HOUSE OF REPRESENTATIVES—*Friday, September 30, 1988*

The House met at 10 a.m.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Our prayer, O God, is for mutual respect and understanding between all peoples. Especially, during this period designated as Religious Freedom Week, it is right that we acknowledge our traditions of religious liberty and affirm our heritage of freedom of worship in a free land. May we never hold to any bigotry or intolerance toward any person or group, but together celebrate the dignity that You have given us at creation and nurtured every day of our lives. 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. Would the gentleman from Louisiana [Mr. McCRERY] come forward and lead the House in the Pledge of Allegiance.

Mr. McCRERY. Would the Members and those in the gallery please rise.

Mr. McCRERY led the Pledge of Allegiance, as follows:

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

MESSAGE FROM THE SENATE

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

H.R. 2596. An act to improve Federal management of lands on Admiralty Island, Alaska; and

H.R. 4028. An act to authorize the Secretary of Agriculture to exchange certain national forest system lands in the Targhee National Forest.

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

H.R. 4352. An act to amend the Stewart B. McKinney Homeless Assistance Act to extend programs providing urgently needed assistance for the homeless, and for other purposes.

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

S. 1849. An act for the relief of Mr. Conwell F. Robinson and Mr. Gerald R. Robinson;

S. 2835. An act to designate the U.S. Post Office and Courthouse located at 151 West Street in Rutland, VT, as the "Robert T. Stafford United States Courthouse and Post Office";

S.J. Res. 314. Joint resolution designating October 1988 as "Pregnancy and Infant Loss Awareness Month"; and

S. Con. Res. 146. Concurrent resolution to authorize the printing of Senator Bob Dole's series of "Senate Bicentennial Minutes."

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair would like to announce that 1 minute speeches will be postponed until after we have disposed of the conference reports on the appropriation bills and the conference report on the family welfare reform bill, except that the Chair is going to recognize the gentleman from Virginia [Mr. BLILEY] for an announcement.

THE LATE HONORABLE DAVID SATTERFIELD

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

Mr. BLILEY. Mr. Speaker, it is my sad duty today to tell you that our former colleague, my predecessor, Dave Satterfield, died this morning at 2 o'clock in Richmond. Dave went into the hospital Tuesday complaining of shortness of breath and they were to do a catheterization, but apparently his heart failed this morning at 2 o'clock.

Dave was the son of a Congressman who represented our district. Dave served in the Navy during World War II as a pilot in the South Pacific. He was a member of the Richmond City Council, the Virginia General Assembly, and served for 8 years in this House.

I know all of you will miss him as much as I and that we all extend our deepest sympathy to Anne, his lovely wife, and to the rest of the family.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair is about to recognize the gentleman from Massachusetts [Mr. MOAKLEY] for a rule. The Chair is aware that Members are understandably interested about the program for today and the balance of this week. After we have passed the Department of Defense appropriation bill conference report, we would expect the majority leader would be available to enter into a colloquy concerning the business for the remainder of the day.

The Chair recognizes the gentleman from Massachusetts [Mr. MOAKLEY].

CONFERENCE REPORT ON H.R. 4781, DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 1989

Mr. MOAKLEY. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 555 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 555

Resolved, That upon the adoption of this resolution it shall be in order to consider the conference report on the bill (H.R. 4781) making appropriations for the Department of Defense for the fiscal year ending September 30, 1989, and all points of order against the conference report and against its consideration are hereby waived, subject to copies of the conference report being available for at least two hours. The conference report and motions to dispose of amendments in disagreement shall be considered as read when called up for consideration.

The SPEAKER. The gentleman from Massachusetts [Mr. MOAKLEY] is recognized for 1 hour.

Mr. MOAKLEY. Mr. Speaker, I yield the customary 30 minutes, for purposes of debate only, to the gentleman from Tennessee [Mr. QUILLEN], and pending that, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 555 is the rule providing for the consideration of the conference report on H.R. 4781, the Department of Defense appropriations for fiscal year 1989. The rule waives all points of order against the conference report and against its consideration, subject to copies of the report being available to Members at least 2 hours before its consideration in the House.

The rule also provides that the conference report and the motion to dispose of amendments in disagreement will be considered as having been read when called up for consideration.

Mr. Speaker, this rule will allow us to act expeditiously on the DOD ap-

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

propriations conference report, which we need to do since the new fiscal year begins tomorrow. At the same time, the rule ensures that Members will have had the opportunity to review the report before it is considered by the House.

Mr. Speaker, I urge the adoption of House Resolution 555 so that we may proceed to the consideration of this important conference report.

Mr. QUILLEN. Mr. Speaker, I yield myself as much time as I may use.

Mr. Speaker, the able gentleman from Massachusetts [Mr. MOAKLEY] has explained the provisions of the rule. We all know how important it is to get this appropriation bill passed and sent to the President today. I am for it. It has all been worked out where there is an agreement by both parties and the administration.

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

Mr. QUILLEN. I yield to the gentleman from Pennsylvania.

Mr. WALKER. Mr. Speaker, in waiving all points of order in the bill, is one of the things we are waiving the Budget Act?

Mr. QUILLEN. Mr. Speaker, I will yield to the gentleman from Massachusetts on that. I do not think it is, I will tell the gentleman.

Mr. MOAKLEY. Mr. Speaker, if the gentleman will yield, we waived scope and we waived germaneness.

Mr. QUILLEN. The 3-day rule, I think.

Mr. MOAKLEY. It is not clear at this time whether we waived the Budget Act or not. I am sorry.

Mr. WALKER. Maybe someone from the Appropriations Committee can tell us whether or not the bill is within the 3-day rule.

Mr. QUILLEN. We waived the 3-day rule and not the Budget Act.

Mr. MOAKLEY. Mr. Speaker, if the gentleman will yield, the gentleman is correct. I have just been informed that we waived the 3-day rule, but we are not aware of any Budget Act waivers.

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

Mr. QUILLEN. I yield to the gentleman from Pennsylvania.

Mr. McDADE. Mr. Speaker, I thank my colleague for yielding to me.

We are exactly just about on the summit that was agreed to in both BA and outlays. There is no number here that is not well-known and agreed to by the White House, by OMB and by the House and the Senate leadership on both sides of the aisle.

Mr. WALKER. Mr. Speaker, if the gentleman will yield further, so the gentleman from Pennsylvania knows of no need to waive the Budget Act with this rule, is that correct?

Mr. McDADE. I have no awareness of that, I would say to my colleague, and the reason for that is because the numbers are the numbers agreed to in the summit resolution, which consisted of the President and the Office of Management and Budget and the Speaker and the minority leader and the Senate majority leader and the Senate minority leader, so as far as I know, they are all in accord.

Mr. WALKER. Mr. Speaker, I thank the gentleman.

Mr. MOAKLEY. Mr. Speaker, if the gentleman will yield, just to clarify this, I have been informed that this conforms to the budget summit resolution and we are aware of no budget waivers in the bill.

Mr. QUILLEN. That is my understanding, and I thank the gentleman from Massachusetts.

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

Mr. MOAKLEY. Mr. Speaker, I have no requests for time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. CHAPPELL. Mr. Speaker, pursuant to the previous order of the House, I call up the conference report on the bill (H.R. 4781) making appropriations for the Department of Defense for the fiscal year ending September 30, 1989, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Pursuant to House Resolution 555, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of September 29, 1988.)

The SPEAKER. The gentleman from Florida [Mr. CHAPPELL] will be recognized for 30 minutes and the gentleman from Pennsylvania [Mr. McDADE] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Florida [Mr. CHAPPELL].

GENERAL LEAVE

Mr. CHAPPELL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the conference report on the bill (H.R. 4781) making appropriations for the Department of Defense for the fiscal year ending September 30, 1989, and for other purposes, and that I may include extraneous and technical matter.

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

There was no objection.

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

Mr. Speaker, I bring to the floor a conference report which provides funding for fiscal year 1989 for the Department of Defense. The conference report includes a total of $282.4 billion which is an increase above the fiscal year 1988 level of $3.4 billion. This bill meets the summit agreement and provides minimal funding to meet our defense needs. We have acknowledged in this bill that we need to show restraint in overall Government spending while maintaining strong national defense.

It was a long and arduous conference. The conference members debated many issues included in 277 separate amendments to be reviewed by the conference. Obviously, with that number of outstanding issues, it is impossible to bring back a conference report which will be totally satisfactory to all Members of the House. I am very pleased to report to the Members that the House position prevailed on many items in conference. However, as you all know, when the number of open issues in a conference is almost 1,000 it is simply impossible to return to the House with a conference report that does not include items which will be controversial to various Members of the House, including myself I might add, but which were insisted upon by the other body, and necessitated compromise.

We have cooperated fully with our authorization counterparts in crafting this conference agreement and I believe we have satisfied all their concerns. We were over authorization levels in three appropriation accounts and we will propose language which has been approved by the House Armed Services Committee to authorize these increased amounts. The accounts involved are aircraft procurement, Navy, weapons procurement, Navy and National Guard and Reserve equipment.

The conference agreement provides $78.5 billion for military personnel or $2.4 billion above last year's level and roughly the budget request level.

The bill provides the funding levels needed to finance a 4.1-percent military pay raise. The conference agreement provides $85.3 billion for the operation and maintenance accounts or $5 billion above last year's level.

The O&M accounts provide funds for the maintenance of equipment and facilities, fuel, supplies, and repair parts for weapons and equipment. These accounts along with military personnel provide the readiness needed to properly man and maintain the new weapons systems that are coming on line. If we short change these accounts, we will not adequately man and maintain our tanks, planes, and ships.

Unfortunately, these accounts have the biggest impact on outlays in the first year and they become a prime target when outlay reductions are needed. We have funded these accounts at the full authorized levels to

cover dollar shortfalls because of the current exchange rates being experienced overseas.

The conference provides $79.3 billion in total obligational authority for procurement. Some of the so-called big ticket items recommended in the bill follow:

The agreement provides $863 million to purchase 72 AH-64 Appache attack helicopters.

The agreement provides $1.1 billion to purchase 545 M-1 Abrams tanks.

The agreement provides $644 million to purchase 581 Bradley fighting vehicles.

The agreement provides $2.4 billion to purchase 84 F/A-18 aircraft.

The agreement provides $1.1 billion to purchase one Trident submarine.

The agreement provides $1.2 billion to purchase 2 SSN-688 nuclear attack submarines.

The agreement provides $2.1 billion to purchase 3 DDG-51 destroyers.

The agreement provides $1.3 billion to purchase 36 to 15 aircraft.

The agreement provides $2.7 billion to purchase 180 F-16 aircraft.

The agreement provides $900 million to purchase 4 C-17 aircraft.

The agreement provides $807 million to purchase 12 MX missiles.

The conference agreement provides $37.7 billion in total obligational authority for research, development, test and evaluation which is $600 million above the fiscal year 1988 level. Some of the specific recommendations are as follows:

The agreement provides $575 million for continued development of the Trident II strategic missile system.

The agreement provides $692 million for development of the advanced tactical fighter.

The agreement provides $890 million for ICBM missile modernization—MX and small ICBM.

The agreement provides $941 million for continued development of the C-17 transport aircraft.

The agreement provides $3.7 billion for the strategic defense initiative—star wars, the authorized level.

The conference agreement provides over $19 billion for the National Guard and Reserve Forces which includes add ons above the budget request of $1 billion mostly for equipment. The conferees have always been a staunch supporter of the Guard and Reserve and we continue to try to update the equipment available to these forces by purchasing new aircraft, vehicles, tanks, and so forth.

The conferees also provided funding for drug interdiction of $300 million and special operations forces enhancements of $286 million.

I know not everyone is happy of the end result but it is the best we could do under the circumstances.

The hour is late;

The majority of the House and Senate have worked out their respective wills on the funding of major weapon systems;

The House conferees struck the best bargain they could with the Senate conferees.

We must provide funds for the Department of Defense.

Mr. Speaker, I recommend that the House adopt the Defense appropriations conference report.

□ 1015

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

Mr. CHAPPELL. I am happy to yield to the gentleman from Pennsylvania.

Mr. McDADE. I thank the chairman for yielding. Mr. Speaker, I would like to take just a minute or two to explain some difficulties which occurred late in our conference which, unfortunately, made it impossible for this Member as well as all the House conferees on this side to agree to sign the final conference report.

In the course of our negotiations with the other body, we reached agreement to increase funding for a number of high priority and, in my judgment, plain commonsense defense programs. As a result, our final conference agreement, in those areas, contained funding over the amounts recommended in the authorization conference.

Two nights ago, in our last conference meeting, the suggestion was made that in those areas where our product exceeded authorization—at the appropriations account level—the additional appropriations would be made available only if subsequently authorized.

I objected to this motion, as did my colleagues on this side. My reasons for objecting were twofold:

First, we had good reasons for recommending the additional funding over authorization. For example, we put more money—plus $156 million—into naval aircraft procurement in order to give the Navy the ability to enter into (multiyear contracts) and (keep production rates at robust levels)—the net result being savings, due to reduced unit costs. We added funds to the Navy weapons account—plus $182 million—to ramp up torpedo production and improve our antisubmarine warfare capability. And we added $300 million over the authorized amount for the Guard and Reserve components, among other things accelerating the deployment of the M-1 tank to the Guard.

In addition, in my view making appropriations subject to a subsequent authorization constituted a potential violation of the bipartisan summit agreement with the President. The summit set a firm number for Defense appropriations, which our conference provided. We met the summit targets.

However, by making certain appropriations subject to later authorization, it would have withheld—at least temporarily—anywhere between $720 million and $1.3 billion in funds appropriated in this bill. I can't give you an exact number because we can't even agree between our two committees and the Pentagon as to what constitutes "appropriations in excess of authorization."

When the subject to authorization language was adopted, I could not in good faith report to Secretary Carlucci and the White House that this bill met the summit. I confess others in the conference did not share this view. But that was my judgment, and as a result I refused to sign the conference report.

As the gentleman from Florida has pointed out—this problem was called to the attention of the leadership and I am pleased to report that we have reached a satisfactory conclusion. As a result, after the House considers the conference report there will be an amendment offered which will provide the authorization for those appropriations accounts in question.

I want to commend the leadership, the chairman, and ranking member of the Armed Services Committee, and in particular, Chairman CHAPPELL for their diligent efforts to correct this. With this adjustment, I will be able to withdraw my reservations, and will strongly recommend this conference agreement to the House.

Mr. CHAPPELL. Mr. Speaker, I am pleased and gratified for that support, and I am glad that we have been able to work out our disagreement with the authorizing committee, and that agreement will be reflected later.

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

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

Mr. Speaker, as a result of the agreement which the chairman and I just discussed, I rise in strong support of this conference report and urge its adoption.

My colleagues, the gentleman from Florida has provided a good summary, and I would like to just reemphasize a few points.

Our conference report lives up to the funding levels established by the budget summit for defense, for both budget authority and outlays.

We are consistent with the agreements reached between the administration and the authorization committee as regards the strategic defense initiative and the ICBM modernization program. We have funded the authorized level for SDI—in this bill, $3.7 billion—with no earmarking directives; and we have tracked the authorization on the rail-mobile MX and Midgetman programs.

I can report to the House that the President signed the Defense authorization bill last night. Since our conference report incorporates those understandings I foresee no problems with this measure either.

Mr. Speaker, I would like to briefly note a few noteworthy actions. This bill emphasizes the two areas that the Secretary of Defense told us back in February needed to be protected: personnel and readiness.

Military personnel appropriations have received a $2.3 billion increase from last year, most of which will provide for a 4.1-percent pay raise. As for the readiness areas, the operations and maintenance accounts show an increase of nearly $5 billion from the current levels.

Several new initiatives were approved by the conferees, including $300 million in a new Defense Department account, set up to increase the Pentagon's contributions in the drug war. We also provided $289 million over the budget to increase our special operations capabilities.

Mr. Speaker, in many ways the bill is a testament to the men and women of the Nation who defend us around the world, the far-flung corners of the world, in a fight for freedom.

I noted, and I think all of us did, that the Nobel Peace Committee decided the other day to award the Nobel Prize to the U.N. peacekeeping forces around the world in all the flashpoints of the world, standing in harm's way, offering up their lives to keep peace in the world as the men and women funded in this bill do. I wanted to point out to my colleagues that there is one individual in that peacekeeping mission who used to wear the uniform of the U.S. Marines, whose name is Lt. Col. William R. Higgins. Lieutenant Higgins is the only peacekeeper, U.N. peacekeeper, held hostage in the world today. It has been noted by U.N. Under Secretary-General Marrack Goulding that when Colonel Higgins was seized last February 17, and I am quoting him, "For us, it is a No. 1 priority that this officer who was serving the United Nations, who was wearing the blue beret when he was kidnaped, should be released without delay."

Mr. Speaker, I have talked to some of my colleagues on the Committee on Foreign Affairs with respect to this issue. I think it would be useful if the House considered suggesting that the United Nations pass a specific resolution and maybe ask the Nobel Peace Committee to issue a statement indicating that this one gentleman, a citizen of this country who was wearing the blue of the United Nations, ought to be released by the people who hold him hostage, who hold him captive.

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

Mr. McDADE. I am happy to yield to the gentleman from Florida.

Mr. FASCELL. Mr. Speaker, I think the gentleman's suggestion is well taken. After hearing from him in the Committee on Foreign Affairs, we are working on a draft that might meet the idea that the gentleman has, and hopefully we can get together a little later and finish that up, but obviously this is a good time to give the recognition which is definitely due to people who have put their lives on the line over a long period of time, and to recognize also that there is another way, and that through peacekeeping efforts, that way has been helpful and that we, the United States, are part of that process, and we need to pay due recognition to the individuals from all countries who are helping bring peace in the world.

Mr. McDADE. Mr. Speaker, I want to thank my distinguished colleague, the gentleman from Florida, who serves us so well as chairman of the Foreign Relations Committee, and appreciate very much his contribution.

Mr. Speaker, there are many other worthwhile measures in our bill I could mention, but in order to proceed to consideration of the conference report let me summarize by saying that in the best traditions of the Appropriations Committee members on both sides worked long and hard to bring back a Defense appropriations bill that deserves overwhelming support on both sides of the aisle.

We all know that reaching these kinds of agreements are not easy, and certainly this was one of the more difficult conferences I have been in. We had the benefit of a lot of hard work and cooperation, and I would like to acknowledge the work of all members of the conference, in particular, the senior Senator from Mississippi, Chairman STENNIS; the Senator from Louisiana, Senator JOHNSTON, and the senior Senator from Alaska, my good friend TED STEVENS. I also want to thank my friend BILL CHAPPELL, who once again has gotten us through a very tough year, all the House conferees for a lot of hours, and the staff of the committee.

I cannot let this moment pass without noting that our country will be losing the services of one of its leading statesmen, a man who played a major role in our conference as he has in so many issues impacting on the defense and well-being of our Nation over the years.

I am referring to the Secretary of Defense, Frank Carlucci, who I want to acknowledge not only for his help while we were in conference but also for his marvelous work this year. My colleagues, the Secretary has indicated he plans to return to private life for good after the end of this term; as we all know, over the past 30 years no single person has distinguished himself more in the service of our country than Frank Carlucci. Mr. Secretary, we will miss you, we are grateful for your service, and we thank you.

Mr. Speaker, this has been a remarkable year for the Appropriations Committee and the Congress—and no one is more pleased than this Member that we have finally been able to bring back a stand-alone Defense appropriations conference report. This is a remarkable event, one I hope we can repeat. In closing, this conference report deserves the support of all Members and I urge its overwhelming adoption.

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

Mr. CHAPPELL. Mr. Speaker, I yield 2 minutes to the gentleman from Washington [Mr. DICKS].

Mr. DICKS. Mr. Speaker, I am pleased to join in support of this conference report. It is the product of intense deliberations, and I am confident that it is a bill that the House can strongly support.

Mr. Speaker, I want to strongly support our chairman, the gentleman from California [Mr. CHAPPELL], who has provided excellent leadership for all of us on this subcommittee and also our very distinguished ranking member, the gentleman from Pennsylvania [Mr. McDADE].

This has been a very difficult bill because of the veto of the authorization bill. This conference report is consistent with the summit agreement, and it includes an additional $1.1 billion for equipment for the National Guard, a major enhancement for special operations forces, and $210 million for Department of Defense contributions to the drug-interdiction effort.

Mr. Speaker, I am concerned, however, that the difficult choices we had to make in this bill will become even more difficult in the years to come in the absence of any real growth in the Defense budget. I hope that the next President will work with the Congress to fashion a long-term program that can be executed without overreliance on uneconomic stretchouts and sacrifices in force structure and readiness.

□ 1030

I am also pleased that we have a separate bill this year that can be enacted into law in time for the fiscal year. Let me tell you it has not been easy, especially because of the veto earlier this year of the Defense authorization bill.

I would not have been possible at all to get this job done without the dedicated work, many times into the wee hours of the morning of our staff on the Subcommittee on Defense, led by Don Richbourg, who provide the committee, the Congress, and the American people with an indispensable service, and I want to tell them and want them to know that this is something

that is appreciated by all Members of the subcommittee and indeed by all Members of the House.

Mr. McDADE. Mr. Speaker, I am delighted to yield 3 minutes to my colleague, the gentleman from Florida [Mr. YOUNG], a distinguished member of our subcommittee.

Mr. YOUNG of Florida. Mr. Speaker, if I could paraphrase an age-old statement, this conference report today is testimony to the fact that reasonable men and women can disagree strongly and still be reasonable.

As I mentioned, and Mr. McDADE has stated, there was considerable disagreement as we went through this conference, and I would agree that in the nine terms I have been here this is the most arduous conference with the other body that I have ever taken part in.

We brought to you a strong Defense appropriation bill. It provides the defense, and the national security that the people of our country want. In addition to that it provides increased accountability on the part of the Department of Defense, as well as those who do business with the Department of Defense.

I said it was a tough conference, and voices were raised from time to time. In fact, they got pretty loud on occasion, but one of the problems was that we had no authorization bill. We not only were trying to confer with the counterparts in the other body, but trying to communicate on an hour by hour basis with our colleagues on the authorizing committee because their work was not yet completed. It would have been much more helpful had the authorization been completed.

I want to say, Mr. Speaker, that this good result came about because of people who are dedicated to the responsibility they have been given to provide for the national defense and that includes the Members of both parties in the committee in both Houses, and I have tremendous respect for each of those Members that I have had an opportunity to work with.

I would like to say also that especially on the House side, we have a staff that is very unusual in its knowledge, ability and in its willingness to spend the long, long hours, needed to get the job done.

Mr. Speaker, I would like to point out with pride, that in all the years I have had the privilege of in working in national defense issues here in the Congress I have never had any reason to believe that any member of the subcommittee or any member of our staff ever leaked any critical national security information. That is something this subcommittee and the staff can be proud of.

As I said, we bring you a good bill. Mr. McDADE mentioned that the Republicans took their names off the conference report at the last minute because of a last minute change that was unexpected. That has now been worked out. We have reached an agreement on that problem and we are all in complete agreement on this conference report and believe that it should be passed without delay and sent to the President. I am satisfied that he will sign it expeditiously.

Mr. McDADE. Mr. Speaker, I am delighted to yield 2 minutes to my distinguished colleague, the gentleman from Ohio [Mr. MILLER].

Mr. MILLER of Ohio. Mr. Speaker, I would like to make a few brief remarks about the conference report before us, and I ask unanimous consent to revise and extend my remarks.

Let me first commend my chairman, BILL CHAPPELL, and the ranking Republican, JOE McDADE. It is to their credit that we have this measure before us today. It has been approximately 5 years since the House has had the opportunity to vote on a free-standing Defense appropriations conference report. I would be remiss if I did not also thank our excellent staff for their fine work and patience during this conference.

As the membership will note, the Republicans assigned to this conference refused to sign the conference report. This should not be interpreted as either opposition to the substance of our bill, or as a partisan difference with our chairman. Rather, it reflects a significant difference of opinion within our subcommittee as to how we should proceed on the matter of unauthorized appropriations. This issue created unnecessary difficulties which must be avoided in the future.

Again, let me congratulate BILL CHAPPELL and JOE McDADE for a job well done under difficult circumstances. I encourage an "aye" vote.

Mr. CHAPPELL. Mr. Speaker, I yield such time as he may consume to the gentleman from Oregon [Mr. AUCOIN].

Mr. AUCOIN. Mr. Speaker, I appreciate the gentleman yielding this time.

I want to compliment the Chair of our subcommittee as well as the ranking member and all members of the subcommittee for producing this conference report. I would like to enter into a colloquy with the gentleman from Florida [Mr. CHAPPELL].

I would ask the chairman of the subcommittee, is it his understanding that the conferees agreed with the Senate direction that the $30 million the conferees provided for lighter ban air technologies research at DARPA shall include an assessment of Air Force and Navy requirements for fleet air defense and Conus air defense as described in the Senate report?

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

Mr. AUCOIN. Mr. Speaker, I yield to the gentleman from Florida.

Mr. CHAPPELL. Mr. Speaker, that is my understanding.

Mr. AUCOIN. Mr. Speaker, I appreciate that clarification, and I rise to point out and seek correction of a typographical error in the printing of the report in yesterday's RECORD on page H8517 under the heading MH-60-G helicopters. Instead of the 6 helicopters being assigned to the 30th Aerospace Rescue and Recovery Squadron as the RECORD reads, the number of the squadron should be 304.

Mr. Speaker, I ask unanimous consent that this error be now corrected.

The SPEAKER pro tempore (Mr. MONTGOMERY). Is there objection to the request of the gentleman from Oregon?

There was no objection.

Mr. CHAPPELL. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts [Mr. MAVROULES].

Mr. MAVROULES. Mr. Speaker, I thank the gentleman for yielding, and I would like to clarify a matter on which, in my judgment, the language and the statement of the managers is not very clear.

The Patriot Air Defense System is a successfully deployed system on which billions of dollars and many years of efforts have been expended. It has been highly successful on antitactical missile shots to date, and further modification of the Patriot Air Defense which provides the required antitactical ballistic missile capability would be a cost effective and timely solution to the tactical need for this kind of protection.

Unfortunately, this effort, called Advanced Tactical Patriot, has become enmeshed in the SDI controversy.

The question I put to you, is it the position of the conferees that the Army and the Defense Department should give fair and objective consideration to the Advanced Tactical Patriot and that the conferees encourage them to proceed in the pursuit of prior approval reprogramming in fiscal year 1989 if Advanced Tactical Patriot is in the ATBM Program plan?

Mr. CHAPPELL. Mr. Speaker, will the gentleman yield to me?

Mr. MAVROULES. Mr. Speaker, I yield to the gentleman from Florida.

Mr. CHAPPELL. Mr. Speaker, that is the position of the conferees, as I understand it.

Mr. McDADE. Mr. Speaker, I am pleased to yield such time as she may consume to the gentlewoman from Maryland [Mrs. MORELLA] for purposes of engaging in a colloquy.

Mrs. MORELLA. Mr. Speaker, I thank the gentleman from Pennsylvania for yielding time to me.

I understand that there is a logistics database system being developed by the Defense Department called the Federal Logistics on Compact Disc or Fed Log Program. I understand this

system will compete directly with private vendors who currently provide functionally similar and more capable information systems to DOD components and services. I am concerned about the Department initiating a program which competes with private industry and wastes appropriated funds by duplicating a system which already has been developed and refined by commercial suppliers.

I have been informed that DOD has assured these private vendors that no program will move forward without a full report, and I hope the committee will have a chance to review the program before the funds are expended for its implementation.

It is also my understanding that there is nothing in this bill that would permit the Defense Department to move forward with Fed Log without fully complying with Federal statutes, Government policy, or regulations.

Mr. McDADE. Mr. Speaker, if the gentlewoman will yield, the gentlewoman is correct and I would add that it is important for DOD not to underestimate the costs associated with developing, implementing, and maintaining a system like Fed Log and I would expect considerable weight will be given to the fact that commercial systems superior to Fed Log are already available and in use.

Mr. McDADE. Mr. Speaker, I am pleased to yield 3 minutes to my very able colleague, the gentleman from Wisconsin [Mr. ROTH].

Mr. ROTH. Mr. Speaker, I appreciate the gentleman from Pennsylvania yielding time to me.

When this bill left the House, it addressed the issue of the 17 deaths that took place in Navy training. As I interpret the bill, this provision remains unchanged. I would like to ask the chairman of the committee if this is correct?

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

Mr. ROTH. Mr. Speaker, I yield to the gentleman from Florida.

Mr. CHAPPELL. Mr. Speaker, yes, the item was not in conference and does remain in the bill, and it is still effective in that regard.

Mr. ROTH. Mr. Speaker, I thank the gentleman for that clarification, and I want to compliment him and the ranking Member for the work they have done on this legislation. I realize that has been a tough conference and the committee devoted a lot of time to it. It shows the caliber of people we have on the subcommittee, that they did come forth with this bill and I congratulate the Members. There are many provisions related to funding of our Armed Forces and national security system. I want to call to my colleagues' attention to section 8104, which requires the Secretary of Defense to report to Congress on the causes and circumstances of all Navy deaths during training since 1985, and on the steps he is taking to prevent further deaths.

This provision will ensure that the top management of the Defense Department reviews the case of Navy airman Lee Mirecki, who, along with 17 other Navy personnel, died while undergoing training. Since 1985, there have been deaths in Navy training at the rate of 1 every 8 weeks, raising serious questions about the safety of these training programs. I became involved in this issue after my constitutent, Lee Mirecki, died in a swimming pool at the Navy rescue swimmer school at Pensacola. While investigating the causes of his death, I discovered a disturbing pattern of deaths among young trainees.

Here we had not 1 but 17 young people die at the height of their physical fitness, a third of them dying of heart failure, and I just could not accept that.

Early on in my inquiry into the Mirecki case I became convinced that his death and the other deaths raised serious questions requiring congressional oversight, and I offered an amendment to this measure on June 21. Subsequently, the Senate agreed to the amendment and it was included in this conference report.

In the Mirecki case, this young man wanted to get out of a swimming pool because he could not go on any more. Supposedly the rule was that if a trainee told the instructor he did not want to go through with the training the person was allowed to leave the pool. In this case the instructor ordered all the recruits get out of the swimming pool, then four instructors jumped in with this young man and one held him under water until he was drowned. One officer was reprimanded; all but one of the instructors were punished administratively, under article XV, which means nothing, and the instructor who held him down was convicted of negligent homicide. As the Members in this Chamber who are lawyers know, this is about the lowest charge a person can get in this particular circumstance. Now this man has been sentenced to 90 days confinement and a reduction of rank.

Why, good God, in Wisconsin if you hit a parked car you get more than that. It is time that the military lives up to the same standards that we have in civilian law.

I would like to read a quote from one of the young man's sisters who said, "The Star Spangled Banner played for a gold medal winner at the Olympics; my joy is overshadowed by my thoughts that my brother heard the same song when he fought for his life."

It is not right to let military training get by with this sort of thing, and that is why I am glad to see this provision in this legislation. Unless the chairman or the ranking member corrects me, it says that by the end of this year, the Secretary of Defense is going to report to the Congress and give us an accounting, not only this 1 death but of all 17 deaths. That is as I understand the law as it is written here.

As a result, we will learn the truth about what happened in the Navy training programs to cause these deaths. At the end of this year, we will have the Secretary's report, on which we can base the necessary corrective action.

Moreover, the very act of preparing this report will focus the Secretary's attention on this problem. This should help stimulate overdue reforms to improve safety.

For Lee Mirecki's family and friends, and those of the other young men who died tragically while training to serve their country, nothing can overcome the loss they have experienced. My amendment is dedicated to making sure that their sacrifice leads to saving the lives of those who follow them into military training.

Mr. McDADE. Mr. Speaker, I am pleased to yield such time as he may consume to the gentleman from Florida [Mr. YOUNG], a member of the subcommittee.

□ 1045

Mr. YOUNG of Florida. Mr. Speaker, I wanted to wait until the business of the subcommittee had been completed, but there is something missing here today as we present this conference report. That is a distinguished gentleman who, for much of his lifetime, has been heavily involved in the defense matters of our Nation, and especially the Congress, and, more specifically, our subcommittee. He is George Allen.

Mr. Speaker, George Allen was a member of our staff for a long, long time. He was a friend of ours from Florida. George Allen left our committee and went to the Defense Department as an Assistant Secretary a short time ago, and, while flying to a NATO meeting in a military transport plane, George Allen passed away.

We miss George. He was very knowledgeable. He was very knowledgeable on defense issues; he knew all of the answers. He even knew more answers than there were questions for the most part. He was a good, patriotic American. He was very helpful to my dear friend, the gentleman from Florida [Mr. CHAPPELL], the chairman of our subcommittee, and the gentleman from Pennsylvania [Mr. McDADE], the ranking member.

Mr. Speaker, as one member of our subcommittee, I think I can speak for all of us. We really miss George Allen. He was laid to rest as a former marine. I guess in the Marine Corps one is never a former marine. George Allen

died as a marine and was laid to rest at the marine base in Quantico, and I want to say that we really miss George Allen.

Mr. CHAPPELL. Mr. Speaker, I yield such time as he may consume to our distinguished chairman, the gentleman from Mississippi [Mr. WHITTEN].

Mr. WHITTEN. Mr. Speaker, I take this time to call to your attention the great job members of the Subcommittee on Defense have done—working day and night—to bring this conference report to the floor. We are indebted to the chairman, BILL CHAPPELL of Florida, and the ranking Republican, JOE MCDADE of Pennsylvania, for the great job they have done along with the members of the subcommittee on which I have served a long time.

Mr. Speaker, beginning in February and ending in May, this subcommittee held hearings on 39 days, taking testimony from over 160 witnesses on thousands of issues covering most of the world and important to our safety. That testimony is contained in seven volumes of hearings—all in the interest of providing for a good Defense Appropriations Act.

Too, Mr. Speaker, we are proud of each of the 13 subcommittees of our own Committee on Appropriations which have also done a great job over the years and particularly this year with the strong support and encouragement of SILVIO CONTE, the ranking Republican of the committee.

Mr. Speaker, we had 275 days of hearings and took testimony from over 5,000 witnesses which are printed on 88,319 pages in 90 hearing volumes. And we held the total of appropriations bills below our allocation and we finished on time.

I would like to thank the leadership for their cooperation and assistance.

In order to do this job, we needed the help of the staff which in my opinion is second to none.

I submit for the RECORD the names of the subcommittee chairmen and their Republican counterparts who certainly share the credit.

Subcommittee on Commerce-Justice-State-Judiciary: NEAL SMITH, chairman; HAL ROGERS, ranking Republican.

Subcommittee on Defense: BILL CHAPPELL, chairman; JOE MCDADE, ranking Republican.

Subcommittee on District of Columbia: JULIAN DIXON, chairman; LARRY COUGHLIN, ranking Republican.

Subcommittee on Energy and Water Development: TOM BEVILL, chairman; JOHN MYERS, ranking Republican.

Subcommittee on Foreign Operations, Export Financing, and Related Programs: DAVID OBEY, chairman; MICKEY EDWARDS, ranking Republican.

Subcommittee on HUD-Independent Agencies: EDWARD BOLAND, chairman; BILL GREEN, ranking Republican.

Subcommittee on Interior: SIDNEY YATES, chairman; RALPH REGULA, ranking Republican.

Subcommittee on Labor-Health and Human Services-Education: BILL NATCHER, chairman; SILVIO CONTE, ranking Republican.

Subcommittee on Legislative: VIC FAZIO, chairman; JERRY LEWIS, ranking Republican.

Subcommittee on Military Construction: BILL HEFNER, chairman; BILL LOWERY, ranking Republican.

Subcommittee on Rural Development, Agriculture, and Related Agencies: JAMIE WHITTEN, chairman; VIRGINIA SMITH, ranking Republican.

Subcommittee on Transportation: BILL LEHMAN, chairman; LARRY COUGHLIN, ranking Republican.

Subcommittee on Treasury-Postal Service-General Government: EDWARD ROYBAL, chairman; JOE SKEEN, ranking Republican.

Mr. Speaker, as a result of the work done by these subcommittees and the full committee, all 13 appropriations bills passed the House before June 30 and the conference agreements on all 13 bills were approved by the House on or before September 30.

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

I would like to say that this subcommittee appreciates those remarks, especially since this comes from one who has such an outstanding and distinguished record in the Congress of the United States as does our dear chairman. We appreciate his praise, Mr. Speaker, and we appreciate all the good guidance, help and advice that he gives in the management and the operation of this committee.

Mr. Speaker, I would like to say just a word, if I might, about George Allen. Some of these things have been said before, and I have made some of these same remarks before. But my good friend, the gentleman from Florida [Mr. YOUNG], is absolutely correct when he said that there has been a great void this year especially after we went through the processes that we have been through in conference. Heretofore, George Allen has been such a stalwart in giving us good advice, furnishing good information, and adding a bit of humor where it was needed to cool things down. This year he was not there. He was sorely missed.

Mr. Speaker, George Allen came with me to the Congress of the United States 20 years ago. He served me so well and went from my staff to the military construction staff, and then he went to the Defense staff.

Mr. Speaker, George Allen was one of the most brilliant men I have seen in the field of ferreting out facts. I have never known one who could travel afar and come back with so much information about our bases overseas and about the needs of our personnel. He was the kind of guy, that, when things begin to get a little bit tough, he always had a story or something that kind of soothes the heart and kind of smooths the waters of dissention.

We have really missed him in the conference, and we will miss him in the future because he made such a wonderful contribution to the work of this committee and to the work of the Congress. When he went on over to the Department of Defense as an Assistant Secretary he gave them valued assistance. We are all going to miss him. We all share the void that has been with us during this conference.

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

Mr. Speaker, let me digress for just a moment to thank my colleagues from Florida for their remembrance of George. I had the privilege of working with him for some time, and I echo everything that they have said. Nobody will miss George more than I, and we look forward to reviewing acquaintances with him at a later date.

Mr. Speaker, I yield 3 minutes to the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. Mr. Speaker, I thank the gentleman for yielding me the time.

All told, from what I can gather from the conference report, it is a pretty decent conference report, but I am concerned about several items that I find in it where it appears to me that despite the fact that we had the authorization process going forward and an appropriations process going forward at the same time, we have seemed to have ended up appropriating without authorization.

I find, for example, a program, the F-109 engine program, which I understand is included in here at a figure of about $18 million. It is an unauthorized program. The question becomes with us trying to proceed along the right kind of course, why are we funding programs that the committee of authorization specifically decided not to authorize for one reason or another.

I find specific moneys going to some universities along the way which I am wondering whether or not they went through an authorization and/or a peer review process. For example, I find money for the University of Minnesota, for Auburn University, for Lehigh University, and it is my information that none of those have been authorized by anybody, and I guess my question for either the chairman or the ranking member is whether or not they have been through any kind of a peer review process before they have been put in this bill. Can anybody tell me whether those have been peer reviewed?

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

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

Mr. CHAPPELL. Mr. Speaker, I say to the gentleman from Pennsylvania [Mr. WALKER] with reference to the F-109 engine as he knows we have put $18 million of available funds. However, until such time as the Secretary of Defense would certify that there was an opportunity for recoupment on this engine and/or has certified that it has a military use he cannot spend the funds.

Mr. WALKER. Mr. Speaker, I understand that on the F-109, but on the other hand, it is to my understanding not an authorized program. So, the question becomes why we are even directing the Secretary of Defense to even begin spending the money if it is not an authorized program.

Mr. CHAPPELL. Mr. Speaker, I will say to the gentleman that there will be a provision that has been worked out with the authorization committee that cover these accounts.

Mr. WALKER. But, Mr. Speaker, we just passed an authorization bill here the other day, and it seems to me that, if it was going to be appropriately authorized, that is the place to do it in the authorization when the authorization bill passes.

But I come back to this: Are these universities getting money for projects of one kind or another? Are they authorized? Have they been peer reviewed? Is there any criteria other than the fact that somebody came before the Committee on Appropriations and decided here was some money that they wanted?

Mr. CHAPPELL. Mr. Speaker, I would say to the gentleman from Pennsylvania [Mr. WALKER] that some of those projects are authorized and some of them come with recommendations from the other body in appropriations.

There are some of us that have some concern about this particular process, but in these events we feel that these are projects that are important to the defense effort. There are specialized knowledge and research, that is going on by and through these universities. While we do not think this is the best way to do it, we have compromised the matter with the Senate to get this bill through, and we brought it back in what we think is a reasonable effort after having cutting a number of them out.

Mr. WALKER. Mr. Speaker, if I may reclaim my time, the problem is this is giving $7 million to one supercomputer center. There are lots of people interested in computers.

I serve on the Committee on Science, Space, and Technology. A lot of people are interested in that technology. The question is, if it is not peer reviewed, if it is not authorized, why are we giving special treatment to one particular university?

Mr. McDADE. Mr. Speaker, I yield such time as he may consume to my distinguished colleague, the gentleman from Louisiana [Mr. LIVINGSTON].

Mr. LIVINGSTON. Mr. Speaker, I thank the gentleman from Pennsylvania [Mr. McDADE] for yielding.

Mr. Speaker, I will not take much time, but I just want to take this opportunity to express my thanks and congratulations to the gentleman from Florida [Mr. CHAPPELL] the chairman, and to the gentleman from Pennsylvania [Mr. McDADE], the ranking member, and to all the members of the committee and to all of the staff that worked so hard to make this very interesting and extraordinary conference reach a successful conclusion.

We had our differences on a couple of items as the conference wore on, but those were resolved, and I think we have got an outstanding product. I recommend it highly to our colleagues in the House.

I specifically want to point out that we are applying, and, if appropriated, about half a billion dollars to the drug interdiction efforts passed by authorization bills previously in this House. There is a provision in there which will retain the ability of the Air Force to conduct hurricane reconnaissance efforts, and certainly we have seen in this very hectic hurricane season how necessary, and vital and critical that can be. There are provisions in here which will very much impact the much pressed ship building industry throughout the country and which will enable it to continue to provide the necessary work so critical to our defenses and to our capability of marine transport in the future.

So, all and all I think it is a good bill. Certainly there are provisions that can be attacked by individual Members, but I think that it is certainly worthy of passage by this body. I commend all those who worked so hard to bring it about.

Mr. McDADE. Mr. Speaker, I thank the gentleman from Louisiana.

I yield 2 minutes to the ranking member of the Committee on Appropriations, the gentleman from Massachusetts [Mr. CONTE].

Mr. CONTE. Mr. Speaker, I want to recognize the outstanding effort of the leadership and the members of the Defense Appropriations Subcommittee in putting together this conference report on the DOD appropriations bill for fiscal year 1989.

This bill took hundreds of hours to fashion. The committee started the conference with a 166-page computer printout of the differences between the two Houses. After our initial conference there were still over 400 items in disagreement in 277 amendments to the House bill. The managers have been locked in conference for nearly 2 weeks, fighting over some very difficult issues.

The funding of this bill is the linchpin around which we fashioned the budget summit of last year. That summit has brought us to the verge of getting all of the appropriations business of this Congress completed for the first time since 1953. The summit has been the funding game plan and once again we are living up to that plan in this bill.

My good and able friends, Chairman BILL CHAPPELL with whom I have played hardball for years in the Congressional Baseball Classic and the ranking member, JOE McDADE, have gone the extra mile to get the defense funding of this Nation in a proper condition. We owe them a very big vote of thanks for their work on this bill and the conference.

From the beginning of the march toward a Defense Appropriations Act, we have seen a real effort to make the budget summit agreement work. The Secretary of Defense cut $33 billion out of his intended request; the Budget Committee allocated the agreement, the authorizers stayed with the numbers and we have hit that $299.5 billion in budget authority for all defense almost precisely on the head.

While staying within those guidelines, the Defense Subcommittee has implemented some very important funding provisions:

There is a solid increase in pay and allowances.

We have raised the level for operations, training, and readiness by $5 billion over last year.

There is a steady state funding for research and development.

And there is substantial funding in procurement to continue the drive to equip our forces with the best weapons possible.

In addition to our funding responsibilities, the conference addressed some very important issues:

The area of consultants was examined to make certain we are getting our money's worth and to identify how we can better utilize them.

Sharing the burden on the part of our allies was addressed. We took the approach that, although our allies may be doing some very important things for our national security, there may be other areas in which they should be assisting us and that we should insist they do.

In addition we helped the Coast Guard with support from the Navy and we kept the options open for the next President to make certain strategic decisions.

All in all, the managers of this bill have brought us a conference report that we can be proud of. It was a tough, hard-nosed fight with the other

body to preserve the good efforts of this House.

The administration has few problems with the final product and has indicated that the bill will be signed. I want to give my support to the report and urge my colleagues to do likewise.

Mr. LAGOMARSINO. Mr. Speaker, I rise in support of this to extend humanitarian assistance to the Nicaraguan democratic resistance.

It is vital to U.S. national security interests that there be peace, democracy and development in Central America. The major obstacle to achieving those goals is the Communist Sandinista government in Nicaragua. To oppose the Sandinistas, it is necessary to support those Nicaraguans who seek peace, freedom, and justice in their country. Our assistance is necessary to keep their hopes alive.

Costa Rican President Oscar Arias received the Nobel Peace Prize for his plan which was agreed to by all the Central American leaders. Arias said, "Without democracy, there can be no peace in Central America." Although Nicaraguan President Daniel Ortega signed the Arias Agreement, his Government has not carried out the steps for democratization that it required. In spite of its promises to reform, the Sandinista government has continued brutally repressing its own people and systematically subverting it democratic neighbors.

Critics argue that Nicaragua is too small and insignificant to pose a threat to the United States. If Nicaragua were acting independently, there might be some merit to that argument. But the fact is the Soviet Union and Cuba are supplying hundreds of millions of dollars worth of military assistance and manpower to make Nicaragua the strongest military machine in Central America. The threat to the United States is the threat to its democratic allies in Costa Rica, El Salvador, Honduras, Guatemala, and Mexico. Destabilization of those democracies would send millions of refugees fleeing to the United States and the impact on American taxpayers would be incalculable.

Responsible leaders support the Arias initiative because it seeks peace through internal reconciliation and democratization. However, the Arias plan alone is incapable of achieving the objectives of peace and democracy in Central America because it lacks the mechanism to enforce compliance if a government fails to live up to its commitments.

The Sandinistas in Nicaragua recognize this flaw and have exploited it. When strong pressure was brought to bear on the Sandinistas, they promised democratic reforms and made initial cosmetic changes that seemed to respond to the Arias plan. But, as soon as the pressure lessened, the Sandinistas once again resorted to an organized campaign of repression and intimidation of its unarmed opposition and of further strengthening its military capability.

United States policy in Nicaragua does not seek a military solution. It is a two-tracked policy designed to bring pressure on the Sandinista government to live up to the promises it has continued to make ever since it sought legitimacy through the OAS in 1979. United States policy is a combination both of diplomatic initiatives and also of aid and support for the brave Nicaraguans who feel betrayed by the Sandinistas who turned their revolution against Somoza into a Communist totalitarian society.

Recent statements by the House Democratic leadership and specifically the Speaker have jeopardized not only the lives of brave Nicaraguans but also the hopes for democratic reform and respect for human rights in that country. To prevent further damage to the cause of democracy in Central America, it is essential that we approve this measure of modest humanitarian assistance to keep alive the hope of freedom and dignity.

I urge my colleagues to approve this measure which is vital for both peace and security in Central America.

Mr. HALL of Ohio. Mr. Speaker, I rise in opposition to the conference report on H.R. 4781, the Defense appropriations bill for fiscal 1989.

I realize that this legislation is going to pass, and that my colleagues are anxious to complete action on the remaining appropriations bills. However, in good conscience, I cannot vote in favor of the current version of this legislation because of the funding it contains for the Contras.

When the Defense appropriations bill originally passed the House on June 21, 1988, I was among those who voted in favor of it. At that time, there was no Contra funding in the Defense appropriations bill.

The Senate added Contra aid to its version of the legislation, and the House-Senate conference committee approved it for the final draft on which we are voting today. It is unfortunate that the conferees decided to add this extraneous matter to the regular Defense appropriations legislation.

If the Contra provisions were not in this measure, I would be voting for it. On balance, the conferees have done a commendable job in working out the differences among the House, the Senate, and the administration positions on the defense-related funding issues addressed by this legislation.

But I must oppose the bill before us because of my consistent opposition to Contra aid. This bill provides $27 million in so-called nonlethal Contra aid beginning on October 1, 1988. The aid would be available until March 31, 1988. This would amount to around $4.3 million per month.

In addition, there are provisions for expedited congressional consideration of a Presidential request to release up to $16.5 million in previously appropriated military aid, if the President requests the aid before Congress adjourns. Some of my colleagues contend that there is insufficient time for this lethal aid mechanism to be activated. While I hope that this is true, I still cannot support the principle of making this aid available.

I continue to believe that arming and supporting the Contras is the wrong way to deal with the Sandinista government and the wrong way to attempt to bring peace to Central America. For this reason, I cannot support Contra aid, however it is packaged and rationalized.

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

Mr. CHAPPELL. Mr. Speaker, 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. The question is on the conference report.

The question was taken; and the Speaker pro tempore announced the ayes appeared to have.

Mr. CONTE. 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 327, nays 77, not voting 27, as follows:

[Roll No. 372]

YEAS—327

Akaka	Dannemeyer	Hertel
Alexander	Darden	Hiler
Anderson	Davis (MI)	Hochbrueckner
Andrews	DeLay	Holloway
Annunzio	Derrick	Hopkins
Anthony	DeWine	Horton
Applegate	Dickinson	Houghton
Archer	Dicks	Hoyer
Armey	Dingell	Hubbard
Aspin	DioGuardi	Huckaby
Baker	Dixon	Hughes
Ballenger	Donnelly	Hunter
Barnard	Dornan (CA)	Hutto
Bartlett	Downey	Hyde
Barton	Dreier	Inhofe
Bateman	Dwyer	Ireland
Bennett	Dyson	Jacobs
Bentley	Edwards (OK)	Jenkins
Bereuter	Emerson	Johnson (CT)
Bevill	English	Jones (NC)
Bilbray	Erdreich	Jontz
Bilirakis	Espy	Kanjorski
Bliley	Fascell	Kaptur
Boehlert	Fawell	Kasich
Boggs	Fazio	Kennelly
Bonior	Fields	Kleczka
Borski	Fish	Kolbe
Bosco	Flippo	Kolter
Brennan	Foley	Konnyu
Brooks	Ford (MI)	LaFalce
Broomfield	Ford (TN)	Lagomarsino
Bruce	Frank	Lancaster
Bryant	Frost	Lantos
Buechner	Gallegly	Latta
Bunning	Gallo	Leath (TX)
Burton	Gaydos	Lehman (CA)
Bustamante	Gejdenson	Lehman (FL)
Byron	Gekas	Lent
Callahan	Gephardt	Levin (MI)
Campbell	Gibbons	Lewis (CA)
Cardin	Gilman	Lewis (FL)
Carper	Gingrich	Lightfoot
Carr	Glickman	Lipinski
Chandler	Gonzalez	Livingston
Chapman	Goodling	Lloyd
Chappell	Gordon	Lowery (CA)
Cheney	Gradison	Lowry (WA)
Clarke	Grandy	Lujan
Clement	Grant	Luken, Thomas
Clinger	Gray (IL)	Lukens, Donald
Coats	Guarini	Madigan
Coble	Gunderson	Manton
Coelho	Hall (TX)	Marlenee
Coleman (MO)	Hamilton	Martin (IL)
Coleman (TX)	Hammerschmidt	Martin (NY)
Combest	Hansen	Martinez
Conte	Harris	Matsui
Cooper	Hastert	Mavroules
Costello	Hatcher	Mazzoli
Coughlin	Hayes (LA)	McCloskey
Courter	Hefley	McCollum
Coyne	Hefner	McCrery
Craig	Henry	McCurdy
Crane	Herger	McDade

McEwen
McGrath
McHugh
McMillan (NC)
McMillen (MD)
Meyers
Mica
Michel
Miller (OH)
Miller (WA)
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Morella
Morrison (WA)
Mrazek
Murphy
Murtha
Myers
Natcher
Neal
Nelson
Nichols
Nielson
Nowak
Obey
Olin
Owens (UT)
Oxley
Packard
Parris
Pashayan
Patterson
Payne
Penny
Pepper
Petri
Pickett
Pickle
Porter
Price
Pursell
Quillen
Ravenel
Ray
Regula
Rhodes
Richardson
Ridge
Rinaldo
Ritter
Roberts
Robinson
Rodino
Roe
Rogers
Rose
Rostenkowski
Roth
Roukema
Rowland (CT)
Rowland (GA)
Sabo
Saiki
Sawyer
Saxton
Schaefer
Schuette
Schulze
Sharp
Shaw
Shumway
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter (VA)
Smith (FL)
Smith (IA)
Smith (NE)
Smith (NJ)
Smith (TX)
Smith, Robert (NH)
Smith, Robert (OR)
Snowe
Solarz
Spence
Spratt
St Germain
Staggers
Stallings
Stangeland
Stenholm
Stratton
Stump
Sundquist
Swift
Swindall
Synar
Tallon
Tauzin
Taylor
Thomas (CA)
Thomas (GA)
Torres
Torricelli
Traficant
Traxler
Udall
Upton
Valentine
Vander Jagt
Visclosky
Volkmer
Vucanovich
Walgren
Walker
Watkins
Weber
Weldon
Whittaker
Whitten
Wilson
Wise
Wolf
Wolpe
Wortley
Wylie
Yatron
Young (AK)
Young (FL)

NAYS—77

Ackerman
Atkins
AuCoin
Bates
Beilenson
Berman
Brown (CO)
Clay
Collins
Conyers
Crockett
DeFazio
Dellums
Dorgan (ND)
Durbin
Dymally
Eckart
Edwards (CA)
Evans
Feighan
Flake
Foglietta
Frenzel
Garcia
Green
Hall (OH)
Hawkins
Hayes (IL)
Johnson (SD)
Kastenmeier
Kennedy
Kildee
Kostmayer
Leach (IA)
Leland
Levine (CA)
Lewis (GA)
Markey
Mfume
Miller (CA)
Mineta
Moody
Morrison (CT)
Nagle
Oakar
Oberstar
Owens (NY)
Panetta
Pease
Pelosi
Perkins
Rahall
Rangel
Roybal
Russo
Savage
Scheuer
Schneider
Schroeder
Schumer
Sensenbrenner
Shays
Sikorski
Slaughter (NY)
Smith, Denny (OR)
Stark
Stokes
Studds
Tauke
Towns
Vento
Waxman
Weiss
Wheat
Williams
Wyden
Yates

NOT VOTING—27

Badham
Boland
Bonker
Boucher
Boulter
Boxer
Brown (CA)
Daub
Davis (IL)
de la Garza
Dowdy
Early
Florio
Gray (PA)
Gregg
Jeffords
Jones (TN)
Kemp
Kyl
Lott
Lungren
Mack
MacKay
McCandless
Ortiz
Solomon
Sweeney

□ 1121

The Clerk announced the following pairs:

On this vote:

Mr. Florio for, with Mrs. Boxer against.

Mr. Jones of Tennessee for, with Mr. Brown of California against.

Messrs. HALL of Ohio, FEIGHAN, and MORRISON of Connecticut, Miss SCHNEIDER, and Messrs. RUSSO, MFUME, SCHUMER, and ACKERMAN changed their vote from "yea" to "nay."

Mr. TOWNS and Mr. McCLOSKEY 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.

AMENDMENTS IN DISAGREEMENT

The SPEAKER pro tempore. Pursuant to House Resolution 548 and 555, the amendments in disagreement and the motions to dispose of the amendments are considered as having been read.

The Clerk will designate the first amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 1: Page 2, line 14, strike out "$24,467,893,000" and insert "$24,459,745,000".

MOTION OFFERED BY MR. CHAPPELL

Mr. CHAPPELL. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. CHAPPELL moves that the House recede from its disagreement to the amendment of the Senate numbered 1 and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment, insert $24,484,745,000".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. CHAPPELL].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 19: Page 8, strike out all after line 18, down to and including "Guard" in line 20, and insert "$24,916,901,000, of which $1,915,171,000 shall not become available for obligation until July 1, 1989, and shall be available only for civilian personnel compensation and benefits".

MOTION OFFERED BY MR. CHAPPELL

Mr. CHAPPELL. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follow:

Mr. CHAPPELL moves that the House recede from its disagreement to the amendment of the Senate numbered 19 and concur therein with an amendment, as follows: In lieu of the matter stricken and inserted by said amendment, insert the following: "$24,852,100,000".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. CHAPPELL].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 21: Page 9, line 12, after "levels" insert ": *Provided further*, That of the amount appropriated, $40,000,000 shall be available after August 15, 1989, for repair of the USS MIDWAY at a shipyard in the United States: *Provided further*, That the USS MIDWAY may be repaired at a shipyard in Japan only if such costs are assumed by the Government of Japan".

MOTION OFFERED BY MR. CHAPPELL

Mr. CHAPPELL. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. CHAPPELL moves that the House recede from its disagreement to the amendment of the Senate numbered 21 and concur therein with an amendment, as follows: In lieu of the matter inserted by said amendment, insert ": *Provided further*, That of the amount appropriated, $40,000,000 shall be available after August 15, 1989, for repair of blister modification of the USS MIDWAY: *Provided further*, That blister modification of the USS MIDWAY may be accomplished at a shipyard in Japan only if such costs are assumed by the Government of Japan, or if the Government of Japan agrees to increase its share of U.S. labor costs or operational costs in the Japanese fiscal year by an amount equal to or greater than $40,000,000, and that such increase will be in addition to any increase already agreed to by the Governments of the United States and Japan at the time of enactment of this Act: *Provided further*, Notwithstanding section 2805 of title 10, of the funds appropriated herein, $3,500,000 shall be available for a grant to the Naval Undersea Museum Foundation for the completion of the Naval Undersea Museum at Keyport, Washington. These funds shall be available solely for project costs and none of the funds are for remuneration of any entity or individual associated with fund raising for the project: *Provided further*, That of the funds appropriated herein, not to exceed $980,000 shall be available to pay Ukpeavic Inupiat Corporation for expenses related to the conveyance of the Navy Arctic Research Laboratory: *Provided further*, That, notwithstanding any other provision of law, the lease of the U.S. repair ship HECTOR is hereby authorized in accordance with Chapter 6 of the Arms Export Control Act and subject to the reporting requirements of Section 62 of the Arms Export Control Act, as provided for in Executive Communication 4362, subject to a separate authorization bill being enacted or on or after October 18, 1988, whichever comes first".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. CHAPPELL].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 23: Page 9, line 24, strike out "$21,890,400,000" and insert "$21,817,327,000 of which $1,549,883,000 shall not become available for obligation until July 1, 1989, and shall be available only for civilian personnel compensation and benefits".

MOTION OFFERED BY MR. CHAPPELL

Mr. CHAPPELL. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. CHAPPELL moves that the House recede from its disagreement to the amendment of the Senate numbered 23 and concur therein with an amendment, as follows: In lieu of the matter stricken and inserted by said amendment, insert the following: "$21,721,673,000 of which $1,500,000 shall be available only for repair and maintenance of Decker Field, Utah: *Provided*, That $26,000,000 shall be available only for the operation of the SR-71 Base in the Pacific area and, notwithstanding any other provision of law, these funds shall be available for obligation and expenditure for this purpose: *Provided further*, That none of the funds appropriated in this or any other Act may be obligated or expended for the purpose of disestablishing or reducing the Air Force SR-71 survivable airborne reconnaissance capability for the Far East and Middle East Theatres from the level of such capability available on October 1, 1987".

POINT OF ORDER

Mr. CHENEY. Mr. Speaker, I make a point of order against amendment No. 23.

The SPEAKER pro tempore. The gentleman will state his point of order.

Mr. CHENEY. Mr. Speaker, with respect to the Senate amendment numbered 23, I make the point of order that the amendment to the Senate amendment offered by the gentleman from Florida is not germane to the Senate amendment as required by clause 7 of House rule XVI. The amendment waives the application of any other law—including the requirements of the Intelligence Authorization Act, fiscal year 1989, which was signed by the President on September 29, and section 502 of the National Security Act of 1947, as amended. It also seeks to limit the obligation and expenditure of funds in other appropriations acts. For both those reasons, the amendment is not germane to the Senate amendment, which was solely concerned with setting a different figure for the appropriations category entitled "Operation and Maintenance, Air Force" and a smaller, included subtotal concerned with civilian personnel compensation and benefits.

The SPEAKER pro tempore. Does the gentleman from Florida [Mr. CHAPPELL] desire to be heard on the point of order?

Mr. CHAPPELL. No, Mr. Speaker; I do not desire to be heard.

The SPEAKER pro tempore (Mr. MONTGOMERY). For the reasons stated by the gentleman from Wyoming, the point of order is sustained against the motion.

MOTION OFFERED BY MR. CHAPPELL

Mr. CHAPPELL. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. CHAPPELL moves that the House recede from its disagreement to the amendment of the Senate numbered 23 and concur therein with an amendment, as follows: In lieu of the matter stricken and inserted by said amendmemt, insert the following: "$21,721,673,000 of which $1,500,000 shall be available only for repair and maintenance of Decker Field, Utah: *Provided*, That $26,000,000 shall be available only for the operation of the SR-71 Base in the Pacific area and, these funds shall be available for obligation and expenditure for this purpose".

The SPEAKER pro tempore. The question on the motion offered by the gentleman from Florida [Mr. CHAPPELL].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 35: Page 17, line 17, strike out ["$2,565,500,000"] and insert $2,556,800,000".

MOTION OFFERED BY MR. CHAPPELL

Mr. CHAPPELL. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. CHAPPELL moves that the House recede from its disagreement to the amendment of the Senate numbered 35 and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment, insert "$2,602,800,000".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. CHAPPELL].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 36: Page 17, line 18, strike out all after "1991" down to and including "100-180)" in line 24.

MOTION OFFERED BY MR. CHAPPELL

Mr. CHAPPELL. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. CHAPPELL moves that the House recede from its disagreement to the amendment of the Senate numbered 36 and concur therein with an amendment, as follows: Restore the matter stricken by said amendment, amended to read as follows: ": *Provided*, That funds may be obligated and expended for procurement and advance procurement of the Forward Area Air Defense System, Line-of-Sight Forward-Heavy System without regard to the restrictions contained in section 111(d) of the National Defense Authorization Act for fiscal years 1988 and 1989 (Public Law 100-180): *Provided further*, That notwithstanding sections 138 and 2366 of title 10 U.S.C., the Secretary of the Army may obligate advance procurement funds provided for the Forward Area Air Defense System, Line-of-Sight Forward-Heavy System".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. CHAPPELL].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 42: Page 20, line 15, strike out "$9,308,735,000" and insert "$9,231,311,000".

MOTION OFFERED BY MR. CHAPPELL

Mr. CHAPPELL. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. CHAPPELL moves that the House recede from its disagreement to the amendment of the Senate numbered 42 and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment, insert "$9,415,311,000".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. CHAPPELL].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 44: Page 20, line 18, after "law" insert ": *Provided*, That the provisions in Public Laws 100-180 and 100-202 which provide that funds are available in specific dollar amounts only for specific programs, projects, or activities funded by the appropriation "Aircraft Procurement, Navy" shall have no force or effect which would limit the application of a proportionate share of the general reduction of $250,000,000 allocated within the appropriation account against these specific programs, projects or activities".

MOTION OFFERED BY MR. CHAPPELL

Mr. CHAPPELL. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. CHAPPELL moves that the House recede from its disagreement to the amendment of the Senate numbered 44, and concur therein.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. CHAPPELL].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 45: Page 21, line 4, strike out all after "layaway" over to and including "$6,033,173,000" in line 17 on page 22, and insert ";$5,922,525,000".

MOTION OFFERED BY MR. CHAPPELL

Mr. CHAPPELL. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. CHAPPELL moves that the House recede from its disagreement to the amendment of the Senate numbered 45 and concur therein with an amendment, as follows: In lieu of the matter stricken and inserted by said amendment, insert: ", as follows:

"Ballistic Missile Programs, $1,872,538,000;

"Other Missile Programs, $3,245,154,000;

"Mark-48 ADCAP Torpedo, $485,000,000;

"Mark-50 Torpedo, $198,547,000;

"Vertical launched ASROC, $105,000,000;

"Modification of Torpedoes, $3,289,000;

"Torpedo Support Programs, $48,652,000;

"Other Weapons, $108,440,000;

"Spares and Repair Parts, $87,412,000;

"In all: $6,154,032,000".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. CHAPPELL].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 49: Page 23, line 16, strike out "$2,134,400,000" and insert "$2,140,200,000".

MOTION OFFERED BY MR. CHAPPELL

Mr. CHAPPELL. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. CHAPPELL moves that the House recede from its disagreement to the amendment of the Senate numbered 49 and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$2,062,200,000;".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. CHAPPELL].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 50: Page 23, line 21, strike out "$689,900,000" and insert "$569,800,000".

MOTION OFFERED BY MR. CHAPPELL

Mr. CHAPPELL. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. CHAPPELL moves that the House recede from its disagreement to the amendment of the Senate numbered 50 and concur therein with an amendment, as follows: In lieu of the matter stricken and inserted by said amendment insert "$689,900,000: *Provided*, That the Navy shall first execute the remaining options for the low bidder's current contract: *Provided further*, That the remaining funds may not be obligated or expended until the Secretary of the Navy conducts an independent assessment of the shipbuilding mobilization base and determines whether or not the remaining three T-AO fleet oilers should be awarded to a second source shipyard and submits for approval to the Committees on Appropriations its T-AO fleet oiler procurement strategy".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. CHAPPELL].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 60: Page 28, line 7, strike out "$7,620,587,000" and insert "$7,649,757,000".

MOTION OFFERED BY MR. CHAPPELL

Mr. CHAPPELL. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. CHAPPELL moves that the House recede from its disagreement to the amendment of the Senate numbered 60 and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment, insert "$7,219,683,000".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. CHAPPELL].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 61: Page 28, line 22, strike out all after "lawaway" over to and including "$8,097,047,000" in line 5 on page 29, and insert "$8,133,249,000".

MOTION OFFERED BY MR. CHAPPELL

Mr. CHAPPELL. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. CHAPPELL moves that the House recede from its disagreement to the amendment of the Senate numbered 61 and concur therein with an amendment, as follows: In lieu of the matter stricken and inserted by said amendment, insert "$8,188,638,000".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. CHAPPELL].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 71: Page 31, line 22, strike out "$5,042,965,000" and insert "$5,011,894,000".

MOTION OFFERED BY MR. CHAPPELL

Mr. CHAPPELL. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. CHAPPELL moves that the House recede from its disagreement to the amendment of the Senate numbered 71 and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment, insert "$5,130,166,000".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. CHAPPELL].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 72: Page 31, line 23, strike out all after "1990" over to and including "vehicles" in line 6 on page 32, and insert ": *Provided*, That $5,480,000 shall be available only to continue development of the DRAGON III interim, medium anti-armor weapon under the auspices of a joint program with the Marine Corps".

MOTION OFFERED BY MR. CHAPPELL

Mr. CHAPPELL. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. CHAPPELL moves that the House recede from its disagreement to the amendment of the Senate numbered 72 and concur therein with an amendment, as follows: In lieu of the matter stricken and inserted by said amendment, insert ": *Provided*, That $7,300,000 shall be available only for type classification and operational testing of the 120 millimeter mortar system and development of a family of enhanced 120 millimeter ammunition: *Provided further*, That $2,500,000 shall be available only for the vehicular intercommunications system: *Provided further*, That $5,000,000 shall be available only for development of fluidtronics technology for use in ground combat or support vehicles: *Provided further*, That $2,000,000 shall be made available until expended, as a grant, only for continued development of a medical research institute directed at basic and clinical research in immunology, for associated facilities, and for related purposes.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. CHAPPELL].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 73: Page 32, line 12, strike out "$9,136,405,000" and insert "$9,300,614,000".

MOTION OFFERED BY MR. CHAPPELL

Mr. CHAPPELL. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. CHAPPELL moves that the House recede from its disagreement to the amendment of the Senate numbered 73 and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment, insert "$9,382,312,000".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. CHAPPELL].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 77: Page 33, line 6, strike out "$14,313,135,000" and insert "$14,438,332,000".

MOTION OFFERED BY MR. CHAPPELL

Mr. CHAPPELL. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. CHAPPELL moves that the House recede from its disagreement to the amendment of the Senate numbered 77 and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment, insert "$14,502,347,000".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. CHAPPELL].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 78: Page 33, line 7, strike out all after "1990" down to and including "fuels" in line 21.

MOTION OFFERED BY MR. CHAPPELL

Mr. CHAPPELL. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. CHAPPELL moves that the House recede from its disagreement to the amendment of the Senate numbered 78 and concur therein with an amendment, as follows: Restore the matter stricken by said amendment amended to read as follows: ": *Provided*, That $2,000,000 shall be available only for development of high thermal stability and/or endothermic jet fuels, including studies on coal based fuels: *Provided further*, That of the funds appropriated in this paragraph, $890,000,000 shall be available for ICBM modernization programs as follows:

"(1) $40,000,000 shall be available for continued development and flight testing of the MX missile;

"(2) $250,000,000 shall be available for the Small ICBM program; and

"(3) $600,000,000 shall be available for the MX Rail Garrison program and of the $600,000,000 available for the MX Rail Garrison program, the amount obligated before February 15, 1989, may not exceed $250,000,000: *Provided further*, That during the period beginning on January 21, 1989, and ending on February 15, 1989, the President shall submit to the Committees on Armed Services and the Committees on Appropriations of the Senate and House of Representatives a report on—

"(1) anticipated obligations for the remainder of fiscal year 1989 for the small ICBM program, the MX Rail-Garrison program, and other ICBM modernization programs; and

"(2) the purposes those obligations are intended to accomplish".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. CHAPPELL].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 80: Page 34, line 6, strike out "$7,468,757,000" and insert "$8,373,698,000".

MOTION OFFERED BY MR. CHAPPELL

Mr. CHAPPELL. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. CHAPPELL moves that the House recede from its disagreement to the amendment of the Senate numbered 80 and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment, insert "$8,427,908,000".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. CHAPPELL].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 81: Page 34, line 7, strike out all after "1990" over to and including "repealed" in line 3 on page 35.

MOTION OFFERED BY MR. CHAPPELL

Mr. CHAPPELL. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. CHAPPELL moves that the House recede from its disagreement to the amendment of the Senate numbered 81 and concur therein with an amendment, as follows: Restore the matter stricken by said amendment amended to read as follows: ": *Provided*, That $95,000,000 shall be made available only for the Advanced Submarine Technology Program as described in section 241 of the National Defense Authorization Act for Fiscal Year 1989 (H.R. 4264), as provided in the conference agreement included in House Report 100-753: *Provided further*, That the Secretary of Defense shall award the funds made available in this Act for the University Research Initiative Program on the basis of competition; and, that none of the funds may be obligated or expended until the Appropriations and Armed Services Committees of the House and Senate approve a plan submitted by the Secretary of Defense to provide for broader geographic distribution of funds under such program in comparison to the distribution of such funds during fiscal year 1986 and 1987; and sets aside a portion of the funds available for such program for fiscal year 1989 to implement such a plan: *Provided further*, That section 215 (c) of the National Defense Authorization Act for Fiscal Years 1988 and 1989 (Public Law 100-180) is repealed".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. CHAPPELL].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 83: Page 35, line 3, after "repealed" insert ": *Provided further*, That, of the total amount available for the Strategic Defense Initiative, not less than the following amounts may be spent only for the following programs: $175,000,000 for the Boost Surveillance and Tracking System (BSTS); $200,000,000 for the Advanced Launch System (ALS) Program under Air Force management; $114,900,000 for antitactical missile activities as part of the Army's Theater Missile Defense and Antitactical Missile System Programs; $202,000,000 for the Exoatmospheric Re-entry Vehicle Interceptor System; $150,000,000 for the High Endoatmospheric Defense Interceptor System; $105,000,000 for the Neutral Particle Beam Program; $29,000,000 for Medical Technologies; and $17,000,000 for the Gallium Arsenide Integrated Circuit Technology Program".

MOTION OFFERED BY MR. CHAPPELL

Mr. CHAPPELL. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. CHAPPELL moves that the House recede from its disagreement to the amendment of the Senate numbered 83 and concur therein with an amendment, as follows: In lieu of the matter inserted by said amendment; insert ": *Provided further*, That of funds made available for the Experimental Evaluation of Major Innovative Technologies program, $34,000,000 is available only for the purposes of research, development, launch, and on-orbit functional demonstrations with military forces of LIGHTSAT systems and their required low-cost transportable space launch vehicles".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. CHAPPELL].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 84: Page 35, line 3, after "repealed" insert ": *Provided further*, That of the funds made available for the ALS Program, not less than $96,500,000 shall be transferred to the National Aeronautics and Space Administration only for ALS propulsion activities: *Provided further*, That the funds appropriated by this Act for any activities associated directly or indirectly with the Advanced Launch System or any

ALS variant shall be subject to the terms and conditions of section 5 of chapter II of title I of Public Law 100-71 (Supplemental Appropriations Act 1987): *Provided further*, That of the total amount available for obligation, $16,500,000 shall be made available through the Office of the Under Secretary of Defense for Acquisition only for bioenvironmental hazards research activities at universities, for associated facilities, and for other related purposes".

MOTION OFFERED BY MR. CHAPPELL

Mr. CHAPPELL. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. CHAPPELL moves that the House recede from its disagreement to the amendment of the Senate numbered 84, and concur therein.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. CHAPPELL].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 85: Page 35, line 3, after "repealed" insert ": *Provided further*, That of the amounts available for obligation, an additional $100,000,000 shall be transferred to the National Aeronautics and Space Administration".

MOTION OFFERED BY MR. CHAPPELL

Mr. CHAPPELL. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. CHAPPELL moves that the House recede from its disagreement to the amendment of the Senate numbered 85, and concur therein.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. CHAPPELL].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 87: Page 35, line 3, after "repealed" insert: ": *Provided further*, That of the total amount available for obligation for the Strategic Technology Program, $20,000,000 shall be made available only for the Defense Advanced Research Projects Agency Initiative in Concurrent Engineering, and $5,000,000 shall be made available only for increasing the transfer of training and simulation technology between components of the Department of Defense through Department of Defense support (by contract or grant) of activities carried out by a university organization, as a continuing center of expertise, that augments such training and simulation technology transfer activities of the Department of Defense".

MOTION OFFERED BY MR. CHAPPELL

Mr. CHAPPELL. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. CHAPPELL moves that the House recede from its disagreement to the amendment of the Senate numbered 87 and concur therein with an amendment, as follows: In lieu of the matter inserted by said amendment, insert: ": *Provided further*, That of the total amount available for obligation for the Strategic Technology Program, $20,000,000 shall be made available only for the Defense Advanced Research Projects Agency Initiative in Concurrent Engineering".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. CHAPPELL].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 88: Page 35, line 3, after "repealed" insert: ": *Provided further*, That of the amounts available for obligation, in addition to the funds previously appropriated to the National Defense Stockpile Transaction Fund, notwithstanding the provisions of 50 U.S.C. 98h, there is hereby appropriated $3,500,000 from the strategic Technology Program only to the Fund, to remain available until expended for the South Carolina Research Authority pursuant to 50 U.S.C. 98a and 98g(a), for a grant to construct and equip a strategic materials research facility".

MOTION OFFERED BY MR. CHAPPELL

Mr. CHAPPELL. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. CHAPPELL moves that the House recede from its disagreement to the amendment of the Senate numbered 88, and concur therein.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. CHAPPELL].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 89: Page 35, line 3, after "repealed" insert ": *Provided further*, That $6,561,000 of the funds appropriated under the heading, "Research, Development, Test, and Evaluation, Navy, 1988/1989", shall be transferred to the Lighter Than Air Technology Program in the Defense Advanced Research Project Agency, to remain available only for the time period provided when originally appropriated".

MOTION OFFERED BY MR. CHAPPELL

Mr. CHAPPELL. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. CHAPPELL moves that the House recede from its disagreement to the amendment of the Senate numbered 89 and concur therein with an amendment, as follows: In lieu of the matter inserted by said amendment, insert: ": *Provided further*, That of the amount available for obligation, $20,000,000 is available only for the X-Ray Lithography Program: *Provided further*, That of the amount available for obligation, $3,000,000 is available only for the Center for the Advancement of Scientists, Engineers, and Technologists to complete the study that was initiated by the Department of Defense in 1985 for the purpose of determining and testing the factors that increase the supply of minority and women scientists, engineers, and technologists needed by defense industries and the Department of Defense to fulfill the national defense mission: *Provided further*, That of the amount available for obligation, $12,500,000 is available only for the Optoelectronics materials research and development program: *Provided further*, That of the amount available for obligation, $7,500,000 is available only for the Lehigh University National Center for Industrial Innovation: *Provided further*, That of the amount available for obligation, $10,000,000 is available only for establishment of the Auburn University Center for the Management of Technology: *Provided further*, That of the amount available for obligation, $10,000,000 is available only for construction costs of a new academic facility on a university campus in the District of Columbia, where there will be established an Institute for Intercultural Security Studies: *Provided further*, That of the amount available for obligation, $7,000,000 is available only for the Minnesota Supercomputer Center, Incorporated, which is affiliated with the University of Minnesota, to be matched by local funds for the acquisition, design, testing, integration and advancement of a new Supercomputer: *Provided further*, That of the amount available for obligation, $10,000,000 shall be made available until expended, as a grant, only for a progam begun in fiscal year 1988 to develop an engineering, sciences and technology complex to promote defense industry involvement in manpower training and education, for associated facilities, and for related purposes: *Provided further*, That of the amount available for obligation, $1,500,000 is available only for advanced ceramic material fabrication, development, testing and related research at the U.S. Department of Energy's Component Development and Integration Facility".

Mr. CHAPPELL. Mr. Speaker, we wish some time on amendment No. 89.

The SPEAKER pro tempore. The gentleman from Florida [Mr. CHAPPELL] is recognized for 30 minutes.

Mr. CHAPPELL. Mr. Speaker, I yield such time as he may consume to the gentleman from Wisconsin [Mr. ASPIN].

Mr. ASPIN. Mr. Speaker, I am extremely concerned about a continuing trend to earmark funds for specific universities in the appropriation bill. The authorization conferees were so concerned about this matter that they initiated and passed legislation prohibiting the Secretary of Defense from awarding a contract to a college or university for performance of research and development or for construction of any research facility unless the contract was made using competitive pro-

cedures. The authorization conferees have recently agreed to delay this provision until October 1989, to provide the Department of Defense and other interested parties time to determine if this is the proper course of action and also to assess the impacts of university research set-asides and earmarking.

It is my understanding that about $95 million is earmarked in this appropriation bill for universities that was not requested nor authorized. Many of these are contained in amendments of disagreement such as amendments No. 84, 87, 88, and 89. I do not intend to oppose these amendments but I will do my best to encourage the Department of Defense to examine each of these set asides and to only consider for contract those university programs that pass peer review or competitive process.

It is my intent to hold hearings next year to see if we can provide some additional controls over this process, so that we are not faced with making these 11th hour decisions on whether or not a particular set-aside is of merit.

□ 1130

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

Mr. ASPIN. Mr. Speaker, I am happy to yield to the gentleman from Florida.

Mr. CHAPPELL. Mr. Speaker, I would like to say to the gentleman that I, in concept, agree with him, and we did not, as the gentleman knows, put any of these in on the House side to begin with.

The trend toward this type of operation has been growing particularly over the last 3, 4, or 5 years. Unless we find a better way to do it, we are going to have more and more money designated in this manner. I would highly recommend that the good chairman of the Committee on Armed Services look into this matter and, as a matter of fact, we would like to join with him in what we perceive to be a good concept. It has to do really with how the structuring is put in place. I would certainly advocate some kind of regional peer representation on a peer board that would make the selections. I think that would be a much better and efficient way to do it.

We have tried to be pretty selective in these particular instances, but I would urge all the Members to join with us in helping us find a better way of allocating these resources next time.

Mr. ASPIN. Mr. Speaker, reclaiming my time, I appreciate the comments of the gentleman from Florida. I look forward to working with him on this issue next year.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. CHAPPELL].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 93: Page 36, line 7, after "law" insert ", of which $20,000,000 is available only for paying administrative expenses associated with directing and performing studies, surveys, engineering analyses, requests for proposals, contracting and associated contract administration functions that have as their sole objective the increased use of coal by the United States Department of Defense facilities in the United States".

MOTION OFFERED BY MR. CHAPPELL

Mr. CHAPPELL. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. CHAPPELL moves that the House recede from its disagreement to the amendment of the Senate numbered 93, and concur therein.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. CHAPPELL].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 102: Page 38, after line 11, insert:

DRUG INTERDICTION, DEFENSE

(INCLUDING TRANSFER OF FUNDS)

For the Department of Defense, $199,060,000 for transfer to "Military Personnel" and "Operation and Maintenance" appropriations for operating costs of the Department of Defense related to the detection and monitoring of aerial and maritime transit of illegal drugs into the United States. Not less than $30,000,000 of such amount shall be available only for drug interdiction activities of the Army and the Air National Guard. Funds appropriated by this paragraph in excess of $30,000,000 may not be obligated or expended until—

(1) the Secretary submits to the Committees on Armed Services and on Appropriations of the Senate and the House of Representatives a report on how the funds are proposed to be used; and

(2) a period of 30 days has elapsed after the date on which the report is received by such committees.

Such report shall be submitted not later than 60 days after the date of the enactment of this Act and should set forth in detail the plans of the Secretary for the obligation of such funds, including a statement of the following:

(A) The appropriation account or accounts to which the funds are proposed to be transferred.

(B) The activities proposed to be undertaken using those funds.

(C) The relationship between those activities and the drug interdiction strategy of the United States.

Funds appropriated by this paragraph shall be available for obligation for the same period, and for the same purpose, as the appropriation to which transferred. The transfer authority provided in this paragraph is in addition to any transfer authority contained elsewhere in this Act. The restrictions contained in the third sentence of this paragraph shall not apply to the obligation of any amount not in excess of $30,000,000 which is obligated for drug interdiction activities.

MOTION OFFERED BY MR. CHAPPELL

Mr. CHAPPELL. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. CHAPPELL moves that the House recede from its disagreement to the amendment of the Senate numbered 102 and concur therein with an amendment, as follows: In lieu of the matter inserted by said amendment, insert:

DRUG INTERDICTION, DEFENSE

INCLUDING TRANSFER OF FUNDS

For the Department of Defense, $210,000,000 and by transfer from Aircraft Procurement, Navy, 1987/89, $90,000,000 for transfer to "Military Personnel" and "Operation and Maintenance" appropriations for operating costs of the Department of Defense related to the detection and monitoring of aerial and maritime transit of illegal drugs into the United States. Not less than $40,000,000 of such amount shall be available only for drug interdiction activities of the Army National Guard and the Air National Guard. Funds appropriated by this paragraph in excess of $30,000,000 may not be obligated or expended until—

(1) the Secretary submits to the Committee on Armed Services and on Appropriations of the Senate and the House of Representatives a report on how the funds are proposed to be used; and

(2) a period of 30 days has elapsed after the date on which the report is received by such committees.

Such report shall be submitted not later than 60 days after the date of the enactment of this Act and should set forth in detail the plans of the Secretary for the obligation of such funds, including a statement of the following:

(A) The appropriation account or accounts to which the funds are proposed to be transferred.

(B) The activities proposed to be undertaken using those funds.

(C) The relationship between those activities and the drug interdiction strategy of the United States. Funds appropriated by this paragraph shall be available for obligation for the same period, and for the same purpose, as the appropriation to which transferred. The transfer authority provided in this paragraph is in addition to any transfer authority contained elsewhere in this Act. The restrictions contained in the third sentence of this paragraph shall not apply to the obligation of any amount not in excess of $30,000,000 which is obligated for drug interdiction activities.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. CHAPPELL].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 103: Page 38, after line 11, insert:

SPECIAL OPERATIONS FORCES FUND

For expenses, not otherwise provided for, necessary for equipping and operating Special Operations Forces; $868,500,000, of which $75,000,000 shall remain available for obligation until September 30, 1989, and $793,500,000 shall remain available for obligation until September 30, 1991.

MOTION OFFERED BY MR. CHAPPELL

Mr. CHAPPELL. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. CHAPPELL moves that the House recede from its disagreement to the amendment of Senate numbered 103 and concur therein with an amendment, as follows: In lieu of the matter inserted by said amendment, insert:

SPECIAL OPERATIONS FORCES FUND

(INCLUDING TRANSFER OF FUNDS)

For expenses, not otherwise provided for, necessary for equipping and operating Special Operations Forces; $286,000,000, of which $108,000,000 shall be transferred to and merged with Other Procurement, Army; $35,000,000 shall be transferred to and merged with Operation and Maintenance, Navy; $100,000,000 shall be transferred to and merged with Shipbuilding and Conversion, Navy; $25,000,000 shall be transferred to and merged with Other Procurement, Navy; and $18,000,000 shall be transferred to and merged with Operation and Maintenance, Army.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. CHAPPELL].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 104: Page 41, line 20, strike out all after "*Provided,*" down to and including "*further,*" in line 23.

MOTION OFFERED BY MR. CHAPPELL

Mr. CHAPPELL. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. CHAPPELL moves that the House recede from its disagreement to the amendment of the Senate numbered 104 and concur therein with an amendment, as follows: Restore the matter stricken by said amendment, amended to read as follows: "That except as provided in 10 U.S.C. 2690, the foregoing authority shall not be available for the conversion of heating plants from coal to oil or coal to natural gas at defense facilities in Europe: *Provided further,*"

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. CHAPPELL].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 105: Page 43, line 16, after "NATO" insert "and the State of Israel".

MOTION OFFERED BY MR. CHAPPELL

Mr. CHAPPELL. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. CHAPPELL moves that the House recede from its disagreement to the amendment of the Senate numbered 105, and concur therein.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. CHAPPELL].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 106: Page 44, line 10, strike out all after "8012." down to and including "limitation" in line 20 and insert "No appropriation contained in this Act may be used to pay for the cost of legislative liaison activities of the Department of Defense in excess of $14,643,000: *Provided,* That costs for military retired pay accrual shall be included within this limitation".

MOTION OFFERED BY MR. CHAPPELL

Mr. CHAPPELL. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. CHAPPELL moves that the House recede from its disagreement to the amendment of the Senate numbered 106 and concur therein with an amendment, as follows: In lieu of the matter stricken and inserted by said amendment, insert "No appropriation contained in this Act may be used to pay for the cost of legislative liaison activities of the Department of Defense in excess of $15,000,000: *Provided,* That costs for military retired pay accrual shall be included within this limitation."

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. CHAPPELL].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 108: Page 46, strike out lines 19 to 22.

MOTION OFFERED BY MR. CHAPPELL

Mr. CHAPPELL. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. CHAPPELL moves that the House recede from its disagreement to the amendment of the Senate numbered 108 and concur therein with an amendment, as follows: Restore the matter stricken by said amendment, amended to read as follows:

SEC. 8016. Except as provided in 10 U.S.C. 2690, none of the funds available to the Department of Defense in this Act shall be utilized for the conversion of heating plants from coal to oil or coal to natural gas at defense facilities in Europe.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. CHAPPELL].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 112: Page 47, line 15, after "excess of" insert "the lower of: (a)".

MOTION OFFERED BY MR. CHAPPELL

Mr. CHAPPELL. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. CHAPPELL moves that the House recede from its disagreement to the amendment of the Senate numbered 112, and concur therein.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. CHAPPELL].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 113: Page 47, line 19, after "Code" insert "; or (b) the allowable amounts in effect during fiscal year 1988 increased to the extent justified by economic changes as reflected in appropriate economic index data similar to that used pursuant to title XVIII of the Social Security Act".

MOTION OFFERED BY MR. CHAPPELL

Mr. CHAPPELL. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. CHAPPELL moves that the House recede from its disagreement to the amendment of the Senate numbered 113 and concur therein.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. CHAPPELL].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 128: Page 53, strike out line 4 and insert "Defense Meteorological Satellite;".

MOTION OFFERED BY MR. CHAPPELL

Mr. CHAPPELL. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. CHAPPELL moves that the House recede from its disagreement to the amendment of the Senate numbered 128 and concur therein with an amendment, as follows: In lieu of the matter stricken and inserted by said amendment, insert:

UHF follow-on satellite system;

Defense Meteorological Satellite;

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. CHAPPELL].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 131: Page 53, strike out line 8.

MOTION OFFERED BY MR. CHAPPELL

Mr. CHAPPELL. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. CHAPPELL moves that the House recede from its disagreement to the amendment of the Senate numbered 131 and concur therein with an amendment, as follows: Restore the matter stricken by said amendment, amended to read as follows: "TOW 2 Missile: *Provided*, That any requirement that a multiyear contract may not be entered into unless the anticipated cost over the period of the contract is not more than 88 percent of the average cost incurred for the same system procured under an annual contract shall not apply to multiyear contracts for TOW 2.".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. CHAPPELL].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 138: Page 55, strike out lines 1 to 20.

MOTION OFFERED BY MR. CHAPPELL

Mr. CHAPPELL. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. CHAPPELL moves that the House recede from its disagreement to the amendment of the Senate numbered 138 and concur therein with an amendment, as follows: Restore the matter stricken by said amendment, amended to change "46,622" as follows: "47,292".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. CHAPPELL].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 171: Page 66, lines 19 and 20, strike out "Defense Logistics Agency" and insert "Department of Defense".

MOTION OFFERED BY MR. CHAPPELL

Mr. CHAPPELL. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. CHAPPELL moves that the House recede from its disagreement to the amendment of the Senate numbered 171, and concur therein.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. CHAPPELL].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 179: Page 68, strike out all after line 19 over to and including line 5 on page 69.

MOTION OFFERED BY MR. CHAPPELL

Mr. CHAPPELL. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. CHAPPELL moves that the House recede from its disagreement to the amendment of the Senate numbered 179 and concur therein with an amendment, as follows: Restore the matter stricken by said amendment, amended to read as follows:

SEC. 8072. Except where specifically increased or decreased elsewhere in this Act, the restrictions contained within appropriations, or provisions affecting appropriations or other funds, available during fiscal year 1989, limiting the amount which may be expended for personnel services, and including pay and allowances of military personnel and civilian employees, or for purposes involving personal services are hereby increased to the extent necessary to meet increased pay costs authorized by or pursuant to law.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. CHAPPELL].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 186: Page 70, line 23, strike out all after "8079." over to and including line 2 on page 71 and insert:

(a) None of the funds in this Act may be used to award a contract for the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS) Reform Initiative that exceeds the total fiscal year 1987 costs for CHAMPUS care provided in California and Hawaii, plus normal and reasonable adjustments for price and program growth.

(b) Notwithstanding section 725 of Public Law 100-180, the preemption provisions of title 10, United States Code, chapter 55, section 1103, shall not be limited to contractual provisions relating to coverage of benefits, but shall apply to any and all contracts entered into pursuant to Solicitation Number MDA-903-87-R-0047 and shall preempt any and all State and local laws or regulations which relate to health insurance or to prepaid health care plans.

MOTION OFFERED BY MR. CHAPPELL

Mr. CHAPPELL. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. CHAPPELL moves that the House recede from its disagreement to the amendment of the Senate numbered 186 and concur therein with an amendment, as follows: In lieu of the matter stricken and inserted by said amendment, insert:

(a) None of the funds in this Act may be used to execute a contract for the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS) Reform Initiative that exceeds the total fiscal year 1987 costs for CHAMPUS care provided in California and Hawaii, plus normal and reasonable adjustments for price and program growth.

(b) Notwithstanding section 725 of Public Law 100-180, the preemption provisions of title 10, United States Code, chapter 55, section 1103, shall not be limited to contractual provisions relating to coverage of benefits, but shall apply to any and all contracts entered into pursuant to Solicitation Number MDA-903-87-R-0047 and shall preempt any and all State and local laws or regulations which relate to health insurance or to prepaid health care plans

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. CHAPPELL].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 187: Page 71, line 2, after "1989" insert ": *Provided further*, That any and all funds derived from contracts or subject to any Hawaii State or local sales, general excise, or similar taxes imposed upon gross sales, gross income, or gross receipts, except to the extent that such taxes are uniformly imposed upon physicians, hospitals, and all similar direct providers of health care services".

MOTION OFFERED BY MR. CHAPPELL

Mr. CHAPPELL. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. CHAPPELL moves that the House recede from its disagreement to the amendment of the Senate numbered 187, and concur therein.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. CHAPPELL].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 192: Page 72, line 22, after "manufacturers" insert ": *Provided further,* That of the funds appropriated for "Other Procurement, Army" for fiscal year 1988, those funds provided for a supercomputer may only be obligated to purchase a system to be installed at a competitively selected independent academic institution".

MOTION OFFERED BY MR. CHAPPELL

Mr. CHAPPELL. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. CHAPPELL moves that the House recede from its disagreement to the amendment of the Senate numbered 192 and concur therein with an amendment, as follows: In lieu of the matter inserted by said amendment, insert ": *Provided further,* That of the funds appropriated for "Other Procurement, Army" for fiscal year 1988, those funds provided for a supercomputer may only be obligated to purchase a system to be installed at a competitively selected independent academic institution: *Provided further,* That of the funds appropriated for "Other Procurement, Army" in fiscal year 1989, $27,400,000 shall be obligated to purchase a supercomputer system to be installed at the United States Army Engineer Waterways Experiment Station".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. CHAPPELL].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 195: Page 75, strike out lines 9 to 12.

MOTION OFFERED BY MR. CHAPPELL

Mr. CHAPPELL. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. CHAPPELL moves that the House recede from its disagreement to the amendment of the Senate numbered 195 and concur therein with an amendment, as follows: Restore the matter stricken by said amendment, amended to read as follows:

(c) None of the funds appropriated in this Act are available for procurement of mini- and micro-computers for the Army Reserve Component which duplicate functions to be included in the RCAS contract.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. CHAPPELL].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 206: Page 77, line 18, strike out all after "8092." down to and including "fuel" in line 24 and insert "None of the funds available to the Department of Defense shall be used to enter into any agreement or contract to convert a heating facility at military installations in Europe to district heat, direct natural gas, or other sources of fuel pending completion of a study by the United States Departments of Defense, State, and Commerce to determine the extent of, and justification for, the economic benefits accruing to the Soviet Union from all prior and anticipated conversions of United States military installations in Europe to district heat and direct natural gas systems which utilize Soviet-supplied natural gas. This study will be completed no later than July 1, 1989, and submitted to all Members of Congress".

MOTION OFFERED BY MR. CHAPPELL

Mr. CHAPPELL. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. CHAPPELL moves that the House recede from its disagreement to the amendment of the Senate numbered 206 and concur therein with an amendment, as follows: In lieu of the matter stricken and inserted by said amendment, insert:

(a) None of the funds available to the Department of Defense shall be used to enter into any agreement or contract to convert a heating facility at military installations in Europe to district heat, direct natural gas, or other sources of fuel until ninety days after study by the United States Departments of Defense, State, and Commerce on the economic benefits of using United States coal at defense installations in Europe is completed and forwarded to Members of Congress: *Provided,* That this study should determine the extent of, and justification for, the economic benefits accruing to the Soviet Union from all prior and anticipated conversions of United States military installations in Europe to district heat and direct natural gas systems which utilize Soviet-supplied natural gas: *Provided further,* That this study should also address the issues raised by the economic analysis prepared by the Ambassador at large on burdensharing negotiations to be appointed by the President as delineated by subsection (c) of section 8125 of this Act: *Provided further,* That the study also include a review of the modernization plan for the needed updating of the heating systems in the Kaiserslautern military community and the usage of United States produced coals: *Provided further,* That this study should be completed no later than July 1, 1989.

(b) Notwithstanding subsection (a) funds available to the Department of Defense may used to enter into an agreement or contract to convert a heating facility at military installations in Europe to district heat, direct natural gas, or other sources of fuel if the Secretary of Defense certifies in writing and provides a copy to the Committees on Appropriations of the House and Senate that such conversion is in the best interest of the Nation.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. CHAPPEL].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 208: Page 78, line 12, after "fibrosis" insert ", until the Department of Defense has resolved inequities relating to applying diagnosis related group regulations to children's hospitals and neonatal care, such resolution including (1) adjustments that recognize the higher cost in children's hospital care by assuring that had the regulation been in effect in fiscal year 1988 it would have resulted in no reduction in estimated aggregate revenue to children's hospitals; and (2) refinements to the classifications applicable to neonatal care to reflect more accurately hospital resource use relating to that care".

MOTION OFFERED BY MR. CHAPPELL

Mr. CHAPPELL. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The test of the motion is as follows:

Mr. CHAPPELL moves that the House recede from its disagreement to the amendment of the Senate numbered 208 and concur therein with an amendment, as follows: In lieu of the matter inserted by said amendment, insert the following:

The Department of Defense may include the hospital and neonatal services identified in subsections (a) and (b) in diagnosis related group regulations during fiscal year 1989 when the Department of Defense has adopted special measures to assure equitable and adequate payment for such services, such special measures including: (1) "children's hospital differential" adjustment for each discharge of a CHAMPUS patient from a children's hospital that will assure that had the regulations been in effect for fiscal year 1988 they would have resulted in estimated aggregate CHAMPUS payments to children's hospitals not less than estimated aggregate CHAMPUS payments to such hospitals for discharges occurring during that fiscal year under the regulations in effect during fiscal year 1988 (recognize that payments in subsequent years will vary based on volume, case mix intensity, and other factors); for a transitional period of three years the children's hospital will be computed on a hospital specific basis for children's hospitals with 50 or more CHAMPUS discharges in fiscal year 1988 and will be computed in aggregate for children's hospitals with less than 50 discharges in a year; (2) a children's hospital differential hold harmless provision, providing for retrospective and prospective corrections; (3) a special outlier policy for children's hospitals and neonatal services that combines the thresholds in effect under CHAMPUS DRG regulations for fiscal year 1988 with the higher marginal cost factors proposed by 53 Fed. Reg. 20580 (June 3, 1988); (4) a refinement to the DRGs for neonatal services to account for birthweight, surgery, and the presence of multiple, major, and other neonatal problems; (5) incorporation of annual updates to the classification features included in the regulation for neonatal services; (6) a provision for making interim payments for cases that are especially lengthy or expensive; and (7) a commitment to examine possible further uses of Pediatric Modified DRGs in the future.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. CHAPPELL].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 209: Page 78, strike out lines 22 to 25.

MOTION OFFERED BY MR. CHAPPELL

Mr. CHAPPELL. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. CHAPPELL moves that the House recede from its disagreement to the amendment of the Senate numbered 209 and concur therein with an amendment, as follows: Restore the matter stricken by said amendment, amended to read as follows:

SEC. 8092. PROHIBITION ON PURCHASE OF TOSHIBA PRODUCTS FOR RESALE IN MILITARY EXCHANGE STORES

(a) PROHIBITION.—During the three-year period beginning on the date of the enactment of this Act, no product manufactured or assembled by Toshiba America, Incorporated, or Toshiba Corporation (or any of its affiliates or subsidiaries) may be purchased by the Department of Defense for the purpose of resale of such product in a military exchange store or in any other morale, welfare, recreation, or resale activity operated by the Department of Defense (either directly or by concessionaire).

(b) EXCEPTION.—The prohibition in subsection (a) shall not apply to microwave ovens manufactured or asssembled in the United States.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. CHAPPELL].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 210: Page 79, strike out lines 1 to 4.

MOTION OFFERED BY MR. CHAPPELL

Mr. CHAPPELL. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion

The text of the motion is as follows:

Mr. CHAPPELL moves that the House recede from its disagreement to the amendment of the Senate numbered 210 and concur therein with an amendment, as follows: Restore the matter stricken by said amendment, amended to read as follows:

SEC. 8093. Notwithstanding any other provision of law, the Secretary of the Air Force shall, from existing prior year funds, make available $18,000,000 for the next generation trainer (F-109) engine over the next three year period: *Provided*, That none of the funds may be obligated or expended until the Secretary of the Air Force submits a certification to the Committees on Appropriations which identifies a specific United States military requirement for the F-109 engine or which demonstrates that these funds can be fully recouped under a contractual arrangement with the manufacturer through commercial sales of the engine.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. CHAPPELL].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 220: Page 81, strike out all after line 22 over to and including line 5 on page 82.

MOTION OFFERED BY MR. CHAPPELL

Mr. CHAPPELL. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion

The text of the motion is as follows:

Mr. CHAPPELL moves that the House recede from its disagreement to the amendment of the Senate numbered 220 and concur therein with an amendment, as follows: Restore the matter stricken by said amendment, amended to read as follows:

SEC. 8101. The designs of the Army LHX helicopter, the Navy Advanced Tactical Aircraft, the Air Force Advanced Tactical Fighter, and any variants of these aircraft, must incorporate Joint Integrated Avionics Working Group standard avionics specifications no later than 1998.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. CHAPPELL].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 227: Page 84, after line 19, insert:

SEC. 8091. (a) None of the funds appropriated by this Act shall be available to compensate foreign selling costs as described in Federal Acquisition Regulation 31.205-38(b) as in effect on 1 April, 1984.

(b) Notwithstanding section 2324(e)(1)(H) of title 10, United States Code, and subsection (a) of this section, appropriations contained in this Act shall be available for, and the Secretary of Defense shall pay, reasonable costs under covered contracts incurred to promote American aerospace exports at domestic and international exhibits.

MOTION OFFERED BY MR. CHAPPELL

Mr. CHAPPELL. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. CHAPPELL moves that the House recede from its disagreement to the amendment of the Senate numbered 227 and concur therein with an amendment, as follows: In lieu of the matter inserted by said amendment, insert:

SEC. 8105. ALLOWABILITY OF COSTS TO PROMOTE THE EXPORT OF DEFENSE PRODUCTS

(a) IN GENERAL.—Section 2324(f) of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(5) The regulations shall provide that costs to promote the export of products of the United States defense industry, including costs of exhibiting or demonstrating products, shall be allowable to the extent that such costs—

"(A) are allocable, reasonable, and not otherwise unallowable;

"(B) with respect to the activities of the business segment to which such costs are being allocated, are determined by the Secretary of Defense to be likely to result in future cost advantages to the United States; and

"(C) with respect to a business segment which allocates to Department of Defense contracts $2,500,000 or more of such costs in any fiscal year of such business segment, are not in excess of the amount equal to 110 percent of such costs incurred by such business segment in the previous fiscal year.".

(b) REGULATIONS.—The Secretary of Defense shall prescribe final regulations under paragraph (5) of section 2324(f) of title 10, United States Code (as added by subsection (a)), not later than 90 days after the date of the enactment of this Act. Such regulations shall apply with respect to costs referred to in such paragraph that are incurred by a Department of Defense contractor (or a subcontractor of such a contractor) on or after the first day of the contractor's (or subcontractor's) first fiscal year that begins on or after the date on which such final regulations are prescribed.

(c) REPORT.—Not later than two years after the date of the enactment of this Act, the Comptroller General of the United States and the Inspector General of the Department of Defense shall each submit to the Committees on Armed Services and Appropriations of the Senate and House of Representatives a report that includes the following:

(1) An assessment of whether the regulations required by section 2324(f)(5) of title 10, United States Code (as added by subsection (a)), provide the appropriate incentives to stimulate exports by the United States defense industry and provide cost savings to the United States.

(2) An assessment of whether such regulations provide appropriate criteria to ensure that costs allowed are reasonably likely to provide future cost savings to the United States.

(d) TERMINATION.—Section 2324(f)(5) of title 10, United State Code (as added by subsection (a)), shall cease to be effective three years after the date of the enactment of this Act.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. CHAPPELL].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 228: Page 84, after line 19, insert:

SEC. 8092. Such sums as may be necessary for fiscal year 1989 pay raises for programs funded by this Act shall be absorbed within the levels appropriated in this Act.

MOTION OFFERED BY MR. CHAPPELL

Mr. CHAPPELL. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. CHAPPELL moves that the House recede from its disagreement to the amendment of the Senate numbered 228 and concur therein with an amendment, as follows: In lieu of the matter inserted by said amendment, insert:

SEC. 8106. (a) Such sums as may be necessary for fiscal year 1989 pay raises for programs funded by this Act shall be absorbed within the levels appropriated in this Act.

(b) Sums appropriated in Title I of this Act, Military Personnel are reduced by $150,000,000 which will be realized by absorbing a portion of the pay raise requirements.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. CHAPPELL].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 229: Page 84, after line 19, insert:

SEC. 8093. Notwithstanding any other provision of law, the Secretary of Defense shall require that a provider of services under the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS) also provide services to members of the armed forces pursuant to section 1074(c), title 10, in accordance with the same reimbursement rules, subject to modificatons deemed appropriate by the Secretary of Defense, as apply under CHAMPUS.

MOTION OFFERED BY MR. CHAPPELL

Mr. CHAPPELL. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. CHAPPELL moves that the House recede from its disagreement to the amendment of the Senate numbered 229 and concur therein with an amendment, as follows: In lieu of section number 8093 named in said amendment, insert "8107".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. CHAPPELL].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 230: Page 84, after line 19, insert:

SEC. 8094. Of the funds made available in this Act for military personnel appropriations, $2,000,000 shall be available for the payment of bonuses to officers of the Army Nurse Corps, the Navy Nurse Corps and officers designed as Air Forces nurses. A bonus, in an amount not to exceed $3,000, may be paid, under such regulations and conditions as the Secretary of Defense deems appropriate, to such an officer: *Provided,* That the officer is on active duty under a call or order to active duty for a period of not less than one year: *Provided further,* That the officer is qualified and performing as an anesthetist: *And provided further,* That this provision shall not be effective unless specifically authorized.

MOTION OFFERED BY MR. CHAPPELL

Mr. CHAPPELL. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. CHAPPELL moves that the House recede from its disagreement to the amendment of the Senate numbered 230 and concur therein with an amendment, as follows: In lieu of the section number named in said amendment insert "8108".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. CHAPPELL].

The motion ws agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 232: Page 84, after line 19, insert:

SEC. 8096. None of the funds available to the Department of Defense shall be obligated or expended during fiscal year 1989 for the purpose of converting the Naval Avionics Center, Indianapolis, the Naval Civil Engineering Laboratory, Port Hueneme, and the Naval Air Engineering Center, Lakehurst, from operation under the Navy Industrial Fund as authorized by 10 U.S.C. 2208 to operation as a direct appropriation financed authority.

MOTION OFFERED BY MR. CHAPPELL

Mr. CHAPPELL. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. CHAPPELL moves that the House recede from its disagreement to the amendment of the Senate numbered 232 and concur therein with an amendment, as follows: In lieu of the section number named in said amendment insert "8108".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. CHAPPELL].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 233: Page 84, after line 19, insert:

SEC. 8097. Nowithstanding any other provision of law, during fiscal year 1989, the Secretary of defense shall make available to the United States Coast Guard without reimbursement not less than $200,000,000 in supplies, fuel, training assistance, medical support, and other operational support, exclusive of administrative costs.

MOTION OFFERED BY MR. CHAPPELL

Mr. CHAPPELL. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. CHAPPELL moves that the House recede from its disagreement to the amendment of the Senate numbered 233 and concur therein with an amendment, as follows: In lieu of the matter inserted by said amendment, insert:

(TRANSFER OF FUNDS)

SEC. 8110. Nothwithstanding any other provision of law, during fiscal year 1989, the Secretary of Defense shall make available to the United States Coast Guard without reimbursement not less than $140,000,000 in supplies, fuel, training assistance, medical support, and other operational support, exclusive of administrative costs; and from funds made available in this Act, $60,000,000 shall be transferred to Coast Guard "Operating Expenses".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. CHAPPELL].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 234: Page 84, after line 19, insert:

SEC. 8098. Of the funds appropriated by this Act, not more than $1,126,120,000 may be obligated for morale, welfare, and recreation activities: *Provided,* That nonappropriated funds may be used to reimburse appropriated funds for expenses of civilian employees employed on January 1, 1987, by revenue-generating recreation activities and such reimbursed expenses shall not be included in the dollar limitation of this section.

MOTION OFFERED BY MR. CHAPPELL

Mr. CHAPPELL. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. CHAPPELL moves that the House recede from its disagreement to the amendment of the Senate numbered 234 and concur therein with an amendment, as follows: In lieu of the matter inserted by said amendment, insert:

SEC. 8111. Of the funds appropriated by this Act, not more than $1,163,200,000 may be obligated for morale, welfare, and recreation activities: *Provided,* That nonappropriated funds may be used to reimburse appropriated funds for expenses of civilian employees employed on January 1, 1987, by revenue-generating recreation activities and such reimbursed expenses shall not be included in the dollar limitation of this section.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. CHAPPELL].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 235: Page 84, after line 19, insert:

SEC. 8099. Notwithstanding any other provision of law, none of the funds made avail-

able by this Act shall be used by the Department of Defense to exceed, outside the fifty United States and the District of Columbia, 182,011 civilian workyears: *Provided*, That workyears shall be applied as defined in the Federal Personnel Manual Supplement 298-2, Book IV: *Provided further*, That workyears expended in dependent student hiring programs or hiring programs for disadvantaged youth shall not be included in this workyear limitation.

MOTION OFFERED BY MR. CHAPPELL

Mr. CHAPPELL. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. CHAPPELL moves that the House recede from its disagreement to the amendment of the Senate numbered 235 and concur therein with an amendment, as follows: In lieu of the section number named in said amendment, insert "8112".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. CHAPPELL].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

The amendment No. 236: Page 84, after line 19, insert:

SEC. 8100. (a) No later than December 1, 1988, the Secretary of Defense shall submit to the Committees on Appropriations of the House and Senate, his evaluation of the Deputy Inspector General, Department of Defense, study team report titled "Review of Unified and Specified Command Headquarters, February 1988": *Provided*, That the evaluation shall specifically include a list of the report recommendations, by command, that the Secretary intends to implement and those recommendations that he does not intend to implement, together with the reasons for rejecting those recommendations not adopted.

(b) The Secretary shall provide for the implementation of those recommendations included in the list submitted under subsection (a) in the five-year defense program submitted to Congress for fiscal years 1990 through 1994 under section 114(g) of title 10, United States Code.

MOTION OFFERED BY MR. CHAPPELL

Mr. CHAPPELL. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. CHAPPELL moves that the House recede from its disagreement to the amendment of the Senate numbered 236 and concur therein with an amendment, as follows: In lieu of section number 8100 named in said amendment, insert "8113".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. CHAPPELL].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 237: Page 84, after line 19, insert:

SEC. 8101. During the current fiscal year, salary increases granted to direct and indirect hire foreign national employees shall not be at a rate in excess of the percentage pay increase authorized by law for civilian employees of the Department of Defense whose pay is computed under the provisions of section 5332 of title 5, United States Code.

MOTION OFFERED BY MR. CHAPPELL

Mr. CHAPPELL. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. CHAPPELL moves that the House recede from its disagreement to the amendment of the Senate numbered 237 and concur therein with an amendment, as follows: In lieu of the matter inserted by said amendment, insert:

SEC. 8114. During the current fiscal year and thereafter, the Secretary of Defense shall notify the House and Senate Committees on Appropriations when salary increases granted to direct and indirect hire foreign national employees are at a rate in excess of the percentage pay increase authorized by law for civilian employees of the Department of Defense whose pay is computed under the provisions of section 5332 of title 5, United States Code or at a rate in excess of the percentage increase provided to National Government employees of the host nation, whichever is higher.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. CHAPPELL].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 238: Page 84, after line 19, insert:

(TRANSFER OF FUNDS)

SEC. 8102. In addition to any other transfer authority contained in this Act, amounts from the Defense Stock Fund shall be transferred to the Operation and Maintenance appropriations contained in this Act to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided*, That such transfers shall not be less than $40,000,000 for Operation and Maintenance, Army Reserve; $40,000,000 for Operation and Maintenance, Air Force Reserve; $50,000,000 for Operation and Maintenance, Army National Guard; and $50,000,000 for Operation and Maintenance, Air National Guard: *Provided further*, That $80,000,000 may be transferred from the Navy Industrial Fund to Operation and Maintenance, Navy, to refund excess asset capitalization charges.

MOTION OFFERED BY MR. CHAPPELL

Mr. CHAPPELL. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. CHAPPELL moves that the House recede from its disagreement to the amendment of the Senate numbered 238 and concur therein with an amendment, as follows: In lieu of the matter inserted by said amendment, insert "8115".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. CHAPPELL].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 239: Page 84, after line 19, insert:

SEC. 8103. Notwithstanding any other provisions of law, appropriations available to the Department of Defense during the current fiscal year shall be available to make payments to a hospital that obtains 6 percent or more of its operating funds from contributions and that limits the care it provides to the treatment of heart and lung conditions: *Provided*, That payment may not be denied for a claim for otherwise reimbursable services submitted under a plan contracted for under section 1079(a) and 1086(a) of title 10, United States Code, solely on the basis that such hospital does not impose a legal obligation, including a patient cost share or deductible, on its patients to pay for such services.

