning and citizen involvement called for in ISTEPA.

Thank you for your efforts to stop this monstrosity.

Sincerely,

KIM BAKER,  
President.

WEST VIRGINIA  
ENVIRONMENTAL COUNCIL,  
Charleston, WV.

RESOLUTION ON CORRIDOR H

It is resolved by the West Virginia Environmental Council:

1. We oppose construction of Corridor H.  
2. We urge the Department of Transportation to implement statewide transportation planning mandated by recent federal legislation.

3. We call for improvement of existing roads, with due consideration for the integrity of towns, structures, and the environment.

Adopted by the Council at its annual meeting, September 11, 1994

In the past year, constituent organizations such as the Sierra Club have taken a strong no-build position; and the Division of Highways presented an "Improved Roadway Alternative" that was not a two-lane upgrade, but for most of its length a new highway corridor. The Council's 1993 resolution was based on the following preamble:

WHEREAS members of the Environmental Council have expressed objections to proposals for a new four-lane highway through the Potomac Highlands for the past twenty-five years; and

WHEREAS the original justification for such a highway, "to create traffic" where existing traffic was thought insufficient for economic development, is even less defensible now than it was in 1965; and

WHEREAS the West Virginia University Regional Research Institute's studies have found that construction of new highways in our rural areas distant from metropolitan centers does not foster economic development, and other experts, including the first director of the Appalachian Regional Commission, have concluded after 25 years of ARC investment that such highways are not economically justifiable; and

WHEREAS the expense of the project, more than a billion dollars, would be disproportionate to the expected traffic, and would siphon away the funds available to improve existing roads; and

WHEREAS federal and state agencies and private groups have called for more careful study of alternatives to a new corridor; and

WHEREAS a four-lane truck route through the mountains would be incompatible with the steady growth of environmentally-sensitive tourism the region has experienced over the past fifteen years; and

WHEREAS the current proposal would have a devastating impact on some of the most precious wild lands in Eastern North America, including rivers, wetlands, the Monogahela National Forest, and endangered species habitat.

CARDINAL CONTROL CO.,

Clarksburg, WV, September 15, 1994.

Congressman FRANK WOLF,  
Cannon House Office Bldg., Washington, DC.

DEAR CONGRESSMAN WOLF: Many West Virginians question Corridor 'H'. Our State has many roads and bridges in need of repair. We believe money could be better spent maintaining our existing infrastructure.

Corridor 'H' as a quick way to the wilderness is not logical. Wilderness by definition does not have a four lane road through it or to it.

For those concerned about existing roads in that area, changes such as passing lanes and re-routing some grades might be possible. But clearly there is no need for Corridor 'H'.

This issue, as many do, has become personalized. No one is questioning Senator Byrd's

judgment. The issue is only whether the outcome justifies the expense and destruction of wilderness. Corridor 'H' is not good for West Virginia.

CRIS GREEN.

September 15, 1994

Congressman FRANK WOLF,  
Cannon House Office Building, Washington, DC.

DEAR CONGRESSMAN WOLF: I write to you to express my total opposition to the construction of Corridor H not only in West Virginia but in Virginia itself.

Please do all that you can to stop the excessive appropriation of 140 million dollars for Corridor H in the current House Appropriations bill now before the committee that you sit on!

Sincerely,

CHARLES H. MERRITT.

WEST VIRGINIA RIVERS COALITION,  
September 14, 1994.

Congressman FRANK WOLF,  
Cannon House Office Building, Washington DC.

DEAR CONGRESSMAN WOLF: I understand that you are willing to help West Virginia's citizens in their attempt to review the actual purpose and need of the proposed four-lane road, Corridor H. I also gather that you plan to be active in conversing/educating the House Appropriations Committee in regards to the issues surrounding the proposed road, and that you plan to take an active role in trying to halt yet more funding for this project.

As representative for the West Virginia Rivers Coalition (WVRC), I would like to make clear our groups purpose and goals so you can better understand from where our concerns come. The WVRC was formed in 1989 in an effort to establish a strong river advocacy group in West Virginia, a state which has historically suffered tremendous river degradation. Now the second largest state river conservation group in the nation, WVRC has an individual membership of approximately 1700, and an additional 37 national, regional (4 of them from Virginia) and state affiliate groups who work with us in our mission to protect and restore West Virginia's exceptional streams for the benefit of present and future generations.

Having reviewed the Supplemental Draft Environmental Impact Statement for the proposed four-lane our group has the following concerns:

That Corridor H would cross over 20 streams in both Virginia and West Virginia, and that the related construction would affect trout streams like Duck Run and Cedar Creek in Virginia; Lost River, Trout Run, Patterson Creek and Shaver's Fork in West Virginia.

That the U.S. Forest Service is currently studying 12 streams within the Monogahela National Forest for possible designation by the National Wild & Scenic Rivers System; this study includes the Shaver's Fork River which would be crossed at least once, and followed by Corridor H for approximately 4 miles. The West Virginia Rivers Coalitions strongly supports the scenic designation of this West Virginia stream and suggests that this proposed road is incompatible to this possible National River designation.

That sedimentation caused by timbering and road construction is now one of the main water quality issues many agencies are having to address.

That the U.S. Department of Interior expressed concern regarding the adverse impacts to fish and wildlife resources, specifically the secondary and cumulative impacts

to water quality in the Potomac watershed, and in the issue of channelization or relocation of the Lost River, Shaver's Fork, Trout Run and Duck Run.

While the West Virginia Department of Highways has already acquired the amount of money required for them to continue work in FY 95, and this additional appropriation of 140 million would be above and beyond their needs; we support your efforts to divert this money and direct it into efforts that would enhance water quality versus degrading it.

Congressman Wolf, I appreciate your concern and efforts in this matter.

Sincerely,

PAMELA MERRITT,  
Conservation Program Director.

SIERRA CLUB, WEST VIRGINIA CHAPTER,  
Morgantown, WV, September 11, 1994.

Hon. FRANK WOLF,  
Cannon House Office Building, Washington,  
DC.

DEAR REPRESENTATIVE WOLF: This letter is to inform you that the West Virginia Chapter of the Sierra Club is opposed to the construction of Corridor H.

Our opposition is based on the negative environmental impacts such a roadway would have on the many remote and sensitive areas it would pass through or near, as well as the negative impacts on the quality of life of the communities and landowners in the area.

Sincerely,

ELIZABETH LITTLE.

SIERRA CLUB, APPALACHIAN  
REGIONAL CONSERVATION COMMITTEE,  
Charles Town, WV.

Representative FRANK WOLF,  
Cannon House Office Building, Washington,  
DC.

DEAR REPRESENTATIVE WOLF: On behalf of the Sierra Club's Appalachian Regional Conservation Committee, of which your state is a member, I am asking you to oppose all and any funding for the Corridor H highway project. As I understand, the House of Representatives did not appropriate any funds for this project whereas the Senate Appropriations Committee did.

Early this year the Conservation Committee voted unanimously to support a "No Build" position proposed by Committee delegates from Virginia. Since then both the Virginia and West Virginia Chapters have voted to support a "No Build" position.

I am sure you are well aware of all the fiscal, environmental and sociological pitfalls on the Corridor H highway.

Thank you for opposing this needless and poorly planned highway.

Sincerely,

PAUL WILSON.

September 14, 1994.

Congressman FRANK WOLF,  
Cannon House Office Building, Washington,  
DC.

DEAR CONGRESSMAN WOLF: I thoroughly approve of your position against the construction of Corridor H through parts of W. Va. and Virginia, and I hope you will maintain your position so that this pork barrel project will not be funded.

Many West Virginians feel that our wilderness area in that part of the state is far more valuable than a faster way to get to Strassburg, Virginia or to Inter-State I-81.

We appreciate your stance.

Sincerely yours,

ANNE R. HARVEY.

HENDRICKS, WV,  
September 14, 1994.

Representative FRANK WOLF,  
Cannon House Office Building, Washington,  
DC.

DEAR REPRESENTATIVE WOLF: Aggressive promotion by supporters of Corridor H (from Elkins, WV to Stanton, VA) may have obscured the fact that many of this area's residents strongly oppose its construction. I urge you on their behalf to support the House version of the current transportation appropriations bill which contains no appropriation for this project.

Very sincerely,

JON P. CROWELL.

JOHN WARNER  
OTTER CREEK PHOTOGRAPHY,  
Hendricks, WV, September 14, 1994.

Representative FRANK WOLF,  
Cannon House Office Building, Washington,  
DC.

DEAR REPRESENTATIVE WOLF: As a businessperson in Tucker County, WV, I want you to know that I am strongly opposed to the construction of Corridor H from Elkins, WV to Stanton, VA and I urge you to insist on the House version of the current transportation appropriations bill with no appropriation for Corridor H.

Sincerely,

JOHN WARNER.

FISCAL YEAR 1995 APPROPRIATIONS FOR  
CORRIDOR H, WV

Corridor H, a planned four-lane super-highway which will traverse the central part of West Virginia, will be a big winner in the fiscal year 1995 appropriations process. This will work to the disadvantage of other states, primarily those like California which have extreme problems with urban congestion.

In fact, if you add up the total earmarked in the Senate highway demonstration account for six of the seven most populous states—California, Florida, Illinois, New York, Ohio, and Texas—that amount only totals \$10.2 million. Compared to \$140 million for one project in the rural state of West Virginia.

For FY '95, this one West Virginia project has been targeted in the Senate version of the transportation appropriations bill to receive \$140 million, nearly half of the money available in the highway demonstration project account.

In addition, Corridor H has already received an appropriation of \$75 million in the energy-water bill.

The maximum amount which can be obligated for this project in FY 1995 is \$82 million.

If the project receives the full \$215 million earmarked in the two appropriations bills noted above, that means that West Virginia will have \$133 million left over that cannot even be obligated this coming year.

And that leftover amount does not include the \$63.5 million which the West Virginia DOT has on hand from previous years to carry over. (In previous appropriations bills, at least \$100 million has already been directed to this project.)

In addition, there is significant opposition to this project from the citizens of West Virginia. A citizen coalition, "Corridor H Alternatives," is actively fighting this project and has testified before congressional committees asking that funding be stopped.

Mr. Speaker, I yield back the balance of my time.

Mr. CARR of Michigan. Mr. Speaker, I yield myself such time as I may

consume, for the purpose of making just a few observations on the debate we have just held, and to speak in behalf of the entire subcommittee.

Mr. Speaker, the entire subcommittee has, in the matter of Corridor H, in the past been quite supportive. This gentleman has been a supporter of Corridor H. It is authorized. In the past I have defended it on this very floor.

We are trying in our bill to manage dollars well on behalf of the taxpayers of this country. While some projects may be controversial, and I would expect that some people would disagree mightily with some of the decisions about certain projects we have made, we have at least always endeavored to make sure that we never appropriated more money for a project than it could use in the next fiscal year. Our bills only last 1 year.

We have always regarded it as unfair if a project is appropriated more money than can be effectively used while there are other projects that are worthwhile around the country which could effectively utilize those dollars, put people to work, improve their economies, augment safety, and generally make sure that all the taxpayers of this country know that we are using and managing their cash flows and their dollars, their hard-earned tax dollars, with the respect for the hard work that earned them.

Mr. Speaker, we know we face a very, very tough conference. I would expect that we would be, in the spirit of compromise, particularly on projects like Corridor H, which we did not this year include in our bill, willing to work with the Senate to make sure that a just and reasonable compromise is achieved.

Mr. Speaker, I merely wanted to add that note for the gentleman from West Virginia [Mr. WISE]. We appreciate his advice and counsel. I do not think anything that was said here today detracts at all from Corridor H or the wonderful State of West Virginia, as we try to manage the taxpayers' dollars with the utmost care.

Mr. Speaker, as to the matter that was raised in the motion itself regarding the instruction on the Farley Building in New York City, I merely want to note that there has been some argument here over whether the project is in fact authorized or not. Indeed, if one were to take a very liberal interpretation of money going to the Northeast corridor, one could find the Farley Building and Penn Station in the Northeast corridor, and I suppose that would be sufficient authorization to spend money on the Farley Building or Penn Station.

Our committee, however, works very closely with the authorization committees that authorize the legislation for which we appropriate, and we have done so with the Committee on Public Works and Transportation on highways, in the Committee on Merchant

Marine and Fisheries on the Coast Guard, and we do so as well with the Committee on Energy and Commerce as they authorize Amtrak.

Mr. Speaker, I have had a communication from the chairman of the Committee on Energy and Commerce, the dean of my Michigan delegation, Chairman JOHN DINGELL. He is of the opinion that the Farley Building and Penn Station are not authorized, and therefore, not subject to appropriation from our Subcommittee on Transportation of the Committee on Appropriations.

I would tell Members that I am one of those travelers that go through Penn Station at least a couple of times every year, and I could heartily support renovation of Penn Station, as a traveler and a customer of Amtrak. I am not here to argue the merits of whether Penn Station needs to be renovated. I think it does. There is no doubt that Penn Station is one of the great stations in America. It is. We need at some point to address the renovation of Penn Station.

The simple fact in our subcommittee, however, was it was not authorized. Therefore, Mr. Speaker, our committee did not approve funding for it in our transportation bill recently passed by the House.

□ 1340

Therefore, Mr. Speaker, I have no objection to the motion made by the gentleman from Virginia [Mr. WOLF].

Mr. PENNY. Mr. Speaker, I rise in support of Congressman WOLF's motion to instruct. Mr. WOLF would instruct the conferees to accede to the House version of the Transportation appropriations bill, which provides no funding for the renovation of a post office building across the street from Penn Station in New York City.

Mr. Speaker, there is a direct correlation between pork-barrel spending like this and the American public's cynicism toward Congress. The \$40 million in the Senate Transportation appropriations bill was not authorized, or even requested by Amtrak or the Department of Transportation. Our time-tested process of requiring appropriations projects to compete against each other for funding was completely circumvented. This \$40 million was simply inserted in the bill while out of the public eye. It does not surprise me that Congress' popularity continues to plummet.

Years of time and effort have been spent attempting to cut spending on boondoggles like Steamtown U.S.A., originally funded through an earmark in an appropriations bill. Projects like this and the unauthorized earmarks in last week's HUD appropriations bill are just as egregious. Please don't condone this practice and support Mr. WOLF's motion to instruct.

Mr. MOORHEAD. Mr. Speaker, I rise in support of the motion to instruct conferees to resist inclusion of any funding of the Farley Post Office redevelopment project to replace New York's Penn Station with a new Amtrak terminal across the street. This is not because of any hostility on my part to Amtrak—quite the

contrary. Amtrak is hurting, and hurting badly now. It is short of funds and short of equipment. Even its President, Mr. Downs, testified before the Energy and Commerce Committee that, however meritorious the Farley project may be, it cannot be justified if it takes funds away from Amtrak's operating and capital resources.

Yet, Mr. Speaker, that is exactly what the Senate version of this bill does. It takes \$40 million directly from Amtrak for use in this project. That is bad policy. But worse, such action directly contravenes existing authorization law.

In 1992, when Congress enacted the last Amtrak authorization, we authorized a feasibility study of the Farley post office conversion project. But the law specifically required that the Farley project be evaluated on the premise that no Amtrak appropriations were to be used in converting the post office building. Yet that is exactly what the Senate is proposing to do in their version of this appropriations bill.

The \$40 million that the Senate bill takes away from Amtrak is only the tip of the iceberg. According to a memorandum of agreement entered into last month, the Federal Railroad Administration would have to put up \$100 million, and Amtrak would have to contribute \$115 million. In my view, this does not remotely comply with the directive in the current law to avoid raiding Amtrak funds to renovate the Farley Building. And just to put these amounts in perspective, the total increase sought by the administration this year for all of Amtrak's non-Northeast Corridor service was only about \$90 million. Where are our priorities?

Let me add one final note. We have a new Amtrak authorization ready to go to the House floor. On a bipartisan basis, the Energy and Commerce Committee redirected the \$90 million that the administration requested for the Farley project back into Amtrak's overall national operating and capital accounts, where the need is the greatest. At the same time, I am quite willing to acknowledge, we authorized feasibility studies for upgrading two stations in California—Burbank and Ontario. But we played by the rules. In both cases, the proposals have to be predicated on receiving no Federal Amtrak appropriations. I suggest that if we are willing to honor this kind of limitation in these times of fiscal stringency, it is not asking very much for the other body to do the same—especially since the New York project is already addressed by existing law.

Mr. OXLEY. Mr. Speaker, I rise in strong support of the motion to instruct conferees. The conversion of the Farley Post Office in New York City to a new Amtrak intercity rail terminal may well be a good idea in the long run. But that is not the issue today. We are facing a situation where Amtrak is literally running its equipment into the ground because of a shortage of capital funds. As the General Accounting Office testified at our authorization hearing in the Energy and Commerce Committee, Amtrak cannot afford to maintain its current route system at current funding levels.

Against that background, channeling sizable sums—\$40 million in this bill, with over \$100 million contemplated for completion of the Farley project—away from Amtrak's operating and capital needs simply cannot be justified. Con-

gress has already spoken to this issue in the 1992 Amtrak authorization—Public Law 102-533. Amtrak was told to evaluate the feasibility of the Farley project, but with the explicit directive that no Amtrak appropriations were to be used. Now we have an appropriations bill from the Senate that takes \$40 million from Amtrak now, with more to come later. In fact, the memorandum of agreement signed this summer allocates a contribution of \$100 million to the Federal Railroad Administration for this single building.

To put that amount in perspective, that is more than the administration proposed, and that our committee-reported Amtrak bill authorizes, for increases for the whole Amtrak system's capital and operating funds in fiscal year 1995. This is a complete inversion of Amtrak's priorities, and it is contrary to the guidance already given on this subject in existing law.

One especially curious aspect of this project is that the August 16 memorandum of agreement was signed by the FRA Administrator, the Governor of New York, and by Amtrak's president. But guess who is missing? The owner of the building—the U.S. Postal Service. And we all know that the Postal Service is now a Government corporation with a statutory duty to earn as much revenue as possible. Yet it is not even a party to the agreement.

It gets worse: The agreement assumes a \$115 million direct contribution from Amtrak, based in part on "investments made by the United States Postal Service . . . to induce Amtrak to become a tenant." In other words, the landlord is going to pay rent to the tenant. And the landlord is not even party to the agreement.

Mr. Speaker, at some point in the future, when all the relevant parties have put together a viable transaction, this may well be a worthwhile project. But it cannot and should not be funded with Amtrak's already scarce resources.

Mr. CARR of Michigan. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MONTGOMERY). Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Virginia [Mr. WOLF].

The motion to instruct was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees: Messrs. CARR of Michigan, DURBIN, SABO, PRICE of North Carolina, COLEMAN, FOGLIETTA, OBEY, WOLF, DELAY, REGULA, and MCDADE.

There was no objection.

CONFERENCE REPORT ON S. 1587, FEDERAL ACQUISITION STREAMLINING ACT OF 1994

Mr. CONYERS. Mr. Speaker, I call up the conference report on the Senate

bill (S. 1587) to revise and streamline the acquisition laws of the Federal Government, and for other purposes.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Pursuant to the rule, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of August 21, 1994, at page 23486.)

The SPEAKER pro tempore. The gentleman from Michigan [Mr. CONYERS] will be recognized for 30 minutes, and the gentleman from Pennsylvania [Mr. CLINGER] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Michigan [Mr. CONYERS].

#### GENERAL LEAVE

Mr. CONYERS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the conference report presently under consideration.

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

There was no objection.

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

Mr. Speaker, today I bring before the House the bipartisan conference report on S. 1587, the Federal Acquisition Streamlining Act of 1994. I believe this conference report, if passed here today, will represent a major achievement of this Congress and an example of how bipartisanship works for the great benefit of the American people.

This legislation makes sweeping reforms to the Federal Procurement System. Reforms that will make it easier for businesses, large and small, to work with the Government. And, reforms that will ultimately allow the Government to deliver services more professionally. It is the boldest modern-day attempt to revolutionize how the Government does business by greatly streamlining and simplifying its buying practices. It makes for smart Government.

This bill repeals or substantially modifies over 225 provisions of law to reduce unnecessary bureaucratic paperwork, facilitate the acquisition of commercial products, enhance the use of simplified procedures for small purchases, strengthen the industrial base that supports national security objectives, and improve the accountability of Government decisionmaking.

And apart from this streamlining, the bill also:

Dramatically simplifies all procurements under \$100,000 dollars and reserves them for small businesses;

Reduces the instances in which contracting officials can hold up the process by demanding cost and pricing data from contractors;

Strongly discourages unnecessary Government specifications that result

in the \$600 toilet seats, and instead encourages purchase of regular commercial products;

Provides more openness with clear evaluation factors in solicitations and better debriefings for vendors who lose bids;

Creates an "electronic marketplace" so that Government contracting can move with the speed and efficiency that technology now affords us.

I am proud of the fact that this legislation makes these reforms without undermining key features of the current procurement statutes that protect the taxpayers. These features, such as full and open competition, help drive down costs. They help ensure that the taxpayers' dollar is spent, not on the basis of favoritism, but on the basis of fairness. They also allow small businesses to compete against large corporations, which is vital to the Nation's economy.

I can tell you that a tremendous amount of hard work and energy has gone into this legislation, and it shows. In the House, members of the Government Operations Committee, and our staff, spent countless hours working out the details of each provision. It has been a bipartisan effort in every sense. Of course, many individuals have contributed to this success, and I want to thank them all.

There are a few, however, who deserve special mention, including Representative BILL CLINGER, our esteemed colleague from Pennsylvania, and the ranking minority member on the Government Operations Committee. He has been a true advocate of the need for procurement reform, and he deserves special praise for the counsel and support he has given the committee. Chuck Wheeler and Ellen Brown, respectively, on the majority and minority staffs deserve special praise for their long hours, diligence, and competence.

Chairman RON DELLUMS, ranking minority member FLOYD SPENCE, and other members of the Armed Services Committee, have also worked superbly well with us. Their efforts have helped us to reform those portions of the procurement system that affect the defense establishment. We have also worked with members of the Committees on Small Business, Education and Labor, Judiciary, Public Works, and Energy and Commerce, to ensure that this legislation represents a truly comprehensive package of reforms.

Through all this, we have worked side-by-side with our colleagues in the Senate. In characteristic fashion, my good friend, Senator JOHN GLENN, has spearheaded the Senate's procurement reform initiative. I know firsthand his dedication to this effort and his commitment to seeing it through to the end. Also, Senators LEVIN, ROTH, NUNN, BINGAMAN, BUMPERS, THURMOND, and others have all played a vital role in

shaping this legislation. I cannot say enough about the contribution that they have made.

I should add that, while we have called for legislation for a few years now, this is no longer solely a legislative branch initiative. President Clinton and Vice President GORE deserve an enormous amount of credit for making procurement reform a centerpiece in their effort to reinvent the way government does business.

So where does that leave us? This legislation enjoys bipartisan support from Members in both Chambers. This legislation enjoys the full support of the administration. It is supported by businesses throughout the country. And, it addresses the public's desire to have a government that gets the most out of every tax dollar that is spent.

It is time for final passage of this landmark legislation. I urge my colleagues to vote in favor of the conference report on the Federal Acquisition Streamlining Act of 1994.

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

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

Mr. Speaker, I rise in relieved support of the conference report on the Federal Acquisition Streamlining Act of 1994, happy that we have at least reached the end of a long and very arduous process.

□ 1350

Less than 3 months ago this House passed our version of procurement reform. That bill represented a coordinating effort of the majority and minority of both the Committee on Government Operations and the Committee on Armed Services which actually began over 3 years ago when we began this odyssey, this journey to today's final passage hopefully of this conference report.

This conference report, which was passed by the other body in August, was negotiated over many, many weeks and by many people in this room and now represents the coordinated efforts of the majority and minority of several committees in both the House and the other body.

I would join in commending the members of the staff who worked so very, very hard on this measure, particularly Chuck Wheeler and Ellen Brown who labored endlessly to achieve the result we have here today.

Mr. Speaker, reforming the incredibly arcane and redtape-constricted Federal procurement system is an extremely difficult and complex task. Nevertheless, this is an issue clearly of vital importance to American businesses, both large and small, and to the American taxpayer.

There is no doubt that the almost \$200 billion spent each year by the Federal Government is done in an inefficient and Byzantine fashion. The conference report we are voting on today

is a direct attack on a procurement system that really for too long has been going haywire. The current system costs too much, has too much red-tape and ill serves both the taxpayer and industry.

What we have done with this bill is to apply some commonsense approaches to the bureaucracy to reduce the inefficiencies of the system and get some real cost savings for the taxpayer by encouraging competition and reducing the burdens on industry and others who do business with the Federal Government. At the same time, we are encouraging other businesses who have been discouraged from dealing with the Federal Government to return to the Federal procurement business and hopefully reduce the costs and provide more competitiveness in our Government procurement.

The true impact of what we have done will not be realized fully until the regulations are written that implement this legislation. We have left the executive branch much of the hard work in seeing through the goals and purposes of this legislation, and we trust that the regulation writers will not only execute the letter of the law fully and promptly, but will also faithfully carry out the spirit of what we intended with this legislation. We look forward to working with them closely in this effort.

This bill is by no means a perfect bill. I am not sure that any bill that we pass here is a perfect bill. But I had hoped that we could have done more.

For example, in my view, it does not go far enough in the use of commercial practices, but it does take a giant step from where we are today. It does not totally remove Government-unique requirements from the purchase of commercial items, but it does alleviate much of the administrative burden of Government oversight.

On the other hand, each of us who worked on this legislation probably has a problem with some part or another of this bill. Not all provisions streamline the procurement system. Some, I regret, add new requirements. Not all provisions are supported by every member of the conference committee. Some provisions, in my opinion, may actually be contrary to the purpose of the bill.

Having said all of that, however, Mr. Speaker, this bill represents the best effort in more than a decade to legislate reforms advocated for years to enable the Government to act more like a business in the way it buys its goods and services.

My primary goal and I think the primary goal of my chairman and the others is to make Government work smarter and cost less. It has been a long road to get even to this point, but we are closer to achieving that goal than ever before. So I am pleased to be a coauthor of this bipartisan bill that

from my perspective recreates the procurement system into a better, simpler, and more efficient process.

I particularly want to thank Chairman CONYERS, my chairman, for his relentless commitment and dedication to this very worthwhile effort as well as the many other Representatives and Senators who participated in the process.

Procurement reform is long overdue, Mr. Speaker. The American taxpayer deserves and should demand a procurement system that does not add cost without adding value, it does not impede the Government's access to the state of the art technology and does not force businesses to alter standard procedures and raise prices when dealing with the Federal Government.

Mr. Speaker, I would strongly urge my colleagues to adopt this conference report on S. 1587, and I hope we might have a unanimous or at least near unanimous vote in favor of it.

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

Mr. CONYERS. Mr. Speaker, I am pleased to yield such time as he may consume to the gentleman from California, Mr. RON DELLUMS, chairman of the Committee on Armed Services, whose jurisdiction was heavily affected in the course of this acquisition act.

Mr. DELLUMS. Mr. Speaker, I thank the gentleman for his generosity in yielding me this time.

Mr. Speaker, I rise in support of the conference report on S. 1587, the Federal Acquisition Streamlining Act of 1994. This bill has been an extraordinary effort which could not have been accomplished without the extensive, bipartisan cooperation between the Armed Services and Government Operations Committees in the House and with our colleagues in the Senate. Representatives FLOYD SPENCE, JOHN CONYERS, AND BILL CLINGER particularly deserve special credit for their determination to enact meaningful acquisition reform.

Mr. Speaker, the Government spends approximately \$200 billion a year on the procurement of goods and services. Despite that huge expenditure of money, the present Government buying system remains complicated and confusing, wasting billions of scarce taxpayer dollars.

Two comprehensive reviews—the acquisition law advisory panel on streamlining and codifying defense acquisition law—the so called section 800 panel report—and the Vice President's National Performance Review—have documented the need to streamline procurement procedures to increase access and competition in Federal procurement and save the taxpayer's money. This is particularly critical in the defense sector where maintaining a dedicated defense industrial base is simply no longer a viable option.

The acquisition reform efforts outlined in the more than 300 pages of S.

1587 takes those needed steps. S. 1587 is far-reaching reform which will push our procurement system into the 21st century. This bill removes a number of the barriers that have kept many companies out of the Government sector, while at the same time, putting more responsibility into the system to do the right thing by the taxpayer. This should lower the cost of a significant portion of the Pentagon's procurements while still retaining the current highly regulated procedures for those defense-unique items that will continue to require careful Government management and oversight. S. 1587 also removes many obsolete and redundant statutes. It also reinforces many existing authorities for DOD—and extends these to the civilian agencies, thus creating a more uniform system.

Indeed, S. 1587 represents the most comprehensive Governmentwide acquisition reform in over a decade. The principal objective behind this legislation is to strike a more equitable balance between the multitude of Government-unique policy requirements imposed on Government contractors and the need to lower the Government's cost of doing business, and save the taxpayer money. S. 1587 accomplishes this objective in several ways. For example, it creates a clear preference for the purchase of commercial products and services, instead of goods developed to Government unique specifications.

Section 1587 also relaxes some of the policies that require Government contractors to provide cost and pricing data that they do not normally collect or provide in the private sector. And, it puts more sunshine in the system through the provision of better source selection information and more detailed post-award debriefings.

The bill creates a new category of high-volume, low-value Federal procurements that can be accomplished with streamlined rules and regulations. It also establishes a Governmentwide Federal acquisition computer network.

Most importantly, S. 1587 maintains critical social policy goals aimed at improving access to contracting opportunities for small businesses and minority-owned small businesses.

I would like to echo a comment made on several occasions that this is just a first step. I agree. Congress has taken the first step. The next and, perhaps far more significant, step must be taken by the administration. The second step involves fully implementing the authorities provided in S. 1587. I add my voice to my House and Senate colleagues in challenging the administration, and particularly the Department of Defense, to tackle its own rules and regulations; to provide the funding necessary to fully implement an electronic procurement system; to train its acquisition personnel—for DOD. This can be done through the

tools provided in the Defense Acquisition Workforce Improvement Act; and, finally, to push for cultural acceptance among the acquisition work force. Without this, our efforts today will reap few benefits or cost savings.

In closing, I must thank the House and Senate conferees for their commitment to moving this bill forward, especially representative JIM BILBRAY and Senators NUNN, THURMOND, and GLENN. In addition, the House and Senate legislative counsel staff, Sherry Chriss and Greg Scott deserve exceptional commendation for their simultaneous work on both this bill and the Defense authorization bill. Finally, special thanks must go to Cathy Garman, Robert Rangel, and Joe Drelicharz and Kevin Tansey of the House Armed Services Committee staff and Chuck Wheeler and Ellen Brown of the Government Operations Committee staff—these dedicated individuals worked long, hard hours over the last several months to help us make this bill a reality.

Mr. Speaker, we need S. 1587 if we are serious about reforming and improving our acquisition system. I urge my colleagues to support the conference report on S. 1587.

□ 1400

Mr. CLINGER. Mr. Speaker, I yield 5 minutes to my good friend, the gentleman from South Carolina [Mr. SPENCE], the ranking member of the Committee on Armed Services; as has been indicated, the Committee on Armed Services was a very, very vital and important part of this compromise and negotiated agreement.

Mr. SPENCE. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I rise in support of the conference report on H.R. 2238, the Federal Acquisition Streamlining Act of 1994.

This legislation results from many months of hard work by committees in both the House and the Senate in an effort to bring a more sensible approach to the Federal procurement system.

In particular, I want to note the bipartisan relationship of the Government Operations Committee and the Armed Services Committee which jointly crafted the principal elements of the legislation currently before the House.

Chairmen DELLUMS and CONYERS and my colleague, Mr. CLINGER, have outlined many of the features contained in this legislation that should bring a greater measure of efficiency to the day-to-day business of running this vast Government. I join them in extolling the benefits of this legislation, especially for a defense and aerospace industry that is still reeling from this administration's drastic reductions in the defense budget.

The provisions of this bill that lower existing barriers between Government

and commercial production lines, and encourage the integration of the Government sector into the mainstream economy, will help many companies reduce unnecessary overhead and remain viable government vendors of critical defense technologies.

However, while this bill takes many important steps in the right direction, it does not go as far as it should in turning the U.S. Government into a world class customer. For instance, this bill fails to tackle many of the socioeconomic requirements imposed on Federal contracts—requirements that are poor fiscal policy due to the imposition of unique burdens on government vendors the costs of which are simply passed on to the taxpayer.

In fact, this bill often takes away with one hand what is being provided by the other. For instance, while exempting a series of statutory requirements from low-value and commercial item purchases, it dramatically broadens the minority business price preference program, and provides for a new dedicated contracting goal for women-owned businesses.

Mr. Speaker, I also feel the need to observe that while the Clinton administration has made acquisition reform a high profile issue, the genesis of this legislative effort can be traced to congressional attempts to reform the acquisition system dating back to the late 1980's. The rhetorical commitment of this administration certainly helped to accelerate the political momentum, but in the final analysis, the political "heavy lifting" was done here in the Congress.

On critical reform issues such as Davis-Bacon, Walsh-Healy, Buy American, Contract Services Act, and subcontracting plans, the administration talked a good game, but ultimately invested little or no political capital in vigorously pursuing such reforms for fear of offending important special interests. Predictably, little or nothing was accomplished in making much needed changes in each of these key areas.

For whatever reason, history had dictated that acquisition reform happen only once every decade. Such a trend makes this bill's lost opportunities all the more unfortunate since it is unlikely that we will get another crack at meaningful reform any time soon.

In large measure, the success or failure of this bill will rest with how vigorously it is implemented in the various agencies of government. This bill provides a vast array of tools for government officials to cut back outdated and counterproductive rules and regulations. But there has to be a broad willingness and a commitment to utilize these tools if this legislation is going to have any significance beyond the rhetoric of a White House signing ceremony.

Similarly, Congress bears a burden to resist the temptation to legislate a so-

lution to every procurement scandal or media account. The Federal Government will always have pockets of inefficiency. They should not be tolerated and should be eliminated as rapidly as they surface. However, we must remain careful not to allow sound bite accounts of these problems to stampede us into legislative reforms that may cure the disease, but ultimately kill the patient.

Mr. Speaker, I also want to thank the staff for their endless efforts over the past months, even years, on this difficult issue of acquisition reform. Without their work, quite simply there would be no bill. Accordingly, I want to thank the Government Operations staff of Chairman CONYERS and BILL CLINGER for their professionalism and bipartisanship. Closer to home, I want to make special mention of Robert Rangel and Cathy Garman of the Armed Services Committee staff. From my perspective on the Armed Services Committee, to the extent this bill is a success, it is their success.

Mr. Speaker, as I stated at the outset, on balance, this is a good bill. It is not a perfect bill. It is not a complete bill. But is a good bill nonetheless and deserves the strong support of my colleagues.

Mr. CONYERS. Mr. Speaker, I yield 2 minutes to the gentleman from Nevada [Mr. BILBRAY], a distinguished member of the Committee on Armed Services.

Mr. BILBRAY. Mr. Speaker, I rise in strong support of the conference report on S. 1587, the Federal Acquisition Improvement Act.

First, I would like to commend the work of Chairman DELLUMS and Chairman CONYERS. Despite the responsibilities that their two committees have had over the last year and a half, they have been able to give this legislation the priority and consideration it deserves.

Second, I want to commend them for the sensitivity they have shown to the role of the small business community and the effect that this legislation would have on them.

As chairman of the Subcommittee on Procurement, Taxation, and Tourism, of the Small Business Committee, my staff and myself have also spent the better part of the last year and a half analyzing and discussing the impact this legislation would have on the small business community. Through countless negotiations sessions, and three hearings in which my subcommittee has held, it has become clear to me that the product that we see before us today will not only simplify our cumbersome and inefficient procurement system but more importantly it will provide new and more dynamic business opportunities for small businesses.

There have been a number of misconceptions surrounding the impact this bill will have on small businesses.

Let me state once and for all, this bill is good for small business.

This legislation will ensure that small business gets access to contract opportunities—faster and more efficiently through the creation of an electronic commerce network. Second, it will increase the number of contracts available to small business by raising the small business reservation to \$100,000. In addition, it will spread the benefits of programs such as the 1207, small business disadvantage program throughout the Government.

Finally, it will allow the Government to enter the commercial marketplace, buy goods directly off the shelf, thereby removing the cumbersome requirements that have kept small businesses from participating in the government procurement system.

I want to take a moment to thank the staffs of both Armed Services and Government Operations Committees, Cathy Garman, Robert Rangel, Chuck Wheeler, and Ellen Brown for cooperating so fully and openly with my subcommittee staff.

Again, I urge my colleagues to support this conference report and look forward to seeing this bill signed into law this year.

Mr. CLINGER. Mr. Speaker, I yield 4 minutes to the gentlewoman from Kansas [Mrs. MEYERS], who is also the ranking Republican member on the Small Business Committee, which has played a very vital role in the construction of this legislation.

Mrs. MEYERS of Kansas. Mr. Speaker, I rise in reluctant support of this bill.

For too long the Federal procurement system has been cumbersome. The main provisions of this bill will increase the use of simplified acquisition procedures. It will permit commercial items acquisition and establish a Governmentwide computerized purchasing network.

All of this is very good for small business. These are vital advances, and they will greatly benefit the taxpayers and the Government and large and small contractors. So all of this is very good.

Unfortunately these advances are accompanied by omissions that continue to hamper small businesses. The best example is the failure to extend fast-pay procedures to small contracts, the contracts performed by small business.

Mr. Speaker, I am inserting at this point in the RECORD a letter from Mrs. Julie Ivey, president of American Reporters, Inc., as follows:

AMERICAN REPORTERS, INC.  
Newington, VA, August 22, 1994.

DEPARTMENT OF THE TREASURY,  
Internal Revenue Service, Philadelphia, PA.

DEAR SIR/MADAM: Enclosed is our check in the amount of \$202.67 representing penalty for our late payment for the tax payment dates of May 15, 1994 (payment made on May 16, 1994) and June 15, 1994 (payment made July 8, 1994).

Our failure to make these payments on time resulted directly from the failure of several federal agencies to pay outstanding invoices within 30 days. During this period, federal agencies carried over \$25,000 worth of invoices for two to three months which we made every attempt possible to collect but could not, and since we all know that the Federal Government doesn't pay anything in under 30 days, the \$40,000 which was current we couldn't count on to come in on time.

The delinquency of the Federal Government caused our delinquency.

The Federal Government represents 90 percent of our client base. When the Federal Government does not pay its bills on time, that causes us to pay our bills late. I realize that this is no "excuse" for not having paid the payroll taxes on time, after all a businessperson is supposed to miraculously pull the money out of thin air to pay the Internal Revenue Service.

On the one hand, the Federal Government doesn't pay its bills; on the other hand it heavily penalizes small businesses for not paying their payroll taxes on time.

It's the old Catch-22. But what is truly amazing is that at the same time that this is going on the Federal Government is carrying on about how much it wants to foster and encourage small businesses.

Sincerely,

JULIE K. IVEY,  
President.

Mr. Speaker, in her letter, Mrs. Ivey, a small businesswoman, apologizes to the IRS for being late making her payroll tax deposits; unfortunately, Mrs. Ivey runs a court reporting company and her biggest client is the Federal Government, and they never pay her on time.

Mr. Speaker, this is a problem small business faces all the time. If fast pay was allowed for these contracts, then Mrs. Ivey would not be penalized by the IRS because other Federal agencies do not pay her on time.

The amounts are not small. In her letter she says that the Federal Government, various agencies, are delinquent by \$40,000 over a period of 2 to 3 months, and yet she is paying a \$202 penalty for being late with her tax payments. That is totally unfair. This impacts small business frequently.

Mr. Speaker, I would also like to say that I am strongly supportive of the 5-percent goal that is set in this bill for women business owners. We have never had a goal, a Governmentwide goal, for women business owners. Women business owners own 30 percent of the businesses and have had less than 1 percent of the contracts from the Federal Government. It is time that we got a goal to kind of bring that up on everybody's radar screen.

However, I do not like implementing goals with set-asides and bid preferences, and that is what we do in this bill for minority-owned business. I strongly support a goal for minority-owned businesses. I simply do not like implementing any goals with set-asides and bid preferences.

A set-aside means there would have to be as few as two bidders, and a bid preference means a bid can be 10 per-

cent over every other bid offering and still get the bid as long as that bidder is a minority builder. I simply do not think this is good fiscal policy to break the policy of small bids.

□ 1410

I think that is inappropriate. In the past, minority-owned businesses have had a governmentwide goal of 5 percent. I strongly supported that.

They have been allowed to fulfill that goal by set-asides in bid preferences only in the Department of Defense and maybe one or two other agencies. However, with this bill that ability to implement the goal was with set-asides and bid preferences goes governmentwide.

I think it is simply not good fiscal policy and, therefore I repeat my reluctant support for this bill. I support procurement reform 100 percent, but I believe real reform must not forget small business, all small business. This bill makes great improvements, improvements that help small business, but there is still more that we could have done and some that we should not have done.

Mr. CONYERS. Mr. Speaker, I yield 1½ minutes to the gentlewoman from Oregon [Ms. FURSE] who has worked with great dedication toward the Federal Acquisitions Streamlining Act.

Ms. FURSE. I thank the gentleman for yielding this time to me.

Mr. Speaker, I was proud to serve as a conferee for the acquisition reform legislation that is before us today. This is the most comprehensive reform in a decade.

Several businesses from my home State in Oregon came to me and said that the process of selling products to the Government is too complicated, it takes too much time and money to figure out how to jump through the proper hoops to conform with outdated regulations just to make a sale.

And these arcane regulations also push up the price of goods when the Government finally does find a product to buy. This bureaucratic redtape also prevents small companies from doing business with the Government, even though they have terrific, affordable products to offer.

This acquisition reform legislation means that businesses won't have to hire extra accountants and lawyers just to comply with arcane regulations that no one in the private sector ever deals with.

This acquisition reform legislation is also about common sense. Right now the Federal Government is contemplating whether to buy a sparkplug connector for \$544, when that same item costs about \$20 at the local auto parts store. We must pass this bill so that the Federal Government will begin to go shopping like everybody else: you go to the store and buy items off the shelf, which are cheaper.

I am particularly pleased that this conference report contains a provision that I insisted on including, which is the recoupment of a portion of the research and development costs of U.S. weapons systems when we sell them to foreign governments. This generates revenues to the U.S. Treasury worth tens of millions of dollars each year.

I want to emphasize that this reform legislation is only a beginning. We have a long way to go to eliminate overly rigid bureaucratic procedures, improve Government efficiency, and save taxpayers millions of dollars. This valuable legislation deserves your support.

Mr. CONYERS. Mr. Speaker, I yield 2 minutes to the gentlewoman from New York [Mrs. MALONEY] who has worked with great dedication on this measure since she has joined the Committee on Government Operations.

Mrs. MALONEY. I thank the chairman for yielding this time to me.

Mr. Speaker, the Federal Government spends over \$200 billion on procurement every year. That is \$800 for every American. There are few areas of the Federal Government that are more important for controlling spending, saving taxpayers' dollars, and better managing our limited resources.

As cochair of the bipartisan Freshman Task Force on Procurement Reform and as a member of the conference committee, I strongly urge the passage of this conference report.

This legislation will simplify and streamline the Federal procurement process while improving its fairness, accountability, and integrity. It will reduce paperwork by allowing the Government to buy commercial products off the shelf. In other words, there will be no more doctored specifications that allowed for \$500 hammers and \$600 toilet seats, outrageous examples of Federal procurement abuses.

It raises the simplified acquisition threshold from \$25,000 to \$100,000, thereby reducing paperwork significantly. Fifty-five percent of the Defense Department's contracts are under \$100,000, yet it is only 5 percent of their expenditures. So this is a very important provision. It also strengthens the protest and oversight process, improves the integrity of the procurement process by standardizing the procurement code and by eliminating obsolete and redundant laws.

The Federal Acquisition Improvement Act also incorporates several of Vice President GORE's National Performance Review recommendations, such as providing for multiyear contracts, promoting excellence in vendor performance, and allowing State and local governments to use Federal supply services. Of the \$108 billion in savings that they project, \$22 billion is projected to come from these changes in the procurement laws.

This legislation also creates a separate 5 percent nonbinding procurement

goal for women-owned business. Government purchasing from women-owned businesses has been unacceptably low for far too long. This will, hopefully, improve that.

Mr. Speaker, I congratulate the chairman and ranking member of the Committee on Government Operations and also the Committee Armed Services. Without the determination, intelligence, and hard work of Chairman CONYERS and Chairman DELLUMS and Representatives CLINGER and SPENCE, this legislation would not have been possible.

Mr. CONYERS. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Illinois, Mr. BOBBY RUSH, another dedicated leader in helping small business across this country.

□ 1420

Mr. RUSH. Mr. Speaker, I want to express my strong support for the conference report on the Federal Acquisition Improvement Act of 1994. As a freshman Member of Congress, I was honored to serve as a conferee for this important legislation.

I would like to commend the distinguished chairmen of the Government Operations and Armed Services Committees for their hard work and their diligent efforts in producing the most comprehensive Government-wide acquisition reform measure in over a decade.

This conference agreement strikes a more equitable balance between the multitude of Government-unique policy requirements imposed on Federal procurement and the need to lower our cost of doing business.

This agreement increases the Government's reliance on the use of commercial products, goods, and services, and improves the access of small business to Government contracting opportunities.

Purchasing commercial products should abolish the current practice of buying expensive, specially designed products, when off-the-shelf, less expensive commercial products would suffice.

Mr. Speaker, two other significant aspects of this agreement for which I had the opportunity to work with Chairman CONYERS in developing, are the small purchase threshold increase and the training courses for Federal procurement personnel.

The increase of the small purchase threshold from \$25,000 to \$100,000 would allow use of simplified procedures for an estimated 45,000 additional procurements. These procurements have an aggregate value of approximately \$3 billion per year.

The training courses for critical procurement officers are aimed at increasing the participation of small disadvantaged and women-owned businesses in the procurement process.

Mr. Speaker, I again applaud the work of Chairman CONYERS and Chair-

man DELLUMS. In creating a uniform governmentwide acquisition policy, I believe that this legislation is a significant step toward reforming the Federal procurement process.

Mr. Speaker, I thank the gentleman for yielding the time to me.

Mr. CLINGER. Mr. Speaker, I yield 2 minutes to my colleague, the gentleman from Pennsylvania [Mr. WELDON], a member of the Committee on Armed Services.

Mr. WELDON. Mr. Speaker, I rise today to offer yet another endorsement of H.R. 2338, the Federal Acquisition Improvement Act. With the passage of this bill today, we will take a giant step forward in the effort to increase governmental efficiency and cost-savings.

I have been working toward this goal for some time. In 1993, I offered an amendment to the Defense authorization which would have incorporated into Defense Department buying practices several of the reforms included in H.R. 2338. Unfortunately, that measure was scuttled to ensure that governmentwide procurement reform would not be sidetracked. Fortunately, H.R. 2338 includes the commercial buying practices, simplified acquisition threshold, and reduced paperwork provisions that were contained in the Weldon amendment, and applies them to all Federal agencies.

House passage of this measure today is critical. Although many Members may not realize it, this bill may well mean the difference between survival and elimination of key weapons systems over the next several years.

Deputy Secretary of Defense John Deutch recently circulated a memo ordering the services to consider major delays or cancellation of most major weapons programs nearing the production stage. That list includes the Comanche Helicopter, the F-22 fighter, the V-22, DDG-51 destroyers, the new attack submarine, the advanced amphibious assault vehicle, JPATS trainer aircraft, precision guided munitions, and the advanced field artillery system. There is literally no weapons program in the budget that will be exempted from the rigors of this austere budget environment.

Last week, the Department of Defense validated the need for the V-22 *Osprey* aircraft and endorsed limited production of it. At the same time, Pentagon officials called on the Marine Corps and the contractors to employ the commercial buying practices and innovative procurement practices allowed in this bill as a way to reduce V-22 costs. The V-22 pilot acquisition effort, which will reduce the cost of each aircraft by several million dollars, will also be applied to future weapons acquisition programs.

At a time when every major weapons modernization program remains under scrutiny, it is absolutely essential that

we remove the nonvalue-added requirements from major acquisition programs. H.R. 2338 will not solve all of our problems with respect to the declining defense budget, but it is one huge step in the right direction. I urge my colleagues to put the final stamp of approval on this bipartisan bill and send it to the President for his signature.

Mr. CONYERS. Mr. Speaker, I yield 2 minutes to the gentlewoman from California [Ms. HARMAN].

Ms. HARMAN. Mr. Speaker, as a member of the House Armed Services Committee, I want to recognize how vitally important this legislation will be to the saving of our industrial base. By reforming the defense acquisition process, which is just a part of what this legislation will do, we assist all companies that are capable of doing business with the Defense Department. We will not only open up the process to small or disadvantaged firms, who currently are not able to do business with the Pentagon, but we will also help those larger firms, that already do business with the Defense Department, learn commercial practices.

Why does this matter? It matters because the future for our defense industrial base is diversification, and to diversify, these large firms must understand and be able to operate on a commercial level. They must be able to compete.

So, I see in this legislation an enormous win across the board.

The establishment of a simplified acquisition threshold up to \$100,000—raised from \$25,000—will allow a streamlined procurement process. This \$100,000 threshold will apply to over 95 percent of all Government procurement actions.

The revised contracting procedures and the new, accelerated notice of contract awards, contract debriefings, and bid protests are all designed to reduce staff time, lessen the amount of paperwork required, and shrink the bureaucracy.

The bill also establishes a Government-wide electronic purchasing system. The use of electronic bulletin boards to offer contracts or list agency needs will speed up the system and open up more selling opportunities to more businesses around the country.

Of the \$108 billion in savings targeted through fiscal year 1999 by the Vice President GORE's National Performance Review, \$22.5 billion—more than 20 percent would come from proposed changes in the Federal procurement system.

With this reform, we will be spending scarce dollars more wisely. We will be opening up the acquisition process to small and minority businesses. We will be able to introduce technology to the Government in ways that are not possible in the current Government acquisition process. We will also be helping

our larger firms, our traditional defense technology providers, to do business in a new way that will help ensure their survival and the survival of our industrial and intellectual base.

In every sense, this is a major piece of the reinventing government program that so many of us were elected to carry out. I commend the committee chairman and the bipartisan group of supporters for what we are about to do today.

Mr. CLINGER. Mr. Speaker, I yield 3 minutes to the gentleman from Michigan [Mr. SMITH], chairman of the freshman Committee on Procurement Reform.

Mr. SMITH of Michigan. Mr. Speaker, I rise in strong support of the conference report on this bill. It is largely because of the hard work of ranking members and chairmen for the Committee on Government Operations and the Committee on Armed Services that I thank today. We have a real opportunity with the passage of this bill, changing for the better, the way we procure goods and services.

The Federal Government spends \$200 billion on procurement every year, \$800 for every American. With 142,000 Federal employees to implement over 4,500 pages of Federal procurement regulations and agency supplementals the system has long needed an overhaul.

When I first came to Congress 18 months ago, Mr. Speaker, I had hoped to make a difference in how government is run. I was honored to cochair the bipartisan freshman Procurement Task Force with the gentlewoman from New York [Mrs. MALONEY]. We heard from suppliers of goods and services about the tremendous amount of bureaucracy they have to endure in order to offer a bid. We met with administration officials, committee staff. As a freshman group, we talked and met and discussed this issue together, and this conference report reflects much of what we agreed needs to be accomplished.

This bill will encourage the dollar saving acquisition of commercial products off the shelf. It will increase the simplified acquisition threshold to \$100,000 saving time and millions of dollars. It will exempt the micro purchases of less than \$2,500 from a number of burdensome statutory requirements.

I would like to tell this body some of the other areas that we talked about as a freshman class. Changes that might improve this conference report include increasing the Davis-Bacon threshold to 250,000.

□ 1430

So I think we need to continue to look at Davis-Bacon. In the future I hope we can accept more of the section 800 Commissioner's recommendations to reduce the paperwork and regulatory burdens in purchases of goods

and services for defense. Defense acquisition, of course, represents 80 percent of total Federal acquisition, and needs continued scrutiny, for improvement in the future. Many of us suggested the micro-purchases and simplified acquisition thresholds, should be as high as \$25,000 and \$250,000 respectively to further increase efficiency.

Mr. Speaker, in conclusion, this bill is still an excellent effort by this Congress to make Government run better, more efficiently and at less cost for the taxpayers of this nation. I urge my colleagues to support the conference report.

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

Mr. Speaker, I have no further requests for time, and I would just say in closing, I think this measure that we are going to vote on is perhaps the single most important measure we will have this year to really effect efficiency in Government, reduce the cost of Government, and get much more productivity out of our Government. It is really a very, very significant bill.

I would also say it is, in my view, a creature of the Congress. This is a product that has been in the works for 3 or 4 years. There has been a lot of time and effort put into it. Most of the concepts and ideas have come out of the Congress, in both the House and Senate side.

We have been pleased to have the support of the previous administration and this administration in accomplishing this goal. But it really is uniquely a product of the Congress, and I have been proud to be a part of it, proud to have worked in harness with my chairman, the gentleman from Michigan [Mr. CONYERS], and all who have been part of this day.

Mr. Speaker, I yield back the balance of my time.

Mr. CONYERS. Mr. Speaker, before yielding back the balance of my time, since there are no further speakers, I would like to single out the staff director of the Committee on Government Operations, Julian Epstein, who has worked along with Chuck Wheeler on this matter for 4 years. The reason that I single him out is that he has been working on all the other matters in the Committee on Government Operations for 4 years as well, and we could not have moved this to the success that is being reported here today without his continuing and untiring effort.

Mr. SPRATT. Mr. Speaker, I rise to express my strong support for S. 1587, the Federal Acquisition Improvement Act of 1994. While the title seems innocuous, we expect this legislation to save taxpayers \$22.5 billion between now and 1999. This is 21 percent of Vice President GORE's targeted \$108 billion in savings forecast in last year's National Performance Review. As a senior member of the two committees of jurisdiction, the House Armed Services Committee, and the House Government Operations Committee, I am pleased I could help draft this legislation.

The acquisition process for the Federal Government has become so entangled that it cannot even respond to emergencies. For example, during the Persian Gulf war U.S. forces needed small radios for their troops in the field. Procurement regulations made it virtually impossible for Motorola to provide these radios quickly, even though they were widely available on the commercial market. To solve the problem, arrangements had to be made for the Japanese to buy the radios from Motorola and then donate them to United States forces. Mr. Speaker, this is a clear example of a bureaucracy run amok.

With the enactment of the Federal Acquisition Improvement Act, we are cutting this tangled web of red procurement tape. This new legislation encourages Federal agencies to buy "off the shelf" commercial products whenever possible, and to avoid conducting elaborate negotiations to purchase items designed to meet unneeded or unique Government specifications. This will make it easier for our business people to deal with their own Government. Further, this agreement increases the simplified acquisition threshold, under which procurement regulations would be streamlined, from \$25,000 to \$100,000. Approximately 55 percent of the Department of Defense purchases would fall under this new threshold. This act also revises current contracting procedures and procurement law, strengthens the bid protest process, and establishes a Government-wide electronic purchasing system.

Finally, the legislation establishes a Federal Acquisition Computer Network—known as FACNET—to enable Government agencies to conduct most of their procurement actions, from initial notification to award, electronically. Mr. Speaker, this action alone can save dozens and dozens of forms, unburden managers from approving routine procurement items, and allow Government employees to perform their jobs expeditiously. An added bonus of the new computer network is the potential to expand competition among many more businesses than ever before.

Mr. Speaker, this legislation will improve the working relationship between the Federal Government and our business people and put our tax dollars to more efficient use. I urge my colleagues to support S. 1587.

Mr. FAWELL. Mr. Speaker, as the House considers the conference report on the Federal Acquisition Streamlining Act of 1994, I would like to comment on section 7204 of the report. This provision, regarding the maximum practicable opportunities for apprentices on Federal construction projects, was taken from the House version of the legislation—it was not included in the Senate version, S. 1587.

Section 7204 provides a sense of the House that contractors performing Federal construction contracts should, to the maximum extent practicable, give preference in the selection of subcontractors to those participating in apprenticeship programs registered with the Department of Labor or with a State apprenticeship agency recognized by DOL. Although this provision appears to promote training, it could, in fact, decrease training opportunities and make this a discriminatory preference.

I am a strong advocate of apprenticeship and other training programs to help young

people, women, and minorities obtain highly skilled jobs. However, in some States such as Washington, California, and Nevada, the State apprenticeship agencies have blatantly discriminated against the approval of qualified apprenticeship programs. They have done this by denying approval to any parallel apprenticeship programs, which essentially means a denial of any competing programs. The result has been that open shop or union programs that attempted to compete with the programs already in existence were not allowed to train individuals who wanted to join their programs.

This situation has been remedied in the past few years because many construction groups and companies have been forced to file numerous court cases in Washington, California, and Nevada in order to train individuals in their qualified apprenticeship programs. The courts have continuously upheld ERISA preemption and said that union-dominated State apprenticeship councils could not deny recognition to federally recognized apprenticeship programs just because they represented healthy competition to the entrenched union programs.

Because of these court cases there are additional apprenticeship programs being approved in Washington and many more people are being trained. Unfortunately, the House passed H.R. 1036 on November 9, 1993, seeking to overturn these properly decided court cases. If this legislation passes the Senate and is signed into law, the State apprenticeship agencies will be given carte blanche to once again discriminate against the approval of qualified apprenticeship and other training programs.

This preference language could, in effect, result in the approval of those State apprenticeship programs which discriminate against nonunion or other competing union programs. For these reasons, I strongly oppose section 7204 of the conference report. While this is only a sense-of-the-House and is nonbinding, it is nonetheless a discriminatory preference which will hinder training instead of providing much needed training opportunities.

Mr. PENNY. Mr. Speaker, I rise today in support of the conference report on H.R. 2238, the Federal Acquisition Improvement Act. This legislation reforms Federal procurement practices and, in particular, raises the simplified acquisition threshold under which procurement paperwork requirements would be streamlined—from a current threshold of \$25,000 to \$100,000. This reform will be particularly important to the Department of Defense where some 55 percent of all purchases will fall under the higher threshold.

In addition, small businesses will benefit from the legislation due to the fact that these businesses will be able to bid on numerous Federal contracts without having to comply with the burdensome paperwork and book-keeping requirements under the previous procurement regulations.

I am especially pleased that this legislation includes section 7014 of the House-passed version of H.R. 2238, the Federal Acquisition Improvement Act. These provisions would prohibit agencies from requesting pricing data from private contractors for the purchase of competitively priced, commercial products.

Mr. Speaker, I have been very interested in procurement reform as a means of reducing

Federal spending. In 1993, Vice President ALBERT GORE released his National Performance Review which included recommendations for changing Federal procurement procedures in order to streamline Government purchasing of goods and services—saving an estimated \$22.5 billion over the next 5 years. I applaud these, and other efforts, to reduce Federal spending and regulations.

I urge Members of Congress to support the conference report on H.R. 2238, the Federal Acquisition Improvement Act.

Mr. BROOKS. Mr. Speaker, I intend to vote for this conference report because it represents hard compromises worked out among widely divergent groups. Also, I believe that some provisions in the bill will help the Federal procurement system.

Nonetheless, I am troubled by the direction of the bill, which pushes the Government toward goods and services like a commercial firm buys goods and services; in other words, toward commercial buying practices.

We all agree that the Government should buy off-the-shelf, commercial products whenever possible, instead of always having things built to Government specifications. But adopting commercial buying practices is an entirely different matter. The Government is not a commercial firm and has different interests and goals than commercial firms. In reinventing Government, we are not supposed to be destroying the mission of Government. That mission includes:

The Government answering to the voters and taxpayers; commercial firms answer to the stockholders.

The Government being concerned with the welfare of all Americans; commercial firms are concerned chiefly with profit.

The Government treating all potential sellers fairly; commercial firms need only be concerned with efficiency.

The Government assuring fair treatment for all Americans—including small businesses, minorities, women, and the handicapped; commercial firms have an interest in the bottom line.

There is no debate over whether we need an efficient Federal procurement system. But we cannot permit efficiency to be achieved at any cost by permitting an unsupervised raid on the Federal Treasury. I agree that procurement procedures should be made simpler. But the price of that simplicity cannot be a system in which the same monolithic corporations win contracts with tiresome predictability, at the expense of competitive, innovative smaller companies.

When I hear complaints about the procurement system and calls for repeal of laws such as the Competition in Contracting Act, the Procurement Integrity law, the Brooks A.D.P. Act, and other laws enacted to protect the taxpayers, I think of an inscription found in one of John F. Kennedy's notebooks, "Don't ever take down a fence, until you know the reason why it was put up." This bill leans hard on several important fences. Before Congress moves any farther in this direction, we should step back, take a hard look, and be sure that the direction we are moving is in the best interests of the Government and all the people the Government serves.

Mr. SYNAR. Mr. Speaker, I strongly support House adoption of the conference report on S.

1587, the Federal Acquisition Streamlining Act of 1994, more commonly known as the procurement reform bill. This is the most significant reform of the Government's overly-complicated and burdensome procurement system in a decade and, as a House conferee on the measure, I am gratified to have been a part of this important Federal streamlining initiative. Implementation of the reforms in this bill will save the taxpayers billions of dollars a year. As important, it will make our procurement system far more efficient and user-friendly for those who do business with the Federal Government—and this is especially true for thousands of smaller businesses who are ready, willing and able to supply the Government with billions of dollars in off-the-shelf goods.

The Federal Government spends \$180 to \$200 billion every year on the purchase of goods and services. As everyone knows, the Government's current procurement system is confusing and overly burdensome on businesses and the bureaucracy alike. The current system also needlessly encourages agency reliance on Government-unique, rather than off-the-shelf, products. As a result, billions of dollars a year are wasted on more costly goods. The bill before us fixes these defects in the current system.

The measure is the result of two comprehensive reviews of the Federal procurement system, including Vice President GORE's National Performance Review effort. The Vice President and others in the administration should take justifiable pride in doing so much to advance this major reform initiative, which really will "make Government work better and cost less."

While the legislation reforms virtually every facet of the existing procurements system, several reforms are especially important:

The legislation promotes uniform treatment of agency procurements throughout the Government. This will go a long way toward simplifying the Government procurement process. In particular, I am pleased the bill maintains the language we included on "unallowable" costs. We know from hearings held by my own oversight subcommittee and others that certain types of costs—including "employee morale" expenses such as Rolex watches, liquor and entertainment costs, and spouse travel, as well as expenses for lobbying, advertising, and golden parachute payments and similar expenses—are now commonly paid to contractors by civilian Government agencies. Department of Defense procurement regulations already prohibit payment for such outrageous expenses, and the legislation before us would, for the first time, generally extend that prohibition to all civilian agencies as well.

The legislation establishes a clear preference for the use of commercial items, rather than Government-unique products. These provisions will make it much easier for companies offering off-the-shelf products to aggressively compete for Government contracts. We have all read the horror stories about the current procurement system, which entails thousands and thousands of pages of silly Government specifications for products that can easily be purchased in the marketplace. The current practice doesn't benefit the Government or businesses and it needs to be overhauled. This legislation will do that by making it clear

that wherever possible commercially available products should be the norm, not the exception. The bill will further reduce impediments to direct purchase of commercial items by exempting such purchases from numerous statutory requirements that are unique to the Government.

In the procurement area, one of the biggest burdens now on companies wanting to do business with the Government is the amount of financial information—so-called specialized cost and pricing data—that is required of them under the Truth in Negotiations Act. The bill before us would lift a great deal of this burden, by permanently increasing the threshold to \$500,000, below which specific cost or pricing data will not be required. Moreover, it addresses the complaints of businesses in this area by creating exceptions for commercial items: in short, when a commercial item is purchased competitively and adequate market pricing information is therefore already available, no cost and pricing data will be required.

Also very important to smaller businesses, the bill provides Federal contracting officers with various contract financing options including the option, where appropriate, to provide the company with an advance payment of up to 15 percent prior to contract performance on commercial item purchases.

The legislation would raise the threshold for small purchases from the \$25,000 currently in effect to \$100,000. This step will vastly simplify and expedite about 45,000 Government procurements every year. Like the waiver for commercial items, this bill would also exempt purchases under this new threshold from certain statutory requirements unique to the Government, and a new "micro" purchase threshold of \$2,500 would establish the simplest and most efficient procurement procedures of all.

Businesses, and particularly smaller businesses, have long complained about the bid protest process and the lack of information they receive about why a bid is rejected. This lack of information virtually forces protests by disappointed offerers, just to get information. The bill addresses this problem, and in turn will reduce the number of costly bid protests, by injecting some mandatory "sunshine" into the procurement process. For example, it requires agencies to provide more detail about the factors which will be considered in awarding contracts and requires contractor debriefings whenever requested.

Finally, the legislation recognizes that other, more innovative methods exist for procuring better goods and services for less. Thus, it authorizes several alternative procurement test programs in specific areas.

Mr. Speaker, when so much attention is being focused on issues like health care reform and foreign policy, I'm sure that procurement reform legislation doesn't sound very exciting to a lot of people. But make no mistake: this effort was a major undertaking for the executive branch and Congress, and the resulting legislation now before us is a significant boon to taxpayers and businesses alike. I am especially glad we made so much progress in making the procurement system more efficient for the tens of thousands of smaller businesses around the Nation who can and will help supply the Government with high quality, competitively priced goods and services, if we

will just make the procurement system more user-friendly.

Certainly there will be some contractors or organizations out there who want to maintain their special contracting status or perks, and they will undoubtedly oppose some provisions of the bill. But I urge my colleagues to reject the criticisms of those with a vested interest in maintaining the status quo. Taxpayers and businesses alike deserve the benefits of this procurement system overhaul and I urge all my colleagues to support the conference report on S. 1587.

Mr. LAFALCE. Mr. Speaker, I rise in support of the conference report on the bill (S. 1587), the Federal Acquisition Streamlining Act of 1994.

This far-reaching reform of Federal procurement laws in long over-due and will be instrumental in achieving Government-wide costcutting.

The Federal Government spends approximately \$200 billion a year on the procurement of goods and services. Few, however, would disagree that our current procurement system is overly complex, absurdly slow and frequently ineffective. It is a system burdened with an outmoded and fragmented statutory foundation, hampered by regulatory and procedural proliferation beyond comprehension and plagued by an absence of individual accountability.

I am pleased to join with my colleagues in support of this important reform legislation which is a major step forward in reinventing how the Government does business. This bill echoes many of the recommendations made in the Vice President's National Performance Review, simplifying and streamlining the procurement process, saving the taxpayer money and ensuring fairness to all stakeholders.

Key provisions of this reform package and changes I am particularly pleased with include:

Establishing simplified acquisition processes for Government contracts under \$100,000;

Reserving contracts under \$100,000 for small businesses;

Requiring the acquisition by Federal agencies of commercial items to the maximum extent possible;

Establishing and implementing a new Federal Acquisition Computer Network which will serve as a Government-wide electronic commerce system for procurement opportunities;

Requiring timely responses to inquiries from small business contractors; and,

Establishing a 5 percent procurement goal for women-owned businesses.

This legislation will help the Government save money as well as simplify and streamline the way the Government does business. I urge passage of this major procurement reform legislation.

It will substantially impact on small business. Many important decisions will be made by the regulators as they develop implementing regulations. For

example, regulations will prescribe the minimal response time which agencies must allow to permit small businesses to prepare bids. If it is set too short, small business will be effectively precluded from bidding.

There are other similar, although possibly less important issues, to be covered by regulation. The Small Business Committee, which I am privileged to Chair, will continue its oversight of the process to insure that small business is allowed to participate in Federal procurements.

In closing, I want to extend my thanks particularly to Chairman CONYERS, Chairman DELLUMS, Senator BUMPERS, and Senator NUNN, along with their staffs, for their efforts on this issue. We would not be here considering this conference report without everyone's cooperation.

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

The previous question was ordered.

The SPEAKER pro tempore (Mr. PETE GEREN of Texas). The question is on the conference report.

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

Mr. CONYERS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 425, nays 0, not voting 9, as follows:

[Roll No. 425]

YEAS—425

Abercrombie  
Ackerman  
Aillard  
Andrews (ME)  
Andrews (NJ)  
Andrews (TX)  
Applegate  
Archer  
Army  
Bacchus (FL)  
Bachus (AL)  
Baesler  
Baker (CA)  
Baker (LA)  
Ballenger  
Barca (WI)  
Barcia (MI)  
Barlow  
Barrett (NE)  
Barrett (WI)  
Bartlett  
Barton  
Bateman  
Becerra  
Bellenson  
Bentley  
Bereuter  
Berman  
Bevill  
Billbray  
Bilirakis  
Bishop  
Blackwell

Bliley  
Blute  
Boehlert  
Boehner  
Bonilla  
Bonior  
Borski  
Boucher  
Brewster  
Brooks  
Browder  
Brown (CA)  
Brown (FL)  
Brown (OH)  
Bryant  
Bunning  
Burton  
Buyer  
Byrne  
Callahan  
Calvert  
Camp  
Canady  
Cantwell  
Cardin  
Carr  
Castle  
Chapman  
Clay  
Clayton  
Clement  
Clinger  
Clyburn

Coble  
Coleman  
Collins (GA)  
Collins (IL)  
Collins (MI)  
Combust  
Condit  
Conyers  
Cooper  
Coppersmith  
Costello  
Cox  
Coyne  
Cramer  
Crane  
Crapo  
Cunningham  
Danner  
Darden  
de la Garza  
Deal  
DeFazio  
DeLauro  
DeLay  
Dellums  
Derrick  
Deutsch  
Diaz-Balart  
Dickey  
Dicks  
Dingell  
Dixon  
Dooley

Doolittle  
Dornan  
Dreier  
Duncan  
Dunn  
Durbin  
Edwards (CA)  
Edwards (TX)  
Ehlers  
Emerson  
Engel  
English  
Eshoo  
Evans  
Everett  
Ewing  
Farr  
Fawell  
Fazio  
Fields (LA)  
Fields (TX)  
Fliner  
Fingerhut  
Fish  
Flake  
Foglietta  
Ford (MI)  
Ford (TN)  
Fowler  
Frank (MA)  
Franks (CT)  
Franks (NJ)  
Frost  
Furse  
Gallegly  
Gedden  
Gekas  
Gephardt  
Geren  
Gibbons  
Gilchrist  
Gillmor  
Gilman  
Gingrich  
Glickman  
Gonzalez  
Goodlatte  
Goodling  
Gordon  
Goss  
Grams  
Grandy  
Greenwood  
Gunderson  
Gutierrez  
Hall (OH)  
Hall (TX)  
Hamburg  
Hamilton  
Hancock  
Hansen  
Harman  
Hastert  
Hastings  
Hayes  
Hefley  
Hefner  
Herger  
Hilliard  
Hinchey  
Hoagland  
Hobson  
Hochbrueckner  
Hoekstra  
Hoke  
Holden  
Horn  
Houghton  
Hoyer  
Huffington  
Hughes  
Hunter  
Hutchinson  
Hutto  
Hyde  
Inglis  
Insee  
Istook  
Jacobs  
Jefferson  
Johnson (CT)  
Johnson (GA)  
Johnson (SD)  
Johnson, E. B.  
Johnson, Sam  
Johnston

Kanjorski  
Kaptur  
Kasich  
Kennedy  
Kennelly  
Kildee  
Kim  
King  
Kingston  
Kleczka  
Klein  
Klink  
Klug  
Knollenberg  
Kolbe  
Kopetski  
Kreidler  
Kyl  
LaFalce  
Lambert  
Lancaster  
Lantos  
LaRocco  
Laughlin  
Lazio  
Leach  
Lehman  
Levin  
Levy  
Lewis (CA)  
Lewis (FL)  
Lewis (GA)  
Lewis (KY)  
Lightfoot  
Linder  
Lipinski  
Livingston  
Lloyd  
Long  
Lowey  
Lucas  
Machtley  
Maloney  
Mann  
Manton  
Manzullo  
Margolies-  
Mezvinsky  
Markey  
Martinez  
Matsui  
Mazzoli  
McCandless  
McCloskey  
McCollum  
McCrery  
McCurdy  
McDade  
McDermott  
McHale  
McHugh  
McInnis  
McKeon  
McKinney  
McMillan  
McNulty  
Meehan  
Meek  
Menendez  
Meyers  
Mfume  
Mica  
Miller (CA)  
Miller (FL)  
Mineta  
Minge  
Mink  
Moakley  
Molinari  
Mollohan  
Montgomery  
Moorhead  
Moran  
Morella  
Murphy  
Murtha  
Myers  
Nadler  
Neal (MA)  
Neal (NC)  
Nussle  
Oberstar  
Obey  
Oliver  
Ortiz  
Orton

Owens  
Oxley  
Packard  
Pallone  
Parker  
Pastor  
Paxon  
Payne (NJ)  
Payne (VA)  
Pelosi  
Penny  
Peterson (FL)  
Peterson (MN)  
Petri  
Pickett  
Pickle  
Pombo  
Pomeroy  
Porter  
Portman  
Poshard  
Price (NC)  
Pryce (OH)  
Quillen  
Quinn  
Rahall  
Ramstad  
Rangel  
Ravenel  
Reed  
Regula  
Reynolds  
Richardson  
Ridge  
Roberts  
Roemer  
Rogers  
Rohrabacher  
Ros-Lehtinen  
Rose  
Rostenkowski  
Roth  
Roukema  
Rowland  
Roybal-Allard  
Royce  
Rush  
Sabo  
Sanders  
Sangmeister  
Santorum  
Sarpalius  
Sawyer  
Saxton  
Schaefer  
Schenk  
Schiff  
Schroeder  
Schumer  
Schott  
McHale  
Sensenbrenner  
Serrano  
Sharp  
Shaw  
Shays  
Shepherd  
Shuster  
Sisisky  
Skaggs  
Skeen  
Skelton  
Slattery  
Slaughter  
Smith (IA)  
Smith (MI)  
Smith (NJ)  
Smith (OR)  
Smith (TX)  
Snowe  
Solomon  
Spence  
Spratt  
Stark  
Stearns  
Stenholm  
Stokes  
Strickland  
Studds  
Stump  
Stupak  
Swett  
Swift  
Talent  
Tanner  
Tauzin  
Taylor (MS)

Taylor (NC)  
Tejeda  
Thomas (CA)  
Thomas (WY)  
Thompson  
Thornton  
Thurman  
Torkildsen  
Torres  
Torricelli  
Towns  
Traficant  
Tucker

Unsoeld  
Upton  
Valentine  
Velazquez  
Vento  
Visclosky  
Volkmer  
Vucanovich  
Walker  
Walsh  
Waters  
Watt  
Waxman

Weldon  
Whitten  
Williams  
Wise  
Wolf  
Woolsey  
Wyden  
Wynn  
Yates  
Young (AK)  
Young (FL)  
Zeliff  
Zimmer

NOT VOTING—9

Gallo  
Green  
Inhofe

Michel  
Sundquist  
Synar

Washington  
Wheat  
Wilson

□ 1455

Mr. BAKER of California and Mrs. SCHROEDER changed their vote from "nay" to "yea."

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

DIRECTING THE SECRETARY OF THE SENATE TO MAKE CORRECTIONS IN ENROLLMENT OF S. 1587, FEDERAL ACQUISITION STREAMLINING ACT OF 1994

Mr. CONYERS. Mr. Speaker, I send to the desk a concurrent resolution (H. Con. Res. 291) directing the Secretary of the Senate to make corrections in the enrollment of S. 1587, and ask unanimous consent for its immediate consideration.

The Clerk read the title of the concurrent resolution.

The text of House Concurrent Resolution 291 is as follows:

H. CON. RES. 291

*Resolved by the House of Representatives (the Senate concurring).* That in the enrollment of the bill (S. 1587) to revise and streamline the acquisition laws of the Federal Government, and for other purposes, the Secretary of the Senate shall make the following corrections:

(1) In paragraph (2)(A) of the matter proposed to be added at the end of section 3553(f) of title 31, United States Code, by paragraph (2) of section 1403(c)—

(A) strike out "person" both places it appears and insert in lieu thereof "party"; and  
(B) strike out "subparagraph (C)" and insert in lieu thereof "subparagraph (B)".

(2) In the matter proposed to be inserted in section 111(f)(5) of the Federal Property and Administrative Services Act of 1949 by subsection (a) of section 1435, insert after "and no party" in the second sentence the following: "(other than a small business concern (within the meaning of section 3(a) of the Small Business Act))".

(3) In the matter proposed to be added at the end of the Office of Federal Procurement Policy Act by section 4101—

(A) strike out "subsection (c)" in subsection (a)(2) of such matter and insert in lieu thereof "subsection (b)"; and

(B) strike out "subsection (a)" in subsection (b) of such matter and insert in lieu thereof "subsection (a)(2)".

(4) In the matter proposed to be added at the end of the Office of Federal Procurement Policy Act by section 8003, strike out "subsections (a)" in subsection (c) of such matter

and insert in lieu thereof "subsections (a)(2)".

(5) In subsection (c) of section 10001, strike out "and 7207" and insert in lieu thereof "and 7206".

The SPEAKER pro tempore (Mr. PETE GEREN of Texas). Is there objection to the request of the gentleman from Michigan?

Mr. CLINGER. Mr. Speaker, reserving the right to object, I will not object, but I do so in order to ask the chairman of the committee to explain the purpose of this concurrent resolution.

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

Mr. CLINGER. I yield to the gentleman from Michigan.

Mr. CONYERS. Mr. Speaker, this resolution provides for technical and conforming changes in the conference report of S. 1587 just approved by the House. There are five corrections that the resolution makes, none substantive in nature, and they have been agreed to by both the majority and the minority in both Houses.

Mr. CLINGER. Mr. Speaker, I support the resolution, and I withdraw my reservation of objection.

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

There was no objection.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

PERMISSION TO FILE CONFERENCE REPORT ON H.R. 4606, DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1995

Mr. SMITH of Iowa. Mr. Speaker, I ask unanimous consent that the managers may have until midnight tonight, Tuesday, September 20, 1994, to file a conference report on the bill (H.R. 4606) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1995, and for other purposes.

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

There was no objection.

PERMISSION TO FILE CONFERENCE REPORT ON H.R. 4554, AGRICULTURAL, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1995

Mr. SMITH of Iowa. Mr. Speaker, I ask unanimous consent that the managers may have until midnight tonight,

September 20, 1994, to file a conference report on the bill (H.R. 4554) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Programs for the fiscal year ending September 30, 1995, and for other purposes.

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

There was no objection.

□ 1500

APPOINTMENT OF CONFEREES ON H.R. 6, IMPROVING AMERICA'S SCHOOLS ACT OF 1994

Mr. FORD of Michigan. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 6) to extend for 5 years the authorizations of appropriations for the programs under the Elementary and Secondary Education Act of 1965, and for certain other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

The SPEAKER pro tempore (Mr. PETE GEREN of Texas). Is there objection to the request of the gentleman from Michigan?

There was no objection.

MOTION TO INSTRUCT CONFEREES OFFERED BY MR. GUNDERSON

Mr. GUNDERSON. Mr. Speaker, I offer a motion to instruct conferees.

The Clerk read as follows:

Mr. GUNDERSON of Wisconsin moves that the Managers on the part of the House, at the Conference on the disagreeing votes of the two Houses on the bill H.R. 6 be instructed to insist on the House position with regard to the subject of School prayer as follows:

"SEC. 9513. PROHIBITION AGAINST FUNDS FOR PROTECTED PRAYER.

"Notwithstanding any provision of law, no funds made available through the Department of Education under this Act, or any other Act, shall be available to any State or local educational agency which has a policy of denying or which effectively prevents participation in, constitutionally protected prayer in public schools by individuals on a voluntary basis. Neither the United States nor any State nor any local educational agency shall require any person to participate in prayer or influence the form or content of any constitutionally protected prayer in such public schools.

Mr. GUNDERSON (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

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

There was no objection.

The SPEAKER pro tempore. The gentleman from Wisconsin [Mr. GUNDERSON] will be recognized for 30 minutes, and the gentleman from Michigan [Mr. FORD] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Wisconsin [Mr. GUNDERSON].

Mr. GUNDERSON. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, as a member of the Committee on Education and Labor, I bring to Members what I believe is a very important motion to instruct the conferees as we go to conference later this afternoon on the Elementary and Secondary Education Act.

One of the issues in which the House spoke loudly and clearly during our earlier consideration was the right of school children to participate in what is called constitutionally permitted school prayer. The distinguished gentlemen from Texas [Mr. SAM JOHNSON] offered an amendment at that time that if Members recall I was one of those who spoke in favor of the amendment at that time because I thought it was important that we understand exactly what we mean by constitutionally permitted school prayer.

Mr. Speaker, everyone has assumed that somehow under the establishment clause of the Constitution that school prayer is not constitutionally permitted. However, the American Law Division has made it very clear that constitutionally permitted school prayer would include first and foremost a moment of silence which students can use for that purpose, and, second, such activities as graduation ceremony prayers if offered by a member of the student body. I would hope that there is none among us who believe that that is in any way, shape or form coercion but rather would recognize that as the legitimate rights of students in our society. As the American Law Division wrote in their ruling, they said the students of this country do not shed their first amendment rights to free speech at the schoolhouse door.

What we would like to do is make sure that no funds are in any way, shape or form used to prohibit the rights of schools to have school prayer and go on beyond that to say that we are not going to allow any kind of funds from the Federal Government to schools that have policies which specifically prohibit school prayer. This is where the importance of this motion to instruct comes in. Because the Senate has language which in all due respect to my colleagues in the Senate makes it impossible to ever enforce the right of constitutionally permitted school prayer. The Senate language says that any State or local agency, local school, that is adjudged by a Federal court to have willfully violated a Federal court order mandating such constitutionally permitted school prayer would be denied funds. The facts are, ladies and gentlemen, to go through that kind of a not one but double legal hurdle guarantees that in effect we would never enforce the provision allowing constitutionally permitted school prayer.

I call upon my colleagues on both sides of the aisle to reaffirm what was a strong vote on this issue earlier in

our consideration so that as we go to conference, this is an issue we may bring back to Members in its proper form.

Mr. FORD of Michigan. Mr. Speaker, I ask the gentleman to yield so that we may engage in a colloquy.

Mr. GUNDERSON. I am happy to yield to the distinguished chairman.

Mr. FORD of Michigan. I would ask the gentleman if his amendment is simply a suggestion to the conference committee that we hold out for the House version of the bill?

Mr. GUNDERSON. That is exactly correct.

Mr. FORD of Michigan. That being the case, I am inclined to accept the gentleman's amendment if we can avoid spending an hour waiting around here with all kinds of nonsense on this thing. I would accept the gentleman's amendment on that condition.

Mr. GUNDERSON. I do have some people I had promised time to that I have to allocate under my 30 minutes, however. I appreciate the gentleman's support, but I do have to respect the commitment I have made.

Mr. FORD of Michigan. Well, I tried. Mr. Speaker, I reserve the balance of my time.

Mr. GUNDERSON. Mr. Speaker, I yield 5 minutes to the gentleman from Texas [Mr. SAM JOHNSON], the author of the provision during its original consideration.

Mr. SAM JOHNSON of Texas. Mr. Speaker, I rise in support of this motion to instruct the conferees on the elementary and secondary reauthorization bill, H.R. 6, to accept the Johnson/Duncan amendment which overwhelmingly passed the House on March 21 of this year by a vote of 345 to 64.

This body has voted for this exact language twice this year, the vote for my amendment in March and a 367 to 55 vote in February for a motion to instruct the conferees on Goals 2000.

If you will recall, the Johnson-Duncan amendment simply allows students and teachers in public schools across the Nation to pray on a voluntary basis. This right is protected by our Constitution.

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof . . ." [First Amendment]

The courts have affirmed that students in public schools do not "shed their constitutional right to freedom of speech or expression at the schoolhouse gate." In the case of *Wallace versus Jaffree* the court concluded that there is no constitutional barrier to a state "protecting every student's right to engage in voluntary prayer."

The House-passed amendment allows student-initiated, constitutionally protected voluntary prayer. It does not require a State education agency or a local education agency to do anything but uphold the Constitution. It does not create any new legal definition of voluntary school prayer. It does not require a child to participate in prayer.

The language passed by the other body places a heavy burden on those whose rights have been violated. They must obtain a court order requiring that a violation of constitutionally protected prayer be remedied, and then return to court a second time and prove willful violation of the previous court order.

The argument has been made that we should leave the decision of what is protected prayer to the courts because the Department of Education should not be involved in making such "constitutional" decisions. The Department of Education already makes decisions concerning students' constitutional rights. There is a special office at the Department called the Office of Civil Rights. This Office will investigate claims that a student's civil rights have been violated, they will contact the school and work with them to remedy the situation and if the school does not, the funds will be taken away.

The language passed by the other body will cause parents of aggrieved students to spend tremendous amounts of money in litigation costs. Let me share an example with you of the cost of prosecuting a public school student's right to pray. In the case *Ferguson, et al. versus Smithfield High School students* at a public high school were denied the right to start a bible club, similar to other student clubs, and have faith fellowship meetings as a club on school grounds. The case was filed in Federal District Court in February of this year. The cost of the case to this stage, not including a trial total \$44,730. That includes \$33,500 for lead attorneys, \$6,950 for the team attorneys, \$1,800 for six depositions—exclusive of attorney time—and \$2,480 for disbursements. This is an undue burden that would not be placed on the aggrieved individuals under the Johnson/Duncan language.

I encourage the 345 Members who voted for the Johnson/Duncan amendment in March to continue their support for protecting the rights of all schoolchildren to voluntarily pray and vote for this motion to instruct. In a nation founded on religious beliefs, the Government should not restrict the time or place a citizen voluntarily chooses to pray.

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

Mr. SAM JOHNSON of Texas. I yield to the gentleman from Missouri [Mr. EMERSON].

Mr. EMERSON. I want to associate myself very strongly with the remarks of the gentleman from Texas [Mr. SAM JOHNSON].

Mr. Speaker, I rise today in support of the motion to instruct conferees to accept the House-passed language to H.R. 6 regarding school prayer offered by my colleague from Texas. We have worked together on this most important issue in the past and I am happy to join him again today.

As passed by the House on March 24 by a convincing vote of 289-128, H.R. 6 includes language denying funds to any State or local educational agency which has a policy of denying or preventing participation in constitutionally protected school prayer. The bill also stipulated that the Federal Government cannot require any person to participate in school prayer.

The Senate version of the bill would make schools judged by a Federal court to have willfully violated a Federal court order mandating that they correct violations of constitutionally protected school prayer, ineligible for funds until they comply with the court order. The bill also states that funds are not reimbursable for the period during which schools were in willful noncompliance.

First, let me spell out what the House language does do and then make it clear what it doesn't do. The House-passed language will prevent any school district which has a policy of prohibiting voluntary student-initiated prayer in the schools from receiving any Federal funds authorized by this act or any other act. In other words, it simply forbids school districts from setting up official policies or procedures with the intent and purpose of prohibiting individuals from voluntarily saying prayers at school.

This language does not mandate school prayer or require schools to write any particular prayer. Under this language, a school is not required to do anything in favor of voluntary prayer. It simply must refrain from instituting policies prohibiting voluntary student prayer.

The Founding Fathers intended religion to provide a moral anchor for our democracy. Wouldn't they be puzzled to return to modern-day America and find, among elite circles in academia and the media, a scorn for the public expression of religious values. I find it ironic that while taxpayers' dollars are being used by bureaucrats to distribute condoms in our public schools across America, our children are prohibited from reading the Bible. This sends a powerful message to our children—and it is the wrong message.

One of the many liberties our forefathers founded this great Nation upon was freedom of religion; a freedom to pray to the God we want, when we want, and where we want. Unfortunately, this freedom has been eroded by the Supreme Court over the last few decades. I firmly believe that no one should be forced to pray, especially if a certain prayer is contrary to an individual's beliefs. But, there can be no question that every American citizen has the right to pray voluntarily whenever and wherever he or she chooses, and that includes children in public schools. This is protected under the first amendment; "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof." It is that second part that I ask you to pay special attention to today.

As President Reagan so eloquently stated in 1982, "the First Amendment of the Constitution was not written to protect the people of this country from religious values; it was written to protect religious values from government tyranny."

This language overwhelmingly passed the House by a vote of 289-128. I urge you to

vote for the Johnson motion to instruct conferees to accept the House-passed language to H.R. 6.

Mr. KASICH. Will the gentleman yield?

Mr. SAM JOHNSON of Texas. I yield to the gentleman from Ohio [Mr. KASICH].

Mr. KASICH. I would like to compliment the gentleman for his effort originally on this issue. Frankly, the whole country scratches their head and wonders why the Congress has failed to allow a moment of silent prayer in our schoolhouses across this country.

We begin the morning session with a prayer here in Congress, and I think everybody knows that if our society, one more time, is going to get compliance on the highway and some speed limits—we all talk about a value crisis in our country—this is not the panacea but one great step forward in terms of reinstating some fundamental values.

I used to pray when I was a kid in school. Virtually everybody in this Chamber has. And I want to compliment the gentleman for his efforts and look forward to the House strongly supporting the Johnson motion in the conference committee.

Mr. SAM JOHNSON of Texas. I thank the gentleman from Ohio [Mr. KASICH].

□ 1510

Mr. GUNDERSON. Mr. Speaker, I yield 3 minutes to my friend and colleague, the gentleman from the great State of Ohio [Mr. TRAFICANT].

Mr. TRAFICANT. Mr. Speaker, in America, you can burn the flag. In America a communist can work in a defense plant. In America a murderer is allowed law books in the penitentiary. And in America, criminals can have a free attorney.

In our schools there are rapes. In America there are condoms in our schools. In America there is racism in our schools. In America there are assaults in our schools, there is even murder in our schools. There is theft in our schools and, ladies and gentlemen, there are drugs in American schools and in America, ladies and gentlemen, there are even guns in our schools.

But in our schools, ladies and gentlemen, there is no prayer. There is no prayer in American schools. In fact, the only time you hear about God in American schools is when God's name is taken in vain.

The Constitution separates church and State. But I for one believe the Constitution was never intended to separate God and the American people. I think if we look at the litany of all of the problems in American schools, maybe we could see, Congress, why some of that has occurred. Maybe we have gone a little bit too far with the Constitution, stretched it from what the Founders really wanted, and allowing for voluntary prayer is not a whole lot to ask.

I think if the Congress of the United States cannot deal with that issue, then shame, Congress. Hide your face.

Mr. GUNDERSON. Mr. Speaker, I yield 2 minutes to the gentleman from Tennessee [Mr. DUNCAN].

Mr. DUNCAN. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, I have spoken on this issue three or four times on the House floor in the past, so I will be brief.

I rise in support of this motion to instruct. Our Founding Fathers came to this Nation to get freedom of religion, not freedom from religion. I think they would be shocked to learn today that we open up every session of the House and Senate with prayer, but we will not allow the school children of this Nation that same privilege.

George Washington once said you cannot have good government without morality, you cannot have morality without religion, and you cannot have religion without God.

But I think even more apropos is something that William Raspberry, the great columnist for the Washington Post, wrote a few months ago when he asked the very pointed question in one of his columns, he said: "Is it not just possible that anti-religious bias, masquerading as religious neutrality, is costing us far more than we have been willing to admit?"

There are many things that I could say about this issue, Mr. Speaker, but I would simply like to read a recent editorial by Morton Zuckerman, editor in chief of U.S. News and World Report, entitled "Where have our values gone"? Mr. Zuckerman said,

The fraying of America's social fabric is fast becoming a national obsession. Three out of every four Americans think we are in moral and spiritual decline. Two out of three think the country is seriously off track. Doubts about the president's character have driven his standing in the polls down about 15 points. Social dysfunction haunts the land: crime and drug abuse, the breakup of the family, the slump in academic performance, the disfigurement of public places by druggies, thugs and exhibitionists. Are we now, to use Sen. Daniel Patrick Moynihan's phrase, "defining deviancy down," accepting as part of life what we once found repugnant?

He went on to say,

Instead of a culture of common good, we have a culture of constant complaint. Everyone is a victim.

The combined effect of these sicknesses, rooted in phony doctrines of liberalism, has been to tax the Nation's optimism and sap its confidence in the future. And it is the young who are strikingly vulnerable.

Let us do something good for the young people of this Nation. Let us allow voluntary prayer back in the schools of this land. This is not a partisan issue. It is being endorsed at the present time in my home State of Tennessee by both the senior Senator, Senator SASSER in ads that he is writing and by the other gentleman from Tennessee, our colleague, Mr. COOPER.

Mr. Speaker, I urge support of this motion to instruct.

Mr. GUNDERSON. Mr. Speaker, I yield 2½ minutes to the gentleman from Indiana [Mr. BURTON].

Mr. BURTON of Indiana. Mr. Speaker, I thank the gentleman for yielding the time.

Mr. Speaker, when I first entered the Indiana General Assembly back in 1967 I was a cosponsor of what was called the Everett Dirksen voluntary prayer amendment. That was 1967. What was that, 27 years ago, and we are still fighting this issue.

The American people by an overwhelming majority, I think 75 to 80 percent believe that there should be voluntary prayer in the schools. We see a terrible problem as far as rising crime, rising immorality, people are afraid to go out on their streets at night because there is no moral foundation in this country, and one of the reasons for that, in my opinion, is we have taken God completely away from the young people of this country. Their parents, many of them are divorced, there is no cohesion in the family, there is no place for them to turn, and there is no reliance on a Supreme Being. They do not even know that God exists, many of them.

So what do they do? They turn to their peers, and they turn to street crime, and while we are fighting in this body and other places across this country for voluntary prayer in the schools, we keep wondering why we have a never-ending spiral of increase in the area of crime and disorder in this country.

I submit that it is because we have lost our moral moorings, and we need to re-create that moral mooring by putting prayer back in the schools, voluntary prayer.

While I am talking about this I would just like to tell Members that I just got a copy of a document coming from the Los Angeles unified school district, from the Gay and Lesbian Education Commission. They have a Gay and Lesbian Education Commission out there demanding that there be education for gays and lesbians in the schools. We have come a long way. We will do that. We will observe the rights of gays and lesbians in our schools, but we will not allow God to be brought into our schools.

There is a joke going around right now. A boy drops something on the floor and bends down. The teacher comes and grabs him and says, "Son, I am sending you to the principal because you're praying." And he said, "I'm not praying, I'm looking for a condom." And she says, "Well, that's all right. There's nothing wrong with that."

Here we are in school giving out condoms and teaching kids about freer sex and that is all right. But it is not all right to have a voluntary prayer

recognizing the Almighty Creator of our country and our world. It makes no sense.

This country is off in the wrong direction and we need to get back on the beam, and the first giant step in the right direction would be to restore the right to voluntary prayer in our schools.

Mr. GUNDERSON. Mr. Speaker, I yield 1 minute to the gentleman from Texas [Mr. BARTON].

□ 1520

Mr. BARTON of Texas. Mr. Speaker, I rise in support of the Gunderson motion to instruct conferees which supports the Johnson amendment, which has already passed the House of Representatives once in this session of Congress, on school prayer.

The Constitution, according to my reading, actually does protect free speech even in the public school systems where children voluntarily decide if they need the right to pray. The House bill gives that right, and simply says that if a school voluntarily decides that it is acceptable to allow voluntary prayer, they should not be denied funding of Federal funds for that.

So I would hope that we would vote for the Gunderson motion to instruct conferees which would give the Johnson amendment, which already passed the House, the force of our support.

Mr. FINGERHUT. Mr. Speaker, I rise today in opposition to Congressman JOHNSON's motion to instruct House conferees on H.R. 6 to insist on the House bill's provision regarding school prayer. Mr. Speaker, on the surface, Mr. JOHNSON's motion and the House language make sense. The House bill would deny funds to any State or school district which has a policy of denying or preventing participation in constitutionally protected prayer in public schools by individuals on a voluntary basis. Mr. JOHNSON's motion would retain that language.

I agree that officials at our public schools should obey the law and allow constitutionally protected prayer in public schools. And, I agree that there should be legal recourse for parents in the cases where a student's right to pray has been abrogated. The problem, Mr. Speaker, lies in determining what kinds of prayer are, in fact, constitutionally protected. Frankly, the Supreme Court has issued decisions on this important issue that even Constitutional scholars find difficult to interpret. I do not think that we should require our public school superintendents to turn themselves into constitutional scholars so as not to jeopardize their funding under this bill. I also do not think we should allow funding for all disabled and disadvantaged students to be held hostage to any single individual who may believe that their rights have been violated. Such an individual has an absolute right to seek recourse in court. Enhancing this right by allowing an individual to seek a cutoff of all Federal funds is unnecessary and an unreasonable intrusion into the affairs of a local school district.

At the present time, most public school officials err on the side of being overly cautious

in allowing prayers by individual students at school. Without clarification from the Supreme Court, I believe that school superintendents who are cautious and careful should not be penalized or threatened in any way. Their funds should not be jeopardized, and to do so would be absurd.

I will vote against Mr. JOHNSON's motion to instruct conferees in continued support for local control of public schools.

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

Mr. FORD of Michigan. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the motion to instruct.

The previous question was ordered.

The SPEAKER pro tempore (Mr. HASTINGS). The question is on the motion to instruct offered by the gentleman from Wisconsin [Mr. GUNDERSON].

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

Mr. SAM JOHNSON of Texas. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 369, nays 55, not voting 10, as follows:

[Roll No. 426]  
YEAS—369

Allard	Buyer	Duncan
Andrews (NJ)	Byrne	Dunn
Andrews (TX)	Callahan	Durbin
Applegate	Calvert	Edwards (TX)
Archer	Camp	Ehlers
Armey	Canady	Emerson
Bachus (AL)	Cantwell	English
Baessler	Carr	Evans
Baker (CA)	Castle	Everett
Baker (LA)	Chapman	Ewing
Ballenger	Clayton	Fawell
Barca	Clement	Fazio
Barcia	Clinger	Fields (LA)
Barlow	Clyburn	Fields (TX)
Barrett (NE)	Coble	Fish
Barrett (WI)	Coleman	Flake
Bartlett	Collins (GA)	Foglietta
Barton	Combust	Ford (MI)
Bateman	Condit	Ford (TN)
Becerra	Cooper	Fowler
Bentley	Costello	Franks (CT)
Bereuter	Cox	Franks (NJ)
Bevill	Cramer	Frost
Bilbray	Crane	Galgely
Bilirakis	Craspo	Gejdenson
Bishop	Cunningham	Gekas
Blackwell	Danner	Gephardt
Bliley	Darden	Geren
Blute	de la Garza	Gibbons
Boehert	Deal	Gilchrest
Boehner	DeLauro	Gillmor
Bonilla	DeLay	Gilman
Borski	Derrick	Gingrich
Boucher	Deutsch	Glickman
Brewster	Diaz-Balart	Goodlatte
Brooks	Dickey	Gooding
Browder	Dicks	Gordon
Brown (CA)	Dingell	Goss
Brown (FL)	Dixon	Grams
Brown (OH)	Dooley	Grandy
Bryant	Doolittle	Greenwood
Bunning	Dornan	Gunderson
Burton	Dreier	Gutierrez

Hall (OH)	Manton
Hall (TX)	Manzullo
Hamilton	Martinez
Hancock	Matsui
Hansen	Mazoll
Hastert	McCandless
Hastings	McCloskey
Hayes	McCollum
Hefley	McCrery
Hefner	McCurdy
Herger	McDade
Hilliard	McHale
Hinchee	McHugh
Hoagland	McInnis
Hobson	McKeon
Hochbrueckner	McKinney
Hoekstra	McMillan
Hoke	McNulty
Holden	Meek
Horn	Menendez
Houghton	Menendez
Hoyer	Meyers
Huffington	Mfume
Hunter	Mica
Hutchinson	Miller (CA)
Hutto	Miller (FL)
Hyde	Minge
Inglis	Moakley
Inslee	Molinari
Istook	Mollohan
Jacobs	Montgomery
Jefferson	Moorhead
Johnson (CT)	Moran
Johnson (GA)	Morella
Johnson (SD)	Murphy
Johnson, E. B.	Murtha
Johnson, Sam	Myers
Kanjorski	Neal (MA)
Kaptur	Neal (NC)
Kasich	Nussle
Kennedy	Obey
Kennelly	Ortiz
Kildee	Orton
Kim	Owens
King	Oxley
Kingston	Packard
Klecza	Pallone
Klein	Parker
Klink	Pastor
Klug	Paxon
Knollenberg	Payne (NJ)
Kolbe	Payne (VA)
Kreidler	Penny
Kyl	Peterson (FL)
LaFalce	Peterson (MN)
Lambert	Petri
Lancaster	Pickett
Lantos	Pickle
LaRocco	Pombo
Laughlin	Pomeroy
Lazio	Porter
Leach	Portman
Lehman	Poshard
Levin	Price (NC)
Levy	Pryce (OH)
Lewis (CA)	Quillen
Lewis (FL)	Quinn
Lewis (GA)	Rahall
Lewis (KY)	Ramstad
Lightfoot	Rangel
Linder	Ravenel
Lipinski	Reed
Livingston	Regula
Lloyd	Richardson
Long	Ridge
Lowe	Roberts
Lucas	Roemer
Machtley	Rogers
Maloney	Rohrabacher
Mann	Ros-Lehtinen
	Rose

NAYS—55

Abercrombie	Coyne	Hughes
Ackerman	DeFazio	Johnston
Andrews (ME)	Edwards (CA)	Kopetski
Bacchus (FL)	Engel	Margolies-
Beilenson	Eshoo	Mezvinsky
Berman	Farr	Markey
Bonior	Filner	McDermott
Cardin	Fingerhut	Meehan
Clay	Frank (MA)	Mineta
Collins (IL)	Furse	Mink
Collins (MI)	Gonzalez	Nadler
Conyers	Hamburg	Oberstar
Coppersmith	Harman	Oiver

Rostenkowski
Roth
Roukema
Rowland
Royce
Sangmeister
Santorum
Sarpalius
Sawyer
Saxton
Schaefer
Schiff
Schroeder
Schumer
Sensenbrenner
Serrano
Sharp
Shaw
Shays
Shepherd
Shuster
Skeen
Skelton
Slattery
Slaughter
Smith (IA)
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Stearns
Stenholm
Strickland
Studds
Stump
Stupak
Swett
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas (CA)
Thomas (WY)
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Trafficant
Tucker
Unsoeld
Upton
Valentine
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Walden
Whitten
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Young (AK)
Young (FL)
Zeliff
Zimmer

Pelosi	Schenk	Waters
Reynolds	Scott	Watt
Royal-Allard	Skaggs	Waxman
Rush	Stark	Williams
Sabo	Stokes	Yates
Sanders	Swift	

## NOT VOTING—10

Dellums	Michel	Washington
Gallo	Sisisky	Wheat
Green	Sundquist	
Inhofe	Synar	

□ 1544

Messrs. HAMBURG, MINETA, BACCHUS of Florida, SANDERS, MEEHAN, MARKEY, and DEFAZIO changed their vote from "yea" to "nay."

Mr. FLAKE and Mr. DEUTSCH changed their vote from "nay" to "yea."

So the motion to instruct was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. HASTINGS). Without objection, the Chair appoints the following conferees:

From the Committee on Education and Labor, for consideration of the House bill and the Senate amendment (except for sections 601-03 and 801-05), and modifications committed to conference:

Messrs. FORD of Michigan, KILDEE, WILLIAMS, OWENS, SAWYER, and PAYNE of New Jersey, Mrs. UNSOELD, Mrs. MINK of Hawaii, Messrs. REED, ROEMER, ENGEL, BECERRA, and GENE GREEN of Texas, Ms. WOOLSEY, Mr. ROMERO-BARCELO, Ms. ENGLISH of Arizona, Messrs. STRICKLAND, UNDERWOOD, GOODLING, and PETRI, Mrs. ROUKEMA, Mr. GUNDERSON, Mr. BALLENGER, Ms. MOLINARI, and Messrs. BOEHNER, CUNNINGHAM, MCKEON, and MILLER of Florida.

From the Committee on Education and Labor, for consideration of sections 601-03 of the Senate amendment, and modifications committed to conference:

Messrs. FORD of Michigan, OWENS, PAYNE of New Jersey, FAWELL, and BALLENGER.

From the Committee on Education and Labor, for consideration of sections 801-05 of the Senate amendment, and modifications committed to conference:

Messrs. FORD of Michigan, WILLIAMS, SAWYER, PETRI, and GUNDERSON.

From the Committee on Agriculture, for consideration of sections 801-05 of the Senate amendment, and modifications committed to conference:

Messrs. DE LA GARZA, STENHOLM, and ROBERTS.

From the Committee on Ways and Means, for consideration of sections 601-03 of the Senate amendment, and modifications committed to conference:

Messrs. GIBBONS, FORD of Tennessee, and ARCHER.

There was no objection.

## PERSONAL EXPLANATION

Mr. GENE GREEN of Texas. Mr. Speaker, due to appointments with constituents and a series of previously scheduled town meetings, I was unable to register my votes on three occasions.

On September 20, rollcall votes No. 425 and No. 426, I would have voted "yea" on both.

## GENERAL LEAVE

Mr. FORD of Michigan. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous matter on the motion just debated and adopted.

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

There was no objection.

## CONFERENCE REPORT ON H.R. 4539, TREASURY, POSTAL SERVICE AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 1995

Mr. HOYER submitted the following conference report and statement on the bill (H.R. 4539) making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain independent agencies, for the fiscal year ending September 30, 1995, and for other purposes:

## CONFERENCE REPORT (H. REPT. 103-729)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 4539) "making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1995, and for other purposes," having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 6, 8, 11, 15, 21, 26, 30, 35, 40, 49, 65, 69, 75, 76, 84, 85, 86, 88, 93, and 95.

That the House recede from its disagreement to the amendments of the Senate numbered 5, 7, 9, 12, 18, 19, 20, 23, 27, 28, 31, 32, 33, 37, 38, 39, 41, 46, 47, 48, 56, 57, 59, 62, 64, 67, 74, 83, 89, 90, 91, and 92.

And agree to the same.

## Amendment No. 1:

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows:

In lieu of the matter stricken and inserted by said amendment, insert: *not to exceed \$2,900,000 for official travel expenses; not to exceed \$3,101,000 to remain available until September 30, 1997, shall be available for information technology modernization requirements; of which not less than \$6,443,000 and 85 full-time equivalent positions shall be available for enforcement activities; not to exceed \$150,000 for*

*official reception and representation expenses; and the Senate agree to the same.*

## Amendment No. 2:

That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment as follows:

Restore the matter stricken by said amendment, amended to read as follows: *\$104,479,000: Provided, That of the offsetting collections credited to this account, \$79,000 are permanently canceled; and the Senate agree to the same.*

## Amendment No. 3:

That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment as follows:

In lieu of the sum named in said amendment, insert: *\$29,700,000; and the Senate agree to the same.*

## Amendment No. 4:

That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment as follows:

In lieu of the matter proposed in said amendment, insert: *\$19,823,000: Provided, That of the offsetting collections credited to this account, \$1,000 are permanently canceled; and the Senate agree to the same.*

## Amendment No. 10:

That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment as follows:

In lieu of the sum named in said amendment, insert: *\$183,889,000; and the Senate agree to the same.*

## Amendment No. 13:

That the House recede from its disagreement to the amendment of the Senate numbered 13, and agree to the same with an amendment as follows:

In lieu of the sum named in said amendment, insert: *Provided further, That of the offsetting collections credited to this account, \$4,000 are permanently canceled: Provided further, That funds made available shall be used to achieve a minimum staffing level of 4,215 full-time equivalent positions during fiscal year 1995; and the Senate agree to the same.*

## Amendment No. 14:

That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment as follows:

In lieu of the sum named in said amendment, insert: *\$1,394,793,000; and the Senate agree to the same.*

## Amendment No. 16:

That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment as follows:

In lieu of the sum named in said amendment, insert: *Provided further, That Customs shall achieve a minimum full-time equivalent staffing level of 17,524 during fiscal year 1995: Provided further, That \$500,000 shall remain available until expended for the construction of a replacement fence within the city limits of Nogales, Arizona under that authority of section 9, title 19, United States Code; and the Senate agree to the same.*

## Amendment No. 17:

That the House recede from its disagreement to the amendment of the Senate numbered 17, and agree to the same with an amendment as follows:

In lieu of the sum named in said amendment, insert: *\$89,041,000; and the Senate agree to the same.*

## Amendment No. 22:

That the House recede from its disagreement to the amendment of the Senate numbered 22, and agree to the same with an amendment as follows:

In lieu of the matter stricken and inserted by said amendment, insert: \$1,511,266,000, of which \$3,700,000; and the Senate agree to the same.

**Amendment No. 24:**

That the House recede from its disagreement to the amendment of the Senate numbered 24, and agree to the same with an amendment as follows:

In lieu of the matter proposed by said amendment, insert: for research: *Provided further, That \$405,000,000 of the \$426,300,000 made available for the fiscal year 1995 tax compliance initiative shall not be expended for any other purposes: Provided further, That no funds shall be transferred from this account during fiscal year 1995; and the Senate agree to the same.*

**Amendment No. 25:**

That the House recede from its disagreement to the amendment of the Senate numbered 25, and agree to the same with an amendment as follows:

In lieu of the matter stricken and inserted by said amendment, insert: *\$1,388,000,000 of which no less than \$650,000,000 shall be available for tax systems modernization, of which up to \$185,000,000 for tax and information systems development projects; and the Senate agree to the same.*

**Amendment No. 29:**

That the House recede from its disagreement to the amendment of the Senate numbered 29, and agree to the same with an amendment as follows:

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

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

**Amendment No. 34:**

That the House recede from its disagreement to the amendment of the Senate numbered 34, and agree to the same with an amendment as follows:

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

*SEC. 113. (a) The Director of the United States Secret Service shall direct and apply appropriate agency personnel and resources for the purpose of conducting a security survey of the Bureau of Engraving and Printing.*

*(b) Such security survey shall include a review of all general security provisions, including:*

- (1) The security and safeguarding of currency;*
- (2) Personnel screening and employee background check procedures;*
- (3) Access control and identification procedures;*
- (4) The security and safeguarding of currency materials, supplies and related items; and*
- (5) Other security areas of concern as deemed relevant and appropriate by the agency.*

*(c) The Bureau of Engraving and Printing and the Federal agencies which participated in any investigations or arrest of person(s) for*

*theft or currency from the Bureau of Engraving and Printing are directed to—*

*(1) provide any assistance and cooperation to the United States Secret Service for the purpose of the security survey;*

*(2) provide Secret Service personnel, in accordance with all laws, with access to person(s) arrested in connection with theft or removal of currency from the Bureau of Engraving and Printing; and*

*(3) provide access to all relevant investigative reports and materials: Provided, That access to such persons is approved by the appropriate United States Attorney.*

*(d) The Director of the United States Secret Service shall provide a preliminary report to the Congress no later than 90 days from the date of enactment of this Act, and a final report containing specific findings and recommendations to the Congress within 180 days of enactment of this Act.*

And the Senate agree to the same.

**Amendment No. 36:**

That the House recede from its disagreement to the amendment of the Senate numbered 36, and agree to the same with an amendment as follows:

In lieu of the sum named in said amendment, insert: \$57,754,000; and the Senate agree to the same.

**Amendment No. 42:**

That the House recede from its disagreement to the amendment of the Senate numbered 42, and agree to the same with an amendment as follows:

In lieu of the sum named in said amendment, insert: \$57,754,000; and the Senate agree to the same.

**Amendment No. 43:**

That the House recede from its disagreement to the amendment of the Senate numbered 43, and agree to the same with an amendment as follows:

In lieu of the sum named in said amendment, insert: \$52,000,000; and the Senate agree to the same.

**Amendment No. 44:**

That the House recede from its disagreement to the amendment of the Senate numbered 44, and agree to the same with an amendment as follows:

In lieu of the matter proposed by said amendment, insert: *Provided, That an additional \$9,000,000 shall be made available for drug control activities in Puerto Rico and the U.S. Virgin Islands only if the Director of the Office of National Drug Control Policy designates such area as a High Intensity Drug Trafficking Area: Provided further, that the funds made available under this head shall be obligated within 90 days of the date of enactment of this Act; and the Senate agree to the same.*

**Amendment No. 45:**

That the House recede from its disagreement to the amendment of the Senate numbered 45, and agree to the same with an amendment as follows:

In lieu of the matter stricken and inserted by said amendment, insert: *\$41,900,000, which shall be derived from deposits in the Special Forfeiture Fund; of which \$1,800,000 shall be transferred to the Drug Enforcement Administration for the El Paso Intelligence Center; of which \$15,000,000 shall be available to the Director of the Office of National Drug Control Policy for enhancing anti-drug control activities, upon the advance approval of the House and Senate Committees on Appropriations; of which \$3,100,000 shall be available to the Director of the Office of National Drug Control Policy for ballistics technologies, upon the advance ap-*

*proval of the House and Senate Committees on Appropriations; of which \$14,000,000 shall be transferred to the Substance Abuse and Mental Health Services Administration, and of which \$10,000,000 shall be available to the Center for Substance Abuse Treatment for the residential women and children's program, and of which \$4,000,000 shall be available to the Center for Substance Abuse Treatment for community drug treatment programs; of which \$8,000,000; and the Senate agree to the same.*

**Amendment No. 50:**

That the House recede from its disagreement to the amendment of the Senate numbered 50, and agree to the same with an amendment as follows:

In lieu of the sum named in said amendment, insert: \$466,917,000; and the Senate agree to the same.

**Amendment No. 51:**

That the House recede from its disagreement to the amendment of the Senate numbered 51, and agree to the same with an amendment as follows:

In lieu of the sum named in said amendment, insert: \$5,082,998,000; and the Senate agree to the same.

**Amendment No. 52:**

That the House recede from its disagreement to the amendment of the Senate numbered 52, and agree to the same with an amendment as follows:

In lieu of the sum named in said amendment, insert: \$736,233,000; and the Senate agree to the same.

**Amendment No. 53:**

That the House recede from its disagreement to the amendment of the Senate numbered 53, and agree to the same with an amendment as follows:

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

- Alabama:*  
*Montgomery, U.S. Courthouse Annex, \$40,547,000*
- Arizona:*  
*Bullhead City, A grant to the Federal Aviation Administration for a runway protection zone, \$2,200,000*  
*Tucson, a grant to the Arizona Historical Documents Education Foundation, \$2,000,000*  
*Tucson, U.S. Courthouse, \$92,708,000*
- California:*  
*Santa Ana, U.S. Courthouse \$25,193,000*
- Colorado:*  
*Lakewood, U.S. Geological Survey Laboratory/Building, \$25,802,000*
- Florida:*  
*Jacksonville, U.S. Courthouse, \$4,600,000*  
*Orlando, U.S. Courthouse Annex, \$7,261,000*
- Georgia:*  
*Albany, U.S. Courthouse, \$5,640,000*  
*Savannah, U.S. Courthouse Annex, \$5,262,000*
- Hawaii:*  
*Consolidation, University of Hawaii-Hilo, \$12,000,000*
- Kentucky:*  
*Covington, U.S. Courthouse, \$2,914,000*  
*London, U.S. Courthouse, \$1,523,000*
- Louisiana:*  
*Lafayette, U.S. Courthouse, \$5,042,000*
- Maryland:*  
*Beltsville, Secret Service Building, \$2,400,000*  
*Montgomery and Prince Georges Counties, Food and Drug Administration (FDA) consolidation, \$50,000,000, of which \$5,000,000 shall be available to the Food and Drug Administration for payment to any entity selected by the FDA to provide for office and laboratory space and such equipment and facilities as are necessary for seafood research*  
*Beltsville, a transfer to the Rowley Secret Service Training Center, \$5,000,000*
- Missouri:*

Kansas City, Federal Building and U.S. Courthouse, \$84,895,000  
 St. Louis, Federal Building and U.S. Courthouse, \$176,863,000  
 Montana:  
 Babb, Border Station, \$333,000  
 New Mexico:  
 Albuquerque, U.S. Courthouse, \$46,342,000  
 New York:  
 Long Island, U.S. Courthouse, \$28,200,000  
 Nevada:  
 Las Vegas, U.S. Courthouse, \$4,230,000  
 North Dakota:  
 Pembina, Border Station, \$11,113,000  
 Ohio:  
 Cleveland, U.S. Courthouse, \$28,246,000  
 Steubenville, U.S. Courthouse, \$2,820,000  
 Pennsylvania:  
 Erie, U.S. Courts Complex, \$3,135,000  
 Tennessee:  
 Greeneville, U.S. Courthouse, \$2,936,000  
 Texas:  
 Austin, Veterans Affairs Annex, \$1,430,000  
 Broussville, Federal Building and U.S. Courthouse, \$5,980,000  
 Corpus Christi, U.S. Courthouse, \$6,446,000  
 El Paso, Federal Office Building, Claim, \$327,000  
 Laredo, Federal Building and U.S. Courthouse, \$24,341,000  
 Virginia:  
 Charlottesville, U.S. Army Foreign Science and Technology Center, \$4,178,000  
 Washington:  
 Blaine, Border Station, \$4,472,000  
 Oroville, Border Station, \$1,483,000  
 Point Roberts, Border Station, \$698,000  
 West Virginia:  
 Martinsburg, Internal Revenue Service Computer Center, \$7,547,000; and the Senate agree to the same.  
 Amendment No. 54:  
 That the House recede from its disagreement to the amendment of the Senate numbered 54, and agree to the same with an amendment as follows:  
 In lieu of the sum named in said amendment, insert: \$736,709,000; and the Senate agree to the same.  
 Amendment No. 55:  
 That the House recede from its disagreement to the amendment of the Senate numbered 55, and agree to the same with an amendment as follows:  
 In lieu of the matter stricken and inserted by said amendment, insert:  
 California:  
 Los Angeles, U.S. Courthouse, \$23,640,000  
 Menlo Park, U.S. Geological Survey Building #3, \$7,242,000  
 Sacramento, Federal Building, \$15,727,000  
 San Pedro, Custom House, \$5,153,000  
 Colorado:  
 Denver, Federal Building and Custom House, \$8,442,000  
 District of Columbia:  
 Ariel Rios, Facades, \$3,745,000  
 Customs/ICC/Connecting Wing Complex, (phase I), \$9,169,000  
 National Courts, \$4,354,000  
 Illinois:  
 Chicago, Federal Center, \$50,279,000  
 Maryland:  
 Baltimore, George H. Fallon Federal Building (phase 3), \$16,302,000  
 Woodlawn, SSA East High-Low Buildings, \$18,233,000  
 New Jersey:  
 Trenton, Clarkson S. Fisher Courthouse, \$14,875,000  
 New York:  
 Holtsville, IRS Service Center, \$20,227,000  
 New York, Jacob K. Javits Federal Building, \$2,744,000

New York, Silvio V. Mollo Federal Building, \$958,000  
 North Carolina:  
 Asheville, Federal Building and U.S. Courthouse, \$6,692,000  
 Ohio:  
 Cleveland, Anthony J. Celebreeze Federal Building, \$11,578,000  
 Oklahoma:  
 Oklahoma City, Alfred P. Murrah Federal Building, \$5,578,000  
 Pennsylvania:  
 Harrisburg, Federal Building and U.S. Courthouse, \$16,041,000  
 Philadelphia, Byrne-Green Complex, \$32,294,000  
 Philadelphia, R.N.C. Niz, Sr., Federal Building and U.S. Courthouse (phase 3), \$13,979,000  
 Rhode Island:  
 Providence, Kennedy Plaza Federal Courthouse, \$8,161,000  
 Texas:  
 Lubbock, Federal Building and U.S. Courthouse, \$12,829,000  
 Virginia:  
 Richmond, U.S. Courthouse and Annex, \$13,190,000  
 Washington:  
 Walla Walla, Corps of Engineers Building, \$2,814,000  
 Nationwide:  
 Chlorofluorocarbons Program, \$90,035,000  
 Energy Program, \$45,723,000  
 Advance Design, \$19,515,000  
 Minor Repairs and Alterations, \$257,198,000  
 ;  
 And the Senate agree to the same.  
 Amendment No. 58:  
 That the House recede from its disagreement to the amendment of the Senate numbered 58, and agree to the same with an amendment as follows:  
 Restore the matter stricken by said amendment, amended to read as follows: of which \$3,400,000 shall be available for essential functional requirements for primary structural, electrical, and security systems of the Bureau of Census, New Computer Center; Provided further, That of the funds available to the General Services Administration for the U.S. Courthouse in Albany, Georgia; the Federal building consolidation in Hilo, Hawaii; the U.S. Courthouse in Covington, Kentucky; the U.S. Courthouse, London, Kentucky; the Secret Service building, Beltsville, Maryland; the U.S. Courthouse, Albuquerque, New Mexico; the U.S. Courthouse, Long Island, New York; the U.S. Courthouse, Las Vegas, Nevada; the U.S. Courthouse, Jacksonville, Florida; the U.S. Courthouse, Corpus Christi, Texas; the U.S. Courthouse, Steubenville, Ohio; the U.S. Courthouse, Greeneville, Tennessee; the Kennedy Plaza Federal Courthouse, Providence, Rhode Island; the Corps of Engineers building, Walla Walla, Washington; and the construction funds only for the U.S. Courthouse, Tucson, Arizona; shall not be available for expenses in connection with any construction, repair, alteration, and acquisition project for which a prospectus, if required by the Public Buildings Act of 1959, as amended, has not been approved, except that necessary funds may be expended for each project for required expenses in connection with the development of a proposed prospectus; Provided further, That not to exceed \$5,000,000 of the funds appropriated for the Food and Drug Administration consolidation may be used for necessary infrastructure improvements: Provided further, That of the \$6,000,000 made available in Public laws 102-93 and 103-123 for the acquisition, lease, construction and equipping of flexiplace work telecommuting centers, not to exceed \$1,300,000 shall be available for payment to a public entity in the State of Maryland to pro-

vide facilities, equipment and other services to the General Services Administration for purposes of establishing telecommuting work centers in Southern Maryland (Waldorf, Prince Frederick, and St. Mary's County) for use by governmental agencies designated by the Administrator of General Services; and the Senate agree to the same.

Amendment No. 60:

That the House recede from its disagreement to the amendment of the Senate numbered 60, and agree to the same with an amendment as follows:

In lieu of the sum named in said amendment, insert: \$5,082,998,000; and the Senate agree to the same.

Amendment No. 61:

That the House recede from its disagreement to the amendment of the Senate numbered 61, and agree to the same with an amendment as follows:

In lieu of the matter stricken and inserted by said amendment, insert: Of the funds made available under this heading in Public Law 100-440, Public Law 101-136, Public Law 101-509, Public Law 102-141, Public Law 102-393, and Public Law 103-123, \$78,076,000 are rescinded from the following projects in the following amounts:

California:  
 Menlo Park, U.S. Geological Survey Office and Laboratory Buildings, \$783,000  
 District of Columbia:  
 United States Secret Service, Headquarters, \$13,958,000  
 White House Remote Delivery and Vehicle Maintenance Facility, \$4,918,000  
 Federal Bureau of Investigation, Field Office, \$4,419,000  
 Federal Office Building No. 6, \$3,583,000  
 Florida:  
 Ft. Myers, U.S. Courthouse, \$654,000  
 Hollywood, Federal Building, \$1,000,000  
 Lakeland, Federal Building, \$4,400,000  
 Indiana:  
 Hammond, U.S. Courthouse, \$2,500,000  
 Iowa:  
 Burlington, Parking Facility, \$2,400,000  
 Maryland:  
 Bowie, Bureau of Census, Computer Center, \$660,000  
 New Carrollton, Internal Revenue Service, Headquarters, \$30,100,000  
 New Hampshire:  
 Concord, U.S. Courthouse, \$867,000  
 New Jersey:  
 Newark, Federal Building, 20 Washington Plaza, \$327,000  
 Tennessee:  
 Knoxville, U.S. Courthouse, \$800,000  
 Texas:  
 Del Rio, Border Station, \$1,707,000.  
 And the Senate agree to the same.

Amendment No. 63:

That the House recede from its disagreement to the amendment of the Senate numbered 63, and agree to the same with an amendment as follows:

In lieu of the matter stricken and inserted by said amendment, insert: \$130,036,000: Provided, That of the offsetting collections credited to this account, \$172,000 are permanently canceled: Provided further, That no less than \$825,000 shall be available for personnel and associated costs in support of Congressional District and Senate State offices without reimbursement from these offices.; and the Senate agree to the same.

Amendment No. 66:

That the House recede from its disagreement to the amendment of the Senate numbered 66, and agree to the same with an amendment as follows:

In lieu of the sum named in said amendment, insert: \$2,250,000; and the Senate agree to the same.

## Amendment No. 68:

That the House recede from its disagreement to the amendment of the Senate numbered 68, and agree to the same with an amendment as follows:

In lieu of the matter stricken and inserted by said amendment, insert: \$195,238,000; and the Senate agree to the same.

## Amendment No. 70:

That the House recede from its disagreement to the amendment of the Senate numbered 70, and agree to the same with an amendment as follows:

Restore the matter stricken by said amendment, amended to read as follows:

NATIONAL HISTORICAL PUBLICATIONS AND RECORDS COMMISSION

For necessary expenses for allocations and grants for historical publications and records as authorized by 44 U.S.C. 2504, as amended, \$9,000,000 to remain available until expended: Provided, That \$2,000,000 shall be a grant to the Thomas P. O'Neill, Jr. Library: Provided further, That \$2,000,000 shall be a grant to the Robert H. and Corrine W. Michael Congressional Education Fund.

And the Senate agree to the same.

## Amendment No. 71:

That the House recede from its disagreement to the amendment of the Senate numbered 71, and agree to the same with an amendment as follows:

Restore the matter stricken by said amendment, amended to read as follows:

JOHN F. KENNEDY ASSASSINATION RECORDS REVIEW BOARD

SALARIES AND EXPENSES

For necessary expenses to carry out the John F. Kennedy Assassination Records Collection Act of 1992, \$2,150,000 to remain available until expended.

And the Senate agree to the same.

## Amendment No. 72:

That the House recede from its disagreement to the amendment of the Senate numbered 72, and agree to the same with an amendment as follows:

In lieu of the matter stricken and inserted by said amendment, insert: \$115,139,000, of which not to exceed \$1,000,000 shall be made available for the establishment of health promotion and disease prevention programs for Federal employees, and in addition \$93,934,000; and the Senate agree to the same.

## Amendment No. 73:

That the House recede from its disagreement to the amendment of the Senate numbered 73, and agree to the same with an amendment as follows:

In lieu of the sum named in said amendment, insert: \$34,039,000; and the Senate agree to the same.

## Amendment No. 77:

That the House recede from its disagreement to the amendment of the Senate numbered 77, and agree to the same with an amendment as follows:

Restore the matter stricken by said amendment, amended to read as follows:

SEC. 527. Except as otherwise specifically provided by law, not to exceed 50 percent of unobligated balances remaining available at the end of fiscal year 1995 from appropriations made available for salaries and expenses for fiscal year 1995 in this Act, shall remain available through September 30, 1996 for each such account for the purposes authorized: Provided, That a request shall be submitted to the House and Senate Committees on Appropriations for approval prior to the expenditure of such funds.

And the Senate agree to the same.

## Amendment No. 78:

That the House recede from its disagreement to the amendment of the Senate num-

bered 78, and agree to the same with an amendment as follows:

In lieu of the first section number named in said amendment, insert: 528; and the Senate agree to the same.

## Amendment No. 79:

That the House recede from its disagreement to the amendment of the Senate numbered 79, and agree to the same with an amendment as follows:

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

SEC. 529. Law Enforcement Exclusion From Workforce Restructuring.

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

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

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

And the Senate agree to the same.

## Amendment No. 80:

That the House recede from its disagreement to the amendment of the Senate numbered 80, and agree to the same with an amendment as follows:

In lieu of the first section number named in said amendment, insert: 530; and the Senate agree to the same.

## Amendment No. 81:

That the House recede from its disagreement to the amendment of the Senate numbered 81, and agree to the same with an amendment as follows:

In lieu of the first section number named in said amendment, insert: 531; and the Senate agree to the same.

## Amendment No. 82:

That the House recede from its disagreement to the amendment of the Senate numbered 82, and agree to the same with an amendment as follows:

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

SEC. 532. Section 1 under the subheading "General Provision" under the heading "Office of Personnel Management" under title IV of the Treasury, Postal Service and General Government Appropriations Act, 1992 (Public Law 102-141; 105 Stat. 861; 5 U.S.C. 5941 note), as amended—

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

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

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

"(2) a consideration of alternative approaches to dealing with the unusual and unique circumstances of the affected areas, including modifications to the current methodology for calculating allowances to take into account all cost of living in the geographic areas of the affected employee; and

"(3) and evaluation of the likely impact of the different approaches on the Government's abil-

ity to recruit and retain a well-qualified workforce.

For the purpose of conducting such study and preparing such report, the Office may accept and utilize (without regard to any restriction on unanticipated travel expenses imposed in an Appropriations Act) funds made available to the Office pursuant to court approval."

SEC. 533. (a) Facilities or buildings located at Safford, Graham County, Arizona and constructed with Federal funds made available to the General Services Administration for the United States Forest Service Administrative Offices and Cultural Center, shall be designated in honor of "Ora Webster DeConcini". Any reference to such facilities or buildings in a law, map, regulation, document, record, or other paper of the United States shall be a reference to the "Ora Webster DeConcini" building(s) or facilities".

(b) The Federal Building and United States Courthouse to be located in Tucson, Arizona is hereby designated as the "Evo A. DeConcini Federal Building and United States Courthouse". Any reference to such building in a law, map, regulation, document, record, or other paper of the United States shall be a reference to the "Evo A. DeConcini Federal Building and United States Courthouse".

SEC. 534. Notwithstanding any other provision of law, the Administrator of General Services is authorized to execute a lease, of no less than twenty years, with the City of Tucson, Arizona, or a subdivision thereof, for space to house the United States Department of Agriculture's Forest Service and other Federal tenants in an office complex to be developed by the City of Tucson on a site or sites owned by the City of Tucson and located near the intersection of Interstate Highway 10 and Congress Street in the City of Tucson, County of Pima, State of Arizona. The Administrator shall negotiate an operating lease that he deems to be in the best interests of the United States and necessary for the accommodation of Federal agencies.

SEC. 535. Notwithstanding any other provision of law or regulation: (1) The authority of the special police officers of the Bureau of Engraving and Printing, in the Washington, D.C. Metropolitan area, extends to buildings and land under the custody and control of the Bureau; to buildings and land acquired by or for the Bureau through lease, unless otherwise provided by the acquisition agency; to the streets, sidewalks and open areas immediately adjacent to the Bureau along Wallenberg Place (15th Street) and 14th Street between Independence and Maine Avenues and C and D Streets between 12th and 14th Streets; to areas which include surrounding parking facilities used by Bureau employees, including the lots at 12th and C Streets, S.W., Maine Avenue and Water Streets, S.W., Maiden Lane, the Tidal Basin and East Potomac Park; to the protection in transit of United States securities, plates and dies used in the production of United States securities, or other products or implements of the Bureau of Engraving and Printing which the Director of that agency so designates; (2) The exercise of police authority by Bureau officers, with the exception of the exercise of authority upon property under the custody and control of the Bureau, shall be deemed supplementary to the Federal police force with primary jurisdictional responsibility. This authority shall be in addition to any other law enforcement authority which has been provided to these officers under other provisions of law or regulations.

SEC. 536. Of the unobligated balance of funds made available until expended to the United States Mint in Public Law 103-123 and in prior appropriations acts, not to exceed \$2,066,000 shall also be available in the fiscal year ending September 30, 1994 for all purposes for which

funds are appropriated under the heading "United States Mint, Salaries and expenses."

SEC. 537. Of the funds appropriated to the Office of Policy Development in Title III of this Act, not to exceed \$800,000 may be transferred to the head, "Council on Environmental Quality and Office of Environmental Development."

SEC. 538. Notwithstanding any other provision of this Act, the Internal Revenue Service is authorized to replace no more than 850 vehicles for the criminal investigation division in fiscal year 1995.

SEC. 539. The activity referenced in section 5 of GSA's General Provisions in Public Law 103-123 (107 Stat. 1246) "Major equipment acquisitions and development activity" of the Salaries and Expenses, General Management and Administration appropriation account for transfer of prior year unobligated balances of operating expenses and salaries and expenses appropriation accounts may be separately accounted for under the new Working Capital Fund enacted in this Act.

SEC. 540. Notwithstanding any other provision of law, the review being conducted by the Secretary of the Treasury regarding the September 12, 1994 air incursion into the White House complex shall be exempt from the Federal Advisory Committee Act, Public Law 92-463 (codified at Title 5, United States Code, Appendix 2) as amended.

SEC. 541. Section 1(a)(1) of Public Law 101-509 is amended—

(a) by deleting subsection (a)(1) and inserting in lieu thereof the following:

"(a)(1) The Director of the Center for Legislative Archives within the National Archives and Records Administration shall be established without regard to chapter 51 title 5 and shall be paid at a rate determined without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5 governing General Schedule Classification and pay rates: Provided, That such pay shall be no less than 120 percent of the rate of pay for GS-15, step 1 of the General Schedule nor more than the rate of pay in effect for level one of the Senior Executive Schedule.

And the Senate agree to the same.

Amendment No. 87:

That the House recede from its disagreement to the amendment of the Senate numbered 87, and agree to the same with an amendment as follows:

Restore the matter stricken by said amendment, amended to read as follows:

SEC. 630. (a)(1) The adjustment in rates of basic pay for the statutory pay systems that takes effect in fiscal year 1995 under section 5303 of title 5, United States Code, shall be an increase of 2 percent.

(2) For purposes of each provision of law amended by section 704(a)(2) of the Ethics Reform Act of 1989 (5 U.S.C. 5318 note), no adjustment under section 5303 of title 5, United States Code, shall be considered to have taken effect in fiscal year 1995 in the rates of basic pay for the statutory pay systems.

(3) For purposes of this subsection, the term "statutory pay system" shall have the meaning given such term by section 5302 (1) of title 5, United States Code.

(b) For purposes of any locality-based comparability payments taking effect in fiscal year 1995 under subchapter 1 of chapter 53 of title 5, United States Code (whether by adjustment or otherwise), section 5304(a) of such title shall be deemed to be without force or effect.

(c) Notwithstanding section 5304(a)(3)(B) of title 5, United States Code, the annualized cost of pay adjustments made under section 5304 of such title in calendar year 1995 shall be equal to 0.6 percent of the estimated aggregate fiscal year 1995 executive branch civilian payroll—

(1) as determined by the pay agent (within the meaning of section 5302 of such title); and

(2) determined as if the rates of pay and comparability payments payable on September 30, 1994, had remained in effect.

And the Senate agree to the same.

Amendment No. 94

That the House recede from its disagreement to the amendment of the Senate numbered 94, and agree to the same with an amendment as follows:

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

SEC. 633. LAW ENFORCEMENT AVAILABILITY PAY.

(a) SHORT TITLE.—This section may be cited as the "Law Enforcement Availability Pay Act of 1994".

(b) LAW ENFORCEMENT AVAILABILITY PAY.—

(1) IN GENERAL.—Chapter 55 of title 5, United States Code, is amended by inserting after section 5545 the following new section:

"§5545a. Availability pay for criminal investigators

"(a) For purposes of this section—

"(1) the term 'available' refers to the availability of a criminal investigator and means that an investigator shall be considered generally and reasonably accessible by the agency employing such investigator to perform unscheduled duty based on the needs of an agency;

"(2) the term 'criminal investigator' means a law enforcement officer as defined under section 5541(3) (other than an officer occupying a position under Title II of Public Law 99-399) also is required to—

"(A) possess a knowledge of investigative techniques, laws of evidence, rules of criminal procedure, and precedent court decisions concerning admissibility of evidence, constitutional rights, search and seizure, and related issues;

"(B) recognize, develop, and present evidence that reconstructs events, sequences and time elements for presentation in various legal hearing and court proceedings;

"(C) demonstrate skills in applying surveillance techniques, undercover work, and advising and assisting the United States Attorney in and out of court;

"(D) demonstrate the ability to apply the full range of knowledge, skills, and abilities necessary for cases which are complex and unfold over a long period of time (as distinguished from certain other occupations that require the use of some investigative techniques in short-term situations that may end in arrest or detention);

"(E) possess knowledge of criminal laws and Federal rules of procedure which apply to cases involving crimes against the United States, including—

"(i) knowledge of the elements of a crime;

"(ii) evidence required to prove the crime;

"(iii) decisions involving arrest authority;

"(iv) methods of criminal operations; and

"(v) availability of detection devices; and

"(F) possess the ability to follow leads that indicate a crime will be committed rather than initiate an investigation after a crime is committed;

"(3) the term 'unscheduled duty' means hours of duty a criminal investigator works, or is determined to be available for work, that are not—

"(A) part of the 40 hours in the basic work week of the investigator; or

"(B) overtime hours paid under section 5542; and

"(4) the term 'regular work day' means each day in the investigator's basic work week during which the investigator works at least 4 hours that are not overtime hours paid under section 5542 or hours considered part of section 5545a.

"(b) The purpose of this section is to provide premium pay to criminal investigators to ensure the availability of criminal investigators for unscheduled duty in excess of a 40 hour work week based on the needs of the employing agency.

"(c) Each criminal investigator shall be paid availability pay as provided under this section.

Availability pay shall be paid to ensure the availability of the investigator for unscheduled duty. The investigator is generally responsible for recognizing, without supervision, circumstances which require the investigator to be on duty or be available for unscheduled duty based on the needs of the agency. Availability pay provided to a criminal investigator for such unscheduled duty shall be paid instead of premium pay provided by other provisions of this subchapter, except premium pay for regularly scheduled overtime work as provided under section 5542, night duty, Sunday duty, and holiday duty.

"(d)(1) A criminal investigator shall be paid availability pay, if the average of hours described under paragraph (2) (A) and (B) is equal to or greater than 2 hours.

"(2) The hours referred to under paragraph (1) are—

"(A) the annual average of unscheduled duty hours worked by the investigator in excess of each regular work day; and

"(B) the annual average of unscheduled duty hours such investigator is available to work on each regular work day upon request of the employing agency.

"(3) Unscheduled duty hours which are worked by an investigator on days that are not regular work days shall be considered in the calculation of the annual average of unscheduled duty hours worked or available for purposes of certification.

"(4) An investigator shall be considered to be available when the investigator cannot reasonably and generally be accessible due to a status or assignment which is the result of an agency direction, order, or approval as provided under subsection (f)(1).

"(e)(1) Each criminal investigator receiving availability pay under this section and the appropriate supervisory officer, to be designated by the head of the agency, shall make an annual certification to the head of the agency that the investigator has met, and is expected to meet, the requirements of subsection (d). The head of a law enforcement agency may prescribe regulations necessary to administer this subsection.

"(2) Involuntary reduction in pay resulting from a denial of certification under paragraph (1) shall be a reduction in pay for purposes of section 7512(4) of this title.

"(f)(1) A criminal investigator who is eligible for availability pay shall receive such pay during any period such investigator is—

"(A) attending agency sanctioned training;

"(B) on agency approved sick leave or annual leave;

"(C) on agency ordered travel status; or

"(D) on excused absence with pay for relocation purposes.

"(2) Notwithstanding (1)(A), agencies or departments may provide availability pay to investigators during training which is considered initial, basic training usually provided in the first year of service.

"(3) Agencies or departments may provide availability pay to investigators when on excused absence with pay, except as provided in paragraph (1)(D).

"(g) Section 5545(c) shall not apply to any criminal investigator who is paid availability pay under this section.

"(h) Availability pay under this section shall be—

"(1) 25 percent of the rate of basic pay for the position; and

"(2) treated as part of basic pay for purposes of—

"(A) sections 5595(c), 8114(e), 8331(3), 8431, and 8704(c); and

"(B) such other purposes as may be expressly provided for by law or as the Office of Personnel Management may by regulation prescribe."

(2) **LIMITATION ON PREMIUM PAY.**—Section 5547(a) of title 5, United States Code, is amended in the first sentence by inserting "5545a," after "5545(a), (b), and (c)."

(3) **TECHNICAL AND CONFORMING AMENDMENT.**—The table of sections for chapter 55 of title 5, United States Code, is amended by inserting after the item relating to section 5545 the following new item:

"5545a. Availability Pay for Criminal Investigators."

(c) **COMPUTATION OF OVERTIME RATES.**—Section 5542 of title 5, United States Code, is amended by adding at the end thereof the following new subsection:

"(d) In applying subsection (a) of this section with respect to any criminal investigator who is paid availability pay under section 5545a—

"(1) such investigator shall be compensated under such subsection (a), at the rates there provided, for overtime work which is scheduled in advance of the administrative workweek—

"(A) in excess of 10 hours on a day during such investigator's basic 40 hour workweek; and

"(B) on a day outside such investigator's basic 40 hour workweek; and

"(2) such investigator shall be compensated for all other overtime work under section 5545a."

(d) **EXEMPTIONS FROM CERTAIN FAIR LABOR STANDARDS.**—Section 13 of the Fair Labor Standards Act of 1938 (29 U.S.C. 213) is amended—

(1) in subsection (a)—

(A) in paragraph (15) by striking out the period and inserting in lieu thereof a semicolon and "or"; and

(B) by adding at the end thereof the following new paragraph:

"(16) a criminal investigator who is paid availability pay under section 5545a of title 5, United States Code."; and

(2) in subsection (b)—

(A) in paragraph (28) by striking out "or" after the semicolon;

(B) in paragraph (29) by striking out the period and inserting in lieu thereof a semicolon and "or"; and

(C) by adding at the end thereof the following new paragraph:

(30) a criminal investigator who is paid availability pay under section 5545a of title 5, United States Code."

(e) **EFFECTIVE DATE.**—The amendments made by this section shall take effect on the first day of the first applicable pay period which begins on or after the later of October 1, 1994, or the 30th day following the date of enactment of this Act, except that—

(1) criminal investigators, employed in Offices of Inspectors General, who are not receiving administratively uncontrollable overtime compensation or who are receiving such premium pay at a rate less than 25 percent prior to the date of enactment of this Act, may implement availability pay at any time prior to September 30, 1995, after which date availability pay as authorized under this section shall be provided to such criminal investigators.

(2) Criminal investigators, employed by Offices of Inspectors General, who are receiving administratively uncontrollable overtime at a rate less than 25 percent, shall continue to receive this compensation at the same rate or higher until availability pay compensation is provided, which shall be no later than the last pay period ending on or before September 30, 1995.

(f) Not later than the effective date of this section, each criminal investigator under section 5545a of title 5, United States Code, as added by this section, and the appropriate supervisory officer, to be designated by the head of the agency, shall make an initial certification to the head of the agency that the criminal investiga-

tor is expected to meet the requirements of subsection (d) of such section 5545a. The head of a law enforcement agency may prescribe procedures necessary to administer this paragraph.

And the Senate agree to the same.

Amendment No. 96:

The the House recede from its disagreement to the amendment of the Senate numbered 96, and agree to the same with an amendment as follows:

In lieu of the first section number named in said amendment, insert: 634; and the Senate agree to the same.

Amendment No. 97:

That the House recede from its disagreement to the amendment of the Senate numbered 97, and agree to same with an amendment as follows:

In lieu of the section number named in said amendment, insert: 635; and the Senate agree to the same.

Amendment No. 98:

That the House recede from its disagreement to the amendment of the Senate numbered 98, and agree to the same with an amendment as follows:

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

SEC. 636. No part of any appropriation contained in this Act may be used to pay for the expenses of travel of employees, including employees of the Executive Office of the President not directly responsible for the discharge of official governmental tasks and duties: Provided, That this restriction shall not apply to the family of the President, Members of Congress or their spouses, Heads of State of a foreign country or their designee(s), persons providing assistance to the President for official purposes, or other individuals so designated by the President.

And the Senate agree to the same.

Amendment No. 99:

That the House recede from its disagreement to the amendment of the Senate numbered 99, and agree to the same with an amendment as follows:

In lieu of the first section number named in said amendment, insert: 637; and the Senate agree to the same.

Amendment No. 100:

That the House recede from its disagreement to the amendment of the Senate numbered 100, and agree to the same with an amendment as follows:

In lieu of the first section number named in said amendment, insert: 638; and the Senate agree to the same.

Amendment No. 101:

That the House recede from its disagreement to the amendment of the Senate numbered 101, and agree to the same with an amendment as follows:

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

SEC. 639. Section 3626, paragraph (j)(1), subparagraph (D), of Title 39, United States Code is amended by—

(a) deleting the final "." from (II) and adding "; and";

(b) and adding "(III) clause (i) shall not apply to space advertising in mail matter that otherwise qualifies for rates under former section 4452(b) or 4452(c) of this title, and satisfies the content requirements established by the Postal Service for periodical publications: Provided, That such changes in law shall take effect immediately and shall stay in effect hereafter unless the Congress enacts legislation on this matter prior to October 1, 1995.

SEC. 640. In the administration of section 3702 of title 31, United States Code, the Comptroller General of the United States shall apply a 6-year statute of limitations to any claim of Federal employee under the Fair Labor Standards

Act of 1938 (29 U.S.C. 201 et seq.) for violations that occurred before or claims filed before June 30, 1994.

SEC. 641. The Bureau of the Public Debt is authorized to pay in advance or reimburse any Treasury organization, an amount not to exceed one year of salary and benefits for each Public Debt employee hired by that organization described in section 521(a) of this Act.

SEC. 642. Chapter 63 of Title 5 of the United States Code is amended by adding, following the word "Forces" in section 6326, a new section, 6327 to read as follow:

"6327. Absence in connection with funerals of fellow federal law enforcement officers."

"A federal law enforcement officer or a Federal firefighter may be excused from duty without loss of, or reduction in, pay or leave to which such officer is otherwise entitled, or credit for time or service, or performance or efficiency rating, to attend the funeral of a fellow Federal law enforcement officer or Federal firefighter, who was killed in the line of duty. When so excused from duty, attendance at such service shall for the purposes of section 1345(a) of title 31, be considered to be an official duty of the officer or firefighter."

SEC. 643. Of the amount appropriated for "Government Payment for Annuitants, Employee Life Insurance" under this Act, such sums as may be necessary for such payments for the period September 15 through 30, 1994 shall become available upon enactment of this Act.

And the Senate agree to the same.

Amendment No. 102:

That the House recede from its disagreement to the amendment of the Senate numbered 102, and agree to the same with an amendment as follows:

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

SEC. 644. (a) The Office of Management and Budget shall report to the Congress no later than November 1, 1994, for each agency for which the budgetary resources available to the agency in fiscal year 1995 would be canceled in an appropriations Act to achieve savings in procurement and procurement-related expenses, of the manner in which these savings are to be achieved.

(b) Notwithstanding any other provision of law, each agency for which the budgetary resources available to the agency in fiscal year 1995 would be canceled in an appropriations Act to achieve savings in procurement and procurement-related expenses, such cancellation shall occur on November 30, 1994, or 30 days after the Office of Management and Budget submits the report required by subsection (a) of this section, whichever date is earlier.

And the Senate agree to the same.

Amendment No. 103:

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

#### TITLE VII—VIOLENT CRIME CONTROL AND LAW ENFORCEMENT FUNDING

##### DEPARTMENT OF THE TREASURY— DEPARTMENTAL OFFICES SALARIES AND EXPENSES

For necessary expenses of the Office of Enforcement to oversee the implementation of the Violent Crime Control and Law Enforcement Act of 1994 as it relates to the jurisdiction of the Department of the Treasury, \$2,400,000, to remain available until expended, to be derived from balances available in the Violent Crime Reduction Trust Fund, as authorized by Title XXXI of the Violent Crime Control and Law Enforcement Act of 1994.

**FINANCIAL CRIMES ENFORCEMENT NETWORK  
SALARIES AND EXPENSES**

For salaries and expenses to implement the gateway network and other related financial intelligence and enforcement activities, \$2,700,000 to remain available until expended to be derived from balances available in the Violent Crime Reduction Trust Fund, as authorized by Title XXXI of the Violent Crime Control and Law Enforcement Act of 1994.

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

For salaries and expenses for enforcing Federal firearms provisions and Public Law 103-159, \$7,000,000 to be derived from balances available in the Violent Crime Reduction Trust Fund, as authorized by Title XXXI of the Violent Crime Control and Law Enforcement Act of 1994.

**GANG RESISTANCE EDUCATION AND TRAINING**

For grants to communities and police agencies for the establishment of gang resistance education and training programs to be designated by the Director of the Bureau of Alcohol, Tobacco and Firearms, \$9,000,000 to be derived from balances available in the Violent Crime Reduction Trust Fund, as authorized by Title XXXI of the Violent Crime Control and Law Enforcement Act of 1994.

**UNITED STATES CUSTOMS SERVICE**

**SALARIES AND EXPENSES**

For salaries and expenses for expanding border and port enforcement activities, \$4,000,000 to be derived from balances available in the Violent Crime Reduction Trust Fund, as authorized by Title XXXI of the Violent Crime Control and Law Enforcement Act of 1994.

**INTERNAL REVENUE SERVICE**

**TAX LAW ENFORCEMENT**

For tax law enforcement for combatting public corruption and enhancing illegal tax enforcement activities, \$7,000,000 to be derived from balances available in the Violent Crime Reduction Trust Fund, as authorized by Title XXXI of the Violent Crime Control and Law Enforcement Act of 1994.

**UNITED STATES SECRET SERVICE**

**SALARIES AND EXPENSES**

For salaries and expenses \$6,600,000, of which \$5,000,000 shall be available for combatting the counterfeiting of United States currency, and of which \$1,600,000, to remain available until expended, shall be available for the hiring, training, and equipping of 18 additional full-time equivalent positions for improving forensic capabilities which will assist in the investigations of missing and exploited children to be derived from balances available in the Violent Crime Reduction Trust Fund, as authorized by Title XXXI of the Violent Crime Control and Law Enforcement Act of 1994.

And the Senate agree to the same.

STENY H. HOYER,  
PETER J. VISCLOSKEY,  
GEORGE (BUDDY) DARDEN,  
JOHN W. OLVER,  
TOM BEVILL,  
MARTIN OLAV SABO,  
DAVID OBEY,  
JIM LIGHTFOOT  
(except amendment  
29),

JOSEPH M. MCDADE,  
*Managers on the Part of the House.*

DENNIS DECONCINI,  
BARBARA A. MIKULSKI,  
BOB KERREY,  
ROBERT C. BYRD,  
CHRISTOPHER S. BOND,  
ALFONSE D'AMATO,  
MARK O. HATFIELD,

*Managers on the Part of the Senate.*

**JOINT EXPLANATORY STATEMENT OF  
THE COMMITTEE OF CONFERENCE**

The managers on the part of the House and Senate at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 4539) making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President and funds appropriated to the President, and certain independent agencies for the fiscal year ending September 30, 1995, and for other purposes, submit the following joint statement to the House and Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report.

The conference agreement on the Treasury, Postal Service, and General Government Appropriations Act, 1995, incorporates some of the language and allocations set forth in House Report 103-534 and Senate Report 103-286. The language in these reports should be complied with unless specifically addressed in the accompanying statement of the managers.

**TITLE I—DEPARTMENT OF THE  
TREASURY**

**DEPARTMENTAL OFFICES**

**SALARIES AND EXPENSES—REPROGRAMMINGS**

The conferees agree to require a reprogramming request from any agency, department or office when the amount to be reprogrammed exceeds \$500,000 or 10 percent of any object class, budget activity, program line item, or program activity, whichever is greater. For agencies receiving appropriations under \$20,000,000, this threshold shall be \$100,000 or 5 percent, whichever is greater.

Such requests shall be submitted for the prior approval of the Committees on Appropriations. The Committees must receive such requests in sufficient time to consider them before their proposed implementation. In the past, the Administration has delayed submission as much as four months between the time that it knew that the reprogramming was necessary and the time that it was formally transmitted. The conferees expect that such delays will not recur in the future.

Amendment No. 1. Earmarks not to exceed \$2,900,000 for official travel expenses; \$3,101,000 for information technology modernization requirements; \$6,443,000 and 85 full-time equivalent positions for enforcement activities; and \$150,000 for official reception and representation expenses. The conferees have provided \$3,040,000 to support not to exceed 46 full-time equivalent positions for the Office of Foreign Assets Control in fiscal year 1995.

Amendment No. 2. Appropriates \$104,479,000, instead of \$104,400,000 as proposed by the Senate, and \$105,150,000 as proposed by the House. Also restores House language canceling \$79,000 in offsetting collections. Of the funds provided, the conferees have provided an additional \$1,000,000 for the Office of Enforcement and up to 13 additional FTEs.

**ELECTRIC RESOURCES FINANCED BY PUBLIC  
ENTITIES**

The House included language which requested the Secretary of the Treasury to provide a report on the need for a revised procedure and methodology to implement Section 9(f) of Public Law 96-501. The conferees understand that several concerns have been raised with respect to the existing procedure under Section 9(f).

First, the conferees understand that the rulings issued by the Internal Revenue Service have not ordinarily been issued within 60 days, as called for under the existing proce-

cedure. Second, the conferees understand that the existing procedure does not reflect subsequent changes in federal tax law. Third, one of Congress' stated purposes for the enactment of Section 9(f) was to enable Bonneville Power Association (BPA) to acquire resources necessary to meet the firm load of public bodies at a cost no greater than in the absence of acquisition by BPA. The conferees understand that the existing procedure may not treat electric resources financed by public entities and acquired by BPA for use in meeting public entities' loads in the same manner as if the public entities were to use those resources directly to meet their own loads and, therefore, may be inconsistent with the stated Congressional intent.

The conferees expect that the report required by the House will address each of these concerns. Further, to the extent that the Secretary's report indicates that these concerns are valid, the conferees expect that the report will include the Secretary's recommendations on the appropriateness of changes to the existing methodology and the time and manner in which such changes would be implemented.

**ELECTRONIC FUNDS TRANSFER**

The conferees agree with the House report language which requires the Secretary to submit with the fiscal year 1996 budget request, a report on the proposed regulations and legislation to effect the direction that all recurring Federal payments be paid by electronic funds transfer.

**EXEMPTION FROM THE FEDERAL ADVISORY  
COMMITTEE ACT**

The Secretary of the Treasury has directed a thorough review into the recent air intrusion into the White House complex. This review is to be completed in 90 days of the incident. The review will require access to classified and highly sensitive information and will involve highly classified discussions with experts, senior Secret Service officials, and other interested parties. Compliance with the provisions of the Federal Advisory Committee Act could delay or interfere with the expeditious consideration of this matter. Therefore, the conferees have included a provision in the Act which exempts this review from the Federal Advisory Committee Act (Public Law 92-463).

**TREASURY PERSONNEL IN OVERSEAS  
LOCATIONS**

The conferees are aware that the Department of the Treasury has not fully paid its current bills under the Foreign Affairs Administrative System for Treasury personnel located overseas. The conferees also note that the Department of State has not allowed an increase in the number of Treasury personnel located overseas, despite the July 11, 1994, letter from the State Department. That letter indicated that concerns increasing overseas Treasury Department staffing to improve anti-counterfeiting efforts would be considered by the State Department in making decisions on overseas staffing requirements.

The conferees agree that the Treasury Department should meet its obligations under the Foreign Affairs Administrative System and expects Treasury to fulfill this obligation after the State Department agrees to assign additional Treasury personnel to overseas locations for expanding anti-counterfeiting investigations.

**ELECTRONIC FILING TAX FRAUD TASK FORCE**

The conferees agree with the House report language which requires a report which addresses the problem of electronic tax filing

fraud. This report shall be submitted to the House and Senate Committees on Appropriations when it is complete.

OFFICE OF INSPECTOR GENERAL  
SALARIES AND EXPENSES

Amendment No. 3. Appropriates \$29,700,000 instead of \$28,897,000 as proposed by the House and \$30,497,000 as proposed by the Senate.

FINANCIAL CRIMES ENFORCEMENT NETWORK  
SALARIES AND EXPENSES

Amendment No. 4. Appropriates \$19,823,000 instead of \$18,280,000 as proposed by the House and \$20,690,000 as proposed by the Senate. Also, cancels \$1,000 in offsetting collections. The conferees concur in the reorganization transferring funding and FTEs from Departmental Offices to FinCEN for the functions of the Office of Financial Enforcement.

FEDERAL LAW ENFORCEMENT TRAINING  
CENTER

SALARIES AND EXPENSES

Amendment No. 5. Makes available \$7,000 for official reception and representation expenses as proposed by the Senate instead of \$9,000 as proposed by the House.

Amendment No. 6. Deletes Senate language relating to the reimbursement of training expenses for Postal Police.

Amendment No. 7. Inserts Senate language authorizing the use of funds for first-aid and emergency medical services.

Amendment No. 8. Appropriates \$46,713,000 as proposed by the House instead of \$47,114,000 as proposed by the Senate.

ACQUISITION, CONSTRUCTION, IMPROVEMENTS  
AND RELATED EXPENSES

Amendment No. 9. Appropriates \$16,815,000 for acquisition, construction, improvements and related expenses as proposed by the Senate instead of \$9,815,000 as proposed by the House. Of this amount, \$7,600,000, shall be available for the following construction projects at the Tucson, Arizona satellite facility: \$5,000,000 for a 150-room dormitory; \$2,100,000 for a dining hall; and \$500,000 for firearms ranges. The conferees instruct the Center to request funding in fiscal year 1996 to cover the remaining costs of permanent facility improvements at the Tucson Center. The remaining funds, \$2,400,000 shall be available for the design, acquisition and preparation of a facility dedicated to periodic firearms requalification and training in advanced firing techniques and explosives.

The conferees direct the Center to provide all training for the Gang Resistance Education and Training (GREAT) program through the satellite facility located at Davis-Monthan Air Force Base, Tucson, Arizona.

FINANCIAL MANAGEMENT SERVICE  
SALARIES AND EXPENSES

Amendment No. 10. Appropriates \$183,889,000 instead of \$185,389,000 as proposed by the House and \$183,697,000 as proposed by the Senate.

COMBO PRINTER

The reduction to the Federal Management Service (FMS), should to the extent possible, not be applied to the COMBO Printer initiative. The current Troy check printers have been in use at FMS since 1984 and have already surpassed their anticipated eight-year system life. The COMBO Printer initiative is to be the development of a printer replacement plan. The conferees are supportive of the need to replace printers, with the understanding that it should be a lower priority

than the electronic funds transfer initiative, and the understanding that there will be a decrease in the number of printers needed by FMS.

Amendment No. 11. Restores House language canceling \$192,000 in offsetting collections.

BUREAU OF ALCOHOL, TOBACCO AND FIREARMS  
SALARIES AND EXPENSES

Amendment No. 12. Appropriates \$385,315,000 as proposed by the Senate instead of \$376,181,000 as proposed by the House. Included in this amount is \$5,000,000 for the 6 GREAT projects initiated in fiscal year 1994, \$1,400,000 to restore the 22 full-time equivalent positions which were due to be eliminated under the President's Executive Order, and \$2,700,000 to fund the Administration's request for systems modernization. The \$3,100,000 in funding for ballistics technology as proposed by the House is funded through the Special Forfeiture Fund. Conferees expect the Bureau to add two agents to the Des Moines, Iowa post as proposed by the House within the amounts provided.

EQUAL EMPLOYMENT OPPORTUNITY

The House report directed the Bureau to change the title for the senior manager responsible for equal employment opportunity from "Executive Assistant to the Director (Equal Employment Opportunity)" to "Assistant Director for Equal Employment Opportunity". The conferees agree that the official title for such a position be left to the discretion of the ATF Director.

Amendment No. 13. Restores House language canceling \$4,000 in offsetting collections and includes language as proposed by the Senate establishing a FTE floor of 4,215.

UNITED STATES CUSTOMS SERVICE  
SALARIES AND EXPENSES

Amendment No. 14. Appropriates \$1,394,793,000 instead of \$1,391,700,000 as proposed by the House and \$1,378,914,000 as proposed by the Senate. Included in this amount is funding for the following: \$18,000,000 for NAFTA implementation; \$10,000,000 for the Center for Study of Western Hemispheric Trade; \$2,310,000 for the restoration of 35 marine enforcement officers; \$2,000,000 for the restoration of 25 air program positions to support the Department of Defense JTF-4 operations in Key West, Florida; \$780,000 to support 10 additional pilot and crew positions at the Corpus Christi Surveillance Support Center; \$500,000 for a border barrier in Nogales, Arizona; \$2,100,000 for 30 inspectors in El Paso; \$15,000,000 for phase I of the automated commercial systems redesign and \$5,503,000 to restore 110 full-time equivalent positions proposed for elimination under the President's Executive Order. Savings of \$2,641,000 resulting from exemption of the Fair Labor Standards Act shall be applied to the allocations made above.

ENFORCEMENT OF SANCTIONS AGAINST SERBIA  
AND MONTENEGRO

The conferees strongly support the activities currently underway to enforce the Serbian Sanctions Assistance Missions (SAMS), including those being carried out by U.S. Customs Service inspectors. However, the conferees continue to be concerned about the costs incurred by the Customs Service for activities which were not budgeted and for which Customs has no specific legal authority. In fiscal year 1993, the Senate Committee expressed its concerns about the use of Customs funds for SAMS teams and directed the Department to seek appropriate reimbursement from the Department of State. Based on this directive, the Department of

State reimbursed Customs for \$3,575,000 of its travel and per diem costs for 27 inspectors engaged in SAMS. In addition, the President requested, and was provided by the Congress, \$17 million in the Department of State's peacekeeping operations budget for fiscal year 1995 to cover the costs of the SAMS. No funds were requested and none have been provided in the Customs Service 1995 budget. Therefore, the conferees, while strongly supporting the use of Customs inspectors in the SAMS efforts, instruct Customs to participate in these activities commensurate with its reimbursement from the Department of State. The conferees direct the Office of Management and Budget to insure that the Customs Services be reimbursed for travel and per diem expenses associated with the SAMS missions.

The conferees note that the Administration failed to make clear how Customs inspectors participating in sanctions assistance missions would be funded in the fiscal year 1995 budget request. The conferees therefore direct the Administration to present a clear and identifiable request for such items in a single account in the FY 1996 budget.

UNIFIED PORT MANAGEMENT PILOT PROJECT

Numerous studies conducted on border management have consistently found that the lack of coordination between Federal inspection agencies at the ports of entry have contributed to a slow down in the processing of persons and commerce. Most recently, an assessment of United States-Mexico border ports of entry under section 6015 of the Intermodal Surface Transportation Act of 1991 found that the most pressing institutional border issue was a lack of a comprehensive Federal approach to border management, which contributes to an increase in the overall costs of transportation and distribution of goods. The conferees believe these problems must be resolved in order to accommodate and facilitate increased trade between Mexico and the United States and to achieve a more efficient and "user-friendly" border environment. For this reason, the conferees instruct the U.S. Customs Service to undertake a unified binational border port management pilot project to design and test a model of unified border port management in the Nogales Customs District.

The pilot project should establish a single inspection procedure that satisfies the needs of all agencies currently operating at the border and should be undertaken in cooperation with the State of Arizona. This pilot should address the following: coordinated management of border port facilities among various Federal and state agencies; coordinated operation of border facilities between U.S. and Mexico agencies; harmonized binational regulations and crossing procedures; application of technologies to expedite vehicular and commercial processing; binational planning of port facilities and transportation systems; and coordinated planning and operations of border facilities between Federal, state and local governments. The conferees instruct the Commissioner of Customs to provide a report to the House and Senate Committees on Appropriations by no later than March 1, 1995 on the progress being made in this regard.

CUSTOMS STAFFING

With the staff reassigned as part of the planned reorganization, the conferees direct Customs to provide additional inspectors to El Paso, Hidalgo Pharr International Bridge, the Miami International Airport, and the Atlanta International Airport to cover the expected workloads.

## PREMIUM PAY

The conferees note that individuals receiving premium pay for overtime or holiday work, such as Customs inspectors, who call in sick, often receive that premium pay, despite the fact that they did not work. The conferees direct the General Accounting Office to examine this issue and report back to the Committees on Appropriations by March 1, 1995. This report shall not apply to availability pay, established under section 634 of this Act.

## CUSTOMS FINANCIAL MANAGEMENT

The General Accounting Office, in a report released June 30, 1993, declined to express an opinion on Customs' FY 1992 Financial Statements "because of the lack of reliable financial information, inadequate financial systems and processes, and its ineffective internal control structure". GAO found several major weaknesses:

Accounts receivable may have excluded entries and failed to consider debtor's ability to pay in estimating collections.

Seized property records did not include some property, showed incorrect locations, and included some erroneous values.

Internal controls could not ensure that the proper duties were assessed importers or that claimants received proper refunds ("drawbacks").

Budget records did not include documentation linking charges for interagency agreements to actual costs.

Accounting staff did not routinely review and revise estimates of unliquidated obligations, resulting in difficulty reconciling obligations and expenditures at the end of the fiscal year.

Customs has begun responding to these criticisms. Revenue estimates should substantially improve as Customs improves its random inspection processes, enhances selectivity and improves information management systems. The conferees have provided an additional \$1,377,000 and 12 FTE to produce auditable financial statements. The conferees direct Customs to provide a report on its financial improvement plans with the fiscal year 1996 budget submission.

Amendment No. 15. Restores the House allocation of \$10,000,000 for the Center for Study of Western Hemispheric Trade and House language cancelling \$410,000 in offsetting collections.

Amendment No. 16. Inserts Senate language authorizing an FTE floor of 17,524 and making available \$500,000 for the construction of a border fence in Nogales, Arizona. Deletes Senate language relating to certain Customs fees.

## OPERATION AND MAINTENANCE, AIR AND MARINE INTERDICTION PROGRAMS

Amendment No. 17. Appropriates \$89,041,000 instead of \$78,991,000 as proposed by the House and \$91,891,000 as proposed by the Senate. This amount shall be enhanced by \$10,698,000 in unobligated balances remaining in the account including \$3,100,000 set aside for the ASARS program. The additional funds provided shall be used for the following: \$3,000,000 for operations and maintenance activities associated with the Blackhawk apprehension and support program; \$850,000 for marine interdiction operations and maintenance activities; \$3,700,000 for Citation training in Mexico and other host countries; and \$1,500,000 to support the continued operations of C3I-East through December 1994.

Amendment No. 18. Inserts Senate language prohibiting the transfer of aircraft outside the Department of the Treasury. The

term "transfer", as used here, includes sales and long term loans.

## CUSTOMS FACILITIES, CONSTRUCTION, IMPROVEMENTS AND RELATED EXPENSES

Amendment No. 19. Appropriates \$1,000,000 as proposed by the Senate. These funds shall be used to construct a hangar at the Customs Air Branch in Puerto Rico.

## UNITED STATES MINT

## SALARIES AND EXPENSES

Amendment No. 20. Appropriates \$55,740,000 as proposed by the Senate instead of \$54,770,000 as proposed by the House.

## MINT ZINC PURCHASES

The conferees have learned that the Mint has been purchasing zinc for coin production from international sources when domestic stocks may be available at a lower cost. The conferees note current Mint policy allows the Mint to purchase only "special high grade" zinc for production. The conferees do not wish to address issues relating to the quality of the material necessary for coinage. However, the conferees express their concern that the domestic industry is being harmed when domestic products are available yet coins are being produced with foreign zinc. It is the conclusion of the conference that if the grade of domestic zinc is available at a competitive price it should be used. The conferees direct the Mint to review current activities and report back to the House and Senate Committees on Appropriations within 60 days of the date of enactment of this Act, as to the actions it has taken as well as future plans with regard to the purchase of zinc.

## INTERNAL REVENUE SERVICE

## ADMINISTRATION AND MANAGEMENT

Amendment No. 21. Appropriates \$225,632,000 for administration and management instead of \$163,431,000 as proposed by the Senate. The conferees support the restructuring of certain activities from the processing tax returns activities as proposed by the Administration and have reinstated the funds requested for this purpose. However, the conferees have denied funding for the requested workload increase of \$825,000 and 6 FTEs.

## PRIVACY OF TAXPAYER RECORDS

The conferees are very concerned about the recent revelations of the extent of employee violations of privacy standards uncovered by the Internal Revenue Service (IRS). Internal audits conducted by the IRS indicate that there has been a serious problem of certain employees reviewing taxpayer information which is beyond the scope of their job responsibilities. The IRS has reported that some of these cases went beyond curiosity and involved perusing tax information for fraudulent reasons. This activity could seriously jeopardize the full and fair tax filing of honest citizens who believe the principle of trust has been violated.

The conferees agree that the Tax Systems Modernization (TSM) program will provide state of the art security and privacy protection for the taxpayers. However, the conferees note that the reductions made to the TSM program by Congress for fiscal year 1995 are the first budgetary reductions made to this program since its inception. Nonetheless, TSM is a computer system and the violations of taxpayer privacy identified by IRS are behavioral in nature, not technical. Furthermore, TSM will not be fully implemented for at least another six years. Taxpayers should not be subject to invasion of their privacy for another six years while awaiting a new computer system.

The IRS is directed to provide quarterly reports on its efforts to identify and correct invasions of taxpayer privacy by unauthorized employees.

## FEES FOR COPIES OF TAX RETURNS

The conferees are concerned about the IRS proposal to increase fees for providing taxpayers with copies of their tax returns. The conferees believe that taxpayers who have been the victims of natural disasters or other incidents beyond their control may be adversely impacted by increases in return copying fees. Therefore, the conferees direct IRS to institute a policy which would permit the Service to waive such fees if a taxpayer has been the victim of a natural disaster or other event which may have adversely impacted economic conditions in their community. The IRS shall report on the status of implementation of this policy by no later than January 1, 1995. Such report shall include a description of taxpayers who will qualify for such waiver and the procedure IRS will employ to notify eligible taxpayers.

## FLEXIBILITY IN IRS APPROPRIATIONS

The conferees agree that Internal Revenue Service (IRS) and the Office of Management and Budget (OMB) should explore options available for providing more flexibility to execute tax enforcement initiatives through changing the current budget structure. The IRS currently has four different appropriations which fund the four major missions of IRS. It may be more advantageous to combine some of these appropriations.

## IRS RULING ON TAXING OF HARPER REFUNDS

The Commonwealth of Virginia has recently settled its legal dispute over the taxation of Federal retirement benefits. This settlement includes the repayment of a portion of the taxes paid by retirees to the Commonwealth. While the IRS has not yet ruled on any plan to assess Federal tax liability on the repayment, there is concern that such a ruling may severely impact the affected retirees.

Therefore, the conferees agree that before IRS makes a final decision on its ruling for assessing a Federal tax liability on the settlement, it submit such a plan to the appropriate Congressional committees.

## PROCESSING TAX RETURNS

Amendment No. 22. Appropriates \$1,511,266,000 instead of \$1,616,295,000 as proposed by the House and \$1,586,028,000 as proposed by the Senate for processing tax returns and assistance. The conferees have denied the requested increase of \$12,842,000 and 345 FTEs for service center workload increases. Provides \$3,700,000 for Tax Counseling for the Elderly as proposed by the Senate instead of \$3,500,000 as proposed by the House.

## TAX LAW ENFORCEMENT

Amendment No. 23. Appropriates \$4,358,180,000 for tax law enforcement as proposed by the Senate instead of \$4,412,580,000 as proposed by the House.

Amendment No. 24. Inserts Senate language allocating certain funds for the 1995 tax compliance initiative and prohibiting the transfer of funds from this account. Deletes Senate language from the bill allocating \$442,148,000 and 5,002 full-time equivalent positions for tax fraud investigations. The conferees note, however, that they expect IRS to achieve these minimum levels for tax fraud investigations.

## ENFORCEMENT OF EMPLOYMENT TAX LAWS

The conferees agree with the House report language which directs that the Internal

Revenue Service (IRS) hire and train additional examiners to enforce classification rules in the construction industry. The IRS is to report to the House and Senate Committees on Appropriations by March 1, 1995 on this direction.

#### GASOLINE TAX REFUNDS

The House included language in its report expressing concern over the effect certain law changes had on gasoline tax refunds. The House stated that there should be no extensive delays in processing gasoline refunds and directed quarterly reports on the length of time taken by IRS to process claims for these refunds.

The Senate included language in its report stating that the diesel refund schedule of 20 days is an appropriate target for gasoline refunds as well. The Senate directed IRS to keep it advised of progress in meeting the 20-day goal for gasoline refunds.

The conferees agree that IRS does not appear to be applying the same refund goals for diesel and gasoline refunds. Therefore, the conferees direct IRS to ensure adequate staffing and management support to meet the 20-day goal. The IRS should advise the House and Senate Committees on Appropriations on its progress in meeting this goal.

#### TAX COMPLIANCE INITIATIVE

The conferees have provided \$426,300,000 and 5,078 FTEs for a variety of enhanced compliance initiatives designed to collect taxes owed the U.S. Government. Of this amount, \$405,000,000 shall not be utilized by the Service for any purpose than for carrying out the compliance initiatives as outlined by the Department of the Treasury.

The conferees agree with the Senate position on the hiring of 1,192 additional revenue officers. According to the General Accounting Office (GAO), collections could be better achieved through the use of less expensive call site collectors. Therefore, the conferees agree that the \$87,908,000 associated with hiring additional revenue officers is denied and instead instructs the IRS to redeploy these funds into the hiring of additional call site collectors.

Furthermore, the IRS is required to fulfill the reporting requirements set forth in both the House and Senate reports concerning the monitoring of this initiative.

#### INFORMATION SYSTEMS

Amendment No. 25. Appropriates \$1,388,000,000 as proposed by the Senate instead of \$1,240,357,000 as proposed by the House, allocates \$650,000,000 for tax systems modernization, and authorizes \$185,000,000 to remain available until September 30, 1997, for tax and information systems development.

#### UPGRADING OF IRS COMPUTING CENTER, MARTINSBURG, WEST VIRGINIA

The conferees agree with the Senate report language which requires Internal Revenue Service (IRS), in cooperation with the General Services Administration (GSA), to submit a plan, by March 1, 1995, for upgrading facilities and equipment at the Martinsburg facility. This plan should be submitted to the House and Senate Committees on Appropriations.

#### TAX SYSTEMS MODERNIZATION

The conferees have agreed to provide a total of \$1,388,000,000 for IRS Information Systems, of which \$650,000,000 is available for tax systems modernization (TSM). The conferees have not agreed with the Senate proposal to allow the amounts collected by the Customs Service Merchandise Processing fee to be credited to the IRS for TSM. Despite this reduction from the TSM program, the

conferees remain dedicated to ensuring that TSM is implemented to protect the confidence of American taxpayers in the concept of voluntary compliance as a means of financing government operations. Additionally, it is not the intent of the conferees that this reduction should be disproportionately applied to contractual efforts. The current effort expended by the contracted groups is to support the TSM Program Manager and should therefore, to the extent possible, be exempt from reductions.

There remain a number of concerns about TSM which both the House and Senate have addressed. In its report, the House required a variety of actions be taken by IRS to enforce management control over the TSM program. The conferees are pleased to see that swift action on the part of IRS to implement the most important of these requirements: the establishment of a Program Manager for TSM. The Program Manager must receive the necessary support from all levels within the IRS to ensure the success of TSM.

There are additional requirements which were addressed by the House which IRS will be unable to comply with by the stated deadline due to the complexity of the information required by the House. A delay in providing these reports is approved by the conferees with the understanding that IRS will comply with all the requirements no later than March 1, 1995, with the exception of the costing methodology which may be submitted no later than September 1, 1995.

The conferees are strongly supportive of the goals of TSM and agree that the IRS should work toward implementation at the earliest possible date. However, the conferees caution IRS not to proceed at a pace which jeopardizes the success of the program. The successful implementation of a new tax processing system is far more important than meeting a timetable which was established long before the complexity of TSM was fully known. Additionally, while IRS should monitor each project within the TSM program, it is important to keep in mind that TSM is a program made up of a number of big and small projects which must work together to produce the overall system to support the IRS mission.

#### FUTURE FUNDING OPTIONS FOR TAX SYSTEMS MODERNIZATION

The conferees are concerned about the need to establish a steady funding level for TSM for future requirements. The conferees believe that there are various options which the Office of Management and Budget could pursue toward this end. For example, the conferees believe that some aspects of the TSM program such as the procurement of hardware and software could be put into a separate procurement account similar to the method used for Department of Defense procurement requirements.

Therefore, the conferees direct the Internal Revenue Service to work with the Office of Management and Budget to develop a comprehensive plan to fund the TSM program. The plan should address the total requirement and the budgeting techniques which could be used to ensure full funding of the requirement. This plan should be submitted with the fiscal year 1996 budget request.

Amendment No. 26. Deletes language proposed by the Senate which would have increased the amount appropriated for Information Systems if the Customs Service Merchandise Processing Fee increase were authorized.

#### ADMINISTRATIVE PROVISIONS—INTERNAL REVENUE SERVICE

Amendment No. 27. Inserts Senate language requiring advance approval of trans-

fers of funds from the four IRS operating accounts.

Amendment No. 28. Inserts Senate language prohibiting any transfers of funds from the "Tax Law Enforcement" account in fiscal year 1995.

Amendment No. 29. Modifies a provision proposed by the Senate which permits the Secretary of the Treasury to use the receipts from fees from services, where such fees are authorized by another law, for supplementing IRS operating accounts for the actual cost of services.

#### USER FEES

The conferees have agreed to language proposed by the Senate which permits the Secretary of the Treasury to impose fees or change the amount of existing fees which are already authorized by law. The conferees have also included language requiring that any fees imposed be based on the actual cost of providing the service which is being performed.

The fees must be assessed and collected solely to cover the costs of providing the services and activities for which the fees are being charged. Furthermore, the General Accounting Office (GAO) is directed to audit both the methodology used by the IRS to develop the fee structure and the fee structure itself to insure that the fees being charged reflect actual costs incurred. The GAO shall provide its report to the House and Senate Committees on Appropriations no later than January 15, 1995.

#### UNITED STATES SECRET SERVICE

##### SALARIES AND EXPENSES

Amendment No. 30. Appropriates \$476,931,000 for salaries and expenses as proposed by the House instead of \$474,988,000 as proposed by the Senate. Also includes language as proposed by the House canceling offsetting collections totalling \$43,000. Included in the appropriated amount is an additional \$4,914,000 for the restoration of 71 positions proposed for elimination in the President's Executive Order; and \$1,943,000 for additional agent positions to enhance counterfeiting investigations overseas.

##### ENTITLEMENT FRAUD

The conferees agree with the Senate report language that entitlement fraud has become a significant problem both domestically and internationally. The conferees strongly endorse the initiatives taken by the Secret Service in working with other government agencies to correct problems related to entitlement fraud. The conferees direct the Service to advise the House and Senate Committees on Appropriations on its progress and any actions which might be necessary to assist in this effort.

#### BUREAU OF ENGRAVING AND PRINTING

##### REVIEW OF SECURITY AND MANAGEMENT CONTROLS

The conferees understand that the Secretary of the Treasury has formed a Departmental Task Force to review security and management control systems at the Bureau of Engraving and Printing (BEP). The conferees are encouraged by the formation of this group but believe that an independent team would be appropriate to review any security deficiencies at the BEP which led to the recent theft of currency. The conferees believe that an independent investigation would also ensure a cost effective approach to any enhancement in security.

The conferees believe that management and security issues have not been interwoven into decisions at BEP because the Management Directorate and its Office of Security

have not received adequate attention. The independent investigation should review the organizational structure of BEP management to ensure the most appropriate location for the Management Directorate and its Office of Security as well as the qualifications required for individuals to head the Office of Security.

Additionally, the conferees are concerned that "off line" currency production did not receive proper management oversight. The "test" currency recently stolen from BEP, was not destroyed in a timely manner and was not incorporated into the management information system so that it could be monitored. Furthermore, management oversight appears to have been lax in the assignment of duplicate serial numbers to this particular currency. These issues must be investigated and procedures implemented to correct deficiencies in management oversight.

The conferees expect the Department of Treasury to report back within 30 days of enactment of this Act on the steps being taken to address these matters.

#### RATIO OF SUPERVISORS TO POLICE OFFICERS

The conferees are concerned about the ratio of supervisors to police officers at the Bureau of Engraving and Printing (BEP), which according to information provided to the conferees, may be as high as one supervisor to two police officers. The conferees agree that BEP could address its shortfall of police officers by reducing the number of supervisors and adopting a ratio which more closely reflects the need for additional security.

#### EXPANSION OF CURRENT POLICE AUTHORITY FOR SECURITY

The conferees have included a provision (Sec. 535) which provides clarification and extends the authority delegated from the Secretary of the Treasury and the Administrator of General Services to meet the security needs of the Bureau of Engraving and Printing (BEP).

The conferees agree that this extension is necessary to protect the product, property, and the personnel of the BEP. The current authority does not permit the BEP police officers to provide adequate protection for personnel during the extended hours of BEP operations. Additionally, the current authority limits the ability of the BEP police to respond to the needs of tourists and vendors who are drawn to the area surrounding the facility. Section 535 will provide the necessary authority to enhance the ability of the BEP Police to provide adequate attention to these problems. The conferees require that the BEP provide information on the incidents which occur in this expanded area of authority so that the impact of Section 535 can be measured.

Amendment No. 31. Inserts a Senate provision relating to the consolidation plans of the Bureau of the Public Debt.

Amendment No. 32. Inserts Senate language exempting positions funded through reimbursement from the Puerto Rico Trust Fund from workforce reductions.

#### TREASURY FORFEITURE FUND

Amendment No. 33. Inserts a Senate provision authorizing certain expenses in the Treasury Forfeiture Fund to be paid out of the permanent indefinite appropriation.

#### EXPENDITURE SHIFT

The conferees have included language shifting certain Forfeiture Fund expenses from the discretionary to the permanent indefinite category. This includes the costs of overtime salaries, travel, fuel, training,

equipment, and other costs of State or local law enforcement that are incurred in joint law enforcement operations and seizures, as well as expenses for the purchase or lease of automatic data processing systems, training, printing and contracting services.

The Department shall submit an operating plan to the House and Senate Committees on Appropriations for their approval within 30 days of enactment of this Act. The operating plan should describe the use of all resources, including both discretionary and permanent indefinite expenditures including, but not limited to, the following categories:

Permanent Authority:  
 Purchase of Evidence/Information Salaries  
 Rent & Other Space Costs  
 Investigative Costs leading to Seizure  
 Advertising Expenses  
 Property Tracking System Maintenance  
 Independent Audit of Forfeiture Fund  
 Other Seizure-Related Expenses  
 Contract Services: Maintenance & Disposal of Assets  
 Payments of Liens & Mortgages  
 Remission & Mitigation Expenses  
 Equitable Sharing Payments  
 Section 9703(b)(5) Expenses  
 Assistance to State and Local Law Enforcement  
 Contract Services, Consultants and Training  
 Consolidated Assets Tracking System (CATS)  
 Other  
 Discretionary Expenses:  
 Purchase of Evidence and Information  
 Investigative Equipment  
 Training Foreign Law Enforcement Personnel  
 U.S. Coast Guard Expenses

The Department shall submit a reprogramming request for any reallocation greater than \$500,000 among these groupings.

Amendment No. 34. Inserts a Senate provision authorizing a security survey of the Bureau of Engraving and Printing, but changes the preliminary reporting requirement to 90 days of the date of enactment of the Act and final recommendations within 180 days of the date of enactment of the Act.

Amendment No. 35. Deletes a provision proposed by the Senate regarding Customs Service inspectors retirement.

#### HAZARDOUS PAY FOR CUSTOMS INSPECTORS AND CANINE ENFORCEMENT OFFICERS

It is the belief of the conferees that some Customs Inspectors and Canine Enforcement Officers engage in hazardous duties and these employees should be eligible for additional compensation. The conferees are further aware that Customs has authority to implement hazardous pay compensation, under section 5545(d) of title 5, United States Code, with the concurrence of the Office of Personnel Management. Therefore, the conferees direct the Customs Service to designate hazardous duty functions for the purpose of paying differentials to Customs recommendations with a request for a waiver by the Office of Personnel Management by no later than February 1, 1995.

#### TITLE II—POSTAL SERVICE

##### PAYMENTS TO THE POSTAL SERVICE PAYMENT TO THE POSTAL SERVICE FUND

Amendment No. 36. Appropriates \$92,317,000 instead of \$85,717,000 as proposed by the House and \$102,317,000 as proposed by the Senate.

##### CITY OF BEVERLY HILLS, POST OFFICE PROPERTY

The City of Beverly Hills and the United States Postal Service are discussing the pos-

sible transfer of the old post office at 469 North Crescent Drive by the Postal Service to the City of Beverly Hills, California. The City of Beverly Hills deeded this property, undeveloped, to the Postal Service in 1931 for the sum of one dollar. It is the belief of the conferees that this property, having been declared excess by the Postal Service, should be returned to the City of Beverly Hills at little or no cost and that it should continue to be used for a public purpose. Working with community and business leaders, the City of Beverly Hills has developed a comprehensive plan for the re-use of the post office that would establish a visitor and multi-use cultural center at the Post Office site using existing facilities for the benefit of the entire community. It is the understanding of the conferees that the Postal Service maintains an interest in using a portion of the facility for retail services, and hopes that this use can be accommodated as part of an agreement between the City and the Postal Service. The conferees strongly urge a resolution of this matter within six months.

#### U.S. POSTAL OPERATIONS IN THE WASHINGTON, D.C. AREA

A Postal Service survey completed on May 27, 1994, rated Washington, D.C. as having the worst first class mail delivery performance in the nation, with 61 percent on time as compared to an average of 82 percent nationwide. The same survey showed that 70 percent of Washington customers were satisfied with their postal service, as opposed to 85 percent nationwide. On time performance is 21 percent below the national average, and customer satisfaction is 15 percent below the average.

Between May 17 and 19, Postal Service inspectors paid an unannounced visit to several processing centers in this area. Some of their findings follow:

The Washington, D.C. P&DC (Processing and Distribution Center) had large volumes of first-class mail in the government mail section with dates as old as February 1994.

In southern Maryland, 2.3 Million pieces of third-class letters were found stored in trailers on the P&DC yard \* \* \* 230,000 pieces of second-class news were also on trailers \* \* \*.

Based on our observations, we estimate approximately 75 percent of all the mail at Southern Maryland P&DC was delayed.

The Postal Service has focused on cutting overhead, reducing operating costs, restructuring staff and enhancing automation. While these are worthwhile goals, the manner in which these efforts have been implemented may have left the Postal Service in a state of disarray. The recent history of the Postal Service has included:

Departures of experienced operational personnel (over 47,000) at a cost of more than \$1 billion in retirement incentives.

Two reorganizations in the past 2 years which may have led to a lack of continuity as well as uncertainty in organizational relationships.

The concurrent introduction of automated systems and significant numbers of inexperienced personnel into the mail handling process without adequate training.

As noted in the May report of the inspectors:

At Aspen Hill, general housekeeping was unsatisfactory, empty soda cans were found everywhere; sacks were not stowed; lobby counters were dirty; and trash cans throughout the office were almost full.

The general feeling among carrier supervisors is the CSDRS (Customer Service Data

Reporting System) is not used as an information source; rather, it is used to "get" supervisors.

Operations in the Washington, D.C. Area can be temporarily improved through large, quick injections of overtime and short-term staff transfers; and this should be done. But the conferees expect more of the Postal Service. The conferees expect consistent, high quality service both throughout the country and in this region.

Therefore, the conferees agree that the Post Service needs to focus on the following fundamentals:

**Accountability:** local managers must know that they will be answerable for the performance of their office.

**Performance Measurement:** the Postal Services needs objective, consistent and reliable measures of its performance that can be used at all levels of management.

**Process:** the Congress must be assured that procedures are in place to address problems without extraordinary intervention.

**Corporate Culture:** all postal employees must be able to work together toward a common goal, and that good performance will be rewarded and poor performance will not be tolerated.

The Postal Service needs employees who are well trained, qualified, and willing to work. The Postal Service needs management with clear goals and clear strategies to achieve them. The Postal Service needs systems and procedures that are efficient and understandable to all. The Postal Service needs technology that can be appropriately used by the workforce.

The conferees will be carefully monitoring Postal Service operations to insure that this occurs.

#### PAGE, ARIZONA POSTAL FACILITY

The conferees are aware of the pressing need for new and expanded postal services for the community of Page, Arizona. The conferees understand that in recognition of this need, the Postal Service purchased 2.53 acres of land for the new Post Office in 1986. A recent meeting by the Postal Service Area Review Committee recommended a new Post Office in Page as the number one priority in the State of Arizona. The conferees, therefore, direct the Postal Service to expeditiously approve plans for this facility so that construction can be completed in the 1995-1996 time frame. The conferees expect the Postal Service to provide an updated status report on this project within 30 days of enactment of this Act.

#### CHRIST CHURCH STAMP

The conferees request that the Postal Service review the need for a stamp or postal card to be used by the Postal Service to honor the 300th anniversary of the founding of the Christ Church of Philadelphia.

#### FEDERAL PROCUREMENT IMPROVEMENTS

The conferees are encouraged by the widespread interest in moving Federal procurement activities away from a paper-based process to an electronic-based process. The interest in electronic procurement procedures, as expressed by various Federal officials, and put forth in the National Performance Review, shows significant potential for meaningful cost savings. This theme is also contained in the statement which accompanies the Federal Acquisition Streamlining Act of 1994.

The conferees are aware that the U.S. Postal Service is implementing electronic, just-in-time, supply system which is image-based. The conferees are encouraged by this

Postal Service test and direct the Service to keep the House and Senate Committees on Appropriations apprised of the success of this test.

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

##### REPROGRAMMINGS

The conferees agree to require a reprogramming request from any agency, department or office when the amount to be reprogrammed exceeds \$500,000 or 10 percent of any object class, budget activity, program line item, or program activity, whichever is greater. For agencies receiving appropriations under \$20,000,000, this threshold shall be \$100,000 or 5 percent, whichever is greater.

Such requests shall be submitted for the prior approval of the Committees on Appropriations. The Committees must receive such requests in sufficient time to consider them before their proposed implementation. In the past, the Administration has delayed submission as much as four months between the time that it knew that the reprogramming was necessary and the time that it was formally transmitted. The conferees expect that such delays will not recur in the future.

#### THE WHITE HOUSE OFFICE SALARIES AND EXPENSES

Amendment No. 37. Appropriates \$40,193,000 as proposed by the Senate instead of \$38,754,000 as proposed by the House.

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

Amendment No. 38. Appropriates \$3,280,000 as proposed by the Senate instead of \$3,270,000 as proposed by the House.

#### COUNCIL OF ECONOMIC ADVISERS SALARIES AND EXPENSES

Amendment No. 39. Appropriates \$3,439,000 as proposed by the Senate instead of \$3,420,000 as proposed by the House. Also deletes language proposed by the House authorizing a representation fund.

#### NATIONAL SECURITY COUNCIL SALARIES AND EXPENSES

Amendment No. 40. Appropriates \$6,648,000 as proposed by the House instead of \$8,222,000 as proposed by the Senate.

#### OFFICE OF ADMINISTRATION SALARIES AND EXPENSES

Amendment No. 41. Appropriates \$26,217,000 as proposed by the Senate instead of \$24,850,000 as proposed by the House.

#### OFFICE OF MANAGEMENT AND BUDGET SALARIES AND EXPENSES

Amendment No. 42. Appropriates \$57,754,000 instead of \$56,272,000 proposed by the House and \$55,081,000 as proposed by the Senate. The conferees have provided \$1,482,000 and 15 FTEs in the OMB budget for the Information Security Oversight Office. The conferees have transferred this program from GSA to OMB beginning in fiscal year 1995.

#### FEDERAL DRUG CONTROL PROGRAMS HIGH INTENSITY DRUG TRAFFICKING AREAS PROGRAM

##### (INCLUDING TRANSFER OF FUNDS)

Amendment No. 43. Allocates \$52,000,000 in transfers to Federal agencies for anti-drug activities instead of \$43,000,000 as proposed by the House and \$55,000,000 as proposed by the Senate.

#### HIDTA STAFFING LEVELS

The conferees are very concerned about the lack of sufficient staffing to support the ac-

tivities of the High Intensity Drug Trafficking Areas (HIDTAs). The conferees understand that only one individual is assigned to this program which currently covers six HIDTA regions and which will be responsible for seven such regions in fiscal year 1995. Given the importance of this program to the success of the National Drug Control Strategy, the conferees believe the HIDTA program requires additional staff and the requisite support. Therefore, the conferees expect the Director of ONDCP to allocate a minimum of two FTEs to this program during fiscal year 1995 and report what actions have been taken to implement this directive by no later than November 1, 1994.

Amendment No. 44. Allocates an additional \$9,000,000 for HIDTA activities in the Puerto Rico-U.S. Virgin Islands area, if such area is so designated a HIDTA by the Director. The conferees expect the Director of ONDCP to request the full \$12 million for HIDTA support for this region in fiscal year 1996.

With reference to the Southwest Border HIDTA, the funds provided shall only be used for those activities approved by the five HIDTA Executive Committees for the Southwest Border HIDTA and ultimately, the Under Secretary for Enforcement of the Department of the Treasury.

#### SPECIAL FORFEITURE FUND (INCLUDING TRANSFER OF FUNDS)

Amendment No. 45. Appropriates \$41,900,000 instead of \$14,800,000 as proposed by the House and \$52,500,000 as proposed by the Senate. The conferees have provided \$41,900,000 for anti-drug activities from proceeds in the Special Forfeiture Fund in fiscal year 1995. Those funds shall be used for the following purposes: \$15,000,000 for anti-drug activities at the discretion of the Director; \$3,100,000 for testing and implementation of new ballistics technologies at the discretion of the Director; \$8,000,000 for CTAC projects; and \$14,000,000 for transfer to the Substance Abuse and Mental Health Services Administration. The bulk of the discretionary funds provided to the Director are intended to cover shortfalls in drug control accounts, such as the Customs Air and Marine Interdiction programs, which would be insufficient if the drug threat increases as a result of increased border penetrations. The conferees expect the Director to seek advance approval from the House and Senate Committees on Appropriations prior to the obligation of these funds.

#### SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION

The conferees have provided a total of \$14,000,000 to be transferred to the Substance Abuse and Mental Health Services Administration (SAMHSA). Of these funds, \$10,000,000 is for the Residential Women and Children's program, and \$4 million is for the Center for Substance Abuse Treatment (CSAT) for community treatment programs. Of the \$4,000,000, \$1,300,000 shall be provided to Amity, Inc. for a comprehensive outpatient program, administered in cooperation with the Adult Probation Department of the Pima County Superior Court, targeted to drug-using offenders diverted from incarceration into treatment; \$500,000 shall be provided to CODAC Behavioral Health Services, Inc. for a comprehensive treatment and prevention program for substance-abusing mothers and their infants; and \$200,000 shall be available for renovation of a facility to serve the substance abuse needs of the people of Page, Arizona and the Western portion of the Navajo Nation under the existing grants policy of the Center.

## EL PASO INTELLIGENCE CENTER

The conferees have included a total of \$1,800,000 for the Drug Enforcement Administration's (DEA) El Paso Intelligence Center (EPIC). The conferees believe that in the future, the DEA should provide sufficient funds for the support and expansion of EPIC through its own appropriation so as not to establish a continued pattern of using the Special Forfeiture Fund for this purpose.

## NEW BALLISTICS TECHNOLOGY

The conferees have included \$3,100,000 to expand testing of new ballistics technologies. The Bureau of Alcohol, Tobacco and Firearms currently operates in the District of Columbia and pilot project called CEASEFIRE, which uses advanced computer technology and traditional investigative techniques to assist State and local police in solving firearms-related violent crimes. A key element of this project is the Projectile Comparison System, which stores ballistic images in a computer data base, facilitating comparisons and positive matches.

The \$3,100,000 for additional testing should focus on the ability to coordinate among multiple jurisdictions. An example of this is the Northern California Gun-Link project, which combines the resources of ten federal, state and local crime laboratories for ballistics identification and tracing.

## COUNTER-DRUG TECHNOLOGY ASSESSMENT CENTER

The conferees have provided \$8,000,000 for research and development activities of CTAC in fiscal year 1995. Of this amount, \$500,000 is provided for a non-intrusive inspection system assessment and engineering tradeoff study. The conferees recognize the significant progress made toward achieving our national goal to develop a rapid, modern automatic system to inspect shipment and cargo containers for illicit substances and drugs. Recognizing this progress, the conferees direct ONDCP/CTAC to conduct, with the United States Customs Service, a comprehensive non-intrusive inspection (NII) system technology assessment and engineering tradeoff study. The tradeoffs between cost, performance, and operational parameters, associated with each subsystem component, the training requirements, personnel manning and all relevant factors should be addressed. These tradeoffs should also evaluate the mix of information, screening and detection subsystems; develop estimates of the non-recurring, engineering, and architectural costs; show how the subsystems and investments scale in size; and evaluate various functional configurations to meet the needs of individual ports and border crossing locations, as well as to satisfy requirements for mobility along our extensive southwest land border. The study objective is to ensure well thought out plans for developing first generation NII systems and address such items as research and development resource allocation, system engineering, cost benefit analyses, and transition of the maturing technologies. The study should consider the entire range of customs, transportation security and counter-terrorism applications. The study shall include the U.S. Customs Service, the Departments of Defense, Treasury, Commerce, Transportation, and other involved governmental agencies. The results should be reported to Congress by September 30, 1995.

## DEVELOPMENT OF NEW TECHNOLOGY

The conferees agree that multiagency research and development programs be coordinated by the Office of National Drug Control Policy through the Counter-Drug Tech-

nology Assessment Center (CTAC) in order to prevent duplication of effort and to assure that those efforts transcend the need of any single Federal agency. Prior to the obligation of these funds, the House and Senate Committees on Appropriations expect to be notified by the chief scientist on how these funds will be spent and receive advance approval prior to the obligation of these funds. Additionally, the chief scientist should provide periodic reports on the priority counter-drug enforcement research and development requirements identified by the Center and on the status of the projects funded by CTAC.

The conferees agree that CTAC should recognize and support agency contributions to research and development. However, the CTAC should be the primary research and development organization and agencies should not expend resources to develop new or expanded internal research and development offices.

TITLE IV—INDEPENDENT AGENCIES  
REPROGRAMMINGS

The conferees agree to require a reprogramming request from any agency, department or office when the amount to be reprogrammed exceeds \$500,000 or 10 percent of any object class, budget activity, program line item, or program activity, whichever is greater. For agencies receiving appropriations under \$20,000,000, this threshold shall be \$100,000 or 5 percent, whichever is greater.

Such requests shall be submitted for the prior approval of the Committees on Appropriations. The Committees must receive such requests in sufficient time to consider them before their proposed implementation. In the past, the Administration has delayed submission as much as four months between the time that it knew that the reprogramming was necessary and the time that it was formally transmitted. The conferees expect that such delays will not recur in the future.

## ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

## SALARIES AND EXPENSES

Amendment No. 46. Appropriates \$1,800,000 for salaries and expenses of the Administrative Conference of the U.S. as proposed by the Senate.

ADVISORY COMMISSION ON  
INTERGOVERNMENTAL RELATIONS

## SALARIES AND EXPENSES

Amendment No. 47. Appropriates \$1,000,000 for salaries and expenses of the Commission as proposed by the Senate.

## FEDERAL ELECTION COMMISSION

## SALARIES AND EXPENSES

Amendment No. 48. Appropriates \$27,106,000 as proposed by the Senate instead of \$23,564,000 as proposed by the House.

## MODERNIZATION EFFORTS

The conferees support the FECs efforts to modernize its operations through computerization but are unable to earmark funds for the purpose at this time. The conferees have taken this step without prejudice and on the basis that any such earmark might undermine FECs ability to carry out its statutory responsibilities in the upcoming fiscal year.

Within available funds, the conferees urge the FEC to move as expeditiously as possible with their plans to modernize operations through computerization. The conferees encourage the FEC to develop options that will provide for the electronic filing of reports.

## FEDERAL LABOR RELATIONS AUTHORITY

## SALARIES AND EXPENSES

Amendment No. 49. Appropriates \$21,341,000 as proposed by the House instead of \$21,540,000 as proposed by the Senate.

## GENERAL SERVICES ADMINISTRATION

## FEDERAL BUILDINGS FUND

## LIMITATIONS ON THE AVAILABILITY OF REVENUE

Amendment No. 50. Appropriates \$466,917,000 for expenses of the Federal Buildings Fund, instead of \$361,615,520 as proposed by the House and \$500,000,000 as proposed by the Senate.

Amendment No. 51. Establishes an aggregate limitation of \$5,082,998,000 in obligational authority to be expended from receipts to the Federal Buildings Fund instead of \$4,973,825,520 as proposed by the House and \$5,055,841,000 as proposed by the Senate.

Amendment No. 52. Authorizes GSA to expend \$736,233,000 in obligational authority for construction of Federal building projects instead of \$502,709,520 as proposed by the House and \$721,129,000 as proposed by the Senate.

Amendment No. 53. Deletes language proposed by the House and modifies language proposed by the Senate which provides funding for the construction of certain Federal buildings and facilities.

## U.S. COURTHOUSE, FRESNO, CALIFORNIA

The conferees understand that GSA will soon begin the process of selecting a site for a new Federal Courthouse in Fresno, California. The conferees agree that GSA should adequately review all sites, including those in downtown Fresno, for the new facility. The conferees note the Congressional intent is that to the extent possible, GSA strive to locate new facilities in downtown areas.

## EPA BUILDING, RESEARCH TRIANGLE, NORTH CAROLINA

The conferees agree with the House position supporting the plans for a new Environmental Protection Agency laboratory in Research Triangle Park, North Carolina. The conferees expect the Administration to submit a request for construction funds for this building in the appropriate agency account in fiscal year 1996.

## CLEVELAND, OHIO, U.S. COURTHOUSE

The conferees encourage GSA to work with the Planning Commission of the City of Cleveland on the location of the proposed U.S. Courthouse taking into consideration the "Group Plan of the Public Buildings of the City of Cleveland," prepared by the Board of Supervisors for Public Buildings and Grounds of the City of Cleveland. The conferees further encourage GSA to work with the Planning Commission of the City of Cleveland to review the need for pedestrian links to the community's pending waterfront rapid rail transportation extension.

## FEDERAL OFFICE BUILDING, LAKEWOOD, FLORIDA

The conferees agree with the House report language directing GSA to develop a plan to renovate and upgrade the existing facility and use up to \$1,500,000 of available funds to accomplish this task.

## U.S. COURTHOUSE, SAVANNAH, GEORGIA

The conferees direct the General Services Administration to work with the City of Savannah, Georgia to incorporate, to the extent possible, adaptive renovation of historic structures, within the Federal Courthouse project.

## U.S. COURTHOUSE, TAMPA, FLORIDA

The conferees agree that the report requested by the Senate with regards to this facility is no longer required.

## NOAA FACILITIES

The House has included language in its report on the consolidation of NOAA facilities

in the Norfolk/Hampton Roads area. With respect to any facilities or the fleet, the conferees direct that GSA examine the cost effectiveness of using facilities and docks at military bases that are being closed.

#### U.S. COURTHOUSE CONSTRUCTION REQUESTS

The conferees agree with the House report language accompanying the provision of the bill (Sec. 9) on courthouse construction. The conferees direct that the Courthouse construction requirements established by GSA and OMB include a prioritization of the projects by the Administrative Office of the U.S. Courts.

#### AUTHORIZATION REQUIREMENTS

The conferees have funded certain Federal building projects which are subject to authorization. A provision has been included which prohibits GSA from expending the provided funds until these projects receive the necessary authorization. In the meantime, however, the conferees direct the Administrator of General Services to submit information on these projects to the authorizing committees. That information should take the form of either a formal prospectus or 11(b) report.

Amendment No. 54. Makes available \$736,709,000 for repairs and alterations of certain Federal buildings and facilities instead of \$815,268,000 as proposed by the House and \$714,556,000 as proposed by the Senate.

Amendment No. 55. Makes available funds for repairs and alterations of certain Federal buildings and facilities.

#### CORPS OF ENGINEERS FACILITY, WALLA WALLA, WASHINGTON

The conferees have provided \$2,814,000 for repair and alteration of the land and facilities currently occupied by the Corps of Engineers in Walla Walla, Washington. The conferees are concerned about GSA's lack of knowledge about this effort and the possibility that it may be using unrealistic cost estimates in preparing its plan. Therefore, the conferees direct GSA to work with the Corps of Engineers to implement the most cost-effective plan for the project. Additionally, the GSA shall keep the House and Senate Committees on Appropriations apprised of its efforts to complete this project.

Amendment No. 56. Makes available \$2,173,000,000 for rental of space activities as proposed by the Senate instead of \$2,204,628,000 as proposed by the House.

Amendment No. 57. Makes available \$1,309,525,000 for building operations as proposed by the Senate instead of \$1,323,689,000 as proposed by the House.

Amendment No. 58. Restores House language, with certain modifications, which allocates funds for a Bureau of Census project and subjects the obligation of funds for various Federal building projects to authorization approval, and provides that \$5,000,000 appropriated for the FDA consolidation may be used for necessary infrastructure improvements.

#### ROAD IMPROVEMENTS

The conferees have included language directing the General Services Administration to transfer \$5,000,000 to the Secret Service for road improvements at the Rowley Training Center in Beltsville, Maryland. These funds shall be expended for purposes of repairs of the adjacent roadways and its appurtenances.

#### TELECOMMUTING CENTER

The conferees have identified the specific amount that is available for the General Services Administration to pay to a public entity in the State of Maryland for purposes

of establishing telecommuting work centers in Southern Maryland. The \$1,300,000 in this language includes, and is not in addition to, those expenditures incurred or to be incurred for facilities, equipment and other services pursuant to the existing lease contract (including any supplements or riders thereto) between the General Services Administration and Charles County Community College.

Amendment No. 59. Deletes language proposed by the House with regard to certain building projects.

Amendment No. 60. Establishes an aggregate limitation of \$5,082,998,000 in obligational authority to be expended from receipts to the Federal Buildings Fund instead of \$4,973,825,520 as proposed by the House and \$5,057,841,000 as proposed by the Senate.

Amendment No. 61. Modifies Senate language rescinding funds from certain projects funded in previous fiscal years.

#### OPERATING EXPENSES

Amendment No. 62. Deletes language proposed by the House authorizing expenditures for the Information Security Oversight Office. This office has been transferred to the Office of Management and Budget for fiscal year 1995.

Amendment No. 63. Appropriates \$130,036,000 for operating expenses as proposed by the Senate instead of \$123,020,000 as proposed by the House; includes language proposed by the House cancelling \$172,000 in offsetting collections; and includes language as proposed by the Senate allocating certain funds for Congressional and Senate offices.

#### COMMUNICATIONS NETWORK

The conferees have provided \$6,000,000 for two communications networks. The conferees direct GSA to use up to \$3,000,000 to implement the pilot project described in its report, "Iowa Communications Network Study". The remaining \$3,000,000 shall be available to GSA for enhancing information superhighway capabilities in the State of Arizona working through Arizona State University.

#### AUTOMATING PROCUREMENT OPERATIONS

The conferees agree with the House report language concerning savings which might be achieved throughout the government through application of the Interior Department's Electronic Acquisition System (IDEAS) contract. This system could help reduce costs and provide savings to the government through increased private sector competition and a reduction of administrative requirements.

#### POLLUTION ABATEMENT TEST

The conferees agree with the House report language which reaffirms the Congressional directive to move forward on the test of diesel fuel additives as a means to reduce emissions and particulates. The GSA has submitted a report on its role in the pollution abatement test and the conferees agency, to ensure that the test is carried out as directed in 1994.

#### CONVERSION OF GASOLINE POWERED VEHICLES

The conferees are aware of a unique coupling technology utilized in the fueling of alternative fueled vehicles such as liquid propane gas and liquid natural gas. This coupling technology has been successfully employed by the Houston Metro Bus System in the conversion of buses to liquid natural gas. The conferees direct GSA and the U.S. Postal Service to investigate the applicability of this coupling in their existing vehicle conversion programs mandated by Executive Order 12844 and to report back to the House

and Senate Committees on Appropriations no later than March 1, 1995 on the results of this investigation.

#### XTH PARALYMPIAD

The conferees agree that of the amounts appropriated to GSA, up to \$1,000,000 shall be used for logistical and personnel support for the Xth Paralympiad on disability. The conferees recommend GSA's participation in preparation of public facilities for use by an unprecedented population of people with disabilities during the 1996 Paralympiad. The extent of accessibility associated with the event provides a model for future design and adaptability in Federal facilities.

#### TELECOMMUTING CENTERS

The conferees are particularly pleased with the success of the Waldorf InTeleWorkCenter, the first of a network of telecommuting centers in Southern Maryland being developed by Charles County Community College for this demonstration. The conferees are concerned that these centers and the supporting research being undertaken by Charles County Community College on behalf of this demonstration progress in an expedited manner which encourages innovation and flexibility. In establishing the first center in Charles County, the College experiences difficulty in securing GSA reimbursement for appropriate expenditures totaling \$180,676 and covering start-up, build-out and development of the Waldorf InTeleWorkCenter and the supporting program. The conferees direct GSA to promptly reimburse Charles County Community College for all the justifiable reimbursable expenses. The conferees support the continuation of the College's role as the developer of initiatives to provide tools for success for future Federal telework centers including telework training, analysis of emerging technologies, business planning, etc. Further, the conferees direct Charles County Community College to provide a full report of findings and status to date directly to this committee by July 1, 1995.

#### EQUIPMENT PURCHASE—WORKING CAPITAL FUND

The Committees have included a provision establishing an expanded GSA Working Capital Revolving Fund to provide a more appropriate account for the administration of the various centralized administrative support services provided to benefitting GSA organizations and external entities and the centralized acquisition of major equipment and development of agencywide financial management and management information systems. These functions were heretofore housed under the Salaries and Expenses, General Management and Administration direct appropriation account.