MOTION OFFERED BY MR. CHAPPELL

Mr. CHAPPELL. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. CHAPPELL moves that the House recede from its disagreement to the amendment of the Senate numbered 239 and concur therein with an amendment, as follows: In lieu of the matter inserted by said amendment, insert the following:

SEC. 8116. During the current fiscal year, the Secretary of Defense may exempt a patient from paying an amount required by section 1079(b)(1) or 1086(b)(3) of title 10, United States Code, if the hospital to which the patient is admitted does not impose a legal obligation on any of its patients to pay for inpatient care: *Provided*, That the Secretary of Defense may, upon request, make payments under section 1079 or 1086 of title 10, United States Code, for a charge for services (which shall not exceed the average amount paid for comparable services in the geographic area in which the hospital is located, or if no comparable services are available in that area, in an area similar to the area in which the hospital is located) for which a claim is submitted under a plan contracted for under section 1079(a) or 1086(a) of title 10, United States Code, to a hospital that does not impose a legal obligation on any of its patients to pay for such services: *Provided further*, That the Secretary of Defense shall periodically review the billing practices of each hospital the Secretary approves for payment under this section, to ensure that the hospital's practice of not billing patients for payment does not result in increased costs to the Government and the Secretary may require each hospital approved for payment under this section to provide evidence that it has sources of revenue to cover un-billed costs.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. CHAPPELL].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 240: Page 84, after line 19, insert:

SEC. 8104. None of the funds appropriated by this or any other Act with respect to any fiscal year for the Navy may be used to carry out an electromagnetic pulse program in the Chesapeake Bay area in connection with the Electromagnetic Pulse Radiation Environment Simulator for Ships (EMPRESS) program unless or until the Secretary of Defense certifies to the Congress that conduct of the EMPRESS program is essential to the national security of the United States and to achieving requisite military capability for United States naval vessels, and that the economic, environmental, and social costs to the United States of conducting the EMPRESS program in the Chesapeake Bay area are far less than the economic, environmental, and social costs caused by conducting the EMPRESS program elsewhere.

MOTION OFFERED BY MR. CHAPPELL

Mr. CHAPPELL. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. CHAPPELL moves that the House recede from its disagreement to the amendment of the Senate numbered 240 and concur therein with an amendment, as follows: In lieu of the section number named in said amendment, insert "8117".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. CHAPPELL].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 241: Page 84, after line 19, insert:

SEC. 8105. Funds provided by this Act for the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS) may be used by the Office of CHAMPUS to conduct a pilot to provide program modifications and efficiencies by amending up to two existing fiscal intermediary contracts: *Provided*, That the Secretary of Defense conducts a separate health care demonstration project, if it is in the best interests of the Governments, in the New Orleans, Louisiana area (the area described in Solicitation Number MDA903-87-R-0047) that uses a managed health care network, including health care enrollment (as provided for in section 1099, title 10, United States Code): *Provided further*, That the Secretary shall implement this demonstration project no later than September 30, 1988.

MOTION OFFERED BY MR. CHAPPELL

Mr. CHAPPELL. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. CHAPPELL moves that the House recede from its disagreement to the amendment of the Senate numbered 241 and concur therein with an amendment, as follows: In lieu of the matter inserted by said amendment, insert:

SEC. 8118. Funds provided by this Act for the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS) may be used by the Office of CHAMPUS to conduct a pilot project to provide program modification and efficiencies by amending up to two existing fiscal intermediary contracts: *Provided*, That the Secretary of Defense conducts a separate health care demonstration project, if it is in the best interests of the Government, in the New Orleans, Louisiana area (the area described in Solicitation Number MDA 903-87-R-0047) that uses a managed health care network, including health care enrollment (as provided for in section 1099, title 10, United States Code): *Provided further*, That the Secretary shall implement this demonstration project no later than September 30, 1989.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. CHAPPELL].

The motion was agreed to.

□ 1145

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 242: Page 84, after line 19, insert:

SEC. 8106. Notwithstandiang section 213(b) of the Joint Chiefs of Staff Reorganization Act of 1985 or any other provision of law, none of the funds in this or any other Act may be used to alter the command structure for military forces in Alaska.

MOTION OFFERED BY MR. CHAPPELL.

Mr. CHAPPELL. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. CHAPPELL moves that the House recede from its disagreement to the amendment of the Senate numbered 242 and concur therein with an amendment, as follows: In lieu of section number 8106 named in said amendment, insert "8119".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. CHAPPELL].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 243: Page 84, after line 19, insert:

SEC. 8107. Notwithstanding any other provision of law, each contract awarded by the Department of Defense in fiscal year 1989 for construction or service performed in whole or in part in a State which is not contiguous with another State and has an unemployment rate in excess of the national average rate of unemployment as determined by the Secretary of Labor shall include a provision requiring the contractor to employ, for the purpose of performing that portion of the contract in such State that is not contiguous with another State, individuals who are residents of such State and who, in the case of any craft or trade, possess or would be able to acquire promptly the necessary skills: *Provided*, That the Secretary of Defense may waive the requirements of this section in the interest of national security.

MOTION OFFERED BY MR. CHAPPELL

Mr. CHAPPELL. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. CHAPPELL moves that the House recede from its disagreement to the amendment of the Senate numbered 243 and concur therein with an amendment, as follows: In lieu of the section number named in said amendment, insert "8120".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. CHAPPELL].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 244: Page 84, after line 19, insert:

SEC. 8108. No more than $182,402,000 of the funds appropriated by this Act shall be available for the payment of unemployment compensation benefits.

MOTION OFFERED BY MR. CHAPPELL

Mr. CHAPPELL. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. CHAPPELL moves that the House recede from its disagreement to the amendment of the Senate numbered 244 and concur therein with an amendment, as follows: In lieu of the matter inserted by said amendment, insert:

SEC. 8121. No more than $183,179,000 of the funds appropriated by this Act shall be available for the payment of unemployment compensation benefits.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. CHAPPELL].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 245: Page 84, after line 19, insert:

SEC. 8109. None of the funds appropriated by this Act shall be used for the support of any nonappropriated fund activity of the Department of Defense that procures malt beverages and wine with nonappropriated funds for resale (including such alcohol beverages sold by the drink) on a military installation located in the United States, unless such malt beverages and wine are

procured in that State, or in the case of the District of Columbia, within the District of Columbia, in which the military installation is located: *Provided*, That in a case in which the military installation is located in more than one State, purchases may be made in any State in which the installation is located: *Provided further*, That such local procurement requirements for malt beverages and wine shall apply to all alcoholic beverages for military installations in States which are not contiguous with another State: *Provided further*, That alcohol beverages other than wine and malt beverages in contiguous States and the District of Columbia shall be procured from the most competitive source, price and other factors considered.

MOTION OFFERED BY MR. CHAPPELL

Mr. CHAPPELL. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. CHAPPELL moves that the House recede from its disagreement to the amendment of the Senate numbered 245 and concur therein with an amendment, as follows: In lieu of the section number named in said amendment, insert "8122".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. CHAPPELL].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 247: Page 84, after line 19, insert:

SEC. 8111. Whereas the Congress supports the President's goal of reducing United States and Soviet conventional forces in Europe and reducing United States and Soviet strategic nuclear forces;

Whereas it is important the Congress and the President be in agreement on United States national security goals and objectives in order for the United States to be in the strongest possible position to negotiate with the Soviet Union future reductions in conventional and strategic nuclear forces;

Whereas the Congress strongly opposes the undercutting of these arms reduction negotiations by either the United States or the Soviet Union through unnecessary military initiatives or counter-productive arms control proposals;

Whereas no decision has been made on the development or deployment of strategic defenses:

Therefore, it is the sense of the Congress that—

(1) in order to maintain the basis for strong deterrence, the Strategic Defense Initiative (SDI) should be a long-term and robust research program to provide the United States with expanded options for responding to a Soviet breakout from the 1972 Anti-Ballistic Missile Treaty and to respond to other future Soviet arms initiatives that might pose a grave threat to United States national security;

(2) by expanding potential United States strategic options the SDI research program can enhance United States leverage in the United States-Soviet arms reduction negotiations and serve as a safeguard for ensuring that negotiated agreements are kept;

(3) further research plans and budgets for SDI must be established using realistic projections of available resources in the overall defense budget and must not undercut other important Department of Defense programs; and

(4) in matching research priorities against available resources, the primary emphasis of SDI should be to explore promising new technologies, such as directed energy technologies, which might have long-term potential to defend against a responsive Soviet offensive nuclear threat.

MOTION OFFERED BY MR. CHAPPELL

Mr. CHAPPELL. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. CHAPPELL moves that the house recede from its disagreement to the amendment of the Senate numbered 247 and concur therein with an amendment, as follows: In lieu of the section number named in said amendment, insert "8123".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. CHAPPELL].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 248: Page 84, after line 19, insert:

SEC. 8112. (a) If a reduction in variable housing allowance (VHA) rates was required subsequent to January 1, 1988, to comply with section 8047 of the Department of Defense Appropriations Act, 1988, a member of the uniformed services who received reduced rates and who, on the effective date of this Act, is still a member of the uniformed services, shall be paid the difference between the VHA rate as reduced subsequent to January 1, 1988, and the VHA rate to which the member would have been entitled under the rates established on January 1, 1988: *Provided*, That such payments shall be made from appropriations provided by this Act.

(b) None of the funds appropriated by this or any other Act for fiscal year 1989 shall be available to pay the variable housing allowance authorized members of the uniformed services under section 403a of title 37, United States Code, and the payments authorized by subsection (a) of this section, in a total amount in excess of $1,150,000,000: *Provided*, That any reduction in the rates of the variable housing allowance necessitated by the foregoing limitation shall be made as provided in section 403a of title 37, United States Code.

MOTION OFFERED BY MR. CHAPPELL

Mr. CHAPPELL. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. CHAPPELL moves that the House recede from its disagreement to the amendment of the Senate numbered 248 and concur therein with an amendment, as follows: In lieu of the matter inserted by said amendment, insert:

SEC. 8124. (a) If a reduction in variable housing allowance (VHA) rates was required subsequent to January 1, 1988, to comply with section 8047 of the Department of Defense Appropriations Act, 1988, a member of the uniformed services who received reduced rates and who, on the effective date of this Act, is still a member of the uniformed services, shall be paid the difference between the VHA rate as reduced subsequent to January 1, 1988, and the VHA rate to which the member would have been entitled under the rates established on January 1, 1988: *Provided*, That such payments shall be made from appropriations provided by this Act.

(b) None of the funds appropriated to the Department of Defense by this or any other Act for fiscal year 1989 shall be available to pay the variable housing allowance authorized members of the uniformed services under section 403a of title 37, United States Code, and the payments authorized by subsection (a) of this section in a total amount in excess of $1,220,000,000: *Provided*, That any reduction in the rates of the variable housing allowance necessitated by the foregoing limitation shall be made as provided in section 403a of title 37, United States Code.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. CHAPPELL].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The test of the amendment is as follows:

Senate amendment No. 249: Page 84, after line 19, insert:

SEC. 8113. (a)(1) Not later than March 1, 1989, the United States Military Representative to the Military Committee of the North Atlantic Treaty Organization (NATO) shall submit to Congress a report on the assignment of military missions among the member countries of NATO and on the prospects for the more effective assignment of such missions among such countries.

(2) The report shall include a discussion of the following:

(A) The current assignment of military missions among the member countries of NATO.

(B) Military missions for which there is duplication of capability or for which there is inadequate capability within the current assignment of military missions within NATO.

(C) Alternatives to the current assignment of military missions that would maximize the military contributions of the member countries of NATO.

(D) Any efforts that are underway within NATO or between individual member countries of NATO at the time the report is submitted that are intended to result in a more effective assignment of military missions within NATO.

(3) The United States Military Representative to the NATO Military Committee shall consult with the other members of the Military Committee in preparing the report.

(b) The Secretary of Defense and the Secretary of State shall (1) conduct a review of the long-term strategic interests of the United States overseas and the future requirements for the assignment of members of the Armed Forces of the United States to permanent duty ashore outside the United States, and (2) determine specific actions

that, if taken, would result in a more balanced sharing of defense and foreign assistance spending burdens by the United States and its allies. Not later than August 1, 1989, the secretary of Defense and the Secretary of State shall transmit to Congress a report containing the findings resulting from the review and their determinations.

(c) The President shall appoint a special representative who shall have the primary responsibility for conducting burdensharing negotiations directly with other members of the North Atlantic Treaty Organization, Japan, the Republic of Korea, and other countries allied to the United States by treaty. The objective of such negotiations shall be to secure increased defense spending by such countries, increased in-kind and financial support by such countries for Department of Defense military units and personnel assigned to permanent duty ashore outside the United States in support of the security of such countries, and a more balanced sharing of foreign assistance costs.

(d) The President shall specify (separately by appropriation account) in the Department of Defense items included in the budgets submitted to Congress under section 1105 of title 31, United States Code, for fiscal years after fiscal year 1989 the amounts necessary for payment of all personnel, operations, maintenance, facilities, and support costs for Department of Defense overseas military units, and the costs for all dependents who accompany Department of Defense personnel outside the United States.

(e) Not later than May 1, 1989, the Secretary shall submit to the Committees on Armed Services and on Appropriations of the Senate and the House of Representatives a report that sets forth the total costs required to support the dependents who accompany Department of Defense personnel assigned to permanent duty overseas.

(f) As of September 30 of each fiscal year after fiscal year 1989, the number of members of the Armed Forces on active duty assigned to permanent duty ashore in Japan and the Republic of Korea may not exceed 94,450 (the number of members of the Armed Forces on active duty assigned to permanent duty ashore in Japan and the Republic of Korea on September 30, 1987). The limitation provided for in the preceding sentence may be increased if and when a major reduction of United States forces in the Republic of the Philippines is required because of a loss of basing rights in that nation, and the President determines and certifies to Congress that, as a consequence of such loss, an increase in United States forces stationed in Japan and the Republic of Korea is necessary.

(g)(1) After fiscal year 1989, that portion of the costs incurred for Department of Defense personnel and units in permanent duty stations ashore outside the United States which exceeds the amount of such costs incurred in fiscal year 1989 shall be defrayed only out of (A) increased financial or in-kind contributions made by the allied countries in which such personnel are assigned by mutual defense alliance organizations supported by the deployment of such personnel outside the United States, or (B) amounts appropriated or otherwise available to or for the use of the Department of Defense for personnel and units in permanent duty stations ashore outside the United States. The Secretary of Defense may not defray such excess cost by reducing the amounts allocated for the support of Department of Defense personnel and units afloat or assigned to permanent duty stations in the United States.

(2) In computing the amount of the excess of the costs incurred for maintaining Department of Defense personnel and forces in permanent duty stations ashore outside the United States over the amount of such costs incurred in fiscal year 1989, the Secretary shall—

(A) exclude increased costs resulting from increases in the rates of pay provided for members of the Armed Forces and civilian employees of the United States Government and exclude any cost increases in supplies and services resulting from inflation; and

(B) include (i) the costs of operation and maintenance and of facilities for the support of Department of Defense overseas personnel, and (ii) increased costs resulting from any decline in the foreign exchange rate of the United States dollar.

(h) The provisions of subsections (f) and (g) shall not apply in time of war or during a national emergency declared by the President or Congress.

(i) In this section—

(1) the term "personnel" means members of the Armed Forces of the United States and civilian employees of the Department of Defense;

(2) the term "Department of Defense overseas personnel" means those Department of Defense personnel who are assigned to permanent duty ashore outside the United States; and

(3) the term "United States" includes the District of Columbia, the Commonwealth of Puerto Rico, and the territories and possession of the United States.

MOTION OFFERED BY MR. CHAPPELL

Mr. CHAPPELL. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. CHAPPELL moves that the House recede from its disagreement to the amendment of the Senate numbered 249 and concur therein with an amendment, as follows: In lieu of the matter inserted by said amendment, insert:

SEC. 8125. (a)(1) Not later than March 1, 1989, the Secretary of Defense shall submit to Congress a report on the assignment of military missions among the member countries of North Atlantic Treaty Organization (NATO) and on the prospects for the more effective assignment of such missions among such countries.

(2) The report shall include a discussion of the following:

(A) The current assignment of military missions among the member countries of NATO.

(B) Military missions for which there is duplication of capability or for which there is inadequate capability within the current assignment of military missions within NATO.

(C) Alternatives to the current assignment of military missions that would maximize the military contributions of the member countries of NATO.

(D) Any efforts that are underway within NATO or between individual member countries of NATO at the time the report is submitted that are intended to result in a more effective assignment of military missions within NATO.

(b) The Secretary of Defense and the Secretary of State shall (1) conduct a review of the long-term strategic interests of the United States overseas and the future requirements for the assignment of members of the Armed Forces of the United States to permanent duty ashore outside the United States, and (2) determine specific actions that, if taken, would result in a more balanced sharing of defense and foreign assistance spending burdens by the United States and its allies. Not later than August 1, 1989, the Secretary of Defense and the Secretary of State shall transmit to Congress a report containing the findings resulting from the review and their determinations.

(c) The President shall appoint an Ambassador at Large responsible to the President who shall have the responsibility for ensuring a more balanced sharing of defense costs by the NATO members, Japan, the Republic of Korea, and other countries allied to the United States. Such responsibilities shall include negotiations for burdensharing including increased in-kind and financial support by such countries for Department of Defense military units and personnel assigned to permanent duty ashore outside the United States in support of the security of such countries, and multi-lateral foreign assistance costs: *Provided*, That the Ambassador at Large should review (1) trade restrictions that require German utilities to purchase German-produced coal to the exclusion of foreign coal, including United States coal, and (2) the extent to which the tax on electricity used to subsidize German coal producers is borne by American military installations, American military dependents, or American civilians who support our military installations. The Ambassador at Large should prepare an economic analysis on the comparison of using German versus United States coal at defense facilities in Europe. This analysis should address the issues of all direct subsidies provided on German coal and restrictions imposed on imported coal and should be submitted to the Departments of Defense, State, and Commerce for use in their study on the economic benefits of using coal at defense facilities in Europe.

(d) The President shall specify (separately by appropriation account) in the Department of Defense items included in the budgets submitted to Congress under section 1105 of title 31, United States Code, for fiscal years after fiscal year 1989 the amounts necessary for payment of all personnel, operations, maintenance, facilities, and support costs for Department of Defense overseas military units, and the costs for all dependents who accompany Department of Defense personnel outside the United States.

(e) Not later than May 1, 1989, the Secretary of Defense shall submit to the Committees on Armed Services and on Appropriations of the Senate and the House of Representatives a report that sets forth the total costs required to support the dependents who accompany Department of Defense personnel assigned to permanent duty overseas.

(f) As of September 30 of each fiscal year after fiscal year 1989, the number of members of the Armed Forces on active duty assigned to permanent duty ashore in Japan and the Republic of Korea may not exceed 94,450 (the number of members of the Armed Forces on active duty assigned to permanent duty ashore in Japan and the Republic of Korea on September 30, 1987). The limitation provided for the preceding sentence may be increased if and when a major reduction of United States forces in the Republic of the Philippines is required because of a loss of basing rights in that nation, and the President determines and

certifies to Congress that, as a consequence of such loss, an increase in United States forces stationed in Japan and the Republic of Korea is necessary.

(g)(1) After fiscal year 1990, Department of Defense budget submissions to Congress under section 1105 of title 31, United States Code, shall identify funds requested for Department of Defense personnel and units in permanent duty stations ashore outside the United States that exceed the amount of such costs incurred in fiscal year 1989, and shall detail: (A) a description of the types of expenditures increased, by appropriation account, activity and program; and (B) specific efforts to obtain allied host nations' financing for these cost increases.

(2) The Secretary of Defense shall notify in advance the Committees on Appropriations and Armed Services of the House and Senate through existing notification procedures, when costs of maintaining Department of Defense personnel and units in permanent duty stations ashore will exceed the amounts as defined in the Department of Defense budget as enacted for that fiscal year. Such notification shall describe: (A) the type of expenditures that increased; and (B) the source of funds (including prior year unobligated balances) by appropriation account, activity and program, proposed to finance these costs.

(3) In computing the costs incurred for maintaining Department of Defense personnel and forces in permanent duty stations ashore outside the United States compared with the amount of such costs incurred in fiscal year 1989, the Secretary shall—

(A) exclude increased costs resulting from increases in the rates of pay provided for members of the Armed Forces and civilian employees of the United States Government and exclude any cost increases in supplies and services resulting from inflation; and

(B) include (i) the costs of operation and maintenance and of facilities for the support of Department of Defense overseas personnel, and (ii) increased costs resulting from any decline in the foreign exchange rate of the United States dollar.

(h) The provisions of subsections (f) and (g) shall not apply in time of war or during a national emergency declared by the President or Congress.

(i) In this section—

(1) the term "personnel" means members of the Armed Forces of the United States and civilian employees of the Department of Defense;

(2) the term "Department of Defense overseas personnel" means those Department of Defense personnel who are assigned to permanent duty ashore outside the United States; and

(3) the term "United States" includes the District of Columbia, the Commonwealth of Puerto Rico, and the territories and possessions of the United States.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. CHAPPELL].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 250: Page 84, after line 19, insert:

SEC. 8114. The Secretary of Defense shall take such action as may be necessary to implement at the earliest practicable date and with funds provided for such purpose under the heading "Army Stock Funds" in title V of this Act, the program proposed by the Department of Defense in a letter dated August 30, 1985, from the Assistant Secretary of Defense for Acquisition and Logistics to rehabilitate and convert current steam generating plants at defense facilities in order to achieve a coal consumption target of 1,600,000 short tons of coal per year (including at least 300,000 short tons of anthracite coal) above current consumption levels at Department of Defense facilities in the United States by fiscal year 1994: *Provided*, That such action shall be subject to use of only the most cost-effective fuel system in the construction of new plants or the conversion of existing plants: *Provided further*, That the requirement to purchase 300,000 short tons of anthracite coal expressed in the Department of Defense Appropriations Act, 1988, section 8113, must be complied with: *Provided further*, That, if the Department does not execute contracts to purchase the anthracite coal mandated in the fiscal year 1988 Defense Appropriations Act by September 30, 1988, it shall use such funds as are necessary from appropriations made available in this Act to complete this purchase.

MOTION OFFERED BY MR. CHAPPELL

Mr. CHAPPELL. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. CHAPPELL moves that the House recede from its disagreement to the amendment of the Senate numbered 250 and concur therein with an amendment, as follows: In lieu of the matter inserted by said amendment, insert:

SEC. 8126. The Secretary of Defense shall take such action as may be necessary to implement at the earliest practicable date and with funds provided for such purpose under the heading "Army Stock Fund" in title V of this Act, the program proposed by the Department of Defense in a letter, dated August 30, 1985, from the Assistant Secretary of Defense for Acquisition and Logistics to rehabilitate and convert current steam generating plants at defense facilities in order to achieve a coal consumption target of 1,600,000 short tons of coal per year (including at least 300,000 short tons of anthracite coal) above current consumption levels at Department of Defense facilities in the United States by fiscal year 1994: *Provided*, That such action shall be subject to use of only the most cost-effective fuel system in the construction of new plants or the conversion of existing plants; however, this cost-effectiveness requirement is not applicable to a comparison between bituminous and anthracite coal: *Provided further*, That the requirement to purchase 300,000 short tons of anthracite coal expressed in the Department of Defense Appropriations Act, 1988, section 8113, must be complied with: *Provided further*, That, if the Department does not execute contracts to purchase the anthracite coal mandated in the fiscal year 1988 Defense Appropriations Act by September 30, 1988, it shall use such funds as are necessary from appropriations made available in this Act to complete this purchase.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. CHAPPELL].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 252: Page 84, after line 19, insert:

SEC. 8116. None of the funds appropriated in this Act may be used to carry out the provisions of section 430 of title 37, United States Code.

MOTION OFFERED BY MR. CHAPPELL

Mr. CHAPPELL. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. CHAPPELL moves that the House recede from its disagreement to the amendment of the Senate numbered 252 and concur therein with an amendment, as follows: In lieu of the matter inserted by said amendment, insert:

SEC. 8127. Not more than $3,000,000 of the funds appropriated in this Act may be used to carry out the provisions of section 430 of title 37, United States Code.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. CHAPPELL].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 253: Page 84, after line 19, insert:

(TRANSFER OF FUNDS)

SEC. 8117. Of the funds made available by this Act to the Department of the Army, $5,500,000 shall be transferred to the Bureau of Land Management for the relocation of the smokejumper facility at Ft. Wainwright, Alaska: *Provided*, That such sum shall remain available until expended.

MOTION OFFERED BY MR. CHAPPELL

Mr. CHAPPELL. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. CHAPPELL moves that the House recede from its disagreement to the amendment of the Senate numbered 253 and concur therein with an amendment, as follows: In lieu of the section number named in said amendment, insert "8128".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. CHAPPELL].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 254: Page 84, after line 19, insert:

(TRANSFER OF FUNDS)

SEC. 8118. Upon enactment of this Act, the Secretary of Defense shall make the following transfer of funds: *Provided*, That the

amounts transferred shall be available for the same purposes as the appropriations to which transferred, but shall be available only for the time period of the appropriation from which transferred: *Provided further,* That funds shall be transferred between the following appropriations in the amounts specified:

(1) From:

Under the heading "Shipbuilding and Conversion, Navy, 1985/89":

Trident submarine program, $89,200,000;

T-ACS auxiliary crane ship program, $500,000; and

Outfitting and Post Delivery programs, $7,200,000;

Aircraft Procurement, Navy 1987/89, $28,000,000;

Research Development, Test, and Evaluation, Navy, 1988/89, $40,000,000; and

Research, Development, Test, and Evaluation, Air Force, 1988/89, $31,000,000;

To: Under the heading, "Shipbuilding and Conversion, Navy, 1985/89":

T-AO fleet oiler ship program, $54,400,000;

MCM mine countermeasures ship program, $30,500,000;

DDG-51 guided missile destroyer program, $105,000,000; and

T-AGS ocean survey ship program, $6,000,000;

(2) Under the heading, "Shipbuilding and Conversion, Navy 1986/90":

From: Trident submarine program, $8,900,000;

To: Mine countermeasures ship program, $8,900,000; and

(3) From:

Aircraft Procurement, Army, 1987/89, $14,800,000;

Missile Procurement, Army, 1987/89, $75,200,000;

Weapons and Tracked Combat Vehicles, Army, 1987/89, $51,000,000;

Other Procurement, Army, 1987/89, $79,400,000;

Weapons Procurement, Navy, 1987/89, $145,000,000;

Other Procurement, Navy, 1987/89, $99,900,000;

Aircraft Procurement, Air Force, 1987/89, $110,500,000;

Missile Procurement, Air Force, 1987/89, $119,300,000; and

Other Procurement, Air Force, 1987/89, $39,500,000;

To: Under the heading, "Shipbuilding and Conversion, Navy, 1987/91":

DDG-51 destroyer program, $666,000,000; and

SSN-688 submarine program, $68,600,000.

MOTION OFFERED BY MR. CHAPPELL

Mr. CHAPPELL. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. CHAPPELL moves that the House recede from its disagreement to the amendment of the Senate numbered 254 and concur therein with an amendment, as follows: In lieu of the matter inserted by said amendment, insert:

(TRANSFER OF FUNDS)

SEC. 8129. Upon enactment of this Act, the Secretary of Defense shall make the following transfer of funds: *Provided,* That the amounts transferred shall be available for the same purposes as the appropriations to which transferred, but shall be available only for the time period of the appropriation from which transferred: *Provided further,* That funds shall be transferred between the following appropriations in the amounts specified:

(1) From:

Under the heading, "Shipbuilding and Conversion, Navy, 1985/89":

Trident submarine program, $89,200,000;

T-ACS auxiliary crane ship program, $500,000; and

Outfitting and Post Delivery programs, $7,200,000;

Aircraft Procurement, Navy 1987/89, $28,000,000;

Research, Development, Test, and Evaluation, Navy, 1988/89, $40,000,000; and

Research, Development, Test, and Evaluation, Air Force, 1988/89, $31,000,000;

To: Under the heading, "Shipbuilding and Conversion, Navy, 1985/89":

T-A0 fleet oiler ship program, $54,400,000;

MCM mine countermeasures ship program, $30,500,000;

DDG-51 guided missile destroyer program, $105,000,000; and

T-AGS ocean survey ship program, $6,000,000;

(2) Under the heading, "Shipbuilding and Conversion, Navy, 1986/90":

From: TRIDENT ballistic missile submarine program, $8,900,000;

To: Mine countermeasures ship program, $8,900,000; and

(3) From:

Aircraft Procurement, Army, 1987/89, $14,800,000;

Missile Procurement, Army, 1987/89, $75,200,000;

Weapons and Tracked Combat Vehicles, Army, 1987/89, $77,600,000;

Other Procurement, Army, 1987/89, $43,100,000;

Weapons Procurement, Navy, 1987/89, $71,900,000;

Other Procurement, Navy, 1987/89, $99,900,000;

Other Procurement, Navy, 1988/90, $10,000,000;

Coastal Defense Augmentation, 1988, $20,000,000;

Aircraft Procurement, Air Force, 1987/89, $110,500,000;

Missile Procurement, Air Force, 1987/89, $103,000,000;

Other Procurement, Air Force, 1987/89, $32,500,000;

National Guard and Reserve Equipment, 1988/90, $82,300,000;

Research, Development, Test, and Evaluation, Army, 188/89, $10,000,000;

Research, Development, Test, and Evaluation, Air Force, 1988/89, $5,300,000;

To: Under the heading, "Shipbuilding and Conversion, Navy, 1978/91":

DDG-51 destroyer program, $666,000,000;

SSN-688 attack submarine program, $68,600,000;

AO conversion program, $8,000,000;

For craft, outfitting, and post delivery, $13,500,000; and

(4) From: National Guard and Reserve Equipment, 1988/90, $110,700,000;

To: Other Procurement, Navy, 1989/91, $110,700,000.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. CHAPPELL].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 256: Page 84, after line 19, insert:

SEC. 8120. In addition to the amounts appropriated or otherwise made available in this Act, $441,000,000 is appropriated for the DDG-51 destroyer program, and in addition $269,000,000 shall be available by transfer for this program from the following appropriations: Aircraft Procurement, Army, 1988/90, $30,000,000; Missile Procurement, Army, 1988/90, $3,800,000; Weapons and Tracked Combat Vehicles, Army, 1988/90, $30,000,000; Shipbuilding and Conversion, Navy, 1988/92, $126,300,000; Other Procurement, Navy, 1988/90, $53,900,000; Missile Procurement, Air Force, 1988/90, $23,000,000; and Other Procurement, Air Force, 1988/90, $2,000,000: *Provided,* That the amounts transferred shall remain available for obligation only for the time period provided when originally appropriated.

MOTION OFFERED BY MR. CHAPPELL

Mr. CHAPPELL. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. CHAPPELL moves that the House recede from its disagreement to the amendment of the Senate numbered 256 and concur therein with an amendment, as follows: In lieu of the matter inserted by said amendment, insert:

(INCLUDING TRANSFER OF FUNDS)

SEC. 8130. In addition to the amounts appropriated or otherwise made available in this Act, $438,800,000 is appropriated for the DDG-51 destroyer program, and in addition, $349,200,000 shall be available by transfer for this program from the following appropriations: Aircraft Procurement, Army, 1988/90, $30,000,000; Missile Procurement, Army, 1988/90, $3,800,000; Weapons and Tracked Combat Vehicles, Army, 1988/90, $71,500,000; Aircraft Procurement, Navy, 1988/90, $61,700,000; Shipbuilding and Conversion, Navy, 1988/92, $126,300,000; Other Procurement, Navy, 1988/90, $53,900,000; and Other Procurement, Air Force, 1988/90, $2,000,000: *Provided,* That the amounts transferred shall remain available for obligation only for the time period provided when originally appropriated.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. CHAPPELL].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 257: Page 84, after line 19, insert:

SEC. 8121. Of the funds made available in this Act to the Department of the Navy, $6,000,000 shall only be available for dredging and emplacement of a portion of dredge material at the critical zone Sandy Hook, New Jersey.

MOTION OFFERED BY MR. CHAPPELL

Mr. CHAPPELL. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. CHAPPELL moves that the House recede from its disagreement to the amend-

ment of the Senate numbered 257 and concur therein with an amendment, as follows: In lieu of the matter inserted by said amendment, insert:

SEC. 8131. (a) Of the funds made available in this Act to the Department of the Navy, $6,000,000 shall only be available for dredging and emplacement of a portion of dredge material at the critical zone Sandy Hook, New Jersey.

(b) Under the heading entitled "Construction, general", in the Energy and Water Development Appropriations Act of 1988, title I (Public Law 100-202; 101 Stat. 1329, 1329-108), amend the paragraph that begins "The Secretary of the Army" and deals with Saxon Harbor, Wisconsin, by deleting the words "wood cribs as".

(c) Section 628 of "An Act 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, 1989, and for Other Purposes," is hereby amended to add the following at the end thereof:

"(c) This Section shall be effective on January 16, 1989."

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. CHAPPELL].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 258: Page 84, after line 19, insert:

SEC. 8122. None of the funds authorized and appropriated may be administratively withheld from obligation unless in compliance with Section 1012 of the Congressional Budget and Impoundment Control Act of 1974, as amended in Public Law 99-177: *Provided*, That the Secretary shall provide a report to Committees on Appropriations and Armed Services within 45 days after enactment of this Act which presents a plan for orderly obligation of funds, projects a quarterly expenditure rate for all funds available, and presents a rationale for any delayed obligations relative to the budget plan or intent expressed in the applicable joint explanatory statements of managers.

MOTION OFFERED BY MR. CHAPPELL

Mr. CHAPPELL. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. CHAPPELL moves that the House recede from its disagreement to the amendment of the Senate numbered 258 and concur therein with an amendment, as follows: In lieu of the matter inserted by said amendment, insert:

SEC. 8132. In applying any rule of statutory construction, the provisions of Titles I through IX of this Act shall be deemed to have been enacted after the provisions of the Department of Defense Authorization Act, Fiscal Year 1989 as set forth in Title X of this Act or as set forth in H.R. 4481 (regardless of the actual dates of enactment concerned).

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. CHAPPELL].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 259: Page 84, after line 19, insert:

SEC. 8123. The Secretary of Defense shall take such action as necessary to assure that a minimum of 50 percent of the polyacrylonitrile (PAN) carbon fiber requirement be procured from domestic sources by 1992: *Provided*, That the annual goals to achieve this requirement be as follows: 15 percent of the total DOD requirement by 1988; 15 percent of total DOD requirement by 1989; 20 percent of the total DOD requirement by 1990; 25 percent of the total DOD requirement by 1991; and 50 percent of the total DOD requirement by 1992.

MOTION OFFERED BY MR. CHAPPELL

Mr. CHAPPELL. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. CHAPPELL moves that the House recede from its disagreement to the amendment of the Senate numbered 259 and concur therein with an amendment, as follows: In lieu of the section number in said amendment, insert: "8133".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. CHAPPELL].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 260: Page 84, after line 19, insert:

SEC. 8124. The total amount appropriated to or for the use of the Department of Defense by this Act is reduced by $30,000,000. The Secretary of Defense shall allocate the amount of the reduction made by the preceding sentence in the procurement and research, development, test, and evaluation accounts of the Army, Navy, Air Force, Marine Corps, and Defense Agencies as the Secretary determines appropriate to reflect savings resulting from increased use of discount air fares that (1) are granted by commercial air carriers for travel of Federal Government employees on official Government business under agreements entered into between the Administrator of General Services and such carriers, and (2) are available to contractor personnel traveling in connection with the performance of cost-reimbursable contracts awarded by the Department of Defense.

MOTION OFFERED BY THE MR. CHAPPELL

Mr. CHAPPELL. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. CHAPPELL moves that the House recede from its disagreement to the amendment of the Senate numbered 260 and concur therein with an agreement, as follows: In lieu of the section number named in said amendment, insert "8134".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. CHAPPELL].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 261: Page 84, after line 19, insert:

SEC. 8125. None of the funds appropriated by this Act may be obligated for an Air Force training system aircraft for tanker and transport pilot training unless the requirements for bomber pilot training are also met by the aircraft selected.

MOTION OFFERED BY MR. CHAPPEL

Mr. CHAPPELL. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. CHAPPELL moves that the House recede from its disagreement to the amendment of the Senate numbered 261 and concur therein with an amendment, as follows: In lieu of the matter inserted by said amendment, insert:

SEC. 8135. None of the funds made available to the Department of Defense in this Act may be used to plan, design, or procure more than one type of Air Force trainer aircraft.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. CHAPPELL].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 263: Page 84, after line 19, insert:

SEC. 8127. When issuing statements, press releases, requests for proposals, bid solicitations, and other documents describing projects or programs funded in whole or in part with Federal money, all grantees receiving Federal funds, including but not limited to State and local governments, shall clearly state (1) the percentage of the total cost of the program or project which will be financed with Federal money, and (2) the dollar amount of Federal funds for the project or program.

MOTION OFFERED BY MR. CHAPPELL

Mr. CHAPPELL. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. CHAPPELL moves that the House recede from its disagreement to the amendment of the Senate numbered 263 and concur therein with an amendment, as follows: In lieu of the section number named in said amendment, insert: "8136".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. CHAPPELL].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 264: Page 84, after line 19, insert:

SEC. 8128. (a) Notwithstanding any other provision of this Act, no department, agency, or instrumentality of the United States Government receiving appropriated funds under this Act for fiscal year 1989, shall, during fiscal year 1989, obligate and expend funds for consulting services involving management and professional services; special studies and analyses; technical assistance; and management review of program funded organizations; in excess of an amount equal to 85 percent of the amount obligated and expended by such department, agency, or instrumentality for such services during fiscal year 1987.

(b) The Director of the Office of Management and Budget shall take such action as may be necessary, through budget instructions or otherwise, to direct each department, agency, and instrumentality of the United States to comply with the provisions of section 1114 of title 31, United States Code.

(c) Notwithstanding any other provision of this Act, the aggregate amount of funds appropriated by this Act to any such department, agency, or instrumentality for fiscal year 1989 is reduced by an amount equal to 15 percent of the amount expended by such department, agency, or instrumentality during fiscal year 1987 for purposes described under subsection (a).

(d) As used in this section, the term "consulting services" includes any service within the definition of "Advisory and Assistance Services" in Office of Management and Budget Circular A-120, dated January 4, 1988.

(e) Funds reduced from appropriations contained in this Act pursuant to this provision shall be available only for costs associated with the January 1, 1989, civilian pay raise of Department of Defense civilian employees: *Provided*, That such funds shall be allocated on a pro rata basis to the Defense Agencies and the Military Departments and shall be transferred to the appropriate applicable appropriations for such pay raise costs to be available for the same time period as the appropriation to which transferred: *Provided further*, That the authority to transfer funds under this section shall be in addition to any other transfer authority contained in this Act.

MOTION OFFERED BY MR. CHAPPELL

Mr. CHAPPELL. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. CHAPPELL moves that the House recede from its disagreement to the amendment of the Senate numbered 264 and concur therein with an amendment, as follows: In lieu of the matter inserted by said amendment, insert:

SEC. 8137. The total amount appropriated to or for the use of the Department of Defense by this Act is reduced by $150,000,000 to reflect savings resulting from the decreased use of consulting services by the Department of Defense. The Secretary of Defense shall allocate the amount reduced in the preceding sentence and not later than March 1, 1989, report to the Senate and House Committees on Appropriations how this reduction was allocated among the Services and Defense Agencies.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. CHAPPELL].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 269: Page 84, after line 19, insert:

SEC. 8133. Of the funds appropriated, reimbursable expenses incurred by the Department of Defense on behalf of the Soviet Union in monitoring United States implementation of the Treaty Between the United States of America and the Union of Soviet Republics on the elimination of their Intermediate-Range or Shorter-Range Missiles ("INF Treaty"), concluded December 8, 1987, may be treated as orders received and obligation authority for the applicable appropriation, account, or fund increased accordingly. Likewise, any reimbursements received for such costs may be credited to the same appropriation, account, or fund to which the expenses were charged: *Provided*, That reimbursements which are not received within one hundred eighty days after submission of an appropriate request for payment shall be subject to interest at the current rate established pursuant to section 2(b)(1)(B) of the Export-Import Bank Act of 1945 (59 Stat. 526). Interest shall begin to accrue on the one hundred eighty-first day following submission of an appropriate request for payment.

MOTION OFFERED BY MR. CHAPPELL

Mr. CHAPPELL. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. CHAPPELL moves that the House recede from its disagreement to the amendment of the Senate numbered 269 and concur therein with an amendment, as follows: In lieu of section number 8133 named in said amendment, insert "8138".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. CHAPPELL].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 270: Page 84, after line 19, insert:

SEC. 8134. Section 3554 of title 31, United States Code, is amended—

(1) in subsection (a)(1), by striking out "unless the Comptroller General determines and states in writing the reasons that the specific circumstances of the protest require a longer period";

(2) in subsection (c)—

(A) by striking out "may declare an appropriate interested party to be entitled to the costs of—" in paragraph (1) and inserting in lieu thereof "may recommend to the Federal agency issuing the solicitation, proposing the contract award, or awarding the contract, as the case may be, that such agency pay to the appropriate interested party reimbursement for the costs of—"; and

(B) by striking out "Monetary awards to which a party is declared to be entitled under paragraph (1) of this subsection shall be paid promptly" in paragraph (2) and inserting in lieu thereof "A payment of costs recommended by the Comptroller General under paragraph (1) of this subsection may be paid"; and

(3) in subsection (e)(1), by striking out "those recommendations within 60 days of the receipt of the Comptroller General's recommendations under subsection (b) of this section." And inserting in lieu thereof "the recommendations of the Comptroller General under subsection (b) or (c) of this section within 60 days after the head of such procuring activity receives those recommendations.".

MOTION OFFERED BY MR. CHAPPELL

Mr. CHAPPELL. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. CHAPPELL moves that the House recede from its disagreement to the amendment of the Senate numbered 270 and concur therein with an amendment, as follows: In lieu of the matter inserted by said amendment, insert:

SEC. 8139. Section 3554 of title 31, United States Code, is amended in subsection (a)(1), by striking out "unless the Comptroller General determines and states in writing the reasons that the specific circumstances of the protest require a longer period".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. CHAPPELL].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 271: Page 84, after line 19, insert:

SEC. 8135. Section 2345 of the Military Construction Act, 1988 and 1989 (division B of Public Law 100-180; 101 Stat. 1230), is amended to read as follows:

"SEC. 2345. USE OF SEWAGE FACILITIES AT FORT CHAFFEE, ARKANSAS.

"(a) IN GENERAL.—The Secretary of the Army shall permit the City of Barling, Arkansas, to use the sewage treatment facilities at Fort Chaffee under an agreement that would require the city to pay a reasonable cost for the use of such facilities and to pay any reasonable costs incurred by the Army in increasing the capacity of the sewage treatment facilities at Fort Chaffee in order to accommodate the use of such facilities by the city. An agreement entered into under this section shall be for such period, not less than 20 years, as may be agreed upon by the Secretary and the city.

"(b) REQUIREMENT FOR COMPLETION OF ALL ASSESSMENTS, STUDIES, AND REPORTS.—(1) The Secretary of the Army shall complete all necessary environmental assessments, studies, and reports and all baseline studies that may be required in connection with the increased use and expansion of the sewage treatment facilities at Fort Chaffee as a result of the enactment of this section not

later than 120 days after the date of the enactment of this Act.

"(2) The city shall be required to reimburse the United States for all costs incurred by the Secretary in carrying out such assessments, studies, and reports. Such costs shall be amortized over the period of the agreement entered into by the Secretary and the city pursuant to subsection (a).

"(c) DEADLINE FOR AGREEMENT.—The Secretary shall enter into negotiations with the City of Barling at the earliest practicable date after the date of the enactment of this Act regarding the use of the sewage treatment facilities at Fort Chafee and shall make every effort to conclude negotiations and sign an agreement with the city not later than 150 days after the date of the enactment of this Act.

"(d) ADDITIONAL TERMS AND CONDITIONS.—Any agreement entered into under this section shall be subject to such other terms and conditions as the Secretary of the Army determines necessary or appropriate to protect the interests of the United States.".

MOTION OFFERED BY MR. CHAPPELL

Mr. CHAPPELL. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. CHAPPELL moves that the House recede from its disagreement to the amendment of the Senate numbered 271 and concur therein with an amendment, as follows: In lieu of section number 8135 named in said amendment, insert "8140".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. CHAPPELL].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 272: Page 84, after line 19, insert:

SEC. 8136. (a)(1) Chapter 141 of title 10, United States Code, is amended by inserting after section 2397c the following new section:

"§ 2397d. Registration of consultants

"(a)(1) An agency may not award a contract for the procurement of advisory and assistance services to a consultant unless—

"(A) such consultant complies with the registration requirements of this section; and

"(B) the contracting officer responsible for such contract has reviewed the information provided by such consultant in its registration and such other information as may be available to the contracting officer and determined, with the approval of his supervisor, that, with respect to such contract, the consultant does not have a conflict of interest that could be prejudicial to the interests of the United States.

"(2) An agency may not award a contract to any person submitting a bid or proposal to such agency unless such person certifies that, to the best of such person's knowledge and belief, each consultant that has furnished advice, information, direction, or assistance to such person in support of the preparation or submission of the bid or proposal has complied with the registration requirements of this section.

"(b)(1) A consultant submitting a bid or proposal for a contract referred to in subsection (a)(1) shall, within such time after submitting the bid or proposal as the Secretary of Defense shall prescribe in regulations, register with the Office of Standards of Conduct of the Department of Defense and provide a copy of such registration to the contracting officer responsible for such contract.

"(2) A consultant retained by a person in connection with the preparation or submission of a bid or proposal for a Department of Defense contract shall register with the Office of Standards of Conduct of the Department of Defense within such time after the retention of such consultant as the Secretary of Defense shall prescribe in regulations.

"(3) A consultant who is registered with the Office of Standards of Conduct under this subsection with respect to one contract, bid, or proposal shall update the registered information whenever the consultant submits a bid or proposal for another Department of defense contract (if such contract is for the procurement of advisory and assistance services) and whenever the consultant is retained by a person in connection with the preparation or submission of a bid or proposal for another Department of Defense contract. The consultant shall update such information within such time as the Secretary of Defense shall prescribe in regulations.

"(c) A person registering as a consultant under this section shall include in its registration the following information:

"(1) The name and address of the consultant.

"(2) A description of the nature of the services furnished by the consultant in the normal course of the consultant's business and a description of the nature of the clients (public and private, foreign and domestic) for which the consultant has furnished such services.

"(3) A list of all clients for which the consultant has furnished related advisory and assistance services within three years before the date of the registration and a description of the related advisory and assistance services furnished each such client by the consultant.

"(4) A statement of whether the consultant has ever been convicted of a felony and whether, at the time of the registration, there is pending any indictment or information charging the consultant with a felony.

"(5) A statement of whether, at the time of the registration, the consultant is ineligible, by reason of suspension or debarment, to be awarded a contract by the Federal Government.

"(6) A certification that, to the best of the consultant's knowledge and belief at the time of the registration, such consultant and all employees of the consultant are not in violation of any applicable requirement set out in, and are not engaged in any conduct prohibited by, sections 2397, 2397a, 2397b, and 2397c of this title and any contract term required by such section 2397c.

"(d) The Inspector General of the Department of Defense shall monitor the compliance of consultants with the registration requirements of this section and shall submit to the Committees on Armed Services of the Senate and the House of Representatives an annual report containing a discussion of the extent of such compliance.

"(e) Each consultant who intentionally fails to comply with the registration requirements of this section shall be subject to suspension and debarment proceedings.

"(f) This section shall not apply to a contract for advisory and assistance services which, as determined by the Secretary of Defense, involves—

"(1) sensitive foreign intelligence or foreign counterintelligence activities; or

"(2) sensitive law enforcement investigations.

"(g) In this section:

"(1) The term 'agency' means those agencies listed in paragraphs (1), (2), (3), and (4) of section 2303(a) of this title.

"(2) The term 'consultant' means any person (including, in the case of a business organization, any affiliate of such organization) that—

"(A) furnishes or offers to furnish advisory and assistance services; or

"(B) pursuant to a contract, furnishes advice, information, direction, or assistance to any other person in support of the preparation or submission of a bid or proposal for a Department of Defense contract by such other person.

"(3)(A) The term 'advisory and assistance services' means those services acquired by an agency from any nongovernmental source, by contract, to support or improve agency policy development, decisionmaking, management, and administration, or to support or improve the operation of management systems.

"(B) Such term includes—

"(i) management and professional services;

"(ii) the conduct and preparation of studies, analyses, and evaluations; and

"(iii) engineering and technical services.

"(4) The term 'management and professional services' means professional services relating to the management and control of programs, including—

(A) management data collection services;

(B) policy review and development services;

(C) program evaluation services;

(D) program management support services;

(E) program review and development services;

(F) systems engineering services; and

(G) other management and professional services of a similar nature which are not related to any specific program.

"(5) The term 'studies, analyses, and evaluations' includes the following:

"(A) Any analysis or other examination of a subject which—

"(i) is undertaken to provide greater understanding of relevant issues and alternatives regarding organizations, policies, procedures, systems, programs, and resources; and

"(ii) leads to conclusions or recommendations with respect to planning, programming, budgeting, decisionmaking, or policy development.

"(B) With respect to a program of an agency, any study initiated by or for the program management office of the agency.

"(C) A cost-benefit analysis, a data analysis (other than a scientific analysis), an economic study or analysis, an environmental assessment or impact study, a legal or litigation study, a legislative study, a regulatory study, a socioeconomic study, and a feasibility study which does not relate to construction.

"(D) A geological study, a natural resource study, a scientific data study, a soil study, a water quality study, a wildlife study, and a general health study.

"(E) Any similar study or analysis.

"(6) The term 'engineering and technical services' means the furnishing of advice, training, or direct assistance to personnel in order to ensure the efficient and effective operation or maintenance of existing platforms, weapon systems, related systems, and associated software by such personnel.

"(7) The term 'related advisory and assistance services' means advisory and assistance services provided to any person or to the Department of Defense regarding a contract, subcontract, or prospective contract or subcontract awarded or to be awarded by the Department of Defense.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2397c the following:

"2397d. Registration of consultants.".

(b) The first report required by section 2397d(d) of title 10, United States Code, as added by subsection (a), shall be submitted not later than one year after the date of the enactment of this Act.

MOTION OFFERED BY MR. CHAPPELL

Mr. CHAPPELL. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. CHAPPELL moves that the House recede from its disagreement to the amendment of the Senate numbered 272 and concur therein with an amendment, as follows: In lieu of the matter inserted by said amendment, insert the following:

SEC. 8141. (a) Not later than 90 days after the date of enactment of this Act, the Administrator of the Office of Federal Procurement Policy shall issue a policy, and not later than 180 days thereafter government-wide regulations shall be issued under the Office of Federal Procurement Policy Act which set forth:

(1) conflict of interest standards for persons who provide consulting services described in subsection (b); and

(2) procedures, including such registration, certification, and enforcement requirements as may be appropriate, to promote compliance with such standards.

(b) The regulations required by subsection (a) shall apply to the following types of consulting services:

(1) advisory and assistance services provided to the government to the extent necessary to identify and evaluate the potential for conflicts of interest that could be prejudicial to the interests of the United States;

(2) services related to support of the preparation or submission of bids and proposals for federal contracts to the extent that inclusion of such services in such regulations is necessary to identify and evaluate the potential for conflicts of interest that could be prejudicial to the interests of the United States; and

(3) such other services related to federal contracts as may be specified in the regulations prescribed under subsection (a) to the extent necessary to identify and evaluate the potential for conflicts of interest that could be prejudicial to the interests of the United States.

(c) The Comptroller General shall report to Congress not later than one year after the date of enactment of this Act his assessment of the effectiveness of the regulations prescribed under this section.

(d) Intelligence activities as defined in section 3.4(e) of Executive Order 12333 or a comparable definitional section in any successor order may be exempt from the regulations required by subsection (a): *Provided*, That the Director of Central Intelligence shall report to the Intelligence and Appropriations Committees of the Congress no later than January 1, 1990, and annually thereafter delineating those activities and organizations which have been exempted from the regulations required by subsection (a) in accordance with the provisions of this subsection.

(e) The President shall, before issuance of the regulations required by subsection (a), determine if the promulgation of such regulations would have a significantly adverse effect on the accomplishment of the mission of the Department of Defense or other federal government agencies: *Provided*, That if the President determines that the regulations required by subsection (a) would have such an adverse effect, the President shall so report to the appropriate committees of the Senate and the House of Representatives, stating in full the reasons for such a determination: *Provided further*, That in the event of submission of a report to the committees containing an adverse effect determination, the requirement for the regulations prescribed by subsection (a) shall be null and void.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. CHAPPELL].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 273: Page 84, after line 19, insert:

SEC. 813. (a) Of the amounts available for the University Research Initiative Program in "Research, Development, Test and Evaluation, Defense Agencies", no more than $12,000,000 shall be available for National Defense Science and Engineering Graduate Fellowships to be awarded on a competitive basis by the Secretary of Defense to United States citizens or nationals pursuing advanced degrees in fields of primary concern and interest to the Department.

(b) Fellowships awarded pursuant to subsection (a) above shall not be restricted on the basis of the geographical locations in the United States of the institutions at which the recipients are pursuing the aforementioned advanced degrees.

MOTION OFFERED BY MR. CHAPPELL

Mr. CHAPPELL. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. CHAPPELL moves that the House recede from its disagreement to the amendment of the Senate numbered 273 and concur therein with an amendment, as follows: In lieu of the matter inserted by said amendment, insert the following:

SEC. 8142. (a) Of the amounts available to the Department of Defense for fiscal year 1989, not less than $10,000,000 shall be available for National Defense Science and Engineering Graduate Fellowships to be awarded on a competitive basis by the Secretary of Defense to United States citizens or nationals pursuing advanced degrees in fields of primary concern and interest to the Department.

(b) Fellowships awarded pursuant to subsection (a) above shall not be restricted on the basis of the geographical locations in the United States of the institutions at which the recipients are pursuing the aforementioned advanced degrees.

(c) Not less than fifty per centum of the funds necessary to carry out this section shall be derived from the amounts available for the University Research Initiative Program in "Research, Development, Test, and Evaluation, Defense Agencies", and the balance necessary shall be derived from amounts available for Defense Research Sciences under title IV of this Act.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. CHAPPELL].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 274: Page 84, after line 19, insert:

SEC. 8138. Of the amounts available for obligation for research, development, test, and evaluation, no more than $2,500,000 shall be made available in equal amounts to the Army and the Air Force for the testing and evaluation of low-profile antenna systems for ground level communications: *Provided*, That whatever total amount made available by this section shall only be available if it is matched on an equal basis by any industrial participant in the testing and evaluation: *Provided further*, That the Secretary of the Army and the Secretary of the Air Force shall report the results of these tests and evaluation to the Committees on Appropriations of the Senate and House of Representatives by June 30, 1989.

MOTION OFFERED BY MR. CHAPPELL

Mr. CHAPPELL. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. CHAPPELL moves that the House recede from its disagreement to the amendment of the Senate numbered 274 and concur therein with an amendment, as follows: In lieu of the section number named in said amendment, insert "8143".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. CHAPPELL].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 275: Page 84, after line 19, insert:

SEC. 8139. (a) The Congress finds that—

(1) the armed forces of the Soviet Union have waged a brutal war of conquest against the people of Afghanistan for 8 years;

(2) foreign correspondents attempting to cover the war in Afghanistan have always been subject to extreme danger;

(3) the danger to foreign correspondents became even greater in 1984 when the Soviet Ambassador to Pakistan explicitly threatened foreign journalists entering Afghanistan in the company of the Afghan resistance, known as the mujaheddin;

(4) on September 19, 1985, Charles E. Thornton, a medical reporter for the Arizona Republic, was killed by Soviet troops while preparing a story about volunteer doctors in Afghanistan;

(5) on October 9, 1987, Lee Shapiro, of North Bergen, New Jersey, and Jim Lindelof, of California, were ambused and murdered by Soviet troops while filming a documentary on the war in Afghanistan;

(6) the statements of Abdul Malik, the Afghan interpreter and guide who accompanied Lee Shapiro and Jim Lindelof and who witnessed their deaths, demonstrate that the 2 Americans were strafed by helicopter gunships of the Soviet Union and shot by Soviet soldiers who then confiscated their equipment and film; and

(7) Charles E. Thornton, Lee Shapiro, and Jim Lindelof displayed great courage by facing the perils of war and the lethal threat directed against correspondents and ultimately gave their lives to inform the world of the struggle for liberty taking place in Afghanistan.

(b) It is the sense of the Congress that the President should posthumously award the Presidential Medal of Freedom to Charles E. Thornton, Lee Shapiro, and Jim Lindelof in honor of their brave efforts to document the Afghan struggle for freedom.

MOTION OFFERED BY MR. CHAPPELL

Mr. CHAPPELL. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. CHAPPELL moves that the House recede from its disagreement to the amendment of the Senate numbered 275 and concur therein with an amendment, as follows: In lieu of the section number named in said amendment, insert "8144".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. CHAPPELL].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the final amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 277: Page 84, after line 19, insert:

TITLE X—NATIONAL DEFENSE AUTHORIZATIONS FOR FISCAL YEAR 1989

SEC. 10001. (a) Except as provided in subsection (b), the provisions of S. 2355 of the One Hundredth Congress, as passed by the Senate on May 27, 1988, are incorporated in this Act by reference.

(b) The following sections of S. 2355 of the One Hundredth Congress, as passed by the Senate on May 27, 1988, shall be deemed to have been stricken from S. 2355 before being passed by the Senate:

(1) Section 615, relating to a special annuity for certain surviving spouses.

(2) Sections 2106, 2305, and 2409, relating to extensions of certain prior year authorizations.

MOTION OFFERED BY MR. ASPIN

Mr. ASPIN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. ASPIN moves that the House recede from its disagreement to the amendment of the Senate numbered 277 and concur therein with an amendment, as follows: In lieu of the matter inserted by said amendment, insert:

TITLE X—DEFENSE AUTHORIZATIONS

SEC. 10001. ENACTMENT OF FISCAL YEAR 1989 DEFENSE AUTHORIZATION BILL.

The provisions of the bill H.R. 4481 of the One Hundredth Congress, as contained in the conference report filed in the House of Representatives on September 28, 1988 (House Report 100-989), are hereby enacted into law.

SEC. 10002. TERMINATION OF PROVISIONS UPON ENACTMENT OF AUTHORIZATION BILL.

Section 10001 shall not take effect if the bill H.R. 4481 of the One Hundredth Congress is enacted before this Act. If that bill is enacted after this Act, the provisions of section 10001 shall cease to be effective upon the enactment of that bill.

SEC. 10003. INCREASE IN CERTAIN AUTHORIZATION AMOUNTS.

(a) PROCUREMENT.—Title I of the National Defense Authorization Act, Fiscal Year 1989, is amended as follows:

(1) AIRCRAFT PROCUREMENT, NAVY.—Section 102(a) is amended by striking out "$9,259,253,000" and inserting in lieu thereof "$9,415,311,000.".

(2) WEAPONS PROCUREMENT, NAVY.—Section 102(b) is amended—

(A) by striking out "$5,972,181,000" in the matter preceding the colon and inserting in lieu thereof "$6,154,032,000";

(B) by striking out "$3,203,737,000" in paragraph (2) and inserting in lieu thereof "$3,245,154,000"; and

(C) in paragraph (3)—

(i) by striking out "$700,054,000" in the matter preceding the colon and inserting in lieu thereof "$840,488,000";

(ii) by striking out "$431,014,000" in the item relating to the MK-48 torpedo program and inserting in lieu thereof "$485,000,000"; and

(iii) by striking out "$17,552,000" in the item relating to the Vertical Launched ASROC torpedo program and inserting in lieu thereof "$105,000,000".

(3) SHIPBUILDING AND CONVERSION, NAVY.—Section 102(c) is amended—

(A) by striking out "$9,056,100,000" in the matter preceding the colon and inserting in lieu thereof "$10,013,900,000";

(B) by striking out "$2,207,300,000" in the item relating to the DDG-51 program and inserting in lieu thereof "$2,646,100,000";

(C) by striking out "$284,900,000" in the item relating to the TAO-187 fleet oiler program and inserting in lieu thereof "$689,900,000"; and

(D) by striking out "$192,600,000" in the item relating to the landing craft, air cushion program and inserting in lieu thereof "$306,600,000".

(4) RESERVE COMPONENTS.—Section 106 is amended—

(A) in the matter relating to the Army National Guard, by striking out "$240,000,000" and inserting in lieu thereof "$256,000,000";

(B) in the matter relating to the Air National Guard, by striking out "$216,500,000" and inserting in lieu thereof "$399,500,000";

(C) in the matter relating to the Naval Reserve, by striking out "$75,000,000" and inserting in lieu thereof "$144,600,000"; and

(D) in the matter relating to the Marine Corps Reserve, by striking out "$50,000,000" and inserting in lieu thereof "$81,800,000".

(b) SPECIAL OPERATIONS ENHANCEMENT.—Part B of title VII is amended by adding at the end of the following new section:

"SEC. 716. SPECIAL OPERATIONS FORCES ENHANCEMENT.

"In addition to the amounts otherwise authorized to be appropriated by this Act, there is hereby authorized to be appropriated to the Department of Defense for fiscal year 1989 the sum of $286,000,000. Amounts appropriated pursuant to the preceding sentence shall be available only for equipping and operating Special Operations Forces.".

Mr. ASPIN (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 (Mr. Bosco). Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

The SPEAKER pro tempore. The gentleman from Wisconsin [Mr. ASPIN] is recognized for 30 minutes.

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

Let me, at the outset of this amendment, say how much I appreciate the cooperation of the gentleman from Florida [Mr. CHAPPELL] in working out the matter that we are dealing with here in this amendment at the end of the long and arduous process, and I want to congratulate the gentleman from Florida for cooperation, integrity and his help in working out this very, very difficult area.

Mr. Speaker, what this amendment does is to amend in effect the authorization bill by adding money, adding authorization to five accounts, thereby making the authorization bill consistent with the appropriations bill that we have here on the floor that we are dealing with today.

The issue is what is the role of the authorizing committees, and what is the role of the appropriating committees in the whole defense process and the process of establishing the defense budget. What we had was an authorization bill which Congress voted on and passed a couple days ago and was just signed into law by the President last night, establishing the defense budget for 1989. The appropriations bill before us exceeded the authorization committee in a couple of accounts. The agreement that we worked out between the authorizing committees and the appropriating committees at the beginning of the year, we established that when that occurred there would be language in the Defense Appropriations Committee that would say that these accounts would be subject to authorization. What we have done now with this amendment that is before us now that I have offered that is before us now is to change the authorizing levels to reflect the new levels that are necessary in these accounts, and at the same time eliminating any kind of language that says "subject to authorization."

The point is, Mr. Speaker, is that the Armed Services Committee, the authorizing committee, needs to have its rights protected in this process, and what we are doing now does protect our rights. We do not need language there that says that we are, that this money is subject to authorization because, in effect, the authorizing committee are hereby concurred with the overall level.

I want to make clear, though, that the fact that this language "subject to authorization" is being dropped from the bill does not affect the fact that there is a firm agreement that any appropriations that are in excess of authorized amounts in defense accounts are required to make subject to authorization. That was our agreement and we are doing this because Mr. CHAPPELL has been so cooperative and because it was important to him that we do it this way, and again I find that the gentleman from Florida [Mr. CHAPPELL], has been very honorable and a high degree of integrity on this issue.

With respect to the line items in the bill [Mr. CHAPPELL] has also been very, very helpful and very good about sharing information with us, but the time constraints of getting the bill to the floor have made it impossible for us to be able to know everything that is in this bill.

To a large degree we have no problem with what has been done but there may be certain legislative items or programs we would like to take issue with. We will look at these items and direct them in another bill next week.

Again I would like to commend the gentleman from Florida for all of his cooperation. We are dealing with a very difficult cooperation. I know several members of his committee were in a position where they did not like what we were doing and we were able to work with them to help work it out and maintain the integrity of the authorization process and at the same time being able to make sure that we were able to pass the appropriation bill in a form in which the gentleman from Florida wanted.

Mr. CHAPPELL. Mr. Speaker, will the gentleman yield to me?

Mr. ASPIN. Mr. Speaker, I yield such time as he may consume to the gentleman from Florida [Mr. CHAPPELL].

Mr. CHAPPELL. Mr. Speaker, I want to commend the gentleman on his help and assistance in working out a very difficult problem between the authorizers and the appropriators, and I do think we have an atmosphere of good cooperation between our committee. I thank the gentleman for offering this motion which will put in place, in essence, the authorization of the three items which are over at the account level. I hope I understand my good friend, the gentleman from Wisconsin, to say this will close this matter out for this year, although he may offer another bill coming up next week. We will try to work closely with the gentleman in next year's round. I hope we will have a process in place by the time we get into the authorizing procedure next year whereby we will not have the difficulty that we have had this year by having to put in certain items of authorization in the appropriation bill at the request of my good friend and others. Hopefully we can keep working to the point where most of the disagreements which we might have between us may be tested on points of order as we go through the authorizing bill and the appropriations bill.

I thank the gentleman for his cooperation and help.

The SPEAKER pro tempore. The gentleman from Pennsylvania [Mr. McDADE] is recognized for 30 minutes.

Mr. McDADE. Mr. Speaker, I yield 10 minutes to the gentleman from Alabama [Mr. DICKINSON].

Mr. DICKINSON. Mr. Speaker, let me join in the colloquy here and the discussion on the subject in general dealing with unauthorized appropriations which is an annual and continuing problem.

We made progress in the past several years and last year we had an agreement to which the Speaker was a part, and the agreement, as I think has been pointed out, was first that every year we see that the Appropriations Committee on the defense bill comes in and certain areas and certain categories they appropriate more than has been authorized.

Now, it is elementary that initially we had an authorizing committee then Appropriations Committee not that many years ago, that the theory was that we authorize, and that is the ceiling, and then the appropriators come along and, depending on how much money is available, they appropriate according to what we have authorized.

That was in theory the way it works, but sometimes between the time of our authorizing committee and their appropriating, situations change and the facts in the situation change, and they have many, many times appropriated more than has been authorized.

□ 1200

Well, this has been a bone of contention for the last several years. But we worked it out in a very amicable way as far as I am concerned. And I am sure I speak for my chairman, Mr. ASPIN. We have an agreement with Mr. McDADE, Mr. CHAPPELL and before then with Mr. Addabbo and Mr. EDWARDS.

We got along pretty good over here. Last year it was set down in a clear understanding that those overages would be subject to subsequent authorization and that if they did not agree, that the Speaker would not waive points of order and that also we would be allowed to participate, they in our conference and we in their conference to try to work out these differences without having to bring them to the floor.

The problem is that the other body has not been as cooperative with the authorizing process as have our House Members.

There is legislation on an appropriation that should not be there under the House rules. One of the problems is that when our staffs talk back and forth we do not see the provisions early. There has been a rivalry in the past. So in order to obviate the problem there either has been or will be an amendment offered to raise the funding levels to get around how much is left, but recognizing that there are some items in disagreement that reserve the right to address next week when the bill comes up.

But I would just like to say that it is a pleasure, it has been a pleasure—it is a pleasure working with athe chairman and the ranking member on the Committee on Appropriations. If we have a problem, we resolve it. We all understand each other's turf, I think. It is my strong feeling, however, that we need in the future to come together in an informal way and maybe even to formalize it, but to come up with some device or vehicle, a mode of resolving these issues without ever having to bring them to the floor to even discuss them here.

In the main we have this in the House, but the other body, some in the other body feel very strongly the other way, which leads us to the problem we face here today.

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

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

Mr. CHAPPELL. I thank the gentleman for yielding.

Mr. Speaker, I hope that the direction in which we are going will lead us to the point where the authorizors can employ more of their time toward the expertise of force levels, weapons systems, and ceiling levels and leave the appropriating committee to lend its best expertise to the handling of money matters, financial scheduling, procurements levels, procurement rates and spending priorities. If we can work more to these points, recognizing that it is the appropriators who are bound by the work of the budget committee and not the authorizors, and give the appropriators a little more latitude in the funding levels, the process would work easier. What I am saying in the final analysis to the House is that this institution can best be served by better use of the unusual expertise which you authorizors have toward developing force levels, select-

ing weapons systems, and handling the overview necessary to assure the most appropriate level of security for our country and leaving to us the opportunity of working the financial matters, procurement rates, and funding priorities.

I thank the gentleman for his cooperation and for the cooperation from that side.

Mr. DICKINSON. I thank the gentleman for his remarks. I think we in general understand the jurisdiction, the so-called turf of each of the committees, but as I pointed out, there are some things that are legislation on appropriation that should not be there.

We have difficulty in learning these facts ahead of time in order to deal with them in an orderly way. So I simply raise this as a caution flag to say that we have some areas of concern, but to go on record as saying we appreciate the fine cooperation and support that we received from the chairman, the ranking member, and the other members of the Committee on Appropriations.

Hopefully we can come up with some device, scheme, method, form to deal with these things more or less in an institutional manner in the future to obviate what has been a very contentious problem between the House committees. And then in turn the House and the other body. So I thank the gentleman and I thank the gentleman from Pennsylvania for yielding.

Mr. McDADE. Mr. Speaker, I yield 4 minutes to my distinguished colleague, the gentleman from Texas [Mr. ARMEY].

Mr. ARMEY. I thank the gentleman for yielding.

Let me say at the outset I understand that the conferencing of the appropriations and the authorizing bills has been a very large task and I certainly do not intend to involve myself in that business. Still at the same time and somewhat cojointly with that work there has been a question of the progress of the base closing legislation which we used last week to move the House authorizing bill and for which I still have great expectations of a conference next week. Furthermore, as we examine the base closing bill that was passed from the House on July 12, there was within that bill a provision to authorize $300 million for the base closing account.

I guess I would just like to feel at this time somewhat assured that the arrangement outlined here does not in any way hamper the ability to move forward with that bill, with that provision in the conference and subsequently on the floor perhaps next week.

So the question is: Is there anything about this arrangement that would interfere with that process?

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

Mr. ARMEY. I yield to the gentleman from Wisconsin.

Mr. ASPIN. I thank the gentleman for yielding.

No, the gentleman, from our side, clearly nothing we have arranged here will interfere with the concern that the gentleman has to get his base closing bill passed. We, of course, will move when we can now that we have settled the issue, if this settles the authorization-in-an-appropriation process. We need to move to the issue of the base closing. It is certainly my intention to appoint conferees to see whether we can get a base closing bill here before the end of the session which looks like we are not going to have a lot of time. But as the gentleman from Texas knows, it was the unfortunate veto of the President's that puts us into this bind. Had not the President vetoed that very fine authorization bill, the authorization bill that was so carefully crafted.

Mr. ARMEY. If I might reclaim my time, I thank the gentleman for his overly generous explanation.

I conclude then that there is nothing in this arrangement that would interfere with our ability to maintain the base closing account as we had passed it? Thank you.

Mr. ASPIN. Let me get my time, because the gentleman from Texas will not let me fully answer his question. I will say there is nothing in this bill, nothing in this arrangement that will prevent us from getting an authorization—getting the base closing conference report done. If there is any reason why we do not get the conference report on base closing done, it is because we have such a short amount of time in which to do it. I would point out to the gentleman from Texas that the reason we have such a short amount of time to do it is that our time has been distracted trying to put together the authorizing bill and then the appropriating bill and then getting the two of them working together, because they both came to the floor almost at the same time. Had the President signed the authorizing bill as indeed he should have when the bill was presented to him, we would have clearly had plenty of time and we would have by now be doing the base closing bill. As I say, the base closing bill is going to be touch and go but we will do our very best in spite of the roadblocks that the President has put in the way of getting the bill. We will do our very best to get the base closing bill to the floor.

Mr. ARMEY. If I might once again reclaim my time and once again thank the gentleman for his generous explanation. I really do not want to go on but I cannot help but observe that on April 28, when we agreed not to offer base closing as an amendment to the Defense authorization we were assured that base closing would be back by early June and it did not get back until July. So the delays go beyond the President's veto to a great many considerations, all of which are understandable and equally excusable.

I applaud the gentlemen on both committees for the hard work they put in on the appropriations and the authorizing bills. I know it has been a difficult task and I certainly do not want to complicate that.

Let us go on to base closing.

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

Mr. Speaker, I want to express my thanks to my colleague from Alabama [Mr. DICKINSON] for the action that we are taking here today. I think it is a constructive one. I do have to, without revisiting the entire issue, indicate that there is a very substantial question involved here.

A few nights ago late in the evening in conference with the Senate, every Member on my side of the aisle, this Member on down, took our names off the conference report because of the insistence on language for subsequent authorization that some people are trying to drive into that conference.

Now the reason for that is because had we not done so it would have made contingent subject to some future action which might or might not have been taken. When one remembers the two and one-half rules or whatever we had out here on the authorization bill, the 5 days or whatever it was of discussion, and 300 or more amendments, and the very tortuous conference that ensued and finally agreed to ultimately was, just a few nights ago, one wonders about another authorization bill.

Has we revisited that process, we would have had on the table about $2 billion, roughly, of money that was a part of the summit agreement and all of it placed in jeopardy.

There was no possible way that we could concur in that kind of a procedure.

So I agree with my friend from Alabama, we have had an excellent relationship on his side of the Capitol, on this side of the aisle. There is no one I get along with better in the Congress than my friend from Alabama and I know as we go down the road in future sessions we will continue that cooperation. We always have.

But we need to understand that a lot of these things are not so easy of resolution as they seem and that there are great stakes on the table when such issues arise.

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

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

Let me take just a few more moments of time here to respond to the gentleman from Pennsylvania's [Mr. McDADE] comments.

What we are dealing with here, I would tell the gentleman, and what we have been trying to deal with earlier in the year when the gentleman from Florida and I were trying to work out an accommodation, the question is: What is the role of the authorizing committees? And what is the role of the appropriating committees in this process?

Now there is a disputed area under which the question arises as to whether the authorizing committees and appropriating committees have jurisdiction over the line items.

The gentleman from Florida would contend and I am sure the gentleman from Pennsylvania would contend that we have no business in line items. We would contend that we have some business in line items.

Set that aside. The issue, however, is under the accounts level. The accounts level, nobody questions that in terms of the overall accounts level the authorizing committee sets the level for the accounts level.

So if the account level is aircraft procurement, Navy, and the amount authorized is the amount that is authorized for that account level; so what we were saying is that when we pass an authorization bill, we the authorizers, pass an authorization bill, that establishes the money for the account level for which the appropriators cannot appropriate in excess of that.

Now what the gentleman from Florida pointed out, and I frankly thought he had a good point, is that later in the year updated information may cause the right thing to do to exceed some of those account levels; that it may be that because the appropriations bill comes later that the amount of money that we would want to appropriate for aircraft procurement, Navy, is in excess of the amount that was authorized, and that if we would all agree to that, it will be counterproductive for us to go into a rigid formula because of the legislative situation that we could not do what all of us thought was the right thing to do.

□ 1215

So we agreed that at times on the account level we want to exceed the account levels in the authorizing legislation. The question then is, if we can go by the account levels, then, of course, the authorizing committee loses all control of the process. We have no input in the process if the appropriators can go in and set aside what we have done and appropriate what they want.

So what we agreed to and what we thought would be a good compromise in this thing is to say that the appropriators would try to stay within the account levels but if they exceed the account levels, to the extent they exceeded the account levels they would make those excesses subject to authorization to keep our hand in it.

That is what happened this year. There are over 50 different account levels in the bill. There are thousands of line items, but there are over 50 account levels in the bill, of which a relative handful were when the appropriators wanted to come in and appropriate in excess of the amount in the authorization bill.

So we had no problem. We looked over the list, and we said, "There is no problem with this. All you have to do is make sure those three accounts where you exceed the authorized level are subject to authorization."

Of course, that is what we wanted to have happen, and then we ran into all these problems. We have worked it out this year. We have worked out the compromise. We have changed the authorization bill and drafted the language which the gentleman from Pennsylvania finds offensive, the language which is subject to authorization. But it seems to me the problem is a real one. If the authorizing committees are going to have a role in this process, there is no question that we do have to rely on the law as to line items. Clearly in the law, as to account levels, the language is clear. Unless there is authorization, appropriations cannot exceed those account levels, and we are just trying to work out some process where we all agree we ought to exceed the account levels and keep the hand of the authorizers in the process.

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

Mr. ASPIN. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Speaker, I certainly understand the concern the chairman of the committee has about this issue, and I think everyone has tried to work this out in an amiable way. There has always been a tendency on the part of appropriators not to want to get overly involved in the authorization bill, but there is obviously one other answer to this problem.

I am speaking only for myself here. The answer to the problem is, I believe, where we feel there are going to be account levels that are not going to be sufficient, then obviously we should have an opportunity when the authorization bill is on the floor to try to increase those account levels in the regular process. I just wanted to remind the chairman of the committee that that is not something that has been done in the past, but out of good conscience in the future we may have to do that in order to provide for the national security of our country.

Mr. ASPIN. Mr. Speaker, let me just say to the gentleman from Washington that we welcome that opportunity. We want to have a total and complete exchange of information, and we would like to have the gentleman sit in on our conferences. We would welcome the smiling face of the gentleman from Washington in our conferences. I believe we can give the gentleman all the information he needs. If the gentleman thinks he needs more money in the account level, we would be happy to work with him.

Mr. DICKS. Mr. Speaker, if the gentleman will yield further, it is, for example, just like this year. I cannot recall the exact numbers, but I will have the exact numbers furnished later. We are talking about something like $295 million as a difference in the Guard and Reserve, and if we had not been able to expand that authorization via this amendment, the Guard and Reserve, I think, would have been devastated in this country by the loss of this very important equipment.

Mr. ASPIN. Mr. Chairman, the gentleman must understand that the Armed Services Committee is not about to let that happen. The gentleman who was in the chair just a little while ago—and I refer to the gentleman from Mississippi [Mr. MONTGOMERY], General Montgomery—certainly would not allow the Armed Services Committee to stand in the way of money getting to the Guard and the Reserve.

The point is not on the issues themselves, because we are in agreement. The point is just to make sure that we do not have a process by which whatever we do, meaning the Armed Services Committee, the authorizing committee, is just total set aside with no input into the operations of the Appropriations Committee.

Mr. DICKS. Mr. Chairman, the only point I would like to make is this: There has been a tendency by the authorizers, I think, to stay within the limits that have been set up rather than laying out what is necessary for national security. My own view of it is that the authorizing committee should spend more time saying, "Here is what we really need, and here is what the authorized level ought to be to take care of defense."

My view is that you do not have to live within the budget resolution. There is nothing that requires that. But there has been a tendency to want to do that in recent times, and I think that is dangerous. I think the authorizers should be saying, "Here is what we really want to do, and we don't have to live with the budget resolution."

Mr. ASPIN. Mr. Chairman, if I may be allowed to take back my time, the gentleman is absolutely correct. The gentleman is correct on two accounts. One important account is that the authorizing committee does not have to meet the budget resolutions; the appropriating committee does. But the gentleman also knows that as a practical matter on the floor here, if the au-

thorizing committee were to bring back a defense bill that is in excess of the amount in the budget resolution, we would run into an immediate storm of protest, and indeed we would end up with an across-the-board cut to make sure that we were back within some consistency with the budget.

The gentleman is correct. What we ought to do is allow the appropriators some leeway by authorizing more than the budget resolution. We should authorize more in order to allow the appropriators some leeway to make some changes and still stay within the budget resolution. If we are going to do that, we will have to educate our colleagues here and let them accept the idea that the authorizing committee could bring in a bill that is inconsistent with the budget resolution, because as the political situation exists now, if I were to show up on the floor with an authorizing bill in excess of the budget numbers, I would get an enormous number of amendments to cut it and bring it down, and Members would vote for those amendments to bring it down.

Mr. DICKS. Mr. Speaker, if the gentleman will yield further, this is now the fourth straight year in which we have had a basic freeze or a little bit less of a freeze for defense. I frankly think that unless we get some growth back in the defense budget, we are going to see all the progress that has happened between 1981 and 1985 start to erode, and I think the authorizers may have a responsibility to the House and the country to get around this somehow and start this education process and lay out what the real needs are in defense and then let the appropriators live with the realities of the budget process.

Mr. ASPIN. As I say, I agree with the gentleman entirely. The question is whether the floor would allow us to do that. As I see it right now, the answer is that they would not.

Mr. SMITH of Iowa. Mr. Speaker, will the gentleman yield?

Mr. ASPIN. I yield to the gentleman from Iowa.

Mr. SMITH of Iowa. Mr. Speaker, I think this is a terribly important discussion, but the problem we have is this: We would not run into the problem the gentleman mentioned of a point of order against an authorization exceeding the budget resolution goal if the authorization was on the floor in the year in which it should be on the floor. There are no limitations on what we can put in the authorization for 1990 if it is done in the prior year.

Next week they are going to start working down in that department on the appropriations request for next spring. Since there is no authorization for fiscal year 1990, they are going to develop a proposed budget without the benefit of an authorization guideline. They are going to make up their own proposed guidelines, and when the hearings are held, you will be holding hearings on what they want for an authorization. The authorization should be in place right now for 1990.

That is the way it was when the gentleman from Georgia, Mr. Vinson, was chairman of the committee. They had multiyear authorizations. They set out their program. They set out what they thought was necessary for the defense of the country, and the appropriations process later put limitations on the accounts. In those days, the Armed Services Committee also had time to do adequate oversight.

I think the main problem here is that the authorizations are 1 year late. That got started about 15 years ago, and I do not know why that happened.

Mr. ASPIN. Mr. Speaker, if the gentleman would let me respond to that, the point is that we are trying and the Department has tried to bring that in. We are trying to bring in a 2-year budget during the next year. If we can do it, we will try to bring in a 2-year budget for the next 2 years. It is turning out to be very difficult, as the gentleman from Iowa can recognize, to institute a 2-year budget, particularly when we do not have 2-year budgets anyplace outside of defense. People are just unwilling and unlikely to want to authorize 2 years of weapons systems that are controversial.

Mr. SMITH of Iowa. We have 4-year farm programs, for example. We have multiyear budgets for other agencies.

Mr. ASPIN. But the gentleman is dealing with entitlement programs. We can have multiyear budgets in something of that nature. What we are dealing with is individually appropriated and bought items, and that is a more difficult process.

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

Mr. ASPIN. I yield to the gentleman from Alabama.

Mr. DICKINSON. Mr. Speaker, I think perhaps we have beat this horse enough, but I would just like to point out that last year we had a little revolt on the Armed Services Committee.

The chairman of the committee was trying to hold the expenditure level down to the budget, the anticipated budget figure. We, the majority on the committee, said that this is not the way to go, that what we should budget to is what we think the need is and what the threat is. So we did that. We brought to the floor a bill that we thought was reasonable, that we thought best met the anticipated threat. This is what came to the floor as the product of the Armed Services Committee.

The chairman of our own committee then offered an amendment on the floor to take it back down to the budget figure, not the committee figure but the budget figure. If I am not badly wrong, the gentleman from Washington voted with the gentleman from Wisconsin to lower the figure back to the budget figure, cutting out $2 billion, and now he comes to the floor with this explanation.

Mr. DICKS. Mr. Speaker, if the gentleman will yield——

Mr. DICKINSON. Mr. Speaker, the gentleman has yielded to me, and I have the floor.

If I am not mistaken, most of the Members on that side of the aisle voted to cut it down to the budget figure, not the figure the gentleman now says is the right figure or what we need.

So it is a nice thing to say, but the very gentleman who is on his feet now saying this is the way to do it is the very gentleman who voted to cut it back down to the budget figure, along with the majority on the other side. So, as a practical matter, it does not work that way.

Mr. DICKS. Mr. Speaker, will the gentleman yield further?

Mr. ASPIN. I am glad to yield to the gentleman from Washington.

Mr. DICKS. Mr. Speaker, I may be incorrect in this, and I cannot recall the specifics of that. The gentleman may well be correct. But I just feel that in the light of this discussion and reassessing, as we know, the relationship between the two committees, I would be the first to say that I may have sinned and erred in the past, but in the future I would like to see us do this thing correctly, and I may well support the gentleman from Alabama in the future if he does what he says. I think that is the right way to do it.

Mr. DICKINSON. Mr. Speaker, I am glad the gentleman finally got convinced.

Mr. ASPIN. Mr. Speaker, let me just point out that both the gentleman from Washington and the gentleman from Alabama may have a nice idea, but it is not going to work. The problem is that even if the gentleman from Washington would vote against the amendment to cut to bring it down to the Budget Committee level, I would point out that vote passed overwhelmingly because Members in this body cannot afford to have it charged against them that they voted for more defense than the budget resolution called for. So we end up with these problems, and it is a political difficulty we cannot solve.

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

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

Mr. CHAPPELL. Of course, Mr. Speaker, there is one way to do it. Of course, the gentleman may very well be right and we could never reach that agreement, but if the authorizers, for example, want to set just one outside limit, that is, on all the weapons sys-

tems instead of putting in dollar amounts that would ease the problem. They could put in overall numbers, like numbers of personnel for the various services and numbers of tanks, in other words, put in the quantitative information in the bill, we might ease ourselves away from the problem. That could be done.

Mr. Speaker, I certainly appreciate this discussion myself, and I hope we can move on. I urge the adoption of the motion.

Mr. ASPIN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. Bosco). The question is on the motion offered by the gentleman from Wisconsin [Mr. ASPIN].

The motion was agreed to.

A motion to reconsider the votes by which action was taken on the several motions was laid on the table.

CONFERENCE REPORT ON H.R. 1720, FAMILY WELFARE REFORM ACT OF 1987

Mr. BONIOR. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 556 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 556

Resolved, That upon the adoption of this resolution it shall be in order to consider the conference report on the bill (H.R. 1720) to replace the existing AFDC program with a new Family Support Program which emphasizes work, child support, and need-based family support supplements, to amend title IV of the Social Security Act to encourage and assist needy children and parents under the new program to obtain the education, training, and employment needed to avoid long-term welfare dependence, and to make other necessary improvements to assure that the new program will be more effective in achieving its objectives, and all points of order against the conference report and against its consideration are hereby waived. The conference report shall be considered as having been read when called up for consideration.

□ 1230

The SPEAKER pro tempore (Mr. Bosco). The gentleman from Michigan [Mr. BONIOR] is recognized for 1 hour.

Mr. BONIOR. Mr. Speaker, I yield the customary 30 minutes to the gentleman from Ohio [Mr. LATTA], pending which I yield myself such time as I may consume.

Mr. Speaker, let me at the outset extend my appreciation, and, I assume, the appreciation of most of my colleagues, for the splendid job that was done on our side of the aisle by the gentleman from Illinois [Mr. ROSTENKOWSKI], by the gentleman from New York [Mr. DOWNEY], and the gentleman from Tennessee [Mr. FORD], for the great work that they did on the very important piece of legislation is historic in the sense that it will be brought before us in a few minutes.

Mr. Speaker, House Resolution 556 provides for the consideration of the conference report on H.R. 1720, the Family Welfare Reform Act of 1987. The rule waives all points of order against the conference report and against its consideration.

The rule further provides that the conference report shall be considered as having been read when it is called up for consideration.

Mr. Speaker, this is a bill that will give a helping hand to those Americans struggling to make it on their own. It is a helping hand to the ever-increasing working poor in our country, those people who are getting squeezed. It offers the hope of a warm place to stay, and something to eat, of adequate child care for children whose parents are working their way off of welfare. The bill is designed to make the transition off of welfare easier, and, therefore, these people will be more likely to succeed.

Mr. Speaker, self-sufficiency and independence are all part of the American dream, and this bill will help make that dream a reality for millions more of the American people.

Mr. Speaker, I urge the adoption of this rule, and I reserve the balance of my time.

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

Mr. Speaker, as the end of the Congress comes closer, we are starting to move more quickly on some major pieces of legislation.

Welfare reform is one of them. In future years, this legislation may be viewed as one of the most significant actions of this Congress. It is a subject area where there has been a long history of strong disagreement. The fact that this bill has achieved the degree of consensus that it has is encouraging.

I commend the members of the Committee on Ways and Means and the members of the other committees with jurisdiction over parts of this bill for their hard work and for the degree of success they have achieved.

Mr. Speaker, one point of particular interest to me is that this bill finally contains a provision which should have been in the law years ago. I speak of the mandatory work requirement. This bill provides that effective in the years 1994 through 1998 one parent in a two-parent welfare family must contribute at least 16 hours per week in a work activity program. Mr. Speaker, this is a small positive step but it should not be delayed until 1994, it should be effective now. And it should cover more than the small percentage of welfare recipients covered by this bill. Even so, it is a small positive step, and I commend the conference committee for it. Future Congresses will need to be vigilant that this requirement is not deleted before it is allowed to take effect.

Mr. Speaker, the rule before us today waives all points of order so that we may proceed promptly to the consideration of this conference report.

I support the rule, Mr. Speaker.

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

Mr. BONIOR. Mr. Speaker, I yield 4 minutes to the gentleman from Texas [Mr. GONZALES].

Mr. GONZALEZ. Mr. Speaker, I just rise to ask the gentleman a couple of questions.

I think that my colleagues know that very seldom have I ever voted against a rule on such occasions, closed rules in the past, but I certainly am loath in this case except that I consider this to be a very, very complicated matter and one which actually, as much as I would like to legislate, I have to raise some issues.

In looking over the printed conference report appearing in the Wednesday, September 28, RECORD, I notice one particular section that makes me wonder about just how effective will we really be in helping without the stigma that continues to be associated with the unfortunate population of our fellow Americans that happen to be on what we so often pejoratively call relief, but one that I think is a throwback to the poor laws of England in which bastardy and paternity and all that kind of things was a big issue. For instance, on page H8885, where the conference agreement with respect to performance standards for the establishment of paternity appears, the conference agreement follows a Senate amendment. The conference agreement adopts a House provision providing that each State require the child and all other parties to a contested paternity case to submit to genetic tests upon the request of any party with a modification.

I ask, if this case arises, how is a parent going to pay for a genetic test?

Mr. DOWNEY of New York. Mr. Speaker, will the gentleman yield?

Mr. GONZALEZ. I yield to the gentleman from New York [Mr. DOWNEY].

Mr. DOWNEY of New York. Mr. Speaker, in the case of an AFDC recipient, the paternity genetic tests would be paid for by the State, by people of means, by them based on a sliding scale dependent upon income.

Mr. GONZALEZ. Mr. Speaker, I will tell my colleagues the truth. I think this is one case where—of course this is my determination—but I thank the gentleman from New York [Mr. DOWNEY] for answering the question.

Mr. BONIOR. Mr. Speaker, I move the previous question on the resolution.

The previous question ws ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. ROSTENKOWSKI. Mr. Speaker, pursuant to House Resolution 556, I call up the conference report on the bill (H.R. 1700) to replace the existing AFDC Program with a new Family Support Program which emphasizes work, child support, and need-based family support supplements, to amend title IV of the Social Security Act to encourage and assist needy children and parents under the new program to obtain the education, training, and employment needed to avoid long-term welfare dependence, and to make other necessary improvements to assure that the new program will be more effective in achieving its objectives.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 556, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of September 29, 1988.)

The SPEAKER pro tempore. The gentleman from Illinois [Mr. ROSTENKOWSKI] will be recognized for 30 minutes and the gentleman from Texas [Mr. ARCHER] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Illinois [Mr. ROSTENKOWSKI].

GENERAL LEAVE

Mr. ROSTENKOWSKI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the conference report on H.R. 1720, now under consideration.

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

There was no objection.

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

Mr. Speaker, I rise in support of the conference report on the bill H.R. 1720, the Family Support Act of 1988.

Today, the House has a historic opportunity. We have a chance to make our welfare system more responsive to the needs of the poor and more effective in helping welfare recipients achieve self-sufficiency. We can do this by adopting the conference report.

There isn't a Member of this body who has not heard, or made, complaints about our cur ent welfare system. Increasingly, we hear about the failure of the system to provide adequate assistance for those in need. And all too often, the very help the system provides can become a trap for beneficiaries.

Attempts at reform have repeatedly failed. Welfare recipients are not an organized lobby and all too often they have been mere bystanders in a philosophical debate that has little to do with the reality of poverty.

In the 2 years we have been working on this legislation our greatest task has been to dispel the myths about welfare. I think we have succeeded. This legislation recognizes that welfare recipients want to work, but it also recognizes that forcing a parent to choose between health care for her children and a job is simply to unfair. The legislation demands that welfare recipients help themselves, but it also provides the training, child care and work related assistance that is needed for economic independence.

This legislation provides real help not promises; 200,000 to 800,000 individuals per year will be assisted by the new work, training and jobs provisions. Sixty-five thousand two-parent families, a total of 285,000 parents and children, will become eligible for Medicaid coverage. The new child-care and Medicaid transition benefits will help 250,000 to 475,000 individuals move from welfare to work.

These people want to work and get off welfare. They need the funds provided in this agreement for training, job search and other job opportunity programs. They need the transition benefits, which will allow them to take entry level jobs by providing necessary child care and health insurance.

I've served in Congress a long time and I have witnessed many welfare debates. I can tell my colleagues that a chance like this doesn't come along very often. This legislation is not perfect. For some, the work requirements do not go far enough. For others, the benefit improvements are not enough. I am confident, however, that the families who are trapped in the cycle of poverty would tell us to give them a chance and pass this bill.

In closing, Mr. Speaker, I want to thank the members of the Committee on Ways and Means who have worked so long and hard to bring this legislation to the floor. HAROLD FORD developed the original committee legislation. HANK BROWN, the ranking minority member of the subcommittee, played a crucial role throughout the process and in crafting the provisions of the final agreement. All of the members of the Public Assistance Subcommittee have done a tremendous job.

I want to especially recognize and pay tribute to TOM DOWNEY, the acting chairman of the Public Assistance Subcommittee. TOM guided this bill through the committee and the House. He encouraged the other body to move the bill.

No issue is more divisive than welfare. In the conference, TOM DOWNEY was tireless, and brilliant, in his efforts to find a common ground among all of the members and groups that were interested in this legislation. It is not an overstatement to say that without his efforts, this legislation would not be on the floor today.

Mr. Speaker, I urge my colleagues to support this historic agreement.

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

Mr. Speaker, I rise in opposition to this conference report, though I do so with a degree of reluctance. A lot of people have worked very hard, and they put together a package that has some good in it. But it also has a lot of bad in it.

Mr. Speaker, when I put it on the scales and weigh the good and the bad, I must come down on the side that this is not what we are looking for in welfare reform.

My criteria for welfare reform are that after 5 years of implementation we should be able to say to the taxpayers of this country that we have been able to encourage and to remove welfare recipients from the roles so that it results in a program which has fewer welfare recipients than would occur under the current law. We should be able to say to the working people of this country that the cost of this program will result after 5 years in reduced taxes necessary to pay for welfare. This bill fails on both accounts.

Mr. Speaker, the CBO projections are that there will not be fewer welfare recipients at the end of 5 years, and their projections are that the cost of the bill will approach $1 billion a year in extra spending at the conclusion of a 5-year transition implementation period.

The one good thing in the bill is that for the first time it has a mandated Federal work requirement as a condition for welfare for some welfare recipients. But the results of even this workforce program—which does not even go into effect until 1994—but even after being in effect, are that a maximum of only 1 percent of the welfare cases will be removed from the welfare roles.

□ 1245

I do not think this measures up to what the people of this country want in basic welfare reform.

Another aspect of the bill that troubles me is that the Work Training Program, as I perceive it, is one that is a revisitation of CETA, with a potential for enormous abuse without a cost productive result.

Additionally, there is an item in the bill that pays for $375 million of the cost to provide child care for the children of welfare families by taking the money out of the pockets of middle-income taxpaying Americans who currently have the ability to get a child care tax credit on their tax returns. This bill will reduce from 15 to 13 the age of children eligible for child care tax credit under the current law. As a

result, TAG parents of those children that are 13 to 15, the latchkey children of this country, will end up paying more in Federal income tax in order to pay for the cost of day care for welfare recipients. I do not think the people of this country want that—particulary when this is an age bracket when unattended children have a high exposure to drugs.

In addition, if you look at the outyears beyond the 5-year projections, the major source of financing is the extension of a program that is already on the books to collect debts owed to the Federal Government from income tax refunds. That is a very constructive positive program, but because it was going to expire, under our rather warped budget scoring system, by extending it we are given credit—as if it were new—for revenue that it has already been generating every year.

But sadly once you get beyond the 5-year period, the collection of those debts drops off and it will no longer provide the income necessary to maintain this program. Those who aspire to a balanced budget are going to be faced with a difficult task in the 6th year to again keep the deficits of this country under control, because they are going to have to find new tax revenues.

I wish we could have reached a system that made more sense. I wanted to support this legislation, but I do not believe the people across this country are going to welcome a welfare bill that does not reduce the welfare rolls and does not reduce the overall costs for welfare just because it is called reform.

Mr. ROSTENKOWSKI. Mr. Speaker, I yield 2 minutes to the gentleman from Tennessee [Mr. FORD].

Mr. FORD of Tennessee. Mr. Speaker, I, too, must join with my distinguished chairman of the full committee, the gentleman from Illinois [Mr. ROSTENKOWSKI] and to commend the acting chairman, the gentleman from Mississippi [Mr. DOWDY] for the work that he has put into this bill, and also the full committee chairman and the ranking member, the gentleman from Colorado [Mr. BROWN].

Mr. Speaker, I rise in support of this bill today. We reported out H.R. 1720. H.R. 1720 in its original form was a bill that was a lot stronger than what we are bringing back to the House today, but when we think in terms of the 12 million people trapped into the vicious cycle of welfare and to the welfare program itself, this Family Security Act today is a piece of legislation that will set the tone for this Nation. When we see the 7½ million children who are trapped into that cycle and we see this legislation that is before us here, we know that we can truthfully say with this bill today, that, yes, work, education and training, will be the cornerstone for the new Family Security Act that we are acting upon today.

We know that there is a transitional rule for Medicaid and a transitional rule for child care for those who will go into training and educational programs and those who will go into the work force. We know that this new program will respond to many of the needs of those who are trapped into that cycle.

Mr. Speaker, I urge all my colleagues, and even those few groups who have indicated that they are in opposition to this bill today, those are the groups who have started with us and those are the groups we know that have been in the forefront and who will continue to be in the forefront, and I can assure these groups that we will set the agenda for the new Congress to come back to monitor with oversight hearings to make sure that these programs are administered in a fashion that each State will carry out the type of programs that all of us in America will be proud of and those who are trapped into this welfare cycle.

You know, this bill does not go all the way. It will not complete the whole job that is needed to be completed, but I can say that we make major steps in this new welfare reform package that is before us today.

We talk about costs. Yes, it will cost additional dollars. We knew that from the outset that we would have to spend additional dollars.

I call upon my colleagues to support this legislation today, because those who are trapped into the welfare cycle are in need of a new program and this is a program that we can say to the States that we can implement and respond to the problems of poverty in this country.

Mr. ROSTENKOWSKI. Mr. Speaker, I yield 5 minutes to the gentleman from California [Mr. HAWKINS].

Mr. HAWKINS. Mr. Speaker, I thank the distinguished chairman of the conference committee for yielding me this time.

Mr. Speaker, I rise in strong opposition to this conference report. It is false labeling and an unacceptable deviation from traditional principles of fairness and democracy. The strong education provisions, the limitations on the Community Work Experience Program [CWEP] or workfare, the equal pay standards, and the child care enhancements present in earlier versions of the proposal, were compromised out of this final agreement. The conference report represents expediency at its worst.

In the last few weeks, under extreme political pressure to pass a bill, mandatory workfare has caught on like wildfire. For years, the Reagan administration has peddled the concept of forcing all welfare recipients to work off their benefits. For years, the Congress resisted and rejected the administration's position. By adopting this proposal, the Reagan administration may finally achieve its goal at the expense of the poor people the measure is intended to help.

The compromise fails to impose any time limits on an individual's mandatory participation in a CWEP Program. Unfortunately, the 6-months' limitation and no repeat assignment provision on workfare in the House bill was eliminated by the conference committee. Coupled with the high participation rates and a requirement that States offer two out of four mandatory work activities, this will likely drive States to assign greater numbers of individuals to the CWEP Program. The CWEP assignments are often make-work jobs and are disruptive at the local job sites.

Workfare does not provide education and training to enable welfare recipients to become more employable, and certainly does not lead to permanent employment. It's a punitive approach to forcing people off the rolls.

CWEP under current law is optional. The conference report provides the incentive for States to mandate CWEP nationwide. Twenty-six States now operate CWEP on a limited scale and only nine States run workfare statewide. Major cities are often excluded from the CWEP Program due to the difficulty of administering large-scale workfare programs in urban areas.

Unlimited workfare assignments cause displacement of regular public employees. A recent Michigan survey found that failure to put limits on CWEP resulted in a loss of 3,000 full-time civil service jobs between 1980 and 1985. Large-scale workfare programs also have led to the elimination of low-wage public employment in New York City. Despite provisions to prohibit displacement or substitution. States will be tempted to exploit the availability of unpaid CWEP workers over time.

Workfare is punitive and counterproductive to the original goal of our bill, that is, improving the employability of AFDC recipients by providing them with good employment and training opportunities.

Another major concern is the wage rate provision. The conference report allows two different standards of pay—one for regular employees and a lesser, unequal pay standards, for the welfare employee.

The original House bill has an equal pay standard which ensured that participants in federally subsidized jobs would be treated equally and not exploited because of their vulnerable economic status. This important provision was deleted in conference and further weakens the bill. We should reject this double standard and not send out the message that welfare re-

cipients' work is worth less than that of other workers doing the same or similar work.

The new mandate, that up to 75 percent of the unemployed parent (two-parent) caseload be required to work 16 hours per week and that up to 20 percent of the single-parent caseload be actively enrolled in some program activity, is unrealistic and counterproductive. It will drive States to process large numbers of people each month in a less effective program. More importantly, the mandate also prevents States from investing in more intensive, intervention services needed to move people off the welfare rolls and toward employment.

My own State of California, for example, has indicated to me that these participation requirements are simply unattainable. California has found that over 60 percent of participants in the State's GAIN Program require remedial education before they can be assigned to any other education, employment or training activity. I am certain that we will hear from California and the Governors of other States in the near future about their inability to meet these burdensome requirements.

For the record, I will include in my statement documentation, by the respected Manpower Demonstration Research Corp. [MDRC], which details the shortcomings of current workfare programs.

The Manpower Demonstration Research Corp. [MDRC], a well-respected research organization in New York City, has completed evaluations of several State initiatives that attempt to restructure the relationship between welfare and work. Generally, MDRC's reports of welfare work programs in the States of Arkansas, California, Illinois, Maine, Maryland, New Jersey, Virginia, and West Virginia show that the programs led to relatively modest increases in employment, which in some cases translated into modest welfare savings as well. The results of the West Virginia, Illinois, and Maryland programs area worth noting.

West Virginia has a mandatory workfare requirement for both single-parent and two-parent caseloads. Welfare recipients in West Virginia could be assigned to community service jobs for as long as they receive public assistance. In some cases, their workfare assignments lasted for years. Their welfare checks are reduced if they fail to fulfill their unpaid work assignments. MDRC concluded that workfare in West Virginia did not lead to any financial gains for the welfare recipients and that it cost rather than saved money for the government. Clearly, if the West Vriginia workforce model is replicated in communities across the country, it will probably not improve the employment prospects of individuals seeking self-sufficiency nor will it have a significant impact on reducing welfare caseloads. Instead, unlimited workfare will simple produce large pools of cheap, unemployed labor available for community service.

MDRC also evaluated the workfare program in Cook County, IL. The Illinois model focused primarily on short-term job search followed by an unpaid work experience or workfare assignment. The assignments were mainly entry-level jobs requiring few skills and providing little opportunity for skills development. Participants were discouraged from pursuing other education or training activities. After an 18-month followup period, MDRC found no significant effects on employment or earnings for those individuals who had gone through job search and work experience. MDRC also found that over a 5-year period, these activities did not make individuals better off financially; rather, they appear to have made some individuals somewhat worse off on average. The majority of the participants in the Illinois program were dissatisfied with the idea of working off their welfare benefits and almost all believed that the employer got the better of the deal. These findings are significant since States can chose job search and workfare as two of the mandated activities under this proposal.

Unlike the other States, MDRC found that the Maryland model provided more intensive education and training activities intended to enhance the future labor prospects of its participants. Maryland was successful in offering a full range of services including job search, employability preparation, work experience, GED preparation and skills training. As a result of this flexibility, the program was effective in helping individuals to improve their employment levels. More significantly, these earnings impacts appeared to continue and even increase after the short-term observation period. In addition, MDRC found that the less employable group benefited from the efforts of a more intensive program offered in Maryland. The Maryland program, indeed, made efficient use of resources and provided more opportunities for substantive education, employment, and training programs for its welfare recipients. Certainly, the Maryland model supports the contention that employment and training interventions, if properly structured, do work.

Proponents of this revised welfare reform bill often cite the State of Massachusetts' Employment and Training Choices [ET] Program as a model for this new welfare work program. For the record, the ET program differs significantly from the proposal before us. ET is entirely voluntary. ET is not punitive. ET has no workfare.

ET works because it offers comprehensive employment and training, and support services, designed to help welfare recipients overcome significant barriers to employment. Representatives from the private sector, welfare, education and community-based organizations are committed to make ET work. Although all AFDC clients are encouraged to enroll in ET, recipients do not lose their benefits if they chose not to participate in the program. The average wage earned by ET graduates in 1987 is over $12,000. More than three-quarters of ET participants left the welfare rolls permanently. No doubt ET has contributed significantly to the drop in the welfare caseload in Massachusetts. Through ET's efforts, over 30,000 welfare recipients have been placed into unsubsidized employment, with adequate child care and health care assistance. Blessed with outstanding economic conditions, Massachusetts' ET program has a long waiting list of individuals anxious to participate in this voluntary program which gives them a real chance to get off welfare.

Another major concern about this conference report is that the child care provisions are weak and inadequate. The House provisions increasing the supply of child care resources and training have been eliminated in this agreement, and funding is unrealistic given the current cost and availability of quality, affordable child care.

While I agree that the 12 months of child care transition and the 12 months of transitional health care assistance are improvements over current law, I am troubled by the fact that this compromise would terminate these necessary transitional services in 1998. It makes no sense to sunset these provisions. There is no evidence that recipients will not need these transitional services in the out-years of the program.

The conference agreement also weakens the House provision which would have provided that postsecondary education would be an acceptable JOBS activity. This also takes away from the effectiveness of this measure.

During the Education and Labor Committee's consideration of H.R. 1720, and during the floor vote on the bill, there was agreement that postsecondary education is the right training option for some welfare recipients. Obviously, most welfare recipients are not ready for college, but the opportunity should never be foreclosed to those who have the motivation and capability to pursue a postsecondary education.

Finally, I cannot, in all good conscience, support a compromise when the proposed reform's effectiveness is highly questionable, the standards are flawed, and funding is woefully inadequate. The cruelest irony, however, is that many economists are warning

that our country may be headed into another economic recession with high cyclical unemployment. If this new welfare work program does prepare individuals for the workplace, where will the jobs come from? Even today, most new jobs are in the service industries paying low wages. Many people are forced to work part time in more than one job in order to make ends meet. Many people have given up looking for work and are no longer counted in the labor force. A recent study by the Senate Budget Committee documents that half the new jobs created in the last eight years were at wages below the poverty level for a family of four. Believe me, this new program is no panacea for poor people, and economic conditions in the next several years will be the true determinant of how successful we are in our efforts to reform the welfare system.

I applaud the diligent efforts of the Members of the House and Senate who attempted to fashion a bill which will be better than current law. The conference agreement achieves some desirable goals. However, the baggage that it carries far outweighs the modest improvements. We have deviated considerably from the bill approved by a majority of the House of Representatives. By approving this compromise package, we may be creating problems which will haunt us for years to come. I would rather oppose this conference agreement and seek a more constructive approach in the next Congress than risk jeopardizing the quest for self-sufficiency of millions of people.

ORGANIZATIONS OPPOSED TO WELFARE REFORM CONFERENCE AGREEMENT, SEPTEMBER 30, 1988

AFL-CIO, AFSCME, Americans for Democratic Action [ADA], Bread for the World, Child Welfare League, Children's Defense Fund, Church Women United, Coalition for the Homeless, Coalition on Human Needs, Communications Workers of America, Food Research and Action Center [FRAC], Friends Committee on National Legislation, Full Employment Action Council, Interfaith Action Council, League of Women Voters, National Council of Churches, National Council of La Raza, National Puerto Rican Coalition, National Organization of Women, National Urban League, United Church of Christ, U.S. Catholic Conference, and Wider Opportunities for Women.

COALITION ON HUMAN NEEDS,
September 29, 1988.

DEAR SENATOR/REPRESENTATIVE: The Coalition on Human Needs, an alliance of over 100 religious, civil rights, labor, professional and other organizations concerned with the needs of the poor, minorities, children, women, the aged and disabled, urges you to oppose the Conference Report on the Family Welfare Reform Act.

The bill's complicated requirements will add to the bureaucratic nighmare now faced by AFDC recipients who receive assistance payments that approximate only $345/month (national median) for an average family of three. Meanwhile, House provision to encourage state benefit increases has been stripped from the bill.

The bill will mainly affect children age 1-5 whose parents are now exempt from WIN work registration. Parents would be required to accept employment if it is offered at the minimum wage. Today the minimum wage reaches only 79 percent of the poverty threshold for a family of three working full time. If not moving into employment, all other able-bodied, non-exempt adults would be subject to the requirement that they participate in some state-determined work, training or education activity. States will make assignments as their resources permit, but they must meet high participation quotas. The White House estimates that the 20 percent quota will require 800,000 adults per year to participate in such activities.

Each year hundreds of thousands of children (and likely more) will be thrust into a child care market which is already overburdened. Although child care is "guaranteed" and reimbursement levels are permitted to increase to the local market level, the original House program to increase the supply of child care for AFDC children has been dropped. The bill gives states, not the mother, the power to make the judgment of when appropriate care is available. There is no immediate requirement that care provided in a family home meet basic health and safety standards.

The complex provisions of the JOBS program will seriously restrict the ability of participants to increase their educational or jobs skills. The participation rates and fixed dollars amounts will spread dollars thinly. In addition, one adult in *all* families covered by AFDC-UP (unemployed parent) must participate in an unpaid work program. The UP caseload, consisting mostly of men who were recently employed, will drain off resources that could be devoted to training others more in need. Finally, the bill mandates that states run two of four programs oriented to job search or work experience rather than education or skills training.

The bill fails to limit Community Work Experience. As a result, participants can be required to stay on "workfare" indefinitely. For this and other work programs, there is no requirement that participants be "paid" their benefits at rates equal to regular employees doing the same work. Although such "equal pay" is required after nine months in CWEP, experience shows that few workers reach that point.

The sunsetting in of Medicaid and child care transition assistance in 1998 represents a real gamble that they somehow will be reauthorized. With the JOBS requirements continuing beyond that date, people could be left with no care for their children and no medical coverage.

The estimated $3.3 billion cost of this program is not a wise investment. We, therefore, urge you to vote against it.

Sincerely,

SUSAN REES,
Executive Director.

CHILDREN'S DEFENSE FUND,
Washington, DC, September 28, 1988.

DEAR REPRESENTATIVE: On behalf of the Children's Defense Fund (CDF), I urge you to oppose the Conference Report on H.R. 1720, The Family Welfare Reform Act, when it comes to the House floor later this week. The Conference agreement on welfare reform fails to ensure poor families the help they need to support their children and move toward economic self-sufficiency.

The final House-Senate compromise permits about one-half of the states to place arbitrary time limits on cash assistance for poor two-percent unemployed families, thereby continuing incentives toward family breakup. In addition, at the ideological insistence of the White House, the agreement proposes to squander taxpayers' dollars by mandating old-fashioned "make-work" programs for two-parent families. Such mandates will be implemented at the expense of far more productive investments in education and training programs for single parents on AFDC who will be unable to enter the job market without such help.

Specific provisions in the Conference Report that will prove most harmful to poor children and families include:

The failure to require that all states must provide full-year coverage under the AFDC-Unemployed Parent Program (AFDC-UP);

The imposition of federal "workfare" requirements on AFDC-UP families in all states, a provision which will force states to divert scarce resources toward nonproductive make-work assignments for those parents with the greatest work experience and away from education and training programs for those single parent families who are most likely to become long-term AFDC recipients;

The establishment of rigid participation rates for the regular AFDC caseload in JOBS Program activities, thereby focusing resources on compliance with the participation quotas rather than on the intensive services needed to help young single parents move into jobs; and

The lack of a requirement that family day care assisted with AFDC funds, but currently exempt from state and local child care standards, must comply with minimal health and safety guidelines established by individual states or localities.

These provisions undermine the potential gains for poor children and families in the Conference agreement in the areas of child care, Medicaid transition, and child support enforcement. The additional funds for child care for children in AFDC families and for transitional child care and Medicaid for those families moving from AFDC to jobs are critically needed. Such investments, however, must not be thwarted by requirements which otherwise impede progress for poor families struggling to become economically self-sufficient.

We urge you to oppose the Conference Report on H.R. 1720 and to continue to seek critical improvements for poor children and families in the next Congress.

Sincerely,

MARIAN WRIGHT EDELMAN.

CHILD WELFARE LEAGUE
OF AMERICA, INC.
Washington, DC, September 27, 1988.

AN OPEN LETTER TO ALL MEMBERS OF CONGRESS

We the undersigned members of the Child Welfare League of America are attending the 1988 Biennial Assembly to chart a course for Child Welfare Policy and Practice for the next two years. We are concerned that the pressure to reach consensus on welfare reform has resulted in a bill that will do little to enhance the long-term self-sufficiency of AFDC parents and even less for the 7.3 million children who depend on AFDC for their income security.

We urge you to oppose a bill that would:

Impose a workfare requirement on AFDC-UP recipients in two-parent families. Make-work is no substitute for quality job training. It is not cost effective and provides no long-term benefits.

Impose unrealistic participation rates in the JOBS program and particularly for AFDC-UP recipients.

Place recipients in Community Work Experience (CWEP) without time limits or protections against repeat assignments.

Allow children to be placed in family day care without guarantees that the home meets basic health and safety requirements.