Accordingly, it is the intent of the Committees that the activities referenced in section 5 of GSA's General Provisions in Public Law 103-123 (107 Stat 1246) "Major equipment acquisitions and development activity" of the Salaries and Expenses, General Management and Administration appropriation account for transfer of prior year unobligated balances of operating expenses accounts be separately accounted for under the new Working Capital Fund.

Amendment No. 64. Deletes language proposed by the House authorizing GSA to transfer funds between operating accounts.

Amendment No. 65. Deletes language proposed by the Senate authorizing GSA to use certain payments received from contractors or vendors for General Supply Fund purposes.

#### REIMBURSEMENT FOR EXPENSES

The conferees have agreed not to include a provision (Sec. 11) as recommended by the

Senate which would have authorized GSA to retain refunds and rebates from contractors or vendors to manage and administer service programs such as the government credit card contracts due to the significant legislative concerns which have been raised. The conferees note that the current credit card contracts includes approximately \$18,000,000 which will be available for rebate to all federal agencies which use the service, based on usage and other factors. The conferees direct that all agencies receiving these rebates reimburse GSA for the costs of administering the program. Additionally, GSA should develop accurate cost measures associated with management and administration of this program and ensure that only those costs are the basis for reimbursement, before it seeks future action on this issue.

**MERIT SYSTEMS PROTECTION BOARD  
SALARIES AND EXPENSES  
(INCLUDING TRANSFER OF FUNDS)**

Amendment No. 66. Makes available \$2,250,000 from the Civil Service Retirement and Disability Fund for administrative expenses instead of \$2,420,000 as proposed by the House and \$1,989,000 as proposed by the Senate.

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

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

Amendment No. 67. Appropriates \$10,000,000 as proposed by the Senate.

**NATIONAL ARCHIVES AND RECORDS  
ADMINISTRATION  
OPERATING EXPENSES**

Amendment No. 68. Appropriates \$195,238,000, instead of \$194,638,000 as proposed by the House and \$200,238,000 as proposed by the Senate. Also deletes language proposed by the Senate earmarking certain funds for grants for historical publications and records. The amount provided includes \$100,000 for Archival activities associated with the Gallery of the Open Frontier in Nebraska and \$500,000 to continue the feasibility study begun in fiscal year 1994 on the integration of Archives' collections into Internet and follow-on on-line systems in Nebraska.

Amendment No. 69. Restores House language canceling \$441,000 in offsetting collections.

**NATIONAL HISTORICAL PUBLICATIONS AND RECORDS COMMISSION**

Amendment No. 70. Modifies House language appropriating \$9,000,000 for historical publications and records grants and provides funds for the Thomas P. O'Neill, Jr. Library and the Robert H. and Corrine W. Michel Congressional Education Fund.

**EDUCATIONAL PROGRAMS**

In its continuing effort to improve teaching about the United States Constitution and the U.S. government, the Division of Exhibits and Educational Programs and the Constitution Project have developed a national institute for teachers on the subject of the United States Constitution and the Bill of Rights. The conferees commend this action and have provided \$250,000 to fund this important program.

John F. Kennedy Assassination Records and Review Board.

**SALARIES AND EXPENSES**

Amendment No. 71. Appropriates \$2,150,000 instead of \$2,418,000 as proposed by the House.

**HIRING OF INVESTIGATORS**

The conferees agree that the John F. Kennedy Assassination Records Review Board should give favorable consideration to hiring individuals which have investigative experience due to their former employment with the Office of Personnel Management. These individuals may well possess the skills which the Board will need to accomplish its mission.

**OFFICE OF PERSONNEL MANAGEMENT  
SALARIES AND EXPENSES  
(INCLUDING TRANSFER OF TRUST FUNDS)**

Amendment No. 72. Restores language and appropriations of \$115,139,000 for salaries and expenses and \$93,934,000 for administrative expenses as proposed by the House, including \$3,000,000 as proposed by the House for OPM training. Includes language proposed by the Senate establishing health promotion and disease prevention programs.

**FEDERAL EMPLOYEES HEALTH BENEFITS  
(FEHB)**

The conferees support all efforts to encourage FEHB Plan members to utilize quality and cost-effective health care delivery systems. The conferees support OPM's position in its March 24, 1994, letter to carriers in the FEHB requiring that carriers must put in place procedures to capture discounts from all bills presented and/or contract with vendors to do so.

The conferees have some concerns that confusion and questions can arise among providers about the nature and relationship of FEHB carriers, their networks, and other organizations that are not so closely affiliated. The conferees expect OPM to carefully review carrier submissions and encourage carriers to work with providers to alleviate those concerns. The conferees further expect carriers to describe in their annual benefit submissions to OPM procedures for obtaining the lowest price for these services.

In addition, the conferees expect the OPM to review procedures and practices of all in and out of network contractors to ensure that Federal employees have the best available information in order to make sound choices and decisions.

The conferees direct OPM to report back to the House and Senate Committees on Appropriations by April 1, 1995 on the amount of savings realized from this program. The conferees wish to reiterate that OPM is expected to ensure FEHB program integrity and the highest quality care for Federal employees at the lowest price.

**DIVERSITY IN THE FEDERAL WORKPLACE**

The conferees are supportive of efforts by the Office of Personnel Management to promote diversity and equal employment opportunity in the Federal civil service. The conferees are aware of one such program used in this regard, the Woodrow Wilson National Fellowship Program in Public Policy. Over 800 students have been selected as Wilson Fellows for training in over 30 of the Nation's top graduate schools and universities teaching public policy in the United States. Wilson Fellows account for nearly 50 percent of all minority students served by many of these programs. The conferees are supportive of efforts by the Office of Personnel Management to improve cooperation with the Wilson program, as well as other programs that are geared to increasing minority participation in government, and encourage OPM to recommend how these efforts can be improved in its fiscal year 1996 budget submission.

**BUDGET SUBMISSION**

The fiscal year 1995 OPM budget submission is unclear and should be revised to illus-

trate the relationship between its initiatives and various appropriated and non-appropriated accounts. The conferees direct that a revised submission, with prior approval of the Committee on Appropriations, be prepared for the fiscal year 1996 budget submission.

**BASE PAY FOR UNIFORMED DIVISION OFFICERS OF THE UNITED STATES SECRET SERVICE AND POLICE OFFICERS OF THE BUREAU OF ENGRAVING AND PRINTING**

The conferees recommend that the Office of Personnel Management incorporate Special Pay Rates, which were previously granted to the United States Secret Service Uniformed Division officers, into the base pay scale of these officers. The conferees further recommend that the police officers of the Bureau of Engraving and Printing be provided locality pay. It was the original intent of the conferees that the Secret Service Uniformed Division Special Rates be included as part of base pay for all purposes and receipt of these Special Rates should not preclude these officers from locality pay adjustments. Comparison of locality adjustments to Special Rates is certain to reflect the very disparities which precipitated the need for the Special Rate adjustments for the Uniform Division officers in 1988. Similarly, lack of locality pay for Bureau of Engraving and Printing police erodes their new pay plan established in 1991. The conferees fear that without action to correct these oversights additional recruitment and retention problems will result. The conferees instruct OPM to report back on its actions in this regard no later than February 1, 1995.

**UNITED STATES TAX COURT  
SALARIES AND EXPENSES**

Amendment No. 73. Appropriates \$34,039,000 instead of \$33,650,000 as proposed by the House and \$34,427,000 as proposed by the Senate.

**TITLE V—GENERAL PROVISIONS  
THIS ACT  
REPROGRAMMINGS**

The conferees agree to require a reprogramming request from any agency, department or office when the amount to be reprogrammed exceeds \$500,000 or 10 percent of any object class, budget activity, program line item, or program activity, whichever is greater. For agencies receiving appropriations under \$20,000,000, this threshold shall be \$100,000 or 5 percent, whichever is greater.

Such requests shall be submitted for the prior approval of the Committees on Appropriations. The Committees must receive such requests in sufficient time to consider them before their proposed implementation. In the past, the Administration has delayed submission as much as four months between the time that it knew that the reprogramming was necessary and the time that it was formally transmitted. The conferees expect that such delays will not recur in the future.

**PERFORMANCE MEASUREMENT**

The conferees agree to direct agencies to begin implementing performance measurement, pursuant to the following principles:

(1) A relatively large number of measures are needed to fully understand a product/service's performance. Organizations which are just now establishing measures are advised to start small with a few key areas until they increase their proficiency.

(2) Managers should be using performance measurement data, paying special attention to often-ignored quality and customer satisfaction information. Managers typically use traditional financial performance measures

while ignoring quality and customer satisfaction data.

(3) Managers should ensure that performance measure are linked with all relevant planning and improvement efforts. It is also important that organizations use performance measurement in senior management appraisals.

(4) Managers should limit the creation of overhead organizations. Initiatives that make performance measures easier—such as automated system—are popular and often create higher user satisfaction. Initiatives that create extra work—such as central office collecting measurement data or a consolidated report—inhibit productivity and are not frequently used by corporations.

The conferees note that government leaders should adopt the practice of involving customers and stakeholders in the development of performance measurements, involving line management, employees, and even customers. This tends to increase "buy-in," usability, and implementation. Development and implementation should be driven by broader improvement efforts providing a mechanism for following up on the opportunities revealed by the measurement data.

The conferees agree that, to the extent practicable, performance management concepts be incorporated and identified in the fiscal year 1996 budget requests.

#### TASK FORCES FUNDED IN THIS ACT

The conferees agree with the House report language requiring agencies which fund any task force to report the amount contributed to a task force to the House and Senate Committees on Appropriations.

#### MAILING LISTS

The conferees agree that section 522 which addresses the availability of mailing lists, has no bearing on information that may be available to federal labor organizations pursuant to any other law, rule, or regulation.

Amendment No. 74. Inserts a Senate provision changing a date from 1994 to 1995 with reference to the use of funds and other contributions to OPM.

Amendment No. 75. Restores language proposed by the House which prohibits funds from being used to withdraw the designation of a port in Front Royal, Virginia.

Amendment No. 76. Restores language proposed by the House which prohibits the use of funds to relocate any Federal agency for the sole reason that locality pay was increased.

Amendment No. 77. Restores language proposed by the House with modification requiring advance approval by the House and Senate Committees on Appropriations for funds carried-over from certain salaries and expense accounts.

Amendment No. 78. Inserts Senate language which limits travel expenses for Federal agencies and changes section number.

Amendment No. 79. Modifies Senate language to exempt Treasury law enforcement and support positions from the Federal Workforce Restructuring Act for one year.

Amendment No. 80. Inserts Senate language amending a law relating to former Presidents and changes section number.

Amendment No. 81. Inserts Senate language amending a law relating to former Presidents and changes section number.

Amendment No. 82. Modifies language proposed by the Senate requiring the Office of Personnel Management to conduct a study on cost of living allowances for Federal employees stationed outside of the continental United States. It also inserts language concerning the U.S. Forest Service Administra-

tive Offices in Graham County, Arizona, the U.S. Courthouse in Tucson, a leased facility in Tucson, jurisdiction of the Bureau of Engraving and Printing, the use of funds made available in previous years for the U.S. Mint, a transfer of funds provided for the Office of Policy Development, the replacement of vehicles at IRS, equipment purchases for the GSA from the Working Capital Fund, exempting a Treasury Department review from the Federal Advisory Committee Act and clarifies pay for the legislative archivist at the National Archives and Records Administration.

#### TITLE VI—GOVERNMENTWIDE GENERAL PROVISIONS

##### DEPARTMENTS, AGENCIES, AND CORPORATIONS

Amendment No. 83. Inserts Senate language permitting other employee programs as authorized by law or deemed appropriate to benefit from funds received from recycling programs.

Amendment No. 84. Restores House language and deletes Senate language relating to wage grade employees.

##### OFFICE REDECORATING ALLOWANCES

The conferees agree with the Senate position on Section 618 regarding the use of funds for decorating and improvement purposes. It is the intent of the conferees that the word "office" refers not only to the personal office of the official, but also the entire suite of offices assigned to the official, as well as any other space that is directly controlled by the official or is recognized within the agency as being primarily for the use of the official.

Amendment No. 85. Restores House language relating to mandatory use of FTS2000.

Amendment No. 86. Deletes Senate language relating to utility rebates.

Amendment No. 87. Restores House language with a technical change to provide for an average .6 percent locality pay and a 2 percent ECI increase for Federal employees.

Amendment No. 88. Restores House language relating to the backfilling of positions eliminated through Federal "buy-outs", modified to exempt the Department of Defense.

Amendments No. 89-92. Inserts four Senate amendments relating to the employment of Executive Office of the President individuals and access to the White House.

Amendment No. 93. Deletes Senate language relating to pay for the Uniformed Division of the United States Secret Service.

Amendment No. 94. Modifies Senate language which authorizes law enforcement availability pay.

##### LAW ENFORCEMENT AVAILABILITY PAY

The provision included in the conference report provides a 25 percent premium pay allowance to all 1811 OPM series criminal investigators, and to 1812 OPM series criminal investigators employed by the United States Fish and Wildlife Service and the National Marine Fisheries Service.

Availability pay replaces discretionary premium pay, commonly referred to as "Administratively Uncontrollable Overtime (AUO)", with guaranteed compensation at the rate of 25 percent. The compensation is provided in anticipation of the unscheduled work which these criminal investigators are expected to perform due to the nature of their work.

Criminal investigators receiving this guaranteed compensation shall be exempt from the Fair Labor Standards Act payment. This does not imply that the conferees believe that such an exemption should or should not be applied to State and local law enforce-

ment officers. Federal investigators are faced with unique conditions of employment, such as interstate and international relocation, which necessitate guaranteed compensation in lieu of Fair Labor Standards Act payments.

The provisions contained in this section provide criminal investigators with a guaranteed, uniformly-applied form of compensation for unscheduled duty. It will facilitate budgeting, scheduling and operations for the affected agencies. Enactment of this section will prevent litigation and provide fair and secure compensation to federal criminal investigators.

Amendment No. 95. Deletes Senate language relating to utility rebates.

Amendment No. 96. Inserts Senate language amending Section 5704 of title 5, United States Code, relating to employee mileage reimbursement and changes the section number.

Amendment No. 97. Inserts Senate language relating to Canadian restrictions on the import of chickens from the United States and changes the section number.

Amendment No. 98. Modifies Senate language relating to the use of funds for the travel of certain individuals and changes the section number.

Amendment No. 99. Inserts Senate language making amendments to Section 3 of the Congressional Award Act and changes the section number.

Amendment No. 100. Inserts a Senate provision relating to drug-free workplace programs and changes section number.

Amendment No. 101. Modifies Senate language relating to the use of subsidies for certain third-class periodical publications; establishes a 6-year statute of limitations on certain claims; authorizes the Bureau of the Public Debt to pay for certain expenses; authorizes Federal law enforcement officers to attend the funerals of fellow officers and firefighters; and permits OPM to use funds for government payments for annuitants and employee life insurance programs.

Amendment No. 102. Inserts Senate language relating to savings from procurement reforms and changes the section number.

Amendment No. 103. Deletes Senate language relating to GSA buildings and establishes a new title, Title VII, which appropriates funds for violent crime control and law enforcement programs and activities.

The conferees have provided \$38,700,000 for various law enforcement activities of the Department of the Treasury. The funds are allocated as follows: \$2,400,000 for the Office of Enforcement; \$9,000,000 for the Gang Resistance Education and Training program; \$7,000,000 for the Bureau of Alcohol, Tobacco and Firearms for firearms enforcement and compliance activities; \$7,000,000 for the Internal Revenue Service's Criminal Investigation Division; \$4,000,000 for the U.S. Customs Service for border and port enforcement activities; \$2,700,000 for the Financial Crimes Enforcement Network for Gateway and other financial intelligence activities; and \$6,600,000 for the United States Secret Service for anti-counterfeit investigations and enhancing forensics capabilities to aid in the identification of missing and exploited children.

#### DISTRIBUTION OF FUNDS FOR GREAT PROGRAM

The conferees direct that the Bureau of Alcohol, Tobacco and Firearms give priority to the consideration of funding for New York City and the District of Columbia when distributing funds under the GREAT program.

#### CONFERENCE TOTAL—WITH COMPARISONS

The total new budget (obligational) authority for the fiscal year 1995 recommended

by the Committee of Conference, with comparisons to the fiscal year 1994 amount, the 1995 budget estimates, and the House and Senate bills for 1995 follow:

New budget (obligational) authority, fiscal year 1994 .....	\$22,538,822,000
Budget estimates of new (obligational) authority, fiscal year 1995 .....	24,571,817,000
House bill, fiscal year 1995 .....	23,347,513,520
Senate bill, fiscal year 1995 .....	23,591,590,000
Conference agreement, fiscal year 1995 .....	23,584,247,000
Conference agreement compared with:	
New budget (obligational) authority, fiscal year 1994 .....	+1,045,425,000
Budget estimates of new (obligational) authority, fiscal year 1995 .....	-987,570,000
House bill, fiscal year 1995 .....	+236,733,480
Senate bill, fiscal year 1995 .....	-7,343,000

STENY H. HOYER,  
PETER J. VISLOSKEY,  
GEORGE (BUDDY) DARDEN,  
JOHN W. OLVER,  
TOM BEVILL,  
MARTIN OLAV SABO,  
DAVID OBEY,  
JIM LIGHTFOOT,  
(except amendment 29),

JOSEPH M. MCDADE,  
*Managers on the Part of the House.*

DENNIS DECONCINI,  
BARBARA A. MKULSKI,  
BOB KERREY,  
ROBERT C. BYRD,  
CHRISTOPHER S. BOND,  
ALFONSO D'AMATO,  
MARK O. HATFIELD,

*Managers on the Part of the Senate.*

#### 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 after debate has concluded on all motions to suspend the rules.

#### SATELLITE HOME VIEWER ACT OF 1994

Mr. BROOKS. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 2406) to amend title 17, United States Code, relating to the definition of a local service area of a primary transmitter, and for other purposes, as amended.

The Clerk read as follows:

S. 2406

*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 "Satellite Home Viewer Act of 1994".

#### SEC. 2. STATUTORY LICENSE FOR SATELLITE CARRIERS.

Section 119 of title 17, United States Code, is amended as follows:

(1) Subsection (a)(2)(C) is amended—  
(A) by striking "90 days after the effective date of the Satellite Home Viewer Act of 1988, or";

(B) by striking "whichever is later,";  
(C) by inserting "name and" after "identifying (by" each place it appears; and  
(D) by striking ", on or after the effective date of the Satellite Home Viewer Act of 1988,".

(2) Subsection (a)(5) is amended by adding at the end the following:

"(D) BURDEN OF PROOF.—In any action brought under this paragraph, the satellite carrier shall have the burden of proving that its secondary transmission of a primary transmission by a network station is for private home viewing to an unserved household."

(3) Subsection (b)(1)(B) is amended—

(A) in clause (i) by striking "12 cents" and inserting "17.5 cents per subscriber in the case of superstations not subject to syndicated exclusivity under the regulations of the Federal Communications Commission, and 14 cents per subscriber in the case of superstations subject to such syndicated exclusivity"; and  
(B) in clause (ii) by striking "3" and inserting "6";

(4) Subsection (c) is amended—

(A) in paragraph (1) by striking "December 31, 1992,";

(B) in paragraph (2)—  
(i) in subparagraph (A) by striking "July 1, 1991" and inserting "July 1, 1996"; and  
(ii) in subparagraph (D) by striking "December 31, 1994" and inserting "December 31, 1999, or in accordance with the terms of the agreement, whichever is later";

(C) in paragraph (3)—  
(i) in subparagraph (A) by striking "December 31, 1991" and inserting "January 1, 1997";

(ii) by amending subparagraph (D) to read as follows:

"(D) ESTABLISHMENT OF ROYALTY FEES.—In determining royalty fees under this paragraph, the Copyright Arbitration Panel shall establish fees for the retransmission of network stations and superstations that most clearly represent the fair market value of secondary transmissions. In determining the fair market value, the Panel shall base its decision on economic, competitive, and programming information presented by the parties, including—

(i) the competitive environment in which such programming is distributed, the cost for similar signals in similar private and compulsory license marketplaces, and any special features and conditions of the retransmission marketplace;

(ii) the economic impact of such fees on copyright owners and satellite carriers; and

(iii) the impact on the continued availability of secondary transmissions to the public."

(iii) in subparagraph (E) by striking "60" and inserting "180"; and

(iv) in subparagraph (G)—  
(I) by striking ", or until December 31, 1994"; and

(II) by inserting "or July 1, 1997, whichever is later" after "section 802(g)".

(5) Subsection (a) is amended—  
(A) in paragraph (5)(C) by striking "the Satellite Home Viewer Act of 1988" and inserting "this section"; and  
(B) by adding at the end the following:

"(8) TRANSITIONAL SIGNAL INTENSITY MEASUREMENT PROCEDURES.—

"(A) IN GENERAL.—Subject to subparagraph (C), upon a challenge by a network station regarding whether a subscriber is an unserved household within the predicted Grade B Contour of the station, the satellite carrier shall, within 60 days after the receipt of the challenge—

(i) terminate service to that household of the signal that is the subject of the challenge, and within 30 days thereafter notify the network station that made the challenge that service to that household has been terminated; or

(ii) conduct a measurement of the signal intensity of the subscriber's household to determine whether the household is an unserved household after giving reasonable notice to the network station of the satellite carrier's intent to conduct the measurement.

"(B) EFFECT OF MEASUREMENT.—If the satellite carrier conducts a signal intensity measurement under subparagraph (A) and the measurement indicates that—

(i) the household is not an unserved household, the satellite carrier shall, within 60 days after the measurement is conducted, terminate the service to that household of the signal that is the subject of the challenge, and within 30 days thereafter notify the network station that made the challenge that service to that household has been terminated; or

(ii) the household is an unserved household, the station challenging the service shall reimburse the satellite carrier for the costs of the signal measurement within 60 days after receipt of the measurement results and a statement of the costs of the measurement.

"(C) LIMITATION ON MEASUREMENTS.—(i) Notwithstanding subparagraph (A), a satellite carrier may not be required to conduct signal intensity measurements during any calendar year in excess of 5 percent of the number of subscribers within the network station's local market that have subscribed to the service as of the effective date of the Satellite Home Viewer Act of 1994.

(ii) If a network station challenges whether a subscriber is an unserved household in excess of 5 percent of the subscribers within the network's station local market within a calendar year, subparagraph (A) shall not apply to challenges in excess of such 5 percent, but the station may conduct its own signal intensity measurement of the subscriber's household after giving reasonable notice to the satellite carrier of the network station's intent to conduct the measurement. If such measurement indicates that the household is not an unserved household, the carrier shall, within 60 days after receipt of the measurement, terminate service to the household of the signal that is the subject of the challenge and within 30 days thereafter notify the network station that made the challenge that service has been terminated. The carrier shall also, within 60 days after receipt of the measurement and a statement of the costs of the measurement, reimburse the network station for the cost it incurred in conducting the measurement.

"(D) OUTSIDE THE PREDICTED GRADE B CONTOUR.—(i) If a network station challenges whether a subscriber is an unserved household outside the predicted Grade B Contour of the station, the station may conduct a measurement of the signal intensity of the subscriber's household to determine whether the household is an unserved household after giving reasonable notice to the satellite carrier of the network station's intent to conduct the measurement.

"(ii) If the network station conducts a signal intensity measurement under clause (i) and the measurement indicates that—

"(I) the household is not an unserved household, the station shall forward the results to the satellite carrier who shall, within 60 days after receipt of the measurement, terminate the service to the household of the signal that is the subject of the challenge, and shall reimburse the station for the costs of the measurement within 60 days after receipt of the measurement results and a statement of such costs; or

"(II) the household is an unserved household, the station shall pay the costs of the measurement.

"(9) LOSER PAYS FOR SIGNAL INTENSITY MEASUREMENT; RECOVERY OF MEASUREMENT COSTS IN A CIVIL ACTION.—In any civil action filed relating to the eligibility of subscribing households as unserved households—

"(A) a network station challenging such eligibility shall, within 60 days after receipt of the measurement results and a statement of such costs, reimburse the satellite carrier for any signal intensity measurement that is conducted by that carrier in response to a challenge by the network station and that establishes the household is an unserved household; and

"(B) a satellite carrier shall, within 60 days after receipt of the measurement results and a statement of such costs, reimburse the network station challenging such eligibility for any signal intensity measurement that is conducted by that station and that establishes the household is not an unserved household.

"(10) INABILITY TO CONDUCT MEASUREMENT.—If a network station makes a reasonable attempt to conduct a site measurement of its signal at a subscriber's household and is denied access for the purpose of conducting the measurement, and is otherwise unable to conduct a measurement, the satellite carrier shall within 60 days notice thereof, terminate service of the station's network to that household."

(6) Subsection (d) is amended—

(A) by amending paragraph (2) to read as follows:

"(2) NETWORK STATION.—The term 'network station' means—

"(A) a television broadcast station, including any translator station or terrestrial satellite station that rebroadcasts all or substantially all of the programming broadcast by a network station, that is owned or operated by, or affiliated with, one or more of the television networks in the United States which offer an interconnected program service on a regular basis for 15 or more hours per week to at least 25 of its affiliated television licensees in 10 or more States; or

"(B) a noncommercial educational broadcast station (as defined in section 397 of the Communications Act of 1934).";

(B) in paragraph (6) by inserting "and operates in the Fixed-Satellite Service under part 25 of title 47 of the Code of Federal Regulations or the Direct Broadcast Satellite Service under part 100 of title 47 of the Code of Federal Regulations" after "Commission"; and

(C) by adding at the end the following:

"(11) LOCAL MARKET.—The term 'local market' means the area encompassed within a network station's predicted Grade B contour as that contour is defined by the Federal Communications Commission."

### SEC. 3. DEFINITIONS.

(a) CABLE SYSTEM.—Section 111(f) of title 17, United States Code, is amended in the paragraph relating to the definition of

"cable system" by inserting "microwave," after "wires, cables."

(b) LOCAL SERVICE AREA.—Section 111(f) of title 17, United States Code, is amended in the paragraph relating to the definition of "local service area of a primary transmitter" by inserting after "April 15, 1976," the following: "or such station's television market as defined in section 76.55(e) of title 47, Code of Federal Regulations (as in effect on September 18, 1993), or any modifications to such television market made, on or after September 18, 1993, pursuant to section 76.55(e) or 76.59 of title 47 of the Code of Federal Regulations,".

### SEC. 4. TERMINATION.

(a) EXPIRATION OF AMENDMENTS.—Section 119 of title 17, United States Code, as amended by section 2 of this Act, ceases to be effective on December 31, 1999.

(b) CONFORMING AMENDMENT.—Section 207 of the Satellite Home Viewer Act of 1988 (17 U.S.C. 119 note) is repealed.

### SEC. 5. LIMITATION.

The amendments made by this section apply only to section 119 of title 17, United States Code.

### SEC. 6. EFFECTIVE DATE.

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

(b) BURDEN OF PROOF PROVISIONS.—The provisions of section 119(a)(5)(D) of title 17, United States Code (as added by section 2(2) of this Act) relating to the burden of proof of satellite carriers, shall take effect on January 1, 1997, with respect to civil actions relating to the eligibility of subscribers who subscribed to service as an unserved household before the date of the enactment of this Act.

(c) TRANSITIONAL SIGNAL INTENSITY MEASUREMENT PROCEDURES.—The provisions of section 119(a)(8) of title 17, United States Code (as added by section 2(5) of this Act), relating to transitional signal intensity measurements, shall cease to be effective on December 31, 1996.

(d) LOCAL SERVICE AREA OF A PRIMARY TRANSMITTER.—The amendment made by section 3(b), relating to the definition of the local service area of a primary transmitter, shall take effect on July 1, 1994.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas [Mr. BROOKS] 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 Texas [Mr. BROOKS].

□ 1550

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

Mr. Speaker, I am pleased to rise in support of S. 2406, which incorporates—in a slightly revised form—the language of H.R. 1103, the Satellite Home Viewing Act which originally passed the House on August 16.

The important legislation before us extends until December 31, 1999, the satellite carriers' copyright compulsory license in section 119, title 17, United States Code. The compulsory license granted to satellite carriers is presently scheduled to expire at the end of this year. The bill also clarifies

that wireless cable television systems are entitled to avail themselves of the section 111 cable copyright compulsory license. Finally, the bill amends the definition of "local service area of a primary transmitter" in section 111(f) to correct an anomaly in the Copyright Act that has resulted in newer television stations being treated as distant signals while older stations in the same geographic area are treated as local signals. This disparity in treatment is unjustified and needs to be corrected immediately.

In the hard-fought compromise reached on this bill, the factors to be considered under the bill's "fair market value" determination have been made more specific. I would note that, in determining fair market value, we intend that the copyright arbitration panel consider all factors raised by the parties, including cable rates. I should also add that the intent here is to neither require nor preclude the arbitration panel from establishing network rates that are different from the rates established for superstations.

I want to commend several distinguished Members for their commitment to bringing this compromise bill to the floor. They are Mr. HUGHES, who chairs the Judiciary Committee's Subcommittee on Intellectual Property and Judicial Administration, Mr. MOORHEAD, the subcommittee's ranking minority member, and subcommittee members Mr. SYNAR and Mr. BOUCHER. They all labored long and hard to bridge difficult issues, and this compromise reflects their fine work together. I urge all Members to support passage of S. 2406.

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

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

Mr. Speaker, I rise in support of S. 2406.

Mr. Speaker, I would like to commend our subcommittee chairman the gentleman from New Jersey [Mr. HUGHES], for his hard work and leadership in this area. Also the gentleman from New York [Mr. FISH] has been instrumental in drafting this legislation. Also, the chairman, the gentleman from Texas [Mr. BROOKS], has been helpful and we appreciate his leadership as well.

Although the main purpose of this legislation is a 50-year extension of the Satellite Home Viewer Act which this subcommittee processed in 1988, this bill also contains a provision dealing with the definition of wireless cable which is very similar to a bill, H.R. 759, that RICK BOUCHER and I introduced and which was part of the overall hearings on H.R. 1103. That bill was prompted by a 1992 ruling by the Register of Copyrights that would strip the industry of its compulsory license which it has enjoyed for a number of years under section 111 of the Copyright Act.

The compromise before us today, provides that wireless and other cable-like systems will be made part of the compulsory license. I believe it's important to encourage these new technologies because they will become real competitors of cable TV in the marketplace. Competition is an important factor in keeping cable TV rates at a reasonable price. The consumer will be the ultimate benefactor of this increase in competition.

In 1988 when we drafted the original Satellite Home Viewer Act we intended that after 6 years the industry involved would be able to move into voluntary private contracts for the licensing of copyrighted programming. Although the act has worked very well we are not yet to that point where the marketplace can take over, so we still need the regulation provided by this legislation. However, I am pleased to see that during the next negotiations that the arbitrators will at least be able to consider the fair market value of this copyrighted programming. Even under the compromise language, "fair market value" is still an important factor to be considered when the copyright arbitration panel determines new rates in 1997. We have come a long way—it's important legislation and I urge a favorable vote on S. 2406.

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

Mr. BROOKS. Mr. Speaker, I yield 5 minutes to the distinguished chairman of the subcommittee, the gentleman from New Jersey [Mr. HUGHES].

Mr. HUGHES. Mr. Speaker, I rise in support of S. 2406 as amended. This bill represents an informally conferred version of H.R. 1103, the Satellite Home Viewer Act of 1994, which I introduced along with the gentleman from California [Mr. MOORHEAD] and which the House passed on August 16, 1994. The amended bill has a few changes from H.R. 1103, which I will note in a minute.

I wish to extend my appreciation to the many people who worked hard to make this bill possible, including Chairman BROOKS, his chief counsel Jon Yarowsky, who guided the final negotiations in an even-handed constructive manner, Mr. SYNAR and Peter Jacoby of his staff, Mr. BOUCHER and Lynn Starr of his staff, as well as Mr. MOORHEAD and his very competent counsel, Tom Mooney and Joe Wolfe.

At this time I might mention the outstanding work of Hayden Gregory, the chief counsel on the majority side, and Bill Patry, a member of the professional staff. Mr. BERMAN and Bari Schwartz, his legislative director, have also been helpful.

The bill we take up today fulfills the twin goals I set in introducing H.R. 1103. First, it extends the current compulsory license in section 119 of the Copyright Act until December 31, 1999, in order to ensure that rural consumers

will continue to receive television programming. Second, it provides that the arbitrators establishing the interim rate adjustment in 1997 will use fair market value as their sole criterion in setting those rates.

Fair market value is the linchpin of the bill. Fair market value sends a clear message to the parties that the days of government subsidy are limited and that they should begin their transition to the free market. I urge the parties to do so as soon as possible.

I would now like to briefly note the changes made in the bill.

First, commencement of the mid-license voluntary negotiation—arbitration process is delayed from January 1, 1996 to July 1, 1996. Because of this delay, the new rates established by the arbitrators will be effective on July 1, 1997, or at a later date if, on appeal by the D.C. Circuit, that court modifies or delays the rates. Of course, under section 802(g) of the Copyright Act, the pendency of an appeal does not relieve parties of their obligation to pay royalties, including according to the revised rates.

A few minor changes were made to the "unserved household" sections of the bill. These changes, in conjunction with the voluntary testing regime already in the bill, should go a long way toward reducing the friction between the network stations and the satellite carriers over the unserved household limitation.

It is my understanding that both sides are working toward an industry agreement on the implementation of the testing regime. I strongly encourage the parties to develop industry standards; only with both sides' cooperation can the act fulfill its purpose.

The first change in the bill requires the party conducting the site measurement to give the nontesting party reasonable notice before the measurement is taken. This requirement merely reflects commonsense and is not intended to constitute a procedural hurdle or roadblock to enforcement. For this reason, we rejected a proposal to require a set number of days advance notice. The notice is, of course, given to the satellite carrier or to the network station, not to the household in question. Thus, the network station need not contact the household: Once notice has been given to the satellite carrier, it is the satellite carrier's responsibility to ensure that the network will have access since the subscriber has a contractual relationship with the carrier.

Notice by a carrier that it intends to test all houses within a clearly defined area is sufficient.

Under new subsection 119(a)(10), the network station conducting the measurement need only make a reasonable effort to conduct a site measurement, including, where access to the site is denied by the subscriber, the possibil-

ity of conducting an off-site measurement if such measurement will result in an adequate test. If, in the station's judgment an off-site measurement will be inadequate, no such measurement should be conducted. There is, accordingly, no "exhaustion" concept, requiring network stations to exhaust all means of conducting a test before the satellite carrier must terminate service.

In order to minimize disputes, the industry agreement should require the network stations to provide satellite carriers with a map of the stations' predicted grade B contour along with a list of ZIP Codes that fall within the station's predicted grade A and B contours. After receipt of this information, the satellite carrier should be required to promptly return a marked-up copy of the contour map to the station reflecting a breakdown of the subscriber information.

The next change requires that the costs for the measurements be paid back within 60 days. This requirement ensures that neither satellite carriers or the network affiliates will be forced to wait until the end of a civil trial to recoup the costs of measurements.

□ 1600

Mr. Speaker, this is a good bill. As the chairman indicated, it is a very complex bill. I took a lot of time explaining what our understanding was and tried to develop a legislative history to avoid confrontation and conflict in the months ahead. I think it is a good bill because it has been well tailored to meet the needs of all concerned, including consumers.

I urge my colleagues to vote in favor of passage.

Mr. MOORHEAD. Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. FISH].

Mr. FISH. Mr. Speaker, I thank the gentleman from California for yielding time to me.

Mr. Speaker, I would like to commend the subcommittee chairman, Mr. HUGHES, and our ranking Republican, Mr. MOORHEAD, for their leadership and hard work on this important legislation. I also would like to commend our chairman, the gentleman from Texas, for his assistance in bringing this bill to the floor.

The original bill which we enacted in 1988 solved a serious problem for satellite carriers and dish owners. Both strongly supported its enactment. Both strongly support the compromise contained in S. 2406. In 1988 we thought that 6 years was enough time for the parties to work out private licensing agreements.

However, it is clear to me that more time is needed to sort out private licensing procedures and rights. The original bill provided for an extension of only 4 years which I believed was not

enough time, for the consumers who want subscriptions to programming for periods of 1 year or longer or for businesses that need to effectively plan in 4- or 5-year cycles. I offered an amendment accepted by the subcommittee that would extend by 1 year the next satellite carrier rate adjustment proceeding and also extend the sunset by 1 year from 1998 to 1999.

The compromise that we are presenting today would modify the "Fair Market Value" language, contained in the House passed bill, H.R. 1103, and add an additional 6 months, to January 1997 before the "Fair Market Value" standard can be considered by the Copyright Arbitration Panel in any rate adjustment proceeding.

I believe we have a good bill. The parties are to be commended for working out their differences and I urge a favorable vote on S. 2406.

Mr. BROOKS. Mr. Speaker, I yield 3 minutes to the gentleman from Virginia [Mr. BOUCHER], a distinguished member of the subcommittee and a major player in this compromise.

Mr. BOUCHER. Mr. Speaker, I want to commend the gentleman from Texas [Mr. BROOKS], the chairman of the House Committee on the Judiciary, the gentleman from New Jersey [Mr. HUGHES], the chairman of our Subcommittee on Intellectual Property, the gentleman from California [Mr. MOORHEAD], the gentleman from Oklahoma [Mr. SYNAR], the gentleman from New York [Mr. FISH], and others who have worked long and hard to bring this measure before the House today.

Their work is constructive and it is reflected in a measure which will assure that satellite dish owners who cannot receive network signals from a local station may receive them by means of satellite delivery. The bill also extends to the local affiliates of the Fox Television Network local station treatment so that they do not inappropriately incur copyright liability when their signals are carried on cable systems. The Fox affiliates will be accorded the same treatment that is presently accorded to the local affiliates of the other networks.

The fair market value provisions of the legislation were subjected to considerable negotiations. I would like to take just a minute to engage with the gentleman from New Jersey in a colloquy concerning these matters and to propound to him some questions concerning the language in the legislation.

I would ask the gentleman, first, this question: In setting fees under the fair market value provisions, the copyright arbitration panel is instructed to take testimony on the competitive environment in which the programming is distributed, including the cost for similar signals in similar private and compulsory license marketplaces. That would include the cable TV marketplace, would it not?

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

Mr. BOUCHER. I yield to the gentleman from New Jersey.

Mr. HUGHES. Mr. Speaker, yes, it would. Today's legislation contemplates that the panel will look to the competitive environment in which section 119 retransmissions are distributed as well as the costs of distribution of similar signals in similar private and compulsory license marketplaces, including the cable copyright fees under section 111. This will help ensure that there is vigorous competition and diversity in the video programming distribution industry.

Mr. BOUCHER. In addition, does the gentleman believe, as I do, that when the arbitrators consider the fair market value of the fees, the arbitrators should take into account the impact on copyright owners, satellite carriers, and the continued availability of secondary transmissions to the public?

Mr. HUGHES. If the gentleman will continue to yield, yes. The fees should reflect the objectives of the copyright act: Providing a fair return to copyright owners and ensuring a competitive environment in which satellite carriers can continue to deliver programming to our Nation's consumers—particularly those consumers who reside in rural areas such as your part of the country—as well as those who live in other areas that currently benefit from satellite programming.

Mr. BOUCHER. I thank the gentleman from New Jersey for this discussion and for his fine leadership on this important measure. I urge adoption of this legislation.

Mr. SYNAR. Mr. Speaker, I rise today in support of S. 2406 as amended. Today's bill, the Satellite Home Viewer Act, is necessary legislation that will amend the copyright law to extend the satellite compulsory license. Compulsory licenses, first enacted for the nascent cable industry, and later for an infant satellite broadcast industry, allow the retransmission of copyrighted television programming in return for a statutorily determined fee. The compulsory license mechanism has been critical for the development of the cable and satellite broadcast industry by facilitating the clearance of the thousands of copyrights related to television programming. This clearance process has been essential for providing access to retransmitted programming by cable system operators and satellite broadcasters which in turn is provided to consumers who may otherwise have to forgo a wide range of diverse video programming.

S. 2406, which would extend the satellite compulsory license for a period of 5 years, also proposes to reform the arbitration process used to arrive at the statutorily determined copyright royalty fee charged to satellite broadcasters for retransmitting copyrighted programming. Under the legislation, future adjustments of the royalty fees payable under section 119 of the Copyright Act for secondary transmissions by satellite carriers are to be determined by arbitration panels applying a fair market value standard.

This concept, which has been strongly and consistently favored by Congressman HUGHES, the chief sponsor of H.R. 1103, today's bill's predecessor legislation, embodies a worthy policy goal—to direct the arbitration panel to come up with a royalty fee that closely approximates the price two private parties negotiating on their own behalf would agree to.

After considerable work and negotiations, I believe the fair market value standard in today's legislation will result in a copyright fee that achieves a delicate balance between the twin goals of ensuring that the copyright owners receive fair compensation for their works while preserving the ability of satellite carriers to continue to deliver diverse, affordable video programming to satellite consumers.

I am also hopeful that any fee resulting from the fair market value standard does not disadvantage the delivery of satellite transmissions vis-a-vis the delivery of cable retransmissions under the section 111 compulsory license.

Congress has for some time pursued various policy avenues to foster competition with the cable industry in the delivery of video programming. While the preliminary results of those efforts, spearheaded by the passage of the 1992 Cable Act, are encouraging, there is still much progress to be made. In fact, just yesterday it was reported that a Federal Communications Commission study due out on October 1 will conclude that while noncable video distribution technologies, such as direct broadcast satellite systems, and large satellite dish services are growing, these new technologies still haven't attracted enough subscribers to affect cable's actions.

It is my hope that the fees set for satellite retransmissions under the fair market value standard will, among other things, reflect the competitive environment in which those retransmissions are distributed. There is little question that Congress would like to ensure that there is vigorous competition and diversity in the distribution of video programming and the determination of fair market value fees should reflect that intent.

With regard to other provisions in this bill, S. 2406 as amended extends the time in which the copyright arbitration panel has to make its determination of new copyright fees from the current period of 60 days to 180 days. This extension was included in the legislation to relieve the truncated nature of the prior section 119 arbitration proceeding. While this extension gives the panel an additional 120 days to complete its work, it is my hope that the panel will finish the process in a timely manner so that satellite carriers will have adequate notice of the new copyright fees before they go into effect on July 1, 1997. This would allow carriers to give distributors sufficient notice regarding increases in copyright fees consistent with industry practice.

Finally, I am encouraged by the prospects for this legislation and I look forward to its quick adoption by the Senate and ultimate passage into law. It should be noted that this bill would not be before us today if it weren't for the excellent leadership of subcommittee Chairman BILL HUGHES of New Jersey, the hard work of the gentleman from Virginia, Mr. BOUCHER, and the omnipotent guidance of Judiciary Committee Chairman BROOKS.

The extension of this license in a fair and equitable manner will benefit both consumers, especially those rural satellite consumers in northeastern Oklahoma and throughout the Nation, and copyright owners who should receive a fair return for their efforts. I urge my colleagues to support the measure.

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

Mr. BROOKS. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. HASTINGS). The question is on the motion offered by the gentleman from Texas [Mr. BROOKS] that the House suspend the rules and pass the Senate bill, S. 2406, as amended.

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

A motion to reconsider was laid on the table.

#### GENERAL LEAVE

Mr. BROOKS. Mr. Speaker, I ask unanimous consent that all Members shall have 5 legislative days in which to revise and extend their remarks on the bill just passed.

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

There was no objection.

□ 1610

#### PROVIDING FOR CONCURRENCE TO SENATE AMENDMENT TO H.R. 783, IMMIGRATION AND NATIONALITY TECHNICAL CORRECTIONS ACT OF 1994, WITH AN AMENDMENT

Mr. MAZZOLI. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 533) to provide for the concurrence of the House to the amendment of the Senate to the bill (H.R. 783) with an amendment.

The Clerk read as follows:

H. RES. 533

*Resolved*, That upon the adoption of this resolution the bill (H.R. 783) to amend title III of the Immigration and Nationality Act to make changes in the laws relating to nationality and naturalization be and is hereby taken from the Speaker's table to the end that the Senate amendment to the text of the bill be and is hereby agreed to with the following amendment:

In lieu of the matter proposed to be inserted by the amendment of the Senate to the text of the bill H.R. 783, insert the following:

##### SECTION 1. SHORT TITLE.

This Act may be cited as the "Immigration and Nationality Technical Corrections Act of 1994".

##### SEC. 2. TABLE OF CONTENTS.

The table of contents of this Act is as follows:

Sec. 1. Short title.

Sec. 2. Table of contents.

#### TITLE I—NATIONALITY AND NATURALIZATION

- Sec. 101. Equal treatment of women in conferring citizenship to children born abroad.
- Sec. 102. Naturalization of children on application of citizen parent.
- Sec. 103. Former citizens of United States regaining United States citizenship.
- Sec. 104. Intent to reside permanently in the United States after naturalization.
- Sec. 105. Terminology relating to expatriation.
- Sec. 106. Administrative and judicial determinations relating to loss of citizenship.
- Sec. 107. Cancellation of United States passports and consular reports of birth.
- Sec. 108. Expanding waiver of the Government knowledge, United States history, and English language requirements for naturalization.
- Sec. 109. Report on citizenship of certain legalized aliens.

#### TITLE II—TECHNICAL CORRECTIONS OF IMMIGRATION LAWS

- Sec. 201. American Institute in Taiwan.
- Sec. 202. G-4 special immigrants.
- Sec. 203. Clarification of certain grounds for exclusion and deportation.
- Sec. 204. United States citizens entering and departing on United States passports.
- Sec. 205. Applications for visas.
- Sec. 206. Family unity.
- Sec. 207. Technical amendment regarding one-house veto.
- Sec. 208. Authorization of appropriations for refugee assistance for fiscal years 1995, 1996, and 1997.
- Sec. 209. Fines for unlawful bringing of aliens into the United States.
- Sec. 210. Extension of visa waiver pilot program.
- Sec. 211. Creation of probationary status for participant countries in the visa waiver pilot program.
- Sec. 212. Technical changes to numerical limitations concerning certain special immigrants.
- Sec. 213. Extension of telephone employment verification system.
- Sec. 214. Extension of expanded definition of special immigrant for religious workers.
- Sec. 215. Extension of off-campus work authorization for students.
- Sec. 216. Eliminating obligation of carriers to detain stowaways.
- Sec. 217. Completing use of visas provided under diversity transition program.
- Sec. 218. Effect on preference date of application for labor certification.
- Sec. 219. Other miscellaneous and technical corrections to immigration-related provisions.

#### TITLE I—NATIONALITY AND NATURALIZATION

##### SEC. 101. EQUAL TREATMENT OF WOMEN IN CONFERRING CITIZENSHIP TO CHILDREN BORN ABROAD.

(a) IN GENERAL.—Section 301 of the Immigration and Nationality Act (8 U.S.C. 1401) is amended—

- (1) by striking the period at the end of paragraph (g) and inserting "; and", and
- (2) by adding at the end the following new paragraph:

"(h) a person born before noon (Eastern Standard Time) May 24, 1934, outside the limits and jurisdiction of the United States of an alien father and a mother who is a citizen of the United States who, prior to the birth of such person, had resided in the United States."

(b) WAIVER OF RETENTION REQUIREMENTS.—Any provision of law (including section 301(b) of the Immigration and Nationality Act (as in effect before October 10, 1978), and the proviso of section 201(g) of the Nationality Act of 1940) that provided for a person's loss of citizenship or nationality if the person failed to come to, or reside or be physically present in, the United States shall not apply in the case of a person claiming United States citizenship based on such person's descent from an individual described in section 301(h) of the Immigration and Nationality Act (as added by subsection (a)).

(c) RETROACTIVE APPLICATION.—(1) Except as provided in paragraph (2), the immigration and nationality laws of the United States shall be applied (to persons born before, on, or after the date of the enactment of this Act) as though the amendment made by subsection (a), and subsection (b), had been in effect as of the date of their birth, except that the retroactive application of the amendment and that subsection shall not affect the validity of citizenship of anyone who has obtained citizenship under section 1993 of the Revised Statutes (as in effect before the enactment of the Act of May 24, 1934 (48 Stat. 797)).

(2) The retroactive application of the amendment made by subsection (a), and subsection (b), shall not confer citizenship on, or affect the validity of any denaturalization, deportation, or exclusion action against, any person who is or was excludable from the United States under section 212(a)(3)(E) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(E)) (or predecessor provision) or who was excluded from, or who would not have been eligible for admission to, the United States under the Displaced Persons Act of 1948 or under section 14 of the Refugee Relief Act of 1953.

(d) APPLICATION TO TRANSMISSION OF CITIZENSHIP.—This section, the amendments made by this section, and any retroactive application of such amendments shall not effect any residency or other retention requirements for citizenship as in effect before October 10, 1978, with respect to the transmission of citizenship.

##### SEC. 102. NATURALIZATION OF CHILDREN ON APPLICATION OF CITIZEN PARENT.

(a) IN GENERAL.—Section 322 of the Immigration and Nationality Act (8 U.S.C. 1433) is amended to read as follows:

"CHILD BORN OUTSIDE THE UNITED STATES; APPLICATION FOR CERTIFICATE OF CITIZENSHIP REQUIREMENTS

"SEC. 322. (a) A parent who is a citizen of the United States may apply to the Attorney General for a certificate of citizenship on behalf of a child born outside the United States. The Attorney General shall issue such a certificate of citizenship upon proof to the satisfaction of the Attorney General that the following conditions have been fulfilled:

"(1) At least one parent is a citizen of the United States, whether by birth or naturalization.

"(2) The child is physically present in the United States pursuant to a lawful admission.

"(3) The child is under the age of 18 years and in the legal custody of the citizen parent.

"(4) If the citizen parent is an adoptive parent of the child, the child was adopted by the citizen parent before the child reached the age of 16 years and the child meets the requirements for being a child under subparagraph (E) or (F) of section 101(b)(1).

"(5) If the citizen parent has not been physically present in the United States or its outlying possessions for a period or periods totaling not less than five years, at least two of which were after attaining the age of fourteen years—

"(A) the child is residing permanently in the United States with the citizen parent, pursuant to a lawful admission for permanent residence, or

"(B) a citizen parent of the citizen parent has been physically present in the United States or its outlying possessions for a period or periods totaling not less than five years, at least two of which were after attaining the age of fourteen years.

"(b) Upon approval of the application (which may be filed abroad) and, except as provided in the last sentence of section 337(a), upon taking and subscribing before an officer of the Service within the United States to the oath of allegiance required by this Act of an applicant for naturalization, the child shall become a citizen of the United States and shall be furnished by the Attorney General with a certificate of citizenship.

"(c) Subsection (a) of this section shall apply to the adopted child of a United States citizen adoptive parent if the conditions specified in such subsection have been fulfilled."

(b) CONFORMING AMENDMENT.—Subsection (c) of section 341 of such Act (8 U.S.C. 1452) is repealed.

(c) CLERICAL AMENDMENT.—The item in the table of contents of such Act relating to section 322 is amended to read as follows:

"Sec. 322. Child born outside the United States; application for certificate of citizenship requirements."

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the first day of the first month beginning more than 120 days after the date of the enactment of this Act.

#### SEC. 103. FORMER CITIZENS OF UNITED STATES REGAINING UNITED STATES CITIZENSHIP.

(a) IN GENERAL.—Section 324 of the Immigration and Nationality Act (8 U.S.C. 1435) is amended by adding at the end the following new subsection:

"(d)(1) A person who was a citizen of the United States at birth and lost such citizenship for failure to meet the physical presence retention requirements under section 301(b) (as in effect before October 10, 1978), shall, from and after taking the oath of allegiance required by section 337 be a citizen of the United States and have the status of a citizen of the United States by birth, without filing an application for naturalization, and notwithstanding any of the other provisions of this title except the provisions of section 313. Nothing in this subsection or any other provision of law shall be construed as conferring United States citizenship retroactively upon such person during any period in which such person was not a citizen.

"(2) The provisions of paragraphs (2) and (3) of subsection (c) shall apply to a person regaining citizenship under paragraph (1) in the same manner as they apply under subsection (c)(1)."

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the first day of the first month beginning

more than 120 days after the date of the enactment of this Act.

#### SEC. 104. INTENT TO RESIDE PERMANENTLY IN THE UNITED STATES AFTER NATURALIZATION.

(a) IN GENERAL.—Section 338 of the Immigration and Nationality Act (8 U.S.C. 1449) is amended by striking "intends to reside permanently in the United States, except in cases falling within the provisions of section 324(a) of this title,"

(b) CONFORMING REPEAL.—Section 340(d) of such Act (8 U.S.C. 1451(d)) is repealed.

(c) CONFORMING REDESIGNATION.—Section 340 of such Act (8 U.S.C. 1451) is amended—

(1) by redesignating subsections (e), (f), (g), (h), and (i) as subsections (d), (e), (f), (g), and (h), respectively; and

(2) in subsection (d) (as redesignated), by striking "subsections (c) or (d)" and inserting "subsection (c)".

(d) CONFORMING AMENDMENT.—Section 405 of the Immigration Act of 1990 is amended by striking subsection (b).

(e) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to persons admitted to citizenship on or after the date of enactment of this Act.

#### SEC. 105. TERMINOLOGY RELATING TO EXPATRIATION.

(a) IN GENERAL.—Section 351 of the Immigration and Nationality Act (8 U.S.C. 1483) is amended—

(1) in the heading, by striking "EXPATRIATION" and inserting "LOSS OF NATIONALITY";

(2) in subsection (a)—

(A) by striking "expatriate himself, or be expatriated" and inserting "lose United States nationality"; and

(B) by striking "expatriation" and inserting "loss of nationality"; and

(3) in subsection (b), by striking "expatriated himself" and inserting "lost United States nationality".

(b) CLERICAL AMENDMENT.—The item in the table of contents of such Act relating to section 351 is amended to read as follows:

"Sec. 351. Restrictions on loss of nationality."

#### SEC. 106. ADMINISTRATIVE AND JUDICIAL DETERMINATIONS RELATING TO LOSS OF CITIZENSHIP.

Section 358 of the Immigration and Nationality Act (8 U.S.C. 1501) is amended by adding at the end the following new sentence: "Approval by the Secretary of State of a certificate under this section shall constitute a final administrative determination of loss of United States nationality under this Act, subject to such procedures for administrative appeal as the Secretary may prescribe by regulation, and also shall constitute a denial of a right or privilege of United States nationality for purposes of section 360."

#### SEC. 107. CANCELLATION OF UNITED STATES PASSPORTS AND CONSULAR REPORTS OF BIRTH.

(a) IN GENERAL.—Title III of the Immigration and Nationality Act is amended by adding at the end the following new section:

"CANCELLATION OF UNITED STATES PASSPORTS AND CONSULAR REPORTS OF BIRTH

"SEC. 361. (a) The Secretary of State is authorized to cancel any United States passport or Consular Report of Birth, or certified copy thereof, if it appears that such document was illegally, fraudulently, or erroneously obtained from, or was created through illegality or fraud practiced upon, the Secretary. The person for or to whom such document has been issued or made shall be given, at such person's last known address, written notice of the cancellation of such document, together with the procedures

for seeking a prompt post-cancellation hearing. The cancellation under this section of any document purporting to show the citizenship status of the person to whom it was issued shall affect only the document and not the citizenship status of the person in whose name the document was issued.

"(b) For purposes of this section, the term 'Consular Report of Birth' refers to the report, designated as a 'Report of Birth Abroad of a Citizen of the United States', issued by a consular officer to document a citizen born abroad."

(b) CLERICAL AMENDMENT.—The table of contents is amended by inserting after the item relating to section 360 the following new item:

"Sec. 361. Cancellation of United States passports and Consular Reports of Birth."

#### SEC. 108. EXPANDING WAIVER OF THE GOVERNMENT KNOWLEDGE, UNITED STATES HISTORY, AND ENGLISH LANGUAGE REQUIREMENTS FOR NATURALIZATION.

(a) IN GENERAL.—Section 312 of the Immigration and Nationality Act (8 U.S.C. 1423) is amended—

(1) by inserting "(a)" after "312,"

(2) by striking "this requirement" and all that follows through "That",

(3) by striking "this section" and inserting "this paragraph", and

(4) by adding at the end the following new subsection:

"(b)(1) The requirements of subsection (a) shall not apply to any person who is unable because of physical or developmental disability or mental impairment to comply therewith.

"(2) The requirement of subsection (a)(1) shall not apply to any person who, on the date of the filing of the person's application for naturalization as provided in section 334, either—

"(A) is over fifty years of age and has been living in the United States for periods totaling at least twenty years subsequent to a lawful admission for permanent residence, or

"(B) is over fifty-five years of age and has been living in the United States for periods totaling at least fifteen years subsequent to a lawful admission for permanent residence.

"(3) The Attorney General, pursuant to regulations, shall provide for special consideration, as determined by the Attorney General, concerning the requirement of subsection (a)(2) with respect to any person who, on the date of the filing of the person's application for naturalization as provided in section 334, is over sixty-five years of age and has been living in the United States for periods totaling at least twenty years subsequent to a lawful admission for permanent residence."

(b) CONFORMING AMENDMENTS.—Section 245A(b)(1)(D) of such Act (8 U.S.C. 1254a(b)(1)(D)) is amended by striking "312" each place it appears and inserting "312(a)".

(c) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date of the enactment of this Act and shall apply to applications for naturalization filed on or after such date and to such applications pending on such date.

(d) REGULATIONS.—Not later than 120 days after the date of enactment of this Act, the Attorney General shall promulgate regulations to carry out section 312(b)(3) of the Immigration and Nationality Act (as amended by subsection (a)).

#### SEC. 109. REPORT ON CITIZENSHIP OF CERTAIN LEGALIZED ALIENS.

Not later than June 30, 1996, the Commissioner of the Immigration and Naturalization Service shall prepare and submit to the

Congress a report concerning the citizenship status of aliens legalized under section 245A and section 210 of the Immigration and Nationality Act. Such report shall include the following information by district office for each national origin group:

(1) The number of applications for citizenship filed.

(2) The number of applications approved.

(3) The number of applications denied.

(4) The number of applications pending.

#### TITLE II—TECHNICAL CORRECTIONS OF IMMIGRATION LAWS

##### SEC. 201. AMERICAN INSTITUTE IN TAIWAN.

Section 101(a)(27)(D) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27)(D)) is amended—

(1) by inserting "or of the American Institute in Taiwan," after "of the United States Government abroad,"; and

(2) by inserting "(or, in the case of the American Institute in Taiwan, the Director thereof)" after "Foreign Service establishment".

##### SEC. 202. G-4 SPECIAL IMMIGRANTS.

Section 101(a)(27)(I)(iii) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27)(I)(iii)) is amended by striking "(II)" and all that follows through "; or" and inserting the following: "(II) files a petition for status under this subparagraph no later than six months after the date of such retirement or six months after the date of enactment of the Immigration and Nationality Technical Corrections Act of 1994, whichever is later; or".

##### SEC. 203. CLARIFICATION OF CERTAIN GROUNDS FOR EXCLUSION AND DEPORTATION.

(a) EXCLUSION GROUNDS.—Section 212 of the Immigration and Nationality Act (8 U.S.C. 1182) is amended—

(1) in subsection (a)(2)(A)(i)(I), by inserting "or an attempt or conspiracy to commit such a crime" after "offense";

(2) in subsection (a)(2)(A)(i)(II), by inserting "or attempt" after "conspiracy", and

(3) in the last sentence of subsection (h), by inserting "or an attempt or conspiracy to commit murder or a criminal act involving torture" after "torture".

(b) DEPORTATION GROUNDS.—Section 241(a) of such Act (8 U.S.C. 1251(a)) is amended—

(1) in paragraph (2)(C)—

(A) by striking "in violation of any law," and inserting "or of attempting or conspiring to purchase, sell, offer for sale, exchange, use own, possess, or carry,"; and

(B) by inserting "in violation of any law" after "Code"; and

(2) in paragraph (3)(B), by inserting "an attempt or" before "a conspiracy" each place it appears in clauses (ii) and (iii).

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to convictions occurring before, on, or after the date of the enactment of this Act.

##### SEC. 204. UNITED STATES CITIZENS ENTERING AND DEPARTING ON UNITED STATES PASSPORTS.

(a) IN GENERAL.—Section 215(b) of the Immigration and Nationality Act (8 U.S.C. 1185(b)) is amended by inserting "United States" after "valid".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to departures and entries (and attempts thereof) occurring on or after the date of enactment of this Act.

##### SEC. 205. APPLICATIONS FOR VISAS.

(a) IN GENERAL.—The second sentence of section 222(a) of the Immigration and Nationality Act (8 U.S.C. 1202(a)) is amended—

(1) by striking "the immigrant" and inserting "the alien", and

(2) by striking "present address" and all that follows through "exempt from exclusion under the immigration laws";

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to applications made on or after the date of the enactment of this Act.

##### SEC. 206. FAMILY UNITY.

(a) IN GENERAL.—Section 301(a) of the Immigration Act of 1990 is amended by inserting after "May 5, 1988" the following: "(in the case of a relationship to a legalized alien described in subsection (b)(2)(B) or (b)(2)(C)) or as of December 1, 1988 (in the case of a relationship to a legalized alien described in subsection (b)(2)(A))".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall be deemed to have become effective as of October 1, 1991.

##### SEC. 207. TECHNICAL AMENDMENT REGARDING ONE-HOUSE VETO.

Section 13(c) of the Act of September 11, 1957 (8 U.S.C. 1255b(c)) is amended—

(1) by striking the third sentence; and

(2) in the fourth sentence, by striking "If neither the Senate nor the House of Representatives passes such a resolution within the time above specified the" and inserting "The".

##### SEC. 208. AUTHORIZATION OF APPROPRIATIONS FOR REFUGEE ASSISTANCE FOR FISCAL YEARS 1995, 1996, AND 1997.

Section 414(a) of the Immigration and Nationality Act (8 U.S.C. 1524(a)) is amended by striking "fiscal year 1993 and fiscal year 1994" and inserting "fiscal year 1995, fiscal year 1996, and fiscal year 1997".

##### SEC. 209. FINES FOR UNLAWFUL BRINGING OF ALIENS INTO THE UNITED STATES.

(a) IN GENERAL.—Section 273 of the Immigration and Nationality Act (8 U.S.C. 1323) is amended—

(1) in subsections (b) and (d) by striking "the sum of \$3000" and inserting "a fine of \$3000" each place it appears;

(2) in the first sentence of subsection (b) by striking "a sum equal" and inserting "an amount equal";

(3) in the second sentence of subsection (d) by striking "a sum sufficient to cover such fine" and inserting "an amount sufficient to cover such fine";

(4) by striking "sum" and "sums" each place either appears and inserting "fine";

(5) in subsection (c) by striking "Such" and inserting "Except as provided in subsection (e), such"; and

(6) by adding at the end the following new subsection:

"(e) A fine under this section may be reduced, refunded, or waived under such regulations as the Attorney General shall prescribe in cases in which—

"(1) the carrier demonstrates that it had screened all passengers on the vessel or aircraft in accordance with procedures prescribed by the Attorney General, or

"(2) circumstances exist that the Attorney General determines would justify such reduction, refund, or waiver."

(b) EFFECTIVE DATE.—The amendments made by this subsection shall apply with respect to aliens brought to the United States more than 60 days after the date of enactment of this Act.

##### SEC. 210. EXTENSION OF VISA WAIVER PILOT PROGRAM.

Section 217(f) of the Immigration and Nationality Act (8 U.S.C. 1187(f)) is amended by striking "ending" and all that follows through the period and inserting "ending on September 30, 1996".

##### SEC. 211. CREATION OF PROBATIONARY STATUS FOR PARTICIPANT COUNTRIES IN THE VISA WAIVER PROGRAM.

Section 217 of the Immigration and Nationality Act (8 U.S.C. 1187) is amended—

(1) in subsection (a)(2)(B) by inserting before the period "or is designated as a pilot program country with probationary status under subsection (g)";

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

"(g) PILOT PROGRAM COUNTRY WITH PROBATIONARY STATUS.—

"(1) IN GENERAL.—The Attorney General and the Secretary of State acting jointly may designate any country as a pilot program country with probationary status if it meets the requirements of paragraph (2).

"(2) QUALIFICATIONS.—A country may not be designated as a pilot program country with probationary status unless the following requirements are met:

"(A) NONIMMIGRANT VISA REFUSAL RATE FOR PREVIOUS 2-YEAR PERIOD.—The average number of refusals of nonimmigrant visitor visas for nationals of the country during the two previous full fiscal years was less than 3.5 percent of the total number of nonimmigrant visitor visas for nationals of that country which were granted or refused during those years.

"(B) NONIMMIGRANT VISA REFUSAL RATE FOR PREVIOUS YEAR.—The number of refusals of nonimmigrant visitor visas for nationals of the country during the previous full fiscal year was less than 3 percent of the total number of nonimmigrant visitor visas for nationals of that country which were granted or refused during that year.

"(C) LOW EXCLUSIONS AND VIOLATIONS RATE FOR PREVIOUS YEAR.—The sum of—

"(i) the total number of nationals of that country who were excluded from admission or withdrew their application for admission during the preceding fiscal year as a non-immigrant visitor, and

"(ii) the total number of nationals of that country who were admitted as nonimmigrant visitors during the preceding fiscal year and who violated the terms of such admission, was less than 1.5 percent of the total number of nationals of that country who applied for admission as nonimmigrant visitors during the preceding fiscal year.

"(D) MACHINE READABLE PASSPORT PROGRAM.—The government of the country certifies that it has or is in the process of developing a program to issue machine-readable passports to its citizens.

"(3) CONTINUING AND SUBSEQUENT QUALIFICATIONS FOR PILOT PROGRAM COUNTRIES WITH PROBATIONARY STATUS.—The designation of a country as a pilot program country with probationary status shall terminate if either of the following occurs:

"(A) The sum of—

"(i) the total number of nationals of that country who were excluded from admission or withdrew their application for admission during the preceding fiscal year as a non-immigrant visitor, and

"(ii) the total number of nationals of that country who were admitted as visitors during the preceding fiscal year and who violated the terms of such admission,

is more than 2.0 percent of the total number of nationals of that country who applied for admission as nonimmigrant visitors during the preceding fiscal year.

"(B) The country is not designated as a pilot program country under subsection (c) within 3 fiscal years of its designation as a pilot program country with probationary status under this subsection."

"(4) DESIGNATION OF PILOT PROGRAM COUNTRIES WITH PROBATIONARY STATUS AS PILOT PROGRAM COUNTRIES.—In the case of a country which was a pilot program country with probationary status in the preceding fiscal year, a country may be designated by the Attorney General and the Secretary of State, acting jointly, as a pilot program country under subsection (c) if—

"(A) the total of the number of nationals of that country who were excluded from admission or withdrew their application for admission during the preceding fiscal year as a nonimmigrant visitor, and

"(B) the total number of nationals of that country who were admitted as nonimmigrant visitors during the preceding fiscal year and who violated the terms of such admission,

was less than 2 percent of the total number of nationals of that country who applied for admission as nonimmigrant visitors during such preceding fiscal year.";

(3) in subsection (c)(2) by striking "A country" and inserting "Except as provided in subsection (g)(4), a country".

**SEC. 212. TECHNICAL CHANGES TO NUMERICAL LIMITATIONS CONCERNING CERTAIN SPECIAL IMMIGRANTS.**

(a) PANAMA CANAL SPECIAL IMMIGRANTS.—Section 3201 of the Panama Canal Act of 1979 (Public Law 96-70) is amended by striking subsection (c).

(b) ARMED FORCES SPECIAL IMMIGRANTS.—Section 203(b)(6) of the Immigration and Nationality Act (8 U.S.C. 1153(b)(6)) is amended by striking subparagraph (C).

**SEC. 213. EXTENSION OF TELEPHONE EMPLOYMENT VERIFICATION SYSTEM.**

Section 274A(d)(4)(A) of the Immigration and Nationality Act (8 U.S.C. 1324a(d)(4)(A)) is amended in the second sentence by striking "three" and inserting "five".

**SEC. 214. EXTENSION OF EXPANDED DEFINITION OF SPECIAL IMMIGRANT FOR RELIGIOUS WORKERS.**

Section 101(a)(27)(C)(ii) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27)(C)(ii)) is amended—

(1) in subclause (II) by striking "1994," and inserting "1997,"; and

(2) in subclause (III) by striking "1994," and inserting "1997,".

**SEC. 215. EXTENSION OF OFF-CAMPUS WORK AUTHORIZATION FOR STUDENTS.**

(a) IN GENERAL.—Section 221 of the Immigration Act of 1990 (Pub. Law 101-649; 104 Stat. 4978) as amended by section 303(b)(1) of the Miscellaneous and Technical Immigration and Naturalization Amendments of 1991 (Pub. Law 102-232; 105 Stat. 1747) is amended—

(1) in the heading for subsection (a) by striking "3-YEAR" and inserting "5-YEAR"; and

(2) in subsection (a) by striking "3-year" and inserting "5-year"; and

(3) in subsection (b) by striking "1994," and inserting "1996,".

**SEC. 216. ELIMINATING OBLIGATION OF CARRIERS TO DETAIN STOWAWAYS.**

The first sentence of section 273(d) of the Immigration and Nationality Act (8 U.S.C. 1323(d)) is amended to read as follows: "The owner, charterer, agent, consignee, commanding officer, or master of any vessel or aircraft arriving at the United States from any place outside the United States who fails to deport any alien stowaway on the vessel or aircraft on which such stowaway arrived or on another vessel or aircraft at the expense of the vessel or aircraft on which such stowaway arrived when required to do so by an immigration officer, shall pay to the Commissioner the sum of \$3,000 for each

alien stowaway, in respect of whom any such failure occurs."

**SEC. 217. COMPLETING USE OF VISAS PROVIDED UNDER DIVERSITY TRANSITION PROGRAM.**

(a) EXTENSION OF DIVERSITY TRANSITION PROGRAM.—Section 132 of the Immigration Act of 1990 (Public Law 101-649) is amended—

(1) in subsection (a), by inserting before the period at the end of the first sentence the following: "and in fiscal year 1995 a number of immigrant visas equal to the number of such visas provided (but not made available) under this section in previous fiscal years"; and

(2) in the next to last sentence of subsection (c), by striking "or 1993" and inserting "1993, or 1994".

(b) ADMINISTRATION OF 1995 DIVERSITY TRANSITION PROGRAM.—

(1) ELIGIBILITY.—For the purpose of carrying out the extension of the diversity transition program under the amendments made by subsection (a), applications for natives of diversity transition countries submitted for fiscal year 1995 for diversity immigrants under section 203(c) of the Immigration and Nationality Act shall be considered applications for visas made available for fiscal year 1995 for the diversity transition program under section 132 of the Immigration Act of 1990. No application period for the fiscal year 1995 diversity transition program shall be established and no new applications may be accepted for visas made available under such program for fiscal year 1995. Applications for visas in excess of the minimum available to natives of the country specified in section 132(c) of the Immigration Act of 1990 shall be selected for qualified applicants within the several regions defined in section 203(c)(1)(F) of the Immigration and Nationality Act in proportion to the region's share of visas issued in the diversity transition program during fiscal years 1992 and 1993.

(2) NOTIFICATION.—Not later than 180 days after the date of enactment of this Act, notification of the extension of the diversity transition program for fiscal year 1995 and the provision of visa numbers shall be made to each eligible applicant under paragraph (1).

(3) REQUIREMENTS.—Notwithstanding any other provision of law, for the purpose of carrying out the extension of the diversity transition program under the amendments made by subsection (a), the requirement of section 132(b)(2) of the Immigration Act of 1990 shall not apply to applicants under such extension and the requirement of section 203(c)(2) of the Immigration and Nationality Act shall apply to such applicants.

**SEC. 218. EFFECT ON PREFERENCE DATE OF APPLICATION FOR LABOR CERTIFICATION.**

Section 161(c)(1) of the Immigration Act of 1990 (Public Law 101-649) is amended—

(1) by striking "or an application for labor certification before such date under section 212(a)(14)"; and

(2) in subparagraph (A)—

(A) by striking "or application"; and

(B) by striking "or 60 days after the date of certification in the case of labor certifications filed in support of the petition under section 212(a)(14) of such Act before October 1, 1991, but not certified until after October 1, 1993".

**SEC. 219. OTHER MISCELLANEOUS AND TECHNICAL CORRECTIONS TO IMMIGRATION-RELATED PROVISIONS.**

(a) Section 101(a)(27)(J)(i) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27)(J)(i)) is amended by striking "and

has" and inserting "or whom such a court has legally committed to, or placed under the custody of, an agency or department of a State and who has".

(b)(1) The second sentence of section 201(b)(2)(A)(i) of the Immigration and Nationality Act (8 U.S.C. 1151(b)(2)(A)(i)) is amended by inserting "(and each child of the alien)" after "the alien".

(2) The second sentence of section 204(a)(1)(A) of such Act (8 U.S.C. 1154(a)(1)(A)) is amended—

(A) by inserting "spouse" after "alien", and

(B) by inserting "of the alien (and the alien's children)" after "for classification".

(c) Section 203(b)(5) of the Immigration and Nationality Act (8 U.S.C. 1153(b)(5)) is amended by striking "TARGETTED", "TARGETTED", and "targetted" each place each appears and inserting "TARGETED", "TARGETED", and "targeted", respectively.

(d) Section 210(d)(3) of the Immigration and Nationality Act (8 U.S.C. 1160(d)(3)) is amended by inserting "the" before "Service" the first place it appears.

(e) Section 212(d)(11) of the Immigration and Nationality Act (8 U.S.C. 1182(d)(11)) is amended by striking "voluntary" and inserting "voluntarily".

(f) Section 258 of the Immigration and Nationality Act (8 U.S.C. 1288) is amended in subsection (d)(3)(B) by striking "subparagraph (A)" and inserting "subparagraph (A)(iii)".

(g) Section 241(c) of the Immigration and Nationality Act (8 U.S.C. 1251(c)) is amended by striking "or (3)(A) of subsection 241(a)" and inserting "and (3)(A) of subsection (a)".

(h) Section 242(h) of the Immigration and Nationality Act (8 U.S.C. 1252(h)) is amended by striking "Parole," and inserting "Parole,".

(i) Section 242B(c)(1) of the Immigration and Nationality Act (8 U.S.C. 1252b(c)(1)) is amended by striking the comma after "that".

(j) Section 244A(c)(2)(A)(iii)(III) of the Immigration and Nationality Act (8 U.S.C. 1254a(c)(2)(A)(iii)(III)) is amended—

(1) by striking "Paragraphs" and inserting "paragraphs", and

(2) by striking "or (3)(E)" and inserting "and (3)(E)".

(k) Section 245(h)(2)(B) of the Immigration and Nationality Act (8 U.S.C. 1255(h)(2)(B)) is amended by striking "or (3)(E)" and inserting "and (3)(E)".

(l)(1) Subparagraph (C) of section 245A(c)(7) of the Immigration and Nationality Act (8 U.S.C. 1255a(c)(7)), as added by Public Law 102-140, is amended—

(A) by indenting it 2 additional ems to the right; and

(B) by striking "subsection (B)" and inserting "subparagraph (B)".

(2) Section 610(b) of Public Law 102-140 is amended by striking "404(b)(2)(ii)" and "404(b)(2)(iii)" and inserting "404(b)(2)(A)(ii)" and "404(b)(2)(A)(iii)", respectively.

(m) Effective as of the date of the enactment of this Act, section 246(a) of the Immigration and Nationality Act (8 U.S.C. 1256(a)) is amended by striking the first 3 sentences.

(n) Section 262(c) of the Immigration and Nationality Act (8 U.S.C. 1302(c)) is amended by striking "subsection (a) and (b)" and inserting "subsections (a) and (b)".

(o) Section 272(a) of the Immigration and Nationality Act (8 U.S.C. 1322(a)) is amended by striking the comma after "so afflicted".

(p) The first sentence of section 273(b) of the Immigration and Nationality Act (8 U.S.C. 1323(b)) is amended by striking "collector of customs" and inserting "Commissioner".

(q) Section 274B(g)(2)(C) of the Immigration and Nationality Act (8 U.S.C. 1324b(g)(2)(C)) is amended by striking "an administrative law judge" and inserting "the Special Counsel".

(r) Section 274C(b) of the Immigration and Nationality Act (8 U.S.C. 1324c(b)) is amended by striking "title V" and all that follows through "3481" and inserting "chapter 224 of title 18, United States Code".

(s) Section 280(b)(1)(C) of the Immigration and Nationality Act (8 U.S.C. 1330(b)(1)(C)) is amended by striking "maintenance" and inserting "maintenance".

(t) Effective as if included in the enactment of Public Law 102-395, subsection (r) of section 286 of the Immigration and Nationality Act (8 U.S.C. 1356), as added by section 112 of such Public Law, is amended—

(1) in the subsection heading, by striking "Breached Bond/Detention Account" and inserting "BREACHED BOND/DETENTION FUND";

(2) in paragraph (1), by striking "(hereafter referred to as the Fund)" and inserting "(in this subsection referred to as the 'Fund')";

(3) in paragraph (2), by striking "the Immigration and Nationality Act of 1952, as amended," and inserting "this Act";

(4) in paragraphs (4) and (6), by striking "the Breached Bond/Detention" each place it appears;

(5) in paragraph (4), by striking "of this Act" and inserting "of Public Law 102-395"; and

(6) in paragraph (5), by striking "account" and inserting "Fund".

(u) Section 310(b)(5)(A) of the Immigration and Nationality Act (8 U.S.C. 1421(b)(5)(A)) is amended by striking "District Court" and inserting "district court".

(v) Effective December 12, 1991, section 313(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1424(a)(2)) is amended by striking "and" before "(F)" and inserting "or".

(w) Section 333(b)(1) of the Immigration and Nationality Act (8 U.S.C. 1444(b)(1)) is amended by striking "249(a)" and inserting "249".

(x) Section 412(e)(7)(D) of the Immigration and Nationality Act (8 U.S.C. 1522(e)(7)(D)) is amended by striking "paragraph (1) or (2) of".

(y) Section 302(c) of the Immigration Act of 1990 is amended by striking "effect" and inserting "affect".

(z) Effective as if included in the Miscellaneous and Technical Immigration and Naturalization Amendments of 1991—

(1) section 303(a)(7)(B)(i) of such Act is amended by striking "paragraph (1)(A)" and inserting "paragraph (1)(A)(i)";

(2) section 304(b)(2) of such Act is amended by striking "paragraph (1)(B)" and inserting "subsection (c)(1)(B)";

(3) paragraph (1) of section 305(j) of such Act is repealed (and section 407(d)(16)(C) of the Immigration Act of 1990 shall read as if such paragraph had not been enacted);

(4) paragraph (2) of section 306(b) of such Act is amended to read as follows:

"(2) Section 538(a) of the Immigration Act of 1990 is amended by striking the comma after 'Service.'";

(5) section 307(a)(6) of such Act is amended by striking "immigrants" the first place it appears and inserting "immigrant aliens";

(6) section 309(a)(3) of such Act is amended by striking "paragraph (1) and (2)" and inserting "paragraphs (1)(A) and (1)(B)";

(7) section 309(b)(6)(F) of such Act is amended by striking "210(a)(1)(B)(1)(B)" and inserting "210(a)(B)(1)(B)";

(8) section 309(b)(8) of such Act is amended by striking "274A(g)" and inserting "274A(h)"; and

(9) section 310 of such Act is amended—

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

(B) by striking paragraph (2); and

(C) by redesignating paragraph (3) as paragraph (2) and by striking "309(c)" and inserting "309(b)".

(aa) Effective as if included in section 4 of Public Law 102-110, section 161(c)(3) of the Immigration Act of 1990 is amended—

(1) by striking "alien described in section 203(a)(3) or 203(a)(6) of such Act" and inserting "alien admitted for permanent residence as a preference immigrant under section 203(a)(3) or 203(a)(6) of such Act (as in effect before such date)"; and

(2) by striking "this section" and inserting "this title".

(bb) Section 599E(c) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1990 (Public Law 101-167) is amended by striking "and subparagraphs" and inserting "or subparagraph".

(cc) Section 204(a)(1)(C) of the Immigration Reform and Control Act of 1986 is amended by striking "year 1993 the first place it appears" and inserting "years 1993".

(dd) Except as otherwise specifically provided in this section, the amendments made by this section shall be effective as if included in the enactment of the Immigration Act of 1990.

(ee)(1) Section 210A of the Immigration and Nationality Act (8 U.S.C. 1161) is repealed.

(2) The table of contents of the Immigration and Nationality Act is amended by striking the item relating to section 210A.

(ff) Section 122 of the Immigration Act of 1990 is amended by striking subsection (a).

(gg) The Copyright Royalty Tribunal Reform Act of 1993 (Public Law 103-198; 107 Stat. 2304) is amended by striking section 8.

The SPEAKER pro tempore (Mr. HASTINGS). Pursuant to the rule, the gentleman from Kentucky [Mr. MAZZOLI] will be recognized for 20 minutes, and the gentleman from Florida [Mr. MCCOLLUM] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Kentucky [Mr. MAZZOLI].

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

Mr. Speaker, I rise in strong support of this measure, the Immigration and Nationality Technical Corrections Act of 1994.

Mr. Speaker, this legislation was originally passed by the House last November, November 20, 1993. It consisted then of five separate sections, all of which dealt with the immigration and naturalization provisions of the law. The bill also passed the House that very same day, but the Senate added an amendment to our bill. The bill before us at this moment, Mr. Speaker, is the House amendment to the Senate amendment to the bill, H.R. 783. I will be happy in a moment to describe some of the aspects of the bill.

Mr. Speaker, I yield such time as he may consume to the gentleman from Texas [Mr. BROOKS], our distinguished chairman.

Mr. BROOKS. Mr. Speaker, I want to first thank the gentleman from Kentucky, ROMANO MAZZOLI, chairman of the Subcommittee on International

Law, Immigration, and Refugees of the Committee on the Judiciary, for his fine efforts on this legislation, and for his substantial contributions to the effectiveness of this Congress over the years that he has spent here, 24 years of dedicated service. We will all miss him, and wish him every success in his future.

Mr. Speaker, I want to thank the gentleman from Florida, BILL MCCOLLUM. I do not thank him very often. He is the ranking member of the subcommittee, and I appreciate his strong contribution to this effort. It is not often, but when he does the right thing I want to recognize him and encourage him in that effort.

I am hopeful that our action today will set the stage for the Senate to send this bill promptly to the President.

Mr. Speaker, this resolution provides for the consideration of amendments to H.R. 783, legislation which provides improvements to the immigration laws and those relating to naturalization and citizenship. H.R. 783 passed the House on November 20, 1993, and was amended by the Senate and returned to the House the same day.

The bill has many important provisions, several which deserve mention. It removes discriminatory barriers which have been in the law for decades and which treated women differently from men for the purposes of transmitting citizenship. There is no basis for such a distinction, and understandably, the State department no longer wishes to defend this distinction.

The bill also extends the Visa Waiver Pilot Program for 2 years. This important program allows millions of visitors from low-risk countries to travel to the United States without the burden of obtaining a visa. It has greatly facilitated both tourism and business exchange and should be continued.

Mr. Speaker, I urge all the Members to support this effort.

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

Mr. Speaker, as the distinguished chairman of the committee, the gentleman from Texas [Mr. BROOKS] has said, the bill does many important things for the immigration and nationality category of the law. The bill provides five major, core provisions, Mr. Speaker. These provisions correct problems in current immigration law which impose unnecessary burdens on persons who wish to become citizens, and on the transmission of citizenship from parent to child.

One of the provisions corrects a problem in the law which dates all the way back to 1934. Prior to 1934, only U.S. citizen men could confer citizenship on children born outside the United States. The child of a U.S. citizen father and a noncitizen mother was a U.S. citizen, but the converse was not the case.

In 1934, Congress revised this clearly discriminatory rule. However, the 1934 act was not made retroactive. Thus, there are persons who were born abroad earlier than 1934 to U.S. citizen mothers and alien fathers who are not now citizens of the United States.

H.R. 783 corrects this inequity, but it does so while expressly prohibiting the conferral of citizenship to anyone who assisted in any form of Nazi persecution.

H.R. 783 also enables children of U.S. citizens who live and work abroad for long periods of time to receive U.S. citizenship. As we know, Mr. Speaker, now more and more people are living and working abroad. This is a very important change in the law.

Under current law, U.S. citizen parents are forced to decide between quitting their jobs abroad and returning to the United States or denying their children U.S. citizenship. H.R. 783 makes it easier for U.S. citizen parents to pass on U.S. citizenship to their children who are born abroad.

The bill requires, with regard to the U.S. history and government knowledge portions of the naturalization test, that the Attorney General publish regulations which recognize the special needs and the equities of persons who are over 65 years of age, but who have been permanent residents in the United States for at least 20 years.

The bill also provides a general waiver of all testing requirements for persons of any age who, because of physical or developmental disability or mental impairment, could not reasonably be expected to pass the test.

The bill allows an individual who lost U.S. citizenship because of failure to meet the retention requirements of the law as they existed prior to their repeal in 1978 to regain their citizenship upon application to the Attorney General.

An extremely important provision in this bill, Mr. Speaker, section 210, which, as the chairman of our committee has explained, extends the existing visa waiver pilot program for 2 years. Under the visa waiver program, visitors from abroad can come to the United States for business and/or pleasure from these qualifying foreign countries without having a visa for stays up to 90 days.

Twenty-two countries now satisfy these standards and are participants in the program. Very quickly, they are France, Germany, Italy, Japan, Brunei, Great Britain, Holland, Sweden, Switzerland, Andorra, Austria, Belgium, Denmark, Finland, Iceland, Lichtenstein, Luxembourg, Monaco, New Zealand, Norway, San Marino, and Spain.

In general, for its nationals to qualify for visa waiver, a foreign country must have a low rate of visa refusal, averaging less than 2 percent during the 2 previous fiscal years and less

than 2.5 percent during any one fiscal year. In addition, the Attorney General must determine that a country's inclusion must not damage U.S. law enforcement interests. To stay in the program the countries have to maintain these low rates of visa violations.

Visa waiver was first enacted by Congress in 1983 as a part of a 3-year pilot program. In 1990, after it had been proven successful, Congress extended the program until September 30 of this year, and most of the feedback we have had, Mr. Speaker, indicates that the program has been very favorably received. The travel and tourism industries, as well as officials from both current and past administrations, are very much in favor of the program. This bill would extend the program.

Mr. Speaker, in addition to extending the program, it provides that countries that have low rates of visa refusal, but not quite low enough to qualify under current law, could qualify for visa waiver on a probationary basis. Specifically, a country would qualify if its refusal rate was less than 3.5 percent for the 2 fiscal years and less than 3 percent during the past fiscal year.

H.R. 783 also reauthorizes appropriations for the refugee resettlement program for 3 years. Such an authorization is needed to help assist the States with the cost of resettling refugees.

H.R. 783 extends for 3 years a pilot program that allows nonimmigrant students to work during their collegiate years off campus, a provision strongly supported by the Nation's universities.

The bill also extends for 3 years a program strongly supported by many religious organizations which grants special immigrant status to religious workers.

Mr. Speaker, this is a truly bipartisan, very noncontroversial bill. It makes a series of minor but important changes to the immigration law. The Subcommittee on International Law, Immigration, and Refugees of the Committee on the Judiciary, which I am very privileged to chair, held a hearing on H.R. 783 on March of last year and the Visa Waiver Program on August 11 of 1994. The subcommittee has heard from Members of Congress, administration officials, and all interested parties.

H.R. 783 was marked up by the subcommittee in May 1993 and ordered favorably reported to the full Committee on the Judiciary by voice vote. The bill was favorably reported by the full committee November 1993. It passed the House November 20, 1993, by a voice vote under suspension.

Mr. Speaker, I would like not only to thank my colleagues in this effort, the gentleman from Florida [Mr. MCCOLLUM], and my friend, the gentleman from New York [Mr. SCHUMER], and all members of our committee, but I would like to mark at this point very briefly

the passing of Mr. Jerry Tinker, who has worked with the Senate committee for a number of years, the committee headed by the gentleman from Massachusetts, Senator KENNEDY.

Jerry Tinker began working with Senator KENNEDY back in 1970, about the time that I came to the House.

□ 1620

He became staff director of the Senate Subcommittee on Immigration and Refugee Affairs and in that position, Mr. Speaker, helped shape all of the major legislation which has emanated from the Senate and really from the Congress until his passing just a few days ago.

It always was a pleasure working with Jerry. He was affable, personable and very knowledgeable about the law. I will, along with all members of the staff and the Congress who have worked with him, miss him in the years ahead.

We extend our condolences to his family, very particularly his daughters Katherine and Caroline.

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

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

Mr. Speaker, I rise in support of House Resolution 533 providing for the House to agree, with modifications, to the Senate amendment to the House bill 783, a bill which passed this House last November by voice vote under suspension of the rules. This bill makes several important changes to the immigration laws.

Section 101 of the bill modifies the Immigration and Nationality Act to make it clear that any person born outside the United States to parents, one of whom is a U.S. citizen, will be considered a U.S. citizen. Under present law, children born outside the United States before 1934 whose mother was a U.S. citizen but whose father was not a U.S. citizen are not deemed to be U.S. citizens. If the child's father had been the U.S. citizen, however, then the child would be a U.S. citizen. This bill corrects this inequity in the law to provide for a uniformed determination of citizenship where at least one parent is a U.S. citizen.

Section 103 addresses another inequity in the Immigration and Nationality Act. From 1934 through 1978, U.S. citizens who were born abroad to a U.S. citizen parent and an alien parent were required to live in the United States for a specified period of time in order to retain their U.S. citizenship. This residency requirement was repealed in 1978 but the repeal was not retroactive. As a result, persons who had not lived in the United States for the requisite period of time lost their U.S. citizenship. H.R. 783 provides a means by which these persons may regain their U.S. citizenship.

Section 108 relates to the tests that persons seeking to become naturalized

U.S. citizens must pass in order to be naturalized. Under present law, applicants for naturalization must pass both an English language test and a test relating to U.S. Government and history. Current law provides that waivers of the English language test may be granted to persons who suffer a disability preventing them from passing the test, and to persons who are over the age of 50 and who have lived in the United States for 20 years or over the age of 55 and who have lived in the United States for 50 years. Section 108 of this bill would extend a similar waiver to the Government and history test for any person who is over 65 years of age and who has lived in the United States for at least 20 years. This waiver is to be determined on a case by case basis by the Attorney General pursuant to regulations that she shall promulgate.

The bill also provides for the extension of several existing provisions of the Immigration and Nationality Act currently set to terminate on September 30, 1994.

Section 213 of the bill provides for the extension of time within which the President may undertake demonstration projects relating to the laws prohibiting the employment of illegal aliens. Specifically, this section will extend for an additional 2 years the telephone employment verification system, a demonstration project presently ongoing pursuant to which employers may verify by telephone the employment eligibility of potential employees. The use of a telephonic verification system for potential employee eligibility to work has been the subject of much discussion of late. Congressman KEN CALVERT has taken the lead on this issue and former Congresswoman Barbara Jordan, Chair of the Bipartisan U.S. Commission on Immigration Reform, in her testimony before a Subcommittee of the Senate Judiciary Committee noted that one of the Commission's eventual recommendations is likely to be the implementation of such a system. I believe that such a system would be an efficient, quick way for employers to verify the work eligibility of potential employees. This system would dramatically decrease the opportunities for illegal aliens to obtain work in the United States, one of the principle magnets that draws illegal aliens to this country. H.R. 4577, a bill that I cosponsored with Congressman CALVERT would implement such a system on a nationwide basis.

Section 214 provides for the extension of the religious worker category of special immigrant through 1997. Section 215 provides for the extension for 2 more years the off-campus work authorization presently given foreign students who are studying in the United States.

Section 209 extends for 2 more years the visa waiver pilot program. Under

this program, citizens of specified foreign countries are entitled to travel to the United States as tourists or business visitors for periods up to 90 days without having to obtain a visa prior to entering the country. The countries which participate in this program are those which have had historically low rates of refusal for visa applications by the citizens. The benefits of extending this program are several. First, participant countries must waive any visa requirement placed upon United States citizens who wish to travel to their country. Second, by eliminating the requirement that citizens of participant countries apply for visas, the overwhelming majority of which are granted, this program significantly reduces the work load placed upon American embassy personnel abroad. As a result, fewer employees are needed in those embassies with the resultant cost savings benefiting American taxpayers. Finally, the number of tourists from program participant countries visiting the United States generally increases once the country becomes part of the program. As tourism is a major industry in this country, eliminating unnecessary barriers to tourist travel is beneficial to our economy.

In addition to extending the present program, section 210 of the bill creates a new category of probationary participating in the visa waiver program to enable countries to participate in the program which are not now eligible to do so. Countries eligible for this new probationary status of participant will be those which have made demonstrable improvements in their visa refusal rates and which would otherwise be eligible to participate in the program in the near future. By expediting their inclusion in the program, we cause the resultant benefits in increased tourism and cost saving at our embassies to occur sooner rather than later. These provisions do not affect the screening process that goes on at our border which keeps out those who are convicted criminals, terrorists, etcetera.

Finally, I point out that this bill makes numerous technical corrections in the immigration laws. I take this opportunity to note one in particular. It is the intention of the drafters of the bill that section 218 be retroactive to the original effective date of the Immigration Act of 1990. The purpose of this provision is to make it clear that the priority date of any petition filed for classification under section 203(b) of the Immigration and Nationality Act which is accompanied by an individual labor certification from the Department of Labor shall be the date the application for certification was accepted for processing by any office within the employment service system of the Department of Labor. This section is intended to remedy an inadvertent result created by the Miscellaneous and Tech-

nical Immigration and Naturalization Amendments of 1991. As a result of how that act has been interpreted, persons on whose behalf permanent residence petitions were not filed before October 1, 1993, ran the risk of losing their priority date with respect to becoming legal permanent residents. This has led to situations where persons who had waited for several years to become a permanent resident are placed at the bottom of the waiting list and are forced to wait many more years before becoming permanent residents. The change under H.R. 783 will make it clear that priority date for this purpose is to be the date of any application for labor certification processed by the Department of Labor regardless as to whether a petition for permanent residence was filed on or before October 1, 1993.

The language in H.R. 783 has been worked out among various members of the subcommittee. I would like to thank Chairman MAZZOLI and Congressmen HOWARD BERMAN and BARNEY FRANK for their work during the development of this bill last year. I have been pleased to have continued that close relationship with Chairman MAZZOLI during the further modifications to the bill during this session of the 103d Congress. I believe the resulting product is a good piece of legislation and I urge my colleagues to support it.

Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. FISH], the ranking member of our full Committee on the Judiciary.

Mr. FISH. Mr. Speaker, I thank my friend, the gentleman from Florida, for yielding me the time.

Mr. Speaker, I am pleased that the legislation we are considering includes an extension of the visa waiver pilot program and a new probationary visa waiver status based on appropriate standards. My interest in the visa waiver pilot program goes back many years and includes involvement in its original formulation.

The United States, in my view, benefits when it expedites international visitor travel in ways that are consistent with the requirements of immigration law enforcement. The experience with the pilot program demonstrates that inspection by an immigration officer at the point of entry is a sufficient safeguard for visitors from certain countries selected on the basis of objective criteria. The extension of the program advances U.S. interests by facilitating travel opportunities.

The new probationary visa waiver status represents a modest expansion of eligibility criteria to embrace countries that have very good records with the U.S. visa refusal rate and the overstay rate are viewed in combination. The visa refusal rate for Ireland, for example, approaches—but does not reach—the criteria of existing law; nevertheless, relatively few visitors from

Ireland violate the terms of their admission by overstaying. An outstanding record of compliance with U.S. immigration law merits recognition in the visa waiver formula.

The new provision gives expression to the principle of permitting a very favorable overstay rate to counterbalance a rejection rate that slightly exceeds the current limit. Such a principle recognizes the special equities of a country that approaches current visa waiver requirements if its nationals—visiting the United States—adhere to our immigration law.

With the pilot program about to expire, I welcome legislative action providing for the program's continuation with a provision to accommodate the deserving circumstances I have described.

□ 1630

Mr. Speaker, today may well mark two events. One referred to by the chairman of the subcommittee, the gentleman from Kentucky [Mr. MAZZOLI] is the passing of Jerry Tinker. Some of us attended his funeral today. As well I think this may be the last piece of legislation that Chairman MAZZOLI brings from his subcommittee to the House floor. The field, if I might call it that, of immigration and refugee policy in the Congress of the United States has few experts, and if you remove from that pool of authority and wisdom and experience RON MAZZOLI and Jerry Tinker, then there is very little left: it is very thin. These two distinguished gentlemen have served this body for over two decades and really have been in the forefront of immigration law with great knowledge which is deeply respected on both sides of the aisle. My chairman Mr. MAZZOLI, and I have served together for so many, many years on the Immigration Subcommittee as well as on other subcommittees. I do not mind leaving the Congress myself because there will be a great change in leadership on this fundamental issue when the gentleman from Kentucky [Mr. MAZZOLI] leaves.

Mr. MCCOLLUM. Mr. Speaker, reclaiming my time and yielding myself a few moments, I want to add, besides wishing a fond farewell to Chairman MAZZOLI, who has been our chairman of the subcommittee, the gentleman from New York [Mr. FISH] is himself leaving this Congress at this time, and we are going to miss him because he has spent an enormous amount of time contributing to the immigration and refugee matters. When I first came here some 14 years ago he was already a leading expert, and that is when I believe Chairman MAZZOLI became the chairman of the subcommittee for the first time. And while the gentleman from New York [Mr. FISH], speaks, and I know it will be a great loss of Chairman MAZZOLI and his knowledge of this field, Mr. FISH himself is a great loss

when he leaves because he has contributed mightily to the major legislation in this field during my tenure and before that.

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

Mr. MAZZOLI. Mr. Speaker, I yield myself 1 minute. I would like to thank my friend, first from Florida for his very kind remarks. I recall when he was a first-term Member 14 years ago when he and I traveled I think maybe during the first few months of his entry into Congress, and that friendship which gelled that day and on that trip has remained intact and firm for all of these years. I certainly have enjoyed working with him and will miss his counsel and his steady presence on the committee.

For my friend from New York, Mr. FISH, who will be retiring as I will at the end of this time, I want to tell him how much I have admired him as a human being as well as an immigration expert. I recall, without going into all of the details, some few years ago the gentleman did not have the very best of health, and despite that, back in 1984 and 1982 and thereabouts we forged ahead with the earlier versions of the Immigration Control Act of 1986. I remember vividly and will carry with me for my entire life the courage and dedication and fortitude that the gentleman from New York exhibited under other than pleasant situations then in order to serve his district and in order to serve the country and in order to make sure that the subject of immigration, which can very easily tip over into an exercise in xenophobia, always stayed in the middle of the road and on top of the table. I want to thank the gentleman for that in every way.

Mr. Speaker, with great pleasure, I yield 3 minutes to the gentleman from Indiana [Mr. MCCLOSKEY] who played an absolutely crucial part in the adoption of language in this bill on visa waivers.

Mr. MCCLOSKEY. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, before commenting I want to extend a special appreciation to the gentleman from Kentucky [Mr. MAZZOLI] and the gentleman from Florida [Mr. MCCOLLUM] for all of their work and leadership on this very important issue. As an aside, I guess I would say as chairman of the Friends of Ireland, and being named MCCLOSKEY, with an O'Neill and a Tiernan in my immediate background, I have a special affection for things Irish, and I know particularly the gentleman from Kentucky [Mr. MAZZOLI] shares that, being an alumnus of the Fighting Irish. And I might say that this friendship and leadership has been magnificent over the years, and I look forward as a neighbor geographically and as a friend, to further contributions to public service by the gentleman from Ken-

tucky [Mr. MAZZOLI]. So I say, "Thank you so very much."

Mr. Speaker, I rise in strong support of H.R. 783, the Nationality and Naturalization Amendments of 1994. H.R. 783 will reauthorize the visa waiver pilot program while implementing much needed reforms. The visa waiver program enables tourists and business travelers from specified countries to come to the United States without first having to obtain a nonimmigrant visa. Current eligibility standards hinge largely on a country's non-immigrant visa refusal rate. Unfortunately, this standard is overly narrow and has led to questionable participation criteria.

This program has particular significance to me as chairman of the Friends of Ireland Committee. The fact that Ireland has been excluded from participation best illustrates the current program's shortcomings. Ireland is one of only three western European countries excluded from the visa waiver program, even though Ireland has demonstrated exemplary overstay rates and steadily declining refusal rates during the last 3 years. Additionally, while Irish citizens are denied inclusion, citizens from Northern Ireland are able to fully participate in the pilot program. Given such realities, it is apparent that the eligibility criteria is arbitrary.

H.R. 783 will correct these shortcomings by incorporating the overstay rate as a factor in determining eligibility for probationary status in the visa waiver program. The overstay rate is a critical element because it demonstrates how many nationals of a particular country actually violated the terms of their stay in the United States. I would like to commend chairman RON MAZZOLI and BILL MCCOLLUM, the distinguished ranking member of the subcommittee, for their leadership on this issue and for incorporating this reform into H.R. 783. It is a common sense approach which enjoys broad bipartisan support.

Reforming the eligibility requirements for the visa waiver pilot program has been designated as a high priority by the Irish Government and the Friends of Ireland Committee. The visa waiver pilot program has proven its worth over the years by generating tourist dollars for our economy and by generating good will toward many of our neighbors overseas. Today's reauthorization and reforms will extend those benefits while increasing the integrity of the program. I urge my colleagues to vote in favor of H.R. 783.

Mr. MCCOLLUM. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. MOORHEAD].

Mr. MOORHEAD. Mr. Speaker, I thank the gentleman for yielding me the time.

I rise in support of H.R. 783. Mr. Speaker, I wanted to comment as we come to the end of this Congress that

we are losing three of the finest men that I have known in Congress as we lose RON MAZZOLI and BILL HUGHES and HAMILTON FISH. They have been true gentlemen in this Congress and Members who have worked hard and worked together with each one of us. They have made a tremendous contribution during the years that they have been in Congress, and yet whether they agreed with us or not, they are always the kind of people that are agreeable even though they cannot vote always the same way we vote. I have enjoyed their friendship and I have learned a lot from each one of them, and certainly as they leave they have my affection and bon voyage for each one of them. And I hope I see all three of them back as many times as they can be here.

□ 1640

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

Mr. MAZZOLI. Mr. Speaker, I yield 1 minute to my friend, the gentleman from New Jersey [Mr. HUGHES], who is, as we have heard, a fellow retiree from this Congress and who has been my dear friend and seatmate for the better part of the last 20 years.

Mr. HUGHES. Mr. Speaker, I rise in strong support of H.R. 783, which is the House amendments to the Nationality and Naturalization Amendments Act of 1994.

But I take the time also to congratulate the gentleman from Kentucky and the gentleman from Florida for their work on immigration and naturalization matters, and particularly to commend him and the gentleman from New York [Mr. FISH], who have developed over the years the reputation of having the expertise in the Congress on these matters.

If you live in Florida, immigration is extremely important. For Kentucky, it is not so very important and, frankly, it does not have the kind of sex appeal that a lot of other things have. But the work has been very important.

I do not think there is anything more important to this country than trying to put our immigration and naturalization policies in order.

They have built a solid foundation on which we can build in the years ahead. I salute the gentleman from Kentucky. He has done yeoman's work, as has the gentleman from New York [Mr. FISH], in this very complex, very difficult, often unappreciated area of the law.

I wish him and HAM the very best of everything in the years ahead.

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

Mr. Speaker, again, I want to thank my friend, the gentleman from New Jersey. As I said, BILL and Nancy HUGHES have been friends of Helen and RON MAZZOLI's for a long time. That friendship will endure and continue into the years ahead, and I share the

feeling, and they are reciprocal, that we have a chance to get together from time to time.

Mr. Speaker, before I conclude and ask for a positive vote on this pending resolution, House Resolution 533, I would like to pay public tribute to members of my subcommittee who have been so loyal and devoted and dedicated, and not just for this Congress but for many of them. But sitting with me on the floor today, Gene Pugliese and Kevin Anderson, and back in the office, Kitty Urban, Les Megyeri, Judy Knott, and Lizzie Daniels, because as we all know, we serve here generally to the extent that we have people around us to support us, and I have been very happy and the very, very grateful beneficiary of excellent professional work by the staff as well as friendship from them, and so I wanted to say that before we conclude.

And last but not least, Mr. Speaker, I think this is a good bill. H.R. 783 does weave together activities which emanated from our subcommittee, some from the other body. They have been blended together in, I think, a perfectly harmonious way, and I think they make changes to the better in immigration law.

Mr. SCHUMER. Mr. Speaker, I rise in support of H.R. 783, the Immigration and Nationality Technical Corrections Act of 1994. I want to thank Mr. BROOKS and Mr. MAZZOLI for their hard work on behalf of this legislation. As the senior Democrat of the Subcommittee on Immigration and Refugees, I want to highlight three important provisions.

First is a provision I drafted to roll-over the remaining diversity visas set to expire at the end of fiscal year 1994. These visas were part of the Transition Diversity Program which sought to bring in immigrants from countries of low admission. This provision is crucial because about 4,000 visas for the Irish alone will be left over. The Irish, who have been a bedrock of our successful immigration community must receive all the visas set aside for them. Their contributions to this country are numerous and will continue to be so.

The roll-over visas will be added to the allocation for the Schumer Permanent Diversity Program which begins in fiscal year 1995. They will be chosen from a fresh applicant pool and guaranteed to give the Irish community a large percentage of the immigration pie.

Second, the Visitor Visa Waiver Program [VVWP] has long been an important issue to me. I put a provision in my preinspection bill last year to make it a permanent program. I also cosponsored several bills seeking to expand the program to Ireland, and other European Union countries.

The VVWP saves the Government money in visa processing costs, boosts the tourism industry, and develops our relations with other countries. It is of particular benefit to New York and our local industries.

Because of its positive results, I support letting more countries into the program. H.R. 783, extends the VVWP till 1996 and establishes a pilot program that liberalizes the entrance criteria allowing new countries to par-

ticipate on a probationary basis. At this time, INS has determined that under this new provision Ireland and Zimbabwe will be added. Ireland has taken tremendous strides in lowering their refusal rates and deserves the chance to participate.

Recently we completed the successful World Cup Soccer games in America. Imagine how much more successful the ticket sales and tourist industry would have been if more spectators had been able to travel without the hassle of obtaining a tourist visa.

In our changing world where new international alignments are being formed every day, it makes sense to expand the program. Countries like Ireland, that present little or no risk of abuse of their visas, are only a welcome addition.

Third is provision to eliminate the gender inequality in naturalization law and to exclude those persons who participated in Nazi activities during WWII. Currently, only a child of an American father born overseas can be naturalized. This provision would extend naturalization to children born of American mothers—ironing out a wrinkle in our immigration law. However, there are several Nazi expatriation cases pending in the United States that would be jeopardized if Nazi children of American mothers were to be naturalized. Nazis born to American fathers do not have this problem because a recent court case ruled that if an individual was aware of their U.S. citizenship at the time the crimes were committed they can be found guilty of an expatriating crime. Obviously Nazis naturalized retroactively could not have known of their U.S. citizenship during the time their crimes were committed. Proper prosecution of these individuals depends on the ability to denaturalize and deport them to stand trial overseas for war crimes. Although this is a strange twist in the law it must be reconciled. H.R. 783 would do just that.

I urge the House to pass H.R. 783. These provisions which would adjust current issues in immigration law must be adopted. Thank you for your consideration.

Mr. BILIRAKIS. Mr. Speaker, I rise in strong support of H.R. 783, legislation that will make four specific changes to existing nationality and naturalization laws. All of these changes will work to correct inequities in our current laws, but I would like to focus on just one of them today—one that I have worked on actively with a number of my colleagues during my years in the Congress.

This provision will exempt aliens 50 years of age or older who have been permanent U.S. residents for at least 20 years, and those older than 55 who have been permanent U.S. residents for at least 15 years, from the history and government knowledge portions of the naturalization test.

As you know, Mr. Speaker, current law exempts these individuals from only the English language portion of the test.

It has long been plain to me that a number of elderly immigrant aliens reside in this country but have not been naturalized because they fear, or are unable to pass, the government knowledge requirement for naturalization.

Many of us here today have neighborhoods in our districts that are primarily composed of immigrants from Italy, Greece, Ireland, Poland,

Germany, or some other nation. If you were to really look carefully at these communities, then you will find some of these alien individuals, constituents who have been, in effect, completely forgotten.

Absent the corrective language of this provision of H.R. 783, their dream of American citizenship may never be realized—because they fear the immigration and naturalization service test.

Obviously, since these individual have lived in this country for so many years, they are largely aware of our form of government and have abided by our laws. However, the thought of a test on these issues by a stranger can be so frightening to them that they may not follow through. That is why I believe that the requirement of a naturalization test for the elderly, who are so fragile and vulnerable, is in need of revision.

Currently, the Immigration and Nationality Act exempts individuals desiring naturalization from the requirement to speak, read, and write English if they are at least 50 years old and have been legal residents of the United States for a minimum of 20 years. However, that requirement for a knowledge-of-government test hasn't been addressed in a similar manner by the Congress.

This inequity has long concerned me, and I have in the past introduced legislation containing language similar to that contained in this provision of H.R. 783. I would emphasize that this provision has absolutely no impact on immigration ceilings or on the influx of new aliens.

Therefore, I ask that all of my colleagues support this legislation with your vote today and offer a ray of hope to the forgotten.

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

The SPEAKER pro tempore (Mr. HASTINGS). The question is on the motion offered by the gentleman from Kentucky [Mr. MAZZOLI] that the House suspend the rules and agree to the resolution, H. Res. 533.

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

A motion to reconsider was laid on the table.

#### GENERAL LEAVE

Mr. MAZZOLI. 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 House Resolution 533, the resolution just considered and agreed to.

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

There was no objection.

#### RELATING TO APPLICATIONS FOR PROCESS PATENTS

Mr. HUGHES. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4307) to amend title 35, United

States Code, with respect to applications for process patents, as amended.

The Clerk read as follows:

H.R. 4307

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

#### TITLE I—PROCESS PATENT APPLICATIONS

##### SECTION 101. EXAMINATION OF PROCESS PATENT APPLICATIONS FOR OBVIOUSNESS.

Section 103 of title 35, United States Code, is amended—

(1) by designating the first paragraph as subsection (a);

(2) by designating the second paragraph as subsection (c); and

(3) by inserting after the first paragraph the following:

“(b)(1) Notwithstanding subsection (a), and upon timely election by the applicant for patent to proceed under this subsection, a process using or resulting in a composition of matter that is novel under section 102 and nonobvious under subsection (a) of this section shall be considered nonobvious if—

“(A) claims to the process and the composition of matter are contained in either the same application for patent or in separate applications having the same effective filing date; and

“(B) the composition of matter, and the process at the time it was invented, were owned by the same person or subject to an obligation of assignment to the same person.

“(2) A patent issued on a process under paragraph (1)—

“(A) shall also contain the claims to the composition of matter used in or made by that process, or

“(B) shall, if such composition of matter is claimed in another patent, be set to expire on the same date as such other patent, notwithstanding section 154.”

##### SEC. 102. PRESUMPTION OF VALIDITY; DEFENSES.

Section 282 of title 35, United States Code, is amended by inserting after the second sentence of the first paragraph the following: “Notwithstanding the preceding sentence, if a claim to a composition of matter is held invalid and that claim was the basis of a determination of nonobviousness under section 103(b)(1), the process shall no longer be considered nonobvious solely on the basis of section 103(b)(1).”

##### SEC. 103. EFFECTIVE DATE.

The amendments made by section 101 shall apply to any application for patent filed on or after the date of the enactment of this Act and to any application for patent pending on such date of enactment, including (in either case) an application for the reissue of a patent.

#### TITLE II—COPYRIGHT REFORM

##### SEC. 201. SHORT TITLE.

This Act may be cited as the “Copyright Reform Act of 1993”.

##### SEC. 202. DEPOSIT OF COPIES OR PHONORECORDS FOR LIBRARY OF CONGRESS.

Section 407 of title 17, United States Code, is amended as follows:

(1) Subsection (a) is amended by striking “(a)” and all that follows through “publication—” and inserting the following:

“(a) REQUIRED DEPOSITS.—Except as provided in subsection (c), the owner of copyright in a work or of the exclusive right of publication of a work in the United States shall deposit, after the earliest date of such publication—

(2) Subsection (b) is amended—

(A) by inserting “DEPOSIT IN COPYRIGHT OFFICE.—” after “(b)”; and

(B) by adding at the end the following: “A deposit made under this section may be used to satisfy the deposit requirements of section 408.”

(3) Subsection (c) is amended—

(A) by inserting “REGULATIONS.—” after “(c)”; and

(B) by striking “Register of Copyrights” and inserting “Librarian of Congress”.

(4) Subsection (d) is amended—

(A) by redesignating paragraphs (1), (2), and (3) as subparagraphs (A), (B), and (C), respectively;

(B) by striking “(d) At any time after publication of a work as provided by subsection (a)” and inserting the following:

“(d) PROCEDURES.—(1) During November of each year, the Librarian of Congress shall publish in the Federal Register a statement of the categories of works of which the Library of Congress wishes to acquire copies or phonorecords under this section during the next calendar year. The Librarian shall review such statement annually in light of the changes in the Library's policies and procedures, changes in technology, and changes in patterns of publication. The statement shall also describe—

“(A) the types of works of which only one copy or phonorecord need be deposited;

“(B) the types of works for which the deposit requirements may be fulfilled by placing the Library of Congress on a subscription list; and

“(C) the categories of works which are exempt under subsection (c) from the deposit requirements.

“(2) At any time after publication in the United States of a work or body of works”;

(C) by striking “Register of Copyrights” and inserting “Librarian of Congress”;

(D) by inserting after the first sentence the following: “Such demand shall specify a date for compliance with the demand.”;

(E) by inserting “in a civil action” after “are liable”;

(F) in subparagraph (B) (as redesignated by subparagraph (A) of this paragraph) by striking “cost of” and inserting “cost to”;

(G) in subparagraph (C) (as redesignated by subparagraph (A) of this paragraph) by striking “clauses (1) and (2)” and inserting “subparagraphs (A) and (B)”;

(H) by adding after subparagraph (C) (as so redesignated) the following:

“In addition to the penalties set forth in subparagraphs (A), (B), and (C), the person against whom an action is brought under this paragraph shall be liable in such action for all costs of the United States in pursuing the demand, including an amount equivalent to a reasonable attorney's fee.”

(5) Subsection (e) is amended—

(A) by inserting “TRANSMISSION PROGRAMS.—” after “(e)”; and

(B) by striking “Register of Copyrights shall, after consulting with the Librarian of Congress and other interested organizations and officials,” and inserting “Librarian of Congress shall, after consulting with interested organizations and officials.”; and

(C) in paragraph (2) by striking “Register of Copyrights” and inserting “Librarian of Congress”.

(6) Section 407 of title 17, United States Code, is further amended by adding at the end the following:

“(f) OBLIGATION TO MAKE DEPOSITS.—Immediately upon the publication in the United States of any work in which copyright subsists under this title, it shall be the obligation of the persons identified in subsection

(a) with respect to that work, subject to the requirements and exceptions specified in this section, to deposit, for the use or disposition of the Library of Congress, the copies or phonorecords specified in such subsection. The obligation to make such deposit arises without any prior notification or demand for compliance with subsection (a).

"(g) RECORDS OF DEPOSITS.—The Librarian of Congress shall establish and maintain public records of the receipt of copies and phonorecords deposited under this section.

"(h) DATABASE OF DEPOSIT RECORDS.—The Librarian of Congress shall establish and maintain an electronic database containing its records of all deposits made under this section on and after October 1, 1995, and shall make such database available to the public through one or more international information networks.

"(i) DELEGATION AUTHORITY.—The Librarian of Congress may delegate to the Register of Copyrights or other officer or employee of the Library of Congress any of the Librarian's responsibilities under this section."

#### SEC. 203. COPYRIGHT REGISTRATION IN GENERAL.

Section 408 of title 17, United States Code, is amended—

(1) in subsection (c)—

(A) in paragraph (1) by adding at the end the following: "The Register is also authorized to specify by regulation classes of material in which registration may be made without deposit of any copy or phonorecord, in cases in which the Register determines that the purposes of examination, registration, and deposit can be adequately served by deposit of descriptive material only, or by a written obligation to deposit copies or phonorecords at a later date."; and

(B) in paragraph (2) by striking "periodicals, including newspapers" and all that follows through the end of subparagraph (B) and inserting "collective works, including periodicals, published within a 5-year period, on the basis of a single deposit and application and upon payment of any special registration fee imposed under section 708(a)(10), if the application identifies each work separately, including the collective work containing it and its date of first publication."; and

(2) by adding at the end the following:

"(f) COPYRIGHT OFFICE HEARINGS.—Not later than 1 year after the effective date of this subsection, and at 1-year intervals thereafter, the Register of Copyrights shall hold public hearings to consider proposals to amend the regulations and practices of the Copyright Office with respect to deposit of works in order to eliminate deposits that are unnecessary for copyright examination or the collections of the Library of Congress, and in order to simplify the registration procedures."

#### SEC. 204. APPLICATION FOR COPYRIGHT REGISTRATION.

(a) APPLICATIONS.—Section 409 of title 17, United States Code, is amended—

(1) by striking "The application" and inserting "(a) CONTENTS OF APPLICATION.—The application";

(2) in paragraph (5) by inserting before the semicolon the following: ", and if the document by which ownership was obtained has been recorded in the Copyright Office, the volume and page number of such recordation";

(3) by striking paragraphs (9) and (10) and inserting the following:

"(9) in the case of a compilation or derivative work, an identification of any preexisting work or works that it is substantially

based on or substantially incorporates, and a brief, general statement of the additional material covered by the copyright claim being registered;

"(10) at the option of the applicant, names, addresses, and telephone numbers of persons or organizations that potential users of the work should contact concerning permissions or licenses to use the work, and any information with respect to the terms of such permissions or licenses; and"; and

(4) by adding at the end the following:

"(b) SHORT-FORM APPLICATION.—

"(1) USE OF SHORT-FORM.—The Register of Copyrights shall prescribe a short-form application which may be used whenever—

"(A) the work is by a living author;

"(B) the claimant is the author;

"(C) the work is not anonymous, pseudonymous, or made for hire; and

"(D) the work as a whole, or substantial portions of it, have not been previously published or registered.

"(2) CONTENTS OF SHORT-FORM.—The short-form application shall include—

"(A) the name and address of the author;

"(B) the title of the work;

"(C) the nationality or domicile of the author;

"(D) the year in which creation of the work was completed;

"(E) if the work has been published, the date and nation of its first publication;

"(F) any other information regarded by the Register of Copyrights as bearing upon the preparation or identification of the work or the existence, ownership, or duration of the copyright; and

"(G) at the option of the applicant, names, addresses, and telephone numbers of persons or organizations that potential users of the work should contact concerning permissions or licenses to use the work, and any information with respect to the terms of such permissions or licenses."

(b) EFFECTIVE DATE.—The amendments made by this section take effect 6 months after the date of the enactment of this Act.

#### SEC. 205. REGISTRATION OF CLAIM AND ISSUANCE OF CERTIFICATE.

(a) DETERMINATION OF REGISTRATION.—Section 410 of title 17, United States Code, is amended by striking subsections (a) and (b) and inserting the following:

"(a) DETERMINATION OF REGISTER.—If, after examination, the Register of Copyrights determines, in accordance with the provisions of this title, that there is no reasonable possibility that a court would hold the work for which a deposit is made pursuant to section 408(c) to be copyrightable subject matter, or the Register determines that the claim is invalid for any other reason, the Register shall refuse registration and notify the applicant in writing of the reasons for such refusal. In all other cases, the Register shall register the claim and issue to the applicant a certificate of registration under the seal of the Copyright Office. A certificate of registration issued under this section extends only to those component parts of the work that both are the subject matter of copyright and the copyright owner has the right to claim. The certificate shall contain the information set forth in the application, together with the number and effective date of the registration.

"(b) APPEALS PROCEDURE.—The Register of Copyrights shall establish, and publish in the Federal Register, a formal procedure by which appeals may be taken from refusals under subsection (a) to register claims to copyright. Such procedure shall include a final appeal to the Register."

(b) JUDICIAL PROCEEDINGS.—Subsection (c) of section 410 of title 17, United States Code, is amended—

(1) by inserting "EVIDENTIARY WEIGHT OF CERTIFICATE.—" after "(c)"; and

(2) by adding at the end the following: "Any error or omission made in good faith or upon reasonable reliance on counsel shall not affect the validity of the registration. In no case shall an incorrect statement made in an application for copyright registration invalidate the copyright."

(c) TECHNICAL AMENDMENT.—Subsection (d) of section 410 of title 17, United States Code, is amended by inserting "EFFECTIVE DATE OF REGISTRATION.—" after "(d)".

#### SEC. 206. COPYRIGHT REGISTRATION PROVISIONS.

(a) REGISTRATION AND INFRINGEMENT ACTIONS.—(1) Section 411 of title 17, United States Code, is amended—

(A) by amending the section caption to read as follows:

"§ 411. Registration and infringement actions for certain works";

(B) by striking subsection (a); and

(C) in subsection (b)—

(i) by striking "(b)"; and

(ii) by striking paragraphs (1) and (2) and inserting the following:

"(1) serves notice upon the infringer, not less than 10 or more than 30 days before such fixation, identifying the work and the specific time and source of its first transmission; and

"(2) submits an application for registration of the copyright claim in the work, in accordance with this title, within 3 months after the first transmission of the work."

(2) The item relating to section 411 in the table of sections at the beginning of chapter 4 of title 17, United States Code, is amended to read as follows:

"411. Registration and infringement actions for certain works."

(b) REGISTRATION AS PREREQUISITE TO CERTAIN REMEDIES FOR INFRINGEMENT.—Section 412 of title 17, United States Code, and the item relating to section 412 in the table of sections at the beginning of chapter 4 of title 17, United States Code, are repealed.

#### SEC. 207. REMEDIES FOR INFRINGEMENT.

Section 504(c)(2) of title 17, United States Code, is amended in the second sentence—

(1) by striking "court it" and inserting "court in";

(2) by inserting "or eliminate" after "reduce"; and

(3) by striking "to a sum of not less than \$200".

#### SEC. 208. NOTIFICATION OF FILING AND DETERMINATION OF ACTIONS.

Section 508 of title 17, United States Code, is amended—

(1) in subsection (a)—

(A) in the first sentence by inserting "and the party filing the action" after "United States"; and

(B) in the second sentence by inserting "and the party filing the action" after "clerk"; and

(2) in subsection (b) by inserting "and the party filing the action" after "clerk of the court".

#### SEC. 209. STUDY ON MANDATORY DEPOSIT.

(a) SUBJECT MATTER OF STUDY.—Upon the enactment of this Act, the Librarian of Congress shall conduct a study of the mandatory deposit provisions of section 407 of title 17, United States Code. Such study shall place particular emphasis on the implementation of section 407(e) of such title with respect to the deposit of transmission programs, as well

as possible alternative methods of obtaining deposits if the mandatory deposit requirements of such section 407 are expanded to authorize the collection, archival preservation, and use by the Library of Congress of other publicly transmitted works, including unpublished works such as computer programs and online databases.

(b) CONDUCT OF STUDY.—The study under subsection (a) shall be conducted by the Register of Copyright, in consultation with any affected interests, and may include the voluntary establishment, in collaboration with representatives of such interests, of practical tests and pilot projects.

(c) REPORT TO CONGRESS.—Not later than 18 months after the date of the enactment of this Act, the Librarian shall submit to the Congress a report on the results of the study conducted under this section, together with recommendations the Librarian has on—

(1) safeguarding the interests of copyright owners whose works are subject to the mandatory deposit provisions referred to in subsection (a);

(2) fulfilling the present and future needs of the Library of Congress with respect to archival and other collections development; and

(3) any legislation that may be necessary.

#### SEC. 210. STUDIES OF EFFECTS OF REGISTRATION AND DEPOSIT PROVISIONS.

Upon the enactment of this Act, the Librarian of Congress, after consultation with the Register of Copyrights and any affected interests, shall commence a study of the extent to which changes in the registration and deposit provisions of title 17, United States Code, that are made by this Act have affected the acquisitions of the Library of Congress and the operations of the copyright registration system, and any recommendations the Librarian may have with respect to such effects. Not later than 3 years after the date of the enactment of this Act, the Librarian shall submit to the Congress a report on such study. The Librarian may conduct further studies described in the first sentence, and report to the Congress on such studies.

#### SEC. 211. CONFORMING AMENDMENTS.

(a) DEFINITIONS.—Section 101 of title 17, United States Code, is amended by striking the definition of the "country of origin" of a Berne Convention work.

(b) INFRINGEMENT OF COPYRIGHT.—Section 501(b) of title 17, United States Code, is amended in the first sentence by striking "subject to the requirements of section 411."

(c) REMEDIES FOR INFRINGEMENT.—Section 504(a) of title 17, United States Code, is amended by striking "Except as otherwise provided by this title, an" and inserting "An".

#### SEC. 212. ADDITIONAL TECHNICAL AMENDMENTS.

(a) AMENDMENTS TO TITLE 17, UNITED STATES CODE.—Title 17, United States Code, is amended as follows:

(1) The definition of "publicly" contained in section 101 is amended—

(A) by striking "clause" and inserting "paragraph"; and

(B) by striking "process" and inserting "process".

(2) The definition of "registration" contained in section 101 is amended by striking "412."

(3) Section 108(e) is amended in the matter preceding paragraph (1) by striking "pair" and inserting "fair".

(4) Section 109(b)(2)(B) is amended by striking "Copyright" and inserting "Copyrights".

(5) Section 304(c) is amended in the matter preceding paragraph (1) by striking "the sub-

section (a)(1)(C) and inserting "subsection (a)(1)(C)".

(6) Section 405(b) is amended by striking "condition or" and inserting "condition for".

(7) The item relating to section 504 in the table of sections at the beginning of chapter 5 is amended by striking "Damage" and inserting "Damages".

(8) Section 501(a) is amended by striking "sections 106 through 118" and inserting "section 106".

(9) Section 509(b) is amended by striking "merchandise; and baggage" and inserting "merchandise, and baggage".

(10) Section 601 of title 17, United States Code, is amended—

(A) in subsection (a) by striking "nondramatic" and inserting "nondramatic"; and

(B) in subsection (b)(1) by striking "substantial" and inserting "substantial".

(11) Section 801(b)(4) of title 17, United States Code, is amended by adding a period after "chapter 10".

(12) The item relating to section 903 in the table of sections at the beginning of chapter 9 is amended to read as follows:

"903. Ownership, transfer, licensing, and re-  
ordination."

(13) Section 909(b)(1) is amended—

(A) by striking "force" and inserting "work"; and

(B) by striking "symbol" and inserting "symbol".

(14) Section 910(a) is amended in the second sentence by striking "as used" and inserting "As used".

(15) Section 1006(b)(1) is amended by striking "Federation Television" and inserting "Federation of Television".

(16) Section 1007 is amended—

(A) in subsection (a)(1) by striking "the calendar year in which this chapter takes effect" and inserting "calendar year 1992"; and

(B) in subsection (b) by striking "the year in which this section takes effect" and inserting "1992".

(17) The table of chapters at the beginning of title 17, United States Code, is amended—  
(A) by amending the item relating to chapter 6 to read as follows:

"6. Manufacturing Requirements and  
Importation ..... 601";

(B) by amending the item relating to chapter 9 to read as follows:

"9. Protection of Semiconductor Chip  
Products ..... 901";

and

(C) by adding at the end the following:

"10. Digital Audio Recording Devices  
and Media ..... 1001".

(b) OTHER PROVISIONS OF LAW.—(1) Section 2319(b)(1) of title 18, United States Code, is amended by striking "at last" and inserting "at least".

(2) Section 1(a)(1) of the Act entitled "An Act to amend chapter 9 of title 17, United States Code, regarding protection extended to semiconductor chip products of foreign entities", approved November 9, 1987 (17 U.S.C. 914 note), is amended by striking "originating" and inserting "originating".

(3) Section 3(a)(1)(C) of the Audio Home Recording Act of 1992 is amended by striking "adding the following new paragraph at the end" and inserting "inserting after paragraph (3) the following new paragraph".

#### SEC. 213. EFFECTIVE DATE.

(a) IN GENERAL.—Except as provided in section 204(b), and subject to subsection (b) of this section, this Act and the amendments

made by this Act take effect on the date of the enactment of this Act.

(b) PENDING ACTIONS.—The amendments and repeals made by section 206 shall not affect any action brought under title 17, United States Code, before the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey [Mr. HUGHES] 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 New Jersey [Mr. HUGHES].

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

Mr. Speaker, I rise in support of H.R. 4307. H.R. 4307 includes two titles, a patent process title and a copyright title.

The subject matter of title I of H.R. 4307 has been debated and considered by Congress for the past 6 years. Title I of H.R. 4307 is a response to two court decisions which have affected the examination of patent applications at the Patent and Trademark Office. The two court decisions, a 1985 decision issued by the Court of Appeals for the Federal circuit, *In Re Durden*, and a subsequent case, *In Re Pleuddemann*, decided in 1990 have led to inconsistent practices by the Patent and Trademark Office in the examination of applications for process patents and claims. The result has been that some process patents and claims have been granted without any delay or controversy while other applications, similar in nature, have been rejected or required to be defended at length with the patent examiner.

Without the protection of a process patent, many American industries are unable to prevent the use of their product overseas—for which they spent the millions in research and development—in production of a product which can then be imported into the United States without the fear of infringement.

The legislation provides for a modified patent examination by the Patent and Trademark Office of process patents. Under title I of H.R. 4307, a process will not have to undergo a separate review of nonobviousness under certain conditions. If the process produces or uses a patentable composition of matter the process will be determined non-obvious for purposes of the patent examination.

This expedited review will resolve the delays and inconsistent determinations faced by process patent applicants under present Patent and Trademark Office practices without any harm to the basic principles of patentability. Title I of H.R. 4307 only impacts one element of patentability—that of nonobviousness. There is no guarantee of patentability if the process patent application satisfies the new examination procedure. The process must still fulfill other requirements of patentability.

There has been more than ample opportunity to consider this legislation. In 6 years, there have been at least five different hearings held by the House subcommittee of jurisdiction on related legislation. The solution devised in title I of H.R. 4307 has taken into account all the concerns and problems raised by various industry groups and is a middle-ground approach which is neither industry-specific or totally generic.

Given the failure of the courts to resolve the seemingly inconsistent decisions and the inability of the Patent and Trademark Office to solve the problems administratively, Congress has an obligation to act. Title I of H.R. 4307 addresses the issue in the most appropriate manner.

Title II of H.R. 4307 contains the Copyright Reform Act of 1993 in the identical form as passed by the House on November 20, 1993. Although there is a companion bill in the other body, they have not had the opportunity to process that legislation, mostly due to the time spent on the satellite bill.

Passage of the Copyright Reform Act is even more necessary since the Supreme Court's decision earlier this year in the Fogerty case. In Fogerty, the Court held that in awarding attorney's fees, courts should award them to prevailing defendants on the same basis as to prevailing plaintiffs. This means that prevailing defendants may receive attorney's fees in cases where the plaintiff, if he had prevailed, could not, because of section 412. This fact will, undoubtedly, have a chilling effect on copyright owners.

Both title of H.R. 4307 are important and require immediate action. I urge my colleagues to adopt H.R. 4307.

Mr. Speaker, I want to thank and commend the distinguished ranking Republican on the Intellectual Property and Judicial Administration Subcommittee, the gentleman from California [Mr. MOORHEAD], for his work, his staff's work, the majority staff for their work, Hayden Gregory and Jarilyn Dupont, just behind me, who worked on this important legislation, and Bill Patry, as well as the distinguished chairman of the full committee, the gentleman from Texas [Mr. BROOKS], and his staff, and the gentleman from New York [Mr. FISH] and his staff.

It is a good bill. It warrants your support.

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

□ 1650

Mr. MOORHEAD. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, I rise in support of H.R. 4307, the Process Patent Protection Act of 1994.

I would like to commend our chairman JACK BROOKS, and ranking mem-

ber, HAM FISH, for their help in scheduling this legislation for the floor and the subcommittee chairman, the gentleman from New Jersey [Mr. HUGHES], for his hard work and leadership in this complex area. I also would like to thank the gentleman from Virginia, RICK BOUCHER for all of his effort and support of this important legislation.

From an economic point of view, the U.S. biotech industry has gone from zero revenues and zero jobs 15 years ago to \$6 billion and 70,000 jobs today. The White House Council on Competitiveness projects a \$30 to \$50 billion market for biotech products by the year 2000, and many in the industry believe this estimate to be conservative.

Companies that depend heavily on research and development are especially vulnerable to foreign competitors who copy and sell their products without permission. The reason that high-technology companies are so vulnerable is that for them the cost of innovation, rather than the cost of production, is the key cost incurred in bringing a product to market.

In addition to the ability to obtain and enforce a patent, small companies in particular must be concerned about obtaining a patent in a timely fashion. In 1992 the pendency of a biotech patent application was 27 months with the backlog in applications increasing from 17,000 in 1990 to almost 20,000 in 1992. The Patent Office has taken steps to improve the situation by reorganizing its biotechnology examination group and increasing the number of new examiners. The PTO has also implemented special pay rates for their biotechnology examiners. As a result, biotech patent application pendency has been reduced from 27 months to 21 months and the backlog in applications have been reduced from 20,000 in 1992 to 17,000 in 1994.

Although this is slow progress it is a substantial improvement. However, we must continue to reduce these delays because this industry is so dependent on patents in order to raise capital for reinvestment in manufacturing plants and in new product development, and even more so for an industry targeted by Japan for major and concerted competition.

The House Judiciary Committee took the first step in 1988 when the Congress enacted two bills which I introduced relating to process patents and reform of the International Trade Commission. However, our work will not be complete until we enact H.R. 4307. This bill modifies the test for obtaining a process patent. It overrules *In Re Durden* (1985), a case frequently criticized that has been cited by the Patent Office as grounds for denial of biotech patents, as well as chemical and other process patent cases.

Because so many of the biotech inventions are protected by patents, the future of that industry depends greatly

on what Congress does to protect U.S. patents from unfair foreign competition. America's foreign competitors, most of whom have invested comparatively little in biotechnology research, have targeted the biotech industry for major and concerted action. According to the Biotechnology Association, in Japan the Ministry of International Trade and Industry [MITI] and the Japanese biotechnology industry have joined forces and established a central plan to turn Japanese biotechnology into a 127 billion yen per year industry by the year 2000. If we fail to enact this legislation, the Congress may contribute to fulfillment of that projection.

In conclusion, Mr. Speaker, this is important legislation. The biotech industry is an immensely important industry started in the United States with many labs housed in California. In the decade ahead, biotechnology research will improve the lives and health of virtually every American family. It will put people to work and it will save people's lives. I urge its adoption.

Mr. Speaker, I yield back the balance of my time.

Mr. HUGHES. Mr. Speaker, I yield such time as he may consume to the distinguished chairman of the full Committee on the Judiciary, the gentleman from Texas [Mr. BROOKS].

Mr. BROOKS. Mr. Speaker, the patent provisions of H.R. 4307 represent a long sought solution to the vexing problem of process patent protection. For too long, confusion in our patent law and practice has permitted foreign manufacturers to exploit the creativity of U.S. companies and inventors. H.R. 4307 modifies the examination for process patents to eliminate the non-obviousness requirement for otherwise patentable processes connected to patentable products.

For newly emerging industries, such as biotechnology firms, the legislation will give the needed certainty to continue to make needed strides in medical and scientific advances. At the same time, I am confident that this legislation will not have undue consequences on industries vital to our economy, such as the chemical industry. The legislation is intended to solve existing problems, not to cause new ones for industries that have functioned smoothly within the current system.

I congratulate Congressman BILL HUGHES, chairman of the Subcommittee on Intellectual Property and Judicial Administration, and Congressman CARLOS MOORHEAD, the ranking subcommittee member, for their steadfast dedication to this issue. The proposal before the House today reflects years of work on this issue.

With regard to the copyright provisions of this bill, they are the same as were passed on November 20, 1993, when the House adopted H.R. 897 by voice

vote. These provisions are designed to bring needed reforms to the copyright office registration process by removing bureaucratic obstacles to the protection and enforcement of copyrights.

Again, Congressmen HUGHES and MOORHEAD are to be particularly commended for their fine work as leaders in the copyright field.

This package deserves the support of the House of Representatives, and I urge my colleagues to vote "aye."

Mr. HUGHES. Mr. Speaker, I yield myself 30 seconds.

Mr. Speaker, I take this time to single out particularly the gentleman I am going to yield to next, RICK BOUCHER, the gentleman from Virginia, who has developed an expertise in the intellectual property area second to none. This has been one of his loves for a long time.

He introduced, I guess, about 5 or 6 years ago, a bill that was both industry-specific as well as generic to try to fix a very serious problem that has evolved over the years in the biotechnology process patent area. I might say that this is a highly complex area. It does put industry at a tremendous competitive disadvantage in this country vis-a-vis foreign industries, and this is going to correct that loophole.

The gentleman is a very, very good Member. In addition to being patient, he has been patient with this subcommittee because we had waited on the courts for the better part of 2 years. We thought that they would solve this issue. Then we thought that the PTO would resolve this administratively.

I want to acknowledge in particular the work of the gentleman from Virginia.

Mr. Speaker, I yield 4 minutes to the gentleman from Virginia [Mr. BOUCHER].

Mr. BOUCHER. I thank the gentleman for yielding this time to me. I want to express my appreciation to the gentleman from New Jersey [Mr. HUGHES] for those kind remarks.

Mr. Speaker, I also want to thank the gentleman from New Jersey [Mr. HUGHES] for directing the House's attention to a very urgent need of one of the most commercially important industries in the United States, and that is the biotechnology industry. The gentleman has responded very effectively to the arguments that I raised along with the gentleman from California [Mr. MOORHEAD] some several years ago about a defect in the patent law that serves as a real inhibition to the forward progress of the biotechnology industry.

That industry is itself a bright promise for the success of this Nation in international markets. It is a unique American enterprise that has created to date approximately 70,000 highly skilled, high-wage jobs and has the promise to do much more in the future.

Biotechnology firms are making major contributions to this Nation's social needs in the area both of health care and agriculture.

On the market today are products derived from biotechnology for the treatment of cancer, diabetes, and heart attacks. Firms are now developing potential treatments or even cures for AIDS, Alzheimer's disease, cystic fibrosis, and Lou Gehrig's disease.

Yet the promise of this industry is seriously challenged by a simple and obvious inadequacy in the Nation's patent laws. That inadequacy opens the door for foreign firms to expropriate American inventions and compete in this country directly with the inventing firm. In essence, the patent law confers an advantage on foreign companies not enjoyed by U.S. firms and actually encourages a pilfering of U.S. creativity.

We have numerous examples of that practice occurring. It is that defect in our patent law that the legislation before the House now is designed to address.

The bill offered by the gentleman from New Jersey [Mr. HUGHES] addresses that need by opening the door to a more certain award of process patents for biotechnology firms and other inventors. It will markedly improve the commercial prospects for an industry which will in the future make enormous contributions to the U.S. economy. I am pleased to rise in support of the legislation.

Mr. Speaker, I again commend the gentleman from New Jersey [Mr. HUGHES] and the gentleman from California [Mr. MOORHEAD] for their steadfast and productive work in bringing this measure before the House and I thank again the gentleman from New Jersey.

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

The SPEAKER pro tempore (Mr. HASTINGS). The question is on the motion offered by the gentleman from New Jersey [Mr. HUGHES] that the House suspend the rules and pass the bill, H.R. 4307, 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: "A bill to amend title 35, United States Code, with respect to applications for process patents, and for certain other purposes."

A motion to reconsider was laid on the table.

□ 1700

#### GENERAL LEAVE

Mr. HUGHES. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise

and extend their remarks on the legislation just considered and adopted.

The SPEAKER pro tempore (Mr. HASTINGS). Is there objection to the request of the gentleman from New Jersey?

There was no objection.

#### CORRECTING ENGROSSMENT OF AMENDMENT OF THE HOUSE TO S. 725, PROVIDING FOR STUDIES AND PROGRAMS WITH RESPECT TO TRAUMATIC BRAIN INJURY

Mr. WAXMAN. Mr. Speaker, I offer a resolution (H. Res. 534) to correct the engrossment of the amendment of the House of Representatives to the Senate bill (S. 725), and I ask unanimous consent for its immediate consideration.

The Clerk read the title of the resolution.

The text of House Resolution 534 is as follows:

H. RES. 534

*Resolved,*

#### SECTION 1. RETURN.

The Senate is requested to return to the House of Representatives the amendment of the House to the Senate bill (S. 725).

#### SEC. 2. CORRECTION.

Upon the return of the House amendment to the Senate bill (S. 725), the Clerk of the House of Representatives shall make the following change in the engrossment of the House amendment: Strike section 5 and insert the following:

#### SEC. 5. STATE STANDARDS.

(a) PREEMPTION.—Section 403A(a) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 343-1(a)) is amended—

(1) in paragraph (1), by inserting at the end the following: "except that this paragraph does not apply to a standard of identity of—

"(A) a State or political subdivision of a State for maple syrup which is of the type required by sections 401 and 403(g), or

"(B) a State for fluid milk which is of the type required by sections 401 and 403(g) and which specifies a higher minimum level of milk components than is provided for in the corresponding standard of identity promulgated under section 401,"

(2) in paragraph (2), by inserting at the end the following: "except that this paragraph does not apply to a requirement of a State or political subdivision of a State which is of the type required by section 403(c) and which is applicable to maple syrup,"

(3) in paragraph (3), by inserting at the end the following: "except that this paragraph does not apply to a requirement of a State or political subdivision of a State which is of the type required by section 403(h)(1) and which is applicable to maple syrup," and

(4) by adding at the end the following: "For purposes of paragraph (1)(B), the term 'fluid milk' means liquid milk in final packaged form for beverage use and does not include dry milk, manufactured milk products, or tanker bulk milk."

(b) PROCEDURE.—Section 701(e)(1) of such Act (21 U.S.C. 371(e)(1)) is amended by striking "or maple syrup (regulated under section 168.140 of title 21, Code of Federal Regulations)".

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

Mr. MOORHEAD. Mr. Speaker, reserving the right to object, I will not object, but I would like to request that the gentleman from California [Mr. WAXMAN] explain exactly what this unanimous-consent request includes.

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

Mr. MOORHEAD. I yield to the gentleman from California.

Mr. WAXMAN. Mr. Speaker, this resolution corrects the engrossment of S. 725, a bill passed by the House. The correction replaces two paragraphs of the Senate-passed bill which were inadvertently omitted in the House-passed version. This will correct, I think, technically what we all tried to accomplish.

Mr. MOORHEAD. Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection. The resolution was agreed to.

A motion to reconsider was laid on the table.

#### VEGETABLE INK PRINTING ACT OF 1994

Mr. CONDIT. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 716) to require that all Federal lithographic printing be performed using ink made from vegetable oil and materials derived from other renewable resources, and for other purposes, as amended.

The Clerk read as follows:

S. 716

*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 "Vegetable Ink Printing Act of 1994".

#### SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds the following:

(1) More than 95 percent of Federal printing involving documents or publications is performed using lithographic inks.

(2) Various types of oil, including petroleum and vegetable oil, are used in lithographic ink.

(3) Increasing the amount of vegetable oil used in a lithographic ink would—

(A) help reduce the Nation's use of non-renewable energy resources;

(B) result in the use of products that are less damaging to the environment;

(C) result in a reduction of volatile organic compound emissions; and

(D) increase the use of renewable agricultural products.

(4) The technology exists to use vegetable oil in lithographic ink and, in some applications, to use lithographic ink that uses no petroleum distillates in the liquid portion of the ink.

(5) Some lithographic inks have contained vegetable oils for many years; other lithographic inks have more recently begun to use vegetable oil.

(6) According to the Government Printing Office, using vegetable oil-based ink appears

to add little if any additional cost to Government printing.

(7) Use of vegetable oil-based ink in Federal Government printing should further develop—

(A) the commercial viability of vegetable oil-based ink, which could result in demand, for domestic use alone, for 2,500,000,000 pounds of vegetable crops or 500,000,000 pounds of vegetable oil; and

(B) a product that could help the United States retain or enlarge its share of the world market for vegetable oil-ink.

(b) PURPOSE.—The purpose of this Act is to require that all lithographic printing using ink containing oil that is performed or procured by a Federal agency shall use ink containing the maximum amounts of vegetable oil and materials derived from other renewable resources that—

(1) are technologically feasible, and

(2) result in printing costs that are competitive with printing using petroleum-based inks.

#### SEC. 3. FEDERAL PRINTING REQUIREMENTS.

(a) GENERAL RULE.—Notwithstanding any other law, and except as provided in subsection (b), a Federal agency may not perform or procure lithographic printing that uses ink containing oil if the ink contains less than the following percentage of vegetable oil:

(1) In the case of news ink, 40 percent.

(2) In the case of sheet-fed ink, 20 percent.

(3) In the case of forms ink, 20 percent.

(4) In the case of heat-set ink, 10 percent.

(b) EXCEPTIONS.—

(1) EXCEPTIONS.—Subsection (a) shall not apply to lithographic printing performed or procured by a Federal agency, if—

(A) the head of the agency determines, after consultation with the Public Printer and within the 3-year period ending on the date of the commencement of the printing or the date of that procurement, respectively, that vegetable oil-based ink is not suitable to meet specific, identified requirements of the agency related to the printing; or

(B) the Public Printer determines—

(i) within the 3-month period ending on the date of the commencement of the printing, in the case of printing of materials that are printed at intervals of less than 6 months, or

(ii) before the date of the commencement of the printing, in the case of printing of materials that are printed at intervals of 6 months or more;

that the cost of performing the printing using vegetable oil-based ink is significantly greater than the cost of performing the printing using other available ink.

(2) NOTICE TO CONGRESS.—Not later than 30 days after making a determination under paragraph (1)(A), the head of a Federal agency shall report the determination to the Committee on Government Operations and the Committee on House Administration of the House of Representatives, and the Committee on Rules of the Senate.

(c) FEDERAL AGENCY DEFINED.—In this Act, the term "Federal agency" means—

(1) an executive department, military department, Government corporation, Government-controlled corporation, or other establishment in the executive branch of the Government (including the Executive Office of the President), or any independent regulatory agency; and

(2) an establishment or component of the legislative or judicial branch of the Government.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from

California [Mr. CONDIT] will be recognized for 20 minutes, and the gentleman from California [Mr. HORN] will be recognized for 20 minutes.

The Chair recognizes the gentleman from California [Mr. CONDIT].

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

Mr. Speaker, we have an opportunity today to pass a bill that will help our farmers, increase reliance on a renewable resource, and improve the environment. We can accomplish all of this at no cost. The Vegetable Ink Printing Act provides this opportunity by directing the Federal Government to increase its use of vegetable ink for printing.

Today, over 95 percent of Federal printing of documents or publications is performed using lithographic inks. Lithographic ink is petroleum based and heavily dependent on the use of resins and solvents. S. 716 requires that all Federal lithographic printing use ink made from vegetable oil or other materials derived from renewable resources in place of lithographic ink.

This bill presents a win-win situation for the American people. Increasing use of vegetable ink will provide another market for our farmer's crops, increased reliance on renewable agricultural resources, and improve the environment by reducing emissions of volatile organic compounds. Best of all, there is no increased cost associated with these benefits.

Vegetable ink was developed by the American Newspaper Publishers Association during the oil crisis of the 1970's. The ink has been vigorously promoted by the American Soybean Association and by the National Soy Ink Information Center. As a result of these efforts, vegetable ink is available today at a price that is competitive with petroleum based inks.

S. 716 passed the Senate without dissent. The bill is supported by the printing industry, the Government Printing Office, and the American Soybean Association.

The Committee on Government Operations made a few small amendments to the Senate-passed bill. A slight alteration has been made that will provide some administrative flexibility. A provision has been added to allow an exception if vegetable ink does not meet the needs of a specific printing job.

For example, the Treasury Department tells us that vegetable ink cannot be used for printing checks because it may compromise security requirements. The new provision will allow the Treasury Department to continue to use other types of ink.

I want to emphasize that this bill will cost nothing to implement. The Congressional Budget Office has estimated that enactment of S. 716 would not affect direct spending or receipts. The Public Printer testified that the

bill can be implemented without additional cost. And just in case there is any doubt, the bill includes an exemption in the event that the Public Printer determines that the cost of using vegetable ink is significantly greater than the cost of using other available ink.

I want to thank the gentleman from Illinois [Mr. DURBIN] for introducing this bill and for calling it to our attention.

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

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

Mr. Speaker, on behalf of the ranking Republican, the gentleman from Wyoming [Mr. THOMAS] and myself, I rise in support of S. 716. Specifically this legislation increases the use of vegetable oil based ink for all printing performed or procured by Federal agencies. Several States, such as Illinois, Iowa, South Dakota, already require its use. S. 716 complements these efforts and expands the cleaner technology to the Federal level. The Government Printing Office testified that the quote, Vegetable Ink Printing Act, unquote, will not significantly increase Federal printing costs. Agencies will be exempted from the act if the vegetable oil based ink is not cost effective or suitable for a specific printing job.

I recommend that my colleagues support this legislation.

Mr. Speaker, I yield 4 minutes to the gentleman from Nebraska [Mr. BEREUTER] who is in support of the bill.

Mr. BEREUTER. Mr. Speaker, as an original sponsor of nearly identical legislation introduced in the House, this Member rises in strong support of S. 716, legislation which seeks to expand the use of vegetable-based inks for Federal printing purposes and I commend the members of this committee for advancing this legislation.

The Vegetable Ink Printing Act, S. 176, would require that Federal lithographic printing be performed using vegetable-based inks when technologically feasible and cost-competitive. Therefore, this legislation does not mandate the use of these inks but rather encourages Federal printers to utilize vegetable-based inks when appropriate.

Mr. Speaker, by promoting the use of vegetable-based inks for Federal printing purposes, this legislation will reduce our Nation's dependence on foreign petroleum-based products, reduce volatile organic compounds emissions which are harmful to the environment, and increase the demand for our Nation's renewable agricultural products.

The U.S. Department of Agriculture is already using vegetable-based inks for its printing purposes. According to the USDA, approximately \$26 million in annual USDA printing will be performed with ink derived from agricultural products. Similarly, many news-

papers including the Nation's largest circulation newspaper, the Los Angeles Times, are major users of one particular type of vegetable ink, soy ink.

Mr. Speaker, this Member strongly supports this legislation which will, among other things, open the vast Federal printing market to vegetable-based inks. This initiative could potentially result in the demand for 2,500,000,000 pounds of vegetable crops or 500,000,000 pounds of vegetable oil in the U.S. printing market alone. It also helps to ensure that the United States will retain, or perhaps increase, its share of the world market for vegetable ink. Clearly, this legislation is good for our agricultural industry, and it is good for our environment.

In closing, this Member urges his colleagues to support this legislation, and this Member would like to commend the gentleman from Illinois [Mr. DURBIN] for his hard work in initiating this effort in the House and the gentlemen from Minnesota and Iowa respectively, Mr. PENNY and Mr. LEACH, who are also energetic original cosponsors of this important initiative.

□ 1710

Mr. CONDIT. Mr. Speaker, I yield 4 minutes to the gentleman from Illinois [Mr. DURBIN].

Mr. DURBIN. Mr. Speaker, let me first thank the gentleman from California [Mr. CONDIT] for his hard work on this. I also would like to thank the gentleman from Michigan [Mr. CONYERS], the chairman of the committee, who has agreed to allow this bill to come forward during the closing weeks of the session.

My colleague, the gentleman from Nebraska [Mr. BEREUTER] recently mentioned on the floor here that several of us a year ago introduced this legislation. The gentleman from Iowa [Mr. LEACH], the gentleman from Minnesota [Mr. PENNY], the gentleman from Nebraska [Mr. BEREUTER], and myself put this bill before the Congress in the hopes we could address what we consider to be a problem and an opportunity.

Over the years, attention has arisen between the environmental community and the agricultural community in the United States. I personally believe that much of that tension is unnecessary and unwarranted. There are many areas where the environmental community and the agricultural community in our country can come together, work together, and find commonality.

I will readily concede there are going to be extremists on both sides who will never open a dialog. But this bill is an example of where a constructive dialog between the environmental community and the agricultural community can have positive results.

We are dealing with what appears to be a very simple problem, but what can be a very serious problem, and that is

the fact that petroleum-based inks, which are used primarily for printing in the United States, are not biodegradable and can create serious environmental problems.

Several years ago, experimentation led to the development of biodegradable ink, or vegetable oil ink, specifically soybean-based ink, that is now being used across the United States in newspapers every day. American readers and consumers may not be aware of the fact that a different kind of ink is being used. Those in the industry are aware of it, because it is a lot easier to work with and creates fewer environmental headaches.

We thought for many years the Federal Government should get on the bandwagon and show leadership by encouraging the use of soy ink in Federal agencies. This legislation is an attempt to achieve just that. We have written this bill with intentional flexibility, so that each agency in the Federal Government, should it decide a different type of ink is warranted, can turn to it. We have made sure that we will always be cost conscious, as the taxpayers want us to be when it comes to the use of this product, and we do not want to create a mandate that this ink be used if in fact it turns out to be more expensive in a certain application.

I think this bill is a sensible start. I know there are Members in the other body anxious to receive the bill and pass it and have it signed into law. My only hope is that should that bill signing take place, that President Clinton will fill his fountain pen with soy ink in a symbolic effort to recognize this is the wave of the future and that this bill will start the Federal Government down the path toward more cooperation between environmental and agricultural causes.

Mr. LEACH. Mr. Speaker, I rise in strong support of S. 176, the Vegetable Ink Printing Act of 1994. As the original author of Model legislation on this subject in prior Congresses and as an original cosponsor of this bill, I am convinced its passage makes good economic and good environmental sense.

I want to thank the gentleman from Illinois [Mr. DURBIN] for his leadership on the issue, as well as Pat Saunders and Tom Faletti of Mr. DURBIN's staff for their dedicated efforts on behalf of this bill. In addition, Chairman CONDIT and the ranking member, Mr. THOMAS, of the Subcommittee on Information, Justice, Transportation and Agriculture of the Committee on Government Operations are to be commended for their support and legislative guidance.

As has previously been explained, S. 176 would require that all printing performed or procured by the Federal Government use ink made from vegetable oil wherever doing so is technologically feasible and cost competitive.

The use of vegetable—as opposed to petroleum-based—newsprint inks by

Federal agencies represents progressive change in Government printing and procurement practices because it makes Federal printing more environmentally sound. Increasing the utilization of renewable resources produced by our American farmers decreases America's reliance on foreign oil.

Vegetable ink is not only environmentally friendly, but printers have found that it provides better color reproduction, makes for easier press cleanup and is less susceptible to smearing. Vegetable ink is also economical because it goes further. In fact in certain print applications, 10 to 20 percent less vegetable ink is required to do the same job as petroleum-based ink.

On the environmental side of the ledger, vegetable ink has been found to be easier to remove from paper pulp prior to recycling, causing less damage to the pulp fibers during deinking. This not only speeds up and makes recycling easier, but it contributes to better quality recycled paper. In addition, substantially less pollutants are released into the air in the drying process with the use of vegetable ink.

Major newspapers using vegetable inks are: the L.A. Times, Denver Post, Detroit Free Press, Milwaukee Journal-Sentinel, Boston Globe, Washington Times, St. Petersburg Times, USA Today, Cedar Rapids Gazette, Quad-City Times, and Des Moines Register. In fact, over 3,000 U.S. newspapers use vegetable ink, including three fourths of all daily newspapers.

The expanded use of vegetable ink makes good sense for American agriculture as well.

If Federal farm program payments are to come down without precipitating a depression in the heartland, it is crucial that new demand be developed for agricultural products. The use of vegetable ink to print Federal publications will contribute to the expansion of the manufacturing base for this ink. As use of soy oil expands as a base for ink, it is estimated that soybean demands could approach the 100 million bushel level, a significant addition to the market. This would in turn contribute to the United States retaining or enlarging its share of the world market for newsprint ink.

The words of former Public Printer Robert W. Houk perhaps best sum up the arguments for the increased use of vegetable ink this bill would require. According to Mr. Houk in a letter written to me 5 years ago, "the use of soybean oil ink could help decrease our reliance on foreign oil that is used in the petroleum-based inks, reduce our stack emissions of pollutants, and help over half a million American farmers who currently grow soybeans."

Like ethanol, soy ink is just another example of a value added commodity which is essential to keep our rural economy strong. The future of the Mid-

west literally depends upon finding new markets for products derived from the soil. Soy ink is a wonderful example. It's good for the environment, good for the pocketbook, good for the farmer.

In conclusion, I would like to thank Jo Patterson and Chad Kleppe of the Iowa Soybean Association who have worked steadfastly with the National Soy Ink Information Center on behalf of this important legislation.

Again, Mr. Speaker, unlike some things we do here, S. 716 makes good sense. I urge its passage.

Mr. POSHARD. Mr. Speaker, I rise in strong support of this measure to expand the use of value-added agriculture products to provide new markets for American farmers, particularly our soybean farmers.

This is good legislation. The use of soy inks and other vegetable-oil inks in our Federal printing operations benefits farmers who are seeking new markets for their products, reduces our dependence on foreign oil, and is proven to be environmentally sound. We have taken measures to ensure that the requirements in this bill will not cause any disruption in the printing operations of the Federal Government and will not increase costs to the taxpayers.

I want to thank my colleagues from Illinois, Iowa, and other farm States who have worked so hard on this legislation. I am pleased to have been part of the effort, and look forward to working with them on this important effort.

Mr. JOHNSON of South Dakota. Mr. Speaker, I rise in strong support of S. 716, the Vegetable Ink Printing Act.

This legislation offers an important opportunity for this country to expand its markets for agricultural products, while placing no additional burden on our taxpayers. The bill calls for one simple step forward: all Government lithographic printing be done with vegetable-based ink to the maximum extent technologically feasible and commercially cost-competitive. No objections to this proposal have been raised by any organization or one single Member of the Senate. An official from the Government Printing Office has testified that there would be no practical problems with implementing this proposal.

The importance of this potential market for our ag products should not be underestimated. The Department of Agriculture has already moved forward to implement the provisions of this bill, and that Department alone will bring at least \$26 million of orders per year printed with vegetable ink.

Mr. Speaker, I stand with the members of the American Soybean Association, the National Corn Growers Association, the Corn Refiners Association, Communicating for Agriculture, the Consumer Federation of America, and a number of other ag organizations to support this bill.

Mr. SMITH of Michigan. Mr. Speaker, I rise to support this legislation as a strong supporter and as the sponsor of House Concurrent Resolution 231.

That resolution encourages the Federal Government to use vegetable-based oil to the greatest extent practicable in lithographic printing. The use of soy ink by Government would use an estimated additional 40 million bushels of soybeans.

Greater use of vegetable oil in lithographic ink will increase the consumption of domestic renewable resources and help reduce our dependence on imported petroleum. Vegetable-based inks are environmentally friendly. Vegetable-based inks reduce emissions of volatile organic compounds during press operation and cleanup and are more biodegradable than petroleum-based inks.

The Government Printing Office already uses vegetable oil in 25 to 30 percent of its in-plant production/printing of documents and publications. The GPO received approval last year to purchase three new letterpresses capable of using vegetable inks in printing production. According to the GPO, using vegetable-based ink in Federal printing adds little, if any, cost to printing. This is excellent legislation and I compliment the sponsor and other leaders of this body for guiding this bill to passage.

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

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

The SPEAKER pro tempore (Mr. HASTINGS). The question is on the motion offered by the gentleman from California [Mr. CONDIT] that the House suspend the rules and pass the Senate bill, S. 716, as amended.

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

A motion to reconsider was laid on the table.

#### GENERAL LEAVE

Mr. CONDIT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on S. 716, as amended, the bill just passed.

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

There was no objection.

#### LIFT THE EMBARGO ON ARMENIA AND NAGORNO-KARABAKH

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

Mr. WOLF. Mr. Speaker, I rise today to inform my colleagues about my recent trip to Nagorno-Karabakh, Armenia, and Azerbaijan and to submit a copy of my report into the RECORD. I traveled to the region to view firsthand the situation in the enclave of Nagorno-Karabakh and to meet with government officials on both sides of the conflict. This region is largely forgotten but desperately needy.

I saw horrible conditions. Doctors are operating without anesthesia using only a stiff dose of cognac. Land mines planted by the retreating Azeri army

have caused injury and amputation of limbs of women and children as well as soldiers. People are living in hazardous partially bombed-out apartment buildings in the cities and in lean-tos among the debris of totally demolished villages in the rural areas.

But the governments on both sides want resolution. I think the administration should appoint a special envoy and put pressure on the governments of Turkey and Azerbaijan to lift the embargo on Armenia and Nagorno-Karabakh to allow resources, including electricity, to begin flowing into the region. The winter will be harsh and hundreds will die if this blockade continues.

Let us not forget the people of Nagorno-Karabakh.

Mr. Speaker, I am inserting at this point in the RECORD a copy of the report of my trip to Nagorno-Karabakh, Armenia, and Azerbaijan as follows:

REPORT OF CONGRESSMAN FRANK R. WOLF (MEMBER OF CSCE) TRIP TO NAGORNO-KARABAKH, ARMENIA AND AZERBAIJAN, AUGUST, 1994

As part of a delegation organized by Christian Solidarity International I recently traveled to Nagorno Karabakh, Armenia and Azerbaijan to view firsthand the situation in the disputed enclave of Nagorno-Karabakh and to meet with officials on both sides of the continuing conflict. The Nagorno-Karabakh leg of the visit was led by Baroness Caroline Cox of the House of Lords, U.K. who was bringing humanitarian relief supplies from the British people and volunteer construction workers and nurses to the beleaguered area. Representatives of Christian Solidarity International and members of British media were also in our group.

#### BACKGROUND

Nagorno-Karabakh is a mountainous region within the boundaries of the country of Azerbaijan very near the Armenian border. In 1921 Stalin, then Commissar for Nationality Affairs in the Transcaucasia Bureau of the Communist Party, declared Nagorno-Karabakh to be an autonomous region controlled by Azerbaijan as part of his divide and rule policy for nationalities. Historically, the majority of the population has been Armenian and the people have always had close ethnic, religious and familial ties with Armenia. So with the breakup of the Soviet Union, the Karabakh Armenians in 1987 petitioned for inclusion of Nagorno-Karabakh in the state of Armenia. In 1991, they petitioned for independent state status.

Azerbaijan considered this petition to be a matter of territorial integrity and refused to allow it. In 1988, large demonstrations were held by Armenians both in Nagorno-Karabakh and Armenia. With Karabakh Armenians insisting on independence and Azerbaijan insisting that Nagorno-Karabakh is Azeri territory with the Karabakhis in internal rebellion, the stalemate has escalated into a full-scale war over the past six years.

The result has been immense suffering on both sides and numerous incidents of atrocities. Thousands of Armenian Karabakhis and Azeris have been killed and wounded. Deportations and resettlements for ethnic cleansing have taken place. There are over one million refugees and internally displaced persons, villages destroyed in both Nagorno-Karabakh and nearby areas of Azerbaijan.

Azerbaijan and its ally Turkey have blockaded Nagorno-Karabakh and Armenia cutting shipments of all supplies and resources, including electricity. During our Nagorno-Karabakh visit, there was no hot water at all and sporadic periods of electric blackouts. In Armenia there is electricity only a few hours every day. Feeling pushed and surrounded, Armenia has reluctantly accepted the return of Russian military troops to its soil. To date the Azerbaijanis have resisted the offer of Russian troops.

Currently the Karabakh Armenians have the upper hand militarily. There has been a ceasefire in effect since May which has allowed some negotiations to go forward.

There is a struggle over the peace process. The CSCE, on which I serve, created the Minsk Group to come up with a plan. The Russians have made their own proposal. Neither Nagorno-Karabakh or Azerbaijan appear to be satisfied with either plan.

#### OBSERVATIONS

Armenia is committed to the Nagorno-Karabakh struggle for independence. Even after suffering six years of war, the Karabakhis are determined to go on until they gain independence from Azerbaijan, as one person said, "for every last man, woman and child of Nagorno-Karabakh." The people of Nagorno-Karabakh have lived in war conditions and endured many losses and deprivations, yet they show great resilience. They are very hospitable and make do with what they have, even sharing their meager possessions. While fervently wishing for peace, they remain ready to continue their struggle.

There is widespread destruction throughout Nagorno-Karabakh, but some rebuilding has begun among the rubble despite the expectation by many Karabakhis that the ceasefire will end and an Azeri offensive will start.

The food, medicine and shelter needs in Nagorno-Karabakh are great. Doctors told us of surgery done without anesthesia using only a stiff dose of local cognac. Land mines planted by retreating Azerbaijanis have caused injury necessitating amputation of limbs of women and children as well as soldiers. Because of the ceasefire, some supplies have recently come in to Nagorno-Karabakh and the growth of summertime local crops have sustained the people somewhat. But the living conditions are still bleak. We saw people living in hazardous partially bombed-out apartment buildings in the cities of Stepanakert and Shusha and found rural peasants living in lean-tos amid the debris of totally demolished villages and virtually deserted villages.

I am greatly concerned about the hardships that the winter will cause these people, as winters are severe in this mountainous region.

Compounding the plight of Nagorno-Karabakh has been the absence of outside international attention. Since it is a blockaded enclave within hostile Azeri territory, Nagorno-Karabakh is effectively shut off from entry by outsiders. Movement into and out of Nagorno-Karabakh is nearly impossible. Also, since it is still officially part of Azerbaijan and disputed territory, U.S. officials (because the U.S. maintains diplomatic relations with Azerbaijan) are not allowed to visit Nagorno-Karabakh.

Other than Baroness Caroline Cox of the British House of Lords, who has made 21 visits to Nagorno-Karabakh, no Western officials have had sustained contact with the enclave. The U.S. State Department has de-emphasized resolution of the conflict by replac-

ing former negotiator John Maresca, who focused only on the Nagorno-Karabakh conflict and retired earlier this year, with a representative assigned to monitor all ethnic conflicts in the former Soviet republics.

Aside from some assistance funneled to Nagorno-Karabakh from Armenia (including aid from the world wide Armenian community), we heard that the only international groups assisting in Nagorno-Karabakh are the International Red Cross monitoring the war situation and prisoners of war, the French Medicines Sans Frontiers, and Christiana Solidarity International who have provided some humanitarian aid.

The Azerbaijanis are also suffering greatly from this war. Their officials report a million Azeri refugees and internally displaced persons scattered in ill-equipped camps throughout Azerbaijan. They have lost access to the crops grown in Nagorno-Karabakh which supplied one-third of their total grain needs. We heard stories (one from an Azeri prisoner of war) that young Azeri men are being conscripted into military service right off the streets.

The war effort has seriously hampered economic conditions and development of Azerbaijan's vast natural resources such as oil. Continued instability caused by the war may cause Western companies to lose interest in investing in Azerbaijan's resources.

We met with a group of private voluntary organizations who are actively supplying aid to Azeri refugees and IDPs, but they reported that their combined efforts do not meet the needs of the people.

#### CONCLUSIONS

While the parties involved must reach agreement among themselves, the U.S. clearly has a role to play in aiding the peace process.

The U.S. should have a full-time special envoy working on this problem, taking an active role in bringing the parties together for resolution. There should be no U.S. military involvement.

The West should understand that Nagorno-Karabakh has every right to expect some form of independence based upon agreed to borders.

The U.S. should do everything possible to encourage Azerbaijan and Turkey to lift their blockades which are causing untold misery. Lifting the blockade may be the key to unlocking the peace process.

I believe introduction of Russian troops is a mistake. I see this as a means for them to re-establish their sphere of influence in the region. Russian troops are now present in Georgia, Moldova and Armenia and are interested in entering Azerbaijan. We need to be sure that the CIS (Confederation of Independent States) does not become the FIS (Formerly Independent States) and that these countries maintain their independence.

More PVO's should be encouraged to be active in Armenia, Nagorno-Karabakh and Azerbaijan to help the suffering people of all three areas.

While I favor continuation of Section 907 of the Freedom Support Act until the blockades are lifted, I believe there must be some flexibility in the enforcement so the PVOs have the ability to help the people in Azerbaijan. The PVOs providing needed assistance have been hampered by too strict interpretation of the 907 language.

Private groups should be encouraged to help with deactivating the many hidden land mines which remain in Nagorno-Karabakh causing continued maiming of the civilian population.

Its important for leaders of all sides to resolve this issue because the people are suffering so much and because the region has great

opportunity to flourish. There should be a bright future because of the natural resources of the area as well as the personal qualities of the people of both countries.

## MEETINGS

## NAGORNO-KARABAKH

Zori Balayan, Writer and member of Nagorno-Karabakh parliament.

Karon Barbourian, Speaker of Nagorno-Karabakh parliament.

Azeri prisoners-of-war.

## ARMENIA

Serge Sarkissian, Minister of Defense.

Gragik Haratounian, Vice President of Armenia.

Robert Robinson, U.N. High Commissioner for Refugees representative.

Robert McClendon, U.S. Peace Corps Director in Armenia.

John Lynn, TACIS representative (European Union's technical assistance program).

Harry Gilmore, U.S. Ambassador to Armenia.

Edith Khachatourian, Director of Yerevan office of Armenia Assembly of America.

## AZERBAIJAN

Heydar Aliyev, President of Azerbaijan.

Hassan Hassanov, Minister of Foreign Affairs.

Rasul Quliyev, Speaker of Parliament.

Ramig Maharrousi, Azeri refugee from Nagorno-Karabakh, doctor, Chief of Shusha clinic for refugees in Baku.

Representatives from PVOs: Save the Children—Lutful Kabir and Mike Kendellen; Inter. Federation of the Red Cross and Red Crescent—Daniel Valle and John Maim; U.N. World Food Programme—Ann Hudacek; CARE-USA—G.S. Azam; World Vision International—Keith Buck; Relief International—Mary Taylor; International Rescue Committee—Richard Jacquot; and U.N.H.C.R.—Yan Long.

Richard D. Kauzlarich, U.S. Ambassador to Azerbaijan.

□ 1720

## SPECIAL ORDERS

The SPEAKER pro tempore (Mr. MCHALE). Under the Speaker's announced policy of February 11, 1994, and June 10, 1994, and under a previous order of the House, the following Member is recognized for 5 minutes.

## ON HAITI INVASION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota [Mr. GRAMS] is recognized for 5 minutes.

Mr. GRAMS. Mr. Speaker, the images televised live yesterday morning from the International Airport in Port au Prince, Haiti were dramatic indeed: Dozens of heavily armed Army helicopters landing and unloading hundreds of young American troops. The soldiers, not knowing if unseen snipers were lying in wait, crawled carefully across the tarmac and secured the nearby airport facilities.

With hearts pounding and sweat dripping, young Americans risked their lives yesterday, and for how much longer we don't know, to restore ousted President Jean-Bertrand Aristide to

power. And through the latter part of the day, where was their commander in chief? Playing golf, yes, President Clinton, the Commander in Chief of the U.S. Armed Forces was playing golf.

What's wrong with this picture? By the standards of the American people, everything. By the standards of the President and his administration, nothing.

Three reasons stand out in my mind as to why we shouldn't be in Haiti. First, and most importantly, returning Aristide to power isn't worth risking one American life. Aristide has a disgraceful human rights record of his own and though elected by popular vote, his brand of democracy is a far cry from the freedoms we cherish in the United States. He ruled as a dictator.

Second, President Clinton has ignored the will of the American people, shunned this Congress, and instead turned to the United Nations for validation of his on-again off-again foreign policy. Ceding power to a governing body that in no way answers to the American people is a dangerous precedent. Ultimately, it is an abdication of responsibility that we as a nation must not tolerate.

And, third, where's the plan? Where's the strategy. Now that we're in Haiti, what's our mission, and when are we coming back? The American people remember our failed mission in Somalia and fear that a haphazard invasion of Haiti could yield the same deadly results.

Until he was deposed, Aristide had nothing but contempt for America. In a 1990 Haiti radio interview regarding United States calls for elections, Aristide stated:

[The Americans] want to hold our guts \*\*\* in their hands. Thus, we will be economically [and] politically dependent. For our part, we reject this.

Aristide, you may remember, also had a penchant for "necklacing" his political opponents. Necklacing is a horrific means of execution whereby auto tires filled with gasoline are placed around the necks of the victims and set afire. Not exactly the Boy Scout that the President made him out to be.

President Bush's leadership during the Persian Gulf war suggests that turning to the United Nations to validate a war or intervention is a legitimate and necessary step. However, while gaining the support of the United Nations and coalition forces was important, President Bush received the moral imperative to engage in war through the unified and vocal support of Congress and the American people.

President Clinton has set a dangerous precedent by relying on the United Nations' stamp of approval before committing U.S. forces to hostile situations. The President owes it to our troops to unite the American peo-

ple behind them before putting our young men and women in harm's way. This strengthens the morale and resolve of our troops to know that the American people are behind them.

Finally, President Clinton has failed to define a coherent foreign policy, in Haiti and elsewhere. Based on the rationalizations employed by this President in his invasion of Haiti a similar invasion of Cuba, Rwanda, and maybe a reprise of the debacle in Somalia, would also be called for.

Thank God there were no shots fired yesterday and no casualties, but the Haitian situation is volatile and we cannot let our guard down as we did in Somalia. Unless we have a clearly defined mission and exit strategy in Haiti, which we do not, we are doomed to repeat those mistakes. For the sake of the mothers and fathers of our young soldiers, Haiti cannot be a recurrence of another Somalia.

By an overwhelming majority, the American people, Members of Congress, and foreign policy experts do not support an invasion of Haiti. However, with our troops now committed, we must give them our unqualified support. And pray for their early, safe return.

Congratulations are in order to President Carter for helping to avert an initial armed conflict. However, having a former President at the foreign policy helm is damaging to President Clinton's already weak reputation among our allies and foes alike, and damaging to the long-term credibility of the United States.

Yesterday afternoon this Congress voted to commend the President for his actions in Haiti, and voice support for the troops. I voted against that measure. I certainly support our troops; however, I cannot commend the President for his use of them. If this is a success, then we don't expect very much. Haiti is a political exercise, not a coherent policy.

Imagine that, less than 24 hours into an intervention that most Americans and Congress are against, this body congratulated President Clinton. That vote was a PR stunt thrust upon us by the Democrat leadership in an attempt to make the White House look good but is an affront to the thousands of American troops in Haiti already who face unseen dangers at every turn. This invasion is far from over, and while I pray for the safety of our dedicated troops, I patiently wait for a foreign policy I can support.

From this point forward we must hold Presidents Clinton and Aristide accountable to the agreement President Carter reached. We must continue to impress upon our President that he must issue a coherent Haitian policy direction if he is to gain the lasting support of the people and Congress. We must impress upon President Aristide that he shall be held to the very high

standards expected of a democratically elected leader. With America's credibility, with America's reputation, and now with American lives all on the line, only the highest expectations should apply.

#### SUNDRY MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr. Edwin Thomas, one of his secretaries.

#### SPECIAL TASK FORCE DEVELOPMENTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oklahoma [Mr. ISTOOK] is recognized for 5 minutes.

Mr. ISTOOK. Mr. Speaker, I wanted to make this body and our guests aware of some of the new developments arising out of the special task force that the President of the United States organized last year, placing the First Lady in charge of it and involving in excess of 1,000 people ultimately in that effort.

Most people have become aware that the super secret documents which the administration fought tooth and toenail to keep secret have now at least in part been made available to the public through 264 boxes containing approximately one-half million or more pieces of paper, made available through the National Archives.

With the assistance of the Council for Government Reform and the Seniors Coalition, my staff has been going through those records and we intend to go through each and every one of them.

This is the world's largest jigsaw puzzle. And so far we have only had a first look at about a third of the pieces, about 90 of the boxes. They are terribly disorganized. And we are not sure that all the pieces are there. But answers to some key questions are beginning to come out.

Some of them are going to take a little bit of time to try to find out how much did this effort for a corrupt process and a failed health care bill for national control of health care, how much did it cost the taxpayers.

In testimony to the Appropriations Subcommittee of which I am a member, the White House told us \$325,000. Well, Mr. Speaker, we have already documented that through 24 of the members of those working groups alone, just through 24 of them, about \$700,000 was spent. And there were 1,000 people involved. We are projecting that probably that this cost the taxpayers at least \$20 million. And yet the White House tried to deceive us in Congress about the cost just as they have tried to keep the record secret.

Now, through going through these boxes, we have now found evidence that

in addition to what the court was previously advised that existed in the working groups, there was an extra one formed for a so-called single-payer system where the Government takes over all of the health care of the country, socializes all of the medicine.

□ 1730

No wonder the White House wanted to keep it secret. The head of that effort was a professor who was a socialist Marxist in charge of trying to convince the President and the First Lady that we should have a national single-payer socialized medical system.

I refer to his own writings where this gentleman, Professor Vincente Navarra, has written, and I quote from him:

The superiority of socialism can be demonstrated, and I aim at developing a Marxist theory of the State.

Further, contrary to what is widely claimed today, the socialist experience in both its Leninist and its social democratic traditions has been more frequently than not more efficient in responding to human needs than the capitalist experience.

This gentleman signed in and out of the White House 12 times during the meetings of the task force as he was promoting to the President and the First Lady a socialist single-payer plan for medicine. No wonder they did not want us to know who was working and what they were doing.

Mr. Speaker, in addition, for example, we have uncovered that there was a congressional proposal that the United States help pay for health care in Mexico, creating a treaty that would put Americans and Mexicans under the same health care system in areas along the border. Mr. Speaker, I do not think that is a proper use of American tax dollars.

Also, Mr. Speaker, we hear now different Members proposing, "Let us just have a kids first program where at least the Government guarantees health care for children." That is not new. That was the fall-back position we have found for the Clinton task force. In their documents we find that they wrote if they are unsuccessful in getting the Clinton-style, universal style health care, that they should take a kids first approach which would be used as the first step to phase in the full Clinton-style health care plan.

Those who claim right now, Mr. Speaker, that they say, "Let us just have a kids first approach," what they are saying is, "Let us take the first step down the road of the Clinton health care plan, because this will enable us to pass it all."

Mr. Speaker, we are still going through this stack of records. We are still putting together this jigsaw puzzle. It is going to take a while, but we are finding out what was being withheld from the American people. I will be reporting on it periodically as we continue this effort. I would just advise

you, Mr. Speaker, and everyone else, to stay tuned.

#### QUESTIONS TO BE ANSWERED REGARDING AMERICA'S POLICY TOWARD HAITI

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio [Mr. HOKE] is recognized for 5 minutes.

Mr. HOKE. Mr. Speaker, George Santayana said, paraphrasing Euripedes and Thucydides, that "Those who fail to remember history are condemned to repeat it." It is a lesson which apparently is tougher to learn than has been thought.

In 1915 the United States Marines invaded Haiti. We had two fundamental justifications for doing that. One was humanitarian purposes. The other was to uphold the Monroe Doctrine, Monroe Doctrine. Doesn't that sound eerily familiar? Doesn't that have a weird kind of ring today?

The fact is, Mr. Speaker, we have to ask ourselves what good did we do. We finally got out in 1934, 19 years later. To see how successful we were in establishing those democratic institutions and to eliminate human rights abuse, we look at Haiti today, and what kind of a record do we see? It is a very sad record, obviously, or we would not be there. It is a troubled place.

Mr. Speaker, what have we gained? I would like to read something from the Haiti agreement that was entered into on September 18, 1994. No. 2, it says "To implement this agreement, the Haitian military and the police forces will work in close cooperation with the U.S. Military Mission. The cooperation, conducted with mutual respect, will last during a transitional period required for insuring vital institutions of the country."

Let me repeat that one part. It says implementing this agreement, the Haitian military and police forces will work in close cooperation with the United States military mission, and that cooperation will be conducted with mutual respect, mutual respect. We are now going to have mutual respect for the same man and the same police force that was described by the President Thursday night as conducting a campaign of rape, torture, and mutilation, a reign of terror.

General Cedras, the man responsible for "people slain and mutilated with body parts left as warnings to terrify others, children forced to watch as their mothers' faces are slashed with machetes," these are the same people that we are now, according to the Haitian agreement, going to rule in cooperation with, close cooperation, over the next 30 days as a minimum, and it will be conducted with mutual respect.

Lt. Gen. Henry Shelton, after meeting with General Cedras at military headquarters, spoke very warmly of

him, according to the reports from the wire reports this morning. He spoke very warmly of Cedras, and said that the Haitian military chief would play an important role in many of the decisions made in the days ahead. This is the same Cedras who was described in the President's recent address in which he used the word "rape" 3 times, the words "the killing of children" 3 times, and he was described as a dictator or as a tyrant fully 18 times. This is where this policy has now gotten us to.

Mr. Speaker, there are a lot of questions that need to be asked and there are a lot of questions that need to be answered.

First of all, how is it possible that the President of the United States thinks that it is more important to get the approval of the United Nations than to receive the approval of the U.S. Congress and the people of the United States? Have we not learned any lessons from Vietnam?

Have we not learned any lessons whatsoever with respect to foreign policy; that, No. 1, if we are going to engage in a tenuously popular war to begin with, that we get the approval of the American people, that we seek that and receive it; that we get the approval of the U.S. Congress? Clearly not.

Most importantly, Mr. Speaker, what was the justification? Not security. Is this a staging area for Communist insurgency in Latin America? I think not. Nobody is suggesting that. Is this a staging area for drugs that come into the United States? No, nobody is suggesting that.

What is it exactly that we are doing there? What is the justification for placing any, any American lives at risk in going into Haiti?

Mr. Speaker, as we have seen this morning, there has been a rather unanimous outcry from the Nation's editorial pages that questions the outcome and—not questions the outcome, but in fact questions the policy in the first place. The New York Times leads with "Haiti: Relief, Not Victory." David Broder writes in his column "Hostage to Haiti," describing the President: "... he is like a kid who jumps from a 7th story window ledge into a fireman's net. After you know he's not cracked his skull, you have to ask, 'What the hell was he doing on the ledge?'"

Mr. Speaker, I include for the RECORD some of these editorials.

The material referred to is as follows:

#### HAITI AGREEMENT

White House text of the agreement reached in Port-au-Prince, Haiti, Sept. 18, 1994, that averted an invasion of Haiti.

1. The purpose of this agreement is to foster peace in Haiti, to avoid violence and bloodshed, to promote freedom and democracy, and to forge a sustained and mutually beneficial relationship between the governments, people and institutions of Haiti and the United States.

2. To implement this agreement, the Haitian military and police forces will work in

close cooperation with the U.S. Military Mission. This cooperation, conducted with mutual respect, will last during the transitional period required for insuring vital institutions of the country.

3. In order to personally contribute to the success of this agreement, certain military officers of the Haitian armed forces are willing to consent to an early honorable retirement in accordance with U.N. Resolutions 917 and 940 when a general amnesty will be voted into law by the Haitian Parliament, or October 15, 1994, whichever is earlier. The parties to this agreement pledge to work with the Haitian Parliament to expedite this action. Their successors will be named according to the Haitian Constitution and existing military law.

4. The military activities of the U.S. Military Mission will be coordinated with the Haitian military high command.

5. The economic embargo and the economic sanctions will be lifted without delay in accordance with relevant U.N. Resolutions and the need of the Haitian people will be met as quickly as possible.

6. The forthcoming legislative elections will be held in a free and democratic manner.

7. It is understood that the above agreement is conditioned on the approval of the civilian governments of the United States and Haiti.

[From the Washington Post, Sept. 20, 1994]

#### OUR PARTNER, GEN. CEDRAS

(By Charles Krauthammer)

The folly of a Haitian invasion having been averted—ours is a "semipermissive entry"—the burdens of a thankless Haitian occupation are just beginning. Amid the back-slapping and self-congratulation about the Carter mission's apparent success, the main point is easy to overlook: We are back in Somalia, this time with a Caribbean address.

As the administration admits, the main problem with invasion is not the invasion itself but the occupation it ushers in. What Carter did, explained Defense Secretary William Perry, was allow us to skip step 1. But it is step 2 that we will rue.

As in Somalia, we are entering a highly disorganized and extremely violent country. Once again we are occupying a people deeply divided—Somalia by clan; Haiti, no less fatally, by class. Again, we are entering relatively unopposed. Indeed, the greatest danger to the troops first arriving by helicopter in Port-au-Prince, as to the Marines landing in Mogadishu, was the stampeding camera crews.

But the Haiti adventure is more problematic than Somalia. In Somalia, our initial mission was narrowly defined and quite simple: Feed the hungry. The operation went wrong only many months later than when we strayed into politics and assigned ourselves the task of nation-building.

In Haiti our mission from the start of the occupation is politics. There is no need to feed the Haitians. They will be able to feed themselves once our starvation-inducing embargo is lifted. We are, instead, to "restore" democracy to a country that has never had it, build a civilian-controlled military where it has never existed and create a secure environment for the peaceful transition of power among murderous rivals.

This is nation-building par excellence. Whether during the months of naked U.S. occupation that are now beginning or during the months of semi-U.S. occupation—the so-called U.N. peace-keep phase—to follow, we are now as responsible for Haiti as we were for Somalia. Except that our agenda in Haiti is from Day 1 far more ambitious.

That agenda is now all the harder to fulfill because of the concessions Clinton agreed to at the eleventh hour to avoid having to go through with the invasion. Cedras may have blinked, but Clinton did too. Loath to pull the trigger, he allowed Cedras and his military to remain in Haiti and intact.

Cedras will not be required to go into exile, merely to retire honorably. It is something that is not understood by most people," explained Carter. "It's a serious violation of inherent human rights for a citizen to be forced into exile." Who but Carter could have said something like that? It is one thing to say of a dirty deal "we had to do it," quite another to defend it out of lofty concern for the human rights of a man who, by Clinton's own description, deserves to be drawn and quartered, let alone exiled.

Cedras's army comes out quite well, too. It is granted not just a broad amnesty more firmly guaranteed than under the Governors Island deal that Cedras made and broke last year. It has also been granted a month's worth of time—and the priceless legitimacy that goes with its coordinating the American entry—before it has to turn over power.

Aristide having been induced to step down next year, a power vacuum looms. Cedras and his amnestied associates—last week Clinton had called them "thugs," but this is this week—are now as well positioned to inherit power when the Americans tire of international police duty, as is Mohamed Farah Aided—last year's thug—in Somalia.

And why are we going in to police Haiti in the first place? Wasn't it because, as President Clinton insisted only last Thursday, Gen. Cedras was the worst human rights violator in the hemisphere, the man who launched a "campaign of rape, torture and mutilation . . . a reign of terror," the man responsible for "people slain and mutilated with body parts left as warnings to terrify others; children forced to watch as their mothers' faces are slashed with machetes"? (Clinton, by the way, is the man who in 1992 accused George Bush of personalizing our fight with Iraq.)

Four days later, Gen. Cedras is our partner in the governance of Haiti. For one month we shall be ruling Haiti together with a man, Clinton assured us last week, given to "executing children, raping women, killing priests."

One renaissance weekend with Jimmy Carter, and the man has metamorphosed. Colin Powell tells us of Cedras's sense of honor. Carter is impressed with Cedras's desire to do the right thing for his country. Why are we risking the lives of 15,000 Americans to rid Haiti of a man of such elevated motives?

And Clinton complains that Americans are growing cynical about their government.

[From the New York Times, Sept. 20, 1994]

#### HAITI: RELIEF, NOT VICTORY

The negotiated end—or intermission—in the Haiti crisis lifted the nation's mood for a simple reason. Few things are more dreadful than the death of American troops in military actions that are both unpopular and unnecessary to the nation's security. So it was a welcome sight to see U.S. forces enter Port-au-Prince by agreement, rather than invasion.

But the White House should be celebrating its luck, not spinning the public about its diplomatic skill and the virtues of Presidential resolve. President Clinton had reduced himself to the most dismal of foreign policy options: attack or lose face.

That happened because Mr. Clinton ordered an invasion fleet to sea when two-thirds of

the American people and a majority of Congress were opposed to fighting over who governs Haiti. Even the sachems of his own party, like Bob Strauss, warned that the trumped-up invasion could turn into a political disaster.

Mr. Clinton was released from his self-built policy prison by adopting Senator Bob Dole's useful suggestion to send intermediaries. He sensibly chose former President Jimmy Carter, former Gen. Colin Powell and Senator Sam Nunn. The team performed with skill and dignity in altering the unalterable formula defined in Mr. Clinton's last speech. The generals are not leaving immediately. They may never leave. Mr. Aristide is not going back speedily, but by and by.

The lessons of this episode should not be washed away in a deluge of relief.

The Administration's attempt to inflate Mr. Aristide's fate into a *casus belli* has not only been messy in execution. It has also been dangerous to the country and poorly conceived. Mr. Aristide represents Haiti's lawful Government, but there has never been a convincing case for the U.S. restoring him to office by military force. Public and Congressional support should always be a prerequisite for non-emergency military action. It should be so especially when novel doctrines of intervention and United Nations peacekeeping are involved.

The military regime and its civilian puppets will remain in place for now, though with a large armed U.S. force peering over their shoulders. The anti-Aristide leaders who defied last year's Governors Island agreements have been given another chance to make mischief, for example by preventing Parliament from passing the amnesty law that is supposed to initiate the transfer of power. The amnesty itself represents a serious dilution of moral and legal accountability, further complicating the problem of building a democratic culture in a country deformed by dictators.

The soldiers on the island and policy makers in Washington must contend with the fact that Mr. Aristide is in a weak position. Because the final agreement was brokered under direct threat of U.S. invasion, Mr. Aristide was reduced to the uncomfortable role of an informed but passive participant. This casts a shadow of peril over the days ahead, when Mr. Aristide must establish his independent authority. Letting Generals Raoul Cédras and Philippe Biamby stay on may prevent bloodletting among the murderers and torturers they once led. But it also keeps troublesome and defiant figures on the scene and, perhaps, beyond the reach of law.

American troops will do well to prevent this stew from boiling over. They cannot bring democracy to Haiti. Only the Haitian people can. That is why foreign military force was never an appropriate answer to Haiti's crisis.

But foreign military force is now moving in, starting with 15,000 mainly U.S. troops. After an indefinite transition period, they will yield to a multinational force of 6,000, about a third of them from the U.S. Even with no invasion, Mr. Clinton is still deliberately placing U.S. forces in harm's way. He should seek Congressional approval now.

With U.S. troops and prestige now on the line and Haitian democracy at issue, Americans want this venture to go well. They will try to find reason to cheer Mr. Clinton. In return, they have every reason to insist that the President will ponder the difference between luck and wisdom.

[From the Washington Post, Sept. 20, 1994]

#### HOSTAGE TO HAITI

(By David S. Broder)

President Clinton now has put a 15,000-man American occupation force into Haiti and, by doing so, has made his presidency hostage to the uncertain fate of a badly divided, backward country that no one could have imagined was a vital interest of the United States.

The early euphoria over the success of Jimmy Carter's negotiating team in eliminating the threat of organized armed resistance is understandable. But it must be tempered by the realization that—as the Clinton administration candidly conceded in the days preceding the scheduled Sunday invasion—the real danger is that U.S. troops may be caught in an ongoing civil war between heavily armed gangs bent on revenge or determined not to yield power. Then—in a nation that has good reason to resent past American imperialism—they must prop up a president whose own commitment to democracy is unproven and provide the resources to rebuild a shattered economy and a virtually nonexistent civil society.

The moral high ground that Clinton claimed for his action has eroded. The military men he called "dictators" and "thugs" will remain in office for the next month and have become our *de facto* partners in this phase of the American occupation. The first "achievement" of the U.S. intervention is to guarantee blanket amnesty for Gen. Raoul Cédras and his followers, who may remain in the country to organize opposition to President Jean-Bertrand Aristide.

After making so many threats that he could not back down, Clinton sent in the troops in order to protect his own credibility and that of the nation. Credibility is important, and by sticking to his guns in the face of strong domestic opposition, Clinton has shown his tenacity.

But he is like a kid who jumps from a 7th story window ledge into a fireman's net. After you know he's not cracked his skull, you have to ask, "What the hell was he doing on the ledge?"

The intervention defies almost every rule of political prudence that we thought our government had learned from the painful experience of the post-World War II world.

The lesson of Vietnam is that you don't commit troops until the country is committed to the mission. Even now, there is no evidence the public has endorsed the commitment in Haiti.

A second rule is that if the commitment is likely to be lengthy, expensive and substantial, Congress better be in on the takeoff, and not just the landing. Amazingly, Clinton went to the United Nations for approval of military action inside our Western Hemisphere "sphere of influence," but evaded Congress—because he knew support was lacking.

When an American military occupation of Haiti was first suggested, why didn't Clinton throw its advocate out of the Oval Office?

I put that question last week to a prominent Democrat who has dealt with national security issues at high levels since Vietnam War days and who has had a close-hand view of Clinton's decision-making in this area. What he said was disturbing, but I find no reason to disagree with the four key points of his analysis.

First, he said, remember the campaign. Clinton's main focus was on the economy and domestic issues, so he did not want to debate national security policy in any broad context with President Bush. His advisers

suggested he could put his opponent on the defensive—and show a toughness that his personal history did not suggest—by vowing to take a hard line against the Serb aggressors in Bosnia and the generals who had ousted President Aristide in Haiti. The stance worked fine as a campaign tactic, but caused endless headaches once he was in the White House.

The second factor is that for Clinton, as my friend said, paraphrasing Clausewitz, "foreign policy is domestic policy, conducted by other means." Clinton has built his domestic program on the core Democratic base, which is the political left. Human rights issues in general—and the worker-priest movement of Latin America, which spawned Father Aristide—are important to liberals. Haiti has particular salience or the Congressional Black Caucus and for African American voters, the most loyal of Clinton's constituencies. Their agenda became his agenda.

The third point, my friend said, is that Clinton "would rather be sympathetic than cold-hearted." He empathizes with people's feelings, and when political allies said they thought Aristide deserved to fill the office to which he had been elected, Clinton's response was not to say, "Maybe, but I've got bigger fish to fry."

The fourth point, closely linked to the third, is that the president and his national security advisers are singularly lacking in any long-term policy perspective. Each step of Haitian policy—from the initial offer of an American haven for refugees to the fateful decision to go beyond economic sanctions to the threat of force—was taken as if it would somehow resolve the problem by itself. No one in the inner circle was forceful enough to ask, "Are we prepared to act on this threat if our bluff is called?"

It was called, and now Clinton has followed the idealistic President Woodrow Wilson in sending American forces to Haiti. The last such occupation lasted 19 years.

[From the Wall Street Journal, Sept. 20, 1994]

#### A SOLDIER OF THE NOT GREAT WAR

(By Mark Helprin)

Mr. President, Haiti is on an island, and its navy, which was built mainly in Arkansas, is well characterized by the International Institute for Strategic Studies as "Boats only." The Haitian gross national product is little more than half of what Americans spend each year on greeting cards, its defense forces outnumbered five to one by the corps of lawyers in the District of Columbia.

With other than a leading role in world military affairs, the Haitian army has retreated into a kind of relaxed confusion in which it is also the first department, captains can outrank colonels, and virtually no one has ever seen combat. Which raises the question, why has the leading superpower placed Haiti at the center of its political universe?

Mr. President, in trumpeting this gnatfest at a hundred times the volume of the Normandy Invasion you have invited challenges from all who would take comfort at the spectacle of the U.S. in full fluster over an object so diminutive as to be a source of wonder.

Anyone considering a serious challenge to the U.S. has been reassured that we have no perspective in international affairs, that we act not in regard to our basic interests but in reaction to sentiment and ideology, that we can be distracted by the smallest matter and paralyzed by the contemplation of force, that we have become timid, weak, and slow.

This is what happens when the leaders of the world's most powerful nation take a year to agonize over Haiti. This is what happens when the elephant ignores the jackals and gravely battles a fly.

#### WHY NOT CUBA?

Given that Haiti is a nation doomed to perpetual harmlessness, that it is not allied to any great power, that it does not export an ideology, that it does not have an ideology, and that it is of no economic consequence to any nation except perhaps the Dominican Republic, you strained to justify intervention the way a prisoner with his hand stretched through the bars strains for a key just out of his reach.

In your recent address you mentioned rape three times, the killing of children three times, and the words "dictator" or "tyrant" 18 times. If we must act "when brutality occurs close to our shores," why not now invade Cuba, or Colombia, or the South Bronx, or Anacostia? Every year in the U.S. we are subject to more than 100,000 reported rapes and 20,000 homicides. How do rape and murder in Haiti, no numbers supplied, justify U.S. intervention? and if they do, where were we in Rwanda?

Is it possible that having no idea whatsoever about the balance of power among nations, the workings of the international system, and the causes and conduct of war, you are directing the foreign relations of the United States of America in accord with the priorities of feminism, environmentalism, and political correctness? Why not invade Saudi Arabia because of the status of women there. Canada because they kill baby seals. Papua New Guinea because it doesn't have enough wheelchair ramps?

Haitian illegal immigrants (did you not mention AIDS because it would offend the Haitians, or some other group?) have been to some extent motivated by the embargo and are a minute proportion of the total that seek our shores. If it is so that the best way to deal with a country that spills over with souls is to invade it, *que viva Mexico?* Should the U.K. invade Pakistan; France, Algeria; and Hong Kong, Vietnam? For that matter, why have you not hastened forward to Havana? In fact, the history of great-power interventions shows that conquest does not prevent but, rather, facilitates population transfers.

Your desire to wipe out the expenditure of \$14 million a month to maintain the leaky embargo that you put in place was not consonant with your robust urge to spend elsewhere, and was a rather dainty pretext. Fourteen million dollars is what we in this country spend on "sausages and other prepared meats" every seven hours. If you truly believe, Mr. President, that "restoring Haiti's democratic government will help lead to more stability and prosperity in our region," then you, sir, have more Voo doo than they do. The entire Haitian gross national product is worth but three hours of our own. Were it to grow after intervention by 10% and were the U.S. to reap fully one half the benefit, we would surge ahead another nine minutes' worth of GNP. This is not exactly high-stakes geopolitics.

Why, then, Haiti? Why are your subordinates suddenly so Churchillian? Clearly, in a real crisis they would be so worked up that all their bulbs would burst. The nations towed along for the ride (Poles? Jordanians?) seemed not to know whether to be embarrassed by the stupidity of the task or amused by the peculiarity of their bedfellows. This the secretary of state described as "a glowing coalition." Never in the history of the

English language has such an inept phrase been launched with such forced enthusiasm to miss so little a target. Granted, the vice president's "modalities of departure" did much to inspire the nation to a frenzy of war.

Why Haiti? Because, like the father in Joyce's story, "Counterparts," who bullies his son because he cannot fight his bullying boss, what you do in Haiti says less about Haiti than about North Korea, Europe, and the Middle East, where the real challenges lie, and where you cannot act because you do not have a lamp to go by and you have forced your own military to its knees.

Why Haiti? Because you have been unable to say no to the Black Caucus as it stands like the candlestick on the seasaw of your grandiose legislation, and because you are a liberal and in race you see wisdom, or lack of wisdom; qualification, or lack of qualification; virtue, or lack of virtue. And because the Black Caucus is way too tight with Father Aristide.

Why Haiti? Because you have no more sense of what to do or where to turn in a foreign policy crisis than a moth in Las Vegas at 2 a.m. You should not have singled out Haiti in the first place, but once you did you should not have spent so much time and so much capital on it, blowing it out of all proportion, so that this, this Gulf Light, this No-Fat Desert Storm, is your Stalingrad. Six weeks and it should have been over, even including an invasion, about which the world would have learned only after it had begun. All communications with the Haitian regime should have been in private, leaving them the flexibility to capitulate without your having to distract Jimmy Carter from his other good works.

Though you and your supporters made a marriage of convenience with the principles of presidential war powers, your new position is miraculously correct, while that of the Republicans who also switched sides in the question is not. You did have the legal authority to invade Haiti. What you did not have was the moral authority. Despite what you have maintained during the first 46/48ths of your life, the decision was yours, but your power was merely mechanical.

#### DRY BONES

Like your false-ringing speech, the dry bones of your authority had none of the moral flesh and blood that might otherwise have invigorated even a senseless policy. The animation that you have failed to lend to this enterprise was left to the soldiers in the field, who with the greatest discipline and selflessness would have taken on the task that, generations ago, you refused. I wonder if your view of them has really changed. In your philosophy they must have been pawns then, and they must be pawns now: The only thing that has been altered is your position.

Though it is fair to say that I differ with your policy, if our soldiers had gone into combat I would have been behind them 100%, and I hope that, despite the orders in Somalia, you would have been too. This is a lesson that you might have learned earlier but did not, the truth of which you now embrace only because you have become president of the United States. You are the man who will march only if he is commander in chief. Yours, Mr. President, has been a very expensive education. And, unfortunately, every man, woman, and child in this country is destined to pay the bill for your training not because it is so costly but because it is so achingly incomplete.

#### IMPORTANT DETAILS IN GATT LEGISLATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. ROHRBACHER] is recognized for 5 minutes.

Mr. ROHRBACHER. Mr. Speaker, the reason I am here today is to plead my case to my fellow colleagues to please pay attention to the details that are within the GATT implementation legislation. As somebody once said, "The devil is in the details," but what 90 percent of us in this body do not realize is what is contained in the massive GATT implementation legislation, and in that legislation are provisions that will dramatically reduce the patent protection now enjoyed by Americans.

□ 1740

Proponents of this devastating provision have dressed it up by calling it patent harmonization. It is one of the most malicious attacks on the ownership rights of Americans to be put forth before this body in decades. The people who have slipped this GATT ripoff, this ripoff of GATT legislation, the ripoff of patent rights, into the legislation, are counting on the ignorance of the Members of this body. In 1968, and in subsequent years, the proponents, that is, the Japanese and other multinational interests have sought to use separate legislation for this very same patent harmonization. Wisely, the Congress has defeated it every time it has seen the full light of day. These powerful interests now realize they cannot get their way in a direct battle, so they are seeking to achieve their ends through subterfuge, by using a major trade bill as a vehicle to fundamentally alter our patent system and in the process grab billions of dollars of royalties that should be going to creative and innovative Americans.

Understand that this attack on our patent rights is coming from technological users, not creators. Americans who create the technology that makes our lives better are now under attack by the big guys, huge Japanese and multinational corporations that will be making bigger profits and will be paying dramatically less in patent royalties to do so.

There are several big lies that have permitted this proposal, this ripoff, to get as far as it has.

Lie No. 1. The changes are hidden in the GATT implementation legislation and that legislation was kept from us until the very last minute. One of the reasons very few Members of this Congress realize there was a dramatic reduction in the patent protection Americans now enjoy in the GATT implementation legislation is we were not even permitted to see the legislation until just a few weeks ago, and many Members still have not been permitted

to see the legislation. That is the No. 1 big lie, it is just keeping us in the dark.

Big lie No. 2. It is claimed that the massive changes in our patent laws that are part of the GATT implementation legislation are necessary because they are part of the GATT Treaty. This is big lie No. 2. What we have in the GATT implementation legislation that affects the length of the term of patent protection for Americans is not mandated by the GATT Treaty itself. What we have here is a special interest who has snuck this provision into the GATT implementation legislation trying to fool us, lie to us, and tell us that, well, we have to do this or the whole world trading system is going to break down. That is a lie, it is not mandated by GATT.

No. 3, the third big lie. It is the most arrogant lie of all. That the patent term as suggested by this change in the GATT implementation language is longer for 95 percent of all the patents that go through the system, 95 percent of the inventors are actually going to have their term lengthened. It all comes down to this, ladies and gentlemen. What is being proposed is a change in the language that says that a person who files for a patent today in the United States, he is granted 17 years of protection from the time his patent is issued, no matter how long it takes during the process time from the time he files. What they are proposing in the GATT implementation legislation is changing that to say he has 20 years of protection from the time he files. But the clock starts ticking.

Almost every major invention that has changed the way we live for the better has taken years, up to 10 to 15 years to get through the patent process, and under the current law, the inventors have had 17 years' worth of protection. Under what they are trying to do through GATT, it would reduce it to 5 years, to 3 years and sometimes eliminate it altogether. This third lie, this idea that they are actually extending the patent protection, is the worst lie of all.

The fact is that if we permit the patent protection time to be diminished by the GATT implementation legislation going through as it is, we will find that research and development money for private development in this country will dry up. It will destroy America's edge. It will cause billions of dollars that should be going to American inventors as royalties to be left in the hands of Japanese corporations who will use it to destroy us economically.

I ask all of my colleagues to join me in demanding that this be taken out of the GATT Treaty.

#### CALL FOR INVESTIGATION OF POSSIBLE CONFLICTS OF INTEREST

The SPEAKER pro tempore. Under the Speaker's announced policy of February 11, 1994, and June 10, 1994, the gentleman from Indiana [Mr. BURTON] is recognized for 60 minutes as the designee of the minority leader.

Mr. BURTON of Indiana. Mr. Speaker, I will not take the whole 60 minutes, but we will go into some very interesting issues tonight. Everybody in the country has heard about Whitewater and they have heard about some of the mysterious things that have happened in the investigation into Vince Foster's death, but there is a lot of other interesting things that have happened involving the Rose Law Firm in Little Rock, AR, and Hillary Rodham Clinton and the former Governor of Arkansas, Bill Clinton.

Tonight I would like to talk about two cases involving the failure of two savings and loans and the involvement of the Rose Law Firm and some possible conflicts of interest that should be investigated by the Federal Deposit Insurance Corporation and the Federal Savings and Loan Insurance Corporation, as well as the Special Counsel, Mr. Starr.

First American Savings and Loan of Oak Brook, IL, was seized by the Federal authorities for the Federal Government in 1986. First American Savings and Loan of Oak Brook was headed by former Illinois Gov. Dan Walker.

Dan Lasater, a friend of Bill Clinton, had a brokerage business, United Capital Corp., and it traded Treasury bond futures for First Federal Savings and Loan of Illinois and others. Dan Lasater ran a brokerage firm in Little Rock, AR. He was a big contributor to Bill Clinton's gubernatorial campaigns, he was a friend of Bill Clinton and he flew Clinton around in his private jet. Lasater gave Roger Clinton, Bill Clinton's brother, a job and loaned him \$8,000 to pay off a drug debt.

Lasater's brokerage firm received a lucrative contract from the government of Arkansas worth \$750,000 to sell State bonds for a new Arkansas State Police communications network. He also received millions of dollars in bonds for the Arkansas Development Financial Authority.

In 1986, Lasater was convicted on drug charges. This is Bill Clinton's good friend. He served only part of his sentence and he was pardoned after serving a small part of his sentence by then Gov. Bill Clinton.

In 1985, Dan Walker, the former Governor of Illinois, discovered that First American Savings and Loan was losing money big time on its Treasury bond future trades with Dan Lasater. According to court records, Mr. Walker lost approximately \$361,000. Walker claims that Lasater made unauthorized trades with First Federal's money and,

Walker told the Chicago Tribune they, Lasater & Co., had general authority to trade, but they were supposed to call the First American operating officer at the time they made the trade and they did not do that.

Walker sued Lasater for \$3.3 million for mail, wire, and securities fraud. The suit charged that one of Lasater's employees used First Federal's money to carry out what were in effect personal Treasury bill trades.

Does this sound familiar? Members heard me on the floor not long ago talking about a gentleman named Dennis Patrick from Kentucky. He had a similar story. According to Mr. Patrick in published accounts, between \$60 million and \$107 million was traded in an account in his name at Lasater & Co. without Mr. Patrick's knowledge. They traded \$60 million to \$107 million in bond trades in his account and he did not even know about it. On one day, \$23 million was traded on his account without his knowledge. Now when Federal regulators, the FSLIC, the Federal Savings and Loan Insurance Corporation, seized First American of Illinois, they continued to pursue the lawsuit against Lasater. They wanted to recover as much money as they possibly could.

Dan Walker, the former Governor of Illinois, was accused of lending himself \$1.4 million in federally insured depositors' money and later ended up being convicted of bank fraud and perjury.

Hopkins & Sutter, I know this is very complicated, but Hopkins & Sutter, a Chicago law firm, was the primary contractor or law firm for the Federal Savings and Loan Insurance Corporation. Hopkins & Sutter hired or subcontracted with a law firm in Little Rock, AR, called the Rose Law Firm to handle the suit against Lasater.

I hope everybody will think about this, my colleagues. Lasater & Co., Mr. Lasater was a very close friend of Bill Clinton. He flew around in his private jet. They went on parties together. Lasater was convicted along with Bill Clinton's brother of drug dealing. Lasater paid one of Bill Clinton's brother's drug loans of \$8,000. And after Lasater was convicted, he was pardoned by then Gov. Bill Clinton. Rose Law Firm is hired as a subcontractor for the purpose of the suit against Lasater. They are going to go after Lasater. And Hillary Rodham Clinton and Vince Foster were the two lawyers from the law firm, the Rose Law Firm, to go after Mr. Lasater.

□ 1750

Think about that for a minute. They are going after Lasater for the Federal Government at the same time that he is a very good friend of Gov. Bill Clinton and has been pardoned for drug trafficking by the Governor. Dan Lasater was convicted of drug charges in 1986, as I said, and served only a

small part of his sentence, and was later pardoned by the Governor, now President Clinton.

Now enter Hillary Rodham Clinton, Rose Law Firm's powerhouse lawyer, and Vince Foster. They handled the Government's suit against Lasater. It is hard to believe this conflict of interest could occur, but they are handling the case against Lasater, Bill Clinton's friend.