We believe that the bill's overall emphasis on CWEP and high participation rates will divert very limited resources from those who need intensive basic education and training.

As you move toward final passage of a welfare reform bill, please be assured that the Child Welfare League of America and its 500 member agencies throughout the country supports efforts by Members of Congress to craft a bill that results in genuine and humane welfare reform. We stand ready to support you and other Members of Congress who withstand the pressures to further erode the modest improvements outlined in the original House bill.

CHILD WELFARE LEAGUE OF AMERICA, INC.

Agency, city/State

Mississippi Children's Home Society and Family Services Association, Jackson, Mississippi.

Orchard Place, Des Moines, Iowa.

Children's Bureau of Indianapolis, Indianapolis, Indiana.

Lutheran Child & Family Service of Michigan, Bay City, Michigan.

Children's Aid Society, Birmingham, Alabama.

Family and Child Services, Birmingham, Alabama.

Harris County Children's Protective Services, Houston, Texas.

Fulton County Department of Family and Children's Services, Atlanta, Georgia.

St. Louis Christian Home, St. Louis, Missouri.

Juliette Fowler Homes, Inc., Dallas, Texas.

The Children's Center, Galveston, Texas.

Southern Christian Services, Jackson, Mississippi

Beech Brook, Pepper Pike, Ohio.

Presbyterian Child Welfare Agency, Buckhorn, Kentucky.

Chicago Child Care Society, Chicago, Illinois.

Boston Children's Services Association, Boston, Massachusetts.

Central Baptist Children's Home, Lake Villa, Illinois.

Counseling and Family Services, Peoria, Illinois.

Sunny Hills Children's Services, San Anselmo, California.

Lutheran Family Services, Raleigh, North Carolina.

New England Home for Little Wanderers, Boston, Massachusetts.

The Salvation Army Social Services for Children, New York, New York.

Jewish Board of Family and Children's Services, New York, New York.

Worcester Children's Friend Society, Worcester, Massachusetts.

Catholic Community Services, Miami Shores, Florida.

Family and Children's Services of Chattanooga, Inc., Chattanooga, Tennessee.

Beacon Counseling, Boston, Massachusetts.

Jewish Child Care Association, New York, New York.

Lula Belle Stewart Center, Detroit, Michigan.

COMMUNICATIONS WORKERS OF AMERICA, (AFL-CIO, CLC),

Washington, DC, September 29, 1988.

DEAR REPRESENTATIVE: The Communications Workers of America urge you to vote against the conference report on welfare reform. We strongly believe in the need for efficient, useful changes in our welfare system. Unfortunately, this proposed conference agreement falls short; it includes some worthy benefits but also far too many damaging provisions.

This legislation fails to provide adequate protection against the displacement of current public workers. Thus, it may provide new jobs for some people while at the same time eroding employment for others. The conference report also unfairly mandates workfare while failing to pay equal wages. In other words, welfare recipients may be required to perform the same work as public workers but without the same wages, which harms both welfare recipients and undermines existing public servants.

Finally, we are concerned about the significant absence of adequate child care, job training and other support services for those welfare recipients participating in mandatory work programs. Without such services, it will be extremely difficult, if not impossible, for welfare beneficiaries to escape the cycle of poverty.

Given these concerns, we hope you will oppose the pending welfare reform conference agreement.

Sincerely,

BARBARA J. EASTERLING,
Executive Vice President.

AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES, AFL-CIO,

Washington, DC, September 28, 1988.

DEAR REPRESENTATIVE: On behalf of its 1.1 million members, the American Federation of State, County and Municipal Employees (AFSCME) opposes the Conference Report on H.R. 1720, the Family Welfare Reform Act.

H.R. 1720 falls far short of the balanced system of benefit improvements, education and training services, and work requirements originally envisioned in the House bill which AFSCME supported. Instead, it embraces the Administration's unreasonable quotas for participation in work activities and its punitive and inequitable workfare philosophy, while preserving very little of the enhanced benefits approved by the House.

As a result of this bill, untold thousands of welfare recipients will be forced to work off their welfare grants in state and local agencies without the dignity of a paycheck or the opportunity to get the education, training and job search services they need for real self-sufficiency. The bill fails to assure them equity in the form of full equal pay protection, and it will cause the loss of public sector entry-level jobs that offer decent wages and benefits for low-skilled workers.

Finally, the bill shortchanges young single women on welfare who need education and training services the most. It will drain the efforts and resources of the states away from these young women as the states seek to meet impossibly high and burdensome workfare requirements for two-parent families who do not need "work experience."

In point of fact, H.R. 1720 will be a waste of the taxpayers money, denying education and training opportunities to those segments of the welfare population who need new skills, not make-work, to prepare for full-time productive employment. It will also create considerable chaos in the public sector and violates the basic principles of fairness and equity. It should be defeated and we urge you to vote against the Conference Report.

Sincerely,

GERALD W. MCENTEE,
International President.

WILLIAM LUCY,
International Secretary Treasurer.

Mr. FORD of Michigan. Mr. Speaker, will the gentleman yield?

Mr. HAWKINS. I yield to the gentleman from Michigan.

Mr. FORD of Michigan. Mr. Speaker, I wish to associate myself with the gentleman's remarks.

Mr. Speaker, I rise in opposition to this conference agreement. What started out as welfare reform has become something different, something much less than real reform. In fact, this bill makes some significant improvements in the welfare system. The most important is the Medicaid transition benefit, which will provide 12 months of health insurance to welfare recipients who leave the rolls for unsubsidized jobs that do not provide insurance. A close second in importance is the provision of transition child care benefits to welfare clients who need child care in order to take an unsubsidized job, and the provision of Federal matching funds for States that provide child care for welfare recipients.

But one of the key components of real welfare reform—benefit increases that would allow the children who depend on welfare to grow up without going hungry, without freezing in the winter and surviving in degrading poverty—was simply abandoned. Benefit levels have fallen by 35 percent since 1970. In some States, a family of three must survive on $120 a month or less.

And if the gentleman from New York and the Senator from New York are right—if this is the only chance for welfare reform for a decade—we are condemning millions of kids to live in poverty that is a disgrace to the United States. And whatever you may think of their parents, those children will be disadvantaged their whole lives through no fault of their own. It is a monumental mistake to abandon this key element of real reform.

The other key element of the legislation that originally passed the House was a program of education and training designed to increase the employability of welfare mothers. Based on the most successful WIN demonstration programs, H.R. 1720 originally provided a sensible balance of supportive services, remedial education, classroom training, on-the-job training, and work experience—all with an understanding of the family responsibility of welfare mothers and the limitations of the State welfare bureaucracies.

Sadly, the conference report has no such understanding and no balance. The conferees have taken a punitive approach to training and work experience that will lead to ineffective short-term training and job placement efforts instead of a genuine attempt to give welfare recipients an education and lasting skills. I believe it is destined to fail.

The JOBS Program will fail because it places artificial participation standards on the States, standards that are so high compared to the funds made available that States will be forced to cut corners to meet them. Recent evaluations of the Job Training Partnership Act and the WIN Program have proven what was always obvious to many of us—to have a lasting effect, to get a real return on investment, training must be intensive and must impart real skills. If the JOBS Program concentrates on job placement efforts and "job readiness" training, its graduates will find themselves in unstable, poverty-level jobs with no future. Such a program is a false promise of hope.

But the worst aspect of this bill is its treatment of unemployed parents in two-parent families. The House bill required every State to provide AFDC benefits to two-parent families in which the principal earner is unemployed. The conference agreement pulls back from this improvement in the law and allows States to deny benefits to intact families for 6 months out of a year. It punishes poor families that beat the odds and stay together.

Then, to punish them further, the bill requires the States to force AFDC–UP parents into workfare programs for 16 hours a week. Not because they would benefit from work experience; not because there are jobs in the community that are unfilled: but only because of a mean-spirited desire to make the poor "work off their benefits."

I believe everyone should work for a living. But I also believe everyone who works should be paid a decent wage and should have meaningful work to do. Workfare doesn't meet that test.

The workfare provisions in the bill don't just punish the welfare recipient; they also punish the State and local governments that must administer them.

The bill imposes impossibly high workfare participation rates on the States for the population that would benefit from workfare the least.

The AFDC–UP recipients already have job experience. To force them into community work experience programs, doing make-work jobs for local governments is a waste of time and money.

The Governors know it's a waste. If CWEP worked, they would have implemented it. The States have had the option to use workfare for years, but they have rejected it.

Look at the facts:

According to Ways and Means figures, only 19 States used CWEP at all in 1987.

Total monthly participation for the entire United States dropped from 51,919 in 1986 to 48,654 in 1987.

The largest State CWEP Programs was Virginia's which had 21,750 participants in 1986. Virginia eliminated CWEP in 1987.

The participation rates in the conference agreement will require a ten-fold increase in CWEP programs nationwide.

None of the States with the largest AFDC–UP populations come close to a 50 percent CWEP participation rate, let alone 75 percent.

The Governors have rejected workfare. They are willing to swallow this bill for only two reasons: They want the money, and they know the workfare requirement won't take effect until 1994—plenty of time to come back and lobby to repeal it.

I think that's a cynical way to legislate, and I reject that strategy.

My second major problem with workfare concerns wage rates. The bill says that people working side by side—one in a workfare job and the other in a city or county job—will be paid vastly different wages. One will get a poverty wage, the minimum wage, for 9 months; the other will get a real wage. That is bad policy.

It will cause resentment among both groups of workers. And it will inevitably cause local governments in financial trouble to substitute workfare workers for fully paid workers. It happens now, when the States aren't forced by the Federal Government to create workfare jobs.

It'll be worse when we have 500,000 people forced into workfare by this bill.

West Virginia already has teachers, firemen, carpenters, and plumbers in workfare jobs, making the minimum wage. That is not the future I want for local government and public employees in my State.

Mr. Speaker, I ask that an analysis of the workfare provisions prepared by the Michigan Department of Social Services be included at this point in the RECORD.

Requiring participation rates of 39 or 50 percent for two-parent families on AFDC will be difficult to meet at best and impossible should unemployment rates rise. These participation rates will not necessarily increase the number of cases closed to employment.

1. Urban areas, where most of our clients live, are losing jobs.

	Total employment		Percent change 1979 to 1986
	1979	1986	
Wayne County	1,026	876	−14.6
Other PMSA Counties	740	848	+14.6
Total Detroit PMSA	1,766	1,724	−2.4

2. Not only are these areas losing jobs, they are losing the types of jobs for which clients are most likely to qualify and which are most likely to pay wages sufficient to close a case.

EMPLOYMENT BY INDUSTRIAL CLASS, WAYNE COUNTY AND OTHER DETROIT PMSA COUNTIES

[In thousands]

Industrial class	Total employment		Percent change 1979 to 1986
	1979	1986	
Nat. Res. and construction	62	56	−9
Manufacturing	616	492	−20
Trans., Comm., Util.	81	77	−5
Wholesale	87	90	+3
Retail	281	293	+4
Services	1,523	1,394	−2

3. With fewer jobs that pay well, the percentage of clients already employed but not earning enough to leave welfare continues to climb. The percentage of clients with earned income is less in Wayne County because there are insufficient jobs for the population.

PERCENT OF AFDC CASES WITH EARNED INCOME, BY FISCAL YEAR

Region	1986	1987	1988
Entire State	11.9	14.3	15.8
Wayne County	4.7	6.4	7.6

4. Greater required participation rates will mean more clients competing for fewer jobs in the very regions least able to absorb additional workers.

JULY, 1988

Region	AFDC–U cases	39 percent rate	50 percent rate
Entire State	25,153	9,809	12,576
Wayne County	5,406	2,108	2,703

Mr. ARCHER. Mr. Speaker, I yield 3 minutes to the gentleman from Colorado [Mr. BROWN], who has been so active in the development of this process from the beginning in the subcommittee.

Mr. BROWN of Colorado. Mr. Speaker, let me express my thanks to the gentleman from Texas. His strong leadership made this a far better bill than it would have been.

I would like also to express thanks to the gentleman from Tennessee [Mr. FORD]. One of the nicest parts of working on this bill has been the opportunity to get to know the gentleman from Tennessee [Mr. FORD] and the gentleman from New York [Mr. DOWNEY]. They are tough, vigorous competitors, and while sometimes the folks on my side of the aisle wonder about our ability to negotiate with the Russians, I have no doubt that these two gentlemen could be as tough negotiators as the United States could have. They have been strong advocates of their viewpoints. I have great respect for their integrity, and their arguments. They have both been, I am sorry to report, far too effective in their endeavors, but my hat is off to them for a dedicated effort.

I would also like to express my personal thanks to the gentleman from Delaware [Mr. CARPER]. His willingness to step forward to help develop some common ground, to bring liberals and conservatives together in a common goal to help the poor has contributed immeasurably to the process. His leadership, I think, is one of the major reasons that we were able to develop this compromise.

Mr. Speaker, both parties have been concerned about helping those less fortunate in our society. It is no secret that one side thought the key to helping those folks was more benefits, more assistance. Likewise, other parties, including myself, felt that the major contribution we could make here is providing real and meaningful opportunity to those who are less for-

tunate to realize their abilities and their ambitions.

The key is finding a way to help the able bodied get off welfare, not stay on perpetually. Our hope has been that we would find meaningful work to help them fight their way up from poverty and dependence.

So the real question here was between dependence on Government programs versus independence and opportunity.

The bill is a compromise. It does involve elements of both, and that is why I think it has such broad support here today.

Mr. Speaker, I do not want this occasion to pass without pointing out that the key to success for those less fortunate in our society is a four-letter word: work. That four-letter word ultimately means opportunity and success for those less fortunate throughout our society.

Some have expressed the fear that this bill may be the camel's nose under the tent with regard to work. I believe it is. I believe this is the opening step toward providing work alternatives. I believe it is the opening step for expanded opportunity. Honest, productive and creative work is the essential missing element in helping people turn their lives around.

□ 1300

It is the single most important thing we can do. It is the greatest gift we can provide to those who are less fortunate.

The bill is a beginning, only a beginning, but it does hold out the promise of a richer, fuller life. I believe we will see a vast expansion of meaningful, creative work programs.

Mr. DOWNEY of New York. Mr. Speaker, I yield 4 minutes to the indispensable gentleman from California [Mr. WAXMAN], without whose assistance this bill would not have been possible.

Mr. WAXMAN. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I rise in support of this conference report. From the standpoint of reforming the Medicaid Program, this is a major step forward.

First, this conference report will provide Medicaid coverage to all members of poor, two-parent unemployed families in all States, even during the months in which those families are not receiving cash assistance. This is a long-overdue improvement that will extend Medicaid to an estimated 65,000 two-parent unemployed families, including about 130,000 children.

Second, this conference agreement will provide transitional Medicaid coverage to families who leave welfare and return to work. This will help welfare recipients to take a job and keep it.

Let me explain the provision relating to transitional Medicaid coverage for working welfare families. This provision was passed twice by the Energy and Commerce Committee, first on the welfare reform bill itself (H. Rept. 100-159, part 3), and then on the 1987 budget reconciliation bill, (H. Rept. 100-391, part 1).

Under this conference report, States would be required to provide Medicaid coverage for 12 months to women and their children who leave cash welfare due to earnings, and who continue to work. For the first 6 months, States would be required to continue the basic Medicaid coverage that these families received while on welfare. During the second 6 months, the States could impose a monthly premium on those with incomes above the Federal poverty level, and could offer these families a choice of regular Medicaid benefits and some alternate coverage, such as coverage under a plan that might be offered by their employer. This benefit would start on April 1, 1990.

This 12-month transition benefit will serve two major purposes. First, it will eliminate the current law work disincentive, under which families who want to leave welfare for a low-paying job have to accept the fact that their employer does not offer health insurance coverage.

Second, it will increase health care coverage for working poor families and children. We have roughly 37 million uninsured people in this country, and roughly two thirds of them are in working families. This provision assures that welfare reform will not add to the number of uninsured. According to CBO estimates, about 240,000 working poor families, including about 480,000 children, will receive 12 month transitional coverage.

While I wish that the coverage period were longer than 12 months, the budget limitations on this conference made this impossible. Still, this transition coverage is a major improvement in the current Medicaid Program, one on which we can build in the future. I urge my colleagues to support the conference report.

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

Mr. WAXMAN. I am happy to yield to the gentleman from Kansas.

Mr. SLATTERY. Mr. Speaker, I rise in support of this welfare reform legislation. This bill provides welfare recipients with a hand up, not a hand out. It emphasizes education, training and work which we know is the only real way to break the cycle of poverty.

This legislation offers welfare families critical medical and child care benefits for up to 1 year after they leave welfare. The medical safety net and child care support are key provisions that will allow a working mother to choose a job and a paycheck without the fear of losing medical coverage for her children or worrying about their safety while at work.

This legislation also requires States to strengthen their efforts to collect delinquent child support.

The American taxpayer should be proud of this welfare reform legislation. It makes good use of Federal funds by providing welfare recipients with the incentive to work and the education, training, and support services needed to help them regain their place in society as productive, taxpaying citizens.

I urge my collegues to support this legislation.

Mr. ARCHER. Mr. Speaker, I yield 5 minutes to a highly respected member of the Committee on Ways and Means, the gentleman from Minnesota [Mr. FRENZEL].

Mr. FRENZEL. Mr. Speaker, I would like to begin in the same fashion as the distinguished gentleman from Colorado, by congratulating the gentleman from New York [Mr. DOWNEY] on a spectacular achievement. Anyone who can disregard the instructions of the House by a half billion dollars and outslicker the White House demands some sort of Harry Houdini Award for 1988, and I think his achievements are enormous.

Mr. Speaker, I do have some criticism of this bill which has gained nearly unanimous approbation in the other body and probably will gain the same here. It does cost $3.3 billion over the 5-year period that we are costing it, and probably we will see those costs vastly increase in the next 5 years for which this bill authorizes it to proceed. It then sunsets, as I understand the bill.

I think the interesting thing is that we are talking about taking people off of welfare and, indeed, the bill will do some of that, we believe, but the unemployed parent provision will put 65,000 new welfare cases into being, and the increased disregards, according to CBO, will add 15,000. That gives us 80,000 additional people going onto welfare.

The training provisions will remove 80,000 people, and so we have a wash. We have spent $3.3 billion for very little gain, at least in the CBO's estimate.

Mr. Speaker, of the 80,000 people coming off of welfare to the training program, about 70 percent are going to be because Republicans insisted on participation standards, and I think there we have the nubbin of the bill.

Of the $3.3 billion, about one-third of it is in new benefits, not in my judgment well spent to take people off of welfare. About one-third of it is spent in training which is, in my judgment, the heart of the bill and the good part of the bill which is calculated to take people off of welfare. Another one-

third is spent on Medicaid enhancements and day care enhancements for those going off of welfare who already have some of those incentives. As far as I know, there are no studies showing that these will be incentives.

I think logic would tell us that they may help some, but certainly there are no studies that I am aware of that will do that.

There are some good things in the bill which I will support, provisions such as the training particularly, the support that goes with that training in day care and transportation and the work provision.

The bad things in the bill are, of course, the National Unemployed Parents Program, the increased disregards which I have indicated before will put more people into the welfare system, the fact that there are no quotas for the work provisions until 1994, the reduced tax credit mentioned by my friend, the gentleman from Texas, and the kind of what I would call phony provision of $2 billion financing out of an expired tax collection program which is used to finance this new program. When that expires, I assume it will be used to finance another new program, because the base line always accepts these programs, but the tax provisions expire.

I believe the bill overall is strictly marginal. It is a coin flip as to whether it helps. I am going to support it, because I think the new training provisions are worth an investment. They are worth taking the risk of the bad things that are in the bill.

I would like to engage the attention of the gentleman from Colorado [Mr. BROWN], because it is my impression that in this bill there is no language imposing specific regulatory duties for home day care on the States. Is that the gentleman's understanding of the conference committee agreement?

Mr. BROWN of Colorado. Mr. Speaker, if the gentleman will yield, that is, indeed, my understanding of it. Only by ensuring that there was no burdens on regulation of home child care were we able to reach agreement.

Mr. FRENZEL. May I ask the gentleman, I understand the States are not required to move into any specific guidelines, although they are requested to do so on the same subject. Is that his understanding?

Mr. BROWN of Colorado. That is a correct interpretation.

Mr. FRENZEL. Is it the understanding of the gentleman that there is no authority in this bill for the Secretary to determine whether State regulations, if enacted, meet any potential Federal standard or anybody's interpretation of what might be nice care?

Mr. BROWN of Colorado. That is my understanding of the bill.

Mr. FRENZEL. Mr. Speaker, I thank the gentleman.

Mr. Speaker, it is very important, I believe, that we protect those 70 percent of people using day care or using home day care. The gentleman from Colorado and I believe that this is very important.

I will vote for the bill, Mr. Speaker, on a marginal basis. Those who vote against it may have better reasons than I.

Mr. DOWNEY of New York. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio [Mr. PEASE].

Mr. PEASE. Mr. Speaker, I would like to begin by commending the gentleman from Tennessee [Mr. FORD], the originator of this welfare-to-work idea, the acting chairman, the gentleman from New York [Mr. DOWNEY], who in my view has done an outstanding job of putting the conference report together, and certainly the gentleman from Illinois [Mr. ROSTENKOWSKI], who, as usual, has shown his many, many abilities in the area of legislative compromise.

Mr. Speaker, I rise in strong support of the conference report on welfare reform. We are here in agreement that work should be the cornerstone of our welfare reform efforts, because we know that a job has always been and will continue to be the best way to leave welfare behind.

The people we are trying to reach with this package are those with the common sense to know that their long-term prospects would be brighter with a job. But who have real and practical problems that hinder them from making the transition from welfare to self-sufficient employment.

Many are held back by a lack of basic education or job skills. This bill makes education and skills training a priority.

Others are hesitant to try the job market because they are understandably worried about what will happen to their children. How will they be cared for? What will happen if they need medical care? These are questions we would expect any mother to ask.

The bill addresses both of these vital concerns by guaranteeing child care and Medicaid for 12 months. This kind of rational response to serious shortcomings in the current welfare system is a hallmark of this bill.

We were also able to make progress on an aspect of welfare reform that this House has endorsed repeatedly in the past. With the enactment of this bill, we will require all States to establish AFDC programs to serve two-parent families. No criticism of the current welfare system has been more potent than the charge that it encourages families to break up. It is long past time that we eliminate this counterproductive feature of the system.

True, the provision will not make all State programs equal in this area. But compared to current law, even a 6-month program in those States not now serving two-parent families is better than no program at all.

The most important thing we will be doing here today is to start the process of changing the way people think about welfare. No longer will it be the place where people settle after they have hit bottom. The system won't be one that neglects its participants. Rather, its goal will be to actively help people off the welfare rolls.

Today, we will be sending a clear signal that we expect people on welfare to move on to regular employment. And we will be providing tools and removing obstacles to make that transition possible.

Mr. ARCHER. Mr. Speaker, I yield 2 minutes to a respected member of the committee, the gentleman from Pennsylvania [Mr. SCHULZE].

Mr. SCHULZE. Mr. Speaker, for the last 14 years our welfare system has been the subject of documented abuse, ridicule and attempted reform. The American people have demanded changes in welfare for years—changes to take people off welfare rolls and put them in jobs or job training. Before us today, is legislation which heads us in that direction, toward workfare and equity, and while deeply flawed, it is the first positive step in 14 years, and I must support it.

Some in Congress are objecting to workfare requirements in this bill—this fact gives me hope that it really may lead to required work for welfare assistance. On the other hand, the bill before us opens the door for a future expansion of domestic programs we cannot afford. Work standards and participation requirements are weak, and estimates show the bill creating 65,000 more welfare recipients than current law over the next 5 years.

Is this legislation perfect? No, not by a long shot. Is it, however, better than our current system? Yes, it is. A wider safety net has been woven, and improvements in this program do cost money, but the savings to society by requiring many of those of welfare to find employment, undertake job training, or perform community service, give us hope for the future and for better values and dignity for welfare beneficiaries.

It is difficult in a society of prosperity and record economic growth to understand the State of our current welfare system. Jobs are out there, and training is out there, and welfare recipients should be required to participate. Nobody should get a free ride, yet compassion must exist for those less fortunate. This legislation ensures both, and is a starting point for future progress.

□ 1315

Mr. DOWNEY of New York. Mr. Speaker, I yield 2 minutes to the gen-

tlewoman from Connecticut [Mrs. KENNELLY].

Mrs. KENNELLY. Mr. Speaker, I rise in strong support of the Family Support Act conference report. As a member of the subcommittee, a member of the Committee on Ways and Means and as a conferee, I think I can comment with a certain amount of competence on this bill. All the wonderful days when the first legislation was introduced, the sky was the limit. Unfortunately, fiscal reality had to set in. Unfortunately, those that wanted a jobs program forgot they had to pay for day care and Medicaid. Compromises had to be made. Negotiations were entered into and, Mr. Speaker, I stand here very candidly telling you that if the gentleman from New York [Mr. DOWNEY] had not fought as hard as he fought on this side to get things back from the Senate side, I will be very frank with you, Mr. Speaker, I would not support the bill today, but he kept jobs program, kept Medicaid and kept Medicare.

Is the conference report a good bill? Yes, it is. It is better than present law, no contest. What this conference report has brought about is the fact that now our welfare system, a system that is presently flawed, failed, will no longer lock women and their children into poverty. This system means for a young woman, if she got pregnant, had to leave school, if she really made a hash of her life, this bill means she gets a second chance. She can get an education, she can get back to work, and her child has a role model.

Mr. Speaker, I want to tell Members something, welfare will now be something we can be proud of rather than ashamed of.

I urge the support of this bill.

Mr. ARCHER. Mr. Speaker, I yield 2 minutes to the gentlewoman from New Jersey [Mrs. ROUKEMA].

Mrs. ROUKEMA. Mr. Speaker, I rise in support of the conference agreement on H.R. 1720, the welfare reform legislation, but not without reservation.

The compromise before us, although not the total answer to the welfare crisis, does represent a legislative watershed. It puts Congress on the record in support of restructuring our broken welfare system. The compromise has flaws—the price tag is still too high, among other things, yet, the incentives to the States stand on firm principles.

General analysis of the bill have already been amply illustrated during the course of this debate. Allow me, then, to confine my remarks to a few basic and undeniable facts.

First, on child support enforcement. I am pleased to note that after years of hard work and, often bitter battles, my provisions for child support enforcement have been adopted and will become law.

The strongest of these provisions requires that all State enforced child support cases, or IV-D cases, have immediate wage withholding within 25 months of the bill's enactment. Furthermore, the bill requires that by the year 1994 all support orders, regardless of whether a parent has applied for IV-D services, have immediate wage withholding.

This is landmark legislation that will spare millions of families from endless, expensive, debasing, and destructive legal battles before they can receive the child support to which they are legally and morally entitled. Once again the Federal Government is going on record that child support is not a voluntary commitment.

Automatic withholding of child support payment from a parent's paycheck is the foundation of the new reforms. For the first time, just about every family that needs wage withholding can get it by using the State child support enforcement system. In addition, due to this bill, wage withholding will become universal in 1994. This will prevent families from falling onto welfare, lighten our crowded court docket, and standardize enforcement across the Nation.

This legislation also requires States to use uniform guidelines when determining the actual size of a support award and would force States to review and update those awards periodically to cover cost-of-living increases.

Now, what consequences will these provisions have to the welfare system?

These are fundamental to lifting family after family from the welfare rolls. Those States which have already enacted wage withholding have seen dramatic increases in collection. Take Virginia for example; in 1986 only 107 mothers on welfare got enough support payments to get off welfare. The first 8 months of 1988, after wage withholding was enacted, about 3,100 have received enough support payments to get off welfare. These statistics speak eloquently to the need for this provision.

New Jersey, a State in the forefront of reform, has also demonstrated dramatic and instructive progress in alleviating dependency on welfare by strict enforcement of child support orders. For example, in a demonstration project where orders were updated, based on current salary status and inflation adjustments—26 percent of the welfare recipients were removed from the rolls with adjusted child support orders.

I am pleased to note the provision requiring States to enroll a certain percentage of eligible parents in the education and training programs. Enrollment targets are essential incentives to States for welfare participation.

Furthermore, the compromise requiring two-parent households to work at least 16 hours and allows States the option of dropping the two-parent benefits after 6 months is significant. This is the "workfare" requirement the Republicans fought for. Funds are to be targeted to increased work opportunities rather than increased welfare benefits. This provision alone saves the Federal Government close to $1 billion.

I began by saying that I have reservations about this compromise—and I do. The first is the provision that a welfare mother does not have to have training or take on a job if she has a child 3 years or younger. Contrast that with the facts of today's work force.

Today, there are 51 million women who work. Latest figures show that more than 50 percent of working mothers have children under age 1. And yet, this bill holds up a different standard, a standard that is totally inconsistent with the economic and social realities of contemporary America.

There is another key provision in which this bill tips the scale of equity. The bill may allow an AFDC recipient attending an accredited postsecondary institution full time in pursuit of a 4-year baccalaureate degree, to be exempted from any work requirement. College attendance would qualify the welfare recipient to receive welfare and AFDC benefits, including child care, transportation, and Medicaid. There is no requirement for even part-time work.

While the pursuit of a college degree is certainly laudable and for many opens up the opportunity for a higher paying job, it would seem apparent that welfare recipients who are skilled enough to gain admission to attend a college are more likely already to possess the skills necessary to obtain some level of employment.

But the reason this provision is egregious is that hundreds of thousands of individuals are currently working their way through community colleges, vocational institutions, and universities. The Bureau of Labor Statistics recently compiled data which show that of the 1.5 million students enrolled in postsecondary institutions, 593,000 are working, while an additional 90,000 are seeking employment.

This means that one-fourth of the class of 1985 worked at least part-time while making their way through school. Yet this bill does not require an AFDC recipient to engage in a job search, if attending a full-time baccalaureate program. We expect of some what we do not even ask of others.

I shall work in the future to change this provision.

As the number of two-worker families increases, the key to welfare reform is to maintain a balance of

equity between adequate welfare benefits and strong incentives to work. If benefits are not adequate we may have children and families without enough to live on. If benefits are too generous, however, there is a strong disincentive for the low-income working families.

I support this compromise because it has become apparent that the current welfare system is in crisis. The conference report, although merely a step, puts Congress on the record in support of restructuring our welfare system. It attempts to provide that equilibrium between strong work incentives and adequate benefits. To that end, I support the conference report. But more remains to be done.

Mr. DOWNEY of New York. Mr. Speaker, I yield 1 minute to the gentleman from Texas [Mr. ANDREWS].

Mr. ANDREWS. Mr. Speaker, I would like to limit my remarks to title I of the bill, the child support provisions. They are the cornerstone of this piece of legislation. We know today that three out of four of all welfare cases in this country begin through divorce, separation, or birth out of wedlock, but only one-half of all single parents are awarded any child support, and only one-half of those women receive their child support provisions.

Under this bill, mandatory wage withholding will go into effect on a national level. In Texas, my State, it has worked very well. In 4 years, 1982 to 1986, we have tripled the amount of child support payments we have brought into the system. We can estimate that when this bill comes into effect we can add $170 million in 3 years into the welfare system of nontax dollars.

Mr. ARCHER. Mr. Speaker, I yield 30 seconds to the gentlewoman from Connecticut [Mrs. JOHNSON].

Mrs. JOHNSON of Connecticut. Mr. Speaker, I thank the gentleman from Texas and rise in support of this legislation because it can be well used by States which have been the leaders in reform, because it does compel government as well as women on welfare to develop their work skills and career objectives years earlier than under current law and provide the essential transition services for women to regain their independence and to free women and children from poverty.

Mr. DOWNEY of New York. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan [Mr. LEVIN].

Mr. LEVIN of Michigan. Mr. Speaker, this bill provides a creative linkage between welfare and work with support services. People are not statistics. For thousands this will represent a new tomorrow. I want to say a word about the CWEP Program. This bill provides additional protections against displacement of present employees, going beyond present law.

We can see between now and 1994 whether it is enough. If it is not, we can act on it.

This bill is not marginal. In my judgment it is a breakthrough after years of stalemate and stagnation.

I strongly urge its support.

Mr. ARCHER. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia [Mr. OLIN].

Mr. OLIN. Mr. Speaker, I rise in opposition to the conference report on welfare reform.

The motivation behind welfare reform is good and I hope that if today's bill passes the program can later be modified to make it fiscally sound and effective in achieving its objective.

This welfare reform bill has two major shortcomings.

First, it does not provide sufficient new revenue to cover its cost. Two billion dollars of its expected cost of $3 billion is to be raised by increased effort by the IRS. Everybody knows that if the IRS could have collected more taxes over the past 8 years, it would have done so. This revenue plan is smoke and mirrors. A new major program of this type should not be approved without adequate revenue to pay for it.

Second, funding authorized for the program is not sufficient to achieve its objectives. Mandated training programs are unlikely to be matched by the availability of good paying jobs in most parts of the nation. The bill underestimates support actually required to get poor, single women with children on a self sustaining basis.

The probable result will be that only a few of the poor will actually end up self sufficient. Funds for the others will run out and we will have created another program with unrealistic expectations that will finally either be largely abandoned or will cost the taxpayers billions more than anticipated.

As worthy as the objectives of welfare reform are, we should not enact this bill at this time. It will add to the deficit and disappoint the poor. We should hold out for a better plan that faces reality and is better funded.

Mr. DOWNEY of New York. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. MILLER], the esteemed chairman of the Select Committee on Children, Youth, and Families.

Mr. MILLER of California. Mr. Speaker, I rise in support of the conference report on H.R. 1720, the Family Welfare Reform Act of 1987. The legislation before the House today is critical both for its potential to create opportunities for self-sufficiency for millions of low-income American families, and for its extension of government support to children in all poor families.

I especially want to commend Chairman ROSTENKOWSKI of the Committee on Ways and Means, Acting Chairman DOWNEY of the Subcommittee on Public Assistance and Unemployment Compensation, Committee on Ways and Means, Chairman HAWKINS of the Committee on Education and Labor, Chairman WAXMAN of the Subcommittee on Health and the Environment, Committee on Energy and Commerce, Chairman PANETTA of the Subcommittee on Domestic Marketing, Committee on Agriculture, and the other members of the conference committee for their leadership on welfare reform.

I am especially pleased that this bill recognizes that children—who make up two-thirds of current welfare recipients—must be a key consideration in any welfare reform initiative and that they will be directly affected by policy changes which seek to enhance the employability of their parents.

I personally do not believe that compelling low-income parents to work has proven very effective and I am especially concerned about the additional burdens work requirements will place on poor families with very young children. In fact, I would just like to remind my colleagues that not one of the Manpower Demonstration Research Corp., studies on workfare, which so greatly influenced our thinking on welfare and work programs, included mothers with children under the age of 6 and mothers who were long-term users of AFDC. However, what we do know, is that whether participation is mandatory or voluntary, a parent's ability to move toward self-sufficiency depends on the availability of support services and benefits—principally, but not exclusively, child care and medical benefits.

For low-income mothers trying to get training, enter the job market, or hold on to hard-won employment, the absence of decent affordable health benefits and child care for their children creates an insurmountable barrier. Too often, returning to the certainty of AFDC becomes the only rational choice to protect their children.

I am also concerned that work requirements and participation rates may constrain States' efforts to operate meaningful employment and training programs. Implementing a mandatory work program is expensive and states will be obliged to divert resources away from developing intensive employment and training programs for truly disadvantaged groups in order to enforce AFDC-UP work requirements. Participation rates will force States to stretch limited resources over several required programs, thus restricting a State's flexibilty and endangering program effectiveness.

I would also like to remind my colleagues that once we pass this bill, there will still be 13 million impoverished children and their families in

America. There will still be 100,000 homeless children on any given night. Welfare reform won't solve poverty for the simple fact that only forty percent of poor children and their families can even get it.

Just last week, the select committee heard from a group of America's most prominent thinkers about strategies Congress and the next administration must pursue, beyond welfare reform, if we are to extend prosperity to all of America's children and their families. The witnesses, from both sides of the political aisle, agreed that in order to close the gap between poverty and prosperity we must embark on a dual strategy: helping parents so they can work and support their families and investing in children to prevent future generations of poverty.

The Select Committee on Children, Youth, and Families' investigations have clearly established that the current child care system is fragmented and unstable at best. The supply of care is woefully low, waiting lists are common, and the numbers of families needing out-of-home care for their children is increasing. The result is children whose care is haphazard at best, or frequently dangerous or nonexistent. Furthermore, when child care arrangements fail, we wind up with parents whose work productivity predictably declines. As a result, assuring quality child care programs—facilities, training and quality control—must be an essential ingredient in any war against welfare dependency. For low-income families and families trying to maintain entry level work opportunities, finding ways to make child care affordable is also critical.

I am especially pleased that this legislation assures that all program participants, and especially those participating in the JOBS Program, will have access to child care. For the first time, we will guarantee welfare recipients, that once they leave welfare, we will continue to provide essential child care and Medicaid during the important transition from welfare to work. And, in order to assure that the goals of this legislation be successfully realized, I would hope that before this program is fully underway, we will be able to restore the provisions on child care standards, child care supply, and caregiver training that were included in the bill we passed last December.

Mr. ARCHER. Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania [Mr. RIDGE].

Mr. RIDGE. Mr. Speaker, I rise in support of this conference agreement on H.R. 1720. This compromise, although not as comprehensive as I had first hoped, nonetheless is a step forward in reducing poverty in our country.

In the past, welfare has not provided the necessary means for a family to achieve economic stability. Unfortunately, it provided an incentive for families to remain outside of the work force—unskilled, uneducated and unemployed.

The conference report to H.R. 1720 incorporates the necessary work requirements yet eases the burden on those entering the workforce. Each State is required to initiate its own Job Opportunities and Basic Skills Training Program. Through this program, families with children will be able to obtain the education, the training and the employment necessary to becoming productive members of our community. However, in return for this program, States are allowed to require each participant to negotiate and enter into agreements, contracts if you will, with the State agency. These agreements, as with employment contracts can define the obligations, duration and the services to be provided by the State. A parent in each Unemployed Parent [AFDC-UP] family must participate at least 16 hours per week in a work activity. Welfare is not and should never be considered a viable alternative to employment. Benefits must be tied to work requirements and in this conference agreement, benefits will be withheld from a recipient who fails without "good cause" to participate in the program.

Transitional benefits will also be provided for participants moving from the welfare rolls into the workforce. If child care is necessary for employment, the State must guarantee child care. Medicaid must be extended for 1 year to families who leave AFDC due to increased earnings. In the future, more must be done to get these people off welfare and back to work. Programs must be available to all recipients and requirements for participation must be strengthened. Parents must be given the options needed in order to provide for their families. Poverty is a cycle—passed along from generation to generation. The time has come to break this cycle. The time has come to stop providing support alone but rather to provide the means for families to support themselves.

Mr. ARCHER. Mr. Speaker, I yield 1 minute to the gentleman from Wisconsin [Mr. GUNDERSON].

Mr. GUNDERSON. Mr. Speaker, I rise in support of the conference agreement on welfare reform. As in most compromise efforts, this conference agreement is not perfect—but it will provide us with a welfare system that is much improved over what we currently have in place.

When the House considered its version of welfare reform last December, at that time I stated what I thought to be the most important goal of this reform process—to find a way in which to foster independence humanely—in best interest of recipients and the United States as a whole.

At that time I stressed that we must develop a system of mutual obligations: Government's obligation to see that welfare recipients are able to acquire skills necessary to be self-sufficient; recipients' obligation to contribute to their own support by working or participating in training to make them job-ready.

A system where recipients are better off by working than they would be on welfare—but where quality child care is available, even after the recipient has gained employment; and where medical benefits are continued for a long enough period of time to enable mothers of young children to work without threat of losing vital health coverage.

I am proud to say that I think we have achieved this goal—and while many of us would have preferred to have done so at a cost of less than $3.34 billion over the next 5 years—this is still a relatively low cost measure compared to the much more expensive $7 billion House bill.

This legislation significantly improves the Child Support Enforcement Program under welfare so that within 4 years, child support collections should produce an increase of about $200 million per year in Federal revenues and even more—about 50 percent more—in State revenues.

It significantly expands and improves on the employment, training and work experience programs run in each State to assure that AFDC recipients and their families obtain the education, training, and work experience that will enable them to obtain employment—breaking their dependence on public assistance.

For the first time, all able AFDC recipients with children age 3 or over—and in States so desiring and where approved by the Secretary, age 1 or over—will be required to participate in an education, training, or work experience program that will lead to unsubsidized employment in the private sector.

For the first time States will be required to mandate school attendance of young parents lacking high school diplomas or the equivalent regardless of the age of the child if child care is provided.

The agreement requires that each participant in the JOBS Program be assessed for skills levels, family needs, and that an employability plan be developed with the participants' input.

It requires each State to serve set percentages of welfare recipients in work or training programs: 7 percent in 1990-91; 11 percent in 1992-93; 15 percent in 1994; 20 percent in 1995.

And it provides States with the flexibility needed to develop and run community work experience programs to provide meaningful work experience to AFDC recipients who are in need of such experience to enable them to move onto unsubsidized work.

Again, this legislation is not perfect. Of the $3.34 billion additional money that this legislation is projected to cost over the next 5 years—I do believe we could have found greater savings.

However, I believe that it is a very positive step in the right direction to decrease the numbers of Americans who are dependent on the welfare

system—helping them to move into private sector jobs that offer bright futures of self-sufficiency.

□ 1330

Mr. DOWNEY of New York. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. PANETTA], the chairman of the Subcommittee of the Committee on Agriculture dealing with food stamps.

Mr. PANETTA. Mr. Speaker, I rise in support of this conference agreement. My support does not reflect an enthusiastic endorsement of this compromise which was only reached after arduous negotiations between the two bodies and the administration. This compromise is better than current law but is not true welfare reform.

While everyone agrees that the welfare system—and it is probably inaccurate to even describe the bureaucratic maze of current welfare programs as a system—an agreement on true welfare reform has been an illusory quest over the past two decades.

The conferees bring before us today not welfare reform, but simply the framework which we can fill in to construct true welfare reform in future years. Welfare reform should have four components:

First, simplification of the current, often contradictory welfare rules and programs;

Second, benefit improvements so that low-income Americans can live in dignity;

Third, employment and training opportunities so that those who can work can escape welfare dependency; and

Fourth, adequate day care and medical care for welfare recipients trying to work their way out of the welfare system.

The compromise before us today does not address two of these four objectives. For budgetary reason and because of administration opposition, benefit improvements were not included in this compromise. This is a particularly serious problem in view of the erosion of real AFDC benefits over time because States have not increased benefit levels anywhere near the rate of inflation. On the average, real AFDC benefits have declined by more than a third over the last 17 years. As welfare reform has gone through the legislative process, both a benefit floor for AFDC and financial incentives for States to increase benefits have been dropped. Unfortunately, the additional financial requirements which the new employment and training provisions will impose on States could cause them to defer or provide lower AFDC benefit increase in the future.

There is no significant simplification of the current welfare system or improved coordination between the programs in the conference agreement before us. One striking omission was the exclusion of the food stamp simplification and coordination provisions which the House of Representatives included as title X of H.R. 1720, the Family Welfare Reform Act of 1987. One item which was dropped is an excellent example of how the current welfare system can give with one hand and take away with the other. Under current law and under the compromise, the first $50 a month in child support payments to a family receiving AFDC, is not counted as income for AFDC. That amount is counted as income in the Food Stamp Program unless a State elects with its own funds to pay for this exclusion. No State has made that election. Therefore, under current law and under this conference agreement, the $50 child support disregard in AFDC is reduced by at least 30 percent because of the interaction of AFDC and food stamps. The House approved the coordination of child support payments between the two programs last December so that the $50 disregard would indeed be worth $50 to a family on welfare. This was one of the provisions dropped at the last minute by the conferees.

This conference agreement includes improvements in employment and training, but we should have no illusions that we have finished our job of providing meaningful employment and training opportunities for those at most risk of long-term welfare dependency. Research results which have become available in recent years demonstrate conclusively that the long-term payoff from investments in employment and training is for young mothers. There is no evidence that fathers who stay with their families avoid going to work in order to collect welfare benefits. Unfortunately, because of a rather sterile ideological debate about extending AFDC benefits to families with both parents present, we will be allocating scarce training and employment resources to people who will get jobs if they are available at the expense of young mothers who desperately need employment and training opportunities to escape the trap of welfare. In addition, I fear that we may be repeating the mistake which was made with the generally discredited WIN Program of creating bureaucratic incentives for program administrators to claim success by funneling through employment and training programs people who would have gotten jobs in any event.

This bill makes some progress on the day care and health care fronts. Once again, we cannot declare victory and walk away from the problem. Quality day care is expensive. On the other hand, the failure to provide quality day care will cost us dearly in the future if we do not provide young children of low-income Americans with a caring and intellectually stimulating environment that will help prepare them to compete successfully for jobs in the future. We should not kid ourselves that we are providing the resources for quality day care in this conference agreement.

On balance, this bill is an improvement over current law. We have been debating welfare reform in successive Congresses since Americans first landed on the Moon back in 1969. Major welfare reform proposals of the Nixon and Carter administrations were defeated by a coalition of conservatives who thought the bills were too costly and liberals who thought the bills did not do enough. Frankly, we don't have the budgetary resources now to do the job right. On the other hand, if we don't seize the opportunity now, we throw away the opportunity to make some significant incremental improvements to our welfare system.

On the other hand, I hope that the next Congress and the next administration will not think that this year's welfare reform legislation means that we can ignore the problem of welfare dependency. We have built a framework with this conference agreement. It remains for the next administration and Congress to finish the construction of a welfare system that in a humane and compassionate fashion achieves the ultimate objective for a welfare system that works—to provide the opportunity for all who can work to do so at wages that allow families to live in dignity and to provide adequate assistance to those who cannot work.

Mr. ARCHER. Mr. Speaker, I yield 3 minutes to the gentleman from California [Mr. HAWKINS].

Mr. OWENS of New York. Mr. Speaker, will the gentleman yield?

Mr. HAWKINS. I yield to the gentleman from New York.

Mr. OWENS of New York. I think it is important to point out, Mr. Speaker, that this bill in only a small measure resembles H.R. 1720 which most of us voted for before it went to conference. There is not a single penny in this bill, there is not a single incentive or encouragement to the States to lift the floor of the amount of benefits that they provide to poor people who are living on subsistence, not a single penny.

This 100th Congress has been very generous to some other disadvantaged people. We voted for a $3.9 billion drought relief bill for farmers. While I am all in favor of the small farmers getting drought relief, farmers earning up to $2 million per year, $2 million gross income per year, were eligible for drought relief. Not a single one of these millionaire farmers was asked to work off that grant. They were temporarily disadvantaged, they are tempo-

rarily disadvantaged and the Government is coming to their aid, although if you are making $2 million I do not know why the Government has to come to your aid. But nobody has to work it off. They do not have to provide access to their farms, for urban children, for example, to come out to picnic. Nothing is required.

We are going to be relieving savings and loan associations by providing $10 to $20 billion of taxpayers' money either in this Congress or in the next Congress. But for poor people, poor people who have no power, you have gone to the White House and you have let Ronald Reagan dictate the terms.

This 100th Congress has been generous but not to poor people. We pledge allegiance now in the 100th Congress. We started a new tradition. The last three words "justice for all" none of us seem to understand. There is no justice for the people who have no power. There can be no true work program in this complex age of ours if you do not have an education program. There is really no education program.

We need nurses, we need early childhood workers, we need more teachers. None of those, you cannot qualify for any of these jobs unless you are in an education program up to junior college or college. That is not in here. We leave the States with the option of providing junior college and college and all States, just about, have opted out of that in the past and will continue to do so.

So the bill has good rhetoric, but the substance is not there. I am all for jobs. That is the primary purpose of my being here. Income and jobs will solve the problems for poor people. But you cannot have income and jobs with rhetoric. You have to put some real training behind it. The problem is the educational deficit that our people face. They need education in order to qualify for the jobs that are available.

This bill does not provide that. It does not provide adequate jobs, job training, it does not provide adequate education training. It does not provide the jobs at the end because people can never get decent jobs if they do not have the proper education. There is no justice for the people who need it most, for the children of America who are on AFDC. We continue to discriminate against these children. There is no justice here and this bill I think should be shelved. Let us come back when we have a new President and a new Congress to do a real welfare reform bill.

Mr. Speaker, I rise in strong opposition to the welfare reform conference report.

When the welfare reform debate began 2 years ago, we decided we were not going to repeat the mistakes of the past, that we were going to look at all the research that has been done over the years and design a program that we know from experience will really work. And what we learned was that the biggest problem with our current approach to training was that we were spreading our resources too thin, that what we really needed to help people become self-sufficient were more intensive, long-term training programs, with a strong emphasis on education. And, for the most part, that's what the original House welfare reform bill would have provided.

But then we got into conference and it soon turned into a confrontation between ideology and common sense. And after locking the people who know better out of the room—the Education and Labor Committee—ideology won out.

The result is not a job training bill that will help people, but something mean-spirited which ignores everything we know about job training, a bill driven by Ronald Reagan's philosophy that poverty is a bad habit and aversion therapy is the only cure.

And so what began with such great promise has degenerated, in the end, into an odious bon voyage gift to Ronald Reagan, helping to mangle yet another safety net program in ways he would not have been able to achieve on his own. And the Democratic Party, which kicked off the Reagan era by abandoning principle and embracing the disastrous budget cuts and tax giveaways of 1981, thus ends the Reagan era in the same unprincipled, supine position with which it began.

I am embarrassed by the rationalizations being served up to justify this monstrosity. Members who have spent the last eight years ridiculing the administration's tendency to equate massive defense spending with military strength now tell us that though the welfare reform compromise will not do much for the poor and will likely hurt a great many, we should be happy because it will at least spend a lot of money. Others who are optimistic about the election reassure us that the worst parts of this bill will be ameliorated by regulations issued by a sympathetic Dukakis administration, the theory being, I suppose, that it is less painful to be impaled on a dull pike than a sharp one. More pessimistic types warn that we should jump at this plan now in case we do lose the election, maintaining implausibly, but somehow with a straight face, that Ronald Reagan is, of course, so much more liberal and amenable to compromise than GEORGE BUSH. And most ludicrous of all is the suggestion that we should not worry too much about this awful bill because we can all just come back next year and repeal or modify its most draconian provisions and, while we're at it, throw in some modest benefit improvements as well. Sure—and maybe we can call that remarkable legislation the Omnibus Flying Pigs and Snowball in Hell Act of 1989.

Another argument for this bill that we are now hearing is that, despite all its shortcomings, it will at least provide an unprecedented amount of new funding for education and job training for AFDC recipients. This is simply incorrect. The original House bill did provide generously for education and job training; the conference report, however, does not.

According to CBO, in real dollars, this bill will provide about half of what we spent on the WIN Job Training Program for welfare recipients during the 1970's and just about the same as what we spent on WIN during the early 1980's.

By 1993, CBO estimates we will be spending $395 million for this new program—exactly what the WIN Job Training Program received in 1980. But since, unlike WIN, this program requires States to serve a large, fixed number of participants, this money will have to be stretched to cover more people than under WIN. In 1980, WIN served 280,000 people with that $395 million; in 1993, states will have to serve one-third more people with the exact same amount of money.

In other words, the much-hyped "capped entitlement" in this conference report will give States even less money to spend for training each AFDC recipient than the WIN Program did. Ironically, the chief reason people regard WIN as a failure is because it spent too little on each participant. Now, we will be spending even less.

Anyone who is knowledgeable about job training will tell you that you just can't run a real training program on the paltry funds provided in this bill. The amount of money which will be available to train will only be about one-third of the average amount we spend to train someone under the Job Training Partnership Act, which generally serves people who are better educated and have more work experience than the average welfare recipient. One-third of the average cost of training under the old CETA Program. One-third of the average cost of an on-the-job training program. One-third of the cost of remedial education instruction. And just one-third of what Michael Dukakis spends to train someone in his ET Choices Program in Massachusetts. In fact, Governor Dukakis created ET to replace the kind of cheap, ineffective training program that this bill requires every State to implement.

The bottom line is that the only program that States will be able to afford to run under this bill will be workfare. Now, the best reason to oppose workfare is because it is a form of indentured servitude, but there is another good reason as well—it does not work.

For some people who have never worked before, workfare is sometimes useful, but only if it is limited in duration and is linked to real training, as it was in the House bill. But all of the research tells us that the kind of unlimited, empty, and universal workfare programs mandated by this bill are practically worthless.

Even under the best of circumstances, limited workfare programs are still the least effective training intervention we know of. The most successful program—in San Diego—only increased the average earnings of participants by about $560 a year. Most of the other workfare programs only increased earnings by $100 to $200 a year. And some, as in Chicago and West Virginia, had no effect on employment and earnings at all.

Now compare those results with some other training programs we've tried for welfare recipients and the long-term unemployed. CETA, which Ronald Reagan called a failure, increased average earning by about $1,700 to $3,300 a year. The supported work demonstrations of the 1970's increased earnings by $960 a year. And the WIN Program that this bill replaces increased average earnings by about $980 a year.

There can be no question, then, that this bill takes us backward—not forward—in helping Americans trapped on welfare.

But still, some insist that while this bill may be worse than what we have now, it is at least better than nothing. I disagree. We simply do not have the money to waste on ideological exercises anymore, on more cheap, junk programs. And poor people on welfare cannot afford to wait another decade for common sense to prevail in Washington.

If you think this bill really will be better than nothing, consider for a moment what it will mean for the families of Aliquippa, PA. Ten years ago, Aliquippa had the largest steel mill in the world—16,000 jobs—and the highest per capital income in the Nation. But then, suddenly, the bottom dropped out; the mill shut down; and now there are no jobs. Not at the mill, not anywhere.

Men who worked 20 years in the mill, earning $30,000 a year, have been laid off, exhausted their unemployment benefits, and now try to support their families on a $350 monthly AFDC-UP check.

And what will this so-called better than nothing bill do for those men?

Not retrain them. Not educate them. Instead, it will force them to pick up trash on the interstate in a workfare job, every day, every week, until the day they're finally old enough to collect Social Security.

And what for? To teach them the "dignity of work"? These men who worked proudly for 20 years in the mill?

To train them? For what job? There certainly won't be any real, paying jobs picking up trash because the welfare recipients will all be doing them for free.

Then why? Because welfare is "immoral"? Are you really begrudging these men—who worked and paid taxes for 20 years—10 bucks a day to feed their families in a time of need?

No, for the people of Aliquippa, for all people on welfare, this bill is not better than nothing. There is no compelling reason to support this bill, to throw up our hands and resign ourselves to a welfare reform scheme that has been written largely in the Reagan White House. So many of the groups which once had such high hopes for welfare reform and strongly supported the original House bill are now asking us to stop, think, and wait until next year; AFSCME, the AFL-CIO, Americans for Democratic Action, Bread for the World, the Child Welfare League of America, the Children's Defense Fund, Church Women United, the Coalition for the Homeless, the Coalition on Human Needs, the Food Research and Action Center, the Friends Committee on National Legislation, the Full Employment Action Council, Interfaith Action, the League of Women Voters, National Council of Churches, National Council of La Raza, National Puerto Rican Coalition, National Organization of Women, National Urban League, Service Employees International Union, United Church of Christ, U.S. Catholic Conference, and Wider Opportunities for Women—they all urge us to vote "No."

During the initial House consideration of H.R. 1720, many of us were reluctant to support it precisely because we feared that it would be hijacked in this way by the White House. But we were repeatedly reassured that this would not be the case, that the sponsors of H.R. 1720 would rather have no bill at all than a bad one. Apparently, they changed their minds. Presumably, however, as welfare reform becomes yet another rightwing Trojan horse, one more set of broken promises, and as the door to real reform slams shut for another decade, the millions of Americans who are trapped in grinding poverty will be expected to take comfort in the knowledge that their suffering has a higher purpose—"making history" and pumping up the legislative batting averages of a handful of legislators in Washington.

Vote "No."

Mr. DOWNEY of New York. Mr. Speaker, I yield 30 seconds to the gentleman from Delaware [Mr. CARPER].

Mr. ARCHER. Mr. Speaker, I yield 1 additional minute to the gentleman from Delaware [Mr. CARPER].

Mr. CARPER. I thank the gentlemen very much for yielding time to me.

Mr. Speaker, if we set out to design a worse welfare system than our existing one, it likely would be impossible. Our current welfare programs discourage self-sufficiency. They encourage dependence.

I am grateful that the compromise we're sending to the President today reflects in several respects the bipartisan welfare reform bill that a number of us introduced last year: emphasis on transition assistance in areas of child care and family health care, tough child support enforcement, incentives to keep two-parent families together, as well as a more affordable cost.

This compromise, like our bipartisan proposal, seeks to makes it clear that if a person wants to get off of a welfare roll, we want to help you.

If you are a teenager who drops out of school to have a baby, we want you to resume your education in order to qualify for assistance.

If you are a welfare recipient who wants and needs more training to improve your job opportunities, we'll make that training more accessible.

If you are a parent who shirks his responsibility to help provide for the needs of his children, we're coming after you.

If you are a welfare recipient who is willing to take a job that has no initial health care benefits, we'll provide at least 1 full year of transition health care assistance for your family.

If your new job will require you to leave your young children unattended, we'll also provide at least 1 year of transition child care assistance while you get your feet on the ground.

And, finally, we don't intend to break the bank in undertaking these reforms. We'll do so in a cost-effective manner. We do so because of the tireless efforts of Mr. DOWNEY, Mr. HANK BROWN, Mr. HAROLD FORD, and other conferees.

Because each of you were willing to give a little at conference, America's taxpayers and its welfare recipients stand to gain a great deal—a chance to overhaul a welfare system that is fraught with problems and to start anew.

Mr. DOWNEY of New York. Mr. Speaker, I yield 30 seconds to the gentleman from Ohio [Mr. TRAFICANT].

Mr. TRAFICANT. Mr. Speaker, it is time for welfare reform but it is also time to raise the minimum wage. The sad fact is that a parent in America today making minimum wage qualifies for welfare. Think about it; for some Americans today, even getting a job is no escape from a welfare line. That is inexcusable.

I support this bill and I commend the efforts of TOM DOWNEY and HAROLD FORD, but I think it is an indictment on Congress that we reform welfare but do not give those on the bottom of the ladder a chance to make a decent wage.

Mr. ARCHER. Mr. Speaker, I reserve the balance of my time.

Mr. DOWNEY of New York. Mr. Speaker, I reserve the balance of my time. I intend to close debate, and I do not have any other speakers for our side.

Mr. ARCHER. In that event, Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I will admit that it is difficult to make a judgment on this bill. I will agree with the gentleman from Virginia that the intentions of those who support the bill are excellent. I am concerned that there will be a loss of expectations on the part of the taxpayers of this country, on the part of what the majority of the American people want to see in a truly effective welfare system.

It is clear that some of the provisions in the bill will accord welfare recipients who have gone to work continued benefits that will not be available to those who live side by side with them and work for the same amount of money and have never been on welfare. So it is possible that someone who earns $18,000 a year can continue to get benefits of Medicare and child day care while a worker next door who earns $18,000 a year and has never been on welfare is denied those privileges.

Mr. Speaker, I predict that in the future Congress will not let that dichotomy continue. Therefore, we are opening the door for massive new additional benefit programs in order to correct that inequity.

In addition I believe that working Americans, once they discover that a welfare family of four can, if I read the bill correctly and I am assured by staff that this is accurate, receive in earnings cash and noncash benefits an aggregate of up to $26,000 a year

under this bill. What are working Americans going to think who have no welfare benefits, who are making $15,000 to $20,000 a year? I do not think that is supportable and I think it should be corrected if we are going to have true welfare reform.

In addition I have been troubled over the years from experiences I have seen in my own home city of Houston, TX, where children in welfare families do not get adequate clothing, do not get adequate sustenance, who refuse to go to school because of their embarrassment at going in with torn sweaters and torn trousers and are ridiculed out of the school by their classmates.

I see nothing in this bill that is going to propel aid directly to the children to break the poverty cycle. It is woefully deficient in this regard.

Yes, there are a lot of programs for the parents, but there is precious little in this bill that is designed to directly help the plight of the children, so that they will pursue their education and become productive citizens.

I am sorry to say that in spite of all the work I believe the bill falls short of the goals we should have on welfare reform. Just as I opposed tax reform, which did not bring us simplicity, and as I opposed the catastrophic illness program which has unfairly singled out the elderly for a higher income tax rate than any other group in the country, I must oppose this bill. One day the people will realize that this bill also, when implemented, will not fulfill its expectations.

Mr. Speaker, I yield 30 seconds to the gentleman from Indiana [Mr. COATS].

Mr. COATS. I thank the gentleman for yielding time to me.

Early in his term, President Kennedy sent a message to Congress calling for wefare reform. In that message, the President put the integrity and preservation of the family unit first on the list of his goals for public welfare. Twenty-seven years later, family-oriented welfare reform has finally come to the floor. As ranking member of the House Select Committee on Children, Youth, and Families, I rise today in support of H.R. 1720. There are many antifamily features of current welfare policy. I'd like to point out several provisions in this bill which will help to change that.

First, the child support provisions of the welfare reform bill support parental responsibility through tougher enforcement of child support rulings. HHS statistics show that fewer than half of families receive the support to which they are legally entitled. This provision will help remedy this inequity.

Second, the AFDC-UP provision extends welfare benefits to families where the father is present but unemployed. This eliminates the current welfare bias against two-parent families.

Third, the child care provision guarantees quality child care for families on welfare so that parents are able to participate in the work force, or enroll in education or job training programs. At the same time, mothers with children under 3 would be exempt from the so-called workfare provisions so that a healthy relationship between mother and child can develop. These provisions will facilitate the transition from welfare to independence while ensuring that families remain strong.

With these changes we can be confident that our social welfare policies will contain a long overdue profamily emphasis. I intend to vote in favor of the bill, and I urge my colleagues to support it also.

Mr. DOWNEY of New York. Mr. Speaker, I yield myself 5 minutes.

Mr. DOWNEY of New York. Mr. Speaker, let me begin by recognizing the two authors of this bill who are present and who grace the Chamber today.

The senior Senator from New York, who is here, is the driving force behind welfare reform in the other body. We owe him an enormous debt of gratitude for his 20 years of work on this. And to the gentleman from Tennessee [Mr. FORD], the gentleman who has for the last 3 years worked tirelessly on this bill I offer my thanks. His principal ideas are embodied herein.

We have all learned something, Mr. Speaker, from the process of writing this welfare bill. We have managed to dispel myths and face reality. We recognize, we Democrats, a point that the Republicans have made, that the best welfare bill is a strong economy because without a strong economy we are in trouble and the poor certainly are in trouble.

And our Republican friends have learned something about their recovery. They have learned a very sad lesson—that a rising tide does not lift all boats. Indeed even after 6 years of rising tides, too many have been left on the shore and too many are still floundering in the water. We have also both recognized, as we always have known, that there is great dignity in work and it is that dignity that we attempt to impart to the poorest among us with this bill.

We attempt to provide a way out for the people who want to work. Welfare recipients want to work, they do not want to be dependent. We had to fight the myths, we had to dispel them and we have done that. We had to recognize that no one likes welfare, not the people who pay the bills and not the people who are demeaned by accepting the benefits. We have forged a very tough but important compromise.

MAJOR OWENS stood in the well not 2 minutes ago and opposed this bill. He probably knows more about poor people than any one of us and probably has more contact with poor people than I do or any other Member. Chairman HAWKINS also strongly opposes the bill. They are giants and have been leaders in the cause of helping the poor.

While they oppose the bill today, and I understand the reason for their opposition, I will tell them as I will tell all of you that if we were to wait 2 or 3 years to do this bill again, there would be no guarantee that there would not be another work requirement; there would be no guarantee that the benefits would not have been better and that we would have lost 2, 3, 4, 5 or 10 years to do the things that this bill does.

□ 1345

We can say to the welfare recipients in the barrios of Los Angeles or in certain parts of Brooklyn, NY, "We have a training program, we have an education program, and if you work—and we know you want to work—we will give you transition benefits so you can step out of the darkness of welfare and into the light of productivity. We understand your problem, and we are prepared to do something about it."

That is what this bill does. We cannot legislate whether parents should be responsible or not, but we go a long way toward making sure that fathers who abandon their responsibilities to their children will be sought out by the State to make sure they pay their fair share.

This bill will make a difference. It will make a very big difference, and it richly deserves our support. It would not be possible for me to stand here today without the help of two Members that I want to single out. One is the ranking minority member of the Subcommittee on Public Assistance and Unemployment Compensation, the gentleman from Colorado [Mr. BROWN]. He is a joy to work with. We often disagree. We have very different views of the world, but he is a man of honor and decency and has worked tirelessly with us. I think him for his courage and his help.

The other is the chairman of the Committee on Ways and Means. The Committee on Ways and Means in the last 2 years has passed a catastrohic health bill, two major trade bills, and we have now done something with the passage of welfare reform that no Congress in 53 years has done. It has changed the nature of welfare. It has made it a work program, and it will help to take children out of proverty and give them an opportunity.

Mr. Speaker, this bill richly deserves our support. I thank all the Members who have worked so hard to make it possible.

Mr. BORSKI. Mr. Speaker, I rise in strong support of the conference agreement on H.R. 1720, the Family Support Act. This historic legislation is aimed at breaking the cycle of poverty that keeps welfare recipients unemployed and dependent on Government assistance.

For years, there has been a general consensus among policymakers and citizens alike that our welfare system is ineffective in meeting the needs of the poor. Today, we have an opportunity to reduce long-term welfare dependence and to help recipients find permanent, private sector jobs. A vote for the conference agreement is a vote to provide the education and training necessary to enable welfare recipients to become productive and self-sufficient citizens.

The conference agreement requires all States to establish job search and on-the-job training programs. It also provides for new Federal grants to States for operation of these employment programs.

Another important feature of the welfare reform agreement is the recognition that making the transition from welfare to work is a difficult one. In order to assist families making the transition, the legislation requires States to continue Medicaid benefits for up to 1 year for families wh leave welfare because of earnings from employment. It also requires States to provide or pay for child care for participants who find jobs or are enrolled in training programs. The health care and child care provisions are major improvements over current law as they remove the two biggest impediments to work.

This legislation is the most comprehensive revision of the welfare system in 53 years. It provides hope and opportunity to hundreds of thousands of welfare recipients who dream of leading independent, self-sufficient lives and it deserves our support.

Mr. GARCIA. Mr. Speaker, I rise today to lend my support to H.R. 1720, the Family Support Act. This measure is the result of much work by the House and Senate conferees and given the need to reform our welfare delivery system, I commend their hard work and dedication.

I believe that very few Americans would oppose providing assistance to families that truly need help. Many of these families and individuals have been left behind by a changing workplace, with skills no longer appropriate in modern day America. Others have failed to realize their full potential in school. Still others are temporarily down on their luck. They all deserve our support as members of the same great community—a community where hope should exist for each and every one of us.

The safety net that we in this country have agreed to provide our fellow citizens is a very important component of Federal assistance. At the same time, however, in many cases Federal support has not allowed families to lift themselves up from their level of poverty to a better standard of living. Tragically, many individuals in our inner cities, with no viable alternatives for improving their economic condition and that of their family, turn to the world of drugs.

What we must do is to provide people with opportunities. Opportunities to improve the status of their families and their children. This requires better education for our youngsters. It requires drug education and prevention programs as well. It requires providing families with decent housing and safe neighborhoods.

It also requires creating new jobs, jobs that will pay a wage that will support a family of four without requiring both adults to work full time while leaving the children unsupervised. It requires a fair and equitable minimum wage which unfortunately the Senate has foreclosed the possibility of consideration this year. It requires retraining workers for new jobs. It requires providing education opportunities for those people who have fallen through the cracks of an increasingly inadequate public school system.

The bill also provides benefits to two-parent families in which the principal earner is unemployed. This includes the controversial provision requiring one parent in two-parent families receiving benefits to participate in work activities for at least 16 hours each week.

Of course, H.R. 1720, the Welfare Reform Act, is the result of political compromise. It cannot satisfy every concern raised by the many participants and interest groups involved. Nor does it pretend to do all these things.

It alone cannot break the cycle of poverty that so many families have fallen victim to. It does, however, establish job training and employment programs. It also provides child care for participants of the JOBS Program and extends Medicaid benefits for up to 1 year to families that leave welfare because of work. The bill also strengthens the enforcement of child support payments, thereby holding families responsible for the welfare of their own children.

I understand that some Members have expressed concern about the work requirements under the AFDC-UP Program. I urge them not to stall the hard work put into this measure. The bill is a strong step in the right direction. It encourages families to move into the work force after participating in the JOBS Program and for the first time requires States to provide assistance to two-parent families.

I consider this reform legislation a strong first step towards making Federal assistance the road to opportunity and achievement for Americans who need such support. I urge my colleagues to support the measure based on its overall and ultimate impact.

Mr. VENTO. Mr. Speaker, I rise in support of the conference agreement on H.R. 1720. This agreement represents 2-plus years of work; of negotiations; of compromise. I commend all my colleagues who have spent so much time and energy on this essential legislation.

As Congress worked on this bill throughout this session, we acknowledged one clear fact. We need to enact changes in our Public Assistance Program. We need welfare reform. H.R. 1720 will help bring about that reform, changing the system from passive to active. For example, the JOBS Program will actively target long-term welfare recipients and those who are young parents for participation in the job training and education programs that will prepare and train people for the world of work. Importantly, the JOBS Program also provides child care, transportation, and other work-related support services. Tighter child support enforcement will also bring about increased family responsibility and accountability, while eliminating some of the need for public assistance.

Imperative measures in H.R. 1720 include the provision of AFDC payments to two-parent families [AFDC-UP] in every State. As we work to promote the responsibility of the family for the family, we cannot continue to promote its destruction through mandatory single-parent requirements for AFDC. Also essential are the year-long transitional provisions for Medicaid and day care assistance which will help families make the adjustment off of welfare less jolting.

The kinds of priorities and programs outlined in this legislation parallel a program established in Minnesota known as "PATHS—From Welfare to Self-Sufficiency." With its long-term recipient targeting—employment, training and support services—child care provisions—and unique interagency and interprogram cooperation, PATHS serves my state and our nation by building a firm model of reform, and, hence, this new policy, the Family Support Act, has similar potential.

Naturally, there are some problems with this legislation, as there are with any bill that promotes comprehensive social service policy changes. I am concerned that in our efforts to devise a bill that the President would sign, we compromised on key issues. Provisions like the mandatory work requirements, however, are not phased in until 1994. That leaves time to reconsider or revamp them as the entire Family Support Act becomes fully effective. But the positives in this measure far outweigh the negatives. By passing this landmark welfare reform legislation, Congress will use this opportunity to break the cycle of public assistance dependency by assisting families in supporting themselves on a new national policy path; a self-help path from maintenance and passivity to active self-sufficiency.

Mr. Speaker this is a good bill. Some are philosophically opposed to this compromise but with this chance to take an important step toward preventing generation after generation from slipping into the trap of dependency, we must be pragmatic. Otherwise, imprudent law and regulations will be superimposed in its stead. H.R. 1720 is not the ultimate answer but it is not being written in stone. It is but another step forward to help people in our society. With oversight and continued congressional involvement we will continue to improve on public assistance policies across the board, providing the skills and the help necessary to move people into the mainstream of our society.

Mrs. COLLINS. Mr. Speaker, I rise in strong opposition to the conference agreement on the Welfare Reform Act. There are several provisions in the agreement that cause me great concern, but the most onerous has to do with the so-called workfare provision.

The workfare provision of the conference agreement falls heaviest on two-parent families receiving AFDC assistance. The conference agreement provides that one parent in two-parent families receiving public assistance must be employed. This is a poorly considered policy. Two-parent families are the quickest to get off the public assistance rolls once

jobs are available. These persons generally have a strong attachment to the labor force with a solid employment history.

They are most likely to reenter the job market by finding employment on their own and to succeed in staying off the public assistance rolls once they secure gainful employment.

Not only is this policy misdirected, but it is also wasteful. It will divert money and resources away from those persons most in need: single parents on public assistance. Single parents are most in need of education and vocational training and are more likely to continue to need public assistance if they don't get that education and training.

While on the topic of education and training, let me note the type of work the mother or father from the two-parent family will be required to do. The work assignments in this program are with public or private nonprofit agencies where the person "works off" his public assistance grant. These jobs, if I can stretch the term so far, provide very little training or experience that will be useful in securing the future employment that will eventually make these families self-sufficient.

It is interesting to note that the original House and Senate bills did not contain this workfare language; it was added on the Senate floor at the behest of the White House. If the administration can now support this conference agreement, it can boast that it supports welfare reform. But the welfare reform package that it supports is in large part misdirected, misguided, wasteful, insensitive, and doomed to be even more of a hodgepodge of bad policy than the system we are attempting to reform now.

I urge my colleagues not to support this conference agreement.

Mrs. MORELLA. Mr. Speaker, I rise in support of the conference report on H.R. 1720, the Family Support Act. While I have several concerns with the bill, I do want to recognize the untiring efforts of the House conferees. The final bill is a compromise—it simply cannot retain every element of the House bill. And yet, a number of very important provisions are still part of the final agreement. I believe we must adopt it while we have the opportunity, and then work to add the missing elements next year.

Today, one out of five American children lives in poverty—this is an appalling fact. The Family Support Act provides a means for families to support themselves through work and education, by creating a full range of educational programs and training. It goes beyond training—it establishes job search assistance and job-readiness activities to provide the recipient with the knowledge and confidence to enter the work force. These programs are instituted at the State level; thus, services can be geared toward the particular needs of that State and its population.

Historically, a family's ability to leave welfare has been hampered by the need for supportive services. By providing transitional child care benefits and Medicaid coverage for 1 year after the recipient leaves the welfare program, the reform package gives the single mother the chance to truly become independent.

The bill also strengthens the enforcement of child support payments, one of the key elements to reducing the number of single parents dependent on welfare. Among the child support provisions is the automatic withholding of child support payments from wages, unless there is a legitimate reason not to do so.

Although I recognize the merits of the agreement, I do have some reservations and I am committed to working in the future for continued improvements. There are several problems of particular concern. The legislation does not require States to provide benefits under the AFDC-Unemployed Parent Program for a full year; thus, while this program is expanded in the bill, it does not provide the full coverage needed to eliminate the existing incentives which encourage the breakup of families.

I am also concerned with the minimum participation rates established for the JOBS Program and the workfare requirements for AFDC-UP families. These provisions could divert funding toward meeting quotas and "make-work" assignments and away from important education and training programs needed to move recipients into permanent jobs.

Finally, the bill does not include requirements for health and safety standards for family day care services which are currently exempt from State child care standards. If mothers are to leave their children to go to work, they must be assured that their children are safe and well cared for.

These concerns are serious problems; however, I believe we must take this opportunity to approve the positive changes in the legislation. This agreement has been difficult to achieve, and it may represent our only chance to make major reforms in the welfare system for some time to come. We need to take immediate action to end the vicious cycle of welfare; we should approve H.R. 1720.

Mrs. LLOYD. Mr. Speaker, I rise in support of the conference report on H.R. 1720, the Family Support Act. This is an historic opportunity to enact and implement a significant new national effort to reach out to our most needy citizens and provide them with the tools they need to become self-sufficient.

This bill marks the first significant step toward reform in years. By establishing a new Work, Education, and Training Program, transitional Medicaid and child care, stronger child support enforcement, and a limited national AFDC-UP Program, the bill creates a foundation of opportunities for hundreds of thousands of welfare recipients who want to become self-sufficient.

With the first step toward comprehensive reform, States commit themselves to the massive task of education and training for families now receiving welfare. This Federal-State partnership can begin to make a difference in the lives of poor families.

When this legislation came before the House last December, I agreed with its intent, to provide to welfare recipients the opportunity to gain education and employment training in order to become self-sufficient and productive in our society, but I could not support the bill on passage because I found several aspects of the bill contradictory to the overall direction and purpose of the legislation. My concerns have since been rectified.

One of my major objections to the original House-passed bill was the cost, estimated to have been an exhorbitant $7 billion over 5 years. The Senate, on the other hand, voted for a $2.8 billion funding level. Fortunately, I had the opportunity to instruct the conferees on a number of occasions to adhere closer to the Senate-passed funding level—which did indeed prevail. The compromise proposal would cost $3.34 billion over 5 years, which is an acceptable amount to the administration, and will surely pay for itself in years to come in savings to our Nation in terms of enabling our welfare recipients to again become productive, contributing members of the work force and a vital part of our economic base.

I also firmly believe that welfare reform must include provisions mandating work or work training for able-bodied recipients. Regretably, the original House-passed bill removed the workfare option as a meaningful mandate. Fortunately, I also had the opportunity to instruct the conferees to adhere to the Senate language in this regard and remove most of the impediments to work in the original House-passed bill. The conference report would require one parent in two-parent welfare families to perform unpaid work at least 16 hours per week. This provision would be phased in from 1994 to 1997. I believe that workfare provides the welfare recipients with a sense of responsibility as well as the opportunity to gain work skills, job histories and job references. These are important skills, vital to both the recipient and potential employers, and I believe these provisions make this legislation much more viable than that which we originally considered.

Mr. Speaker, I believe this is sound legislation which should be enacted. It represents a bipartisan consensus for a major overhaul of our welfare system. I believe that we can implement this program efficiently and with positive results for millions of our citizens. I urge my colleagues to join with me in support of this compromise bill.

Mr. WEISS. Mr. Speaker, I take this occasion to express my support of the welfare reform conference agreement, but with serious reservations about several of its components.

First, I would like to commend the efforts of the conferees who worked diligently over the past several months to come up with a consensus bill that will undoubtedly pass today. In particular, I would like to congratulate Senator MOYNIHAN, who has worked hard for welfare reform for over 20 years. In addition, I would like to congratulate the gentleman from New York [Mr. DOWNEY], who has had to negotiate, under trying circumstances, with many factions and viewpoints while trying to mold a consensus in favor of this legislation. Last, I would like to thank the gentleman from California [Mr. HAWKINS], and the gentleman from Michigan [Mr. FORD], whose commitment to helping the lives of poor people has undoubtedly made this a more acceptable package. Their efforts in this Congress have for many years served the interests of our Nation's disadvantaged citizens.

The conference report on H.R. 1720 is an improvement over current law. It extends Medicaid coverage to AFDC recipients who go to work, no longer forcing these people to choose between a job and health care, as the current system does. Second, the bill guarantees child care services to AFDC recipients who wish to work or attend school. Clearly, these services will remove a major disincentive to welfare recipients who cannot leave their homes and leave their children unattended. Finally, and most importantly, the Federal Government is making a significant commitment of resources for job training, education, and child care services to help thousands of this country's most difficult to employ citizens.

Under the bill, each State will be required to establish a Job Opportunities and Basic Skills Training Program [JOBS]. This program will include a broad range of services and activities including education, job training, and job readiness activities. Programs will include job search assistance, work experience, and on-the-job training.

In addition, JOBS funds will be targeted on those families most likely to have long stays on welfare, including young parents without a high school education, families with older children who are expected to lose eligibility under AFDC, and families who have received AFDC for more than 36 months in the preceding 60-month period.

There are many provisions of this bill that will go a long way to help many Americans who have been unable to enter the job market due to constraints within the system. However, as I mentioned before, I do have serious reservations about several other components of this conference agreement. As a result of this bill's "workfare" provisions, thousands of welfare recipients will be forced to work off their welfare grants in State and local agencies without the dignity of a paycheck or the opportunity to get the education, training, and job search services they need for real self-sufficiency.

I am also concerned about the provisions which establish minimum participation requirements for all AFDC recipients and which establish a quota system for AFDC-UP recipients in order to receive Federal matching funds for services. As we have learned from experience, these types of arrangements can give States the incentive to place the least expensive to train and most experienced individuals in jobs just to prevent a cutoff of Federal funding support. We should do all we can to see that Federal moneys are spent on the most difficult to train, longer term welfare recipients as the bill intends.

Fortunately, the most obnoxious provisions established in the bill will not take effect until 1994. Therefore, there is time for Congress to reconsider these sections of the welfare reform package and, at the same time, work to remove the "workfare" component described above. In the meantime, this bill authorizes $3.3 billion to help States develop and expand programs to educate and train welfare dependent individuals.

I believe that one other point deserves mentioning. I am concerned that the conference agreement may give the States too much flexibility in establishing health and safety requirements for the child care services funded in the bill. It is extremely important, Mr. Speaker, that mothers feel secure in knowing that their children are safe and secure as they pursue the employment opportunities offered in this bill. The Federal Government has a responsibility to closely monitor this situation since a large amount of Federal money will be used to fund child care under the bill.

Finally, Mr. Speaker, I hope that this legislation is not seen as the best we can do to address the problems of the poorest people in our country. Instead, I hope it will represent a beginning of our efforts in Congress to address the large inequities and unfairnesses that exist for so many disadvantaged citizens in America today.

Mr. Speaker, if I felt confident that by defeating this bill we would be guaranteed that a better and fairer bill would be enacted within the next year or two, I would vote against it. Unhappily, no such guarantee can be assumed. Rather, the most likely result would be a long delay, if not permanent denial, of the many beneficial provisions contained in this bill.

On the other hand, if the political climate changes sufficiently so that a fairer new bill could be passed, there is nothing to prevent Congress from removing the more onerous provisions of this bill prior to their effective date of 1994.

Ultimately, the question is whether an overwhelming percentage of AFDC recipients will be better off under this bill than under current law. I am convinced that they will be. It is for this reason that I am voting for this conference report.

Mr. BRENNAN. Mr. Speaker, I rise today in strong support of the conference report on H.R. 1720, the Family Support Act of 1988.

This legislation will help welfare recipients get off welfare and into a job. I believe that the best service program is a job. A job brings hope to people who may be in despair, it offers them self-respect and it offers them a chance to reach their potential as human beings.

When I was Governor of the State of Maine, I took great pride in a demonstration program similar to what is in this conference report. we called it the welfare employment, education and training program or WEET. And the point was to help AFDC recipients get jobs. And it worked.

That program has helped over 6,000 Mainers get jobs, and statistics have shown that close to 74 percent of the participants are still working. The program has also proved to be cost effective. It has actually saved Maine money. The WEET program has cost approximately $9 million to operate since 1982, but it would have cost Maine over $16 million if those people had stayed on welfare. But the program is much more than numbers.

It enabled people to get the training, and assistance that they needed to work. The reality is that people want to work, and the Government must provide services like job training to help them get jobs. The Government must try to make the transition from welfare to employment as smooth as possible.

And the conference report we have before us today does just that. This legislation recognizes that single women with children need child care, in order to work. It recognizes that parents should not have to choose between getting a job and giving up Medicaid benefits.

Today we are voting on a conference report that will make the transition easier. We cannot miss the opportunity to improve the lives and dignity of these people. I urge my colleagues to join me in support of the conference report.

Mr. HAYES of Illinois. Mr. Speaker, I rise to speak in opposition to the so-called compromise Welfare Reform Agreement (H.R. 1720) which I believe represents a lost opportunity to improve effectively the lives of poor families and children who are recipients of Aid to Families with Dependent Children [AFDC].

I am pleased that the child care and medical assistance would be extended for one year after loss of benefits, for example, when a AFDC recipient takes a job. The net effect of these critical transition services is certainly eroded if the AFDC recipients are placed in proverty wage—minimum wage—jobs or maintained in endless workfare assignments. Conspicuous by its absence is, the lack of quality of child care for children of AFDC mothers. How can a struggling AFDC parent take an improved job opportunity, if there is not childcare?

I object to the Community Work Experience Program [CWEP] or workfare provisions in this agreement because in the House bill CWEP—now optional—with training, modifies current law by limiting it to 6 months and allows for no repeat assignments. In addition, the maximum number of required hours of CWEP participation is calculated based on the higher of the Federal, State or local minimum wage or the rate of pay for individuals employed in the same or similar occupations by the same employer—equal pay rate.

This conference agreement has unlimited CWEP, a reassessment after 6 months, and only after 9 months is the equal pay rate used in calculating the number of hours of CWEP assignment. CWEP would be one of the four mandatory work programs. This means that community work experience becomes a work-off-the-grant portion of the program, you go into community-based service and you receive your grant in turn.

Mandatory workfare has been based on misinformation about the real needs of AFDC recipients to achieve permanent economic self-sufficiency. In the past, Congress has rejected workfare, knowning that it does not work and wastes limited resources. Workfare does not move AFDC recipients of welfare. Workfare, maintains families on below-poverty-level benefits in exchange for community service. Welfare reform should ensure needed education, needed training, and needed placement in decent jobs at good wages for AFDC recipients to help move the recipient off welfare.

In addition, this agreement is fatally flawed because it is underfunded by a capped entitlement, mandatory caseload participation rates failure to mandate effective work programs and lack of assurance that community based organizations are included in program planning and design. This agreement continues the current policy of ignoring families whose head of household desperately needs intensive education and skill training for a changing labor market. The goal of true welfare reform,

should be permanent placement of recipients in real jobs with decent wages at least equal to non-welfare employees.

I applaud the efforts of many of my colleagues, but the philosophy and direction of this Welfare Reform Agreement, will punish people, instead of investing in them. This "Agreement" does not address the needs of welfare recipients in a realistic and human manner.

This bill fails to provide sufficient benefit improvements and education and training services to balance the work requirements of the bill. Instead this "Agreement" includes the administration's unreasonable quotas for participation in work activities and its punitive workfare philosophy. On the other hand this "Agreement" only improves AFDC benefits slightly.

The effect of this "Agreement" will be to force thousands of welfare recipients to work off their grants in unpaid jobs with no opportunity for meaningful education, training, and job services. This "Agreement" does not include the provisions of the House bill requiring full equal pay protections, therefore it will result in a loss of public sector entry-level jobs that provide opportunities for low-skilled workers who might otherwise be forced onto welfare.

For these and other reasons I must oppose this Welfare Reform Agreement passed by the conference committee.

Mr. NIELSON of Utah. Mr. Speaker last December we considered the Democratic version of the welfare reform bill, H.R. 1720, and the Republican substitute, H.R. 3200, the Michel-Brown substitute.

At that time I was supporting H.R. 3200 because it strengthened employment and training opportunties for AFDC recipients.

Now, today, we are considering a welfare reform bill where major modifications were made. However, some of these modifications will have a very negative impact in Utah.

There are several factors that greatly concern me. This bill, if passed, increases spending by $3.297 billion. It forces States that oppose AFDC for two-parent families to adopt the program; it increases the number of families on welfare by making more two-parent families eligible for benefits and by changing the rules so that people who work can stay on welfare longer; and it reduces the child care tax credit by denying credits for children ages 14 and 15.

While there are some positive aspects of this bill, for example, the unemployed parent in a two-parent family in AFDC-UP States will be required to work 16 hours a week, and significant increases in medical care and child care are offered for those who leave welfare and move into work and self sufficiency, I still strongly feel that I cannot support this conference agreement because of the impact it will have on my State.

As you may already know, Utah is the only State which has an Aid to Families with Dependent Children [AFDC] Program for two-parent households called the Emergency Work Program [EWP]. The Utah Emergency Work Program which was enacted by the Utah legislature in 1983 as a State funded, time limited, work-oriented alternative to AFDC-UP. While the basic eligibility standards are identical to AFDC-UP, the performance requirements are very different:

First, 40 hours a week of community work, adult education, training and job search is required of an adult.

Second, the spouse is required to participate part time in educational or employment activities unless excused for good cause.

Third, payment is made only after performance.

Fourth, assistance is limited to 6 months in a 12-month period.

The results over the past 4 years have been dramatic: A 69-percent job placement rate, an average length of stay of 10 weeks, support for marital stability, and a cost of only 8 percent of the AFDC-UP Program which Utah operated from 1961 to 1981.

Mr. Speaker, if the House passes the welfare reform bill today, this Emergency Work Program [EWP] in Utah will be eliminated. Why? Because the legislation we are considering today will mandate the parent unemployed parent program [AFDC–UP].

Utah had an Unemployment Parent Program, AFDC–UP, 6 years ago but we did away with it because of the cost. Now we have a 6-month emergency work program. Let me share with you some of the cost differences. The last time Utah had an Unemployment Parent Program it was in June 1981. The cost for that year for the AFDC–UP Program was $9 million. The State share for that year was $2,800,000. There were 1,900 cases. If the same program were implemented again in 1987 it would cost $15 million and the State share would be $3,900,000.

The emergency work programs that we currently run cost a total of $908,000 for 1987. The State share was $240,000. The number of cases was 238. The average length of time a person spends on a system before he gets a job is 9 to 10 weeks.

It is obvious, Mr. Speaker, that this mandated two-parent unemployed parent program is not cost effective. And, to be perfectly honest with you, Utah does not know how they will come up with $3.5 million dollars to implement the AFDC–UP Program.

In conclusion, Mr. Speaker, I believe, we, the Members of Congress, need to ask ourselves three very hard questions: How much do we want to spend on welfare reform? Can we make it cost effective? And, do we want welfare reform to help people prepare for work? This compromise bill is clearly not true welfare reform. I do not believe this measure will help more recipients become self-sufficient, it will just increase the number of families on welfare, completely do away with the successful Emergency Work Program [EWP] that my State has implemented, and will cost Utah $3.5 million. For these reasons, I will not support this bill.

Mr. KILDEE. Mr. Speaker, the legislation before us has made progress in some important areas affecting the lives of welfare parents. I believe that our welfare recipients want opportunities to become self-sufficient.

I have been involved with the development of this legislation. In our hearings before the House Education and Labor Committee and on the House floor we worked to develop responsibile legislation.

We knew when we passed the legislation out of the House that there would be a need to compromise. I accept that as I accept that all legislation is a product of substance and compromise.

However, as we began to compromise we began to loose sight of what we had so clearly in focus in the original House bill—our children.

Those of us that have been involved with this legislation for the last 2 years are very familiar with the phrase "breaking the cycle of poverty." But how can we break the cycle of poverty if we do not provide the sons and daughters of welfare recipients with healthy and supportive environments during the time their parents will be required to participate in the program?

When the House passed this welfare reform bill we guaranteed parents unlimited access to their children in child care programs. This conference agreement does not.

When the House passed welfare reform we said that family day care providers and group home care providers which provide child care services under this act should at least meet the standards the State has already established concerning the health and safety of children in similar settings. This conference agreement does not.

When the House passed welfare reform we said that children had a right to care which was appropriate for their age and individual need. This conference agreement does not do this.

When the House passed welfare reform we said that before States require parents of infants to work they must guarantee that adequate infant care is available in the State. This conference agreement not only does not require a guarantee of appropriate infant care but does not even require an assessment of the availability of any child care.

When the House passed welfare reform we said that if we are going to require parents to work and thereby increase the demand for child care we must provide moneys to States to help them meet the new demand and at least provide some assistance for training. The House authorized $750 million for this purpose. This conference agreement does not provide one dime in this area.

I examine every bill which I am called to vote upon to determine whether it will promote, defend, enhance, and protect human dignity. I am deeply disappointed that the answer on this conference agreement is no.

Mr. MATSUI. Mr. Speaker, today the House of Representatives will vote to approve the House-Senate conference agreement and report on H.R. 1720, the Family Support Act of 1988. For the record, the following organizations are opposed to the conference agreement:

AFSCME.
AFL-CIO.
Bread for the World.
California Rural Legal Assistance.
Children's Defense Fund.
Church Women United.
Coalition of California Welfare Rights Organizations.
Coalition on Human Needs.
Food Research and Action Council.

Friends Committee on National Legislation.
Full Employment Action Council.
Interfaith Action for Economic Justice.
League of Women Voters of the United States.
National Coalition for the Homeless.
National of Churches.
National Council of La Raza.
National Organization for Women.
National Urban League.
NETWORK: Catholic Social Justice Lobby.
United States Catholic Conference.
Western Center on Law and Poverty.
Wider Opportunities for Women.

This list of opposing organizations includes many well-respected advocates for low-income families and children. Perhaps Democrats should be asking their friends the truly important question regarding this bill. That question is not about politics, it is a very simple inquiry: Will this bill help poor families?

My colleagues from the Ways and Means Committee have described many of the beneficial aspects of the conference agreement on H.R. 1720. I believe, as they do, that the transitional childcare and Medicaid benefits, the child support enforcement provisions and other elements of the bill are measures which move the Aid to Families of Dependent Children [AFDC] Program in a positive direction. However, if you look at the bill as an entire package of reform, this legislation is a step backward for State welfare programs striving to help recipients gain financial independence. If the Democrats can call this bill "welfare reform," then they should also label the Tax Technical Corrections Act "tax reform."

The House-Senate welfare reform agreement fails to accomplish the critical original goal of the Subcommittee on Public Assistance and Unemployment Compensation when we first addressed welfare reform. It does not create a welfare program which ensures that low-income families will have available to them the resources they need to develop economic independence. The agreement imposes extremely high participation rates on AFDC-UP families, thereby diverting scarce resources from education and training for young single parents who are most likely to become long-term recipients. It forces States to spread limited resources so thin that no individual receives the kind of intensive help necessary to break the cycle of poverty.

By fiscal year 1997, States must have at least one parent in 75 percent of their AFDC-UP families participating each month in a workfare program. This unlimited time on "make-work" does not give the AFDC-UP population skills or experience to help them move into the work force. It simply forces this group, who tend to move quickly off the welfare roles on their own, to earn their benefits at degrading tasks or at substandard wage levels. Rather than instill a sense of pride in the welfare recipient, month after month on workfare undermines it.

In addition to the AFDC-UP unrealistic participation rates, by fiscal year 1995, 20 percent of AFDC single parents must be participating each month in the JOBS Program activities. Again, arbitrary quotas that fail to take into account individual State and county welfare loads will prevent the targeting of resources to those AFDC recipients who will remain long-term dependents without intensive education and training. Targeted intensive education and training programs are cost-effective. Sufficient investment in individuals will move long-term, costly welfare recipients off the roles. The 20-percent participation requirement prevents effective targeting of intensive education and training.

The agreement allows individuals assigned to "CWEP" or workfare to work off their benefits at minimum wage for 9 months no matter what the nature of the work they are assigned to do. The prevailing wage for a particular job, say a secretarial position, could be $10 an hour but a welfare recipient would only be valued at $3.35. The rhetoric of the Democratic Party of "a fair wage for a hard day's work" does not seem to extend to the poorest in our Nation.

What benefit increases did we gain in exchange for these workfare requirements? The agreement fails to mandate full-year AFDC-UP coverage in all States by a date certain. States currently without UP programs will be required to offer an AFDC-UP Program but only for 6 months out of a year. The poor two-parent unemployed family will find their cash assistance arbitrarily cut off after 6 months regardless of the circumstances, such as severe economic conditions in their hometown, unless that family breaks up. Family stability is discouraged and long-term welfare dependence may well be the result. Even this minimal 6-month AFDC-UP mandate will sunset in fiscal year 1999.

I sincerely hope that as the provisions of the Family Support Act are implemented, we continue to monitor the impact of these changes on State welfare programs and welfare families. I ask that my colleagues remain openminded and flexible as we continue to examine welfare in this country. We must continue to reform the welfare system so that people are treated with respect and given a real opportunity to become financially self-sufficient.

Mr. Speaker, I submit three letters for the RECORD as one measure of the strong opposition that exists for the conference agreement on H.R. 1720, the Family Support Act, among those who actually serve and represent poor families and children in this country.

CHILDREN'S DEFENSE FUND,
Washington, DC, September 28, 1988.

DEAR REPRESENTATIVE: On behalf of the Children's Fund (CDF), I urge you to oppose the Conference Report on H.R. 1720, The Family Welfare Reform Act, when it comes to the House floor later this week. The Conference agreement on welfare reform fails to ensure poor families the help they need to support their children and move toward economic self-sufficiency.

The final House-Senate compromise permits about one-half of the states to place arbitrary time limits on cash assistance for poor two-parent unemployed families, thereby continuing incentives toward family breakup. In addition, at the ideological insistence of the White House, the agreement proposes to squander taxpayers' dollars by mandating old-fashioned "make-work" programs for two-parent families. Such mandates will be implemented at the expense of far more productive investments in education and training programs for single parents on AFDC who will be unable to enter the job market without such help.

Specific provisions in the Conference Report that will prove most harmful to poor children and families include:

The failure to require that all states must provide full-year coverage under the AFDC-Unemployed Parent Program (AFDC-UP);

The imposition of federal "workfare" requirements on AFDC-UP families in all states, a provision which will force states to divert scarce resources toward non-productive make-work assignments for those parents with the greatest work experience and away from education and training programs for those single parent families who are most likely to become long-term AFDC recipients;

The establishment of rigid participation rates for the regular AFDC caseload in JOBS Programs activities, thereby focusing resources in compliance with the participation quotas rather than on the intensive services needed to help young single parents move into jobs; and

Tha lack of a requirement that family day care assisted with AFDC funds, but currently exempt from state and local child care standards, must comply with minimal health and safety guidelines established by individual states or localities.

These provisions undermine the potential gains for poor children and families in the Conference agreement in the areas of child care, Medicaid transition, and child support enforcement. The additional funds for child care for children in AFDC families and for transitional child care and Medicaid for those families moving from AFDC to jobs are critically needed. Such investments, however, must not be thwarted by requirements which otherwise impede progress for poor families struggling to become economically self-sufficient.

We urge you to oppose the Conference Report on H.R. 1720 and to continue to seek critical improvements for poor children and families in the next Congress.

Sincerely,

MARIAN WRIGHT EDELMAN.

COALITION ON HUMAN NEEDS,
Washington, DC, September 19, 1988.

DEAR SENATOR/REPRESENTATIVE: The Coalition on Human Needs, an alliance of over 100 religious, civil rights, labor, professional and other organizations concerned with the needs of the poor, minorities, children, women, the aged and disabled, urges you to oppose the Conference Report on the Family Welfare Reform Act.

The bill's complicated requirements will add to the bureaucratic nightmare now faced by AFDC recipients who receive assistance payments that approximate only $345/month (national median) for an average family of three. Meanwhile, House provisions to encourage state benefit increases has been stripped from the bill.

The bill will mainly affect children age 1-5 whose parents are now exempt from WIN work registration. Parents would be required to accept employment if it is offered at the minimum wage. Today the minimum wage reaches only 79 percent of the poverty threshold for a family of three working full-time. If not moving into employment, all other able-bodied, non-exempt adults would be subject to the requirement that they participate in some state-determined work, training or education activity. States will make assignments as their resources permit, but they must meet high participation quotas. The White House estimates that the 20 percent quota will require 800,000 adults per year to participate in such activities.

Each year hundreds of thousands of children (and likely more) will be thrust into a child care market which is already overburdened. Although child care is "guaranteed" and reimbursement levels are permitted to increase to the local market level, the original House program to increase the supply of child care for AFDC children has been dropped. The bill gives states, not the mother, the power to make the judgment of when appropriate care is available. There is no immediate requirement that care provided in a family home meet basic health and safety standards.

The complex provisions of the JOBS program will seriously restrict the ability of participants to increase their educational or job skills. The participation rates and fixed dollar amounts will spread dollars thinly. In addition, one adult in *all* families covered by AFDC-UP (unemployed parent) must participate in an unpaid work program. The UP caseload, consisting mostly of men who were recently employed, will drain off resources that could be devoted to training others more in need. Finally, the bill mandates that states run two of four programs oriented to job search or work experience rather than education or skills training.

The bill fails to limit Community Work Experience. As a result, participants can be required to stay on "workfare" indefinitely. For this and other work programs, there is no requirement that participants be "paid" their benefits at rates equal to regular employees doing the same work. Although such "equal pay" is required after nine months in CWEP, experience shows that few workers reach that point.

The sunsetting in of Medicaid and child care transition assistance in 1998 represents a real gamble that they somehow will be reauthorized. With the JOBS requirements continuing beyond that date, people could be left with no care for their children and no medical coverage.

The estimated $3.3 billion cost of this program is not a wise investment. We, therefore, urge you to vote against it.

Sincerely,

SUSAN REES,
Executive Director.

COMMUNICATIONS WORKERS OF AMERICA (AFL-CIO, CLC),
Washington, DC, September 19, 1988.

DEAR REPRESENTATIVE: The Communications Workers of America urge you to vote against the conference report on welfare reform. We strongly believe in the need for efficient, useful changes in our welfare system. Unfortunately, this proposed conference agreement falls short; it includes some worthy benefits but also far too many damaging provisions.

This legislation fails to provide adequate protection against the displacement of current public workers. Thus, it may provide new jobs for some people while at the same time eroding employment for others. The conference report also unfairly mandates workfare while failing to pay equal wages. In other words, welfare recipients may be required to perform the same work as public workers but without the same wages, which harms both welfare recipients and undermines existing public servants.

Finally, we are concerned about the significant absence of adequate child care, job training and other support services for those welfare recipients participating in mandatory work programs. Without such services, it will be extremely difficult, if not impossible, for welfare beneficiaries to escape the cycle of poverty.

Given these concerns, we hope you will oppose the pending welfare reform conference agreement.

Sincerely,

BARBARA J. EASTERLING,
Executive Vice President.

Mr. MARTINEZ. Mr. Speaker, as chairman of the Subcommittee on Employment Opportunities with oversight over our Nation's job training programs, I must regrettably oppose this welfare agreement that we have before us.

This Congress, we policymakers were faced with a rare bipartisan opportunity to reform the welfare system. There was a major consensus that our Nation's poor families were not being adequately served under the existing welfare system. The emphasis on weaning welfare dependence through job training, enhanced medical and child care support, and education remediation was supported by all responsible officials. Unfortunately, the bill that we have before us today is hopelessly diluted and potentially damaging to both the States and the welfare recipients.

This bill includes workfare requirements that do not bear any relationship to the job experience of the welfare recipient. Thus it becomes a punitive make-work device rather than a true skill-training vehicle to mainstream welfare recipients into the work force.

This workfare bill has devastating ambiguities. One prime example is the equal pay provision contained in title II which amends section 482(f) of the Social Security Act. This provision is so vague that States could avoid paying equal wages to CWEP participants simply by perpetually changing their CWEP assignment before 9 months have elapsed. For example, after 8 months in one job, the individual could be switched to another job, and because he has not spent 9 months in a single assignment, could continue to be paid only the minimum wage. Indeed, this could allow the establishment of a permanent, minimum wage work force. Because of these concerns, I ask the chairman of the Ways and Means Committee and subcommittee to clarify this provision.

I have an equal concern that this bill simply does not provide enough resources to ensure adequate child care services or operating safety standards. Without a sound and safe child care system, this whole welfare reform effort will collapse without a hope of success.

Finally, the impractical percentages placed upon States to fulfill AFDC-UP requirements will cause States to lose a substantial percentage of their jobs program moneys. As punishment for failing to meet arbitrary program participation quotas, States would lose full funding for training. This places a double bind upon the States.

Mr. Speaker, I am concerned about the plight of the welfare recipients as well as the States under this new program. I do not want the expectations of the poor nor the States to be raised just to be dashed—as they certainly will—by the inability of this program to deliver on its promise of employment and independence.

Some say if we do not take this compromise package, we will not get another bill for 10 years. I say if we take this fatally flawed bill, we will be condemning the poor in this country to another 10 years of poverty. In good conscience, we simply cannot add to the miseries of the poor.

Mr. COLEMAN of Texas. Mr. Speaker, I rise today in support of the conference report on H.R. 1720, the Family Support Act which would reform this Nation's welfare system.

This legislation is historic because of its potential effect. For the first time we are providing welfare recipients with a true opportunity to become self-sufficient. Welfare recipients are often told their goal should be to get off the welfare rolls. And often this is their goal. But they are not provided with the opportunity to do so because they do not have anyone to care for their children while they search for a job. They cannot afford to lose their health insurance when they take a minimum wage job. For these reasons—though they would rather not—many welfare recipients remain on the welfare rolls for years, because we actually have disincentives in the system.

As we have learned over the course of the last 2 years, a reform of the welfare system is extremely difficult to achieve, and I urge my colleagues to not let this opportunity go by. If we are to break the cycle of poverty, welfare recipients must be provided with the opportunity to become self-sufficient through participation in training and education programs that will eventually result in employment for them.

With this legislation, Congress is establishing a meaningful program for employment and training programs to enable welfare recipients to enter the work force without the threat of losing their health benefits. The bill provides for continued health and child care benefits for welfare families to assist them in making the transition to work. Also for the first time, States will be required to provide at least some AFDC benefits to two-parent families where the principal earner is unemployed. The bill also strengthens procedures for ensuring that absent parents pay child support. Best of all, the conference committee ensured that the revenue raising provisions in the bill would fully offset the new costs of the program.

Mr. Speaker, this bill is not perfect. I acknowledge that many of the benefits included in the original bill considered by this body had to be scaled down because of fiscal constraints. But I remain convinced that the concept of the bill will result in great improvements in both the administration of our welfare system and in the lives of welfare recipients. I believe that what comes before us today for consideration is the best piece of legislation that could arise in view of budget limitations and within a Republican administration. As we all know, the threat of a Presidential bill hung over conferees as they sought to work out an agreement that would pass both Houses of Congress and be acceptable to the President.

Yet in some instances, the conferees managed to be more generous to welfare recipients than either the original House or Senate bills provided. For example, the agreement provides for continuing Medicaid coverage for families leaving welfare for a full year.

Mr. Speaker, all along we have known that we needed a welfare system that encouraged and enabled recipients to get off the welfare rolls and become self-sufficient. This bill cre-

ates such a system, and I am proud to join my colleagues in supporting it.

Mr. VALENTINE. Mr. Speaker, when the House considered welfare reform last winter I supported the reform bill because I believed that we had a unique and historic opportunity to improve public assistance radically in this country.

Despite my enthusiasm for the intent of this legislation, I had serious concerns over its $7 billion price tag over a 5-year period. Today I am happy to see that the conference committee was able to cut the cost of this program in half, to $3.34 billion over 5 years.

The members of the conference committee that molded this agreement should be commended. They achieved a lower price without sacrificing any of the four goals that compelled me to support the House bill.

First, it brings welfare recipients into the work force.

Second, it provides education and training to give those citizens a fighting chance to build productive careers and become permanently self-supporting.

Third, it provides a level of short-term support that will enable welfare recipients to complete their preparation for work.

Fourth, it increases the incentives for work rather than dependency.

Mr. Speaker, last December I spoke about the need for education and job training in my district. Those conditions still exist. We are faced with nearly a 25-percent illiteracy rate in North Carolina. In some counties the rate is as high as 36 percent. Although my home State has taken formidable steps to train and educate its citizens, too many are left without the necessary skills to participate fully in and benefit from a rapidly changing, technologically advanced economy.

With the approval of the conference report every State will be required to establish job opportunities and basic skills training [JOBS], a program designed to assure that needy families with children obtain the education, training, and employment that will help them avoid long-term welfare dependence. The Federal Government will be there with matching grants to ensure that States are not left holding the bag for the cost of these programs.

With very few exceptions, welfare parents with children over three will be required to participate in these self-help programs. I believe this program will go a long way toward helping these families make the transition from welfare dependency to productive employment.

The legislation makes this transition gentler by a variety of provisions that will enable families to improve their situation and stay together at the same time. By extending day care assistance and Medicaid family eligibility for 1 year after they obtain a job, parents can enter the job force with the reassurance that their children are safe and healthy. By tightening child support requirements, absent parents will have to take some responsibility for their children.

This bill, unlike other proposals, gives assistance to families that choose to stay together so that parents are not encouraged to separate in order to receive assistance. All States will be required to provide benefits for families in which the father is present but unemployed. A provision that will be phased in from 1994 to 1998 will require one parent in two-parent families to work at least 16 hours a week in an unpaid community job or similar work slot.

Mr. Speaker, I know that the reform offered today is not perfect. We are taking on some of the worst problems that plague this country. There are bound to be some needs that remain unmet. But we cannot increase productivity, improve our competitiveness in the international market, and decrease our deficit until we make this commitment to our finest resource, the American people. I urge my colleagues to support the conference report as a step toward improving our future.

Mr. DE LUGO. Mr. Speaker, as chairman of the Subcommittee on Insular and International Affairs, which has jurisdiction over the Nation's territories and commonwealths, I am happy to report that H.R. 1720 would, for the first time in almost 10 years, take a step toward fairer treatment of the needy residents of the insular areas.

This is a matter that I have been working on for many months, in cooperation with the House Ways and Means Committee and the Senate Committee on Finance. I would like to express specific thanks to Chairman TOM DOWNEY of the Subcommittee on Public Assistance and Unemployment Compensation, as well as Chairman LLOYD BENTSEN of the Senate Committee—for their excellent cooperation and assistance during our long efforts to provide help for needy insular Americans.

For too long, the 3.5 million Americans of the insular areas have been treated as second-class citizens in Federal welfare programs. Unfairly, our needy have faced either limited access to the system, or a closed door.

Despite the relatively minor impact on the budget of funds to provide assistance for the insular needy, their needs have been bypassed each year in the name of fiscal restraint for too long.

Indeed, in order to meet their most urgent needs, islanders have been forced to move to the States to become residents, so as to become eligible for more equitable benefits under several programs.

Denying fair access to these Americans may also be detrimental to our Nation's image throughout the Caribbean and Pacific areas.

Today, however, as the House considers the conference report on H.R. 1720, reforming the Nation's welfare system, my constituents' concerns for the principles of equality can be reaffirmed. For the first time since 1979, the limits on grants to Puerto Rico, the Virgin Islands and Guam for AFDC and programs for the aged, blind and disabled would be increased. Although these increases are modest in comparison to the need, Congress can, nonetheless, demonstrate its renewed recognition of the plight of the needy citizens of the insular areas.

H.R. 1720 would also enable American Samoa to participate in the AFDC Program.

The legislation would also delay the AFDC-UP participation requirement for 2 years for the insular areas. Thus, the impact of the impostion of its costs will be lessened, since the lower AFDC and Medicaid caps in the insular areas are far less than the authorized Federal share of program costs.

Mr. MILLER of California. Mr. Speaker, I rise in support of the conference report on H.R. 1720, the Family Welfare Reform Act of 1987. The legislation before the House today is critical both for its potential to create opportunities for self-sufficiency for millions of low-income American families, and for its extension of Government support to children in all poor families.

I especially want to commend Chairman ROSTENKOWSKI of the Committee on Ways and Means, Acting Chairman DOWNEY of the Subcommittee on Public Assistance and Unemployment Compensation, Committee on Ways and Means, Chairman HAWKINS of the Committee on Education and Labor, Chairman WAXMAN of the Subcommittee on Health and the Environment, Committee on Energy and Commerce, Chairman PANETTA of the Subcommittee on Domestic Marketing, Committee on Agriculture, and the other members of the conference committee for their leadership on welfare reform.

I am especially pleased that this bill recognizes that children—who make up two-thirds of current welfare recipients—must be a key consideration in any welfare reform initiative and that they will be directly affected by policy changes which seek to enhance the employability of their parents.

I personally do not believe that compelling low-income parents to work has proven very effective and I am especially concerned about the additional burdens work requirements will place on poor families with very young children. In fact, I would just like to remind my colleagues that not one of the Manpower Demonstration Research Corporation studies on workfare, which so greatly influenced our thinking on welfare and work programs, included mothers with children under the age of 6 and mothers who were long-term users of AFDC. However, what we do know, is that whether participation is mandatory or voluntary, a parent's ability to move toward self-sufficiency depends on the availability of support services and benefits—principally, but not exclusively, child care and medical benefits.

For low-income mothers trying to get training, enter the job market, or hold on to hard-won employment, the absence of decent affordable health benefits and child care for their children creates an insurmountable barrier. Too often, returning to the certainty of AFDC becomes the only rational choice to protect their children.

The Select Committee on Children, Youth, and Families' investigations have clearly established that the current child care system is fragmented and unstable at best. The supply of care is woefully low, waiting lists are common, and the numbers of families needing out-of-home care for their children is increasing. The result is children whose care is haphazard at best, or frequently dangerous or nonexistent. Furthermore, when child care arrangements fail, we wind up with parents whose work productivity predictably declines. As a result, assuring quality child care programs—facilities, training and quality control—must be an essential ingredient in any war against welfare dependency. For low-income

families and families trying to maintain entry level work opportunities, finding ways to make child care affordable is also critical.

I am especially pleased that this legislation assures that all program participants, and especially those participating in the JOBS Program, will have access to child care. For the first time, we will guarantee welfare recipients, that once they leave welfare, we will continue to provide essental child care and Medicaid during the important transition from welfare to work. And, in order to ensure that the goals of this legislation be successfully realized, I would hope that before this program is fully underway, we will be able to restore the provisions on child care standards, child care supply, and caregiver training that were included in the bill we passed last December. Without these protections, we cannot ensure that children are safe and well-cared-for.

I am also concerned that work requirements and participation rates may constrain States' efforts to operate meaningful employment and training programs. Implementing a mandatory work program is expensive and States will be obliged to divert resources away from developing intensive employment and training programs for truly disadvantaged groups in order to enforce AFDC–UP work requirements. Participation rates will force States to stretch limited resources over several required programs, thus restricting a State's flexibility and endangering program effectiveness.

I would also like to remind my colleagues that once we pass this bill, there will still be 13 million impoverished children and their families in America. There will still be 100,000 homeless children on any given night. Welfare reform won't solve poverty for the simple fact that only 40 percent of poor children and their families can even get it.

Just last week, the select committee heard from a group of America's most prominent thinkers about strategies Congress and the next administration must pursue, beyond welfare reform, if we are to extend prosperity to all of America's children and their families. The witnesses, from both sides of the political aisle, agreed that in order to close the gap between poverty and prosperity we must embark on a dual strategy: Helping parents so they can work and support their families and investing in children to prevent future generations of poverty.