Because of the close ties between Lasater and Bill and Hillary Clinton, she never should have been involved in this matter in any way. That is a big conflict of interest.

In late 1987 a confidential settlement was reached between the Government and Lasater. He ended up paying \$200,000 of the \$3.3 million suit. That is all, just \$200,000.

The Chicago Tribune learned of the amount of the settlement from a February 1989 letter that Foster wrote to the FDIC. The letter was not part of the court filings. Court records show that Hillary Rodham Clinton and Vince Foster negotiated this settlement from \$3.3 million down to \$200,000. It started on May 8, 1987, when Hillary Rodham Clinton signed an amended complaint on this case that reduced the damages sought by the FSLIC against Lasater from \$3.3 million down to \$1.3 million. She negotiated the reduction of this down from \$3.3 million down to \$1.3 million for the FDIC at a time when the guy, Lasater, she was supposed to be nailing to the wall was a good friend of she and Bill Clinton, the Governor of Arkansas. The FDIC said Hillary's involvement was not extensive enough to constitute a conflict of interest. This sounds like a whitewash by the FDIC, and to cover their tails the FDIC said under Federal rules existing at the time she did not have to inform the Federal Government about her close relationship with Lasater and Lasater's company. The FDIC said Hillary worked only 3 hours on the case. They said she was not involved in the final decision to settle at \$200,000. The FDIC says Vince Foster did most of the work on this case. He was her partner at Rose. The FSLIC that hired Hillary and Vince Foster and the Rose Law Firm could not remember details of the case. The FDIC's earlier inquiry was primarily a review of court records and records submitted by the Rose Law Firm. The FDIC did not interview Hillary Rodham Clinton.

Because of the apparent FDIC whitewash, in late February Senator ALFONSE D'AMATO of New York requested the FDIC Acting Chairman, Andrew Hove, to have the FDIC inspector general conduct a thorough review of this matter and Madison Guaranty. Hove asked the inspector general to complete its investigation and report to him in 90 days. That was back in February. Here we are in September and the report has not yet come down.

Now why? Why has the IG's report not come down? It was demanded or requested by Senator D'AMATO of the Senate Banking Committee and it was supposed to be done in 90 days, and here we are almost a year later or 8 months later and we have not heard a thing. I wonder if the White House has anything to do with stopping that report? Obviously 90 days are over, and we still have no report on this case.

Thomas Scorza, a former assistant U.S. attorney who teaches legal ethics at the University of Chicago Law School, said the following to the Chicago Tribune newspaper:

A lawyer is required to represent the interests of their client zealously. There is a substantial question about whether an attorney was representing a client zealously if the opponent of the client is someone with whom the attorney has a political, financial, and personal relationship.

And make no mistake about it, Hillary Rodham Clinton and Bill Clinton had a very close relationship with Lasater, and this was not made known when Hillary Rodham Clinton took on that case. In looking at the settlement he went on,

Were they, the Rose Law Firm and Hillary Rodham Clinton, looking after Lasater's interests or the interests of the Federal Deposit Insurance Corporation?

Actually the Federal Savings and Loan Insurance Corporation. Scorza told the Chicago Tribune that Hillary Rodham Clinton should not have worked on the case, especially since the final settlement was confidential.

William Wernz, a former chairman of the Minnesota Lawyers Responsibility Board for the Minneapolis Tribune said that the bar association model rules define as conflict of interest instances where it is likely a lawyer,

might pull a punch because he or she has some relationship with the other side or some third party of interest.

Law and accounting firms are usually barred from representing the Federal Government in S&L cases if they have personally represented the S&L or if they have personal links to the persons targeted by the lawsuit,

and that was specifically the case with Lasater and company. Dan Lasater was a friend of Bill Clinton's. He contributed generously to Bill Clinton's campaign for Governor. He flew Clinton around in his private jet. They had parties together, they went out together all of the time.

Dan Lasater gave Roger Clinton a job and loaned him a large sum of money to pay drug debts, and after Lasater was convicted on drug charges and served a small part of his sentence, then Gov. Bill Clinton pardoned him.

Yet his wife, Hillary Rodham Clinton, who knew Lasater very well, took the side of the Government in the case against Lasater, reduced the settlement from \$3.3 million down to \$200,000 and the FSLIC was literally screwed out of all of that money from \$3.3 mil-

lion down to \$200,000. There was definitely a conflict of interest that she did not let the American people know or the FSLIC know about.

Here is a related problem: Home Federal Savings and Loan of Centralia, IL, was also seized by Federal regulators. Home Federal's former president, King Betz, sued Lasater and company for \$4.6 million for unauthorized trading. He chose the Rose Law Firm to handle his suit and Hillary Rodham Clinton was a big partner in that law firm, and he chose the Rose Law Firm to handle his suit because the issues involved were similar to the issues in First American.

After the Federal Government took over Home Federal, the Federal Government continued the case, and they had the Rose Law Firm carrying the case for them.

Thomas Mars represented Lasater on the other side of the table against the Home Federal Federal Government suit, so you had on one side of the table the Rose Law Firm of which Hillary Rodham Clinton was a partner, like the case I just cited, and on the other side was this guy named Thomas Mars.

Now where did he come from? He had previously worked at the Rose Law Firm. So you have on one side of the table negotiating for the Federal Government the Rose Law Firm, and you have a former lawyer in that same law firm representing Lasater. Does that sound like some conniving, some peculiar circumstances? Mars had previously worked at the Rose Law Firm where he had worked on the American suit. He worked on the First American suit that I just talked about. Therefore, he may have had some inside information on the Government's case since the case he worked on at the Rose Law Firm was very similar.

King Betz, the man who started the case in the first place for Home Federal Savings and Loan, was advised by Vince Foster of the Rose Law Firm to accept a \$250,000 out-of-court settlement in September of 1989, and he agreed to the settlement. But he did not know that both sides of the table were being worked by the Rose Law Firm and a former lawyer who worked for the Rose Law Firm.

King Betz says that Vince Foster was handling his suit and never told him about Mar's potential conflict of interest or the Clinton's ties to Lasater.

According to the Chicago Tribune, when Betz was told that Mars previously worked with Foster and Hillary Rodham in the First Federal case for the Rose Law Firm, Betz said, "He can't do that. He could have confidential information." But the cat was already out of the bag or in the bag because he had already signed off on the \$250,000 settlement on a suit that was supposed to be for \$4.6 million.

There are some questions that need to be answered by the Rose Law Firm

and by the FSLIC and the FDIC concerning these two cases.

First, when will the FDIC inspector general issue its report on Hillary Rodham Clinton, First American, and Madison Guaranty? Is this report being delayed until after the election? It was ordered in February, was supposed to be done in 90 days, and here we are in September, 7 weeks before the election, and we still do not have the report. Why? That needs to be done quickly.

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Now, here are some questions that need to be answered by the FDIC and the new independent counsel, Mr. Starr, if he is investigating this, and I think he probably will, and in full and complete congressional investigations and hearings: Did Hillary Rodham Clinton and/or the Rose Law Firm inform the Federal Government of her and her husband's ties to Dan Lasater? I do not believe she did, but we need to know if she did. This is regarding the First American. If they did not inform the Government of their ties to Dan Lasater, then why did they not? Because it was obviously conflict of interest.

To what extent was Hillary Rodham Clinton involved in the suits? They said it was only 2 or 3 hours. But she signed or got the agreement to reduce the suit from \$3.3 million down to \$1.3 million, so she was very conversant with it and very actively involved in it.

Specifically what role did Hillary Rodham Clinton have in the final decision to settle the suit for \$200,000 down from the \$3.3 million? If she was involved, how were her actions affected by her ties to Dan Lasater and Lasater & Co? Who was responsible for handling the case: Hillary Rodham Clinton, Vince Foster, or both? Obviously they were both partners in the Rose Law Firm. There had to be a conflict there.

Who decided who would handle this case? If Vince Foster was handling the case, why was Hillary Rodham Clinton involved at all?

We do know for sure, the FDIC has said that Hillary Rodham Clinton signed the amended complaint reducing the damages sought from \$3.3 million to \$1.3 million.

Now, involving the Home Federal case, why was not King Betz, the chairman there, told about Thomas Mars' conflict of interest? He was a former lawyer with the Rose Law Firm defending Lasater. Why was not Betz told about the ties between the Clintons and Lasater? Was the FDIC informed about any of this? Did Thomas Mars, the former employee of the Rose Law Firm, use inside information to arrange a \$250,000 settlement on an over \$4 million original suit?

These are questions that need to be answered. The more we get into the machinations of the Clintons, the more we find all kinds of chicanery from

Whitewater to Madison Savings & Loan to these two savings and loan institutions in Illinois to the Angel Fire development in New Mexico.

There are so many questions that need to be answered. That is why we need full and complete congressional hearings, not just the facade we saw with the Committee on Banking, Finance, and Urban Affairs in the House just a few months ago. The people of this country have a right to know if there is corruption in this Government. They have a right to know if Hillary Rodham Clinton had a conflict of interest when she was representing these individuals for the FDIC; I mean, her husband was the Governor. He was a friend of the man that she was supposed to be nailing to the wall, and she reduced the claim from \$3.3 million down to \$200,000. There are all kinds of questions that need to be answered, and the only way the people of this country are going to know the facts is for us to have complete and thorough congressional hearings, and they need to be held as quickly as possible.

I commend to my colleagues the following February 3, 1994, Chicago Tribune article:

The special prosecutor appointed to scrutinize the business dealings of the president and first lady will focus on their role in an Ozark land development called Whitewater.

But there is another case buried deep in court records that could prove equally troubling to Bill and Hillary Rodham Clinton, particularly if Robert Fiske, the Republican special prosecutor and former U.S. attorney in New York, makes good on his pledge to publish a report on the Clinton's political and business relationships when the president was governor of Arkansas in the 1980s.

It involves a court case the first lady helped settle when she was a high-powered lawyer in Little Rock and the government was trying to sort out the problems of a bankrupt Illinois savings and loan.

The Illinois S&L case suggests that Hillary Clinton, as a private attorney, had a glaring conflict of interest. As an attorney for the Federal Deposit Insurance Corp., she helped negotiate a secret, out-of-court settlement that ended the government's suit against a family friend and an influential benefactor of her husband.

But the political problems the case could pose for the president and his wife may go far beyond the narrow questions about the first lady's conduct as a lawyer, which she defends.

As in Whitewater, the Illinois case places the president and his wife once again in an association with an unsavory wheeler-dealer who had strong personal ties to the Clintons and even stronger financial ties to the Clinton administration in Little Rock.

In Whitewater, the trouble stems from the Clintons' business relationship with James McDougal, the guiding force behind Madison Guaranty, an Arkansas savings and loan that went broke and cost taxpayers more than \$47 million. Fiske will examine whether Clinton or his gubernatorial campaign benefited from McDougal's favorable treatment by a state agency in Arkansas when Clinton was governor.

In the Illinois case, the problem stems from the Clintons' friendship with Dan

Lasater, a convicted felon whose high-flying bond trading firm played a hand in the troubles of several savings and loans, including First American Savings and Loan Association, an Oak Brook institution headed by another politician, Dan Walker, who was governor of Illinois from 1973 to 1977.

It all started in 1979 in an unlikely venue—the Oaklawn Park racetrack in Hot Springs, Ark. Clinton's mother, the late Virginia Kelley, had a passion for thoroughbred horseracing, and her box at the track was next to Lasater's.

An Arkansas native who grew up in poverty in Kokomo, Ind., Lasater started a hamburger chain when he was 19 and was wealthy by the time he met Mrs. Kelley and Clinton's half-brother, Roger, at the racetrack. In just over two decades, Lasater had sold his first hamburger chain; moved to Arkansas; founded the Ponderosa Steakhouse, a nationwide chain of 650 family restaurants; started a bond trading firm; and nurtured his love for horseracing.

The racetrack friendship soon blossomed into an introduction to Clinton, who was trying to regain the governor's mansion after losing an election in 1980, according to a Clinton family friend.

By early 1983, Lasater had given Roger Clinton a job at his Florida horse farm; Clinton had reclaimed the governor's mansion; and Lasater's bond firm had been added to a list of brokerage firms eligible to underwrite state bond issues, a classification that generated millions of dollars in business for his firm, according to published reports.

Over the next two years, the ties between Lasater and the Clintons grew stronger.

The Clintons benefited from the relationship. Lasater contributed money to the governor's campaign; lent Roger Clinton \$8,000 to pay off a drug debt; sponsored fundraising parties at his offices; made his private plane available to the ambitious young governor for campaign jaunts; and encouraged his staff to donate to the governor's campaign, promising higher commissions to compensate for the donations, according to published reports. At one point in 1985, he also made his plane available to squire celebrities to a charity function organized by Hillary Rodham Clinton.

Lasater benefited from the closer ties, too. In the summer of 1985, Clinton successfully lobbied the Arkansas legislature to approve a contract for Lasater to sell \$30.2 million in bonds for the new state police radio system. The contract netted Lasater's firm \$750,000, according to a report in The Los Angeles Times.

Meanwhile, Lasater spread his financial wings beyond Arkansas, signing deals to trade Treasury bond futures with several savings and loans, including Walker's First American. The S&Ls were trying to compensate for their money-losing mortgage lending operations by engaging in the high-risk deals being peddled by Lasater.

But things began to sour in late 1985, both in Illinois and in Arkansas.

At First American, Walker discovered that Lasater's bond firm didn't have the magic touch. According to court records, Walker's S&L lost at least \$361,572 in T-bond futures trades made by Lasater's firm.

"They had general authority to trade, but they were supposed to call the (First American) operating officer each time they made a trade," Walker said in a telephone interview. "They did not do that."

Meanwhile, law enforcement officers in Arkansas had started picking up reports that Lasater had another problem: He was distributing cocaine to friends and business associates at swank parties he threw in Little Rock and Hot Springs.

Walker struck first, filing a 1985 suit against Lasater's bond firm alleging that the company committed mail, wire and securities fraud by using First American funds for unauthorized T-bond futures trades.

Walker never got Lasater in court. First American was seized in 1986 by federal officials, who later charged the former Illinois governor with lending himself \$1.4 million in federally insured deposits. Walker was eventually convicted of bank fraud and perjury.

Federal officials also collared Lasater; they convicted him of cocaine possession and trafficking in 1986.

Meanwhile, the federal regulators who seized First American decided to pursue the savings and loan's \$3.3 million suit against Lasater to see if they could recoup some money for American taxpayers, who funded the billion-dollar bailout of hundreds of bankrupt savings and loans, including First American.

The government's deposit insurance fund hired the Rose Law Firm in Little Rock, where Hillary Clinton was a powerhouse. Rose had successfully solicited the government's legal work on failed savings and loans in Arkansas months earlier.

The Lasater connection caused no end of problems for Gov. Clinton. During his reelection campaign in 1986, Clinton came under attack from his Republican opponent for steering state contracts to Lasater while Lasater was under investigation for drug trafficking.

Clinton acknowledged being friends with Lasater but denied knowing about Lasater's drug activities. Clinton was re-elected.

In 1987, Lasater went off to serve his prison sentence after giving Patsy Thomasson, another key Clinton supporter and Democratic Party activist, legal authority to manage his assets, according to court records.

Most of the Rose firm's S&L legal work was handled by Webster Hubbel, now the No. 3 official at the U.S. Justice Department. But the firm assigned the government's suit against Lasater to Hillary Clinton and Vincent Foster, who later became deputy White House counsel for President Clinton and who committed suicide last July.

In late 1987, court records show, Hillary Clinton and Foster negotiated a confidential settlement. Lasater paid the government \$200,000 in return for the dismissal of its \$3.3 million suit against him.

Whether Lasater got off cheaply at the expense of the American taxpayer depends upon his assets at the time and the strength of the evidence against him, legal experts say.

Nevertheless, Thomas Scorza, a former assistant U.S. attorney who teaches legal ethics at the University of Chicago Law School, said Hillary Clinton's decision to represent the government in a lawsuit against Lasater raises serious questions about her professional conduct.

"A lawyer is required to represent the interest of their client zealously," he said. "There is a substantial question about whether an attorney was representing a client zealously if the opponent of the client is someone with whom the attorney had a political, financial and personal relationship."

"In looking at the settlement, were they (the Rose Law Firm) looking after Lasater's interests or the interests of the FDIC?" Scorza asked.

Hillary Clinton's office declined to respond to specific questions about the case but issued a general statement defending her legal ethics. "Our view is that Hillary Clinton, when a lawyer at the Rose Law Firm, acted

with the utmost integrity and professionalism. I have no reason to believe otherwise," said her press secretary, Lisa Caputo.

To avoid even the appearance of a conflict of interest, Scorza said, Hillary Clinton should not have worked on the Walker S&L case—especially because the final settlement was confidential. The Tribune learned of the amount of the settlement from a February 1989 letter that Foster wrote to the FDIC; the letter was not part of the court filing.

There's no evidence in the court case that the Rose Law Firm or Hillary Clinton ever disclosed to their client, the FDIC, the ties between the Clintons and Lasater or Thomasson, who was representing Lasater's interests at the time of the settlement. Thomasson, who later became executive secretary of the Arkansas Democratic Party, is now director of the White House Office of Administration.

David Barr, an FDIC spokesman, said FDIC attorneys are trying to locate records on First American to see if the Rose Law Firm notified the FDIC about any potential conflict of interest.

A law firm can be banned from receiving further work from the FDIC and the Resolution Trust Corp., which disposes the assets of failed S&Ls, if it misleads FDIC officials about a possible conflict of interest, Barr said.

The First American case isn't the only problem for the firm, which Hillary Clinton left before her husband assumed the presidency.

The FDIC is trying to determine whether the Rose firm misled federal regulators about a potential conflict of interest when the firm represented the deposit insurance fund against the accountants who worked for Madison Guaranty. Hillary Clinton had represented Madison, the savings and loan at the heart of Whitewater.

In addition, FDIC officials are looking into the case of Home Federal Savings and Loan of Centralia, another failed Illinois institution, which is very similar to the First American case. It is not known whether Hillary Clinton was directly involved in the Home Federal case.

The Rose Law Firm represented Home Federal in a \$4.6 million suit against Lasater's company for unauthorized trading. But what is unusual about this case is that Lasater, too, was represented by an attorney with ties to Rose.

King Betz, former president of Home Federal, said he initially hired the Rose Law Firm because the claims in his suit were nearly identical to those in the First American case. He said that Vince Foster was the lead attorney in the case and that he had no contact with Hillary Clinton. After the government took over Home Federal, it continued the case.

Meanwhile, though, Thomas Mars, a Rose attorney who had worked with Foster and Hillary Clinton in the First American suit against Lasater, left the Rose firm. Months later, he started representing Lasater against Home Federal, which was still represented by Rose.

Legal experts say the Rose Law Firm should have notified Betz and the FDIC about Mars' potential conflict of interest. Because Mars worked on the First American suit, he could have had inside information that gave him an advantage in negotiating a settlement for Lasater in the Home Federal suit.

Betz says Foster never told him about Lasater's ties to the Clintons. He also failed to advise Betz about Mars' potential conflict

of interest. Betz said Foster advised him to accept a \$250,000 out-of-court settlement in September 1989.

"We were told by the attorneys that we were not going to get any more (money)," said Betz, who agreed to the settlement. When told that Mars had previously worked with Foster and Hillary Clinton in the First Federal case, Betz said: "He can't do that. He could have confidential information."

Mars denied any wrongdoing. "There was nothing funny going on. Everything was always on the up and up. Everything was done in a businesslike manner," he said.

AGREEMENT BETWEEN THE UNITED STATES OF AMERICA AND THE PEOPLE'S REPUBLIC OF CHINA CONCERNING FISHERIES OFF THE COASTS OF THE UNITED STATES—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 103-311)

The SPEAKER pro tempore (Mr. MCHALE) laid before the House the following message from the President of the United States which was read and, together with the accompanying papers, without objection, referred to the Committee on Merchant Marine and Fisheries and ordered to be printed:

*To the Congress of the United States:*

In accordance with the Magnuson Fishery Conservation and Management Act of 1976 (16 U.S.C. 1801 et seq.), I transmit herewith an Agreement between the Government of the United States of America and the Government of the People's Republic of China Extending the Agreement of July 23, 1985, Concerning Fisheries Off the Coasts of the United States, as extended and amended. The Agreement, which was effected by an exchange of notes at Beijing on March 4 and May 31, 1994, extends the 1985 Agreement to July 1, 1996.

In light of the importance of our fisheries relationship with the People's Republic of China, I urge that the Congress give favorable consideration to this Agreement at an early date.

WILLIAM J. CLINTON.

THE WHITE HOUSE, September 20, 1994.

REPORT CONCERNING NATIONAL EMERGENCY WITH RESPECT TO ANGOLA—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 103-312)

The SPEAKER pro tempore laid before the House the following message from the President of the United States which was read and, together with the accompanying papers, without objection, referred to the Committee on Foreign Affairs and ordered to be printed:

*To the Congress of the United States:*

I hereby report to the Congress on the developments since March 26, 1994, concerning the national emergency

with respect to Angola that was declared in Executive Order No. 12865 of September 26, 1993. This report is submitted pursuant to section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c).

On September 26, 1993, I declared a national emergency with respect to Angola, invoking the authority, *inter alia*, of the International Emergency Economic Powers Act (50 U.S.C. 1701 *et seq.*) and the United Nations Participation Act of 1945 (22 U.S.C. 287c). Consistent with United Nations Security Council Resolution No. 864, dated September 15, 1993, the order prohibited the sale or supply by U.S. persons or from the United States, or using U.S.-registered vessels or aircraft, of arms and related materiel of all types, including weapons and ammunition, military vehicles, equipment and spare parts, and petroleum and petroleum products to the territory of Angola other than through designated points of entry. The order also prohibited such sale or supply to the National Union for the Total Independence of Angola ("UNITA"). United States persons are prohibited from activities that promote or are calculated to promote such sales or supplies, or from attempted violations, or from evasion or avoidance or transactions that have the purpose of evasion or avoidance, of the stated prohibitions. The order authorized the Secretary of the Treasury, in consultation with the Secretary of State, to take such actions, including the promulgation of rules and regulations, as might be necessary to carry out the purposes of the order.

1. On December 10, 1993, the Treasury Department's Office of Foreign Assets Control ("FAC") issued the UNITA (Angola) Sanctions Regulations (the "Regulations") (58 Fed. Reg. 64904) to implement the President's declaration of a national emergency and imposition of sanctions against Angola (UNITA). There have been no amendments to the Regulations since my report of April 12, 1994.

The Regulations prohibit the sale or supply by U.S. persons or from the United States, or using U.S.-registered vessels or aircraft, of arms and related materiel of all types, including weapons and ammunition, military vehicles, equipment and spare parts, and petroleum and petroleum products to UNITA or to the territory of Angola other than through designated points. United States persons are also prohibited from activities that promote or are calculated to promote such sales or supplies to UNITA or Angola, or from any transaction by any U.S. persons that evades or avoids, or has the purpose of evading or avoiding, or attempts to violate, any of the prohibitions set forth in the Executive order. Also prohibited are transactions by

U.S. persons, or involving the use of U.S.-registered vessels or aircraft relating to transportation to Angola or UNITA of goods the exportation of which is prohibited.

The Government of Angola has designated the following points of entry as points in Angola to which the articles otherwise prohibited by the Regulations may be shipped: Airports: Luanda and Katumbela, Benguela Province; Ports: Luanda and Lobito, Benguela Province; and Namibe, Namibe Province; and Entry Points: Malongo, Cabinda Province. Although no specific license is required by the Department of the Treasury for shipments to these designated points of entry (unless the item is destined for UNITA), any such exports remain subject to the licensing requirements of the Departments of State and/or Commerce.

2. FAC has worked closely with the U.S. financial community to assure a heightened awareness of the sanctions against UNITA—through the dissemination of publications, seminars, and notices to electronic bulletin boards. This educational effort has resulted in frequent calls from banks to assure that they are not routing funds in violation of these prohibitions. United States exporters have also been notified of the sanctions through a variety of media, including special fliers and computer bulletin board information initiated by FAC and posted through the Department of Commerce and the Government Printing Office. There have been no license applications under the program.

3. The expenses incurred by the Federal Government in the 6-month period from March 26, 1994, through September 25, 1994, that are directly attributable to the exercise of powers and authorities conferred by the declaration of a national emergency with respect to Angola (UNITA) are reported at about \$75,000, most of which represents wage and salary costs for Federal personnel. Personnel costs were largely centered in the Department of the Treasury (particularly in the Office of Foreign Assets Control, the U.S. Customs Service, the Office of the Under Secretary for Enforcement, and the Office of the General Counsel) and the Department of State (particularly the Office of Southern African Affairs).

I will continue to report periodically to the Congress on significant developments, pursuant to 50 U.S.C. 1703(c).

WILLIAM J. CLINTON.

THE WHITE HOUSE, September 20, 1994.

#### HOW DO WE BRING OPERATION RESTORE DEMOCRACY TO A CLOSE?

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. GOSS] is recognized for 5 minutes.

Mr. GOSS. Mr. Speaker, on July 28, 1915, the United States invaded and oc-

cupied Haiti in response to the brutal slaying and dismemberment of the Haitian President Vilbrun Guillaume by an angry mob of Haitians. This date marked the beginning of the longest occupation in American history. It lasted 19 years. In the first 5 years, United States soldiers killed more than 2,200 Haitians in their effort to pacify the cities and countryside. The United States rewrote the constitution, reconstituted the military, collected taxes, censored the press, and arbitrated disputes. We were firmly entangled in Haiti. On September 19, 1994, the United States occupied Haiti—again.

Ultimately, 15,000 to 20,000 American soldiers will be on the ground there. The Pentagon is operating on the assumption that the occupation force will stay until the end of President Aristide's term in December 1995. United States forces are working to reconstitute the Haitian military, to disarm the public, and maintain public security. In short, we are once again firmly entangled in Haiti.

Yesterday, I joined my colleagues in hailing the Sunday night, skin of our teeth agreement that helped keep American soldiers out of outright military conflict in Haiti. However, we are not out of the woods yet. The administration, did not really plan for the current military operation. As one administration official said: "We had a plan for permissive entry and a plan for hostile entry, what we got is between the two and we had no plan for it." For the soldiers who, unlike that official, aren't sitting in the relative safety of Washington, DC, the mission remains dangerously ill-defined. As one young Florida soldier noted: "We don't know what our job is, our mission is, and for how long it's supposed to last. We've just been told not to shoot anybody." In addition to these uncertainties, we must take into account the pervasive elements of Haitian society, as bred by 200 years of domestic unrest: fear, violence, paranoia. We have to consider the military ranks who oppose the return of Aristide; the sector chiefs who have built their own little kingdoms—militia and all—in the Haitian countryside; the 20,000 plus armed Attaches who are the successors to the Macoutes of Duvalier's day; the Haitians who feel they must avenge the death of friends and relations; those like Biamby who are nationalistic in the extreme and carry a visceral dislike of the United States. This last point is very important. Earlier this summer Haitians across their country paused to note the 79th anniversary of the first United States occupation of Haiti. One Haitian historian summed up the feeling this way: "The date is important because it was a period of humiliation, and one does not live easily with such humiliation. We suffered an offense to our national pride." American soldiers have already heard this message from Haitians like the university student who

screamed "You Americans better not be trying to put your flag on Haitian soil" to the arriving forces.

While the United States managed to avert all out warfare, American soldiers have been committed to a long-term stay in Haiti. Given this reality, one might expect a little enthusiasm from the man that all of these exercises are meant to restore—Jean Bertrande-Aristide. Over the last 6 months, I have specifically asked administration officials—both verbally and in writing—if Aristide made a firm commitment to return to Haiti if the United States smooths the way. The answer was invariably yes. Today, President Aristide finally broke his silence in the aftermath of the agreement reached with Cedras and company on Sunday night. In his statement he pointedly ignored the agreement and the occupation already underway, choosing instead to talk only about returning to the failed Governor's Island Accord process. Aristide does not appear to support our course of action—he may never go back. Meanwhile, American soldiers are on the ground in Haiti securing his country for him. Certainly, there is nothing simple about the current situation in Haiti. One can only wonder, given all of these potential pitfalls, how the White House intends to bring Operation Restore Democracy to a close. Let us hope it does not take 19 years and a Haitian uprising to bring our soldiers home.

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REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 4448, ESTABLISHING LOWELL NATIONAL HISTORICAL PARK

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 103-730) on the resolution (H. Res. 532) providing for consideration of the bill (H.R. 4448) to amend the act establishing Lowell National Historical Park, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 4422, COAST GUARD AUTHORIZATION ACT OF 1994

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 103-731) providing for consideration of the bill (H.R. 4422) to authorize appropriations for fiscal year 1995 for the Coast Guard, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2866, HEADWATERS FOREST ACT

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 103-732) on the resolution (H. Res. 536), providing for consideration of the bill (H.R. 2866) to provide for the sound management and protection of Redwood forest areas in Humboldt County, CA, by adding certain lands and waters to the Six Rivers National Forest and by including a portion of such lands in the National Wilderness Preservation System, which was referred to the House Calendar and ordered to be printed.

HAITI AS RELATED TO OTHER RECENT MILITARY ACTIONS

The SPEAKER pro tempore. Under the Speaker's announced policy of February 11, 1994, and June 10, 1994, the Chair recognizes the gentleman from California [Mr. HUNTER] for 60 minutes.

Mr. HUNTER. Mr. Speaker, yesterday the House put the question to Members involving the resolution supporting the action of the President and the peace delegation, the negotiating delegation, and of course the American soldiers, the military personnel who went to Haiti. This is not unusual, that when you have a military action or a quasi-military action, often the question is put to the House Members, generally after the fact, after the decision has been made to send those people, to support the troops.

Mr. Speaker, there was no compelling interest, national interest served, in my estimation, that would justify going into Haiti with military forces, whether you call it an invasion, an invasion with permission, an occupation or whatever.

In the instances in recent years when we have gone into nations in this hemisphere, such as Grenada, such as Panama, we had what I would call compelling national reasons for doing that. In Grenada we had hundreds of American medical students who were surrounded by the communist thugs who had just machinegunned Maurice Bishop and others at Fort Rupert a few miles away. In the words of these students when they were saved by American Rangers and brought back to the United States, and here I am paraphrasing what a lot of them said and what a lot of their parents said, "We were in imminent danger. We thank you for bringing us back."

With respect to the Panama Canal, that action under President Bush, we had of course a compelling justification, which was the canal itself, a strategic asset to the United States.

In this case, I think the President made no compelling justification. In fact, there appears unfortunately that some of the statements that he made

early on to increase American support for this actions, such as calling General Cedras, alluding to him in a way that he was a bloodthirsty terrorist; hearing that from the President, and then a short time later after this so-called agreement had been made, hearing him refer to General Cedras as an honorable man, I think raised a lot of confusion in the minds of Americans. Had he become an honorable man over the last several hours because he now made an agreement with the President? Was he still a bloodthirsty terrorist? Was it really a reason for American troops to be introduced into Haiti?

Yesterday when the issue came before the House of Representatives, both Republicans and Democrats, obviously the time for debating whether we should go into Haiti was over because the President had sent troops into Haiti. We were asked to support the troops, and of course Republicans and Democrats support the troops.

Some Members on both sides decided not to support that resolution. They felt that the troops already knew who supports them in the United States Congress, and they did not need to do that.

Others of us felt whenever you have troops carrying out a military operation, it is important to let them know about that.

But let me tell you what most Members on the Republican side of the aisle do not support. I think most of us did not support the operation in the first place. We do not support the notion that there is a compelling national interest in being in Haiti.

Another thing that we do not support, though, and you are not going to see this coming from the Republican side of the aisle while you did see it coming from the Democrat side of the aisle from some of the more liberal Members during the 1980's, let me go over a few of the things you will not see.

You are not going to see any "Dear Commandante" letters. That was a letter sent to the communist dictator of Nicaragua by the Democrat leadership at a time when American interests were strongly opposed by the communists, the Sandinistas in Nicaragua, at a time when freedom fighters were dying under Soviet-made helicopter gunships and AK-47's manufactured in the Soviet Union, moved in by Soviet intelligence operatives into Nicaragua. You are not going to see Members of the American Congress going down and trying to strategize with certain elements in Haiti as to how best to frustrate American policy.

You saw all those things coming from the liberal Democrat leadership in this House of Representatives during the 1980's, during the contra wars. You are not going to see Members of the Republican side of the U.S. Congress

going down and meeting with adversaries to American interests trying to figure out how to frustrate an American President.

So this is President Clinton's move. He has made it about 6 weeks before the election. I think the timing is unfortunate because obviously everything the President does now is tinged with political ramifications. That is clear.

I think he owed it to the American people to wait until the election was over so there would be no question as to whether or not he was trying to move his polls for his party a little bit before the upcoming election.

I think most Americans feel that that is a misuse of the lives of our uniformed personnel, to move them around the globe in any way immediately before an election.

I wish he had not done that.

But now that he has done it, I think he has brought our focus to something else. That something else is the issue of what President Clinton and the liberal Democrat leadership of the House and the Senate had done to American military posture.

What happened to the great military machine that was built during the 1980's under the leadership of Ronald Reagan and George Bush? Where we restored the hollow military that had been left to us by the Carter administration. We rebuilt the American Navy, we rebuilt our strategic triad, we rebuilt our readiness, we gave pay raises to our uniformed personnel. We increased morale to the highest point in years. We built M-1 tanks, the Apache helicopter, the Patriot missile and ultimately we deployed all those systems, all that readiness, all those personnel in the war in the Persian Gulf, in Desert Storm. We had an overwhelming victory. I think it was well stated, we had an overwhelming victory in Desert Storm because we had forces that were far superior to our adversary's, even though the press told us over and over again, "You are going up against the fourth largest army in the world," and they kept waiting for Saddam Hussein to throw his best punch. Sometimes I think the press was waiting a little too anxiously. He was never able to throw that punch because we had overwhelming forces. We projected American military power like we had not projected it in 20 years, and it was that rebuilding of that national defense that brought the Soviet Union to the bargaining table.

Remember when we rebuilt our strategic triad, building missiles, building bomber aircraft, when Mr. Gorbachev—when the Soviet Union went into Western Europe and started to ring the nations of our allies, the French, the British, the Germans, started to put SS-20's ballistic missiles close by those countries that were allies of the United States; the United States said "we are going to put ground-launched cruise

missiles and Pershing missiles in Europe facing you." And we faced down the Soviet Union.

□ 1820

And the liberal press said, "Now you've done it now, Ronald Reagan. You've gone too far, and you're going to start a war, or you're going to produce a split between the Soviet Union and the United States that will never heal, a rift, and we'll never have peace."

And yet we did those things. We provided from a position of strength, and lo and behold, there was Mr. Gorbachev on the phone saying, "Can we talk about this?"

And we talked about it in a series of arms control treaties that were unprecedented, that vastly reduced, and are reducing, the exposure of American citizens to nuclear conflict. We did all that because we were strong.

So, in 1992, we got a new President, a Democrat President named Bill Clinton, and President Clinton put into effect one of the most radical cuts in national security in the history of this Nation. He cut \$129 billion out of national defense, and that was below the cuts that had already been made by Colin Powell and Dick Cheney.

Now in cutting \$129 billion out of national defense he is taking out Army divisions from 18 to 10, taking our fighter wings from an equivalency of about 24 fighter wings to 14. We have gone down to, last year when we only did 62 percent of the required depot level maintenance—that means fixing the equipment, keeping it up to speed—we now have American men and women in uniform taking 27 million dollars' worth of food stamps because we are not keeping them up to speed with respect to their pay, and this President is producing a hollow military, and maybe it is appropriate that the only nation that he felt he could really face down this year was Haiti because it really reflects all those situations that he was unable to face down, situations like the Korean Peninsula where you have a real threat.

And let me go over just a couple of the statements that have been made concerning our military readiness under this President. The Army has stated this: Recruiters are finding mission achievement increasingly difficult, and the Marines note interest in joining has never been lower. Regarding quality of troops and recruits, in 1989, Mr. Speaker, 100 percent of our recruits had high school diplomas in the first 6 months of 1994. This has already dropped to 94 percent. The Defense Science Board made a study. They warned us DOD is investing in maintenance, repair, and modernization of its facilities at a rate that is far lower than the robust period of the mid-1980's and will soon equal the rates of the hollow force era of the late 1970's. The

Army has cautioned that their inability to provide requisite maintenance resources to sustain functional facilities will clearly result in lost training time, degraded equipment availability and continued troop diversion.

There are some of the smartest people in our country on the Defense Science Board saying, "You're cutting too much, your equipment is not ready, and that's going to result in disaster if we go on the battlefield in the near future."

The Marines have an unfunded depot maintenance backlog. That means fixing the equipment. They have got a backlog of \$360 million. The Navy will have a backlog of 100 air frames and 250 engines, and the Air Force may face a 1,000 engine backlog because of lack of spare parts.

Remember the 1970's under Jimmy Carter? That great peace negotiator? We were cannibalizing so many of our aircraft that about half of them were not mission capable. That means we had to go off—if you are a farmer that is like going and taking one of your combines and taking all the spare parts off that combine so you can keep the other one running. That is what we were doing under President Carter. That is what we are starting to do today.

Now how does this translate into war fighting capability? As of 1994, Mr. Speaker, the Marines show a decline from 92 percent to 89 percent in equipment readiness. That is the first time in a decade it has gone under 90 percent. The Air Force is projected to have a 6-percent decrease in aircraft mission capable rates, and its mission capable rates for F-16's in the past 3 years has dropped from 85 percent to 79 percent.

Before the Senate Armed Services Committee Gen. Joseph Hoar, Commander in Chief, U.S. Central Command, stated and I am quoting him,

Airlift in this country is broken right now. I'm not sure it's workable for one major regional contingency. In addition, while the world situation has changed, U.S. troops are still in harm's way, yet we aren't procuring for them the necessary weapons systems.

And let us review that a little bit. In fiscal year 1990 we procured 20 carriers, 511 aircraft, 448 tanks, and 175 strategic missiles. Under President Clinton's leadership, or lack thereof, DOD will procure only 6 ships, 127 aircraft, no tanks at all, and only 18 strategic missiles. Even the Congressional Budget Office has said more planes, more ships, and more tanks than are included in the administration's procurement plan would be needed to sustain its forces in the steady state. That means to keep your potential and your capabilities strong and not have it decline.

"We need more than what you're sending us." What that means is that, if you look at the replacement rate for

used equipment during the 1980's, and you look at the replacement rate for our equipment now, like our carrier aircraft, it is about one-fifth of the rate now of what it was in the mid-1980's. That means you are going to have more equipment wearing out faster, and you are not going to be able to replace it, and when you have to take the wheels off the deck, some of those planes do not work, and some of the equipment and the weapon systems on those planes do not work, and that means dead pilots, and it means missions that have not been completed.

Let me quote Col. Jan Hooley, U.S. Marine Corps. He said this:

Our fleet of attack helicopters in Somalia were grounded just as I arrived off the coast of Somalia. To get them flying it took cannibalization or stripping of all the parts of the aircraft that were left back at Camp Lejeune so that only five of the 28 remaining aircraft were operational and flyable.

Once again that is like taking that piece of farm equipment and stripping all of the parts off of it so you can keep the other piece of farm equipment running. We are taking away mission capability from one aircraft here. In this case we are taking it away from 23 aircraft so that you have at least 5 aircraft out of 28 that are operational. That was in Somalia.

So, Mr. Speaker, foreign policy is the province of the President of the United States. I said that when it was Ronald Reagan running things, when George Bush was running things, and now with the present gentleman in office, Mr. Clinton, I will maintain that position. I think it is appropriate. He is the Commander in Chief under the Constitution. But he has a duty that he has not carried out, and that duty is to keep America strong. He has not kept that duty. He has not met that duty. And this House of Representatives should be judged by the American people in this election for not forcing the President to keep that duty because we have a constitutional right to keep national security strong, raise the Armies and the Navies and to maintain them so they can project American military power and protect and defend American foreign policy. The liberal Democrat leadership of the House of Representatives has essentially rubber stamped the defense numbers for this President, the \$129 billion cuts in national defense.

And let me just close by quoting Col. William Loney, U.S. Air Force Commander, 33d Fighter Wing, Eglin Air Force Base in Florida. He said we are starting to see that we can no longer cut the force if we hope to have a capable force, and perhaps that is why those of us out in the field are starting to see some indications where now the budget needs to match the force structure. Whether or not that is happening I cannot tell you.

□ 1830

Of course, no military officer wants to say "My commander in chief, the person I salute, is wrong." That is about as close as you will ever come to finding a military officer trying to send a message to this Congress that things are very, very wrong.

You know, if you look at President Clinton's 5-year budget, you will see there a lot of increases. While he cut defense spending by 35 percent, he increased entitlement spending by 38 percent, and he increased domestic spending by 12 percent. But he cut national security, and he cut it at a time when the world is still a very, very dangerous place.

So this President can do what he wants in Haiti. That is obvious. He already has. I am sorry he did it only a few weeks before the election, because that always raises questions, and I think keeps us from being able to design a foreign policy that is as bipartisan as possible.

This President has done that. Republicans are not going to be writing any "Dear Commandante" letters, like the liberal Democratic leadership used to write to our adversaries during the contra wars of the 1980's. But we are going to do a couple of things. We are going to ask the President to account to us how much welfare we are going to be giving Haiti, because that welfare, those expenditures by American taxpayers on Haiti, will probably go over \$1 billion. That is all the income taxes in certain towns in this country. If you took all the income taxes in certain mid-sized towns, you could devote all those Federal income taxes strictly to the Haitian operation, and they would barely satisfy it.

So we are probably going to spend \$1 billion in Haiti. We want the President to come clean with us and tell us what it is going to cost the American taxpayers to put seven million new people on American welfare rolls. We are probably going to do that. We are also going to be asking the President some very, very what I believe will be unfortunately difficult questions for him over the next several weeks as to what he has done to the power of American Armed Forces.

#### COMMUNICATION FROM THE ACTING DIRECTOR OF NON-LEGISLATIVE AND FINANCIAL SERVICES

The SPEAKER pro tempore (Mr. McHALE) laid before the House the following communication from the Acting Director of Non-Legislative and Financial Services:

NON-LEGISLATIVE AND FINANCIAL SERVICES, U.S. HOUSE OF REPRESENTATIVES,

Washington, DC, September 20, 1994.

Hon. THOMAS S. FOLEY,  
Speaker, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This is to notify you formally pursuant to Rule L (50) of the Rules

of the House that the Office of Finance has been served with a subpoena issued by the Superior Court of the District of Columbia.

After consultation with the General Counsel to the House, I have determined that compliance with the subpoena is consistent with the privileges and precedents of the House.

Sincerely,

RANDALL B. MEDLOCK,  
Acting Director.

#### CONFERENCE REPORT ON H.R. 4606

Mr. SMITH of Iowa submitted the following conference report and statement on the bill (H.R. 4606) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1995, and for other purposes:

#### CONFERENCE REPORT (H. REPT. 103-733)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 4606) "making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1995, and for other purposes," having met after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 28, 36, 39, 77, 82, 84, 94, 105, 127, 129, 131, 133, 149, 151, and 152.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 9, 10, 19, 22, 23, 24, 25, 31, 55, 59, 64, 72, 85, 92, 110, 111, 112, 113, 114, 115, 119, 120, 121, 125, 128, 134, 136, 137, 147, and 150, and agree to the same.

#### Amendment numbered 2:

That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: \$5,505,885,000; and the Senate agree to the same.

#### Amendment numbered 3:

That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: \$5,181,250,000; and the Senate agree to the same.

#### Amendment numbered 4:

That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: \$142,029,000; and the Senate agree to the same.

#### Amendment numbered 5:

That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment amended to read as follows: including \$46,404,000 for new centers; ; and the Senate agree to the same.

#### Amendment numbered 6:

That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: \$125,000,000; and the Senate agree to the same.



In lieu of the sum proposed by said amendment insert: \$1,319,204,000; and the Senate agree to the same.

Amendment numbered 76:

That the House recede from its disagreement to the amendment of the Senate numbered 76, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: \$13,659,000; and the Senate agree to the same.

Amendment numbered 106:

That the House recede from its disagreement to the amendment of the Senate numbered 106, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: \$3,252,846,000; and the Senate agree to the same.

Amendment numbered 109:

That the House recede from its disagreement to the amendment of the Senate numbered 109, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: \$2,393,352,000; and the Senate agree to the same.

Amendment numbered 116:

That the House recede from its disagreement to the amendment of the Senate numbered 116, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: \$1,473,175,000, of which \$1,470,256,000; and the Senate agree to the same.

Amendment numbered 117:

That the House recede from its disagreement to the amendment of the Senate numbered 117, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: \$34,535,000; and the Senate agree to the same.

Amendment numbered 118:

That the House recede from its disagreement to the amendment of the Senate numbered 118, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: \$20,684,000; and the Senate agree to the same.

Amendment numbered 122:

That the House recede from its disagreement to the amendment of the Senate numbered 122, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: \$7,702,970,000; and the Senate agree to the same.

Amendment numbered 123:

That the House recede from its disagreement to the amendment of the Senate numbered 123, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: \$63,375,000; and the Senate agree to the same.

Amendment numbered 126:

That the House recede from its disagreement to the amendment of the Senate numbered 126, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment insert: *VIII, part A, subpart 1 of part B, and part D of title X, and*; and the Senate agree to the same.

Amendment numbered 132:

That the House recede from its disagreement to the amendment of the Senate numbered 132, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment, amended to read as follows: and

\$1,000,000 of the amount provided herein for title III shall be available for an evaluation of the title III programs; and the Senate agree to the same.

Amendment numbered 140:

That the House recede from its disagreement to the amendment of the Senate numbered 140, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: \$356,021,000; and the Senate agree to the same.

Amendment numbered 141:

That the House recede from its disagreement to the amendment of the Senate numbered 141, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: \$30,437,000; and the Senate agree to the same.

Amendment numbered 142:

That the House recede from its disagreement to the amendment of the Senate numbered 142, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: \$59,317,000; and the Senate agree to the same.

Amendment numbered 143:

That the House recede from its disagreement to the amendment of the Senate numbered 143, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: \$214,710,000; and the Senate agree to the same.

Amendment numbered 145:

That the House recede from its disagreement to the amendment of the Senate numbered 145, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: \$31,344,000; and the Senate agree to the same.

Amendment numbered 146:

That the House recede from its disagreement to the amendment of the Senate numbered 146, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: \$1,793,000; and the Senate agree to the same.

The committee of conference report in disagreement amendments numbered 12, 13, 18, 20, 26, 32, 33, 35, 37, 38, 51, 53, 54, 56, 63, 66, 69, 70, 71, 73, 74, 75, 78, 79, 80, 81, 83, 86, 87, 88, 89, 90, 91, 93, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 107, 108, 124, 130, 135, 138, 139, 144, 148, 153, 154, 155, 156, and 157.

NEAL SMITH,  
DAVID OBEY,  
LOUIS STOKES,  
STENY H. HOYER,  
NANCY PELOSI,  
NITA M. LOWEY,  
JOSÉ SERRANO  
(except amendment  
153),

ROSA L. DELAULO,  
MARTIN OLAV SABO,  
JOHN EDWARD PORTER  
(except amendments  
108 and 157),

BILL YOUNG,  
HELEN DELICH BENTLEY,  
HENRY BONILLA,  
JOSEPH M. MCDADE,

*Managers on the Part of the House.*

TOM HARKIN,  
ROBERT C. BYRD,  
FRITZ HOLLINGS,  
DANIEL K. INOUE,  
DALE BUMPERS,  
HARRY REID,

HERB KOHL,  
PATTY MURRAY,  
ARLEN SPECTER,  
MARK O. HATFIELD,  
TED STEVENS  
(except for CPB),  
THAD COCHRAN,  
SLADE GORTON,  
CONNIE MACK,  
C.S. BOND,

*Managers on the Part of the Senate.*

JOINT EXPLANATORY STATEMENT OF  
THE COMMITTEE OF CONFERENCE

The managers on the part of the House and Senate at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 4606) making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies, for the fiscal year ending September 30, 1995, and for other purposes, submit the following joint statement to the House and Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report.

TITLE I—DEPARTMENT OF LABOR  
EMPLOYMENT AND TRAINING ADMINISTRATION  
TRAINING AND EMPLOYMENT SERVICES  
(Including rescission)

Amendment No. 1: Inserts heading as proposed by the Senate.

Amendment No. 2: Appropriates \$5,505,885,000, instead of \$5,524,991,000 as proposed by the House and \$5,468,217,000 as proposed by the Senate.

The conference agreement includes \$5,489,000 for labor market information, \$6,000,000 for JTPA capacity building, \$5,000,000 for the Samoan, Pacific Islander and Asian American employment and training initiative and \$2,250,000 for microenterprise grants.

The conferees have not provided funding for job training for the non-veteran homeless population as a separate program. The conferees intend that the Department follow the guidance contained in the House report and continue through FY 1995 to help the existing grantees expand and improve partnerships with JTPA service delivery areas.

Amendment No. 3: Makes available \$5,181,250,000 for obligation for the period July 1, 1995 through June 30, 1996, instead of \$5,035,179,000 as proposed by the House and \$5,234,055,000 as proposed by the Senate.

Amendment No. 4: Earmarks \$142,029,000 for Job Corps construction, instead of \$150,000,000 as proposed by the House and \$126,556,000 as proposed by the Senate. The conference agreement includes \$10,000,000 to initiate four new Job Corps centers, instead of \$14,850,000 and six new centers as proposed by the House. The Senate bill had no provision for new centers.

Amendment No. 5: Restores language proposed by the House and stricken by the Senate amended to earmark \$46,404,000 for new Job Corps centers, including \$36,404,000 to continue the new centers started last year, instead of \$51,254,000 as proposed by the House. The agreement also deletes language proposed by the House that would have made certain summer youth employment funds available for obligation on October 1, 1994.

Amendment No. 6: Earmarks \$125,000,000 for the School-to-Work Opportunities Act, instead of \$140,000,000 as proposed by the House and \$100,000,000 as proposed by the Senate.

Amendment No. 7: Earmarks \$64,080,000 for Native American job training, instead of \$63,666,000 as proposed by the House and \$64,218,000 as proposed by the Senate.

Amendment No. 8: Earmarks \$85,710,000 for migrant and seasonal farmworker job training, instead of \$84,841,000 as proposed by the House and \$86,000,000 as proposed by the Senate.

Amendment No. 9: Earmarks \$2,223,000 for the National Commission for Employment Policy as proposed by the Senate instead of \$1,500,000 as proposed by the House.

Amendment No. 10: Earmarks \$6,000,000 for the National Occupational Information Coordinating Committee as proposed by the Senate, instead of \$5,579,000 as proposed by the House.

Amendment No. 11: Earmarks \$1,054,813,000 for adult job training, instead of \$1,044,813,000 as proposed by the House and \$1,064,813,000 as proposed by the Senate.

Amendment No. 12: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with respect to funds appropriated for title III of the Job Training Partnership Act which removes the cost limitation that States utilize not more than 25 percent of funds on needs-related payments and supportive services; modifies the State waiver authority which permits the Governor to reduce to 30 percent the requirement that not less than 50 percent of the funds be used for retaining services; and allows funds awarded under the discretionary grant program to be used to provide needs-related payments to participants who have enrolled in training by the 6th week after the grant is awarded.

Amendment No. 13: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which rescinds \$50,000,000 for youth job training. The House bill contained no rescission.

STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICE OPERATIONS

Amendment No. 14: Appropriates \$147,188,000, instead of \$146,697,000 as proposed by the House and \$147,351,000 as proposed by the Senate.

Amendment No. 15: Makes available \$23,269,097,000 from the Unemployment Trust Fund, instead of \$3,269,013,000 as proposed by the House and \$3,280,357,000 as proposed by the Senate.

Amendment No. 16: Makes \$145,254,000 of Employment Service funds available for obligation for the period July 1, 1995 through June 30, 1996, instead of \$144,763,000 as proposed by the House and \$145,417,000 as proposed by the Senate.

Amendment No. 17: Makes \$820,658,000 of Employment Service funds available for obligation for the period July 1, 1995 through June 30, 1996, instead of \$817,224,000 as proposed by the House and \$821,803,000 as proposed by the Senate.

Amendment No. 18: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert \$223,837,000

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement earmarks \$223,837,000 for the unemployment insurance contingency fund, instead of \$232,437,000 as proposed by the House and \$226,000,000 as proposed by the Senate.

Amendment No. 19: Makes available an additional \$30,000,000 from the unemployment insurance reserve fund for every 100,000 increase in the average weekly insured unem-

ployment as proposed by the Senate, instead of \$27,800,000 as proposed by the House.

Amendment No. 20: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which permits the States to fund integrated Employment Service and unemployment insurance automation efforts, notwithstanding certain cost allocation principles.

OFFICE OF THE AMERICAN WORKPLACE SALARIES AND EXPENSES

Amendment No. 21: Appropriates \$31,471,000, instead of \$30,411,000 as proposed by the House and \$32,225,000 as proposed by the Senate.

PENSION AND WELFARE BENEFITS ADMINISTRATION SALARIES AND EXPENSES

Amendment No. 22: Appropriates \$69,454,000 as proposed by the Senate instead of \$66,388,000 as proposed by the House.

EMPLOYMENT STANDARDS ADMINISTRATION SALARIES AND EXPENSES

Amendment No. 23: Appropriates \$248,667,000 as proposed by the Senate instead of \$242,860,000 as proposed by the House.

The conferees are aware of concerns about recent Labor Department actions that appear to deem certain off-hours work by court reporters while preparing transcripts for appeal as overtime subject to the Fair Labor Standards Act. No later than one hundred and eighty days after the date of enactment of this Act, the Department of Labor shall report to the respective appropriations committees of the Senate and the House on any issues concerning the application of the Fair Labor Standards Act to the preparation of transcripts by court reporters employed by public agencies.

MINE SAFETY AND HEALTH ADMINISTRATION SALARIES AND EXPENSES

Amendment No. 24: Appropriates \$201,238,000 as proposed by the Senate instead of \$197,519,000 as proposed by the House.

BUREAU OF LABOR STATISTICS SALARIES AND EXPENSES

Amendment No. 25: Appropriates \$298,761,000 as proposed by the Senate instead of \$296,761,000 as proposed by the House.

DEPARTMENTAL MANAGEMENT SALARIES AND EXPENSES

Amendment No. 26: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

In lieu of the sum named in said amendment, insert: \$2,100,000

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The agreement earmarks \$2,100,000 for the International Program on the Elimination of Child Labor, instead of \$2,500,000 as proposed by the Senate. The House bill included no provision for this.

Amendment No. 27: Appropriates \$154,827,000, instead of \$156,002,000 as proposed by the House and \$152,818,000 as proposed by the Senate and deletes language proposed by the House to earmark funds for ADP purposes. The conferees are agreed that \$2,000,000 is included for automation activities for the Office of the Solicitor.

The conference agreement includes \$2,000,000 and 13 FTE's to implement the North American Free Trade Agreement, \$2,100,000 for the International Program on

the Elimination of Child Labor, \$300,000 and four FTE's to continue and expand efforts by the Labor Department to identify foreign industries and their host countries that utilize child labor in the production of goods exported to the United States and \$600,000 for the Family and Medical Leave Act Commission on Leave.

ASSISTANT SECRETARY FOR VETERANS EMPLOYMENT AND TRAINING

Amendment No. 28: Makes available \$185,281,000 from the Unemployment Trust Fund as proposed by the House, instead of \$187,964,000 as proposed by the Senate.

OFFICE OF INSPECTOR GENERAL

Amendment No. 29: Appropriates \$48,106,000, instead of \$47,676,000 as proposed by the House and \$48,535,000 as proposed by the Senate.

Amendment No. 30: Makes available \$3,913,000 from the Unemployment Trust Fund, instead of \$3,860,000 as proposed by the House and \$3,966,000 as proposed by the Senate.

GENERAL PROVISIONS

Amendment No. 31: Deletes language proposed by the House that would prohibit payment of Federal Employees' Compensation Act benefits to anyone convicted of defrauding the program. The next amendment deals with this matter further.

Amendment No. 32: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which inserts a new section 101 as proposed by the Senate. This section would terminate Federal Employees' Compensation Act (FECA) benefits to anyone convicted of defrauding the FECA program and to anyone incarcerated for any felony; and it would amend title 18 of the U.S. Code to make FECA fraud a felony where the amount in question exceeded \$1,000.

Amendment No. 33: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

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

SEC. 105. *The Secretary of Labor is authorized to accept, in the name of the Department of Labor, and employ or dispose of in furtherance of authorized activities of the Department of Labor, during the fiscal year ending September 30, 1995, and each fiscal year thereafter, any money or property, real, personal, or mixed, tangible or intangible, received by gift, devise, bequest, or otherwise.*

SEC. 106. *Section 5315 of title 5, United States Code, is amended by inserting at the end thereof: "The Commissioner of Labor Statistics, Department of Labor."*

SECTION 5316 OF TITLE 5, UNITED STATES CODE, IS AMENDED BY STRIKING "COMMISSIONER OF LABOR STATISTICS, DEPARTMENT OF LABOR."

SEC. 107. *None of the funds appropriated in this title for the Job Corps shall be used to pay the compensation of an individual, either as directed costs or any proration as an indirect cost, at a rate in excess of \$125,000.*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement deletes language proposed by the Senate related to the use of funds for joint projects with nonprofit or public organizations or agencies. The agreement inserts three new general provisions as proposed by the Senate as follows: (1) gift authority for the Secretary; (2) change of pay status for the Commissioner of

Labor Statistics; and (3) an annual cap on compensation of individuals employed in the Job Corps program.

**TITLE II—DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**HEALTH RESOURCES AND SERVICES ADMINISTRATION**

**HEALTH RESOURCES AND SERVICES**

Amendment No. 34: Appropriates \$3,056,203,000 instead of \$3,008,225,000 as proposed by the House and \$3,066,254,000 as proposed by the Senate.

The conferees intend that the management and regulation of the community health center program in the Pacific Basin region be as flexible as possible to accommodate the unique political and administrative environment of the area and the extreme health care needs of native American Pacific Islanders.

It has come to the attention of the conferees that the agency has a policy of limiting funding for new starts under the community health center program to \$600,000. However, in the case of a satellite center that becomes a full community health center, the conferees direct that there be no reduction in the level of support that center received as a satellite, provided that the center will continue to provide services to the same or an expanded population and has a satisfactory performance record.

The conferees intend that the increase in funds above the 1994 level for the health care for the homeless program be allocated both for school-based primary health care services to homeless and at-risk youth and for the ongoing health care for the homeless projects.

The conferees agreement provides \$683,950,000 for the maternal and child health block grant. The conferees direct that funding for university affiliated programs be maintained at no less than the 1994 funding level.

The conferees agree that all health professions disciplines made eligible by statute should be able to participate in the scholarships for disadvantaged students program. The conferees would like a report on this situation prior to the hearings on the fiscal year 1996 budget.

The conferees encourage the Health Resources and Services Administration to take the steps necessary to increase the representation of African Americans in the fields of full-time nursing faculty, registered nurses, and advanced nurse practitioners and in the ranks of those receiving baccalaureate, masters and doctoral degrees. The conferees expect an update on this action prior to the fiscal year 1996 hearings.

Amendment No. 35: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

In lieu of the sum named in said amendment, insert: \$24,625,000

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conferees encourage the agency to give priority to those States that do not presently have area health education centers (AHECs) when awarding grants for new AHECs.

Amendment No. 36: Deletes language proposed by the Senate which would earmark \$3,000,000 of program administration funding for Ryan White AIDS programs.

Amendment No. 37: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and

concur in the amendment of the Senate which establishes a limitation on funds that may be used for the health centers malpractice claims fund.

**CENTERS FOR DISEASE CONTROL AND PREVENTION**

**DISEASE CONTROL, RESEARCH, AND TRAINING**

Amendment No. 38: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: \$2,089,443,000

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Within the prevention centers program, the Centers for Disease Control and Prevention (CDC) is encouraged to fund a women's health demonstration project at a university that has a comprehensive cancer center in a rural state with a high minority population that has a breast and cervical cancer screening program. Such a demonstration should provide mobile screening, education, prevention, followup and care and include a focus on cancers of the breast, cervix, skin, colon, and lung. CDC is encouraged to use breast and cervical cancer demonstration funds to supplement this women's health initiative.

Recognizing the need to respond to the increase in chlamydia infection, the conferees encourage the Centers for Disease Control and Prevention to use a portion of the increase provided for sexually transmitted diseases to support the infertility Prevention Act. These funds should be used to both increase support for the original demonstration regions and to expand services to new project areas.

The conferees have provided \$1,448,000 and 26 FTE from the National Vaccine Program Office within the Office of the Assistant Secretary for Health for the national immunization program at CDC. The conferees direct that this funding and 20 FTE be allocated to provide technical, laboratory, and program assistance for (1) the global initiative to eradicate polio, and (2) the control and elimination of measles and neonatal tetanus in regions or countries where these activities are combined with polio eradication efforts. None of the new positions is to be allocated for administrative support outside the Immunization Service Division and the polio eradication activity.

The General Accounting Office (GAO) has found that in implementing the Vaccines for Children (VFC) program, the Secretary has established a fee schedule based on customary charges for private physicians who administer VFC-purchased vaccine. GAO has found that this fee schedule is not in accordance with the law authorizing the VFC program, which requires that fees be based on actual costs rather than prevailing charges. The conferees share GAO's concern that the Secretary's fee schedule represents an incentive to physicians at the expense of children who are uninsured. Accordingly, the Secretary is directed to compute the actual cost of administering vaccines and to revise the fee schedule in accordance with the requirements of the authorizing law. The conferees do not intend that this directive delay start-up of the VFC program.

The conferees intend that a portion of the increase provided the chronic and environmental diseases will support demonstration grants for the development of community partnership coalitions for the prevention of teen pregnancies.

Amendment No. 39: Earmarks \$27,862,000 for one percent evaluation set-aside funding

for the National Center for Health Statistics as proposed by the House instead of \$28,873,000 as proposed by the Senate.

**NATIONAL INSTITUTES OF HEALTH**

**NATIONAL CANCER INSTITUTE**

The conferees strongly encourage the Institute to expand its levels of support for both its diethylstilbestrol (DES) research and education efforts.

**NATIONAL HEART, LUNG, AND BLOOD INSTITUTE**

The conferees agree on the importance and effectiveness of the Institute's public and professional education programs such as the National Asthma Education and Prevention Program and the National Heart Attack Alert Program.

**NATIONAL INSTITUTE OF DIABETES AND DIGESTIVE AND KIDNEY DISEASES**

Amendment No. 40: Appropriates \$728,284,000 instead of \$726,784,000 as proposed by the House and \$728,784,000 as proposed by the Senate.

The conferees are aware of the critical importance of research on endocrine and metabolic disorders, which can be fatal in children. This includes the class of diseases related to glycogen storage. The conferees urge the institute to expand its research in this field.

**NATIONAL INSTITUTE OF NEUROLOGICAL DISORDERS AND STROKE**

Amendment No. 41: Appropriates \$628,301,000 instead of \$626,801,000 as proposed by the House and \$628,801,000 as proposed by the Senate.

**NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS DISEASES**

The conferees expect the Institute to provide a detailed progress report on its national cooperative inner city asthma study and on its plans to address asthma in African Americans and other high risk populations prior to the fiscal year 1996 hearings.

**NATIONAL INSTITUTE OF CHILD HEALTH AND HUMAN DEVELOPMENT**

The conference agreement provides increased funding to enable the Institute to fund additional developmental disabilities prevention research centers within university affiliated programs to investigate the critical problems of prevention and amelioration of mental retardation, including specialized research centers engaged in the multidisciplinary analysis of the development of protein sheaths protecting nerve fibers.

**NATIONAL EYE INSTITUTE**

Amendment No. 42: Appropriates \$291,600,000 instead of \$290,335,000 as proposed by the House and \$292,022,000 as proposed by the Senate.

**NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES**

Amendment No. 43: Appropriates \$267,566,000 instead of \$266,400,000 as proposed by the House and \$267,955,000 as proposed by the Senate.

**NATIONAL INSTITUTE ON AGING**

Amendment No. 44: Appropriates \$432,698,000 instead of \$431,198,000 as proposed by the House and \$433,198,000 as proposed by the Senate.

**NATIONAL INSTITUTE OF ARTHRITIS AND MUSCULOSKELETAL AND SKIN DISEASES**

Amendment No. 45: Appropriates \$228,521,000 instead of \$227,021,000 as proposed by the House and \$229,021,000 as proposed by the Senate.

**NATIONAL INSTITUTE ON DEAFNESS AND OTHER COMMUNICATION DISORDERS**

Amendment No. 46: Appropriates \$166,886,000 instead of \$166,155,000 as proposed

by the House and \$167,129,000 as proposed by the Senate.

**NATIONAL INSTITUTE OF NURSING RESEARCH**

Amendment No. 47: Appropriates \$48,237,000 instead of \$47,971,000 as proposed by the House and \$48,326,000 as proposed by the Senate.

**NATIONAL INSTITUTE ON DRUG ABUSE**

The conferees encourage the Institute to award new grants for comprehensive substance abuse treatment centers serving women, children and minorities to conduct research on the effectiveness of comprehensive substance abuse treatment services.

**NATIONAL INSTITUTE OF MENTAL HEALTH**

Amendment No. 48: Appropriates \$543,550,000 instead of \$542,050,000 as proposed by the House and \$544,050,000 as proposed by the Senate.

**NATIONAL CENTER FOR RESEARCH RESOURCES**

The conferees direct the Center to reserve \$2,500,000 of the \$20,000,000 allocated for extramural facility construction and renovation for qualified regional primate centers. The award of the reserved funds shall be subject to the availability of highly meritorious applications and shall be made competitively.

The conferees urge the Center to expand support for the development of alternative research resources, including those alternative research resources that provide human tissue and organs to researchers.

**JOHN E. FOGARTY INTERNATIONAL CENTER**

Amendment No. 49: Appropriates \$14,697,000 instead of \$15,193,000 as proposed by the House and \$13,209,000 as proposed by the Senate.

**NATIONAL LIBRARY OF MEDICINE**

Amendment No. 50: Appropriates \$126,274,000 instead of \$123,274,000 as proposed by the House and \$127,274,000 as proposed by the Senate.

The conferees encourage the National Library of Medicine to continue to provide reasonable support for the program for bioethics bibliographic research, within available funds.

**OFFICE OF THE DIRECTOR**

**(Including transfer of funds)**

Amendment No. 51: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *\$218,367,000, of which \$3,375,000 shall be transferred to the National Institute of General Medical Sciences*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conferees intend that \$3,375,000 shall be transferred from this account to the National Institute of General Medical Sciences for the Minority Access to Research Careers and Minority Biomedical Research Support programs.

Within funding provided for the Office of the Director, the conferees have included \$5,400,000 for the Office of Alternative Medicine and \$750,000 above the budget request for the Office of Rare Disease Research. The conferees have also included \$750,000 within the Office of the Director to commission a study by the National Academy of Sciences and the Institute of Medicine on the Federal government's research and development activities.

The conference agreement provides authority for the Director to transfer up to one percent of the National Institutes of Health

(NIH) appropriation to activities he may designate. The conferees reiterate that such transfers are subject to normal reprogramming procedures and not merely a notification to Congress of actions taken.

The conferees reiterate the concerns expressed in both the House and Senate reports relating to indirect cost payments to institutions receiving NIH research funding. The conferees continue to believe that this is an area in need of review and are encouraged that the Administration has committed to a comprehensive review and revision of indirect cost procedures. The conferees expect to see the Administration's proposals for dealing with indirect costs, and particularly the disparities between institutional rates, in the context of the fiscal year 1996 budget submission.

The conferees believe that the review of the extramural research program requested in the House report should be delayed. The conferees have learned that NIH is already carrying out an internal review incorporating some of the same issues that such a study would address. The conferees look forward to receiving a report from the Director on this NIH effort to make the extramural program a "reinvention laboratory." After reviewing the results of the project currently underway, the Committees will decide whether further action is required.

**OFFICE OF AIDS RESEARCH**

**(Including transfer of funds)**

The conference agreement reflects the revised distribution of AIDS funding among the Institutes and Centers requested by the Office of AIDS Research to reflect the priorities in the AIDS research strategic plan. These totals are reflected on the table accompanying the statement of the managers. The conferees expect to be notified prior to any subsequent changes in the distribution of funding if the allocations differ significantly from the revised distributions referenced above, and such notifications are subject to normal Committee procedures.

**BUILDINGS AND FACILITIES**

Amendment No. 52: Appropriates \$114,120,000 instead of \$114,370,000 as proposed by the House and \$113,370,000 as proposed by the Senate.

**SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION**

**SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES**

Amendment No. 53: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *\$2,181,407,000*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement appropriates \$2,181,407,000 for substance abuse and mental health services, instead of \$2,166,148,000 as proposed by the House and \$2,164,179,000 as proposed by the Senate.

The conferees are aware that funding for substance abuse treatment through transfers from the asset forfeiture fund has been unpredictable from year to year. Therefore, the conferees intend that priority be given in making treatment improvement grants to programs previously funded by asset forfeiture funds which are in danger of being discontinued.

The conferees expect that within the increase provided to the Center for Substance

Abuse Treatment for the Criminal Justice program that priority be given to expanding support for innovative programs which provide comprehensive treatment services to female offenders with substance abuse problems.

The conferees expect the agency to coordinate AIDS outreach activities with related prevention programs at the CDC.

The conferees support demonstrations to prevent substance abuse among high-risk children of chemically dependent parents and intend that special consideration be given to projects that provide comprehensive health education and prevention services for drug-addicted individuals practicing recovery lifestyles.

**ASSISTANT SECRETARY FOR HEALTH**

**OFFICE OF THE ASSISTANT SECRETARY FOR HEALTH**

Amendment No. 54: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert: *\$65,267,000, together with \$1,500,000 which shall be only for employee buyouts, terminal leave, severance pay, and other costs related to the reduction of the number of employees in the Office of the Assistant Secretary for Health*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement appropriates \$65,267,000, instead of \$70,261,000 as proposed by the House and \$63,004,000 as proposed by the Senate. In addition, it deletes language proposed by the Senate that would have transferred \$2,048,000 to the Centers for Disease Control and Prevention and inserts language appropriating an additional \$1,500,000 to be used only for employee buyouts, terminal leave, severance pay, and other costs related to the reduction of the number of employees in the Office of the Assistant Secretary for Health.

The conferees have agreed to include \$1,500,000 in a streamlining fund to assist the Office of the Assistant Secretary for Health to reduce staffing. The conferees expect OASH to report to both the House and Senate Appropriations Committees no later than January 15, 1995, on progress being made in reducing its staffing. Such a report should include the following: (1) the number of FTE reductions, by office, accomplished and projected for the remainder of the year; (2) a breakdown of those FTE's reduced through early-outs, attrition, or other; (3) the amount of dollar savings attributable to the FTE reductions; and (4) a breakdown of how the monies in the streamlining fund are being spent. The conferees expect OASH to furnish a final report on these FTE reductions no later than November 1, 1995. These reductions in staff should be calculated using the number of staff on board as of September 30, 1994.

The conferees have provided \$1,000,000 and 9 FTE's for the National Vaccine Program Office (NVPO). The conferees intend that the NVPO have the flexibility to use a portion of its funding for costs associated with streamlining. The conferees direct the Department to transfer an additional 26 full-time equivalent positions from the National Vaccine Program Office to the Centers for Disease Control and Prevention.

Amendment No. 55: Deletes language proposed by the House and stricken by the Senate that would have transferred \$2,000,000 to the Food and Drug Administration.

AGENCY FOR HEALTH CARE POLICY AND  
RESEARCH

HEALTH CARE POLICY AND RESEARCH

Amendment No. 56: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: \$138,642,000

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement provides a total of \$15,000,000 for the National Medical Expenditure Survey, derived from both Federal funds and one percent evaluation setaside funding.

The conferees encourage the agency to support outcomes research relating to the utilization of intensive care services in regionalized pediatric referral centers, including the issues of quality standards, cost, patient morbidity and mortality, and average length of stay.

Amendment No. 57: Makes available \$5,796,000 from trust funds instead of \$5,806,000 as proposed by the House and \$5,786,000 as proposed by the Senate.

Amendment No. 58: Earmarks \$18,300,000 for one percent evaluation setaside funding instead of \$13,202,000 as proposed by the House and \$31,504,000 as proposed by the Senate.

The conferees intend that one percent evaluation funding for health services research be used only for activities related to the National Medical Expenditure Survey/Provider Study Program.

HEALTH CARE FINANCING ADMINISTRATION  
GRANTS TO STATES FOR MEDICAID

Amendment No. 59: Appropriates \$62,640,775,000 as proposed by the Senate instead of \$62,637,775,000 as proposed by the House.

PROGRAM MANAGEMENT

Amendment No. 60: Makes available \$2,207,135,000 from trust funds instead of \$2,183,985,000 as proposed by the House and \$2,207,237,000 as proposed by the Senate.

Of the total provided for rural telemedicine research demonstrations, the conference agreement includes \$1,300,000 for a Statewide demonstration in a State which has a single point of access in each county to an existing fiber optic network. Funding is to be used to connect at least one hospital in each county to the network. This completed network will then allow testing of the feasibility and effectiveness of Statewide visual access of medical facilities to academic medical centers.

The conferees are aware of the initial evaluation of the demonstration projects with respect to chronic ventilator-dependent units in hospitals. The conferees urge the Health Care Financing Administration to extend support through fiscal year 1995 for any projects whose waivers expired in fiscal year 1994. This will ensure that comparable data is available from each of the four sites during 1995 for the final evaluation of the projects and will assist in obtaining the data necessary for demonstrating conclusively whether this method of treatment is cost-effective as compared with other forms of treatment.

The conferees intend that the funding provided above the President's request for Medicare contractors be allocated to payment safeguard activities.

The conferees direct that none of these funds may be used for the implementation of

or planning for future implementation of the Medicare/Medicaid data bank. The conferees agree that the data bank as enacted should not be implemented. Since the conferees have not funded the data bank, and do not intend to fund the data bank in the future, penalties associated with the data bank's employer reporting requirements should not be imposed.

Amendment No. 61: Earmarks \$2,207,135,000 from trust funds instead of \$2,183,985,000 as proposed by the House and \$2,207,237,000 as proposed by the Senate.

SOCIAL SECURITY ADMINISTRATION

SUPPLEMENTAL SECURITY INCOME PROGRAM

Amendment No. 62: The bill appropriates \$21,225,101,000 for supplemental security income instead of \$21,237,101,000 as proposed by the House and \$21,192,101,000 as proposed by the Senate. The conference agreement provides \$143,400,000 for beneficiary services as proposed by the House, instead of \$153,400,000 as proposed by the Senate. The agreement further provides \$27,700,000 for research and demonstrations instead of \$6,700,000 as proposed by the House, and \$17,700,000 as proposed by the Senate. The research and demonstration activity includes \$10,000,000 that was provided under beneficiary services in the Senate bill for a drug addict and alcoholic monitoring demonstration.

LIMITATION ON ADMINISTRATIVE EXPENSES

Amendment No. 63: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: \$5,159,785,000

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement provides a limitation on administrative expenses of \$5,159,785,000, instead of \$5,127,785,000 as proposed by the House and \$5,157,011,000 as proposed by the Senate.

The conferees are aware that the Social Security Administration Reform Act of 1994, P.L. 103-296, provides for the transfer of budgetary resources within the Department of Health and Human Services necessary to implement the Act. Therefore no specific provisions are contained in this appropriations bill to establish the Social Security Administration as an independent Federal agency. The conferees request the Secretary and the Commissioner to submit to the Appropriations Committees by January 1, 1995, a status report on the establishment of the independent agency, including a comprehensive budget crosswalk reflecting the proposed transfer of staffing and funding by office within the Office of the Secretary to the Social Security Administration.

Amendment No. 64: Appropriates \$320,000,000 for a disability caseload processing initiative as proposed by the Senate, instead of \$352,000,000 as proposed by the House.

Amendment No. 65: Appropriates \$97,000,000 for an automation initiative instead of \$130,000,000 as proposed by the House and \$64,000,000 as proposed by the Senate. The managers remain concerned that adequate employee training accompany investments in computer hardware and software, and expect SSA to expand opportunities for computer training in the most cost-effective manner available.

ADMINISTRATION FOR CHILDREN AND FAMILIES  
FAMILY SUPPORT PAYMENT TO STATES

Amendment No. 66: Reported in technical disagreement. The managers on the part of

the House will offer a motion to recede and concur in the amendment of the Senate which grants waivers to the AFDC and Medicaid programs to conduct a welfare reform demonstration project known as New Hope Project, Inc. The House bill included no similar provision.

LOW INCOME HOME ENERGY ASSISTANCE  
(Including rescission)

Amendment No. 67: Rescinds \$155,796,000 of the \$1,475,000,000 currently available for the Low Income Home Energy Assistance program for fiscal year 1995, instead of rescinding \$250,000,000 as proposed by the House and \$89,592,000 as proposed by the Senate.

The conference agreement rescinds \$155,796,000 of the \$1,474,000,000 that was provided in the fiscal year 1994 appropriations act as an advance appropriation for low income home energy assistance for the fiscal year 1995. The remaining \$1,319,204,000 will be available through September 30, 1995. The conferees recommend that \$30,000,000 be used for the leveraging incentive fund in fiscal year 1995.

The conferees agree that the Secretary shall implement section 210 no later than October 1, 1995.

Amendment No. 68: Appropriates \$1,319,204,000 for the Low Income Home Energy Assistance program for fiscal year 1996, instead of \$1,225,000,000 as proposed by the House and \$1,475,000,000 as proposed by the Senate. The conferees recommend that \$32,500,000 be used for leveraging in fiscal year 1996, and that funds be made available within this amount for the newly authorized Residential Energy Assistance Challenge program.

REFUGEE AND ENTRANT ASSISTANCE

The conferees are agreed that \$19,000,000 of the \$49,397,000 appropriated for targeted assistance is to serve communities affected by the Cuban and Haitian entrants and refugees whose arrivals in recent years have increased.

STATE LEGALIZATION IMPACT-ASSISTANCE  
GRANTS

(Including rescission)

Amendment No. 69: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

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

STATE LEGALIZATION IMPACT-ASSISTANCE GRANTS  
(Including rescission)

Funds not obligated by the State by June 29, 1995, under section 204(b)(4) of the Immigration Reform and Control Act of 1986 are hereby rescinded.

For Federal administration and allotments of funds to the States made by the Secretary of Health and Human Services for the purpose of making payments to public and private nonprofit organizations for public information and outreach activities; and English language and civics instruction provided to any adult eligible legalized alien who has not met the requirements of section 312 of the Immigration and Nationality Act for purposes of becoming naturalized as a citizen of the United States, \$6,000,000: Provided, That the Secretary of Health and Human Services shall allocate such amount among the States not later than August 15, 1995: Provided further, That each State's share of these funds shall be equal to that State's percentage share of the total costs of administering and providing educational services to eligible legalized aliens in all States through fiscal

year 1994, as determined by the Secretary: Provided further, That the definition of "eligible legalized alien" contained in section 204(j)(4) of the Immigration Reform and Control Act of 1986 is amended by inserting before the period at the end " , except that the five-year limitation shall not apply for the purposes of making payments from funds appropriated under the fiscal year 1995 Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act for providing public information and outreach activities regarding naturalization and citizenship, and English language and civics instruction to any adult eligible legalized alien who has not met the requirements of section 312 of the Immigration and Nationality Act for purposes of becoming naturalized as a citizen of the United States": Provided further, That each State may designate the appropriate agency or agencies to administer funds under this heading: Provided further, That section 204(b)(4) of the Immigration Reform and Control Act of 1986 is amended by striking the fourth sentence and inserting the following: "Funds made available to a State pursuant to the preceding sentence of this paragraph shall be utilized by the State to reimburse all allowable costs within 90 days after a State has received a reallocation of funds from the Secretary, but in no event later than July 31, 1995."

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate. The conference agreement modifies the date of the rescission of funds proposed by the Senate, and provides \$6,000,000 for civics and English education, instead of \$8,000,000 as proposed by the Senate. The House included no similar provision.

The agreement rescinds all surplus SLIAG funds remaining on June 29, 1995, after all allowable costs are reimbursed. The agreement also provides an additional \$6,000,000 to allow State and local providers funding for English language and civics instruction to assist legalized aliens to become naturalized citizens. The conferees expect the Secretary to issue guidance on the effective implementation of this provision.

#### COMMUNITY SERVICES BLOCK GRANT

Amendment No. 70: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert: \$472,920,000, of which \$12,000,000 shall be for carrying out the National Youth Sports Program: Provided, That payments from such amount to the grantee and subgrantees administering the National Youth Sports Program may not exceed the aggregate amount contributed in cash or in kind by the grantee and subgrantee: Provided further, That amounts in excess of \$9,400,000 of such amount may not be made available to the grantee and subgrantees administering the National Youth Sports Program unless the grantee agrees to provide contributions in cash to such program in an amount that equals 29 percent of such excess amount.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement provides \$472,920,000 for Community Services Block Grant programs instead of \$465,714,000 as proposed by the House and \$476,219,000 as proposed by the Senate. The conference agreement includes language proposed by the Senate which earmarks \$12,000,000 for the National Youth Sports Program and requires a

cash match by the grantee. The House bill included \$13,893,000 for NYSP and did not include a matching requirement.

The conferees expect the Department to promulgate regulations delineating matching requirements for NYSP at no less than the previous year's level, as well as to require a competitive process, for one or more awards. Promotional activities for this program shall include acknowledgement of the federal funding provided through the Department.

The conferees are aware that the 1994 competitive grant for NYSP was not released until May 27, 1994. This created serious problems for the large number of colleges and universities which support the program on their campuses with their staff and resources. The conferees expect the Secretary to review this process and report to the committees on changes that can be made to ensure the release of these funds as early in the fiscal year as possible to allow the grant recipient or recipients to coordinate the program without disruption to participants.

#### CHILDREN AND FAMILIES SERVICE PROGRAM

Amendment No. 71: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: \$4,419,888,000

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The agreement provides \$4,419,888,000, instead of \$4,408,775,000 as proposed by the House and \$4,415,514,000 as proposed by the Senate.

The conferees agree that the \$15,000,000 appropriated for social services research includes a total of \$7,000,000 for activities specified in both the House and Senate committee reports.

The conference agreement includes \$1,500,000 under developmental disabilities special projects to fund the fourth year of a five-year demonstration project known as "transition and natural supports in the workplace". Also included in the conference agreement is continued funding for the National Research Center for Family Resource and Support Programs.

#### PAYMENTS TO STATES FOR FOSTER CARE AND ADOPTION ASSISTANCE

Amendment No. 72: Appropriates \$3,597,371,000 for Foster Care and Adoption Assistance as proposed by the Senate instead of \$3,440,871,000 as proposed by the House. The appropriation provided in the Senate bill reflects the Administration's most recent estimates of the funding requirements for this mandatory, entitlement program.

The conferees agree that the Administration for Children and Families should follow the directives included in both the House and Senate reports concerning section 427 foster care reviews and Federal financial reviews of payments under title IV-E.

#### ADMINISTRATION ON AGING AGING SERVICES PROGRAMS

Amendment No. 73: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: \$877,223,000

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement provides \$877,223,000 for aging programs, instead of

\$869,823,000 as proposed by the House and \$873,662,000 as proposed by the Senate.

The conferees are agreed that the conference agreement includes at least \$1,500,000 for national legal services support and demonstration projects under title IV of the Act. The Department shall carry out the priorities specified in the House and Senate committee reports with respect to legal services.

The conference agreement includes \$1,500,000 for the Neighborhood Senior Care program and \$625,000 for the Family Friends program under title IV of the Act.

#### OFFICE OF THE SECRETARY

##### GENERAL DEPARTMENTAL MANAGEMENT

Amendment No. 74: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: \$91,247,000

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement provides \$91,247,000 for departmental management, instead of \$89,500,000 as proposed by the House and \$88,774,000 as proposed by the Senate.

The conferees direct the Department to notify the Committees on Appropriations at least fifteen days in advance of any office closings or relocations within the Department.

The conference agreement includes \$500,000 to continue the HHS human services transportation technical assistance initiative.

The conferees have been interested in the progress of positron emission tomography (PET) scans. The conferees urge the Department to report back to the Committees by March 15, 1995 with the Department's decision concerning PET technology, its safety and effectiveness, and suitability for reimbursement under Medicare and Medicaid.

#### OFFICE OF INSPECTOR GENERAL

Amendment No. 75: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which inserts language allowing the Inspector General of the Department to retain and expend funds obtained from the Justice or Treasury Departments as a result of forfeiture of property in investigations in which the Inspector General participated.

#### POLICY RESEARCH

Amendment No. 76: Appropriates \$13,659,000, instead of \$14,632,000 as proposed by the House and \$10,741,000 as proposed by the Senate.

#### GENERAL PROVISIONS

Amendment No. 77: Inserts a citation proposed by the House and stricken by the Senate which prohibits the use of funding to support an automatic setaside for primate centers in extramural facilities construction. The conferees have instead directed that \$2,500,000 of the \$20,000,000 provided for extramural facility construction and renovation within the National Center for Research Resources appropriation be reserved for regional primate centers. In addition, primate centers remain eligible to compete along with other entities for the remaining \$17,500,000 in facilities funding.

Amendment No. 78: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which establishes a moratorium on the withholding of funds under the Child Abuse Prevention and Treatment Act from any State

by the Department of Health and Human Services because a State is not deemed to be in compliance with the religious exemption regulations. The House bill included similar language on this subject. The moratorium will allow the authorizing committees time to look at all sides of this issue and hear testimony from all affected parties when Congress considers legislation to reauthorize CAPTA next year. Under the moratorium, States deemed to be out of compliance with the religious exemption portion of the regulations will continue to receive CAPTA funds.

During reauthorization of CAPTA in 1992, the House stressed that "the exact parameters of adequate parental care are to be delineated by State law and State courts" and that "determinations as to the adequacy, type and timing of medical treatment are within the sole judgment of each State system."

Amendment No. 79: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which inserts a limitation that prohibits the payment of salaries at a rate greater than \$125,000 annually from research funding of the National Institutes of Health and the Substance Abuse and Mental Health Services Administration. The House had no comparable provision.

Amendment No. 80: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which inserts language canceling \$4,505,000 in budget authority related to payment of space rental charges.

Amendment No. 81: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

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

*SEC. 208. Taps and other assessments made by any office located in the Department of Health and Human Services shall be treated as a reprogramming of funds except that this provision shall not apply to assessments required by authorizing legislation, or related to working capital funds or other fee-for-service activities.*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Amendment No. 82: Deletes a limitation proposed by the Senate that would prohibit funds from being used for a General Services Administration warehouse for childhood vaccine storage and distribution until several conditions are met by the Department of Health and Human Services. The conferees believe that this language is no longer necessary because the Department has informed the Committees in writing that it does not plan to use the warehouse for vaccine distribution. Deletes without prejudice a provision added by the Senate pertaining to limited travel privileges within the United States for high-ranking Taiwanese officials.

Amendment No. 83: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

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

*SEC. 209. Of the funds appropriated or otherwise made available for the Department of Health and Services, General Departmental Management, for fiscal year 1995, the Secretary of Health and Human Services shall transfer to*

*the Office of the Inspector General such sums as may be necessary for any expenses with respect to the provision of security protection for the Secretary of Health and Human Services.*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement inserts language proposed by the Senate which requires the Secretary to transfer to the Inspector General such sums as may be necessary to cover the cost of providing security protection for the Secretary and deletes language proposed by the Senate that would have required the Comptroller General by law to conduct a review of the need for security protection for all cabinet and subcabinet officials in the Federal government and to submit a report of his findings to the Committees on Appropriations by April 1, 1995. However, the conferees are agreed that the Comptroller General shall make such a review and submit such a report by April 1, 1995.

Amendment No. 84: The conference agreement deletes without prejudice language proposed by the Senate which would have granted an AFDC waiver to conduct a welfare reform demonstration. It has been brought to the attention of the conferees that several applications for waivers have been pending before the Secretary of Health and Human Services for a number of months. The conferees therefore direct the Secretary to review waiver applications and inform States of decisions on an expedited basis.

The conferees are agreed that the Secretary of Health and Human Services shall not approve welfare reform waivers which do not conform to the welfare reform waiver provisions stated in the conference report on the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 1995.

#### TITLE III—DEPARTMENT OF EDUCATION EDUCATION REFORM

Amendment No. 85: Inserts citation for title IV of the Goals 2000: Educate America Act as proposed by the Senate. Both the House and Senate bills provide the same total for Education Reform programs but allocate the funds differently. The conference agreement provides the following specific amounts:

Goals 2000 State grants .....	\$371,870,000
Parents as teachers .....	10,000,000
School-to-work .....	125,000,000

The conference agreement does not include \$3,200,000 in this account to initiate a new school finance equity demonstration program as proposed in the budget request. Funding has been included instead under the education research program to finance a multiyear study of equalization activities in the various States.

#### EDUCATION FOR THE DISADVANTAGED

Amendment No. 86: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert: *enacted into law*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Both the House and the Senate bills provided funding for education for the disadvantaged activities based on proposed changes in the Elementary and Secondary Education Act currently being considered by the Congress. The House bill provided funding based on the reauthorization as passed the House on March 24, 1994. The Senate bill provided

funding based on the bill as passed the Senate on August 2, 1994. The conference agreement provides funding based on the reauthorization "as enacted into law". This action protects the rights of both the House and the Senate as the reauthorization process is completed.

Amendment No. 87: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *\$7,232,722,000*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement appropriates \$7,232,722,000 for education for the disadvantaged instead of \$7,245,655,000 as proposed by the House and \$7,233,411,000 as proposed by the Senate.

Amendment No. 88: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *\$7,214,160,000*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement provides that \$7,214,160,000 of these funds become available on a forward-funded basis instead of \$7,212,093,000 as proposed by the House and \$7,214,849,000 as proposed by the Senate.

Amendment No. 89: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which specifies that not less than \$41,434,000 shall be available for the capital expenses program. This is the same amount carried in both bills.

Amendment No. 90: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert: *not less than \$39,311,000*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement includes \$39,311,000 for neglected and delinquent programs instead of \$37,244,000 as proposed by the House and \$40,000,000 as proposed by the Senate.

Amendment No. 91: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which clarifies that the \$27,560,000 included in both bills for program improvement grants is the maximum which can be spent for this purpose.

Amendment No. 92: Deletes language included by the House but stricken by the Senate earmarking \$15,000,000 for a new program to demonstrate innovative approaches to educating disadvantaged students. This program is not yet authorized.

#### IMPACT AID

Amendment No. 93: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert: *enacted into law*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Both the House and the Senate bills provided funding for impact aid activities based on proposed changes in the Elementary and Secondary Education Act currently being considered by the Congress. The House bill provided funding based on the reauthorization as passed the House on March 24, 1994. The Senate bill provided funding based on the bill as passed the Senate on August 2, 1994. The conference agreement provides funding based on the reauthorization "as enacted into law". This action protects the rights of both the House and the Senate as the reauthorization process is completed.

Amendment No. 94: Appropriates \$728,000,000 for impact aid as proposed by the House instead of \$666,880,000 as proposed by the Senate. The conference agreement does not assume any additional transfers to this account from the Fiscal Year 1995 Defense Appropriations Act. Assuming enactment of pending revisions to the authorizing statutes for impact aid, the conferees direct the following distribution of funds:

Basic support payments ....	\$631,707,000
Special education .....	40,000,000
Heavily impacted districts .....	40,000,000
Federal property .....	16,293,000

Amendment No. 95: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert: *8004(f), 9004(f), or the relevant citation which may be designated in the Act: Provided, That should the Improving America's Schools Act not be enacted into law for fiscal year 1995 funds for impact aid shall be made available under the provisions of Public Laws 81-815 and 81-874 with amounts allocated proportionately and under the same timeframes as provided in fiscal year 1994*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement clarifies language included by both the House and Senate that \$40,000,000 of this appropriation shall be for heavily impacted districts. The agreement also provides that should the reauthorization process not be completed for 1995, that funding is to be distributed based on the existing impact aid statutes. The conference agreement also makes clear the authority of the Secretary to pay school districts using prior year data as was done in 1994.

#### SCHOOL IMPROVEMENT

Amendment No. 96: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert: *III, IV, V, VII, VIII, IX, and XV (or under the comparable citations which may be designated)*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement restores the citation included by the House but stricken by the Senate. The agreement also adds new citations proposed by the Senate.

Amendment No. 97: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert: *enacted into law*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Both the House and the Senate bills provided funding for school improvement activities based on proposed changes in the Elementary and Secondary Education Act currently being considered by the Congress. The House bill provided funding based on the reauthorization as passed the House on March 24, 1994. The Senate bill provided funding based on the bill as passed the Senate on August 2, 1994. The conference agreement provides funding based on the reauthorization "as enacted into law". This action protects the rights of both the House and the Senate as the reauthorization process is completed.

Amendment No. 98: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *\$1,564,877,000*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement includes \$1,564,877,000 for school improvement programs instead of \$1,424,513,000 as proposed by the House and \$1,570,201,000 as proposed by the Senate.

Both the House and the Senate bills included a total of \$667,548,000 for educational improvement activities. The conferees have agreed that \$320,298,000 of this amount shall be for activities under the expanded Eisenhower professional development program and the remaining \$347,250,000 shall be for the revised chapter 2 State block grant program. The conferees urge that States give the highest priority to funding of professional development activities when utilizing their chapter 2 funds.

Amendment No. 99: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *\$1,268,418,000*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement provides that \$1,268,418,000 for school improvement programs become available on a forward-funded basis instead of \$1,158,695,000 as proposed by the House and \$1,264,849,000 as proposed by the Senate.

Amendment No. 100: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert: *\$5,899,000 shall be for law related education; \$12,000,000 shall be for arts education activities; \$28,000,000 shall be for dropout prevention assistance, if authorized; \$4,185,000 shall be for Ellender Fellowships; \$12,000,000 shall be for education for Native Hawaiians; \$10,912,000 shall be for foreign language assistance, if authorized; and \$100,000,000 shall be for new education infrastructure improvement grants, if authorized*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement specifies funding levels and inserts legislative citations for programs agreed to by the conferees. This includes \$4,185,000 for Ellender Fellowships, the same level provided in both bills. The conferees have no objection to the adjustments in the funding agreement for this activity outlined on page 186 of the Senate report.

Both the House and Senate bills include \$44,541,000 for the new system of consolidated technical assistance centers. It is the intention of the conferees that these funds are also available for existing centers consistent with the phase-in schedule for consolidation under the reauthorization and that there not be a gap in funding for these services.

The conference agreement includes \$111,519,000 for the magnet schools program. This is \$1,500,000 below the level included by the House and \$4,500,000 more than provided by the Senate. The Secretary is expected to give priority in awarding new grants to local educational agencies which propose innovative programs that involve strategies such as neighborhood or community model schools organized around a special emphasis theme or concept and involving extensive parent and community involvement.

#### BILINGUAL AND IMMIGRANT EDUCATION

Amendment No. 101: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which inserts a legislative citation.

Amendment No. 102: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert: *enacted into law*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Both the House and the Senate bills provide funding for bilingual and immigrant education activities based on proposed changes in the Elementary and Secondary Education Act currently being considered by the Congress. The House bill provided funding based on the reauthorization as passed the House on March 24, 1994. The Senate bill provided funding based on the bill as passed the Senate on August 2, 1994. The conference agreement provides funding based on the reauthorization "as enacted into law". This action protects the rights of both the House and the Senate as the reauthorization process is completed.

Amendment No. 103: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *\$245,200,000*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement provides \$245,200,000 for bilingual and immigrant education instead of \$247,572,000 as proposed by the House and \$238,082,000 as proposed by the Senate.

Amendment No. 104: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert: *part C or under subpart 3 of part A of title VII or under the comparable citation which may be designated by amendments to the authorizing legislation*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement modifies the citation for training activities to be compatible with House and Senate authorization proposals. Both the House and the Senate bills appropriate \$25,180,000 for this program.

Amendment No. 105: Deletes without prejudice legislative citation added by the Senate.

#### SPECIAL EDUCATION

Amendment No. 106: Appropriates \$3,252,846,000 for special education programs instead of \$3,106,634,000 as proposed by the House and \$3,299,459,000 as proposed by the Senate.

Amendment No. 107: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: \$2,998,812,000

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The agreement provides that \$2,998,812,000 of the appropriation for special education become available on a forward-funded basis instead of \$2,858,973,000 as proposed by the House and \$2,753,000,000 as proposed by the Senate.

Amendment No. 108: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which delays the obligation of \$292,125,000 of special education funds until September 30, 1995. This language was requested in the President's Budget based on the delays by the States in the implementation of the infants and families program. The delayed availability does not change in any way the program itself. The House bill contained no similar provision.

#### REHABILITATION SERVICE AND DISABILITY RESEARCH

Amendment No. 109: Appropriates \$2,393,352,000 for rehabilitation programs instead of \$2,355,600,000 as proposed by the House and \$2,413,675,000 as proposed by the Senate.

The amount agreed to by the conferees includes \$7,000,000 for the spinal cord model systems program as proposed by the Senate.

#### AMERICAN PRINTING HOUSE FOR THE BLIND

Amendment No. 110: Appropriates \$6,680,000 as proposed by the Senate instead of \$6,406,000 as proposed by the House.

#### NATIONAL TECHNICAL INSTITUTE FOR THE DEAF

Amendment No. 111: Appropriates \$43,191,000 as proposed by the Senate instead of \$41,462,000 as proposed by the House.

Amendment No. 112: Earmarks \$336,000 for the endowment and \$150,000 for construction as proposed by the Senate. The House bill included \$333,000 for the endowment and \$192,000 for construction.

#### GALLAUDET UNIVERSITY

Amendment No. 113: Appropriates \$80,030,000 for Gallaudet University as proposed by the Senate instead of \$76,742,000 as proposed by the House.

Amendment No. 114: Earmarks \$1,000,000 for the endowment as proposed by the Senate instead of \$991,000 as proposed by the House.

#### VOCATIONAL AND ADULT EDUCATION

Amendment No. 115: Inserts citation as proposed by the Senate.

Amendment No. 116: Appropriates \$1,473,175,000 for vocational and adult education programs instead of \$1,456,383,000 as proposed by the House and \$1,475,736,000 as proposed by the Senate. The agreement also provides that \$1,470,256,000 of this amount become available on a forward-funded basis.

Amendment No. 117: Earmarks \$34,535,000 for vocational education national programs instead of \$25,767,000 as proposed by the

House and \$37,096,000 as proposed by the Senate.

Amendment No. 118: Earmarks \$20,684,000 of the national programs funding for demonstration grants instead of \$13,000,000 as proposed by the House and \$23,245,000 as proposed by the Senate. This amount includes funding for continuation of the high risk youth program and other demonstration projects as described in the House and Senate reports.

Amendment No. 119: Earmarks \$6,000,000 for data systems as proposed by the Senate instead of \$4,916,000 as proposed by the House.

Amendment No. 120: Earmarks \$3,900,000 for adult education national programs as proposed by the Senate instead of \$5,400,000 as proposed by the House.

Amendment No. 121: Deletes citation proposed by the House but stricken by the Senate.

#### STUDENT FINANCIAL ASSISTANCE

Amendment No. 122: Appropriates \$7,702,970,000 for Student Financial Assistance instead of \$7,825,417,000 as proposed by the House and \$7,685,524,000 as proposed by the Senate.

The conference agreement includes \$1,500,000 to carry out the provisions of section 448(f) of the Higher Education Act of 1965, as amended, which includes a separate authorization for "work colleges".

The conferees direct the Department to work with each State Postsecondary Review Entity (SPRE) with approved plans to arrive at a priority list of postsecondary institutions within their state that will be subject to a SPRE review. However, the conference agreement includes bill language under title V general provisions which directs that the designation of institutions to be reviewed shall not be final nor released nor published until the state SPRE has received the Secretary's concurrence for its institutional review standards.

Amendment No. 123: Earmarks \$63,375,000 for State Student Incentive Grants instead of \$54,322,000 as proposed by the House and \$72,429,000 as proposed by the Senate.

#### FEDERAL DIRECT STUDENT LOAN PROGRAM ACCOUNT

Amendment No. 124: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which provides such sums as may be necessary for Federal Direct Student Loan Program Account. The House bill contained no similar provision. Permanent appropriations are available for this program under title IV, part D, of the Higher Education Act. The conferees direct the Department to provide semiannual reports to the Appropriations Committees on the implementation of the Federal Direct Student Loan Program.

#### HIGHER EDUCATION

Amendment No. 125: Deletes the citation included by the House and stricken by the Senate for strengthening library and information science programs at Historically Black Colleges and Universities and other minority serving institutions.

Amendment No. 126: Modifies citations inserted by the Senate for cooperative education and Eisenhower leadership programs. The House bill did not include funding for these programs.

Amendment No. 127: Deletes citation added by the Senate for the Alaska Native Culture and Arts Development Act. This citation was included by the conferees under amendment 130.

Amendment No. 128: Deletes citation included by the House and stricken by the Senate for Olympic Scholarships. This citation was included by the conferees under amendment 130.

Amendment No. 129: Restores citation for National Academy of Science, Space, and Technology stricken by the Senate.

Amendment No. 130: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert: *section 1521 of the Higher Education Amendments of 1986 as amended by Public Law 103-239, to be administered by the Secretary of Education; part E of title XV of the Higher Education Amendments of 1992; and Public Law 102-423, \$962,842,000, of which \$8,060,000*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement modifies the citation for the Alaska Native Culture and Arts Development Act that was included by the Senate, but not the House; modifies the citation for Olympic Scholarships included by the House, but not the Senate; and includes the citation for the Bethune Memorial Fine Arts Center that was included by the House, but not the Senate.

The conference agreement includes \$6,424,000 for the National science scholars program which is \$2,000,000 more than the amounts included in the House and Senate bills. The conferees are agreed that the Secretary shall allocate \$2,000,000 of these funds to the National Academy of Science, Space and Technology program.

The conferees are also agreed that the Secretary should continue the current policy within the law school clinical center program of giving priority to applications which emphasize services to indigent and underserved populations.

Amendment No. 131: Restores \$4,000,000 for Bethune Memorial Fine Arts Center as proposed by the House and stricken by the Senate.

Amendment No. 132: Restores language proposed by the House and stricken by the Senate, amended to provide \$1,000,000 for an evaluation of the title III, aid for institutional development programs. The House included \$1,500,000 for this purpose, and the Senate bill contained no funding.

#### HOWARD UNIVERSITY

Amendment No. 133: Appropriates \$206,463,000 for Howard University as proposed by the House instead of \$192,896,000 as proposed by the Senate.

The conferees are agreed that the foreign student surcharge at Howard University should be repealed effective with the beginning of the Spring semester of the 1994-1995 academic year instead of during the Fall semester as proposed in the Senate report.

Amendment No. 134: Earmarks \$3,530,000 for the regular endowment matching program as proposed by the Senate instead of \$7,910,000 as proposed by the House.

Amendment No. 135: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

Restore the matter stricken by said amendment, amended to read as follows: *\$5,000,000, to remain available until expended, shall be for general construction needs at the University and \$5,500,000, to remain available until expended, shall be for the establishment of*

a Law School Clinical Center to be administered under the same terms and conditions as the Centers established and funded under Public Laws 99-88 and 100-517 with not more than \$1,000,000 to be used for construction

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference provides \$5,000,000 for general construction at Howard University instead of \$6,000,000 as proposed by the House. The Senate bill did not include funds for this purpose.

The agreement also provides \$5,500,000 of funding included by the House but not by the Senate for establishment of a Law School Clinical Center at Howard University. The purpose of this Center is to provide legal assistance to supplement the civil legal services of Legal Services Corporation grantees and to conduct continuing legal education courses and seminars to prepare practicing attorneys for pro bono services. Under this program, no recipient shall receive legal services who would be disqualified by law or regulation from receiving such service from a Legal Services Corporation grantee. \$4,500,000 of this grant shall be made available to the University to establish an endowment fund to provide income to support the Center on a continuing basis. The remaining \$1,000,000 shall be made available to the grantee for facilities, equipment, and other costs actually incurred in establishing such a clinical program.

**HISTORICALLY BLACK COLLEGE AND UNIVERSITY CAPITAL FINANCING, PROGRAM ACCOUNT**

The conference agreement includes \$347,000 for the administrative costs associated with the new Historically Black College and University Capital Financing program. This is the same amount provided in both the House and Senate bills. The conferees wish to make clear their intention that the appropriation language agreed to provides authority to initiate this program in 1995 if its startup is delayed beyond September 30, 1994.