Mr. DOWNEY of New York. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The SPEAKER pro tempore. 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. ARCHER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 347, nays 53 answered "present" 1, not voting 30, as follows:

[Roll No. 373]

YEAS—347

Ackerman
Andrews
Annunzio
Anthony
Applegate
Aspin
Atkins
AuCoin
Baker
Ballenger
Barnard
Bartlett
Barton
Bateman
Bates
Beilenson
Bennett
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bliley
Boehlert
Boggs
Bonior
Borski
Bosco
Brennan
Brooks
Broomfield
Brown (CO)
Bruce
Bryant
Buechner
Bunning
Bustamante
Byron
Callahan
Campbell
Cardin
Carper
Chandler
Chapman
Chappell
Clarke
Clement
Clinger
Coats
Coble
Coelho
Coleman (MO)
Coleman (TX)
Conte
Cooper
Costello
Coughlin
Courter
Coyne
Darden
Davis (MI)
de la Garza
DeFazio
Derrick
DeWine
Dickinson
Dicks
Dingell
DioGuardi
Donnelly
Dorgan (ND)
Dornan (CA)
Downey
Dreier
Durbin
Dwyer
Dyson
Eckart
Edwards (OK)
Emerson
English
Erdreich
Espy
Fascell
Fawell
Fazio
Feighan
Fish
Flake
Flippo
Foglietta
Foley
Ford (TN)
Frenzel
Frost
Gallegly
Gallo
Garcia
Gaydos
Gejdenson
Gekas
Gephardt
Gibbons
Gilman
Gingrich
Glickman
Goodling
Gordon
Gradison
Grandy
Gray (IL)
Gray (PA)
Green
Guarini
Gunderson
Hall (TX)
Hamilton
Hammerschmidt
Hansen
Harris
Hastert
Hatcher
Hayes (LA)
Hefley
Hefner
Henry
Herger
Hertel
Hiler
Hochbrueckner
Hopkins
Horton
Houghton
Hoyer
Hubbard
Huckaby
Hughes
Hunter
Hutto
Hyde
Inhofe
Ireland
Jacobs
Jenkins
Johnson (CT)
Johnson (SD)
Jones (NC)
Jones (TN)
Jontz
Kanjorski
Kaptur
Kasich
Kastenmeier
Kennedy
Kennelly
Kleczka
Kolbe
Kolter
Konnyu
Kostmayer
LaFalce
Lagomarsino
Lancaster
Lantos
Latta
Leach (IA)
Lehman (CA)
Lehman (FL)
Leland
Lent
Levin (MI)
Levine (CA)
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Lipinski
Livingston
Lloyd
Lowery (CA)
Lowry (WA)
Lujan
Luken, Thomas
Manton
Markey
Martin (IL)
Martin (NY)
Mavroules
Mazzoli
McCloskey
McCollum
McCurdy
McDade
McEwen
McGrath
McHugh
McMillan (NC)
McMillen (MD)
Mfume
Mica
Michel
Miller (CA)
Miller (OH)
Miller (WA)
Mineta
Moakley
Molinari
Mollohan
Montgomery
Moody
Moorhead
Morella
Morrison (CT)
Morrison (WA)
Mrazek
Murphy
Murtha
Myers
Nagle
Neal
Nelson
Nichols
Nowak
Oakar
Oberstar
Obey
Owens (UT)
Oxley
Packard
Panetta
Parris
Pashayan
Patterson
Payne
Pease
Pelosi
Penny
Petri
Pickett
Pickle
Porter
Price
Pursell
Rahall
Rangel
Ravenel
Ray
Regula
Rhodes
Richardson
Ridge
Rinaldo
Ritter
Roberts
Robinson
Rodino
Roe
Rogers
Rostenkowski
Roth
Roukema
Rowland (CT)
Rowland (GA)
Russo
Sabo
Saiki
Sawyer
Saxton
Schaefer
Scheuer
Schneider
Schuette
Schulze
Schumer
Sensenbrenner
Sharp
Shaw
Shays
Shuster
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter (NY)
Smith (FL)
Smith (IA)
Smith (NE)
Smith (NJ)
Smith (TX)
Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Snowe
Solarz
Solomon
Spence
Spratt
St Germain
Staggers
Stallings
Stangeland
Stark
Stenholm
Stratton
Studds
Sundquist
Swift
Swindall
Synar
Tallon
Tauke
Tauzin
Taylor
Thomas (CA)
Thomas (GA)
Torres
Torricelli
Traficant
Udall
Upton
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Vucanovich
Walgren
Watkins
Waxman
Weber
Weiss
Weldon
Wheat
Whittaker
Wilson
Wise
Wolf
Wolpe
Wortley
Wyden
Wylie
Yatron
Young (AK)
Young (FL)

NAYS—53

Akaka
Anderson
Archer
Armey
Burton
Carr
Cheney
Clay
Collins
Combest
Conyers
Craig
Crane
Crockett
Dannemeyer
DeLay
Dellums
Dixon
Dymally
Edwards (CA)
Evans
Fields
Ford (MI)
Frank
Gonzalez
Hall (OH)
Hawkins
Hayes (IL)
Kildee
Leath (TX)
Lukens, Donald
Madigan
Marlenee
Meyers
Natcher
Nielson
Olin
Owens (NY)
Pepper
Perkins
Roybal
Savage
Schroeder
Shumway
Slaughter (VA)
Stokes
Stump
Towns
Traxler
Walker
Whitten
Williams
Yates

ANSWERED "PRESENT"—1

Martinez

NOT VOTING—30

Alexander
Badham
Boland
Bonker
Boucher
Boulter
Boxer
Brown (CA)
Daub
Davis (IL)
Dowdy
Early
Florio
Grant
Gregg
Holloway
Jeffords
Kemp
Kyl
Lott
Lungren
Mack
MacKay
Matsui
McCandless
McCrery
Ortiz
Quillen
Rose
Sweeney

□ 1408

The Clerk announced the following pairs:

On this vote:

Mrs. Boxer for, with Mr. Matusi against.

Mr. Lungren for, with Mr. Kyl against.

Mr. AKAKA changed his vote from "yea" to "nay."

Messrs. LELAND, LEWIS of Georgia, RODINO, and GARCIA 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.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENROLLMENT OF H.R. 1720 FAMILY WELFARE REFORM ACT OF 1987

Mr. ROSTENKOWSKI. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the concurrent resolution (S. Con. Res. 148) authorizing the Clerk of the House to correct technical errors in the enrollment of the bill (H.R. 1720) to replace

the existing AFDC Program with a new Family Support Program which emphasizes work, child support, and need-based family support supplements, to amend title IV of the Social Security Act to encourage and assist needy children and parents under the new program to obtain the education, training, and employment needed to avoid long-term welfare dependence, and to make other necessary improvements to assure that the new program will be more effective in achieving its objectives, and I ask for its immediate consideration in the House.

The Clerk read the title of the Senate concurrent resolution.

The SPEAKER pro tempore (Mr. Bosco). Is there objection to the request of the gentleman from Illinois?

PARLIAMENTARY INQUIRY

Mr. ARCHER. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. ARCHER. Mr. Speaker, was the gentleman from Illinois [Mr. ROSTENKOWSKI] making a unanimous-consent request?

The SPEAKER pro tempore. The gentleman from Illinois was making a unanimous-consent request.

Mr. ARCHER. And has that already been approved?

If not, Mr. Speaker, I reserve the right to object, and I shall not object.

Mr. ROWSTENKOWSKI. Mr. Speaker, will the gentleman from Texas yield?

Mr. ARCHER. I yield to the gentleman from Illinois.

Mr. ROSTENKOWSKI. Mr. Speaker, Senate Concurrent Resolution 148 is a simple resolution which makes purely technical corrections in the enrollment of H.R. 1720, the Family Welfare Reform Act of 1987. I want to assure all Members that the provisions of this resolution make purely technical and clerical changes, correcting drafting errors in the conference report just adopted. I want to give the equal assurance that there are absolutely no substantive changes contained in this enrollment resolution.

Mr. ARCHER. Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The Clerk read the Senate concurrent resolution, as follows:

S. CON. RES. 148

Resolved by the Senate (the House of Representatives concurring), That, in the enrollment of the bill (H.R. 1720) to revise the AFDC program to emphasize work, child support, and family benefits, to amend title IV of the Social Security Act to encourage and assist needy children and parents under the new program to obtain the education, training, and employment needed to avoid long-term welfare dependence, and to make other necessary improvements to assure that the new program will be more effective in achieving its objectives, the Clerk of the House of Representatives shall make the following corrections:

(1) In section 111(f)(3) of the bill, strike "such date" and insert "such data".

(2) In paragraphs (2) and (4) of subsection (i) of the proposed new section 482 of the Social Security Act (as added by section 201(b) of the bill), strike "403(k)" and insert "403(1)".

(3) In paragraph (1)(C)(i)(II) of the proposed new subsection (g) of section 402 of the Social Security Act (as added by section 301 of the bill), before the period insert ", or (if higher) an amount established by the State".

(4) In paragraph (6)(D) of the proposed new subsection (g) of section 402 of the Social Security Act (as added by section 301 of the bill), strike "$13,000,000,000" and insert "$13,000,000".

(5) In section 403(a) of the bill (in the matter preceding paragraph (1)), strike "402(f)" and insert "401(f)".

(6) In section 604(a) of the bill (in the matter preceding paragraph (1)), strike "402(f)" and insert "401(f)".

(7) In section 605(a) of the bill (in the matter preceding paragraph (1)), strike "420(f)" and insert "401(f)".

(8) In the proposed new subsection (e) of section 403 of the Social Security Act (as added by section 606 of the bill), immediately after "402(g)(1)(A)(i)", strike the brackets and the words included therein.

(9) In section 401(g)(2) of the bill, insert "Puerto Rico," after "respect to".

The Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

REQUEST TO CONSIDER S. 2846, PROVIDING FOR THE AWARDING OF GRANTS FOR THE PURCHASE OF DRUGS IN TREATMENT OF AIDS

Mr. WAXMAN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 2846) to provide for the awarding of grants for the purchase of drugs used in the treatment of AIDS, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

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

Mr. MADIGAN. Mr. Speaker, reserving the right to object, under my reservation I yield to the gentleman from California [Mr. WAXMAN] for an explanation of what is going on.

Mr. WAXMAN. Mr. Speaker, I thank the gentleman from Illinois for yielding to me.

This is an authorization for a 6-month period for the emergency purchase of AZT, which is a drug, the only drug approved by the Food and Drug Administration for AIDS, and it was my understanding that in this we would urge low-income people be the ones that would be first served.

Mr. MADIGAN. Mr. Speaker, further reserving the right to object, I would ask the gentleman from California [Mr. WAXMAN] if this is a 6-month extension, if it was approved by the party leadership of both parties in the Senate and is supported by the administration.

□ 1415

Mr. WAXMAN. Mr. Speaker, it is my understanding it was approved by the party leadership in the Senate and has been sent to us. It is a continuation for 6 months of a continuing program and then it sunsets itself out of existence.

Mr. MADIGAN. Mr. Speaker, I thank the gentleman for advising me of the bipartisan support and the administration's support.

I would like to state my support for ths 6-months' extension.

Mr. MADIGAN. Mr. Speaker I withdraw my reservation of objection.

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

Mr. WALKER. Reserving the right to object, Mr. Speaker, could I again have described to me just exactly what we are doing here?

Mr. WAXMAN. Mr. Speaker, will the gentleman yield to me?

Mr. WALKER. I am glad to yield to the gentleman from California.

Mr. WAXMAN. Mr. Speaker, we have an ongoing program for 1 year to provide the payment for AZT, which is the only known drug for treatment of some of the symptoms of AIDS.

The Senate unanimously, as I understand it, passed this extension for a 6-month period, during which time the States will put in place the laws that will be necessary for them to take over this program. Otherwise, there will be a gap and some people who have been on this drug without having it available to them will almost certainly die, so it is a funding authorization for a 6-month period for this drug.

Mr. WALKER. Further reserving the right to object, Mr. Speaker, let me ask the gentleman, this is not something you can go up and get a rule on and come back to the floor so that we can take it up under the regular processes, rather than by unanimous consent?

Mr. WAXMAN. The reason we are taking it up by unanimous consent is that the end of the fiscal year is coming up tomorrow. It was just sent over from the Senate, so we thought that since there was no controversy on it, we would take it up by unanimous consent.

Mr. WALKER. Well, further reserving the right to object, Mr. Speaker, I think the gentleman more than anyone else here knows that there has been a constant stream of unanimous-consent requests rejected because his committee will not bring a clean air bill to the floor. It seems to me that that is still an operative kind of thing.

We have had a couple other bills where we had emergency sessions of the Rules Committee where you go to the Rules Committee, you get your emergency rule, you bring it down here, and we take care of all these things.

I have personally gone along with that, but I am not willing to see legislation move by unanimous consent until we are assured that we are going to get final action on a clean air bill.

I wonder if the gentleman is in a position of assuring me of that at this point.

Mr. WAXMAN. Well, if the gentleman will yield to me, no one in this House stands second to me in desiring a clean air bill to be passed, including acid rain control, and I think the gentleman knows that fact. I am still hopeful that we will be able to accomplish that in the short time left in the session, although it still is an open question; but this legislation if it were not passed by tonight could leave a delay, and every day of delay of funding for this drug is a question of life or death for many of these patients.

Mr. WALKER. This gentleman certainly does not want to do that, but what I am suggesting to the gentleman is that we have had a pattern around here the last several days that has worked extremely well of simply going to the Rules Committee, getting a rule, bringing the legislation back down to the floor and getting it accomplished. I do not see why we cannot do that and why we have to use a unanimous-consent request in order to move the legislation. We have a regular process. All I am suggesting to the gentleman is that that regular process ought to be observed so that we can get this very important legislation through by the appropriate means.

Mr. ROWLAND of Georgia. Mr. Speaker, before the gentleman objects, will the gentleman yield?

Mr. WALKER. I am glad to yield to the gentleman from Georgia.

Mr. ROWLAND of Georgia. Mr. Speaker, I would like to point out to the gentleman from Pennsylvania that this is a unique situation that we are facing here. In fact, I have had a call from my Department of Public Health in the State of Georiga where they are treating some low-income AIDS patients, about 200, and they are going to be out of funds to be able to do that, to purchase the drug; so it is a matter of life and death for some 200 people in my State, possibly.

I want to point that out to the gentleman, that this is a different type of situation. I am sure the same situation must exist in the gentleman's State also.

Mr. WALKER. Further reserving the right to object, Mr. Speaker, I would say to the gentleman that I am sure that is the case.

Here just the other day we managed to go to the Rules Committee. We got a rule, We came back here, and my understanding is that we are going to be here until fairly late tonight anyway. We might as well just take care of this legislation.

All I am suggesting is let us take care of it by the regular means available to this House, rather than doing it by unanimous consent.

Mr. ROWLAND of Georgia. Mr. Speaker, if the gentleman will yield, the gentleman brought up the Clean Air Act a few minutes ago. Would the gentleman be willing to yield if he was assured that the Clean Air Act would be brought up? I mean, is the gentleman using that leverage?

Mr. WALKER. This gentleman, further reserving the right to object, Mr. Speaker, is concerned that we deal with clean air.

Yes, if we could get absolute assurance that we were going to deal with the Clean Air Act on this floor before the Congress adjourns, I think this gentleman would feel far more comfortable about other legislation moving.

Until we have that assurance, though, I do not think that we ought to be moving legislation by unanimous consent. I think we ought to use the regular process.

Mr. ROWLAND of Georgia. Mr. Speaker, if the gentleman will yield, I fail to see what the Clean Air Act has to do with unanimous consent in providing this aid.

Mr. WALKER. It has to do with priorities. We in this body are now setting the priorities of things that are important for us to do between now and the end of the session. We are coming on the end of the session.

This gentleman feels that taking up something which this House defined 6 months ago as being a priority of this House to do before the end of the session is something that needs to be done.

What I am hearing is that it is not going to get done, so therefore it seems to me that in pursuing our priorities to the end of the session, we ought to do them under the regular means, not by unanimous consent on the floor.

So I have been objecting to unanimous-consent requests in order to assure that anything that is done here is done by the regular processes until we have assurance that some of the other priorities are adhered to. That is all I am suggesting in this case. There is a regular process that can be gone through in order to get this very vital and important legislation to the floor. I think that should be done. I do not think that we ought to be doing it by unanimous consent in lieu of bringing up the Clean Air Act.

Mr. WALKER. Therefore, Mr. Speaker, I do object.

The SPEAKER pro tempore. Objection is heard.

WATER RESOURCES DEVELOPMENT ACT OF 1988

Mr. DERRICK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 535 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 535

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 5247) to provide for the conservation and development of water and related resources, to authorize the United States Army Corps of Engineers to construct various projects for improvements to rivers and harbors of the United States, and for other purposes, and the first reading of the bill shall be dispensed with. After general debate, which shall be confined to the bill and which shall not exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Public Works and Transportation, the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on Public Works and Transportation now printed in the bill as an original bill for the purpose of amendment under the five-minute rule and each section shall be considered as having been read. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a subsitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except on motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentlement from South Carolina [Mr. DERRICK] is recognized for 1 hour.

Mr. DERRICK. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Ohio [Mr. LATTA], and pending that I yield myself such time as I may consume.

Mr. Speaker, House Resolution 535 is an open rule providing for the consideration of H.R. 5247, the Water Resources Development Act of 1988. The rule provides for 1 hour of general debate, with the time equally divided between the chairman and ranking minority member of the Committee on Public Works and Transportation. It makes in order the Public Works Committee amendment in the nature of a substitute now printed in the bill, to be considered as original text, with each section considered as having been read. Finally, the rule provides for one

motion to recommit, with or without instructions.

Mr. Speaker, H.R. 5247 authorizes more than $1.9 billion for Corps of Engineers water resources development projects for flood control, navigation, beach erosion control, and other purposes. It also contains deauthorizations of previously authorized projects, authorizations of studies of water resource problems, and other provisions dealing with water resources.

Until 1986 Congress had not been able to pass a regular water resources authorization bill for 10 years. Now this bill offers us the chance to get back on a regular 2-year cycle of authorization bills so that important projects are not delayed and authorization bills do not become so large they are difficult to pass. I want to congratulate the Public Works Committee for presenting us with a bill that is carefully crafted so that it can be enacted and we can get back on track with regular bills.

Mr. Speaker, this is a straightforward open rule that will allow full consideration of this important legislation. I urge adoption of the rule.

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

(Mr. LATTA asked and was given permission to revise and extend his remarks.)

Mr. LATTA. Mr. Speaker, I would like to commend the chairman of the Committee on Public Works and Transportation. The gentleman from California [Mr. ANDERSON], and the ranking Republican member of that committee, the gentleman from Arkansas [Mr. HAMMERSCHMIDT], for their hard work on this bill.

I am sorry to say, however, that the administration objects to many of this bills, provisions.

As a matter of fact, the administration strongly supports reestablishment of biennial authorization bills for Army Corps of Engineers water projects to help ensure the continued credibility and vitality of the Army Corps of Engineers Civil Works Program. The key to this program, however, is the overriding need to preserve the cost-sharing reforms of the landmark Water Resources Development Act of 1986, Public Law 99-662, and to limit Federal spending to only economically justified projects for which there is a clear Federal responsibility. The administration says that H.R. 5247, to the contrary, would erode the cost-sharing reforms of Public Law 99-662; authorize numerous low-priority, special-interest provisions; and circumvent the administration's established policy and planning review process.

Accordingly if H.R. 5247 were presented to the President in its current form, the Director of the Office of Management and Budget would recommend that it be vetoed.

The administration's strong objection to H.R. 5247 is based on the bill's inclusion of provisions that would:

Erode the cost-sharing principles of Public Law 99-662 by: First, reducing the non-Federal cost share for municipal and industrial water supply at certain projects; second, authorizing the use of Federal dollars to pay a project's non-Federal cost share; and third, the use of language that does not clearly state that cost-sharing provisions of Public Law 99-662 apply to all projects authorized in H.R. 5247;

Fail to limit the number and cumulative cost project authorizations;

Authorize low-priority, special-interest projects opposed by the administration; and

Violate the concept of and need for biennial project authorizations by authorizing or conditionally authorizing numerous projects, for which: First, economic and environmental feasibility have not been demonstrated; and second, the executive branch policy and planning review process has not been completed.

The administration also objects to the bill because it lacks provisions that would provide for: First, the Construction Productivity Advancement Research [CPAR] Program; second, increased recreation user fees; third, technical assistance to private firms; and fourth, the transfer of funds for intensified mitigation.

The advantage of moving a bill now is that it enables us to return to a 2-year authorization process for the Army Corps of Engineers Civil Works Program. Up until the last decade or so, Congress used to enact these bills on a regular 2-year cycle. This is a much better approach than the 10-year period of controversy which preceded the Water Resources Development Act of 1986. The 2-year cycle will permit Congress to maintain better control of the program.

Mr. Speaker, I will support this rule so that the House may proceed to make necessary improvements to the Water Resources Development Act of 1988 and hopefully to remove the provisions to which the administration strongly objects.

□ 1430

Mr. DERRICK. Mr. Speaker, for purposes of debate only, I yield such time as he may consume to the gentleman from Florida [Mr. BENNETT].

Mr. BENNETT. Mr. Speaker, I rise in support of the rule and of the bill.

Mr. Speaker, I rise in support of H.R. 5247, the Water Resources Development Act of 1988. I strongly commend the committee for its work on this bill.

A particular item in this bill dealing with my district is a project for beach erosion control in Nassau County—Amelia Island, FL. The bill authorizes a first Federal cost of $4,619,000, and an estimated first non-Federal cost of $1,134,000. This provision is important because the ocean shore of Amelia Island has been undergoing physiographic changes since construction of jetties to aid navigation in the entrance to Fernandina Harbor in the 1880's. Studies show that the unusually severe erosion along the area is the result of the jetties constructed for the Federal navigation project at Fernandina Harbor. This bill will mitigate the effects of the navigation project on the adjacent shoreline in May of 1986. This language insures that we will deal adequately with the situation caused by the long-ago Federal navigation project.

I commend the Senate for moving on this bill, and I commend the House committee for moving this important legislation to the floor.

Mr. DERRICK. Mr. Speaker, for purposes of debate only, I yield such time as he may consume to the gentleman from Montana [Mr. WILLIAMS].

Mr. WILLIAMS. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I rise in support of this bill and the amendments offered on behalf of the Public Works Committee.

Let me say, Mr. Speaker, that the changes proposed in the amendment on Lake Koocunusa Reservoir in my district are more than welcome changes and I would like to point out why the committee amendments makes sound economic sense as well as give a little history of the Libby Dam project.

When the Libby Dam project was proposed and presented to the folks in Montana, most of the discussions with the locals centered around flood control and recreation. There was opposition to the project for various reasons ranging from ruining the fishing to inundating farmland. Apparently the Corp of Engineers officials were not making much progress in talking about power at that time, so they talked about the benefits the dam would bring to the area: flood control, recreation, tourism.

For 16 years the Lake Koocanusa Reservoir which was created by the Libby Dam was jokingly called "Who can use it." Folks had given up more than 90 miles of blue ribbon trout stream and thousands of acres of wildlife habitat for what purpose?

In the early 1980's, by accident or design, no one knows for sure, Kokanee salmon were released in the reservoir and began to thrive. A few years later fisherman discovered that a salmon fishery had developed. By 1985 thousands of fishermen were using the reservoir, giving the surrounding communities of Libby and Eureka and northwest Montana a needed financial boost.

The original projections of the recreation opportunities this fine reservoir would provide have now begun to materialize but it appears current Corps of Engineers and Bonneville Power Administration officials are not as interested in fostering the recreation opportunities originally created by construction of the dam and promised to the area.

Of course after 1985 the dry years began. 1986, 1987, and 1988 produced lower than normal precipation. Power needs increased and huge amounts of water continued to be released to drive the turbines. By the end of 1987 it was clear there would be little chance

of the reservoir filling for summer fishing. The result was that the seven boat ramps and eight recreation areas were left high and dry.

People began to ask BPA and the Corps of Engineers for help. No help was to be had. Folks were told that power and flood control were the purposes of this dam. Recreation and fishery were not found to be important they were told.

Let me review the promises made by the corps in 1960:

First. Power preference for area users.

Second. Recreation and multiuse similar to Grand Coulee Dam; 25 boat ramp access locations and 23 recreational areas along the reservoir; over 1 million visitors projected by the year 2000.

Third. Indian tribal burial sites to be forever protected by the reservoir waters.

What happened to the promises?

First. The power preference was dropped during final negotiations for ratification of the treaty.

Second. A grand total of seven improved and seven unimproved ramps in various stages of disrepair and eight recreation areas of which three were usable.

Third. Tribal sites exposed to looters.

Fourth. Subtle changes in the operations regime with water elevation levels meeting projected rule curve limits less and less frequently over the last 5 years.

This amendment will clarify that the Army Corps of Engineers has the ultimate responsibility, including financial, for providing access to the water as a result of the low-water pool level. This includes extending the boat ramps to allow access for boating. In addition the corp has selected additional sites on the lake for recreational development. These areas will be developed by the corps and the U.S. Forest Service for general recreational use.

The second part of the amendment clarifies that the Corps of Engineers has the ultimate responsibility for protection and preservation of the Indian artifacts that are exposed by the operation of the Libby Dam. Receding water levels expose to illegal pot hunters many religious Indian artifacts and have increased the theft of these items and the desecration of an important religious area to the Salish and Kootenai people. On site preservation should be the first priority of the corps in implementing this part of the amendment.

I commend my colleagues on the Public Works Committee for this amendment because it will provide real benefits to the people of northwestern Montana and will reflect the interests of fish and wildlife, recreationists and the power system. This amendment will also encourage investment in long-term access projects in lieu of redesignating the project purposes.

Mr. CLINGER. Mr. Chairman, I rise in support of H.R. 5247. I do share the same reservations expressed a moment ago by the ranking Republican of the Public Works Committee, Mr. HAMMERSCHMIDT, but on balance I believe this legislation merits the support of all House Members for a couple of key reasons.

First, H.R. 5247 authorizes the reconstruction of two locks on the lower Ohio River. At present they are old and susceptible to mechanical failure, and we must keep them in good working order if we are to maintain a viable inland waterway system.

Let me add that half of the construction work, valued at a total cost of $775 million, will be funded through receipts of the fuel tax assessed on inland waterway users, and half will be paid for with general revenues. The White House supports this vital project.

Second, H.R. 5247 reestablishes the practice of reporting out water project authorization bills on a 2-year cycle. Many of you may remember that in 1986 the President enacted the first such bill after a 10-year hiatus. The backlog of worthwhile projects awaiting approval was tremendous, and if we are to ensure an orderly process and avoid extraordinarily expensive bills in the future, we must report them out on a regular basis.

Mr. Chairman, this bill does contain some provisions to which I take exception, but clearly its merits outweigh these considerations. I urge Members to support this legislation.

Mr. LATTA. Mr. Speaker, I yield back the balance of my time.

Mr. DERRICK. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. Bosco). Pursuant to House Resolution 535 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 5247.

□ 1431

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 5247) to provide for the conservation and development of water and related resources, to authorize the U.S. Army Corps of Engineers to construct various projects for improvements to rivers and harbors of the United States, and for other purposes, with Mr. HERTEL in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from California [Mr. ANDERSON] will be recognized for 30 minutes and the gentleman from Arkansas [Mr. HAMMERSCHMIDT] will be recognized for 30 minutes.

The Chair recognizes the gentleman from California [Mr. ANDERSON].

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

Mr. Chairman, I am pleased to bring to the floor the bill H.R. 5247, the Water Resources Development Act of 1988. This bill is the result of a bipartisan effort on the part of our committee, and I wish to extend my thanks and appreciation to the ranking Republican member of the full committee, the gentleman from Arkansas [Mr. HAMMERSCHMIDT] and the ranking Republican member of the Subcommittee on Water Resources, the gentleman from Minnesota [Mr. STANGELAND] for the excellent work and cooperation they have contributed to this effort. And I also wish to extend a special expression of appreciation to the chairman of the Subcommittee on Water Resources, the gentleman from New York [Mr. NOWAK] for the leadership he has shown in developing this legislation.

This is the first water resources development bill relating to the water resources program of the U.S. Army Corps of Engineers to be considered by the House since the passage of the landmark Water Resources Development Act of 1986. With this bill we plan to return to the cycle of an authorization bill each 2 years as was common in prior years. The 1986 act was the first since 1976. The years preceding its enactment were spent in long and difficult negotiations over the issues of cost sharing and proper Federal and non-Federal roles in water resources development. The culmination of these years of negotiations was the 1986 act, which contained new and revised cost-sharing policies for projects, an expanded role for State and local governments, and significant provisions designed to protect and enhance environmental values.

The 1986 act has permitted the corps' water resources program to move ahead, providing flood control, inland navigation, ports, and related benefits such as hydroelectric power and water supply to the Nation.

H.R. 5247 continues the efforts now underway and extends the program to meet new and future needs. It authorizes the construction of water resources development projects by the Corps of Engineers for flood control, navigation, beach erosion control, and related purposes. It also contains deauthorizations of previously authorized projects, authorizations for studies of water resources problems and needs, modifications to previously authorized projects, and provisions relating generally to the water resources program of the Corps of Engineers.

Major provisions of the bill include:

Authorization of 16 water resources projects to be constructed by the corps at a total cost of $1,551,987,000, of which $620,029,000 will be paid by non-Federal interests;

Authorization of seven projects subject to a final report of the Chief of Engineers and approval by the Secretary of the Army at a total cost of $153,988,000, of which $53,846,000 will be paid by non-Federal interests;

Twenty modifications to previously authorized projects relating to matters

such as changes in project scope, necessary increases in cost ceilings, clarifications and technical changes in existing authorizations; and

Deauthorization of several previously authorized projects with an estimated total cost of $814 million.

A number of matters have been brought to our attention following the reporting of the bill. We have examined these carefully and have prepared a committee amendment which will be offered later.

There is one additional item I wish to mention at this point relating to section 30 of the reported bill which declares certain portions of the Delaware River in Philadelphia County, PA, to be nonnavigable waters of the United States. Some explanatory language important to this provision was inadvertently omitted from the committee report accompanying the bill. This language states that section 30 declares certain portions of the Delaware River in Philadelphia County, PA, to be nonnavigable waters of the United States for the purpose of removing the navigational servitude. Under the doctrine of navigational servitude, removal or alteration of projects at these sites may be ordered by the Federal Government without compensation to the owners. It is the intent of the section that the Federal Government could not order the removal or alteration of projects at these sites without compensation to the owners. This provision also retains permitting and regulatory authorities of the Federal Government but would require compensation for the owners if there were an order by the Federal Government to alter or remove the projects. This provision is necessary to remove the cloud on title caused by the navigational servitude so that the projects can proceed.

Mr. Chairman, H.R. 5247 responds to serious water resources needs in many parts of the Nation and continues the program improvements in the 1986 act. I strongly urge passage of the bill.

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

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

Mr. Chairman, I rise in somewhat reluctant support of H.R. 5247, the Water Resources Development Act of 1988. I say somewhat reluctant because, although I strongly support our efforts to enact a modest Corps of Engineers authorization bill, I feel the current vehicle could have been more modest.

Although, I have some reservations about the bill, I must express my appreciation to the leadership of the House Public Works and Transportation Committee for their efforts at fashioning a responsible bill. Chairman ANDERSON as well as the chairman and ranking Republican on our Subcommittee on Water Resources, Mr. NOWAK and Mr. STANGELAND, are to be commended for their hard work and continuing support for a bipartisan bill.

H.R. 5247 authorizes numerous Corps of Engineers projects for flood control, navigation, shoreline protection, fish and wildlife mitigation, recreation and related purposes. The bill also provides important technical corrections and clarifications to the Water Resources Development Act of 1986, modifies several previously authorized projects, and includes various deauthorizations and renamings.

In all, the bill would authorize 16 new water resources development projects, all of which have been fully studied by the Army Corps with favorable reports from the Chief of Engineers. An additional seven projects would be authorized if and when they receive a favorable report from the Chief of Engineers and the approval of the Secretary of the Army. The bill also contains 20 project modifications, three project deauthorizations plus numerous miscellaneous provisions.

This legislation is important, not so much for what it contains, but for what it promises for the future of the corps' water resources program. Over the last 150 years, the Civil Works Program of the corps has helped develop, operate, and maintain a remarkable system of inland and coastal navigation that has been indispensable in the growth of our economy. Corps water projects also protect lives and property from the ravages of flood water. In addition, corps projects provide important hydroelectric energy; municipal, industrial, and agricultural water supplies; recreational opportunities; and protection and enhancement of fish and wildlife resources.

H.R. 5247 signals an important attempt to get the corps' water project authorization process back on a regular, 2-year schedule. This 2-year process is essential for maintaining the orderly development of projects by the corps and the careful oversight of the program by the Congress. In many ways, it also reaffirms the reforms enacted in 1986 involving cost sharing, price increases, and the project study and authorization process. As a measure of the bill's balance, it has received praise overall from environmental and development interests. For these reasons, I am willing to support the legislation even though I share many of the concerns about its current size and scope which have been expressed by the administration.

Mr. Chairman, H.R. 5247 is not a perfect bill but it is a good start. It presents the basis for a comprehensive authorization package that, with some refinement in conference, can be approved by the administration. In some respects, the bill goes farther than some of us felt was needed in authorizing new work. In addition, I am concerned about the overall wisdom of abdicating to the administration the responsibility for renewal and authorization of projects which have not yet been fully studied. Nonetheless, I support the overall package because I view a return to the biennial authorization process as imperative. Accordingly, I intend to continue to work to develop a comprehensive, yet responsible bill—one that can enjoy broad support in Congress and in the executive branch.

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

Mr. ANDERSON. Mr. Chairman, I yield 4 minutes to the gentleman from New York [Mr. NOWAK].

Mr. NOWAK. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I join the chairman of our Committee on Public Works and Transportation in bringing to the floor the bill H.R. 5247, the Water Resources Development Act of 1988. I commend him for the leadership he has shown in the development of this legislation. I wish also to express my appreciation for the bipartisan participation and cooperation of the ranking Republican member of the full committee, the gentleman from Arkansas [Mr. HAMMERSCHMIDT] and the ranking Republican of the Subcommittee on Water Resources, the gentleman from Minnesota [Mr. STANGELAND]. This bill represents a return by our committee to a regular authorization schedule for the water resources program of the Department of the Army. In years past, it was common to have an authorization bill every 2 years. This process was disrupted, however, for a decade preceding the landmark Water Resources Development Act of 1986. During this period, long and difficult negotiations with administration and the Senate took place over the issues of cost sharing, and the proper Federal and non-Federal roles in water resources development. The culmination of that 10-year period, during which there was no authorization bill, was the 1986 act which contained new and revised cost sharing policies, an enlarged role for State and local goverments in water resources planning and implementation, and numerous provisions designed to protect and enhance environmental values.

With the enactment of the 1986 act, the Water Resources Program of the Corps of Engineers was able once again to move forward, and a number of new projects for flood control, inland navigation, port development, and related purposes such as recreation, hydroelectric power and water supply have been started. Additional new starts have not been possible recently because of budgetary con-

straints, but the program is on the right track again, and serious water resources needs are being addressed in a cooperative effort, involving the Federal, State, and local governments.

The Congressional Budget Office estimates that H.R. 5247 will result in outlays of $222 million through fiscal year 1993, and approximately $1.7 billion over the fiscal years 1994 to 2004. It notes that the Water Resources Development Act of 1986 set obligation ceilings for Corps of Engineers' construction activities of $1.6 billion in 1989, $1.7 billion for 1990, and $1.8 billion for 1991. The report of the Congressional Budget Office goes on to say:

> Information from the corps indicates that for these years, obligations for currently authorized projects are likely to meet these targets, leaving little money for funding the new projects authorized in this bill. It is possible that spending for these new projects would displace spending on some already authorized projects. In either case, total spending for corps construction activities will remain constrained by the obligation ceilings, consequently, enactment of this bill would likely result in little additional spending from 1989 through 1991.

The task of determining priorities for construction of projects is of course one for the Appropriations Committee. But, the overall budgetary impact of the bill will be constrained not only by the obligation ceilings imposed in 1986, but also by the budget process itself. It is important to remember that the provisions of the bill only authorize appropriations—they will not have the effect of increasing appropriations beyond any applicable ceilings.

The floor amendment which will be offered by the chairman does not add appreciably to the cost of the bill and, in any event, will be subject to the same spending limitations.

Finally, I wish to point out that adjustments in the House bill will undoubtedly have to be made in conference—this is a necessary part of the legislative process. It is important, however, that those adjustments be saved for conference, and that we carry the full House position into conference. We will then do our utmost to secure a bill that can be agreed to by the conferees and become law.

Mr. Chairman, H.R. 5247 will continue our efforts to address the water resources needs of the Nation in a cost-effective and responsive manner, and I urge its passage.

□ 1445

Mr. HAMMERSCHMIDT. Mr. Chairman, I yield such time as he may consume to the distinguished gentleman from Minnesota [Mr. STANGELAND], the ranking member of the Subcommittee on Water Resources.

Mr. STANGELAND. Mr. Chairman, I rise in support of H.R. 5247, the Water Resources Development Act of 1988. This omnibus water resources bill provides needed projects for flood control, navigation, beach erosion, fish and wildlife protection, and other purposes. It will also help get us back on track with a regular, 2-year authorization process.

The Public Works Committee reported H.R. 5247 on September 12, 1988. We could not have done this without the leadership and bipartisan cooperation of Chairman GLENN ANDERSON, ranking minority member, JOHN PAUL HAMMERSCHMIDT, and subcommittee chairman, HENRY NOWAK. The resulting legislation is very important to the Corps of Engineers' water resources program. Therefore, it is important to get the bill to conference as soon as possible in the remaining days of the 100th Congress.

H.R. 5247 authorizes corps' projects for flood control, navigation, beach erosion, environmental protection, recreation and related purposes. It also reaffirms reforms enacted in 1986 involving cost-sharing, price increases, and project study and authorization procedures.

The most important point is that it signals a return to the 2-year project authorization process. Up until the last decade or so, Congress enacted corps' bills on a regular cycle. A return to this process would benefit everyone.

Mr. Chairman, allow me to highlight some of the bill's provisions. Section 3 authorizes new locks and a dam near Olmstead, IL, along the lower Ohio River. The project area is in a strategic location of the Nation's inland waterway network, linking the Mississippi River system with the Ohio River system. These twin locks will provide for dependable and efficient navigation by the country's fleet of barges. The inland waterways users board, the corps, and countless others support the revitalization of this important link in the Nation's chain of navigable highways.

H.R. 5247 also contains important provisions to address commercial, recreational and environmental concerns in the great lakes and upper Mississippi regions. I am pleased to have supported provisions, now in the bill, which will authorize improvements to the great lakes connecting channels and harbors and ensure the containment of dredged material. Section 13, which improves the Environmental Management Program for fish and wildlife enhancement in the upper Mississippi River region, also adds to the bill.

Section 18, regarding the corps' reservoirs in the upper Mississippi's headwaters region, responds to recent criticisms of proposed drawdowns during this year's drought. Concern about a drawdown's impact on the environment and local economy prompted me to introduce legislation (H.R. 5152) to prevent imprudent actions. Section 18, proposed by the gentleman from Minnesota [Mr. OBERSTAR], responds to the same concern.

Section 35 authorizes the technical resources service for the Red River of the north basin in Minnesota and North Dakota. This new authority will supplement the ongoing section 22 and section 206 efforts in the basin. Because of its unique physical features and jurisdictional boundaries, the basin needs increased flood protection and coordination among land and water officials. The intent of this section is to have the corps and the two States work closely with the International Coalition for Land/Water Stewardship in the Red River Basin.

Another section in the bill modifies the existing flood control project at Roseau River, MN, to allow the corps to go forward with a smaller and more economical component of the overall project. The corps is authorized to construct a levee in the vicinity of Duxby, MN, under their section 205 authority. This will allow an important flood control project to proceed.

Mr. Chairman, I think it's important for every Member to know that the administration has severe, and I think justified, reservations about various aspects of this legislation. Therefore, we will need to make a number of adjustments to the bill in conference. Our goal in these final days of the 100th Congress is to produce legislation that the President can sign and that can return Congress to the traditional 2-year authorization process. This can happen only if we make some difficult decisions in conference in order to make H.R. 5247 more modest in its size and scope.

Thus, it bears repeating that the more amendments we adopt, the more difficult it will be to return to the 2-year cycle. Quite frankly, we may lose this bill if it grows larger in size or scope.

Nonetheless, Mr. Chairman, in its current form, H.R. 5247 can get us into conference with the other body and back on track with the regular authorization process.

I urge each Member to support the bill. If given the chance, we can work to improve the legislation in conference. In working with the other body, I will do my best to produce a bill that the President can sign and that can return us to the regular authorization process.

Mr. ANDERSON. Mr. Chairman, I yield 4 minutes to the gentleman from Florida [Mr. HUTTO].

Mr. HUTTO. Mr. Chairman, I thank the gentleman for yielding and I rise in support of the en bloc amendment offered by the distinguished gentleman from California [Mr. ANDERSON], chairman of the Committee on Public Works and Transportation.

As you know, there are a number of important legislative issues in the amendment offered by Mr. ANDERSON, including H.R. 4558, the Bridge Administration Transfer Act. H.R. 4558 was originally introduced on May 10, 1988, at the request of the administration and enjoys bipartisan support. Joining the gentleman from North Carolina [Mr. JONES], chairman of the Merchant Marine and Fisheries Committee, and the gentleman from Michigan [Mr. DAVIS], and myself as original cosponsors are the chairman and ranking members of both the full Committee on Public Works and Transportation and the Subcommittee on Water Resources.

The purpose of H.R. 4558 is to transfer the Bridge Administration Program from the Coast Guard back to the U.S. Army Corps of Engineers. Prior to 1967, the Corps of Engineers was responsible for managing the bridge program and had the responsibility of assuring freedom of navigation on the Nation's waterways. When the Department of Transportation was established in 1967, all transportation-related functions of the Government were to be located within that Department. Hence the Coast Guard, which was transferred from the Treasury Department to the new Transportation Department, was given responsibility for the administration of bridges and causeways.

For the past 20 years the Coast Guard has carried out its assigned duties of regulating and enforcing the Bridge Administration Program. However, recent environmental legislation has injected a much broader range of issues into the bridge permitting process and has created an overlap of responsibility between the Coast Guard and the Corps of Engineers. This duplication has decreased the efficiency of the bridge permitting process. It is not cost effective, it is confusing to the public, and it leads to problems over which agency is responsible for developing environmental impact statements.

The Bridge Transfer Act is designed to eliminate the existing problems and place all waterway construction-related projects in a single agency. It should also increase efficiency and improve Government responsiveness to the public—a laudable goal in itself.

Mr. Chairman, I strongly endorse this amendment and urge my colleagues to join me in supporting the package put forth by the gentleman from California [Mr. ANDERSON].

Mr. HAMMERSCHMIDT. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. LAGOMARSINO].

Mr. LAGOMARSINO. Mr. Chairman, I rise in support of H.R. 5247, and to commend the chairman, the gentleman from California, as well as the gentleman for Arkansas [Mr. HAMMERSCHMIDT], the gentleman from New York [Mr. NOWAK] and the gentleman from Minnesota [Mr. STANGELAND], along with the staff of the committee, for their work in putting together a sound, workable water resources bill.

As you know, our Nation's infrastructure or harbors, waterways and flood control projects provides a foundation for economic growth, jobs and public safety, and needs continuing attention to remain in safe working condition. That's the essence of this bill, and I urge my colleagues to sustain that infrastructure by voting "aye."

In particular, I want to express my appreciation, on behalf of the residents of Venture, CA, for two items in the bill. The bill authorizes a needed navigation project at the Ventura harbor, to alleviate hazardous navigation conditions which occur during the winter months. The bill also authorizes the Corps of Engineers to repair groin No. 1 just upcoast from the harbor, in order to prevent further erosion of the beach, which threatens homes and public facilities and even the integrity of the harbor itself. Both of these projects require local cost sharing. There has been a large investment of public funds in this area, which these two projects would help to maintain in good order.

Mr. Chairman, I urge an "aye" vote on the bill.

Mr. ANDERSON. Mr. Chairman, I yield 4 minutes to the gentleman from West Virginia [Mr. RAHALL].

Mr. RAHALL. Mr. Chairman, the Water Resources Development Act of 1988 is the first water resources legislation to be reported by the Public Works and Transportation Committee since the enactment of the landmark 1986 water projects bill. This legislation broke the decade long debate on various policy matters relating to water resources development, primarily by resolving the issue of cost sharing. I highly commend our full committee chairman, Mr. ANDERSON and the ranking minority member, Mr. HAMMERSCHMIDT, and the subcommittee chairman, Mr. NOWAK, the ranking majority member, Mr. STANGELAND, for their superb efforts on this extremely important piece of legislation to our Nation.

Among the various provisions of H.R. 5247 are several which I authored. So as to facilitate their implementation, I would like to provide some background and explanatory comments.

Section 34(d) of H.R. 5247 as reported by the subcommittee contains a provision that directs the U.S. Army Corps of Engineers in cooperation with the National Park Service to conduct a study and prepare a report on modifying the operation of the Bluestone Lake project in order to facilitate the protection and enhancement of biological resources and recreational use of the waters downstream from the project.

This study requirement is in direct response to the failure of the Corps of Engineers to meet the letter and intent of section 1110 of title XI of the National Parks and Recreation Act of 1978, Public Law 95-625, the law which established the New River Gorge National River downstream of the Bluestone project.

Adopted almost 10 years ago in an attempt to address problems with the operation of the Bluestone Dam, the provision clearly directs the corps to cooperate with the National Park Service in matters pertaining to the water requirements of the national river. In part section 1110 stated:

> The Secretary of the Army shall provide for releases of water from the Bluestone Lake project consistent with that project's purposes and activities in sufficient quantity and in such manner to facilitate protection of biological resources and recreational use of the national river.

One of the problems this section sought to address was discussed in a recent report by the National Parks and Conservation Association [NPCA], entitled, "New River Gorge National River: Water Through the National Park Service's Fingers." This report stated:

> Water levels in the National River fluctuate widely and unpredictably, creating serious problems for downstream recreationists. At water flows below 3,000 c.f.s., undercut rocks are exposed and navigation becomes difficult. Above 15,000 c.f.s., high water volumes make rafting dangerous. Inconsistent flows cause obvious problems: low flows cause crowding on the river, take income away from outfitters, and provide less dilution/flushing action on water-born contaminants; spasmodic high-volume water releases are dangerous, deadly, and wash out some 15-20 business days each summer. The impacts to the National River's biological resources are simply unknown.

Over the last decade, the Corps has rebuffed every attempt by the National Park Service to cooperatively seek to implement section 1110 of Public Law 95-625, and resisted every suggestion that flow improvements could be achieved by making minor operational adjustments. Instead, the corps insisted on proceeding with a study aimed at justifying making major construction modifications at the project so as to support the installation on hydropower generating capacity at the Bluestone Dam.

As the NPCA report noted:

> [A]s early as December, 1981, representatives from the NPS and the corps' Huntington District Office had indentified a 24 hour (store 12 hours, release 12 hours) alternative that would improve target flows available for recreational use (3000-17,000 c.f.s.) by 14% over existing conditions. Implementation of this plan on a trail basis would have required the addition of several night shifts at Bluestone Dam, primarily to provide adequate water flows Saturday through Monday. This was all the NPS and the out-

fitters intitally asked for. Yet not a single indicator suggests that the corps or the NPS attempted to make any provision to secure these resources, which would amount to a trifling sum in the corps' billion dollar budget.

Recently, the corps suspended its Bluestone project modification study and issued a report which, while outlining a number of alternatives, made no recommendation and deferred further investigations. In essence, the corps wasted a decade in a fruitless effort to convince the local populace of the benefits of hydroelectric power capacity at the project. The report did indicate, however, the corps intention to field test a minor operational adjustment at the project of the type that, ironically, is similar in nature to what the National Park Service proposed back in 1981. I would note this test would also be required under a provisions of the West Virginia rivers bill, H.R. 900, which is pending final congressional action.

While the deferral of investigations under the Bluestone modification study apparently closes the chapter on hydropower installation at the project, there has yet to be compliance with section 1110 of Public Law 95-625. This is the purpose of the study required by H.R 5247. Now that there is some willingness being shown to at least test minor operational adjustments, the same detailed examination the corps previously expended in trying to build a case for hydropower and major construction at the project should now be given to the various types of operational adjustments that could be implemented, either with or without minor project modifications.

I have taken some time to explain this situation because it is a matter of extreme importance, not only to the biological integrity and recreational development of the New River Gorge National River, but to the region's economy as well. In this regard, I want to stress that the use of the word "cooperation" in the provisions of H.R. 5347 should not be taken lightly. This time around, it is fully intended for the corps to cooperate with the National Park Service in conducting the study. Further, by requiring the corps to publish a notice of the proposed study in the Federal Register, it is intended that the public be given the opportunity to fully participate in its formulation.

Another provision involving the Bluestone project can be found in section 7 of the bill as reported by the committee. I am also the sponsor of this section, which seeks to provide a recreation authorization for eight specified water resources projects.

These projects include Bluestone Lake, Beechfork Lake, East Lynn Lake, Jennings Randolph Lake and the R.D. Bailey Lake in West Virginia along with the Francis E. Walter Dam and the Youghiogheny River Lake in Pennsylvania and the Savage River Dam in Maryland.

The recreation authorization includes downstream whitewater recreation, recreational fishing, and boating on water at the project. However, the legislation also specifically authorizes recreation on project lands as well. In this regard, I would note that the project land recreation authorization is intended to gain greater corps cooperation in the planning of recreational projects such as campground, lodging facilities and related infrastructure requirements.

In recent years a number of instances have arisen where older corps projects have come to serve important new public purposes. These new uses were not always envisioned when the project was initially authorized. However, some of these uses, such as whitewater recreation, have evolved into very significant local, and even national, benefits and are not incompatible with project purposes such as flood control and low flow augmentation. Nonetheless, since they are not clearly mentioned as "project purposes" in the original authorizing legislation, they are dependent on sensitive management of the project by the corps.

This type of management is not always forthcoming due to the lack of specific recreational authorization. For example, since downstream recreation has not been a specific project purpose of the Bluestone Dam, the corps has indicated it is not in noncompliance with section 1110 of Public Law 95-625 since the language of that law provides for releases "consistent with that project's purposes."

In addition, these recently accrued benefits are jeopardized when developers seeks to install new hydropower facilities at these older corps dams. In these situations, there can be significant disruption of whitewater flows during construction and thereafter with little protection afforded to recreational interests since recreation has not been a specific purpose of these projects.

The intention of the provision in H.R. 5247 is to direct the corps to protect and preserve the project operations at the eight specified projects on which recreation activities have come to depend. It is also the intent of the provision that the corps fully involve dependent recreation interests in all plans for project modifications, or for changing project operations, which could affect their interests.

Finally, I do want to note that in the 1986 Water Resources Development Act, a downstream whitewater recreation authorization was provided for the Summersville Dam in West Virginia. With a similar authorization for the Bluestone Dam being provided in this bill as reported, and the addition of the Sutton Dam to this legislation as part of the committee's package of floor amendments, all three dams in the Kanawha Basin would have a recreation authorization.

Mr. HAMMERSCHMIDT. Mr. Chairman, I yield such time as he may consume to the gentleman from Pennsylvania, [Mr. CLINGER].

Mr. HAMMERSCHMIDT. Mr. Chairman, I yield 3 minutes to the gentleman from California [Mr. SHUMWAY].

Mr. SHUMWAY. Mr. Chairman, I rise in support of H.R. 5247, the Water Resources Development Act of 1988. I'd first like to commend the leadership and members of the Public Works Committee for their efforts in bringing this bill to the floor, and thereby reestablishing the previous practice of the Congress to pass needed water project authorization legislation every 2 years.

It's certainly in the Nation's best interest to keep our water resource development needs up to date, and I believe routine consideration of these bills discourages authorization of projects that are not economically viable or have not been fully studied.

The job of assembling an omnibus water development bill is a difficult one and I believe, on balance, the Public Works Committee has done a pretty responsible job. The 16 projects authorized in the bill have favorable chief of engineers' reports. And while there are seven projects conditionally authorized without the chief's reports, the bill gives the Secretary of the Army the flexibility to finalize such reports before actual authorization occurs—in fact, the Secretary of the Army has the final say on these seven projects.

I am particularly pleased with the committee's action with regard to section 16 of the bill. This section gives the Sacramento area a temporary window of relief from FEMA restrictions and increased flood insurance premiums.

Congressmen FAZIO and MATSUI who represent this area of California—which is adjacent to my congressional district—have worked hard to come to grips with this serious flood problem along the American River. And while I do not agree with my two colleagues from California on the best long-term solution to Sacramento's flood problem, I do fully recognize the area's dire need for additional flood protection. And I therefore support the provision in section 16 of the bill and the Fazio amendment to that section.

I must add, however, that I strongly believe Sacramento's flood problem must not be separated from the other equally as serious needs within the American River basin—most particularly the need for water.

Just 2 years after the Sacramento flood of 1986 illustrated the need for more flood protection, California, like many parts of the Nation, experienced a severe drought. The American River basin was hit particularly hard. This dramatic contrast between flood and drought illustrates graphically the need for a multipurpose project—not just a flood control project—on the American River. Such a multipurpose project would provide both flood protection and an additional water supply. It is precisely for these two overidding reasons that the Auburn Dam was authorized by Congress in 1965.

To ensure that this multipurpose Auburn Dam is completed, and in a manner that is consistent with non-Federal cost sharing requirements, the American River Authority, a local entity comprised of El Dorado County and Placer County officials, has proposed to contribute $700 million in funds raised from revenue bonds to pay for the water and power portions of the project. Mr. Chairman, this is an unprecedented offer and one which I am hopeful will help bring the needed Auburn Dam to a reality.

I would just like to note that the committee is well aware of the A.R.A.'s recent proposal and stated on page 33 of their committee report that they "recognize that on-going local efforts to develop non-Federal funding for the traditional multipurpose project have been resumed in recent months. The committee's action in this bill will allow that effort to continue moving forward."

I would like to thank the committee for their efforts in this regard, particularly Chairman ANDERSON and NOWAK and the ranking minority members Mr. HAMMERSCHMIDT and Mr. STANGELAND. And I urge that the House pass this legislation.

Mr. ANDERSON. Mr. Chairman, I yield 3 minutes to the gentleman from California [Mr. FAZIO].

□ 1500

Mr. FAZIO. Mr. Chairman, I rise in support of H.R. 5247, the Water Resources Development Act of 1988. I commend the chairman of the committee, my colleague from California, GLENN ANDERSON, and Chairman NOWAK of the Water Resources Subcommittee, and their ranking colleagues Mr. HAMMERSCHMIDT and Mr. STANGELAND for bringing this legislation to the floor quickly and cleanly. This bill could and should be signed by the President without hesitation.

This bill is particularly significant in that it may mark the restoration of the biennial public works process that existed before the passage of the Water Resources Development Act of 1986. H.R. 6, as we all know, was the first water resources development bill in 10 years. Its impact has been broad and very beneficial, but as those of us on the Energy and Water Appropriations. Committee know it was a lot to swallow at once. I look forward to building and rebuilding this Nation's infrastructure in 2-year doses.

Mr. HAMMERSCHMIDT. Mr. Chairman, I yield such time as he may consume to the gentleman from Illinois.

Among a number of other important programs included in this legislation is a provision which will allow the Sacramento area to continue its pursuit of high-level, comprehensive flood protection without restrictions the Federal Emergency Management Agency may impose upon the community as early as next spring.

I know some have expressed concern about the provision currently in the bill which would deem that Sacramento has made adequate progress toward constructing high-level flood protection. While Sacramento does have extensive flood control from existing dams, levees, and channels, a comprehensive flood control project which provides a high level of protection still needs to be authorized. Representative BOB MATSUI and I hope to get that flood control project approved as soon as a feasibility study on flood control measures is completed in 1990.

I will offer an amendment today which would substitute the provision currently in the bill for language simply stating that Sacramento's existing 100-year flood plain maps will be used to determine flood insurance rates for, basically, the next 4 years. This will allow the ongoing feasibility study to be completed, and provide a 2-year window to obtain authorization for a flood control project.

My substitute amendment also includes findings that the city and county of Sacramento will voluntarily limit new development in the flood-prone areas of the community to that which has already been approved in the general plans of both entities. This should ensure that a temporary exemption from FEMA regulations will not precipitate rapid development in the area's 100-year flood plain.

This bill also includes a provision which would allow the new city of West Sacramento, CA, to charge tolls at the William G. Stone Lock between the Sacramento deepwater ship channel and the Sacramento River. The provision will give jurisdiction over the lock to West Sacramento, which was incorporated into Yolo County, CA, less than 2 years ago.

I urge my colleagues to support the bill.

Mr. HAMMERSCHMIDT. Mr. Chairman, I yield such time as he may consume to the gentleman from Illinois [Mr. HASTERT], a member of the committee.

Mr. HASTERT. I thank the gentleman for yielding.

Mr. Chairman, I rise in support of the bill.

Mr. Chairman, the Army Corps of Engineers, under section 404 of the Clean Water Act, has jurisdiction over the approval and consideration of permits in wetland areas, which include recharge areas. This responsibility extends to situations where water supply and quality might be impacted.

A problem which is fairly unique to my district is the problem of naturally occurring radium in the drinking water. It is a pervasive problem which I have sought to remedy through numerous means. While the technology for cleanup exists for compliance with EPA's stringent standards, it is extermely costly. For many, the last resort is to dig wells to blend water in order to lower the levels of radium.

I am concerned that these shallow aquifers—the critical water that is needed for blending purposes—remain pristine.

The Newark Valley Aquifer, which is named in this legislation, runs through six counties in Illinois. It is the primary source of drinking water for these counties. A proposal has been made to site a balefill in this recharge area, under which lies the Newark Aquifer.

The immersion of this balefill into the Newark Aquifer is troubling for a number of reasons, one of them being the fact that this particular aquifer runs through a glacial drift that is rapidly moving. The Illinois Geological Survey has warned of the potential for contamination of the shallow ground-water supplies. The presence of sand and gravel units provide pathways for leachate to poison the water supply.

It is imperative that the Army Corps of Engineers conduct this study. If there is any chance we might pollute this aquifer, we need to find out now, before the landfill is built. The people of this region must have confidence that their water supply, which is so crucial to meeting EPA standards, remain pristine.

Mr. HAMMERSCHMIDT. Mr. Chairman, I yield 3 minutes to the gentleman from Ohio [Mr. WYLIE].

Mr. WYLIE. I thank the gentleman for yielding.

Mr. Chairman, I want to thank the gentleman from California, Mr. ANDERSON, the gentleman from Arkansas, Mr. HAMMERSCHMIDT, Mr. ROE, Mr. NOWAK, Mr. STANGELAND for their willing helpfulness on the West Columbus flood wall project which is included in this bill.

I talked to Col. Tom Farewell this morning, the new head of the Huntington District and he reaffirmed this project as one of the highest priority and one of the best benefit-to-cost ratio projects on the list.

Mr. Chairman, the bill authorizes approximately $24 million in urgently needed funds of the approximately $31 million needed to construct the flood control wall in West Columbus, OH. West Columbus is a highly developed area particularly prone to recurring flooding by the Scioto River. Significant historical flooding occurred in 1913, 1937, and 1959. The 1913 flood,

the largest ever recorded for the area, resulted in the loss of 93 lives.

Over 4,000 residents live in the flood plain and nearly 500 commercial and industrial establishments are located there. Should there be a recurrence of the 1913 flood, there would be an estimated $288 million in damages. The annual damage right now is about $10.3 million. This flood control project not only would prevent further loss of life and property in the flood plain, but also would allow for significant economic development in the area.

I would like to mention that there is another reason that this project should be approved and construction begun as soon as possible. In 1992 we will celebrate the quincenntennial of the discovery of America by Christopher Columbus. Columbus, OH is the largest city in the world bearing the name of America's discoverer and has been designated the lead city in this national commemoration. The sooner the project gets underway the better because the city will face monumental problems if construction is not completed prior to the beginning of this important event.

Mr. Chairman, this is a meritorious and necessary project with a benefit cost ratio of 3.4 to 1 for which Congress already has appropriated $200,000 in preconstruction engineering and design funds earlier this summer.

Mr. Chairman, I support the Water Resources Development Act of 1988 wholeheartedly.

Mr. ANDERSON. Mr. Chairman, I yield 1 minute to the gentleman from New Jersey [Mr. TORRICELLI].

Mr. TORRICELLI. Mr. Chairman, I rise in strong support of the Water Resources Development Act. This bill provides a number of important answers to critical problems in my State of New Jersey from flood control to beach erosion to studies of water resources problems.

These are vital for the environmental health and the economic growth of my State, but most important among them is a special provision that will ease the regulatory process so the resource recovery plant can be built in the Meadowlands in the State of New Jersey, ease a 300-percent increase in garbage rates by allowing this plant to proceed, ease the environmental degradation of the continued dumping and piling of garbage in our Meadows.

This is just one benefit of this bill. But it is important.

I thank the chairman, I thank the gentleman from Minnesota [Mr. STANGELAND] and the members of the committee for their cooperation. You will make a real difference in the environmental health of my district and in easing this tremendous financial burden from the garbage crisis in New Jersey.

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

Mr. ANDERSON. Mr. Chairman, I yield such time as he may consume to the gentleman from Illinois [Mr. GRAY].

Mr. GRAY of Illinois. Mr. Chairman, I rise in strong support of the Water Resources Development Act of 1988.

I first want to compliment my friend and very able chairman of the full committee, Mr. ANDERSON of California my neighbor, Congressman HAMMERSCHMIDT of Arkansas, the ranking minority member, the very able subcommittee chairman, Mr. NOWAK of New York, and my friend Mr. STANGELAND of Minnesota for all their hard work in crafting this important all American bill.

Mr. Chairman, some people call water resources development as "pork barrel". Nothing could be further from the truth. I will give one project in this bill as an example. Replacement of locks and dam numbers 52 and 53 on the Ohio River at Olmsted, IL.

Mr. Chairman more barge traffic goes up and down the Ohio and Mississippi Rivers than passes through the Panama and Suez Canals combined. At the present time we are experiencing several hours of delays in passing through these antiquated locks and dams. Time means money. These unnecessary costs are passed on to the shippers who pass them on to the consumers. Over 80 million tons pass through locks and dams 52 and 53 on the Ohio River each year. This project has a return of over $2.20 for every dollar spent on construction. So it is in the public interest to make these improvements particularly in view of the fact that one-half of the entire cost is to be paid by the barge operators who pay a tax into the waterway users fund. So as taxpayers they are providing the public with a cheaper mode of transportation and paying for the improvements twice. That doesn't sound like pork barrel to me.

Mr. Chairman, this is a good deal for the taxpayers and I hope will be supported by the House unanimously today.

Mr. CLEMENT. Mr. Chairman, I rise in strong support of H.R. 5247, the Water Resources Development Act reported from the House Public Works and Transportation Committee.

In particular, I would like to thank Chairman GLENN ANDERSON, Water Resources Subcommittee Chairman HENRY NOWAK, and ranking Republicans JOHN PAUL HAMMERSCHMIDT and ARLAN STANGELAND for including in the package of committee amendments my amendment requiring the Secretary of the Army to study and report to the Congress on the need to modernize and upgrade the federally owned and operated hydroelectric power system.

As a former member of the Board of Directors of the Tennessee Valley Authority, I am especially cognizant of the need to protect our Nation's investment in the Federal Government's energy generating facilities, particularly its hydroelectric generating facilities.

The federally owned hydroelectric power system is composed of thousands of dams, reservoirs, powerplants, transmission lines and substations and necessary maintenance facilities operated by the power marketing administrations, the Tennessee Valley Authority, the Corps of Engineers, and the Bureau of Reclamation. For example, within the Southeastern Power Administration, which includes my home State of Tennessee, 22 Corps of Engineers projects across 10 Southeastern States have a generating capacity of 3,092 megawatts. These 22 projects represent a sizable investment, although a full estimate of the modernization costs are unavailable.

By contrast, the Alaska Power Administration operates two Federal hydroelectric projects with a replacement value in excess of $265 million. The Bonneville Power Administration markets hydroelectric power from 30 Corps of Engineers and Bureau of Reclamation facilities spread across a 300,000-square-mile service area. The Southwestern Power Administration markets power from 23 Corps of Engineer hydroelectric plants in a six-State area. And, lastly, the Western Area Power Administration markets power generated by 51 plants operated by the Bureau of Reclamation, the Corps of Engineers, and the International Boundary and Water Commission.

An assessment of the cost involved in upgrading and modernizing these facilities is critical as some of them near the end of their useful life. And, since the ratepaying consumers have presumably paid to maintain and improve these facilities, I think it valuable for them to know how well their investment has been protected and what capital costs lay ahead.

Mr. Chairman, the Federal Government's hydroelectric power system represents a sizable proportion of the power-generating capacity our Nation relies on in order to minimize our dependence on foreign sources of energy. We must assure that this system survives into the next century and, in order to do so, it is advisable that the Congress and the American people know the full extent of the capital improvements that must be undertaken.

Thanks again to my committee chairmen, GLENN ANDERSON and HENRY NOWAK.

Mr. FLORIO. Mr. Chairman, I rise in strong support of the Water Resources Development Act of 1988. This legislation authorizes a number of important water development projects.

I am particularly pleased that the bill includes a provision authorizing the deepening of the Delaware River at the Beckett Street terminal in Camden, NJ, from 37 to 40 feet. The provision is based on a bill I introduced earlier this year, H.R. 4301.

According to the Corps of Engineers, this project would have a positive benefit to cost ratio of 1.6 to 1. The project was recommended by the administration in its own water re-

sources authorization bill and has also been included in the authorizing bill passed by the other body.

This deepening project will be of great assistance to commerce on the Delaware River and to the port facilities in Camden. The current authorized depths are inadequate for efficient transit of deep draft vessels and require costly alternatives, such as light loading of vessels.

Accordingly, I urge support of this legislation.

Mr. ROTH. Mr. Chairman, I commend my colleagues on the Public Works and Transportation Committee for bringing this important legislation to the floor. I am particularly thankful for the efforts of the gentleman from California, the gentleman from Arkansas, the gentleman from New York and my good friend, the gentleman from Minnesota. They have worked hard on this legislation and have remained firm in their commitment to pass a water resources authorization bill in this Congress.

I am pleased that the legislation includes a deauthorization project in Wisconsin that will not only save taxpayer dollars, but give a small lakefront community the opportunity to embark on a harbor development project.

H.R. 5247 includes the language of a bill I introduced last year which would transfer the Federal authority over the outer basin feature of Algoma Harbor to the control of the city of Algoma, WI. Once the city of Algoma has gained control over outer basin area, they will then be able to undertake the planned harbor development project. The goal of the city is to provide a sheltered marina area for recreational boaters and fishermen. Completion of the sheltered marina will once again allow the harbor to serve in an active and useful capacity for the people of Algoma. The new marina will facilitate launching and docking as well as greatly contribute to controlling wave action and soil erosion.

In July, the Wisconsin Waterways Commission appropriated $300,000 to the Algoma community in order to begin construction of the harbor project this October. While the Algoma Harbor Commission can begin site preparatory work for the marina, they can not initiate any work on the outer basin until the Federal authority over the project has been transfered to local jurisdiction. Mr. Chairman, passage of H.R. 5247 is critical to this small community on the shores of Lake Michigan.

The harbor project offers the Algoma community an opportuntiy to expand its economy and attract greater tourism to the area. Revenues in excess of $2 million annually are estimated to be generated from the new marina recreation facilities. Additional jobs will be created and the local businesses will undoubtedly reap benefits from the increased number of tourists to the area.

Transferring control over the outer basin feature of the Algoma Harbor is favorably supported by the Army Corps of Engineers. The Algoma project does not involve any Federal moneys and in fact, would save Federal tax dollars in the long run. My provision in H.R. 5247 would simply return jurisdiction of a Federal harbor project to the local community.

Algoma is a picturesque and quiet harbor town. The new marina will complement this reputation while bringing tourists and revenue to the city of Algoma. By passing H.R. 5247, Congress can provide the incentive for a small Wisconsin community to meet its goals of greater economic vitality.

Mr. Chairman, I urge my colleagues to support this responsible legislation.

Mr. LEVINE of California. Mr. Chairman, I wish today to compliment the chairman of the Public Works Committee and my close friend, and distinguished colleague, GLENN ANDERSON for his tireless work on behalf of both Redondo Beach and Santa Monica. Without his strong support and detailed knowledge of these two cities, we would not have construction in the works for their two very important breakwaters today.

Indeed, the Redondo Beach breakwater provides a lifeline for the city. Without it Redondo Beach would be a different place today. The breakwater has allowed Redondo Beach to prosper and become a destination point for visitors from all over the country.

Likewise, the Santa Monica breakwater's reconstruction will provide vital protection for the city and navigation in the bay. Its reconstruction is badly needed.

I am very appreciative to all the members of the Public Works Committee whose commitment to these projects has been outstanding.

Mr. MATSUI. Mr. Chairman, I rise today to offer my full support to the amendment offered by my distinguished colleague, VIC FAZIO, to H.R. 5247, the Water Resources Development Act. This amendment will preserve for a limited time the Federal flood insurance standards now in effect in the Sacramento, CA, area.

In early 1986, the Sacramento area experienced a nearly disastrous flood. Since that time, a coalition in the community has pulled together to plan a flood control project that will offer a cost effective, high level of flood protection for the Sacramento area. I would like to salute my colleague for the leadership and work that he has done on this crucial issue for the Sacramento area.

During the time that the community has been working to implement a flood protection system, the Federal Emergency Management Agency has been in process of analyzing the adequacy of Sacramento's existing flood control system. Prior to the floods of 1986, this system was thought to be well above flood protection standards. However, Sacramento's extensive flood control system is on the verge of being redefined, largely because FEMA is increasing its estimate of the size and frequency of storms in the area.

This sudden redefinition of the adequacy of Sacramento's flood control system will effectively impose a building ban over major areas of Sacramento, an area which encompasses roughly 350,000 people and over $14 billion in existing property. The ban would last for an indefinite number of years, and would seriously erode the coalition that has come together to support a comprehensive flood control project.

Such a ban would lead those who can organize themselves, individuals, developers, and special districts, to build their own flood control facilities. But these facilities would likely be uncoordinated, only meet minimum standards, and could well prevent integration into a project that protects the entire region. Areas unable to protect themselves would be left vulnerable to floods, and FEMA would remain liable for damages in the case of flooding.

The provision under consideration today would simply leave existing flood plain definitions in place for a period of time sufficient to allow the Corps of Engineers to complete the feasibility study on the comprehensive flood control project, as well as time to allow congressional authorization of this project.

During this time, Sacramento area governments have pledged to refrain from approving dangerous development in flood prone areas. Local officials are as sensitive as any of us to the risks of development in areas subject to flooding, and are accutely aware of the need to minimize the risk to life and property.

The Sacramento community needs this temporary relief so that our efforts to provide a comprehensive, cost effective flood control project can continue to move forward. Members on both sides of the aisle of the Public Works and the Banking and Urban Affairs Committees have supported the need to offer this interim relief, and I appreciate their concern and attention to this situation. They understand that Sacramento's circumstances warrant temporary, well-defined assistance, and they understand that maintaining the status quo will mean that many more people and much more property will be protected in the long run.

Mr. Chairman, I strongly support the amendment offered by Mr. FAZIO today, and believe that it is in the best interests of the Sacramento area, as well as the Federal Government.

Mr. LEWIS of Florida. Mr. Chairman, I rise in support of H.R. 5247, the Water Resources Development Act of 1988, and to encourage the House of Representatives to swiftly pass this important measure. In particular, I am very pleased that the House Public Works and Transportation Committee has included in this legislation a section concerning the development of a simulation model of the south central Florida hydrologic ecosystem.

Simply stated, this section is my Lake Okeechobee management model initiative. We in Florida, and others around this Nation who are concerned with the future of this lake, applaud the inclusion of this effort of such vital importance to the health and well-being of Lake Okeechobee.

Throughout the 20th century, the management of Lake Okeechobee and the surrounding ecosystem can be characterized as fragmented, narrow in focus and directed toward achieving limited objectives. In short, the impact of the actions on the entire ecosystem was not considered.

I am not criticizing the importance of these past decisions because the decisionmakers did not have the benefits of extensive scientific research or computer-scientific management tools. Saving human lives is, and should always remain, the No. 1 priority. Nevertheless, today and tomorrow's management decisions cannot be made in a vacum—the entire ecosystem must be included in the factors to be considered.

There are those who say that Lake Okeechobee is facing imminent catastrophic disaster, and that action must be taken now to pro-

tect the Lake because we do not have time to wait for the development of a management system for the entire ecosystem. I answer that statement by saying that we must take correct action without delay.

But what is the correct action? Based on the past history, we cannot afford to manage by the often utilized trial and error system—the cost is too great in both time and money. We must increase our efforts to profit by past management mistakes, not repeat them.

Estimates placed the population of south Florida at over 4 million and increasing. Many depend, either directly or indirectly, on the exosystem for municipal drinking water. Others, utilize the water for the $1 billion agricultural industry, while recreational, environmental, and general land use are high priorities for others.

By the turn of the century, the population may increase by 50 percent. This will place even greater demands and stresses on the lake ecosystem. If we do not have a logical, scientific management system in use long before then, we may stumble into an ecological disaster and make enemies of evey interest group in south Florida.

Clearly, we must develop a decisionmaking process that will focus on long-term scientific consideration and include the interests of the citizens of south Florida. To accomplish this objective, I proposed the development of a water resources management model that would assess the impact and effectiveness of various management decisions on the entire ecosystem. The leadership of the Public Works Committee is to be commended for wisely including my proposal in the Water Resources Development Act (H.R. 5247).

Such a comprehensive management model has not yet been developed, but as the experts will explain, the knowledge and technology to do so are at hand.

This legislative initiative, included in H.R. 5247, calls for the collection and analysis of scientific data on the management of various aspects of the ecosystem including pollutants affecting aquatic plants, and surface and ground water. Scientific research is a cornerstone of this effort in order to develop new and innovative management technologies. The research is to include both in-house and outside research scientists at the Corps of Engineers.

The management model system that is developed must be demonstrated in Lake Okeechobee and be capable of being used in lakes throughout the United States. The legislation makes this point abundantly clear because the management model system is a national program and not just a regional effort.

In order to ensure that the program works both in Lake Okeechobee and in other ecosystems, coordination with State and local agencies is mandated. The model system will be completed within 3 years.

Mr. Chairman. as I have demonstrated, the simulation model of south central Florida hydrologic included in H.R. 5247 is essential for the proper management of Lake Okeechobee. I firmly believe that the promise this initiative holds cannot be overstated. Consequently, I urge H.R. 5247's swift adoption by the House. Thank you.

Mr. DAVIS of Michigan. Mr. Chairman, I rise in support of H.R. 5247, the Water Resources Development Act because I believe that it returns the Congress to a reasonable 2-year schedule of revisions to water resources project authorizations. This bill provides for necessary new projects, while at the same time minimizing unnecessary expenditures.

An important provision of this legislation authorizes improvements to connecting channels and harbors in Michigan, Minnesota, and Wisconsin. The project in Michigan authorizes dredging in the upper St. Mary's River. This needed deepening of navigation channels for our Great Lakes commercial shipping, as outlined in the Corps of Engineers' board on rivers and harbors report of May 24, 1988, will permit a maximum safe vessel draft of 26½ feet. The dredged material will be used to create an island in Isaac Walton Bay which will be managed as a nesting habitat for the piping plover—a federally recognized endangered species. In its report the corps states that this project, and the deepening of the Duluth Superior Harbor are environmentally and economically sound. I would like to commend the Lake Carriers Association, which has agreed to pay the local cost share for the upper St. Mary's River dredging of $1.1 million, for their role in getting this project approved.

In addition, section 6 of the bill as reported begins to address a serious problem regarding the destruction of established recreational use which may occur in the process of modifying and maintaining existing corps navigational structures. My understanding is that the committee amendment on this bill will include the full provisions of my bill, H.R. 4609, which should completely address this problem. I will expand my remarks on this legislation during consideration of that amendment.

I would like to take this opportunity to commend Chairman ANDERSON, Chairman NOWAK, and the ranking minority members Mr. HAMMERSCHMIDT and Mr. STANGELAND, for their consideration during the committee deliberations on the bill.

Mr. Chairman, I urge all my colleagues to support this legislation.

Mr. Chairman, I am delighted to add my support to H.R. 5247, a vital piece of legislation. It is another step in the progress made in our Nation's water resources policy through the leadership of my good friend, the gentleman from New York [Mr. NOWAK], chair of the Public Works and Transportation Committee's Subcommittee on Water Resources.

The passage of the Water Resources Development Act of 1986 was a great step forward, and included many improvements in our water policy, such as the cost-sharing and cost-ceiling requirements in water projects. The bill we are considering today makes further progress and refinements of these policies.

I applaud the effort to establish a regular pattern of congressional water resources authorization bills, which certainly serves our constituents much better than the recent lengthy gap, ended by the passage of the 1986 act, where no major authorization bills dealing with Army Corps of Engineers projects had been enacted for well over 10 years.

I am also happy to support this bill because of the provisions it contains relating to specific projects.

In 1982, and again in 1983, the Coyote Creek in Santa Clara County, CA, overtopped its banks, causing the evacuation of hundreds of people and millions of dollars in damage. Both Coyote and Berryessa Creeks continue to threaten the county with massive damage and potential loss of life in the event of future floods.

Provisions in H.R. 5247 will help take steps to assure that such destruction will not happen again. The bill authorizes a $42.2 million flood control project, subject to the approval of the Secretary of the Army, which will allow the project to progress as quickly as possible.

The Corps of Engineers and the Santa Clara Valley Water District have spent years of study and have determined that this proposal is the best solution to the severe flood threat associated with the Coyote and Berryessa Creeks.

I am concerned that further flooding will occur before the completion of this project, so I am glad that Mr. NOWAK understands these fears and promptly included this authorization in the Water Resources Development Act. I appreciate his attention and sensitivity to this important issue.

I hope that our counterparts in the Senate will also understand the necessity of this project and include it in their version of this legislation.

I commend Mr. NOWAK, and I urge my colleagues to support this bill.

Mr. JONES of North Carolina. Mr. Chairman, I rise in strong support of the Public Works Committee amendment to the Water Resources Development Act. Contained within the committee amendment is the language of H.R. 4558, the Bridge Administration Transfer Act. H.R. 4558 was introduced by the leadership of the Committee on Merchant Marine and Fisheries and the Committee on Public Works and Transportation. The bill, which was introduced at the request of the administration, would serve to transfer legal authority for bridge administration from the Secretary of Transportation to the Secretary of the Army, with some exceptions. First, the Coast Guard would retain authority to prescribe lights and other signals on bridges and causeways for the benefit of navigation as required under the inland navigational rules. Second, the St. Lawrence Seaway Development Corporation would maintain administration over bridges over the seaway. Third, the Federal Highway Administration and the Federal Railroad Administration would retain authority to approve international crossings across nonnavigable waters.

Transferring the administration of the bridge permitting authority back to the Corps of Engineers would place the administration of all construction related projects in the navigable waters of the United States in a single agency. This reunification should improve the overall efficiency of Government, reduce the duplication of effort in issuing permits, eliminate confusion over which agency should be the lead agency for required environmental impact statements, and improve the Govern-

ment's responsiveness to the public. For a more detailed explanation of the provisions contained within the bridge program transfer legislation, I would encourage Members to consult the report on H.R. 4558, namely, House Report 100-966. Finally, let me add that the bridge legislation does not authorize any appropriations.

H.R. 4558 has the strong bipartisan support of both committees of jurisdiction as well as the support of the Administration and I laud its inclusion in the Public Works Committee amendment to the Water Resources Act and urge its adoption.

Mr. GUNDERSON. Mr. Chairman, I take the time of the House today to discuss a provision of H.R. 5247, the Water Resources Development Act, which is of particular importance to the city of La Crosse, WI.

This provision was included as part of the omnibus committee amendment to H.R. 5247. It deals with the Mississippi-Black-La Crosse Rivers flood control project. The history of the project is worth reviewing.

Section 710 of the Water Resources Act of 1986—Public Law 99-662—provides for the automatic deauthorization of incomplete water resources studies for which no funds have been appropriated during the previous 5 full fiscal years. Section 710 further provides that 90 days after the Army Corps submits a list of such eligible projects to Congress the projects will be deauthorized.

On June 24, 1987, the House approved H.R. 2700, the Energy and Water appropriations bill for fiscal year 1988. That bill included funding for the Mississippi-Black-La Crosse Rivers project.

Nearly 3 months later, on September 17, 1987, the Army Corps of Engineers submitted to Congress a list of projects eligible for deauthorization under section 710. The La Crosse project was on that list.

Ninety days later when the section 710 deauthorization took effect, Congress still was wrangling over the continuing resolution, which contained $100,000 for the La Crosse project. The continuing resolution was signed into law on December 22, 1987, only 5 days after the automatic deauthorization occurred.

On March 16, 1988, the House Committee on Public Works and Transportation approved a committee survey resolution, which reauthorized the La Crosse project.

The impact of this unintended deauthorization was to put the La Crosse project in a different cost sharing scheme. The purpose of the committee amendment offered today is to place La Crosse in the position vis-a-vis cost sharing that it was in before the deauthorization.

A feasibility phase I study was completed on the La Crosse project in September 1973. However, a reevaluation study is required to evaluate the project based on changes made since 1973. This reevaluation study was to be funded 100 percent by the Federal Government. But because the project was deauthorized, the reevaluation study will now require a 50 percent non-Federal cost share—Section 215 of Public Law 99-662. The city estimates that this new cost-sharing formula could cost $200,000 to $500,000.

The committee amendment now included in the House-passed version of the Water Resources Development Act—H.R. 5247—seeks to remedy this inequity by restoring the La Crosse project to its status before the deauthorization. This is a matter of fairness which deserves our continued support as H.R. 5247 moves through the legislative process.

Mr. PURSELL. Mr. Chairman, I rise in support of H.R. 5247, the Water Resources Development Act and I want to commend Chairman ANDERSON and ranking Republican, JOHN HAMMERSCHMIDT, for their diligence and hard work in bringing this bill before the House.

I want to call to the attention of the House a provision, section 34(e), that I sponsored in cooperation with the gentlelady from Ohio, Congresswoman KAPTUR, that deals with a vital economic and national security transportation link—the St. Lawrence Seaway.

This provision, contained in the committee amendment, requires that the Corps of Engineers identify and examine alternative means of financing navigational improvements on the Great Lakes connecting channels and the St. Lawrence Seaway, including modernization of the Eisenhower and Snell Locks.

By requiring the corps to examine alternative means of financing, I want especially to see creativity and objectivity in the way they approach this directive. I want to see new methods that could be tried and developed on the Seaway and then applied in other similar situations. Equally important, I want to encourage the corps to involve outside, independent sources of advice and expertise in developing this initiative.

I call to your attention that the St. Lawrence Seaway is the only waterway which has been required to pay back construction costs and interest to the Government.

Interest paid to U.S. Treasury (Interest forgiven in 1971)	$37,000,000
Construction cost paid (Debt forgiven in 1983)	27,000,000
It is the only waterway with tolls:	
U.S. Toll Revenue (1959-1986) (Tolls rebated since 1987)	201,008,605
Total	265,008,605

Some 20 States depend on the seaway to move manufactured and agricultural products into foreign markets.

Finally, I want to thank the Public Works Committee and its staff for their support and assistance to me in perfecting this provision.

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

The CHAIRMAN. Pursuant to the rule, the committee amendment in the nature of a substitute now printed in the reported bill is considered as an original bill for the purpose of amendment and each section is considered as having been read.

The Clerk will designate section 1.

Mr. ANDERSON. Mr. Chairman, I ask unanimous consent that the committee amendment in the nature of a substitute be printed in the RECORD and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentlemen from California?

There was no objection.

The text of the committee amendment in the nature of a substitute is as follows:

H.R. 5247

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 "Water Resources Development Act of 1988".

SEC. 2. SECRETARY DEFINED.

For purposes of this Act, the term "Secretary" means the Secretary of the Army.

SEC. 3. PROJECT AUTHORIZATIONS.

(a) AUTHORIZATION OF CONSTRUCTION.—Except as otherwise provided in this subsection, the following projects for water resources development and conservation and other purposes are authorized to be carried out by the Secretary substantially in accordance with the plans and subject to the conditions recommended in the respective reports designated in this subsection:

(1) RILLITO RIVER, ARIZONA.—The project for flood control, Rillito River, Arizona: Report of the Chief of Engineers, dated January 22, 1988, at a total cost of $16,500,000, with an estimated first Federal cost of $12,325,000 and an estimated first non-Federal cost of $4,175,000.

(2) LOWER MISSION CREEK, SANTA BARBARA, CALIFORNIA.—The project for flood control, Lower Mission Creek, Santa Barbara, California: Report of the Chief of Engineers, dated March 25, 1988, at a total cost of $10,420,000, with an estimated first Federal cost of $5,909,000, and an estimated first non-Federal cost of $4,511,000.

(3) FT. PIERCE HARBOR, FLORIDA.—The project for navigation, Ft. Pierce Harbor, Florida: Report of the Chief of Engineers, dated December 14, 1987, at a total cost of $6,742,000, with an estimated first Federal cost of $4,319,000, and an estimated first non-Federal cost of $2,423,000.

(4) NASSAU COUNTY, FLORIDA.—The project for beach erosion control, Nassau County (Amelia Island), Florida: Report of the Chief of Engineers, dated May 19, 1986, at a total cost of $5,753,000, with an estimated first Federal cost of $4,619,000, and an estimated first non-Federal cost of $1,134,000.

(5) PORT SUTTON CHANNEL, FLORIDA.—The project for navigation, Port Sutton Channel, Florida: Report of the Chief of Engineers, dated March 28, 1988, at a total cost of $2,670,000, with an estimated first Federal cost of $1,155,000, and an estimated first non-Federal cost of $1,515,000.

(6) CHICAGOLAND UNDERFLOW PLAN, ILLINOIS.—The project for flood control, Chicagoland Underflow Plan, Illinois: Report of the Chief of Engineers, dated March 25, 1988, at a total cost of $419,000,000, with an estimated first Federal cost of $314,250,000, and an estimated first non-Federal cost of $104,750,000.

(7) LOWER OHIO RIVER, ILLINOIS AND KENTUCKY.—The project for navigation, Lower Ohio River, Locks and Dams 52 and 53, Illinois and Kentucky: Report of the Chief of Engineers, dated August 20, 1986, at a total cost of $775,000,000, with a first Federal cost of $775,000,000, and with the costs of construction of the project to be paid one half from amounts appropriated from the general fund of the Treasury and one half from amounts appropriated from the Inland Waterways Trust Fund.

(8) HAZARD, KENTUCKY.—The project for flood control, Hazard, Kentucky: Report of

the Chief of Engineers, dated October 30, 1986, at a total cost of $7,450,000, with an estimated first Federal cost of $5,590,000 and an estimated first non-Federal cost of $1,860,000.

(9) WOLF AND JORDAN RIVERS, MISSISSIPPI.—The project for navigation, Wolf and Jordan Rivers and Bayou Portage, Mississippi: Report of the Chief of Engineers, dated June 10, 1987, at a total cost of $2,290,000, with an estimated first Federal cost of $1,620,000 and an estimated first non-Federal cost of $670,000.

(10) TRUCKEE MEADOWS, NEVADA.—The project for flood control, Truckee Meadows, Nevada: Report of the Chief of Engineers, dated July 25, 1986, at a total cost of $78,400,000, with an estimated first Federal cost of $39,200,000 and an estimated first non-Federal cost of $39,200,000.

(11) WEST COLUMBUS, OHIO.—The project for flood control, Scioto River, West Columbus, Ohio: Report of the Chief of Engineers, dated February 9, 1988, at a total cost of $31,562,000, with an estimated first Federal cost of $23,671,000, and an estimated first non-Federal cost of $7,891,000.

(12) DELAWARE RIVER, PENNSYLVANIA AND DELAWARE.—The project for navigation, Delaware River, Philadelphia to Wilmington, Pennsylvania and Delaware: Report of the Chief of Engineers, dated June 15, 1986, at a total cost of $17,200,000, with an estimated first Federal cost of $9,100,000 and an estimated first non-Federal cost of $8,100,000.

(13) CYPRESS CREEK, TEXAS.—The project for flood control, Cypress Creek, Texas: Report of the Chief of Engineers, dated October 12, 1987, at a total project cost of $114,200,000, with an estimated first Federal cost of $84,900,000 and an estimated first non-Federal cost of $29,300,000.

(14) FALFURRIAS, TEXAS.—The project for flood control, Falfurrias, Texas: Report of the Chief of Engineers, dated March 15, 1988, at a total cost of $31,800,000, with an estimated first Federal cost of $15,900,000, and an estimated first non-Federal cost of $15,900,000.

(15) GUADALUPE RIVER, TEXAS.—The project for navigation, Guadalupe River to Victoria, Texas: Report of the Chief of Engineers, dated September 1, 1987, at a total cost of $23,900,000, with an estimated first Federal cost of $15,100,000, and an estimated first non-Federal cost of $8,800,000.

(16) MCGRATH CREEK, WICHITA FALLS, TEXAS.—The project for flood control, McGrath Creek, Wichita Falls, Texas: Report of the Chief of Engineers, dated March 25, 1988, at a total cost of $9,100,000 with an estimated first Federal cost of $6,800,000, and an estimated first non-Federal cost of $2,300,000.

(b) AUTHORIZATION OF CONSTRUCTION SUBJECT TO FAVORABLE REPORT.—The following projects for water resources development and conservation and other purposes are authorized to be carried out by the Secretary substantially in accordance with the plans and subject to the conditions recommended in the respective reports cited, with such modifications as are recommended by the Chief of Engineers and approved by the Secretary, and with such other modifications as are recommended by the Secretary; except that if no report is cited for a project, the project is authorized to be prosecuted by the Secretary in accordance with a final report of the Chief of Engineers, and with such other modifications as are recommended by the Secretary, and no construction on such project may be initiated until such a report is issued and approved by the Secretary:

(1) COYOTE AND BERRYESSA CREEKS, CALIFORNIA.—The project for flood control, Coyote and Berryessa Creeks, California: Report of the Board of Engineers for Rivers and Harbors, dated May 11, 1988—

(A) in the case of Coyote Creek, at a total cost of $32,325,000, with an estimated first Federal cost of $24,243,000 and an estimated first non-Federal cost of $8,082,000, and

(B) in the case of Berryessa Creek, at a total cost of $9,950,000, with an estimated first Federal cost of $7,460,000 and an estimated first non-Federal cost of $2,490,000.

(2) MORRO BAY, CALIFORNIA.—The project for navigation, Morro Bay, California, at a total cost of $3,300,000, with an estimated first Federal cost of $2,640,000 and an estimated first non-Federal cost of $660,000.

(3) HARBOR AND CITY OF VENTURA, CALIFORNIA.—The project for navigation, Ventura Harbor, California, at a total cost of $4,000,000, with an estimated first Federal cost of $3,200,000 and an estimated first non-Federal cost of $800,000. Structural and nonstructural measures to restore groin number 1 in the Pierpoint groin field, Ventura, California, to its original configuration constructed pursuant to House document number 87-458, at a total cost of $300,000, with an estimated first Federal cost of $225,000 and an estimated first non-Federal cost of $75,000.

(4) MIAMI HARBOR, FLORIDA.—The project for navigation, Miami Harbor, Florida, at a total cost of $32,000,000, with an estimated first Federal cost of $19,000,000 and an estimated first non-Federal cost of $13,000,000. If non-Federal interests make any improvements to such Harbor which are later recommended by the Chief of Engineers and approved by the Secretary under this subsection, the Secretary may reimburse such non-Federal interests an amount equal to the Federal share of the cost of such improvements, without interest. In analyzing costs and benefits of the project authorized under this paragraph, the Secretary shall consider the costs and benefits produced by any improvements which are carried out under the preceding sentence by non-Federal interests and which the Secretary determines are compatible with such project.

(5) GREAT LAKES CONNECTING CHANNELS AND HARBORS, MICHIGAN, MINNESOTA, AND WISCONSIN.—The project for navigation, Great Lakes connecting channels and harbors, Michigan, Minnesota, and Wisconsin: Report of the Board of Engineers for Rivers and Harbors, dated May 24, 1988, at a total cost of $8,089,000, with an estimated first Federal cost of $5,385,000 and an estimated first non-Federal cost of $2,704,000.

(6) SMALL BOAT HARBOR, BUFFALO HARBOR, NEW YORK.—The project to replace the dike at the Small Boat Harbor, Buffalo Harbor, New York, at a total cost of $10,000,000, with an estimated first Federal cost of $5,000,000 and an estimated first non-Federal cost of $5,000,000. Prior to construction of the project, the Secretary may undertake such emergency repairs as the Secretary determines necessary to preserve, until completion of the project, the existing dike.

(7) RIO DE LA PLATA, PUERTO RICO.—The project for flood control, Rio de la Plata, Puerto, Rico: Report of the Board of Engineers for Rivers and Harbors, dated May 9, 1988, at a total cost of $54,024,000, with an estimated first Federal cost of $32,989,000 and an estimated first non-Federal cost of $21,035,000.

(c) COST SHARING.—Section 108 of the Water Resources Development Act of 1986 (33 U.S.C. 2218) is amended—

(1) by inserting "(other than section 102)" after "title" the first place it appears;

(2) by striking out "projects in this Act" and inserting in lieu thereof "projects for water resources development and conservation and related purposes to be carried out by the Secretary in this Act and in laws enacted after the date of the enactment of this Act, including the Water Resources Development Act of 1988";

(3) by striking out "a project authorized by this Act" and inserting in lieu thereof "a project for water resources development and conservation and related purposes authorized to be carried out by the Secretary by this Act or by a law enacted after the date of the enactment of this Act, including the Water Resources Development Act of 1988,"; and

(4) by striking out "in this title," and inserting in lieu thereof a comma.

(d) MAXIMUM COST OF PROJECTS.—Section 902 of such Act is amended—

(1) by striking out "in this Act, or an amendment made by this Act, for a project" and inserting in lieu thereof "with respect to a project for water resources development and conservation and related purposes authorized to be carried out by the Secretary in this Act or in a law enacted after the date of the enactment of this Act, including the Water Resources Development Act of 1988, or in an amendment made by this Act or such law with respect to such a project";

(2) in paragraph (1) by inserting ", in such law," after "in this Act" and by inserting "or such law" after "by this Act";

(3) in paragraph (2)(A) by inserting "or such law" after "of this Act"; and

(4) in paragraph (2)(B) by inserting "or such law" after "by this Act".

SEC. 4. PROJECT MODIFICATIONS.

(a) WEST MEMPHIS AND VICINITY, ARKANSAS.—The project for flood control, West Memphis and vicinity, Arkansas, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4112) is modified to provide that non-Federal cooperation for such project may be provided by private individuals, private organizations, levee districts, drainage districts, or any unit of a State, county, or local government.

(b) KING HARBOR, REDONDO BEACH, CALIFORNIA.—Section 809 of the Water Resources Development Act of 1986 (100 Stat. 4168) is amended—

(1) in the first sentence—

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

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

(C) by inserting after paragraph (3) the following new paragraph:

"(4) if recommended in a report of the Chief of Engineers and approved by the Secretary, the Secretary is authorized to construct the breakwaters to a height greater than 22 feet in accordance with such report."; and

(2) by striking out the last sentence and inserting in lieu thereof the following: "The non-Federal share of the cost of work undertaken pursuant to this section shall be in accordance with title I of this Act.".

(c) LOS ANGELES AND LONG BEACH HARBORS, SAN PEDRO BAY, CALIFORNIA.—The navigation project for Los Angeles and Long Beach Harbors, San Pedro Bay, California, authorized by section 201 of the Water Resources Development Act of 1986 (100 Stat. 4091), is modified to provide that, if non-Federal interests carry out any work associated with such

project which is later recommended by the Chief of Engineers and approved by the Secretary, the Secretary may reimburse such non-Federal interests an amount equal to the Federal share of the cost of such work, without interest. In analyzing costs and benefits of such project, the Secretary shall consider the costs and benefits produced by any work which is carried out under the preceding sentence by non-Federal interests and which the Secretary determines is compatible with such project. The feasibility report for such project shall include consideration and evaluation of the following proposed project features: Long Beach Main Channel, Channel to Los Angeles Pier 300, Channels to Los Angeles Pier 400, Long Beach Pier "K" Channel, and Los Angeles Crude Transshipment Terminal Channel.

(d) LOS ANGELES RIVER, CALIFORNIA.—The Secretary is directed to perform maintenance dredging of the existing Federal project at the mouth of the Los Angeles River, California, to the authorized depth of 20 feet for the purpose of maintaining the flood control basin and navigation safety.

(e) SAN LEANDRO MARINA, CALIFORNIA.—

(1) MAINTENANCE OF ACCESS CHANNEL.—The project for San Leandro Marina, California, authorized under section 201 of the Flood Control Act of 1965 and approved by resolution adopted by Committee on Public Works of the House of Representatives on June 22, 1971, and by the Committee on Public Works of the Senate on December 15, 1970, is modified to authorize the Secretary to maintain an access channel extending from the southern auxiliary access channel to the boat launching ramp of the city of San Leandro, California, in the vicinity of the small boat lagoon in such city to a depth of 8 feet and length of approximately 650 feet.

(2) DEAUTHORIZATION.—The auxiliary access channel and basin extending to the north end of the project for San Leandro Marina, California, referred to in paragraph (1) is not authorized after the date of the enactment of this Act.

(f) INDIANA SHORELINE EROSION, INDIANA.—The undesignated paragraph of section 501(a) of the Water Resources Development Act of 1986 under the heading "INDIANA SHORELINE, INDIANA" (100 Stat. 4135) is amended by striking out "with an estimated first Federal cost of $15,000,000 and an estimated first non-Federal cost of $5,000,000." and inserting in lieu thereof "with the Federal share of the cost of this project to be determined in accordance with title I of this Act.".

(g) ANNAPOLIS HARBOR, MARYLAND.—The project for navigation, Annapolis Harbor, Maryland, is modified to authorize and direct the Secretary to realign the channel in such project, as determined necessary by the Secretary, for the purpose of promoting more efficient mooring operations in Annapolis Harbor.

(h) DEAL ISLAND, MARYLAND.—The Secretary may pay the remaining cost for the navigation project for Deal Island, Maryland (Lower Thorofare), authorized under section 107 of the River and Harbor Act of 1960, estimated at $277,000, plus any interest due the construction contractor.

(i) REDWOOD RIVER, MARSHALL, MINNESOTA.—The project for flood control, Redwood River, Marshall, Minnesota, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4117), is modified to authorize the Secretary to construct the project substantially in accordance with the General Design Memorandum, dated April 1987, at a total cost of $6,900,000, with an estimated first Federal cost of $5,000,000 and an estimated first non-Federal cost of $1,900,000.

(j) ROOT RIVER BASIN, MINNESOTA.—The undesignated paragraph of section 401(a) of the Water Resources Development Act of 1986 under the heading "ROOT RIVER BASIN, MINNESOTA" (100 Stat. 4117) is amended by adding at the end thereof the following new sentence: "Nothing in this paragraph affects the authority of the Secretary to carry out a project under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s).".

(k) ROSEAU RIVER, MINNESOTA.—The project for flood control, Roseau River, Minnesota, authorized by the Flood Control Act of 1965, is modified to authorize and direct the Secretary to construct as authorized, or to construct under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s), the 6-mile flood control levee in the vicinity of Duxby, Minnesota, beginning at a point approximately 2 miles upstream, substantially in accordance with the recommendations of the Chief of Engineers contained in House Document Numbered 282, 89th Congress, at an estimated total cost of $360,600, and with an estimated first Federal cost of $270,200 and an estimated first non-Federal cost of $90,000. Benefits and costs resulting from construction of such levee shall continue to be included for determining the economic feasibility of the Roseau River flood control project.

(l) GULFPORT HARBOR, MISSISSIPPI.—

(1) IN GENERAL.—The project for navigation, Gulfport Harbor, Mississippi, authorized by section 202(a) of the Water Resources Development Act of 1986 (100 Stat. 4094-4095) is modified to authorize the Secretary to dispose, in accordance with all provisions of Federal law, of dredged material—

(A) from construction, operation, and maintenance of such project in open waters of the Gulf of Mexico;

(B) from construction of such project by thin layer disposal in the Mississippi Sound under the demonstration program carried out under paragraph (2);

(C) from operation and maintenance of such project by disposal in the Mississippi Sound under a plan developed by the Secretary and approved by the Administrator of the Environmental Protection Agency if the Secretary, after consultation with the study team established under paragraph (3), determines that the report submitted under paragraph (2)(H) indicates that there will be no unacceptable adverse environmental impacts from such disposal; and

(D) from construction, operation, and maintenance of such project as fill in connection with a pier extension project for such Harbor carried out under a permit issued before, on, or after the date of the enactment of this Act under section 404 of the Federal Water Pollution Control Act.

(2) DEMONSTRATION PROGRAM.—

(A) PURPOSES.—During construction of the Gulfport Harbor navigation project, the Secretary shall carry out a demonstration program for the purpose of evaluating the costs and benefits of thin layer disposal in the Mississippi Sound of dredged material from construction of harbor improvements, including any operation and maintenance materials that may be removed during construction, and for determining whether or not there are unacceptable adverse effects from such disposal—

(i) on human health or welfare, including but not limited to plankton, fish, shellfish, wildlife, shorelines, and beaches;

(ii) on marine life (including the transfer, concentration, and dispersal of pollutants or their byproducts through biological, physical, and chemical processes), changes in marine ecosystem diversity, productivity, and stability, and species and community population changes;

(iii) on esthetic, recreation, and economic values; and

(iv) on alternative uses of oceans, such as mineral exploitation and scientific study.

In addition, the Secretary shall determine through such program the persistence and permanence of any such adverse effects and methods of mitigating any such adverse effects.

(B) PLANNING.—Within 4 months after the date of the enactment of the Act, the Secretary, in consultation with the study team established under paragraph (3), shall develop a plan for carrying out the demonstration program under this paragraph. Such plan shall, at a minimum, establish predisposal monitoring requirements, thin layer disposal locations, the amounts of dredged material necessary for carrying out such demonstration program, the duration of thin layer disposal under such demonstration program, the compatibility of the receiving habitat with thin layer dredged material disposal, requirements for minimizing demonstration program impacts, the depth of thin layer disposal, and the scope of the post disposal monitoring.

(C) USE OF MATERIALS FROM PROJECT.—The Secretary in carrying out the demonstration program under this paragraph shall use suitable material removed during construction of the Gulfport Harbor navigation project. The amount of material used shall be of sufficient quantity to determine the effects of thin layer disposal in near shore areas of (i) dredged materials from construction of harbor improvements, and (ii) any materials from operation and maintenance of harbor improvements dredged during the period of such construction, but shall be limited to the amount determined under the plan developed under subparagraph (B).

(D) CONSULTATION REQUIREMENT.—In conducting the demonstration program under this paragraph, the Secretary shall consult the study team established under paragraph (3).

(E) POST DISPOSAL MONITORING.—The demonstration program under this paragraph shall include monitoring of the near shore areas at which dredged material is disposed of under such program during the period determined under the plan developed under subparagraph (B).

(F) APPLICABILITY OF FEDERAL LAW.—The demonstration program under this paragraph shall be carried out in accordance with all applicable provisions of Federal law, including section 404(c) of the Federal Water Pollution Control Act.

(G) COST SHARING.—The demonstration program carried out under this paragraph shall be subject to cost sharing under title I of the Water Resources Development Act of 1986. All costs of such program, other than dredging costs, shall not be included for purposes of calculating the economic costs and benefits of the navigation project for Gulfport Harbor, Mississippi.

(H) REPORT TO CONGRESS AND EPA.—Within 1 year after the date of completion of the demonstration program under this paragraph, the Secretary, after consultation with the study team established under paragraph (3), shall transmit to Congress and to the Administrator of the Environmental Protec-

tion Agency a report on the results of such demonstration program together with recommendations concerning thin layer disposal in near shore areas of dredged material from construction, operation, and maintenance of future navigation projects.

(I) APPROVAL OR DISAPPROVAL OF RECOMMENDATIONS.—Not later than 30 days after the date of receipt of the report and recommendations under subparagraph (H), the Administrator of the Environmental Protection Agency shall approve or disapprove the recommendations and shall notify Congress and the Secretary of such approval or disapproval. If the Administrator disapproves the recommendations, not later than 30 days after the date of such disapproval, the Administrator shall notify Congress and the Secretary of the reasons for such disapproval together with recommendations for modifications which could be made to the recommendations to take into account such reasons. If the Administrator fails to approve or disapprove the recommendations transmitted under subparagraph (H) within the 30-day period, the recommendations shall be deemed to be approved.

(3) STUDY TEAM.—The Secretary shall establish a study team to assist the Secretary in planning, carrying out, monitoring, and reporting on the demonstration program and the results of such program under this subsection. Such team shall be appointed by the Secretary and shall consist of representatives of the Corps of Engineers, the Environmental Protection Agency, interested Federal and State resource agencies, and the local sponsor of the demonstration program. Members of the study team who are not officers or employees of the United States shall serve without compensation. Members of the study team who are officers or employees of the United States shall receive no additional pay by reason of their service on the study team.

(m) BRUSH CREEK AND TRIBUTARIES, MISSOURI AND KANSAS.—The project for flood control, Brush Creek and Tributaries, Missouri and Kansas, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4118), is modified to authorize the Secretary to provide to the non-Federal interests providing local cooperation for such project services (including the provision of services by contract) in the design and construction of upstream and downstream non-Federal extensions to such project—

(1) if the non-Federal interests provide, in advance of obligation of Federal funds for such design and construction, amounts sufficient to cover all costs of such services;

(2) if, prior to construction of such extensions, the non-Federal interests obtain all necessary Federal and State permits; and

(3) if the non-Federal interests agree to hold and save the United States free from damages due to the planning, design, construction, operation, or maintenance of such extensions. Construction, operation, and maintenance of such extensions shall be a non-Federal responsibility and shall not be considered part of the Brush Creek flood control project for any purpose.

(n) SEA BRIGHT TO MONMOUTH BEACH, NEW JERSEY.—Section 854(a) of the Water Resources Development Act of 1986 (100 Stat. 4179) is amended by inserting "(1)" after "to provide that" and by striking out the period at the end of such section and inserting in lieu thereof the following: "; (2) such reach shall be constructed substantially in accordance with the draft general design memorandum, dated January 1988, at a total additional initial cost of $51,000,000; and (3) periodic beach nourishment over the project life will be conducted, at an estimated annual cost of $1,200,000. Additional costs incurred under clause (2) and costs incurred under clause (3) for beach nourishment shall be subject to cost sharing in accordance with title I of this Act.".

(o) MASSILLON, OHIO, BRIDGE.—Section 803 of the Water Resources Development Act of 1986 (100 Stat. 4166) is amended by adding at the end thereof the following new sentence: "Notwithstanding section 215 of the Flood Control Act of 1968 (42 U.S.C. 1962d-5a), if, before the date of the enactment of this Act, non-Federal interests complete construction and repair of the Cherry Street bridge, the Secretary shall credit toward the non-Federal share of the cost of construction of the Walnut Street bridge an amount equal to the Federal share of the cost incurred for construction and repair of the Cherry Street bridge.".

(p) MAUMEE BAY, OHIO.—The undesignated paragraph of section 501(a) of the Water Resources Development Act of 1986 under the heading "MAUMEE BAY, LAKE ERIE, OHIO" (100 Stat. 4135-4136) is amended by adding at the end thereof the following new sentence: "The Secretary shall credit toward the non-Federal share of the cost of such project an amount equal to the Federal share of the work carried out by non-Federal interests on the eastern segment of such project before the date of the enactment of the Water Resources Development Act of 1988.".

(q) ROCHESTER, PENNSYLVANIA.—The project for navigation on the Ohio River at Rochester, Pennsylvania, authorized by the River and Harbor Act of 1909, is modified to authorize the Secretary to construct safety facilities of a floating dock, a river access ramp, and roadway and parking areas at a total cost of $35,000.

(r) WYOMING VALLEY, PENNSYLVANIA.—The project for flood control, Wyoming Valley, Pennsylvania, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 1424), is modified to authorize the Secretary to construct an inflatable dam on the Susquehanna River in the Wilkes Barre area, Pennsylvania, at a total cost of $2,000,000 with the non-Federal share of the cost of such dam to be as provided in section 103(c)(4) of the Water Resources Development Act of 1986.

(s) BLAIR AND SITCUM WATERWAYS, WASHINGTON.—The undesignated paragraph of section 202(a) of the Water Resources Development Act of 1986 under the heading "BLAIR AND SITCUM WATERWAYS, TACOMA HARBOR, WASHINGTON" (100 Stat. 4096) is amended by striking out "$38,200,000" and all that follows through "$12,000,000;" and inserting in lieu thereof "$54,000,000;".

(t) WYNOOCHEE LAKE, WASHINGTON.—

(1) OPERATION AND MAINTENANCE BY NON-FEDERAL INTEREST.—The project for Wynoochee Lake, Wynoochee River, Washington, authorized by section 203 of the Flood Control Act of 1962 (76 Stat. 1193), is modified to provide that the Secretary may permit the city of Aberdeen, Washington, to operate, maintain, repair, and rehabilitate the project after September 30, 1988.

(2) TERMS AND CONDITIONS.—Operation, maintenance, repair, and rehabilitation of the project referred to in paragraph (1) by the city of Aberdeen shall be subject to such terms and conditions as the Secretary shall establish by regulation to ensure that operation, maintenance, repair, and rehabilitation of the project are consistent with the project's authorized purposes, including fish and wildlife mitigation. In issuing such regulations, the Secretary shall evaluate the effect of such regulations on the project costs payable by the city.

(3) TRANSFER OF RESPONSIBILITIES; PROTECTION OF TITLE; DAMAGES; RESUMPTION OF FEDERAL O&M.—If the Secretary decides to permit the city of Aberdeen to operate, maintain, repair, and rehabilitate the project referred to in paragraph (1)—

(A) the Secretary shall modify the project contract to forgive future operation, maintenance, repair, and rehabilitation payment obligations of the city to the extent that the city is performing project operation, maintenance, repair, and rehabilitation in accordance with this subsection and the regulations issued under this subsection;

(B) the Secretary shall transfer to the city responsibility for operation, maintenance, repair, and rehabilitation of such project in a safe and cost-effective manner;

(C) title to real and personal property of such project shall remain in the United States, and the city shall not impair such title;

(D) the city shall hold and save the United States free from any damages that result from operation, maintenance, repair, and rehabilitation of such project by the city, except for damages due to the fault or negligence of the United States or its contractors; and

(E) upon due cause as determined by the Secretary and after notice to the city, the Secretary may resume operation, maintenance, repair, and rehabilitation of such project and the city shall be responsible to pay the percentage of the operation, maintenance, repair, and rehabilitation costs of the project incurred thereafter and related to water supply storage as described in the original project contract.

SEC. 5. COMMENTS ON CERTAIN CHANGES IN OPERATIONS OF RESERVOIRS.

Before the Secretary may make changes in the operation of any reservoir which will result in or require a reallocation of storage space in such reservoir or will significantly affect any project purpose, the Secretary shall provide an opportunity for public review and comment.

SEC. 6. PROTECTION OF RECREATIONAL AND COMMERCIAL USES.

(a) GENERAL RULE.—In planning any water resources project, the Secretary shall consider the impact of the project on existing and future recreational and commercial uses in the area surrounding the project.

(b) MITIGATION.—If maintenance, repair, rehabilitation, or reconstruction of a water resources project by the Secretary results in a change in the configuration of any structure which is a part of such project and has an adverse effect on a recreational use established with respect to such project before the date of such maintenance, repair, rehabilitation, or reconstruction, the Secretary, to the maximum extent practicable, shall take such actions as may be necessary to restore such recreational use or provide alternative opportunities for comparable recreational use.

(c) LIMITATION.—Subsection (b) shall not apply to any action of the Secretary which is necessary to discontinue the operation of a water resources project.

(d) COST SHARING.—Costs incurred by the Secretary to carry out the objectives of this section shall be allocated among authorized project purposes in accordance with applicable cost allocation procedures and shall be subject to cost sharing or reimbursement to

the same extent as other project costs are shared or reimbursed.

SEC. 7. OPERATION OF CERTAIN PROJECTS TO ENHANCE RECREATION.

(a) ENHANCEMENT OF RECREATION.—The Secretary shall ensure that each water resources project referred to in this subsection is operated in such manner as will protect and enhance recreation associated with such project. The Secretary shall also manage project lands at each such project in such manner as will improve opportunities for recreation at the project. Such activities shall be included as authorized project purposes of each project. Nothing in this subsection shall be construed to affect the authority of the Secretary to carry out other authorized project purposes or to comply with other requirements or obligations of the Secretary which are legally binding as of the date of the enactment of this Act. The provisions of this subsection shall apply to the following projects:

(1) Beechfork Lake, West Virginia.

(2) Bluestone Lake, West Virginia.

(3) East Lynn Lake, West Virginia.

(4) Francis E. Walter Dam, Pennsylvania.

(5) Jennings Randolph Lake (Bloomington Dam), Maryland and West Virgina.

(6) R.D. Bailey Lake, West Virginia.

(7) Savage River Dam, Maryland.

(8) Youghiogheny River Lake, Pennsylvania and Maryland.

(b) RECREATION DEFINED.—As used in this section, in addition to recreation on lands associated with the project, the term "recreation" includes (but shall not be limited to) downstream whitewater recreation which is dependent on project operations, recreational fishing, and boating on water at the project.

SEC. 8. SIMULATION MODEL OF SOUTH CENTRAL FLORIDA HYDROLOGIC ECOSYSTEM.

(a) IN GENERAL.—The Secretary, in cooperation with affected Federal, State, and local agencies and other interested persons, may develop and operate a simulation model of the central and southern Florida hydrologic ecosystem for use in predicting the effects—

(1) of modifications to the flood control project for central and southern Florida, authorized by the Flood Control Act of 1948,

(2) of changes in the operation of such project, and

(3) of other human activities conducted in the vicinity of such ecosystem which individually or in the aggregate will significantly affect the ecology of such ecosystem,

on the flow, characteristics, quality, and quantity of surface and ground water in such ecosystem and on plants and wildlife within such ecosystem. Such model shall be capable of producing information which is applicable for use in evaluating the impact of issuance of proposed permits under section 10 of the Act of March 3, 1899 (30 Stat. 1151; 33 U.S.C. 403), commonly known as the River and Harbor Act of 1899, and under section 404 of the Federal Water Pollution Control Act.

(b) AVAILABILITY TO STATE AND LOCAL AGENCIES.—The Secretary shall allow Federal, State, and local agencies to use, on a reimbursable basis, the simulation model developed under this section.

(c) COST SHARING.—The Federal share of the cost of developing and operating the simulation model under this section shall be 75 percent.

SEC. 9. SECTION 215 REIMBURSEMENT LIMITATION PER PROJECT.

Section 215(a) of the Flood Control Act of 1968 (42 U.S.C. 1962d-5a) is amended by inserting after "$3,000,000" the following: "or 1 percent of the total project cost, whichever is greater".

SEC. 10. ADDITIONAL 10 PERCENT PAYMENT OVER 30 YEARS FOR CONSTRUCTION OF HARBORS.

(a) RELOCATION COSTS.—Section 101(a)(2) of the Water Resources Development Act of 1986 (33 U.S.C. 2211(a)(2)) is amended by inserting "and the cost of relocations borne by the non-Federal interests under paragraph (4)" before "shall be credited".

(b) RETROACTIVE EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on November 17, 1986.

SEC. 11. COMPLIANCE WITH FLOOD PLAIN MANAGEMENT AND INSURANCE PROGRAMS.

Section 402 of the Water Resources Development Act of 1986 (33 U.S.C. 701b-12) is amended by inserting "including any project for hurricane or storm damage reduction," after "local flood protection,".

SEC. 12. FEDERAL REPAYMENT DISTRICT.

The last sentence of section 916(a) of the Water Resource Development Act of 1986 (33 U.S.C 2291) is amended by striking out "include the power to collect" and all that follows through the period at the end of such sentence and inserting in lieu thereof "have the power to recover benefits through any cost-recovery approach that is consistent with State law and satisfies the applicable cost-recovery requirement under subsection (b).".

SEC. 13. ALLOCATION OF RESPONSIBILITY UNDER UPPER MISSISSIPPI RIVER PLAN.

Section 1103(e)(6)(A) of the Water Resources Development Act of 1986 (100 Stat. 4227) is amended to read as follows:

"(6)(A) Notwithstanding the provisions of subsection (a)(2) of this section, the costs of each project carried out pursuant to paragraph (1)(A) of this subsection shall be allocated between the Secretary and the appropriate non-Federal sponsor in accordance with the provisions of section 906(e) of this Act, except that the costs of operation, maintenance, and rehabilitation of projects shall be the responsibility of the entity that owns the lands on which the project is located.".

SEC. 14. FLOOD WARNING AND RESPONSE SYSTEM.

(a) DEMONSTRATION PROJECT.—The Secretary, in cooperation with other Federal agencies and the Susquehanna River Basin Commission, is authorized to design and implement a comprehensive flood warning and response system to serve communities and flood prone areas along Juniata River and tributaries in the State of Pennsylvania for the purpose of demonstrating the effectiveness of such systems and evaluating the cost of such systems.

(b) AUTHORIZATION OF APPROPRIATION.—There is authorized to be appropriated to carry out this section $2,000,000 for fiscal years beginning after September 30, 1988.

SEC. 15. LAKEPORT LAKE, CALIFORNIA.

(a) PROJECT REAUTHORIZATION.—The project for flood control, Lakeport Lake, California, as authorized by the Flood Control Act of 1965 on the day before the date of the enactment of the Water Resources Development Act of 1986, is authorized.

(b) REPEAL OF DEAUTHORIZATION.—Section 1003 of the Water Resources Development Act of 1986 (100 Stat. 4222-4223) is repealed.

SEC. 16. SACRAMENTO, CALIFORNIA.

(a) GENERAL RULE.—For periods before the date 1 year after the date on which the Secretary submits to the Congress the report on the feasibility study on Northern California Streams, American River Watershed, adequate progress under section 1307(e) of the National Flood Insurance Act of 1968 (42 U.S.C. 4014(e)) shall be deemed to have been made on the flood protection system for Sacramento, California, which includes—

(1) the overall Sacramento River Flood Control project; and

(2) the flood control features of the Oroville Dam, Folsom Dam, Shasta Dam, Black Butte Dam, and New Bullards Bar Dam.

(b) BUDGET SUBMISSION.—The President, in submitting his budget for fiscal year 1990, shall include a schedule for completing the study referred to in subsection (a) as expeditiously as practicable and an estimate of the resources required to meet such schedule.

SEC. 17. FUNDING FOR NON-FEDERAL SHARE OF SANTA MONICA BREAKWATER.

Upon request of the city of Santa Monica, California, the Director of the Federal Emergency Management Agency shall transfer to the Secretary for credit towards the non-Federal share of the cost of any project to reconstruct the Santa Monica breakwater such amounts as the Director has allocated to such city for any major disaster declared under the Disaster Relief Act of 1974 in calendar year 1983.

SEC. 18. MISSISSIPPI RIVER HEADWATERS RESERVOIRS.

Notwithstanding any other provision of law, the Secretary is directed to maintain water levels in the Mississippi River headwaters reservoirs within the following operating limits: Winnibigoshish 1296.94 feet—1303.14 feet; Leech 1293.20 feet—1297.94 feet; Pokegama 1271.42 feet—1276.42 feet; Sandy 1214.31 feet—1218.31 feet; Pine 1227.32 feet—1234.82 feet; and Gull 1192.75 feet—1194.75 feet. Such water levels shall be measured using the National Geodetic Vertical Datum.

SEC. 19. HEARDING ISLAND INLET, DULUTH HARBOR, MINNESOTA.

The Secretary is authorized to dredge the Hearding Island Inlet, Duluth Harbor, Minnesota, for the purpose of increasing water circulation and reducing stagnant water conditions.

SEC. 20. APPLICABILITY OF COST SHARING REGULATIONS WITH RESPECT TO CERTAIN MUNICIPAL AND INDUSTRIAL WATER SUPPLY PROJECTS.

Cost sharing paid by non-Federal interests for municipal and industrial water supply with respect to Grayson Lake, Dewey Lake, and Carr Fork Lake, Kentucky, shall be determined in accordance with the regulations issued to carry out section 103(m) of the Water Resources Development Act of 1986 with respect to cost sharing agreements for flood control.

SEC. 21. LOUISIANA EMERGENCY WATER SUPPLY.

The Secretary is directed to assist the State of Louisiana in providing water to distressed communities in south Louisiana (especially Lafourche Parish) whose water supply quality is threatened by drought, other climatic conditions, or disasters. Assistance under this section shall include such dredging of the existing reservoir in the northern regions of Bayou Lafourche as the Secretary determines is necessary to provide additional water storage needed to respond to drought conditions. Cost sharing for assistance provided under this section shall be the same as the cost sharing for the transportation of water under section 5(b)(4) of the Act entitled "An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes", approved August 18, 1941 (55 Stat. 650; 33 U.S.C. 701n(b)(4)).

SEC. 22. CONTAINED SPOIL DISPOSAL FACILITIES IN THE GREAT LAKES AND THEIR CONNECTING CHANNELS.

(a) PERIOD FOR DEPOSITING DREDGED MATERIALS.—Section 123 of the River and Harbor Act of 1970 (33 U.S.C. 1293a) is amended by adding at the end thereof the following new subsection:

"(j) PERIOD FOR DEPOSITING DREDGED MATERIALS.—The Secretary of the Army, acting through the Chief of Engineers, is authorized to continue to deposit dredged materials into a contained spoil disposal facility constructed under this section until the Secretary determines that such facility is no longer needed for such purpose or that such facility is completely full.".

(b) STUDY AND MONITORING PROGRAM.—Such section is further amended by adding at the end thereof the following new subsection:

"(k) STUDY AND MONITORING PROGRAM.—

"(1) STUDY.—The Secretary of the Army, acting through the Chief of Engineers, shall conduct a study of the materials disposed of in contained spoil disposal facilities constructed under this section for the purpose of determining whether or not toxic pollutants are present in such facilities and for the purpose of determining the concentration levels of each of such pollutants in such facilities.

"(2) REPORT.—Not later than 1 year after the date of the enactment of this subsection, the Secretary shall transmit to Congress a report on the results of the study conducted under paragraph (1).

"(3) INSPECTION AND MONITORING PROGRAM.—The Secretary shall conduct a program to inspect and monitor contained spoil disposal facilities constructed under this section for the purpose of determining whether or not toxic pollutants are leaking from such facilities.

"(4) TOXIC POLLUTANT DEFINED.—For purposes of this subsection, the term 'toxic pollutant' means those toxic pollutants referred to in sections 301(b)(2)(C) and 301(b)(2)(D) of the Federal Water Pollution Control Act and such other pollutants as the Secretary, in consultation with the Administrator of the Environmental Protection Agency, determines are appropriate based on their effects on human health and the environment.".

SEC. 23. LAND CONVEYANCE, WHITTIER NARROWS DAM, LOS ANGELES COUNTY, CALIFORNIA.

(a) AUTHORITY TO CONVEY.—Subject to the provisions of this subsection, the Secretary may convey to the city of South El Monte, California, approximately 7.778 acres of real property, together with improvements thereon, located within the Whittier Narrows Flood Control Basin, south of the Pomona Freeway (Highway 60) and east of Santa Anita Avenue, in the city of South El Monte, California.

(b) CONSIDERATION.—In consideration for the conveyance authorized by subsection (a), the Secretary may accept real property in the Los Angeles area or cash, or both. The value of the consideration for the conveyance may not be less than the fair market value of the property conveyed by the United States, as determined by the Secretary. Any funds received by the Secretary under this section shall be deposited into the general fund of the Treasury.

(c) CONDITIONS.—The Secretary may convey the real property described in subsection (a) only if—

(1) the city of South El Monte, California, grants the United States a perpetual easement that enables the Federal Government to carry out necessary flood control activities with respect to such real property; and

(2) such city agrees to use suitable property located directly adjacent to the Whittier Narrows Park, which will be acquired through an exchange for such real property, for parking in connection with recreational activities in the Whittier Narrows Recreational Area, as the Secretary considers appropriate.

(d) ADDITIONAL TERMS.—The Secretary may impose such additional terms and conditions on the conveyance authorized by subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

(e) LEGAL DESCRIPTION OF REAL PROPERTY.—The exact acreage and legal description of the real property described in subsection (a) shall be determined by a survey which is satisfactory to the Secretary. The cost of such survey shall be borne by the city of South El Monte, California.

SEC. 24. LAND CONVEYANCE, OTTAWA, ILLINOIS.

(a) IN GENERAL.—Subject to the provisions of this section, the Secretary shall convey to the State of Illinois by quitclaim deed any right, title, and interest of the United States to approximately 5.3 acres of land located at the junction of the Fox and Illinois Rivers in the city of Ottawa, Illinois.

(b) TERMS AND CONDITIONS.—The conveyance by the United States under this section shall be subject to the condition that the State of Illinois, its successors and assigns, agrees to hold the United States harmless from all claims arising from or through the operations of the lands conveyed by the United States. The Secretary may impose such additional terms and conditions on the conveyance as the Secretary considers appropriate to protect the interests of the United States; except that the Secretary may not impose any term or condition which restricts the use of the lands conveyed by the United States under this section.

(c) LEGAL DESCRIPTION OF REAL PROPERTY.—The exact acreage and legal description of the real property described in subsection (a) shall be determined by a survey which is satisfactory to the Secretary. The cost of the survey shall be borne by the State of Illinois.

SEC. 25. LAND TRANSFER IN WHITMAN COUNTY, WASHINGTON.

(a) EXCHANGE OF LAND.—The Secretary shall exchange approximately 171 acres of land acquired by the United States for the Lower Granite Lock and Dam project, Washington, authorized as part of the navigation project for the Snake River, Oregon, Washington, and Idaho by section 2 of the River and Harbor Act of March 2, 1945 (59 Stat. 21), for a tract of land owned by the Port of Whitman County, Washington, which the Secretary determines is suitable for wildlife mitigation purposes. Such exchange shall be made without regard to the values of the lands being exchanged.

(b) TERMS AND CONDITIONS.—The land of the United States exchanged under subsection (a) shall be subject to a reversionary interest in the United States if such land is used for any purpose other than port or industrial purposes. Such exchange shall also be subject to such other terms, conditions, reservations, and restrictions as the Secretary determines necessary for the development, maintenance, and operation of the Lower Granite Lock and Dam project referred to in subsection (a) and to protect the interests of the United States.

(c) LEGAL DESCRIPTIONS AND SURVEYS.—The exact acreages and legal descriptions of the lands exchanged under subsection (a) shall be determined by such surveys as the Secretary determines are necessary. The cost of such surveys shall be paid by the Port of Whitman County, Washington.

SEC. 26. LESAGE/GREENBOTTOM SWAMP, WEST VIRGINIA, LAND CONVEYANCE.

The Secretary is authorized to convey to the State of West Virginia, subject to such conditions as the Secretary may deem advisable, title to the land known as the Lesage/Greenbottom Swamp acquired or to be acquired by the United States for fish and wildlife mitigation purposes in connection with the Gallipolis Locks and Dam replacement project authorized by section 301(a) of the Water Resources Development Act of 1986 (100 Stat. 4110).

SEC. 27. CLEAR LAKE PILOT PROJECT, CALIFORNIA.

The Secretary is authorized to conduct a pilot project for the purpose of determining the viability of the use of aluminum sulfate for algae control in Clear Lake in Lake County, California. There is authorized to be appropriated $80,000 to carry out this section.

SEC. 28. PLACEMENT OF DREDGED BEACH QUALITY SAND ON BEACHES.

Section 145 of the Water Resources Development Act of 1976 (33 U.S.C. 426j) is amended by adding at the end thereof the following new sentence: "In carrying out this section, the Secretary shall give consideration to the State's schedule for providing its share of funds for placing such sand on the beaches of such State and shall, to the maximum extent practicable, accommodate such schedule.".

SEC. 29. WILLIAM G. STONE LOCK TOLLS.

The first sentence of section 1150(b) of the Water Resources Development Act of 1986 (100 Stat. 4255) is amended by striking out "Yolo County, California" and inserting in lieu thereof the following: "the city of West Sacramento, California".

SEC. 30. DECLARATION OF NONNAVIGABILITY FOR PORTIONS OF THE DELAWARE RIVER.

The portions of the Delaware River in Philadelphia County, Pennsylvania, which are particularly described in the following metes and bounds description are hereby declared to be nonnavigable waters of the United States within the meaning of the Constitution and the laws of the United States, except for purposes of the Federal Water Pollution Control Act and section 10 of the Act of March 3, 1899 (30 Stat. 1151; 33 U.S.C. 403), commonly known as the River and Harbor Act of 1899:

(1) LIBERTY LANDING.

Description of Pier 53 South

All that certain lot or piece of ground together with the improvements thereon erected, situate in the 1st ward of the city of Philadelphia and described according to a plan of property by John Stefanco, Surveyor and Regulator of the Second Survey District, dated November 4, 1974 and revised December 18, 1974:

Beginning at an interior point formed by the intersection of the following two courses and distances: (1) north 14 degrees 46 minutes 39 seconds east, the distance of 781.002 feet northwardly from the northerly side of Reed Street (50 feet wide bearing south 75 degrees 13 minutes 21 seconds east); (2) south 75 degrees 20 minutes 21 seconds east, the distance of 231.805 feet eastwardly from the easterly side of Delaware Avenue (150 feet wide bearing north 14 degrees 39 minutes 39 seconds east); thence extending from said point of beginning, north 0 degree 49 minutes 15 seconds west, the distance of

160.856 feet to a point; thence extending north 79 degrees 53 minutes 04 seconds east, the distance of 24.808 feet to a point; thence extending north 10 degrees 03 minutes west, the distance of 15.0 feet to a point; thence extending south 79 degrees 53 minutes 04 seconds west, the distance of 22.723 feet to a point; thence extending north 4 degrees 56 minutes 56 seconds west, the distance of 99.228 feet to a point; thence extending south 80 degrees 53 minutes 04 seconds west, the distance of 7.0 feet to a point on an arc; thence extending along an arc curving to the right having a radius of 698.835 feet, a central angle of 11 degrees 29 minutes 44 seconds, an arc distance of 140.211 feet to a point of tangency; thence extending north 0 degree 44 minutes 16 seconds west, the distance of 57.302 feet to a point on the former centre line of former Washington Avenue (100 feet wide); thence extending along the said centre line of former Washington Avenue and crossing the bed of a 30-foot-wide private driveway and the bulkhead line, (approved by the Secretary of War, September 10, 1940); south 75 degrees 13 minutes 21 seconds east, the distance of 940.350 feet to a point on the pierhead line (approved by the Secretary of War, September 10, 1940); thence extending along the said pierhead line, south 1 degree 32 minutes 57 seconds east, the distance of 422.516 feet to a point; thence extending north 75 degrees 13 minutes 21 seconds west, recrossing the said Bulkhead line; the distance of 690.031 feet to a point; thence extending north 6 degrees 35 minutes 30 seconds west, the distance of 58.388 feet to a point; thence extending south 79 degrees 54 minutes west, the distance of 19.120 feet to a point; thence extending south 10 degrees 6 minutes east, the distance of 4.10 feet to a point; thence extending south 79 degrees 54 minutes west, and crossing the bed of the aforementioned 30-foot-wide private driveway, the distance of 196.802 feet to the First mentioned point and place of beginning.

Containing in total area 374,026.6 square feet—8.58647 acres description of 30-foot-wide private driveway within the property of Pier 53 south.

All that certain lot or piece of ground described as a 30-foot-wide private driveway as shown on a plan of property, situated in the 1st ward of the city of Philadelphia, by John Stefanco, Surveyor and Regulator of the Second Survey District, dated November 4, 1974 and revised December 18, 1974.

Beginning at an interior point formed by the intersection of the following 2 courses and distances: (1) north 14 degrees 46 minutes 39 seconds east, the distance of 802.293 feet northwardly from the northerly side of Reed Street (50 feet wide bearing south 75 degrees 13 minutes 21 seconds east), (2) south 75 degrees 20 minutes 21 seconds east, the distance of 277.764 feet eastwardly from the easterly side of Delaware Avenue (150 feet wide bearing north 14 degrees 39 minutes 39 seconds east); thence extending from said point of beginning north 10 degrees 3 minutes west, the distance of 173.758 feet to a point; thence extending north 14 degrees 52 minutes 4 seconds west, the distance of 180.551 feet to a point; thence extending north 17 degrees 35 minutes 1 second west, the distance of 101.949 feet to a point on the centre line of former Washington Avenue (100 feet wide); thence extending along said former centre line of Washington Avenue, south 75 degrees 13 minutes 21 seconds east, the distance of 35.516 feet to a point; thence extending south 17 degrees 35 minutes 1 second east, the distance of 91.669 feet to a point; thence extending south 14 degrees 52 minutes 4 seconds west, the distance of 182.653 feet to a point; thence extending south 10 degrees 3 minutes east, the distance of 167.104 feet to a point; thence extending south 79 degrees 54 minutes west, the distance of 30.000 feet to the first mentioned point and place of beginning. Area of 30-foot-wide private driveway is 13,465.2 square feet—0.30912 acres.

All that certain lot or piece of ground with the buildings and improvements thereon erected, situated in the first ward of the city of Philadelphia and described according to a Plan of Property by Evans Sparks, Surveyor and Regulator of the Second Survey District, dated February 23, 1988 as follows: Parcel "A".

Beginning at a point on the easterly side of Delaware Avenue (150 feet wide), located northwardly the distance of 1,100 feet 7⅞ inches from the point of intersection of the northerly side of Tasker Street (50 feet wide) and the easterly side of the said Delaware Avenue; thence extending north 14 degrees 39 minutes 39 seconds east along the said easterly side of Delaware Avenue, the distance of 975 feet 1 inch to an angle point; thence continuing along the said easterly side of Delaware Avenue, north 14 degrees 35 minutes 09 seconds east, the distance of 50 feet 0 inch to a point on the center line of former Washington Avenue (100 feet wide), stricken from the city plan; thence extending south 75 degrees 14 minutes 21 seconds east along the center line of the said former Washington Avenue, the distance of 151 feet 4⅞ inches to a point on the westerly side of a 30-foot-wide driveway easement; thence extending south 17 degrees 35 minutes 01 second east along the said driveway easement, the distance of 102 feet 0 inch to an angle point; thence continuing along the said driveway easement south 14 degrees 52 minutes 04 seconds west, the distance of 180 feet 6⅝ inches to an angle point; thence still continuing along the said driveway easement south 10 degrees 03 minutes 00 second east, the distance of 131 feet 7⅛ inches to a point; thence extending south 14 degrees 39 minutes 39 seconds west along a line, the distance of 638 feet 11 inches to a point; thence extending north 75 degrees 14 minutes 21 seconds west, along a line, the distance of 260 feet 1½ inches to a point on the easterly side of said Delaware Avenue, being the first mentioned point and place of beginning.

Containing in area 246,456 square feet or 5.6579 acres.

All that certain lot or piece of ground with the buildings and improvements thereon erected, situated in the first ward of the city of Philadelphia and described according to a Plan of Property by Evans Sparks, Surveyor and Regulator of the Second Survey District, dated February 23, 1988 as follows: Parcel "B".

Beginning at a point on the easterly side of Delaware Avenue (150 feet wide), located northwardly the distance of 1,038 feet 1⅞ inches from the point of intersection of the northerly side of Tasker Street (50 feet wide) and the easterly side of the said Delaware Avenue; thence extending north 14 degrees 39 minutes 39 seconds east along the said easterly side of Delaware Avenue, the distance of 62 feet 5½ inches to a point; thence extending south 75 degrees 14 minutes 21 seconds east along a line, the distance of 260 feet 1½ inches to a point; thence extending north 14 degrees 39 minutes 39 seconds east along a line, the distance of 638 feet 11 inches to a point on the westerly side of a 30 feet wide driveway easement; thence extending south 10 degrees 03 minutes 00 second east along the said driveway easement, the distance of 42 feet 2 inches to a point; thence extending north 79 degrees 54 minutes 00 second east crossing the said driveway easement, the distance of 146 feet 2½ inches to a point; thence extending north 10 degrees 06 minutes 00 second west, the distance of 4 feet 1½ inches to a point; thence extending north 79 degrees 54 minute 00 seconds east, the distance of 19 feet 1½ inches to a point; thence extending south 6 degrees 35 minutes 30 seconds east, the distance of 58 feet 4⅝ inches to a point; thence extending south 75 degrees 13 minutes 21 seconds east, crossing the bulkhead line approved by the Secretary of War, September 10, 1940; August 9, 1909, and January 20, 1891, the distance of 690 feet 1⅝ inches to a point on the pierhead line of the Delaware River approved by the Secretary of War, September 10, 1940; August 9, 1909, and January 20, 1891; thence extending along the said pierhead line south 1 degree 32 minutes 57 seconds east, the distance of 386 feet 4⅛ inches to a point; thence continuing along the said pierhead line, south 8 degrees 55 minutes 55.5 seconds east, the distance of 491 feet 11½ inches to a point on the northerly side of Reed Street (50 feet wide) stricken from city plan and vacated and reserved as a right-of-way for drainage, water main and gas purposes; thence extending along same, north 75 degrees 13 minutes 21 seconds west, recrossing the said bulkhead line and 30-foot-wide driveway easement the distance of 632 feet 1½ inches to a point on the westerly side of said driveway easement; thence extending north 12 degrees 24 minutes 31 seconds west, along said driveway easement, the distance of 136 feet 0½ inch to a point; thence extending north 14 degrees 50 minutes 59 seconds east, partly along a 25-foot-wide driveway easement, the distance of 21 feet 0⅛ inch to a point; thence extending north 75 degrees 13 minutes 21 seconds west, the distance of 492 feet 11¾ inches to a point; thence extending south 14 degrees 46 minutes 39 seconds west, the distance of 51 feet 3⅛ inches to a point; thence extending north 64 degrees 29 minutes 30 seconds west, the distance of 259 feet 9⅝ inches to the easterly side of said Delaware Avenue, being the first mentioned point and place of beginning.

Containing in area 785,683 square feet or 18.0368 acres.

(2) MARINA TOWERS AND WORLD TRADE CENTER—PIER 25 NORTH.

All that certain lot or piece of ground situate in the 5th ward, city of Philadelphia, Commonwealth of Pennsylvania, described in accordance with a Plan of Property made for Old City Harbor Associates Developers, by Lawrence J. Cleary, Surveyor and Regulator, Third Survey District dated May 26, 1981 as follows: to wit:

Beginning at a point on the easterly line of Delaware Avenue (150 feet wide) located north 15 degrees 16 minutes 00 second east, the distance of 10 feet 6 inches northeastwardly from a point of intersection of the easterly line of the said Delaware Avenue with the northerly line of former Willow Street (50 feet wide) produced; thence extending south 73 degrees 55 minutes 50 seconds east the distance of 9 feet 4¾ inches to a point on the bulkhead line of the Delaware River, approved by the Secretary of War, September 10, 1940; thence further extending south 73 degrees 55 minutes 50 seconds east, the distance of 506 feet 0⅝ inch to a point on the pierhead line of the Delaware River, ap-

proved by the Secretary of War, September 10, 1940; thence extending the following two (2) courses and distances along the said pierhead line of the Delaware River (approved by the Secretary of War, September 10, 1940); (1) south 29 degrees 05 minutes 21 seconds west, the distance of 54 feet 10⅜ inches to an angle point; (2) south 19 degrees 41 minutes 36 seconds west, the distance of 43 feet 0½ inch to a point; thence extending north 74 degrees 58 minutes 31 seconds west, the distance of 502 feet 0⅝ inch to a point on the said bulkhead line of the Delaware River (approved by the Secretary of War, September 10, 1940); thence further extending north 74 degrees 58 minutes 31 seconds west, the distance of 16 feet 4¼ inches to a point on the easterly side of the said Delaware Avenue; thence extending north 27 degrees 52 minutes 00 second east along the easterly side of the said Delaware Avenue, the distance of 89 feet 1¾ inches to an angle point; thence extending north 15 degrees 16 minutes 00 second east along the easterly side of the said Delaware Avenue; the distance of 18 feet 7⅛ inches to the first mentioned point and place of beginning.

Containing in total area 51,817.7 square feet.

(3) MARINE TRADE CENTER—PIER 24 NORTH.

Description of a property located on the easterly side of Delaware Avenue. Northwardly from the south house line of Callowhill Street produced (pier numbered 24 north).

All that certain lot or piece of ground situate in the fifth ward of the city of Philadelphia and described in accordance with a Survey and Plan of Property made November 16, 1985 by Lawrence J. Cleary, Surveyor and Regulator, Third Survey District, and revised March 22, 1988 by him.

Beginning at a point of intersection of the easterly side of Delaware Avenue (150 feet wide) and the south house line of Callowhill Street (formerly 50 feet wide) produced; thence extending north 27 degrees 52 minutes 00 second east along the said side of Delaware Avenue, the distance of 340 feet 3 inches to a point; thence extending south 74 degrees 44 minutes 00 second east the distance of 23 feet 10⅝ inches to a point on the bulkhead line of the Delaware River approved by the Secretary of War, September 10, 1940; thence extending south 74 degrees 44 minutes 00 second east the distance of 528 feet 8⅜ inches to a point on the pierhead line of the Delaware River approved by the Secretary of War, September 10, 1940; thence extending south 19 degrees 41 minutes 36 seconds west along the said pierhead line the distance of 289 feet 9½ inches to a point on the said south house line of Callowhill Street produced; thence extending north 78 degrees 58 minutes 50 seconds west along the south house line of said Callowhill Street produced the distance of 522 feet 8¾ inches to a point on the said bulkhead line; thence continuing along the said south house line of Callowhill Street produced north 78 degrees 58 minutes 50 seconds west the distance of 59 feet 5¼ inches to the first mentioned point and place of beginning.

Containing in area 171,171 square feet (3.9295 acres).

(4) NATIONAL SUGAR COMPANY "SUGAR HOUSE".

Description and Recital—block 6 north 6 lot 17—all that certain land.

Situate in the 5th ward of the city of Philadelphia, Pennsylvania and more particularly described as follows:

Beginning at a point on the southeasterly side of Penn Street (60 feet wide) which point is measured south 43 degrees 30 minutes west along the said southeasterly side of Penn Street the distance of 282 feet 6 inches from a point formed by an intersection of the said southeasterly side of Penn Street and the southwesterly side of Laurel Street (50 feet wide); thence extending from said point of beginning south 46 degrees 30 minutes east the distance of 738 feet 8½ inches to a point on the Delaware River pierhead line established January 5, 1894, approved by Secretary of War September 10, 1940; thence extending south 48 degrees 13 minutes 7 seconds west along the Delaware River pierhead line the distance of 188 feet 3⅛ inches to a point; thence extending north 46 degrees 30 minutes west partly passing within the bed of a 10-foot-wide alley by deed (which extends northwestwardly to the said southeasterly side of Penn Street) the distance of 723 feet 2⅝ inches to a point on the said southeasterly side of Penn Street; thence extending north 43 degrees 30 minutes east along the said southeasterly side of Penn Street and crossing the bed of the said 10-foot-wide alley by deed the distance of 187 feet 7½ inches to a point, being the first mentioned point and place of beginning.

Containing 3,148 acres, more or less, as surveyed on June 29, 1981, by Lawrence J. Cleary, Surveyor and Regulator of the 3rd District.

Together with 1,736 linear feet of track thereupon erected, made or being and all and every of the rights, alleys, ways, waters, privileges, appurtenances and advantages to the same belonging, or in anywise appertaining. Being known as pier 40 north.

Being the same premises which Ralph Heller, an individual by deed dated November 4, 1981, and recorded in Philadelphia County, in deed book EFP 345 page 531 conveyed unto pier 40 north associates, a Pennsylvania Limited partnership, its successors and assigns, as partnership property for the uses and purposes of said partnership.

Description of piers 41, 42, and 43 north

All that certain lot or piece of ground situate in the fifth ward of the city of Philadelphia and described in accordance with a Topographic Survey and Plan of Property made May 23, 1988, by Lawrence J. Cleary, Surveyor and Regulator of the Third Survey District:

Beginning at the point formed by the intersection of the easterly side of Penn Street (60 feet wide), and the southerly side of former Laurel Street (50 feet wide), stricken and reserved for drainage; thence extending south 46 degrees 30 minutes 00 second east, along the said southerly side of former said Laurel Street, the distance of 190 feet 9 inches to a point on the bulkhead line established January 5, 1894, and approved by the Secretary of War, September 10, 1940; thence extending south 46 degree 30 minutes 00 second east the distance of 571 feet 3¼ inches to a point on the pierhead line established January 5, 1894, and approved by the Secretary of War, September 10, 1940; thence extending south 48 degrees 13 minutes 07 seconds west along the said pierhead line the distance of 283 feet 5½ inches to a point; thence extending north 46 degrees 30 minutes 00 second west leaving said pierhead line the distance of 546 feet 11⅝ inches to a point on the aforementioned bulkhead line established January 5, 1894, and approved by the Secretary of War, September 10, 1940; thence extending north 46 degrees 30 minutes 00 second west the distance of 191 feet 8⅞ inches to a point on the easterly side of said Penn Street; thence extending north 43 degrees 30 minutes 00 second east along the easterly side of said Penn Street the distance of 282 feet 6 inches to the first mentioned point and place of beginning.

Description of piers 44 to 50 north, inclusive.

All that certain lot or piece of ground situate in the fifth ward of the city of Philadelphia and described in accordance with a Survey and Plan of Property made March 7, 1985 by Lawrence J. Cleary, Surveyor and Regulator of the Third Survey District:

Beginning at a point of intersection formed by the northeasterly side of Shackamaxon Street (60 feet wide) and the southeasterly side of Penn Street (50 feet wide); thence extending south 22 degrees 26 minutes 57 seconds east along the northeasterly side of the bed of former Shackamaxon Street (reserved for drainage purposes), the distance of 170 feet 8⅝ inches to a point on the bulkhead line of the Delaware River (established January 5, 1984—approved by the Secretary of War, September 10, 1940); thence further extending south 22 degrees 26 minutes 57 seconds east along the northeasterly side of the bed of former Shackamaxon Street (subject to a right-of-way for sewer maintenance as provided in ordinance), the distance of 623 feet 6⅜ inches to a point on the pierhead line of the Delaware River (established January 5, 1894—approved by the Secretary of War, September 10, 1940); thence extending south 54 degrees 04 minutes 10 seconds west along the said pierhead line (being also the southeasterly head of the said former Shackamaxon Street), the distance of 61 feet 8¾ inches to an angle point; thence extending south 48 degrees 11 minutes 38 seconds west along the said pierhead line the distance of 385 feet 11½ inches to a point on the northeasterly side of Laurel Street (50 feet wide) produced; thence extending north 46 degrees 29 minutes 00 second west along the northeasterly side of the said Laurel Street produced, the distance of 575 feet 6⅞ inches to a point on the said bulkhead line; thence further extending north 46 degrees 29 minutes 00 second west along the northeasterly side of the said Laurel Street, the distance of 190 feet 7 inches to a point on the southeasterly side of Penn Street (60 feet wide); thence extending north 43 degrees 30 minutes 00 second east along the southeasterly side of the aforesaid Penn Street, the distance of 543 feet 0¾ inch to an angle point; thence extending north 63 degrees 51 minutes 33 seconds east along the southeasterly side of said Penn Street (50 feet wide), the distance of 240 feet 9 inches to the first mentioned point and place of beginning.

(5) RIVERCENTER.

Beginning at the point of intersection of the northeasterly side of Dyott Street (100 feet wide) with the bulkhead line established by the Secretary of War, September 10, 1940; thence from said point of beginning leaving the side of Dyott Street and extending along the bulkhead line the following five (5) courses and distances—

(1) north 64 degrees 18 minutes 09 seconds east 829 feet 10 inches to a point;

(2) south 48 degrees 30 minutes 57 seconds east 936 feet 8⅝ inches to a point;

(3) north 64 degrees 40 minutes 52 seconds east 936 feet 8⅝ inches to a point;

(4) north 32 degrees 24 minutes 26 seconds west 149 feet 2¼ inches to a point;

(5) north 64 degrees 04 minutes 09 seconds east crossing a 60 foot drainage right of way 296 feet 3¾ inches to a point on the southwesterly side of pier #20;

thence extending along said southwesterly side of pier #20 15 feet distant and parallel with the aforementioned drainage right of way south 25 degrees 02 minutes 08 seconds east 586 feet 6⅜ inches to a point on the pierhead line established by the Secretary of War, September 10, 1940; thence extending along the pierhead line south 64 degrees 18 minutes 52 seconds west 2,021 feet 10 inches to a point on the northeasterly side of Dyott Street; thence extending along said northeasterly side of Dyott Street north 30 degrees 02 minutes 52 seconds west 494 feet 9⅜ inches to the point and place of beginning.

SEC. 31. EXTENSION OF MODIFIED WATER DELIVERY SCHEDULES, EVERGLADES NATIONAL PARK.

The first sentence of section 1302 of the Supplemental Appropriations Act, 1984 (97 Stat. 1292-1293) is amended by striking out "January 1, 1989" and inserting in lieu thereof "January 1, 1992".

SEC. 32. PERIOD OF ENVIRONMENTAL DEMONSTRATION PROGRAM.

Section 1135(b) of the Water Resources Development Act of 1986 (33 U.S.C. 2294 note) is amended by striking out "two-year period" and inserting in lieu thereof "5-year period".

SEC. 33. MAYO'S BAR LOCK AND DAM, ROME, GEORGIA.

The Secretary is authorized and directed to prepare plans and specifications for the restoration of the Mayo's Bar Lock and Dam near Rome, Georgia, at a total cost of $300,000, with an estimated first Federal cost of $150,000 and an estimated first non-Federal cost of $150,000.

SEC. 34. WATER RESOURCES STUDIES.

(a) CARTER LAKE, IOWA AND NEBRASKA.—

(1) STUDY AND DEMONSTRATION PROJECT.—The Secretary shall conduct a study and demonstration project to determine the effects of fluctuations of the water level of Carter Lake, Iowa and Nebraska, on groundwater induced flooding in the area surrounding such lake and of methods of reducing such flooding by pumping water between such lake and the Missouri River.

(2) REPORT.—Not later than 3 years after the date of the enactment of this Act, the Secretary shall transmit to Congress a report on the results of the study and demonstration project carried out under this subsection.

(b) MEMPHIS HARBOR, ENSLEY BERM, TENNESSEE.—The Secretary may conduct a study for the purpose of determining the extent of seepage associated with the project for flood control, Memphis Harbor, Ensley Berm, Tennessee, and the need for corrective measures.

(c) BARTLETT, ILLINOIS.—Before issuing a permit under section 404 of the Federal Water Pollution Control Act for a proposed municipal landfill in the vicinity of Bartlett, Illinois, the Secretary shall study, and report to Congress on, the impact of such landfill on the Newark Valley Aquifer and on the ability of water from such Aquifer to dilute for purposes of drinking water supply naturally occurring radium in groundwater.

(d) BLUESTONE LAKE, WEST VIRGINIA.—

(1) IN GENERAL.—The Secretary, in cooperation with the Secretary of the Interior, is authorized and directed to conduct a study and prepare a report on modifying the operation of the Bluestone Lake project, West Virginia, in order to facilitate the protection and enhancement of biological resources and recreational use of waters downstream from the project. Specific consideration shall be given in the study to all feasible means of improving flows from such project during periods when flows from the lake are less than 3,000 cubic feet per second, except that the study shall not consider project operation adjustments which entail major construction modifications at the project.

(2) NOTICE AND COMMENTS.—The Secretary shall publish notice of the proposed study under this subsection in the Federal Register within 3 months after the date of the enactment of this Act and shall consider any written comments regarding the scope of the study which are submitted during the 60-day period after publication of such notice.

(3) FINAL REPORT.—Not later than 18 months after the date of the enactment of this Act, the final report on the results of the study under this subsection shall be transmitted to Congress.

SEC. 35. TECHNICAL RESOURCE SERVICE, RED RIVER BASIN, MINNESOTA AND NORTH DAKOTA.

The Secretary is directed to establish a Technical Resource Service for the Red River Basin in Minnesota and North Dakota. There is authorized to be appropriated $500,000 annually for the purpose of providing to such States a full range of technical services for the development and implementation of State and local water and related land resources initiatives within the Red River Basin and sub-basins. The Technical Resource Service is to be provided in addition to related services provided under authority of section 206 of the River and Harbor and Flood Control Act of 1960 and section 22 of the Water Resources Development Act of 1974.

SEC. 36. CORRECTION OF DESCRIPTIONS.

(a) HUDSON RIVER, NEW YORK.—That portion of Public Law 100-202 designated as the Energy and Water Development Appropriation Act, 1988 is amended by striking out the undesignated paragraph beginning "The following portion of the Hudson River" and ending "the States of New York and New Jersey." (101 Stat. 1329-109) and inserting in lieu thereof the following:

"The following portion of the Hudson River in the Borough of Manhattan, New York County, State of New York, is hereby declared not to be part of the federally authorized Channel Deepening Project; that portion of the Hudson River and land thereunder more particularly bounded and described as follows: Beginning at a point in the United States Pierhead Line approved by the Secretary of War on July 31, 1941, such point having a coordinate of north 4,677.56 feet and west 11,407.92 feet and running: (1) northerly along such Pierhead Line on a bearing of north 21 degrees 01 minutes 53 seconds west for a distance of 700 feet to a point; thence (2) westerly at right angles to such Pierhead Line on a bearing of south 68 degrees 58 minutes 07 seconds west for a distance of 200 feet to a point; thence (3) southerly and parallel with such Pierhead Line on a bearing of south 21 degrees 01 minutes 53 seconds east for a distance of 700 feet to a point; thence (4) easterly at right angles to such Pierhead Line on a bearing of north 68 degrees 58 minutes 07 seconds east for a distance of 200 feet to the point of beginning. Bearings and coordinates are in the system used on the Borough Survey, Borough President's Office, Manhattan. This declaration shall apply to all or any part of such described area used or needed for New York harbor passenger ferry boat service as such may be operated by or contracted for operation by a bistate agency created by compact between the States of New York and New Jersey.".

(b) MIANUS RIVER, CONNECTICUT.—Section 1006(b) of the Water Resources Development Act of 1986 (100 Stat. 4223) is amended—

(1) in paragraph (2) by striking out "coordinates N14296.251" and inserting in lieu thereof "coordinate: N14296.451"; and

(2) in paragraph (3)—

(A) by striking out "64 seconds West" and inserting in lieu thereof "54 seconds West"; and

(B) by striking out "coordinate: N13970.8" and inserting in lieu thereof "coordinate: N13970.81".

SEC. 37. PROJECT DEAUTHORIZATIONS.

(a) PERIOD OF AUTHORIZATION.—Section 1001(a) of the Water Resources Development Act of 1986 (33 U.S.C. 579a(a)) is amended—

(1) by striking out "authorized for construction by this Act" and inserting in lieu thereof "for water resources development and conservation and related purposes authorized to be carried out by the Secretary on or after the date of the enactment of this Act"; and

(2) by striking out "beginning on the date of enactment of this Act" and inserting in lieu thereof "beginning on the date on which such project is so authorized".

(b) SPECIFIED PROJECTS.—The following projects are not authorized after the date of the enactment of this Act, except with respect to any portion of such a project which portion has been completed before such date of enactment or is under construction on such date of enactment:

(1) ROCKLAND LAKE, TEXAS.—The Rockland Lake water resources project, Texas, authorized by section 2 of the Act entitled "An Act authorizing the construction, repair, and preservation of certain public work on rivers and harbors, and for other purposes", approved March 2, 1945 (59 Stat. 18).

(2) WHITE RIVER NAVIGATION TO BATESVILLE, ARKANSAS.—The project for navigation, White River Navigation to Batesville, Arkansas, authorized by section 601(a) of the Water Resources Development Act of 1986 (100 Stat. 4139).

(c) ALGOMA, WISCONSIN, OUTER HARBOR.—

(1) DEAUTHORIZATION.—Except as provided in paragraph (2), the outer harbor basin feature of the navigation project for Algoma, Wisconsin, authorized by the Act entitled "An Act making appropriations for construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes", approved March 2, 1907 (34 Stat. 1101), is not authorized after the date of the enactment of this Act.

(2) RETENTION OF MAINTENANCE RESPONSIBILITIES FOR BREAKWATERS AND CHANNEL.—The Secretary shall retain all responsibilities of the Secretary existing on the date of the enactment of this Act for maintenance of the breakwaters and channel of the harbor at Algoma, Wisconsin.

(d) CONTINUATION OF PROJECT AUTHORIZATIONS.—Notwithstanding section 1001(b)(1) of the Water Resources Development Act of 1986 (33 U.S.C. 579a(b)(1))—

(1) the navigation project for Monterey Harbor (Monterey Bay), California, authorized by section 101 of the River and Harbor Act of 1960 (74 Stat. 483), and

(2) the navigation project for the North Branch of the Chicago River, Illinois, authorized by the first section of the Act entitled "An Act authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes", approved July 24, 1946 (60 Stat. 636),

shall remain authorized after December 31, 1989.

SEC. 38. NAMINGS.

(a) LEWIS M. PARAMORE DIVERSION UNIT.—

(1) DESIGNATION.—The Soldier Creek Diversion Unit in Topeka, Kansas, shall hereafter be known and designated as the "Lewis M. Paramore Diversion Unit".

(2) LEGAL REFERENCES.—A reference in any law, map, regulation, document, record, or other paper of the United States to such diversion unit shall be deemed to be a reference to the "Lewis M. Paramore Diversion Unit".

(b) LAKE JACK LEE.—

(1) DESIGNATION.—The lake formed by the Felsenthal Dam on the Ouachita River, Arkansas, shall hereafter be known and designated as "Lake Jack Lee".

(2) LEGAL REFERENCES.—A reference in any law, map, regulation, document, record, or other paper of the United States to such lake shall be deemed to be a reference to "Lake Jack Lee".

(c) VENTURA HARBOR.—

(1) DESIGNATION.—The harbor commonly known as Ventura Marina, located in Ventura County, California, and adopted and authorized by section 101 of Public Law 90-483, shall hereafter be known and designated as "Ventura Harbor".

(2) LEGAL REFERENCES.—A reference in any law, map, regulation, document, record, or other paper of the United States to such Harbor shall be deemed to be a reference to "Ventura Harbor".

(d) ELVIS STAHR HARBOR, PORT OF HICKMAN.—

(1) DESIGNATION.—The harbor located on the Mississippi River at Hickman, Kentucky, known as the Port of Hickman, shall hereafter be known and designated as the "Elvis Stahr Harbor, Port of Hickman".

(2) LEGAL REFERENCE.—A reference in any law, map, regulation, document, record, or other paper of the United States to such harbor shall hereafter be deemed to be a reference to the "Elvis Stahr Harbor, Port of Hickman".

(e) EMMETT SANDERS LOCK AND DAM.—

(1) DESIGNATION.—Lock and dam number 4 on the Arkansas River, Arkansas, constructed as part of the project for navigation on the Arkansas River and tributaries, shall hereafter be known and designated as the "Emmett Sanders Lock and Dam".

(2) LEGAL REFERENCE.—A reference in any law, map, regulation, document, record, or other paper of the United States to such lock and dam shall hereafter be deemed to be a reference to the "Emmett Sanders Lock and Dam".

(f) JOE HARDIN LOCK AND DAM.—

(1) DESIGNATION.—Lock and dam number 3 on the Arkansas River, Arkansas, constructed as part of the project for navigation on the Arkansas River and tributaries, shall hereafter be known and designated as the "Joe Hardin Lock and Dam".

(2) LEGAL REFERENCE.—A reference in any law, map, regulation, document, record, or other paper of the United States to such lock and dam shall be deemed to be a reference to the "Joe Hardin Lock and Dam".

(g) ED JONES BOAT RAMP.—

(1) DESIGNATION.—The boat ramp to be constructed on the Mississippi River in Lauderdale County, Tennessee, shall be known and designated as the "Ed Jones Boat Ramp".

(2) LEGAL REFERENCE.—A reference in any law, map, regulation, document, record, or other paper of the United States to such boat ramp shall be deemed to be a reference to the "Ed Jones Boat Ramp".

AMENDMENTS OFFERED BY MR. ANDERSON

Mr. ANDERSON. Mr. Chairman, I have a series of amendments at the desk which I offer, and I ask unanimous consent that they be considered en bloc.

The CHAIRMAN. The Clerk will report the amendments.

The Clerk read as follows:

Amendments offered by Mr. ANDERSON: Page 5, line 8, after "$39,200,000", insert the following: "; except that the Secretary is authorized to carry out fish and wildlife enhancement as a purpose of such project, including fish and wildlife enhancement measures described in the District Engineer's Report, dated July 1985, at a total cost of $4,140,000.".

Page 24, after line 24, insert the following new subsection:

(o) IRONDEQUOIT BAY, NEW YORK.—The navigation project for Irondequoit Bay, New York, authorized by section 101 of the River and Harbor Act of 1958 (72 Stat. 299), is modified to authorize the Secretary to construct a highway bridge across the new channel constructed as part of such project if non-Federal interests—

(1) agree to be responsible for operation and maintenance of such bridge,

(2) agree to pay 50 percent of the cost of such construction, and

(3) agree that title to such bridge will be held by non-Federal interests.

Redesignate the subsequent subsections of section 4 of the bill accordingly.

Page 24, after line 10, insert the following new subsection:

(n) LIBBY DAM, MONTANA.—The project for Libby Dam, Lake Koocanusa reservoir, Montana, is modified (1) to authorize the Secretary, in consultation with the Secretary of Agriculture, to undertake measures to alleviate low water impact on existing facilities at such project, including provision of low water access to Lake Koocanusa, Montana, and provision of additional planned public recreation sites along the reservoir, and (2) to direct the Secretary to protect Indian archaeological sites which are exposed during the course of operations of such project, at an estimated total cost of $750,000. The Secretary shall coordinate with the Kootenai Tribes in monitoring exposed archaeological sites to prevent pillaging in preserving artifacts onsite and in facilitating curation at the tribal curation center in Pablo, Montana when onsite preservation is not warranted.

Redesignate the subsequent subsections of section 4 of the bill accordingly.

Page 68, after line 18, insert the following new paragraph:

(3) CHICAGO RIVER TURNING BASIN, CHICAGO HARBOR, ILLINOIS.—The inner basin of Chicago Harbor, Illinois, known as the Chicago River Turning Basin, authorized by the first section of the Act entitled "An Act making appropriations for the repair, preservation, and completion of certain public works on rivers and harbors, and for other purposes, for the fiscal year ending June 30, 1871", approved July 11, 1870 (16 Stat. 226).

Page 9, after line 7 insert the following new paragraph:

(5) CHICAGO RIVER, ILLINOIS.—The project to construct the wall from the extension of the inner breakwater on the southside of the mouth of the Chicago River, Illinois, to the mainland parallel to the existing channel for a distance of approximately 490 feet, at a total cost of $2,400,000.

Redesignate the subsequent paragraphs of section 3(b) of the bill accordingly.

Page 12, line 12, insert "and" after the semicolon.

Page 12, strike out lines 13 through 22 and insert in lieu thereof the following:

(B) by striking out paragraph (3) and inserting in lieu thereof the following:

"(3) if recommended in a report of the Chief of Engineers and approved by the Secretary, the Secretary is authorized to construct the breakwaters to a height greater than 22 feet, and to extend the breakwaters, in accordance with such report; and

"(4) major rehabilitation of the breakwaters necessary as a result of a natural event shall be a Federal responsibility."; and

Page 15, after line 5, insert the following new subsection:

(g) BIG SOUTH FORK OF THE CUMBERLAND RIVER, KENTUCKY AND TENNESSEE.—Section 108 of the Water Resources Development Act of 1974 is amended by adding at the end thereof the following new subsection:

"(1) The non-Federal share of any cost incurred for purposes of this section may be provided by any person, including concessioners of any agency of the Federal Government. In any case in which a non-Federal interest (including a person) agrees to provide recreational facilities within the boundaries of the National Area, the Secretary shall provide any utilities, roads, or other support facilities necessary for the provision of such recreational facilities.".

Redesignate the subsequent subsections of section 4 of the bill accordingly.

Page 24, after line 10, insert the following new subsection:

(o) NEW YORK HARBOR, NEW YORK.—The New York Harbor collection and removal of drift project is modified to authorize the Secretary to collect refuse through the use of nets, at a total cost of $20,000.

Redesignate the subsequent subsections of section 4 of the bill accordingly.

Page 29, after line 13, insert the following new subsection:

(b) MAINTENANCE.—Whenever the Secretary maintains, repairs, rehabilitates, or reconstructs a water resources project which will result in a change in the configuration of a structure which is a part of such project, the Secretary, to the maximum extent practicable, shall carry out such maintenance, repair, rehabilitation, or reconstruction in a manner which will not adversely affect any recreational use established with respect to such project before the date of such maintenance, repair, rehabilitation, or reconstruction.

Page 29, line 14, strike out "(b)" and insert in lieu thereof "(c)".

Page 29, strike out line 24, and insert in lieu thereof the following:

(d) APPLICABILITY.—

(1) GENERAL RULE.—Subsections (b) and (c) shall apply to maintenance, repair, rehabilitation, or reconstruction for which physical construction is initiated after May 1, 1988.

(2) LIMITATION.—Subsections (b) and (c) shall not apply to any

Page 29, realign lines 25 and 26 accordingly.

Page 30, line 1, strike out "(d)" and insert in lieu thereof "(e)".

Page 62, line 3, insert "(a) EXTENSION OF PERIOD.—" before "Section".

Page 62, after line 6, insert the following new subsection:

(b) REPORTS.—Section 1135(d) of such Act is amended by striking out "two years" and inserting in lieu thereof "5 years".

Page 31, after line 13, insert the following new section:

SEC. 8. COLLABORATIVE RESEARCH AND DEVELOPMENT.

(a) IN GENERAL.—For the purpose of improving the state of engineering and construction in the United States and consistent with the civil works mission of the Army Corps of Engineers, the Secretary is authorized to utilize Army Corps of Engineers laboratories and research centers to undertake, on a cost-shared basis, collaborative research and development with non-Federal entities, including State and local government, colleges and universities, and corporations, partnerships, sole proprietorships, and trade associations which are incorporated or established under the laws of any of the several States of the United States or the District of Columbia.

(b) ADMINISTRATIVE PROVISIONS.—In carrying out this section, the Secretary may consider the recommendations of a non-Federal entity in identifying appropriate research or development projects and may enter into a cooperative research and development agreement, as defined in section 12 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a); except that in such agreement, the Secretary may agree to provide not more than 50 percent of the cost of any research or development project selected by the Secretary under this section. Not less than 5 percent of the non-Federal entity's share of the cost of any such project shall be paid in cash.

(c) APPLICABILITY OF OTHER LAWS.—The research, development, or utilization of any technology pursuant to an agreement under subsection (b), including the terms under which such technology may be licensed and the resulting royalties may be distributed, shall be subject to the provisions of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3701-3714).

(d) AUTHORIZATION OF APPROPRIATIONS.—To carry out the purposes of this section, there is authorized to be appropriated to the Secretary of the Army civil works funds $3,000,000 for fiscal year 1989, $4,000,000 for fiscal year 1990, $5,000,000 for fiscal year 1991, and $6,000,000 for each fiscal year thereafter.

(e) ADDITIONAL FUNDING.—Notwithstanding the third proviso under the heading "GENERAL INVESTIGATIONS" of title I of the Energy and Water Development Appropriations Act, 1989 (102 Stat. 857), an additional $3,000,000 of the funds appropriated under such heading shall be available to the Secretary for obligation to carry out the purposes of this section in fiscal year 1989.

Redesignate the subsequent sections of the bill accordingly.

Page 15, after line 5, insert the following new subsection:

(g) STUMPY LAKE, LOUISIANA.—The project for mitigation of fish and wildlife losses Red River Waterway, Louisiana, authorized by section 601(a) of the Water Resources Act of 1986 (100 Stat. 4142), is modified—

(1) to include design and construction of such structural or remedial measures as necessary to control erosion and protect the valuable environmental resources of the area between Lake Bistineau and Red River, including Stumpy Lake and vicinity; and

(2) to authorize the Secretary to spend $500,000 in participation with the State of Louisiana on design, construction, and purchase of necessary lands and rights-of-way for such structural and remedial measures.

Such structural and remedial measures shall be subject to cost sharing under title I of the Water Resources Development Act of 1986.

Redesignate the subsequent subsections of section 4 of the bill accordingly.

Page 44, after line 5, insert the following new section:

SEC. 27. PRADO BASIN, CALIFORNIA, PROPERTY INTEREST EXCHANGE.

(a) EXCHANGE.—To further enable the Santa Ana River Mainstream Flood Control project to proceed, the Administrator of General Services (hereinafter in this section referred to as the "Administrator") shall issue certificates of credit under subsection (b) in return for which both the holder of producing leasehold mineral interests in the reservoir of Prado Basin, Riverside County, California, and the nonpublic owners of override and royalty interests and other nonpublic entities with rights to the minerals in such reservoir (hereinafter in this section referred to as "nonpublic owners of mineral interests") surrender to the United States their interests and rights in such reservoir.

(b) CERTIFICATES OF CREDIT.—Certificates of credit issued under this section may be used in paying for Federal excess property. Subject to an agreement between the holder of producing leasehold mineral interests in the reservoir referred to in subsection (a) and the nonpublic owner of mineral interests, such certificates may only be issued to such holder and not to such nonpublic owner, and compensation to such nonpublic owner for surrendering its interests in such reservoir to the United States shall be given to such holder.

(c) VALUE.—Subject to an agreement between the holder of producing leasehold mineral interests in the reservoir referred to in subsection (a) and the nonpublic owner of mineral interests, the value of a certificate of credit issued under this section for surrender of mineral interests in the reservoir referred to in subsection (a) shall be equal to the value of the aggregate of both the leasehold value and the nonpublic ownership value of such mineral interests, as determined by the Administrator.

(d) EVALUATION AND APPRAISAL.—The Administrator is authorized to undertake such evaluation and appraisal of leasehold mineral interests and mineral interests which may be surrendered under this section and shall submit a final report on the results of such evaluation and appraisal to the Committee on Environment and Public Works of the Senate and the Committee on Public Works and Transportation of the House of Representatives not later than 120 days after the date of the enactment of this Act. If, in undertaking such evaluation and appraisal, the Administrator contracts for appraisal service, the Administrator shall require an independent and objective appraisal by a person knowledgeable of the petroleum industry. Upon submission of the report under this subsection, the exchange of property (including issuance of certificates of credit) referred to in subsection (a) shall be effectuated.

(e) LIMITATION ON APPROPRIATIONS.—No appropriation shall be made for carrying out the purposes of this section and no exchange costs shall be required to be born by the local governmental jurisdictions benefited by the project.

(f) FEDERAL EXCESS PROPERTY DEFINED.—For purposes of this section, the term "Federal excess property" means any excess property of the United States property acquired, purchased, or improved pursuant to the Public Buildings Act of 1959.

Redesignate the subsequent sections of the bill accordingly.

Page 62, after line 12, insert the following:

SEC. 34. FEDERAL HYDROELECTRIC POWER MODERNIZATION STUDY.

(a) STUDY—The Secretary shall conduct a study of the need to modernize and upgrade the federally owned and operated hydroelectric power system.

(b) REPORT.—Not later than 1 year after the date of the enactment of this section, the Secretary shall transmit to Congress a report on the results of the study conducted under subsection (a) together with recommendations.

Redesignate the subsequent sections of the bill accordingly.

Page 25, after line 21, insert the following new subsection:

(q) BROKEN BOW LAKE, OKLAHOMA.—The project for flood control, power and water supply, Broken Bow Lake, Oklahoma, authorized by the Flood Control Act of 1958 and the Flood Control Act of 1962, is modified to authorize and direct the Secretary to construct such hydroelectric power production facilities at the Broken Bow Lake reregulation dam as are recommended in a report of the Chief of Engineers and approved by the Secretary, at an estimated total cost of $13,300,000.

Redesignate the subsequent subsection of section 4 of the bill accordingly.

Page 33, after line 18, insert the following new section:

SEC. 12. FEASIBILITY REPORTS.

Section 905(a) of the Water Resources development Act of 1986 (33 U.S.C. 2282(a)) is amended by inserting after the third sentence the following new sentence: "The feasibility report shall also include a local and regional economic development plan for the project area if the proposed project is located in an area which qualifies for designation as an economic development area under the Public Works and Economic Redevelopment Act of 1965.".

Redesignate the subsequent sections of the bill accordingly.

Page 2, after line 2, insert the following:

TITLE I—WATER RESOURCES DEVEOPMENT

Page 2, lines 4 and 7, strike out "Act" and insert in lieu thereof "title".

Redesignate sections 1 through 38 of the bill as sections 101 through 138, respectively.

At the end of the bill, add the following new title:

TITLE II—BRIDGE ADMINISTRATION TRANSER

SEC. 201. SHORT TITLE.

This title may be cited as the "Bridge Administration Transfer Act".

SEC. 202. AUTHORIZATION AND DELEGATION.

(a) AUTHORIZATION.—Administration of bridges and causeways over navigable waters is transferred from the Secretary of Transportation to the Secretary of the Army. The administration transferred includes all authorities for bridge and causeway approvals, drawbridge regulations, administration of bridge alterations, and all other related authority, functions, and duties concerning bridges and causeways over navigable waters otherwise exercised by the Secretary of Transportation except—

(1) administration of bridges and causeways in or over the Saint Lawrence Seaway; and

(2) Authority to prescribe lights and other signals on bridges and causeways for the benefit of navigation.

(b) TRANSFER DATES.—The transfer of authorities under this section shall take effect on October 1, 1989, or on such prior dates as the Secretary of the Army, in consultation with the Secretary of Transportation, prescribes and publishes in the Federal Register.

(c) NAVIGABLE WATERS DEFINED.—For purposes of this Act the term "navigable waters" means waters which are subject to the ebb and flow of the tide, or which are used or susceptible to use in their natural condition or by reasonable improvement as a means of transporting interstate or foreign commerce.

SEC. 203. PROCEDURE FOR TRANSFER.

(a) PERSONNEL, MONEY, PROPERTY, ETC.—(1) on or before October 1, 1989, and as determined by the Director of the Office of Management and Budget in consultation with the Secretary of Transportation and the Secretary of the Army, the Secretary of Transportation shall transfer to the Secretary of the Army all—

(A) civilian employees and personnel positions,

(B) assets, liabilities, contracts, property, records, unexpended balances of appropriations, authorizations, allocations, and funds collected; and

(C) other resources and assets; which the Secretary of Transportation has before then employed, controlled, or used for purposes of the administration transferred under section 202.

(2) The transfer pursuant to this section shall be carried out in accordance with section 3503 of title 5, United States Code, and shall not cause any such employee to be separated or reduced in grade or compensation for at least one year after the date on which each employee is transferred to the Secretary of the Army. Appropriations and funds shall be transferred and accounted for in accordance with section 202 of the Budget and Accounting Procedures Act of 1950 (31 U.S.C. 1531).

(b) REGULATIONS.—

(1) IN GENERAL.—The Secretary of the Army may issue such regulations as may be necessary and appropriate to implement section 202.

(2) EFFECTIVE DATE.—Regulations issued by the Secretary of the Army under this subsection shall be effective on the effective date of the particular transfers implemented by the regulations.

(c) LEGAL RIGHTS AND DUTIES.—No approvals, notices, determinations, grants, contracts, permits or permit actions, regulatory actions, penalties or penalty actions, suits, or claims against or by the United States or officers, employees, representatives, or agencies of the United States, or other legal rights or duties relating to bridges and causeways over navigable waters shall be affected by the transfer under section 202 of this Act, except that the Secretary of the Army or officers, personnel, or agencies of the Department of the Army shall be substituted, as appropriate, for the Secretary of Transportation or officers, personnel, or agencies of the Department of Transportation. This subsection does not prohibit the modification, continuation, or discontinuation of any legal rights or duties by the Secretary of the Army under the same terms and conditions and to the same extent as would have been lawful by the Secretary of Transportation.

SEC. 204. CONFORMING AMENDMENTS.

(a) EFFECT OF AMENDMENTS.—The conforming amendments in this section shall not affect the authorities being transferred under this Act until such authorities are tranferred under section 202 of this Act.

(b) AMENDMENTS TO THE RIVERS AND HARBORS APPROPRIATIONS ACT OF 1899.—The Act of March 3, 1899, otherwise known as the Rivers and Harbors Appropriations Act of 1899, is amended as follows:

(1) The text of section 9 of the Act (33 U.S.C. 401) is amended to read as follows:

"It shall not be lawful to construct or commerce the construction of any bridge, causeway, dam, or dike over or in any port, roadstead, haven, harbor, canal, navigable river, of other navigable water of the United States until the consent of Congress to the building of such structures shall have been obtained and until the plans for the bridge, causeway, dam, or dike shall have been submitted to and approved by the Secretary of the Army. However, such structures may be built under authority of the legislature of a State across rivers and other waterways the navigable portions of which lie wholly within the limits of a single State, provided the location and plans thereof are submitted to and approved by the Secretary of the Army before construction is commenced. When plans for any bridge or other structure have been approved by the Secretary of the Army, it shall not be lawful to deviate from such plans either before or after completion of the structure unless modification of said plans has previously been submitted to and received the approval of the Secretary of the Army. In the case of a bridge or causeway in or over the Saint Lawrence Seaway, the authority in this section shall be exercised by the Secretary of Transportation instead of the Secretary of the Army. The approval required by this section does not apply to any bridge or causeway over waters that are not subject to the ebb and flow of the tide and that are not used and are not susceptible to use in their natural condition or by reasonable improvement as a means to transport interstate or foreign commerce.".

(2) The text of section 18 of the Act (33 U.S.C. 502) is amended to read as follows:

"(a) Whenever the Secretary of the Army shall have good reason to believe that any railroad or other bridge now constructed, or which may hereinafter be constructed, over any of the navigable waterways of the United States is an unreasonable obstruction to the free navigation of such waters on account of insufficient height, width or span, or otherwise, or where there is difficulty in passing the draw opening or the draw span of such bridge by rafts, steamboats, or other water craft, it shall be the duty of the Secretary of the Army, first giving the parties reasonable opportunity to be heard, to give notice to the persons or corporations owning or controlling such bridge so to alter the same as to render navigation through or under it reasonable free, easy, and unobstructed; and in giving such notice the Secretary shall specify the changes that are required to be made, and shall prescribe in each case a reasonable time in which to make them. If at the end of such time the alteration has not been made, the Secretary of the Army shall forthwith notify the United States Attorney for the district in which such bridge is situated, to the end that the criminal proceedings hereinafter mentioned may be taken. If the persons, corporation, or association owning or controlling any railroad or other bridge shall, after receiving notice to that effect, as hereinafter required, from the Secretary of the Army, and within the the time prescribed by the Secretary willfully fail or refuse to remove the same or to comply with the lawful order of the Secretary of the Army in the premises, such persons, corporation, or association shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine not exceeding $5,000, and every month such persons, corporation, or association shall remain in default in respect to the removal or alteration of such bridge, shall be deemed a new offense, and subject such persons, corporation, or association so offending to the penalties have prescribed.

"(b) No owner or operator of any bridge, drawbridge, or causeway shall endanger, unreasonably obstruct, or make hazardous the free navigation of any navigable water of the United States by reason of the failure to keep the bridge, drawbridge, or causeway and any accessory works in proper repair.

"(c) Whoever violates any provision of this section, or any order issued under this section, shall be liable to a civil penalty of not more than $1,000. Each day a violation continues shall be deemed a separate offense. No penalty may be assessed under this subsection until the person charged is given notice and an opportunity for a hearing on the charge. The Secretary of the Army may assess and collect any civil penalty incurred under this subsection and, in the Secretary's discretion, may remit, mitigate, or compromise any penalty until the matter is referred to the Attorney General. If a person against whom a civil penalty is assessed under this subsection fails to pay that penalty, an action may be commenced in the district court of the United States for any district in which the violation occurs for such penalty.

"(d) In the case of a bridge or causeway in or over the Saint Lawrence Seaway, the authority in this section shall be exercised by the Secretary of Transportation instead of the Secretary of the Army.".

"(c) AMENDMENTS TO THE BRIDGE ACT OF 1906. The Act of March 23, 1906, otherwise known as the Bridge Act of 1906, is amended as follows:

"(1) The text of the first section of the Act (33 U.S.C. 491) is amended to read as follows:

"That when, after March 23, 1906, authority is granted by Congress to any persons to construct and maintain a bridge across or over any of the navigable waters of the United States, such bridge shall not be built or commenced until the plans and specifications for its construction, together with such drawings of the proposed construction and such map of the proposed location as may be required for a full understanding of the subject, have been submitted to the Secretary of the Army for the Secretary's approval, nor until the Secretary shall have approved such plans and specifications and the location of such bridge and accessory works; and when the plans for any bridge to be constructed under the provisions of this Act have been approved by the Secretary it shall not be lawful to deviate from such plans, either before or after completion of the structure, unless the modification of such plans has previously been submitted to and received the approval of the Secretary. In the case of a bridge over the Saint Lawrence Seaway, the authority in this section shall be exercised by the Secretary of Transportation instead of the Secretary of the Army. This section shall not apply to any bridge over waters which are not subject to the ebb and flow of the tide and which are not used and are not susceptible to use in their natural condition or by rea-

sonable improvement as a means to transport interstate or foreign commerce.".

(2) The text of section 4 of the Act (33 U.S.C. 494) is amended to read as follows:

"No bridge erected or maintained under the provisions of this Act shall at any time unreasonably obstruct the free navigation of the waters over which it is constructed, and if any bridge erected in accordance with the provisions of this Act shall, in the opinion of the Secretary of the Army, at any time unreasonably obstruct such navigation, either on account of insufficient height, width of span, or otherwise, or if there be difficulty in passing the draw opening or the drawspan of such bridge by rafts, steamboats, or other watercraft, it shall be the duty of the Secretary of the Army, after giving the parties interested reasonable opportunity to be heard, to notify the persons owning or controlling such bridge to so alter the same as to render navigation through or under it reasonably free, easy, and unobstructed, stating in such notice the changes required to be made and prescribing in each case a reasonable time in which to make such changes, and if at the end of the time so specified the changes required have not been made, the persons owning or controlling such bridge shall be deemed guilty of a violation of this Act; and all such alterations shall be made and all such obstructions shall be removed at the expense of the persons owning or operating said bridge. In the case of a bridge over the Saint Lawrence Seaway, the above authority in this section shall be exercised by the Secretary of Transportation instead of the Secretary of the Army. The persons owning or operating any such bridge shall maintain, at their own expense, such lights and other signals thereon as the Secretary of Transportation shall prescribe. If the bridge shall be constructed with a draw, then the draw shall be opened promptly by the persons owning or operating such bridge upon reasonable signal for the passage of boats and other water craft.".

(3) The text of section 5 of the Act (33 U.S.C. 495) is amended to read as follows:

"(a) Any person who shall willfully fail or refuse to comply with the lawful order of the Secretary of the Army or the Secretary of Transportation made in accordance with provisions of this Act shall be deemed guilty of a misdemeanor and on a conviction thereof shall be punished in any court of competent jurisdiction by a fine not exceeding $5,000, and every month such persons shall remain in default shall be deemed a new offense and subject such persons to additional penalties therefor; and in addition to the penalties above described the Secretary of the Army (or the Secretary of Transportation, in the case of a bridge or causeway in or over the Saint Lawrence Seaway) may, upon refusal of the persons owning or controlling any such bridge and accessory works to comply with any lawful order issued by the Secretary in regard thereto, cause the removal of such bridge, and suit for such expense may be brought in the name of the United States against such persons, and recovery had for such expense in any court of competent jurisdiction, and the removal of any structures erected or maintained in violation of the provisions of this Act or the order or direction of the Secretary made in pursuance thereof may be enforced by injunction, mandamus, or other summary process, upon application to the district court in the district in which such structure may, in whole or part, exist, and proper proceedings to this end may be instituted under the direction of the Attorney General of the United States at the request of the Secretary; and in case of any litigation arising from any obstruction or alleged obstruction to navigation created by the construction of any bridge under this Act, the cause or question arising may be tried before the district court of the United States in any district which any portion of said obstruction or bridge touches.

"(b) Whoever violates any provision of this Act, or any order issued under this Act, shall be liable to a civil penalty of not more than $1,000. Each day a violation continues shall be deemed a separate offense. No penalty may be assessed under this subsection until the person charged is given notice and an opportunity for a hearing on the charge. The Secretary whose order is violated, or who is responsible for the administration of a provision of this Act which is violated, may assess and collect any civil penalty incurred under this subsection and, in the Secretary's discretion, may remit, mitigate, or compromise any penalty until the matter is referred to the Attorney General. If a person against whom a civil penalty is assessed under this subsection fails to pay that penalty, an action may be commenced in the district court of the United States for any district in which the violation occurs for such penalty.".

(d) AMENDMENT TO THE ACT OF AUGUST 1894.—The text of section 5 of the Act of August 18, 1894 (33 U.S.C. 499), is amended to read as follows:

"(a) It shall be the duty of all persons owning, operating, and tending drawbridges across the navigable rivers and other waters of the United States, whenever built, to open, or cause to be opened, the draws of such bridges under such rules and regulations as in the opinion of the Secretary of the Army the public interests require to govern the opening of drawbridges for the passage of vessels and other water crafts, and such rules and regulations, when so made and published, shall have the force of law. Every such person who shall willfully fail or refuse to open, or cause to be opened, the draw of any such bridge for the passage of a boat or boats, as provided in such regulations, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not more than $2,000 nor less than $1,000, or by imprisonment (in the case of a natural person) for not exceeding one year, or by both such fine and imprisonment, in the discretion of the court: *Provided,* That the proper action to enforce the provisions of this subsection may be commenced before any magistrate, judge, or court of the United States, and such magistrate, judge, or court shall proceed in respect thereto as authorized by law in case of crimes against the United States: *Provided further,* That whenever, in the opinion of the Secretary of the Army, the public interests require it, the Secretary may make rules and regulations to govern the opening of drawbridges for the passage of vessels and other water crafts, and such rules and regulations, when so made and published, shall have the force of law, and any willful violation thereof shall be punished as hereinbefore provided: *Provided further,* That any regulations made in pursuance of this section may be enforced as provided in section 17 of the Act of March 3, 1899 (33 U.S.C. 413), the provisions whereof are made applicable to the said regulations.

"(b) No vessel owner or operator shall signal a drawbridge to open for any nonstructural vessel appurtenance which is not essential to navigation or which is easily lowered and no person shall unreasonably delay the opening of a draw after the signal required by rules or regulations under this section has been given. The Secretary of the Army shall issue rules and regulations to implement this subsection.

"(c) Whoever violates any rule or regulation issued under subsection (a) or (b), shall be liable to a civil penalty of not more than $1,000. No penalty may be assessed under this subsection until the person charged is given notice and an opportunity for a hearing on the charge. The Secretary of the Army may assess and collect any civil penalty incurred under this subsection and, in the Secretary's discretion, may remit, mitigate, or compromise any penalty until the matter is referred to the Attorney General. If a person against whom a civil penalty is assessed under this subsection fails to pay that penalty, an action may be commenced in the district court of the United States for any district in which the violation occurs for such penalty.

"(d) In the case of a bridge over the Saint Lawrence Seaway, the authority in this section shall be exercised by the Secretary of Transportation instead of the Secretary of the Army.".

(e) AMENDMENTS TO THE TRUMAN-HOBBS ACT.—The Act of June 21, 1940, otherwise known as the Truman-Hobbs Act, is amended as follows:

(1) The text of the first section of the Act (33 U.S.C. 511) is amended to read as follows:

"When used in this Act, unless the context indicates otherwise—

"(1) The term 'alteration' includes changes of any kind, reconstruction, or removal in whole or in part.

"(2) The term 'bridge' means a lawful bridge over navigable waters of the United States, including approaches, fenders, and appurtenances thereto, which is used and operated for the purpose of carrying railroad traffic or both railroad and highway traffic, or if a State, county, municipality, or other political subdivision is the owner or joint owner thereof, which is used and operated for the purpose of carrying highway traffic.

"(3) The term 'bridge owner' means any State, county municipality, or other political subdivision, or any corporation, association, partnership, or individual owning, or jointly owning, any bridge, and, when any bridge shall be in the possession or under the control of any trustee, receiver, trustee in a case under title 11 of the United States Code, or lessee, such term shall include both the owner of the legal title and person or the entity in possession or control of such bridge.

"(4) The term 'Secretary' means the Secretary of the Army, except in the case of a bridge over the Saint Lawrence Seaway, in which case it means the Secretary of Transportation.

"(5) The term 'United States', when used in a geographical sense, includes the Territories and possessions of the United States.".

(2) The text of section 4 of the Act (33 U.S.C. 514) is amended to read as follows:

"After the service of an order under this Act, it shall be the duty of the bridge owner to prepare and submit to the Secretary, within a reasonable time as prescribed by the Secretary, general plans and specifications to provide for the alteration of such bridge in accordance with such order, and for such additional alteration of such bridge

as the bridge owner may desire to meet the necessities of railroad or highway traffic, or both. The Secretary, may approve or reject such general plans and specifications, in whole or in part, and may require the submission of new or additional plans and specifications, but when the Secretary shall have approved general plans and specifications, they shall be final and binding upon all parties unless changes therein be afterwards approved by the Secretary and the bridge owner.".

(3) The text of section 7 of the Act (33 U.S.C. 517) is amended to read as follows:

"Following service of the order requiring alteration of the bridge, the Secretary may make partial payments as the work progresses to the extent that funds have been appropriated. The total payments out of Federal funds shall not exceed the proportionate share of the United States of the total cost of the project paid or incurred by the bridge owner, and if such total cost exceeds the cost guaranteed by the bridge owner, shall not exceed the proportionate share of the United States of such guaranteed cost, except that if the cost of the work exceed the guaranteed cost by reason of emergencies, conditions beyond the control of the owner, or unforeseen or undertermined conditions, the Secretary may, after full review of all the circumstances, provide for additional payments by the United States to help defray such excess cost to the extent the Secretary deems it to be reasonable and proper, and shall certify such additional payments to the Secretary of the Treasury for payment. All payments made to any bridge owner herein provided for shall be made by the Secretary of the Treasury upon certifications of the Secretary.".

(4) The text of section 13 of the Act (33 U.S.C. 523) is amended to read as follows:

"If the owner of any bridge and the Secretary shall agree that in order to remove an obstruction to navigation, or for any other purpose, a relocation of such bridge or the construction of a new bridge upon a new location shall be preferable to an alteration of the existing bridge, such relocation or new construction may be carried out at such new site and upon such terms as may be acceptable to the bridge owner and the Secretary, and the cost of such relocation or new construction, including also any expense of changes in and additions to rights-of-way, stations, tracks, spurs, sidings, switches, signals, and other railroad facilities and property, and relocation of shippers required for railroad connection with the bridge at the new site, shall be apportioned as between the bridge owner and the United States in the manner which is provided for in section 6 of this Act (33 U.S.C. 516) in the case of an alteration and the share of the United States paid from the appropriation authorized in section 8 of this Act (33 U.S.C. 518): *Provided,* That nothing in this section shall be construed as requiring the United States to pay any part of the expense of building any bridge across a navigable stream which the Secretary shall not find to be, in fact, a relocation of the existing bridge.".

(f) AMENDMENTS TO THE GENERAL BRIDGE ACT OF 1946.—The Act of August 12, 1946, otherwise known as the General Bridge Act of 1946, is amended as follows:

(1) The text of section 502 of the Act (33 U.S.C. 525) is amended to read as follows:

"(a) CONSENT OF CONGRESS.—The consent of Congress is hereby granted for the construction, maintenance, and operation of bridges and approaches thereto over the navigable waters of the United States, in accordance with the provisions of this title.

"(b) APPROVAL OF PLANS.—The location and plans for such bridges shall be approved by the Secretary of the Army before construction is commenced, and, in approving the location and plans of any bridge, the Secretary may impose any specific conditions relating to the maintenance and operation of the structure which the Secretary may deem necessary in the interest of public navigation, and the conditions so imposed shall have the force of law. In the case of a bridge over the Saint Lawrence Seaway, the authority in this subsection shall be exercised by the Secretary of Transportation instead of the Secretary of the Army. This subsection shall not apply to any bridge over waters which are not subject to the ebb and flow of the tide and which are not used and are not susceptible to use in their natural condition or by reasonable improvement as a means to transport interstate or foreign commerce.

"(c) PRIVATE HIGHWAY TOLL BRIDGES.—Notwithstanding the provisions of subsections (a) and (b) of this section, it shall be unlawful to construct or commence the construction of any privately owned highway toll bridge until the location and plans thereof shall also have been submitted to and approved by the highway department or departments of the State or States in which the bridge and its approaches are situated: and where such bridge shall be between two or more States and the highway departments thereof shall be unable to agree upon the location and plans therefor, or if they, or either of them, shall fail or refuse to act upon the location and plans submitted, such location and plans then shall be submitted to the Secretary of the Army and, if approved by the Secretary of the Army, approval by the highway departments shall not be required.".

(2) The text of section 510 of the Act (33 U.S.C. 533) is amended to read as follows:

"(a) Any person who willfully fails or refuses to comply with any lawful order of the Secretary of the Army or the Secretary of Transportation issued under the provisions of this title, or who willfully fails to comply with any specific conditions imposed by the Secretary of the Army or the Secretary of Transportation relating to the maintenance and operation of bridges, or who willfully refuses to produce books, papers, or documents in obedience to a subpoena or other lawful requirement under this title, or who otherwise willfully violates any provision of this title, shall, upon conviction thereof, be punished by a fine not to exceed $5,000 or by imprisonment for not more than one year, or by both such fine and imprisonment.

"(b) Whoever violates any provision of this Act, or any order issued under this Act, shall be liable to a civil penalty of not more than $1,000. Each day a violation continues shall be deemed a separate offense. No penalty may be assessed under this subsection until the person charged is given notice and an opportunity for a hearing on the charge. The Secretary responsible for the provision or order violated may assess and collect the civil penalty incurred under this subsection and, in the Secretary's discretion, may remit, mitigate, or compromise the penalty until the matter is referred to the Attorney General. If a person against whom a civil penalty is assessed under this subsection fails to pay that penalty, an action may be commenced in the district court of the United States for any district in which the violation occurs for such penalty.".

(g) AMENDMENTS TO THE INTERNATIONAL BRIDGE ACT OF 1972.—Public Law 92-434 (the Act of September 26, 1972), otherwise known as the International Bridge Act of 1972, is amended as follows:

(1) The text of section 2 of the Act (33 U.S.C. 535) is amended to read as follows:

"The consent of Congress is hereby granted to the construction, maintenance, and operation of any bridge and approaches thereto, which will connect the United States with any foreign country (hereinafter in this Act referred to as an 'international bridge') and to the collection of tolls for its use, so far as the United States has jurisdiction. Such consent shall be subject to (1) the approval of the proper authorities in the foreign country concerned; (2) the provisions of the Act entitled 'An Act to regulate the construction of bridges over navigable waters', approved March 23, 1906 (33 U.S.C. 491-498), except section 6 (33 U.S.C. 496), whether or not such bridge is to be built across or over any of the navigable waters of the United States; and (3) the provisions of this subchapter. In the case of a bridge over the Saint Lawrence Seaway, and in the case of a bridge which would not otherwise be subject to the Act of March 23, 1906, the authority of the Secretary of the Army in this section shall be exercised by the Secretary of Transportation instead of the Secretary of the Army.".

(2) The text of section 5 of the Act (33 U.S.C. 535c) is amended to read as follows:

"The approval of the Secretary of the Army or the Secretary of Transportation as required by the first section of the Act of March 23, 1906 (33 U.S.C. 491), and section 2 of this Act (33 U.S.C. 535) shall be given only subsequent to the President's approval, as provided for in section 4 of this Act, and shall be null and void unless the construction of the bridge is commenced within two years and completed within five years from the date of the Secretary's approval: *Provided, however,* That the Secretary concerned, for good cause shown, may extend for a reasonable time either or both of the time limits herein provided.".

(3) The text of section 11 of the Act (33 U.S.C. 535h) is amended to read as follows:

"The Secretary of the Army and the Secretary of Transportation shall each make an annual report of approvals granted by them under sections 2 and 5 of this Act (33 U.S.C. 535 and 535c).".

(h) AMENDMENTS TO TITLE 14, UNITED STATES CODE.—Section 662 of title 14, United States Code, is amended—

(1) by striking paragraph (3),

(2) by redesignating paragraph (4) as paragraph (3), and

(3) in paragraph (3) (as redesignated) by striking "clauses (1)-(3)" and inserting "paragraph (1) or (2)".

SEC. 205. COMPILATION OF LAWS.

The Secretary of the Army shall prepare a compilation of Federal Laws relating to the administration and regulation of bridges, causeways, dams, dikes, and other structures in, on, or over navigable waters of the United States and shall submit such compilation to the Speaker of the House of Representatives and the President pro tempore of the Senate with such recommendation as to consolidation, revision, amendment, or simplification of those laws as in the Secretary's judgment would be most advantageous to the public interest.

SEC. 206. DECLARATION OF NONNAVIGABILITY OF BODIES OF WATER IN RIDGEFIELD, NEW JERSEY.

The three bodies of water located at block 4004, lots 1 and 2, and block 4003, lot 1, in

the Borough of Ridgefield, County of Bergen, New Jersey which have their mouths at the Hackensack River at 40 degrees 49 minutes 58 seconds north latitude and 74 degrees 01 minute 46 seconds west longitude, 40 degrees 49 minutes 46 second north latitude and 74 degrees 01 minute 55 seconds west longitude, and 40 degrees 49 minutes 35 seconds north latitude and 74 degrees 02 minutes 04 seconds west longitude, respectively, and the body of water located at block 4006, lot 1, in the Borough of Ridgefield, County of Bergen, New Jersey which has its mouth at the Hackensack River at 40 degrees 49 minutes 15 seconds north latitude and 74 degrees 01 minute 52 seconds west longitude, are declared to be nonnavigable waterways of the United States within the meaning of the General Bridge Act of 1946 (33 U.S.C. 525 et seq.).

Page 11, after line 23, insert the following new subsection:

(a) BEAVER LAKE, ARKANSAS.—

(1) AMENDMENTS.—Section 843 of the Water Resources Development Act of 1986 (100 Stat. 4176-4177) is amended—

(A) by inserting "and the Chief of the Soil Conservation Service" after "the Environmental Protection Agency"; and

(B) by inserting "including best management practices," before "at a total cost".

(2) CONTINUATION OF PLANNING AND DESIGN.—Using funds made available for the Beaver Lake project, Arkansas, pursuant to the Energy and Water Development Appropriations Act, 1989, the Secretary is directed to continue overall planning and design for such project, including the development of implementation plans for individual parcels of land within the drainage basin which contribute to water quality degradation and impairment of water supply uses at Beaver Lake.

Redesignate the subsequent subsections of section 4 of the bill accordingly.

Page 67, lines 8 and 9, strike out "on or" and insert in lieu thereof "by this Act or".

Page 64, after line 15, insert the following new subsection:

(e) GREAT LAKES AND SAINT LAWRENCE SEAWAY.—

(1) STUDY OF FINANCING NAVIGATIONAL IMPROVEMENTS.—The Secretary, in cooperation with other Federal agencies and private persons, is authorized and directed to contract with an independent party to conduct a study of cost recovery options and alternative methods of financing navigational improvements on the Great Lakes connecting channels and Saint Lawrence Seaway, including modernization of the Eisenhower and Snell Locks of the Saint Lawrence Seaway.

(2) REPORT.—Not later than 18 months after the date of the enactment of this Act, the Secretary shall transmit to Congress a report on the results of the study carried out under this subsection together with recommendations.

(3) FUNDING.—For the purpose of furthering the same objective as the objective for which section 105(a)(2) of the Water Resources Development Act of 1986 was enacted, there is authorized to be appropriated for fiscal years beginning after September 30, 1988, to carry out this subsection $1,000,000.

Page 61, after line 18, insert the following new section:

SEC. 31. DECLARATION OF NONNAVIGABILITY FOR PORTIONS OF CONEY ISLAND CREEK AND GRAVESEND BAY, NEW YORK.

The portions of Coney Island Creek and Gravesend Bay, New York, which are particularly described in the following metes and bounds description are hereby declared to be nonnavigable waters of the United States within the meaning of the Constitution and the laws of the United States, except for purposes of the Federal Water Pollution Control Act and section 10 of the Act of March 3, 1899 (30 Stat. 1151; 33 U.S.C. 403), commonly known as the River and Harbor Act of 1899:

Beginning at the corner former by the intersection of the Westerly Line of Cropsey Avenue, and the Northernmost United States Pierhead Line of Coney Island Creek.

Running thence south 12 degrees 41 minutes 03 seconds E and along the westerly line of Cropsey Avenue, 98.72 feet to the northerly channel line as shown on Corps of Engineers Map Numbered F. 150 and on Survey by Rogers and Giollorenzo Numbered 13959 dated October 31, 1986.

Running thence in a westerly direction and along the said northerly channel line the following bearings and distances:

South 48 degrees 59 minutes 27 seconds west, 118.77 feet; south 37 degrees 07 minutes 01 seconds west, 232.00 feet; south 23 degrees 17 minutes 10 seconds west, 430.03 feet; south 31 degrees 25 minutes 46 seconds west, 210.95 feet; south 79 degrees 22 minutes 49 seconds west, 244.18 feet; south 55 degrees 00 minutes 29 seconds west, 183.10 feet; south 41 degrees 47 minutes 04 seconds west, 315.16 feet; and

North 41 degrees 17 minutes 43 seconds west, 492.47 feet to the said Pierhead Line; thence north 73 degrees 58 minutes 40 minutes west and along said pierhead line, 2665.25 feet to the intersection of the United States bulkhead line;

Thence north 0 degrees 19 minutes 35 seconds west and along the United States Bulkhead line 1138.50 feet to the intersection of the westerly prolongation of the center line of 26th Avenue,

Thence north 58 degrees 25 minutes 06 seconds east and along the center line of said 26th Avenue, 2320.85 feet to the westerly line of Cropsey Avenue, then southeasterly and along the southerly line of Cropsey Avenue the following bearings and distances:

South 31 degrees 34 minutes 54 seconds east, 4124.59 feet; and

South 12 degrees 41 minutes 03 seconds east, 710.74 feet to the point or place of beginning.

Coordinates and bearings are in the system as established by the United States Coast and Geodetic Survey for the Borough of Brooklyn.

Redesignate subsequent sections of the bill accordingly.

Page 62, after line 13, insert the following new subsection:

(a) INTERNAL DRAINAGE SYSTEM, FROG POND AGRICULTURAL AREA, FLORIDA.—The Secretary shall conduct a study for the purpose of determining the need for an internal drainage system in the Frog Pond agricultural area of south Dade County, Florida. Within 1 year after the date of the enactment of this Act, the Secretary shall submit to Congress a reconnaissance report on the need for such system.

Redesignate the subsequent subsections of section 34 of the bill accordingly.

Page 43, strike out line 21 and all that follows through line 5 on page 44 and insert in lieu thereof the following:

SEC. 25. LESAGE/GREENBOTTOM SWAMP, WEST VIRGINIA.

(a) LIMITATION ON LAND CONVEYANCE.—The Secretary shall not convey title to all or any part of the Lesage/greenbottom Swamp to the State of West Virginia.

(b) LESAGE/GREENBOTTOM SWAMP DEFINED.—For purposes of this section, the term "Lesage/Greenbottom Swamp" means the land located in Cabell and Mason Counties, West Virginia, acquired or to be acquired by the United States for fish and wildlife mitigation purposes in connection with the Gallipolis Locks and Dam replacement project authorized by section 301(a) of the Water Resources Development Act of 1986 (100 Stat. 4110).

(c) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this section shall be construed as affecting the authority of the Secretary to carry out the Gallipolis Locks and Dam replacement project authorized by section 301(a) of the Water Resources Development Act of 1986 (100 Stat. 4110).

Page 14, after line 21, insert the following new subsection:

(f) SUNSET HARBOR, CALIFORNIA.—The demonstration project at Sunset Harbor, California, authorized by section 1119(b) of the Water Resources Development Act of 1986 (100 Stat. 4238), is modified to include wetland restoration as a purpose of such demonstration project. All costs allocated to such wetland restoration shall be paid by non-Federal interests in accordance with section 916 of such Act.

Redesignate the subsequent subsection of section 4 of the bill accordingly.

Page 24, after line 24, insert the following new subsection:

(o) EAST ROCKAWAY INLET TO ROCKAWAY INLET AND JAMAICA BAY, NEW YORK.—The project at East Rockaway Inlet to Rockaway Inlet and Jamaica Bay, New York, authored by the Flood Control Act of 1965 and modified by the Water Resources Development Act of 1974, is modified to extend periodic beach nourishment for such project to the 50th year after construction of such project and to direct the Secretary to participate in periodic nourishment through the 50-year project life of the project under the cost-sharing terms of the previously executed local cooperation agreement.

Redesignate subsequent subsections of section 4 of the bill accordingly.

Page 65, after line 4, insert the following:

SEC. 36. MISSISSIPPI RIVER FLOOD CONTROL, LA CROSSE, WISCONSIN.

Any study or reevaluation of the Mississippi River at La Crosse, Wisconsin, flood control project undertaken pursuant to the Committee Resolution of the Committee on Public Works and Transportation of the House of Representatives approved on March 15, 1988, shall be treated, for purposes of section 905(b) of the Water Resources Development Act of 1986, as a continuation of the phase I feasibility study for such project completed in September 1973 and not as initiation of a new study for such project.

Redesignate the subsequent sections of the bill accordingly.

Page 34, after line 15, insert the following new section:

SEC. 14. ABANDONED AND WRECKED VESSELS.

Section 1115 of the Water Resources Development Act of 1986 (100 Stat. 4235) is amended by inserting "(a) GENERAL RULE.—" before "The Secretary" the first place it appears and by adding at the end thereof the following new subsection:

(b) SPECIAL RULE.—The Secretary may enter into an agreement with a private person for removal of the abandoned vessel referred to in subsection (a)(3). Such agree-

ment shall provide that consideration for such removal shall be transfer of title from the United States to such person of a DeLong Pier Jack-Up Barge Type A, Serial Number BPA6814. Such transfer shall be subject to such conditions as the Secretary determines appropriate, including a condition requiring such person to successfully remove such vessel. Procedures otherwise governing disposal of property shall not apply to the transfer of title to such barge.".

Redesignate subsequent sections of the bill accordingly.

Page 31, after line 7, insert the following new paragraphs:

(9) Summersville Lake, West Virginia.

(10) Sutton Lake, West Virginia.

(11) Stonewall Jackson Lake, West Virginia.

Page 15, after line 5, insert the following new subsection:

(g) ATLANTIC COAST OF MARYLAND AND ASSATEAGUE ISLAND, VIRGINIA.—The project for shoreline protection, Atlantic Coast of Maryland and Assateague Island, Virginia, authorized by section 501(a) of the Water Resources Development Act of 1986 (100 Stat. 4135), is modified to provide that, if non-Federal interests place sand on the beach as part of such project after December 31, 1988, the Secretary shall credit toward the non-Federal share of the cost of the project an amount equal to the Federal share of the cost of such sand placement.

Redesignate the subsequent subsections of section 4 of the bill accordingly.

Page 66, after line 25, insert the following:

SEC. 37. PUMP STORAGE AT RICHARD B. RUSSELL DAM AND LAKE, GEORGIA AND SOUTH CAROLINA.

None of the funds appropriated or otherwise made available before, on, or after the date of the enactment of this Act shall be used for planning, financing, contracting, or construction in connection with pumped storage at the Richard B. Russell Dam and Lake, Georgia and South Carolina, except as necessary to comply with the Federal Water Pollution Control Act, the National Environmental Policy Act of 1969, or the Fish and Wildlife Coordination Act, and to study and develop a means for prevention of fish entrainment.

Redesignate subsequent sections of the bill accordingly.

Page 25, line 17, insert "the work remaining on" before "such project".

Page 36, after line 8, insert the following new section:

SEC. 17. PLANADA, CALIFORNIA.

The Director of the Federal Emergency Management Agency is directed to prepare or cause to be prepared a hydrological study of Miles Creek, California, to use as the basis for the establishment of revised base flood elevations in and near the community of Planada, California. Until such time as such revised base flood elevations and established, the flood insurance rate map (Community Panel No. 0601880315A) in effect on September 1, 1988, for the area in and near such community shall remain in effect.

Redesignate subsequent sections of the bill accordingly.

Page 7, after line 11, insert the following new paragraph:

(1) VALLEY CREEK, WARRIOR RIVER AND TRIBUTARIES, ALABAMA.—The project for flood control, Valley Creek, Warrior River and Tributaries, Alabama, at a total cost of $23,830,000, with an estimated first Federal cost of $17,882,500 and an estimated first non-Federal cost of $5,957,500.

Redesignate the subsequent paragraphs of section 3(b) of the bill accordingly.

At the end of the bill, add the following new section:

SEC. 39. WATER IMPROVEMENTS, PHARR, TEXAS.

On the request of the Military Highway Water Supply Corporation of Progreso, Texas, the Secretary of Commerce shall waive the reimbursement of the amounts owed to the Federal Government which resulted from the sale of the Las Milpas portion of the water system improvements constructed under the Economic Development Administration project number 8-11-01533 which was sold to the city of Pharr, Texas, if the proceeds of such sale will be used for the purpose of carrying out in the area served by such Corporation water and sewer improvements which would be eligible for assistance under the Public Works and Economic Development Act of 1965 or the Consolidated Farm and Rural Development Act or title V of the Housing Act of 1949.

Page 26, line 2, strike out "$35,000" and insert in lieu thereof "$90,000".

Page 7, after line 11, insert the following new paragraph:

(1) NOGALES WASH AND TRIBUTARIES, ARIZONA.—The project for flood control, Nogales Wash and Tributaries, Arizona: Report of the Board of Engineers for Rivers and Harbors, dated September 14, 1988, at a total cost of $6,400,000. Nothing in this paragraph affects the authority of the Secretary to carry out such project under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s).

Redesignate the subsequent paragraphs of section 3(b) of the bill accordingly.

Page 8, line 6, strike out "and city".

Page 8, line 10, strike out "Structural" and all that follows through the period on line 16.

Page 44, after line 20, insert the following new section:

SEC. 29. RESTORATION, VENTURA TO PIERPONT BEACH, CALIFORNIA

The Secretary shall make such repairs as are required to restore groin number 1 of the Ventura to Pierpont Beach erosion control project to its original configuration as authorized pursuant to House Document 87-458, at a total cost of $300,000, with an estimated first Federal cost of $225,000 and an estimated first non-Federal cost of $75,000.

Redesignate subsequent sections of the bill accordingly.

Page 48, line 12, strike out "west" and insert in lieu thereof "east".

Page 49, line 17, strike out the comma.

Page 51, line 14, strike out "1½" and insert in lieu thereof "1¼".

Page 52, line 3, strike out "½" and insert in lieu thereof "¼".

Page 52, line 12, strike out "½" and insert in lieu thereof "¼".

Page 53, line 8, strike out "May" and insert in lieu thereof "March".

Page 53, strike out line 9 and all that follows through line 16 on page 54 and insert in lieu thereof the following:

Beginning at a point on the easterly line of Delaware Avenue (150 feet wide) located south 27 degrees 52 minutes 00 second west, the distance of 119 feet 8⅞ inches from a point of intersection of the easterly line of the said Delaware Avenue with the southerly line of Willow Street (50 feet wide) produced; thence extending along the easterly line of the said Delaware Avenue, the two following courses and distances: (1) north 27 degrees 52 minutes 00 seconds east, the distance of 162 feet 8⅛ inches to an angle point; (2) north 15 degrees 16 minutes 00 seconds east, the distance of 95 feet 5⅜ inches to a point; thence extending south 73 degrees 55 minutes 50 seconds east, the distance of 18 feet 5⅞ inches to a point on the bulkhead line of the Delaware River approved by the Secretary of War September 10, 1940; thence further extending south 73 degrees 55 minutes 50 seconds east, the distance of 515 feet 9⅜ inches to a point on the pierhead line of the Delaware River approved by the Secretary of War September 10, 1940; thence extending the following two courses and distances along the said pierhead line of the Delaware River (approved by the Secretary of War September, 1940: (1) south 29 degrees 05 minutes 21 seconds west, the distance of 133 feet 8⅞ inches to an angle point; (2) south 19 degrees 41 minutes 36 seconds west, the distance of 117 feet 2½ inches to a point; thence extending north 74 degrees 44 minutes 00 seconds west, the distance of 504 feet 10 inches to a point on the said bulkhead line of the Delaware River (approved by the Secretary of War September 10, 1940); thence further extending north 74 degrees 44 minutes 00 seconds west, the distance of 23 feet 10⅝ inches to the first mentioned point and place beginning.

Being parcels number 1 (known as pier 25 north), number 2 and number 3 and containing in total area 130,281.6 square feet.

Page 57, line 3 strike out "3,148" and insert in lieu thereof "3.148".

Page 60, line 24, strike out "936 feet 8⅝" and insert in lieu thereof "53 feet 5⅝".

Page 61, line 13, strike out "18" and insert in lieu thereof "16".

Page 62, after line 12, insert the following new section:

SEC. 34. KISSIMMEE RIVER, FLORIDA.

The Secretary is directed to proceed with work on the Kissimmee River demonstration project, Florida, pursuant to section 1135 of the Water Resources Development Act of 1986.

Redesignate the subsequent sections of the bill accordingly.

Page 4, after line 8, insert the following new paragraph:

(9) MISSISSIPPI AND LOUISIANA ESTUARINE AREAS, MISSISSIPPI AND LOUISIANA.—The project for environmental enhancement, Mississippi and Louisiana Estuarine Areas, Mississippi and Louisiana: Report of the Chief of Engineers, dated May 19, 1986, at a total cost of $59,300,000.

Redesignate subsequent paragraphs of section 3(a) of the bill accordingly.

Page 64, after line 15, insert the following new section:

SEC. 35. DIVISION LABORATORY.

The Secretary is authorized to construct a new division laboratory at an estimated cost of $2,000,000, for the United States Army Engineer Division, Ohio River. Such laboratory shall be constructed on a suitable site, which the Secretary is authorized to acquire for such purpose.

Redesignate the subsequent sections of the bill accordingly.

Page 10, strike out line 8 and all that follows through line 4 on page 11.

Page 11, line 5, strike out "(d)" and insert in lieu thereof "(c)".

Page 37, after line 18, insert the following new section:

SEC. 20. COST-SHARING FOR LAKES IN KENTUCKY.

Costs to be paid by non-Federal interests for any municipal industrial water supply storage associated with the Grayson Lake, Dewey Lake, and Carr Ford Lake projects,

Kentucky, shall be determined based on the original project cost estimates of $17,800,000, $7,845,000, and $46,800,000, respectively, notwithstanding any other rules or regulations promulgated by the Secretary.

Redesignate subsequent sections of the bill accordingly.

At the end of the bill, add the following new section:

SEC. 39. PERIOD OF AVAILABILITY FOR FUNDING FOR METROPOLITAN DADE COUNTY, FLORIDA.

The first undesignated paragraph under the heading "CONSTRUCTION, GENERAL" in title I of the Energy and Water Development Appropriation Act, 1988 (101 Stat. 1329-106) is amended by striking out "to be made available to Metropolitan Dade County, Florida, for the purpose of a 50 per centum, cost-shared" and inserting in lieu thereof "to remain available until expended, for a grant to Metropolitan Dade County, Florida, for a".

Page 69, after line 6, insert the following new paragraph:

(3) The element of the Missouri River Basin Project authorized by sec. 228 of the River and Harbor Act of 1970,

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

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

There was no objection.

The CHAIRMAN. Is there objection to the request of the gentleman from California that the amendments be considered en bloc?

There was no objection.

Mr. ANDERSON. Mr. Chairman, the amendments that I have at the desk that are offered en bloc, these amendments have been prepared in response to matters which have been brought to our attention following the reporting of the bill. These amendments are similar in nature to the provisions in the bill and include particular corrections, project modifications and authorizations, project deauthorizations, and other matters relating to the Corps of Engineers program.

They increase the cost by about 3 to 4 percent.

In the interest of time, I will not go into them because I think they are just like committee amendments.

Mr. Chairman, as I indicated, I have a series of amendments at the desk which I am offering en bloc. These amendments would provide the following:

Amendment No. 1:

TRUCKEE MEADOWS, NEVADA

This amendment adds fish and wildlife enhancement as an authorized project purpose at the Truckee Meadows, Nevada, flood control project. This project feature had originally been included in the considerations of the District Engineer but was not included in the final recommendation of the Chief of Engineers for lack of support. The U.S. Fish and Wildlife Service has now provided assurances to support the fish and wildlife enhancement feature.

Amendment No. 2:

IRONDEQUOIT BAY, NEW YORK

This subsection modifies the project for Irondequoit Bay, New York, to authorize the Secretary to construct a highway bridge across the new channel constructed as a part of such project, but only if non-Federal interests agree to be responsible for operation and maintenance of the bridge, agree to pay 50 percent of the cost of such construction, and agree that title to such bridge will be held by non-Federal interests. This bridge would replace the bridge which previously crossed the channel prior to construction of the Irondequoit Bay project.

Amendment No. 3:

LIBBY DAM, LAKE KOOCANUSA, MONTANA

This subsection modifies the project for Libby Dam, Lake Koocanusa Reservoir, Montana to authorize the Secretary to undertake measures to alleviate low water impact on existing facilities at the project including low water access to Lake Koocanusa and additional planned public recreation sites along the reservoir. The Secretary is also directed to protect Indian archaeological sites which are exposed during the course of operations of the project. These activities are to be coordinated with Kootenai tribes in monitoring exposed archaeological sites to prevent pillaging and preserving artifacts on site and to facilitate and curation at the Tribunal Curation Center in Pablo, Montana when on site preservation is not warranted.

This amendment includes matters which affect the jurisdiction of the Agriculture Committee and the Interior and Insular Affairs Committee, and their cooperation and jurisdiction are acknowledged.

Amendments Nos. 4, 5:

CHICAGO RIVER TURNING BASIN, CHICAGO HARBOR, ILLINOIS

Amendment number 4 deauthorizes the Chicago River Turning Basin to allow the Chicago Park District to construct a marina at the site. In addition, the plans of the Chicago Park District will result in the purpose of the existing breakwater becoming fully navigational. Amendment No. 5 authorizes the Secretary, subject to a final report of the Chief of Engineers and approval of the Secretary of the Army, to construct a new wall along the south side of the Chicago River.

Amendment No. 6:

KING HARBOR, REDONDO BEACH, CALIFORNIA

This amendment modifies the provision related to King Harbor Redondo Beach, California to provide that in instances when major rehabilitation of the breakwaters become necessary as the result of a single natural event, such rehabilitation is to be a Federal responsibility. It also authorizes extensions of the breakwaters and construction of the breakwaters to a height greater than 22 feet if recommended by the Chief of Engineers and approved by the Secretary of the Army. The Board of Engineers for Rivers and Harbors has recently recommended the extensions.

Amendment No. 7:

BIG SOUTH FORK, KENTUCKY AND TENNESSEE

The subsection modifies the authorization for the Big South Fork of the Cumberland River, Kentucky and Tennessee project by providing that the non-Federal costs may be provided by any person, including concessionaires of any agency of the Federal government. Further, in any case where a non Federal interest agrees to provide recreational facilities within the boundaries of the national recreation area, the Secretary is to provide any utilities, roads, or other support facilities necessary for the provision of such recreational facilities.

Amendment No. 8:

NEW YORK, NEW JERSEY HARBOR DRIFT REMOVAL

This subsection modifies the New York Harbor Collection and Removal of Drift project to authorize the Secretary to collect refuse through the use of nets. This work would occur in conjunction with his current efforts to remove drift and debris in the New York and New Jersey Harbor.

Amendment No. 9:

PROTECTION OF RECREATIONAL AND COMMERCIAL USES

This amendment modifies the section in the bill which requires the Secretary to consider any impact of a project on existing and future recreational and commercial uses in the area surrounding the project. The amendment provides that when the Secretary maintains, repairs, rehabilitates, or reconstructs a water resources project which will result in a change in the configuration of the structure which is part of the project, the Secretary is to carry out such maintenance, repair, rehabilitation, or reconstruction in a manner which will not adversely affect any recreational use which was established prior to the date of such work. This section is also made applicable to any work for which physical construction is initiated after May 1, 1988.

Amendment No. 10:

ENVIRONMENTAL ENHANCEMENT

Section 1135 of the 1986 Water Resources Development Act authorized the Corps to make modifications to existing Corps projects in the interest of improving the quality of the environment in the public interest. The bill extends this authority from two to five years. This amendment would require that a report be furnished to Congress at the end of that five year period.

Amendment No. 11:

COLLABORATIVE RESEARCH AND DEVELOPMENT

This amendment adds a new section to the bill authorizing the Secretary to use Army Corps of Engineers laboratories and research centers to undertake, on a cost shared basis, collaborative research and development with non Federal entities, including state and local governments, colleges and universities, and corporations, partnerships, sole proprietorships, and trade associations. Such work is authorized for the purpose of improving the state of engineering and construction in the United States and as consistent with the civil works mission of the U.S. Army Corps of Engineers. The amendment is consistent with the policy of the Committee on Science, Space, and Technology regarding cooperative Research and Development agreements. The inability of laboratories to provide matching funds under the Stevenson-Wydler Act repeatedly has been identified as an area that needs to be strengthened. The Committee on Science, Space, and Technology supports this additional test of cost-sharing which, if successful, would provide a basis for extending the Stevenson-Wydler Act authority to all government laboratories.

Amendment No. 12:

STUMPY LAKE, LOUISIANA

This subsection modifies the project for mitigation of fish and wildlife losses for the Red River Waterway, Louisiana, to include design and construction of structural or remedial measures, as necessary, to control

erosion and protect the valuable environmental resources of the area between Lake Bistineau and Red River, and to authorize the Secretary to spend $500,000 in participation with the state of Louisiana on design, construction, and purchase of necessary lands and rights of way for such structural and remedial measures.

Amendment No. 13:

PRADO RESERVOIR, CALIFORNIA

This amendment would allow the holders of certain leasehold interests of mineral rights at Prado Reservoir, California to release those rights to the Federal government and in return to receive credits which could be used to purchase Federal excess property in exchange for the value of those rights relinquished. The level of Prado Reservoir is to be raised which will result in the leaseholds being inundated by the enlarged reservoir.

Amendment No. 14:

HYDROPOWER STUDY

This section authorizes the Secretary to conduct a study on the need to modernize and upgrade the federally owned and operated hydroelectric power system. The results of the study are to be submitted to the Congress not later than one year after enactment. Because the study will include the reservoirs of many agencies, the report should be furnished to each of the House and Senate committees of jurisdiction, including the Committee on Public Works and Transportation and the Committee on Interior and Insular Affairs of the House of Representatives, and the Committee on Environment and Public Works and the Committee on Energy and Natural Resources of the Senate.

Amendment No. 15:

BROKEN BOW LAKE, OKLAHOMA

The amendment authorizes and directs the Secretary to construct hydroelectric power production facilities at the Broken Bow Lake reregulating dam. The project was originally authorized for flood control, power and water supply by the Flood Control Act of 1958.

Amendment No. 16:

FEASIBILITY STUDY

This section amends 905(a) of the Water Resources Development Act of 1986 which relates to the content of the Corps of Engineers feasibility reports to require that the feasibility report also include a local and regional economic development plan for the project area. This is intended to allow local project sponsors to better evaluate the effects of a proposed water resources development project on the area. It applies where the project is located in an area which qualifies for designation as an economic redevelopment area under the Public Works and Economic Development Act of 1965.

Amendment No. 17:

BRIDGE ADMINISTRATION TRANSFER

This amendment would transfer many of the regulatory functions over bridges in the United States from the Department of Transportation, United States Coast Guard, to the U.S. Army Corps of Engineers. These functions were transferred to the Coast Guard through the Department of Transportation when the Department of Transportation was formed in 1966. This amendment would transfer the functions and personnel associated with these programs back to the Corps of Engineers. The amendment also provides a non navigability declaration for certain drainage ditches at Ridgefield, New Jersey.

This amendment transferring the bridge regulatory functions is within the joint jurisdiction of the Public Works and Transportation Committee and the Merchant Marine and Fisheries Committee and is offered on behalf of both committees.

Amendment No. 18:

BEAVER LAKE, ARKANSAS

This provision would amend Section 843 of the Water Resources Development Act of 1986 relating to the clean up of Beaver Lake, Arkansas to include a role for the Soil Conservation Service and to provide for the use of best management practices in controlling water quality problems at Beaver Lake. In addition, the Secretary is authorized to use previously appropriated funds to continue overall planning and design for the project including implementation plans for individual parcels of land within the drainage basin which contribute to water quality degradation and impairment of water quality uses at the lake. This amendment includes the Soil Conservation Service which is within the jurisdiction of the Agriculture Committee, and the committee acknowledges the jurisdiction and assistance of the Agriculture Committee in adopting this amendment.

Amendment No. 19:

PROJECT DEAUTHORIZATIONS

This amendment is a technical correction to a provision in the bill which makes the automatic deauthorization provision contained in the 1986 Water Resources Development Act applicable to projects authorized subsequent to that act. The automatic deauthorization provision operates to deauthorize any project authorized by the 1986 act, or subsequent to that act, which does not have funds obligated for construction of the project within 5 years of authorization.

Amendment No. 20:

GREAT LAKES AND ST. LAWRENCE SEAWAY

This amendment authorizes the Secretary to conduct a study of cost recovery options and alternative methods of financing navigational improvements on the Great Lakes and St. Lawrence Seaway, including modernization of the Eisenhower and Snell Locks of the St. Lawrence Seaway. The report is to be submitted within 18 months.

Amendment No. 21:

DECLARATION OF NON NAVIGABILITY FOR PORTIONS OF CONEY ISLAND CREEK AND GRAVESEND BAY, NEW YORK

The amendment declares a portion of Coney Island Creek and Gravesend Bay, New York to be non navigable waters of the United States within the meaning of the Constitution and the laws of the United States, except for purposes of the Federal Water Pollution Control Act and section 10 of the River and Harbor Act of 1899.