**COLLEGE HOUSING AND ACADEMIC FACILITIES LOANS PROGRAM**

Amendment No. 136: Appropriates \$168,000 for loan interest subsidy costs of College Housing and Academic Facilities Loans as proposed by the Senate instead of \$134,000 as proposed by the House.

Amendment No. 137: Provides authority to make \$10,000,000 in new loans as proposed by the Senate instead of \$8,000,000 as proposed by the House.

The conferees are concerned by the sharply rising costs of college housing and the fact that no loans have been made to college housing cooperatives for at least a decade. Therefore, consistent with the Secretary's authority to designate student housing cooperatives as a priority, the conferees direct the Department to use these funds for awards to student housing cooperatives.

**EDUCATION RESEARCH, STATISTICS, AND IMPROVEMENT**

Amendment No. 138: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert: , as amended by the Improving America's Schools Act as enacted into law; the National Education Statistics Act of 1994, as enacted into law; the Education Council Act, as amended; part F of the General Education Provisions Act; and title VI of Public Law 103-227, \$354,892,000: Provided, That \$86,200,000 shall be for education research of

which \$41,000,000 shall be for regional laboratories, including rural initiatives and network activities, \$33,000,000 shall be for research centers, and \$3,200,000, to remain available until expended, shall be for school finance equalization research; \$36,750,000 shall be for the Fund for the Improvement of Education; \$3,000,000 shall be for the international education exchange program; \$750,000 shall be for 21st Century Community Learning Centers, if authorized; \$4,463,000 shall be for civic education activities; \$14,480,000 shall be for the National Diffusion Network; \$36,356,000 shall be for Eisenhower professional development Federal activities, including not less than \$5,472,000 for the National Clearinghouse for Science and Mathematics and \$15,000,000 for regional consortia; \$2,250,000 shall be for a mathematics telecommunications demonstration, if authorized; \$40,000,000 shall be for education technology activities, if authorized; and \$7,000,000 shall be for Ready to Learn television, including funds to be awarded to the Corporation for Public Broadcasting in such amounts as the Secretary determines appropriate

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement appropriates \$354,892,000 for education research, statistics and improvement activities instead of \$318,775,000 as proposed by the House and \$371,586,000 as proposed by the Senate. The conference agreement also includes updated legislative citations replacing those contained in the original House and Senate bills. Both the House and the Senate bills provided funding for certain activities based on proposed changes in the Elementary and Secondary Education Act currently being considered by the Congress. The House bill provided funding based on the reauthorization as passed by the House on March 24, 1994. The Senate bill provided funding based on the bill as passed by the Senate on August 2, 1994. The conference agreement provides funding based on the reauthorization "as enacted into law". This action protects the rights of both the House and the Senate as the reauthorization process is completed. In those cases where funds have been included for new activities which would be initially authorized by these bills, funds have been appropriated subject to final authorization.

The conference agreement includes \$86,200,000 for education research. This amount includes \$3,200,000 to fund a three year study of school finance equalization efforts in the States. This study is to be carried out by the National Academy of Sciences. The House and Senate reports and the Senate floor debate describe those specific education research and demonstration activities currently managed by other Offices within the Department which should be transferred to and administered by the Assistant Secretary for Education Research and Improvement during Fiscal Year 1995. The conferees expect these transfers to be accomplished as directed.

The conference agreement includes \$3,000,000 to initiate the international education exchange program authorized under title VI of P.L. 103-227 instead of \$5,000,000 as proposed by the Senate. The House did not consider this program.

The agreement also includes \$750,000 to initiate a new program of 21st Century Community Learning Centers, if authorized, instead of \$900,000 as proposed by the Senate. This program was not considered by the House.

The conference agreement includes \$2,250,000 for a new demonstration program using telecommunications to improve math-

ematics teaching if such a project is authorized for Fiscal Year 1995. The Senate bill included \$3,000,000 for this activity which was not considered by the House.

The conference agreement includes \$36,750,000 for the Fund for the Improvement of Education. This includes amounts for the following priorities:

Environmental science education .....	\$1,500,000
Model arts education .....	1,000,000
Elementary school counseling demonstration .....	2,000,000
National student and parent mock election .....	125,000
Partnerships in character education .....	750,000
Promoting scholar-athlete competitions .....	400,000
Middle school-workplace-community partnerships African American and Hispanic student/faculty development .....	1,000,000
	500,000

The conferees are also agreed that a portion of these funds may be used by the Secretary for activities to recognize exemplary schools.

**LIBRARIES**

Amendment No. 139: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert: title II of the Higher Education Act, \$144,161,000, of which \$17,792,000 shall be used to carry out the provisions of title II of the Library Services and Construction Act and shall remain available until expended; and \$4,916,000 shall be for section 222 and \$6,500,000 shall be for section 223 of the Higher Education Act, of which \$5,000,000 shall be for additional awards for demonstration of on-line access to statewide, multitype library bibliographic data bases using fiber optic networks and \$1,500,000 shall be for a demonstration project making Federal information and other data bases available for public use by connecting a multistate consortium of public and private colleges and universities to a public library and an historic library

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement includes \$144,161,000 for library activities instead of \$115,996,000 as proposed by the House and \$147,558,000 as proposed by the Senate.

The conference agreement includes \$6,500,000 for library research and demonstration activities instead of \$8,270,000 as proposed by the Senate. The House bill did not include funding for this purpose. The conferees direct the Secretary to use \$5,000,000 to fund additional projects that competed in 1994 for demonstration of on-line and dial-in access to a statewide, multitype bibliographic data base through a statewide fiber optic network. Also included is \$1,500,000 for a new demonstration grant making Federal data bases available to consumers by connecting colleges and universities with a public library and an historic library. Neither of these proposals was considered by the House.

The conference agreement also includes \$23,700,000 for interlibrary cooperation. No funds have been included for college library technology or for research libraries grants.

**DEPARTMENTAL MANAGEMENT PROGRAM ADMINISTRATION**

Amendment No. 140: Appropriates \$356,021,000 for program administration instead of \$359,358,000 as proposed by the House

and \$346,008,000 as proposed by the Senate. This amount includes \$500,000 for the Secretaries' Task Force on Coordinated Services.

The conferees direct the Secretary to provide the Office of Educational Research and Improvement the salaries and expenses commensurate with carrying out the expanded research, development, dissemination, reform assistance and independent evaluation responsibilities contained in the reauthorization and in the directives included in the fiscal year 1995 House and Senate reports. The conferees expect the Secretary to document this in the January 1995 report required by the Committees.

#### OFFICE OF THE INSPECTOR GENERAL

Amendment No. 141: Appropriates \$30,437,000 for the Office of the Inspector General instead of \$29,199,000 as proposed by the House and \$31,675,000 as proposed by the Senate.

#### TITLE IV—RELATED AGENCIES

##### ARMED FORCES RETIREMENT HOME

Amendment No. 142: Appropriates \$59,317,000 for the Armed Forces Retirement Home instead of \$59,816,000 as proposed by the House and \$56,820,000 as proposed by the Senate.

##### CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

##### DOMESTIC VOLUNTEER SERVICE PROGRAMS OPERATING EXPENSES

Amendment No. 143: The conference agreement appropriates \$214,710,000 for Domestic Volunteer Service Programs, Operating Expenses (formerly Action) instead of \$205,771,000 as proposed by the House and \$217,688,000 as proposed by the Senate.

##### CORPORATION FOR PUBLIC BROADCASTING (INCLUDING RESCISSION)

Amendment No. 144: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

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

*(Including rescission)*

*Of the funds made available under this heading in Public Law 102-394, \$7,000,000 are hereby rescinded. For payment to the Corporation for Public Broadcasting, as authorized by the Communications Act of 1934, an amount which shall be available within limitations specified by that Act, for the fiscal year 1997, \$315,000,000: Provided, That no funds made available to the Corporation for Public Broadcasting by this Act shall be used to pay for receptions, parties, or similar forms of entertainment for Government officials or employees: Provided further, That none of the funds contained in this paragraph shall be available or used to aid or support any program or activity from which any person is excluded, or is denied benefits, or is discriminated against, on the basis of race, color, national origin, religion, or sex.*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement rescinds \$7,000,000 of funds appropriated in Public Law 102-394, the 1993 Appropriations Act, instead of rescinding \$21,100,000 as proposed by the House. The Senate bill did not include a rescission. The rescission is not based on any effort to influence public broadcasting programming decisions. The conferees have taken this action due to the severe financial constraints imposed by the budget caps.

The agreement also appropriates \$315,000,000 for fiscal year 1997, instead of

\$330,000,000 as proposed by the Senate. The House bill deferred consideration of the fiscal year 1997 funding pending reauthorization.

The conferees are concerned by reports of excessive levels of compensation paid to individual performers by the public broadcasting system. As an example, the conferees have learned that a single individual is paid \$438,000 annually for his once a week 30 minute appearance. These costs are paid directly by taxpayers and contributors through charges to local stations for this programming. The conferees believe that a review of compensation policies for performers paid for by the public broadcasting system is needed and requests a detailed report on this issue from the Corporation prior to the fiscal year 1996 hearings.

##### FEDERAL MEDIATION AND CONCILIATION SERVICE

Amendment No. 145: Appropriates \$31,344,000 for the Federal Mediation and Conciliation Service instead of \$31,078,000 as proposed by the House and \$31,610,000 as proposed by the Senate.

##### NATIONAL COUNCIL ON DISABILITY

Amendment No. 146: Appropriates \$1,793,000 for the National Council on Disability instead of \$1,643,000 as proposed by the House and \$1,843,000 as proposed by the Senate.

##### NATIONAL LABOR RELATIONS BOARD

Amendment No. 147: Appropriates \$176,047,000 for the National Labor Relations Board as proposed by the Senate instead of \$173,388,000 as proposed by the House.

##### NATIONAL MEDIATION BOARD

The conference agreement provides \$8,519,000 for the National Mediation Board in Amendment number 154. The conferees direct the Mediation Board to use the additional \$400,000 for neutral arbitrators' salaries and expenses in deciding pending grievance cases in the railroad industry and expect the Board to maintain the 1994 level of days worked by arbitrators.

##### RAILROAD RETIREMENT BOARD LIMITATION ON ADMINISTRATION

Amendment No. 148: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

In lieu of the matter inserted by said amendment, insert: *Provided further, That for fiscal year 1995 only, notwithstanding any other provision of law, no portion of this limitation shall be available for payments of standard level user charges pursuant to section 210(j) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 490(j); 45 U.S.C. 231-231u)*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

##### LIMITATION ON THE OFFICE OF INSPECTOR GENERAL

Amendment No. 149: Appropriates \$6,682,000 for the Inspector General as proposed by the House instead of \$6,860,000 as proposed by the Senate.

##### UNITED STATES INSTITUTE OF PEACE

Amendment No. 150: Appropriates \$11,500,000 for the United States Institute of Peace as proposed by the Senate instead of \$10,912,000 as proposed by the House.

#### TITLE V—GENERAL PROVISIONS

Amendment No. 151: Restores language proposed by the House and stricken by the Senate related to American-made products

and deletes language proposed by the Senate related to the Buy American Act.

Amendment No. 152: Restores House language deleted by the Senate that would prohibit the implementation by the Department of Education of the so-called "85/15" regulations promulgated under section 481(b)(6) of the Higher Education Act, prior to July 1, 1995. The conferees have taken this action on a one-time basis and are agreed that any further action on this matter should be taken by the authorizing committees of jurisdiction.

Amendment No. 153: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

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

*SEC. 511. None of the funds appropriated or otherwise made available under this Act may be obligated in violation of existing Federal law or regulation already prohibiting such benefit or assistance. None of the funds appropriated under this Act may be used by any Federal official, or any State or local official, to induce undocumented immigrants to apply for Federal benefits for which such officials know or should know such undocumented immigrants are not eligible. In no case, however, shall Federal, State, or local officials be penalized for efforts to ensure that eligible persons are not excluded from participation in, denied the benefits of, or subjected to discrimination by any program receiving funds under this Act, on the grounds of race, color, or national origin-based traits, including language. Each State agency and each other entity administering a program under which verification of immigration status is required by section 121 of the Immigration Reform and Control Act of 1986 shall participate in the system for the verification of such status established by the Commissioner of the Immigration and Naturalization Service pursuant to section 121(c) of that Act, unless an alternative system is available and employed for such purposes which is found to meet the criteria for waiver under section 121(c)(4).*

*SEC. 512. Notwithstanding any other provision of law, monthly benefit rates during fiscal year 1995 and thereafter under part B or part C of the Black Lung Benefits Act shall continue to be based on the benefit rates in effect in September, 1994 and be paid in accordance with the Act, until exceeded by the benefit rate specified in section 412(a)(1) of the Act.*

*SEC. 513. No more than one percent of salaries appropriated for each Agency in this Act may be expended by that Agency on cash performance awards: Provided, That of the budgetary resources available to Agencies in this Act for salaries and expenses during fiscal year 1995, \$30,500,000, to be allocated by the Office of Management and Budget, are permanently canceled: Provided further, That the foregoing proviso shall not apply to the Food and Drug Administration and the Indian Health Service.*

*SEC. 514. Chapter 51 of title 18, United States Code, is amended by adding at the end thereof the following new section:*

##### *§1118. Protection against the Human Immunodeficiency Virus*

*"(a) IN GENERAL.—Whoever, after testing positive for the Human Immunodeficiency Virus (HIV) and receiving actual notice of that fact, knowingly donates or sells, or knowingly attempts to donate or sell, blood, semen, tissue, organs, or other bodily fluids for use by another, except as determined necessary for medical research or testing, shall be fined or imprisoned in accordance with subsection (c).*

*"(b) TRANSMISSION NOT REQUIRED.—Transmission of the Human Immunodeficiency Virus*

does not have to occur for a person to be convicted of a violation of this section.

"(c) PENALTY.—Any person convicted of violating the provisions of subsection (a) shall be subject to a fine of not less than \$10,000 nor more than \$20,000, imprisoned for not less than 1 year nor more than 10 years, or both."

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement modifies language proposed by the Senate with respect to undocumented immigrants. The agreement also inserts a provision relating to black lung benefits as proposed by the Senate, a provision as proposed by the Senate relating to protection against the human immunodeficiency virus and a provision as proposed by the Senate that caps the amount of funds spend for cash performance awards, modified to include a reduction in appropriations related to the cap. The conferees delete without prejudice language proposed by the Senate related to funding for executive direction activities and to unallowable costs in connection with Federal grants and contracts.

The conferees have included section 513 that places a cap on the amount that agencies may spend on cash performance awards. The amount spent may not exceed one percent of the amount budgeted for personnel compensation and benefits. In addition, the conference agreement includes a reduction of \$30,500,000 for salaries and expenses for all agencies funded in this bill; this is directly related to the one-percent cap. The reduction of \$30,500,000 shall be allocated among the agencies funded in the bill by the Office of Management and Budget. The reduction shall be allocated in proportion to the extent to which agencies have exceeded the one-percent figure in the past.

The conference agreement deletes the language on unallowable contractor and grantee costs proposed by the Senate. The conferees remain concerned about the problems the Departments of Labor, Health and Human Services, and Education have experienced with contractors and grantees who make claims for reimbursement for costs that are unallowable. Accordingly, in order to help eliminate claims for unallowable costs, the conferees support a process whereby contractors and grantees certify that they will not claim costs that have been previously determined to be unallowable. It is the understanding of the conferees that the conference agreement of Federal procurement reform legislation addresses this matter to strengthen controls over the procurement process and to help eliminate contractor and grantee claims for unallowable costs.

It is the intent of the conferees that funds available for executive direction, excluding the Centers for Disease Control and Prevention, the National Institutes of Health and the Social Security Administration, shall not exceed the lower of the amounts set forth in the budget estimates submitted to Congress for fiscal year 1995 or the amounts provided in this conference agreement.

Amendment No. 154: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

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

SEC. 515. Notwithstanding any other provision of law, (1) no amount may be transferred from an appropriation account for the Departments of Labor, Health and Human Services, and Education except as authorized in this or any subse-

quent appropriation act, or in the Act establishing the program or activity for which funds are contained in this Act;

(2) no department, agency, or other entity, other than the one responsible for administering the program or activity for which an appropriation is made in this Act, may exercise authority for the timing of the obligation and expenditure of such appropriation, or for the purposes for which it is obligated and expended, except to the extent and in the manner otherwise provided in section 1512 and 1513 of title 31, United States Code; and

(3) no funds provided under this or any subsequent appropriation act shall be available for the salary (or any part thereof) of an employee who is reassigned on a temporary detail basis to another position in the employing agency or department or in any other agency or department, unless the detail is independently approved by the head of the employing department or agency.

and

on page 55 of the House engrossed bill, H.R. 4606, after line 3, insert:

SEC. 305. None of the funds appropriated under this Act may be used to publish, release, report or finalize the designation of institutions to be reviewed under subpart I of part H of title IV of the High Education Act of 1965, as amended, until the State postsecondary review entity responsible for evaluating those institutions has received the Secretary's approval for its institutional review standards.

and

on page 58, line 19 of the House engrossed bill, H.R. 4606, strike "\$8,119,000" and insert in lieu thereof \$8,519,000

and

on page 43 of the House engrossed bill, H.R. 4606, after line 14, insert:

SEC. 210. Of the funds made available under this title, under the heading Low Income Home Energy Assistance, for fiscal year 1996, the Secretary shall receive assurances from States that funds will assist low-income households with their home energy needs, particularly those with the lowest incomes that pay a high proportion of household income for home energy.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement deletes language proposed by the Senate that expressed the sense of the Senate regarding Federal payments in lieu of taxes. The agreement also inserts language prohibiting certain transfers of funds, certain employee details, and fund apportionments done by any agency other than the Office of Management and Budget; inserts language related to postsecondary review entities under the Higher Education Act; appropriates \$8,519,000 for the National Mediation Board; and inserts language related to the Low Income Home Energy Assistance Program.

#### TITLE VI—EMERGENCY SUPPLEMENTAL APPROPRIATIONS

Amendment No. 155: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

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

#### TITLE VI—EMERGENCY APPROPRIATIONS

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Amendment No. 156: Reported in technical disagreement. The managers on the part of

the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

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

#### DEPARTMENT OF HEALTH AND HUMAN SERVICES

##### PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND

For the Public Health and Social Services Emergency Fund to be used to assist States and local communities in recovering from the flooding caused by tropical storm Alberto and other emergencies, \$35,000,000 to remain available until expended: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That the entire amount shall be available only to the extent an official budget request, for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement, as defined in the Balanced Budget and Emergency Deficit Control Act of 1985 as amended, is transmitted by the President to the Congress.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement provides \$35,000,000 to assist States and local communities in meeting public health and social services needs related to tropical storm Alberto and other emergencies, as proposed by the Senate. The funds are declared an emergency need by the Congress and would only be available if the President submits a formal budget request stating that the entire amount is an emergency requirement under the Budget Control Act. The House bill had no provision for this.

Amendment No. 157: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

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

#### TITLE VII—CRIME REDUCTION PROGRAMS

##### DEPARTMENT OF HEALTH AND HUMAN SERVICES

##### ADMINISTRATION FOR CHILDREN AND FAMILIES

##### CHILDREN AND FAMILIES SERVICES PROGRAMS

In addition to amounts otherwise appropriated in this Act, \$26,900,000, to be derived from the Violent Crime Reduction Trust Fund, including \$1,000,000 for a domestic violence hotline as authorized by the Safe Homes for Women Act of 1994 and \$25,900,000 for carrying out the Community Schools Youth Services and Supervision Grant Program Act of 1994.

##### DEPARTMENT OF EDUCATION

##### SCHOOL IMPROVEMENT PROGRAMS

In addition to amounts otherwise appropriated in this Act, \$11,100,000, to be derived from the Violent Crime Reduction Trust Fund, for carrying out the Family and Community Endeavor Schools Act.

The managers on the part of the Senate will move to concur on the amendment of the House to the amendment of the Senate.

The conference agreement deletes an appropriation of \$10,000,000 proposed by the Senate for disaster assistance under the im-

pact aid program of the Department of Education. Previously appropriated funds are already available for this purpose. The House

bill had no provision for this. The agreement includes a new title VII of the bill making appropriations totalling \$38,000,000 for carry-

ing out certain programs under the Violent Crime Control and Law Enforcement Act of 1994.

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	FY 1994 Comparable	FY 1995 Request	House Bill	Senate Bill	Conference	Conference vs FY94 Comparable
<b>TITLE I - DEPARTMENT OF LABOR</b>						
<b>EMPLOYMENT AND TRAINING ADMINISTRATION</b>						
<b>PROGRAM ADMINISTRATION</b>						
Job training programs.....	22,854	24,123	23,095	23,095	23,095	+241
Trust funds.....	(2,233)	(2,305)	(2,170)	(2,170)	(2,170)	(-83)
Employment security.....	257	483	260	260	260	+3
Trust funds.....	(15,059)	(15,100)	(14,635)	(14,635)	(14,635)	(-423)
Financial and administrative management.....	18,554	19,525	18,760	18,760	18,760	+196
Trust funds.....	(6,110)	(6,561)	(7,862)	(7,862)	(7,862)	(-228)
Executive direction and administration.....	5,994	7,197	6,057	6,057	6,057	+63
Trust funds.....	(1,420)	(1,743)	(1,380)	(1,380)	(1,380)	(-40)
Regional operations.....	24,732	25,297	24,993	24,993	24,993	+261
Trust funds.....	(19,554)	(19,780)	(19,005)	(19,005)	(19,005)	(-546)
Apprenticeship services.....	16,932	17,285	17,111	17,111	17,111	+179
<b>Total, Program Administration.....</b>	<b>135,708</b>	<b>141,489</b>	<b>135,349</b>	<b>135,349</b>	<b>135,349</b>	<b>-359</b>
Federal funds.....	89,333	94,000	90,275	90,275	90,275	+943
Trust funds.....	(46,375)	(47,489)	(45,073)	(45,073)	(45,073)	(-1,302)
<b>TRAINING AND EMPLOYMENT SERVICES 1/</b>						
Grants to States:						
Adult training.....	988,021	1,130,000	1,044,813	1,064,813	1,054,813	+66,792
Youth training.....	558,682	598,682	598,682	598,682	598,682	-50,000
(Rescission, FY 1994).....	---	---	---	-50,000	-50,000	-50,000
Summer youth employment and training program.....	888,282	1,056,328	1,056,328	1,056,328	1,056,328	+168,046
(Summer of 1995) (non-add) 2/.....	---	(184,788)	(184,788)	(184,788)	(184,788)	(+184,788)
Dislocated worker assistance.....	1,118,000	1,464,949	1,296,000	1,296,000	1,296,000	+178,000
Earthquake supplemental (emergency).....	(28,000)	---	---	---	---	(-28,000)
Federally administered programs:						
Native Americans.....	64,218	61,871	63,656	64,218	64,060	-138
Migrants and seasonal farmworkers.....	85,576	78,303	84,841	85,000	85,710	+134

1/ Forward funded except where noted.

2/ The Senate bill and conference agreement makes these funds available on July 1, 1995.

	FY 1994 Comparable	FY 1995 Request	House Bill	Senate Bill	Conference	Conference vs FY94 Comparable
<b>Job Corps:</b>						
Operations.....	913,913	957,431	957,431	953,631	957,431	+43,518
Construction and renovation.....	126,566	199,224	160,000	126,566	142,029	+16,473
Subtotal, Job Corps.....	1,040,469	1,156,655	1,107,431	1,080,187	1,099,460	+58,991
Youth Fair Chance.....	25,000	25,000	24,785	24,785	24,785	-215
Veterans' employment.....	8,957	8,957	8,880	8,880	8,880	-77
<b>National activities:</b>						
Pilots and demonstrations.....	35,830	34,901	35,522	35,522	35,522	-308
Research, demonstration and evaluation.....	12,301	12,239	12,196	12,196	12,196	-105
Other.....	23,021	35,674	30,823	27,000	30,823	+7,802
Subtotal, National activities.....	71,152	82,814	78,541	74,718	78,541	+7,389
Subtotal, Federal activities.....	1,295,372	1,413,600	1,368,144	1,338,788	1,361,456	+66,084
Total, Job Training Partnership Act.....	4,946,357	5,663,559	5,363,967	5,304,611	5,317,279	+368,922
<b>Job training for the homeless:</b>						
Regular program 1/.....	7,482	---	7,418	---	---	-7,482
Veterans program 1/.....	5,055	5,055	5,011	5,011	5,011	-44
Glass Ceiling Commission 1/.....	744	744	738	738	738	-6
Women in apprenticeship 1/.....	750	750	744	744	744	-6
National Center for the Workplace 1/.....	1,122	1,122	1,113	1,113	1,113	-9
Skills Standards.....	---	12,350	6,000	6,000	6,000	+6,000
School-to-work.....	50,000	150,000	140,000	100,000	125,000	+75,000
Total, Training and Employment Services.....	5,013,510	5,833,580	5,524,991	5,418,217	5,455,865	+442,375
Subtotal, forward funded.....	(4,998,357)	(5,825,909)	(5,509,967)	(5,410,611)	(5,448,279)	(+449,922)
1/ Current funded.						
<b>COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS</b>						
National contracts.....	320,190	308,927	320,190	320,190	320,190	---
State grants.....	90,310	87,133	90,310	90,310	90,310	---
Total.....	410,500	396,060	410,500	410,500	410,500	---
<b>FEDERAL UNEMPLOYMENT AND ALLOWANCES</b>						
Trade adjustment.....	189,900	274,400	274,400	274,400	274,400	+84,500
Other activities.....	100	---	---	---	---	-100
Total.....	190,000	274,400	274,400	274,400	274,400	+84,400
<b>STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICE OPERATIONS</b>						
<b>Unemployment Compensation (Trust Funds):</b>						
State Operations.....	(1,715,906)	(1,765,626)	(1,765,626)	(1,765,626)	(1,765,626)	(+49,720)
State integrity activities.....	(356,828)	(367,169)	(367,169)	(367,169)	(367,169)	(+10,241)
National Activities.....	(25,435)	(16,551)	(16,551)	(16,551)	(16,551)	(-8,884)
Contingency.....	(347,272)	(242,437)	(232,437)	(226,000)	(223,837)	(-123,435)
Contingency bill language (OMB estimate).....	(70,500)	(67,900)	(67,900)	(67,900)	(67,900)	(-2,600)
Portion treated as budget authority.....	(39,770)	(812)	(812)	(812)	(812)	(-36,958)
Subtotal, Unemployment Comp (trust funds)...	(2,485,311)	(2,382,595)	(2,382,595)	(2,376,158)	(2,373,995)	(-111,316)
<b>Employment Service:</b>						
<b>Allocations to States:</b>						
Federal funds.....	24,986	25,417	24,763	25,417	25,254	+258
Trust funds.....	(807,870)	(821,803)	(817,224)	(821,803)	(820,658)	(+12,788)
Subtotal.....	832,856	847,220	841,987	847,220	845,912	+13,056
<b>National Activities:</b>						
Federal funds.....	2,056	1,934	1,934	1,934	1,934	-122
Trust funds.....	(68,556)	(64,194)	(64,194)	(64,194)	(64,194)	(-4,362)
Targeted jobs tax credit.....	(14,860)	(5,000)	(5,000)	(12,000)	(10,250)	(-4,630)

	FY 1994 Comparable	FY 1995 Request	House Bill	Senate Bill	Conference	Conference vs FY94 Comparable
One-stop Career Centers.....	50,000	250,000	120,000	120,000	120,000	+70,000
Subtotal, Employment Service.....	968,348	1,168,348	1,033,118	1,045,348	1,042,290	+73,942
Federal funds.....	77,042	277,351	146,697	147,351	147,188	+70,146
Trust funds.....	(891,306)	(890,997)	(886,418)	(897,997)	(895,102)	(+3,796)
Total, State Unemployment.....	3,453,659	3,560,843	3,415,710	3,421,808	3,416,285	-37,374
Federal Funds.....	77,042	277,351	146,697	147,351	147,188	+70,146
Trust Funds.....	(3,376,617)	(3,283,592)	(3,269,013)	(3,274,456)	(3,269,097)	(-107,520)
ADVANCES TO UNEMPLOYMENT TRUST FUND AND OTHER FUNDS...	2,961,300	686,000	686,000	686,000	686,000	-2,275,300
Total, Employment & Training Administration.....	12,164,677	10,892,472	10,446,950	10,345,972	10,378,419	-1,786,258
Federal funds.....	8,741,685	7,561,391	7,132,864	7,026,744	7,064,249	-1,677,436
Trust funds.....	(3,422,992)	(3,331,081)	(3,314,086)	(3,319,228)	(3,314,170)	(-108,822)
<b>OFFICE OF THE AMERICAN WORKPLACE</b>						
<b>SALARIES AND EXPENSES</b>						
Office of the Workplace Programs.....	7,415	8,659	5,000	8,169	7,415	---
Office of Labor-Management Standards.....	22,369	25,411	25,411	24,056	24,056	+1,687
Total, LMS.....	29,784	34,070	30,411	32,225	31,471	+1,687
<b>PENSION AND WELFARE BENEFITS ADMINISTRATION</b>						
<b>SALARIES AND EXPENSES</b>						
Enforcement and compliance.....	49,181	53,835	50,717	53,783	53,783	+4,602
Policy, regulation and public service.....	11,303	13,957	12,180	12,180	12,180	+877
Program oversight.....	3,475	3,510	3,491	3,491	3,491	+16
Total, PWBA.....	63,959	71,302	66,388	69,454	69,454	+5,495
<b>PENSION BENEFIT GUARANTY CORPORATION</b>						
Program Administration subject to limitation (Trust Funds).....	(34,135)	(12,030)	(11,493)	(11,493)	(11,493)	(-22,642)
Services related to terminations not subject to limitations (non-add).....	(101,487)	(126,471)	(126,471)	(126,471)	(126,471)	(+24,984)
Total, PBGC.....	(135,622)	(138,501)	(137,964)	(137,964)	(137,964)	(+2,342)
<b>EMPLOYMENT STANDARDS ADMINISTRATION</b>						
<b>SALARIES AND EXPENSES</b>						
Enforcement of wage and hour standards.....	97,142	102,300	98,885	101,372	101,372	+4,230
Federal contractor EEO standards enforcement.....	56,306	59,611	57,408	59,113	59,113	+2,807
Federal programs for workers' compensation.....	71,923	81,067	75,024	76,639	76,639	+4,716
Trust funds.....	(989)	(1,195)	(1,059)	(1,059)	(1,059)	(+70)
Program direction and support.....	11,431	11,662	11,543	11,543	11,543	+112
Total, salaries and expenses.....	237,791	255,835	243,919	249,726	249,726	+11,935
Federal funds.....	236,802	254,640	242,850	248,667	248,667	+11,865
Trust funds.....	(989)	(1,195)	(1,059)	(1,059)	(1,059)	(+70)
<b>SPECIAL BENEFITS</b>						
Federal employees compensation benefits.....	275,000	254,000	254,000	254,000	254,000	-21,000
Longshore and harbor workers' benefits.....	4,000	4,000	4,000	4,000	4,000	---
Total, Special Benefits.....	279,000	258,000	258,000	258,000	258,000	-21,000
<b>BLACK LUNG DISABILITY TRUST FUND</b>						
Benefit payments and interest on advances.....	947,967	943,005	943,005	943,005	943,005	-4,962
Employment Standards Admin., salaries & expenses.....	29,223	28,216	28,216	28,216	28,216	-1,007
Departmental Management, salaries and expenses.....	24,384	23,333	23,333	23,333	23,333	-1,051
Departmental Management, inspector general.....	295	310	310	310	310	+15
Subtotal, Black Lung Disability, Trust Fund, apprn	1,001,869	994,864	994,864	994,864	994,864	-7,005

	FY 1994 Comparable	FY 1995 Request	House Bill	Senate Bill	Conference	Conference vs FY94 Comparable
Treasury administrative costs (indefinite).....	756	756	756	756	756	---
Total, Black Lung Disability Trust Fund.....	1,002,625	995,620	995,620	995,620	995,620	-7,005
Total, Employment Standards Administration.....	1,519,416	1,509,455	1,497,539	1,503,346	1,503,346	-16,070
Federal funds.....	1,518,427	1,508,280	1,496,480	1,502,287	1,502,287	-16,140
Trust funds.....	(989)	(1,195)	(1,059)	(1,059)	(1,059)	(+70)
<b>OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION</b>						
<b>SALARIES AND EXPENSES</b>						
Safety and health standards.....	8,615	8,619	9,031	9,031	9,031	+416
Enforcement:						
Federal Enforcement.....	137,649	148,881	145,834	145,834	145,834	+8,185
State programs.....	68,630	71,720	70,615	70,615	70,615	+1,985
Technical Support.....	17,876	20,431	18,883	18,883	18,883	+1,007
Compliance Assistance.....	43,838	46,098	44,974	44,974	44,974	+1,136
Safety and health statistics.....	12,750	15,890	15,900	15,900	15,900	+3,150
Executive direction and administration.....	7,070	7,368	7,263	7,263	7,263	+193
Total, OSHA.....	296,428	320,007	312,500	312,500	312,500	+16,072
<b>MINE SAFETY AND HEALTH ADMINISTRATION</b>						
<b>SALARIES AND EXPENSES</b>						
Enforcement:						
Coal.....	103,247	108,762	105,094	107,888	107,888	+4,641
Metal/nonmetal.....	41,483	42,954	41,983	42,421	42,421	+938
Standards development.....	1,329	1,066	1,343	1,343	1,343	+14
Assessments.....	3,749	3,902	3,791	3,791	3,791	+42
Educational policy and development.....	14,434	15,162	14,598	15,085	15,085	+651
Technical support.....	21,916	22,080	22,164	22,164	22,164	+248
Program administration.....	8,449	8,772	8,546	8,546	8,546	+97
Total, Mine Safety and Health Administration....	194,607	202,698	197,519	201,238	201,238	+6,631
<b>BUREAU OF LABOR STATISTICS</b>						
<b>SALARIES AND EXPENSES</b>						
Employment and Unemployment Statistics.....	95,553	102,641	99,097	101,097	101,097	+5,544
Labor Market Information (Trust Funds).....	(51,927)	(56,277)	(54,102)	(54,102)	(54,102)	(+2,175)
Prices and cost of living.....	93,144	94,776	93,225	93,225	93,225	+81
Compensation and working conditions.....	64,461	61,329	61,329	61,329	61,329	-3,132
Productivity and technology.....	6,986	7,059	6,992	6,992	6,992	+6
Economic growth and employment projections.....	4,193	4,253	4,197	4,197	4,197	+4
Executive direction and staff services.....	26,764	33,471	26,787	26,787	26,787	+23
Consumer Price Index Revision.....	---	5,134	5,134	5,134	5,134	+5,134
Total, Bureau of Labor Statistics.....	343,028	364,940	350,863	352,863	352,863	+9,835
Federal Funds.....	291,101	308,663	296,761	298,761	298,761	+7,660
Trust Funds.....	(51,927)	(56,277)	(54,102)	(54,102)	(54,102)	(+2,175)
<b>DEPARTMENTAL MANAGEMENT</b>						
<b>SALARIES AND EXPENSES</b>						
Executive direction.....	19,751	24,951	21,505	19,751	21,057	+1,316
Legal services.....	59,446	64,993	62,123	62,123	62,123	+2,677
Trust funds.....	(332)	(339)	(328)	(328)	(328)	(-4)
International labor affairs.....	7,942	10,907	8,937	13,407	12,300	+4,358
Administration and management.....	14,911	14,943	14,943	14,943	14,943	+32
Adjudication.....	19,389	21,827	20,000	20,000	20,000	+631
Promoting employment of people with disabilities.....	4,320	4,392	4,392	4,392	4,392	+72
Women's Bureau.....	7,770	7,992	7,992	8,592	8,392	+622
Civil Rights Activities.....	4,806	4,860	4,860	4,860	4,860	-46

	FY 1994 Comparable	FY 1995 Request	House Bill	Senate Bill	Conference	Conference vs FY94 Comparable
Chief Financial Officer.....	4,712	4,796	4,750	4,750	4,750	+38
Enforcement Automation.....	---	11,124	6,500	---	2,000	+2,000
<b>Total, Salaries and expenses.....</b>	<b>143,459</b>	<b>171,124</b>	<b>156,330</b>	<b>153,146</b>	<b>155,155</b>	<b>+11,696</b>
Federal funds.....	143,127	170,785	156,002	152,818	154,827	+11,700
Trust funds.....	(332)	(339)	(328)	(328)	(328)	(-4)
<b>VETERANS EMPLOYMENT AND TRAINING</b>						
<b>State Administration:</b>						
Disabled Veterans Outreach Program.....	(84,218)	(85,987)	(83,601)	(84,987)	(83,601)	(-617)
Local Veterans Employment Program.....	(78,166)	(79,808)	(77,593)	(78,808)	(77,593)	(-573)
<b>Subtotal, State Administration.....</b>	<b>(162,384)</b>	<b>(165,795)</b>	<b>(161,194)</b>	<b>(163,795)</b>	<b>(161,194)</b>	<b>(-1,190)</b>
Federal Administration.....	(21,339)	(21,428)	(21,183)	(21,183)	(21,183)	(-156)
National Veterans Training Institute.....	(2,925)	(2,986)	(2,904)	(2,986)	(2,904)	(-21)
<b>Total, Trust Funds.....</b>	<b>(186,548)</b>	<b>(190,209)</b>	<b>(185,281)</b>	<b>(187,964)</b>	<b>(185,281)</b>	<b>(-1,367)</b>
REINVENTION INVESTMENT FUND.....	---	25,000	---	---	---	---
<b>OFFICE OF THE INSPECTOR GENERAL</b>						
<b>Audit:</b>						
Federal funds.....	19,236	19,435	19,626	20,105	19,866	+630
Trust funds.....	(3,990)	(3,966)	(3,860)	(3,966)	(3,913)	(-77)
<b>Investigation:</b>						
Federal funds.....	8,945	9,016	9,032	9,016	9,024	+79
Office of Labor Racketeering.....	11,890	12,560	11,804	11,890	11,847	-43
Executive Direction and Management.....	7,144	7,524	7,214	7,524	7,359	+225
<b>Total, Office of the Inspector General.....</b>	<b>51,205</b>	<b>52,501</b>	<b>51,536</b>	<b>52,501</b>	<b>52,019</b>	<b>+814</b>
Federal funds.....	47,215	48,535	47,676	48,535	48,106	+891
Trust funds.....	(3,990)	(3,966)	(3,860)	(3,966)	(3,913)	(-77)
<b>Total, Departmental Management.....</b>	<b>381,312</b>	<b>438,834</b>	<b>393,147</b>	<b>393,611</b>	<b>392,455</b>	<b>+11,143</b>
Federal funds.....	190,342	244,320	203,678	201,353	202,933	+12,591
Trust funds.....	(190,970)	(194,514)	(189,469)	(192,259)	(189,522)	(-1,448)
<b>Total, Labor Department 1/.....</b>	<b>15,027,346</b>	<b>13,845,808</b>	<b>13,306,810</b>	<b>13,222,702</b>	<b>13,253,239</b>	<b>-1,774,107</b>
Federal funds.....	11,326,333	10,250,711	9,736,601	9,644,562	9,682,893	-1,643,440
Trust funds.....	(3,701,013)	(3,695,097)	(3,670,209)	(3,578,140)	(3,570,346)	(-130,667)

1/ Includes Federal and Trust funds.

## TITLE II - DEPARTMENT OF HEALTH AND HUMAN SERVICES

## HEALTH RESOURCES AND SERVICES ADMINISTRATION

## HEALTH RESOURCES AND SERVICES

<b>Health Care Delivery and Assistance:</b>						
Community health centers.....	603,650	593,500	616,555	616,555	616,555	+12,905
Migrant health centers.....	59,000	57,994	65,000	65,000	65,000	+6,000
Black lung clinics.....	4,142	4,073	4,142	4,142	4,142	---
Health care for the homeless.....	63,011	61,942	65,445	65,445	65,445	+2,434
<b>National Health Service Corps:</b>						
Field placements.....	44,720	43,358	45,004	45,004	45,004	+284
Recruitment.....	79,250	77,921	78,538	81,750	80,144	+894
<b>Subtotal, Natl Health Service Corps.....</b>	<b>123,970</b>	<b>121,279</b>	<b>123,542</b>	<b>126,754</b>	<b>125,148</b>	<b>+1,178</b>
Grants to communities for scholarships.....	478	470	474	474	474	-4
Public housing health service grants.....	8,923	8,773	9,743	8,843	9,518	+595
Hansen's disease services.....	20,747	20,055	20,881	20,881	20,881	+134
Payment to Hawaii, treatment of Hansen's Disease..	2,976	2,927	2,949	2,976	2,976	---
Native Hawaiian health care.....	4,336	4,264	4,297	4,600	4,524	+188
Pacific Basin initiative.....	2,468	2,348	2,445	3,000	2,861	+393
Alzheimers demonstration grants.....	4,959	4,874	4,915	4,959	4,959	---
<b>Total, Health Care Delivery &amp; Assistance.....</b>	<b>898,560</b>	<b>882,499</b>	<b>920,388</b>	<b>923,629</b>	<b>922,483</b>	<b>+23,823</b>

	FY 1994 Comparable	FY 1995 Request	House Bill	Senate Bill	Conference	Conference vs FY94 Comparable
<b>Maternal and child health:</b>						
Maternal & child health block grant.....	687,034	667,679	680,866	687,034	683,950	-3,084
Healthy start.....	97,500	95,851	100,000	110,000	110,000	+12,500
Emergency medical services for children.....	7,500	7,371	10,000	10,000	10,000	+2,500
<b>Total, Maternal and child health.....</b>	<b>792,034</b>	<b>770,901</b>	<b>790,866</b>	<b>807,034</b>	<b>803,950</b>	<b>+11,916</b>
<b>Health Professions:</b>						
<b>Minority/disadvantaged:</b>						
Centers of excellence.....	23,481	23,074	23,481	23,481	23,481	---
Health careers opportunity program.....	24,961	24,538	27,237	24,961	26,658	+1,707
Faculty loan repayment.....	1,053	1,033	1,043	1,043	1,043	-10
<b>Subtotal, minority.....</b>	<b>49,495</b>	<b>48,645</b>	<b>51,761</b>	<b>49,485</b>	<b>51,192</b>	<b>+1,697</b>
<b>Primary care / public health programs:</b>						
Public health and preventive medicine.....	7,816	7,276	7,746	7,816	7,746	-70
Health administration traineeships / projects.....	995	978	985	985	986	-9
Family medicine training / departments.....	47,194	43,985	46,775	47,194	47,194	---
General dentistry residencies.....	3,730	1,564	3,730	3,730	3,730	---
General internal medicine and pediatrics.....	16,847	16,687	16,695	16,695	16,695	-152
Physician assistants.....	6,554	6,104	6,554	6,554	6,554	---
Allied health special projects.....	3,467	2,254	3,935	3,467	3,935	+468
Area health education centers.....	22,203	20,694	23,800	25,000	24,625	+2,422
Border health training centers.....	2,836	2,784	4,000	2,836	3,709	+873
Geriatric education centers and training.....	9,175	6,538	9,092	9,092	9,092	-83
Interdisciplinary traineeships.....	4,017	3,536	3,981	3,981	3,981	-36
Podiatric medicine.....	615	---	610	615	615	---
Chiropractic demonstration grants.....	750	---	743	1,000	936	+186
<b>Subtotal, primary care.....</b>	<b>126,199</b>	<b>111,400</b>	<b>128,347</b>	<b>128,956</b>	<b>129,798</b>	<b>+3,599</b>
<b>Consolidated student assistance:</b>						
Exceptional financial need scholarships.....	10,433	10,259	11,339	10,433	11,113	+680
Fin assistance for disadvantaged HP students..	6,241	6,135	6,185	6,185	6,185	-56
HPSL recapitalization.....	7,925	7,792	8,654	7,925	8,472	+547
Scholarships for disadvantaged students.....	17,102	16,815	18,648	17,102	18,262	+1,160
<b>Subtotal, consolidated loans.....</b>	<b>41,701</b>	<b>41,001</b>	<b>44,826</b>	<b>41,645</b>	<b>44,032</b>	<b>+2,331</b>
<b>Priority nursing:</b>						
Nursing workforce diversity.....	---	3,632	---	---	---	---
NP, nurse midwife, other.....	---	44,140	---	---	---	---
Strengthening capacity.....	---	9,697	---	---	---	---
Advanced nurse education.....	12,253	---	12,143	12,253	12,253	---
Nurse practitioners / nurse midwives.....	16,943	---	16,943	16,943	16,943	---
Special projects.....	10,401	---	10,307	10,401	10,401	---
Professional nurse traineeships.....	15,473	---	15,334	15,473	15,473	---
Nurse disadvantaged assistance.....	3,693	---	3,660	3,693	3,693	---
Nurse anesthetists.....	2,724	---	2,699	2,724	2,724	---
Loan repayment for shortage area service.....	2,044	2,010	2,026	2,044	2,044	---
<b>Subtotal, priority nursing.....</b>	<b>63,531</b>	<b>59,479</b>	<b>63,112</b>	<b>63,531</b>	<b>63,531</b>	<b>---</b>
<b>Health professions research and data:</b>						
Health professions data system.....	643	1,585	637	637	637	-6
Research on health professions issues.....	1,123	1,089	1,113	1,113	1,113	-10
<b>Subtotal, Health professions research &amp; data</b>	<b>1,766</b>	<b>2,674</b>	<b>1,750</b>	<b>1,750</b>	<b>1,750</b>	<b>-16</b>
<b>Total, Health professions.....</b>	<b>282,692</b>	<b>253,199</b>	<b>289,796</b>	<b>285,377</b>	<b>290,303</b>	<b>+7,611</b>
<b>Resources development:</b>						
Organ transplantation.....	2,652	2,565	2,629	2,629	2,629	-23
Health teaching facilities interest subsidies....	415	408	411	411	411	-4
Trauma care.....	4,837	4,756	4,793	4,793	4,793	-44
<b>Total, Resources Development.....</b>	<b>7,904</b>	<b>7,729</b>	<b>7,833</b>	<b>7,833</b>	<b>7,833</b>	<b>-71</b>

	FY 1994 Comparable	FY 1995 Request	House Bill	Senate Bill	Conference	Conference vs FY94 Comparable
<b>Acquired Immune Deficiency Syndrome (AIDS):</b>						
Education and training centers.....	16,435	16,157	16,287	16,287	16,287	-148
<b>Ryan White AIDS Programs:</b>						
Emergency assistance.....	325,800	364,500	352,500	356,500	356,500	+31,000
Comprehensive care programs.....	183,897	213,897	195,897	198,897	198,147	+14,250
Early intervention program.....	47,968	66,968	51,568	52,568	52,318	+4,350
Pediatric demonstrations.....	22,000	27,000	26,000	26,000	26,000	+4,000
Subtotal, Ryan White AIDS programs.....	579,365	672,365	625,965	633,965	632,965	+53,600
AIDS dental services.....	7,000	6,884	6,937	6,937	6,937	-63
Subtotal, AIDS.....	602,800	695,406	649,189	657,189	656,189	+53,389
Family planning.....	180,918	195,489	187,000	195,489	193,367	+12,449
Rural health research.....	9,426	9,250	9,426	14,426	13,176	+3,750
Rural outreach grants.....	26,279	25,831	26,279	27,279	27,029	+750
State Offices of Rural Health.....	2,750	2,704	2,750	5,000	3,875	+1,125
Health care facilities.....	---	---	2,000	20,000	15,000	+15,000
Buildings and facilities.....	942	910	933	933	933	-9
National practitioner data bank.....	7,500	9,000	9,000	9,000	9,000	+1,500
User fees.....	-7,500	-9,000	-9,000	-9,000	-9,000	-1,500
Program management.....	121,765	121,765	121,765	122,065	122,065	+300
Rent reduction.....	---	-1,174	---	---	---	---
Total, Health resources and services.....	2,926,170	2,974,509	3,008,225	3,056,254	3,056,203	+130,033
<b>MEDICAL FACILITIES GUARANTEE AND LOAN FUND:</b>						
Interest subsidy program.....	9,000	9,000	9,000	9,000	9,000	---
<b>HEALTH EDUCATION ASSISTANCE LOANS PROGRAM (HEAL):</b>						
New loan subsidies.....	25,650	26,275	26,275	26,275	26,275	+625
Liquidating account (non-add).....	(41,100)	(56,620)	(56,620)	(56,620)	(56,620)	(+15,520)
HEAL loan limitation (non-add).....	(375,000)	(375,000)	(375,000)	(375,000)	(375,000)	---
Program management.....	2,946	2,946	2,946	2,946	2,946	---
Total, HEAL.....	28,596	29,221	29,221	29,221	29,221	+625
<b>VACCINE INJURY COMPENSATION PROGRAM TRUST FUND:</b>						
Post - FY88 claims (trust fund).....	84,180	54,476	54,476	54,476	54,476	-29,704
HRSA administration (trust fund).....	3,000	3,000	3,000	3,000	3,000	---
Subtotal, Vaccine injury compensation trust fund.....	87,180	57,476	57,476	57,476	57,476	-29,704
<b>VACCINE INJURY COMPENSATION:</b>						
Pre - FY88 claims (appropriation).....	110,000	110,000	110,000	110,000	110,000	---
Total, Vaccine injury.....	197,180	167,476	167,476	167,476	167,476	-29,704
Total, Health Resources & Services Admin.....	3,160,946	3,180,206	3,213,922	3,271,951	3,261,900	+100,954
<b>CENTERS FOR DISEASE CONTROL</b>						
<b>DISEASE CONTROL, RESEARCH AND TRAINING</b>						
Preventive Health Services Block Grant.....	157,186	154,064	155,854	160,000	157,927	+741
Prevention centers.....	6,989	6,850	6,928	7,989	7,724	+735
<b>Sexually transmitted diseases:</b>						
Grants.....	86,461	84,850	93,563	87,000	91,922	+5,461
Direct operations.....	13,310	13,088	13,437	13,437	13,437	+127
Subtotal, Sexually transmitted diseases.....	99,771	97,938	107,000	100,437	105,359	+5,588
<b>Immunization:</b>						
Grants.....	423,393	359,393	359,393	359,393	359,393	-64,000
Direct operations.....	102,357	102,357	101,898	102,357	103,805	+1,448
Adverse events reporting.....	2,393	2,393	2,372	2,393	2,393	---
Subtotal, CDC immunization programs.....	528,143	464,143	463,663	464,143	465,591	-62,552
HCFA vaccine purchase.....	(165,000)	(424,298)	(424,298)	(424,298)	(424,298)	(+259,298)
Total, CDC/HCFA vaccine program.....	(693,143)	(888,441)	(887,961)	(888,441)	(889,889)	(+196,746)

	FY 1994 Comparable	FY 1995 Request	House Bill	Senate Bill	Conference	Conference vs FY94 Comparable
Infectious disease.....	47,782	46,956	56,000	50,000	54,500	+6,718
Tuberculosis:						
Grants.....	111,500	113,204	114,711	113,204	114,334	+2,834
Program operations.....	5,269	5,176	5,289	5,176	5,261	-8
Subtotal, Tuberculosis.....	116,769	118,380	120,000	118,380	119,595	+2,876
Acquired Immune Deficiency Syndrome (AIDS).....	543,253	532,693	606,000	558,253	590,243	+46,990
Chronic and environmental disease prevention.....	123,004	120,715	128,000	143,853	139,890	+16,886
Lead poisoning prevention.....	34,683	34,002	37,000	34,683	36,421	+1,738
Breast and cervical cancer screening.....	78,076	76,536	100,000	100,000	100,000	+21,924
Injury control.....	39,308	38,546	42,000	46,000	45,000	+5,692
Occupational Safety and Health (NIOSH):						
Research.....	115,439	118,292	115,843	120,439	120,439	+5,000
Training.....	12,898	12,641	12,784	12,898	12,898	---
Subtotal, NIOSH.....	128,337	130,933	128,627	133,337	133,337	+5,000
Epidemic services.....	73,520	72,310	74,314	73,520	73,520	---
National Center for Health Statistics:						
Program operations.....	51,605	50,700	51,828	50,700	50,700	-905
Program support.....	2,927	2,880	2,980	2,980	2,980	+53
1% evaluation funds (non-add).....	(28,873)	(28,873)	(27,862)	(28,873)	(27,862)	(-1,011)
Subtotal, health statistics.....	54,532	53,580	54,808	53,580	53,580	-852
Buildings and facilities.....	16,648	3,575	3,575	3,575	3,575	-13,073
Program management.....	3,131	3,081	3,081	3,081	3,081	-50
Rent reduction.....	---	-114	---	---	---	---
Total, Disease Control.....	2,051,132	1,954,188	2,086,850	2,050,931	2,089,443	+38,311
NATIONAL INSTITUTES OF HEALTH (INCLUDES AIDS)						
National Cancer Institute.....	1,863,514	1,967,709	1,919,419	1,919,419	1,919,419	+55,905
Transfer, Office of AIDS Research.....	(212,868)	(222,712)	(219,254)	(219,254)	(218,751)	(+5,883)
Subtotal.....	(2,076,382)	(2,190,421)	(2,138,673)	(2,138,673)	(2,138,170)	(+61,768)
National Heart, Lung, and Blood Institute.....	1,222,903	1,266,961	1,259,590	1,259,590	1,259,590	+36,687
Transfer, Office of AIDS Research.....	(54,977)	(57,910)	(56,625)	(56,625)	(55,625)	(+648)
Subtotal.....	(1,277,880)	(1,324,871)	(1,316,215)	(1,316,215)	(1,315,215)	(+37,335)
National Institute of Dental Research.....	158,089	163,776	162,832	162,832	162,832	+4,743
Transfer, Office of AIDS Research.....	(11,431)	(12,097)	(11,774)	(11,774)	(11,774)	(+343)
Subtotal.....	(169,520)	(175,873)	(174,606)	(174,606)	(174,606)	(+5,086)
National Institute of Diabetes and Digestive and Kidney Diseases.....	705,616	731,500	726,784	726,784	728,284	+22,668
Transfer, Office of AIDS Research.....	(10,438)	(11,047)	(10,752)	(10,752)	(10,752)	(+314)
Subtotal.....	(716,054)	(742,547)	(737,536)	(739,536)	(739,036)	(+22,982)
National Institute of Neurological Disorders and Stroke.....	608,545	630,443	626,801	626,801	628,301	+19,756
Transfer, Office of AIDS Research.....	(22,105)	(23,291)	(22,768)	(22,768)	(22,768)	(+663)
Subtotal.....	(630,650)	(653,734)	(649,569)	(651,569)	(651,069)	(+20,419)
National Institute of Allergy and Infectious Diseases.....	520,792	542,864	536,416	536,416	536,416	+15,624
Transfer, Office of AIDS Research.....	(542,912)	(578,109)	(559,200)	(559,200)	(559,200)	(+16,288)
Subtotal.....	(1,063,704)	(1,120,973)	(1,095,616)	(1,095,616)	(1,095,616)	(+31,912)
National Institute of General Medical Sciences.....	851,566	882,189	877,113	877,113	877,113	+25,547
Transfer, Office of AIDS Research.....	(23,945)	(25,409)	(24,684)	(24,664)	(24,664)	(+719)
Subtotal.....	(875,511)	(907,598)	(901,777)	(901,777)	(901,777)	(+26,266)

	FY 1994 Comparable	FY 1995 Request	House Bill	Senate Bill	Conference	Conference vs FY94 Comparable
National Institute of Child Health and Human Development.....	498,456	516,736	513,409	513,409	513,409	+14,954
Transfer, Office of AIDS Research.....	(56,426)	(64,155)	(59,518)	(59,518)	(58,915)	(+2,489)
Subtotal.....	(554,881)	(580,891)	(572,927)	(572,927)	(572,324)	(+17,443)
National Eye Institute.....	281,879	292,022	290,335	292,022	291,600	+9,721
Transfer, Office of AIDS Research.....	(8,381)	(8,870)	(8,633)	(8,633)	(8,633)	(+252)
Subtotal.....	(290,260)	(300,892)	(298,968)	(300,655)	(300,233)	(+9,973)
National Institute of Environmental Health Sciences...	258,641	267,955	266,400	267,955	267,566	+8,925
Transfer, Office of AIDS Research.....	(5,608)	(5,903)	(5,776)	(5,776)	(5,776)	(+168)
Subtotal.....	(264,249)	(273,858)	(272,176)	(273,731)	(273,342)	(+8,093)
National Institute on Aging.....	418,639	433,701	431,198	433,198	432,698	+14,059
Transfer, Office of AIDS Research.....	(1,664)	(1,723)	(1,715)	(1,715)	(1,715)	(+51)
Subtotal.....	(420,303)	(435,424)	(432,913)	(434,913)	(434,413)	(+14,110)
National Institute of Arthritis and Musculoskeletal and Skin Diseases.....	220,409	228,413	227,021	229,021	228,521	+8,112
Transfer, Office of AIDS Research.....	(2,795)	(2,958)	(2,879)	(2,879)	(2,879)	(+84)
Subtotal.....	(223,204)	(231,371)	(229,900)	(231,900)	(231,400)	(+8,196)
National Institute on Deafness and Other Communication Disorders.....	161,316	167,129	166,155	167,129	166,886	+5,570
Transfer, Office of AIDS Research.....	(1,507)	(1,560)	(1,552)	(1,552)	(1,552)	(+45)
Subtotal.....	(162,823)	(168,689)	(167,707)	(168,681)	(168,438)	(+5,615)
National Institute of Nursing Research.....	46,574	48,326	47,971	48,326	48,237	+1,663
Transfer, Office of AIDS Research.....	(4,444)	(4,702)	(4,577)	(4,577)	(4,577)	(+133)
Subtotal.....	(51,018)	(53,028)	(52,548)	(52,903)	(52,814)	(+1,796)
National Institute on Alcohol Abuse and Alcoholism....	176,160	182,498	181,445	181,445	181,445	+5,285
Transfer, Office of AIDS Research.....	(9,457)	(10,000)	(9,741)	(9,741)	(9,741)	(+284)
Subtotal.....	(185,617)	(192,498)	(191,186)	(191,186)	(191,186)	(+5,569)
National Institute on Drug Abuse.....	281,825	291,963	290,280	290,280	290,280	+8,455
Transfer, Office of AIDS Research.....	(143,376)	(151,733)	(147,677)	(147,677)	(147,677)	(+4,301)
Subtotal.....	(425,201)	(443,696)	(437,957)	(437,957)	(437,957)	(+12,756)
National Institute of Mental Health.....	526,262	545,223	542,050	544,050	543,550	+17,288
Transfer, Office of AIDS Research.....	(87,182)	(92,704)	(89,798)	(89,798)	(89,499)	(+2,317)
Subtotal.....	(613,444)	(637,927)	(631,848)	(633,848)	(633,049)	(+19,605)
National Center for Research Resources.....	270,532	286,394	294,877	294,877	294,877	+24,345
Transfer, Office of AIDS Research.....	(61,383)	(64,960)	(63,225)	(63,225)	(64,630)	(+3,247)
Subtotal.....	(331,915)	(351,354)	(358,102)	(358,102)	(359,507)	(+27,592)
National Center for Human Genome Research.....	127,112	152,010	152,010	152,010	152,010	+24,898
Transfer, Office of AIDS Research.....	---	---	---	---	(1,000)	(+1,000)
Subtotal.....	(127,112)	(152,010)	(152,010)	(152,010)	(153,010)	(+25,898)
John E. Fogarty International Center.....	12,825	13,745	15,193	13,209	14,697	+1,872
Transfer, Office of AIDS Research.....	(8,852)	(9,357)	(9,118)	(9,118)	(9,118)	(+266)
Subtotal.....	(21,677)	(23,102)	(24,311)	(22,327)	(23,815)	(+2,139)

	FY 1994 Comparable	FY 1995 Request	House Bill	Senate Bill	Conference	Conference vs FY94 Comparable
National Library of Medicine.....	115,237	135,330	123,274	127,274	126,274	+11,037
Transfer, Office of AIDS Research.....	(2,782)	(3,191)	(2,946)	(2,946)	(2,946)	(+164)
Subtotal.....	(118,019)	(138,521)	(126,220)	(130,220)	(129,220)	(+11,201)
Office of the Director.....	202,608	233,522	219,474	215,045	218,367	+15,769
Transfer, Office of AIDS Research.....	(24,582)	(26,661)	(25,414)	(25,414)	(25,414)	(+832)
Subtotal.....	(227,190)	(260,183)	(244,888)	(240,459)	(243,781)	(+16,591)
Buildings and facilities.....	111,039	113,539	114,370	113,370	114,120	+3,081
Office of AIDS Research.....	1,297,115	1,379,052	1,337,606	1,337,606	1,337,606	+40,491
(Total of transfers).....	(1,297,115)	(1,379,052)	(1,337,606)	(1,337,606)	(1,337,606)	(+40,491)
Rent reduction.....	---	-1,113	---	---	---	---
Total N.I.H 1/.....	10,937,653	11,471,867	11,322,023	11,333,181	11,334,098	+396,445

1/ Request delays obligation of \$121,400,000 until 9/19/95. No delay in conference.

#### SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION

Center for Mental Health Services:						
Consolidated demonstrations.....	---	46,637	---	---	---	---
Mental Health Block Grant.....	277,919	274,573	275,420	275,420	275,420	-2,499
Children's mental health.....	35,000	34,492	60,000	35,000	60,000	+25,000
Clinical training / AIDS training.....	5,443	5,343	5,394	5,394	5,394	-49
Community support demonstrations.....	24,402	---	24,184	24,184	24,184	-218
Grants to States for the homeless (PATH).....	29,462	29,096	29,197	29,462	29,462	---
Homeless services demonstrations.....	21,419	---	21,227	21,227	21,227	-192
Protection and advocacy.....	21,957	21,685	21,760	21,957	21,957	---
AIDS demonstrations.....	1,500	---	1,487	---	1,487	-13
Subtotal, mental health.....	417,102	411,826	438,669	412,544	439,131	+22,029
Center for Substance Abuse Treatment:						
Substance abuse block grant.....	1,167,107	1,427,936	1,227,107	1,237,107	1,234,107	+67,000
Transfer from forfeiture fund (non-add).....	(10,000)	(45,000)	---	(13,000)	---	(-10,000)
Treatment grants to crisis areas.....	34,848	---	34,536	35,848	35,520	+672
Treatment improvement demos:						
Consolidated demonstrations.....	---	197,622	---	---	---	---
Pregnant/post partum women and children.....	49,228	---	54,228	54,228	54,228	+5,000
Transfer from forfeiture fund (non-add)...	(5,000)	---	---	(10,000)	(10,000)	(+5,000)
Campus program.....	9,395	---	---	---	---	-9,395
Criminal justice program.....	33,990	---	33,686	38,774	37,502	+3,512
Critical populations.....	43,681	---	43,290	23,561	23,561	-20,120
Comprehensive community treatment program....	27,523	---	27,277	27,277	27,277	-246
Transfer from forfeiture fund (non-add)...	---	---	---	(2,000)	(4,000)	(+4,000)
Training.....	5,429	5,357	5,380	5,590	5,580	+161
AIDS demonstration & training:						
Training.....	2,812	2,726	2,787	2,787	2,787	-25
Linkage.....	7,809	---	7,739	7,739	7,739	-70
Outreach.....	10,535	---	---	10,000	7,500	-3,035
Treatment capacity expansion program.....	10,000	6,701	6,701	---	6,701	-3,299
Subtotal, Substance Abuse Treatment.....	1,402,357	1,640,342	1,442,731	1,442,911	1,442,512	+40,155
Center for Substance Abuse Prevention:						
Prevention demonstrations:						
Consolidated demonstrations.....	---	223,119	---	---	---	---
High risk youth.....	63,295	---	61,081	66,520	65,160	+1,865
Pregnant women & infants.....	43,440	---	22,501	22,501	22,501	-20,939
Other programs.....	17,483	---	6,643	6,643	6,643	-10,840
Community partnership.....	104,741	---	103,804	122,241	114,741	+10,000
Transfer from forfeiture fund (non-add).....	(10,000)	---	---	---	---	(-10,000)

	FY 1994 Comparable	FY 1995 Request	House Bill	Senate Bill	Conference	Conference vs FY94 Comparable
Prevention education/dissemination.....	---	13,465	13,465	13,465	13,465	+13,465
Training.....	14,512	16,049	16,049	16,049	16,049	+1,537
<b>Subtotal, Substance Abuse Prevention.....</b>	<b>243,471</b>	<b>252,633</b>	<b>223,543</b>	<b>247,419</b>	<b>238,559</b>	<b>-4,912</b>
Buildings and facilities.....	952	---	---	---	---	-952
Program management.....	61,296	61,205	61,205	61,205	61,205	-91
Rent reduction.....	---	-129	---	---	---	---
<b>Total, Substance Abuse &amp; Mental Health 1/.....</b>	<b>2,125,178</b>	<b>2,365,877</b>	<b>2,166,148</b>	<b>2,164,179</b>	<b>2,181,407</b>	<b>+56,229</b>

1/ Request delays obligation of \$82,200,000 until 9/19/95. No delay in conference.

#### ASSISTANT SECRETARY FOR HEALTH

##### OFFICE OF THE ASSISTANT SECRETARY FOR HEALTH

Population affairs: Adolescent family life.....	6,250	---	6,704	6,704	6,704	+454
Office of Adolescent Health.....	---	6,704	---	---	---	---
Health Initiatives:						
Office of Disease Prevention and Health Promotion.....	4,611	4,644	4,622	4,622	4,622	+11
Physical fitness and sports.....	1,453	1,414	1,414	1,414	1,414	-39
Minority health.....	19,738	19,814	20,668	19,668	20,668	+930
National vaccine program.....	2,448	2,660	2,468	2,448	1,000	-1,448
(Transfer to CDC).....	---	---	---	(2,048)	---	---
Office of research integrity.....	4,000	3,885	3,885	4,000	3,885	-115
Office of women's health.....	925	971	2,934	1,500	2,576	+1,651
Emergency preparedness.....	2,068	2,186	2,087	2,087	2,087	+19
Health care reform data analysis.....	2,760	2,915	2,779	2,760	2,760	---
Health Service Management.....	20,072	19,801	17,801	17,801	17,801	-2,271
Transfer to FDA.....	---	---	2,000	---	---	---
Streamlining costs.....	---	---	---	---	1,500	+1,500
National AIDS program office.....	2,869	2,848	2,899	---	1,750	-1,119
Rent reduction.....	---	-30	---	---	---	---
<b>Total, OASH.....</b>	<b>67,194</b>	<b>67,912</b>	<b>70,261</b>	<b>63,004</b>	<b>66,767</b>	<b>-427</b>

##### RETIREMENT PAY AND MEDICAL BENEFITS FOR COMMISSIONED OFFICERS

Retirement payments.....	119,660	124,213	124,213	124,213	124,213	+4,553
Survivors benefits.....	7,856	8,826	8,826	8,826	8,826	+970
Dependent's medical care.....	22,665	23,844	23,844	23,844	23,844	+1,179
Military Services Credits.....	2,879	2,438	2,438	2,438	2,438	-441
<b>Total, Retirement pay and medical benefits.....</b>	<b>153,060</b>	<b>159,321</b>	<b>159,321</b>	<b>159,321</b>	<b>159,321</b>	<b>+6,261</b>

#### AGENCY FOR HEALTH CARE POLICY AND RESEARCH

Health services research:						
Research.....	36,812	14,064	36,686	41,812	40,012	+3,200
AIDS.....	10,624	11,917	10,557	10,624	10,591	-33
National Medical Expenditure Survey.....	10,000	---	9,918	---	9,918	-82
1% evaluation funding (non-add).....	(13,204)	(57,604)	(13,202)	(29,204)	(18,300)	(+5,096)
<b>Subtotal including trust funds &amp; 1% funds.....</b>	<b>(70,640)</b>	<b>(83,585)</b>	<b>(70,363)</b>	<b>(81,640)</b>	<b>(78,821)</b>	<b>(+8,181)</b>
Medical treatment effectiveness:						
Federal funds.....	75,542	74,053	75,038	74,053	75,696	+154
Trust funds.....	(5,786)	(5,786)	(5,806)	(5,786)	(5,796)	(+10)
1% evaluation funding (non-add).....	---	(5,600)	---	(2,300)	---	---
<b>Subtotal, Medical treatment effectiveness.....</b>	<b>(81,328)</b>	<b>(85,439)</b>	<b>(80,844)</b>	<b>(82,139)</b>	<b>(81,492)</b>	<b>(+164)</b>
Program support.....	2,431	2,425	2,425	2,425	2,425	-6
Rent reduction.....	---	-82	---	---	---	---
<b>Total, Health Care Policy and Research: Federal Funds.....</b>	<b>135,408</b>	<b>102,367</b>	<b>134,624</b>	<b>128,914</b>	<b>138,642</b>	<b>+3,233</b>

	FY 1994 Comparable	FY 1995 Request	House Bill	Senate Bill	Conference	Conference vs FY94 Comparable
Trust funds.....	(5,786)	(5,786)	(5,806)	(5,786)	(5,796)	(+10)
Total, 1% evaluation funding (non-add).....	(13,204)	(63,204)	(13,202)	(31,504)	(18,300)	(+5,096)
Total, Health Care Policy & Research (non-add)..	(154,399)	(171,357)	(153,632)	(166,204)	(162,738)	(+8,339)
<b>Total, Public Health Service:</b>						
Federal Funds.....	18,630,572	19,301,758	19,153,148	19,171,481	19,231,578	+601,006
Trust funds.....	(5,786)	(5,786)	(5,806)	(5,786)	(5,796)	(+10)
<b>HEALTH CARE FINANCING ADMINISTRATION</b>						
<b>GRANTS TO STATES FOR MEDICAID 1/</b>						
Medicaid current law benefits.....	83,498,001	92,493,298	92,493,298	92,493,298	92,493,298	+8,995,297
State and local administration.....	3,657,928	3,894,551	3,894,551	3,897,551	3,897,551	+239,623
Subtotal, Medicaid program level, FY 1995.....	87,155,929	96,387,849	96,387,849	96,390,849	96,390,849	+9,234,920
Carryover balance.....	1,921,484	-7,150,074	-7,150,074	-7,150,074	-7,150,074	-9,071,558
Less funds advanced in prior year.....	-24,600,000	-26,600,000	-26,600,000	-26,600,000	-26,600,000	-2,000,000
Total, request, FY 1995.....	64,477,413	62,637,775	62,637,775	62,640,775	62,640,775	-1,836,638
New advance, 1st quarter, FY 1996.....	26,600,000	27,047,717	27,047,717	27,047,717	27,047,717	+447,717
<b>PAYMENTS TO HEALTH CARE TRUST FUNDS 2/</b>						
Supplemental medical insurance.....	45,097,000	36,955,000	36,955,000	36,955,000	36,955,000	-8,142,000
Hospital insurance for the uninsured.....	458,000	406,000	406,000	406,000	406,000	-52,000
Federal uninsured payment.....	48,000	56,000	56,000	56,000	56,000	+8,000
Program management.....	128,440	129,758	129,758	129,758	129,758	+1,318
Total, Payment to Trust Funds, current law.....	45,731,440	37,546,758	37,546,758	37,546,758	37,546,758	-8,184,682
1/ Does not include \$15,000,000 in savings proposed for later transmittal.						
2/ Does not include \$2,056,000,000 in savings proposed for later transmittal.						
<b>PROGRAM MANAGEMENT</b>						
<b>Research, demonstration, and evaluation:</b>						
Regular program, trust funds.....	(43,250)	(45,920)	(47,618)	(50,920)	(56,146)	(+12,896)
Counseling program.....	(9,920)	(4,500)	(10,036)	(10,036)	(10,036)	(+116)
Rural hospital transition demonstrations, trust funds.....	(21,112)	(7,000)	(7,000)	(21,112)	(17,584)	(-3,528)
Essential access community hospitals, trust funds.....	(10,000)	(3,500)	(10,132)	(3,500)	(3,500)	(-6,500)
New rural health grants.....	(1,700)	(7,700)	(1,737)	(1,737)	(1,737)	(+37)
Subtotal, research, demonstration, & evaluation.....	(85,982)	(68,620)	(76,523)	(87,305)	(89,003)	(+3,021)
Medicare Contractors (Trust Funds).....	(1,613,015)	(1,610,300)	(1,610,300)	(1,617,500)	(1,615,700)	(+2,685)
<b>State Survey and Certification:</b>						
Medicare certification, trust funds.....	(145,800)	(145,800)	(147,162)	(145,800)	(145,800)	---
<b>Federal Administration:</b>						
Trust funds 1/.....	(343,000)	(367,100)	(350,124)	(356,756)	(356,756)	(+13,756)
Less current law user fees.....	(-124)	(-124)	(-124)	(-124)	(-124)	---
Rent reduction.....	---	(-696)	---	---	---	---
Subtotal, Federal Administration.....	(342,876)	(366,260)	(350,000)	(356,632)	(356,632)	(+13,756)
Indian Health Service offset.....	---	(-11,340)	---	---	---	---
Total, Program management.....	(2,187,673)	(2,178,660)	(2,183,985)	(2,207,237)	(2,207,135)	(+19,452)
HMO LOAN AND LOAN GUARANTEE FUND.....	---	15,000	15,000	15,000	15,000	+15,000
<b>Total, Health Care Financing Administration:</b>						
Federal funds.....	136,808,853	127,247,250	127,247,250	127,250,250	127,250,250	-9,558,603
Current year, FY 1995.....	(110,208,853)	(100,199,533)	(100,199,533)	(100,202,533)	(100,202,533)	(-10,006,320)
New advance, 1st quarter, FY 1996.....	(26,600,000)	(27,047,717)	(27,047,717)	(27,047,717)	(27,047,717)	(+447,717)
Trust funds.....	(2,187,673)	(2,179,660)	(2,183,985)	(2,207,237)	(2,207,135)	(+19,462)
1/ FY 1994 does not include \$15,000,000 supplemental request.						

	FY 1994 Comparable	FY 1995 Request	House Bill	Senate Bill	Conference	Conference vs FY94 Comparable
<b>SOCIAL SECURITY ADMINISTRATION</b>						
PAYMENTS TO SOCIAL SECURITY TRUST FUNDS.....	28,178	25,094	25,094	25,094	25,094	-3,084
<b>SPECIAL BENEFITS FOR DISABLED COAL MINERS</b>						
Benefit payments.....	766,000	712,693	712,693	712,693	712,693	-53,307
Administration.....	5,181	5,181	5,181	5,181	5,181	---
Subtotal, Black Lung, FY 1995 program level.....	771,181	717,874	717,874	717,874	717,874	-53,307
Less funds advanced in prior year.....	-196,000	-190,000	-190,000	-190,000	-190,000	+6,000
Total, Black Lung, current request, FY 1995.....	575,181	527,874	527,874	527,874	527,874	-47,307
New advance, 1st quarter, FY 1996.....	190,000	180,000	180,000	180,000	180,000	-10,000
<b>SUPPLEMENTAL SECURITY INCOME</b>						
Federal benefit payments.....	25,478,000	25,435,739	25,435,739	25,435,739	25,435,739	-42,261
Beneficiary services.....	51,600	70,400	143,400	153,400	143,400	+91,800
Research demonstration.....	12,700	6,700	6,700	17,700	27,700	+15,000
Administration.....	1,690,475	1,941,262	2,041,262	2,041,262	2,041,262	+350,787
Investment proposals:						
Automation investment initiative.....	30,091	164,500	100,000	34,000	67,000	+36,909
Disability investment initiative.....	60,000	240,000	280,000	280,000	280,000	+220,000
Subtotal, SSI FY 1995 program level.....	27,322,866	27,858,601	28,007,101	27,962,101	27,995,101	+672,235
Less funds advanced in prior year.....	-7,150,000	-6,770,000	-6,770,000	-6,770,000	-6,770,000	+380,000
Total, SSI, current request, FY 1995.....	20,172,866	21,088,601	21,237,101	21,192,101	21,225,101	+1,052,235
New advance, 1st quarter, FY 1996.....	6,770,000	7,060,000	7,060,000	7,060,000	7,060,000	+290,000
<b>LIMITATION ON ADMINISTRATIVE EXPENSES</b>						
OASDI trust funds.....	(2,486,753)	(2,482,948)	(2,350,948)	(2,380,174)	(2,382,948)	(-103,805)
HI/SMI trust funds.....	(697,057)	(735,575)	(735,575)	(735,575)	(735,575)	(+38,518)
Notch Commission.....	(1,800)	---	---	---	---	(-1,800)
SSI.....	(1,690,475)	(1,941,262)	(2,041,262)	(2,041,262)	(2,041,262)	(+350,787)
Subtotal, regular LAE.....	(4,876,085)	(5,159,785)	(5,127,785)	(5,157,011)	(5,159,785)	(+283,700)
DI disability initiative.....	(260,000)	(40,000)	(72,000)	(40,000)	(40,000)	(-220,000)
SSI disability initiative.....	(60,000)	(240,000)	(280,000)	(280,000)	(280,000)	(+220,000)
Subtotal, Disability initiative.....	(320,000)	(280,000)	(352,000)	(320,000)	(320,000)	---
OASDI automation.....	(189,909)	(220,500)	(30,000)	(30,000)	(30,000)	(-159,909)
SSI automation.....	(30,091)	(164,500)	(100,000)	(34,000)	(67,000)	(+36,809)
Subtotal, automation initiative.....	(220,000)	(385,000)	(130,000)	(64,000)	(97,000)	(-123,000)
TOTAL, LAE.....	(5,416,085)	(5,824,785)	(5,609,785)	(5,541,011)	(5,576,785)	(+160,700)
Total, Social Security Administration:						
Federal funds.....	27,736,225	28,881,569	29,030,069	28,985,069	29,018,069	+1,281,844
Current year FY 1995.....	(20,776,225)	(21,641,569)	(21,790,069)	(21,745,069)	(21,778,069)	(+1,001,844)
New advances, 1st quarter FY 1996.....	(6,960,000)	(7,240,000)	(7,240,000)	(7,240,000)	(7,240,000)	(+280,000)
Trust funds.....	(5,416,085)	(5,824,785)	(5,609,785)	(5,541,011)	(5,576,785)	(+160,700)
<b>ADMINISTRATION FOR CHILDREN AND FAMILIES</b>						
<b>FAMILY SUPPORT PAYMENTS TO STATES</b>						
Aid to Families with Dependent Children (AFDC).....	12,160,391	12,687,000	12,687,000	12,687,000	12,687,000	+526,609
Quality control liabilities.....	-80,723	-80,825	-80,825	-80,825	-80,825	+9,898
Payments to territories.....	18,613	18,613	18,613	18,613	18,613	---
Emergency assistance.....	575,000	656,000	656,000	656,000	656,000	+81,000
Repatriation.....	1,000	1,000	1,000	1,000	1,000	---
State and local welfare administration.....	1,551,000	1,612,000	1,612,000	1,612,000	1,612,000	+61,000
Work activities child care.....	528,000	555,000	555,000	555,000	555,000	+27,000
Transitional child care.....	140,000	156,000	156,000	156,000	156,000	+16,000
At risk child care.....	361,000	300,000	300,000	300,000	300,000	-61,000
Subtotal, Welfare payments.....	15,274,281	15,934,788	15,934,788	15,934,788	15,934,788	+660,507

	FY 1994 Comparable	FY 1995 Request	House Bill	Senate Bill	Conference	Conference vs FY94 Comparable
<b>Child Support Enforcement:</b>						
State and local administration.....	1,707,000	1,929,000	1,929,000	1,929,000	1,929,000	+222,000
Federal incentive payments.....	399,000	444,000	444,000	444,000	444,000	+45,000
Less federal share collections.....	-1,207,000	-1,348,000	-1,348,000	-1,348,000	-1,348,000	-139,000
Subtotal, Child support.....	899,000	1,027,000	1,027,000	1,027,000	1,027,000	+128,000
Total, Payments, FY 1995 program level.....	16,173,281	16,961,788	16,961,788	16,961,788	16,961,788	+788,507
Less funds advanced in previous years.....	-4,000,000	-4,200,000	-4,200,000	-4,200,000	-4,200,000	-200,000
Total, Payments, current request, FY 1995.....	12,173,281	12,761,788	12,761,788	12,761,788	12,761,788	+588,507
New advance, 1st quarter, FY 1996.....	4,200,000	4,400,000	4,400,000	4,400,000	4,400,000	+200,000
<b>JOB OPPORTUNITIES AND BASIC SKILLS (JOBS).....</b>	<b>1,100,000</b>	<b>1,300,000</b>	<b>1,300,000</b>	<b>1,300,000</b>	<b>1,300,000</b>	<b>+200,000</b>
<b>LOW INCOME HOME ENERGY ASSISTANCE</b>						
Advance from prior year (non-add).....	(1,437,392)	(1,475,000)	(1,475,000)	(1,475,000)	(1,475,000)	(+37,608)
FY 1995 rescission.....	---	-745,000	-260,000	-89,592	-155,796	-155,796
FY 1995 program level (non-add).....	(1,437,408)	(730,000)	(1,225,000)	(1,385,408)	(1,319,204)	(-118,204)
Emergency allocation 1/.....	(600,000)	---	(600,000)	(600,000)	(600,000)	---
Advance funding (FY 1996).....	1,475,000	745,000	1,225,000	1,475,000	1,319,204	-155,796
<b>REFUGEE AND ENTRANT ASSISTANCE</b>						
Transitional and medical services.....	264,280	278,116	264,280	264,280	264,280	---
Social services.....	80,802	80,802	80,802	80,802	80,802	---
Preventive health.....	5,300	5,471	5,300	5,300	5,300	---
Targeted assistance.....	49,397	49,397	49,397	49,397	49,397	---
Total, Refugee and entrant assistance.....	399,779	413,786	399,779	399,779	399,779	---
<b>STATE LEGALIZATION IMPACT ASSISTANCE GRANTS:</b>						
Civics and English education grants.....	---	---	---	8,000	6,000	+6,000
SLIAG rescission.....	---	---	---	---	-75,000	-75,000
Total, SLIAG.....	---	---	---	8,000	-69,000	-69,000
1/ For FY 1994 - Available only upon submission of a formal request designating the need for funds as an emergency as defined by the BEA. \$300,000,000 was released in Feb. 1994. The 1995 request makes the remaining \$300,000,000 available until expended.						
<b>COMMUNITY SERVICES BLOCK GRANT</b>						
Grants to States for Community Services.....	385,500	399,622	385,500	393,500	391,500	+6,000
Homeless services grants.....	19,840	---	19,663	19,840	19,752	-88
Discretionary funds:						
Community initiative program:						
Economic development.....	22,233	---	22,233	24,233	23,733	+1,500
Rural housing.....	2,730	---	2,706	3,000	2,927	+197
Rural community facilities.....	2,730	---	2,705	3,460	3,271	+541
Consolidated program.....	---	35,000	---	---	---	---
Farmworker assistance.....	2,947	---	2,921	3,247	3,084	+137
Technical assistance.....	300	---	297	---	---	-300
Subtotal, discretionary funds.....	30,940	35,000	30,862	33,940	33,015	+2,075
National youth sports.....	12,000	---	13,893	12,000	12,000	---
Demonstration Partnerships.....	7,995	---	7,924	7,995	7,977	-18
Community Food and Nutrition.....	7,944	---	7,872	8,944	8,676	+732
Total, Community services.....	464,219	434,622	465,714	476,219	472,920	+8,701
<b>CHILD CARE AND DEVELOPMENT BLOCK GRANT.....</b>	<b>892,641</b>	<b>1,090,662</b>	<b>934,656</b>	<b>934,656</b>	<b>934,656</b>	<b>+42,015</b>
<b>SOCIAL SERVICES BLOCK GRANT (TITLE XX).....</b>	<b>3,800,000</b>	<b>2,800,000</b>	<b>2,800,000</b>	<b>2,800,000</b>	<b>2,800,000</b>	<b>-1,000,000</b>

	FY 1994 Comparable	FY 1995 Request	House Bill	Senate Bill	Conference	Conference vs FY94 Comparable
<b>CHILDREN AND FAMILIES SERVICES PROGRAMS</b>						
<b>Programs for Children, Youth, and Families:</b>						
Head start 1/.....	3,324,728	4,026,285	3,534,728	3,544,728	3,534,728	+210,000
Comprehensive child development centers.....	46,560	21,000	---	---	---	-46,560
Child development associate scholarships.....	1,372	---	1,360	1,360	1,360	-12
Consolidated runaway, homeless youth program.....	---	68,590	---	---	---	---
Runaway and homeless youth.....	36,110	---	40,468	36,110	40,468	+4,358
Runaway youth-- transitional living.....	12,200	---	13,650	12,200	13,650	+1,450
Runaway youth activities - drugs.....	14,603	---	14,472	14,472	14,472	-131
Subtotal, runaway.....	62,913	68,590	68,590	62,782	68,590	+5,677
Youth gang substance abuse.....	10,620	20,000	10,525	10,525	10,525	-95
Child abuse state grants.....	22,854	22,854	22,850	22,854	22,854	---
Child abuse discretionary activities.....	15,577	17,000	15,438	15,438	15,438	-139
Child abuse challenge grants.....	5,270	23,236	5,223	---	---	-5,270
ABCAN.....	291	300	289	289	289	-2
Temporary childcare/crisis nurseries.....	11,912	---	11,835	11,835	11,835	-77
Abandoned infants assistance.....	14,539	14,553	14,408	14,408	14,408	-131
Dependent care planning and development.....	12,939	---	12,823	12,823	12,823	-116
Emergency protection grants - substance abuse.....	19,039	---	18,869	---	---	-18,039
Child welfare services.....	294,624	294,624	291,989	291,989	291,989	-2,635
Child welfare training.....	4,439	4,441	4,399	4,399	4,399	-40
Child welfare research.....	6,466	6,466	6,408	6,408	6,408	-58
Adoption opportunities.....	12,117	12,162	13,007	12,117	13,007	+890
1/ Request delays obligation of \$100,000,000 until 9/30/95. No delay in conference.						
Family violence.....	27,648	27,679	27,400	32,648	32,648	+5,000
Family services research.....	13,864	14,000	14,042	15,000	15,000	+1,336
Family support centers.....	7,374	7,374	7,308	7,374	7,374	---
Community Based Resource Centers.....	5,810	5,910	7,758	30,020	31,363	+25,553
<b>Developmental disabilities program:</b>						
State grants.....	69,343	59,343	63,722	71,343	70,438	+1,095
Protection and advocacy.....	23,753	34,753	28,540	26,253	26,718	+2,965
Developmental disabilities special projects.....	3,723	3,784	5,189	4,223	5,723	+2,000
Developmental disabilities university affiliated programs.....	18,272	17,281	18,109	19,272	18,981	+709
Subtotal, Developmental disabilities.....	115,091	115,161	115,560	120,091	121,860	+6,769
Native American Programs.....	38,491	38,527	38,146	38,491	38,491	---
Program direction.....	159,935	172,105	166,020	159,935	164,499	+4,564
Indian Health Service offset.....	---	-1,340	---	---	---	---
<b>Total, Children and Families Services Programs..</b>	<b>4,234,273</b>	<b>4,911,037</b>	<b>4,408,775</b>	<b>4,415,514</b>	<b>4,419,888</b>	<b>+185,615</b>
<b>FAMILY SUPPORT AND PRESERVATION.....</b>	<b>80,000</b>	<b>150,000</b>	<b>150,000</b>	<b>150,000</b>	<b>150,000</b>	<b>+90,000</b>
<b>PAYMENTS TO STATES FOR FOSTER CARE AND ADOPTION ASSISTANCE</b>						
Foster care.....	2,605,500	3,128,023	2,987,023	3,128,023	3,128,023	+522,523
Adoption assistance.....	317,400	399,348	383,848	399,348	399,348	+81,948
Independent living.....	70,000	70,000	70,000	70,000	70,000	---
<b>Total, Payments to States.....</b>	<b>2,992,900</b>	<b>3,597,371</b>	<b>3,440,871</b>	<b>3,597,371</b>	<b>3,597,371</b>	<b>+604,471</b>
<b>Total, Administration for Children and Families.</b>	<b>31,782,093</b>	<b>31,859,266</b>	<b>32,036,583</b>	<b>32,628,735</b>	<b>32,330,810</b>	<b>+538,717</b>
Current year.....	(26,117,093)	(26,714,288)	(26,411,583)	(26,753,735)	(26,611,608)	(+494,513)
FY 1996.....	(5,675,000)	(5,145,000)	(5,625,000)	(5,875,000)	(5,719,204)	(+44,204)

ADMINISTRATION ON AGING  
AGING SERVICES PROGRAMS

Grants to States:						
Supportive services and centers.....	306,711	306,711	303,109	306,711	306,711	---
Ombudsman services.....	4,370	4,370	4,475	4,370	4,449	+79
Prevention of elder abuse.....	4,648	4,648	4,760	4,648	4,732	+84
Pension counseling.....	2,000	2,000	1,976	1,976	1,976	-24
Preventive health.....	17,032	17,032	16,832	17,032	16,982	-50
Nutrition:						
Congregate meals.....	375,809	375,809	371,397	375,809	375,809	---
Home-delivered meals.....	93,665	93,916	94,065	93,665	94,065	+400
Frail elderly in-home services.....	7,075	7,075	9,992	7,075	9,263	+2,188
Grants to Indians.....	18,902	18,902	18,703	18,902	18,902	---
Aging research, training and special projects.....	25,735	25,830	26,933	25,735	26,634	+899
Federal Council on Aging.....	177	177	176	176	176	-1
White House Conference on Aging.....	1,000	3,000	3,000	3,000	3,000	+2,000
Program administration.....	16,563	16,253	16,405	16,563	16,524	-39
Indian Health Service offset.....	---	-120	---	---	---	---
<b>Total, Administration on Aging.....</b>	<b>871,687</b>	<b>875,603</b>	<b>869,823</b>	<b>873,652</b>	<b>877,223</b>	<b>+5,536</b>
<b>OFFICE OF THE SECRETARY</b>						
<b>GENERAL DEPARTMENTAL MANAGEMENT:</b>						
Federal funds.....	89,742	90,075	90,075	89,349	91,822	+2,080
Trust funds.....	(23,259)	(23,642)	(23,642)	(23,642)	(23,642)	(+383)
Portion treated as budget authority.....	(8,281)	(7,366)	(7,366)	(7,366)	(7,366)	(-915)
Indian Health Service offset.....	---	-575	-575	-575	-575	-575
<b>Total, General Departmental Management:</b>						
Federal funds.....	89,742	89,500	89,500	88,774	91,247	+1,505
Trust funds.....	(31,540)	(31,008)	(31,008)	(31,008)	(31,008)	(-532)
<b>Total.....</b>	<b>(121,282)</b>	<b>(120,508)</b>	<b>(120,508)</b>	<b>(119,782)</b>	<b>(122,255)</b>	<b>(+973)</b>
<b>OFFICE OF THE INSPECTOR GENERAL:</b>						
Federal funds.....	63,318	64,501	64,085	64,085	64,085	+767
Trust funds.....	(16,020)	(16,020)	(15,214)	(15,214)	(16,214)	(+194)
Portion treated as budget authority.....	(20,597)	(20,597)	(20,846)	(20,846)	(20,846)	(+249)
Indian Health Service offset.....	---	-500	-500	-500	-500	-500
<b>Total, Office of the Inspector General:</b>						
Federal funds.....	63,318	64,001	63,585	63,585	63,585	+267
Trust funds.....	(36,617)	(36,617)	(37,050)	(37,050)	(37,050)	(+443)
<b>Total.....</b>	<b>(99,935)</b>	<b>(100,618)</b>	<b>(100,645)</b>	<b>(100,645)</b>	<b>(100,645)</b>	<b>(+710)</b>
<b>OFFICE FOR CIVIL RIGHTS:</b>						
Federal funds.....	18,307	18,516	18,516	18,516	18,516	+209
Trust funds.....	(98)	(98)	(98)	(98)	(98)	---
Portion treated as budget authority.....	(3,776)	(3,776)	(3,776)	(3,776)	(3,776)	---
Indian Health Service offset.....	---	-107	-107	-107	-107	-107
<b>Total, Office for Civil Rights:</b>						
Federal funds.....	18,307	18,409	18,409	18,409	18,409	+102
Trust funds.....	(3,874)	(3,874)	(3,874)	(3,874)	(3,874)	---
<b>Total.....</b>	<b>(22,181)</b>	<b>(22,283)</b>	<b>(22,283)</b>	<b>(22,283)</b>	<b>(22,283)</b>	<b>(+102)</b>
<b>POLICY RESEARCH.....</b>	<b>11,741</b>	<b>12,982</b>	<b>14,832</b>	<b>10,741</b>	<b>13,659</b>	<b>+1,918</b>
<b>Total, Office of the Secretary:</b>						
Federal funds.....	183,108	184,892	186,126	181,509	186,900	+3,792
Trust funds.....	(72,031)	(71,499)	(71,942)	(71,942)	(71,942)	(-89)
<b>Total.....</b>	<b>(258,139)</b>	<b>(256,391)</b>	<b>(258,068)</b>	<b>(253,451)</b>	<b>(258,842)</b>	<b>(+3,703)</b>

	FY 1994 Comparable	FY 1995 Request	House Bill	Senate Bill	Conference	Conference vs FY94 Comparable
PROCUREMENT REFORM.....	---	-37,125	-37,125	-37,125	-37,125	-37,125
RENT SAVINGS.....	---	---	---	-4,505	-4,505	-4,505
-----						
Total, Department of Health and Human Services:						
Federal Funds.....	216,022,538	208,313,213	208,485,875	209,049,076	208,853,200	-7,169,338
Current year FY 1995.....	(176,787,538)	(188,880,496)	(168,573,158)	(188,886,359)	(188,846,279)	(-7,941,259)
FY 1996.....	(39,235,000)	(39,432,717)	(39,912,717)	(40,162,717)	(40,006,921)	(+771,921)
Trust funds.....	(7,681,575)	(8,081,730)	(7,871,518)	(7,825,876)	(7,861,658)	(+180,083)
-----						
<b>TITLE III - DEPARTMENT OF EDUCATION</b>						
<b>EDUCATION REFORM</b>						
Title 2000: Educate America Act:						
State grants.....	87,150	665,950	363,670	393,670	371,870	+284,720
Parents as teachers.....	---	---	---	10,000	10,000	+10,000
National education goals panel.....	3,000	---	---	---	---	-3,000
National education standards council.....	2,000	---	---	---	---	-2,000
National skills standards.....	3,000	---	---	---	---	-3,000
School finance equity studies and demonstrations..	---	8,000	3,200	3,200	---	---
Technology grants.....	5,000	---	---	---	---	-5,000
Other federal activities.....	4,850	34,050	21,530	21,530	21,530	+16,680
Subtotal, Goals 2000.....	105,000	708,000	388,400	428,400	403,400	+298,400
School-to-work opportunities.....	50,000	150,000	140,000	100,000	125,000	+75,000
Total.....	155,000	858,000	528,400	528,400	528,400	+373,400
-----						
<b>EDUCATION FOR THE DISADVANTAGED</b>						
Grants to local education agencies 1/.....	6,396,712	7,000,000	6,698,356	6,698,356	6,698,356	+301,644
Capital expenses for private school children.....	41,434	41,434	41,434	41,434	41,434	---
Even start.....	91,373	118,000	102,024	102,024	102,024	+10,651
State agency programs:						
Migrant.....	302,458	310,000	305,475	305,475	305,475	+3,017
Neglected and delinquent/high risk youth.....	35,407	40,000	37,244	40,000	39,311	+3,904
State program improvement grants.....	25,933	30,000	27,560	27,560	27,560	+1,627
Demonstrations (1502/1503) 2/.....	---	20,000	15,000	---	---	---
Evaluation 2/.....	7,987	8,695	8,270	8,270	8,270	+283
Total, Title I.....	6,901,304	7,568,129	7,238,363	7,223,119	7,222,430	+321,126
Migrant education:						
High school equivalency program 2/.....	8,161	8,161	8,088	8,088	8,088	-73
College assistance migrant program 2/.....	2,224	2,224	2,204	2,204	2,204	-20
Subtotal, migrant education.....	10,385	10,385	10,292	10,292	10,292	-93
Total, Compensatory education programs 3/.....	8,911,689	7,578,514	7,245,655	7,233,411	7,232,722	+321,033
Subtotal, forward funded.....	(8,893,317)	(7,539,434)	(7,212,093)	(7,214,949)	(7,214,160)	(+320,843)
-----						
1/ Distribution between Basic and Concentration grants to be determined in reauthorization. State admin costs funded by new set aside in basic law.						
2/ Current funded.						
3/ Proposed for later transmittal.						
<b>IMPACT AID</b>						
<b>Maintenance and operations:</b>						
<b>Payments for 'a' children:</b>						
Regular payments.....	613,445	---	---	---	---	-613,445
3(d)(2)(B) districts.....	20,062	---	---	---	---	-20,062
Subtotal.....	633,507	---	---	---	---	-633,507
<b>Payments for 'b' children:</b>						
Regular payments.....	123,129	---	---	---	---	-123,129
3(d)(2)(B) districts.....	13,375	---	---	---	---	-13,375
Subtotal.....	136,504	---	---	---	---	-136,504

	FY 1994 Comparable	FY 1995 Request	House Bill	Senate Bill	Conference	Conference vs FY94 Comparable
Payments for Federal property (Section 2).....	16,293	---	---	---	16,293	---
Subtotal.....	786,304	---	---	---	16,293	-770,011
Construction.....	11,904	---	---	---	---	-11,904
Proposed new structure:						
Basic support payments.....	---	694,000	---	---	631,707	+63,707
Heavily impacted districts.....	---	---	---	---	40,000	+40,000
Suppl payments for children with disabilities.....	---	45,000	---	---	40,000	+40,000
Spec payments for increases in military dependents	---	2,000	---	---	---	---
Capital fund payments.....	---	5,000	---	---	---	---
Facilities maintained by the Dept of Education....	---	2,000	---	---	---	---
Base closure assistance.....	---	2,000	---	---	---	---
Undistributed.....	---	---	728,000	666,880	---	---
(Transfer from Defense).....	---	---	---	(61,120)	---	---
Total, Impact aid 1/.....	798,208	750,000	728,000	666,880	728,000	-70,208
FY 1995 program level.....	798,208	750,000	728,000	728,000	728,000	-70,208

1/ Proposed for later transmittal.

## SCHOOL IMPROVEMENT PROGRAMS

Education improvement:						
Eisenhower prof development State grants 1/.....	250,998	---	---	---	320,298	+69,300
Chapter 2, State block grants 1/.....	369,600	---	---	---	347,250	-22,250
Consolidated Eisenhower and Chapter 2 1/.....	---	752,000	667,548	667,548	---	---
Subtotal.....	620,498	752,000	667,548	667,548	667,548	+47,050
Safe and drug-free schools and communities:						
State grants 1/.....	374,937	580,000	456,962	456,962	456,962	+82,025
Postsecondary education programs.....	15,859	15,700	---	---	---	-15,859
National programs.....	60,771	63,509	25,000	25,000	25,000	-35,771
Safe schools 2/.....	20,000	---	---	---	---	-20,000
Subtotal, Safe & drug-free schools & communities	471,567	659,209	481,962	481,962	481,962	+10,395
Education infrastructure 1/.....	---	---	---	100,000	100,000	+100,000
Inexpensive book distribution (RIF).....	10,300	10,300	10,208	10,300	10,300	---
Arts in education.....	8,944	11,000	8,864	13,000	12,000	+3,056
Law - related education.....	5,952	---	5,899	5,899	5,899	-53
Christa McAuliffe fellowships.....	1,964	2,104	1,946	1,946	1,946	-18

1/ Forward funded.

2/ Fundable under general State grants in FY95.

Other school improvement programs:						
Magnet schools assistance.....	107,985	120,000	113,019	107,019	111,519	+3,534
Education for homeless children & youth 1/.....	25,470	30,000	30,000	25,242	28,811	+3,341
Women's educational equity.....	1,984	5,000	3,967	3,967	3,967	+1,983
Training and advisory services (Civil Rights IV-A)	21,606	21,606	21,412	21,412	21,412	-194
Dropout demonstrations.....	37,730	---	---	37,393	28,000	-9,730
General assistance to the Virgin Islands.....	1,227	---	1,216	---	---	-1,227
Territorial teacher training.....	1,737	---	1,721	---	---	-1,737
Ellender fellowships/Close up 1/.....	4,223	---	4,185	4,185	4,185	-38
Follow through.....	8,478	---	---	---	---	-8,478
Education for native Hawaiians.....	8,224	---	8,150	18,000	12,000	+3,776
Foreign languages assistance 1/.....	10,912	---	---	10,912	10,912	---
Training in early childhood education & violence counseling (NEA V-F).....	14,000	14,000	13,875	13,875	13,875	-125
Charter schools.....	---	15,000	6,000	6,000	6,000	+6,000
Subtotal, other school improvement programs.....	243,576	205,606	203,545	245,005	240,681	-2,895

1/ Forward funded.

	FY 1994 Comparable	FY 1995 Request	House Bill	Senate Bill	Conference	Conference vs FY94 Comparable
<b>Technical assistance for improving ESEA programs:</b>						
ESEA technical assist consolidation.....	44,942	69,400	44,541	44,541	44,541	-401
Chapter 1 technical assistance centers.....	(5,113)	---	---	---	---	(-5,113)
Chapter 1 rural technical assistance centers.....	(4,960)	---	---	---	---	(-4,960)
Chapter 1 migrant program coordination centers....	(2,735)	---	---	---	---	(-2,735)
Drug-free schools regional centers.....	(15,595)	---	---	---	---	(-15,595)
Indian education technical assistance centers 1/.	(3,815)	---	---	---	---	(-3,815)
Bilingual education multifunctional resource ctr..	(11,024)	---	---	---	---	(-11,024)
Bilingual education evaluation assistance centers.	(1,700)	---	---	---	---	(-1,700)
<b>Total, School improvement programs 2/.....</b>	<b>1,407,743</b>	<b>1,709,619</b>	<b>1,424,513</b>	<b>1,570,201</b>	<b>1,564,877</b>	<b>+157,134</b>
<b>Subtotal, forward funded.....</b>	<b>(1,039,855)</b>	<b>(1,362,000)</b>	<b>(1,158,685)</b>	<b>(1,264,849)</b>	<b>(1,268,418)</b>	<b>(+228,563)</b>

1/ \$3,815,000 provided in 1994 under Indian Education in Interior Act.

2/ \$1,681,300,000 proposed for later transmittal.

#### BILINGUAL AND IMMIGRANT EDUCATION

<b>Bilingual education:</b>						
Bilingual programs.....	146,572	165,000	158,062	146,572	155,690	+7,118
Support services.....	14,460	17,428	14,330	14,330	14,330	-130
Training grants.....	25,407	32,500	25,180	25,180	25,180	-227
<b>Immigrant education.....</b>	<b>38,992</b>	<b>38,992</b>	<b>50,000</b>	<b>50,000</b>	<b>50,000</b>	<b>+11,008</b>
<b>Total 1/.....</b>	<b>227,431</b>	<b>253,920</b>	<b>247,572</b>	<b>236,082</b>	<b>245,200</b>	<b>+17,769</b>

#### SPECIAL EDUCATION

<b>State grants:</b>						
<b>Grants to States part 'b':</b>						
Base.....	2,149,686	2,270,154	2,149,686	2,270,154	2,240,037	+90,351
Chapter 1 handicapped offset.....	82,878	82,878	82,878	82,878	82,878	---
<b>Consolidated grant.....</b>	<b>2,232,564</b>	<b>2,353,032</b>	<b>2,232,564</b>	<b>2,353,032</b>	<b>2,322,915</b>	<b>+90,351</b>
Preschool grants.....	339,257	367,268	339,257	367,268	360,266	+21,008
<b>Grants for infants and families:</b>						
Base 2/.....	253,152	291,125	253,152	291,125	281,632	+28,480
Chapter 1 handicapped offset.....	34,000	34,000	34,000	34,000	34,000	---
<b>Consolidated grant.....</b>	<b>287,152</b>	<b>325,125</b>	<b>287,152</b>	<b>325,125</b>	<b>315,632</b>	<b>+28,480</b>
<b>Subtotal, State grants 2/.....</b>	<b>2,858,973</b>	<b>3,045,425</b>	<b>2,858,973</b>	<b>3,045,425</b>	<b>2,998,812</b>	<b>+139,839</b>

1/ Proposed for later transmittal.

2/ Request, Senate and Conference delay obligation of \$292,125,000 until 9/30/95. No delay in House bill.