Amendment No. 22:

FROG POND AGRICULTURAL AREA, FLORIDA

This amendment authorizes the Secretary to perform a study on the need for an internal drainage system in the Frog Pond agricultural area of South Dade County, Florida. The first phase of this study, the reconnaissance phase, is to be submitted to the Congress within one year of enactment.

Amendment No. 23:

LESAGE-GREENBOTTOM SWAMP, WEST VIRGINIA

This amendment is a substitute for section 25 in the reported bill and prohibits the Secretary from conveying title to all or any part of the Lesage Greenbottom Swamp to the State of West Virginia. This land was purchased in conjunction with the construction of the Gallipolis locks and dam replacement on the Ohio River, and nothing in this section is to cause any delay in the construction of that project.

Amendment No. 24:

BOLSA CHICA, CALIFORNIA

This amendment modifies the project at Sunset Harbor, Bolsa Chica, California, to allow the Secretary to include wetland restoration as a project purpose and furthermore to provide that costs so allocated are to be paid by the non Federal sponsors pursuant to the Federal project repayment district concept authorized by the Water Resources Develolpment Act of 1986. This will result in full repayment of project costs by the non Federal interests for the project.

Amendment No. 25:

EAST ROCKAWAY INLET TO ROCKAWAY INLET AND JAMAICA BAY, NEW YORK

This amendment modifies the project East Rockaway Inlet to Rockaway Inlet and Jamaica Bay, New York to extend periodic beach nourishment for such project to the fiftieth year after construction of the project and to direct the Secretary to participate in periodic nourishment through the 50 year project life.

Amendment No. 26:

MISSISSIPPI FLOOD CONTROL, LA CROSSE, WISCONSIN

The amendment provides that any study or reevaluation of the Mississippi River at La Crosse, Wisconsin, flood control project which is undertaken pursuant to the Committee resolution of the Committee on Public Works and Transportation approved on March 15, 1988 is to be treated for purposes of section 905(b) of the Water Resources Development for such project completed in September, 1973 and not as an initiation of a new study for the project.

Amendment No. 27:

ABANDONED AND WRECKED VESSELS

The 1986 Water Resources Development Act directed the U.S. Army Corps of Engineers to remove the vessel A. Regina from a coral reef at Mona Island off Puerto Rico. This amendment would modify that provision to authorize the Secretary to enter into an agreement with a private person for removal of the vessel. The agreement will provide that consideration of the removal shall be transfer of title from the United States to such person of a Delong Pier jack up barge type A, with the transfer subject to such conditions as the Secretary determines appropriate, including a condition requiring such person to successfully remove the vessel. This authority is being granted because of the unique circumstances of this situation. It is not intended as a precedent for futurre transfers of excess property.

Amendment No. 28:

OPERATION OF CERTAIN PROJECTS TO ENHANCE RECREATION

This amendment adds the projects Stonewall Jackson Lake, Summersville Lake, and Sutton Lake, all in West Virginia. to section 7 of the bill which authorizes the Secretary to operate these projects in such a way as to enhance their recreational potential. Nothing in this amendment affects the operation of section 1102 of the 1986 Water Resources Development Act, relating to Gauley River Whitewater recreation.

Amendment No. 29:

ATLANTIC COAST OF MARYLAND

This provision modifies the authorization for the beach erosion control project for the Atlantic Coast of Maryland to allow non

Federal interests to continue work on the Federal project and to have the work performed after December 31, 1988 to be credited against their non Federal share for the entire project.

Amendment No. 30:

RICHARD B. RUSSELL RESERVOIR, GEORGIA AND SOUTH CAROLINA

This amemdment would prohibit the expenditure of funds for planning, financing, contracting, or construction in connection with the pump storage facility at the Richard B. Russell Dam and Lake, Georgia and South Carolina, except as necessary to comply with the Federal Water Pollution Control Act, the National Environmental Policy Act, or the Fish and Wildlife Coordination Act. The Secretary may also study and develop a means for prevention of fish entrainment.

Amendment No. 31:

MAUMEE BAY, OHIO

This is a technical correction to a provision in the bill which directs the Secretary to credit non Federal interests with the Federal share of work on the Federal project which had been previously completed by the non Federal interests.

Amendment No. 32:

PLANADA, CALIFORNIA

This section would provide that the flood insurance rate maps which the Federal Emergency Agency proposes for the area could not be used until such time as the U.S. Army Corps of Engineers has completed new hydrological studies of Miles Creek, California, to use as the basis for the establishment of revised base flood elevations to be used in setting flood insurance rates.

Amendment No. 33:

VALLEY CREEK, ALABAMA

This amendment authorizes the construction of a flood control project for Valley Creek, Alabama. The construction is conditioned upon the favorable report of the U.S. Chief of Engineers and approval by the Secretary of the Army.

Amendment No. 34:

PROGRESO, TEXAS

The amendment directs the Secretary of Commerce to waive the reimbursement requirement of amounts owed to the federal government which resulted from the sale of the Las Milpas portion of the water system improvements constructed pursuant to an Economic Development Administration project that was sold to the city of Pharr, Texas. The proceeds of the sale must be used for sewer and water improvments which would be eligible for assistance under the Public Works and Economic Development Act, the Consolidated Farm and Rural Development Act, of Title V of the Housing Act of 1949.

Amendment No. 35:

ROCHESTER, PENNSYLVANIA

This amendment corrects an erroneous cost estimate contained in the bill to increase the authorized cost from $35,000 to $90,000.

Amendment No. 36:

NOGALES WASH AND TRIBUTARIES, ARIZONA

The amendment would authorize a project for flood control, Nogales Wash and Tributaries, subject to a final report of the Chief of Engineers and approval of the Secretary of the Army. In addition, the amendment provides that nothing is to affect the authority of the Secretary to carry out a project in that area under the small project authority of section 205 of the Flood Control Act of 1948.

Amendment No. 37:

RESTORATION, VENTURA TO PIERPONT BEACH, CALIFORNIA

This amendment directs the Secretary to make such repairs as are required to restore Groin Number 1 of the Ventura to Pierpont Erosion Control Project to its original configuration as authorized pursuant to House Document 87-458.

Amendment No.38:

DECLARATION OF NONNAVIGABILITY FOR PORTIONS OF THE DELAWARE RIVER

This amendment corrects technical errors in the description of certain property along the Delaware River in Philadelphia County, Pennsylvania which was declared to be nonnavigable waters of the United States within the meaning of the Constitution of the laws of the United States, except for purposes of the Federal Water Pollution Control Act and Section 10 of the act of March 3, 1899. That provision was contained in the reported bill.

Amendment No. 39:

KISSIMMEE RIVER, FLORIDA

The amendment directs the Secretary to proceed with work on the Kissimmee River, Florida demonstration project under the authority of section 1135 of the Water Resources Development Act of 1986. The Secretary received funding for this work in the Energy and Water Development Appropriations Act, 1989.

Amendment No. 40:

MISSISSIPPI AND LOUISIANA ESTUARINE AREAS, MISSISSIPPI AND LOUISIANA

This amendment would authorize a project for environmental enhancement for Mississippi and Louisiana, in accordance with the report of the Chief of Engineer dated May 19, 1986.

Amendment No. 41:

DIVISION LABORATORY

This amendment authorizes the Secretary to construct a new division laboratory for the United States Army Engineer Division, Ohio River. This laboratory would replace an existing facility.

Amendment No. 42:

AMENDMENT SUMMARY

This amendment deletes section 3(c) of the bill, which provides that the cost sharing requirements of the 1986 Act apply to projects authorized after the date of enactment of that Act. Concern has been expresed about the effects of this provision on previously authorized projects. The Committee did not intend to exempt in any way any projects from the 1986 cost sharing requirements, and is deleting the language so as to avoid any confusion. The matter will be addressed as necessary in conference to ensure that all projects are subject to appropriate cost sharing.

Amendment No. 43:

This amendment is a substitute for section 20 of the reported bill and it provides that costs paid by non Federal interests for municipal and industrial water supply associated with three projects in Kentucky are to be determined based on the original project cost estimates.

Amendment No. 44:

METROPOLITAN DADE COUNTY, FLORIDA

This amendment amends Public Law 100-202 to provide that money appropriated for the Metropolitan Dade County project is to be available for a grant to Metropolitan Dade County for a project including environmental restoration, hurricane protection facilities and dock space, and establishing public access and a regional public park along the Miami River.

Amendment No. 45:

This amendment would prevent the bridge across the Missouri River known as the Fort Yates Bridge from becoming automatically deauthorized on December 31, 1989, as provided by law. The bridge would be eligible for deauthorization with the next submission of proposed deauthorizations from the President.

Mr. Chairman, that completes my description of the amendments. I urge their passage.

Mr. LEWIS of California. Mr. Chairman, will the gentleman yield?

Mr. ANDERSON. I yield to the gentleman from California.

Mr. LEWIS of California. I thank the gentleman for yielding.

Mr. Chairman, am I to understand that these amendments include that which relates to that relatively minor modification in my district on the Santa Ana River?

Mr. ANDERSON. Yes; these amendments which have been offered have been cleared with the gentleman from Arkansas [Mr. HAMMERSCHMIDT], on both sides. The committee has worked them over rather well.

Mr. LEWIS of California. I very much appreciate the gentleman's assistance and I support his amendments.

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

Mr. Chairman, I rise in reluctant support of the committee's en bloc amendments to H.R. 5247, the Water Resources Development Act of 1988.

Many of these amendments are necessary because of new developments since our committee markup. The package includes new projects, studies, and provisions, as well as refinements to existing provisions in our committee reported bill.

The package, however, also includes provisions that could endanger the prospects of the entire bill. Some of these provisions may be viewed as premature or controversial from the administration's standpoint. For this reason, I am concerned about the amendments and their impact on our efforts to pass a bill that the President can sign and that can return us to the regular, 2-year authorization process.

Some aspects of the package improve the bill, however. For example, the committee amendment includes the administration's proposals on collaborative research and development with the private sector. Our amendment also includes development with the private sector. Our amendment also contains the administration's bill to transfer regulatory authority over bridges and causeways from the Coast Guard to the Corps of Engineers. This is based on H.R. 4558, which was joint-

ly referred to our committees and the Merchant Marine and Fisheries Committee. We offer this proposal to this bill at the request of the Merchant Marine and Fisheries Committee chairman, the distinguished gentleman from North Carolina, [Mr. JONES].

Mr. Chairman, another important provision involves implementation of the Beaver Lake, AR, cleanup project authorized in section 843 of the Water Resources Development Act of 1986—Public Law 99-662. This project has also been funded in both the fiscal year 1988 continuing resolution—Public Law 100-202—and the fiscal year 1989 Energy and Water Development Appropriations Act—Public Law 100-371.

The 1986 act authorized a 1-year study of the problems at Beaver Lake to identify measures to optimize the project's purposes while preserving and enhancing the quality of the reservoir's water. The study was to be undertaken in cooperation with interested Federal and State agencies and was to be followed by a project to determine the effectiveness of the measures identified in the study.

Unfortunately, the corps appears to be pursuing an approach of more study rather than one that focuses on solving the problem. In my view, this is a waste of scare Federal funds. We need to go beyond additional studies and begin to design a solution based on best management practices and watershed activities.

The amendment is consistent with Congress' intent when it authorized and funded the project. It is meant to ensure greater emphasis on the Soil Conservation Service, best management practices, and action taken rather than unnecessary study.

On balance, Mr. Chairman, I believe the committee's en bloc amendment contains more that benefits the bill than detracts from it and I, therefore, give to it my support.

Mrs. VUCANOVICH. Mr. Chairman, I rise in support of the amendment offered by my colleague, Mr. ANDERSON, to H.R. 5247, the Water Resources Development Act. I would like to thank the chairman; ranking minority member, Mr. HAMMERSCHMIDT; Mr. NOWAK, chairman of the subcommittee; and Mr. STANGELAND, the subcommittee's ranking minority member for their hard work and assistance on this bill.

Mr. Chairman, this amendment contains a provision that is important to my district. One of the bill's projects is for flood control in the Truckee Meadows. The Truckee Meadows has a long history of flooding, most recently in 1986, and is also becoming more urbanized. If history were to repeat itself, the flooding would have a devastating effect on the Reno-Sparks area of my State.

When the Corps of Engineers drafted its first feasibility report for this project, it included a provision for the creation of approximately a 300-acre marsh for wildlife enhancement. This provision was agreed to by local U.S. Fish and Wildlife Service officials, but removed at the regional level because of requirements for the service to operate and maintain the project. This year, discussions were held with the Fish and Wildlife Department and it has now agreed that the service will assume the responsibility for operations and maintenance.

The committee amendment being considered before the House amends the Truckee Meadows flood control project to include the creation of the 300-acre marsh as originally proposed by the corps. This marshland would have significant benefits to the wildlife as well as improve the water quality of the Truckee River which would come to the aid of the Cui Ui fish, and endangered species in Pyramid Lake.

Mr. Chairman, this is a good amendment to a very important bill and I urge my colleagues to support them both.

Mr. STANGELAND. Mr. Chairman, I rise in reluctant support of the committee's en bloc amendments to H.R. 5247, the Water Resources Development Act of 1988.

Many of these amendments are necessary because of new developments since our committee markup and because of subsequent discussions with other committees. Today's package of amendments includes new projects, studies, and other provisions, as well as refinements to existing provisions in our committee-reported bill.

On the whole, however, I am concerned about the impact of these amendments. They will make our task in conference with the other body more difficult than before. Regardless of their individual merit, these amendments increase the size and scope of our bill. And as you know, Mr. Chairman, the larger and more controversial our bill becomes, the less likely our chances are of producing a signable bill.

Even so, our package makes some important contributions to the bill. One amendment, known as the "construction productivity advancement research" provision, will promote research and development within the corps and encourage partnerships with the private sector.

Other important amendments include the Big South Fork Recreation Area in Kentucky; flood control in La Crosse, WI; marsh protection at Truckee Meadows, Nevada; and erosion control and wildlife protection at Stumpy Lake in Louisiana. The gentlemen from Kentucky [Mr. ROGERS], Wisconsin [Mr. GUNDERSON], and Louisiana [Mr. MCCRERY]; and the gentlelady from Nevada [Mrs. VUCANOVICH] have all worked tirelessly on behalf of their constituents to address these water resources needs in a fair and equitable manner.

The La Crosse, WI, provision is particularly important to understand. This is not an exemption from or erosion of the cost sharing principles in the Water Resources Development Act of 1986. The provision is limited strictly to a particular situation involving unique circumstances and poorly timed appropriations. It will not set any precedent for a retreat from the 1986 cost sharing reforms.

Another provision authorizes the corps to study financing and cost recovery opportunities for projects in the Great Lakes connecting channels and St. Lawrence Seaway, including the Eisenhower and Snell Locks. The gentleman from Michigan [Mr. PURSELL] has shown great leadership in protecting commercial navigation of the seaway and been very helpful with this provision in particular. This important study, funded by the Federal Government, will provide crucial information to ensure the continued vitality of the seaway and connecting channels.

The committee amendment also includes H.R. 4558, the Bridge Administration Transfer Act of 1988. This legislation was introduced by request on March 10, 1988, Referred jointly to Merchant Marine and Fisheries and Public Works and Transportation, and reported by Merchant Marine on September 23, 1988. Based on a proposal by the administration, the bill transfers authority to administer bridges and causeways over "navigable waters of the United States" from the Coast Guard to the Corps of Engineers. The transfer should help ease problems with regulatory duplication and inefficiency caused by the current divisions of responsibility between the Coast Guard and the corps.

We understand the Secretaries of Transportation and the Army will develop a memorandum of agreement outlining procedures for the transfer. The Public Works and Transportation Committee expects to be kept fully informed on the development of this agreement.

The amendment also includes a provision authorizing the corps to repair a groin in the vicinity of Ventura, CA. Originally, this small-scale but important authorization was contained in section 3 of our bill. We have relocated the provision in our bill in order to emphasize the need for expedited action by the corps. It is our understanding the groin needs emergency repair. We expect the corps to proceed as soon as possible on restoring the groin to its original configuration.

Mr. Chairman, the committee amendment represents a compromise. I urge my colleagues to support it so we can begin our negotiations with the other body as soon as possible.

Mr. RAHALL. Mr. Chairman, one of the committee amendments being offered to H.R. 5247 was drafted by this gentleman from West Virginia and involves an area referred to as the Lesage-Greenbottom Swamp.

The U.S. Army Corps of Engineers is currently in the process of completing the acquisition of this area in West Virginia for fish and wildlife, mitigation purposes in connection with the Gallipolis locks and dam replacement project on the Ohio River. Of the 838 acres involved in the project, all but about 25 acres are located in Cabell County within my congressional district.

Recently, it came to my attention that the corps planned to transfer the title of this area to the State of West Virginia. It fact, without consulting with this gentleman, the corps provided legislative language to the committee for this propose.

This arrangement seems a bit unusual. Various corps project lands are often leased, not deeded, to the State to manage as, for example, public hunting and fishing areas. However, I have now learned that the proposed transfer of title to this area has no substantive

basis other than Reagan administration policy to divest Federal land holdings.

Fish and wildlife enhancement, management and public hunting is the true concern here, and there is simply no reason why the Federal Government should not lease this area, rather than transfer fee title, to the State. I cannot in good conscience stand idly by and allow 838 acres of West Virginia land be purchased from private owners by the Federal Government and then immediately transferred out of Federal ownership.

For this reason, H.R. 5247 not only does not provide legislative authority to the Corps of Engineers to transfer title to the Lesage/Greenbottom Swamp area, but contains language specifically prohibiting such an action. The intent here is to proceed with a lease arrangement with the State.

Mr. BENNETT. Mr. Chairman, I support the en bloc amendments to the Water Resources Development Act of 1987, particularly the portion dealing with the Kissimmee River in Florida.

The fiscal year 1988 appropriations bill contained report language directing the Corps of Engineers to spend $2 million for the Kissimmee River restoration. Unfortunately, the corps has refused to use that money because it wasn't a high priority.

The en block amendment contains specific statutory language directing the corps to use that money as Congress intended.

While this river is outside my district, I recognize the Kissimmee as a vital link in the Kissimmee as vital link in the Kissimmee River—Lake Okeechobee-Everglades watershed. As such, it plays a key role in protecting the Everglades, a great national treasure.

So, I commend the committee for including this amendment. I strongly support it.

The CHAIRMAN. The question is on the amendments offered by the gentleman from California [Mr. ANDERSON].

The amendments were agreed to.

AMENDMENT OFFERED BY MR. PETRI

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

The Clerk read as follows:

Amendment offered by Mr. PETRI: Page 35, strike line 14, and all that follows through line 8 on page 36 (all of section 16).

Renumber succeeding sections accordingly.

Mr. PETRI. Mr. Chairman, as we have heard, my amendment strikes section 16. Section 16 declares that Sacramento, CA, has made adequate progress on flood protection for the purposes of the National Flood Insurance Program. I am very concerned about the precedent set by this section.

First, under current law, the determination that adequate progress has been made generally carries with it a requirement that a project be both fully authorized and 50 percent complete. In the case of Sacramento, there isn't even a plan in place.

In fact, the Corps of Engineers started the feasibility study for such a project just a few weeks ago and it won't be complete for about 2 years.

So, in effect, Congress is arbitrarily declaring that the Sacramento area is adequately protected from flooding and is a safe place to build.

This will make low cost, highly subsidized flood insurance available for properties on some 50,000 acres in low-lying flood prone lands. I don't think we ought to be providing an incentive to build on a flood plain when inadequate flood protection exists.

This is a bad precedent that could be invoked in other parts of the country. The financial stability of the Federal Flood Insurance Program depends on accurate assessments of the risks involved in building in a given flood-prone area.

To declare an area safe arbitrarily just for the purpose of providing subsidized flood insurance goes against the basic premise for providing flood insurance in the first place.

I have been told that one of the reasons this section is needed is so that developers do not provide adequate protection for their building projects on their own.

This is supposed to ensure a unified approach to the flood protection problem for the whole area. But, this could be accomplished without providing this special exemption.

It could be done the way development control is achieved in most jurisdictions—through the issuance or nonissuance of building permits by local officials. We do not need to establish a bad precedent simply to solve a local problem. I am not interested in making decisions for the people of Sacramento about their flood control needs.

However, I am concerned about the precedent of establishing a policy whereby Congress arbitrarily states that an area's adequately protected when it clearly is not. For this reason, I urge my colleagues to support my amendment.

PERFECTING AMENDMENT OFFERED BY MR. FAZIO

Mr. FAZIO. Mr. Chairman, I offer a preferential perfecting amendment.

The Clerk read as follows:

Perfecting amendment offered by Mr. FAZIO:

Page 35, strike line 14 and all that follows through line 8 on page 36 (all of section 16) and insert the following:

SEC. 16. SACRAMENTO, CALIFORNIA.

(a) FINDINGS.—The Congress finds that—

(1) the Sacramento, California area has had in place a flood control system which has been classified as protecting against floods with recurrence intervals of up to 125 years;

(2) local governmental entities in the Sacramento metropolitan area have been working diligently with the State of California, the Army Corps of Engineers, and the Bureau of Reclamation since the occurrence of a heavy storm in 1986 to formulate and implement a comphrehensive plan to provide high level, efficient flood protection to the region;

(3) the Federal Emergency Management Agency, in response to studies by the Corps of Engineers indicating increased flood vulnerability attributable to increased estimates of the frequency of large storms in the region, has begun a process of re-analyzing the flood risks in the Sacramento area, and this analysis is likely to result in substantially increased flood elevation requirements under the National Flood Insurance Program;

(4) changed flood elevation requirements attributable to a change in flood elevation determinations by the Director of the Federal Emergency Management Agency will cause severe disruption in the Sacramento region and could precipitate the break-up of the political, institutional, and economic relationships sustaining the high level, comprehensive, flood protection effort;

(5) failure to implement a comprehensive plan would leave substantial portions of the Sacramento area without necessary flood protection, and, further, could impose on the Federal Government various, substantial costs related to emergency responses and damage claims in the event of a major flood;

(6) the Federal purposes embodied in the National Flood Insurance Program to minimize development in flood plains, to minimize damages caused by floods, and to reduce requirements for costly flood protection projects remain valid for the Sacramento metropolitan area, and impose upon its local governmental jurisdictions an obligation to exercise their authorities to avoid undue exposure to the dangers of floods and to voluntarily comply to the maximum extent practicable, consistent with other purposes of this section, with the National Flood Insurance Program standards which are anticipated to be applicable to the Sacramento area following expiration of the period set by subsection (b);

(7) the City and County of Sacramento have each provided assurances to the Congress that they will not designate any increases in urbanization beyond lands already so designated in their general plans during the period set forth in subsection (b), and, in addition, that in the exercise of their discretion to approve new development they will give careful consideration to—

(A) an evaluation-emergency response plan;

(B) mechanisms by which to attempt to provide notice to all buyers of new structures;

(C) retention of natural floodways; and

(D) recommendations to all buyers of new structures to purchase flood insurance;

(8) the City and County of Sacramento, in their discretion, reserve the authority to impose elevation or other requirements for new construction based upon best available flood data if facts indicate the necessity of doing so; and

(9) maintenance of the Federal flood elevation requirements now in effect for the Sacramento area for the limited period set forth in subsection (b) will facilitate implementation of the high level, comprehensive plan for flood protection in the Sacramento area, and is therefore in the interest of Sacramento, the public safety, and the United States.

(b) FLOOD ELEVATIONS.—Prior to the expiration of two years after the date on which the Secretary submits to the Congress the report on the feasibility study on Northern California Streams, American River Watershed, but not later than four years after the date of enactment of this act, the provisions of the National Flood Insurance Act of 1968 and the Flood Disaster Protection Act of

1973 shall apply on the basis of flood map elevation determinations made by the Director of the Federal Emergency Management Agency in effect as of the date of enactment of this Act to the following areas:

(1) the floodplain areas within Sutter and Sacramento Counties, California (collectively known as the "Natomas area") which are bounded by the Sacramento River, the American River, the Natomas Cross Canal, and the floodplain of the Natomas East Main Drainage Canal;

(2) the floodplains with Sacramento County of Dry Creek, Arcade Creek, and Morrison Creek, to the extent these creeks are affected by the American and Sacramento Rivers, the American River, and the Sacramento River upstream of the City of Freeport, California; and

(3) the City of West Sacramento in Yolo County, California.

(c) BUDGET SUBMISSION.—The President, in submitting his budget for fiscal year 1990, shall include a schedule for completing the study referred to in subsection (b) as expeditiously as practicable and an estimate of the resources required to meet such schedule.

Mr. FAZIO (during the reading). Mr. Chairman, I ask unanimous consent that the perfecting amendment be considered as read and printed in the RECORD.

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

There was no objection.

Mr. FAZIO. Mr. Chairman, I respect the gentleman from Wisconsin [Mr. PETRI] a great deal and understand the concerns which have led him to offer his amendment to strike this provision. In the interim, since the full committee markup, we have been working together to try to find a way to compromise our differences and I hope we have accomplished that.

First of all, this provision that I have offered as an alternative to his language would allow for the remaining 2 years of the feasibility study and 2 more years in which hopefully Congress could enact a flood control authorization bill to allow during that 4-year period a continuing moratorium on FEMA's eliminating flood insurance for those existing uses that exist in the flood plain and in effect would prevent FEMA from imposing a building moratorium on large areas of the Sacramento suburban and urban area which do fall within the 100-year flood plain and currently being determined by the Corps of Engineers in their remapping process.

We clearly do not want the community to in any way fail to understand the serious situation that exists. So we have been working with the city and the county to bring together through resolution and letters a record of what they intend to do in terms of land use in that region.

□ 1515

I am hopefully assured by this, as I am sure many others are, that they are now willing to stipulate that they will make no further conversion of agricultural land to other forms of land use, and that they will in effect comply with their existing zoning, so that this does not kick off an unlimited development in the flood plain area.

Mr. Chairman, does the gentleman wish to conduct a colloquy to further clarify the amendment?

Mr. PETRI. Yes, I do. Mr Chairman, will my colleague yield for a couple of questions?

Mr. FAZIO. I am happy to yield to the gentleman from Wisconsin.

Mr. PETRI. Mr. Chairman, I first want to thank my colleague, the gentleman from California, for all the work he has put in in behalf of his constituents. I have the highest respect for his judgment and hard work. We have worked on a lot of things together, and I just want to say this has been a little bit more difficult than some of the others, although they have all been difficult in one way or another. But it has always been a pleasure working with the gentleman.

The first question I have is this:

The relevant section in H.R. 5247 defines "project" as including physical facilities of the Central Valley project located 100 miles or more away from the Sacramento Basin and which provide no flood control protection to Sacramento whatsoever. Does the gentleman's amendment delete this definition?

Mr. FAZIO. Yes, it does, but we should not lose sight of the fact that there are substantial existing flood control facilities, including some that are more than 100 miles a way, that do contribute to our safety in the area. But we have, in the interest of compromise, eliminated that section.

Mr. PETRI. Mr. Chairman, will the gentleman yield further?

Mr. FAZIO. I yield to the gentleman from Wisconsin.

Mr. PETRI. Mr. Chairman, another objection to H.R. 5247 was that statutory extension was open ended and had no time limit. Does the gentleman's amendment establish a time cap?

Mr. FAZIO. Yes. As I indicated, it will allow for a 4-year cap.

Mr. PETRI. Mr. Chairman, will the gentleman yield further?

Mr. FAZIO. Certainly.

Mr. PETRI. H.R. 5247 legislatively declared that adequate progress had been made despite the fact that no work had been initiated for any comprehensive flood control program in Sacramento. Has this provision been eliminated?

Mr. FAZIO. Yes, it has been. However, we have initiated considerable efforts to provide comprehensive flood protection for the area, including a number of studies which are going forth at the present time, and, most importantly, the feasibility study which is well under way.

Mr. PETRI. Mr. Chairman, will the gentleman yield?

Mr. FAZIO. I am happy to yield to the gentleman from Wisconson

Mr. PETRI. What assurance does the Federal Government have that the city and county will exercise great restraint in the issuance of development permits in the flood plain during a period in which the comprehensive flood control plain is being formulated?

Mr. FAZIO. The city and county have publicly pledged to exercise such restraint through letters and resolutions.

Mr. PETRI. Mr. Chairman, if my colleague will yield further, there is a concern that permits issued for development in the flood plain are effectively generating benefits for the Army Corps of Engineers feasibility study for Auburn Dam. What assurances do we have that the city and country of Sacramento will not attempt, in concert with ongoing feasibility studies, to generate new project benefits through the issuance of development permits in the flood plain?

Mr. FAZIO. Certainly, the gentleman from California [Mr. MATSUI] and I would be working to assure the gentleman to that degree, and the highest priorities of the city and county are flood protection, and we feel they will take precedence over anything else.

Mr. PETRI. Mr. Chairman, if the gentleman will yield further, the concern, plainly stated, is that the city and county will engage in a wholesale land rush in the flood plain. Can the gentleman provide the House with assurances that this will not happen?

The CHAIRMAN. The time of the gentleman from California [Mr. FAZIO] has expired.

(On request of Mr. PETRI, and by unanimous consent, Mr. FAZIO was allowed to proceed for 3 additional minutes.)

Mr. FAZIO. Mr. Chairman, in answer to the gentleman's question, we feel confident that this will not occur. We certainly do not anticipate the city or county moving into a wholesale land rush in the area. I think that is also on record in terms of communications from the city and county board and the city council.

Mr. PETRI. Mr. Chairman, is it the gentleman's understanding that the substitute amendment would not impede FEMA from developing and issuing the new flood plain maps?

Mr. FAZIO. That is correct, it will not, and we do not want that to occur. We want the community to know the extent to which it is vulnerable to flooding.

Mr. PETRI. It is further the gentleman's understanding that the Fazio-Matsui substitute would not impact on

FEMO's notification and mandatory insurance requirements?

Mr. FAZIO. That is our understanding, that it will not.

Mr. PETRI. Mr. Chairman, if the gentleman will yield further, with the gentleman's amendment, he seeks flexibility in the administration of current FEMA rules and policies. In effect, the city and county seeks a partnership with the Federal Government to provide that flexibility. Will the city and county conduct themselves as full partners with the Federal Government by demonstrating great restraint in the issuance of development permits in the flood plain?

Mr. FAZIO. It is certainly my understanding that they will use restraint, in accordance with their general plains in the area.

Mr. PETRI. Mr. Chairman, if the gentleman will yield further, in other words, will the gentleman from California assure this body that by granting this extension the city will act responsibly and with restraint in the issuance of development permits?

Mr. FAZIO. Certainly that is our intent, and they have communicated their willingness to do that.

Mr. PETRI. Is it the gentleman's understanding that the city and county will avoid encroachment on existing floodways and avoid drainage of wetland areas that assist in evacuating flood waters?

Mr. FAZIO. Yes, I think that is their policy, and that they intend to follow it.

Mr. PETRI. Finally, is it the gentleman's understanding that the city and county of Sacramento, to the extent that permits are issued during the period of the extension for development in the flood plain, will issue building permits in accordance with standards of the Federal Flood Insurance Program which are anticipated to be applied once the extension expires?

Mr. FAZIO. Yes, that is my understanding. Toward the end of the 4-year period, if we have not made progress, that would be their plan.

Mr. PETRI. Mr. Chairman, I thank my colleague for yielding.

Mr. FAZIO. Mr. Chairman, I thank my friend, the gentleman from Wisconsin [Mr. PETRI] for his very constructive efforts to help clarify this bill, and I very much appreciate the spirit in which we engaged in our compromise.

Mr. SHUMWAY. Mr. Chairman, will the gentleman yield?

Mr. FAZIO. I am happy to yield to the gentleman from California.

Mr. SHUMWAY. Mr. Chairman, I do not want to subject the gentleman to an inquisition here, but there is another area that I would just like to inquire about briefly, and I would appreciate the gentleman's response.

The gentleman's amendment refers in several instances to the need for Sacramento to "implement a comprehensive plan to provide high level, efficient flood protection for the region."

As the gentleman well knows, there are both the so-called expandable dry dam options for comprehensive flood control and the traditional multipurpose option which also would provide comprehensive flood control.

I would like to clarify for the record that when your amendment refers to a comprehensive flood protection plan you are not referring just to the expandable dry dam options. And that during this window from FEMA restrictions under your amendment local efforts on behalf of the multipurpose can move forward.

Mr. FAZIO. That is correct. This amendment does not make a judgment one way or the other as to what the long-term comprehensive plan will or should be—stageable dry dam or multipurpose dam. But rather the amendment simply makes it clear that the city and county of Sacramento are committed to moving forward in implementing a comprehensive plan as soon as feasible.

Mr. SHUMWAY. Mr. Chairman, I thank the gentleman. And with that understanding I support the amendment.

Ms. KAPTUR. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise to thank the committee, particularly the gentleman from New York [Mr. NOWAK] of the full committee, and the gentleman from California [Mr. ANDERSON] of the subcommittee, and I also rise on behalf of my fellow colleague from the State of Michigan, the gentleman from Michigan [Mr. PURSELL], regarding an amendment that was accepted in the committee to provide a study of the financing of navigational improvements for the Great Lakes and the St. Lawrence Seaway System. We thank the committee so very much for their consideration of this important amendment whereby the Secretary, in cooperation with other Federal agencies and private persons, is authorized and directed to consult with an independent third party to conduct a study of the cost recovery options and alternative methods of financing navigational improvements on the Great Lakes connecting channels and the St. Lawrence Seaway, including modernization of the Eisenhower and Snell locks of the St. Lawrence Seaway System.

Mr. Chairman, the building of the St. Lawrence Seaway back in the 1950's provided a water link for the Great Lakes States and the entire Midwest region with the outside international marketplace. Now with the intensified interest in international trade as witnessed this year with the trade bill and the United States-Canada Trade Agreement, the seaway must be improved if it is to serve America and the Midwest in this new era of international trade.

The seaway must remain competitive with other modes of transportation if the Midwest economy is to be served by a complete support system for the movement of goods and raw materials between the Midwest and international destinations. It offers the cheapest form of transportation. Sixty percent of all manufactured goods in the United States are manufactured within a stone's throw of the Great Lakes Seaway.

The present locks were built in the 1950's and are too small and narrow for today's new cargo ships used in international trade. As the locks have aged since the seaway was opened 30 years ago, bridge and lock accidents have increasingly hampered operations. Prevention maintenance and repairs are not enough to keep the seaway competitive.

We must begin to face up to the costs of rebuilding the seaway locks and find a way to finance this important project. We cannot wait until ships are backed up or shipping lines withdraw from commerce on the seaway.

Over the past few years we have seen growth in seaway traffic. The turnabout in the steel industry continues to benefit the seaway. Most of this industry is located in the Great Lakes region. Iron ore on the seaway surged up 20 percent in 1987 as many steel mills in the region ran at full capacity.

The Department of Agriculture predicts a substantial rise in farm exports for this year. Three of the top 10 farm exporting States are on the Great Lakes. Grain sales to the U.S.S.R., Europe, Egypt, and Algeria are strong with exports going through the Seaway.

Under the amendment, the Army Corps of Engineers would consult with other Federal agencies and private sector, to explore cost recovery options and alternative financing methods for modernizing the two American locks on the St. Lawrence Seaway and other connecting links in the Great Lakes region.

The St. Lawrence Seaway is the only waterway in our country which has paid its own way from the start. It has been required to pay back construction costs and interest to the Federal Government. Whatever construction costs are eventually incurred by modernization and widening the locks and channels in the St. Lawrence Seaway, I am sure this proposed amendment will provide us with the most cost effective manner including cost recovery to achieve this major modernization so necessary to our region of the country.

Mr. Chairman, I again want to thank all the members of the commit-

tee for their consideration of this amendment, and I commend the gentleman from Michigan [Mr. PURSELL] for his leadership on this issue.

PARLIAMENTARY INQUIRY

Mr. HAMMERSCHMIDT. Mr. Chairman, an amendment was offered by the gentleman from Wisconsin [Mr. PETRI], amended by the gentleman from California [Mr. FAZIO]; is that correct?

The CHAIRMAN. The amendment has not been amended as yet. If there is no further discussion on the Fazio amendment, the Chair will put the question on the perfecting Fazio amendment.

Mr. HAMMERSCHMIDT. I thank the Chair.

The CHAIRMAN. The question is on the perfecting amendment offered by the gentleman from California [Mr. FAZIO].

The perfecting amendment was agreed to.

The CHAIRMAN. Under the precedents, the perfecting amendment, amending the entire section, having been adopted, the motion to strike offered by the gentleman from Wisconsin [Mr. PETRI] fails and is not voted upon.

AMENDMENT OFFERED BY MR. HOPKINS

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

The Clerk read as follows:

Amendment offered by Mr. HOPKINS: Page 33, after line 12, insert the following new section:

SEC. 11. COST SHARING FOR MUNICIPAL AND INDUSTRIAL WATER SUPPLY.

(a) DECLARATION OF POLICY.—Congress declares that there is a national interest in the development of adequate and dependable sources of water for municipal and industrial purposes through Federal funding and other assistance for construction of multipurpose water resource projects which include municipal and industrial water supply as a project purpose.

(b) COST SHARING.—Section 103(c)(2) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(c)(2)) is amended by striking out "100 percent" and inserting in lieu thereof "35 percent".

(c) OPERATION AND MAINTENANCE.—The Secretary may enter into agreements with non-Federal interests providing for Federal cost sharing with respect to operation maintenance of civil works—

(1) the primary functions of which are municipal and industrial water supply, and

(2) which are constructed on or after the date of the enactment of this Act with Federal assistance from the Secretary.

The Federal share of the cost of such operation and maintenance shall be in accordance with section 103(c)(2) of the Water Resources Development Act of 1986.

Redesignate the subsequent sections of the bill accordingly.

Mr. HOPKINS (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

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

There was no objection.

Mr. HOPKINS. Mr. Chairman, I offer this amendment today to make the point that America's water policy is outdated and discriminatory and inadequate to the needs of this Nation. A water policy which focuses exclusively on flood control and navigable waterways but is blind to the need for an adequate water supply is simply not good enough for America.

Unfortunately, that describes our current water policy. The simple purpose of this amendment now before the House is to improve that policy by making water supply projects eligible for Federal cost sharing. It is a necessary and important change, because many areas of the country are plagued by inadequate and dwindling water supplies. One such area is the Bluegrass region of Kentucky, which is feeling the adverse effects of the drought of 1988 and several consecutive years of deficit rainfall over the past decade. Many other areas of the country are seeing their water supplies severely threatened and diminished by groundwater pollution, the magnitude of which we are now only beginning to understand.

□ 1530

Water is the livelihood of a healthy nation, and it can no longer be the stepchild of an obsolete Federal policy. Helping communities and regions of this Nation deal with water shortages is a Federal responsibility every bit as much as helping those damaged by floods. By amending present law to establish a 65-percent Federal cost-sharing formula for water supply projects we can add both fairness and common sense to our water policy.

Mr. Chairman, my concern for the budget deficit is well known to this House. So let me assure my colleagues that this amendment is in keeping with my amendment to a balanced budget. It does not necessarily expand Federal outlays. All it does is allows those of us threatened by diminishing sources of water to drink from the Federal pool of available funds. Today we are denied access to that pool, and that is not only unfair, it is shortsighted and potentially disastrous.

So I ask this House, Mr. Chairman, if they are willing to let those cities and towns, regions which happen to have scarce water supplies, simply dry up and blow away like some 18th-century cow town that was bypassed by the railroad. America is better than that, and its water policy should be, too, and it can be with the adoption of the amendment before us.

However, I realize that this amendment will have a far-reaching effect on the management of America's water resources and will touch the lives of millions of Americans. It obviously deserves careful consideration within our committee system.

So out of respect for that process I will not ask the House to rush to judgment and make that decision today. Therefore, Mr. Chairman, I would ask at this time if I might engage the gentleman from New York [Mr. NOWAK], the chairman, and the gentleman from Minnesota [Mr. STANGELAND], the ranking minority member, in a brief colloquy so that I might receive assurance that the Water Resources Subcommittee will schedule hearings on this issue to give it proper and thoughtful consideration in the next Congress. So, I ask these gentleman if this is the understanding of the subcommittee chairman and the ranking minority member.

Mr. NOWAK. Mr. Chairman, will the gentleman yield?

Mr. HOPKINS. I yield to the gentleman from Minnesota.

Mr. NOWAK. Mr. Chairman, I thank the gentleman from Kentucky [Mr. HOPKINS] for yielding, and I agree that the gentleman is correct.

Mr. Chairman, the Subcommittee on Water Resources is very concerned with the growing national problem on inadequate and contaminated water supplies. Financing can be particularly difficult for local governments, and, while the subcommittee shares the gentleman's concerns, we believe the amendment proposes a major policy change and deserves committee consideration.

We certainly look forward to giving the new policy a very broad hearing in the upcoming Congress.

Mr. HOPKINS. Mr. Chairman, I thank the gentleman from New York [Mr. NOWAK] for his commitment.

The CHAIRMAN. The time of the gentleman from Kentucky [Mr. HOPKINS] has expired.

(By unanimous consent, Mr. HOPKINS was allowed to proceed for 2 additional minutes.)

Mr. STANGELAND. Mr. Chairman, will the gentleman yield?

Mr. HOPKINS. I yield to the gentleman from Minnesota.

Mr. STANGELAND. Mr. Chairman, I concur with the gentleman from Kentucky [Mr. HOPKINS] and the chairman of the subcommittee. Inadequate water supplies are a growing national problem. The corps' current policy, however, does not place a high priority on water supply development. Perhaps it should, particularly in light of the recent drought and the ongoing problems with ground water pollution.

H.R. 5247, however, is not the right vehicle for such a broad-reaching policy change. We need to look at this issue in depth before we suggest changes of longstanding policy and cost sharing principles.

I know with the chairman's leadership the subcommittee will look at water supply issues, throughly in the 101st Congress.

We also share the concern of the gentleman from Wisconsin [Mr. PETRI] on water conservation particularly in light of the recent drought, and we will be looking at that in the next session as well.

Mr. ROGERS. Mr. Chairman, will the gentleman yield?

Mr. HOPKINS. I yield to the gentleman from Kentucky.

Mr. ROGERS. Mr. Chairman, let me commend by colleague, the gentleman from Kentucky [Mr. HOPKINS] for his amendment and a separate bill which he has filed, which I am happy to be a cosponsor of, which would achieve the same result. The gentleman is absolutely correct. The water supply of many of the areas of the Eastern United States, particularly in late months and years, have become contaminated and polluted. The underground supply is endangered for areas that in the past historically had wonderful supplies of water, including my area.

So, Mr. Chairman, I commend the gentleman from Kentucky [Mr. HOPKINS] for this effort. In the past, the policy of this Nation; in fact, the policy now, is that in the Western part of the country and west of the Mississippi, the Bureau of Reclamation is allowed to build, authorized to build, water supply projects. In the Eastern United States, the Corps of Engineers, who has control of the water systems, does not have such authority, and that is unfair in these days when the Eastern United States is beginning to suffer from inadequate or contaminated supplies of fresh water. So, Mr. Chairman, I commend the gentleman from Kentucky [Mr. HOPKINS] for a noble effort.

The CHAIRMAN. The time of the gentleman from Kentucky [Mr. HOPKINS] has expired.

(By unanimous consent, Mr. HOPKINS was allowed to proceed for 3 additional minutes.)

Mr. HUBBARD. Mr. Chairman, will the gentleman yield?

Mr. HOPKINS. I yield to the gentleman from Kentucky.

Mr. HUBBARD. Mr. Chairman, I thank the gentleman from Kentucky [Mr. HOPKINS] for yielding, and I would reiterate what my colleague from the Fifth District of Kentucky has just said regarding our colleague from Kentucky, and also his amendment, the bill he has introduced. We concur in what he is trying to do to help our Commonwealth of Kentucky and support his efforts.

Mr. WHITTAKER. Mr. Chairman, I would like to take this opportunity to congratulate my distinguished colleague from Kentucky for recognizing the vast importance of this issue. Also, I would like to commend the distinguished chairman and ranking minority member of the Water Resources Subcommittee for their commitment to fully address this issue in hearings to be conducted next year.

The Water Resources Development Act of 1986 set forth many necessary guidelines for the establishments and perpetuation of the many needed local water projects across this great country. However, along the way, local communities were left behind. While Federal water policy allows for the development of recreational and flood control projects, municipal and industrial water supplies were excluded from Federal consideration. As a result, small towns like many of those located throughout the great States of Kansas and Kentucky cannot finance needed water supply projects.

I believe my distinguished colleague's bill will go a long way toward correcting this inequity. While immediate action is needed, I look forward to working with the distinguished leaders of the Water Resources Subcommittee in the next session in their efforts to reconcile this great injustice.

Mr. HOPKINS. Mr. Chairman, I thank my colleagues, the distinguished chairman of the subcommittee and the ranking minority member, for their interest in this very important issue, and, with their commitment that this issue will be addressed in depth in the next Congress, I ask unanimous consent to withdraw my amendment.

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

There was no objection.

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

Mr. Chairman, I rise in support of the committee amendment, and, in particular, in support of a provision dealing with a project in my district. The Army Corps of Engineers is currently attempting to build a $74 million pump storage addition to the Richard B. Russell Dam between South Carolina and Georgia. The operation of the four planned pump turbines would allow water to be pumped back above the dam so that water flow and electric generation could be increased at peak electricity demand periods. Serious questions have been raised about the effect the operation of these turbines could have on the large game fish population in Strom Thurmond Lake immediately below the Russell Dam.

In 1982 when a single turbine was tested at a similar dam, the Harry S. Truman Dam in Missouri, more than 2,000 pounds of fish were killed in about 3 hours of operation. As a result of this, the pump turbines at the Truman Dam have never been put into operation.

Experts at the U.S. Fish and Wildlife Service and the South Carolina Wildlife and Marine Resources Department fear that similar results could occur at the Russell Dam. Despite these fears and requests by me and others that there should be a thorough assessment of potential harm to fish populations before any more construction occurs, the corps has insisted on proceeding as planned with the project. The corps has agreed that a supplemental environmental impact statement should be carried out, but it plans on completing construction of the project about the time and the EIS should be finished.

When the South Carolina Wildlife and Marine Resources Department, the National Wildlife Federation and others took the corps to court, a Federal judge agreed that work should be suspended pending a decision whether the supplemental EIS must be completed before construction may be resumed.

While this might seem to resolve the issue, it is not a satisfactory solution for two reasons: First, the court could still decide on technical legal grounds that the corps does not have to complete the EIS before it proceeds with the project. More importantly, the court can only require that the corps comply with the procedural requirements of the environmental laws. If the corps does complete the EIS, even if the information gathered compellingly demonstrates that there will be significant fish kills if the pump turbines are operated, the corps would still be legally able to complete the project. Because the corps has demonstrated its determination to finish this project in the face of any evidence of potential damage, I believe that the Congress should reserve for itself the responsibility to assess the evidence that it gathered and then determine whether it is a wise use of the taxpayers' dollars to complete the project.

The provision included in the committee amendment would prohibit any further expenditures on the project, for work at the site or away from the site, except expenditures for work on the environmental impact statement or other studies to determine the likelihood of significant fish kills and for work or studies of possible methods of mitigating fish kills.

When these studies have been completed Congress can assess the evidence and decide whether the corps should proceed to finish the project.

I want to make clear that I am not opposed to the pump storage project at the Russell Dam. I have pledged to support the resumption of work on the project if the evidence is compelling that the turbines can be operated without significant harm to the fish population. I merely believe that it makes no sense to spend millions of the taxpayers' dollars in a risky venture without careful review of the evidence and a decision by Congress that the money will be well spent.

Finally, Mr. Chairman, I want to thank the chairman of the Water Resources Subcommittee, Mr. NOWAK, and the chairman of the Public Works Committee, Mr. ANDERSON, for their cooperation on this matter.

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

Mr. Chairman, I rise in support of the bill and particularly the committee amendment. As my colleagues know, the committee amendment has bill language which is going to help Maryland in restoring the beaches at Assateaque and at Ocean City, and this project for shoreline protection, I think, is going to go a long way to protecting the valuable real estate located here. The committee has been very generous in allowing the State to be taken into consideration and to be credited for their part of their non-Federal share of that project.

I would also like to thank the gentleman from New York [Mr. NOWAK] the chairman of the committee, and the gentleman from Minnesota [Mr. STANGELAND] and the gentleman from Arkansas [Mr. HAMMERSCHMIDT], and the committee members for their assistance.

Mr. Chairman, on September 21, 1988, the State of Maryland successfully completed phase I of the Ocean City beach replenishment project. This was far ahead of schedule. Unfortunately, because of the appropriations process, the Corps of Engineers cannot start phase II, the Federal phase, of the project until the spring of 1990. This wastes valuable time, and because phase II will build the hurricane protection for Ocean City, may result in beach erosion if a severe storm hits. Because we are in a district where tourism is a major industry, we cannot afford to wait. Every lost month could spell economic disaster.

With the language now added to the bill, the State can afford to start phase II. Funds expended by the State would be credited to the State's cost-sharing requirements. This would enable the beach replenishment project to move forward without forcing the State to increase its percentage of the project cost. Without this amendment, the State would be liable not only for its percentage of the full project cost, but for any costs it incurs while beginning phase II.

The State can better protect the beach replenishment project if it starts phase II now, while at the same time saving the taxpayers money. The State estimates that $10 million can be saved by starting phase II early. I am supporting Maryland's amendment in the water protects bill so that the State will not be financially penalized for moving ahead with this important project. This is the best of both worlds. In an era of budget-cutting, this makes sound fiscal policy.

Mr. Chairman, once again I would like to state my strong support for this legislation, and urge its speedy passage.

Mr. HUBBARD. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to speak briefly to compliment the leaders of the Committee on Public Works and Transportation for this legislation, House bill 5247. This is helpful to Kentucky, and many other States of course.

I rise in strong support of this legislation, and I urge my colleagues to support it enthusiastically, and again I commend those that worked so hard on this water Resources Development Act of 1988.

The CHAIRMAN. If there are no other comments, the question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose and the Speaker pro tempore [Mr. GRAY of Illinois] having assumed the chair, Mr. HUTTO, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 5247) to provide for the conservation and development of water and related resources, to authorize the U.S. Army Corps of Engineers to construct various projects for improvements to rivers and harbors of the United States, and for other purposes, pursuant to House Resolution 535, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

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

GENERAL LEAVE

Mr. ANDERSON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 5247, the bill just passed.

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

There was no objection.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 5247, WATER RESOURCES DEVELOPMENT ACT OF 1988

Mr. ANDERSON. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill, H.R. 5247, the Clerk be authorized to correct section numbers, punctuation, and cross references and to make such other technical and conforming changes as may be necessary to reflect the actions of the House in amending the bill, H.R. 5247.

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

There was no objection.

□ 1545

Mr. ANDERSON. Mr. Speaker, I ask unanimous consent that the Committee on Public Works and Transportation be discharged from further consideration of the Senate bill (S. 2100) to authorize the U.S. Army Corps of Engineers to construct various projects for improvements to rivers and harbors of the United States, and for other purposes.

The Clerk read the title of the Senate bill.

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

There was no objection.

The Clerk read the Senate bill, as follows:

S. 2100

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Water Resources Development Act of 1988".

SEC. 2. Table of Contents:

Title I—Project Authorizations
Title II—General Provisions
Title III—Programs and Studies

SEC. 3. For purposes of this Act, the term "Secretary" means the Secretary of the Army.

TITLE I—PROJECT AUTHORIZATIONS

SEC. 101. The following projects are authorized to be prosecuted by the Secretary substantially in accordance with the plans and subject to the conditions recommended in the respective reports designated in this subsection.

LOWER MISSION CREEK, SANTA BARBARA, CALIFORNIA

The project for flood control, Lower Mission Creek, Santa Barbara, California: Report of the Chief of Engineers, dated March 25, 1988, at a total cost of $10,420,000, with an estimated first Federal cost of $5,909,000, and an estimated first non-Federal cost of $4,511,000.

FT. PIERCE HARBOR, FLORIDA

The project for navigation, Ft. Pierce Harbor, Florida: Report of the Chief of Engineers, dated December 14, 1987, at a total cost of $6,742,000, with an estimated first Federal cost of $4,319,000, and an estimated first non-Federal cost of $2,423,000.

NASSAU COUNTY, FLORIDA

The project for beach erosion control, Nassau County (Amelia Island), Florida: Report of the Chief of Engineers, dated

May 19, 1986, at a total cost of $5,753,000, with an estimated first Federal cost of $4,619,000, and an estimated first non-Federal cost of $1,134,000.

PORT SUTTON CHANNEL, FLORIDA

The project for navigation, Port Sutton Channel, Florida: Report of the Chief of Engineers, dated March 28, 1988, at a total cost of $2,670,000, with an estimated first Federal cost of $1,155,000, and an estimated first non-Federal cost of $1,515,000.

CHICAGOLAND UNDERFLOW PLAN, ILLINOIS

The project for flood control, Chicagoland Underflow Plan, Illinois: Report of the Chief of Engineers, dated March 25, 1988, at a total cost of $419,000,000, with an estimated first Federal cost of $314,250,000, and an estimated first non-Federal cost of $104,750,000.

LOWER OHIO RIVER, ILLINOIS AND KENTUCKY

The project for navigation, Lower Ohio River, Locks and Dams 52 and 53, Illinois and Kentucky: Report of the Chief of Engineers, dated August 20, 1986, at a total cost of $775,000,000, with a first Federal cost of $775,000,000, and with the costs of construction of the project to be paid one half from amounts appropriated from the general fund of the Treasury and one half from amounts appropriated from the Inland Waterways Trust Fund.

HAZARD, KENTUCKY

The project for flood control, Hazard, Kentucky: Report of the Chief of Engineers, dated October 30, 1986, at a total cost of $7,450,000, with an estimated first Federal cost of $5,590,000 and an estimated first non-Federal cost of $1,860,000.

MISSISSIPPI AND LOUISIANA ESTUARINE AREAS, MISSISSIPPI AND LOUISIANA

The project for environmental enhancement, Mississippi and Louisiana Estuarine Areas, Mississippi and Louisiana: Report of the Chief of Engineers, dated May 19, 1986, at a total cost of $59,300,000, with an estimated first Federal cost of $59,300,000.

WOLF AND JORDAN RIVERS, MISSISSIPPI

The project for navigation, Wolf and Jordan Rivers and Bayou Portage, Mississippi: Report of the Chief of Engineers, dated June 10, 1987, at a total cost of $2,290,000, with an estimated first Federal cost of $1,620,000 and an estimated first non-Federal cost of $670,000.

TRUCKEE MEADOWS, NEVADA

The project for flood control, Truckee Meadows, Nevada: Report of the Chief of Engineers, dated July 25, 1986, at a total cost of $78,400,000, with an estimated first Federal cost of $39,200,000 and an estimated first non-Federal cost of $39,200,000.

WEST COLUMBUS, OHIO

The project for flood control, Scioto River, West Columbus, Ohio: Report of the Chief of Engineers, dated February 9, 1988, at a total cost of $31,562,000, with an estimated first Federal cost of $23,671,000, and an estimated first non-Federal cost of $7,891,000.

DELAWARE RIVER, PENNSYLVANIA AND DELAWARE

The project for navigation, Delaware River, Philadelphia to Wilmington, Pennsylvania and Delaware: Report of the Chief of Engineers, dated June 15, 1986, at a total cost of $17,200,000, with an estimated first Federal cost of $9,100,000 and an estimated first non-Federal cost of $8,100,000.

CYPRESS CREEK, TEXAS

The project for flood control, Cypress Creek, Texas: Report of the Chief of Engineers, dated October 12, 1987, at a total project cost of $114,200,000, with an estimated first Federal cost of $84,900,000 and an estimated first non-Federal cost of $29,300,000.

FALFURRIAS, TEXAS

The project for flood control, Falfurrias, Texas: Report of the Chief of Engineers, dated March 15, 1988, at a total cost of $31,800,000, with an estimated first Federal cost of $15,900,000, and an estimated first non-Federal cost of $15,900,000.

GUADALUPE RIVER, TEXAS

The project for navigation, Guadalupe River to Victoria, Texas: Report of the Chief of Engineers, dated September 1, 1987, at a total cost of $23,900,000, with an estimated first Federal cost of $15,100,000, and an estimated first non-Federal cost of $8,800,000.

MC GRATH CREEK, WICHITA FALLS, TEXAS

The project for flood control, McGrath Creek, Wichita Falls, Texas: Report of the Chief of Engineers, dated March 25, 1988, at a total cost of $9,100,000 with an estimated first Federal cost of $6,800,000, and an estimated first non-Federal cost of $2,300,000.

SEC. 102. The provisions of section 902 of Public Law 99-662 shall apply to the total costs of projects set forth in this Act, and to the total costs of projects authorized subsequent to this Act.

SEC. 103. (a) The provisions of section 1001(a) and section 1001(c) of Public Law 99-662 shall apply to the projects authorized for construction by this Act, except that the five-year period during which funds must be obligated to prevent deauthorization shall begin on the date of enactment of this Act.

(b) The provisions of section 1001(a) and section 1001(c) of Public Law 99-662 shall also apply to projects authorized subsequent to this Act, except that the five-year period during which funds must be obligated to prevent deauthorization shall begin on the date of authorization of such projects.

TITLE II—GENERAL PROVISIONS

SEC. 201. (a) Section 101(a) of the Water Resources Development Act of 1986 (Public Law 99-662; 100 Stat. 4082) is amended by deleting all of subsection (2) and inserting in lieu thereof the following:

"(2) ADDITIONAL 10 PERCENT PAYMENT OVER 30 YEARS.—The non-Federal interests for a project to which paragraph (1) applies shall pay an additional 10 percent of the cost of the general navigation features of the project in cash over a period not to exceed 30 years, at an interest rate determined pursuant to section 106. The value of lands, easements, rights-of-way, relocations, and dredged material disposal areas provided under paragraph (3) and the costs of relocations borne by the non-Federal interests under paragraph (4) shall be credited toward the payment required under this paragraph.".

(b) The amendment made by this section is effective as of November 17, 1986.

SEC. 202. Section 1125 of the Water Resources Development Act of 1986 is amended as follows:

(1) by deleting from line 4 of subparagraph (a) the words "United States" and inserting in lieu thereof the words "Bureau of Indian Affairs of the Department of the Interior".

(2) By deleting from subparagraph (b) line 11 the words "north of the half northwest quarter" and inserting in lieu thereof the words "north half of the northwest quarter".

(3) By deleting from subparagraph (b)(2) the description of lands beginning on line 6 and ending on line 13 and inserting in lieu thereof the following:

"Commencing at the quarter corner common to sections 15 and 16; thence easterly along the quarter line of said section 15 a distance of 1,320.00 feet; thence south 42 degrees 37 minutes 58 seconds west a distance of 903.34 feet to the point of beginning; thence north 42 degrees 37 minutes 58 seconds east a distance of 903.34 feet; thence south 00 degrees 03 minutes 00 seconds east a distance of 1,518.00 feet; thence north 83 degrees 00 minutes 00 seconds west a distance of 668.00 feet; thence north 03 degrees 28 minutes 26 seconds east a distance of 773.78 feet to the point of beginning.".

(4) By deleting subparagraph (c) and inserting in lieu thereof the following:

"(c) The legal description contained in subsections (b) (1) and (2) herein will be subject to correction by survey in order to accomplish the purpose and intent of this Act".

(5) By deleting subparagraph (d) and inserting in lieu thereof the following:

"(d) These lands described in subsection (b) are hereby deemed excess to the needs of the United States for the maintenance and operation of the Garrison Dam and Reservoir Project and are hereby gratuitously declared to be held in trust by the Secretary of the Interior for the use and benefit of the Three Affiliated Tribes of the Fort Berthold Reservation. The United States shall not be responsible for damages to property or injuries to persons which may arise from, or be incident to, the use of said lands".

(6) By inserting a new subparagraph (e), as follows:

"(e) The United States hereby retains a flowage and sloughing easement for the purpose of flood control and related Garrison Dam and Reservoir project purposes over that portion of the lands described in subsection (b) that lie below the elevation of 1,854 feet (mean sea level), to exclude and reserve any residual interest necessary for project operations outside said 1,854 feet msl contour caused by the movement of such contour because of erosion, or the effect of flood impoundments, including, but not limited to, seepage, wave action or sloughing".

SEC. 203. Section 916(a) of the Water Resources Development Act of 1986 (Public Law 99-662; 100 Stat. 4082) is amended as follows: Delete all after "and shall" and insert therein "have the power to recover benefits through any cost-recovery approach that is consistent with State law and satisfies the applicable cost-recovery requirement under subsection (b)".

SEC. 204. Section 402 of the Water Resources Development Act of 1986 (33 U.S.C. 701b-12) is modified by inserting the words "or shoreline protection" after the words "local flood protection".

SEC. 205. (a) The Secretary shall, whenever feasible, seek to promote long- and short-term cost savings, increased efficiency, reliability, and safety, and improved environmental results through the use of innovative technology in all phases of water resources development projects and programs under his jurisdiction. To further this goal, the Congress encourages the Secretary to—

(1) use procurement and contracting procedures that encourage innovative project

design, construction, rehabilitation, repair, and operation and maintenance technologies;

(2) frequently review technical and design criteria to remove or modify unnecessary impediments to innovation;

(3) increase timely exchange of technical information with universities, private companies, government agencies, and individuals;

(4) foster design competition; and

(5) encourage greater participation by non-Federal project sponsors in the development and implementation of projects.

(b) Within two years after the date of enactment of this Act, and thereafter at the Secretary's discretion, the Secretary shall provide the Congress with a report on the results of, and recommendations to increase, the development and use of innovative technology in water resources development projects under the Secretary's jurisdiction. Such report shall also contain information regarding innovative technologies which the Secretary has considered and rejected for use in water resources projects under this jurisdiction.

(c) For the purpose of this section, the term "innovative technology" means designs, materials, or methods which the Secretary determines are previously undemonstrated or are too new to be considered standard practice.

SEC. 206. Upon receipt of a request from a non-Federal sponsor of a water resources development project under construction by the Secretary, the Secretary shall provide such sponsor with periodic statements of project expenditures. Such statements shall include an estimate of all Federal and non-Federal funds expended by the Secretary, including overhead expenditures; the purpose for expenditures; and a schedule of anticipated expenditures during the remaining period of construction. Statements shall be provided to the sponsor at intervals of no greater than six months.

SEC. 207. (a) The Secretary is authorized to undertake a demonstration program for a two-year period, which shall begin within six months after the date of enactment of this Act, to provide technical assistance, on a nonexclusive basis, to any United States firm which is competing for, or has been awarded, a contract for the planning, design, or construction of a project outside the United States, if the United States firm provides, in advance of fiscal obligation by the United States, funds to cover all costs of such assistance. In determining whether to provide such assistance, the Secretary shall consider the effects on the Department of the Army civil works mission, personnel, and facilities. Prior to the Secretary providing such assistance, a United States firm must—

(1) certify to the Secretary that such assistance is not otherwise reasonably and expeditiously available; and

(2) agree to hold and save the United States free from damages due to the planning, design, construction, operation, or maintenance of the project.

(b) As to an invention made or conceived by a Federal employee while providing assistance pursuant to this section, if the Secretary decides not to retain all rights in such invention, the Secretary may—

(1) grant or agree to grant in advance, to a United States firm, a patent license or assignment, or an option thereto, retaining a nonexclusive, nontransferable, irrevocable, paid-up license to practice the invention or have the invention practiced throughout the world by or on behalf of the United States and such other rights as the Secretary deems appropriate; or

(2) waive, subject to reservation by the United States of a nonexclusive, irrevocable, paid-up license to practice the invention or have the invention practiced throughout the world by or on behalf of the United States, in advance, in whole, or in part, any right which the United States may have to such invention.

(c) Information of a confidential nature, such as proprietary or classified information, provided to a United States firm pursuant to this section shall be protected. Such information may be released by a United States firm only after written approval by the Secretary.

(d) Within six months after the end of the demonstration program authorized by this section, the Secretary shall submit to the Congress a report on the results of this demonstration program.

(e)(1) For purposes of this section, "United States firm" means a corporation, partnership, limited partnership, or sole proprietorship that is incorporated or established under the laws of any of the United States with its principal place of business in the United States.

(2) For purposes of this subsection (a), "United States", when used in a geographical sense, means the several States of the United States and the District of Columbia.

SEC. 208. (a) The Secretary is authorized to provide services, including the provision of such services by contract, to the non-Federal project sponsor in the design and construction of upstream and downstream non-Federal extensions to the Federal project for flood control, Brush Creek and Tributaries, Missouri and Kansas, authorized by section 401(a) of the Water Resources Development Act of 1986 (Public Law 99-662; 100 Stat. 4082, 4118), if the non-Federal sponsor provides, in advance of fiscal obligation by the United States, funds to cover all costs of such services.

(b) Prior to construction of such extensions, the non-Federal sponsor must obtain all necessary Federal and State permits.

(c) The non-Federal sponsor must agree to hold and save the United States free from damages due to the planning, design, construction, operation, or maintenance of such extensions.

(d) Such extensions remain a non-Federal responsibility and shall not be considered part of the Federal project for any purpose.

SEC. 209. The Secretary is authorized to construct a new division laboratory at an estimated cost of $2,000,000, for the United States Army Engineer Division, Ohio River. Such laboratory shall be constructed on a suitable site, which the Secretary is hereby authorized to acquire for that purpose.

SEC. 210. The Secretary is authorized to pay tuition expenses of suitable, English-taught primary and secondary education in Puerto Rico for the child or children of any Federal employee when such expenses are incurred after the date of enactment of this Act and while the employee is temporarily residing and employed in Puerto Rico for the construction of the Portuguese and Bucana Rivers, Puerto Rico, project.

SEC. 211. Subsection (d) of section 3036 of title 10, United States Code, is amended—

(1) by designating the first sentence as paragraph (1);

(2) by designating the second sentence as paragraph (2); and

(3) by deleting "United States" and all that follows in such subsection and inserting in lieu thereof the following:

"United States or to a State or political subdivision of a State. The Chief of Engineers may provide any part of those services by contract. Services may be provided to a State, or to a political subdivision of a State, only if—

"(A) the work to be undertaken on behalf of non-Federal interests involves Federal assistance and the head of the department or agency providing Federal assistance for the work does not object to the provision of services by the Chief of Engineers; and

"(B) the services are provided on a reimbursable basis.".

SEC. 212. Section 809 of the Water Resources Development Act of 1986 (Public Law 99-662; 100 Stat. 4082, 4168) is amended by deleting the last sentence and inserting in lieu thereof the following: "The non-Federal share of the cost of work undertaken pursuant to this section shall be in accordance with title I of this Act.".

SEC. 213. Section 145 of the Water Resources Development Act of 1976 (33 U.S.C. 426j), as amended, is amended further to add the following sentence at the end thereof: "In implementing activities pursuant to this section, the Secretary shall give consideration to the State's schedule for providing its share of funds for such activities and shall, to the maximum extent practicable, accommodate that schedule so as to assure placement of beach quality sand on such beaches.".

SEC. 214. Section 211 of the Water Resources Development Act of 1986 (Public Law 99-662; 100 Stat. 4082, 4106) is amended as follows: Reletter subsections (d)-(g) as subsections (e)-(f) and insert the following new subsection:

"(d) DESIGNATION PLAN.—Not later than one hundred and twenty days after the date of enactment of the Water Resources Development Act of 1988, the Administrator shall submit to the Committee on Environment and Public Works in the Senate and the Committee on Public Works and Transportation in the House of Representatives his plan for designating one or more sites under subsection (a). The plan shall specify the actions necessary to comply with subsection (a), the funding requirements associated with these actions and the dates by which the Administrator expects to complete each of these actions. The plan also shall specify actions which the Administrator may be able to take to expedite the designation of any sites under subsection (a).".

SEC. 215. The Libby Dam project for flood control and allied purposes for the Kootenai River, Montana, authorized by the River and Harbor Act approved May 17, 1950, is modified to include fish and wildlife enhancement and recreation as project purposes: *Provided*, That the Secretary is directed to reallocate joint use costs, if operational changes necessary for fish and wildlife enhancement or recreation would otherwise result in a reduction of hydroelectric power generation. As used in this section, the term "recreation" includes downstream fish and wildlife and recreational uses which are dependent on project operations as well as fish and wildlife and recreation at the project.

SEC. 216. Public Law 534, Seventy-eight Congress, second session, section 9 is hereby amended by adding the following new subsection:

"(f) The Secretary of the Army is directed to undertake such measures, including maintenance and rehabilitation of existing structures, that the Secretary determines are needed to alleviate bank erosion and re-

lated problems associated with reservoir releases along the Missouri River between Fort Peck Dam, Montana, and a point fifty-eight miles downstream of Gavins Point Dam, South Dakota, and Nebraska. Notwithstanding any other provision of law, the costs of these measures, including the costs of necessary real estate interests and structural features, shall be apportioned among project purposes as a joint-use operation and maintenance expense. In lieu of structural measures, the Secretary may acquire interests in affected areas, as he deems appropriate, from willing sellers.".

SEC. 217. The project for flood control, Redwood River, Marshall, Minnesota, authorized by section 401(a) of the Water Resources Development Act of 1986 (Public Law 99-662; 100 Stat. 4082, 4117), is modified to authorize the Secretary to construct the project substantially in accordance with the General Design Memorandum, dated April 1987, at a total cost of $6,900,000, with an estimated Federal first cost of $5,000,000 and an estimated non-Federal first cost of $1,900,000.

SEC. 218. If any provision of this Act, or the application of any provision of this Act to any person or circumstance, is held invalid, the application of such provision to other persons or circumstances, and the remainder of this Act, shall not be affected thereby.

SEC. 219. Section 501(a) of the Water Resources Development Act of 1986 (Public Law 99-662; 100 Stat. 4082) is amended by striking the following: "The project for shoreline protection, Indiana Shoreline Erosion, Indiana: Report of the Chief of Engineers, dated November 18, 1983, at a total cost of $20,000,000, with an estimated first Federal cost of $15,000,000 and an estimated first non-Federal cost of $5,000,000.", and inserting in lieu thereof the following: "The project for shoreline protection, Indiana Shoreline Erosion, Indiana: Report of the Chief of Engineers, dated November 18, 1983, at a total cost of $20,000,000, with the Federal share of the cost of this project to be determined in accordance with title I of this Act.".

SEC. 220. Section 123 of the River and Harbor Act of 1970, as amended (33 U.S.C. 1293a) is further amended by adding at the end thereof the following new subsection:

"(j) The Secretary of the Army is authorized to continue to deposit dredged materials into a facility constructed under the provisions of this section until the Secretary of the Army determines that such facility is no longer needed for such purpose or that such facility is completely full.".

SEC. 221. Section 1135(b) of the Water Resources Development Act of 1986 is amended by striking "two-year period beginning on the date of enactment of this Act", and inserting in lieu thereof "five-year period beginning on the date of enactment of this Act".

SEC. 222. The portions of Coney Island Creek and Gravesend Bay, New York that are particularly described in the metes and bounds description below are hereby declared to be nonnavigable waters of the United States for purposes of the navigation servitude.

Beginning at the corner formed by the intersection of the Westerly Line of Cropsey Avenue, and the Northernmost United States Pierhead Line of Coney Island Creek.

Running thence south 12 degrees 41 minutes 03 seconds East and along the westerly line of Cropsey Avenue, 98.72 feet to the northerly channel line as shown on Corps of Engineers Map Numbered F. 150 and on Survey by Rogers and Giollorenzo Numbered 13959 dated October 31, 1986.

Running thence in a westerly direction and along the said northerly channel line the following bearings and distances:

South 48 degrees 59 minutes 27 seconds west, 118.77 feet; South 37 degrees 07 minutes 01 seconds west, 232.00 feet; South 23 degrees 17 minutes 10 seconds west, 430.03 feet; South 31 degrees 25 minutes 46 seconds west, 210.95 feet; South 79 degrees 22 minutes 49 seconds west, 244.18 feet; North 55 degrees 00 minutes 29 seconds west, 183.10 feet; North 41 degrees 47 minutes 04 seconds west, 315.16 feet; and

North 41 degrees 17 minutes 43 seconds west, 492.47 feet to the said Pierhead Line; thence north 73 degrees 58 minutes 40 seconds west and along said pierhead line, 2665.25 feet to the intersection of the United States bulkhead line;

thence north 0 degrees 19 minutes 35 seconds west and along the United States Bulkhead line 1138.50 feet to the intersection of the westerly prolongation of the center line of 26th Avenue,

thence north 58 degrees 25 minutes 06 seconds east and along the center line of said 26th Avenue, 2320.85 feet to the westerly line of Cropsey Avenue, then southeasterly and along the southerly line of Cropsey Avenue the following bearings and distances:

South 31 degrees 34 minutes 54 seconds east, 4124.59 feet; and

South 12 degrees 41 minutes 03 seconds east, 710.74 feet to the point or place of beginning.

Coordinates and bearings are in the system as established by the United States Coast and Geodetic Survey for the Borough of Brooklyn. .

TITLE III—PROGRAMS AND STUDIES

SEC. 301. Section 91 of the Water Resources Development Act of 1974 (Public Law 93-251, 88 Stat. 12, 39) is amended by striking out "$30,500,000" and inserting in lieu thereof "$6,000,000 annually".

SEC. 302. The Secretary of the Army is directed to establish a Technical Resource Service for the Red River Basin in Minnesota and North Dakota. There is authorized an appropriation of $500,000 annually for the purpose of providing to the two such States a full range of technical services for the development and implementation of State and local water and related land resources initiatives within the Red River Basin and sub-basins. The Technical Resource Service is to be provided in addition to related services provided under authority of section 206 of the River and Harbor and Flood Control Act of 1960, as amended, and section 22 of the Water Resources Development Act of 1974.

SEC. 303. (a) The Secretary, in cooperation with the Administrator of the Environmental Protection Agency, shall undertake a study of the water quality effects of hydroelectric facilities owned and operated by the Corps of Engineers. Such study shall be transmitted to Congress within two years of the enactment of this section and shall consider and include information for each such Corps of Engineers hydroelectric facility pertaining to: relevant water quality standards including dissolved oxygen; water quality monitoring data; possible options and projected costs of measures required to improve the quality of water released from each such facility where justified; and recommendations with respect to these findings.

(b) Nothing in this section shall convey to any agency of the Federal Government any new authority with respect to the allocation or release of water from Federal reservoirs. Further, nothing in this section is designed or intended to affect any present or future legal actions or proceedings.

SEC. 304. The Comptroller General of the United States General Accounting Office is authorized and directed to conduct a review of the Civil Works Program of the United States Army Corps of Engineers. This management and administration review shall be transmitted to the Congress, together with any recommendations which the Comptroller General may make, no later than one year after the date of enactment of this Act.

SEC. 305. The Secretary is authorized, as part of the existing wetland research program, to conduct wetland research and restoration activities, including necessary construction, for a period not to exceed five years from the date of enactment of this Act. There is authorized to be appropriated $5,000,000 beginning in fiscal year 1989 for purposes of carrying out such activities. The non-Federal share of activities undertaken pursuant to this section shall be in accordance with section 906(e) of the Water Resources Development Act of 1986 (Public Law 99-662; 100 Stat. 4082, 4187). Upon completion of each activity undertaken pursuant to this section, the Secretary shall report to Congress on his findings.

SEC. 306. The Secretary of the Army is directed to establish a Water Resources management and planning service for the Hudson River Basin, in New York and New Jersey. There is authorized an appropriation of $400,000 annually for the purpose of providing the two States a full range of services for the development and implementation of State and local water resource initiatives.

MOTION OFFERED BY MR. ANDERSON

Mr. ANDERSON. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. ANDERSON moves to strike all after the enacting clause of the Senate bill, S. 2100, and to insert in lieu thereof the provisions of the bill, H.R. 5247, as passed, as follows:

TITLE I—WATER RESOURCES DEVELOPMENT

SECTION 101. SHORT TITLE.

This title may be cited as the "Water Resources Development Act of 1988".

SEC. 102. SECRETARY DEFINED.

For purposes of this title, the term "Secretary" means the Secretary of the Army.

SEC. 103. PROJECT AUTHORIZATIONS.

(a) AUTHORIZATION OF CONSTRUCTION.—Except as otherwise provided in this subsection, the following projects for water resources development and conservation and other purposes are authorized to be carried out by the Secretary substantially in accordance with the plans and subject to the conditions recommended in the respective reports designated in this subsection:

(1) RILLITO RIVER, ARIZONA.—The project for flood control, Rillito River, Arizona: Report of the Chief of Engineers, dated January 22, 1988, at a total cost of $16,500,000, with an estimated first Federal cost of $12,325,000 and an estimated first non-Federal cost of $4,175,000.

(2) LOWER MISSION CREEK, SANTA BARBARA, CALIFORNIA.—The project for flood control, Lower Mission Creek, Santa Barbara, California: Report of the Chief of Engineers, dated March 25, 1988, at a total cost of

$10,420,000, with an estimated first Federal cost of $5,909,000, and an estimated first non-Federal cost of $4,511,000.

(3) FT. PIERCE HARBOR, FLORIDA.—The project for navigation, Ft. Pierce Harbor, Florida: Report of the Chief of Engineers, dated December 14, 1987, at a total cost of $6,742,000, with an estimated first Federal cost of $4,319,000, and an estimated first non-Federal cost of $2,423,000.

(4) NASSAU COUNTY, FLORIDA.—The project for beach erosion control, Nassau County (Amelia Island), Florida: Report of the Chief of Engineers, dated May 19, 1986, at a total cost of $5,753,000, with an estimated first Federal cost of $4,619,000, and an estimated first non-Federal cost of $1,134,000.

(5) PORT SUTTON CHANNEL, FLORIDA.—The project for navigation, Port Sutton Channel, Florida: Report of the Chief of Engineers, dated March 28, 1988, at a total cost of $2,670,000, with an estimated first Federal cost of $1,155,000, and an estimated first non-Federal cost of $1,515,000.

(6) CHICAGOLAND UNDERFLOW PLAN, ILLINOIS.—The project for flood control, Chicagoland Underflow Plan, Illinois: Report of the Chief of Engineers, dated March 25, 1988, at a total cost of $419,000,000, with an estimated first Federal cost of $314,250,000, and an estimated first non-Federal cost of $104,750,000.

(7) LOWER OHIO RIVER, ILLINOIS AND KENTUCKY.—The project for navigation, Lower Ohio River, Locks and Dams 52 and 53, Illinois and Kentucky: Report of the Chief of Engineers, dated August 20, 1986, at a total cost of $775,000,000, with a first Federal cost of $775,000,000, and with the costs of construction of the project to be paid one half from amounts appropriated from the general fund of the Treasury and one half from amounts appropriated from the Inland Waterways Trust Fund.

(8) HAZARD, KENTUCKY.—The project for flood control, Hazard, Kentucky: Report of the Chief of Engineers, dated October 30, 1986, at a total cost of $7,450,000, with an estimated first Federal cost of $5,590,000 and an estimated first non-Federal cost of $1,860,000.

(9) MISSISSIPPI AND LOUISIANA ESTUARINE AREAS, MISSISSIPPI AND LOUISIANA.—The project for environmental enhancement, Mississippi and Louisiana Estuarine Areas, Mississippi and Louisiana: Report of the Chief of Engineers, dated May 19, 1986, at a total cost of $59,300,000.

(10) WOLF AND JORDAN RIVERS, MISSISSIPPI.—The project for navigation, Wolf and Jordan Rivers and Bayou Portage, Mississippi: Report of the Chief of Engineers, dated June 10, 1987, at a total cost of $2,290,000, with an estimated first Federal cost of $1,620,000 and an estimated first non-Federal cost of $670,000.

(11) TRUCKEE MEADOWS, NEVADA.—The project for flood control, Truckee Meadows, Nevada: Report of the Chief of Engineers, dated July 25, 1986, at a total cost of $78,400,000, with an estimated first Federal cost of $39,200,000 and an estimated first non-Federal cost of $39,200,000; except that the Secretary is authorized to carry out fish and wildlife enhancement as a purpose of such project, including fish and wildlife enhancement measures described in the District Engineer's Report, dated July 1985, at a total cost of $4,140,000.

(12) WEST COLUMBUS, OHIO.—The project for flood control, Scioto River, West Columbus, Ohio: Report of the Chief of Engineers, dated February 9, 1988, at a total cost of $31,562,000, with an estimated first Federal cost of $23,671,000, and an estimated first non-Federal cost of $7,891,000.

(13) DELAWARE RIVER, PENNSYLVANIA AND DELAWARE.—The project for navigation, Delaware River, Philadelphia to Wilmington, Pennsylvania and Delaware: Report of the Chief of Engineers, dated June 15, 1986, at a total cost of $17,200,000, with an estimated first Federal cost of $9,100,000 and an estimated first non-Federal cost of $8,100,000.

(14) CYPRESS CREEK, TEXAS.—The project for flood control, Cypress Creek, Texas: Report of the Chief of Engineers, dated October 12, 1987, at a total project cost of $114,200,000, with an estimated first Federal cost of $84,900,000 and an estimated first non-Federal cost of $29,300,000.

(15) FALFURRIAS, TEXAS.—The project for flood control, Falfurrias, Texas: Report of the Chief of Engineers, dated March 15, 1988, at a total cost of $31,800,000, with an estimated first Federal cost of $15,900,000, and an estimated first non-Federal cost of $15,900,000.

(16) GUADALUPE RIVER, TEXAS.—The project for navigation, Guadalupe River to Victoria, Texas: Report of the Chief of Engineers, dated September 1, 1987, at a total cost of $23,900,000, with an estimated first Federal cost of $15,100,000, and an estimated first non-Federal cost of $8,800,000.

(17) MCGRATH CREEK, WICHITA FALLS, TEXAS.—The project for flood control, McGrath Creek, Wichita Falls, Texas: Report of the Chief of Engineers, dated March 25, 1988, at a total cost of $9,100,000 with an estimated first Federal cost of $6,800,000, and an estimated first non-Federal cost of $2,300,000.

(b) AUTHORIZATION OF CONSTRUCTION SUBJECT TO FAVORABLE REPORT.—The following projects for water resources development and conservation and other purposes are authorized to be carried out by the Secretary substantially in accordance with the plans and subject to the conditions recommended in the respective reports cited, with such modifications as are recommended by the Chief of Engineers and approved by the Secretary, and with such other modifications as are recommended by the Secretary; except that if no report is cited for a project, the project is authorized to be prosecuted by the Secretary in accordance with a final report of the Chief of Engineers, and with such other modifications as are recommended by the Secretary, and no construction on such project may be initiated until such a report is issued and approved by the Secretary:

(1) VALLEY CREEK, WARRIOR RIVER AND TRIBUTARIES, ALABAMA.—The project for flood control, Valley Creek, Warrior River and tributaries, Alabama, at a total cost of $23,830,000, with an estimated first Federal cost of $17,882,500 and an estimated first non-Federal cost of $5,957,500.

(2) NOGALES WASH AND TRIBUTARIES, ARIZONA.—The project for flood control, Nogales Wash and tributaries, Arizona: Report of the Board of Engineers for Rivers and Harbors, dated September 14, 1988, at a total cost of $6,400,000. Nothing in this paragraph affects the authority of the Secretary to carry out such project under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s).

(3) COYOTE AND BERRYESSA CREEKS, CALIFORNIA.—The project for flood control, Coyote and Berryessa Creeks, California: Report of the Board of Engineers for Rivers and Harbors, dated May 11, 1988—

(A) in the case of Coyote Creek, at a total cost of $32,325,000, with an estimated first Federal cost of $24,243,000 and an estimated first non-Federal cost of $8,082,000, and

(B) in the case of Berryessa Creek, at a total cost of $9,950,000, with an estimated first Federal cost of $7,460,000 and an estimated first non-Federal cost of $2,490,000.

(4) MORRO BAY, CALIFORNIA.—The project for navigation, Morro Bay, California, at a total cost of $3,300,000, with an estimated first Federal cost of $2,640,000 and an estimated first non-Federal cost of $660,000.

(5) HARBOR OF VENTURA, CALIFORNIA.—The project for navigation, Ventura Harbor, California, at a total cost of $4,000,000, with an estimated first Federal cost of $3,200,000 and an estimated first non-Federal cost of $800,000.

(6) MIAMI HARBOR, FLORIDA.—The project for navigation, Miami Harbor, Florida, at a total cost of $32,000,000, with an estimated first Federal cost of $19,000,000 and an estimated first non-Federal cost of $13,000,000. If non-Federal interests make any improvements to such Harbor which are later recommended by the Chief of Engineers and approved by the Secretary under this subsection, the Secretary may reimburse such non-Federal interests an amount equal to the Federal share of the cost of such improvements, without interest. In analyzing costs and benefits of the project authorized under this paragraph, the Secretary shall consider the costs and benefits produced by any improvements which are carried out under the preceding sentence by non-Federal interests and which the Secretary determines are compatible with such project.

(7) CHICAGO RIVER, ILLINOIS.—The project to construct the wall from the extension of the inner breakwater on the southside of the mouth of the Chicago River, Illinois, to the mainland parallel to the existing channel for a distance of approximately 490 feet, at a total cost of $2,400,000.

(8) GREAT LAKES CONNECTING CHANNELS AND HARBORS, MICHIGAN, MINNESOTA, AND WISCONSIN.—The project for navigation, Great Lakes connecting channels and harbors, Michigan, Minnesota, and Wisconsin: Report of the Board of Engineers for Rivers and Harbors, dated May 24, 1988, at a total cost of $8,089,000, with an estimated first Federal cost of $5,385,000 and an estimated first non-Federal cost of $2,704,000.

(9) SMALL BOAT HARBOR, BUFFALO HARBOR, NEW YORK.—The project to replace the dike at the Small Boat Harbor, Buffalo Harbor, New York, at a total cost of $10,000,000, with an estimated first Federal cost of $5,000,000 and an estimated first non-Federal cost of $5,000,000. Prior to construction of the project, the Secretary may undertake such emergency repairs as the Secretary determines necessary to preserve, until completion of the project, the existing dike.

(10) RIO DE LA PLATA, PUERTO RICO.—The project for flood control, Rio de la Plata, Puerto, Rico: Report of the Board of Engineers for Rivers and Harbors, dated May 9, 1988, at a total cost of $54,024,000, with an estimated first Federal cost of $32,989,000 and an estimated first non-Federal cost of $21,035,000.

(c) MAXIMUM COST OF PROJECTS.—Section 902 of such Act is amended—

(1) by striking out "in this Act, or an amendment made by this Act, for a project" and inserting in lieu thereof "with respect to a project for water resources development and conservation and related purposes authorized to be carried out by the Secretary in this Act or in a law enacted after the date of the enactment of this Act, including the Water Resources Development Act of 1988, or in an amendment made by this Act or such law with respect to such a project";

(2) in paragraph (1) by inserting ", in such law," after "in this Act" and by inserting "or such law" after "by this Act";

(3) in paragraph (2)(A) by inserting "or such law" after "of this Act"; and

(4) in paragraph (2)(B) by inserting "or such law" after "by this Act".

SEC. 104. PROJECT MODIFICATIONS.

(a) BEAVER LAKE, ARKANSAS.—

(1) AMENDMENTS.—Section 843 of the Water Resources Development Act of 1986 (100 Stat. 4176-4177) is amended—

(A) by inserting "and the Chief of the Soil Conservation Service" after "the Environmental Protection Agency"; and

(B) by inserting "including best managment practices," before "at a total cost".

(2) CONTINUATION OF PLANNING AND DESIGN.—Using funds made available for the Beaver Lake project, Arkansas, pursuant to the Energy and Water Development Appropriatons Act, 1989, the Secretary is directed to continue overall planning and design for such project, including the development of implementation plans for individual parcels of land within the drainage basin which contribute to water quality degradation and impairment of water supply uses at Beaver Lake.

(b) WEST MEMPHIS AND VICINITY, ARKANSAS.—The project for flood control, West Memphis and vicinity, Arkansas, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4112) is modified to provide that non-Federal cooperation for such project may be provided by private individuals, private organizations, levee districts, drainage districts, or any unit of a State, county, or local government.

(c) KING HARBOR, REDONDO BEACH, CALIFORNIA.—Section 809 of the Water Resources Development Act of 1986 (100 Stat. 4168) is amended—

(1) in the first sentence—

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

(B) by striking out paragraph (3) and inserting in lieu thereof the following:

"(3) if recommended in a report of the Chief of Engineers and approved by the Secretary, the Secretary is authorized to construct the breakwaters to a height greater than 22 feet, and to extend the breakwaters, in accordance with such report; and

"(4) major rehabilitation of the breakwaters necessary as a result of a natural event shall be a Federal responsibility."; and

(2) by striking out the last sentence and inserting in lieu thereof the following: "The non-Federal share of the cost of work undertaken pursuant to this section shall be in accordance with title I of this Act.".

(d) LOS ANGELES AND LONG BEACH HARBORS, SAN PEDRO BAY, CALIFORNIA.—The navigation project for Los Angeles and Long Beach Harbors, San Pedro Bay, California, authorized by section 201 of the Water Resources Development Act of 1986 (100 Stat. 4091), is modified to provide that, if non-Federal interests carry out any work associated with such project which is later recommended by the Chief of Engineers and approved by the Secretary, the Secretary may reimburse such non-Federal interests an amount equal to the Federal share of the cost of such work, without interest. In analyzing costs and benefits of such project, the Secretary shall consider the costs and benefits produced by any work which is carried out under the preceding sentence by non-Federal interests and which the Secretary determines is compatible with such project. The feasibility report for such project shall include consideration and evaluation of the following proposed project features: Long Beach Main Channel, Channel to Los Angeles Pier 300, Channels to Los Angeles Pier 400, Long Beach Pier "K" Channel, and Los Angeles Crude Transshipment Terminal Channel.

(e) LOS ANGELES RIVER, CALIFORNIA.—The Secretary is directed to perform maintenance dredging of the existing Federal project at the mouth of the Los Angeles River, California, to the authorized depth of 20 feet for the purpose of maintaining the flood control basin and navigation safety.

(f) SAN LEANDRO MARINA, CALIFORNIA.—

(1) MAINTENANCE OF ACCESS CHANNEL.—The project for San Leandro Marina, California, authorized under section 201 of the Flood Control Act of 1965 and approved by resolution adopted by Committee on Public Works of the House of Representatives on June 22, 1971, and by the Committee on Public Works of the Senate on December 15, 1970, is modified to authorize the Secretary to maintain an access channel extending from the southern auxiliary access channel to the boat launching ramp of the city of San Leandro, California, in the vicinity of the small boat lagoon in such city to a depth of 8 feet and length of approximately 650 feet.

(2) DEAUTHORIZATION.—The auxiliary access channel and basin extending to the north end of the project for San Leandro Marina, California, referred to in paragraph (1) is not authorized after the date of the enactment of this Act.

(g) SUNSET HARBOR, CALIFORNIA.—The demonstration project at Sunset Harbor, California, authorized by section 1119(b) of the Water Resources Development Act of 1986 (100 Stat. 4238), is modified to include wetland restoration as a purpose of such demonstration project. All costs allocated to such wetland restoration shall be paid by non-Federal interests in accordance with section 916 of such Act.

(h) INDIANA SHORELINE EROSION, INDIANA.—The undesignated paragraph of section 501(a) of the Water Resources Development Act of 1986 under the heading "INDIANA SHORELINE, INDIANA" (100 Stat. 4135) is amended by striking out "with an estimated first Federal cost of $15,000,000 and an estimated first non-Federal cost of $5,000,000." and inserting in lieu thereof "with the Federal share of the cost of this project to be determined in accordance with title I of this Act.".

(i) BIG SOUTH FORK OF THE CUMBERLAND RIVER, KENTUCKY AND TENNESSEE.—Section 108 of the Water Resources Development Act of 1974 is amended by adding at the end thereof the following new subsection:

"(1) The non-Federal share of any cost incurred for purposes of this section may be provided by any person, including concessioners of any agency of the Federal Government. In any case in which a non-Federal interest (including a person) agrees to provide recreational facilities within the boundaries of the National Area, the Secretary shall provide any utilities, roads, or other support facilities necessary for the provision of such recreational facilities.".

(j) STUMPY LAKE, LOUISIANA.—The project for mitigation of fish and wildlife losses Red River Waterway, Louisiana, authorized by section 601(a) of the Water Resources Act of 1986 (100 Stat. 4142), is modified—

(1) to include design and construction of such structural or remedial measures as necessary to control erosion and protect the valuable environmental resources of the area between Lake Bistineau and Red River, including Stumpy Lake and vicinity; and

(2) to authorize the Secretary to spend $500,000 in participation with the State of Louisiana on design, construction, and purchase of necessary lands and rights-of-way for such structural and remedial measures.

Such structural and remedial measures shall be subject to cost sharing under title I of the Water Resources Development Act of 1986.

(k) ATLANTIC COAST OF MARYLAND AND ASSATEAGUE ISLAND, VIRGINIA.—The project for shoreline protection, Atlantic Coast of Maryland and Assateague Island, Virginia, authorized by section 501(a) of the Water Resources Development Act of 1986 (100 Stat. 4135), is modified to provide that, if non-Federal interests place sand on the beach as part of such project after December 31, 1988, the Secretary shall credit toward the non-Federal share of the cost of the project an amount equal to the Federal share of the cost of such sand placement.

(l) ANNAPOLIS HARBOR, MARYLAND.—The project for navigation, Annapolis Harbor, Maryland, is modified to authorize and direct the Secretary to realign the channel in such project, as determined necessary by the Secretary, for the purpose of promoting more efficient mooring operations in Annapolis Harbor.

(m) DEAL ISLAND, MARYLAND.—The Secretary may pay the remaining cost for the navigation project for Deal Island, Maryland (Lower Thorofare), authorized under section 107 of the River and Harbor Act of 1960, estimated at $277,000, plus any interest due the construction contractor.

(n) REDWOOD RIVER, MARSHALL, MINNESOTA.—The project for flood control, Redwood River, Marshall, Minnesota, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4117), is modified to authorize the Secretary to construct the project substantially in accordance with the General Design Memorandum, dated April 1987, at a total cost of $6,900,000, with an estimated first Federal cost of $5,000,000 and an estimated first non-Federal cost of $1,900,000.

(o) ROOT RIVER BASIN, MINNESOTA.—The undesignated paragraph of section 401(a) of the Water Resources Development Act of 1986 under the heading "ROOT RIVER BASIN, MINNESOTA" (100 Stat. 4117) is amended by adding at the end thereof the following new sentence: "Nothing in this paragraph affects the authority of the Secretary to carry out a project under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s).".

(p) ROSEAU RIVER, MINNESOTA.—The project for flood control, Roseau River, Minnesota, authorized by the Flood Control Act of 1965, is modified to authorize and direct the Secretary to construct as authorized, or to construct under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s), the 6-mile flood control levee in the vicinity of Duxby, Minnesota, beginning at a point approximately 2 miles upstream, substantially in accordance with the recommendations of the Chief of Engineers contained in House Document Numbered 282, 89th Congress, at an estimated total cost of $360,600, and with an estimated first Federal cost of $270,200 and an estimated first non-Federal cost of $90,000. Benefits and costs resulting from construction of such levee shall continue to be included for determining the economic feasibility of the Roseau River flood control project.

(q) GULFPORT HARBOR, MISSISSIPPI.—

(1) IN GENERAL.—The project for navigation, Gulfport Harbor, Mississippi, authorized by section 202(a) of the Water Resources Development Act of 1986 (100 Stat. 4094-4095) is modified to authorize the Sec-

retary to dispose, in accordance with all provisions of Federal law, of dredged material—

(A) from construction, operation, and maintenance of such project in open waters of the Gulf of Mexico;

(B) from construction of such project by thin layer disposal in the Mississippi Sound under the demonstration program carried out under paragraph (2);

(C) from operation and maintenance of such project by disposal in the Mississippi Sound under a plan developed by the Secretary and approved by the Administrator of the Environmental Protection Agency if the Secretary, after consultation with the study team established under paragraph (3), determines that the report submitted under paragraph (2)(H) indicates that there will be no unacceptable adverse environmental impacts from such disposal; and

(D) from construction, operation, and maintenance of such project as fill in connection with a pier extension project for such Harbor carried out under a permit issued before, on, or after the date of the enactment of this Act under section 404 of the Federal Water Pollution Control Act.

(2) DEMONSTRATION PROGRAM.—

(A) PURPOSES.—During construction of the Gulfport Harbor navigation project, the Secretary shall carry out a demonstration program for the purpose of evaluating the costs and benefits of thin layer disposal in the Mississippi Sound of dredged material from construction of harbor improvements, including any operation and maintenance materials that may be removed during construction, and for determining whether or not there are unacceptable adverse effects from such disposal—

(i) on human health or welfare, including but not limited to plankton, fish, shellfish, wildlife, shorelines, and beaches;

(ii) on marine life (including the transfer, concentration, and dispersal of pollutants or their byproducts through biological, physical, and chemical processes), changes in marine ecosystem diversity, productivity, and stability, and species and community population changes;

(iii) on esthetic, recreation, and economic values; and

(iv) on alternative uses of oceans, such as mineral exploitation and scientific study.

In addition, the Secretary shall determine through such program the persistence and permanence of any such adverse effects and methods of mitigating any such adverse effects.

(B) PLANNING.—Within 4 months after the date of the enactment of the Act, the Secretary, in consultation with the study team established under paragraph (3), shall develop a plan for carrying out the demonstration program under this paragraph. Such plan shall, at a minimum, establish predisposal monitoring requirements, thin layer disposal locations, the amounts of dredged material necessary for carrying out such demonstration program, the duration of thin layer disposal under such demonstration program, the compatibility of the receiving habitat with thin layer dredged material disposal, requirements for minimizing demonstration program impacts, the depth of thin layer disposal, and the scope of the post disposal monitoring.

(C) USE OF MATERIALS FROM PROJECT.—The Secretary in carrying out the demonstration program under this paragraph shall use suitable material removed during construction of the Gulfport Harbor navigation project. The amount of material used shall be of sufficient quantity to determine the effects of thin layer disposal in near shore areas of (i) dredged materials from construction of harbor improvements, and (ii) any materials from operation and maintenance of harbor improvements dredged during the period of such construction, but shall be limited to the amount determined under the plan developed under subparagraph (B).

(D) CONSULTATION REQUIREMENT.—In conducting the demonstration program under this paragraph, the Secretary shall consult the study team established under paragraph (3).

(E) POST DISPOSAL MONITORING.—The demonstration program under this paragraph shall include monitoring of the near shore areas at which dredged material is disposed of under such program during the period determined under the plan developed under subparagraph (B).

(F) APPLICABILITY OF FEDERAL LAW.—The demonstration program under this paragraph shall be carried out in accordance with all applicable provisions of Federal law, including section 404(c) of the Federal Water Pollution Control Act.

(G) COST SHARING.—The demonstration program carried out under this paragraph shall be subject to cost sharing under title I of the Water Resources Development Act of 1986. All costs of such program, other than dredging costs, shall not be included for purposes of calculating the economic costs and benefits of the navigation project for Gulfport Harbor, Mississippi.

(H) REPORT TO CONGRESS AND EPA.—Within 1 year after the date of completion of the demonstration program under this paragraph, the Secretary, after consultation with the study team established under paragraph (3), shall transmit to Congress and to the Administrator of the Environmental Protection Agency a report on the results of such demonstration program together with recommendations concerning thin layer disposal in near shore areas of dredged material from construction, operation, and maintenance of future navigation projects.

(I) APPROVAL OR DISAPPROVAL OF RECOMMENDATIONS.—Not later than 30 days after the date of receipt of the report and recommendations under subparagraph (H), the Administrator of the Environmental Protection Agency shall approve or disapprove the recommendations and shall notify Congress and the Secretary of such approval or disapproval. If the Administrator disapproves the recommendations, not later than 30 days after the date of such disapproval, the Administrator shall notify Congress and the Secretary of the reasons for such disapproval together with recommendations for modifications which could be made to the recommendations to take into account such reasons. If the Administrator fails to approve or disapprove the recommendations transmitted under subparagraph (H) within the 30-day period, the recommendations shall be deemed to be approved.

(3) STUDY TEAM.—The Secretary shall establish a study team to assist the Secretary in planning, carrying out, monitoring, and reporting on the demonstration program and the results of such program under this subsection. Such team shall be appointed by the Secretary and shall consist of representatives of the Corps of Engineers, the Environmental Protection Agency, interested Federal and State resource agencies, and the local sponsor of the demonstration program. Members of the study team who are not officers or employees of the United States shall serve without compensation. Members of the study team who are officers or employees of the United States shall receive no additional pay by reason of their service on the study team.

(r) BRUSH CREEK AND TRIBUTARIES, MISSOURI AND KANSAS.—The project for flood control, Brush Creek and Tributaries, Missouri and Kansas, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4118), is modified to authorize the Secretary to provide to the non-Federal interests providing local cooperation for such project services (including the provision of services by contract) in the design and construction of upstream and downstream non-Federal extensions to such project—

(1) if the non-Federal interests provide, in advance of obligation of Federal funds for such design and construction, amounts sufficient to cover all costs of such services;

(2) if, prior to construction of such extensions, the non-Federal interests obtain all necessary Federal and State permits; and

(3) if the non-Federal interests agree to hold and save the United States free from damages due to the planning, design, construction, operation, or maintenance of such extensions. Construction, operation, and maintenance of such extensions shall be a non-Federal responsibility and shall not be considered part of the Brush Creek flood control project for any purpose.

(s) LIBBY DAM, MONTANA.—The project for Libby Dam, Lake Koocanusa reservoir, Montana, is modified (1) to authorize the Secretary, in consultation with the Secretary of Agriculture, to undertake measures to alleviate low water impact on existing facilities at such project, including provision of low water access to Lake Koocanusa, Montana, and provision of additional planned public recreation sites along the reservoir, and (2) to direct the Secretary to protect Indian archaeological sites which are exposed during the course of operations of such project, at an estimated total cost of $750,000. The Secretary shall coordinate with the Kootenai Tribes in monitoring exposed archaeological sites to prevent pillaging in preserving artifacts onsite and in facilitating curation at the tribal curation center in Pablo Montana when onsite preservation is not warranted.

(o) NEW YORK HARBOR, NEW YORK.—The New York Harbor collection and removal of drift project is modified to authorize the Secretary to collect refuse through the use of nets, at a total cost of $20,000.

(t) SEA BRIGHT TO MONMOUTH BEACH, NEW JERSEY.—Section 854(a) of the Water Resources Development Act of 1986 (100 Stat. 4179) is amended by inserting "(1)" after "to provide that" and by striking out the period at the end of such section and inserting in lieu thereof the following: "; (2) such reach shall be constructed substantially in accordance with the draft general design memorandum, dated January 1988, at a total additional initial cost of $51,000,000; and (3) periodic beach nourishment over the project life will be conducted, at an estimated annual cost of $1,200,000. Additional costs incurred under clause (2) and costs incurred under clause (3) for beach nourishment shall be subject to cost sharing in accordance with title I of this Act.".

(m) IRONDEQUOIT BAY, NEW YORK.—The navigation project for Irondequoit Bay, New York, authorized by section 101 of the River and Harbor Act of 1958 (72 Stat. 299), is modified to authorize the Secretary to construct a highway bridge across the new channel constructed as part of such project if non-Federal interests—

(1) agree to be responsible for operation and maintenance of such bridge,

(2) agree to pay 50 percent of the cost of such construction, and

(3) agree that title to such bridge will be held by non-Federal interests.

(n) EAST ROCKAWAY INLET TO ROCKAWAY INLET AND JAMAICA BAY, NEW YORK.—The project at East Rockaway Inlet to Rockaway Inlet and Jamaica Bay, New York, authorized by the Flood Control Act of 1965 and modified by the Water Resources Development Act of 1974, is modified to extend periodic beach nourishment for such project to the 50th year after construction of such project and to direct the Secretary to participate in periodic nourishment through the 50-year project life of the project under the cost-sharing terms of the previously executed local cooperation agreement.

(w) MASSILLON, OHIO, BRIDGE.—Section 803 of the Water Resources Development Act of 1986 (100 Stat. 4166) is amended by adding at the end thereof the following new sentence: "Notwithstanding section 215 of the Flood Control Act of 1968 (42 U.S.C. 1962d-5a), if, before the date of the enactment of this Act, non-Federal interests complete construction and repair of the Cherry Street bridge, the Secretary shall credit toward the non-Federal share of the cost of construction of the Walnut Street bridge an amount equal to the Federal share of the cost incurred for construction and repair of the Cherry Street bridge.".

(x) MAUMEE BAY, OHIO.—The undesignated paragraph of section 501(a) of the Water Resources Development Act of 1986 under the heading "MAUMEE BAY, LAKE ERIE, OHIO" (100 Stat. 4135-4136) is amended by adding at the end thereof the following new sentence: "The Secretary shall credit toward the non-Federal share of the cost of the work remaining on such project an amount equal to the Federal share of the work carried out by non-Federal interests on the eastern segment of such project before the date of the enactment of the Water Resources Development Act of 1988.".

(y) BROKEN BOW LAKE, OKLAHOMA.—The project for flood control, power and water supply, Broken Bow Lake, Oklahoma, authorized by the Flood Control Act of 1958 and the Flood Control Act of 1962, is modified to authorize and direct the Secretary to construct such hydroelectric power production facilities at the Broken Bow Lake reregulation dam as are recommended in a report of the Chief of Engineers and approved by the Secretary, at an estimated total cost of $13,300,000.

(z) ROCHESTER, PENNSYLVANIA.—The project for navigation on the Ohio River at Rochester, Pennsylvania, authorized by the River and Harbor Act of 1909, is modified to authorize the Secretary to construct safety facilities of a floating dock, a river access ramp, and roadway and parking areas at a total cost of $90,000.

(aa) WYOMING VALLEY, PENNSYLVANIA.—The project for flood control, Wyoming Valley, Pennsylvania, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 1424), is modified to authorize the Secretary to construct an inflatable dam on the Susquehanna River in the Wilkes Barre area, Pennsylvania, at a total cost of $2,000,000 with the non-Federal share of the cost of such dam to be as provided in section 103(c)(4) of the Water Resources Development Act of 1986.

(bb) BLAIR AND SITCUM WATERWAYS, WASHINGTON.—The undesignated paragraph of section 202(a) of the Water Resources Development Act of 1986 under the heading "BLAIR AND SITCUM WATERWAYS, TACOMA HARBOR, WASHINGTON" (100 Stat. 4096) is amended by striking out "$38,200,000" and all that follows through "$12,000,000;" and inserting in lieu thereof "$54,000,000;".

(cc) WYNOOCHEE LAKE, WASHINGTON.—

(1) OPERATION AND MAINTENANCE BY NON-FEDERAL INTEREST.—The project for Wynoochee Lake, Wynoochee River, Washington, authorized by section 203 of the Flood Control Act of 1962 (76 Stat. 1193), is modified to provide that the Secretary may permit the city of Aberdeen, Washington, to operate, maintain, repair, and rehabilitate the project after September 30, 1988.

(2) TERMS AND CONDITIONS.—Operation, maintenance, repair, and rehabilitation of the project referred to in paragraph (1) by the city of Aberdeen shall be subject to such terms and conditions as the Secretary shall establish by regulation to ensure that operation, maintenance, repair, and rehabilitation of the project are consistent with the project's authorized purposes, including fish and wildlife mitigation. In issuing such regulations, the Secretary shall evaluate the effect of such regulations on the project costs payable by the city.

(3) TRANSFER OF RESPONSIBILITIES; PROTECTION OF TITLE; DAMAGES; RESUMPTION OF FEDERAL O&M.—If the Secretary decides to permit the city of Aberdeen to operate, maintain, repair, and rehabilitate the project referred to in paragraph (1)—

(A) the Secretary shall modify the project contract to forgive future operation, maintenance, repair, and rehabilitation payment obligations of the city to the extent that the city is performing project operation, maintenance, repair, and rehabilitation in accordance with this subsection and the regulations issued under this subsection;

(B) the Secretary shall transfer to the city responsibility for operation, maintenance, repair, and rehabilitation of such project in a safe and cost-effective manner;

(C) title to real and personal property of such project shall remain in the United States, and the city shall not impair such title;

(D) the city shall hold and save the United States free from any damages that result from operation, maintenance, repair, and rehabilitation of such project by the city, except for damages due to the fault or negligence of the United States or its contractors; and

(E) upon due cause as determined by the Secretary and after notice to the city, the Secretary may resume operation, maintenance, repair, and rehabilitation of such project and the city shall be responsible to pay the percentage of the operation, maintenance, repair, and rehabilitation costs of the project incurred thereafter and related to water supply storage as described in the original project contract.

SEC. 105. COMMENTS ON CERTAIN CHANGES IN OPERATIONS OF RESERVOIRS.

Before the Secretary may make changes in the operation of any reservoir which will result in or require a reallocation of storage space in such reservoir or will significantly affect any project purpose, the Secretary shall provide an opportunity for public review and comment.

SEC. 106. PROTECTION OF RECREATIONAL AND COMMERCIAL USES.

(a) GENERAL RULE.—In planning any water resources project, the Secretary shall consider the impact of the project on existing and future recreational and commercial uses in the area surrounding the project.

(b) MAINTENANCE.—Whenever the Secretary maintains, repairs, rehabilitates, or reconstructs a water resources project which will result in a change in the configuration of a structure which is a part of such project, the Secretary, to the maximum extent practicable, shall carry out such maintenance, repair, rehabilitation, or reconstruction in a manner which will not adversely affect any recreational use established with respect to such project before the date of such maintenance, repair, rehabilitation, or reconstruction.

(c) MITIGATION.—If maintenance, repair, rehabilitation, or reconstruction of a water resources project by the Secretary results in a change in the configuration of any structure which is a part of such project and has an adverse effect on a recreational use established with respect to such project before the date of such maintenance, repair, rehabilitation, or reconstruction, the Secretary, to the maximum extent practicable, shall take such actions as may be necessary to restore such recreational use or provide alternative opportunities for comparable recreational use.

(d) APPLICABILITY.—

(1) GENERAL RULE.—Subsections (b) and (c) shall apply to maintenance, repair, rehabilitation, or reconstruction for which physical construction is initiated after May 1, 1988.

(2) LIMITATION.—Subsections (b) and (c) shall not apply to any action of the Secretary which is necessary to discontinue the operation of a water resources project.

(e) COST SHARING.—Costs incurred by the Secretary to carry out the objectives of this section shall be allocated among authorized project purposes in accordance with applicable cost allocation procedures and shall be subject to cost sharing or reimbursement to the same extent as other project costs are shared or reimbursed.

SEC. 107. OPERATION OF CERTAIN PROJECTS TO ENHANCE RECREATION.

(a) ENHANCEMENT OF RECREATION.—The Secretary shall ensure that each water resources project referred to in this subsection is operated in such manner as will protect and enhance recreation associated with such project. The Secretary shall also manage project lands at each such project in such manner as will improve opportunities for recreation at the project. Such activities shall be included as authorized project purposes of each project. Nothing in this subsection shall be construed to affect the authority of the Secretary to carry out other authorized project purposes or to comply with other requirements or obligations of the Secretary which are legally binding as of the date of the enactment of this Act. The provisions of this subsection shall apply to the following projects:

(1) Beechfork Lake, West Virginia.

(2) Bluestone Lake, West Virginia.

(3) East Lynn Lake, West Virginia.

(4) Francis E. Walter Dam, Pennsylvania.

(5) Jennings Randolph Lake (Bloomington Dam), Maryland and West Virgina.

(6) R.D. Bailey Lake, West Virginia.

(7) Savage River Dam, Maryland.

(8) Youghiogheny River Lake, Pennsylvania and Maryland.

(9) Summersville Lake, West Virginia.

(10) Sutton Lake, West Virginia.

(11) Stonewall Jackson Lake, West Virginia.

(b) RECREATION DEFINED.—As used in this section, in addition to recreation on lands associated with the project, the term "recreation" includes (but shall not be limited to)

downstream whitewater recreation which is dependent on project operations, recreational fishing, and boating on water at the project.

SEC. 108. COLLABORATIVE RESEARCH AND DEVELOPMENT.

(a) IN GENERAL.—For the purpose of improving the state of engineering and construction in the United States and consistent with the civil works mission of the Army Corps of Engineers, the Secretary is authorized to utilize Army Corps of Engineers laboratories and research centers to undertake, on a cost-shared basis, collaborative research and development with non-Federal entities, including State and local government, colleges and universities, and corporations, partnerships, sole proprietorships, and trade associations which are incorporated or established under the laws of any of the several States of the United States or the District of Columbia.

(b) ADMINISTRATIVE PROVISIONS.—In carrying out this section, the Secretary may consider the recommendations of a non-Federal entity in identifying appropriate research or development projects and may enter into a cooperative research and development agreement, as defined in section 12 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a); except that in such agreement, the Secretary may agree to provide not more than 50 percent of the cost of any research or development project selected by the Secretary under this section. Not less than 5 percent of the non-Federal entity's share of the cost of any such project shall be paid in cash.

(c) APPLICABILITY OF OTHER LAWS.—The research, development, or utilization of any technology pursuant to an agreement under subsection (b), including the terms under which such technology may be licensed and the resulting royalties may be distributed, shall be subject to the provisions of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3701-3714).

(d) AUTHORIZATION OF APPROPRIATIONS.—To carry out the purposes of this section, there is authorized to be appropriated to the Secretary of the Army civil works funds $3,000,000 for fiscal year 1989, $4,000,000 for fiscal year 1990, $5,000,000 for fiscal year 1991, and $6,000,000 for each fiscal year thereafter.

(e) ADDITIONAL FUNDING.—Notwithstanding the third proviso under the heading "GENERAL INVESTIGATIONS" of title I of the Energy and Water Development Appropriations Act, 1989 (102 Stat. 857), an additional $3,000,000 of the funds appropriated under such heading shall be available to the Secretary for obligation to carry out the purposes of this section in fiscal year 1989.

SEC. 109. SIMULATION MODEL OF SOUTH CENTRAL FLORIDA HYDROLOGIC ECOSYSTEM.

(a) IN GENERAL.—The Secretary, in cooperation with affected Federal, State, and local agencies and other interested persons, may develop and operate a simulation model of the central and southern Florida hydrologic ecosystem for use in predicting the effects—

(1) of modifications to the flood control project for central and southern Florida, authorized by the Flood Control Act of 1948,

(2) of changes in the operation of such project, and

(3) of other human activities conducted in the vicinity of such ecosystem which individually or in the aggregate will significantly affect the ecology of such ecosystem,

on the flow, characteristics, quality, and quantity of surface and ground water in such ecosystem and on plants and wildlife within such ecosystem. Such model shall be capable of producing information which is applicable for use in evaluating the impact of issuance of proposed permits under section 10 of the Act of March 3, 1899 (30 Stat. 1151; 33 U.S.C. 403), commonly known as the River and Harbor Act of 1899, and under section 404 of the Federal Water Pollution Control Act.

(b) AVAILABILITY TO STATE AND LOCAL AGENCIES.—The Secretary shall allow Federal, State, and local agencies to use, on a reimbursable basis, the simulation model developed under this section.

(c) COST SHARING.—The Federal share of the cost of developing and operating the simulation model under this section shall be 75 percent.

SEC. 110. SECTION 215 REIMBURSEMENT LIMITATION PER PROJECT.

Section 215(a) of the Flood Control Act of 1968 (42 U.S.C. 1962d-5a) is amended by inserting after "$3,000,000" the following: "or 1 percent of the total project cost, whichever is greater".

SEC. 111. ADDITIONAL 10 PERCENT PAYMENT OVER 30 YEARS FOR CONSTRUCTION OF HARBORS.

(a) RELOCATION COSTS.—Section 101(a)(2) of the Water Resources Development Act of 1986 (33 U.S.C. 2211(a)(2)) is amended by inserting "and the cost of relocations borne by the non-Federal interests under paragraph (4)" before "shall be credited".

(b) RETROACTIVE EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on November 17, 1986.

SEC. 112. COMPLIANCE WITH FLOOD PLAIN MANAGEMENT AND INSURANCE PROGRAMS.

Section 402 of the Water Resources Development Act of 1986 (33 U.S.C. 701b-12) is amended by inserting "including any project for hurricane or storm damage reduction," after "local flood protection,".

SEC. 113. FEASIBILITY REPORTS.

Section 905(a) of the Water Resources Development Act of 1986 (33 U.S.C. 2282(a)) is amended by inserting after the third sentence the following new sentence: "The feasibility report shall also include a local and regional economic development plan for the project area if the proposed project is located in an area which qualifies for designation as an economic development area under the Public Works and Economic Development Act of 1965.".

SEC. 114. FEDERAL REPAYMENT DISTRICT.

The last sentence of section 916(a) of the Water Resource Development Act of 1986 (33 U.S.C 2291) is amended by striking out "include the power to collect" and all that follows through the period at the end of such sentence and inserting in lieu thereof "have the power to recover benefits through any cost-recovery approach that is consistent with State law and satisfies the applicable cost-recovery requirement under subsection (b).".

SEC. 115. ALLOCATION OF RESPONSIBILITY UNDER UPPER MISSISSIPPI RIVER PLAN.

Section 1103(e)(6)(A) of the Water Resources Development Act of 1986 (100 Stat. 4227) is amended to read as follows:

"(6)(A) Notwithstanding the provisions of subsection (a)(2) of this section, the costs of each project carried out pursuant to paragraph (1)(A) of this subsection shall be allocated between the Secretary and the appropriate non-Federal sponsor in accordance with the provisions of section 906(e) of this Act, except that the costs of operation, maintenance, and rehabilitation of projects shall be the responsibility of the entity that owns the lands on which the project is located.".

SEC. 116. ABANDONED AND WRECKED VESSELS.

Section 1115 of the Water Resources Development Act of 1986 (100 Stat. 4235) is amended by inserting "(a) GENERAL RULE.—" before "The Secretary" the first place it appears and by adding at the end thereof the following new subsection:

"(b) SPECIAL RULE.—The Secretary may enter into an agreement with a private person for removal of the abandoned vessel referred to in subsection (a)(3). Such agreement shall provide that consideration for such removal shall be transfer of title from the United States to such person of a DeLong Pier Jack-Up Barge Type A, Serial Number BPA6814. Such transfer shall be subject to such conditions as the Secretary determines appropriate, including a condition requiring such person to successfully remove such vessel. Procedures otherwise governing disposal of property shall not apply to the transfer of title to such barge.".

SEC. 117. FLOOD WARNING AND RESPONSE SYSTEM.

(a) DEMONSTRATION PROJECT.—The Secretary, in cooperation with other Federal agencies and the Susquehanna River Basin Commission, is authorized to design and implement a comprehensive flood warning and response system to serve communities and flood prone areas along Juniata River and tributaries in the State of Pennsylvania for the purpose of demonstrating the effectiveness of such systems and evaluating the cost of such systems.

(b) AUTHORIZATION OF APPROPRIATION.—There is authorized to be appropriated to carry out this section $2,000,000 for fiscal years beginning after September 30, 1988.

SEC. 118. LAKEPORT LAKE, CALIFORNIA.

(a) PROJECT REAUTHORIZATION.—The project for flood control, Lakeport Lake, California, as authorized by the Flood Control Act of 1965 on the day before the date of the enactment of the Water Resources Development Act of 1986, is authorized.

(b) REPEAL OF DEAUTHORIZATION.—Section 1003 of the Water Resources Development Act of 1986 (100 Stat. 4222-4223) is repealed.

SEC. 119. PLANADA, CALIFORNIA.

The Director of the Federal Emergency Management Agency is directed to prepare or cause to be prepared a hydrological study of Miles Creek, California, to use as the basis for the establishment of revised base flood elevations in and near the community of Planada, California. Until such time as such revised based flood elevations are established, the flood insurance rate map (Community Panel No. 0601880315A) in effect on September 1, 1988, for the area in and near such community shall remain in effect.

SEC. 120. SACRAMENTO, CALIFORNIA.

(a) FINDINGS.—The Congress finds that—

(1) the Sacramento, California area has had in place a flood control system which has been classified as protecting against floods with recurrence intervals of up to 125 years;

(2) local governmental entities in the Sacramento metropolitan area have been working diligently with the State of California, the Army Corps of Engineers, and the Bureau of Reclamation since the occurrence of a heavy storm in 1986 to formulate and implement a comprehensive plan to provide high level, efficient flood protection to the region;

(3) the Federal Emergency Management Agency, in response to studies by the Corps

of Engineers indicating increased flood vulnerability attributable to increased estimates of the frequency of large storms in the region, has begun a process of re-analyzing the flood risks in the Sacramento area, and this analysis is likely to result in substantially increased flood elevation requirements under the National Flood Insurance Program;

(4) changed flood elevation requirements attributable to a change in flood elevation determinations by the Director of the Federal Emergency Management Agency will cause severe disruption in the Sacramento region and could precipitate the break-up of the political, institutional, and economic relationships sustaining the high-level, comprehensive, flood protection effort;

(5) failure to implement a comprehensive plan would leave substantial portions of the Sacramento area without necessary flood protection, and, further, could impose on the Federal Government various, substantial costs related to emergency responses and damage claims in the event of a major flood;

(6) the Federal purposes embodied in the National Flood Insurance Program to minimize development in flood plains, to minimize damages caused by floods, and to reduce requirements for costly flood protection projects remain valid for the Sacramento metropolitan area, and impose upon its local governmental jurisdictions and obligation to exercise their authorities to avoid undue exposure to the dangers of floods and to voluntarily comply to the maximum extent practicable, consistent with other purposes of this section, with the National Flood Insurance Program standards which are anticipated to be applicable to the Sacramento area following expiration of the period set by subsection (b);

(7) the City and County of Sacramento have each provided assurances to the Congress that they will not designate any increases in urbanization beyond lands already so designated in their general plans during the period set forth in subsection (b), and, in addition, that in the exercise of their discretion to approve new development they will give careful consideration to—

(A) an evacuation-emergency response plan;

(B) mechanisms by which to attempt to provide notice to all buyers of new structures;

(C) retention of natural floodways; and

(D) recommendations to all buyers of new structures to purchase flood insurance;

(8) the City and County of Sacramento, in their discretion, reserve the authority to impose elevation or other requirements for new construction based upon best available flood data if facts indicate the necessity of doing so; and

(9) maintenance of the Federal flood elevation requirements now in effect for the Sacramento area for the limited period set forth in subsection (b) will facilitate implementation of the high level, comprehensive plan for flood protection in the Sacramento area, and is therefore in the interest of Sacramento, the public safety, and the United States.

(b) FLOOD ELEVATIONS.—Prior to the expiration of two years after the date on which the Secretary submits to the Congress the report on the feasibility study on Northern California Streams, American River Watershed, but not later than four years after the date of enactment of this Act, the provisions of the National Flood Insurance Act of 1968 and the Flood Disaster Protection Act of 1973 shall apply on the basis of flood map elevation determinations made by the Director of the Federal Emergency Management Agency in effect as of the date of enactment of this Act to the following areas:

(1) the floodplain areas within Sutter and Sacramento Counties, California (collectively known as the "Natomas area"), which are bounded by the Sacramento River, the American River, the Natomas Cross Canal, and the floodplain of the Natomas East Main Drainage Canal;

(2) the floodplains within Sacramento County of Dry Creek, Arcade Creek, and Morrison Creek, to the extent these creeks are affected by the American and Sacramento Rivers, the American River, and the Sacramento River upstream of the City of Freeport, California; and

(3) the City of West Sacramento in Yolo County, California.

(c) BUDGET SUBMISSION.—The President, in submitting his budget for fiscal year 1990, shall include a schedule for completing the study referred to in subsection (b) as expeditiously as practicable and an estimate of the resources required to meet such schedule.

SEC. 121. FUNDING FOR NON-FEDERAL SHARE OF SANTA MONICA BREAKWATER.

Upon request of the city of Santa Monica, California, the Director of the Federal Emergency Management Agency shall transfer to the Secretary for credit towards the non-Federal share of the cost of any project to reconstruct the Santa Monica breakwater such amounts as the Director has allocated to such city for any major disaster declared under the Disaster Relief Act of 1974 in calendar year 1983.

SEC. 122. MISSISSIPPI RIVER HEADWATERS RESERVOIRS.

Notwithstanding any other provision of law, the Secretary is directed to maintain water levels in the Mississippi River headwaters reservoirs within the following operating limits: Winnibigoshish 1296.94 feet—1303.14 feet; Leech 1293.20 feet—1297.94 feet; Pokegama 1271.42 feet—1276.42 feet; Sandy 1214.31 feet—1218.31 feet; Pine 1227.32 feet—1234.82 feet; and Gull 1192.75 feet—1194.75 feet. Such water levels shall be measured using the National Geodetic Vertical Datum.

SEC. 123. HEARDING ISLAND INLET, DULUTH HARBOR, MINNESOTA.

The Secretary is authorized to dredge the Hearding Island Inlet, Duluth Harbor, Minnesota, for the purpose of increasing water circulation and reducing stagnant water conditions.

SEC. 124. APPLICABILITY OF COST SHARING REGULATIONS WITH RESPECT TO CERTAIN MUNICIPAL AND INDUSTRIAL WATER SUPPLY PROJECTS.

Cost sharing paid by non-Federal interests for municipal and industrial water supply with respect to Grayson Lake, Dewey Lake, and Carr Fork Lake, Kentucky, shall be determined in accordance with the regulations issued to carry out section 103(m) of the Water Resources Development Act of 1986 with respect to cost sharing agreements for flood control.

SEC. 125. COST-SHARING FOR LAKES IN KENTUCKY.

Costs to be paid by non-Federal interests for any municipal industrial water supply storage associated with the Grayson Lake, Dewey Lake, and Carr Ford Lake projects, Kentucky, shall be determined based on the original project cost estimates of $17,800,000, $7,845,000, and $46,800,000, respectively, notwithstanding any other rules or regulations promulgated by the Secretary.

SEC. 126. LOUISIANA EMERGENCY WATER SUPPLY.

The Secretary is directed to assist the State of Louisiana in providing water to distressed communities in south Louisiana (especially Lafourche Parish) whose water supply quality is threatened by drought, other climatic conditions, or disasters. Assistance under this section shall include such dredging of the existing reservoir in the northern regions of Bayou Lafourche as the Secretary determines is necessary to provide additional water storage needed to respond to drought conditions. Cost sharing for assistance provided under this section shall be the same as the cost sharing for the transportation of water under section 5(b)(4) of the Act entitled "An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes", approved August 18, 1941 (55 Stat. 650; 33 U.S.C. 701n(b)(4)).

SEC. 127. CONTAINED SPOIL DISPOSAL FACILITIES IN THE GREAT LAKES AND THEIR CONNECTING CHANNELS.

(a) PERIOD FOR DEPOSITING DREDGED MATERIALS.—Section 123 of the River and Harbor Act of 1970 (33 U.S.C. 1293a) is amended by adding at the end thereof the following new subsection:

"(j) PERIOD FOR DEPOSITING DREDGED MATERIALS.—The Secretary of the Army, acting through the Chief of Engineers, is authorized to continue to deposit dredged materials into a contained spoil disposal facility constructed under this section until the Secretary determines that such facility is no longer needed for such purpose or that such facility is completely full.".

(b) STUDY AND MONITORING PROGRAM.—Such section is further amended by adding at the end thereof the following new subsection:

"(k) STUDY AND MONITORING PROGRAM.—

"(1) STUDY.—The Secretary of the Army, acting through the Chief of Engineers, shall conduct a study of the materials disposed of in contained spoil disposal facilities constructed under this section for the purpose of determining whether or not toxic pollutants are present in such facilities and for the purpose of determining the concentration levels of each of such pollutants in such facilities.

"(2) REPORT.—Not later than 1 year after the date of the enactment of this subsection, the Secretary shall transmit to Congress a report on the results of the study conducted under paragraph (1).

"(3) INSPECTION AND MONITORING PROGRAM.—The Secretary shall conduct a program to inspect and monitor contained spoil disposal facilities constructed under this section for the purpose of determining whether or not toxic pollutants are leaking from such facilities.

"(4) TOXIC POLLUTANT DEFINED.—For purposes of this subsection, the term 'toxic pollutant' means those toxic pollutants referred to in sections 301(b)(2)(C) and 301(b)(2)(D) of the Federal Water Pollution Control Act and such other pollutants as the Secretary, in consultation with the Administrator of the Environmental Protection Agency, determines are appropriate based on their effects on human health and the environment.".

SEC. 128. LAND CONVEYANCE, WHITTIER NARROWS DAM, LOS ANGELES COUNTY, CALIFORNIA.

(a) AUTHORITY TO CONVEY.—Subject to the provisions of this subsection, the Secretary may convey to the city of South El Monte, California, approximately 7.778 acres of real property, together with improvements thereon, located within the Whittier Narrows Flood Control Basin, south of the Pomona Freeway (Highway 60) and east of Santa

Anita Avenue, in the city of South El Monte, California.

(b) CONSIDERATION.—In consideration for the conveyance authorized by subsection (a), the Secretary may accept real property in the Los Angeles area or cash, or both. The value of the consideration for the conveyance may not be less than the fair market value of the property conveyed by the United States, as determined by the Secretary. Any funds received by the Secretary under this section shall be deposited into the general fund of the Treasury.

(c) CONDITIONS.—The Secretary may convey the real property described in subsection (a) only if—

(1) the city of South El Monte, California, grants the United States a perpetual easement that enables the Federal Government to carry out necessary flood control activities with respect to such real property; and

(2) such city agrees to use suitable property located directly adjacent to the Whittier Narrows Park, which will be acquired through an exchange for such real property, for parking in connection with recreational activities in the Whittier Narrows Recreational Area, as the Secretary considers appropriate.

(d) ADDITIONAL TERMS.—The Secretary may impose such additional terms and conditions on the conveyance authorized by subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

(e) LEGAL DESCRIPTION OF REAL PROPERTY.—The exact acreage and legal description of the real property described in subsection (a) shall be determined by a survey which is satisfactory to the Secretary. The cost of such survey shall be borne by the city of South El Monte, California.

SEC. 129. LAND CONVEYANCE, OTTAWA, ILLINOIS.

(a) IN GENERAL.—Subject to the provisions of this section, the Secretary shall convey to the State of Illinois by quitclaim deed any right, title, and interest of the United States to approximately 5.3 acres of land located at the junction of the Fox and Illinois Rivers in the city of Ottawa, Illinois.

(b) TERMS AND CONDITIONS.—The conveyance by the United States under this section shall be subject to the condition that the State of Illinois, its successors and assigns, agrees to hold the United States harmless from all claims arising from or through the operations of the lands conveyed by the United States. The Secretary may impose such additional terms and conditions on the conveyance as the Secretary considers appropriate to protect the interests of the United States; except that the Secretary may not impose any term or condition which restricts the use of the lands conveyed by the United States under this section.

(c) LEGAL DESCRIPTION OF REAL PROPERTY.—The exact acreage and legal description of the real property described in subsection (a) shall be determined by a survey which is satisfactory to the Secretary. The cost of the survey shall be borne by the State of Illinois.

SEC. 130. LAND TRANSFER IN WHITMAN COUNTY, WASHINGTON.

(a) EXCHANGE OF LAND.—The Secretary shall exchange approximately 171 acres of land acquired by the United States for the Lower Granite Lock and Dam project, Washington, authorized as part of the navigation project for the Snake River, Oregon, Washington, and Idaho by section 2 of the River and Harbor Act of March 2, 1945 (59 Stat. 21), for a tract of land owned by the Port of Whitman County, Washington, which the Secretary determines is suitable for wildlife mitigation purposes. Such exchange shall be made without regard to the values of the lands being exchanged.

(b) TERMS AND CONDITIONS.—The land of the United States exchanged under subsection (a) shall be subject to a reversionary interest in the United States if such land is used for any purpose other than port or industrial purposes. Such exchange shall also be subject to such other terms, conditions, reservations, and restrictions as the Secretary determines necessary for the development, maintenance, and operation of the Lower Granite Lock and Dam project referred to in subsection (a) and to protect the interests of the United States.

(c) LEGAL DESCRIPTIONS AND SURVEYS.—The exact acreages and legal descriptions of the lands exchanged under subsection (a) shall be determined by such surveys as the Secretary determines are necessary. The cost of such surveys shall be paid by the Port of Whitman County, Washington.

SEC. 131. LESAGE/GREENBOTTOM SWAMP, WEST VIRGINIA.

(a) LIMITATION ON LAND CONVEYANCE.—The Secretary shall not convey title to all or any part of the Lesage/Greenbottom Swamp to the State of West Virginia.

(b) LESAGE/GREENBOTTOM SWAMP DEFINED.—For purposes of this section, the term "Lesage/Greenbottom Swamp" means the land located in Cabell and Mason Counties, West Virginia, acquired or to be acquired by the United States for fish and wildlife mitigation purposes in connection with the Gallipolis Locks and Dam replacement project authorized by section 301(a) of the Water Resources Development Act of 1986 (100 Stat. 4110).

(c) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this section shall be construed as affecting the authority of the Secretary to carry out the Gallipolis Locks and Dam replacement project authorized by section 310(a) of the Water Resources Development Act of 1986 (100 Stat. 4110).

SEC. 132. PRADO BASIN, CALIFORNIA, PROPERTY INTEREST EXCHANGE.

(a) EXCHANGE.—To further enable the Santa Ana River Mainstem Flood Control project to proceed, the Administrator of General Services (hereinafter in this section referred to as the "Administrator") shall issue certificates of credit under subsection (b) in return for which both the holder of producing leasehold mineral interests in the reservoir of Prado Basin, Riverside County, California, and the nonpublic owners of override and royalty interests and other nonpublic entities with rights to the minerals in such reservoir (hereinafter in this section referred to as "nonpublic owners of mineral interests") surrender to the United States their interests and rights in such reservoir.

(b) CERTIFICATES OF CREDIT.—Certificates of credit issued under this section may be used in paying for Federal excess property. Subject to an agreement between the holder of producing leasehold mineral interests in the reservoir referred to in subsection (a) and the nonpublic owner of mineral interests, such certificates may only be issued to such holder and not to such nonpublic owner, and compensation to such nonpublic owner for surrendering its interests in such reservoir to the United States shall be given to such holder.

(c) VALUE.—Subject to an agreement between the holder of producing leasehold mineral interests in the reservoir referred to in subsection (a) and the nonpublic owner of mineral interests, the value of a certificate of credit issued under this section for surrender of mineral interests in the reservoir referred to in subsection (a) shall be equal to the value of the aggregate of both the leasehold value and the nonpublic ownership value of such mineral interests, as determined by the Administrator.

(d) EVALUATION AND APPRAISAL.—The Administrator is authorized to undertake such evaluation and appraisal of leasehold mineral interests and mineral interests which may be surrendered under this section and shall submit a final report on the results of such evaluation and appraisal to the Committee on Environment and Public Works of the Senate and the Committee on Public Works and Transportation of the House of Representatives not later than 120 days after the date of the enactment of this Act. If, in undertaking such evaluation and appraisal, the Administrator contracts for appraisal service, the Administrator shall require an independent and objective appraisal by a person knowledgeable of the petroleum industry. Upon submission of the report under this subsection, the exchange of property (including issuance of certificates of credit) referred to in subsection (a) shall be affectuated.

(e) LIMITATION ON APPROPRIATIONS.—No appropriation shall be made for carrying out the purposes of this section and no exchange costs shall be required to be born by the local governmental jurisdictions benefited by the project.

(f) FEDERAL EXCESS PROPERTY DEFINED.—For purposes of this section, the term "Federal excess property" means any excess property of the United State property acquired, purchased, or improved pursuant to the Public Buildings Act of 1959.

SEC. 133. CLEAR LAKE PILOT PROJECT, CALIFORNIA.

The Secretary is authorized to conduct a pilot project for the purpose of determining the viability of the use of aluminum sulfate for algae control in Clear Lake in Lake County, California. There is authorized to be appropriated $80,000 to carry out this section.

SEC. 134. PLACEMENT OF DREDGED BEACH QUALITY SAND ON BEACHES.

Section 145 of the Water Resources Development Act of 1976 (33 U.S.C. 426j) is amended by adding at the end thereof the following new sentence: "In carrying out this section, the Secretary shall give consideration to the State's schedule for providing its share of funds for placing such sand on the beaches of such State and shall, to the maximum extent practicable, accommodate such schedule.".

SEC. 135. RESTORATION, VENTURA TO PIERPONT BEACH, CALIFORNIA.

The Secretary shall make such repairs as are required to restore groin number 1 of the Ventura to Pierpont Beach erosion control project to its original configuration as authorized pursuant to House Document 87-458, at a total cost of $300,000, with an estimated first Federal cost of $225,000 and an estimated first non-Federal cost of $75,000.

SEC. 136. WILLIAM G. STONE LOCK TOLLS.

The first sentence of section 1150(b) of the Water Resources Development Act of 1986 (100 Stat. 4255) is amended by striking out "Yolo County, California" and inserting in lieu thereof the following: "the city of West Sacramento, California".

SEC. 137. DECLARATION OF NONNAVIGABILITY FOR PORTIONS OF THE DELAWARE RIVER.

The portions of the Delaware River in Philadelphia County, Pennsylvania, which are particularly described in the following

metes and bounds description are hereby declared to be nonnavigable waters of the United States within the meaning of the Constitution and the laws of the United States, except for purposes of the Federal Water Pollution Control Act and section 10 of the Act of March 3, 1899 (30 Stat. 1151; 33 U.S.C. 403), commonly known as the River and Harbor Act of 1899:

(1) LIBERTY LANDING.

Description of Pier 53 South

All that certain lot or piece of ground together with the improvements thereon erected, situate in the 1st ward of the city of Philadelphia and described according to a plan of property by John Stefanco, Surveyor and Regulator of the Second Survey District, dated November 4, 1974 and revised December 18, 1974:

Beginning at an interior point formed by the intersection of the following two courses and distances: (1) north 14 degrees 46 minutes 39 seconds east, the distance of 781.002 feet northwardly from the northerly side of Reed Street (50 feet wide bearing south 75 degrees 13 minutes 21 seconds east); (2) south 75 degrees 20 minutes 21 seconds east, the distance of 231.805 feet eastwardly from the easterly side of Delaware Avenue (150 feet wide bearing north 14 degrees 39 minutes 39 seconds east); thence extending from said point of beginning, north 0 degree 49 minutes 15 seconds west, the distance of 160.856 feet to a point; thence extending north 79 degrees 53 minutes 04 seconds east, the distance of 24.808 feet to a point; thence extending north 10 degrees 03 minutes west, the distance of 15.0 feet to a point; thence extending south 79 degrees 53 minutes 04 seconds west, the distance of 22.723 feet to a point; thence extending north 4 degrees 56 minutes 56 seconds west, the distance of 99.228 feet to a point; thence extending south 80 degrees 53 minutes 04 seconds west, the distance of 7.0 feet to a point on an arc; thence extending along an arc curving to the right having a radius of 698.835 feet, a central angle of 11 degrees 29 minutes 44 seconds, an arc distance of 140.211 feet to a point of tangency; thence extending north 0 degree 44 minutes 16 seconds west, the distance of 57.302 feet to a point on the former centre line of former Washington Avenue (100 feet wide); thence extending along the said centre line of former Washington Avenue and crossing the bed of a 30-foot-wide private driveway and the bulkhead line, (approved by the Secretary of War, September 10, 1940); south 75 degrees 13 minutes 21 seconds east, the distance of 940.350 feet to a point on the pierhead line (approved by the Secretary of War, September 10, 1940); thence extending along the said pierhead line, south 1 degree 32 minutes 57 seconds east, the distance of 422.516 feet to a point; thence extending north 75 degrees 13 minutes 21 seconds west, recrossing the said Bulkhead line; the distance of 690.031 feet to a point; thence extending north 6 degrees 35 minutes 30 seconds west, the distance of 58.388 feet to a point; thence extending south 79 degrees 54 minutes west, the distance of 19.120 feet to a point; thence extending south 10 degrees 6 minutes east, the distance of 4.10 feet to a point; thence extending south 79 degrees 54 minutes west, and crossing the bed of the aforementioned 30-foot-wide private driveway, the distance of 196.802 feet to the First mentioned point and place of beginning.

Containing in total area 374,026.6 square feet—8.58647 acres description of 30-foot-wide private driveway within the property of Pier 53 south.

All that certain lot or piece of ground described as a 30-foot-wide private driveway as shown on a plan of property, situate in the 1st ward of the city of Philadelphia, by John Stefanco, Surveyor and Regulator of the Second Survey District, dated November 4, 1974 and revised December 18, 1974.

Beginning at an interior point formed by the intersection of the following 2 courses and distances: (1) north 14 degrees 46 minutes 39 seconds east, the distance of 802.293 feet northwardly from the northerly side of Reed Street (50 feet wide bearing south 75 degrees 13 minutes 21 seconds east), (2) south 75 degrees 20 minutes 21 seconds east, the distance of 277.764 feet eastwardly from the easterly side of Delaware Avenue (150 feet wide bearing north 14 degrees 39 minutes 39 seconds east); thence extending from said point of beginning north 10 degrees 3 minutes west, the distance of 173.758 feet to a point; thence extending north 14 degrees 52 minutes 4 seconds east, the distance of 180.551 feet to a point; thence extending north 17 degrees 35 minutes 1 second west, the distance of 101.949 feet to a point on the centre line of former Washington Avenue (100 feet wide); thence extending along said former centre line of Washington Avenue, south 75 degrees 13 minutes 21 seconds east, the distance of 35.516 feet to a point; thence extending south 17 degrees 35 minutes 1 second east, the distance of 91.669 feet to a point; thence extending south 14 degrees 52 minutes 4 seconds west, the distance of 182.653 feet to a point; thence extending south 10 degrees 3 minutes east, the distance of 167.104 feet to a point; thence extending south 79 degrees 54 minutes west, the distance of 30.000 feet to the first mentioned point and place of beginning. Area of 30-foot-wide private driveway is 13,465.2 square feet—0.30912 acres.

All that certain lot or piece of ground with the buildings and improvements thereon erected, situate in the first ward of the city of Philadelphia and described according to a Plan of Property by Evans Sparks, Surveyor and Regulator of the Second Survey District, dated February 23, 1988 as follows: Parcel "A".

Beginning at a point on the easterly side of Delaware Avenue (150 feet wide), located northwardly the distance of 1,100 feet 7⅞ inches from the point of intersection of the northerly side of Tasker Street (50 feet wide) and the easterly side of the said Delaware Avenue; thence extending north 14 degrees 39 minutes 39 seconds east along the said easterly side of Delaware Avenue, the distance of 975 feet 1 inch to an angle point; thence continuing along the said easterly side of Delaware Avenue north 14 degrees 35 minutes 09 seconds east, the distance of 50 feet 0 inch to a point on the center line of former Washington Avenue (100 feet wide), stricken from the city plan; thence extending south 75 degrees 14 minutes 21 seconds east along the center line of the said former Washington Avenue, the distance of 151 feet 4⅞ inches to a point on the westerly side of a 30-foot-wide driveway easement; thence extending south 17 degrees 35 minutes 01 second east along the said driveway easement, the distance of 102 feet 0 inch to an angle point; thence continuing along the said driveway easement south 14 degrees 52 minutes 04 seconds west, the distance of 180 feet 6⅝ inches to an angle point; thence still continuing along the said driveway easement south 10 degrees 03 minutes 00 second east, the distance of 131 feet 7⅛ inches to a point; thence extending south 14 degrees 39 minutes 39 seconds west along a line, the distance of 638 feet 11 inches to a point; thence extending north 75 degrees 14 minutes 21 seconds west, along a line, the distance of 260 feet 1½ inches to a point on the easterly side of said Delaware Avenue, being the first mentioned point and place of beginning.

Containing in area 246,456 square feet or 5.6579 acres.

All that certain lot or piece of ground with the buildings and improvements thereon erected, situate in the first ward of the city of Philadelphia and described according to a Plan of Property by Evans Sparks, Surveyor and Regulator of the Second Survey District, dated February 23, 1988 as follows: Parcel "B".

Beginning at a point on the easterly side of Delaware Avenue (150 feet wide), located northwardly the distance of 1,038 feet 1⅞ inches from the point of intersection of the northerly side of Tasker Street (50 feet wide) and the easterly side of the said Delaware Avenue; thence extending north 14 degrees 39 minutes 39 seconds east along the said easterly side of Delaware Avenue, the distance of 62 feet 5½ inches to a point; thence extending south 75 degrees 14 minutes 21 seconds east along a line, the distance of 260 feet 1½ inches to a point; thence extending north 14 degrees 39 minutes 39 seconds east along a line, the distance of 638 feet 11 inches to a point on the westerly side of a 30 feet wide driveway easement; thence extending south 10 degrees 03 minutes 00 second east along the said driveway easement, the distance of 42 feet 2 inches to a point; thence extending north 79 degrees 54 minutes 00 second east crossing the said driveway easement, the distance of 146 feet 2½ inches to a point; thence extending north 10 degrees 06 minutes 00 second west, the distance of 4 feet 1¼ inches to a point; thence extending north 79 degrees 54 minutes 00 seconds east, the distance of 19 feet 1½ inches to a point; thence extending south 6 degrees 35 minutes 30 seconds east, the distance of 58 feet 4⅝ inches to a point; thence extending south 75 degrees 13 minutes 21 seconds east, crossing the bulkhead line approved by the Secretary of War, September 10, 1940; August 9, 1909, and January 20, 1891, the distance of 690 feet 1⅝ inches to a point on the pierhead line of the Delaware River approved by the Secretary of War, September 10, 1940; August 9, 1909, and January 20, 1891; thence extending along the said pierhead line south 1 degree 32 minutes 57 seconds east, the distance of 386 feet 4⅛ inches to a point; thence continuing along the said pierhead line, south 8 degrees 55 minutes 55.5 seconds east, the distance of 491 feet 11¼ inches to a point on the northerly side of Reed Street (50 feet wide) stricken from city plan and vacated and reserved as a right-of-way for drainage, water main and gas purposes; thence extending along same, north 75 degrees 13 minutes 21 seconds west, recrossing the said bulkhead line and 30-foot-wide driveway easement the distance of 632 feet 1½ inches to a point on the westerly side of said driveway easement; thence extending north 12 degrees 24 minutes 31 seconds west, along said driveway easement, the distance of 136 feet 0¼ inch to a point; thence extending north 14 degrees 50 minutes 59 seconds east, partly along a 25-foot-wide driveway easement, the distance of 21 feet 0⅛ inch to a point; thence extending north 75 degrees 13 minutes 21 seconds west, the distance of 492 feet 11¾ inches to a point; thence extending south 14 degrees 46 minutes 39 seconds west, the distance of 51 feet 3⅛ inches to a point; thence extending

north 64 degrees 29 minutes 30 seconds west, the distance of 259 feet 9⅝ inches to the easterly side of said Delaware Avenue, being the first mentioned point and place of beginning.

Containing in area 785,683 square feet or 18.0368 acres.

(2) MARINA TOWERS AND WORLD TRADE CENTER—PIER 25 NORTH.

All that certain lot or piece of ground situate in the 5th ward, city of Philadelphia, Commonwealth of Pennsylvania, described in accordance with a Plan of Property made for Old City Harbor Associates Developers, by Lawrence J. Cleary, Surveyor and Regulator, Third Survey District dated March 26, 1981 as follows: to wit:

Beginning at a point on the easterly line of Delaware Avenue (150 feet wide) located 27 degrees 52 minutes 00 second west, the distance of 119 feet 8⅞ inches from a point of intersection of the easterly line of the said Delaware Avenue with the southerly line of Willow Street (50 feet wide) produced; thence extending along the easterly line of the said Delaware Avenue, the two following courses and distances: (1) north 27 degrees 52 minutes 00 second east, the distance of 162 feet 8⅛ inches to an angle point; (2) north 15 degrees 16 minutes 00 second east, the distance of 95 feet 5⅜ inches to a point; thence extending south 73 degrees 55 minutes 50 seconds east, the distance of 18 feet 5⅞ inches to a point on the bulkhead line of the Delaware River approved by the Secretary of War September 10, 1940; thence further extending south 73 degrees 55 minutes 50 seconds east, the distance of 515 feet 9⅝ inches to a point on the pierhead line of the Delaware River approved by the Secretary of War September 10, 1940; thence extending the following two courses and distances along the said pierhead line of the Delaware River (approved by the Secretary of War September 10, 1940): (1) south 29 degrees 05 minutes 21 seconds west, the distance of 133 feet 8⅞ inches to an angle point; (2) south 19 degrees 41 minutes 36 seconds west, the distance of 117 feet 2½ inches to a point; thence extending north 74 degrees 44 minutes 00 second west, the distance of 504 feet 10 inches to a point on the said bulkhead line of the Delaware River (approved by the Secretary of War September 10, 1940); thence further extending north 74 degrees 44 minutes 00 second west, the distance of 23 feet 10⅝ inches to the first mentioned point and place beginning.

Being parcels number 1 (known as pier 25 north), number 2 and number 3 and containing in total area 130,281.6 square feet.

(3) MARINE TRADE CENTER—PIER 24 NORTH.

Description of a property located on the easterly side of Delaware Avenue. Northwardly from the south house line of Callowhill Street produced (pier numbered 24 north).

All that certain lot or piece of ground situate in the fifth ward of the city of Philadelphia and described in accordance with a Survey and Plan of Property made November 16, 1985 by Lawrence J. Cleary, Surveyor and Regulator, Third Survey District, and revised March 22, 1988 by him.

Beginning at a point of intersection of the easterly side of Delaware Avenue (150 feet wide) and the south house line of Callowhill Street (formerly 50 feet wide) produced; thence extending north 27 degrees 52 minutes 00 second east along the said side of Delaware Avenue, the distance of 340 feet 3 inches to a point; thence extending south 74 degrees 44 minutes 00 second east the distance of 23 feet 10⅝ inches to a point on the bulkhead line of the Delaware River approved by the Secretary of War, September 10, 1940; thence extending south 74 degrees 44 minutes 00 second east the distance of 528 feet 8⅝ inches to a point on the pierhead line of the Delaware River approved by the Secretary of War, September 10, 1940; thence extending south 19 degrees 41 minutes 36 seconds west along the said pierhead line the distance of 289 feet 9½ inches to a point on the said south house line of Callowhill Street produced; thence extending north 78 degrees 58 minutes 50 seconds west along the south house line of said Callowhill Street produced the distance of 522 feet 8¾ inches to a point on the said bulkhead line; thence continuing along the said south house line of Callowhill Street produced north 78 degrees 58 minutes 50 seconds west the distance of 59 feet 5¼ inches to the first mentioned point and place of beginning.

Containing in area 171,171 square feet (3.9295 acres).

(4) NATIONAL SUGAR COMPANY "SUGAR HOUSE".

Description and Recital—block 6 north 6 lot 17—all that certain land.

Situate in the 5th ward of the city of Philadelphia, Pennsylvania and more particularly described as follows:

Beginning at a point on the southeasterly side of Penn Street (60 feet wide) which point is measured south 43 degrees 30 minutes west along the said southeasterly side of Penn Street the distance of 282 feet 6 inches from a point formed by an intersection of the said southeasterly side of Penn Street and the southwesterly side of Laurel Street (50 feet wide); thence extending from said point of beginning south 46 degrees 30 minutes east the distance of 738 feet 8½ inches to a point on the Delaware River pierhead line established January 5, 1894, approved by Secretary of War September 10, 1940; thence extending south 48 degrees 13 minutes 7 seconds west along the Delaware River pierhead line the distance of 188 feet 3⅛ inches to a point; thence extending north 46 degrees 30 minutes west partly passing within the bed of a 10-foot-wide alley by deed (which extends northwestwardly to the said southeasterly side of Penn Street) the distance of 723 feet 2⅝ inches to a point on the said southeasterly side of Penn Street; thence extending north 43 degrees 30 minutes east along the said southeasterly side of Penn Street and crossing the bed of the said 10-foot-wide alley by deed the distance of 187 feet 7½ inches to a point, being the first mentioned point and place of beginning.

Containing 3.148 acres, more or less, as surveyed on June 29, 1981, by Lawrence J. Cleary, Surveyor and Regulator of the 3rd District.

Together with 1,736 linear feet of track thereupon erected, made or being and all and every of the rights, alleys, ways, waters, privileges, appurtenances and advantages to the same belonging, or in anywise appertaining. Being known as pier 40 north.

Being the same premises which Ralph Heller, an individual by deed dated November 4, 1981, and recorded in Philadelphia County, in deed book EFP 345 page 531 conveyed unto pier 40 north associates, a Penna. Limited partnership, its successors and assigns, as partnership property for the uses and purposes of said partnership.

Description of piers 41, 42, and 43 north

All that certain lot or piece of ground situate in the fifth ward of the city of Philadelphia and described in accordance with a Topographic Survey and Plan of Property made May 23, 1988, by Lawrence J. Cleary, Surveyor and Regulator of the Third Survey District:

Beginning at the point formed by the intersection of the easterly side of Penn Street (60 feet wide), and the southerly side of former Laurel Street (50 feet wide), stricken and reserved for drainage; thence extending south 46 degrees 30 minutes 00 second east, along the said southerly side of former said Laurel Street, the distance of 190 feet 9 inches to a point on the bulkhead line established January 5, 1894, and approved by the Secretary of War, September 10, 1940; thence extending south 46 degree 30 minutes 00 second east the distance of 571 feet 3¼ inches to a point on the pierhead line established January 5, 1894, and approved by the Secretary of War, September 10, 1940; thence extending south 48 degrees 13 minutes 07 seconds west along the said pierhead line the distance of 283 feet 5½ inches to a point; thence extending north 46 degrees 30 minutes 00 second west leaving said pierhead line the distance of 546 feet 11⅝ inches to a point on the aforementioned bulkhead line established January 5, 1894, and approved by the Secretary of War, September 10, 1940; thence extending north 46 degrees 30 minutes 00 second west the distance of 191 feet 8⅞ inches to a point on the easterly side of said Penn Street; thence extending north 43 degrees 30 minutes 00 second east along the easterly side of said Penn Street the distance of 282 feet 6 inches to the first mentioned point and place of beginning.

Description of piers 44 to 50 north, inclusive

All that certain lot or piece of ground situate in the fifth ward of the city of Philadelphia and described in accordance with a Survey and Plan of Property made March 7, 1985 by Lawrence J. Cleary, Surveyor and Regulator of the Third Survey District:

Beginning at a point of intersection formed by the northeasterly side of Shackamaxon Street (60 feet wide) and the southeasterly side of Penn Street (50 feet wide); thence extending south 22 degrees 26 minutes 57 seconds east along the northeasterly side of the bed of former Shackamaxon Street (reserved for drainage purposes), the distance of 170 feet 8⅝ inches to a point on the bulkhead line of the Delaware River (established January 5, 1984—approved by the Secretary of War, September 10, 1940); thence further extending south 22 degrees 26 minutes 57 seconds east along the northeasterly side of the bed of former Shackamaxon Street (subject to a right-of-way for sewer maintenance as provided in ordinance), the distance of 623 feet 6⅜ inches to a point on the pierhead line of the Delaware River (established January 5, 1894—approved by the Secretary of War, September 10, 1940); thence extending south 54 degrees 04 minutes 10 seconds west along the said pierhead line (being also the southeasterly head of the said former Shackamaxon Street), the distance of 61 feet 8⅜ inches to an angle point; thence extending south 48 degrees 11 minutes 38 seconds west along the said pierhead line the distance of 385 feet 11½ inches to a point on the northeasterly side of Laurel Street (50 feet wide) produced; thence extending north 46 degrees 29 minutes 00 second west along the northeasterly side of the said Laurel Street produced, the distance of 575 feet 6⅞ inches to a point on the said bulkhead line; thence further extending north 46 degrees 29 minutes 00 second west along the northeasterly side of the said Laurel Street, the distance of 190 feet 7 inches to a point on the southeasterly side of Penn Street (60 feet wide); thence extending

north 43 degrees 30 minutes 00 second east along the southeasterly side of the aforesaid Penn Street, the distance of 543 feet 0¾ inch to an angle point; thence extending north 63 degrees 51 minutes 33 seconds east along the southeasterly side of said Penn Street (50 feet wide), the distance of 240 feet 9 inches to the first mentioned point and place of beginning.

(5) RIVERCENTER.

Beginning at the point of intersection of the northeasterly side of Dyott Street (100 feet wide) with the bulkhead line established by the Secretary of War, September 10, 1940; thence from said point of beginning leaving the side of Dyott Street and extending along the bulkhead line the following five (5) courses and distances—

(1) north 64 degrees 18 minutes 09 seconds east 829 feet 10 inches to a point;

(2) south 48 degrees 30 minutes 57 seconds east 53 feet 5⅝ inches to a point;

(3) north 64 degrees 40 minutes 52 seconds east 936 feet 8⅝ inches to a point;

(4) north 32 degrees 24 minutes 26 seconds west 149 feet 2¼ inches to a point;

(5) north 64 degrees 04 minutes 09 seconds east crossing a 60 foot drainage right of way 296 feet 3¾ inches to a point on the southwesterly side of pier #20;

thence extending along said southwesterly side of pier #20 15 feet distant and parallel with the aforementioned drainage right of way south 25 degrees 02 minutes 08 seconds east 586 feet 6⅜ inches to a point on the pierhead line established by the Secretary of War, September 10, 1940; thence extending along the pierhead line south 64 degrees 16 minutes 52 seconds west 2,021 feet 10 inches to a point on the northeasterly side of Dyott Street; thence extending along said northeasterly side of Dyott Street north 30 degrees 02 minutes 52 seconds west 494 feet 9⅜ inches to the point and place of beginning.

SEC. 138. DECLARATION OF NONNAVIGABILITY FOR PORTIONS OF CONEY ISLAND CREEK AND GRAVESEND BAY, NEW YORK.

The portions of Coney Island Creek and Gravesend Bay, New York, which are particularly described in the following metes and bounds description are hereby declared to be nonnavigable waters of the United States within the meaning of the Constitution and the laws of the United States, except for purposes of the Federal Water Pollution Control Act and section 10 of the Act of March 3, 1899 (30 Stat. 1151; 33 U.S.C. 403), commonly known as the River and Harbor Act of 1899.

Beginning at the corner formed by the intersection of the Westerly Line of Cropsey Avenue, and the Northernmost United States Pierhead Line of Coney Island Creek.

Running thence south 12 degrees 41 minutes 03 seconds E and along the westerly line of Cropsey Avenue, 98.72 feet to the northerly channel line as shown on Corps of Engineers Map Numbered F. 150 and on Survey by Rogers and Giollorenzo Numbered 13959 dated October 31, 1986.

Running thence in a westerly direction and along the said northerly channel line the following bearings and distances:

South 48 degrees 59 minutes 27 seconds west, 118.77 feet; south 37 degrees 07 minutes 01 seconds west, 232.00 feet; south 23 degrees 17 minutes 10 seconds west, 430.03 feet; south 31 degrees 25 minutes 46 seconds west, 210.95 feet; south 79 degrees 22 minutes 49 seconds west, 244.18 feet; north 55 degrees 00 minutes 29 seconds west, 183.10 feet; north 41 degrees 47 minutes 04 seconds west, 315.16 feet; and

North 41 degrees 17 minutes 43 seconds west, 492.47 feet to the said Pierhead Line; thence north 73 degrees 58 minutes 40 seconds west and along said pierhead line, 2665.25 feet to the intersection of the United States bulkhead line;

Thence north 0 degrees 19 minutes 35 seconds west and along the United States Bulkhead line 1138.50 feet to the intersection of the westerly prolongation of the center line of 26th Avenue,

Thence north 58 degrees 25 minutes 06 seconds east and along the center line of said 26th Avenue, 2320.85 feet to the westerly line of Cropsey Avenue, then southeasterly and along the southerly line of Cropsey Avenue the following bearings and distances:

South 31 degrees 34 minutes 54 seconds east, 4124.59 feet; and

South 12 degrees 41 minutes 03 seconds east, 710.74 feet to the point or place of beginning.

Coordinates and bearings are in the system as established by the United States Coast and Geodetic Survey for the Borough of Brooklyn.

SEC. 139. EXTENSION OF MODIFIED WATER DELIVERY SCHEDULES, EVERGLADES NATIONAL PARK.

The first sentence of section 1302 of the Supplemental Appropriations Act, 1984 (97 Stat. 1292-1293) is amended by striking out "January 1, 1989" and inserting in lieu thereof "January 1, 1992".

SEC. 140. PERIOD OF ENVIRONMENTAL DEMONSTRATION PROGRAM.

(a) EXTENSION OF PERIOD.—Section 1135(b) of the Water Resources Development Act of 1986 (33 U.S.C. 2294 note) is amended by striking out "two-year period" and inserting in lieu thereof "5-year period".

(b) REPORTS.—Section 1135(d) of such Act is amended by striking out "two years" and inserting in lieu thereof "5 years".

SEC. 141. MAYO'S BAR LOCK AND DAM, ROME, GEORGIA.

The Secretary is authorized and directed to prepare plans and specifications for the restoration of the Mayo's Bar Lock and Dam near Rome, Georgia, at a total cost of $300,000, with an estimated first Federal cost of $150,000 and an estimated first non-Federal cost of $150,000.

SEC. 142. FEDERAL HYDROELECTRIC POWER MODERNIZATION STUDY.

(a) STUDY.—The Secretary shall conduct a study of the need to modernize and upgrade the federally owned and operated hydroelectric power system.

(b) REPORT.—Not later than 1 year after the date of the enactment of this section, the Secretary shall transmit to Congress a report on the results of the study conducted under subsection (a) together with recommendations.

SEC. 143. KISSIMMEE RIVER, FLORIDA.

The Secretary is directed to proceed with work on the Kissimmee River demonstration project, Florida, pursuant to section 1135 of the Water Resources Development Act of 1986.

SEC. 144. WATER RESOURCES STUDIES.

(a) INTERNAL DRAINAGE SYSTEM, FROG POND AGRICULTURAL AREA, FLORIDA.—The Secretary shall conduct a study for the purpose of determining the need for an internal drainage system in the Frog Pond agricultural area of south Dade County, Florida. Within 1 year after the date of the enactment of this Act, the Secretary shall submit to Congress a reconnaissance report on the need for such system.

(b) CARTER LAKE, IOWA AND NEBRASKA.—

(1) STUDY AND DEMONSTRATION PROJECT.—The Secretary shall conduct a study and demonstration project to determine the effects of fluctuations of the water level of Carter Lake, Iowa and Nebraska, on groundwater induced flooding in the area surrounding such lake and of methods of reducing such flooding by pumping water between such lake and the Missouri River.

(2) REPORT.—Not later than 3 years after the date of the enactment of this Act, the Secretary shall transmit to Congress a report on the results of the study and demonstration project carried out under this subsection.

(c) MEMPHIS HARBOR, ENSLEY BERM, TENNESSEE.—The Secretary may conduct a study for the purpose of determining the extent of seepage associated with the project for flood control, Memphis Harbor, Ensley Berm, Tennessee, and the need for corrective measures.

(d) BARTLETT, ILLINOIS.—Before issuing a permit under section 404 of the Federal Water Pollution Control Act for a proposed municipal landfill in the vicinity of Bartlett, Illinois, the Secretary shall study, and report to Congress on, the impact of such landfill on the Newark Valley Aquifer and on the ability of water from such Aquifer to dilute for purposes of drinking water supply naturally occurring radium in groundwater.

(e) BLUESTONE LAKE, WEST VIRGINIA.—

(1) IN GENERAL.—The Secretary, in cooperation with the Secretary of the Interior, is authorized and directed to conduct a study and prepare a report on modifying the operation of the Bluestone Lake project, West Virginia, in order to facilitate the protection and enhancement of biological resources and recreational use of waters downstream from the project. Specific consideration shall be given in the study to all feasible means of improving flows from such project during periods when flows from the lake are less than 3,000 cubic feet per second, except that the study shall not consider project operation adjustments which entail major construction modifications at the project.

(2) NOTICE AND COMMENTS.—The Secretary shall publish notice of the proposed study under this subsection in the Federal Register within 3 months after the date of the enactment of this Act and shall consider any written comments regarding the scope of the study which are submitted during the 60-day period after publication of such notice.

(3) FINAL REPORT.—Not later than 18 months after the date of the enactment of this Act, the final report on the results of the study under this subsection shall be transmitted to Congress.

(f) GREAT LAKES AND SAINT LAWRENCE SEAWAY.—

(1) STUDY OF FINANCING NAVIGATIONAL IMPROVEMENTS.—The Secretary, in cooperation with other Federal agencies and private persons, is authorized and directed to contract with an independent party to conduct a study of cost recovery options and alternative methods of financing navigational improvements on the Great Lakes connecting channels and Saint Lawrence Seaway, including modernization of the Eisenhower and Snell Locks of the Saint Lawrence Seaway.

(2) REPORT.—Not later than 18 months after the date of the enactment of this Act, the Secretary shall transmit to Congress a report on the results of the study carried out under this subsection together with recommendations.

(3) FUNDING.—For the purpose of furthering the same objective as the objective for which section 105(a)(2) of the Water Resources Development Act of 1986 was enacted, there is authorized to be appropriated

for fiscal years beginning after September 30, 1988, to carry out this subsection $1,000,000.

SEC. 145. DIVISION LABORATORY.

The Secretary is authorized to construct a new division laboratory at an estimated cost of $2,000,000, for the United States Army Engineer Division, Ohio River. Such laboratory shall be constructed on a suitable site, which the Secretary is authorized to acquire for such purpose.

SEC. 146. TECHNICAL RESOURCE SERVICE, RED RIVER BASIN, MINNESOTA AND NORTH DAKOTA.

The Secretary is directed to establish a Technical Resource Service for the Red River Basin in Minnesota and North Dakota. There is authorized to be appropriated $500,000 annually for the purpose of providing to such States a full range of technical services for the development and implementation of State and local water and related land resources initiatives within the Red River Basin and sub-basins. The Technical Resource Service is to be provided in addition to related services provided under authority of section 206 of the River and Harbor and Flood Control Act of 1960 and section 22 of the Water Resources Development Act of 1974.

SEC. 147. MISSISSIPPI RIVER FLOOD CONTROL, LA CROSSE, WISCONSIN.

Any study or reevaluation of the Mississippi River at La Crosse, Wisconsin, flood control project undertaken pursuant to the Committee Resolution of the Committee on Public Works and Transportation of the House of Representatives approved on March 15, 1988, shall be treated, for purposes of section 905(b) of the Water Resources Development Act of 1986, as a continuation of the phase I feasibility study for such project completed in September 1973 and not as initiation of a new study for such project.

SEC. 148. CORRECTION OF DESCRIPTIONS.

(a) HUDSON RIVER, NEW YORK.—That portion of Public Law 100-202 designated as the Energy and Water Development Appropriation Act, 1988 is amended by striking out the undesignated paragraph beginning "The following portion of the Hudson River" and ending "the States of New York and New Jersey." (101 Stat. 1329-109) and inserting in lieu thereof the following:

"The following portion of the Hudson River in the Borough of Manhattan, New York County, State of New York, is hereby declared not to be part of the federally authorized Channel Deepening Project; that portion of the Hudson River and land thereunder more particularly bounded and described as follows: Beginning at a point in the United States Pierhead Line approved by the Secretary of War on July 31, 1941, such point having a coordinate of north 4,677.56 feet and west 11,407.92 feet and running: (1) northerly along such Pierhead Line on a bearing of north 21 degrees 01 minutes 53 seconds west for a distance of 700 feet to a point; thence (2) westerly at right angles to such Pierhead Line on a bearing of south 68 degrees 58 minutes 07 seconds west for a distance of 200 feet to a point; thence (3) southerly and parallel with such Pierhead Line on a bearing of south 21 degrees 01 minutes 53 seconds east for a distance of 700 feet to a point; thence (4) easterly at right angles to such Pierhead Line on a bearing of north 68 degrees 58 minutes 07 seconds east for a distance of 200 feet to the point of beginning. Bearings and coordinates are in the system used on the Borough Survey, Borough President's Office, Manhattan. This declaration shall apply to all or any part of such described area used or needed for New York harbor passenger ferry boat service as such may be operated by or contracted for operation by a bistate agency created by compact between the States of New York and New Jersey.".

(b) MIANUS RIVER, CONNECTICUT.—Section 1006(b) of the Water Resources Development Act of 1986 (100 Stat. 4223) is amended—

(1) in paragraph (2) by striking out "coordinates N14296.251" and inserting in lieu thereof "coordinate: N14296.451"; and

(2) in paragraph (3)—

(A) by striking out "64 seconds West" and inserting in lieu thereof "54 seconds West"; and

(B) by striking out "coordinate: N13970.8" and inserting in lieu thereof "coordinate: N13970.81".

SEC. 149. PUMP STORAGE AT RICHARD B. RUSSELL DAM AND LAKE, GEORGIA AND SOUTH CAROLINA.

None of the funds appropriated or otherwise made available before, on, or after the date of the enactment of this Act shall be used for planning, financing, contracting, or construction in connection with pumped storage at the Richard B. Russell Dam and Lake, Georgia and South Carolina, except as necessary to comply with the Federal Water Pollution Control Act, the National Environmental Policy Act of 1969, or the Fish and Wildlife Coordination Act, and to study and develop a means for prevention of fish entrainment.

SEC. 150. PROJECT DEAUTHORIZATIONS.

(a) PERIOD OF AUTHORIZATION.—Section 1001(a) of the Water Resources Development Act of 1986 (33 U.S.C. 579a(a)) is amended—

(1) by striking out "authorized for construction by this Act" and inserting in lieu thereof "for water resources development and conservation and related purposes authorized to be carried out by the Secretary by this Act or after the date of the enactment of this Act"; and

(2) by striking out "beginning on the date of enactment of this Act" and inserting in lieu thereof "beginning on the date on which such project is so authorized".

(b) SPECIFIED PROJECTS.—The following projects are not authorized after the date of the enactment of this Act, except with respect to any portion of such a project which portion has been completed before such date of enactment or is under construction on such date of enactment:

(1) ROCKLAND LAKE, TEXAS.—The Rockland Lake water resources project, Texas, authorized by section 2 of the Act entitled "An Act authorizing the construction, repair, and preservation of certain public work on rivers and harbors, and for other purposes", approved March 2, 1945 (59 Stat. 18).

(2) WHITE RIVER NAVIGATION TO BATESVILLE, ARKANSAS.—The project for navigation, White River Navigation to Batesville, Arkansas, authorized by section 601(a) of the Water Resources Development Act of 1986 (100 Stat. 4139).

(c) ALGOMA, WISCONSIN, OUTER HARBOR.—

(1) DEAUTHORIZATION.—Except as provided in paragraph (2), the outer harbor basin feature of the navigation project for Algoma, Wisconsin, authorized by the Act entitled "An Act making appropriations for construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes", approved March 2, 1907 (34 Stat. 1101), is not authorized after the date of the enactment of this Act.

(2) RETENTION OF MAINTENANCE RESPONSIBILITIES FOR BREAKWATERS AND CHANNEL.—The Secretary shall retain all responsibilities of the Secretary existing on the date of the enactment of this Act for maintenance of the breakwaters and channel of the harbor at Algoma, Wisconsin.

(3) CHICAGO RIVER TURNING BASIN, CHICAGO HARBOR, ILLINOIS.—The inner basin of Chicago Harbor, Illinois, known as the Chicago River Turning Basin, authorized by the first section of the Act entitled "An Act making appropriations for the repair, preservation, and completion of certain public works on rivers and harbors, and for other purposes, for the fiscal year ending June 30, 1871", approved July 11, 1870 (16 Stat. 226).

(d) CONTINUATION OF PROJECT AUTHORIZATIONS.—Notwithstanding section 1001(b)(1) of the Water Resources Development Act of 1986 (33 U.S.C. 579a(b)(1))—

(1) the navigation project for Monterey Harbor (Monterey Bay), California, authorized by section 101 of the River and Harbor Act of 1960 (74 Stat. 483), and

(2) the navigation project for the North Branch of the Chicago River, Illinois, authorized by the first section of the Act entitled "An Act authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes", approved July 24, 1946 (60 Stat. 636),

(3) The element of the Missouri River Basin Project authorized by section 228 of the River and Harbor Act of 1970.

shall remain authorized after December 31, 1989.

SEC. 151. NAMINGS.

(a) LEWIS M. PARAMORE DIVERSION UNIT.—

(1) DESIGNATION.—The Soldier Creek Diversion Unit in Topeka, Kansas, shall hereafter be known and designated as the "Lewis M. Paramore Diversion Unit".

(2) LEGAL REFERENCES.—A reference in any law, map, regulation, document, record, or other paper of the United States to such diversion unit shall be deemed to be a reference to the "Lewis M. Paramore Diversion Unit".

(b) LAKE JACK LEE.—

(1) DESIGNATION.—The lake formed by the Felsenthal Dam on the Ouachita River, Arkansas, shall hereafter be known and designated as "Lake Jack Lee".

(2) LEGAL REFERENCES.—A reference in any law, map, regulation, document, record, or other paper of the United States to such lake shall be deemed to be a reference to "Lake Jack Lee".

(c) VENTURA HARBOR.—

(1) DESIGNATION.—The harbor commonly known as Ventura Marina, located in Ventura County, California, and adopted and authorized by section 101 of Public Law 90-483, shall hereafter be known and designated as "Ventura Harbor".

(2) LEGAL REFERENCES.—A reference in any law, map, regulation, document, record, or other paper of the United States to such Harbor shall be deemed to be a reference to "Ventura Harbor".

(d) ELVIS STAHR HARBOR, PORT OF HICKMAN.—

(1) DESIGNATION.—The harbor located on the Mississippi River at Hickman, Kentucky, known as the Port of Hickman, shall hereafter be known and designated as the "Elvis Stahr Harbor, Port of Hickman".

(2) LEGAL REFERENCE.—A reference in any law, map, regulation, document, record, or other paper of the United States to such harbor shall hereafter be deemed to be a reference to the "Elvis Stahr Harbor, Port of Hickman".

(e) EMMETT SANDERS LOCK AND DAM.—

(1) DESIGNATION.—Lock and dam number 4 on the Arkansas River, Arkansas, constructed as part of the project for navigation on the Arkansas River and tributaries, shall hereafter be known and designated as the "Emmett Sanders Lock and Dam".

(2) LEGAL REFERENCE.—A reference in any law, map, regulation, document, record, or other paper of the United States to such lock and dam shall hereafter be deemed to be a reference to the "Emmett Sanders Lock and Dam".

(f) JOE HARDIN LOCK AND DAM.—

(1) DESIGNATION.—Lock and dam number 3 on the Arkansas River, Arkansas, constructed as part of the project for navigation on the Arkansas River and tributaries, shall hereafter be known and designated as the "Joe Hardin Lock and Dam".

(2) LEGAL REFERENCE.—A reference in any law, map, regulation, document, record, or other paper of the United States to such lock and dam shall be deemed to be a reference to the "Joe Hardin Lock and Dam".

(g) ED JONES BOAT RAMP.—

(1) DESIGNATION.—The boat ramp to be constructed on the Mississippi River in Lauderdale County, Tennessee, shall be known and designated as the "Ed Jones Boat Ramp".

(2) LEGAL REFERENCE.—A reference in any law, map, regulation, document, record, or other paper of the United States to such boat ramp shall be deemed to be a reference to the "Ed Jones Boat Ramp".

TITLE II—BRIDGE ADMINISTRATION TRANSFER

SEC. 201. SHORT TITLE.

This title may be cited as the "Bridge Administration Transfer Act".

SEC. 202. AUTHORIZATION AND DELEGATION.

(a) AUTHORIZATION.—Administration of bridges and causeways over navigable waters is transferred from the Secretary of Transportation to the Secretary of the Army. The administration transferred includes all authorities for bridge and causeway approvals, drawbridge regulations, administration of bridge alterations, and all other related authority, functions, and duties concerning bridges and causeways over navigable waters otherwise exercised by the Secretary of Transportation except—

(1) administration of bridges and causeways in or over the Saint Lawrence Seaway; and

(2) authority to prescribe lights and other signals on bridges and causeways for the benefit of navagation.

(b) TRANSFER DATES.—The transfer of authorities under this section shall take effect on October 1, 1989, or on such prior dates as the Secretary of the Army, in consultation with the Secretary of Transportation, prescribes and publishes in the Federal Register.

(c) NAVIGABLE WATERS DEFINED.—For purposes of this Act, the term "navigable waters" means waters which are subject to the ebb and flow of the tide, or which are used or suceptible to use in their natural condition or by reasonable improvement as a means of transporting interstate or foreign commerce.

SEC. 203. PROCEDURE FOR TRANSFER.

(a) PERSONNEL, MONEY, PROPERTY, ETC.—(1) On or before October 1, 1989, and as determined by the Director of the Office of Management and Budget in consultation with the Secretary of Transportation and the Secretary of the Army, the Secretary of Transportation shall transfer to the Secretary of the Army all—

(A) civilian employees and personnel positions,

(B) assets, liabilities, contracts, property, records, unexpended balances of appropriations, authorizations, allocations, and funds collected; and

(C) other resources and assets; which the Secretary of Transportation has before then employed, controlled, or used for purposes of the administration transferred under section 202.

(2) The transfer pursuant to this section shall be carried out in accordance with section 3503 of title 5, United States Code, and shall not cause any such employee to be separated or reduced in grade or compensation for at least one year after the date on which each employee is transferred to the Secretary of the Army. Appropriations and funds shall be transferred and accounted for in accordance with section 202 of the Budget and Accounting Procedures Act of 1950 (31 U.S.C. 1531).

(b) REGULATIONS.—

(1) IN GENERAL.—The Secretary of the Army may issue such regulations as may be necessary and appropriate to implement section 202.

(2) EFFECTIVE DATE.—Regulations issued by the Secretary of the Army under this subsection shall be effective on the effective date of the particular transfers implemented by the regulations.

(c) LEGAL RIGHTS AND DUTIES.—No approvals, notices, determinations, grants, contracts, permits or permit actions, regulatory actions, penalties or penalty actions, suits, or claims against or by the United States or officers, employees, representatives, or agencies of the United States, or other legal rights or duties relating to bridges and causeways over navigable waters shall be affected by the transfer under section 202 of this Act, except that the Secretary of the Army or officers, personnel, or agencies of the Department of the Army shall be substituted, as appropriate, for the Secretary of Transportation or officers, personnel, or agencies of the Department of Transportation. This subsection does not prohibit the modification, continuation, or discontinuation of any legal rights or duties by the Secretary of the Army under the same terms and conditions and to the same extent as would have been lawful by the Secretary of Transportation.

SEC. 204. CONFORMING AMENDMENTS.

(a) EFFECT OF AMENDMENTS.—The conforming amendments in this section shall not affect the authorities being transferred under this Act until such authorities are transferred under section 202 of this Act.

(b) AMENDMENTS TO THE RIVERS AND HARBORS APPROPRIATIONS ACT OF 1899.—The Act of March 3, 1899, otherwise known as the Rivers and Harbors Appropriations Act of 1899, is amended as follows:

(1) The text of section 9 of the Act (33 U.S.C. 401) is amended to read as follows:

"It shall not be lawful to construct or commence the construction of any bridge, causeway, dam, or dike over or in any port, roadstead, haven, harbor, canal, navigable river, or other navigable water of the United States until the consent of Congress to the building of such structures shall have been obtained and until the plans for the bridge, causeway, dam, or dike shall have been submitted to and approved by the Secretary of the Army. However, such structures may be built under authority of the legislature of a State across rivers and other waterways the navigable portions of which lie wholly within the limits of a single State, provided the location and plans thereof are submitted to and approved by the Secretary of the Army before construction is commenced. When plans for any bridge or other structure have been approved by the Secretary of the Army, it shall not be lawful to deviate from such plans either before or after completion of the structure unless modification of said plans has previously been submitted to and received the approval of the Secretary of the Army. In the case of a bridge or causeway in or over the Saint Lawrence Seaway, the authority in this section shall be exercised by the Secretary of Transportation instead of the Secretary of the Army. The approval required by this section does not apply to any bridge or causeway over waters that are not subject to the ebb and flow of the tide and that are not used and are not susceptible to use in their natural condition or by reasonable improvement as a means to transport interstate or foreign commerce.".

(2) The text of section 18 of the Act (33 U.S.C. 502) is amended to read as follows:

"(a) Whenever the Secretary of the Army shall have good reason to believe that any railroad or other bridge now constructed, or which may hereinafter be constructed, over any of the navigable waterways of the United States is an unreasonable obstruction to the free navigation of such waters on account of insufficient height, width or span, or otherwise, or where there is difficulty in passing the draw opening or the draw span of such bridge by rafts, steamboats, or other water craft, it shall be the duty of the Secretary of the Army, first giving the parties reasonable opportunity to be heard, to give notice to the persons or corporations owning or controlling such bridge so to alter the same as to render navigation through or under it reasonably free, easy, and unobstructed; and in giving such notice the Secretary shall specifiy the changes that are required to be made, and shall prescribe in each case a reasonable time in which to make them. If at the end of such time the alteration has not been made, the Secretary of the Army shall forthwith notify the United States Attorney for the district in which such bridge is situated, to the end that the criminal proceedings hereinafter mentioned may be taken. If the persons, corporation, or association owning or controlling any railroad or other bridge shall, after receiving notice to that effect, as hereinafter required, from the Secretary of the Army, and within the time prescribed by the Secretary willfully fail or refuse to remove the same or to comply with the lawful order of the Secretary of the Army in the premises, such persons, corporation, or association shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine not exceeding $5,000, and every month such persons, corporation, or association shall remain in default in respect to the removal or alteration of such bridge, shall be deemed a new offense, and subject such persons, corporation, or association so offending to the penalties above prescribed.

"(b) No owner or operator of any bridge, drawbridge, or causeway shall endanger, unreasonably obstruct, or make hazardous the free navigation of any navigable water of the United States by reason of the failure to keep the bridge, drawbridge, or causeway and any accessory works in proper repair.

"(c) Whoever violates any provision of this section, or any order issued under this section, shall be liable to a civil penalty of not more than $1,000. Each day a violation continues shall be deemed a separate offense. No penalty may be assessed under this subsection until the person charged is given notice and an opportunity for a hearing on

the charge. The Secretary of the Army may assess and collect any civil penalty incurred under this subsection and, in the Secretary's discretion, may remit, mitigate, or compromise any penalty until the matter is referred to the Attorney General. If a person against whom a civil penalty is assessed under this subsection fails to pay that penalty, an action may be commenced in the district court of the United States for any district in which the violation occurs for such penalty.

"(d) In the case of a bridge or causeway in or over the Saint Lawrence Seaway, the authority in this section shall be exercised by the Secretary of Transportation instead of the Secretary of the Army.".

(c) AMENDMENTS TO THE BRIDGE ACT OF 1906.—The Act of March 23, 1906, otherwise known as the Bridge Act of 1906, is amended as follows:

(1) The text of the first section of the Act (33 U.S.C. 491) is amended to read as follows:

"That when, after March 23, 1906, authority is granted by Congress to any persons to construct and maintain a bridge across or over any of the navigable waters of the United States, such bridge shall not be built or commenced until the plans and specifications for its construction, together with such drawings of the proposed construction and such map of the proposed location as may be required for a full understanding of the subject, have been submitted to the Secretary of the Army for the Secretary's approval, nor until the Secretary shall have approved such plans and specifications and the location of such bridge and accessory works; and when the plans for any bridge to be constructed under the provisions of this Act have been approved by the Secretary it shall not be lawful to deviate from such plans, either before or after completion of the structure, unless the modification of such plans has previously been submitted to and received the approval of the Secretary. In the case of a bridge over the Saint Lawrence Seaway, the authority in this section shall be exercised by the Secretary of Transportation instead of the Secretary of the Army. This section shall not apply to any bridge over waters which are not subject to the ebb and flow of the tide and which are not used and are not susceptible to use in their natural condition or by reasonable improvement as a means to transport interstate or foreign commerce.".

(2) The text of section 4 of the Act (33 U.S.C. 494) is amended to read as follows:

"No bridge erected or maintained under the provisions of this Act shall at any time unreasonably obstruct the free navigation of the waters over which it is constructed, and if any bridge erected in accordance with the provisions of this Act shall, in the opinion of the Secretary of the Army, at any time unreasonably obstruct such navigation, either on account of insufficient height, width of span, or otherwise, or if there be difficulty in passing the draw opening or the drawspan of such bridge by rafts, steamboats, or other watercraft, it shall be the duty of the Secretary of the Army, after giving the parties interested reasonable opportunity to be heard, to notify the persons owning or controlling such bridge to so alter the same as to render navigation through or under it reasonably free, easy, and unobstructed, stating in such notice the changes required to be made and prescribing in each case a reasonable time in which to make such changes, and if at the end of the time so specified the changes required have not been made, the persons owning or controlling such bridge shall be deemed guilty of a violation of this Act; and all such alterations shall be made and all such obstructions shall be removed at the expense of the persons owning or operating said bridge. In the case of a bridge over the Saint Lawrence Seaway, the above authority in this section shall be exercised by the Secretary of Transportation instead of the Secretary of the Army. The persons owning or operating any such bridge shall maintain, at their own expense, such lights and other signals thereon as the Secretary of Transportation shall prescribe. If the bridge shall be constructed with a draw, then the draw shall be opened promptly by the persons owning or operating such bridge upon reasonable signal for the passage of boats and other water craft.".

(3) The text of section 5 of the Act (33 U.S.C. 495) is amended to read as follows:

"(a) Any person who shall willfully fail or refuse to comply with the lawful order of the Secretary of the Army or the Secretary of Transportation made in accordance with provisions of this Act shall be deemed guilty of a misdemeanor and on a conviction thereof shall punished in any court of competent jurisdiction by a fine not exceeding $5,000, and every month such persons shall remain in default shall be deemed a new offense and subject such persons to additional penalties therefor; and in addition to the penalties above described the Secretary of the Army (or the Secretary of Transportation, in the case of a bridge or causeway in or over the Saint Lawrence Seaway) may, upon refusal of the persons owning or controlling any such bridge and accessory works to comply with any lawful order issued by the Secretary in regard thereto, cause the removal of such bridge, and suit for such expense may be brought in the name of the United States against such persons, and recovery had for such expense in any court of competent jurisdiction, and the removal of any structures erected or maintained in violation of the provisions of this Act or the order or direction of the Secretary made in pursuance thereof may be enforced by injunction, mandamus, or other summary process, upon application to the district court in the district in which such structure may, in whole or part, exist, and proper proceedings to this end may be instituted under the direction of the Attorney General of the United States at the request of the Secretary; and in case of any litigation arising from any obstruction or alleged obtruction to navigation created by the construction of any bridge under this Act, the cause or question arising may be tried before the district court of the United States in any district which any portion of said obstruction or bridge touches.

"(b) Whoever violates any provision of this Act, or any order issued under this Act, shall be liable to a civil penalty of not more than $1,000. Each day a violation continues shall be deemed a separate offense. No penalty may be assessed under this subsection until the person charged is given notice and an opportunity for a hearing on the charge. The Secretary whose order is violated, or who is responsible for the administration of a provision of this Act which is violated, may assess and collect any civil penalty incurred under this subsection and, in the Secretary's discretion, may remit, mitigate, or compromise any penalty until the matter is referred to the Attorney General. If a person against whom a civil penalty is assessed under this subsection fails to pay that penalty, an action may be commenced in the district court of the United States for any district in which the violation occurs for such penalty.".

(d) AMENDMENT TO THE ACT OF AUGUST 1894.—The text of section 5 of the Act of August 18, 1894 (33 U.S.C. 499), is amended to read as follows:

"(a) It shall be the duty of all persons owning, operating, and tending drawbridges across the navigable rivers and other waters of the United States, whenever built, to open, or cause to be opened, the draws of such bridges under such rules and regulations as in the opinion of the Secretary of the Army the public interests require to govern the opening of drawbridges for the passage of vessels and other water crafts, and such rules and regulations, when so made and published, shall have the force of law. Every such person who shall willfully fail or refuse to open, or cause to be opened, the draw of any such bridge for the passage of a boat or boats, as provided in such regulations, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not more than $2,000 nor less than $1,000, or by imprisonment (in the case of a natural person) for not exceeding one year, or by both such fine and imprisonment, in the discretion of the court: Provided, That the proper action to enforce the provisions of this subsection may be commenced before any magistrate, judge, or court of the United States, and such magistrate, judge, or court shall proceed in respect thereto as authorized by law in case of crimes against the United States: Provided further, That whenever, in the opinion of the Secretary of the Army, the public interests require it, the Secretary may make rules and regulations to govern the opening of drawbridges for the passage of vessels and other water crafts, and such rules and regulations, when so made and published, shall have the force of law, and any willful violation thereof shall be punished as hereinbefore provided: Provided further, That any regulations made in pursuance of this section may be enforced as provided in section 17 of the Act of March 3, 1899 (33 U.S.C. 413), the provisions whereof are made applicable to the said regulations.

"(b) No vessel owner or operator shall signal a drawbridge to open for any nonstructural vessel appurtenance which is not essential to navigation or which is easily lowered and no person shall unreasonably delay the opening of a draw after the signal required by rules or regulations under this section has been given. The Secretary of the Army shall issue rules and regulations to implement this subsection.

"(c) Whoever violates any rule or regulation issued under subsection (a) or (b), shall be liable to a civil penalty of not more than $1,000. No penalty may be assessed under this subsection until the person charged is given notice and an opportunity for a hearing on the charge. The Secretary of the Army may assess and collect any civil penalty incurred under this subsection and, in the Secretary's discretion, may remit, mitigate, or compromise any penalty until the matter is referred to the Attorney General. If a person against whom a civil penalty is assessed under this subsection fails to pay that penalty, an action may be commenced in the district court of the United States for any district in which the violation occurs for such penalty.

"(d) In the case of a bridge over the Saint Lawrence Seaway, the authority in this section shall be exercised by the Secretary of Transportation instead of the Secretary of the Army.".

(e) AMENDMENTS TO THE TRUMAN-HOBBS ACT.—The Act of June 21, 1940, otherwise known as the Truman-Hobbs Act, is amended as follows:

(1) The text of the first section of the Act (33 U.S.C. 511) is amended to read as follows:

"When used in this Act, unless the context indicates otherwise—

"(1) The term 'alteration' includes changes of any kind, reconstruction, or removal in whole or in part.

"(2) The term 'bridge' means a lawful bridge over navigable waters of the United States, including approaches, fenders, and appurtenances thereto, which is used and operated for the purpose of carrying railroad traffic or both railroad and highway traffic, or if a State, county, municipality, or other political subdivision is the owner or joint owner thereof, which is used and operated for the purpose of carrying highway traffic.

"(3) The term 'bridge owner' means any State, county, municipality, or other political subdivision, or any corporation, association, partnership, or individual owning, or jointly owning, any bridge, and, when any bridge shall be in the possession or under the control of any trustee, receiver, trustee in a case under title 11 of the United States Code, or lessee, such term shall include both the owner of the legal title and person or the entity in possession or control of such bridge.

"(4) The term 'Secretary' means the Secretary of the Army, except in the case of a bridge over the Saint Lawrence Seaway, in which case it means the Secretary of Transportation.

"(5) The term 'United States', when used in a geographical sense, includes the Territories and possessions of the United States.".

(2) The text of section 4 of the Act (33 U.S.C. 514) is amended to read as follows:

"After the service of an order under this Act, it shall be the duty of the bridge owner to prepare and submit to the Secretary, within a reasonable time as prescribed by the Secretary, general plans and specifications to provide for the alteration of such bridge in accordance with such order, and for such additional alteration of such bridge as the bridge owner may desire to meet the necessities of railroad or highway traffic, or both. The Secretary may approve or reject such general plans and specifications, in whole or in part, and may require the submission of new or additional plans and specifications, but when the Secretary shall have approved general plans and specifications, they shall be final and binding upon all parties unless changes therein be afterwards approved by the Secretary and the bridge owner.".

(3) The text of section 7 of the Act (33 U.S.C. 517) is amended to read as follows:

"Following service of the order requiring alteration of the bridge, the Secretary may make partial payments as the work progresses to the extent that funds have been appropriated. The total payments out of Federal funds shall not exceed the proportionate share of the United States of the total cost of the project paid or incurred by the bridge owner, and if such total cost exceeds the cost guaranteed by the bridge owner, shall not exceed the proportionate share of the United States of such guaranteed cost, except that if the cost of the work exceeds the guaranteed cost by reason of emergencies, conditions beyond the control of the owner, or unforeseen or undetermined conditions, the Secretary may, after full review of all the circumstances, provide for additional payments by the United States to help defray such excess cost to the extent the Secretary deems it to be reasonable and proper, and shall certify such additional payments to the Secretary of the Treasury for payment. All payments made to any bridge owner herein provided for shall be made by the Secretary of the Treasury upon certifications of the Secretary.".

(4) The text of section 13 of the Act (33 U.S.C. 523) is amended to read as follows:

"If the owner of any bridge and the Secretary shall agree that in order to remove an obstruction to navigation, or for any other purpose, a relocation of such bridge or the construction of a new bridge upon a new location shall be preferable to an alteration of the existing bridge, such relocation or new construction may be carried out at such new site and upon such terms as may be acceptable to the bridge owner and the Secretary, and the cost of such relocation or new construction, including also any expense of changes in and additions to rights-of-way, stations, tracks, spurs, sidings, switches, signals, and other railroad facilities and property, and relocation of shippers required for railroad connection with the bridge at the new site, shall be apportioned as between the bridge owner and the United States in the manner which is provided for in section 6 of this Act (33 U.S.C. 516) in the case of an alteration and the share of the United States paid from the appropriation authorized in section 8 of this Act (33 U.S.C. 518): Provided, That nothing in this section shall be construed as requiring the United States to pay any part of the expense of building any bridge across a navigable stream which the Secretary shall not find to be, in fact, a relocation of the existing bridge.".

(f) AMENDMENTS TO THE GENERAL BRIDGE ACT OF 1946.—The Act of August 12, 1946, otherwise known as the General Bridge Act of 1946, is amended as follows:

(1) The text of section 502 of the Act (33 U.S.C. 525) is amended to read as follows:

"(a) CONSENT OF CONGRESS.—The consent of Congress is hereby granted for the construction, maintenance, and operation of bridges and approaches thereto over the navigable waters of the United States, in accordance with the provisions of this title.

"(b) APPROVAL OF PLANS.—The location and plans for such bridges shall be approved by the Secretary of the Army before construction is commenced, and, in approving the location and plans of any bridge, the Secretary may impose any specific conditions relating to the maintenance and operation of the structure which the Secretary may deem necessary in the interest of public navigation, and the conditions so imposed shall have the force of law. In the case of a bridge over the Saint Lawrence Seaway, the authority in this subsection shall be exercised by the Secretary of Transportation instead of the Secretary of the Army. This subsection shall not apply to any bridge over waters which are not subject to the ebb and flow of the tide and which are not used and are not susceptible to use in their natural condition or by reasonable improvement as a means to transport interstate or foreign commerce.

"(c) PRIVATE HIGHWAY TOLL BRIDGES.—Notwithstanding the provisions of subsections (a) and (b) of this section, it shall be unlawful to construct or commence the construction of any privately owned highway toll bridge until the location and plans thereof shall also have been submitted to and approved by the highway department or departments of the State or States in which the bridge and its approaches are situated: and where such bridge shall be between two or more States and the highway departments thereof shall be unable to agree upon the location and plans therefor, or if they, or either of them, shall fail or refuse to act upon the location and plans submitted, such location and plans then shall be submitted to the Secretary of the Army and, if approved by the Secretary of the Army, approval by the highway departments shall not be required.".

(2) The text of section 510 of the Act (33 U.S.C. 533) is amended to read as follows:

"(a) Any person who willfully fails or refuses to comply with any lawful order of the Secretary of the Army or the Secretary of Transportation issued under the provisions of this title, or who willfully fails to comply with any specific conditions imposed by the Secretary of the Army or the Secretary of Transportation relating to the maintenance and operation of bridges, or who willfully refuses to produce books, papers, or documents in obedience to a subpoena or other lawful requirement under this title, or who otherwise willfully violates any provision of this title, shall, upon conviction thereof, be punished by a fine not to exceed $5,000 or by imprisonment for not more than one year, or by both such fine and imprisonment.

"(b) Whoever violates any provision of this Act, or any order issued under this Act, shall be liable to a civil penalty of not more than $1,000. Each day a violation continues shall be deemed a separate offense. No penalty may be assessed under this subsection until the person charged is given notice and an opportunity for a hearing on the charge. The Secretary responsible for the provision or order violated may assess and collect the civil penalty incurred under this subsection and, in the Secretary's discretion, may remit, mitigate, or compromise the penalty until the matter is referred to the Attorney General. If a person against whom a civil penalty is assessed under this subsection fails to pay that penalty, an action may be commenced in the district court of the United States for any district in which the violation occurs for such penalty.".

(g) AMENDMENTS TO THE INTERNATIONAL BRIDGE ACT OF 1972.—Public Law 92-434 (the Act of September 26, 1972), otherwise known as the International Bridge Act of 1972, is amended as follows:

(1) The text of section 2 of the Act (33 U.S.C. 535) is amended to read as follows:

"The consent of Congress is hereby granted to the construction, maintenance, and operation of any bridge and approaches thereto, which will connect the United States with any foreign country (hereinafter in this Act referred to as an 'international bridge') and to the collection of tolls for its use, so far as the United States has jurisdiction. Such consent shall be subject to (1) the approval of the proper authorities in the foreign country concerned; (2) the provisions of the Act entitled 'An Act to regulate the construction of bridges over navigable waters', approved March 23, 1906 (33 U.S.C. 491-498), except section 6 (33 U.S.C. 496), whether or not such bridge is to be built across or over any of the navigable waters of the United States; and (3) the provisions of this subchapter. In the case of a bridge over the Saint Lawrence Seaway, and in the case of a bridge which would not otherwise be subject to the Act of March 23, 1906, the authority of the Secretary of the Army in this section shall be exercised by the Secretary of Transportation instead of the Secretary of the Army.".

(2) The text of section 5 of the Act (33 U.S.C. 535c) is amended to read as follows:

"The approval of the Secretary of the Army or the Secretary of Transportation as required by the first section of the Act of March 23, 1906 (33 U.S.C. 491), and section 2 of this Act (33 U.S.C. 535) shall be given only subsequent to the President's approval, as provided for in section 4 of this Act, and shall be null and void unless the construction of the bridge is commenced within two years and completed within five years from the date of the Secretary's approval: Provided, however, That the Secretary concerned, for good cause shown, may extend for a reasonable time either or both of the time limits herein provided.".

(3) The text of section 11 of the Act (33 U.S.C. 535h) is amended to read as follows:

"The Secretary of the Army and the Secretary of Transportation shall each make an annual report of approvals granted by them under sections 2 and 5 of this Act (33 U.S.C. 535 and 535c).".

(h) AMENDMENTS TO TITLE 14, UNITED STATES CODE.—Section 662 of title 14, United States Code, is amended—

(1) by striking paragraph (3),

(2) by redesignating paragraph (4) as paragraph (3), and

(3) in paragraph (3) (as redesignated) by striking "clauses (1)-(3)" and inserting "paragraph (1) or (2)".

SEC. 205. COMPILATION OF LAWS

The Secretary of the Army shall prepare a compilation of Federal laws relating to the administration and regulation of bridges, causeways, dams, dikes, and other structures in, on, or over navigable waters of the United States and shall submit such compilation to the Speaker of the House of Representatives and the President pro tempore of the Senate with such recommendation as to consolidation, revision, amendment, or simplification of those laws as in the Secretary's judgment would be most advantageous to the public interest.

SEC. 206. DECLARATION OF NONNAVIGABILITY OF BODIES OF WATER IN RIDGEFIELD, NEW JERSEY.

The three bodies of water located at block 4004, lots 1 and 2, and block 4003, lot 1, in the Borough of Ridgefield, County of Bergen, New Jersey which have their mouths at the Hackensack River at 40 degrees 49 minutes 45 seconds north latitude and 74 degrees 01 minute 46 seconds west longitude, 40 degrees 49 minutes 46 seconds north latitude and 74 degrees 01 minute 55 seconds west longitude, and 40 degrees 49 minutes 35 seconds north latitude and 74 degrees 02 minutes 04 seconds west longitude, respectively, and the body of water located at block 4006, lot 1, in the Borough of Ridgefield, County of Bergen, New Jersey which has its mouth at the Hackensack River at 40 degrees 49 minutes 15 seconds north latitude and 74 degrees 01 minute 52 seconds west longitude, are declared to be nonnavigable waterways of the United States within the meaning of the General Bridge Act of 1946 (33 U.S.C. 525 et seq.).

SEC. 207. WATER IMPROVEMENTS, PHARR, TEXAS.

On the request of the Military Highway Water Supply Corporation of Progreso, Texas, the Secretary of Commerce shall waive the reimbursement of the amounts owed to the Federal Government which resulted from the sale of the Las Milpas portion of the water system improvements constructed under the Economic Development Administration project number 8-11-01533 which was sold to the city of Pharr, Texas, if the proceeds of such sale will be used for the purpose of carrying out in the area served by such Corporation water and sewer improvements which would be eligible for assistance under the Public Works and Economic Development Act of 1965 or the Consolidated Farm and Rural Development Act or title V of the Housing Act of 1949.

SEC. 208. PERIOD OF AVAILABILITY FOR FUNDING FOR METROPOLITAN DADE COUNTY, FLORIDA.

The first undesignated paragraph under the heading "CONSTRUCTION, GENERAL" in title I of the Energy and Water Development Appropriation Act, 1988 (101 Stat. 1329-106) is amended by striking out "to be made available to Metropolitan Dade County, Florida, for the purpose of a 50 per centum, cost-shared" and inserting in lieu thereof "to remain available until expended, for a grant to Metropolitan Dade County, Florida, for a".

Amend the title so as to read; "An Act to provide for the conservation and development of water and related resources, to authorize the United States Army Corps of Engineers to construct various projects for improvements to rivers and harbors of the United States, and for other purposes.".

The motion was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

The title of the Senate bill was amended so as to read: "An act to provide for the conservation and development of water and related resources, to authorize the U.S. Army Corps of Engineers to construct various projects for improvements to rivers and harbors of the United States, and for other purposes."

A motion to reconsider was laid on the table.

A similar House bill (H.R. 5247) was laid on the table.

Mr. ANDERSON. Mr. Speaker, I ask unanimous consent that the House insist on its amendment to the Senate bill, S. 2100, and request a conference with the Senate thereon.

The SPEAKER pro tempore (Mr. GRAY of Illinois). Is there objection to the request of the gentleman from California?

There was no objection.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Kalbaugh, one of his secretaries.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed without amendment, a bill and a concurrent resolution of the House of the following titles:

H.R. 1596. An act to amend title 28, United States Code, to create two divisions in the Judicial District of Maryland; and

H. Con. Res. 373. Concurrent resolution correcting technical errors in the enrollment of the bill, H.R. 1467.

The message also announced that the Senate agrees to the amendments of the House to the bill (S. 2057) "An act to provide for the establishment of the Coastal Heritage Trail in the State of New Jersey, and for other purposes," with amendments

The message also announced that the Senate agrees to the amendment of the House to the bill (S. 1165) "An act to authorize the Secretary of the Interior to provide for the development and operation of a visitor and environmental education center in the Pineline National Reserve, in the State of New Jersey."

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

S. 1504. An act to provide an alternative to adversarial rulemaking by facilitating the appropriate use of negotiated rulemaking committees;

S. 1911. An act to amend title 5, United States Code, to allow all forest fire fighting employees to be paid overtime without limitation while serving on forest fire emergencies; and

S.J. Res. 364. Joint resolution to designate the week of October 2 through October 8, 1988, as "National paralysis Awareness Week."

CONFERENCE REPORT ON H.R. 4776, DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 1989

Mr. DIXON submitted the following conference report and statement on the bill (H.R. 4776) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1989, and for other purposes:

CONFERENCE REPORT (H. REPT. 100-1013)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 4776) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1989, 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 5, 8, 10, 11, 13, 14, 18, and 20.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 4, 9, 16, and 17, 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 *$32,040,000*; and the Senate agree to the same.

Amendment numbered 7:

That the House recede from its disagreement to the amendment of the Senate num-

bered 7, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$623,924,000*; and the Senate agree to the same.

The committee of conference report in disagreement amendments numberdd 3, 6, 12, 15, 19, 21, 22, 23, 24, 25, 26, 27, 28, and 29.

JULIAN C. DIXON,
WILLIAM H. NATCHER
(with exception of No. 15),
LOUIS STOKES,
WES WATKINS,
STENY H. HOYER,
JAMIE L. WHITTEN,
LAWRENCE COUGHLIN,
BILL GREEN
(except as to amendment No. 26),
RALPH REGULA,
SILVIO O. CONTE,
Managers on the Part of the House.

TOM HARKIN,
HARRY M. REID,
JOHN C. STENNIS,
DON NICKLES,
CHUCK GRASSLEY,
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 the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 4776) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1989, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the actions agreed upon by the managers and recommended in the accompanying conference report.

TITLE I—FISCAL YEAR 1989 APPROPRIATIONS

Amendment No. 1: Inserts title and fiscal year heading to separate fiscal year 1989 appropriations from supplemental appropriations for fiscal year 1988.

FEDERAL PAYMENT FOR WATER AND SEWER SERVICES

Amendment No. 2: Appropriates $32,040,000 instead of $36,726,000 as proposed by the House and $27,130,000 as proposed by the Senate. The amount agreed to by the conferees is based on revised estimates submitted by District officials. The conferees note that the President's budget had proposed that the District bill the individual Federal agencies for these services. in denying that request and providing the lump sum payment, the conferees do not express unequivocal opposition to the proposal. However, in an April 1987 letter, the General Accounting Office stated that the proposal was contrary to existing law, and that the District has no statutory authority to bill or to accept payments from agencies. The conferees would encourage the relevant committees to consider the proposed request to change the statute. If such legislation is enacted during the fiscal year, the Committees on Appropriations will consider a request to adjust the amount provided.

CRIMINAL JUSTICE INITIATIVE

Amendment No. 3: 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 amended to read as follows:

In lieu of the matter proposed by said amendment, insert the following: *: Provided,* That construction may not commence unless access and parking for construction vehicles are provided solely at a location other than city streets: *Provided further,* That District officials meet monthly with neighborhood representatives to inform them of current plans and discuss problems: *Provided further,* That the District of Columbia shall operate and maintain a free, 24-hour telephone information service whereby residents of the area surrounding the new prison, can promptly obtain information from District officials on all disturbances at the prison, including escapes, fires, riots, and similar incidents: *Provided further,* That the District of Columbia shall also take steps to publicize the availability of that service among the residents of the area surrounding the new prison.

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 language agreed to by the conferees requires the District government to take certain steps to mitigate the impact of the proposed new prison on the surrounding neighborhood in Southeast Washington. The conferees have deleted the proviso requiring access and egress on other than 19th Street, Southeast, and the proviso that required a portion of the old D.C. jail site to become a neighborhood shopping center.

PUBLIC SAFETY AND JUSTICE

Amendment No. 4: Appropriates $734,207,000 as proposed by the Senate instead of $735,528,000 as proposed by the House.

Metropolitan Police Department.—The conference action appropriates $207,157,000 as proposed by the House instead of $207,407,000 as proposed by the Senate. The conferees have not approved the increase of $250,000 proposed by the Senate. These funds would have been used in cooperation with Federal authorities to mount a drug interdiction initiative at the District's Lorton Correctional Complex. This matter is discussed under amendment number 5.

Superior Court.—The conference action provides $54,646,000 and 1,173 positions as proposed by the Senate instead of $52,680,00 and 1,137 positions as proposed by the House. The increase of $1,966,000 and 36 positions above the House of allowance will fund mandatory pay increases and provide needed staff and resources for various divisions in the Superior Court.

Court System.—The conference action provides $20,080,000 and 80 positions as proposed by the Senate instead of $19,875,000 and 75 positions as proposed by the House. The increase of $205,000 consists of $47,000 to fund two existing positions in the Equal Employment Opportunity program, $94,000 and five positions for a pilot test of a court-manned security force and $64,000 for liability insurance for the District's judicial officers.

SECURITY AND MAINTENANCE OF COURT BUILDINGS

The increase of $94,000 will fund five positions and will permit the court system to pilot test a court-manned supplemental security force. Court officials have testified that they continue to experience severe security problems which they have reported for several years, and instead of improving, the situation has deteriorated. Court officials further reported that the security and maintenance services provided by the District's Department of Administrative Services have not been satisfactory.

Because of these problems, court officials have repeatedly requested the transfer of these responsibilities and the applicable funding to the court. For whatever reasons, this has not been accomplished.

Testimony from court officials indicates that the Department of Administrative Services' responsibility for these services, if properly performed, would be acceptable to the courts. However, in light of the continued dissatisfaction with the obviously less than satisfactory service, the conferees recommend funding a small supplemental security force and evaluating the courts' ability to accomplish improved security in the buildings it occupies.

JUDICIAL INDEMNITY INSURANCE

An increase of $64,000 is provided for professional liability insurance. This increase is unnecessary except for the fact that the Council of the District of Columbia has not yet completed action on legislation amending the D.C. Code to ensure appropriate liability coverage for judicial employees comparable to that provided for medical employees under D.C. Code, sec. 1-1215(b). The need for this legislation results from the liability exposure created by the Supreme Court decision in the case of *Pulliam* vs. *Allen* (1984) 104 S. Ct. 1970. This issue was first called to the attention of District officials in House Report 99-223 dated July 24, 1985. The report stated that "* * * the Committee urges the Mayor and Council to pursue the expedited passage of legislation amending the D.C. Code to ensure appropriate coverage for judicial employees thereby eliminating the need for funds to cover insurance premiums in fiscal year 1986."

That was over three years ago. The conferees are deeply concerned with what appears to be inaction on a seemingly innocuous bill that is simply good government as well as cost effective.

Department of Corrections.—The conference action provides $193,855,000 instead of $197,347,000 as proposed by the House and $193,605,000 as proposed by the Senate. The reduction of $3,492,000 below the House allowance will provide $29,496,000 for the Federal Bureau of Prisons payment instead of $32,988,000 as proposed by the House and $29,246,000 as proposed by the Senate.

DRUG INTERDICTION TASK FORCE

Amendment No. 5: Deletes language proposed by the Senate concerning the use of funds proposed under amendment number 4 for the drug interdiction task force at the Lorton, Virginia prison complex. The conferees have agreed to delete the $250,000 proposed by the Senate under amendment number 4 for use by the Metropolitan Police Department to establish a drug interdiction task force at the Lorton, Virginia prison complex.

The conferees are concerned, however, that the flow of illicit drugs into the Lorton complex remains a serious problem and may contribute to instability and disturbances at the prison. The conferees direct the District of Columbia government to focus increased resources and effort on drug enforcement activities at Lorton.

The conferees further direct the District of Columbia government to proceed with the establishment of a drug interdiction task force. The District of Columbia Government should seek funding, as appropriate, from other Federal programs such as those being established as part of the omni-

bus drug legislation presently being considered by the Congress and/or use available funds to pay for police salaries, transportation, communications, drug testing services and equipment, and related expenses necessary to establish and operate a task force at Lorton and throughout the District of Columbia prison system.

The conferees believe that such a task force could greatly reduce the flow of drugs into Lorton and thus help prevent more serious problems. Therefore, the conferees direct the District of Columbia government to report to the Committee on Appropriations of the House and Senate, not later than January 15, 1989, on the effort being made to establish the task force, obtain funding, and on the severity of the drug problem at Lorton and throughout the prison system.

Amendment No. 6: 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 the staffing levels of two-piece engine companies within the Fire Department shall be maintained in accordance with the Fire Department's Rules and Regulations until final adjudication by the relevant courts.

PUBLIC EDUCATION SYSTEM

Amendment No. 7: Appropriates $623,924,000 instead of $623,424,000 as proposed by the House and $623,981,000 as proposed by the Senate. The increase of $500,000 above the House allowance is for the Very Special Arts Program founded in 1974 as an educational affiliate of the John F. Kennedy Center for the Performing Arts. The program is dedicated to enriching the lives of people with disabilities through the arts, music, dance, drama, creative writing and the visual arts. These funds will be used to provide interpreters, ramps, needed medical coverage, accessible transportation equipment and signage services in support of the International Very Special Arts Festival scheduled to be held in Washington, D.C. in June 1989.

The conferees have not approved $57,000 proposed by the Senate for the Civil Air Patrol. This matter is discussed under amendment number 8.

Amendment No. 8: Allocates $452,403,000 for the public schools of the District of Columbia as proposed by the House instead of $452,460,000 as proposed by the Senate. The reduction of $57,000 below the Senate allocation reflects the deletion of funds intended for the establishment of a Civil Air Patrol Cadet Program within the District of Columbia Public Schools. This is done without prejudice to the program, and the conferees hope that the Board of Education will seriously consider any proposal from the Civil Air Patrol to establish this program in the D.C. school system.

The Cadet Program is an activity for young men and women between the ages of 13 and 21 years old. The basic program includes training in leadership, aerospace education, moral leadership, and physical fitness. Under the leadership of CAP senior members, cadets progress through a series of structured achievements earning military type promotions in grade. The Cadet Program provides its participants a forum in which they are challenged to perform and rewarded when they do.

Programs such as the Civil Air Patrol Cadet Program are of great value in providing worthwhile activities for youth during the hours after school as a method of combating the temptation of drug abuse.

Public Schools.—The conferees are concerned about what the Mayor has described as a crisis of values particularly among school-age children in the District of Columbia. This crisis manifests itself in the apparent insensitively of youth to the specter of violence and drug use and where being victimized in viewed simply as part of growing up. In response to this type of crisis the Board of Education has established a Values Commission that is to report to the Board on a program that could be implemented in all schools and all grades.

This Commission is a fine first step in recognizing a fundamental problem in our current culture. However, the job will not be completed when the report is received and the program implemented. The conferees hope that the School Board will examine its own operations to ensure that they are sending the proper message to students through their own actions and deeds.

In addition, the conferees hope that the Commission will take into consideration the message that is received by students when the D.C. Public School system ranks last in teacher salaries in the region and by the deteriorated condition of the schools themselves. The conferees are aware that these are not easy questions to address, nor will they be inexpensive to correct, but students will judge our commitment to these goals by our adherence to the principles we establish.

Supplemental budget needs.—The conferees are aware of the financial needs of the District of Columbia Public Schools and the possible shortfall of $13,000,000 in the proposed fiscal year 1989 budget. The new Superintendent testified that he hopes that the Mayor will propose and the District Council will enact a supplemental budget that will fully fund the needs of the public schools. The conferees direct that the Board of Education transmit to the Committees on Appropriations of the Senate and House of Representatives its estimate of needed supplemental funding at the same time this request is transmitted to the Mayor.

This request is made so that the Committees can be kept apprised of the budgetary situation in the D.C. Public Schools and not as a promise to fund all amounts requested. The Board of Education should continue to be mindful of possible administrative savings and is requested to detail in its transmittal the steps it has taken that could mitigate the final amount needed.

Amendment No. 9: Allocates $4,192,000 for the Commission on the Arts and Humanities as proposed by the Senate instead of $3,692,000 as proposed by the House. The increase of $500,000 above the House allowance is for the Very Special Arts Program discussed under amendment number 7.

HUMAN SUPPORT SERVICES

Amendment No. 10: Appropriates $744,901,000 as proposed by the House instead of $745,665,000 as proposed by the Senate.

Department of Human Services.—The conference action provides $616,555,000 as proposed by the House instead of $617,319,000 as proposed by the Senate. The conferees have deleted the $264,000 proposed by the Senate for a pilot project which would have provided housing and supportive services for mentally disabled mothers. The conferees do so without prejudice to the merits of such a program and encourage the Commission on Mental Health to assess the magnitude of the need in the District of Columbia and report to the Committees on Appropriations of the Senate and House of Representatives not later than December 31, 1988. This report should include the number of such mothers in the District as well as information on how these mothers and infants are currently cared for in the District.

The Committees will consider a supplemental or reprogramming request as early in fiscal year 1989 as the Commission on Mental Health and District government deem appropriate. The conferees have not approved the additional $500,000 proposed by the Senate for Project Volta. An appropriation of $990,000 was included in the District's fiscal year 1988 appropriations act for this project. The conferees have included bill language under "Human Support Services" in amendment number 29 making the $990,000 available solely for Project Volta and extending the availability of those funds until expended.

The conferees are concerned about cuts in the Handicapped Infant Intervention Project (HIIP). This is a program, similar to Project Volta in approach, which provides for early intervention for handicapped infants and toddlers up to age three. This is done through screening of high risk newborn infants for early recognition of mental retardation, minimal brain damage, and overall delay in development skills. The conferees share the concern expressed by others that without this program, deafness in many infants might go undetected and intervention might not occur. The conferees hope that ways can be found to minimize the impact of reductions on this program.

The conferees direct that $36,000 be disbursed within 15 days of the enactment of this Act to the Samaritans of Washington, a nonprofit, nonsectarian largely volunteer tax-exempt organization which operates a round-the-clock hotline to serve persons who are in despair or contemplating suicide. Since the Samaritans' hotline became operational in February 1986, the number of calls has increased from 300 a month to as many as 2,500 a month. The Samaritans' phones are staffed by 45 trained volunteers who are on duty approximately 1,500 hours each month. The cost effectiveness of this program is obvious.

Amendment No. 11: Deletes language proposed by the Senate concerning the payment of funds under amendment number 10 to Project Volta. The conferees did not approve the additional $500,000 proposed by the Senate for this project under amendment number 10.

PUBLIC WORKS

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, amended to read as follows:

In lieu of the matter proposed by said amendment insert the following: *Provided further,* That the Taxicab Commission shall report to the Committees on Appropriations of the Senate and House of Representatives by January 15, 1989 on a plan as outlined in Senate Report 100-162 to issue and implement regulations including but not limited to the age of vehicles, frequency of inspection, and cleanliness of vehicles.

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 remain concerned about the pace of progress of the Taxicab Commission in reaching the goals set out in last year's conference report (House Report 100-498). At that time the conferees requested the submission of a report and stated:

This report should include a timetable for consideration of a fair, equitable, non-discrimination fare structure based on time and mileage; consideration of taxicab vintage; a review of driver standards; a review of methods to provide better monitoring of the industry including the possibility of monthly insurance stickers; and a policy on the types of permitted radio operations.

The conferees are aware of the report of September 1, 1988 by the Taxicab Commission to the Committees which outlines plans for many of the items mentioned in last year's conference report. The conferees are pleased to note that some progress is being made, and continue to strongly believe that all of the information that the Commission should require ought to be available at this time. The conferees also strongly believe that the Commission, after receiving public comment, should take final action not later than January 1, 1989 on a vintage standard as well as on the other matters contained in the September 1, 1988 report, and report the results of that action to the Committees by January 15, 1989. In addition, the Commission is requested to include in its report a schedule for consideration of the other items mentioned in the above directive, including the frequency of taxicab inspections, the age of vehicles used as cabs, the condition of heating and air-conditioning systems, and the cleanliness of vehicles.

The conferees are also aware that the Commission intends to contract for a wide-ranging study of the taxicab industry in the Nation's Capital. The conferees support this effort; however, the conferees are concerned about the length of time the study is proposed to take. One of the stated purposes of the study is to gather information about the economics of the industry to aid in setting rates. It does not seem that this data would be required to make a determination on whether or not the current zone fare system should be replaced by a system of meters. This is an important first step in progressing to a regional uniform taxicab system where fares are uniform and trip origin and destination barriers are removed.

MOTOR TRUCK SAFETY

The conferees note with concern that the District has not become a member of the Motor Carrier Safety Assistance Program (MCSAP). Currently, over 50 of 56 eligible jurisdictions are involved in this program which provides grants to jurisdictions which adopt the Federal Motor Carrier Safety Regulations and Hazardous Materials Regulations and provide their police with sufficient authority to enforce these regulations.

Currently, the District does not have the capacity to enforce regulations governing truck safety and the transportation of hazardous materials. The conferees noted that the MCSAP program has been extremely successful in other jurisdictions, increasing annual roadside inspections of trucks from 30,000 in 1984 to over one million this year, and an expected 1.5 million in fiscal year 1989.

The MCSAP program provides Federal funds for training and hiring personnel and would be a direct benefit to the motoring public. By becoming a member of the MCSAP program, the District would greatly enhance the regional effort to ensure that trucks operating in the Washington Metropolitan Region are operating safely.

Accordingly, the conferees strongly encourage the District to join the MCSAP program and adopt local regulations and laws necessary to enforce the program. The conferees direct the District to report back to the House and Senate Committees on Appropriations no later than March 1, 1989, on the status of the District's efforts.

INAUGURAL EXPENSES

The conferees direct that $80,000 of the $2,300,000 appropriated for expenses that the District government expects in connection with the upcoming Presidential inauguration be allocated to the D.C. National Guard for expenses that it incurs in connection with the inauguration activities.

CAPITAL OULAY

Amendment No. 13: Appropriates $138,336,000 as proposed by the House instead of $148,336,000 as proposed by the Senate. The conferees have not approved the increase of $10,000,000 proposed by the Senate to finance the construction of the Federal City Communications Center on the campus of Catholic University.

Amendment No. 14: Deletes language proposed by the Senate concerning the availability of funds under amendment number 13 for the Federal City Communications Center. The conferees did not approve the funds proposed by the Senate under amendment number 13.

GENERAL PROVISIONS

Amendment No. 15: Reported in disagreement.

Amendment No. 16: Deletes language proposed by the House and stricken by the Senate concerning the expenditure of funds in any workplace that is not free of illegal use or possession of controlled substances. The conferees strongly agree with the intent of the provision included by the House. However, the conferees have agreed to strike this language since this issue was addressed on a government-wide basis in Section 628 of the conference report for the Treasury-Postal Service and General Government Appropriations Act, 1989 (H.R. 4775; H. Rept. 100-881, pp. 33-34). Section 628 of that Act (Public Law 100-440) covers the District of Columbia as well as all Federal entities.

Amendment No. 17: Deletes language proposed by the House and stricken by the Senate concerning the District's residency requirement for employees. This matter is addressed under amendment number 24.

Amendment No. 18: Deletes language proposed by the Senate which would have provided a Federal loan guarantee in an amount not to exceed $20,000,000 to the Washington Center, a nonprofit corporation, for the construction of an educational housing facility.

Amendment No. 19: 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 the following:

SEC. 135. (a) Section 11-1563(d), D.C. Code is amended—

(A) by inserting "or while receiving retirement salary under this subchapter but before having recouped all contributions", before "the lump-sum credit for retirement"; and

(B) by inserting "or the balance after deduction of retirement salary paid prior to death, if applicable", before "shall be paid,".

(b) The Mayor, within 30 days after the enactment of this Act, shall engage an enrolled actuary, to be paid by the District of Columbia Retirement Board, and shall comply fully with the requirements of section 142(d) and section 144(d) of the District of Columbia Retirement Reform Act of 1979 (Public Law 96-122, D.C. Code, secs. 1-722(d) and 1-724(d)).

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 Senate amendment agreed to by the conferees changes the section number and makes a technical correction to D.C. Code, sec. 11-1563(d) concerning the refund of retirement withholdings to judges of the District of Columbia courts. Currently, if a judge who has not elected to participate in the Survivor Annuity Program dies while in active service, the contributions made by the judge to the retirement system are returned to the named beneficiary or the judge's estate. In those cases where a retired judge has not yet recouped the contributions prior to death, there is no provision for a named beneficiary or the estate to recoup the remaining portion of the contributions. The language in Senate amendment number 19 corrects this inequity. The language also requires the Mayor to engage an enrolled actuary to determine the financial effects of this change on the retirement fund and to comply fully with sections 142(d) and 144(d) of Public Law 96-122.

Amendment No. 20: Deletes language proposed by the Senate concerning the qualification requirements for retirement benefits for persons serving in the position of Executive Officer of the District of Columbia Courts. The proposed language sought to clarify the treatment for the Executive Officer of the District of Columbia Courts under circumstances where the Officer is involuntarily removed from office. Section 11-1703(c) of the District of Columbia Code states that "The Executive Officer shall receive the same compensation as an associate judge of the Superior Court".

The conferees ask that the courts bring back this proposal with a fuller explanation of the need for such clarification.

Amendment No. 21: 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, amended to read as follows:

In lieu of the matter proposed by said amendment, insert the following:

SEC. 136. (a) Within 30 days after the date of enactment of this Act, the United States, acting through a duly authorized official, shall convey to the District of Columbia without consideration, all right, title, and interest of the United States, in the real property described in subsection (b) (and any improvements thereon).

(b) The real property referred to in subsection (a) is that property (commonly known as the District of Columbia Employment Security Building at 500 C Street, Northwest) located in the District of Columbia in Square 491 described in a deed from the District of Columbia to the United States dated April 20, 1961, and recorded on April 26, 1961, as instrument number 11232 in liber 11589, folio 135 of the District of Columbia.

(c) If for any reason the District of Columbia should dispose of the real property described in subsection (b) (and any improvements thereon), such disposition shall be in accordance with procedures established by the Federal Department of Labor as are applicable to any of the 50 states.

SEC. 137. Section 147 of the Surface Transportation and Uniform Reallocation Assistance Act of 1987 (Public Law 100-17, approved April 2, 1987) is repealed.

SEC. 138. Notwithstanding Section 110 of this Act, appropriations in this Act shall not be available, during the fiscal year ending

September 30, 1989, for the compensation of any person appointed to a permanent position in the District of Columbia government during any month in which the number of employees exceeds 38,512, the number of positions authorized by this Act.

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 action inserts language to transfer title of the District's Employment Security Building located at 500 C Street, NW, to the District government. The General Accounting Office, in response to a request from the House and Senate Committees on Appropriations as to how ownership of title to the District's Employment Security Building might equitably be handled if the District were treated as if it were a state under the employment security program, has sent the Committees a letter dated September 14, 1988 stating that the building was paid for from the appropriations for employment security grants, and that this use of the grants was consistent with the use of such grants by other states. The letter from the General Accounting Office further states that an official of the Federal Department of Labor told them that the District's Employment Security Building is the only instance they were aware of wherein a state did not hold legal title to similar employment services program property.

The site was originally titled to the District of Columbia and was transferred to the Federal government in April 1961 at no cost. It should be noted that before the District received Home Rule in 1973, the Federal government provided a myriad of municipal services to the District. In a letter dated January 29, 1959 from Robert E. McLaughlin, President of the Board of Commissioners of the District of Columbia, to James E. Dodson, Administrative Assistant Secretary of the Federal Department of Labor, Mr. McLaughlin, in outlining the conditions of the site transfer, stated ". . . it is hoped that this structure will ultimately become District property . . ." (see letter submitted for the record in hearings on the District's fiscal year 1989 budget held on May 10, 1988, before the House Subcommittee on District of Columbia Appropriations, part 1, pp. 410-411).

The conferees have also included language in subsection (c) to ensure that the District abides by procedures established by the Federal Department of Labor in the event the District disposes of the property. These procedures were developed by the Federal Department of Labor for the disposal of facilities used in the various States' Employment Security Agencies Program (SESA). It is the express intent of the conferees that the District of Columbia be treated in the same manner as any of the 50 states.