<b>Special purpose funds:</b>						
Deaf-blindness.....	12,832	12,832	12,717	12,832	12,832	---
Serious emotional disturbance.....	4,147	4,147	4,110	4,147	4,147	---
Severe disabilities.....	9,330	10,030	9,247	10,030	10,030	+700
Early childhood education.....	25,167	25,167	24,942	25,167	25,167	---
Secondary and transitional services.....	21,966	23,966	23,670	23,966	23,966	+2,000
Postsecondary education.....	8,839	8,839	8,759	8,839	8,839	---
Innovation and development.....	20,635	19,885	19,885	20,635	20,635	---
Media and captioning services.....	18,642	17,642	18,642	19,142	19,142	+500
Technology applications.....	10,862	10,362	10,362	10,862	10,862	---
Special studies.....	3,855	4,160	3,820	4,160	4,160	+305
Personnel development.....	91,339	89,589	89,589	91,339	91,339	---
Parent training.....	12,735	13,535	12,621	13,535	13,535	+800
Clearinghouses.....	2,162	2,162	2,143	2,162	2,162	---
Regional resource centers.....	7,218	7,218	7,154	7,218	7,218	---
<b>Subtotal, Special purpose funds.....</b>	<b>249,729</b>	<b>249,534</b>	<b>247,561</b>	<b>254,034</b>	<b>254,034</b>	<b>+4,305</b>
<b>Total, Special education.....</b>	<b>3,108,702</b>	<b>3,294,959</b>	<b>3,106,534</b>	<b>3,299,459</b>	<b>3,252,846</b>	<b>+144,144</b>

	FY 1994 Comparable	FY 1995 Request	House Bill	Senate Bill	Conference	Conference vs FY94 Comparable
<b>REHABILITATION SERVICES AND DISABILITY RESEARCH</b>						
Vocational rehabilitation State grants.....	1,974,145	2,029,421	2,029,421	2,074,145	2,054,145	+80,000
Client assistance.....	9,547	9,824	9,471	9,824	9,824	+277
Trainings.....	39,629	39,629	39,313	39,629	39,629	---
Special demonstration programs.....	19,942	21,942	19,783	19,942	19,942	---
Supported employment projects.....	10,616	10,616	10,531	10,616	10,616	---
Migratory workers.....	1,171	1,421	1,162	1,421	1,421	+250
Recreational programs.....	2,596	2,596	2,576	2,596	2,596	---
Protection and advocacy of individual rights.....	5,500	5,500	7,456	7,456	7,456	+1,956
Projects with industry.....	22,071	22,071	21,895	22,071	22,071	---
Supported employment State grants.....	34,536	37,403	34,260	37,403	36,536	+2,000
Independent living:						
State grants.....	18,003	18,526	21,859	19,820	21,859	+3,856
Centers.....	36,818	39,068	36,524	40,533	40,533	+3,715
Services for older blind individuals.....	8,131	8,131	8,066	8,952	8,952	+821
Subtotal.....	62,952	65,724	66,449	69,305	71,344	+8,392
Evaluation.....	1,600	1,600	1,587	1,587	1,587	-13
Helen Keller National Center for Deaf-Blind Youths & Adults.....	5,741	6,936	6,687	6,936	6,936	+195
National Institute on Disability & Rehabilitation Research.....	68,146	66,031	67,602	70,000	70,000	+1,854
Subtotal, mandatory programs.....	2,259,192	2,320,714	2,318,193	2,372,931	2,354,103	+94,911
Technology assistance.....	37,744	40,744	37,407	40,744	38,249	+1,505
Total, Rehabilitation services.....	2,296,936	2,361,458	2,355,600	2,413,675	2,393,352	+96,416
<b>SPECIAL INSTITUTIONS FOR PERSONS WITH DISABILITIES</b>						
AMERICAN PRINTING HOUSE FOR THE BLIND.....	6,463	6,680	6,406	6,680	6,680	+217
NATIONAL TECHNICAL INSTITUTE FOR THE DEAF:						
Operations.....	41,307	42,705	40,937	42,705	42,705	+1,398
Endowment grant.....	336	336	333	336	336	---
Construction.....	193	150	192	150	150	-43
Subtotal.....	41,836	43,191	41,462	43,191	43,191	+1,355
GALLAUDET UNIVERSITY:						
University programs.....	52,715	54,244	52,243	54,244	54,244	+1,529
Precollege programs.....	23,720	24,786	23,508	24,786	24,786	+1,066
Endowment grant.....	1,000	1,000	991	1,000	1,000	---
Construction.....	1,000	---	---	---	---	-1,000
Subtotal.....	78,435	80,030	76,742	80,030	80,030	+1,595
Total, Special institutions for persons with disabilities.....	126,734	129,901	124,610	129,901	129,901	+3,167
<b>VOCATIONAL AND ADULT EDUCATION</b>						
Vocational education:						
Basic State grants.....	972,750	972,750	972,750	972,750	972,750	---
Community - based organizations.....	11,785	---	---	9,479	9,479	-2,306
Consumer and homemaking education.....	34,720	---	34,409	34,409	34,409	-311
Tech-Prep education.....	104,123	114,123	108,000	108,000	108,000	+3,877
Tribally controlled postsecondary vocational institutions 1/.....	2,946	3,000	2,919	2,919	2,919	-27
State councils.....	8,928	9,000	8,848	8,848	8,848	-80
National programs:						
Research.....	9,662	7,851	7,851	7,851	7,851	-1,811
Demonstrations.....	23,455	13,000	13,000	23,245	20,684	-2,771
Data systems (NOICC/BOICC).....	4,960	5,000	4,916	6,000	6,000	+1,040
Subtotal, national programs.....	38,077	25,851	25,767	37,096	34,535	-3,542

1/ Current funded

	FY 1994 Comparable	FY 1995 Request	House Bill	Senate Bill	Conference	Conference vs FY94 Comparable
Bilingual vocational training.....	2,948	---	---	---	---	-2,948
Subtotal, Vocational education.....	1,176,275	1,124,724	1,152,693	1,173,501	1,170,940	-5,335
Adult education:						
State Programs.....	254,624	267,000	252,345	252,345	252,345	-2,279
National Institute for Literacy.....	4,908	5,000	4,859	4,859	4,859	-40
National programs.....	3,928	4,000	5,400	3,900	3,900	-28
State literacy resource centers.....	7,857	7,857	7,787	7,787	7,787	-70
Workplace literacy partnerships.....	18,906	24,000	18,736	18,736	18,736	-170
Literacy training for homeless adults.....	9,584	9,584	9,498	9,498	9,498	-86
Literacy programs for prisoners.....	5,100	5,100	5,055	5,100	5,100	---
Subtotal, adult education.....	304,908	322,541	303,690	302,235	302,235	-2,673
Total, Vocational and adult education.....	1,481,183	1,447,265	1,456,383	1,475,736	1,473,175	-8,008

## STUDENT FINANCIAL ASSISTANCE

Federal Pell Grants: Regular program.....	6,303,566	6,393,020	6,247,180	6,247,180	6,243,680	-59,886
Memo (non-add): Maximum grant.....	(2,300)	(2,400)	(2,340)	(2,340)	(2,340)	(+40)
Memo (non-add): Outlay effect for FY95.....	---	---	(1,086,407)	(1,086,407)	(1,086,407)	(+1,086,407)
Earthquake relief supplemental (non-add).....	(80,000)	---	---	---	---	(-80,000)
Federal Pell Grants: Funding for shortfall.....	250,000	118,000	118,000	---	---	-250,000
Subtotal, Pell Grants.....	6,553,566	6,511,020	6,365,180	6,247,180	6,243,680	-309,886
Federal supplemental educational opportunity grants...	583,407	583,407	583,407	583,407	583,407	---
Federal work-study.....	616,508	716,508	616,508	616,508	616,508	---
Federal Perkins loans:						
Capital contributions.....	158,000	---	158,000	138,000	158,000	---
Loan cancellations.....	15,000	18,000	18,000	18,000	18,000	+3,000
Subtotal, Federal Perkins loans.....	173,000	18,000	176,000	156,000	176,000	+3,000
State student incentive grants.....	72,429	---	54,322	72,429	63,375	-9,054
State postsecondary review program.....	21,250	35,000	30,000	10,000	20,000	-1,250
Total, Student financial assistance.....	8,020,160	7,863,935	7,825,417	7,685,524	7,702,970	-317,190

FEDERAL FAMILY EDUCATION LOANS PROGRAM 1/  
(EXISTING GUARANTEED STUDENT LOANS PROGRAM)

Federal education loans: Federal administration.....	69,956	64,191	62,191	62,191	62,191	-7,775
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1/ Does not include \$693,630,000 in FY 1995 for new direct student loan program provided under permanent authority or \$2,600,031,000 in 1995 for Federal Family Education Loans provided under permanent authority for both program & liquidating accounts.

## FEDERAL DIRECT STUDENT LOAN PROGRAM

Mandatory administrative costs (indefinite).....	(260,000)	(345,000)	(345,000)	(345,000)	(345,000)	(+85,000)
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## HIGHER EDUCATION

Aid for institutional development:						
Strengthening institutions.....	79,196	79,196	80,000	87,794	80,000	+804
Hispanic serving institutions 1/.....	9,390	9,390	12,000	12,000	12,000	+2,610
Strengthening historically black colleges & univ..	100,860	106,295	110,000	99,958	108,990	+8,130
Strengthening historically black grad institutions	15,859	15,859	19,606	15,717	19,606	+3,747
Endowment challenge grants:						
Endowment grants.....	5,674	5,674	5,187	5,624	6,045	+371
HBCU set-aside.....	1,891	1,891	2,061	1,874	2,015	+124
HBCU library and information science.....	---	---	1,500	---	---	---
Evaluation.....	---	1,500	1,500	---	1,000	+1,000
Subtotal, Institutional development.....	212,870	219,805	232,854	222,967	229,656	+16,786

1/ FY 1994 and FY 1995 request amounts shown for comparability, actually included under strengthening institutions.

	FY 1994 Comparable	FY 1995 Request	House Bill	Senate Bill	Conference	Conference vs FY94 Comparable
<b>Program development:</b>						
Fund for the Improvement of Postsecondary Educ....	16,872	20,326	16,723	18,364	17,543	+671
Alaska Native Culture and Arts Development.....	---	---	---	1,000	1,000	+1,000
Eisenhower Leadership program.....	4,000	---	---	4,000	4,000	---
Minority teacher recruitment.....	2,480	2,480	2,458	2,458	2,458	-22
Minority science improvement.....	5,892	5,892	5,839	5,839	5,839	-53
Innovative projects for community service.....	1,436	2,436	1,423	1,423	1,423	-13
<b>International educ &amp; foreign language studies:</b>						
Domestic programs.....	52,283	52,283	52,283	52,283	52,283	---
Overseas programs.....	5,843	5,843	5,790	5,790	5,790	-53
Institute for International Public Policy.....	1,000	1,000	1,000	---	1,000	---
Subtotal, International education.....	59,126	59,126	59,073	58,073	59,073	-53
Cooperative education.....	13,749	---	---	6,927	6,927	-6,822
Law school clinical experience.....	14,920	---	14,920	14,787	14,920	---
Urban community service.....	10,606	10,606	10,512	13,000	13,000	+2,394
Student financial database & information line.....	500	500	496	496	496	-4
Subtotal, Program development.....	129,581	101,366	111,444	126,367	126,679	-2,902
<b>Construction:</b>						
Interest subsidy grants, prior year construction..	18,029	17,512	17,512	17,512	17,512	-517
<b>Special grants:</b>						
Assistance to Guam.....	397	---	---	---	---	-397
Federal TRIO programs.....	418,525	436,293	463,000	463,000	463,000	+44,475
Early intervention scholarships & partnerships....	1,875	---	3,108	3,108	3,108	+1,233
Mary McLeod Bethune Memorial Fine Arts Center....	---	---	4,000	---	4,000	+4,000
<b>Scholarships:</b>						
Byrd honors scholarships.....	19,294	29,117	29,117	29,117	29,117	+9,823
National science scholars.....	4,464	4,464	4,424	4,424	6,424	+1,960
Douglas teacher scholarships.....	14,731	14,731	14,599	14,599	14,599	-132
Olympic scholarships.....	---	---	1,000	---	1,000	+1,000
Teacher corps.....	1,875	---	1,875	---	1,875	---
Subtotal, Scholarships.....	40,364	48,312	51,015	48,140	53,015	+12,651
<b>Graduate fellowships:</b>						
Women & minority participation in graduate educ...	5,846	---	5,784	---	---	-5,846
Harris graduate fellowships.....	20,427	20,427	20,244	20,244	20,244	-183
Javits fellowships.....	7,857	7,857	7,787	7,787	7,787	-70
Graduate assistance in areas of national need....	27,498	27,498	27,252	27,252	27,252	-246
Faculty development fellowships.....	3,500	3,500	3,819	3,489	3,732	+232
Subtotal, Graduate fellowships.....	65,128	59,282	64,896	58,752	59,015	-6,113
School, college & university partnerships.....	3,928	3,928	3,893	3,893	3,893	-35
Legal training for the disadvantaged (CLEO).....	2,991	2,991	2,964	2,964	2,964	-27
<b>Total, Higher education.....</b>	<b>893,686</b>	<b>889,489</b>	<b>954,686</b>	<b>946,703</b>	<b>952,842</b>	<b>+69,154</b>
<b>HOWARD UNIVERSITY</b>						
Academic program.....	154,835	154,835	158,450	154,835	158,330	+3,495
<b>Endowment program:</b>						
Regular program.....	3,441	3,530	3,410	3,530	3,530	+89
Law school clinic.....	---	---	4,500	---	4,500	+4,500
Research.....	4,655	4,776	4,614	4,776	4,614	-41
Howard University Hospital.....	29,755	29,755	29,489	29,755	29,489	-266
Construction.....	---	---	6,000	---	6,000	+6,000
<b>Total, Howard University.....</b>	<b>192,686</b>	<b>192,896</b>	<b>206,463</b>	<b>192,896</b>	<b>206,463</b>	<b>+13,777</b>
<b>COLLEGE HOUSING AND ACADEMIC FACILITIES LOANS PROGRAM:</b>						
Federal administration.....	730	1,022	1,022	1,022	1,022	+292
Loan subsidies.....	---	---	134	168	168	+168
Loan limitation (non-add).....	---	---	(8,000)	(10,000)	(10,000)	(+10,000)

	FY 1994 Comparable	FY 1995 Request	House Bill	Senate Bill	Conference	Conference vs FY94 Comparable
<b>HISTORICALLY BLACK COLLEGE AND UNIVERSITY CAPITAL FINANCING PROGRAM</b>						
Federal insurance limitation (non-add).....	(375,000)	---	---	---	---	(-375,000)
Letter of credit limitation (non-add).....	(357,000)	---	---	---	---	(-357,000)
Federal administration.....	200	347	347	347	347	+147
<b>Total.....</b>	<b>200</b>	<b>347</b>	<b>347</b>	<b>347</b>	<b>347</b>	<b>+147</b>
<b>EDUCATION RESEARCH, STATISTICS, AND IMPROVEMENT</b>						
<b>Research and statistics:</b>						
Research.....	78,000	87,450	81,082	83,000	86,200	+8,200
Statistics.....	48,588	63,150	48,153	48,153	48,153	-435
Assessment.....	28,262	38,655	32,757	32,757	32,757	+3,495
Subtotal, Research and statistics.....	155,850	189,255	161,992	163,910	167,110	+11,260
Fund for Improvement of Education.....	32,400	35,000	37,000	37,100	36,750	+4,350
International education exchange (title VI).....	---	---	---	5,000	3,000	+3,000
21st century learning.....	---	---	---	900	750	+750
Civics Education.....	4,463	---	4,463	4,463	4,463	---
Fund for the Improvement and Reform of Schools and Teaching:						
Grants for schools and teachers.....	5,396	---	---	---	---	-5,396
Family-school partnerships.....	3,687	---	---	---	---	-3,687
Eisenhower professional development Federal activities	34,735	48,000	34,424	37,000	36,356	+1,621
Eisenhower telecommunication demo.....	---	---	---	3,000	2,250	+2,250
Javits gifted and talented students education.....	9,607	10,000	9,521	9,521	9,521	-86
Blue Ribbon Schools 1/.....	879	---	---	---	---	-879
Star schools.....	25,944	25,944	29,711	33,000	30,000	+4,056
National writing project.....	3,212	---	3,184	3,212	3,212	---
National Diffusion Network.....	14,582	---	14,480	14,480	14,480	-102
Ready to learn television.....	---	10,000	4,000	10,000	7,000	+7,000
Educational technology (proposed legislation) 2/.....	---	50,000	20,000	50,000	40,000	+40,000
<b>Total, ERSI.....</b>	<b>290,755</b>	<b>368,199</b>	<b>318,775</b>	<b>371,586</b>	<b>354,892</b>	<b>+64,137</b>
1/ Similar activities authorized under Fund for Improvement of Education.						
2/ Forward funded.						
<b>LIBRARIES</b>						
<b>Public libraries:</b>						
Services.....	83,227	83,227	83,482	83,227	83,227	---
Construction.....	17,792	---	---	17,792	17,792	---
Interlibrary cooperation.....	19,749	19,749	19,572	25,327	23,700	+3,951
Library literacy programs.....	8,098	---	8,026	8,026	8,026	-72
College library technology.....	3,873	---	---	---	---	-3,873
Library education and training.....	4,960	---	4,916	4,916	4,916	-44
Research and demonstrations.....	2,802	---	---	8,270	6,500	+3,698
Research libraries.....	5,808	---	---	---	---	-5,808
<b>Total, Libraries.....</b>	<b>148,309</b>	<b>102,976</b>	<b>115,996</b>	<b>147,558</b>	<b>144,161</b>	<b>-2,148</b>
<b>DEPARTMENTAL MANAGEMENT</b>						
PROGRAM ADMINISTRATION 1/.....	346,008	364,905	359,358	346,008	356,021	+10,013
OFFICE FOR CIVIL RIGHTS.....	56,570	61,457	58,325	58,325	58,325	+1,755
OFFICE OF THE INSPECTOR GENERAL.....	28,840	31,675	29,198	31,675	30,437	+1,597
<b>Total, Departmental management.....</b>	<b>431,418</b>	<b>458,037</b>	<b>446,882</b>	<b>436,008</b>	<b>444,783</b>	<b>+13,365</b>
<b>Total, Department of Education.....</b>	<b>26,559,538</b>	<b>28,324,728</b>	<b>27,149,280</b>	<b>27,399,748</b>	<b>27,428,312</b>	<b>+868,774</b>
1/ Includes \$500,000 for the Secretaries Task Force on Coordinated Services.						

	FY 1994 Comparable	FY 1995 Request	House Bill	Senate Bill	Conference	Conference vs FY94 Comparable
<b>TITLE IV - RELATED AGENCIES</b>						
<b>ARMED FORCES RETIREMENT HOME</b>						
Operation and maintenance (trust fund limitation):						
Soldiers' and Airmen's Home.....	43,138	44,095	45,616	43,139	45,366	+2,227
United States Naval Home.....	10,775	11,045	11,294	10,775	11,045	+270
Subtotal, O & M.....	53,914	55,140	56,910	53,914	56,411	+2,497
Capital program (trust fund limitation):						
Soldiers' and Airmen's Home.....	4,930	2,500	2,500	2,500	2,500	-2,430
United States Naval Home.....	473	406	406	406	406	-67
Subtotal, capital.....	5,403	2,906	2,906	2,906	2,906	-2,497
Total, AFRH.....	59,317	58,046	59,816	56,820	59,317	---
<b>CORPORATION FOR NATIONAL AND COMMUNITY SERVICE</b>						
Domestic Volunteer Service Programs (formerly Action):						
Volunteers in Service to America:						
VISTA operations.....	37,715	53,000	37,829	43,715	42,676	+4,961
VISTA Literacy Corps.....	5,009	5,600	5,024	5,600	5,024	+15
University year for VISTA.....	---	1,000	---	---	---	---
Subtotal, VISTA.....	42,724	59,600	42,853	49,315	47,700	+4,976
Special Volunteer Programs.....	---	1,000	---	---	---	---
National Senior Volunteer Corps:						
Foster Grandparents Program.....						
Senior Companion Program.....	66,117	71,600	66,317	68,310	67,812	+1,695
Senior Companion Program.....	29,773	34,600	29,863	31,704	31,244	+1,471
Retired Senior Volunteer Program.....	34,368	38,700	34,482	36,113	35,708	+1,320
Senior Demonstration Programs.....	---	1,000	1,000	1,000	1,000	+1,000
Subtotal, Senior Volunteers.....	130,278	145,900	131,672	137,127	135,764	+5,486
Program Administration.....	31,151	32,330	31,248	31,248	31,248	+85
Total, Domestic Volunteer Service Programs.....	204,153	238,830	205,771	217,688	214,710	+10,557
Corporation for Public Broadcasting: FY97 (current request) 1/.....						
1995 advance (non-add).....	312,000	292,640	---	330,000	315,000	+3,000
1995 advance (non-add).....	(275,000)	(292,640)	(292,640)	(292,640)	(292,640)	(+17,640)
1995 rescission.....	---	---	-21,100	---	-7,000	-7,000
Subtotal 1995 (non-add).....	(275,000)	(292,640)	(271,540)	(292,640)	(285,640)	(+10,840)
Federal Mediation and Conciliation Service.....	30,241	30,610	31,078	31,610	31,344	+1,103
Federal Mine Safety and Health Review Commission.....	5,842	6,200	6,200	6,200	6,200	+358
National Commission on Libraries and Information Science.....	904	901	901	901	901	-3
National Council on Disability.....	1,690	1,643	1,643	1,843	1,793	+103
National Labor Relations Board.....	171,274	173,547	173,388	176,047	176,047	+4,773
National Mediation Board.....	8,657	8,119	8,119	8,119	8,519	-138
Occupational Safety and Health Review Commission.....	7,362	7,595	7,595	7,595	7,595	+233
Physician Payment Review Commission (trust funds).....	(4,171)	(4,176)	(4,176)	(4,176)	(4,176)	(+5)
Prospective Payment Assessment Commission (trust funds).....	(4,500)	(4,667)	(4,667)	(4,667)	(4,667)	(+167)
1/ FY 1994 approp. adv. in FY92 is \$275,000,000. FY 1995 approp. adv. in FY92 is \$292,640,000. FY 1996 approp. adv. in FY94 is \$312,000,000.						
<b>Railroad Retirement Board:</b>						
Dual benefits payments account.....	277,000	261,000	261,000	261,000	261,000	-16,000
Less income tax receipts on dual benefits.....	-20,000	-19,000	-19,000	-19,000	-19,000	+1,000
Subtotal, dual benefits.....	257,000	242,000	242,000	242,000	242,000	-15,000
Federal payment to the Railroad Retirement Account	300	300	300	300	300	---
Limitation on administration:						
(Retirement).....	(73,791)	(74,963)	(73,881)	(73,881)	(73,881)	(+90)
(Unemployment).....	(17,010)	(17,278)	(17,031)	(17,031)	(17,031)	(+21)
Subtotal, administration.....	(90,801)	(92,241)	(90,912)	(90,912)	(90,912)	(+111)
(Special Management Improvement Fund).....	(3,300)	(1,640)	(1,640)	(1,640)	(1,640)	(-1,660)
Total, limitation on administration.....	(94,101)	(93,881)	(92,552)	(92,552)	(92,552)	(-1,549)
(Inspector General).....	(6,742)	(6,700)	(6,682)	(6,660)	(6,682)	(-60)

	FY 1994 Comparable	FY 1995 Request	House Bill	Senate Bill	Conference	Conference vs FY94 Comparable
United States Institute of Peace.....	10,912	10,912	10,912	11,500	11,500	+588
<b>Total, Title IV, Related Agencies:</b>						
Federal Funds (all years).....	1,069,652	1,071,343	726,623	1,090,623	1,068,226	-1,426
Current year, FY 1995.....	(757,652)	(778,703)	(747,723)	(760,623)	(760,226)	(+2,574)
FY 1997.....	(312,000)	(292,640)	---	(330,000)	(315,000)	(+3,000)
Trust funds.....	(109,514)	(109,424)	(108,077)	(108,255)	(108,077)	(-1,437)
<b>TITLE V - GENERAL PROVISIONS</b>						
Weed and Seed (P.L. 102-360) (rescission).....	-225,000	---	---	---	---	+225,000
Performance award 1% cap.....	---	---	---	---	-30,500	-30,500
<b>Total, title V, general provisions.....</b>	<b>-225,000</b>	<b>---</b>	<b>---</b>	<b>---</b>	<b>-30,500</b>	<b>+194,500</b>
<b>TITLE VI - EMERGENCY APPROPRIATIONS</b>						
PUBLIC HEALTH & SOCIAL SERVICES EMERGENCY FUND.....	---	---	---	(35,000)	(35,000)	(+35,000)
<b>TITLE VII - CRIME REDUCTION PROGRAMS</b>						
<b>DEPARTMENT OF HEALTH AND HUMAN SERVICES</b>						
<b>ADMINISTRATION FOR CHILDREN AND FAMILIES</b>						
Children and families services programs:						
Community schools.....	---	---	---	---	25,900	+25,900
Domestic violence hotline.....	---	---	---	---	1,000	+1,000
<b>DEPARTMENT OF EDUCATION</b>						
School improvement programs:						
Family and community endeavor schools.....	---	---	---	---	11,100	+11,100
<b>Total, title VII, Crime reduction programs.....</b>	<b>---</b>	<b>---</b>	<b>---</b>	<b>---</b>	<b>38,000</b>	<b>+38,000</b>
<b>SUMMARY</b>						
<b>Title I - Department of Labor:</b>						
Federal Funds.....	11,326,333	10,250,711	9,736,601	9,644,562	9,682,893	-1,643,440
Trust Funds.....	(3,701,013)	(3,595,097)	(3,570,209)	(3,578,140)	(3,570,346)	(-130,667)
<b>Title II - Department of Health and Human Services:</b>						
Federal Funds.....	216,022,538	208,313,213	206,485,875	209,049,076	208,853,200	-7,169,338
Current year.....	(176,787,538)	(168,880,496)	(168,573,158)	(168,886,359)	(168,846,279)	(-7,941,259)
1996 advance.....	(39,235,000)	(39,432,717)	(39,912,717)	(40,162,717)	(40,006,921)	(+771,921)
Trust Funds.....	(7,681,575)	(8,081,730)	(7,871,518)	(7,825,976)	(7,861,658)	(+180,083)
<b>Title III - Department of Education:</b>						
Federal Funds.....	26,559,538	28,324,728	27,149,280	27,399,748	27,428,312	+868,774
<b>Title IV - Related Agencies:</b>						
Federal Funds.....	1,069,652	1,071,343	726,623	1,090,623	1,068,226	-1,426
Current year.....	(757,652)	(778,703)	(747,723)	(760,623)	(760,226)	(+2,574)
1997 advance.....	(312,000)	(292,640)	---	(330,000)	(315,000)	(+3,000)
Trust Funds.....	(109,514)	(109,424)	(108,077)	(108,255)	(108,077)	(-1,437)
<b>Title V - General provisions.....</b>	<b>-225,000</b>	<b>---</b>	<b>---</b>	<b>---</b>	<b>-30,500</b>	<b>+194,500</b>
<b>Title VII - Crime Reduction Programs.....</b>	<b>---</b>	<b>---</b>	<b>---</b>	<b>---</b>	<b>38,000</b>	<b>+38,000</b>
<b>Total, all titles:</b>						
Federal Funds.....	254,753,061	247,959,995	246,098,379	247,184,009	247,040,131	-7,712,930
Current year.....	(215,206,061)	(208,234,638)	(206,185,662)	(206,691,292)	(206,718,210)	(-8,487,851)
1996 advance.....	(39,235,000)	(39,432,717)	(39,912,717)	(40,162,717)	(40,006,921)	(+771,921)
1997 advance.....	(312,000)	(292,640)	---	(330,000)	(315,000)	(+3,000)
Trust Funds.....	(11,492,102)	(11,786,251)	(11,549,804)	(11,512,371)	(11,540,081)	(+47,979)

NEAL SMITH,  
DAVID OBEY,  
LOUIS STOKES,  
STENY H. HOYER,  
NANCY PELOSI,  
NITA M. LOWEY,  
JOSÉ SERRANO  
(except amendment  
153),

ROSA L. DELAURO,  
MARTIN OLAV SABO,  
JOHN EDWARD PORTER  
(except amendments 108  
and 157),

BILL YOUNG,  
HELEN DELICH BENTLEY,  
HENRY BONILLA,  
JOSEPH M. MCDADE,

*Managers on the Part of the House.*

TOM HARKIN,  
ROBERT C. BYRD,  
FRITZ HOLLINGS,  
DANIEL K. INOUE,  
DALE BUMPERS,  
HARRY REID,  
HERB KOHL,  
PATTY MURRAY,  
ARLEN SPECTER,  
MARK O. HATFIELD,  
TED STEVENS  
(except for CPB),  
THAD COCHRAN,  
SLADE GORTON,  
CONNIE MACK,  
C.S. BOND,

*Managers on the Part of the Senate.*

CONFERENCE REPORT ON H.R. 4554

Mr. DURBIN submitted the following conference report and statement on the bill (H.R. 4554) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 1995, and for other purposes:

CONFERENCE REPORT (H. REPT. 103-734)

The committee on conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 4554) "making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 1995, and other purposes," having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 7, 14, 39, 43, 47, 49, 52, 54, 55, 77, 78, 85, 86, 87, 92, 93, and 99.

That the House recede from its disagreement to the amendments of the Senate numbered 6, 8, 10, 12, 16, 17, 20, 21, 23, 30, 44, 45, 46, 51, 53, 56, 59, 63, 65, 66, 67, 68, 69, 71, 73, 74, 81, 82, and 97, and agree to the same.

Amendment numbered 1:

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: \$63,418,000; and the Senate agree to the same.

Amendment numbered 2:

That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: \$53,936,000; and the Senate agree to the same.

Amendment numbered 3:

That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: \$6,500,000; and the Senate agree to the same.

Amendment numbered 4:

That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: \$696,382,000; and the Senate agree to the same.

Amendment numbered 9:

That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: \$1,318,000; and the Senate agree to the same.

Amendment numbered 13:

That the House recede from its disagreement to the amendment of the Senate numbered 13, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: \$8,112,000; and the Senate agree to the same.

Amendment numbered 19:

That the House recede from its disagreement to the amendment of the Senate numbered 19, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: \$3,463,000; and the Senate agree to the same.

Amendment numbered 22:

That the House recede from its disagreement to the amendment of the Senate numbered 22, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: \$438,744,000; and the Senate agree to the same.

Amendment numbered 27:

That the House recede from its disagreement to the amendment of the Senate numbered 27, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: \$516,738,000; and the Senate agree to the same.

Amendment numbered 28:

That the House recede from its disagreement to the amendment of the Senate numbered 28, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: \$56,591,000; and the Senate agree to the same.

Amendment numbered 31:

That the House recede from its disagreement to the amendment of the Senate numbered 31, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: \$68,884,000; and the Senate agree to the same.

Amendment numbered 35:

That the House recede from its disagreement to the amendment of the Senate numbered 35, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: \$3,399,000; and the Senate agree to the same.

Amendment numbered 36:

That the House recede from its disagreement to the amendment of the Senate numbered 36, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: \$70,000,000; and the Senate agree to the same.

Amendment numbered 38:

That the House recede from its disagreement to the amendment of the Senate numbered 38, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: \$15,172,000; and the Senate agree to the same.

Amendment numbered 40:

That the House recede from its disagreement to the amendment of the Senate numbered 40, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment, amended as follows:

In lieu of the sum named, insert: \$4,500,000; and the Senate agree to the same.

Amendment numbered 48:

That the House recede from its disagreement to the amendment of the Senate numbered 48, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: \$905,523,000; and the Senate agree to the same.

Amendment numbered 50:

That the House recede from its disagreement to the amendment of the Senate numbered 50, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: \$126,502,000; and the Senate agree to the same.

Amendment numbered 60:

That the House recede from its disagreement to the amendment of the Senate numbered 60, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: \$1,750,000; and the Senate agree to the same.

Amendment numbered 61:

That the House recede from its disagreement to the amendment of the Senate numbered 61, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment, amended as follows:

In lieu of the sum named insert: \$1,750,000; and the Senate agree to the same.

Amendment numbered 62:

That the House recede from its disagreement to the amendment of the Senate numbered 62, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: \$4,263,000; and the Senate agree to the same.

Amendment numbered 64:

That the House recede from its disagreement to the amendment of the Senate numbered 64, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: \$15,200,000; and the Senate agree to the same.

Amendment numbered 72:

That the House recede from its disagreement to the amendment of the Senate numbered 72, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: \$6,750,000; and the Senate agree to the same.

Amendment numbered 79:

That the House recede from its disagreement to the amendment of the Senate numbered 79, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment, amended as follows:

In lieu of the sum named, insert: \$25,000,000; and the Senate agree to the same.

Amendment numbered 80:  
That the House recede from its disagreement to the amendment of the Senate numbered 80, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: \$399,394,000; and the Senate agree to the same.

Amendment numbered 88:  
That the House recede from its disagreement to the amendment of the Senate numbered 88, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: \$49,144,000; and the Senate agree to the same.

Amendment numbered 90:  
That the House recede from its disagreement to the amendment of the Senate numbered 90, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: \$85,500,000; and the Senate agree to the same.

The committee of conference report in disagreement amendments numbered 5, 11, 15, 18, 24, 25, 26, 29, 32, 33, 34, 37, 41, 42, 57, 58, 70, 75, 76, 83, 84, 89, 91, 94, 95, 96, 98, 100, 101, and 102.

- RICHARD J. DURBIN,
- JAMIE L. WHITTEN,
- MARCY KAPTUR,
- RAY THORNTON,
- ROSA L. DELAURO,
- PETE PETERSON,
- ED PASTOR,
- NEAL SMITH,
- DAVID R. OBEY,
- JOE SKEEN,
- JOHN T. MYERS,
- BARBARA F. VUCANOVICH,
- JAMES T. WALSH,
- JOSEPH M. MCDADE,

*Managers on the Part of the House.*

- DALE BUMPERS,
- TOM HARKIN,
- J. ROBERT KERREY,
- (except for amendment 33 "ornamental fish")
- J. BENNETT JOHNSTON,
- HERB KOHL,
- DIANNE FEINSTEIN,
- ROBERT C. BYRD,
- THAD COCHRAN,
- ARLEN SPECTER,
- CHRISTOPHER S. BOND,
- PHIL GRAMM,
- SLADE GORTON,
- MARK O. HATFIELD,

*Managers on the Part of the Senate.*

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and Senate at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 4554) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 1995, and for other purposes, submit the following joint statement to the House and Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report.

CONGRESSIONAL DIRECTIVES

The conferees agree that executive branch wishes cannot substitute for Congress' own statements as to the best evidence of congressional intentions—that is, the official re-

ports of the Congress. The conferees further point out that funds in this Act must be used for the purposes for which appropriated, as required by section 1301 of title 31 of the United States Code, which provides: "Appropriations shall be applied only to the objects for which the appropriations were made except as otherwise provided by law."

Report language included by the House which is not changed by the report of the Senate, and Senate report language which is not changed by the conference are approved by the committee of conference. The statement of the managers, while repeating some report language for emphasis, does not intend to negate the language referred to above unless expressly provided herein.

TITLE I—AGRICULTURAL PROGRAMS  
PRODUCTION, PROCESSING, AND MARKETING  
OFFICE OF THE SECRETARY

The conferees direct the Secretary to consult with local U.S. Attorney Offices and determine the availability of personnel prior to hiring outside private counsel under the authority granted by Public Law 103-248.

OFFICE OF THE INSPECTOR GENERAL  
Amendment No. 1: Appropriates \$63,418,000 for the Office of the Inspector General instead of \$63,918,000 as proposed by the House and \$62,918,000 as proposed by the Senate.

OFFICE OF THE GENERAL COUNSEL  
The conferees do not expect the Office of the General Counsel to seek reimbursement from other agencies in this Act to supplement its appropriation. If funds are transferred from appropriations in this Act to the Office of the General Counsel, they must have the approval of the agency administrator. The General Counsel provides an essential service to the agencies and programs of the Department of Agriculture; therefore, the conferees expect the fiscal year 1996 budget request to reflect the actual needs of the Office of the General Counsel.

ECONOMIC RESEARCH SERVICE  
Amendment No. 2: Appropriates \$53,936,000 for the Economic Research Service instead of \$54,306,000 as proposed by the House and \$53,565,000 as proposed by the Senate.

ALTERNATIVE AGRICULTURAL RESEARCH AND COMMERCIALIZATION REVOLVING FUND  
Amendment No. 3: Appropriates \$6,500,000 for the Alternative Agricultural Research and Commercialization Revolving Fund instead of \$4,000,000 as proposed by the House and \$9,000,000 as proposed by the Senate. The conferees agree that no additional centers be designated beyond the two already designated.

AGRICULTURAL RESEARCH SERVICE  
Amendment No. 4: Appropriates \$696,382,000 for the Agricultural Research Service instead of \$693,977,000 as proposed by the House and \$698,787,000 as proposed by the Senate.

The conference agreement includes the following increases to the 1994 level for research projects specified in the House report:

1. Ethanol pilot plant (IL) .....	\$500,000
2. Long staple cotton breeding (NM) .....	300,000
3. Western pecan research (NM) ...	300,000
4. Sweet potato whitefly research (AZ) .....	500,000
5. Alternatives to chemicals on apples (MI, NY, CA) .....	300,000
6. Composting research (OH) .....	300,000
7. Animal health research (IN) ....	500,000

In addition, the conference agreement provides \$500,000 to initiate a national program to enhance the corn germ plasm base. Sci-

entists are concerned that the current narrow genetic base for corn greatly increases vulnerability to unforeseen pest problems for the \$16 billion U.S. corn crop.

The conference agreement includes the following increases to the 1994 level for research projects specified in the Senate report:

1. Appalachian Fruit Research Laboratory (WV) .....	\$200,000
2. Appalachian Soil and Water Conservation Laboratory (WV) .....	950,000
Fayetteville .....	250,000
Stuttgart .....	187,000
Booneville .....	125,000
Pine Bluff .....	62,000
	<hr/>
	(624,000)

4. Arkansas Children's Hospital ...	1,100,000
5. Delta Nutrition and Health Promotion Initiative .....	1,500,000
6. Fish Farming Experimental Laboratory, Stuttgart (AR) .....	600,000
7. Hops (WA) .....	50,000
8. Kenaf (MS) .....	107,000
9. National Warm Water Aquaculture Center .....	200,000
10. Northwest Nursery Crops Center .....	200,000
12. Northwest Small Fruits Research Center .....	200,000
12. National Center for Physical Acoustics (MS) .....	150,000

The conferees expect each of the seven institutions specified in the Senate report to receive equal funding under the Delta Nutrition and Health Promotion Initiative.

Nematodes.—Nematodes cause an estimated \$8,000,000,000 yearly in losses to U.S. soybean, cotton, corn, vegetable, and citrus producers, and the conferees expect the agency to place more emphasis on nematode research in 1995.

Lyme disease.—For research on lyme disease the conference agreement provides \$645,000, the same as the amount available for fiscal year 1994. Included within the total is \$175,000, the same as the amount available for fiscal year 1994, for a cooperative research program on tick control to be conducted in Westchester County, New York, and Connecticut. This disease, which is borne by deer ticks, is contagious to humans.

The conferees agree that of the 19 laboratories or projects proposed for closure, the following 10 should remain open another year for further evaluation: Houma (LA); Miami (FL); Brawley (CA); Sidney (MT); Jackson (TN); Hawaii; Chatsworth (NJ); Brownwood (TX); E. Grand Forks (MN); and El Reno (OK).

Amendment No. 5: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which exempts Beckley, West Virginia, from the \$100 limitation on the purchase of land.

BUILDINGS AND FACILITIES

Amendment No. 6: Appropriates \$43,718,000 for Agricultural Research Service, Buildings and Facilities as proposed by the Senate instead of \$23,400,000 as proposed by the House. The following table reflects the conference agreement:

BUILDINGS AND FACILITIES

[In thousands of dollars]

	Fiscal year 1993 enacted	House bill	Senate bill	Conference agreement
Arizona: Water Conservation Laboratory & Western Cotton Research Laboratory			500	396
Arkansas: Rice Germplasm Center, Stuttgart	3,828		6,000	4,752
California: Horticulture Crops Research Lab, Fresno to Parlier	2,630	2,630	2,630	2,630
Western Regional Research Center	1,161	1,161		919
Florida: Citrus Research Lab, Orlando	2,900	2,900	2,900	2,900
Iowa: National Swine Research Facility	4,524	6,500	6,017	6,259
Kansas: Grain marketing research lab			1,200	950
Louisiana: Southern Regional Research Center	2,667	2,667	3,200	2,934
Maryland: Beltsville Agricultural Research Center	(1)	(1)	5,000	3,960
Mississippi: National Center for Natural Products	4,382		4,518	3,578
National Center for Warm Water Aquaculture	1,716	1,716	1,777	1,747
New York: Plum Island Animal Disease Center	1,475	1,475		1,168
South Carolina: U.S. Vegetable Lab, Charleston	909		6,000	5,544
Texas: Plant Stress Lab, Texas Tech. University	551	551	1,551	1,051
Subtropical Lab, Weslaco	1,400	3,800		3,009
West Virginia: National Center for Cold Water Aquaculture			2,425	1,921
Miscellaneous: Completed facilities	4,600			
<b>Total, buildings and facilities</b>	<b>32,743</b>	<b>23,400</b>	<b>43,718</b>	<b>43,718</b>

<sup>1</sup> Funded under rental payments (GSA).

Amendment No. 7: Deletes Senate language providing that the Secretary may close the research locations specified for closure in the President's budget request.

COOPERATIVE STATE RESEARCH SERVICE

SPECIAL RESEARCH GRANTS

Amendment No. 8: Appropriates \$25,295,000 for special research grants as proposed by the Senate instead of \$44,969,000 as proposed by the House. The following table reflects the conference agreement:

SPECIAL RESEARCH GRANTS (P.L. 89-106)

[In thousands of dollars]

	Fiscal year 1994 enacted	House bill	Senate bill	Conference agreement
Aflatoxin (IL)	126	114		113
Agribusiness management (MS)	70	63		
Agricultural diversification (HI)	145		130	131
Agricultural management systems (MA)	245	222	221	221
Alfalfa (KS)	118		106	106
Alternative cropping systems (Southeast)	261		235	235
Alternative crops (ND)	658	595	592	592
Alternative crops for arid lands (TX)	94	85		85
Alternative Marine and Fresh Water Species (MS)	258	233	308	308
Alternative pest control (AR)	1,316		1,184	1,184
Aquaculture (CT)		181		181
Aquaculture (IL)	188	170		169
Aquaculture (LA)	367	332	330	330
Aquaculture (MS)	658	595	592	592
Aquatic food safety and quality (FL)		181		181
Asian Products Lab (OR)	235		212	212
Bacoc Institute (WI)	235	213	312	312
Beef fat content (IA)	223	202	201	201
Biodiesel research (MO)	141		177	152
Broom snakeweed (NM)	188	170		169
Canola (KS)	94		85	85
Center for animal health and productivity (PA)	126	113		113
Center for innovative food technology (OH)		181		181
Center for rural studies (VT)	35		31	32
Chesapeake Bay aquaculture	411	372	370	370
Competitiveness of agricultural products (WA)	752	680	677	677
Cool season legume research (ID, WA)	364	103	327	103

SPECIAL RESEARCH GRANTS (P.L. 89-106)—Continued

[In thousands of dollars]

	Fiscal year 1994 enacted	House bill	Senate bill	Conference agreement
Cranberry/blueberry disease and breeding (NJ)	244		220	220
CRP acreage usage (MO)	141		152	52
Dairy and meat goat research (TX)	70	63		63
Delta rural revitalization (MS)	164		148	148
Desert plants (NM)			169	
Developing peas and lentils for residue to meet SCS standards (WA)	94	226		85
Dried bean (ND)			85	85
Drought mitigation (NE)			250	200
Environmental research (NY)	540	489		486
Expanded wheat pasture (OK)	317	288		285
Farm and rural business finance (IL, AR)	118		106	106
Floriculture (HI)	278		250	250
Food and Agriculture Policy Institute (IA, MO)	705	638	750	850
Food irradiation (IA)	223		201	201
Food marketing policy center (CT)	369	334	332	332
Food processing center (NE)	47		42	42
Food safety consortium (AR, KS, IA)	1,825		1,743	1,743
Food systems research group (WI)	245	221	221	221
Forestry (AR)	470		523	523
Fruit and vegetable market analysis (AZ, MO)	329	297	296	296
Generic commodity promotion research and evaluation (NY)	235	212		212
Global change	1,175	1,625	1,625	
Global marketing support service (AR)	47		92	92
Grass seed cropping systems for a sustainable agriculture (WA, OR, ID)	470	425	423	423
Great Plains agricultural policy center (OK)	47		42	42
Human nutrition (AR)	470	425		
Human nutrition (IA)	470		498	473
Human nutrition (LA)	752	680	777	752
Human nutrition (NY)	691	625		622
Illinois-Missouri Alliance for Biotechnology		1,357		1,357
Improved dairy management practices (PA)	329	297		296
Improved fruit practices (MI)	494	447		445
Integrated pest management and bio control	3,034	2,650	2,731	
Integrated production systems (OK)	179	162	161	161
International arid lands consortium	329	329	296	329
Iowa biotechnology consortium	1,880		1,892	1,792
Jointed goatgrass (WA)	329	297	296	296
Livestock and dairy policy (NY, TX)	494	447		445
Lowbush blueberry research (ME)	208		220	220
Low-input agriculture (MN)	216		195	195
Maple research (VT)	93		84	84
Michigan biotechnology consortium	2,217	2,000		1,995
Midwest advanced food manufacturing alliance	470	425	423	423
Midwest agriculture products (IA)	658	595	592	592
Midwest feeds consortium	470	425		423
Milk safety (PA)	268		268	268
Minor use animal drugs (IR-4)	611	553		550
Molluscan shellfish (OR)			250	250
Multi-commodity research (OR)	282		364	364
Multi-cropping strategies for aquaculture (HI)	141		127	127
National biological impact assessment	282	255	254	254
National potato trade and tariff association			100	
Navajo Nation conservation (AZ)				91
Nematode resistance genetic engineering (NM)	141	127	127	127
Non-food agricultural products (NE)	103		93	93
North central biotechnology initiative		1,900		2,000
Oil resources from desert plants (NM)	188	170		169
Oregon-Mass.-Penn. biotechnology	481		433	524
Peach tree short life (SC)	180		162	162
Perishable commodities (GA)	235		212	212
Pest control alternatives (SC)	118		106	106
Pesticide clearance (IR-4)	6,345	5,711	5,711	5,711
Pesticide impact assessment	1,474	1,150	1,327	
Pesticide research (WA)	627	115	564	115
Phytophthora root rot (NM)	141	127		127
Plant biotechnology consortium	2,692		2,424	
Potato research	1,349	638	1,214	1,214
Preservation and processing research (OK)	251		226	226
Procurement root disease (VA)	24	22		22
Product development and marketing center (ME)	400		360	360
Rangeland ecosystems (NM)			338	
Red River Corridor (MN, ND)	188	170	169	169
Regional barley gene mapping project	387	350	349	348
Regionalized implications of farm programs (MO, TX)	327	295	294	294
Rural development centers (PA, IA, ND, MS, OR)	470	425	423	423
Rural environmental research (IL)		90		90
Rural housing needs (NE)	75		68	68

SPECIAL RESEARCH GRANTS (P.L. 89-106)—Continued

[In thousands of dollars]

	Fiscal year 1994 enacted	House bill	Senate bill	Conference agreement
Rural policies institute (NE, MO)	494		644	644
Russian wheat aphid (WA, OR, CO, CA, ID)	505	457	454	455
Seafood and aquaculture harvesting, processing, and marketing (MS)	339		305	305
Seafood research (OR)	306		275	275
Small fruit research (OR, WA, ID)	235	212	212	212
Soil and water research (OH)	188	170		169
Soil borne disease prevention (NM)				127
Southwest consortium for plant genetics and water resources	376	340	338	338
Soybean bioprocessing (IA)	308		277	277
Soybean cyst nematode (MO)	337	304	304	303
STEEP II—water quality in Northwest	921	833	829	829
Sunflower insects (ND)	141		127	127
Sustainable agriculture (MI)	494	447		445
Sustainable agriculture and natural resources (PA)	94		94	94
Sustainable agriculture systems (NE)	66		59	59
Swine research (MN)	132	119	118	119
Taxol cultivation (CT)	47	42		42
Tillage, silviculture, waste management (LA)	235		212	212
Tropical and subtropical	3,121	2,824	2,809	2,809
Urban pests (GA)	71	64		64
Value-added wheat (KS)	235		212	212
Waste utilization (NC)	414	374		373
Water conservation (KS)	88		80	79
Water management (AL)	374		337	337
Water quality	4,230	2,757	2,757	
Weed control (ND)	470	425	423	423
Wheat genetic research (KS)	196	177	177	176
Wood utilization research (OR, MS, NC, MN, ME, MI)	4,176	2,182	2,402	3,758
Wool research (TX, MT, WY)	235	212		212
All other	2,689			
<b>Total, special research grants</b>	<b>68,542</b>	<b>44,969</b>	<b>52,295</b>	<b>52,295</b>

*Oregon-Massachusetts-Pennsylvania Biotechnology.*—The conferees have included \$91,000 for the Pennsylvania portion of the grant. This shall not reduce the funding for Oregon and Massachusetts.

Amendment No. 9: Appropriates \$1,318,000 for alternative crops instead of \$1,818,000 as proposed by the House and \$650,000 as proposed by the Senate. The conference agreement provides \$500,000 for research on canola as proposed by both the House and the Senate. No funds are included for crambe and rapeseed as proposed by the Senate instead of \$500,000 as proposed by the House. For research on guayule the conference agreement provides \$668,000 as proposed by the House. The conference agreement also provides \$150,000 for research on hesperaloe as proposed by both the House and the Senate.

Amendment No. 10: Provides \$500,000 for the Critical Agricultural Materials Act as proposed by the Senate instead of \$400,000 as proposed by the House.

Amendment No. 11: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

Restore the matter stricken by said amendment, amended to read as follows: \$475,000 for rangeland research grants as authorized by subtitle M of the National Agricultural Research, Extension, and Teaching Policy Act of 1977, as amended; \$8,990,000 for contracts and grants for agricultural research under the Act of August 4, 1965, as amended (7 U.S.C. 450i(c)).

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement restores House language earmarking \$475,000 for rangeland research. The conference agreement also includes the following amounts for grants and contracts:

Global change .....	\$1,625,000
Integrated pest management .....	2,731,000
Pesticide impact assessment .....	1,327,000
Minor use animal drugs (IR-4) .....	550,000
Water quality .....	2,757,000
<b>Total .....</b>	<b>8,990,000</b>

Amendment No. 12: Appropriates \$4,350,000 for higher education challenge grants as proposed by the Senate instead of \$1,500,000 as proposed by the House. The House bill included an additional \$2,850,000 for higher education challenge grants under General Provisions. The conference agreement provides all of the funds in a single account.

Amendment No. 13: Provides \$8,112,000 for sustainable agriculture instead of \$7,400,000 as proposed by the House and \$8,825,000 as proposed by the Senate.

Amendment No. 14: Provides \$19,954,000 for Federal administration as proposed by the House instead of \$19,019,000 as proposed by the Senate. The following table reflects the conference agreement:

**FEDERAL ADMINISTRATION**

[In thousands of dollars]

	Fiscal year 1994 enacted	House bill	Senate bill	Conference agreement
Ag in classroom .....	196			
Agricultural biotechnology .....	376	376	376	349
Agriculture development in American Pacific .....	608	608	608	564
Alternative fuels characterization lab (ND) .....	235		235	218
American Indian Initiative of the Arid Lands Development Fund .....		468		434
Center for Agricultural and Rural Development (IA) .....	705	705		655
Center for North American Studies (TX) .....	94	94		87
Geographic information system .....	1,011	1,011	1,010	939
Herd management (TN) .....	576		628	535
Mississippi Valley State University .....	628			583
National Potato Trade and Tariff Association <sup>1</sup> .....				93
Office of grants and program systems .....	314	314	314	292
Pay costs and FERS (prior) .....	517	517	517	480
Peer panels .....	244	244	244	227
PM-10 study (CA, WA) .....	940	940	940	873
Shrimp aquaculture (AZ, HI, MS, MA, SC) .....	3,290	3,290	3,290	3,054
Vocational aquaculture education .....	470	470	470	436
Water quality <sup>2</sup> .....	1,175	1,000	470	928
1890 capacity building .....	9,917	9,917	9,917	9,207
<b>Total, Federal Administration .....</b>	<b>21,296</b>	<b>19,954</b>	<b>19,019</b>	<b>19,954</b>

<sup>1</sup> Senate bill included \$100,000 under Special Research Grants.  
<sup>2</sup> Includes \$436,000 (ND), \$492,000 (IL) FY 1995.

Amendment No. 15: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the sum proposed by said amendment insert: \$433,438,000

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement appropriates \$433,438,000 for the Cooperative State Research Service instead of \$433,438,000 for the Cooperative State Research Service instead of \$413,960,000 as proposed by the House and \$423,083,000 as proposed by the Senate.

**BUILDINGS AND FACILITIES**

Amendment No. 16: Appropriates \$62,744,000 for Cooperative State Research Service, Buildings and Facilities as proposed by the Senate instead of \$34,148,000 as proposed by the House. The following table reflects the conference agreement:

**BUILDINGS AND FACILITIES**

[In thousands of dollars]

	Fiscal year 1994 enacted	House bill	Senate bill	Conference agreement
Alabama: Poultry science facility, Auburn University <sup>1</sup> .....		552	( <sup>1</sup> )	522
Arkansas: Agriculture building—University of Arkansas .....	1,668	1,532	2,332	2,332
Carnall Hall, Alternative Pest Control Center .....			1,000	946
California: Alternative pest control containment and quarantine, University of California .....	2,086	1,916	2,000	1,893
Colorado: Animal Reproduction and Biotechnology, Colorado State University .....	320	294	1,301	1,231
Connecticut: Agricultural biotechnology building, University of Connecticut .....	( <sup>1</sup> )	552	600	568
Chemistry Building, Connecticut Agricultural Experiment Station .....		( <sup>1</sup> )		( <sup>1</sup> )
Delaware: Poultry Biocontainment Facility .....	329		1,500	1,420
Florida: Aquatic Research Facility, University of Florida .....		( <sup>1</sup> )		( <sup>1</sup> )
Georgia: Biocontainment Research Center, University of Georgia .....	1,685	1,548	2,396	2,396
Hawaii: Center for Applied Aquaculture .....	2,086		1,580	1,495
Idaho: Biotechnology Facility .....	835	768	1,861	1,761
Illinois: Biotechnology Center, Northwestern University .....	835	828	3,400	3,218
Science facility, DePaul University <sup>1</sup> .....		460		435
Kentucky: Applied research and manpower training center .....	( <sup>1</sup> )		897	897
Louisiana: Southeast Research Station, Franklinton .....		( <sup>1</sup> )	( <sup>1</sup> )	( <sup>1</sup> )
Maryland: Institute for Natural Resources and Environmental Science, University of Maryland .....	1,669	1,533	2,000	1,893
Massachusetts: Center/hunger, poverty, nutrition and policy .....	2,202	2,022	2,600	2,461
Mississippi: Biological Technology Center for Water and Wetlands Resources .....	94	86	1,500	1,420
National Food Service Management Institute .....			( <sup>1</sup> )	( <sup>1</sup> )
Missouri: Center for plant biodiversity, St. Louis .....	( <sup>1</sup> )	736	800	757
Montana: Bioscience Research Laboratory, Montana State University .....	1,868	1,715	2,608	2,608
Nevada: Great Basin Environmental Research Lab, University of Nevada .....			( <sup>1</sup> )	( <sup>1</sup> )
New Jersey: Plant Bioscience Facility, Rutgers University .....	2,189		4,000	3,785
New Mexico: Center for Arid Land Studies, New Mexico State University .....	798	734	1,500	1,420
New York: New York Botanical Garden .....	2,503	2,300	4,000	3,785
North Carolina: Bowman-Gray Center at Wake Forest .....	3,074	2,823	2,000	2,672
North Dakota: Institute for Agriculture and Rural Health Research Development, Minot State University .....			2,600	2,600
Ohio: Lake Erie Soil and Water Research and Education Center .....	263	242		229
Oklahoma: Beef cattle research facility .....	352		375	375
Grain Storage Research and Extension Center, Oklahoma State University .....			( <sup>1</sup> )	( <sup>1</sup> )
Oregon: Forest Ecosystem Research Lab, Oregon State University .....			( <sup>1</sup> )	( <sup>1</sup> )
Regional Food Innovation Center .....	2,503		2,600	2,397
Pennsylvania: Center for Food Marketing, St. Joseph's University .....	1,950	1,790	2,500	2,366
Rhode Island: Building consolidation, University of Rhode Island .....	3,109	2,855	2,000	2,702
South Carolina: ARS U.S. Vegetable Lab, Charleston .....			1,000	
South Dakota: Animal Resource Wing, South Dakota State University .....			( <sup>1</sup> )	( <sup>1</sup> )
Tennessee: Agricultural, Biological and Environmental Research Complex, University of Tennessee in Knoxville .....	1,668	460	2,500	2,366
Horse Science and Teaching Center, Middle Tennessee State University .....		( <sup>1</sup> )		( <sup>1</sup> )
Nursery Crop Research Station, Tennessee State University .....	324		88	88
Texas: Southern crop improvement, Texas A & M .....	584	537		508

**BUILDINGS AND FACILITIES—Continued**

[In thousands of dollars]

	Fiscal year 1994 enacted	House bill	Senate bill	Conference agreement
Biocontainment facility, Texas A & M .....		( <sup>1</sup> )		( <sup>1</sup> )
Utah: Biotechnology Lab, Utah State University .....	775		455	387
Vermont: Rural Community Interactive Learning Center, University of Vermont .....			( <sup>1</sup> )	( <sup>1</sup> )
Washington: Animal Disease Biotechnology Facility, Washington State University .....	4,799	4,408	4,408	4,172
Wheat research facility, Washington State University <sup>1</sup> .....		450		426
Wisconsin: College of Natural Resources, University of Wisconsin—Stevens Point .....	1,978	1,817	2,823	2,761
Wyoming: Environmental Simulation Facility, University of Wyoming .....	1,001	920	1,250	1,182
Miscellaneous: Completed facilities .....	10,336			
Fund for reports .....	94	270	270	270
<b>Total, Buildings and facilities .....</b>	<b>53,977</b>	<b>34,148</b>	<b>62,744</b>	<b>62,744</b>

<sup>1</sup> Report requested.

The conference agreement completes the Federal funding share for the following 10 facilities:

1. Agriculture Building—University of Arkansas
2. Biocontainment Research Center—University of Georgia
3. Applied Research and Manpower and Training Center (KY)
4. Bioscience Research Laboratory—Montana State University
5. Institute for Agriculture and Rural Health Research Development—Minot State University (ND)
6. Beef Cattle Research Facility (OK)
7. Regional Food Innovation Center (OR)
8. Nursery Crop Research Station—Tennessee State University
9. Biotechnology Laboratory—Utah State University
10. College of Natural Resources, Stevens Point—University of Wisconsin

**EXTENSION SERVICE**

Amendment No. 17: Provides \$10,947,000 for the pest management program as proposed by the Senate instead of \$10,147,000 as proposed by the House.

Amendment No. 18: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which provides for the transfer of up to \$125,000 from funds available for pest management to the Cooperative State Research Service. The House bill contained no similar provision.

Amendment No. 19: Provides \$3,463,000 for sustainable agriculture instead of \$2,963,000 as proposed by the House and \$3,963,000 as proposed by the Senate.

Amendment No. 20: Provides \$2,750,000 for rural health and safety education as proposed by the Senate. The House bill contained no similar provision.

Amendment No. 21: Appropriates \$12,611,000 for Federal administration of the Extension Service as proposed by the Senate instead of \$7,117,000 as proposed by the House.

The following table reflects the conference agreement:

## FEDERAL ADMINISTRATION AND SPECIAL GRANTS

(In thousands of dollars)

	Fiscal year 1994 enacted	House bill	Senate bill	Conference agreement
General administration	5,534	5,241	5,241	5,241
Pilot tech. transfer (OK, MS)	331	331	331	331
Pilot tech. transfer (WI)	165	165	165	165
Rural rehabilitation (GA)	250	250	250	250
Income enhancement demonstration (OH)	250	250	250	250
Rural development (NM)	230	230	230	230
Rural development (NE)	400	392	392	392
Rural development (OK)	300	300	300	300
Chinch bug/Russian wheat aphid project (NE)	67	67	67	67
Beef producers' improvement (AR)	200	200	200	200
Integrated cow/calf resources management (IA)	250	350	350	350
Extension specialist (AR)	100	100	100	100
Rural center for the study and promotion of HIV/STD prevention (IN)	250	250	250	250
Cranberry development (ME)	50	50	50	50
Delta teachers academy	2,000	5,000	3,935	3,935
Wood biomass as an alternative farm product (NY)		200		200
Range improvement (NM)		200		200
Agricultural Plastics (VT)			100	100
All other	810			
<b>Total, Federal Administration</b>	<b>11,187</b>	<b>7,117</b>	<b>12,611</b>	<b>12,611</b>

The conference agreement provides \$3,935,000 for the Delta Teachers Academy. The conferees expect the General Accounting Office to submit a final review of this program to the House and Senate Committees on Appropriations by June 30, 1995.

Amendment No. 22: Appropriates \$438,744,000 for the Extension Service instead of \$429,200,000 as proposed by the House and \$439,244,000 as proposed by the Senate. The conference agreement includes \$50,000, within the total available for the Youth-at-Risk Program, for the I-CARE Program in Marion County, Illinois.

## NATIONAL AGRICULTURAL LIBRARY

Amendment No. 23: Appropriates \$18,307,000 for the National Agricultural Library as proposed by the Senate instead of \$17,845,000 as proposed by the House.

Amendment No. 24: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which provides that \$462,000 shall be available for the National Center for Agricultural Law Research and Information at the Leflar School of Law in Fayetteville, Arkansas. The House bill contained no similar provision.

## ANIMAL AND PLANT HEALTH INSPECTION SERVICE

## SALARIES AND EXPENSES

Amendment No. 25: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the sum proposed by said amendment insert: \$443,651,000

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement appropriates \$443,651,000 for Animal and Plant Health Inspection Service, Salaries and Expenses instead of \$438,651,000 as proposed by the House and \$438,901,000 as proposed by the Senate.

The following table reflects the conference agreement:

## ANIMAL AND PLANT HEALTH INSPECTION SERVICE

(In thousands of dollars)

	Fiscal year 1994 enacted	House bill	Senate bill	Conference agreement
<b>PEST AND DISEASE EXCLUSION</b>				
Agricultural quarantine inspection	24,246	25,140	25,140	25,140
User fees	91,460	96,660	96,660	96,660
<b>Subtotal, Agricultural quarantine inspection</b>	<b>115,706</b>	<b>121,800</b>	<b>121,800</b>	<b>121,800</b>
Foot-and-mouth disease	4,046	3,995	3,995	3,995
Import-export inspection	6,800	6,535	6,535	6,535
International programs	5,826	6,106	6,106	6,106
Mediterranean fruit fly exclusion	10,199	10,089	10,089	10,089
Mexican fruit fly exclusion	2,272	2,156	2,156	2,156
Screwworm	34,645	34,029	34,029	34,029
<b>Total, pest and disease exclusion</b>	<b>179,494</b>	<b>184,710</b>	<b>184,710</b>	<b>184,710</b>
<b>PLANT AND ANIMAL HEALTH MONITORING</b>				
Animal health monitoring and surveillance	59,933	59,381	59,381	59,381
Animal and plant health regulatory enforcement	5,849	5,865	5,865	5,865
Fruit fly detection	3,950	3,923	3,923	3,923
Pest detection	3,444	4,206	4,206	4,206
<b>Total, plant and animal health monitoring</b>	<b>73,176</b>	<b>73,376</b>	<b>73,376</b>	<b>73,376</b>
<b>PEST AND DISEASE MANAGEMENT PROGRAMS</b>				
Animal damage control—operations	26,092	26,592	26,592	26,592
Aquaculture		493	493	493
Biocontrol	5,702	7,504	7,504	7,504
Boll weevil <sup>1</sup>	13,226	13,084	13,084	13,084
Brucellosis eradication	31,004	27,781	27,781	27,781
Cattle ticks	4,597	4,578	4,578	4,578
Golden nematode	658	615	615	615
Gypsy moth	5,202	5,177	5,177	5,177
Honey bee pests	380			
Imported fire ant	2,700	1,500	1,500	1,500
Miscellaneous plant diseases	1,996	1,988	1,988	1,988
Noxious weeds	475	404	404	404
Pink bollworm	2,292	1,069	1,069	1,069
Pre-harvest program		2,800	2,800	2,800
Pseudorabies	4,543	4,543	4,543	4,543
Russian wheat aphid	2,400			
Salmonella enteritidis	3,411	3,384	3,384	3,384
Scrapie	3,000	2,969	2,969	2,969
Sweet potato whittely	3,514	2,400	2,400	2,400
Tropical bont tick		537	537	537
Tuberculosis	5,538	5,499	5,499	5,499
Witchweed	4,081	1,975	1,975	1,975
<b>Total, Pest and disease management programs</b>	<b>120,812</b>	<b>114,892</b>	<b>115,142</b>	<b>119,892</b>
<b>ANIMAL CARE</b>				
Animal welfare	9,262	9,262	9,262	9,262
Horse protection	481	362	362	362
<b>Total, Animal care</b>	<b>9,743</b>	<b>9,624</b>	<b>9,624</b>	<b>9,624</b>
<b>SCIENTIFIC AND TECHNICAL SERVICES</b>				
ADC methods development	9,681	9,681	9,681	9,681
Biotechnology/environmental protection	7,756	7,690	7,690	7,690
Integrated systems acquisition project	3,500	3,500	3,500	3,500
Plant methods development laboratories	5,084	5,059	5,059	5,059
Veterinary biologics	10,434	10,371	10,371	10,371
Veterinary diagnostics	14,946	14,811	14,811	14,811
<b>Total, Scientific and technical services</b>	<b>51,401</b>	<b>51,112</b>	<b>51,112</b>	<b>51,112</b>
Contingency fund	4,938	4,938	4,938	4,938
Procurement reform				
<b>Total, Salaries and expenses</b>	<b>439,564</b>	<b>438,651</b>	<b>438,901</b>	<b>443,651</b>

<sup>1</sup> House language under Federal Crop Insurance Corporation added \$12,000,000 to APHIS for the boll weevil program.

The conferees expect the Animal and Plant Health Inspection Service to help facilitate the collaboration between the veterinary biologics industry and the goat industry to develop a rabies vaccine for goats.

The Animal and Plant Health Inspection Service has established a trace back procedure in cases of *Salmonella enteritidis*. An industry organization, United Egg Producers, has developed a quality assurance food safety program for eggs. The conferees expect the Animal and Plant Health Inspection Service to cooperate and assist the egg industry to implement the quality assurance program on an expanded basis nationwide.

The conferees are aware of the need for new or renovated facilities to update the brucellosis and tuberculosis laboratories at Ames, Iowa, and request the Department report back to the House and Senate Committees on Appropriations by February 15, 1995, with a plan for updating the laboratories at the Ames site.

The avocado industry is concerned by the potential for a wide array of pest and disease infestations which may result from the importation of fresh Mexican avocados. The conferees believe that the scientific data relied on to justify any change to the entry status of fresh Mexican avocados must be subjected to the fullest review practicable. The conferees further believe such data must include baseline information on the full array of pests and diseases of concern to the United States that occurs in the avocado growing regions of Mexico.

Amendment No. 26: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

Restore the matter stricken by said amendment, amended to read as follows:

*In fiscal year 1995 the agency is authorized to collect fees to cover the total costs of providing technical assistance, goods, or services requested by States, other political subdivisions, domestic and international organizations, foreign governments, or individuals, provided that such fees are structured such that any entity's liability for such fees is reasonable based on the technical assistance, goods, or services provided to the entity by the agency, and such fees shall be credited to this account, to remain available until expended, without further appropriation, for providing such assistance, goods, or services.*

The managers on the part of the Senate will move to concur in the amendment of the House to amendment of the Senate.

The conference agreement provides authority for the Animal and Plant Health Inspection Service to collect fees for technical services costs provided by the agency upon request. Use of this provision should be to cover salaries and expenses related to the Animal and Plant Health Inspection Service personnel providing training or educational seminars or equipment.

## FOOD SAFETY AND INSPECTION SERVICE

Amendment No. 27: Appropriates \$516,738,000 for the Food Safety and Inspection Service instead of \$430,929,000 as proposed by the House and \$533,929,000 as proposed by the Senate.

## AGRICULTURAL MARKETING SERVICE

## MARKETING SERVICES

Amendment No. 28: Appropriates \$56,591,000 for Agricultural Marketing Service, Marketing Services instead of \$55,728,000 as proposed by the House and \$57,454,000 as proposed by the Senate. The conferees expect the Agricultural Marketing Service to continue activities related to egg inspection within the funds provided unless additional user fees are authorized for such activities.

FUNDS FOR STRENGTHENING MARKETS, INCOME, AND SUPPLY  
(SECTION 32)

Amendment No. 29: Reported in technical disagreement. The managers on the part of

the House will offer a motion to recede and concur in the amendment of the Senate which provides that in fiscal year 1996, section 32 funds shall be used to promote sunflower and cottonseed oil exports. The House bill contained no similar provision.

**PERISHABLE AGRICULTURAL COMMODITIES ACT**  
Amendment No. 30: Deletes House language, as proposed by the Senate, providing for new fees for the Perishable Agricultural Commodities Act. Public Law 103-176, which was recently enacted, addresses this issue.

**FEDERAL CROP INSURANCE CORPORATION ADMINISTRATIVE AND OPERATING EXPENSES**  
Amendment No. 31: Appropriates \$68,884,000 for Federal Crop Insurance Corporation, Administrative and Operating Expenses instead of \$62,796,000 as proposed by the House and \$72,796,000 as proposed by the Senate.

Amendment No. 32: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter stricken by said amendment insert: *Provided, That until October 1, 1995, the Secretary of Agriculture may collect and use such sums as may be necessary for the delivery of catastrophic risk protection under subsections (b) and (c) of section 508 of the Federal Crop Insurance Act, as that Act would be amended by section 6(a)(3) of H.R. 4217 as passed by the House on August 5, 1994, if such provision or similar provision is enacted into law: Provided further, That in addition to amounts otherwise appropriated in this Act, there are hereby appropriated such sums as may be necessary to carry out the purposes of the crop insurance fund established under section 516 of the Federal Crop Insurance Act, as that Act would be amended by section 8 of H.R. 4217, if such provision or similar provision is enacted into law*

The managers on the part of Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement provides language to allow such sums as necessary to be used by the crop insurance fund and for administrative and operating expenses from fees collected for catastrophic risk coverage. This language is necessary to comport with proposals contained in crop insurance reform legislation. The conference agreement deletes House language, as proposed by the Senate, providing \$12,000,000 to the Animal and Plant Health Inspection Service.

**COMMODITY CREDIT CORPORATION DISASTER ASSISTANCE**

Amendment No. 33: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter proposed by said amendment insert:

*DISASTER ASSISTANCE*  
*Such sums as may be necessary from the Commodity Credit Corporation shall be available, through July 15, 1995, to producers under the same terms and conditions authorized in chapter 3, subtitle B, title XXII of Public Law 101-624 for 1994 crops (including aquaculture) affected by natural disasters: Provided, That these funds shall be made available upon enactment of this Act: Provided further, That such funds shall also be available for payments to producers for 1995 through 1996 orchard crop losses, if the losses are due to freezing conditions incurred between January 1, 1994 and March 31, 1994, and Federal crop insurance is not available for affected orchard crop producers: Pro-*

*vided further, That such funds shall also be available to fund the costs of replanting, reseeding, or repairing damage to commercial trees, including orchard and nursery inventory, as a result of 1994 weather-related damages: Provided further, That the terms and conditions of section 521, paragraphs (a)(3) and (4), paragraph (b)(3), subparagraph (c)(2)(C), and subsections (d) and (e), as amended in section 201 of S. 2095 (as reported by the Committee on Agriculture, Nutrition, and Forestry on June 22, 1994) shall apply to all claims for assistance made under this paragraph: Provided further, That such amounts and uses of funds made available under this paragraph are designated by Congress as emergency requirements pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, and that such funds and uses shall be available only to the extent an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement adopts and modifies the Senate disaster provisions. The conferees provide for a maximum of three years coverage for orchard crop losses rather than five years. The conference agreement deletes "regardless of the age of the trees" when referring to commercial trees, and deletes "and excluding ornamental fish" in reference to aquaculture. The conferees agree that the term "orchards" include vineyards.

## TITLE II—CONSERVATION PROGRAMS

### SOIL CONSERVATION SERVICE

#### CONSERVATION OPERATIONS

Amendment No. 34: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter proposed by said amendment insert: *\$556,062,000, and the unobligated and uncommitted portion of the fiscal year 1994 appropriation for the Conservation Reserve Program shall be transferred to this account*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement appropriates \$556,062,000 for Soil Conservation Service, Conservation Operations instead of \$576,562,000 as proposed by the House and \$591,049,000 as proposed by the Senate. The agreement transfers the unobligated and uncommitted portion of the fiscal year 1994 appropriation for the Conservation Reserve Program to this account.

The conference agreement in amendment No. 91 also transfers unobligated fiscal year 1994 funds from the Wetlands Reserve Program to this account.

The conference agreement includes \$200,000 to provide technical assistance for a rural recycling and water resource protection initiative in the Mississippi Delta region of Louisiana, Arkansas, and Mississippi.

The conferees direct the Department to provide an evaluation of all earmarked projects listed in the House and Senate reports, including the need for the project's continuation, total cost, and completion date.

Amendment No. 35: Provides \$3,399,000 for improvements of the Plant Materials Centers instead of \$2,399,000 as proposed by the

House and \$3,899,000 as proposed by the Senate.

The conference agreement provides \$1,000,000 for the Plant Materials Center in Beckley, West Virginia.

### WATERSHED AND FLOOD PREVENTION OPERATIONS

Amendment No. 36: Appropriates \$70,000,000 for Watershed and Flood Prevention Operations instead of \$65,000,000 as proposed by the House and \$75,000,000 as proposed by the Senate.

The conferees recognize the value of four pilot projects currently underway in North Florida related to dairy and poultry cleanup efforts and urge the Department to continue those projects.

Amendment No. 37: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

Restore the matter stricken by said amendment, amended to read as follows: *(of which \$10,000,000 shall be available for the watersheds authorized under the Flood Control Act approved June 22, 1936 (33 U.S.C. 701, 16 U.S.C. 1006a), as amended and supplemented): Provided, That, for fiscal year 1995 only, not to exceed 10 per centum of the foregoing amounts shall be available for allocation to any one State*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement restores House language earmarking \$10,000,000 for the Public Law 534 program. The agreement also restores House language establishing a limitation on the percent of funds any one State can receive, but increases the limitation from 5 percent to 10 percent. This limitation applies to fiscal year 1995 only.

### GREAT PLAINS CONSERVATION PROGRAM

Amendment No. 38: Appropriates \$15,172,000 for the Great Plains Conservation Program instead of \$11,672,000 as proposed by the House and \$18,672,000 as proposed by the Senate.

### AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE

#### AGRICULTURAL CONSERVATION PROGRAM

#### WATER QUALITY INCENTIVES PROGRAM

The conference agreement includes \$2,800,000 to provide cost-shared financial assistance to farmers and local communities in support of a rural recycling and water resource protection initiative in the Mississippi Delta region of Louisiana, Arkansas, and Mississippi.

### FORESTRY INCENTIVES PROGRAM

Amendment No. 39: Restores House language, which was deleted by the Senate, appropriating \$6,825,000 for the Forestry Incentives Program.

### COLORADO RIVER BASIN SALINITY CONTROL PROGRAM

Amendment No. 40: Restores House language and appropriates \$4,500,000 for the Colorado River Basin Salinity Control Program instead of \$5,000,000 as proposed by the House. The Senate amendment deleted House language providing for this program.

### CONSERVATION RESERVE PROGRAM

The conferees expect the Office of Management and Budget and the Congressional Budget Office to continue to provide Conservation Reserve Program costs in their baselines so that Congress can extend and modify the program in the future.

**TITLE III—FARMERS HOME AND RURAL DEVELOPMENT PROGRAMS**

**RURAL DEVELOPMENT ADMINISTRATION AND FARMERS HOME ADMINISTRATION  
RURAL HOUSING INSURANCE FUND PROGRAM ACCOUNT**

Amendment No. 41: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the sum proposed by said amendment insert: \$2,200,000,000

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement provides \$2,200,000,000 for loans for section 502 low-income rural housing programs instead of \$2,323,339,000 as proposed by the House and \$2,400,000,000 as proposed by the Senate.

Amendment No. 42: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the sum proposed by said amendment insert: \$244,720,000

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement appropriates \$244,720,000 for the subsidy cost of section 502 low-income rural housing programs instead of \$268,105,000 as proposed by the House and \$282,640,000 as proposed by the Senate.

Amendment No. 43: Restores House language, deleted by the Senate, providing \$1,000,000 for a loan guarantee demonstration program of multifamily housing.

**AGRICULTURAL CREDIT INSURANCE FUND PROGRAM ACCOUNT**

Amendment No. 44: Deletes House language, as proposed by the Senate, providing \$4,312,000 for soil and water conservation loans.

Amendment No. 45: Deletes House language, as proposed by the Senate, providing \$411,000 for the subsidy cost of soil and water conservation loans.

Amendment No. 46: Appropriates \$26,290,000 for the subsidy cost of natural disaster loans as proposed by the Senate instead of \$26,060,000 as proposed by the House.

Amendment No. 47: Deletes Senate language providing that the Secretary may transfer fiscal year 1994 funds to provide for farm ownership, operating, or emergency loans.

**RURAL DEVELOPMENT INSURANCE FUND PROGRAM ACCOUNT**

Amendment No. 48: Provides \$905,523,000 for water and sewer facility loans instead of \$834,193,000 as proposed by the House and \$976,853,000 as proposed by the Senate.

Amendment No. 49: Provides \$17,000,000 for water and sewer facility loans for empowerment zones and enterprise communities as proposed by the House instead of \$20,000,000 as proposed by the Senate.

Amendment No. 50: Appropriates \$126,502,000 for the subsidy cost of water and sewer facility loans instead of \$115,786,000 as proposed by the House and \$136,466,000 as proposed by the Senate.

Amendment No. 51: Appropriates \$21,375,000 for the subsidy cost of direct community facility loans as proposed by the Senate instead of \$21,723,000 as proposed by the House.

Amendment No. 52: Appropriates \$2,360,000 for the subsidy cost of water and sewer facility loans for empowerment zones and enterprise communities as proposed by the House

instead of \$2,794,000 as proposed by the Senate.

Amendment No. 53: Appropriates \$741,000 for the subsidy cost of direct community facility loans for empowerment zones and enterprise communities as proposed by the Senate instead of \$753,000 as proposed by the House.

Amendment No. 54: Appropriates \$103,000 for the subsidy cost of guaranteed industrial development loans for empowerment zones and enterprise communities as proposed by the House instead of \$105,000 as proposed by the Senate.

**AGRICULTURAL RESOURCE CONSERVATION DEMONSTRATION PROGRAM ACCOUNT**

Amendment No. 55: Deletes Senate language providing a \$5,599,000 loan level and \$3,086,000 subsidy cost for the Agricultural Resource Conservation Demonstration Program.

**STATE MEDIATION GRANTS**

Amendment No. 56: Appropriates \$3,000,000 for State Mediation Grants as proposed by the Senate instead of \$2,000,000 as proposed by the House.

**SUPERVISORY AND TECHNICAL ASSISTANCE GRANTS**

Amendment No. 57: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter stricken by said amendment insert:

**RURAL WATER AND WASTE DISPOSAL GRANTS**

*Notwithstanding any other provision of law, the Secretary may use 1980 or 1990 census information for grant eligibility of projects submitted to the agency prior to the availability of 1990 census information in amounts not to exceed total project cost overruns.*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement provides language to allow the Secretary of Agriculture to use either 1980 or 1990 census information for Rural Water and Waste Disposal Grants eligibility. The agreement also deletes House language, as proposed by the Senate, appropriating \$2,400,000 for Supervisory and Technical Assistance Grants.

**RURAL BUSINESS ENTERPRISE GRANTS**

Amendment No. 58: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which provides \$1,000,000 for the Northern Great Plains Rural Development Act, if enacted. The House bill contained no similar provision.

The conference agreement provides that not more than \$10,000,000 shall be available for projects described in House Report 103-542 and not more than the same amount for projects described in Senate Report 103-290.

The conferees encourage funding of eligible projects which may be developed in response to the 1994 summer wildfires in the Western United States.

Amendment No. 59: Deletes House language, as proposed by the Senate, earmarking \$2,000,000 for technical assistance to underrepresented groups in traditionally agricultural communities. Similar language is included as part of the Farmers Home Administration, Salaries and Expenses Account.

**RURAL TECHNOLOGY AND COOPERATIVE DEVELOPMENT GRANTS**

Amendment No. 60: Appropriates \$1,750,000 for Rural Technology and Cooperative Development

Grants instead of \$1,500,000,000 as proposed by the House and \$2,000,000 as proposed by the Senate.

The conferees expect the Rural Technology and Cooperative Development Grants to be awarded competitively and expect that Statewide and multi-State entities, such as the Cooperative Development Foundation, will be eligible.

**LOCAL TECHNICAL ASSISTANCE AND PLANNING GRANTS**

Amendment No. 61: Restores House language and appropriates \$1,750,000 for Local Technical Assistance and Planning Grants instead of \$2,500,000 as proposed by the House. The Senate amendment deleted House language providing for this program.

**SALARIES AND EXPENSES**

Amendment No. 62: Earmarks \$4,263,000 for a circuit rider program instead of \$4,159,000 as proposed by the House and \$4,368,000 as proposed by the Senate.

**RURAL ELECTRIFICATION ADMINISTRATION**

**RURAL ELECTRIFICATION AND TELEPHONE LOANS PROGRAM ACCOUNT**

Amendment No. 63: Provides \$297,000,000 for cost-of-money rural telephone loans as proposed by the Senate instead of \$198,000,000 as proposed by the House.

Amendment No. 64: Appropriates \$15,200,000 for the subsidy cost of direct electrification and telephone loans instead of \$19,120,000 as proposed by the House and \$14,807,000 as proposed by the Senate. The conference agreement sets a level of \$9,703,000 for 5 percent electric subsidy costs and \$5,497,000 for 5 percent telephone subsidy costs.

The conferees believe that the funds provided for the cost of 5 percent interest rate loans and Rural Telephone Bank loans are sufficient to support \$75,000,000 and \$175,000,000 in such loans, respectively. The conferees expect that these loan levels will be made available to eligible borrowers. However, if it is determined during the course of the fiscal year that additional subsidy amounts are necessary to make the amount of loans, the conferees expect the Department to request a supplemental appropriation for the amount found to be deficient.

Amendment No. 65: Appropriates \$60,000 for the subsidy cost of cost-of-money rural telephone loans as proposed by the Senate instead of \$40,000 as proposed by the House.

**RURAL TELEPHONE BANK PROGRAM ACCOUNT**

Amendment No. 66: Appropriates \$770,000 for the subsidy cost of Rural Telephone Bank loans as proposed by the Senate instead of \$2,728,000 as proposed by the House.

**TITLE IV—DOMESTIC FOOD PROGRAMS**

**FOOD AND NUTRITION SERVICE**

**CHILD NUTRITION PROGRAMS**

Amendments No. 67 and 68: Delete House language, as proposed by the Senate, relating to administrative procedures of Child Nutrition Programs and conform the bill accordingly. These procedures are being addressed in the reauthorization bill.

Amendment No. 69: Provides \$1,853,000 for the Food Service Management Institute as proposed by the Senate instead of \$1,706,000 as proposed by the House.

The conferees are aware that substantial training and technical assistance will be necessary to prepare school food personnel to implement the School Meals Initiative successfully. The National Food Service Management Institute can make a valuable contribution to this effort. The conferees support the Department of Agriculture's intent,

as stated in the Assistant Secretary for Food and Consumer Services' letter of July 22, 1994, to provide funds to the Institute for these additional activities from an account established to implement section 6(a)(3) of the National School Lunch Act established to carry out training and technical assistance efforts related to implementing the School Meals Initiative.

Amendment No. 70: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the sum named in said amendment insert: \$500,000

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement provides \$500,000 for grants to States for non-recurring costs in providing for the special dietary needs of children with disabilities instead of \$859,000 as proposed by the Senate. The House bill contained no similar provision.

The conference agreement provides for the Child Nutrition Programs at the following annual rates:

#### TOTAL OBLIGATIONAL AUTHORITY

(In thousands of dollars)

	House bill	Senate bill	Conference agreement
<b>Child Nutrition Programs:</b>			
School lunch program .....	4,134,766	\$4,134,766	4,134,766
School breakfast program .....	1,027,230	1,027,230	1,027,230
State administrative expenses .....	94,041	94,041	94,041
Summer food service program .....	256,564	256,564	256,564
Child care food program .....	1,643,448	1,643,448	1,643,448
Commodity procurement .....	255,317	255,317	255,317
Nutrition studies and surveys .....	3,663	3,663	3,663
Nutrition education and training .....	10,270	10,270	10,270
Federal review system .....	3,849	3,849	3,849
Food Service Management Institute .....	1,706	1,853	1,853
Dietary guidelines .....	20,497	20,350	20,350
<b>Total .....</b>	<b>7,451,351</b>	<b>7,451,351</b>	<b>7,451,351</b>

#### SPECIAL MILK PROGRAM

Amendment No. 71: Deletes House language relating to administrative procedures of the Special Milk Program. These procedures are being addressed in the reauthorization bill.

#### SPECIAL SUPPLEMENTAL FOOD PROGRAM FOR WOMEN, INFANTS, AND CHILDREN (WIC)

Amendment No. 72: Provides \$6,750,000 for the Farmer's Market Coupon Program instead of \$5,500,000 as proposed by the House and \$8,000,000 as proposed by the Senate.

Amendment No. 73: Makes a grammatical change to the bill as proposed by the Senate.

Amendment No. 74: Deletes House language, as proposed by the Senate, exempting rebates received by States from cost containment initiatives from the interest provisions of the Cash Management Improvement Act of 1990. This provision is being addressed in the reauthorization bill.

#### COMMODITY SUPPLEMENTAL FOOD PROGRAM

The conferees are aware that a much larger carryover balance will be available in fiscal year 1995 than originally anticipated. Therefore, the conference agreement appropriates \$84,500,000 for the Commodity Supplemental Food Program instead of \$94,500,000 as proposed by both the House and the Senate.

#### FOOD STAMP PROGRAM

Amendment No. 75: Reported in technical disagreement. The managers on the part of

the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter stricken and inserted by said amendment insert: *and section 601 of Public Law 96-597 (48 U.S.C. 1469d), \$28,830,710,000*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement includes a citation to allow for the continued operation of a modified Food Stamp Program in American Samoa in fiscal year 1995 as proposed by the Senate in Amendment No. 77. The conferees are concerned with the Department's and the Office of Management and Budget's approach to funding mandatory programs, such as food stamps, with discretionary funds. If specific authorization for a mandatory program is needed, then the authorization should be obtained prior to the program's implementation. It should not be funded with discretionary funds. The Department and the Office of Management and Budget are expected to seek the proper authorization for the Food Stamp Program in American Samoa in the 1995 Farm Bill. The conferees do not expect to continue funding this program with discretionary funds.

The conference agreement provides the total budget request, including the \$13,253,000 which the Office of Management and Budget arbitrarily scores as discretionary spending. Within this amount is funding for implementation and oversight related to Electronic Benefits Transfer or EBT. It is anticipated that EBT will replace food stamp coupons in the future. The conferees believe EBT and other items within the Food Stamp Program are in direct support of the program and should be scored as mandatory spending. Therefore, the conference agreement makes these funds available only to the extent that they are scored by the Office of Management and Budget the same as the rest of the Food Stamp Program.

The conferees expect the Department to increase efforts to identify and eliminate abuse and fraud in the Food Stamp Program, and expect a report on the specifics of an increased investigative and enforcement program by December 31, 1994.

Amendment No. 76: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

Restore the matter stricken by said amendment, amended to read as follows: *Provided further, That none of the funds in this Act shall be used to cash out food stamp benefits beyond a total of 25 projects and the total participation in such projects shall not exceed 3 per centum of the estimated national household level participating in the Food Stamp Program*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement prohibits the Department from approving more than a total of 25 food stamp cash-out projects including all ongoing projects. In addition, the total participation in such projects cannot exceed three percent of the estimated national household level participating in the Food Stamp Program. The conferees expect the Department to keep Congress informed concerning the projects that it has approved and the number of cases approved to participate in each such project.

#### FOOD DONATIONS PROGRAMS FOR SELECTED GROUPS

Amendment No. 77: Deletes Senate language relating to American Samoa. The con-

ference agreement provides for the modified Food Stamp Program in American Samoa under the Food Stamp Program Account.

Amendment No. 78: Appropriates \$183,154,000 for Food Donations Programs for Selected Groups as proposed by the House instead of \$188,404,000 as proposed by the Senate. Included in this amount are \$33,154,000 for the Food Distribution Program on Indian Reservations and \$150,000,000 for the Elderly Feeding Program. The conferees expect the Department to maintain the current reimbursement rate for the Elderly Feeding Program within available funds.

#### THE EMERGENCY FOOD ASSISTANCE PROGRAM

Amendment No. 79: Restores House language and appropriates \$25,000,000 for commodity purchases of the Emergency Food Assistance Program instead of \$40,000,000 as proposed by the House. The Senate amendment deleted House language providing for this program.

#### TITLE V—FOREIGN ASSISTANCE AND RELATED PROGRAMS

##### FOREIGN AGRICULTURAL SERVICE

##### DAIRY EXPORT INCENTIVE PROGRAM

The Dairy Export Incentive Program (DEIP) has proved to be a success in developing markets for U.S. dairy products. Studies have shown that the most promising new markets for dairy products are the Pacific Rim countries of Asia. However, exports under the DEIP have not been made in these most promising markets. The conferees urge the Administration to allocate, in calendar year 1995, additional dairy products to countries in the Pacific Rim. Such countries shall include but are not limited to China, Hong Kong, Indonesia, Japan, Malaysia, the Philippines, Singapore, South Korea, Taiwan, and Thailand.

#### TITLE VI—RELATED AGENCIES AND FOOD AND DRUG ADMINISTRATION

##### DEPARTMENT OF HEALTH AND HUMAN SERVICES

##### FOOD AND DRUG ADMINISTRATION

##### SALARIES AND EXPENSES

Amendment No. 80: Provides a total of \$899,394,000 for Food and Drug Administration, Salaries and Expenses instead of \$914,394,000 as proposed by the House and \$754,587,000 as proposed by the Senate.

The conferees expect that any Mammography Quality Standards Act inspection fees collected by the Food and Drug Administration are in addition to the amount specified in this Act for the Salaries and Expenses Account of the Food and Drug Administration.

Amendment No. 81: Deletes House language, as proposed by the Senate, prohibiting the Food and Drug Administration from using 31 U.S.C. 9701 to develop, establish, or operate any program of user fees.

Amendment No. 82: Deletes House language, as proposed by the Senate, prohibiting enforcement of rules and regulations for a selenium supplement level in animal feeds below 0.3 parts per million. The conference agreement addresses this issue in Amendment No. 84.

Amendment No. 83: Reported in technical disagreement. The managers on the part of the House offer a motion to recede and concur in the amendment of the Senate which provides that no employee of the U.S. Department of Agriculture shall be peremptorily removed without a hearing from his or her position because of remarks made during personal time regarding departmental policies or proposed policies. The House bill contained no similar provision.

Amendment No. 84: Reported in technical disagreement. The managers on the part of

The House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter inserted by said amendment insert:

*The stay (published at 58 Fed. Reg. 47962) of the 1987 food additive regulation relating to selenium (21 Code of Federal Regulations 573.920) is suspended until December 31, 1995.*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement amends Senate language related to selenium content in animal feeds. The House bill contained similar language in Amendment No. 82.

Amendment No. 85: Restores House language, deleted by the Senate, allowing FDA to sell surplus animals and to retain the proceeds as part of the Salaries and Expenses Account.

Amendment No. 86: Deletes Senate language prohibiting FDA from purchasing or renting more than one cellular telephone. The House will contain no similar provision.

#### BUILDINGS AND FACILITIES

Amendment No. 87: Appropriates \$18,150,000 for Food and Drug Administration, Buildings and Facilities as proposed by the House instead of \$8,350,000 as proposed by the Senate.

#### INDEPENDENT AGENCIES

##### COMMODITY FUTURES TRADING COMMISSION

Amendment No. 88: Appropriates \$49,144,000 for the Commodity Futures Trading Commission instead of \$47,480,000 as proposed by the House and \$50,809,000 as proposed by the Senate.

Amendment No. 89: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

Restore the matter stricken by said amendment, amended to read as follows: *Provided, That the Commission is authorized to charge reasonable fees to attendees of Commission sponsored educational events and symposia to cover the Commission's costs of providing those events and symposia, and notwithstanding 31 U.S.C. 3302, said fees shall be credited to this account, to be available without further appropriation.*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement provides authority for the Commodity Futures Trading Commission to collect fees to cover Commission costs related to salaries and expenses for services provided at events and symposia. The House proposed similar language which the Senate deleted.

#### TITLE VII—GENERAL PROVISIONS

Amendment No. 90: Limits the Market Promotion Program to \$85,500,000 instead of \$90,000,000 as proposed by the House and zero dollars as proposed by the Senate. The Senate limited the Market Promotion Program in Amendment No. 98.

Amendment No. 91: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter proposed by said amendment insert: *, unless additional acres in excess of the 100,000 acre limitation can be enrolled without exceeding \$93,200,000: Provided, That the unobligated portion of the fiscal year 1994 appropriation shall be transferred to and merged with the appropriation for the Soil Conservation Service, Conservation Operations*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement allows acres to be enrolled in the Wetlands Reserve Program in fiscal year 1995 in excess of 100,000 without exceeding \$93,200,000 as proposed by the Senate. In addition, the conference agreement transfers unobligated fiscal year 1994 funds from the Wetlands Reserve Program to the Conservation Operations Account of the Soil Conservation Service instead of allowing the funds to be used for enrolling additional acres in the Wetlands Reserve Program as proposed by the Senate. The House bill contained no similar provision.

Amendment No. 92: Restores House language, deleted by the Senate, regarding compliance with the Buy American Act.

Amendment No. 93: Restores House language, deleted by the Senate, allowing the Agricultural Marketing Service to enter into cooperative agreements with a State or a Co-operator.

Amendment No. 94: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

Restore the matter stricken by said amendment, amended as follows:

In lieu of the sum named in said amendment insert: *\$25,650,000*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement restores House language and limits the sunflower and cottonseed oil export program to \$25,650,000 in fiscal year 1995 instead of \$27,000,000 as proposed by the House and no limitation as proposed by the Senate.

Amendment No. 95: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which deletes House language regarding honey and inserts Senate language eliminating price supports and payments for loan forfeitures.

Amendment No. 96: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which deletes House language prohibiting payment of Morrill-Nelson funds in fiscal year 1995 and appropriating an additional \$2,850,000 for higher education challenge grants, and inserts Senate language permanently prohibiting payments under Morrill-Nelson. Amendment No. 12 includes an additional \$2,850,000 for higher education challenge grants.

Amendment No. 97: Deletes House language, as proposed by the Senate, providing that certain funds cannot be used in violation of the law.

Amendment No. 98: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

Delete the matter inserted by said amendment, and on page 61, line 12, of the House engrossed bill strike "\$94,500,000" and insert in lieu thereof \$84,500,000, and on page 79, line 18, of the House engrossed bill strike "\$850,000,000" and insert in lieu thereof \$800,000,000

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement deletes Senate language reducing 27 accounts and providing

\$90,000,000 for the Market Promotion Program. The funding level for the Market Promotion Program is set in Amendment No. 90.

The conference agreement makes the following changes to the House and Senate passed bills: (1) the Commodity Supplemental Food Program is reduced from \$94,500,000 to \$84,500,000; and (2) the limitation on the Export Enhancement Program is reduced from \$850,000,000 to \$800,000,000.

Amendment No. 99: Deletes Senate language entitled "Ending the Use of Taxpayer Funds to Encourage Employees to Accept Homosexuality as a Legitimate or Normal Lifestyle." The House bill contained no similar provision.

Amendment No. 100: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter inserted by said amendment insert:

*SEC. 725. The Secretary shall take reasonable steps to ensure that no funds made available under this Act be used to provide any direct individual Federal benefit or assistance to any individual applying for such benefit or assistance unless said individual meets all eligibility criteria for the benefit or assistance.*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement changes the section number and amends Senate language regarding payment of funds in the Act to an individual unless such individual meets all eligibility criteria for the benefit or assistance.

Amendment No. 101: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which provides the following disaster appropriations which are declared emergencies by Congress and are subject to a Presidential emergency designation:

1. Emergency Community Water Assistance Grants	\$10,000,000
2. Very Low-Income Housing Repair Grants	15,000,000
3. Emergency Loans, Subsidy	7,670,000

The conference agreement also transfers \$23,000,000 appropriated in the Emergency Supplemental Appropriations Act of 1994, Public Law 103-211, from Watershed and Flood Prevention Operations to the Emergency Conservation Program. The House bill contained no similar provision.

Amendment No. 102: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter inserted by said amendment insert:

*SEC. 727. REPAYMENT OF DEFICIENCY PAYMENTS.—In any case in which the Secretary of Agriculture finds that the farming, ranching, or aquaculture operations of producers on a farm have been substantially affected by a natural disaster in the United States or by a major disaster or emergency designated by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), the Secretary of Agriculture shall not require any repayment under subparagraph (G) or (H) of section 114(a)(2) of the Agricultural Act of 1949 (7 U.S.C. 1445(a)(2)) for the 1993 crop of a commodity prior to March 1, 1995.*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement changes the section number and amends Senate language requiring the Secretary to waive the repayment of advanced deficiency payments for the 1993 crop of a commodity, for individuals substantially affected by a natural disaster, until March 1, 1995. The Senate amendment delayed repayment of advanced deficiency payments on 1994 crops until January 1, 1995. The House bill contained no similar provision.

#### CONFERENCE TOTAL—WITH COMPARISONS

The total new budget (obligational) authority for the fiscal year 1994 recommended by the Committee of Conference, with comparisons to the fiscal year 1994 budget estimates, and the House and Senate bills for 1994 follow:

Budget estimates of new (obligational) authority, fiscal year 1994 .....	
House bill, fiscal year 1994 .....	
Senate bill, fiscal year 1994 .....	\$32,670,000
Conference agreement, fiscal year 1994 .....	32,670,000
Conference agreement compared with:	
Budget estimates of new (obligational) authority, fiscal year 1994 .....	+32,670,000
House bill, fiscal year 1994 .....	+32,670,000
Senate bill, fiscal year 1994 .....	

The total new budget (obligational) authority for the fiscal year 1995 recommended by the Committee of Conference, with comparisons to the fiscal year 1994 amount, the 1995 budget estimates, and the House and Senate bills for 1995 follow:

New budget (obligational) authority, fiscal year 1994 .....	\$70,844,571,000
Budget estimates of new (obligational) authority, fiscal year 1995 .....	68,465,923,000
House bill, fiscal year 1995 .....	67,925,662,000
Senate bill, fiscal year 1995 .....	67,913,971,000
Conference agreement, fiscal year 1995 .....	68,004,746,000
Conference agreement compared with:	
New budget (obligational) authority, fiscal year 1994 ...	-2,839,825,000
Budget estimates of new (obligational) authority, fiscal year 1995 .....	-461,177,000
House bill, fiscal year 1995 .....	+79,084,000
Senate bill, fiscal year 1995 .....	+90,775,000

RICHARD J. DURBIN,  
JAMIE L. WHITTEN,  
MARCY KAPTUR,  
RAY THORNTON,  
ROSA L. DELAURO,  
PETE PETERSON,  
ED PASTOR,  
NEAL SMITH,  
DAVID R. OBEY,  
JOE SKEEN,  
JOHN T. MYERS,  
BARBARA F. VUCANOVICH,  
JAMES T. WALSH,  
JOSEPH M. MCDADE,

*Managers on the Part of the House.*

DALE BUMPERS,  
TOM HARKIN,  
J. ROBERT KERREY,

(except for amendment 33 "ornamental fish")

J. BENNETT JOHNSTON,  
HERB KOHL,  
DIANNE FEINSTEIN,  
ROBERT C. BYRD,  
THAD COCHRAN,  
ARLEN SPECTER,  
CHRISTOPHER S. BOND,  
PHIL GRAMM,  
SLADE GORTON,  
MARK O. HATFIELD,

*Managers on the Part of the Senate.*

#### 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. GRAMS) to revise and extend their remarks and include extraneous material:)

Mr. ROHRBACHER, for 5 minutes, today.

Mr. HOKE, for 5 minutes, today.

Mr. GRAMS, for 5 minutes, today.

Mr. ISTOOK, for 5 minutes, today.

#### EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. GRAMS) and to include extraneous matter:)

Mr. FIELDS of Texas.

Mr. LIVINGSTON in two instances.

Mr. LEWIS of Kentucky.

Mr. BURTON of Indiana.

Mr. COX.

(The following Members (at the request of Mr. HASTINGS) and to include extraneous matter:)

Mr. MILLER of California.

Mr. CARR of Michigan.

Mr. REED.

Mr. NEAL of Massachusetts.

Mr. VISCLOSKEY.

Mr. LEVIN.

Mr. KLECZKA.

Ms. ENGLISH of Arizona.

Mr. JACOBS.

Mr. KANJORSKI in three instances.

Mr. CLYBURN in two instances.

Mr. HOCHBRUECKNER.

Mr. RAHALL.

Mr. MENENDEZ in two instances.

Mr. BREWSTER.

Mr. HINCHEY.

Mr. EDWARDS of California.

Mr. LIPINSKI in two instances.

Mr. SANDERS.

(The following Members (at the request of Mr. BURTON of Indiana) and to include extraneous matter:)

Mr. GUTIERREZ.

Mr. STARK.

Mr. BERMAN in two instances.

(The following Members (at the request of Mr. HUNTER) and to include extraneous matter:)

Mr. GINGRICH.

Mr. ROHRBACHER.  
Mr. FILNER.

#### ADJOURNMENT

Mr. HUNTER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 33 minutes p.m.), the House adjourned until Wednesday, September 21, 1994, at 10 a.m.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3854. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed manufacturing license agreement with Finland (Transmittal No. DTC-33-94), pursuant to 22 U.S.C. 2776(c); to the Committee on Foreign Affairs.

3855. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting memorandum of justification for Presidential determination regarding the drawdown of defense articles and services for the multinational coalition to restore democracy in Haiti, pursuant to 22 U.S.C. 2318(b)(2); to the Committee on Foreign Affairs.

3856. A letter from the Administrator, U.S. Agency for International Development, transmitting policy justification for a proposed transfer of funds from the development assistance account to the account for operating expenses of the Agency for International Development, pursuant to section 652 of the Foreign Assistance Act of 1961, as amended; to the Committee on Foreign Affairs.

#### 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. BROOKS: Committee on the Judiciary. H.R. 4307. A bill to amend title 35, United States Code, with respect to applications for process patents; with an amendment (Rept. 103-728). Referred to the Committee of the Whole House on the State of the Union.

Mr. HOYER: Committee of Conference. Conference report on H.R. 4539. A bill making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain independent agencies, for the fiscal year ending September 30, 1995, and for other purposes (Rept. 103-729). Ordered to be printed.

Mr. MOAKLEY: Committee on Rules. House Resolution 532. Resolution providing for consideration of the bill (H.R. 4448) to amend the act establishing Lowell National Historical Park, and for other purposes (Rept. 103-730). Referred to the House Calendar.

Mr. MOAKLEY: Committee on Rules. House Resolution 535. Resolution providing for consideration of the bill (H.R. 4422) to authorize appropriations for fiscal year 1995 for the Coast Guard, and for other purposes (Rept. 103-731). Referred to the House Calendar.

Mr. BONIOR: Committee on Rules. House Resolution 536. Resolution providing for consideration of the bill (H.R. 2866) to provide for the sound management and protection of Redwood forest areas in Humboldt County, CA, by adding certain lands and waters to the Six Rivers National Forest and by including a portion of such lands in the national wilderness preservation system (Rept. 103-732). Referred to the House Calendar.

Mr. SMITH of Iowa: Committee of Conference. Conference report on H.R. 4606. A bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1995, and for other purposes (Rept. 103-733). Ordered to be printed.

Mr. DURBIN: Committee of Conference. Conference report on H.R. 4554. A bill making appropriations for Agriculture, Rural Development, Food and Drug Administration, and related agencies programs for the fiscal year ending September 30, 1995, and for other purposes (Rept. 103-734). Ordered to be printed.

#### 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. GIBBONS:

H.R. 5060. A bill to provide for the continuation of certain fee collections for the expenses of the Securities and Exchange Commission for fiscal year 1995; jointly, to the Committees on Energy and Commerce and Ways and Means.

By Mr. TOWNS (for himself, Mr. GILLMOR, Mr. BARCIA of Michigan, Mr. EHLERS, Mr. OXLEY, Mr. BARLOW, Mr. UPTON, Mr. MINGE, and Mr. HILLIARD):

H.R. 5061. A bill to amend the Nuclear Waste Policy Act of 1982 to clarify the obligation of the Federal Government to take possession of and title to high-level radioactive waste and spent nuclear fuel and provide for its timely and safe transportation, storage, and disposal, and for other purposes; jointly, to the Committees on Energy and Commerce and Natural Resources.

By Mrs. MEYERS of Kansas (for herself, Mr. KOLBE, Mrs. MORELLA, Mr. BOEHLERT, Mrs. JOHNSON of Connecticut, Mr. EHLERS, Mr. HOBSON, Mr. CASTLE, Mr. PORTMAN, Mr. UPTON, Mr. SHAYS, Mr. HOEKSTRA, Mr. ROBERTS, Mr. MCCLOSKEY, Mr. GOSS, Mr. PENNY, Mr. COX, Mr. BALLENGER, Mr. HYDE, Mr. LEACH, Mr. HUTTO, Mr. TORRICELLI, Mr. WALKER, Mr. DREIER, Mr. HOLDEN, Mr. KANJORSKI, Mr. CHAPMAN, Mr. KLING, Mr. DELAY, Mr. BARTON of Texas, Mr. REGULA, Mr. BLUTE, Mrs. ROUKEMA, Mr. VENTO, Mr. PAXON, Mr. HUNTER, Mr. MCCREERY, Mr. GALLEGLY, Mr. BATEMAN, Mr. GILMAN, Mr. BERMAN, Mr. LIGHTFOOT, Mr. SHAW, Mr. DORNAN, Mr. FAWELL, Mr. SOLOMON, Mr. BURTON of Indiana, Mr. WISE, Mr. OBERSTAR, Mr. KNOLLENBERG, Mr. ZELIFF, Mr. BAKER of Louisiana, Mr. TORKILDSEN, Mr. COLLINS of Georgia, Mr. SMITH of Texas, Mr. HASTERT, Mr. MCINNIS, and Mr. STEARNS):

H.R. 5062. A bill to amend the Internal Revenue Code of 1986 to make permanent the limited deduction of health insurance costs of self-employed individuals; to the Committee on Ways and Means.

By Mr. SCHUMER:

H.R. 5063. A bill to amend the Immigration Act of 1990 to provide for complete use of visas made available under the diversity transition program; to the Committee on the Judiciary.

By Mr. FILNER (for himself, Mr. BECERRA, Mr. BERMAN, Mr. BROWN of California, Ms. MCKINNEY, Mrs. MINK of Hawaii, Mr. SANDERS, Mrs. UNSOELD, Ms. VELÁZQUEZ, Ms. WATERS, and Mr. OWENS):

H.R. 5064. A bill to amend the Internal Revenue Code of 1986 to revise the limitation applicable to mutual life insurance companies on the deduction for policy holder dividends and to exempt small life insurance companies from the required capitalization of certain policy acquisition expenses; to the Committee on Ways and Means.

By Mr. PENNY:

H.R. 5065. A bill to amend the Consolidated Farm and Rural Development Act to make technical corrections to certain provisions relating to beginning farmers and ranchers; to the Committee on Agriculture.

By Mr. QUILLLEN:

H.R. 5066. A bill to amend the Public Health Service Act to modify the eligibility requirements for appointment as the Surgeon General of the Public Health Service; to the Committee on Energy and Commerce.

By Mr. BREWSTER:

H.J. Res. 410. Joint resolution to authorize the President to issue a proclamation designating October 1994 as "National Spina Bifida Prevention Month"; to the Committee on Post Office and Civil Service.

By Mr. HOYER (for himself, Mr. WELDON, Mr. VALENTINE, and Mr. BOEHLERT):

H.J. Res. 411. Joint resolution designating October 29, 1994, as "National Firefighters Day"; to the Committee on Post Office and Civil Service.

By Mr. STUMP (for himself, Mr. COPERSMITH, Ms. ENGLISH of Arizona, Mr. KOLBE, and Mr. PASTOR):

H.J. Res. 412. Joint resolution to express the sense of the Congress in commemoration of the 75th anniversary of Grand Canyon National Park; to the Committee on Natural Resources.

By Mr. CONYERS:

H. Con. Res. 291. Concurrent resolution directing the Secretary of the Senate to make corrections in the enrollment of S. 1587; considered and agreed to.

By Mr. MAZZOLI:

H. Res. 533. Resolution to provide for the concurrence of the House to the amendment of the Senate to the bill (H.R. 783) with an amendment; considered under suspension of the rules and passed.

By Mr. WAXMAN:

H. Res. 534. Resolution to correct the engrossment of the amendment of the House of Representatives to the Senate bill (S. 725); considered and agreed to.

#### PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. REED introduced a bill (H.R. 5067) to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for each of three barges; which was referred to the Committee on Merchant Marine and Fisheries.

#### ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 65: Mr. JOHNSON of Georgia.  
 H.R. 672: Mr. KLEIN.  
 H.R. 778: Mr. PAYNE of Virginia.  
 H.R. 799: Mr. RIDGE.  
 H.R. 1048: Ms. BROWN of Florida.  
 H.R. 1080: Ms. SNOWE.  
 H.R. 1843: Mr. SMITH of Oregon.  
 H.R. 2417: Mr. BLILEY.  
 H.R. 2418: Mr. TRAFICANT, Mr. BURTON of Indiana, Mr. MCCOLLUM, Mr. ORTON, Mr. MYERS of Indiana, and Ms. SNOWE.  
 H.R. 2467: Mr. BACHUS of Alabama.  
 H.R. 2479: Mr. NADLER, Mr. SABO, Mr. SCHUMER, and Mr. SANDERS.  
 H.R. 2488: Mr. MEEHAN and Mr. RANGEL.  
 H.R. 2898: Mr. MCCLOSKEY.  
 H.R. 3039: Mr. DOOLEY and Mr. YOUNG of Alaska.  
 H.R. 3233: Mr. LIVINGSTON.  
 H.R. 3407: Mr. ORTON.  
 H.R. 3633: Mr. CALVERT and Mr. FINGERHUT.  
 H.R. 3790: Mr. RICHARDSON.  
 H.R. 3795: Mr. BARCA of Wisconsin.  
 H.R. 3854: Mrs. SCHROEDER, Mr. DELLUMS, Mr. PENNY, and Ms. EDDIE BERNICE JOHNSON of Texas.  
 H.R. 3862: Mr. MOORHEAD.  
 H.R. 3866: Mr. VISCLOSKEY and Mr. HOYER.  
 H.R. 3971: Mr. KLUG.  
 H.R. 4056: Mr. HUTCHINSON, Mr. BILBRAY, Mr. SHAYS, Mr. GOODLATTE, and Ms. SNOWE.  
 H.R. 4118: Mr. GALLEGLY.  
 H.R. 4137: Mr. COX and Mr. PASTOR.  
 H.R. 4138: Mr. GUNDERSON and Mr. BAKER of Louisiana.  
 H.R. 4284: Ms. VELÁZQUEZ, Mr. ROMERO-BARCELÓ, Mr. ORTON, and Ms. NORTON.  
 H.R. 4371: Mr. GOSS.  
 H.R. 4394: Mr. INHOPE and Mr. VENTO.  
 H.R. 4412: Mr. GILLMOR.  
 H.R. 4474: Mr. WYDEN and Mr. NEAL of Massachusetts.  
 H.R. 4514: Mr. LEWIS of California, Mr. YOUNG of Alaska, and Mr. JOHNSON of South Dakota.  
 H.R. 4527: Mrs. BENTLEY and Mr. HANSEN.  
 H.R. 4574: Mr. KREIDLER and Ms. DUNN.  
 H.R. 4643: Mr. SKEEN and Mr. ZELIFF.  
 H.R. 4788: Mr. MCHUGH.  
 H.R. 4802: Mr. HALL of Texas, Mr. DELLUMS, Mr. BARRETT of Wisconsin, and Mr. MENENDEZ.  
 H.R. 4805: Mr. ORTON.  
 H.R. 4811: Ms. KAPTUR.  
 H.R. 4830: Mr. BAKER of California.  
 H.R. 4887: Mr. PETRI.  
 H.R. 4933: Mr. DICKS.  
 H.R. 4936: Mr. CALVERT, Mr. SWETT, Mr. MANZULLO, Mr. KLUG, Mrs. LLOYD, Mr. QUINN, Mr. LAFALCE, Mr. HOAGLAND, and Mr. SHAYS.  
 H.R. 4941: Mr. ABERCROMBIE, Mr. BECERRA, Mr. BELENSON, Mr. BROWN of California, Mr. CLAY, Mrs. CLAYTON, Mr. CLYBURN, Mr. DELLUMS, Mr. FARR, Mr. FOGLETTA, Mr. FRANK of Massachusetts, Mr. HAMBURG, Mr. HEFNER, Mr. HINCHEY, Mr. HOCHBRUECKNER, Mr. KANJORSKI, Mr. LAFALCE, Mr. MARTINEZ, Mr. MCDERMOTT, Ms. MCKINNEY, Mr. MFUME, Mr. MILLER of California, Mr. MINETA, Mrs. MINK of Hawaii, Mr. NADLER, Mr. OLVER, Mr. PENNY, Mr. RANGEL, Mr. SABO, Mr. SANDERS, Mrs. SCHROEDER, Mr. STARK, Mr. STOKES, Mr. THOMPSON, Mr. TORRES, Mr. TOWNS, Mr. UNDERWOOD, Mrs. UNSOELD, Ms. VELÁZQUEZ, Ms. WATERS, Mr. WYNN, and Mr. YATES.  
 H.R. 4942: Mr. OXLEY and Mr. JOHNSON of Georgia.  
 H.R. 4949: Mr. BARCA of Wisconsin.

H.R. 4957: Mr. TRAFICANT.  
 H.R. 4976: Mr. STUMP, Mr. KOLBE, Mr. ORTON, and Ms. SHEPHERD.  
 H.R. 4977: Mr. STENHOLM.  
 H.R. 4978: Mr. STENHOLM.  
 H.R. 4979: Mr. STENHOLM.  
 H.R. 5028: Mr. KREIDLER and Mrs. UNSOELD.  
 H.R. 5033: Mr. TALENT, Mr. CHAPMAN, Mr. EMERSON, Mr. HAYES, Mr. BALLENGER, Mr. DELAY, Mr. BREWSTER, Mr. MONTGOMERY, Mr. HANSEN, Mr. GALLEGLY, Mr. DOOLITTLE, Mr. SANTORUM, Mr. UPTON, Mr. DUNCAN, Mr. SOLOMON, Ms. DANNER, Mr. BOUCHER, Mr. KLINK, Mr. GUNDERSON, and Mr. LIGHTFOOT.  
 H.R. 5038: Mr. KLUG.  
 H.J. Res. 44: Mr. SANTORUM.  
 H.J. Res. 199: Mr. HAMBURG, Mr. CONDIT, Mr. CANADY, Mr. ORTON, and Mr. PETE GEREN of Texas.

H.J. Res. 358: Mrs. BENTLEY, Mr. BACCHUS of Florida, Mr. MONTGOMERY, Mr. WOLF, Mr. WISE, Mr. REED, Mr. DELLUMS, Mr. JEFFERSON, Mr. BROWN of California, Mr. SHAYS, Mr. GOODLING, Mr. DARDEN, and Mr. SMITH of New Jersey.  
 H.J. Res. 385: Mr. JOHNSON of South Dakota and Mr. PASTOR.  
 H.J. Res. 401: Mr. BATEMAN, Mr. BEVILL, Mrs. BYRNE, Mr. CASTLE, Mr. CLEMENT, Mr. CLINGER, Mr. DE LUGO, Mr. DEUTSCH, Mr. DIAZ-BALART, Mr. FAZIO, Mr. HEFNER, Mr. HUTTO, Mr. KLECZKA, Mr. LEACH, Ms. LOWEY, Mr. MCDADE, Mr. PALLONE, Mr. PARKER, Mr. PASTOR, Mr. PETERSON of Florida, Mr. ROEMER, Mr. ROMERO-BARCELÓ, Mr. SCOTT, Mr. SMITH of Iowa, Mr. TAUZIN, Mrs. UNSOELD, Mr. WOLF, and Mr. WYDEN.  
 H.J. Res. 402: Mr. BALLENGER and Mr. WALSH.

H.J. Res. 405: Mr. FIELDS of Texas, Mr. POMEROY, Ms. LAMBERT, Mr. THOMPSON, Mr. CHAPMAN, Mr. BAKER of Louisiana, Mr. KINGSTON, Mr. POMBO, Mr. JOHNSON of South Dakota, Mr. HERGER, Mr. DOOLEY, Mr. BOEHNER, and Mr. ARCHER.  
 H. Con. Res. 15: Mr. LAFALCE.  
 H. Con. Res. 35: Ms. LOWEY, Mr. NADLER, Mr. OWENS, Mr. PAYNE of New Jersey, Mr. CONDIT, Mr. ANDREWS of Maine, Mr. POMEROY, Mr. HALL of Texas, Mr. BOUCHER, and Mr. DINGELL.  
 H. Con. Res. 281: Ms. LOWEY, Mr. MANTON, Mr. BACCHUS of Florida, Mr. CANADY, Mr. KOPETSKI, Mr. KYL, Mr. PORTER, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. WYDEN, Mr. MANN, and Ms. PRYCE of Ohio.  
 H. Res. 430: Mr. KOPETSKI.

## EXTENSIONS OF REMARKS

## GUN-FREE SCHOOLS

## HON. KARAN ENGLISH

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 20, 1994

Ms. ENGLISH of Arizona. Mr. Speaker, I rise today to speak out against a serious problem for our Nation's children: violence in school. Our students and teachers are routinely being threatened by gun violence. These attacks obviously put our children in harm's way and ruin their ability to concentrate on what they are supposed to be learning in the classroom.

Many of us have been reading our local newspaper's headlines reporting the increasing number of violent incidents in school. Students that used to be discipline problems are now turning into criminal problems since more and more fights are being settled by a loaded gun.

In Arizona, gun violence in schools has become much more frequent. A recent Phoenix Gazette article highlighted the wave of violence and use of guns in our schools. In the 1993-94 school year, the Phoenix School District had 24 guns confiscated in the high school. In Mesa, 21 students were expelled for carrying weapons to school. Already this school year, a student in Red Mountain High School held a loaded gun to his head and threatened another student in the school's hallway. A drive-by shooting at the Mesa High School and double suicide of two 14-year-old girls with a gun brought to Apache Junction High School has scared students, teachers, and parents. These horrifying incidents reflect the problem nationally.

A Centers for Disease Control report found that every day 1 in 20 high school students carries a gun to school.

Sixteen percent of high school seniors say they have been threatened with a weapon at school.

The American Medical Association reports the leading cause of death for both black and white teenage boys is gunshot wounds.

Every school day 40 children are either killed or injured by firearms.

Only 29 percent of parents believe that most children are safe from violence in schools according to a Joyce Foundation report.

There is a clear need for short-term and long-term solutions to violence in school. As a member of the Education and Labor Committee, I helped adopt legislation which will take a long-term approach in dealing with school violence. I have also been advocating for a strict, short-term response in dealing with guns in school. I voted for a gun-free school amendment in the debate on the reauthorization of the elementary and secondary education bill, H.R. 6. This amendment would require schools to adopt a policy where students would be expelled for a year if they brought a

gun onto school property. As a member of the House-Senate conference committee on the elementary and secondary education reauthorization [ESEA], I will be fighting to keep the gun-free school amendment in the conference report.

This amendment incorporates flexibility for local school districts by allowing school superintendents to make an exception on a case-by-case basis. The gun-free school amendment also would allow for placement of an expelled student in an alternate education setting and would give States with less restrictive policies a 1 year grace period.

Students, teachers, and parents whom I have been meeting with have asked me to support tough penalties such as the gun-free school amendment. Students do not want to question whether their fellow classmate may be sitting next to them with a loaded gun. Most certainly, parents do not want to have to wonder whether their children may be gunned down in the classroom. Teachers and school administrators have enough to deal with now that they do not want to fear for their safety and that of their students.

In Congress, we have responded through various legislative initiatives to reduce the problem of school violence. I have helped enact the Safe School Act which will provide Federal assistance for schools to develop model programs promoting school safety. We passed GOALS 2000 legislation that will provide Federal resources to try to achieve the goal that every school will be free of drugs and violence and offer an environment conducive to learning by the year 2000. As part of the crime bill, Congress passed the youth handgun ban outlawing the possession or sale of a handgun to a person under the age of 18. Finally, I am working to include the gun-free school amendment in the conference report on ESEA.

I recognize that there are no easy answers for curbing violence in school. We need to take steps that will help reduce the level of violence in school. I have been working with our local communities to find out what types of programs and policies the schools have initiated to deal with this problem. Many schools have developed policies for student conduct including those similar to the gun-free school amendment. They also have initiated conflict resolution, peer mediation and other prevention programs. But, many schools have too few resources. They are spending their education budget to pay for security guards to patrol the hallways and metal detectors to greet our children at their schools' entrances.

In order to reduce school violence, it will take a concerted effort involving students, parents, teachers, school administrators, law enforcement officials and the entire community to stem the tide of violence in school. Schools have been developing effective programs in combating school violence. Their efforts need to be supported at the Federal level so local

school districts will have the resources to continue working to curb school violence.

## HONORING MILITARY SERVICE

## HON. BOB LIVINGSTON

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 20, 1994

Mr. LIVINGSTON. Mr. Speaker, this past weekend, I gave a speech honoring the military service of veterans who have served, and in some cases suffered for, their country. I would like to include it for the RECORD.

## GREETINGS FOR POW/MIA RECOGNITION DAY

Thank you very much Charlie Cunningham, and greetings from Louisiana's congressional delegation. To Captain Kistler, Commander Ahee, Commander Kemp, and Commander Lane: my highest regards.

And to all of you gathered here, I am humbled to honor those who suffered in foreign captivity so that others may be free. These are men who were thrown into an abyss and lived to tell about it. Their tales should never be forgotten by those who enjoy the blessing of liberty. Their lonely service, often in defiance of brutal torture, speaks in deeds so eloquent that they are, as Abraham Lincoln said, "far beyond our power to add or detract" by mere words alone.

As for those still listed as missing, I quote one of the great leaders of the 20th Century, Ronald Reagan, who said that "our liberty is secure because every life is precious to us; we, therefore, can write no final chapter to the story of those who answered their country's call and did not return. They gave without limit and we owe them, and their families, no less."

## As a side note:

All veterans here have served valiantly in fighting against tyranny—whether the Nazis of WWII, the Communists in Korea or Vietnam or other cold war skirmishes—each time, against totalitarians.

## And we won.

But today we find our troops detailed in 18 countries on missions involving some 80,000 troops—and that is before Haiti. Most of these missions are well-intended, good causes. But some involve something we have not know before: a sort of gunboat liberalism which I believe trends toward a foolish and unwise risk of American lives and resources.

This constitutes an advancement of ideals not yet understood, and hardly approved, by the American people. We should be very wary and cautious, lest we waste the reputation of good will we have generated throughout the world as a great superpower unafraid to put its strength behind a vision of justice, democracy, and decency. Let us not become bogged down in political misadventures for dubious causes or personalities.

But let us have the wisdom and strength to stand and fight if necessary when America, its citizens, or allies are truly threatened.

So to all of you gather here, I again say thank you for your service, and I conclude with the only expression which, in its simplicity and directness, best exemplifies the respect in which I hold those we honor today.

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

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

TRIBUTE TO PEACE CORPS  
VOLUNTEER MICHAEL GOODLY

**HON. JAMES E. CLYBURN**

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 20, 1994*

Mr. CLYBURN. Mr. Speaker, I rise today to pay tribute to Mr. Marvin Goodly of Orangeburg, SC, a Peace Corps volunteer in Cameroon, West Africa.

Mr. Goodly, a graduate of South Carolina State University with a B.S. in professional biology, is part of a group of 125 volunteers working in agricultural, educational, environmental, health-related and urban development projects in Cameroon.

Mr. Goodly joined the Peace Corps in 1992 as an agricultural volunteer. He has helped to design and build fish ponds in Cameroon.

According to Carol Bellamy, director of the Peace Corps, in the past 33 years, more than 140,000 Americans have served as Peace Corps volunteers in over 100 countries.

Through their work and participation in the daily routines of the communities in which they serve, Peace Corps volunteers gain invaluable perspective on the difficult conditions facing the majority of the world's population.

Mr. Goodly is commended for giving his time, energy, and education for the betterment of others.

IN HONOR OF ST. PATRICK'S  
CHURCH 125TH ANNIVERSARY

**HON. ROBERT MENENDEZ**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 20, 1994*

Mr. MENENDEZ. Mr. Speaker, I rise today to pay tribute to the St. Patrick's Church in Jersey City which is celebrating its 125th anniversary.

St. Patrick's Church is dedicated to serving the community. They have demonstrated this time and again through the years. The church is part of the fabric which makes up Jersey City. The church has a long tradition of serving the needy of all faiths, ethnicities, and races. Its efforts at community outreach are a model of giving and sacrifice.

In 1868, Bishop James Roosevelt Bayley, a nephew of Elizabeth Ann Seton, purchased land for a small church and named it St. Joseph's. In December 1869, the mission was raised to full parish status and was renamed St. Patrick's. St. Patrick's Church was first opened for mass in 1872. On August 19, 1877, the church as it exists today was completed. At the time it was only the third Catholic church in Jersey City. In the decades to come, the Catholic population grew, and eight additional parishes were established. The church has a long distinguished history of service to the community.

In 1901, the St. Patrick's Club was formed for the purpose of drawing the men of the parish into closer social contact with each other

EXTENSIONS OF REMARKS

and the church. They sponsored such events as picnics, trolley rides, and athletic meets. The club was a fine example of parish life and culture. In 1910, the St. Patrick's School was opened. Throughout the war enrollment in St. Patrick's School flourished. A total of 1,350 students were enrolled in 1933, making it the largest in the diocese.

In the 1930's the church focused on feeding the poor. Approximately \$10,000 was raised annually from collections and donations and was distributed to the poor of the city. In 1971, Patrick House, a drug treatment and family services center was launched. It was the first facility of its kind in Hudson County. Although Patrick House is no longer in operation, many of its services are still provided by the parish. In 1980, then Governor Brendan Byrne formally added the St. Patrick's Church and school complex to the New Jersey State Register of Historic Places.

St. Patrick's Church is dedicated to serving its parishioners and the community. Its commitment to promoting cultural diversity is commendable, to say the least. I am extremely proud to have such a fine, historic institution in my district. I congratulate them on their 125th anniversary, and wish them continued success.

INJUSTICE IN INDIA

**HON. DAN BURTON**

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 20, 1994*

Mr. BURTON of Indiana. Mr. Speaker, the repressive government of India has struck another blow against democratic principles, charging former member of Parliament Simranjit Singh Mann under the tyrannical Terrorist and Disruptive Activities Act [TADA]. According to Asia Watch, "TADA reverses the presumption of innocence, placing the burden on the accused to prove he is not guilty. This violates international standards and Indian law." There is a grave danger that the Punjab police will kill Mr. Mann. The regime has already taken away his passport in violation of all international standards.

As if this weren't bad enough, the regime seized the luggage of Punjab Human Rights Organization president Ajit Singh Bains, a former justice of the Punjab and Haryana High Court, while he was at the airport awaiting a flight to Great Britain last week. Justice Bains was prevented from leaving the country. Justice Bains, like Mr. Mann, is a proponent of a peaceful movement to achieve independence for Khalistan.

Many of us remember Justice Bains' eloquent testimony before the Congressional Human Rights Caucus 3 years ago. He detailed brutal abuses of the most basic liberties by the Indian regime in occupied Khalistan. What has made Justice Bains unfit to leave the country since then? Perhaps the Indian regime knows that freedom for Khalistan is near at hand.

The Congress is well aware that the oppressed Sikhs of Khalistan have been waging an ongoing peaceful struggle for freedom. On October 7, 1987, the Sikh leaders declared

Khalistan independent. When Mr. Mann spoke at a gurdwara—a Sikh temple—in support of a peaceful movement to achieve freedom for Khalistan, he exercised what we here would consider his legitimate right of free speech. But no such right exists for Sikhs in the so-called world's largest democracy. For advocating a peaceful movement for Sikh freedom, India charges Mr. Mann with terrorism. This tyrannical action further proves that Indian democracy is a fraud.

Mr. Mann's case is not unusual. Neither is that of Justice Bains. India has killed at least 115,000 Sikhs since 1984, 150,000 Christians in Nagaland since 1947, and 40,000 Kashmiri Muslims since 1988. It also faces freedom movements in Assam, Manipur, and Tamil Nadu. If India is the world's largest democracy, why do so many want to get out from under Indian rule?

A recent report from Human Rights Watch/Asia states that the Indian regime has set up at least 200 torture centers throughout Punjab, Khalistan. One police officer says that "torture is used routinely. During my 5 years with the Punjab police, I estimate that 4,000 to 5,000 were tortured at my police station alone." Another police officer says, "Without exception, any person who is detained at the police station is tortured." Sikhs who die of torture are routinely listed as having died in a fake encounter with the police. According to the report, these staged "encounters" account for most of the killings there.

On July 17, UPI reported that "several Swiss drug companies are preparing to wind up or limit operations in India." The Swiss ambassador is quoted as saying that "the investment climate is bad." And Dr. Jack Wheeler of the Freedom Research Foundation predicts in the June 27 issue of Strategic Investment that India "will be gone as we know [it] within 10 years." India is not one country, but a polyglot, a conglomeration of several countries put together under British colonial rule. It is destined to fall apart. Thanks to the work of organizations like the Council of Khalistan, the day of freedom for the nations oppressed by India is closer.

It is time for the administration to place sanctions on India. This Congress must pass H.R. 1519, which will cut off India's development aid until human rights are respected. We must also pass H. Con. Res. 134, which calls for a free and fair vote to determine the future of Khalistan. The charges against Mr. Simranjit Singh Mann and the action against Justice Ajit Singh Bains make these actions more important than ever.

COUNCIL OF KHALISTAN

For immediate release: September 19, 1994.  
Washington, DC.

JUSTICE BAINS DENIED EXIT FROM INDIA

WASHINGTON, DC, September 19.—On orders from the Indian Home Ministry, Indian airport security officials denied retired High Court Judge Justice Ajit Singh Bains exit from India on Thursday, September 15. The outspoken Sikh champion for human rights and political freedom attempted to board a flight in Delhi bound for the United Kingdom. Bains was detained at the final security check and humiliated by security guards who discovered his name on an official Home Ministry list forbidding him to leave India. Justice Bains is Chairman of the Punjab Human Rights Organization.

Like other leaders speaking out for Sikh freedom and human rights, Bains faces continued harassment at the hands of Indian government police. Restrained by what he terms an "undeclared detention," Bains and visitors to his house have been under constant government surveillance. His telephone has been tapped and his movement restricted.

Recently, the Indian government denied a passport to Simranjit Singh Mann, Sikh political leader and vocal advocate for Sikh freedom, after he made a speech in support of Khalistan. Mr. Mann has faced unrelenting government harassment ranging from the denial of his freedom of movement to imprisonment and torture. Justice Bains, too, has been jailed on numerous occasions.

Despite the experience of leaders such as Bains and Mann, India denies any violation of human rights. While in the United States in May, Indian Prime Minister Narasimha Rao adamantly maintained India's innocence on human rights violations. Independent human rights organizations, however, have exposed a long list of Indian government atrocities and a history of the brutal denial of human freedom. According to *Dead Silence: The Legacy of Abuses in Punjab*, published by Human Rights Watch/Asia, "The deliberate use of torture and execution as counter-insurgency tactics was not merely tolerated but actively encouraged by senior government officials."

Dr. Gurmit Singh Aulakh, President of the Council of Khalistan, who spoke to Justice Bains by telephone, warns the Indian government not to harm Sikh leaders. "The eyes of the world are upon you," said Dr. Aulakh. "You no longer operate in the vacuum you once enjoyed. The longer you hold Justice Bains and S. S. Mann against their will, the more ridiculous your protestations of innocence look to the world. You have been exposed. Over 115,000 Sikhs have been killed in the struggle for a free Khalistan. No amount of oppression or lies will divert us from the road of independence. If India is the democracy it claims to be, then leaders like Bains and Mann should be allowed free access to the international community. Instead you brutally silence the voice of the Sikh nation, yet seek inclusion among the free nations of the world. India can no longer maintain its big lie. The time for Sikh freedom is now. Free Khalistan today!"

[From the Washington Times, Sept. 17, 1994]

#### INDIA SAID TO TORTURE RETURNEES

(By Heinz-Rudolf Othmerding)

NEW DELHI.—When Kuldeep Singh, 21, a Sikh from the northern Indian state of Punjab, stepped off an Aeroflot flight on May 28 in New Delhi, he was a healthy man.

Two days later, Mr. Singh was dead. Upon inspection, his body bore signs of torture.

Mr. Singh sold flowers in a township near Duesseldorf, Germany, and was not a particularly politically minded man. Seeking only the affluence of the West, he lived in Germany illegally until he was discovered, denied asylum and forced to return to India.

What in Germany was a routine legal procedure ended in his death in India. Officials blackmailed first Mr. Singh and then his family.

Despite denials by the Indian police, Western and Indian human rights activists are convinced that Indian deportees returning home after their applications for asylum are rejected abroad are often arrested, tortured and blackmailed.

And if the victim's relatives cannot scrape together the money demanded by corrupt officials, the deportee might even face death.

"If you come back after years in Germany, then the assumption is that you must have either accumulated a lot of money yourself or transferred it to your family in India," says Ravi Nair, a well-known Indian human rights activist.

Shamsher Singh, another deportee from Germany, probably has a Stuttgart-based aid organization and a German journalist in India to thank for his well-being.

The German organization gave him enough money to cover the bribe that officials were likely to demand, and the journalist managed to retrieve him from the airport.

When Shamsher Singh was finally allowed to leave the airport with the journalist on Aug. 19, he had already encountered both intelligence and immigration officials. Only the money he brought helped him escape torture, the Punjabi said later.

A Cologne-based lawyers group has been waiting since Sept. 1 for news from Joginder Singh, also deported from Germany.

Mr. Singh, who was active in the Sikh separatist movement, had been refused asylum in Germany for the first time in 1992 and deported to India. According to the lawyers, airport police let him go that time after extorting 50,000 rupees, then about \$1,500, from him.

Mr. Singh subsequently resumed his political activities in Punjab but fled to Germany again after being arrested and tortured. After his second deportation, he vanished without a trace.

Several European states like Denmark or Switzerland introduced checks to ensure the safe arrival in India of deportees from those countries.

Embassy staff or Indian contacts, mostly human rights activists, are asked to monitor the arrival in India of unsuccessful applicants for political asylum in the two countries.

But there is no such system for deportees returning from Germany. Sources at the German Embassy in New Delhi say they hear of deportations only sporadically.

Deportation procedures are not centralized in Germany, they say, so every city or district can deport people through any third country.

However, problems are mounting. At the end of 1993, there were 36,000 Indians living in Germany, of whom at least 10,000 were under orders to leave the country. Of 12,266 applications for asylum in 1993, only six were successful.

Mr. Nair, the Indian human rights activist, suspects that the Indian Embassy in Bonn alerts airport authorities and the Punjab police the minute it issues the documents to deportees.

They are awaited in Bombay or New Delhi, and arrest, torture and blackmail frequently follow.

#### SUBSIDIES TO PROVIDE RESOURCES TO THE WEST

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 20, 1994

Mr. MILLER of California. Mr. Speaker, as my colleagues know, one of the things which most angers people is government waste and inefficiency. We're constantly told that "government ought to be run more like a business."

One of the most inefficient parts of the Federal Government is the series of subsidies that we—the taxpayers—provide to resource industries in the West.

Last month, the majority staff of the Subcommittee on Investigations and Oversight of the Committee on Natural Resources finished a report which looked at those subsidies. That report raised a number of questions, questions which were echoed in an editorial in the Washington Post on September 1, 1994. I am placing that editorial into the RECORD and urging my colleagues to read it. It is long past time to bring these subsidies into the modern era.

[From the Washington Post, Sept. 1, 1994]

#### TAKINGS AND 'TAKINGS'

There's been a lot of debate in this Congress about takings law: At what point does government regulation of the use of private property constitute a "taking" for which the government ought to pay? It's an interesting question. The majority staff of the House Committee on Natural Resources has issued a report that seeks to take advantage of the currency of the argument by extending the concept of takings to the subsidies that the natural resources industries in the West continue to receive from the taxpayers. This is artful, and a little finely wrought. But apart from the question of whether the two subjects really do belong on the same page, the kind of "takings" the report discusses are well worth being concerned about.

Most of the subsidies are in the form of below-market rates for the use of federal resources. They were introduced in an era when the West was empty and it was federal policy to develop it. Now the greater need is often to conserve the resources that the subsidies threaten. The report is a call to Congress to rationalize a set of policies that have often outlived their original purposes and become uncoordinated giveaways.

The committee document notes that in passing the Federal Land Policy and Management Act of 1976, itself a major step forward, Congress declared it to be federal policy that "the United States shall receive fair market value of the use of the public lands and their resources unless otherwise provided for by statute." The implication was the subsidies should become the exception, but in fact in most cases they have remained the rule.

The classic example may be the Mining Law of 1882, still mostly intact with regard to hard-rock mining though no longer to the extraction of oil and gas and other energy resources, which have been split off. The Senate passed a weak reform bill and the House a strong one last year. The legislation has been caught up in an inconclusive conference ever since. It isn't clear what kind of bill, if any, can emerge. If none does, large mining companies will continue to have access to enormously valuable mineral deposits under federal land for only token fees and without full responsibility for the damage they do to the environment.

It's an indefensible system that Congress would never enact today—no one would even propose it—yet Congress can't muster the votes to uproot it. The same is true in varying degrees with regard to grazing rights on federal land, the extra water that the government stores behind its dams and sells at cut rates to irrigators in the western desert and the timbering programs on federal lands.

There aren't good data on the value of these subsidies, the committee report says, and even less is known about their distribution. The subsidizing agencies need to do

more to compile this, but it isn't clear they regard such information as in their interest. The data would help make better sense of the policies—for example, by eliminating contradictions. The government now sells low-cost water to some western irrigators so that they can grow surplus crops on which the government, meaning the taxpayer, then pays further subsidies in the form of price and income supports. How much sense does that make?

There's talk of targeting other government spending so that benefits decline as income rises. Should the same thing happen with these? Why not?

#### SPINA BIFIDA

### HON. BILL K. BREWSTER

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 20, 1994

Mr. BREWSTER. Mr. Speaker, I would like to bring to the attention of my colleagues crucial information about spina bifida, the No. 1 disabling birth defect in the United States, affecting 1 in every 1,000 newborns. Spina bifida is a birth defect resulting from the failure of the spinal column to properly close during the first month after conception.

Mr. Speaker, spina bifida is a serious disability manifested by varying degrees of paralysis, loss of sensation in the lower limbs, bowel and bladder complications, learning disabilities, latex allergies, and hydrocephalus, a condition involving accumulation of fluid in the brain. Due to medical research and surgical interventions, a majority of individuals born with spina bifida live a normal life span. However, the problems of spina bifida continue throughout the life cycle with impact in education, labor, justice, and health and human services. Extensive and expensive medical, psychological, and educational therapy is necessary to ensure an independent and fulfilling life.

Mr. Speaker, there is great news in the prevention of spina bifida. The U.S. Public Health Service, of which the Centers for Disease Control and Prevention is an agency, published a recommendation that "all women of childbearing age should consume 0.4 mg of folic acid in order to reduce their risk of having a child born with spina bifida and other neural tube defects". However, the epidemic of folic acid-preventable spina bifida continues essentially unabated in spite of the Public Health Service recommendation, which if implemented, would prevent all of the folic acid preventable spina bifida cases in the country. There are approximately 60 million women in the United States, of which 6 million can become pregnant, and 4 million do become pregnant each year. Through education and appropriations, we can play an influential role in preventing this No. 1 disabling birth defect.

Mr. Speaker, October has been traditionally designated as National Spina Bifida Prevention Month. But this designation is only intended to remind us of the importance of year-round activities to educate the American people about spina bifida and the impressive work of private and public health officials in treating spina bifida. In alerting the public to the simple measures necessary to prevent this defect, we

will make important inroads in reducing the occurrence of spina bifida.

#### TRIBUTE TO DAVID B. HARSHBARGER

### HON. CHRISTOPHER COX

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 20, 1994

Mr. COX. Mr. Speaker, I rise today to recognize David B. Harshbarger, who is retiring from his post as marine department director of the city of Newport Beach, CA.

Born in Portland, OR, and raised in southern California, David Harshbarger has devoted his life to preserving the lives of others. He has served the residents and visitors of Newport Beach for more than three decades. Dave began his distinguished career as a seasonal lifeguard in 1958, but moved quickly through the ranks within the department, eventually becoming the director in 1976—the top position responsible for overseeing the number of men and women who keep our southern California beaches safe and protected.

Mr. Speaker, it is with great pleasure that I ask my colleagues to join with me in honoring David B. Harshbarger. It is fitting that all of us join with the family, friends, and the community of Newport Beach, CA, in recognizing his lifelong service and dedication to public safety.

#### NATIONAL RADIO RESPONSE TO THE PRESIDENT

### HON. BOB LIVINGSTON

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 20, 1994

Mr. LIVINGSTON. Mr. Speaker, this past weekend, Minority Leader BOB MICHEL gave me the honor of making the official Republican response to the President's weekly radio address. The subject was the impending invasion of Haiti. I thank the Leader, and I include that address for the RECORD:

Hello, this is Congressman BOB LIVINGSTON of Louisiana.

The President has made an impassioned argument for why the United States is invading the tiny island of Haiti. He has been eloquent in affirming America's desire for democracy and freedom.

Unfortunately, his case is not strong. The U.S. national interests are still not clear—if in fact they exist at all—and certainly not clear enough for us to put at risk the prestige of the U.S. military or, more importantly, the lives of our service men and women.

Now I'll take a back seat to no one in my advocacy of democracy. If I had the power to quickly make Haiti democratic, I would. But I can't, and neither can the President.

Ensuring a stable democracy in Haiti is especially troublesome. Mr. Jean-Bertrand Aristide, to whom President Clinton intends to hand the reigns of power, is neither a saint nor a particular friend of the United States. In fact, he is a radical Leftist who has spewed anti-American venom for years, and the CIA reports that he is unstable. Even worse, he has shown brutal dictatorial ten-

dencies of his own, contrary to the standards of the entire civilized world.

I am speaking of his statements promoting the use by his followers, against their opponents, of a terroristic torture called "necklacing," which involves putting a gasoline-filled tire around someone's neck and lighting it on fire. It is barbaric. Yet Aristide said in a speech to followers in Haiti before he was thrown out—and I quote—that it is "cute, it's pretty, it has a good smell." And in another speech, to student supporters, he said: "You will have to use it when you must."

Support for this fanatic is just not in America's national interest. And yet President Clinton is putting him back into power by force of arms with American troops. This could be one of the most foolish acts of foreign policy of the last century.

But even if Mr. Aristide were more to our liking, Haiti still would be a quagmire not worth hundreds of millions of dollars of our tax money, much less American lives. It's not important strategically; it has no history or tradition of democracy, and its culture has proven resistant in the past to lengthy American efforts at nation-building.

I recall my own experience in 1963 aboard a United States Navy aircraft carrier, steaming for 2 months off the coast of Haiti after riots broke out against the dictator Papa Doc Duvalier. Half a century before that, United States troops invaded Haiti, and it took them 19 years to get out.

On neither occasion did our military involvement do any sustained good for the poor people of Haiti.

The President ignores this history. Instead, he says that our action in Haiti is just like the action President Reagan took when we kicked out a band of revolutionary Communists from Grenada in 1983. Nothing could be further from the truth, and the failure of President Clinton to understand the difference raises deep questions about his foreign policy judgment.

In Grenada, there was a Communist coup d'etat which murdered the ruling tyrant and threatened the lives of dozens of American medical students. Meanwhile, the Soviets and Cubans were busy building a major military air strip on Grenada, and planning to make the island into a Soviet submarine base. It was part of their cold war "master plan" to export Communist revolution throughout the Caribbean Basin and Central America.

Stopping those plans and rescuing our students provided compelling reason to send in our troops, and the people of Grenada welcomed us with open arms as heroes. None of those reasons apply in Haiti, which threatens no other country and is part of no master plan.

Make no mistake; it should not be hard to quickly overpower Haiti's meager armed forces. The problems will come later, when we try to maintain order in an unstable country. And mark my words, it will take a long time. Attacks with machetes to the throats of our soldiers, knives or screwdrivers in the ribs, voodoo-like attacks, all have been promised by Haitian thugs who will blend into the towns and countryside between intermittent acts of terrorism.

I support our troops, and so should we all. But in the case of Haiti, the best support we can give them is not to put them in harm's way for no good reason. That's why I truly hope the Carter-Powell-Nunn mission will be successful. But if it's not, I ask President Clinton now, as I have asked for more than a full year; How will you explain to the

mother of even one young American in uniform that Jean-Bertrand Aristide's restored Haitian throne is worth her son or daughter being carried home in a body bag?  
Thank you for listening.

CONGRATULATIONS TO "WHO'S WHO" INDUCTEE APRIL CHRISTINA LOWERY

**HON. JAMES E. CLYBURN**

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 20, 1994*

Mr. CLYBURN. Mr. Speaker, I rise today to congratulate April Christina Lowery of Florence, SC, who's biography has been accepted for publication in the 20th annual edition of Who's Who Among American High School Students.

According to Who's Who, only 5 percent of the students from the Nation's 22,000 high schools are honored in Who's Who each year, so Miss Lowery should be commended for her achievement.

Miss Lowery, the 14-year-old daughter of Ulysses and Charlene G. Lowery, and the sister of Leonard R. Lowery, is currently a sophomore at Wilson Senior High School in Florence, SC.

She is the recipient of President Clinton's Presidential Academic Fitness Award, a Wofford College Academic Award for Gifted and Talented Students, Duke University's Mathematically and Verbally Gifted 7th Graders Award, the George Grice 8th Grade Scholar Award, a 9th grade academic award and an athletic award for track at Wilson Senior High School. Miss Lowery is also a member of the Wilson Senior High School Marching Band.

Miss Lowery has been nominated to attend the Governor's School of Math and Science at Coker College in Hartsville, SC. She was also nominated to participate in Youth Leadership 94 at Columbia College in Columbia, SC.

Miss Lowery has traveled in Europe, visiting France, Italy, and Switzerland. She is a member of the Girl Scouts of America, Teen Institute, Top Teens of America, and the National Junior Honor Society. Miss Lowery also is a member of Trinity Baptist Church, where she serves on the intermediate usher board, sings with the intermediate choir, and is active in the Junior Missionary Society.

Mr. Speaker, I commend Miss Lowery on her many outstanding accomplishments and activities, and wish her the best as she continues her formal education.

IN HONOR OF THE MARY T. NORTON CONGRESSIONAL AWARD RECIPIENTS

**HON. ROBERT MENENDEZ**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 20, 1994*

Mr. MENENDEZ. Mr. Speaker, I rise today before the House of Representatives to pay tribute to Patricia T. Carbine, Joan M. Quigley, and Josephine Wozniak, this year's recipients of the Mary T. Norton Congressional Award.

This prestigious award, sponsored by the United Way Partners in Caring, will be awarded at their 59th annual campaign kickoff luncheon on September 28, 1994.

The United Way of Hudson County which was founded in 1935, works to meet human service needs with the help of a staff of professional volunteers, including approximately 1,100 corporate, labor, government, and civic leaders.

The United Way initiated this award in 1990 in recognition of Congresswoman NORTON's commitment to human services. This award recognizes women who have made an outstanding effort in furthering the success of the United Way programs in our community and nationwide. The award, a golden bronze eagle, symbolizes the spirit of United Way which exemplifies the idea of "People helping People."

Patricia T. Carbine, a native of Villanova, PA, and current resident of New York City is the cofounder of Ms. magazine and has served as its publisher and editor in chief for 16 years. Ms. Carbine is a director of the New York Life Insurance Co. as well as a member of the advisory board of the Lubin Schools of Business, Pace University, the Girls Club of America, and a director of the United Ways of Tri-State. Ms. Carbine is the first woman to chair the Advertising Council and also serves as a director of Advertising Women of New York.

Joan M. Quigley holds a master's degree in public administration from Rutgers University and graduated summa cum laude with degrees in urban studies and sociology from St. Peter's College. She has been actively involved in the efforts of the Red Cross, the Boys and Girls Club and the United Way of Hudson County. Ms. Quigley is the host of several Jersey City Cable TV programs such as, "Report From Trenton" and "Jersey City's Ten Most Wanted." Recently, Ms. Quigley has been elected to the New Jersey General Assembly representing the 32d legislative district.

Josephine Wozniak has been described as a "community activist, leader, fundraiser, and volunteer extraordinaire." Ms. Wozniak served the American Red Cross from 1974-87 and received the Red Cross Volunteer Award in 1978. In 1989 Ms. Wozniak received the United Way Merit Award. Ms. Wozniak has demonstrated her concern for her fellow citizens through her activities. She is a den mother for the Bayonne Boy Scouts, she is a religious instructor, and works for the hotel industry.

These three individuals, the United Way and all of the volunteers of America should be commended for their relentless self-giving and dedication to serving the needs of their fellow Americans. I salute them today and wish them luck in their future endeavors.

HONORING CLARENCE CONES OF PORTER, TX, FOR A MILLION MILES OF SAFE DRIVING

**HON. JACK FIELDS**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 20, 1994*

Mr. FIELDS of Texas. Mr. Speaker, I rise briefly today to honor a constituent of mine, Mr. Clarence Cones of Porter, TX.

Mr. Cones is a long-haul trucker—one of those professions that has long been romanticized and idealized in song. In reality, Mr. Cones' profession is one of long hours, erratic schedules, and extended time away from home and loved ones—as he knows better than you or I. Because long-haul truckers spend so much of their time on the road, theirs can also be a dangerous profession.

Roadway Express, Inc., Mr. Cones' employer, contacted me recently to inform me that company officials had recently recognized Mr. Cones for reaching a significant milestone in his professional career: driving more than 1 million miles without being involved in a preventable accident.

Such an amazing accomplishment is a testament to Mr. Cones' professional approach to driving, and it is a milestone attained by only a very select few of the very best of the Nation's professional drivers. I hope you will join with me, Mr. Speaker, in congratulating Clarence Cones of Porter, TX on this accomplishment—and in wishing him a million more accident-free miles on America's highways.

Thank you, Mr. Speaker.

TRIBUTE TO THE HONORABLE JAMIE WHITTEN OF MISSISSIPPI

**HON. NICK J. RAHALL II**

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 20, 1994*

Mr. RAHALL. Mr. Speaker, it is a privilege to rise in tribute to a great American, whom I am proud to call friend, mentor, and colleague, the Honorable JAMIE WHITTEN.

There are many tales that have been told, and will be retold many times over, about the dedication and hard work that has permitted this able statesman to achieve the heights of public service that he has achieved in his more than 53 years in the House of Representatives.

Justly so, we who are JAMIE WHITTEN's colleagues speak in voices tinged with awe, and with pride, when we speak of the many benefits that have flowed from the unprecedented half-century of public service of our friend from Mississippi.

For over five decades, Chairman WHITTEN has served with distinction, presiding over appropriations where every dollar appropriated to be spent was over a good cause, whether to feed and educate hungry and disadvantaged children, or help communities grow and their citizens to have a better quality of life. His long service on matters fiscal and economic has been crucial to our Nation, and has brought a sense of stability and continuity to the legislative process.

Throughout his career—which began with President Franklin Roosevelt and lasted through 10 Presidents in all and 7 Speakers of the House—JAMIE WHITTEN has never backed away from a battle, and he hasn't lost many either. He has waged and won his own battles and entered many others not of his making, and he won them too. Because of his fighting spirit, he served his own constituency and ours, whether it was putting rural electrification programs in Mississippi or flood control projects in West Virginia.

Among many, there are two programs that are, and have for many years been, extremely important to West Virginia's economic welfare—and they are the Appalachian Regional Commission and the Economic Development Administration, known as ARC and EDA. Chairman WHITTEN has always been one of their most enthusiastic supporters, and for many years without his leadership as chairman of the Appropriations Committee, these two critically needed programs would have expired. They survived and continued to serve the needy because of JAMIE WHITTEN's personal, strong fight to preserve them. The ARC and EDA have survived since 1982 through the appropriations process alone—and they remain, viable resources in areas of economic distress throughout the Nation, helping boost the economies of high unemployment and low per capita income States like mine and like his own Mississippi. I say, again, thank you, Mr. Chairman.

Chairman WHITTEN has always been an inspiration to me because of his wealth of knowledge, his mastery of the appropriations process, and his understanding of the workings of this House. He is a legend in his own time, and I join my colleagues in paying him very special tribute.

**A SALUTE TO JACK REIHL, WISCONSIN STATE AFL-CIO PRESIDENT**

**HON. GERALD D. KLECZKA**

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 20, 1994*

Mr. KLECZKA. Mr. Speaker, I rise today to pay tribute to one of my home State's most dedicated union leaders, Jack Reihl. Jack has announced he will retire this October as president of the Wisconsin State AFL-CIO, a post he has held with distinction since 1986.

Jack has been involved with labor since his days at the LaCrosse Rubber Mills, as a member of the United Rubber Workers Local 14. He is also proud of his membership in the Carpenters Local 1143. In addition, he served as a Construction Manager for the U.S. Department of Commerce under President Lyndon B. Johnson.

He also has experience as an elected official in Wisconsin, serving on the LaCrosse city council, and was later elected president of that body.

Most recently, Jack has been an invaluable asset to me and the other members of the Wisconsin congressional delegation. He has been a trusted ally and the source of labor's valuable insight into the many challenging issues facing our Nation. He has always been frank, honest, and candid with his opinions.

Over the years, despite the loss of manufacturing jobs and declining union membership throughout the country, Jack has successfully maintained the number of union brothers and sisters in Wisconsin, which is no small accomplishment.

Mr. Speaker and colleagues, I rise to acknowledge and pay gratitude to Jack Reihl for his numerous contributions to my State's working men and women. I also rise to wish him a happy and fulfilling retirement.

After all these years, he certainly deserves this time to enjoy himself and spend time with his family. Hopefully, his days will be filled with hunting and fishing excursions, and I sincerely hope the big ones won't get away.

**TRIBUTE TO RETIREES OF STERLING HEIGHTS FIRE DEPARTMENT**

**HON. SANDER M. LEVIN**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 20, 1994*

Mr. LEVIN. Mr. Speaker, on Friday, September 23, I will be privileged to be in attendance as the Sterling Heights Fire Fighters Union Local No. 1557 honors its 1994 retirees.

The nine firefighters to be honored at the annual dinner-dance of Local No. 1557 have over 235 years of firefighting experience between them. These individuals include captains, battalion chiefs, lieutenants, fire chiefs and an ALS coordinator.

Many of these gentlemen have received letters of commendation for acts of heroism and actions above and beyond the call of duty.

All of them have earned the appreciation and respect of their community. Repeatedly over the past three decades, each of them has unselfishly risked his life to protect the safety and property of Sterling Heights' residents. For this dedication, and uncommon valor, I join my neighbors in saluting them on the occasion of their retirement.

Mr. Speaker, I mention each individual firefighter's name and years of service today so that all Americans will know of their tremendous contribution and commitment to the people of Sterling Heights and surrounding communities.

Captain Warden Asher, hired as a fireman on September 26, 1969.

Captain Irving R. Droste, hired as a fireman on September 27, 1965.

Fire Chief Kenneth L. Durham, hired as a fireman of August 23, 1971.

Lieutenant James Hasse, hired as a fireman on August 23, 1971.

ALS Coordinator Frank Kaczmarek, hired as a fireman on August 23, 1971.

Captain William L. Konas, hired as a fireman on September 26, 1969.

Captain Reynold Dean Meisegeier, hired as a fireman on September 17, 1966.

Battalion Chief Stanley Poterek, hired as a fireman on June 1, 1964.

Lieutenant William Tepper, hired as a fireman on August 3, 1969.

Mr. Speaker, I pay tribute to these gentlemen and will be extremely honored to be in attendance as their families and peers salute them.

**THE HAITIAN CRISIS**

**HON. WILLIAM O. LIPINSKI**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 20, 1994*

Mr. LIPINSKI. Mr. Speaker, today I would like to thank and commend former President

Jimmy Carter, Senator SAM NUNN, and retired General Colin Powell for their mission to Haiti and the tremendous success of their negotiations. I am extremely grateful to them for avoiding a full-fledged invasion which I emphatically opposed.

We never should have planned to invade Haiti. There are numerous trouble spots in the world and the United States simply cannot play the role of global cop. Not one valid reason exists to justify our interference in the affairs of this tiny Caribbean nation. They pose absolutely no threat to our Nation.

I fear that we may come to regret our role in forceably returning President Aristide to power. Based on his history, I question both his stability and his commitment to human rights.

I would like to state, however, that with the current situation as it is, I support our American troops and the efforts they will undertake in creating a stable environment for President Aristide's return. But let me remind my colleagues that we now have 15,000 American lives in harms way with no deadline for their return to safer soil. In addition, their presence in Haiti will be an enormous expense for the American people, most of whom do not support this initiative.

I now call upon the President to let the American people know how long this endeavor will last. When will our soldiers return home? If the President will not set a deadline, then I call upon Congress to pass a resolution which will set one for him.

Furthermore, hearings should be conducted. One, Congress needs a better understanding on how we almost came to the point of an invasion. Two, these hearings should provide a full account on the details of the agreement that President Carter, Senator NUNN, and General Powell reached with Lt. Gen. Cedras, Brig. Gen. Biambly, and Lt. Col. Francois. The October 15 deadline appears too lenient when dealing with men President Clinton once accused as being murderers, rapists, and overall thugs. And three, I want to know the full cost of this operation. With so many issues demanding our attention at home, we can ill-afford to occupy another country for an indefinite amount of time when there is no justifiable reason to do so.

Mr. Speaker, again I would like to express my deep appreciation to President Carter, Senator NUNN, and General Powell for all their efforts in convincing Lt. Gen. Cedras and his cohorts to remove themselves from power and thus avoiding a U.S. invasion.

**TRIBUTE TO LEONARD REID**

**HON. HOWARD L. BERMAN**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 20, 1994*

Mr. BERMAN. Mr. Speaker, I am honored to pay tribute to Leonard Reid, a man who truly defines the meaning and spirit of community leadership. Leonard's busy professional life—he is an audiologist with a practice in Van Nuys—has not prevented him from becoming involved in a range of activities and causes, including the Haven Hills Shelter for Abused

Women and Children and the Van Nuys High School Key Club. Most recently, Leonard was honored for his tenure as president of the Van Nuys Kiwanis Club.

As his résumé attests, Leonard has special feelings for young people. He has participated in many projects that are designed to bring happiness to the lives of children and teenagers. These include the Delano Community Center Halloween party, the Angels for the Children Christmas gift drive, the Sylvan Park children's Christmas party, and the Tri-Valley Special Olympics. In addition, Leonard contributed food and clothing to the San Fernando Valley Child Guidance Clinic.

Leonard even manages to combine his social life with his community activism. An avid sailor, Leonard participated in the white elephant sale for funds for the Victory Outreach Program and was involved with recreational sailing and other projects to support the group Children of the Night. Leonard is always thinking about what else he can do to help.

The Van Nuys Kiwanis Club was the most recent beneficiary of his time and talent. During his tenure he improved the membership, commitment, and scope of the organization.

I ask my colleagues to join me in saluting Leonard Reid, a man with a big heart and the energy to match.

#### TRIBUTE TO WILLIAM KNAPP AND SHEILA KNISS-KNAPP

##### HON. BOB CARR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 20, 1994*

Mr. CARR of Michigan. Mr. Speaker, I appreciate this opportunity to extend my congratulations to William Knapp and Sheila Kniss-Knapp, on the occasion of the Frank J. Hecox house receiving recognition in the National Register of Historic Places.

We are here to celebrate the splendor and originality that Frank Hecox utilized in choosing this architectural design. With its seven gables and straight slope mansard roof, the Hecox house is a highly unusual example of Second Empire architecture. This is the only known brick Second Empire structure extant in all of Howell Township and therefore is a rare example of architectural style for the region.

Today, the Hecox house is juxtaposed against a background of modern industry. The 74-acre farm that originally supported Frank J. Hecox has been sold. But, as our society evolves to encompass new ideals and technology, we have not forgotten the historical importance and beauty that the Hecox house has provided to this community.

We owe a debt of gratitude to William Knapp and Sheila Kniss-Knapp for their perseverance throughout the long and arduous process of restoring the Hecox house to its original condition. Your efforts in securing recognition on the National Register of Historical Places will ensure that future generations are able to enjoy the history and splendor of this house.

Please join me in recognizing the accomplishments of William Knapp and Sheila Kniss-Knapp and in wishing them the best of luck in the years to come.

#### TRIBUTE TO EDWARD F. DOONAN

##### HON. JACK REED

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 20, 1994*

Mr. REED. Mr. Speaker, I rise today to salute a distinguished young man from Rhode Island who has attained the rank of Eagle Scout in the Boy Scouts of America. He is Edward F. Doonan 3d, of Troop 15 in Warwick, RI, and he is honored this week for his noteworthy achievement.

Not every young American who joins the Boy Scouts earns the prestigious Eagle Scout Award. In fact, only 2.5 percent of all Boy Scouts do. To earn the award, a Boy Scout must fulfill requirements in the areas of leadership, service and outdoor skills. He must earn 21 Merit Badges, 11 of which are required from areas such as Citizenship in the Community, Citizenship in the Nation, Citizenship in the World, Safety, Environmental Science, and First Aid.

As he progresses through the Boy Scout ranks, a Scout must demonstrate participation in increasingly more responsible service projects. He must also demonstrate leadership skills by holding one or more specific youth leadership positions in his patrol and/or troop. This young man has distinguished himself in accordance with these criteria.

For his Eagle Scout project, Edward cleaned up the grounds of a historical cemetery off West Shore Road in Warwick, RI.

Mr. Speaker, I ask you and my colleagues to join me in saluting Eagle Scout Edward F. Doonan 3d. In turn, we must duly recognize the Boy Scouts of America for establishing the Eagle Scout Award and the strenuous criteria its aspirants must meet. This program has through its 84 years honed and enhanced the leadership skills and commitment to public service of many outstanding Americans, two dozen of whom now serve in the House.

It is my sincere belief that Edward F. Doonan 3d will continue his public service and in so doing will further distinguish himself and consequently better his community. I join friends, colleagues, and family who this week salute him.

#### TRIBUTE TO SPRINGFIELD COLLEGE LACROSSE

##### HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 20, 1994*

Mr. NEAL of Massachusetts. Mr. Speaker, today I would like to pay tribute to Coach Keith Bugbee and the young men of the Springfield College Chiefs men's lacrosse team, for their outstanding victory, over the New York Institute of Technology, to win the 1994 NCAA Division Two Men's Lacrosse Title. Their thrilling 15-12 triumph over NYIT this past May avenged an earlier season loss to Tech and capped off an impressive 12-2 campaign. This championship was a special event for not only Springfield College but for the entire Springfield area. It was the first ever

National Championship for the Chief's lacrosse team and the first for Springfield College since 1977.

This extraordinary accomplishment was the culmination of a year of hard work and dedication by Coach Bugbee and his athletes. The team was led by senior cocaptain, Bob Felt, who was named Division II Player of the Year, by the U.S. Intercollegiate Lacrosse Association [USILA]. Bob was also named the USILA "Midfielder of the Year" and to the Division II All-America first team. Joining him on the First All-America team were defensemen Keith Flanigan and Brad Jorgensen. Keith was also selected as the Division II "Defenseman of the Year". Second team All-America honors went to goalie Sean Quirk, who anchored an outstanding defense that held opponents to under eight goals per game. Finally three Chiefs, attackman Mark Anastas, and midfielders Nick Savastano, and Mark Theriault received honorable mention All-American recognition. Theriault was also named "Outstanding Player" of the championship game.

Coach Bugbee was named USILA Division II "Coach of the Year" This accolade, along with the championship, was added to a long list of accomplishments he has made during his tenure at Springfield College. His career record, at Springfield, is 112 wins and 51 losses, (68.7 winning percentage), in 12 years. Seventeen of his players have earned All-America honors and under his direction, Springfield College has developed into one of the premier lacrosse programs in the Nation.

Along with the people of the 2d District, I wish to congratulate Coach Bugbee and his team on this spectacular victory. We salute you as National Champions, a title that you proudly wear. I am honored to be associated with your team and school and I wish you the very best as you embark upon the 1995 season and the defense of your crown. Good luck.

#### CONGRATULATIONS TO THE POLISH AMERICAN CONGRESS—INDIANA DIVISION

##### HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 20, 1994*

Mr. VISCLOSKY. Mr. Speaker, it is my distinct honor to congratulate the Polish American Congress—Indiana Division on September 25, 1994. This day marks the festive occasion of its 50th anniversary banquet at the Salvatorian Father's Hall in Merrillville, IN, and con-celebrated mass conducted at Our Lady of Czestochowa Shrine.

Founded in 1944, the Indiana Division of the Polish American Congress was organized after the national convention in Buffalo, NY. Over 50 Hoosiers attended and participated in the creation of the Polish American Congress. In this historical moment of reflection, I am proud to honor the contribution and leadership of the Indiana Division's first president, Mr. Walter Tolpa, who held the position from 1944 to 1949. Currently, Mr. Steve Tokarski, who has been in this position since 1979, is the longest reigning president of the Indiana Division. Moreover, Mr. Tokarski also served for 8

years as a national vice-president of the Polish American Congress. Never before had a Hoosier served in this capacity.

The Polish American Congress has two major goals: to fight for a free and democratic Poland; and to promote and support Polish Americans, politically, culturally, educationally, and professionally. The Polish American Congress—Indiana Division strives to retain the rich history of Polish heritage in an effort to educate the community about its distinguished triumphs. During the con-celebrated mass, the Polish American Congress—Indiana Division, will commemorate the veterans of Polish descent from the Polish and American services who fought in the 50th anniversaries of Monte Casino, Normandy, and the Warsaw uprising. By recognizing these historical events, the Polish community's pride is reinforced while, at the same time, the rich cultures of the United States and Poland are united.

I would also like to highlight several monumental milestones the Indiana Division of the Polish American Congress has accomplished in the past 50 years. This particular division assisted tens of thousands of Polish immigrants to settle in Indiana after World War II and initiated Federal legislation which granted Polish Allied Army veterans medical and hospital assistance in 1971. In 1978, the segment of Interstate 65 within Lake County, IN, was designated by the Indiana General Assembly as the "General Casimir Pulaski Memorial Highway." Furthermore, the Indiana Division established its Solidarnosc Festivals to promote Polonia as well as to assist the children of Poland.

I am proud to commend every member of the Polish American Congress—Indiana Division for their loyalty and radiant display of passion for their ethnicity, as well as their many achievements. After over a half century of struggle and suffering, these northwest Indiana residents can join the people of Poland in participating in a rebirth of a free and democratic Polish Republic. May this 50th anniversary celebration prove to be most joyous.

TRIBUTE TO MAJ. GEN. ROBERT MOORHEAD

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 20, 1994

Mr. JACOBS. Mr. Speaker, I insert in the RECORD the following articles from the Harrison Post, August 25, 1994 edition. The Harrison Post is the Fort Benjamin Harrison newspaper.

One could say that the articles are self-explanatory. But in another sense, explaining Maj. Gen. Robert Moorhead is nearly impossible. Who can explain a person so public spirited, so devoted to duty, so self-sacrificial, and so kind as this great and good man? He is truly one of God's noblemen.

And like other people of enormous talent and accomplishment, Bob Moorhead is modest and soft spoken. It is said that big things come in small packages. Bob Moorhead is no small package. His physique would have to be large in order to contain that big heart. So it

is better to say that this blazing and kindly talent comes in a quiet and respectful package.

When I think of General Moorhead, I think of none less than George Washington and George Marshall, both soldier-statesmen. There is a saying in our Hoosier State, "Ain't God good to Indiana." God was good to Indiana and the United States of America when we were given this wonderful man and his wise and good wife, Maggie.

[From the Harrison Post, Aug. 25, 1994]

POST HONORS MAJ. GEN. ROBERT MOORHEAD

In a special ceremony on the Lawton Loop parade field at 9 a.m. Friday, the Fort Benjamin Harrison community will honor retired National Guard Maj. Gen. Robert Moorhead, a citizen soldier, community leader and soldiers' advocate. Throughout his 55-year association with Fort Harrison, Moorhead has been a staunch supporter of the community and its soldiers. He is also a respected businessman, veterans advocate, and community leader in Indianapolis.

For more on this extraordinary individual, his accomplishments and his philosophy see related stories pages 7 through 10.

[From the Harrison Post, Aug. 25, 1994]

FRIDAY'S HONOREE SHARES THOUGHTS

Bob Moorhead speaks:

Last week, the retired National Guard major general, successful businessman, and long-time supporter of Fort Benjamin Harrison, Robert Moorhead took a few moments to talk to The Harrison Post about his life and philosophy.

HP: You have a long association with Fort Benjamin Harrison. How far back does that go?

Moorhead: They used to have a program called the Citizens Military Training Camp (at Fort Harrison). It was 30 days of training. All they paid was your room and board and your transportation to and from the post. In 1939 I graduated high school and applied for CMTC.

If you attended CMTC for four years and took some correspondence courses, at the end of four years you'd be eligible for a lieutenant's commission. Soldiers from the 11th Infantry served as cadre. The (officers) came from a reserve officer regiment (Army Reserve organizations that were organized as regiments, but had no enlisted personnel assigned). The training included close order drill, field sanitation, basic map reading and basic rifle marksmanship.

HP: What was Fort Harrison like back then?

Moorhead: It wasn't that crowded a post back then. You didn't have nearly the number of people you do now.

A lot of the houses on Lawton Loop had first lieutenants and captains living in them. There were only one or two colonels on the installation at that time and no generals.

The current post headquarters was a hospital and the Harrison House was nurses quarters.

The most interesting thing is that where Building 1 is now was an airfield. There was a big old metal hanger there that looked like an oversized Quonset hut . . . and they had a lot of biplanes flying out of there.

HP: With your long association with the fort, how did you respond to the announcement that the fort was going to be closed?

Moorhead: I was very disappointed. I was chairing a committee (for the Indianapolis Chamber of Commerce) that was trying to keep it open \* \* \* As long as it was the home of the Army dollar, there was no question

about the fort staying open. But when the finance center became a DoD (Department of Defense) activity, we knew we were swimming upstream (as far as saving the fort was concerned).

HP: How will you feel when Fort Benjamin Harris is closed?

Moorhead: I'll have a great sense of loss. I've been there many times on training exercises \* \* \* range firing \* \* \* the Indiana National Guard even had its military academy there for a number of years.

HP: As you think back on your service to Indianapolis and Fort Benjamin Harrison, what do you think your proudest accomplishments are?

Moorhead: I'm very pleased at having been able to serve in the military up through the position of commanding general of the 38th Infantry Division for a five year period. I also had a successful business career concurrently with my Guard career for 40 years. I guess the third thing is that I had an opportunity to work in community service and, in effect, return things to the community.

But my proudest accomplishment in the military was when I was elected to be the CEO (chief executive officer) for the national headquarters of AUSA (the Association of the United States Army). It gave me the opportunity to represent all the components of the Army. That really got me to see the Army as a total force worldwide. For a guy from the country, it was kind of interesting to get a job like that.

HP: What does Moorhead Day at the fort mean to you?

Moorhead: First of all, it was a very well kept secret until recently. (When Maj. Gen. Brooks told me about it) I was surprised and overawed \* \* \* that somebody would want to do something like that (for me). I don't feel I've done anything anybody else wouldn't have done had they had the opportunity. I'm really pleased and proud, but any number of other people should have had the same recognition. I feel like I'm representing that whole category of people.

HP: What do you think you'll be thinking when you review the troops one last time at the fort?

Moorhead: I'll probably think, "Gosh, 55 years ago I stood out there where they are." Secondly I'll think how good the soldiers in today's Army look, how professional they are, what a great institution the Army is, and what a great institution Fort Harrison is.

HP: What would you like to say to those troops as they're standing out there?

Moorhead: First I'd like to thank them for their service on behalf of their country. Secondly, I'd like to thank them for allowing me to be a part of the ceremony. I'd also like to congratulate them on their professionalism and dedication.

HP: Many have noted the special affinity you have, not just for the senior officers you routinely associate with, but for the average soldier. Where do you think you developed that?

Moorhead: When I commanded all those units in the Guard for all those years, I learned that you had to recognize the contribution of the individual. You have to take care of the troops first. That's my philosophy. The general's there, but he's only there because he has good troops.

HP: Is there anything you'd like to tell the Fort Benjamin Harrison Community as a whole?

Moorhead: I'd like to thank you for being a pillar of support to our total community. The institution has been a good corporate

citizen and the individual members of the community have been great private citizens.

[From the Harrison Post, Aug. 25, 1994]  
SCRAPBOOK OF A CITIZEN SOLDIER, COMMUNITY LEADER

(By Maj. C.S. Barnhouse, Public Affairs Officer)

Maj. Gen. Robert Moorhead began his extraordinary life in Orleans, Ind. September 4, 1921.

"I was raised by my grandparents out in the country (on a farm) about three miles west of Orleans," Moorhead said, explaining that his parents, who both worked in Indianapolis, felt small town Orleans was a better place to grow up.

"Orleans was a nice little farmer's community," Moorhead remembered, "the big business there was the feedmill, the grain elevator, and the creamery."

In his youth, Moorhead learned to hunt and fish in the hills around Orleans and was a substitute on his high school basketball team.

At the age of 18, Moorhead left Orleans, influenced somewhat by his father, who had served in the Indiana National Guard starting with the Spanish-American war, to participate in the Citizens Military Training Camp at Fort Benjamin Harrison.

"At the end of four years, if you attended annual 30-day summer training sessions and took a correspondence-type course, you were eligible for a commission," Moorhead explained.

Before Moorhead could complete the full program, however, World War II intervened. In 1942, upon his graduation from Indiana University with an associate's degree, he was placed in the enlisted reserve. In January, 1943, he was sent to Fort Benning, Ga. to attend Infantry Officers Candidate School.

"I didn't know any better," he said with a laugh of his decision to join the infantry. "But I'm glad I did."

Commissioned a second lieutenant later that year, Moorhead trained with the newly-formed 69th Infantry Division, but in June, 1944, he was sent to Europe as a replacement officer. In October he was assigned to the 115th Infantry, which had been decimated at Omaha Beach on D-Day and in subsequent fighting in France.

"I was among the third set of officers," Moorhead remembered.

He served with them throughout the remainder of the war and during the occupation of Germany. When his unit returned to the United States at the close of 1945, however, Moorhead stayed behind to be the administrative officer of a military government detachment.

Promoted to captain in May, 1946, he returned to the United States the following October and was released from active duty New Year's Eve.

Moorhead wasn't finished with the military, though. He joined the Indiana Army National Guard in 1948, serving in a variety of positions in the 151st Infantry Regiment and 38th Infantry Division, eventually rising to the rank of major general and commanding the division from 1971 to 1976.

After giving up command of the division, Moorhead returned to Fort Harrison where he maintained an office while serving as deputy commander, U.S. Army Training and Doctrine Command.

Maj. Gen. Moorhead, wife Maggie at his side, retired from the National Guard in June, 1978 during ceremonies on Lawton Loop.

While proud of his many accomplishments in the military, Moorhead said the high

point in his career was being elected president of the Association of the United States Army.

"It gave me the opportunity to represent all the components of the Army," he said. "That really got me to see the Army as a total force worldwide."

The citizen side of this citizen soldier is no less impressive than his military service.

Moorhead is known throughout the region for his volunteer work. He is a respected leader in Kiwanis, Boy Scouts, the American Cancer Society, and the Salvation Army, to name only a few.

To the soldiers of Fort Harrison, however, he is best known for his support for servicemen and women and veterans.

As past president, 500 Festival Associates, and chairman of the Indianapolis Armed Force Day Committee he has been instrumental in bringing to public light the capabilities and commitment of our armed forces.

As past chairman of the board, Indianapolis Veterans Day council, he has ensured that Hoosier veterans have gotten the recognition they deserve.

Friday, in a special ceremony on Lawton Loop, Fort Benjamin Harrison will pause to honor this very special soldier, citizen and friend.

[From the Harrison Post, Aug. 25, 1994]  
MAJ. GEN. ROBERT MOORHEAD: FRIEND OF THE POST, SUPPORTER OF SOLDIERS

(By Maj. Gen. Ronald E. Brooks, Post Commander)

Tomorrow all of Fort Harrison will gather on the Lawton Loop parade field to honor a great American and a super supporter of the fort: Maj. (ret.) Bob Moorhead.

A lot of the younger soldiers here are probably wondering who this Maj. Gen. Moorhead is and why he rates a parade.

Well, it's because, whether they know it or not, Maj. Gen. Bob Moorhead is about the best friend those young soldiers and this fort have ever had. Sometimes the soldiers think good things just happen, but usually there's a caring leader with influence in the community that accomplishes those things that the military leaders can't: things like free and reduced tickets to athletic and other events. Around here that caring leader is Bob Moorhead.

Bob's always on the side of the soldier, always on the side of the veteran, always on the side of the retiree, and particularly, always on the side of Fort Benjamin Harrison and Indianapolis.

Through his work with Kiwanis, the Indianapolis Chamber of Commerce, the 500 Festival Committee, the Salvation Army, Boy Scouts and any number of other public service organizations, I think he's touched the life of just about everyone in this area in some way. But he has a special affinity for soldiers and veterans and Fort Harrison.

I've seen Bob go to bat for our soldiers any number of times. Maj. Gen. Moorhead thinks of every soldier like they're his own kids. And he'll do about anything for them.

We once had a young man working at the post headquarters who was a pretty good soldier, but had so many personal problems he had to get out of the Army. When he came back and told me he was going to work for General Moorhead, I told him, out of loyalty, I'd have to tell Maj. Gen. Moorhead about his problems. When I did, Bob said, "I know all about it, but I want to give the young man a chance to start over."

That soldier went on to be an outstanding employee for Maj. Gen. Moorhead.

Probably the most hurt I've seen Bob is when the Department of Defense announced the planned closure of Fort Benjamin Harrison. There had been rumors afloat for quite some time that Fort Harrison would be on the base closure list, but Maj. Gen. Moorhead kept hoping some way would be found to save it.

When his hopes were dashed by the announcement that Fort Harrison would indeed be closed, Bob could have just abandoned us, but he didn't. That's not his style. Bob's personality is such that he never dwells on the negative.

Instead of going off someplace to sulk, like a lot of folks did, Maj. Gen. Moorhead immediately threw all his energies into ensuring that the soldiers then returning to Indiana from Desert Storm got a proper welcome.

As a result, the Indianapolis 500 Festival of 1991 turned into a huge outpouring of patriotism and praise for the armed forces and the individual servicemember that I don't think this town has seen since the end of World War II.

I know Bob will miss Fort Harrison when it's gone. It's been like a family member to him. I don't think he'll quite know what to do without all of us to watch over. But we may thank God that we've never had to figure out what to do without him.

Tomorrow, when Fort Harrison's finest parade in front of him, I know Bob will be thinking that he doesn't deserve all this. But this time he's wrong. This is the very least we can do for someone who has poured his life into our community.

I could say I wish we could do more, but knowing Bob as I do, I don't think there is anything he would rather have than a few moments among fellow soldiers on the fort that he loves.

[From the Harrison Post, Aug. 25, 1994]

POST VOICES: WHAT IS MOST MEMORABLE ABOUT BOB MOORHEAD?

His behind-the-scenes efforts to save Building 1 and the DFAS workforce are the most memorable to me. No single person was more of a force in fighting for a DoD presence in Indianapolis. He's the best supporter the military community has ever known.

GREGORY P. BITZ,  
DFAS director.

I have never met anyone who comes closer to the true meaning of "leader" than Maj. Gen. "Bob" Moorhead. I have known him for 14 years and witnessed countless situations where he makes people better than they think they are.

Look up leader in the dictionary; his picture ought to be there.

J. STEWART GOODWIN,  
Post Safety Director.

Bob Moorhead is a special person. He's my friend and mentor. He takes care of people—both military and civilian. The world would be a better place if everyone followed his lead.

KARYN KENNEDY,  
Protocol Officer.

When I was selected for command of Troop Brigade, before Maj. Gen. Brooks was mentioned, I was told how closely I'd be working with Maj. Gen. Moorhead, and it was true. Without his advice and assistance, I would not have enjoyed the success I've had in this assignment.

COL. HAYWARD ROBERTS,  
Troop Brigade Commander.

## TRIBUTE TO THOMAS WOLSKI

**HON. WILLIAM O. LIPINSKI**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 20, 1994*

Mr. LIPINSKI. Mr. Speaker, I rise today to honor Mr. Thomas Wolski, a recent recipient of the Department of Human Services Distinguished Service Award. I wish to join the Chicago Department of Human Services in recognizing the outstanding service of Thomas Wolski.

Thomas Wolski has provided dedicated service to the Department of Human Services and to the citizens of Chicago for the past 17 years. Although he is confined to a wheelchair, Thomas diligently performs the duties of his job, which include making certain that all the local Department of Human Services centers and outposts are equipped with a substantial supply of emergency food boxes and baby food. In addition, Thomas is responsible for handling hundreds of bus transportation requests for the Department.

On August 12, 1994, the Commissioner of the Department of Human Services, Mr. Daniel Alvarez, personally presented Thomas with a plaque that honored his "tireless commitment, service, and dedication to the citizens of Chicago" and to the Department of Human Services. Thomas was chosen among hundreds of employees to be a recipient of the Distinguished Service Award because the service he renders often goes above and beyond the call of duty and sets a fine example of professionalism for the Department of Human Resources.

I ask my colleagues to join me as I congratulate Mr. Thomas Wolski. I am pleased to recognize this extraordinary young man for his contributions to our community and I encourage him to continue his hard work for many more years to come.

## TRIBUTE TO DELORES BARKER

**HON. HOWARD L. BERMAN**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 20, 1994*

Mr. BERMAN. Mr. Speaker, I am honored to pay tribute to Delores Barker, a person dedicated to improving the quality of life in Sylmar, where she has lived for many years. Her wide range of activities include her service as president of the Sylmar Kiwanis Club, which recently honored her for her outstanding leadership.

During her tenure, Delores was instrumental in bringing interesting programs to the Kiwanis Club, and she was at the forefront of efforts to reinstate the annual employee and employer recognition dinner and the youth achievement dinner. As president and as a member of the various committees of the Kiwanis Club, she worked very hard to bring together all segments of the community.

In addition to the Kiwanis Club, Delores also was quite active with the chamber. She served as president of the Sylmar Chamber of Commerce women's division for 2 years. Among

her many projects in this capacity were her work to restore the Pioneer Cemetery and her active involvement in the fingerprinting program sponsored by the local PTSA.

Sylmar is indeed fortunate to have a resident as dedicated as Delores Barker, who obviously cares deeply about her community and its people. Her selflessness and energy are an inspiration to us all.

Mr. Speaker, I ask my colleagues to join me in saluting Delores Barker, an asset to her community and a valued member of the Kiwanis Club. Her contributions to Sylmar are second to none.

## HONORING MARTIN PASSANTE

**HON. MAURICE D. HINCHEY**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 20, 1994*

Mr. HINCHEY. Mr. Speaker, it is a distinct honor to join with my friends at the Community Resource Center in Sullivan County, NY, in recognizing Martin Passante for the considerable contributions he has made to the life of our community. Marty's dedication and commitment to employing individuals with mental retardation and developmental disabilities has served as an inspiration to many other employers in Sullivan County. His example has led the way in spearheading a movement to most effectively mainstream a challenged population into the community at large.

Not only has Marty extended a helping hand to individuals with mental and physical challenges, he has used his business to support a wide range of organizations and causes that play a vital role in Sullivan County. His civic commitment is almost unparalleled—the hospital, fire department, ambulance corps, scouting, and the little league have all been recipients of his largesse.

It is with great enthusiasm that I ask my colleagues to join me in congratulating Martin Passante on the award he is receiving from the Community Resource Center of Sullivan County.

## RECOGNIZING JOHNNIE A. LACY FOR HER 14 YEARS OF SERVICE TO THE COMMUNITY RESOURCES FOR INDEPENDENT LIVING IN HAYWARD, CA

**HON. FORTNEY PETE STARK**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 20, 1994*

Mr. STARK. Mr. Speaker, today, I would like to congratulate Johnnie A. Lacy for her successful tenure with Community Resources for Independent Living in Hayward, CA. After 14 years, she will be retiring as executive director.

Ms. Lacy's career also expands well beyond her years of service at CRIL. She started working in the 1970's with the University of California, Center for Independent Living in Berkeley, Antioch West in San Francisco, the City of Oakland and the Model Cities Program.

After Ms. Judy Heuman persuaded her to help with a disability rights training project, she fully involved herself in the disabled rights movement.

Shortly after her arrival at CRIL, Ms. Lacy raised \$350,000 to build a new multiservice center in Hayward, CA. This facility was the first independent center in California designed and built specifically for the needs of the disabled community. Since the first day it opened its door, Ms. Lacy has always insisted that CRIL is an independent living center which assists its clients with maintaining their independence. As she so eloquently puts it, "a place where clients can increase their options, make more choices on their own and develop new ways to enjoy and participate in their community."

Ms. Lacy has been recognized with many awards for her contributions to the disabled rights movement. These include: "The Women of the Year Award" from the California State Senate, an Appreciation Award from the Office of the Attorney General of California, and the Women's Foundation Certificate of Appreciation. Because of her expertise, she has also spoken before many prominent groups, such as the National Democratic Black Caucus, the Women's Educational Assistance Program at Grambling University, Status of Women's Conference on Women and Disability in Hartford CT, and provided testimony before the California State Senate and Assembly.

Mr. Speaker, I come before you today to recognize Johnnie A. Lacy for her 14-year commitment to the CRIL community. I hope you and my colleagues will join me in congratulating this community leader for all her accomplishments and tenacious spirit and wish her well in all her future endeavors.

## SUPPORT FOR OUR MILITARY PERSONNEL

**HON. RON LEWIS**

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 20, 1994*

Mr. LEWIS of Kentucky. Mr. Speaker, I rise today to add my words of encouragement and support for the American men and women who are putting their lives on the line in Haiti. While we in this Chamber will not always agree on this country's foreign policy, we are united in our respect for the men and women of the military who put their lives on the line for their country. Indeed, they have demonstrated professional excellence and dedicated patriotism.

In Kentucky alone, I know that soldiers from Fort Knox and Fort Campbell are providing support for the multinational forces. I join my colleagues in expressing my support and appreciation for their bravery.

That is not to say, however, that I agree with the Clinton policy that has put our service men and women in this dangerous posture. I do not agree and for that reason voted against House Concurrent Resolution 290 which, in my judgment, affirms a policy that is ill-advised.

The President should have and still can consult with the Congress on this issue. I fear

this American venture into Haiti will be a prolonged occupation.

We are all indebted to our brave soldiers, sailors, airmen and marines. But supporting our military forces and the Clinton policy on Haiti are two completely different issues. I am proud of our American service men and women. I am opposed to the misguided policies that have put them in harm's way.

**VERMONT WINNER OF VFW VOICE OF DEMOCRACY SCHOLARSHIP PROGRAM**

**HON. BERNARD SANDERS**

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 20, 1994*

Mr. SANDERS. Mr. Speaker, I would like to submit the following for printing in the CONGRESSIONAL RECORD. The enclosed was written by Berianne Bramman of Barre, VT. She is the Vermont winner of the VFW Voice of Democracy Scholarship Program.

**MY COMMITMENT TO AMERICA**

(By Berianne Bramman, Post 790, Barre, VT)

Imagine, if you will a small child who has gone out to eat pizza with his parents. At the particular restaurant they've gone to, there is an arcade game by the door which the small child sees as soon as they arrive. The boy finishes his meal before his parents, and asks his father for a quarter to go play the game. The father, not paying close attention gives the boy some money and sends him on his way. A few minutes later, the boy exuberantly bounds back asking his father for another quarter, and upon receiving, disappears again. As the parents finish the meal, the father goes to find the boy. As the father reaches him, the boy cries "Come watch this." The boy is just barely tall enough to reach the buttons and he's striking them feverishly while the machine lets out all these sounds. Boom. Boom. Bam. Kaboom. The father watching him play, says to his son "Wow! Did you see that?" . . . "See what?" the boy replied. He couldn't see the screen. He had only been listening to the sounds. He only played half the game, and had not seen the big picture.

How many times have you said the Pledge of Allegiance, as a child? How many of us actually know all the words to the "Star Spangled Banner"? What do you think while you are watching fireworks on the Fourth of July?

When answering that question, I, like many others, admit that as a child, I didn't understand the feeling behind the American flag. Granted, I know that pilgrims came across the Atlantic to start a new life and that the 50 stars represent the 50 states and the 13 stripes represent the 13 colonies. But it wasn't until now, that I can grasp the emotion behind all of those facts. I was only playing half the game. I had not seen the big picture.

T.S. Elliot once said "At the end of all our exploring is the return to where we started, and knowing that place for the first time."

I now feel I'm beginning to see.

For hundreds of years now, people have been coming to America across land and sea, often leaving behind all their belongings, their home, their friends and sometimes family members. They come with only the clothes they are wearing and an intense

hopefulness. Why? They have come in hopes to gain the privileges that I have taken for granted all of my life. Things that I consider natural rights such as freedom of religion, the freedom to decide what I want to do with my life, the freedom of opinion and most important, the freedom to voice that opinion. They have come for the hope that America offers a hope for a better life.

Countless men and women have given their lives for these freedoms that I have never understood. They have died, shed blood in agony, so that we, and all following generations, can keep that hope with us.

If we ignore all of these freedoms, if we take them all for granted, it would be like slapping every one of those men and women in the face. It would be like telling them that every drop of blood, every loved one lost, every life freely given to ensure our freedom was given in vain.

So my commitment—OUR commitment to America, is to live life to its fullest potential and to get everything we can out of the freedoms we've been granted. "Insist on joy, in spite of everything" as Tom Robbins once said. We need to grasp those freedoms and use them. We must speak freely, practice our religions, and most importantly, vote to ensure the happiness of our lives and to keep the American hope alive. We must grasp that hope and turn it into our futures to become what we will—Doctors, Judges, Presidents.

We must set an example for the generations to come after us, but most of all, we must find value and beauty in each day that we have and make the most of it. There is an old Hindu saying—"When you were born you cried, and the world rejoiced. Live your life, so that when you die, you will rejoice and the world will cry." That is my commitment to America.

**WHY NOT LET THE ELECTIONS BECOME A REFERENDUM ON HEALTH CARE?**

**HON. NEWT GINGRICH**

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 20, 1994*

Mr. GINGRICH. Mr. Speaker, I rise today to submit into the RECORD an editorial published in the Christian Science Monitor recently that I believe sums up the question on many minds. "With such fundamental questions unanswered, why shouldn't lawmakers slow down and solicit an essential view—that of their constituents?"

[From the Christian Science Monitor]

**SLOW IS BETTER**

This week's hyperactivity in the Senate continues the impression that there is a health-care crisis to which lawmakers are valiantly seeking a solution.

But the assumptions of a "crisis" and a near-at-hand "solution" should be reassessed.

Clearly, reform is needed. Those seeking medical treatment should not fear that they will lose their life savings for lack of insurance. Universal access to health coverage is needed. Allowing insurers to deny policies to those with preexisting medical conditions is not an element of a just and compassionate society. Workers who change employers, an ever-more-frequent occurrence in our volatile workplace, should not lose coverage. And some means must be found to contain

health-care costs if they are not to crowd out all else and ruin the American economy.

But right now the public seems to view these problems less as a "crisis" than as a chronic problem needing a thoughtful solution. Ironically, the improving economy, for which President Clinton deserves his share of credit, means fewer Americans fear losing their jobs and hence losing coverage.

It thus becomes a political ploy when the Clinton administration creates an air of desperation surrounding health reform and seeks to enact legislation—seemingly any legislation—in the 84 days remaining until the November congressional elections.

Why not let the elections become a referendum on health care? The debate would then get the wide hearing it deserves; voters could send lawmakers back to Washington who represent their current feelings. Next spring, Congress could act unimpeded by the political constraints of an impending election.

The current frantic atmosphere is not conducive to careful reform. The House awaits the Senate. The Senate still seeks dollar figures from a badly overburdened Congressional Budget Office to plug into its bills. No single bill seems close to gaining a consensus. Lobbyists are making unprecedented efforts to bend bills to their interests. Will there be time to uncover and examine these? New bills seem to spring forth daily, while the plan offered by Senate majority leader George Mitchell changes like a chameleon.

Do Americans really want a new government-run health plan or, more simply, a reform of the private health-insurance industry? With such fundamental questions unanswered, why shouldn't lawmakers slow down and solicit an essential view—that of their constituents?

**TRIBUTE TO AMERICAN LEGION POST NO. 96**

**HON. WILLIAM O. LIPINSKI**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 20, 1994*

Mr. LIPINSKI. Mr. Speaker, I rise today to recognize the officers of the Cicero Post of the American Legion. The post and auxiliary officers were installed in a ceremony on August 27, 1994. The installation was dedicated to the memory of Harold L. Oehlerking, a Silver Star recipient in World War II.

American Legion Post No. 96 has been dedicated in its service to the community for many years. The American Legion Auxiliary Creed states that members have the responsibility of teaching and speaking Americanism wherever and whenever possible. By bringing recognition to veterans and remembering past conflicts, Post 96 has fulfilled its duty of teaching American citizens to respect the history which has earned our precious freedom.

I ask my colleagues to join me as I salute Post 96 as they install their new officers. We are greatly indebted to them for their contribution to our community and the Nation.

Below is a list of each of the officers and chairmen of the post and auxiliary. I hope my colleagues will join me in saluting the Cicero American Legion Post and wishing them the best in the years to come.

POST OFFICERS 1993-94

Charles (Bud) Jannetto, Commander; John Cocco, Sr. Vice Commander; Anthony P.

Schiavo, Chaplain; Robert W. Grebinez, Sgt.-at-Arms; David Caskey, Adjutant.

AUXILIARY UNIT OFFICERS 1994-95

Mary Wojtowicz, President; Carol Kubanda, Vice-President; Jan Martinka, Treasurer; Vicki Martinka, Historian; V. Jember, Recording Secretary; Terre Martinka, Corresponding Secretary; Terre Martinka, Chaplain; Mary Ann Wolkotte, Sgt.-at-Arms; Veronica Vaughn, Ass't. Sgt.-at-Arms.

TRIBUTE TO LAURA RODRIGUEZ

**HON. BOB FILNER**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 20, 1994*

Mr. FILNER. Mr. Speaker and colleagues, today I rise to honor and remember a great friend and fighter, Laura Rodriguez, known to many in San Diego as the "Grandmother of the Barrio."

Laura was not the type of a woman to sit back and let the world go by; she took action to make her community better.

Laura was no stranger to adversity. An orphan at age 12 and a high school dropout at age 16, she never let circumstances stop her from achieving her dreams. She married, raised a family and became a catalyst in the founding of the Logan Heights Family Health Center and Chicano Park. She made a real difference in the lives of many in the Hispanic community in San Diego, and served as a role model for all of us who know that one citizen can make a difference.

Mrs. Rodriguez stopped at nothing to ensure that the voices and needs of the Hispanic community were heard in San Diego. In the 1970's, she sat in front of a bulldozer and led demonstrations when construction crews were taking over property that was supposed to be a park. It was her willingness to fight that helped make that site into what it is today—Chicano Park, a place for the community to showcase art and to celebrate their community.

Later, she worked to found the Logan Heights Family Health Center, which today has a pediatric clinic that was recently named after her in honor of her many accomplishments. She did this by organizing a group of citizens to take over a building that had been converted from community services to offices, restoring it to what eventually became a community health center that now serves nearly 100,000 people each year.

But her contributions were also known throughout the State of California and the entire Nation. In 1991, President Bush named her one of the "thousand points of light." In 1987, the California Legislature named her "Woman of the Year." But these awards paled in comparison to the overwhelming love and admiration of her friends, neighbors, and all who knew her.

My community has lost not only a great friend, but a faithful fighter in the ongoing struggle to improve the quality of life for ourselves and our children. It is now up to us to continue her work and her "never say quit" attitude. With resolve and community involvement, Laura showed us that a dream can become reality.

My thoughts and prayers go out to her family and friends. I also know that the rest of the community—many of whom looked to Laura for guidance and inspiration—share my grief at the loss of this amazing lady.

WILKES-BARRE LEAGUE OF  
WOMEN VOTERS CELEBRATES  
50TH YEAR

**HON. PAUL E. KANJORSKI**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 20, 1994*

Mr. KANJORSKI. Mr. Speaker, I am pleased today to mark the important occasion of the 50th anniversary of the League of Women Voters of the Wilkes-Barre area. This milestone will be celebrated at a commemorative dinner on September 22, 1994.

The 38 women who met in a local restaurant on January 15, 1944 to organize the league could have had no way of knowing that their efforts would be lauded 50 years later. Their purpose then was to help women take an intelligent interest in government and promote the importance of the vote. In their first year, these original members organized a registration and get-out-the-vote campaign using the theme, "Don't Squawk, Vote!"

The league is also instrumental in organizing and moderating political debates, thereby giving the public an opportunity to hear various candidates air their views. Back in 1944, in preparing to hear two opposing candidates' platforms, one league member's remarks were entered into the minutes—and they probably still ring true today—"If more than two candidates were to be heard at any single meeting of a business character, the meeting might well last far into the night. And as has been suggested, some of the candidates are abysmally dull and would undoubtedly mander on for hours." Even in 1944, these dedicated women had the foresight, and understood the importance of discussing only key issues and setting time limits.

In addition to publishing nonpartisan voters guides, a tradition that is still carried out today, voter booths were set up on Public Square before elections to hand out candidate biographies, position papers and lists of polling places. The study, debate, and advocacy of issues defined the league's mission from the start. In the 1940's, the issues included affordable housing, unemployment compensation, school board structure, postwar economic recovery, the environment, and the United Nations. In the 1950's, the league dealt with local government reform, school funding, and municipal consolidation. No matter what the issues of the day, the league has been a nonpartisan voice for citizens and a voice for change in the political process.

Under its early leadership, Mrs. Bayard Hand, Mrs. Richard Goff, Mrs. George Bell, Mrs. Norman Patton, and Mrs. Charles Shafer, the membership of the Wilkes-Barre Chapter grew to 364 by 1953.

In the 1970's the winds of change brought the admittance of men into the league's membership. Today, nearly 15 percent of the chapter's membership are male. They also target

our local youth as the next generation of league members.

Mr. Speaker, for 50 years the League of Women Voters has held true to its ideals of active citizen participation in an open political process. The early organizers of the Wilkes-Barre League set the standard of excellence in non-partisan participation which has become a tradition of the League of Women Voters. I join with the community in expressing my pride and appreciation for both the league's early pioneers who began the league's message, and for the members who carry on the message today.

FREEDOM AND LIBERTY FOLLOW  
FREE MARKETS AND CAPITALISM

**HON. DANA ROHRBACHER**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 20, 1994*

Mr. ROHRBACHER. Mr. Speaker, many people talk about the virtues of freedom, but few have the deep personal commitment to help bring it to others. One who does have that commitment is Robert Kriebel, founder and chairman of The Kriebel Institute of the Free Congress Foundation.

The Kriebel Institute began its work behind the Iron Curtain in 1988 and has worked tirelessly since that time to teach democratic principles and practices to literally thousands of national legislators, local government officials, political activists, and business leaders in well over a dozen former Communist countries.

In January 1992 the institute expanded its programs to include training sessions in free market capitalism and entrepreneurship. These seminars are taught by American businessmen through case histories of their own companies, ranging from Fortune 500 companies to those that have fewer than 10 employees. But who better to teach the virtues of the free market than Bob Kriebel himself, a successful former CEO and chairman of Loctite Corp., who has devoted so much of his life to public service.

Among Bob's current affiliations is the National Endowment for Democracy, on whose board he sits. A friend from NED has shared with me Bob's wrap-up talk for the business program held this summer in the former Soviet Union. In it, he offers observations on which countries have achieved prosperity in the past 50 years, and the policies that have helped bring that about. I commend to my colleagues this profound message of the impact of free markets on economic growth.

Mr. Speaker, I commend to the attention of our colleagues the speech Bob Kriebel gave to a group of aspiring businessmen in the former Soviet Union this past summer. We in the United States can learn from this exposition of free market ideals.

FREEDOM

The fundamental desire of most people is to be free. The Founding Fathers of the United States recognized very clearly that the enemy of freedom is the state. Their basic purpose in writing the Constitution was to limit the powers of government. Thomas Jefferson summed up the legitimate power of government: "Defend our shores, provide a

sound currency, maintain law and order." This is the sum of good government. All other activities by government, in his view, were an invasion of the freedom of the citizens. As he saw it, the only limit to freedom should be laws that prevent any citizen from infringing on the freedom of others.

Even this carefully drawn Constitution did not satisfy the legislatures of all the States. As colonies, they had been forced to obey oppressive dictates of an all-powerful British Government, and they were resolved never again to be dominated by Government, even their own. They insisted that a bill of rights be incorporated in the Constitution before they were willing to ratify it. The Bill of Rights protected, among others, the freedom of speech, religion and assembly. It established the rights to due process, trial by jury, pre-trial release, and prohibited unreasonable searches and seizures, and the taking of private property without just compensation. [As an aside, I should note that in his praiseworthy drive against organized crime, President Yeltsin repealed these rights of due process in his eagerness to destroy the Mafia—a laudable goal pursued by dangerous—and regrettable—methods.]

However, they did recognize that freedom for all required that the acts of individuals be sufficiently restricted to prevent all from interfering with the freedom of one's fellow citizens. Their religion, being based on the bible, provided powerful guidelines in the ten commandments.

They were only willing to empower the new government to enforce such a code of behavior as necessary to maintain civil harmony.

A result of this structure of government was that the economy was managed not by government, but by the free market. The market is a wondrous way of organizing an economy without the need for government to exercise any authority. Adam Smith's invisible hand provided all needed guidance. People trading freely with each other determined what producers would supply by their choice of what they were willing to buy. Competition among producers determined prices. People naturally chose to buy the products that they considered to represent the best value. Producers were thereby motivated to improve their products and to find more efficient ways of making them in order to take business from their competitors. The market thus provided a constantly widening range of products, in ever increasing abundance, at ever falling prices.

This has been the experience of all countries that enjoy a high degree of freedom, practically without exception. Perhaps the best measure of market success is growth in GNP per capita, expressed in figures that have been corrected to eliminate the effect of inflation.

The U.K. is perhaps the world's oldest democracy and has a particularly interesting industrial history. In the 19th century at the peak of England's power, a large part of the globe was printed in red, indicating British territory. England's manufactured goods could be found everywhere in the world, and England's prosperity at home was unparalleled. The British Navy and the British merchant fleet covered the world.

They used their colonies primarily as sources of raw materials, which they then took home to England and converted to manufactured goods, which they resold to the colonies at great profit.

It was during this period of rugged capitalism, with very little interference from the government, that British industrial power

became preeminent. During the 19th century, the British Government did everything in its power to maintain the leading position of British industry in the world markets. British steel, British machinery, British textiles were held in highest esteem and moved the markets all over the world.

At the turn of the century, however, socialism had begun to capture the British mind. Governments became involved in issues of equitable distribution of wealth, of workers' rights, of helping the unions to build their power. Work rules, such as mandatory tea breaks, shorter working hours and longer vacations, took their toll. Their control of their colonies weakened and the colonies broke away.

By World War II, Britain, in spite of its indomitable spirit was no match for the German military industrial complex, and Britain was pushed into the sea, to be restored only when America's industrial might was engaged in partnership. Today, Britain is one of the poorer countries in Europe, and it has shown zero growth in real GNP/Capita over the last 5 years.

The Federal Republic of Germany is a much more recently founded democracy, dating back to the 1860's under Bismarck. Its government has always been more authoritarian even than that of the U.K. By 1914, however it was able to mount a war against allied armies drawn from most of the countries of Western Europe and, toward the close, from the U.S. as well. This war was truly a test of industrial might, quite as much as military prowess. Germany held its own against the rest of Europe, until the U.S. entered the war in 1918, which tipped the balance. After 20 years of recovery, Germany started round two of the war. Having driven British troops off the mainland, Germany raced through Western Europe and penetrated deeply into Russia. It was America's industrial might, particularly in building airplanes, that eventually defeated and reduced cities and economic power to rubble.

The economic miracle that recreated Germany as a prosperous world power began under the leadership of Adenauer and Erhardt, who essentially freed German industry from regulation and restored the free market. In a surprisingly short time of 25 or 30 years, Germany was able to reestablish itself as a world industrial power. Today its real GNP/capita is one third higher than that of the U.S. and is second only to Japan among the major nations.

Japan is an even more striking example. It, too, was devastated in World War II. It has no natural resources, but the virtues of its population—disciplined, hard working people with an incredible will to succeed, largely by their own efforts, and aided by a highly unusual willingness to save and invest in the future—regained their pre-war position in the rank of industrial nations by the mid-70's. Then, by a focus on quality and rapid turnover of capital, they became a leading exporter to the upscale markets of the world. "Made in Japan" became a symbol of higher quality. Today, Japan is the richest major country in terms of real GNP/capita, if you exclude the oil exporting countries of the Arabian Peninsula.

Only a few of these countries have experienced democracy for several generations and, therefore, consider democracy to be the normal form of Government. Germany and Japan, of course, had democracy and a free market imposed on them by the allied powers after their defeat in World War II.

The older democracies have lost their dynamism. The growth rates over the last 5

years are near zero for UK and a bare 1% for U.S. The newcomers have done much better, namely for Chile (6%), Singapore (7%), and PRC (7%).

Chile and Korea and Singapore established the free market under farsighted dictators who related their tight control of government in order to pursue prosperity and the resulting improvements in education and perspective favored a higher degree of self-government.

Chile has been ruled for some time by a highly dictatorial military man, General Pinochet. He recognized that the continuity of his leadership in that previously unstable country depended on achieving enough economic growth to give the people a sense of every increasing prosperity. He adopted a free market economic system. Chile's economy took off! It is now rich even by Western European standards, and the growth continues. In the last five years, its growth in real GNP/capita has been 6%—six times that of the United States—and is exceeded only by South Korea, Thailand, Taiwan, and China. The success of the free market brought democracy in its wake. In the last elections, Pinochet was defeated by a younger man, and the general quietly accepted the voice of the people and retired from public life.

Most of you probably know the success stories of the young tigers of Southeast Asia. Hong Kong and Singapore are now approaching the United States in real GNP/capita. Taiwan and South Korea are not far behind. In all these cases, economic success fostered democratic government.

China is particularly interesting. When the Soviet Union collapsed, the Communist government of China was, naturally, worried. Deng told the leaders not to panic, but to take two years to study what caused the collapse. This conclusion was that the CPSU had failed to provide for the material welfare of the people and, thereby, lost their support. The command economy had failed, Deng was resolved to avoid a similar outcome in China. Therefore, he authorized the construction of a market economy, and the bureaucracy started to dismantle government control with surprising enthusiasm. China's real GNP/capita grew 7.7% in 1991, 12.8% in 1992 and an estimated 13% in 1993. While China's nominal GNP/capita in 1992 was only \$2,000, the buying power of that sum in China was about twice that amount—or \$4,000—which ranks China in the middle income group of countries. If they can maintain that growth rate, China will be the largest economy in the world early in the 21st century.

With this rising prosperity you can already see the authority of the central government weakening, particularly in the coastal areas where the growth has been concentrated. The free market is the greatest liberator known to man!

So China is becoming rich. Well, you may ask, why not the CIS? My personal observation, from coming here every few months for the last six years, is that you are doing better than you admit. Where there were few cars, you now have traffic jams. Where before your stores were empty, now they are full of all the essential goods though you find the prices high in terms of your salaries. Where six years ago living space was crowded and of poor quality, now we see the development of individual private houses in the suburbs of the major cities. There is, indeed, substantial economic progress. This progress is much slower than in China, but you have been under communism for twice as long. Your older people have lost their motivation.