The conferees have also approved a new section 137 which repeals Section 147 of Public Law 100-17, the Surface Transportation and Uniform Reallocation Assistance Act of 1987. Section 147 was included by the House as part of Public Law 100-17 when the Commonwealth Transportation Board, Commonwealth of Virginia refused to make certain adjustments in the High Occupancy Vehicle (HOV) restrictions on the I-95/I-395 facilities (the Shirley Highway express lanes—adjustments which would have improved the ingress/egress of the high volume of traffic moving in and out of Washington, D.C. The conferees have been advised that an agreement has since been reached with the Commonwealth Transportation Board whereby in return for repeal of Sec. 147, the state will lower HOV requirements from four persons per vehicle to three persons per vehicle; will keep open to all traffic the Pentagon HOV-lanes access ramp (Ramp G) for as long as is practical; will maintain the current 6:00 p.m. time at which the express lanes are open to all traffic; and will institute certain improvements in HOV-restriction enforcement procedures and programs. These changes will go into effect in January 1989. The language agreed to by the conferees has been cleared with the chairman and ranking member of the Subcommittee on Surface Transportation of the House Committee on Public Works and Transportation.

The conferees have also approved a new section 138 which increases the employment ceiling in section 110 from 38,471 to 38,512. The increase of 41 reflects the changes for the D.C. Superior court and the Court System agreed to by the conferees.

Amendment No. 22: 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 amended to read as follows:

In lieu of the matter proposed by said amendment, insert the following:

SEC. 139. (a) Up to 118 officers or members of the Metropolitan Police Department who were hired before February 14, 1980, and who retire on disability before the end of calendar year 1989 shall be excluded from the computation of the rate of disability retirement under subsection 145(a) of the District of Columbia Retirement Reform Act, as amended, approved September 30, 1983 (97 Stat. 727; D.C. Code, sec. 1-725(a)), for purposes of reducing the authorized Federal payment to the District of Columbia Police Officers and Fire Fighters' Retirement Fund pursuant to subsection 145(c) of the District of Columbia Retirement Reform Act.

(b) The Mayor, within 30 days after the enactment of this Act, shall engage an enrolled actuary, to be paid by the District of Columbia Retirement Board, and shall comply with the requirements of section 142(d) and section 144(d) of the District of Columbia Retirement Reform Act of 1979 (Public Law 96-122, D.C. Code, secs, 1-722(d) and 1-724(d)).

(c) If any of the 118 light duty positions that may become vacant under subsection (a) are filled, a civilian employee shall be hired to fill that position.

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 action allows for the retirement of not to exceed 118 police officers and states that their retirements are to be excluded from the computation of the rate of disability retirement under subsection 145(a) of the District of Columbia Retirement Reform Act of 1979 (Public Law 96-122). This rate of disability retirements is used to determine whether to reduce the authorized Federal payment to the Police Officers and Firefighters' Retirement Fund. Testimony from the Mayor and the Chief of Police indicated that a number of officers are in a limited or light duty status or on extended sick leave. The police chief stated that it is important to replace these individuals with able-bodied police officers who can perform on the street.

Prior to the enactment of subsection 145(a) of Public Law 96-122, there was concern that the District's retirement system was being abused with excessive disability retirements. In some years, disability retirements accounted for 99 percent of all police and fire retirements. In order to address the situation, the Congress approved subsection 145(a) as part of the District's Retirement Reform Act to provide some incentive to District managers to reduce the percentage of disability retirements. The conferees believe the District has responded favorably and has included this language which will allow these individuals to retire without reducing the authorized Federal payment to the retirement funds and will permit the Metropolitan Police Department to hire police officers to fill the vacated positions. The conferees direct that these retirements, while exempt from the computation of the rate of disability retirements, be subject to all of the rules and regulations of the District's Board of Surgeons as well as the Policemen and Firemen's Retirement and Relief Board and meet all of the criteria for retirement.

The language agreed to by the conferees requires the Mayor to engage an enrolled actuary to determine the financial effects of this change on the retirement fund and to comply fully with sections 142(d) and 144(d) of Public Law 96-122. The language also requires that if any of the 118 positions that may become vacant because of retirements under subsection (a) are filled, a civilian employee shall be hired to fill that position. The objective of this section is to ensure that the objectives of the Mayor and the Metropolitan Police Chief to hire more able bodied officers for street duty are carried out.

Amendment No. 23: 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 allows for the operation of a home for the dying poor, including those with AIDS. The conference action is consistent with a unanimous ruling by the District's five-member Board of Zoning Adjustment on September 7, 1988, which granted the home a zoning exemption so that it can operate as a community residential facility. This action by the conferees will ensure the continued operation of this much-needed facility for homeless AIDS patients at no cost to District taxpayers.

Amendment No. 24: Reported in technical disagreement. The manager on the part of the House will offer a motion to recede and concur in the amendment of the Senate amended to read as follows:

In lieu of the matter proposed by said amendment, insert the following:

SEC. 141.(a) If by May 1, 1989, the District of Columbia government has not adopted, and implemented no later than September 30, 1989, a preference system that does not preclude the hiring of noncity residents, none of the funds provided or otherwise made available by this Act may be used to pay the salary or expenses of any officer, employee, or agent who is engaged in implementing , administering, or enforcing a District of Columbia residency requirement with respect to employees of the Government of the District of Columbia.

(b) After the date of enactment of this section, the District shall not dismiss any employees currently facing adverse job action for failure to comply with the residency requirement.

The manager on the part of the Senate will offer a action to concur in the amendment of the House to the amendment of the Senate.

The conference action requires the District to adopt by May 1, 1989 and to implement by September 30, 1989, a hiring pref-

erence system that allows for the hiring of non-city residents as proposed by the Senate. The conferees have also agreed to prohibit the use of any funds, rather than just federal funds as proposed by the Senate, to implement, administer or enforce the residency law if either the date for adoption or the date for implementation is not met. The conferees have also agreed to language which prohibits the District from dismissing any employees for failure to comply with the residency requirements.

Amendment No. 25: Reported in technical disagreement. The manager on the part of the House will offer a motion to recede and concur in the amendment of the Senate requiring that all fiscal year 1989 pay raises be absorbed within the levels appropriated in this Act. With the adoption of this language, there will not be any additional Federal funds appropriated to finance any pay raises that the District government may provide to employees during fiscal year 1989. This provision applies only to Federal funds and does not apply to local District funds which are not included in the Federal scorekeeping process.

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 amended to read as follows:

In lieu of the matter proposed by said amendment, insert the following.

SEC. 143. None of the Federal funds appropriated by this Act shall be obligated or expended after December 31, 1988, if on that date the District of Columbia has not repealed District of Columbia Law 6-70, the Prohibition of Discrimination in the Provision of Insurance Act of 1986 (D.C. Law 6-170), or amended the law to allow testing for the human immunodeficiency virus as a condition for acquiring all health, life and disability insurance without regard to the face value of such policies. Eligibility for coverage and premium costs shall be determined in accordance with ordinary practices.

The manager on the part of the Senate will move to concur in the amendment of the Senate.

The language agreed to by the conferees prohibits the use of Federal funds by the District government after December 31, 1988, if the District has not repealed D.C. Law 6-170, the Prohibition of Discrimination in the Provision of Insurance Act of 1986, or adopted amendments to the Act to allow the testing of individuals as a basis for purchasing all health, life and disability insurance without regard to the face value of the policy. It also provides that eligibility for coverage and premium costs will be determined in accordance with ordinary practices.

Amendment No. 27: 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 requires the mandatory reporting of individual abortions for statistical purposes.

Amendment No. 28: Reported in disagreement.

TITLE II—FISCAL YEAR 1988 SUPPLEMENTAL APPROPRIATIONS

DISTRICT OF COLUMBIA FUNDS

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 amended to read as follows:

In lieu of the matter proposed by said amendment, insert the following:

TITLE II—FISCAL YEAR 1988 SUPPLEMENTAL APPROPRIATIONS

DISTRICT OF COLUMBIA FUNDS

GOVERNMENTAL DIRECTION AND SUPPORT

(INCLUDING RESCISSION)

For an additional amount for "Governmental direction and support", $2,168,000: Provided, That of the funds appropriated under this heading for fiscal year 1988 in the District of Columbia Appropriations Act, 1988, approved December 22, 1987 (Public Law 100-202, sec. 101(c); 101 Stat. 1329-91 to 1329-92), $3,525,000 are rescinded.

ECONOMIC DEVELOPMENT AND REGULATION

(INCLUDING RESCISSION)

For an additional amount for "Economic development and regulations", $143,000: Provided, That of the funds appropriated under this heading for fiscal year 1988 in the District of Columbia Appropriations Act, 1988, approved December 22, 1987 (Public Law 100-202, sec. 101(c); 101 Stat. 1329-92), $15,779,000 are rescinded.

PUBLIC SAFETY AND JUSTICE

(INCLUDING RESCISSION)

For an additional amount for "Public safety and justice", $33,253,000: Provided, That of the funds appropriated under this heading for fiscal year 1988 in the District of Columbia Appropriations Act, 1988, approved December 22, 1987 (Public Law 100-202, sec. 101(c); 101 Stat. 1329-92 to 1329-93), $2,000 are rescinded.

PUBLIC EDUCATION SYSTEM

(INCLUDING RESCISSION)

For an additional amount for "Public education system", $13,900,000 which shall be allocated for the public schools of the District of Columbia: Provided, That of the funds appropriated under this heading for fiscal year 1988 in the District of Columbia Appropriations Act, 1988, approved December 22, 1987 (Public Law 100-202, sec. 101(c); 101 Stat. 1329-93 to 1329-94), $210,000 for the District of Columbia School of Law, $549,000 for the Public Library, and $355,000 for the Commission on the Arts and Humanities are rescinded.

HUMAN SUPPORT SERVICES

(INCLUDING RESCISSION)

For an additional amount for "Human support services", $24,467,000: Provided, That of the funds appropriated under this heading for fiscal year 1988 in the District of Columbia Appropriations Act, 1988, approved December 22, 1987 (Public Law 100-202, sec. 101(c); 101 Stat. 1329-94), $8,578,000 are rescinded: Provided further, That an additional $2,545,000, to remain available until expended, shall be available solely for the District of Columbia employees' disability compensation: Provided further, That the $990,000 appropriated in the District of Columbia Appropriations Act, 1988, approved December 22, 1987 (Public Law 100-202, sec. 101(c)) shall be solely for Project Volta and shall remain available until expended: Provided further, That $746,054 in funds made available to the District of Columbia pursuant to the Employment Security Administrative Financing Act of 1954, approved August 5, 1954 (68 Stat. 668; 42 U.S.C. 1103), shall be appropriated for the purpose of providing $39,210 towards the purchase of an optical character reader and $706,844 to pay unemployment insurance staff salaries and benefits: Provided further, That the $746,054 referred to in the preceding proviso shall be withdrawn and expenses incurred after the enactment date of this Act and shall not be available for obligation after the close of a 12-month period which begins on the date of the enactment of this Act.

PUBLIC WORKS

(INCLUDING RESCISSION)

For an additional amount for "Public Works", $2,783,000: Provided, That of the funds appropriated under this heading for fiscal year 1988 in the District of Columbia Appropriations Act, 1988, approved December 13, 1987 (Public Law 100-202, sec. 101(c); 101 Stat. 1329-94), $2,625,000, including $241,000 from the school transit subsidy are rescinded.

REPAYMENT OF LOANS AND INTEREST

(RESCISSION)

Of the funds appropriated under this heading for fiscal year 1988 in the District of Columbia Appropriations Act, 1988, approved December 22, 1987 (Public Law 100-202, sec. 101(c); 101 Stat. 1329-95), $1,005,000 are rescinded.

REPAYMENT OF GENERAL FUND DEFICIT

For an additional amount for "Repayment of general fund deficit", $118,000.

OPTICAL AND DENTAL BENEFITS

For an additional amount for "Optical and dental benefits", $1,080,000.

PERSONAL SERVICES

For "Personal services", for pay increases and related costs, to be transferred by the Mayor of the District of Columbia to the various appropriation titles for fiscal year 1988 from which employees are properly payable, $34,150,000, which includes a 12-percent pay absorption to be apportioned among the various appropriation titles by the Mayor.

ADJUSTMENTS

Of the funds appropriated under the various appropriation titles in the District of Columbia Appropriations Act, 1988, approved December 22, 1987 (Public Law 100-202, sec. 101(c); 101 Stat. 1329-90 to 1329-104), $911,000, as determined by the Mayor, are rescinded.

CAPITAL OUTLAY

For an additional amount for "Capital outlay", $6,340,000, to remain available until expended.

WATER AND SEWER ENTERPRISE FUND

For an additional amount for "Water and sewer enterprise fund", $39,750,000, of which $8,385,000 shall be apportioned and payable to the debt service fund for repayment of loans and interest incurred for capital improvement projects and $31,365,000 shall be for pay-as-you-go capital projects, of which $10,500,000 shall be for new capital project authority for fiscal year 1988 and $20,865,000 shall be for prior-year capital project authority.

For an additional amount for construction projects, $10,500,000, as authorized by an Act authorizing the laying of water mains and service sewers in the District of Columbia, the levying of assessments therefor, and for other purposes, approved April 22, 1904 (33 Stat. 244; Public Law 58-140; D.C. Code, sec. 43-1512 et seq.).

LOTTERY AND CHARITABLE GAMES ENTERPRISE FUND

For an additional amount for "Lottery and charitable games enterprise fund", $764,000.

GENERAL PROVISIONS

SEC. 201. Notwithstanding any other provision of law, appropriations made and authority granted pursuant to this title shall be deemed to be available for the fiscal year ending September 30, 1988.

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 action inserts a new "Title II" and heading for fiscal year 1988 supplemental appropriations as proposed by the Senate and appropriates $135,877,000 instead of $103,938,000 as proposed by the Senate. There are no Federal funds involved in this supplemental; it is funded entirely with increases in local revenue collections above the level projected at the time the District's regular appropriations bill for fiscal year 1988 was considered and approved by the Congress. The District government submitted three separate supplemental requests; none of which was submitted in time to be considered by the House and only one was submitted in time to be considered by the Senate. The three supplemental requests total $180,877,000 and consist of a net increase of $103,938,000 submitted in House Document 100-188, a net increase of $31,939,000 submitted in House Document 100-223, and $45,000,000 in capital budget authority also submitted in House Document 100-223. The increase of $31,939,000 recommended by the conferees above the Senate allowance reflects the second supplemental request. The conferees have denied without prejudice $45,000,000 in additional capital budget authority submitted as the District's third supplemental request. This item is discussed later in this report under the heading "capital outlay".

GOVERNMENTAL DIRECTION AND SUPPORT

The conference action recommends the appropriation of an additional $2,168,000 and rescinds $3,525,000 for a net decrease of $1,357,000 as proposed by the Senate for the appropriation account "Governmental direction and support". A brief description of the conferees' recommendations by office follows:

Office of the Secretary.—The conference action provides an additional $177,000 consisting of $27,000 to provide staff for the newly-established controller's unit, and $150,000 to cover the cost of automating the records of the Office of Public Records.

Office of Communications.—The conference action provides an additional $32,000 for contractual services and printing costs for publishing and disseminating general information to the public and $7,000 for computer equipment to upgrade and enhance the office's computer system.

Office of Intergovernmental Relations.—The conference action provides an additional $559,000 including increases of $162,000 for underfunded positions, $29,000 for office supplies, $22,000 for communications costs, $188,000 for other services and charges, and $158,000 for computer equipment.

Office of Personnel.—The conference action rescinds $1,043,000 consisting of $789,000 in personal services due to attrition, position vacancy management, termination of term appointments and curtailment of paid overtime and $254,000 due to reducing the publication and mailings of job bulletins, shared computer usage and executive recruitment costs.

Department of Administrative Services.—The conference action provides a net increase of $1,194,000 consisting of an increase of $2,000,000 for increased space rental costs for leased facilities, a rescission of $688,000 in personal services due to underspending resulting from maintaining vacant positions and restructuring positions downward to the entry level as they become vacant and a rescission of $118,000 due to an across-the-board reduction in contractual services.

Deputy Mayor for Finance.—The conference action rescinds $52,000 due to savings from positions remaining vacant.

Office of the Budget.—The conference action rescinds $139,000 due to position vacancy management and $44,000 due to printing fewer budgets and a reduction in office supplies.

Office of Financial Management.—The conference action rescinds $1,700,000 consisting of $700,000 due to a delay in purchasing a laser printer and upgrading the hardware and software for the Share Computer Center and $1,000,000 due to a decrease in contractual services for upgrading various programs.

Department of Finance and Revenue.—The conference action rescinds $537,000 consisting of $427,000 due to delays in filling vacant positions and $110,000 due to delays in the purchasing of equipment.

Office of Campaign Finance.—The conference action provides an additional $189,000 consisting of $150,000 to provide full funding for current on-board staff and $39,000 to cover the cost of upgrading the computer system.

Office of Employee Appeals.—The conference action provides an additional $10,000 for board members' compensation due to an increase in the number of board meetings in order to reduce the backlog in the number of appeals.

Commission on Baseball.—The conference action rescinds $10,000 in other services and charges for the promotion of baseball in the District.

ECONOMIC DEVELOPMENT AND REGULATION

The conference action recommends the appropriation of an additional $143,000 and rescinds $15,779,000 for a net decrease of $15,636,000 instead of an additional $143,000 and rescissions of $11,279,000 for a net decrease of $11,136,000 as proposed by the Senate. A brief description by office follows:

Office of the Deputy Mayor for Economic Development.—The conference action rescinds $178,000 due to a delay in filling vacant positions in the Office of Banking.

Office of Planning.—The conference action rescinds $193,000 due to a delay in filling vacant positions.

Department of Housing and Community Development.—The conference action rescinds $3,150,000 as follows: $150,000 in the Mortgage Default Prevention Program, $2,300,000 in the Citywide Home Purchase Assistance Program, and $700,000 in the Ward 8 Purchase Assistance Program. These rescissions are being made because carryover funds are available for these programs from fiscal year 1987. The conference action also recommends rescissions of $4,500,000 requested in the second supplemental due to certificate holders in the Tenant Assistance Program not being able to find housing during fiscal year 1988.

Department of Employment Services.—The conference action rescinds $2,441,000 as follows: $900,000 due to revised projections in the number of participants in the Adults-With-Dependents Program, $681,000 due to revised projections in the number of participants in the Training/Retraining Program, and $860,000 due to the postponed implementation of the Teen PREP Program until fiscal year 1989.

Office of Business and Economic Development.—The conference action provides an additional $83,000 for the Commercial Development Assistance Program for loans to start-up businesses along the commercial corridors in Ward 8 and rescinds $1,312,000 consisting of $54,000 in personal services due to savings through attrition and delays in hiring, $1,000,000 in the Business Purchase Assistance Program due to the availability of carryover funds from previous fiscal years, $200,000 in the Economic Development Finance Corporation due to the level of private investment in the corporation and $58,000 from positions no longer needed which were created to help implement the Economic Development Finance Corporation.

Minority Business Opportunity Commission.—The conference action rescinds $69,000 due to lower than anticipated personal services costs and $68,000 due to the deferral of the preparation of audio/visual displays for community outreach efforts and the purchase and maintenance of equipment.

Housing Finance Agency.—The conference action rescinds $69,000 due to positions remaining vacant longer than anticipated and $400,000 due to delays in implementing the Mortgage Loan Guarantee Program which is still in the development stage.

Board of Appeals and Review.—The conference action rescinds $10,000 due to personal services costs being less than originally budgeted.

Board of Equalization and Review.—The conference action rescinds $35,000 in personal services due to a delay in upgrading staff positions.

Department of Consumer and Regulatory Affairs.—The conference action provides an additional $160,000 and 12 positions and rescinds $3,572,000 for a net decrease of $3,412,000. Additional funds are provided for the implementation of the Alcoholic Beverage Control Amendment Act, D.C. Law 6-217, which requires a comprehensive overhaul of the regulation of alcoholic beverage control licensing in the District. Rescissions of $1,357,000 due to delays in filling vacant positions and $2,215,000 due to a reduction in spending for the Abatement of Nuisances Program, the ADP program and equipment purchases.

Public Service Commission.—The conference action rescinds $25,000 due to delays in filling positions in the securities regulation area.

Office of the People's Counsel.—The conference action provides an additional $39,000 to fully fund on-board staff and $104,000 for space rental costs and legal analysis expenses.

PUBLIC SAFETY AND JUSTICE

The conference action recommends the appropriation of an additional $33,253,000 and rescinds $2,000 for a net increase of $33,251,000 for the appropriation account "Public safety and justice" as proposed by the Senate. A brief description of the conferees recommendations follows:

Metropolitan Police Department.—The conference action provides an additional $9,468,000 consisting of $7,080,000 for the increased costs of night differential, terminal leave, holiday pay, and longevity pay, $388,000 for 38 additional police officers and associated overtime for anti-drug enforcement efforts and $2,000,000 for software development and licensing and maintenance contracts for both computer software and hardware.

Fire Department.—The conference action provides an additional $9,117,000 which includes $5,665,000 for additional overtime; $565,000 for employee health benefits; $406,000 for self-contained underwater breathing apparatus and training; $440,000 to upgrade 11 units to advance life-support

ambulances; $204,000 for paramedic physical examinations; and $150,000 for the paramedic recruitment program. Other increases approved by the conferees include $250,000 and 32 paramedic positions to convert the Emergency Ambulance Service to advanced life support service; $436,000 for ambulance and first aid supplies; $504,000 for development of promotional and entrance examinations; $90,000 for outside medical costs; $352,000 for communications equipment and maintenance vehicles; $30,000 for a medical physician position; and $25,000 for personal computers for the recently established Emergency Ambulance Bureau.

Court of Appeals.—The conference action provides an additional $120,000 for the judicial pay raise and the senior judges' pay differential in accordance with Public Law 99-190.

Superior Court.—The conference action provides an additional $510,00 for the judicial pay raise and the senior judges' pay differential in accordance with Public Law 99-190.

D.C. Court System.—The conference action provides an additional $8,000 for the Executive Officer's pay adjustment and $1,265,000 for Criminal Justice Act Program fees. The conferees have also approved three positions for the Equal Employment Opportunity Office. The cost of these positions will be absorbed by the Court System.

Office of the Corporation Counsel.—The conference action provides an additional $1,061,000 and 26 positions and rescinds $100,000. The increases include $344,000 for the New Contract Appeals Board, $148,000 for new term full-time positions for the Civil Division to reduce the backlog in cases, $178,000 for support of St. Elizabeths Hospital functions, $135,000 for asbestos litigation, $166,000 for the Juvenile Diversion Program and $90,000 for expert witnesses, depositions, transcripts, terminal leave, library books, and the Citizen's Complaint Center.

Settlements and Judgments.—The conference action provides an additional $3,060,000 consisting of $1,530,000 for out-of-court settlements of claims and suits and $1,530,000 for payment of judgments.

Public Defender Service.—The conference action provides an additional $25,000 for an improved telephone system, $24,000 for staff support to the Superior Court Single Representation Program, and $9,000 for litigation services in support of the Civil Legal Services Program.

Pretrial Services Agency.—The conference action provides an additional $142,000 for the Juvenile Drug Testing Program.

Department of Corrections.—The conference action provides an additional $8,012,000 consisting of $2,500,000 for unfunded care factor costs, $2,511,000 for D.C. Code violations housed in other facilities, $1,301,000 for the medical contract at the several detention facilities, $525,000 for the Drug Abatement Program, and $1,175,000 for management of the increasing prison population.

Board of Parole.—The conference action provides an additional $115,000 and two positions for expansion of the Board from three to five members and $47,000 for increased office security.

Office of Emergency Preparedness.—The conference action provides an additional $300,000 and 11 positions to cover costs in the Executive Command and Communications Center previously funded by intra-District agreements with various District agencies.

Commission on Judicial Disabilities and Tenure.—The conference action rescinds $2,000 due to the deferral of the purchase of a computer software package.

Law Revision Commission.—The conference action provides an additional $18,000 for underfunded commissioner's stipends.

Office of Criminal Justice Plans and Analysis.—The conference provides a net increase of $52,000 including an increase of $160,000 and rescissions of $108,000. The increase of $160,000 is for use by the Civilian Complaint Review Board to eliminate the backlog of cases. The rescission of $108,000 is due to the delay in filling vacant positions.

PUBLIC EDUCATION SYSTEM

The conference action recommends the appropriation of an additional $13,900,000 and rescinds $1,114,000 for a net increase of $12,786,000 for the appropriation account "Public education system" instead of an additional $10,000,000 and rescission of $1,114,000 for a net increase of $8,886,000 as proposed by the Senate. A brief description of the amounts recommended by agency follows:

Board of Education (Public Schools).—The conference action provides an additional $10,000,000 to support the fiscal year 1988 increase for teacher's salary adjustments. The conference action also provides an additional $3,900,000 requested in the District's second supplemental request for other regular pay purposes.

District of Columbia Law School.—The conference action rescinds $210,000 due to lower than anticipated costs for personal services and contractual services.

Public Library.—The conference action rescinds $579,000 and deletes four positions and provides an additional $30,000 for four security guards at branch libraries. The rescissions consist of $290,000 due to projected savings in energy, $115,000 due to deferring carpet and vehicle purchases, $95,000 due to a delay in the opening of the new Shepherd Park Branch Library, and $79,000 due to various miscellaneous cost-saving measures.

Commission on the Arts and Humanities.—The conference action rescinds $355,000 consisting of $20,000 due to a decrease in the funding level for the Capital Children's Museum, $190,000 due to a slowdown in program expansion, $30,000 due to a reduction in cultural arts research and assessment, and $115,000 due to a decrease in program maintenance and delays in implementing new programs.

HUMAN SUPPORT SERVICES

The conference action recommends an additional appropriation of $24,467,000 and rescinds $8,578,000 for a net increase of $15,889,000 for the appropriation account "Human support services" instead of an additional $2,550,000 and rescissions of $18,361,000 for a net increase of $15,811,000 as proposed by the Senate. A brief summary by agency follows:

Department of Human Services.—The conference action provides an additional $37,072,000 and rescinds $49,355,000 for a net decrease of $12,283,000. The increase of $37,072,000 includes the following: $4,000,000 to cover unbudgeted costs in rent, communications, and energy, $4,782,000 to implement the Comprehensive Homeless Plan, $8,000,000 for the Foster Care Program, $5,600,000 for the implementation of the Jerry M. Consent Decree requirements, $2,000,000 for the Day Care Program, $2,000,000 for the Emergency Assistance Program, $1,200,000 for PCP Clinics, $150,000 to increase the hourly rate of homemaker and chore aides, $1,800,000 for specialized home care and respite services, $900,000 for the Randolph-Sheppard Vending Program, $1,000,000 to reinstate the three percent reimbursement increase for hospitals, and $2,550,000 for drug abuse prevention and treatment services. The conferees also recommend increases of $1,024,000 to implement the Nursing Assignment Act of 1987, $656,000 for the Cancer and Teenage Pregnancy Prevention Program, and $1,410,000 for compliance with the State Medicaid Plan and replacement of equipment. The rescission of $49,355,000 consists of the following: $14,478,000 for administrative savings, $6,322,000 because of a limitation on new hires to fill non-critical positions, $10,041,000 as a result of program adjustments and resizing measures, $12,800,000 as a result of increased revenue collections enhancements, $4,558,000 due to delays in filing vacant positions, $500,000 in the Youth Services Administration due to lower than anticipated inflationary cost estimates, and $656,000 in rental costs of the Preventive Health Services Administration due to lower actual costs.

The conference action also provides an additional $34,200,000 requested in the second supplemental request (H. Doc. 100-223) as follows: (1) $7,606,000 for personal services to fill critical and essential vacant positions, (2) $50,000 for regulatory and legislative services, (3) $659,000 for necessary funding for personal services contracts, (4) $49,000 for the required 100% match for the State Student Incentive Grant Program, (5) $500,000 to upgrade the Office of Information Systems computer capability, (6) $426,000 for relocation costs of the Office of Information Systems to make room for the Department of Corrections Treatment Facility, (7) $19,000 for additional court reporter services to provide legally mandated verbatim transcripts of hearings, (8) $70,000 to purchase computer equipment, (9) $100,000 for administrative support costs in the Office of Inspection and Compliance, (10) $4,088,000 to cover increased costs of emergency shelter for families and other homeless persons, (11) $6,212,000 for the foster care program, (12) $4,978,000 for increases in the costs of settlements of prior years' services, (13) $3,765,000 for increased inpatient and outpatient services at D.C. General Hospital, increased home health care services, and day treatment programs for the mentally retarded and frail elderly, (14) $2,157,000 for increases in mandated and uncontrollable costs of services, and (15) $3,521,000 for increases in contractual services in the Commission on Mental Health.

The conferees have deleted, without prejudice, language allocating $400,000 in fiscal year 1988 and $264,000 in each of the fiscal years ending September 30, 1989, September 30, 1990, and September 30, 1991, for the operation of a residential facility for mentally-disabled mothers and their infants. The subject is addressed earlier in this report under amendment number 10 under the side heading "Department of Human Services".

The conferees have included bill language providing that the $990,000 appropriated in the District's fiscal year 1988 appropriations act be solely for Project Volta and remain available until expended. Project Volta is a joint project of the District and the Alexander Graham Bell Association for the Deaf for early detection and intervention of hearing impaired Children in the District of Columbia.

Department of Recreation.—The conference action rescinds $1,077,000 consisting of $399,000 due to a reduction in the use of school custodians, $72,000 due to a reduction in the hours of operation for recreation centers and playgrounds, $ 514,000 due to a reduction in funding for various programs, and $92,000 due to a reduction in nonpersonnel services, terminal leave and leaving two positions vacant.

Office on Aging.—The conference action rescinds $1,239,000 consisting of $1,086,000 due to a delay in the construction of the mult-purpose senior centers, $125,000 due to a delay in the implementation of the Later Life Learning Resource Centers, and $28,000 due to a delay in filling new positions authorized in fiscal year 1988.

D.C. General Hospital.—The conference action rescinds $3,500,000 due to management improvements that have increased operational efficiency and improved the hospital's ability to more accurately estimate revenue and to bill and collect that revenue. The conference action also rescinds an additional $2,500,000 contained in the second supplemental request (H. Doc. 100-223) due to improved revenue generation and the transfer of equipment repair and purchase authority from the operating budget to the capital improvements program.

Disability Compensation Fund.—The conference action provides an additional $2,545,000 consisting of $2,200,000 for benefit payments due to a cost of living adjustment of 4.2 percent and $345,000 for medical services due to an increase in medical billings.

Office of Human Rights.—The conference action rescinds $98,000 and deletes two positions due to a decrease in personal services resulting from positions remaining vacant and $30,000 due to the deferral of the purchase of furniture, equipment and consultant services.

Office on Latino Affairs.—The conference action rescinds $13,000 due to a decrease in the purchase of office supplies and equipment and $121,000 due to savings in the Latino Initiative Program due to the lengthy recruitment efforts required to find qualified bilingual personnel.

Energy Office.—The conference action provides an additional $5,000 to support the Gasoline Advisory Board established by the Reail Service Station Act of 1976.

PUBLIC WORKS

The Committee recommends and additional appropriation of $2,783,000 and rescinds $2,625,000 for a net increase of $158,000 for the appropriation account "Public works" instead of rescissions of $6,293,000 as proposed by the Senate. A brief summary by agency follows:

Department of Public Works.—The conference action provides an increase of $2,098,000 and rescinds $4,650,000 for a net decrease of $2,552,000. The increaes approved by the conferees are as follows: $15,000 for the Eastern Market renovation project, $35,000 for the Hazardous Material Study Commission, $30,000 for training programs for blue-collar workers, $676,000 for department-wide rental costs, $125,000 to establish the Office of the Litter and Solid Waste Reduction Commission, $30,000 for the Roadway and City Gateway Beautification Program, $183,000 for electrical energy, $50,000 to establish the Bureau of Recycling and Resource Recovery, and $954,000 for the Residential Parking Permit Program. The rescission of $4,650,000 consists of $1,640,000 due to a reduction in personal services cost resulting from leaving positions vacant, $100,000 due to delaying the study to consolidate and link the existing independent data bases for motor vehicle registrations, motor vehicle operator permits, insurance, and traffic tickets, $690,000 due to a department-wide reduction in overtime costs, $100,000 due to a reduction in streetlight and traffic signal electrical energy due to lower fuel costs, $960,000 due to a reduction in streetlight operations and maintenance due to postponing the conversion of streetlights to sodium vapor, $200,000 due to a reduction in contractual park maintenance, and $308,000 due to a reduction in building maintenance. The conferees also recommend rescissions of $127,000 due to a reduction in the mechanical alley cleaning program, $100,000 due to a reduction in underpass electrical testing, $225,000 due to a reduction in the purchase of supplies, vehicle inspection stickers, and contractual services, and $200,000 due to a reduction in the gateway beautification project, public space maintenance and the delay in purchasing a new filing system for the Adjudication Processing Division.

The conference action provides an additional $4,935,000 contained in the second supplemental request (H. Doc. 100-223) consisting of $1,455,000 for snow removal and $3,480,000 for increased dump fee costs at the Lorton landfill.

Department of Public Works (Pay-As-You-Go Capital).—The conference action rescinds $2,384,000 as requested in the second supplemental (H. Doc. 100-223) due to postponement until fiscal year 1989 of the purchase of selected large items of equipment such as packers, sweepers, and dump trucks.

Washington Metropolitan Area Transit Authority.—The conference action rescinds $3,500,000 due to a credit resulting from the fiscal year 1987 audit which will be used to offset the District's fiscal year 1988 operating subsidy. The conference action recommends the rescission of $3,254,000 requested in the second supplemental (H. Doc. 100-223) due to increased revenues from ridership growth. The conference action provides an increase of $7,154,000 requested in the second supplemental consisting of $6,644,000 for Metrobus Operations due to increased bus costs, lower audit adjustment credits, and reduced Federal operating grants, and $510,000 for rail construction management due to accelerated rail construction on the Green, Red, and Yellow lines.

School Transit Subsidy.—The conference action rescinds $241,000 due to lower-than-anticipated student ridership.

REPAYMENT OF LOANS AND INTEREST

The conference action recommends an additional $3,469,000 as proposed by the Senate for debt service on the District's outstanding long-term capital debt which is higher than previously estimated. As a result, the District will be required to borrow capital funds in mid-spring rather than early summer as planned and thus incur additional debt service costs.

The conference action rescinds $4,474,000 contained in the second supplemental request due to lower than anticipated interest costs on the new capital funds bond issue.

REPAYMENT OF GENERAL FUND DEFICIT

The conference action appropriates an additional $118,000 as proposed by the Senate for repayment of the District's accumulated general fund deficit.

OPTICAL AND DENTAL BENEFITS

The conference action appropriates an additional $1,080,000 as proposed by the Senate for optical and dental payments for District employees based on the increase in the number of claims.

PERSONAL SERVICES

The conference action appropriates an additional $34,150,000 for the estimated costs of employee pay raises instead of $34,377,000 as proposed by the Senate. These raises represent an increase of approximately 4 percent for police officers, an average increase of 9.66 percent for registered nurses and a 3 percent or $1,000 base increase, whichever is higher, for most other employees.

ADJUSTMENTS

The conference action recommends approval of an unallocated rescission of $911,000 requested in the second supplemental (H. Doc. 100-223) to be taken from various appropriation titles as determined by the Mayor.

CAPITAL OUTLAY

The conference action recommends an additional appropriation of $6,340,000 as proposed by the Senate for the "Capital Outlay" appropriation account. The conference allowance consists of $540,000 for the purchase of a structure to house a halfway house for women, and $5,800,000 to purchase equipment and make renovations at D.C. General Hospital. The conferees have deferred, without prejudice, the additional capital borrowing authority of $45,000,000 for an 800-bed Correctional Housing Development project at Lorton, Virginia, requested in the District's third supplemental request submitted in H. Doc. 100-223.

The proposed additional capacity continues the District's efforts to expand prison capacity to catch-up with rapidly increasing prison population. Since 1974, the year before Home Rule, the District has expanded jail capacity by more than 104 percent and Lorton capacity by approximately 97 percent, yet facilities are more overcrowded than they were a decade ago. The District is also faced with court orders that limit the number of inmates at the jail to 1,694, which is 22 percent above its original design capacity. Courts have also placed a population limitation on the Central Facility at the Lorton Complex.

The District has responded by proposing an 800 bed Correctional Treatment Facility (CTF) in Southeast Washington; 230 halfway house beds in the District; and the proposed 800 bed expansion at Lorton. As responsive as these plans are, there needs to be a more coordinated and comprehensive review of the District's prison capacity needs. In Senate Report 99-367, dated August 5, 1986, the following suggestion was included:

The Department of Corrections should begin to undertake a department-wide analysis of its current prison space. More than one-half of the capacity at the Lorton complex is contained in buildings that are 60 years old or older. During testimony March 26, 1986, the Council Chairman suggested a comprehensive public safety plan. Realistic long-range analysis is overdue and should be undertaken as soon as possible.

That need still exists. The conferees direct that the District undertake such a review and analysis and submit a plan and program addressing capacity issues for the remainder of this century. This report should be submitted to the Council and the Committees

on Appropriations of the Senate and House of Representatives not later than April 15, 1989.

The plan should address issues such as the need to replace various current facilities; expected cost savings of new buildings compared to high maintenance cost of antiquated facilities. Also addressed should be the location of any replacement buildings. It should be noted that the total acreage at the District's Lorton Correctional complex is 3,000 acres. However, according to a report of the District in March 1985, actual prison facilities emcompass only 201.51 acres. The consolidation of facilities should be examined with an eye toward freeing some of the acreage for non-District, noncorrectional uses. The conferees would expect that the district would address the latter issue of consolidation prior to undertaking any final siting decision on the proposed expansion now requested.

WATER AND SEWER ENTERPRISE FUND

The conference action recommends an additional appropriation of $39,750,000 as proposed by the Senate for the "Water and Sewer enterprise fund" appropriation account to pay deferred principal and interest on Potomac Interceptor project "C" borrowings and for pay-as-you-go capital projects.

The conference action recommends an additional appropriation of $10,500,000 as proposed by the Senate for capital outlay and includes $5,000,000 for facility rehabilitation, $3,000,000 for major equipment acquisitions, and $2,500,000 for water meter replacements.

LOTTERY AND CHARITABLE GAMES ENTERPRISE FUND

The conference action recommends an additional appropriation of $764,000 as proposed by the Senate for the "Lottery and Charitable Games Enterprise Fund" as follows: $207,000 for the estimated fiscal year 1988 pay adjustment, $120,000 to fund authorized marketing positions, $171,000 for personnel functions and public relations, $40,000 for agency realignments, and $226,000 for automated information services.

GENERAL PROVISIONS

The conference action adds language to the bill which deems the appropriations made in Title II to be available for the fiscal year ending September 30, 1988. This language in effect ratifies all obligations and expenditures made in anticipation of the enactment of the District's fiscal year 1988 supplemental request as approved in Title II of this Act.

CONFERENCE TOTAL—WITH COMPARISONS

The total new budget (obligational) authority for the fiscal year 1989 recommended by the Committee of Conference, with comparisons to the fiscal year 1988 amount, the 1989 budget estimates, and the House and Senate bill for 1989 follow:

FEDERAL FUNDS

New budget (obligational) authority, fiscal year 1988	$550,000,000
Budget estimates of new (obligational) authority, fiscal year 1989	541,596,000
House bill, fiscal year 1989	541,596,000
Senate bill, fiscal year 1989	532,000,000
Conference agreement, fiscal year 1989	536,910,000
Conference agreement compared with:	
New budget (obligational) authority, fiscal year 1988	−13,090,000
Budget estimates of new (obligational) authority, fiscal year 1989	−4,686,000
House bill, fiscal year 1989	−4,686,000
Senate bill, fiscal year 1989	+4,910,000

DISTRICT OF COLUMBIA FUNDS

FISCAL YEAR 1989

New budget (obligational) authority, fiscal year 1988	$3,077,347,000
Budget estimates of new (obligational) authority, fiscal year 1989	3,206,916,000
House bill, fiscal year 1989	3,206,916,000
Senate bill, fiscal year 1989	3,216,916,000
Conference agreement, fiscal year 1989	3,206,095,000
Conference agreement compared with:	
New budget (obligational) authority, fiscal year 1988	+128,748,000
Budget estimates of new (obligational) authority, fiscal year 1989	−821,000
House bill, fiscal year 1989	−821,000
Senate bill, fiscal year 1989	−10,821,000

DISTRICT OF COLUMBIA FUNDS

FISCAL YEAR 1988 SUPPLEMENTAL

Budget estimates of new (obligational) authority, fiscal year 1988 supplemental	$180,877,000
House bill, fiscal year 1988 supplemental	.....
Senate bill, fiscal year 1988 supplemental	103,938,000
Conference agreement, fiscal year 1988 supplemental	135,877,000
Conference agreement compared with:	
Budget estimates of new (obligational) authority, fiscal year 1988 supplemental	−45,000,000
House bill, fiscal year 1988 supplemental	+135,877,000
Senate bill, fiscal year 1988 supplemental	+31,939,000

JULIAN C. DIXON,
WILLIAM H. NATCHER (with exception of No. 15),
LOUIS STOKES,
WES WATKINS,
STENY H. HOYER,
JAMIE L. WHITTEN,
LAWRENCE COUGHLIN,
BILL GREEN (except as to amendment No. 26),
RALPH REGULA,
SILVIO O. CONTE,
Managers on the Part of the House.

TOM HARKIN,
HARRY M. REID,
JOHN C. STENNIS,
DON NICKLES,
CHUCK GRASSLEY,
MARK O. HATFIELD,
Managers on the Part of the Senate.

Mr. DIXON. Mr. Speaker, pursuant to the previous order of the House, I call up the conference report on the bill (H.R. 4776) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1989, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 548, the conference report is considered as having been read.

(For conference report and statement, see prior proceedings of the House of today, September 30, 1988.)

The SPEAKER pro tempore. The gentleman from California [Mr. DIXON] will be recognized for 30 minutes and the gentleman from Pennsylvania [Mr. COUGHLIN] will be recognized for 30 minutes.

The Chair recognizes the gentleman from California [Mr. DIXON].

GENERAL LEAVE

Mr. DIXON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the conference report now under consideration.

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

There was no objection.

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

Mr. Speaker, the conferees, following the action of the House yesterday, met again early this afternoon to try to work out an agreement on amendment No. 15 the abortion amendment on H.R. 4776, the District of Columbia Appropriations Act for fiscal year 1989. We were unable to reach an agreement to resolve this issue in conference and it is being brought back in true disagreement.

I have worked out an agreement with the parties involved in this issue so that at the appropriate time, rather than offer a motion on amendment No. 15, I will allow a Member who supports the House position to offer a motion.

Mr. Speaker, we have debated this issue numerous times. I think everyone is well aware of the arguments on both sides of the issue. There appears to be no controversy on the conference report itself. I would hope the House would adopt the conference report on a voice vote and move immediately to the amendments in disagreement which include the abortion amendment.

Let me say again; I will not offer a motion on amendment No. 15. In fact, I will allow a motion to be offered by a Member who supports the House position.

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

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

Mr. Speaker, we have been at this point before. All that needs to be said about the conference report itself, which is the thing we will vote on first, has already been said.

I urge all the Members of the House, regardless of their position on some of the amendments in disagreement, to vote for the conference report. It is a good report.

Mr. Speaker, I yield 30 seconds to the gentleman from Virginia [Mr. PARRIS].

Mr. PARRIS. Mr. Speaker, I thank the gentleman for yielding this time to me.

I would add my words of encouragement to our colleagues. As the vice chairman of the authorizing committee here, let me say this is a good conference report. It should be supported, irrespective of the disagreements or the positions of various Members on other matters.

Mr. DIXON. Mr. Speaker, I yield 8 minutes to the delegate from the District of Columbia [Mr. FAUNTROY].

Mr. FAUNTROY. Mr. Speaker, I do not often come to this floor to discuss appropriation matters with respect to the District of Columbia. That is because I believe that my role as the delegate of the people of this district is that first of seeking legislation authorizing the expansion of our home rule powers, and second, that of seeking to defend the rights already delegated to our locally elected government by the Congress.

I have also avoided coming to sessions of the Appropriations Subcommittee on the District of Columbia for the reason that it reminds me that the people whom I am elected to represent, alone among taxpaying Americans, have 535 Members of the House and the Senate as their City Council, and the President of the United States as their Mayor.

It is painful to me to be told, as I was told by the Ambassador from South Africa when I appealed to him to allow the 23 million people who are black in that Republic, to have the basic right to vote and to have those who govern, govern by their consent.

He reminded me that I, of all people, ought to understand how things are done in South Africa, because in the District of Columbia the people whom I represent are in the same situation.

The Congress says, "We govern you without your consent and you will do what we decide you are going to do and we know what is in your best interests."

So I have watched and listened to the debate as the House and the Appropriation Subcommittees have decided whether or not the District will have a training institution facility at one of our local colleges. I have watched as you have decided that the grant of authority over our personnel matters shall be withdrawn and that you will determine what our residency laws shall be, under threat of denial of both our Federal and local funds to administer it.

In this conference report there is a measure that says you will decide that unless we change a human rights law, which you delegate to us the authority to pass, which we did pass, which the Congress accepted, and which then the courts have upheld, unless we do that, you will shut this city down on December 31, 1988, with no funds, federally or locally to be expended for purposes of delivering these services.

I cannot tell you, Mr. Speaker, how deeply hurt and humiliated I am by the fact that you vote on this today.

I called three of my colleagues, one in the House, one in the Senate, and one at the White House, to ask, to plead that they not mandate for the District of Columbia with respect to the abortion provisions what they did not last week and what they would not for other citizens who live in other jurisdictions in this country.

I was told by one of my colleagues that he knows it is not fair for us to single out the District of Columbia residents for discrimination and to say we will do to you what we will not do to the rest of the citizens of this country, we will require that you not use your local funds.

I told him that I am a minister of the Gospel, I am a pro-life person, but it is not right in the sight of God to say to one group of people that we will discriminate against you.

My good friend said he likes me. He knows my case is right, but if he had the authority to impose this upon his own local jurisdiction, he would. He does not have that authority, but he has the authority, the dictatorial raw, naked power, in this Chamber to impose it upon the people whom I represent.

Mr. Speaker, that is not right, that is not fair, and while I know you are going to do it, I have decided that I understand now why Patrick Henry at one point said, "Give me liberty or give me death."

I understand, HENRY, why Nelson Mandela, languishing in jail, said, "Before I will leave this jail and subject myself to this kind of humiliation, I will die here."

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

Mr. FAUNTROY. I am happy to yield to the gentleman from Illinois.

Mr. HYDE. Mr. Speaker, I appreciate that.

I want to say that I deeply appreciate the sincerity with which the gentleman is making his point.

May I just suggest to the gentleman that from the opposite point of view, we feel the ultimate discrimination is against the unborn, and we realize that rights are in conflict. Home rule right is important and we do not like to trample on that, but the right to life, which is the fundamental right to life, we feel is more important, and in this conflict of rights if we have any opportunity at all, even if it involves invading home rule, it will save defenseless human life, and that is the ultimate goal and that is why we take this step.

We hope the gentleman will understand as we agree with his sincerity, our sincerity in doing it.

Mr. FAUNTROY. I do not understand it, I say respectfully to the gentleman from Illinois [Mr. HYDE]. I do not understand it, that is why I have urged my brothers in South Africa to resist the abuse of rights by every means of nonviolence available to them, and they are doing that.

I have urged my brothers and sisters in Haiti to go to the polls in defense of their right to vote at the risk of being chopped up by machetes.

I want you to know that when you have voted this and mandated to the duly elected officials of the District of Columbia that if they do not pass a law changing our human rights law, a law that we have the authority to pass, that the Congress accepted and the courts have approved, and you will cut off our Federal and local funds for the administration of this city, I am going to urge, as I have in South Africa, as I have in Haiti, that we choose every nonviolent means available to us to resist this tyranny.

I hope that our city council and our mayor will do that and then on January 1, 1989, we say to our teachers that if you go to school to teach, you will not be paid; to our police officers, that if you go on the streets, you will not be paid, because there are some things that are more important and more precious than money, and that is your human dignity.

Mr. CONTE. Mr. Speaker, I rise in support of this conference report for the fiscal year 1989 District of Columbia appropriations bill. The agreement meets the targets set in the budget resolution and it meets the requirements of the budget summit agreement.

The conference report provides $536.9 million in Federal funds for the District of Columbia. That amount is $4.68 million less that the President's request and the House-passed level. Specifically, the bill provides $430 million in an unrestricted Federal payment to the District, $32 million for water and sewer service, $52 million for the Federal contribution to retirement funds, $20 million for a transitional payment for St. Elizabeth's Hospital and $2.3 million for inaugural expenses.

In addition, the bill appropriates $3.2 billion in local funds for the operation of the District

of Columbia. These are not Federal funds, but an appropriation of local revenues as approved by the city council and the mayor. Each year the District budget must be approved by the Congress before any local revenues can be spent.

Mr. Speaker, this bill is fiscally responsible and I urge its adoption.

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

Mr. DIXON. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the conference report.

The previous question was ordered.

The conference report was agreed to.

A motion to reconsider was laid on the table.

AMENDMENTS IN DISAGREEMENT

The SPEAKER pro tempore. Pursuant to House Resolution 548, the amendments in disagreement are considered as having been read.

The Clerk will designate the first amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 3: Page 3, line 15, after "prison" insert ": *Provided*, That construction may not commence unless access and parking for construction vehicles is provided solely at a location other than city streets: *Provided further*, That the facility may not open unless parking for staff and access and egress is provided other than to 19th Street, Southeast: *Provided further*, That the Mayor take steps to ensure that a portion of the site of the old D.C. jail become a neighborhood shopping center: *Provided further*, That District officials meet monthly with neighborhood representatives to inform them of current plans and discuss problems: *Provided further*, That the District of Columbia shall operate and maintain a free, 24-hour telephone information service whereby residents of the area surrounding the new prison, can promptly obtain information from District officials on all disturbances at the prison, including escapes, fires, riots, and similar incidents: *Provided further*, That the District of Columbia shall also take steps to publicize the availability of that service among the residents of the area surrounding the new prison".

MOTION OFFERED BY MR. DIXON

Mr. DIXON. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. DIXON moves that the House recede from its disagreement to the amendment of the Senate numbered 3 and concur therein with an amendment, as follows: In lieu of the matter proposed by said amendment, insert the following: ": *Provided*, That construction may not commence unless access and parking for construction vehicles are provided solely at a location other than city streets: *Provided further*, That District officials meet monthly with neighborhood representatives to inform them of current plans and discuss problems: *Provided further*, That the District of Columbia shall operate and maintain a free, 24-hour telephone information service whereby residents of the area surrounding the new prison, can promptly obtain information from District officials on all disturbances at the prison, including escapes, fires, riots, and similar incidents: *Provided further*, That the District of Columbia shall also take steps to publicize the availability of that service among the residents of the area surrounding the new prison".

Mr. DIXON (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 California?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. DIXON].

The motion was agreed to.

The SPEAKER pro tempore. The clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 6: Page 8, line 23, after "Northwest" insert ": *Provided further*, That the staffing levels of two piece engines companys with the Fire Department shall be maintained in accordance with the provisions of article III, section 18 of the Fire Department Rules and Regulations as then in effect, until final adjudication by the relevant courts".

MOTION OFFERED BY MR. DIXON

Mr. DIXON. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. DIXON moves that the House recede from its disagreement to the amendment of the Senate numbered 6 and concur therein.

Mr. COUGHLIN (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 Pennsylvania?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. DIXON].

The motion was agreed to.

□ 1600

PARLIAMENTARY INQUIRY

Mr. DANNEMEYER. Mr. Speaker, I have a parliamentary inquiry.

This Member has an interest in Senate amendment No. 28. When does the gentleman expect we will be getting to that?

The SPEAKER pro tempore. Is the gentleman propounding a parliamentary inquiry?

Mr. DANNEMEYER. Mr. Speaker, yes; I am.

Mr. DIXON. Mr. Speaker, that is not a parliamentary inquiry. I will certainly give him notice. We are trying to move very fast here. It will be in the next 4 or 5 minutes. I will raise my hand when it comes up.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 12: Page 11, line 9, after "Business" insert ": *Provided further*, That the Taxicab Commission shall report to the Committees on Appropriations of the Senate and House of Representatives by September 1, 1988, or within 15 days of the enactment of this Act, on a plan to issue and implement regulations on the age of vehicles, frequency of inspection, cleanliness of vehicles and other items contained in Senate Report 100-162".

MOTION OFFERED BY MR. DIXON

Mr. DIXON. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. DIXON moves that the House recede from its disagreement to the amendment of the Senate numbered 12 and concur therein with an amendment, as follows: In lieu of the matter proposed by said amendment insert the following: ": *Provided further*, That the Taxicab Commission shall report to the Committees on Appropriations of the Senate and House of Representatives by January 15, 1989 on a plan as outlined in Senate Report 100-162 to issue and implement regulations including but not limited to the age of vehicles, frequency of inspection, and cleanliness of vehicles".

Mr. COUGHLIN (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 Pennsylvania?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. DIXON].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 15: Page 22, strike out lines 7 and 18 and insert:

SEC. 117. None of the Federal funds provided in this Act shall be used to perform abortions except where the life of the mother would be endangered if the fetus were carried to term; or except for such medical procedures necessary for the victims of rape or incest, when such rape or incest has been reported promptly to a law enforcement agency or public health service. Nor are payments prohibited for drugs or devices to prevent implantation of the fertilized ovum, or for medical procedures necessary for the termination of an ectopic pregnancy.

MOTION OFFERED BY MR. REGULA

Mr. REGULA. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. REGULA moves that the House recede from its disagreement to the amendment of the Senate numbered 15 and concur therein with an amendment, as follows: In lieu of the matter stricken and inserted by said amendment, insert the following:

SEC. 117. None of the funds contained in this Act shall be used to perform abortions except where the life of the mother would

be endangered if the fetus were carried to term.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 19: Page 29, after line 15, insert:

SEC. 136. Section 11-1563(d), D.C. Code is amended—

(A) by inserting "or while receiving retirement salary under this subchapter but before having recouped all contributions," before "the lump-sum credit for retirement"; and

(B) by inserting "or the balance after deduction of retirement salary paid prior to death, if applicable," before "shall be paid,".

MOTION OFFERED BY MR. DIXON

Mr. DIXON. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. DIXON moves that the House recede from its disagreement to the amendment of the Senate numbered 19 and concur therein with an amendment, as follows: In lieu of the matter proposed by said amendment, insert the following:

SEC. 135. (a) Section 11-1563(d), D.C. Code is amended—

(A) by inserting "or while receiving retirement salary under this subchapter but before having recouped all contributions," before "the lump-sum credit for retirement"; and

(B) by inserting "or the balance after deduction of retirement salary paid prior to death, if applicable," before "shall be paid,".

(b) The Mayor, within 30 days after the enactment of this Act, shall engage an enrolled actuary, to be paid by the District of Columbia Retirement Board, and shall comply fully with the requirements of section 142(d) and section 144(d) of the District of Columbia Retirement Reform Act of 1979 (Public Law 96-122, D.C. Code, secs. 1-722(d) and 1-724(d)).

Mr. COUGHLIN (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 Pennsylvania?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. DIXON].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 21: Page 29, after line 15, insert:

SEC. 138. No funds provided by this or any other Act may be used to condemn, vacate, or raze the Employment Security Building, located at 500 C Street NW., Washington, District of Columbia, until June 30, 1989.

MOTION OFFERED BY MR. DIXON

Mr. DIXON. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. DIXON moves that the House recede from its disagreement to the amendment of the Senate numbered 21 and concur therein with an amendment, as follows: In lieu of the matter proposed by said amendment, insert the following:

SEC. 136. (a) Within 30 days after the date of enactment of this Act the United States, acting through a duly authorized official, shall convey to the District of Columbia without consideration, all right, title, and interest of the United States, in the real property described in subsection (b) (and any improvements thereon).

(b) The real property referred to in subsection (a) is that property (commonly known as the District of Columbia Employment Security Building at 500 C Street, Northwest) located in the District of Columbia in Square 491 described in a deed from the District of Columbia to the United States dated April 20, 1961, and recorded on April 26, 1961, as instrument number 11232 in liber 11589, folio 135 of the District of Columbia.

(c) If for any reason the District of Columbia should dispose of the real property described in subsection (b) (and any improvements thereon), such disposition shall be in accordance with procedures established by the Federal Department of Labor as are applicable to any of the 50 states.

SEC. 137. Section 147 of the Surface Transportation and Uniform Reallocation Assistance Act of 1987 (Public Law 100-17, approved April 2, 1987) is repealed.

SEC. 138. Notwithstanding Section 110 of this Act, appropriations in this Act shall not be available, during the fiscal year ending September 30, 1989, for the compensation of any person appointed to a permanent position in the District of Columbia government during any month in which the number of employees exceeds 38,512, the number of positions authorized by this Act.

Mr. COUGHLIN (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 Pennsylvania?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. DIXON].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 22: Page 29, after line 15, insert:

SEC. 139. Up to 118 officers or members of the Metropolitan Police Department who were hired before February 14, 1980, and who retire on disability before the end of calendar year 1989 shall be excluded from the computation of the rate of disability retirement under subsection 145(a) of the District of Columbia Retirement Reform Act, as amended, approved Setember 30, 1983 (97 Stat. 727; D.C. Code § 1-725(a)), for purposes of reducing the authorized Federal payment to the District of Columbia Police Officers and Fire Fighters' Retirement Fund pursuant to subsection 145(c) of the District of Columbia Retirement Reform Act.

MOTION OFFERED BY MR. DIXON

Mr. DIXON. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. DIXON moves that the House recede from its disagreement to the amendment of the Senate numbered 22 and concur therein with an amendment, as follows: In lieu of the matter proposed by said amendment, insert the following:

SEC. 139. (a) Up to 118 officers or members of the Metropolitan Police Department who were hired before February 14, 1980, and who retire on disability before the end of calendar year 1989 shall be excluded from the computation of the rate of disability retirement under subsection 145(a) of the District of Columbia Retirement Reform Act, as amended, approved September 30, 1983 (97 Stat. 727; D.C. Code, sec. 1-725(a)), for purposes of reducing the authorized Federal payment to the District of Columbia Police Officers and Fire Fighter's Retirement Fund pursuant to subsection 145(c) of the District of Columbia Retirement Reform Act.

(b) The Mayor, within 30 days after the enactment of this Act, shall engage an enrolled actuary, to be paid by the District of Columbia Retirement Board, and shall comply with the requirements of section 142(d) and section 144(d) of the District of Columbia Retirement Reform Act of 1979 (Public law 96-122, D.C. Code, secs. 1-722(d) and 1-724(d)).

(c) If any of the 118 light duty positions that may become vacant under subsection (a) are filled, a civilian employee shall be hired to fill that position.

Mr. COUGHLIN (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered and printed in the RECORD.

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

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. DIXON].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 23: Page 29, after line 15, insert:

SEC. 140. (a) Notwithstanding any other provision of law, for purposes of zoning regulations of the District of Columbia, the premises on squares 4302 through 4305, and parcels 167/64, 167/65, 167/67 and 167/68 in the District of Columbia shall be considered to be an eleemosynary institution in accordance with the decision of the Deputy Zoning Administrator on December 23, 1986, as authorized by the Certificate of Occupancy Number B-26019 dated November 8, 1960, and that the current use of the premises is within the non-conforming use of rights as permitted by such Certificate of Occupancy.

(b) Subsection (a) shall be construed to require any new license unless such was required by District of Columbia law prior to the adoption of Zoning Commission Order Number 347 dated July 9, 1981.

MOTION OFFERED BY MR. DIXON

Mr. DIXON. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. DIXON moves that the House recede from its disagreement to the amendment of the Senate numbered 23, and concur therein.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 24: Page 29, after line 15, insert:

SEC. 141. (a) If by May 1, 1989, the District of Columbia government has not adopted, and implemented no later than September 30, 1989, a preference system that does not preclude the hiring of noncity residents, none of the Federal funds provided or otherwise made available by the Act may be used to pay the salary or expenses of any officer, employee, or agent who is engaged in implementing, administering, or enforcing a District of Columbia residency requirement with respect to employees of the Government of the District of Columbia.

(b) After the date of enactment of this section, the District shall not dismiss any employees currently facing adverse job action for failure to comply with the residency requirement.

MOTION OFFERED BY MR. DIXON

Mr. DIXON. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. DIXON moves that the House recede from its disagreement to the amendment of the Senate numbered 24 and concur therein with an amendment, as follows: In lieu of the matter proposed by said amendment, insert the following:

SEC. 141. (a) If by May 1, 1989, the District of Columbia government has not adopted, and implemented no later than September 30, 1989, a preference system that does not preclude the hiring of noncity residents, none of the funds provided or otherwise made available by this Act may be used to pay the salary or expenses of any officer, employee, or agent who is engaged in implementing, administering, or enforcing a District of Columbia residency requirement with respect to employees of the Government of the District of Columbia.

(b) After the date of enactment of this section, the District shall not dismiss any employees currently facing adverse job action for failure to comply with the residency requirement.

Mr. COUGHLIN (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 Pennsylvania?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. DIXON].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 25: Page 29, after line 15, insert:

SEC. 142. Such sums as may be necessary for fiscal year 1989 pay raises for programs funded by this Act shall be absorbed within the levels appropriated in this Act.

MOTION OFFERED BY MR. DIXON

Mr. DIXON. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. DIXON moves that the House recede from its disagreement to the amendment of the Senate numbered 25, and concur therein.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 26: Page 29, after line 15, insert:

SEC. 143. None of the federal funds appropriated by this act shall be obligated or expended after December 31, 1988, if on that date the District of Columbia has not repealed D.C. Law 6-170, the Prohibition of Discrimination in the Provision of Insurance Act of 1986 (D.C. Law 6-170).

MOTION OFFERED BY MR. DIXON

Mr. DIXON. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. DIXON moves that the House recede from its disagreement to the amendment of the Senate numbered 26 and concur therein with an amendment, as follows: In lieu of the matter proposed by said amendment, insert the following:

SEC. 143. None of the Federal funds appropriated by this Act shall be obligated or expended after December 31, 1988, if on that date the District of Columbia has not repealed District of Columbia Law 6-170, the Prohibition of Discrimination in the Provision of Insurance Act of 1986 (D.C. Law 6-170), amended the law to allow testing for the human immunodeficiency virus as a condition for acquiring all health, life and disability insurance without regard to the face value of such policies. Eligibility for coverage and premium costs shall be determined in accordance with ordinary practices.

Mr. COUGHLIN (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 Pennsylvania?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. DIXON].

The motion was agreed to.

The SPEAKER pro tempore. the Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 27: Page 29, after line 15, insert:

SEC. 144. None of the funds appropriated under this Act for the Mayor of the District of Columbia shall be expended after January 1, 1989, if on that date, using existing powers, the Department of Human Services has not implemented a system of mandatory reporting of individual abortions performed in the District of Columbia; and categories of data collected under such system shall be substantially similar to those collected by the National Center for Health Statistics: *Provided*, That the Department of Human Services shall not require reporting of the identity of the aborting woman or the abortion provider, and shall ensure that the identity of the aborting woman and abortion provider remain strictly confidential, and data be used for statistical purposes only.

MOTION OFFERED BY MR. DIXON

Mr. DIXON. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. DIXON moves that the House recede from its disagreement to the amendment of the Senate numbered 27, and concur therein.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 28: Page 29, after line 15, insert:

NATION'S CAPITAL RELIGIOUS LIBERTY AND ACADEMIC FREEDOM ACT

SEC. 145. (a) This section may be cited as the Nation's Capital Religious Liberty and Academic Freedom Act".

(b) None of the funds appropriated by this Act shall be obligated or expended after December 31, 1988, if on that date the District of Columbia has not adopted subsection (c) of this section.

(c) Section 1-2520 of the District of Columbia Code (1981 edition) is amended by adding after subsection (2) the following new subsection:

"(3) Notwithstanding any other provision of the laws of the District of Columbia, it shall not be an unlawful discriminatory practice in the District of Columbia for any educational institution that is affiliated with a religious organization or closely associated with the tenets of a religious organization to deny, restrict, abridge, or condition—

"(A) the use of any fund, service, facility or benefit; or

"(B) the granting of any endorsement, approval, or recognition.

to any person or persons that are organized for, or engaged in, promoting, encouraging, or condoning any homosexual act, lifestyle, orientation, or belief.".

MOTION OFFERED BY MR. DIXON

Mr. DIXON. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. DIXON moves that the House recede from its disagreement to the amendment of the Senate numbered 28 and concur therein with an amendment, as follows: In lieu of the matter proposed by said amendment, insert the following:

NATION'S CAPITAL RELIGIOUS LIBERTY AND ACADEMIC FREEDOM ACT

SEC. 145. (A) This section may be cited as the "Nation's Capital Religious Liberty and Academic Freedom Act".

(b) None of the funds appropriated by this Act shall be obligated or expended after December 31, 1988, if on that date the District of Columbia has not adopted subsection (c) of this section.

(c) Section 1-2520 of the District of Columbia Code (1981 edition) is amended by adding after subsection (2) the following new subsection:

3. It shall not be an unlawful discriminatory practice for a not-for-profit corporation or association owned or operated by, or affiliated with, a religious organization to fail to endorse, or to disavow, the ideas of any person or persons engaged in, or organized for the purpose of, advocating ideas that conflict with the sincerely held religious beliefs of that religious organization.

Mr. COUGHLIN (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 Pennsylvania?

There was no objection.

PREFERENTIAL MOTION OFFERED BY MR. DANNEMEYER

Mr. DANNEMEYER. Mr. Speaker, I offer a preferential motion on amendment in disagreement No. 28.

The SPEAKER pro tempore. The Chair will examine the motion.

The Clerk will report the motion.

The Clerk read as follows:

Mr. DANNEMEYER moves that the House recede from its disagreement with the amendment of the Senate No. 28 and concur therein.

Mr. DIXON. Mr. Speaker, I demand a division on the question on the preferential motion.

The SPEAKER pro tempore. The question is: Will the House recede from its disagreement to Senate amendment No. 28?

PARLIAMENTARY INQUIRY

Mr. DANNEMEYER. Mr. Speaker, I have a parliamentary inquiry. Is there any debate time on a motion to recede, or divide the question, rather?

The SPEAKER pro tempore. Debate time is on the underlying motion to recede. There is an hour of debate to be allotted.

Mr. DANNEMEYER. Mr. Speaker, I desire to be heard on the division of the question.

The SPEAKER pro tempore. Does the gentleman from California [Mr. DIXON] wish time on the pending motion?

Mr. DIXON. Mr. Speaker, yes, I request time on the motion.

The SPEAKER pro tempore. The Chair will recognize the gentleman from California [Mr. DIXON] for 30 minutes.

The Chair recognizes the gentleman from California [Mr. DIXON] for 30 minutes.

Mr. DIXON. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from the District of Columbia [Mr. FAUNTROY].

Mr. FAUNTROY. Mr. Speaker, I rise to state my opposition to the motion offered by the gentleman from California [Mr. DANNEMEYER].

Mr. Speaker, I rise in support of the amendment to the Senate amendment to section 145 of the D.C. appropriations bill.

The Senate amendment, commonly referred to as the "Armstrong Amendment" because it was authorized by Senator ARMSTRONG, would have the Congress inject a view different from the view of the D.C. Court of Appeals in the case of the Gay Rights Coalition versus Georgetown University decided last year. Specifically, the Armstrong amendment would prohibit the expenditure of "any" funds by the District government if, by December 31, 1988, it has not amended its local human rights law to allow discrimination by certain religious institutions on the basis of sexual orientation.

The effect of the Armstrong amendment is extreme. If its mandate is not met, all local government operations would come to a halt because funds could not be spent. Garbage could not be picked up. Police and fire protection could not be paid for. Even water and sewer services could not be funded. I think all would have to agree that this is an absurd and unacceptable result.

The amendment however is even more unworkable because its mandate is nearly impossible to meet. Every act of the D.C. government must lay over in the Congress for 30 legislative days. Thirty legislative days typically converts to 90 calendar days. Congress is scheduled to adjourn on or around October 15. Even if the District government resolved to meet the mandate of Armstrong by passing a bill, the bill could not become law in time. And while the District has emergency legislative powers, acts passed on an emergency basis are only good for 90 days. In short, Mr. Speaker, the time constraints embodied in the Armstrong amendment are unreasonable and unworkable.

But aside from the critical procedural concerns I have raised, the Armstrong amendment raises serious and far-reaching constitutional concerns. Federal courts have consistently used the equal protection clause of the U.S. Constitution to strike down legislative acts which serve to erect barriers to prevention of private discrimination, which indicate an intent to harm a politically unpopular group or which discriminate among ideas and religious practices, protected by the first amendment. The Armstrong amendment would have this Congress sit as the largest court in the land, and we have a history of resisting the temptation of that intrusion into the work of another branch of government.

The court has decided the issue raised by Armstrong. The adversaries in that court case have reached accord as reflected by letters from Dean Pitofsky of the Georgetown University Law Center and from Father Healy, president of Georgetown. And it seems to me that we should be loathe to embrace the notion of promoting discrimination by anybody, public, private, or otherwise.

Again, I urge support for the Dixon substitute.

Mr. COUGHLIN. Mr. Speaker, I yield such time as he may consume to the gentleman from California [Mr. DANNEMEYER].

Mr. DANNEMEYER. Mr. Speaker, I thank my colleague, the gentleman from Pennsylvania, for yielding me this time.

Mr. Speaker, the issue that the House will have an opportunity to vote on shortly involves a fundamental issue of religious liberty. This issue developed as a result of the adoption by the District of Columbia of an ordinance that, in effect, required that organizations in the District of Columbia would be required to charter organizations that espoused homosexuality, that is, student groups on campus that were promoting homosexuality. It would require Georgetown University or any other institution in the District of Columbia to grant a charter to a homosexual group, a group of students that practiced or promoted homosexuality. This ordinance was taken up on an appeal to the Circuit Court of Appeals of the District of Columbia, and based on the existence of this ordinance in the District of Columbia, the circuit court of appeals held in the form of an opinion that Georgetown University was required to charter a student organization on Georgetown campus that promoted homosexuality.

The Senate has adopted the position that I will ask the House to affirm in this issue at this time, which is to the effect that in order for the District of Columbia to receive its funding for calendar year beginning January 1 of next year that the District of Columbia will have to adopt an ordinance, in effect, repealing that ordinance it previously passed on which the circuit court of appeals hung its opinion.

The issue is whether or not, as a matter of religious freedom, Georgetown University, which expresses affirmation of the heterosexual ethic as the foundation of our civilization, that it will be able to sustain that point of view in the instructions it brings to the students who have enrolled in Georgetown University.

I think the issue should be clear to my colleagues that this is an issue of religious freedom. The tenets of the Catholic church which operates Georgetown University which historically have held to the view that homosexuality is abnormal and a sin, should be able to be dominant in the administration of that university, and this action or ordinance of the District of

Columbia should have the effect of compelling Georgetown University to disavow a basic tenet of its philosophy.

Mr. DORNAN of California. Mr. Speaker, will the gentleman yield?

Mr. DANNEMEYER. I am happy to yield to my colleague, the gentleman from California.

Mr. DORNAN of California. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, this particular issue is so bizarre that if someone had bet me 10 years' salary when I was first elected in 1976 that I would be standing here as a practicing Catholic with 7 years of Jesuit education, that the Jesuit institution of higher learning with the most renowned school of foreign service in the Nation that I was not able to go to when I left Loyola High School in Los Angeles, that school, that school that the Jesuits, the Society of Jesus, the Marine Corps of the Catholic church, would be so shellshocked that they would not weigh in on either side of this argument and lobby this Hill and leave it up to my courageous Lutheran brother here to carry the fight of the Holy Roman Catholic Church and the Vatican, that they do not have to have clubs on their schools centered on sodomy, if one had ever told me this debate would be on the House floor, I would say that hell had frozen over.

As a loyal Catholic and a Christian, I am telling the Members that the most offensive thing I have ever seen, and I hope it is not going to be couched in the context of home rule, that when religious rights are offended at any rabbinical school, Methodist grade school, parochial school of any denomination anywhere, whether it is the Islamic Temple up there that was taken over by terrorists in my freshman year, to tell somebody that they have to form an organization around something that they consider a mortal sin involving an egregious matter, sufficient reflection and full consent of the will, all the requirements in my Baltimore Catechism as a first grader, that that type of offense would be forced in the face of the Marine Corps, the Society of Jesus, the Jesuits, that I knew as tough people on theology and moral principle, I would say impossible, impossible.

□ 1615

Unbelievable, and here we are trying to tell this school sitting over there shocked into silence that they have a Member of this House come to that school and stand up there and say that the choice for a Presidential candidate sometimes is like being in a homosexual bar at 10 minutes to 2. I do not know this is a fact, but reported in the Middlesex News, which sounds to me like a sexual paper for senior citizens or something, wherever the good Middlesex News is, I saw the banner headline and reported that a Member of this Congress went to a Jesuit institution and it was only dirt on the Palisades over the Potomac, they consecrated the ground, threw water out and said the ground of Georgetown was dedicated to Jesus Christ, and on that campus a Member of this body stands there and says the choice for the President is like tough choices in a homosexual bar, and he used the adjective that is a synonym for cheerful and happy, a PR thing, and said in a homosexual bar, the choices are tough at 10 minutes to 2. That is absurd.

I beg the Members to follow the procedure as it goes in the House here, to recede to the Senate language that says Georgetown University, a religious university organized in the name of the Son of God has the right to protect itself from having a Federal enclave forced upon its organizations based upon a grievous offense against not only Biblical words but against the word of Jesus.

I will close with a very charitable thing that Jesus said in the New Testament. "Let he without sin cast the first stone." That is not the just I am talking about, but his next words to a woman who had offended against lust he said, "Go forth and sin no more."

That is the message that should be coming out of every one of the three Loyolas in this country, including where the whip and I matriculated in Los Angeles, and the word coming out of Georgetown should be a crystal clear message about sins of gluttony, lust, pride, anger, envy, and greed, and if they cave in on lust, they will talk about why arbitrage is OK in insider trading on Wall Street.

Mr. COUGHLIN. Mr. Speaker, I yield 2½ minutes to the gentleman from Virginia [Mr. BLILEY].

Mr. BLILEY. Mr. Speaker, I rise in support of the Armstrong amendment to this bill and urge the House to recede and concur in that Senate amendment.

It troubles me that Members of this body should have painted this amendment as something other than a correction of remarkably bad policy on the part of the District of Columbia City Council. The real issue is religious liberty in our Nation's capital.

The District's Human Rights Act makes it unlawful for any education institution to deny access to any of its facilities or services based upon the sexual orientation of an individual. This law demonstrates a clear disregard for religious organizations in the District and, consequently, the religion clause of our Constitution.

I am not speaking of the establishment clause, as it is often called. That is only half the story. Our Constitution states that Congress shall make no law prohibiting the free exercise of religion. In effect we have done just that by permitting the District of Columbia to impose its secular views on a religiously affiliated institution.

Many churches and religious organizations believe that homosexual behavior is a moral evil which must not be condoned or encouraged. Already this law has been used, with partial success, to compel Georgetown University to provide tangible benefits to a gay rights organization at the university. The D.C. Court of Appeals held that District of Columbia has a compelling interest in eradicating discrimination against homosexuality and that overrides the first amendment protection of Georgetown's religious objections to subsidizing homosexual rights organizations.

The Armstrong amendment would not directly affect the Georgetown situation, but the D.C. law and the court's decision as applied to Georgetown sets a dangerous precedent that all religious institutions have reason to fear. In a word, they assert that constitutionally defined religious liberties may be abridged by a law.

While I believe the law is unconstitutional and the D.C. Court of Appeals' decision is erroneous, challenging the law, or defending themselves against civil actions from homosexual groups, places a tremendous burden on private religious institutions that many may not be able to bear. What's their choice? Abandon their principles or let the institutions founder under the financial strain.

Georgetown was required by the court to pay, at a minimum, $300,000 in fees to the attorneys representing the Gay Rights Coalition. The case was litigated for 8 years. Moreover, the District attempted to compel the university to act contrary to its teachings by refusing to issue tax exempt bonds to which it was legally entitled unless the university recognized and funded the self-designated gay rights coalition. How many more schools and universities will the District hold hostage because of their religious beliefs?

We cannot wash our hand of this controversy by claiming that the Human Rights Act is an issue of home rule. No law, only a constitutional amendment, can remove our ultimate responsibility for all cuts passed by the legislature of the District of Columbia. The Constitution states that the Congress shall have power "to exercise exclusive legislation in all cases whatsoever, over * * * the seat of Government of the United States. * * *" It is imperative that, given this opportunity, we end the real discrimination in the District of Columbia and protect religious liberty.

I would remind my colleagues that it was only a couple of weeks ago that the House passed a resolution designating the week of September 25—this week—as Religious Freedom Week. Let's be consistent. Do we believe in

religious freedom or are we only willing to pay it lipservice? A vote for the Armstrong amendment is a vote for religious freedom.

I urge my colleagues to support the Senate amendment.

Mr. DIXON. Mr. Speaker, I yield 5 minutes to the gentleman from New York [Mr. GREEN].

Mr. GREEN. Mr. Speaker, a few minutes ago when we discussed the abortion issue the gentleman from Illinois [Mr. HYDE] recognized home rule as an important principle and said he was prepared to stand by home rule but only when human rights itself was at stake, to hold that principle higher than home rule.

I suggest there is nothing that we are discussing now that justifies a similar conclusion as to this amendment. For the fact of the matter is that this amendment that is proposed or the position that is proposed by the gentleman from California [Mr. DANNEMEYER] will accomplish nothing and the reason for that is very simple. Georgetown and the District of Columbia have reached an agreement in resolution of their dispute. Georgetown is quite happy with that agreement. They have written all and sundry who have inquired about it, stating that the entire Georgetown community, faculty, administrators, students, alumni, all are happy with the agreement and that regardless of what Congress does as to the Armstrong amendment, Georgetown will not change the stance it now has which it considers educationally sound.

That position, as this bill moves along, will be offered by the gentleman from California [Mr. DIXON] who will exert his right under our rules after we have receded to offer a motion, which will take preference to concur with an amendment, as I understand it. That amendment, that motion to concur with an amendment will fully spell out Georgetown's right to express its views on any question in full keeping with its first amendment rights, both freedom of speech and freedom of religion.

Georgetown is perfectly happy with that solution to the problem. So what basis at all is there for us to be trying to legislate with respect to the District of Columbia?

I would finally like to appeal to my colleagues simply on the basis of protecting the prerogatives of the House of Representatives. The fact of the matter is that an amendment of the kind we are being asked to recede to here cannot be passed during ordinary House consideration of an appropriation bill because it permits an appropriation to take effect only if someone else takes some nonministerials act and that kind of an amendment has consistently been ruled out of order as legislating on an appropriation bill.

If we are going to accept these kinds of amendments when they are offered on the Senate side, where the Senate binds itself by no such rule, then we are continually going to be putting ourselves at a disadvantage with respect to the Senate. Today it is only the District of Columbia authorizing committee that is hurt by the action, and I know Members around here, unless they come from the metropolitan area, do not pay a lot of attention to the workings of that committee, but I say to every other Member of the House on every other authorizing committee, maybe it is the District of Columbia Committee this time whose ox is being gored but the same can be done in the way of legislation on appropriation bills in the Senate on any other appropriation bill that comes through.

If you are going to start the practice of giving away to this kind of activity on the part of the Senate time after time on this bill, you know they will start using other appropriation bills to take advantage of our authorizing committees, just the same way they are taking advantage of the District of Columbia Committee here. It is time for us in the House to insist on our prerogatives to put a stop to that encroachment by the other body.

I hope, therefore, Members will support the chairman of the subcommittee in this effort.

Mr. DIXON. Mr. Speaker, I yield 2 minutes to the gentleman from Texas [Mr. GONZALEZ].

Mr. GONZALEZ. Mr. Speaker, I thank the distinguished chairman. I am compelled to rise after hearing the very fervent speech that was given in his behalf by my colleague from California [Mr. DORNAN], because I believe that to remain silent is to acquiesce on something that I believe, one, must go on the record.

First, I think the gentleman from New York [Mr. GREEN] put it in the proper perspective. This would be an attempt again through legislative fiat to undo a judicial decision. This has been the sorry and rather lamentable history of these attempts to legislate in this form on these issues, including the abortion issue.

The gentleman from Illinois [Mr. HYDE], my namesake, mentioned that the attempt of this was to save some lives and beings, and the fact is that no such thing has happened. The Congress has passed no less than 23 times the so-called Hyde amendment, and we have more abortions than ever before in previous years, so that obviously something is missing here.

I think we ought to go back, and I for one want to say I am shocked to have heard my colleague from California [Mr. DORNAN] was shocked because anybody addressing this issue was addressing in a way that opposed his religious views. The truth of the matter is that this has nothing to do with religious views any more than the manner and shape and form in this antiabortion measures have been brought before the House.

It just seems that there comes a time when we have to recognize that even though in an election year we are compelled sometimes to swallow passively some outrageous actions that we must go on record and protest and say that we rise in opposition to this motion offered by the gentleman from California [Mr. DANNEMEYER].

Mr. COUGHLIN. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia [Mr. PARRIS].

Mr. PARRIS. Mr. Speaker, I appreciate the gentleman yielding to me.

The arguments that have been propounded by our friend from California [Mr. DORNAN] on religious basis, those that were discussed by my colleague from Virginia [Mr. BLILEY] on constitutional argument are very interesting and helpful. They help all of us to understand for those of us who are deeply involved in this business there are subtle but important differences between the postures here, and I am going to attempt, perhaps I am getting in a briar patch, but I am going to attempt to reduce the choices for my colleagues for what I think is the simple difference in where we are.

□ 1630

The question is: Under Senator ARMSTRONG's amendment which is identical to that of our friend from California [Mr. DANNEMEYER], it would provide that no funds, no service, no facility, no benefit at Georgetown University shall be required to be supplied for homosexual groups. It is just that simple.

The difference is that in the Dixon motion which will come subsequent to the Dannemeyer consideration, it is defined as a nonunlawful discriminatory practice for Georgetown to disavow any idea or suggestion that conflicts with the sincerely held religious beliefs of that institution.

In other words, under the Dixon motion, Georgetown may disavow but may not refuse funds, services or use of facilities to so-called offensive groups. That is the subtle but important distinction on which this entire debate is centered. And I hope that that adds to the understanding rather than detracts from it.

PARLIAMENTARY INQUIRY

Mr. DIXON. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. (Mr. GRAY of Illinois). The gentleman will state it.

Mr. DIXON. Mr. Speaker, is it not true that the gentleman from California [Mr. DANNEMEYER] had a motion to recede and concur? I made a motion to divide the question. Is it not true, so

that there will not be any misunderstanding about votes, that in fact I am asking at this time when the vote occurs to recede? If the House recedes, then I will offer a motion to amend the Senate language.

The SPEAKER pro tempore. The gentleman is correct on the first part of his statement. His original motion to concur with an amendment then will be pending at that point.

Mr. DIXON. I thank the Chair.

Mr. Speaker, I yield 6 minutes to the gentleman from Maryland [Mr. HOYER].

Mr. HOYER. Mr. Speaker, this is a tough issue, there is no doubt about it. And the Pharisees and the Sadducees very rigidly ruled and were in the forefront of their time on making very clear the distinctions between people. Indeed, Jesus came not to divide but to bring together, not to divide Jew from gentile, as the dispute between Paul and Peter raged on, after Jesus ascended, but to bring us together. In the name of religion we have discriminated in this Nation. Some of the great violence in history has been done in the name of religion. All of us know of the crusades where millions were slaughtered in the name of religion. Let us not, however, dispute the right to all of us to hold deeply to our convictions. Let us not, for any time or any moment or any second, in America dispute that those who have strongly held religious beliefs ought to be able to hold strongly to those.

But let me also suggest that we have seen that throughout history in nation after nation that it is easy to discriminate, easier, yet to discriminate the smaller the group and the more unpopular its position.

Would any of us stand on this floor and say that because a human being is black it is all right to discriminate in the name of religion? Would we say that? Do we believe that? Is that what I pledge allegiance to America and to justice and liberty for all is all about? I suggest to my friends that Jesus did not believe in that and indeed he contended with the Pharisees and the Sadducees over and over again, in Matthew, Mark, Luke, and John that that was not what Jesus came in the world to preach. He spoke to the woman in the well who was just about to be stoned and said to those people who would stone that woman, "Stand back, except if you are without sin, stand back."

My friend, HENRY HYDE, and he is my friend, has deeply held beliefs and I respect those beliefs. When we had a Member of this House standing in the well to be censured, HENRY HYDE stood up and demonstrated the deepest of Christian principles with which I concur. He said, "You can hate the sin, but do not hate the sinner."

I believe that America stands for that principle.

Let me read what Dr. Healy said, the President of Georgetown.

And I suggest to my friend from California that Father Healy knows of which he speaks. He said this, "While the university might disagree with the position they took, it can have no criticism of the integrity or the probity and indeed the correctness that both of these men have exercized vis-a-vis Georgetown." That is Father Healy, the President of the university from whose law school I graduated.

Father Healy went on, "These last 12 years hardly qualify me as a native, but they have taught me that it is essential for the good of this city, the Nation's Capital, and 700,000 citizens, that the city enjoy its privilege of home rule. Georgetown feels itself very much a part of the city of Washington since, along with its 200 years' association, it is also the largest private employer in the district and contributes through its employees, its faculty and its students close to three-quarters of $1 billion every year to the city's economy."

He concluded, "But my years here have taught me how dangerous a precedent that can set, and indeed how unfair and demeaning it can be to the electorate of the District itself. For that reason, Georgetown always has and always will support home rule."

Now, Mr. Speaker, this is a nation of laws, not of men. And in the processes of our constitutional system the litigants went to court.

They went first to the Superior Court of the District of Columbia. They then went to the circuit court of appeals and then indeed to the Supreme Court. After that litigation they reached an agreement, a consent order signed on March 29, 1988, to try to resolve in the best tradition of American jurisprudence this dispute.

As HENRY HYDE has said, so difficult to do so when very strongly held beliefs contend.

I was never prouder of the President of the United States than when he was asked a question in a press conference, "Mr. President, do you believe that gays ought to be discriminated against?" And without blinking, without reservation, without a second's hesitation, the President of the United States said, "I do not believe that any individual ought to be discriminated against."

This is a difficult issue dealing with a small, perhaps growing but certainly unpopular minority of which I am not a member. But there may be some day that I will be a member of a small minority group and I hope that others will stand to say that, as I pledge allegiance to my country and my flag, I do so because I believe it to be the greatest, strongest, most self-confident nation in the world that can say to all its citizens, "We accord you every right that we want and that we expect."

I hope that we vote for this motion and I hope we support the chairman's motion.

Mr. COUGHLIN. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan [Mr. HENRY].

Mr. HENRY. I thank the gentleman for yielding.

Mr. Speaker, I appreciate much of what our colleague from Maryland has said. He and I have worked together on many human issues. I am somewhat reminded of a dialog that took place on this floor a couple of years ago when one of our colleagues rose in the well of the House and asked what would Jesus say and I was tempted to stand and ask the Chaplain for a theological opinion on the question.

It seems to me the gentleman from Maryland, however, has missed a very important point. The question is not rights enjoyed by all Americans under the Constitution, but rights of religious institutions to make determinant judgments in keeping with their religious dogmas and right for free practice and exercise, and institutional control of those institutions which is also a constitutional right.

In my situation, for example, I am a Protestant. Do I have a right to demand entre into the rights and privileges and memberships in the Roman Catholic Church or the Greek Orthodox Church even though I may not attest to its dogmas? My argument would be they have a right to exclude me from memberships if I do not accede to their statements of faith or their canons of faith. And vice versa.

What happens in a situation, however, when attendant to the dogmas are deeply held religious convictions pertaining to behaviors that are viewed to be part of a religious tradition? That is what has triggered the question as to whether or not the District of Columbia has infringed constitutionally on the rights of a religiously organized corporation and institution.

The gentleman will recall that several months ago with great reluctance, I was among the very few who raised this question because of the extensions involved, secondary and tertiary extensions of the Civil Rights Act in Grove City because of my concern on this very singular point.

I am trying to speak very calmly and rationally. The gentleman has spoken calmly, rationally, and eloquently. But that is the issue. The issue is not the rights under the Constitution of individual behavior at this point. The question I think we should make clear is the right of a religious institution under the Constitution at this point.

Mr. DIXON. Mr. Speaker, I yield 1 minute to the gentleman from Maryland [Mr. HOYER].

Mr. HOYER. I appreciate very much the gentleman's remarks and logic. And I think he is right. That is why I advocate the adoption of the childrens' motion because I think the consent order speaks to that protection of the exercise and holding of that belief by Georgetown.

Mr. DIXON. Mr. Speaker, may I inquire how much time I have remaining?

The SPEAKER pro tempore. The gentleman from California [Mr. DIXON] has 13 minutes remaining and the gentleman from Pennsylvania [Mr. COUGHLIN] has 14 minutes remaining.

Mr. COUGHLIN. Mr. Speaker, I yield 4 minutes to the gentleman from Illinois [Mr. HYDE].

Mr. HYDE. Mr. Speaker, I have an interest in this because I am a graduate of Georgetown University and I am very proud of that school. I also understand this difficult question in the terms of the first amendment, religious freedom. The struggle for freedom in this country has been the struggle against intrusive government. Now it happens that the Catholic faith, as I understand it, does not approve of homosexuality. Now I can understand a Catholic university not wishing to formally recognize an organization that is designed to promote, advocate, and advance a practice that is deemed by them to be sinful. That is far removed from individuals who may or may not practice that lifestyle whom we are taught to love and to pray for and hope that they will pray for us. But the first amendment is so important and it says Congress not only shall make no law respecting an establishment of religion nor prohibit the free exercise thereof. And I was so sorry to see Georgetown fail to vindicate their free exercise of religion, to cooperate in determining what that really means under our Constitution.

I read the letter from Father Healy. The legal action was costing an arm and a leg and there were all sorts of reasons for them to abandon its defense.

But the vindication of the first amendment, religious freedom for a university that has a set of beliefs which ought to be vindicated and ought to stand supreme over a city council that says, "You shall recognize a group even though it advocates practices and beliefs which are inimical to the very soul and core of your beliefs.

□ 1645

Now, the Black Caucus does not admit nonblacks. The gentleman from California [Mr. STARK] tried to join some time ago, and he could not make it.

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

Mr. HYDE. I understand that. Let me say to the gentleman from the District of Columbia that I understand that, because there is a reason for that.

MR. FAUNTROY. Mr. Speaker, will the gentleman yield?

Mr. HYDE. Yes, I yield to the gentleman from the District of Columbia.

Mr. FAUNTROY. Mr. Speaker, the gentleman is on rare occasions wrong. He is wrong on this occasion. The fact is that we do have associate members of the Black Caucus.

Mr. HYDE. Associate members, yes, but I am talking about a real member. I am talking about dues-paying members, not associates. Those are auxiliaries, those are ancilliaries.

Mr. FAUNTROY. Associate members pay dues, I say to the gentleman.

Mr. HYDE. Good for you. But they are still associate members. They are not full-fledged members.

Mr. FAUNTROY. No, they would have to go back into the womb, which is impossible. They can be born again, but not physically.

MR. HYDE. The city council could pass a law, and that could happen. You can do just about anything in the city council in the District of Columbia.

Mr. FAUNTROY. Until the Congress changes it. Now, you can mandate it. As you know, you can do that with respect to the District.

Mr. HYDE. My point is that the integrity of the black experience is as exemplified in the Black Caucus, and I understand that.

I suggest that the Catholic experience is entitled to no less integrity, and I regret that Georgetown did not try to vindicate what the first amendment means about the free exercise of religion, because I happen to think the Constitution is superior to a municipal ordinance.

Mr. DIXON. Mr. Speaker, I yield 6 minutes to the gentleman from Massachusetts [Mr. STUDDS].

Mr. STUDDS. Mr. Speaker, for one brief, shiny moment I thought the gentleman from Illinois was going to come down on the other side. It is just the law of averages, I think.

Let me remind the Members, if I may, notwithstanding the eloquence that we have heard on this question—and I particularly commend the gentleman from Maryland [Mr. HOYER]—that there really was not a problem here until the Senator from Colorado and the gentleman from California [Mr. DANNEMEYER] decided to create one in order to resolve it.

The reason that we have a first amendment is not to protect popular beliefs or popular speech. If that were the case, we certainly would not need one. Let me remind my friend, the gentleman from Illinois, that while in this case he may cite a religion which has some difficulties with differences amongst individual human beings with respect to sexual orientation, there have been religions that did not think much of women, there have even been religions that did not think much of people of color, and there are some religions in the world that do not think much of other people of other religious faiths or beliefs. And there are occasions in human jurisprudence where there are conflicting rights and conflicting constitutional considerations.

Let me bring us back, if I may, to what is actually before us here. The D.C. Court of Appeals made a decision last year in the case of the Gay Rights Coalition versus Georgetown University. The Armstrong amendment would overturn not only that decision but an agreement among all the parties, including the university, that was reached pursuant to it. The court of appeals voted 5 to 2 that Georgetown was required under the D.C. Human Rights Act to provide gay and lesbian student organizations with equal access to the benefits that it provides to other student organizations. It is pure and simple. It did not order any particular type or level of benefits to be provided, and it held that the university was not required to recognize the gay student organizations.

The court concluded—and this is what I would refer my friend, the gentleman from Illinois, to—that the District law served a compelling state interest in eradicating discrimination that outweighed the relatively slight burden on the university's religious freedom.

The five-judge majority, incidentally, which reached that decision consists of judges, two of which were appointed by President Carter, two by President Ford, and one by President Reagan.

Georgetown University announced that the court's decision vindicated its primary concern, namely, that it did not have to be compelled to condone homosexuality. The university, in a settlement with the student groups, which the amendment of the gentleman from California seeks to affirm here would overturn that settlement agreement with the entry of a court order—and I quote—"which recognizes the rights of the student group under the District of Columbia Human Rights Act and the rights of the university under the religion clause of the first amendment to the Constitution."

That consent order entered by the superior court stipulates that Georgetown may request the student groups to disavow any endorsement by the university, deny the use of religious facilities such as the chapel, restrict the use of facilities to a university audience, and exercise supervision and control over all student groups consistent with accepted norms of conduct by the university.

Let me state to my friends that the university has announced its disapproval of any constitutional action to overturn this agreement.

Let me read briefly, if I may, from a letter from Robert Pitofsky, acting president of the university, in July of this year to Senator ARMSTRONG. I quote as follows:

As you know, Georgetown University neither asked for nor participated in the legislative process involving your amendment. Indeed, you may be unaware, but in March of this year, the University arrived at an acceptable resolution of its eight-year dispute with the gay rights student groups on campus and has, in the last several months, achieved an accommodation with those groups.

The University's student body faculty, and alumni feel the resolution is appropriate. It both upholds the University's initial position and establishes grounds for an adequate accommodation. It is the University's intent to abide by its resolution of the matter.

Georgetown has done nothing which in any way attacks the home rule rights of the District of Columbia, which the University supports.

Mr. Speaker, the legislation of the District of Columbia which it is proposed that we intrude into and overturn is identical to laws in effect at this moment in the State of Wisconsin, in 16 countries, and in 62 cities in this country, including New York, Los Angeles, Philadelphia, Detroit, Atlanta, Boston, Raleigh, Chapel Hill, Tucson, Iowa City, Aspen, CO, Evanston, IL, and Dayton, OH. Not only that but executive orders with precisely the same effect exist in the States of Minnesota, New Mexico, New York, Ohio, Oregon, Pennsylvania, Rhode Island, and Washington.

Mr. Speaker, I ask the Members of the House, would it be conceivable that this institution would ask those States or those cities to reverse their laws, much less that we would presume to tell those State legislatures, those city councils, those mayors, and those Governors how they might or might not conduct their own business?

Finally, let me just remind the Members, as I indicated, that in the first place there is not a problem that needs resolving; it has been resolved to the satisfaction of all the parties concerned.

I think it was Mark Twain who said, "Always do right. This will gratify some people and astonish the rest." I am absolutely confident in the depths of my being that if the Members of the House do what they know is right in this instance, the motion offered by the gentleman from California [Mr. DIXON] to recede will be adopted and we will proceed to abide by the wishes of the people of the District of Columbia and by the common decency and common sense of the Members of this House.

Mr. COUGHLIN. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. Mr. Speaker, I thank the gentleman for yielding this time to me.

Mr. Speaker, the question has been raised here in the last few minutes, why would Georgetown give up its constitutional rights in favor of capitulating to the City Council? Let me give the Members one possible scenario. It may be called reality, the reality of political pressure, because it has at least been alleged that the reason why Georgetown University took the step it did and sent the letter that has been sent to the Congress, or the one that was talked about as being sent to the Congress, was because they were under pressure from both the Mayor's office and the City Council to do so or otherwise they would lose their ability to get bonds that they desperately needed to continue their educational activities at the campus.

I think that might be one reason why we got such a letter and why all of a sudden constitutional obligations and constitutional rights were set-aside.

Mr. Speaker, I would ask the gentleman from Virginia [Mr. PARRIS], who follows these matters very closely with regard to the D.C. government, whether or not that is a possibility and whether or not such allegations do exist.

Mr. PARRIS. Mr. Speaker, if the gentleman will yield, I would certainly confirm that in those delicate but important discussions between the university and appropriate authorities of the District of Columbia, there is clear and convincing evidence of political considerations of the highest nature. I do not have documented evidence that says, "You must do this" or "You don't do this," or whatever. But we all understand how these things work in the real world, and I suggest to the gentleman that the suggestion has at least some merit of credibility.

Mr. WALKER. Mr. Speaker, I thank the gentleman. We do want to know why some persons would willingly abandon their constitutional rights. In this situation constitutional rights may have been abandoned because of political reality. That is a shame, and I do not think it should go unnoticed on this floor.

Mr. DIXON. Mr. Speaker, I yield 3 minutes to the gentleman from Illinois [Mr. DURBIN].

Mr. DURBIN. Mr. Speaker, it is ironic and, I guess, historic, that this debate is taking place only hours before Georgetown University celebrates its 200th anniversary in the Nation's Capital—almost as long as our Nation itself has existed.

I would concede at the outset that I have a conflict of interest in this debate, being an alumnus of Georgetown and having a daughter who is a student there. But I would also say that I think this is possibly the most unusual debate I have heard on the floor of the House in the 6 years I have been a Member.

I can never recall another debate which has centered on one institution, one agency outside of Government, almost to the exclusion of the merits of the question. What we have heard from at least two Members who have taken the floor is an all-out attack, not on the question before us and the principles to be argued but, rather, on Georgetown University.

I suppose that a university that has been here for 200 years does not need the defense of this individual, but I would remind the Members that Georgetown University did not invite this controversy, and when they found themselves mired deep into it, they had to resolve it from several different perspectives—as a university, as a Catholic university, as a Catholic university in the District of Columbia, and as a Catholic university in the District of Columbia in a pluralistic society, in court fighting in the first instance in most cases a question of what the law should be and how it should be applied to a university.

To hear my colleagues take the floor and second-guess the lawyers of Georgetown University as to how they would have handled the lawsuit is, I think, inappropriate in this debate. To hear a colleague take the floor and suggest that this somehow detracts from the great tradition not only of that university but also the religious order which has given its lifeblood to that university is, I think, inappropriate.

I would also suggest to my colleagues that they consider the fact that those representing Georgetown University have said that regardless of how we come down on resolving the very real questions here between religious tenets and whether or not local ordinances should be subservient to them, Georgetown University has already written and said they are going to stand by their existing policy. They believe it to be consistent theologically, consistent morally, and consistent legally.

Mr. Speaker, this debate should have been centered on the merits of the question rather than centered on one university and one institution. I say, happy anniversary to Georgetown University. It will continue to survive despite the attacks it has taken on the floor of this House of Representatives today.

Mr. COUGHLIN. Mr. Speaker, I yield 7 minutes to the gentleman from California [Mr. DANNEMEYER].

Mr. DANNEMEYER. Mr. Speaker, I would like to just briefly set the procedure as this Member from California

understands it. The first issue we will decide is to recede from the House position and concur in the Senate position. I believe that both sides want to recede. The next issue will be a consideration by the House of an amendment offered by my colleague, the gentleman from California [Mr. DIXON].

□ 1700

That amendment I would like to discuss briefly right now. It will be my position to ask for a "no" vote, which is the first rollcall vote I believe we are going to get on this issue, a no vote on the amendment offered by my colleague, the gentleman from California [Mr. DIXON], so that I will have an opportunity of having the House consider the amendment that I have pending at the desk on which I will then ask for a "yes" vote. That, I think, is where we are procedurely.

Now, with respect to the amendment which has been offered by my colleague, the gentleman from California [Mr. DIXON], he seeks to shift the debate from an argument of equal protection with respect to sexual preference under the 14th amendment onto the 1st amendment of free speech because it talks about ideas. Really who can be against letting somebody talk about ideas? That has a ring that gets to the heart and soul of all of us in America because of the precious freedoms that we enjoy as a result of the first amendment to the Federal Constitution.

But let us not kid ourselves. If the amendment offered by the gentleman from California [Mr. DIXON] is adopted, it will accomplish nothing with respect to the principle that is involved in this debate. The principle in this debate is religious freedom, whether or not Georgetown University will be permitted to pursue policies, a tenet of its religion, as long as it chooses to educate young men and women in the community called the District of Columbia.

Our colleague, the gentleman from California [Mr. DIXON] has also asked, "Well, Georgetown has kind of settled its problems with the City Council of the District of Columbia. Therefore, we need not concern ourselves with the issues anymore."

Let us face it. Trinity College is located in the District; Catholic University is located in the District. We have numerous high schools operated by religious organizations of different persuasions doing business in the District that are going to have a similar problem as well.

I might point out to my colleagues that the National Association of Evangelicals says the Armstrong amendment answers with a resounding "no" the question whether religious colleges and schools should be forced to subsidize student organizations promoting beliefs and practices contrary to their own.

The public affairs committee of the Southern Baptist convention says the issue is not homosexuality, but the separation of church and state. The issue is whether a government institution has a right to force a religious institution to subsidize the propogation and promulgation of beliefs diametrically opposed to its religious convictions. The Lutheran church Missouri Synod say that our church body seeks no public condemnation of homosexuals as persons, nor any diminution of their proper civil rights. We will continue to deal compassionately with the problem posed by homosexuality within our own community and within society at large. But we will not be forced by Government to say that sin is not sin. The Catholic Center says that if an institution which exists to carry out a religious mission can be forced by civil law to act against its own professed beliefs and proclaim legitimacy of that which is sinful, then the religious freedom has become a fiction.

Finally, let me make this observation to my colleague, the gentleman from Maryland [Mr. HOYER] because we hear this time and again in the debate that fundamentally is a part of this religious issue that we have described today. That is the claim that homosexuality should be protected on the basis that it is nothing more than a respect of sexual preference against which discrimination should not take place.

Let us be very candid. When we talk about discrimination in sexual preference, that coin has another side. The other side of that coin of claimed discrimination is affirmation, the affirmation of the heterosexual ethic, and those values are in conflict. For us to believe or say to our kids in the next generation that those ideas or values are not in conflict is just being naive. They are in conflict.

The Judeo-Christian ethic, the foundation of our civilization, makes very clear that God's plan for all of us is one man and one woman who come together in marriage and pledge to be mutually faithful.

Mr. Speaker, that is what we believe. We are not only acting for the District of Columbia and the institutions that are in the education business there. We today are acting as a symbol for this country because we are the elected representatives of the American people. It is an issue of religious freedom. It should be treated that way.

But we kid ourselves if we do not admit that involved in this issue of religious freedom is whether or not we, the elected representatives of the American people, will stand up and affirm the heterosexual ethic as the foundation of our society.

That is the issue, as well as religious freedom, and I hope that we will have the courage to stand and affirm the heterosexual ethic as a foundation of our civilization as well as the religious freedom of the institutions who choose to teach young men and women in the District of Columbia.

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

Mr. Speaker, it was kind of hard for me to follow this debate because I thought I was going to offer an amendment on one subject, and quite frankly somebody in the House is way off here as to what this debate is all about.

Now my colleagues can vote any way they want to vote, but the debate is not about anything that the gentleman from California [Mr. DANNEMEYER] is talking about. He has a right to say it is, but it is not.

What this debate is about is an amendment offered by Senator ARMSTRONG that says, if the District of Columbia does not repeal a section of their human rights statute by December 31, 1988, they cannot spend any money after that date.

Now what part of the statute are we talking about? It is very simple. We are talking about a section of the human rights statute that says an institution cannot discriminate based on sexual preference. That statute has been upheld in the courts. The parties that felt aggrieved under the statute have settled their differences.

Notwithstanding that, there are men and women in this body that think once again we should demand that the District of Columbia government repeal a perfectly valid statute, and if they do not repeal it, then they cannot spend any money after December 31, 1988. That is what the gentleman from the District of Columbia [Mr. FAUNTROY] was saying. If they do not repeal a perfectly legal statute that the parties of the lawsuit have agreed to, and that has been upheld by the courts, then they cannot spend any money.

Mr. Speaker, is there anyone here who does not think this is the most drastic action based on nonsense they have even seen?

Mr. DYMALLY, Mr. Speaker, I rise today in strong opposition to the Armstrong amendment. I believe, as so do many of my colleagues, that this amendment discriminates among viewpoints and among religious tenets, thus violating the first amendment to the U.S. Constitution. I find it very disturbing that the Armstrong amendment would allow sex discrimination by an educational institution closely identified with a tenet of a religious organization. It would override a decision which followed years of litigation between Georgetown University and its gay and lesbian organizations. As you know, Georgetown is chartered by the Congress as an education institution. While formerly affiliated with the Jesuit order,

it severed its formal affiliation in 1969, and is now governed by a lay board of trustees who members are not required to be Catholic. The purpose of the university is to provide a secular, not a religious, education. Mr. Speaker, let me emphasize that it does not require instruction in Catholic dogma. It has accepted, and continues to seek, public funding.

In addition, the District of Columbia Court of Appeals voted 5 to 2 that Georgetown University was required, under the D.C. Human Rights Act, to provide gay and lesbian student organizations with equal access to the tangible benefits that it provides to other student organization. After the decision, Georgetown and the students entered into an agreement along these lines and other parties decided not to appeal to the U.S. Supreme Court. I would like to emphasize that Georgetown has agreed to accept this resolution and believes that there is no need for congressional involvement in this local matter.

That is why I rise today, in opposition to the Armstrong amendment, and favor, instead, Mr. DIXON's substitute which would codify the agreement between the students and the university. In closing, I would just like to point out that our local and State jurisdictions have protections for our lesbian and gay citizens. The decision in the Georgetown case was a landmark in finding that such laws serve the same important public purpose as do laws against discrimination on the basis of race, sex, or religion. A measure, such as the Armstrong amendment, which serves to repeal fairness and equality in favor of sex discrimination represent a recalcitrant move away from the civil rights, justice, and equality our Nation stands for.

Ms. PELOSI. Mr. Speaker, I rise in strong support of the substitute to the Senate Armstrong amendment offered by my colleague from California. I commend the gentleman for proposing an alternative which provides better protection for religious organizations while protecting the constitutional rights of individuals to express their own beliefs. The amendment before us would not limit its protections to educational institutions but would apply to all religious nonprofit organizations.

The Armstrong amendment is a serious attack on the rights of freedom of speech and freedom of association. Its constitutionality is questionable.

The Senate amendment seeks to provide a remedy for an institution which did not even seek it. The administration of Georgetown University has indicated its satisfaction with the agreement worked out with the D.C. government which does not require it to condone or encourage any behavior with which it does not agree. The Armstrong amendment is an example of legislative overkill.

The Dixon substitute, on the other hand, simultaneously preserves religious freedom and protects individual rights. I urge my colleagues to support it.

Mr. DIXON. Mr. Speaker, I yield back the balance of my time.

Mr. COUGHLIN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. GRAY of Illinois). The question is, Will the House recede from its disagreement to Senate amendment No. 28?

The House receded from its disagreement to Senate amendment No. 28.

The SPEAKER pro tempore. The question is, Will the House concur in Senate amendment 28 with an amendment?

The question was taken, and the Speaker pro tempore announced that the noes appeared to have it.

Mr. DIXON. Mr. Speaker, on that I demand the yeas and the nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 134, nays 201, not voting 96, as follows:

[Roll No. 374]

YEAS—134

Ackerman
Akaka
Anderson
Aspin
Atkins
AuCoin
Bates
Beilenson
Berman
Boggs
Bonior
Borski
Bosco
Brooks
Bryant
Bustamante
Carr
Chandler
Coelho
Coleman (TX)
Collins
Conte
Dellums
Dicks
Dixon
Donnelly
Dorgan (ND)
Downey
Durbin
Dymally
Edwards (CA)
Espy
Evans
Fazio
Feighan
Fish
Flake
Foglietta
Foley
Ford (MI)
Ford (TN)
Frank
Frost
Garcia
Gejdenson
Gephardt
Gilman
Gonzalez
Gray (IL)
Green
Hawkins
Hayes (IL)
Hertel
Hoyer
Hubbard
Hughes
Jones (NC)
Jontz
Kastenmeier
Kennedy
Kennelly
Kildee
Kleczka
Kostmayer
Lancaster
Lantos
Lehman (CA)
Lehman (FL)
Leland
Levin (MI)
Lewis (GA)
Lowry (WA)
Markey
Martinez
Mavroules
Mazzoli
McHugh
Mfume
Miller (WA)
Mineta
Moakley
Moody
Morella
Morrison (CT)
Morrison (WA)
Mrazek
Natcher
Nowak
Oakar
Oberstar
Obey
Olin
Owens (NY)
Pashayan
Pease
Pelosi
Pepper
Perkins
Pickle
Price
Rangel
Richardson
Rodino
Roybal
Sabo
Savage
Sawyer
Scheuer
Schneider
Schumer
Shays
Sikorski
Sisisky
Skaggs
Slaughter (NY)
Solarz
Stark
Studds
Swift
Synar
Torres
Torricelli
Towns
Traficant
Udall
Vento
Visclosky
Walgren
Waxman
Weiss
Wheat
Wolpe
Wyden
Yates

NAYS—201

Annunzio
Anthony
Applegate
Archer
Armey
Baker
Ballenger
Bartlett
Barton
Bateman
Bennett
Bentley
Bereuter
Bevill
Bilbray
Bilirakis
Bliley
Boehlert
Brennan
Broomfield
Brown (CO)
Bruce
Buechner
Burton
Byron
Callahan
Carper
Chapman
Chappell
Clement
Clinger
Coble
Coleman (MO)
Combest
Cooper
Costello
Coughlin
Craig
Crane
Dannemeyer
DeLay
Derrick
DeWine
Dickinson
Dingell
DioGuardi
Dornan (CA)
Dreier
Dwyer
Dyson
Eckart
Edwards (OK)
Emerson
English
Erdreich
Fawell
Fields
Flippo
Gallegly
Gallo
Gaydos
Gekas
Glickman
Goodling
Gordon
Grandy
Hall (OH)
Hall (TX)
Hammerschmidt
Harris
Hastert
Hatcher
Hayes (LA)
Hefley
Hefner
Henry
Herger
Hiler
Hochbrueckner
Hopkins
Houghton
Hunter
Hutto
Hyde
Inhofe
Ireland
Jacobs
Johnson (CT)
Johnson (SD)
Jones (TN)
Kanjorski
Kasich
Kolbe
Kolter
Konnyu
LaFalce
Lagomarsino
Latta
Leach (IA)
Leath (TX)
Lent
Lewis (CA)
Lewis (FL)
Lightfoot
Lipinski
Livingston
Lloyd
Lujan
Luken, Thomas
Lukens, Donald
Madigan
Manton
Marlenee
Martin (NY)
McCloskey
McCollum
McCurdy
McGrath
McMillan (NC)
McMillen (MD)
Meyers
Michel
Miller (OH)
Molinari
Mollohan
Murtha
Myers
Nagle
Nelson
Nielson
Owens (UT)
Oxley
Packard
Parris
Patterson
Payne
Penny
Petri
Pickett
Porter
Rahall
Ravenel
Regula
Rhodes
Ridge
Rinaldo
Ritter
Robinson
Roe
Rogers
Roukema
Rowland (CT)
Russo
Saiki
Saxton
Schulze
Sensenbrenner
Sharp
Shaw
Shumway
Skeen
Skelton
Slattery
Slaughter (VA)
Smith (IA)
Smith (NE)
Smith (NJ)
Smith (TX)
Smith, Robert (NH)
Smith, Robert (OR)
Snowe
Solomon
Spratt
Staggers
Stallings
Stangeland
Stratton
Stump
Sundquist
Tallon
Tauke
Tauzin
Thomas (CA)
Thomas (GA)
Upton
Valentine
Vander Jagt
Volkmer
Vucanovich
Walker
Watkins
Weber
Weldon
Whittaker
Whitten
Wise
Wolf
Wylie
Yatron
Young (AK)
Young (FL)

NOT VOTING—96

Alexander
Andrews
Badham
Barnard
Boland
Bonker
Boucher
Boulter
Boxer
Brown (CA)
Bunning
Campbell
Cardin
Cheney
Clarke
Clay
Coats
Conyers
Courter
Coyne
Crockett
Darden
Daub
Davis (IL)
Davis (MI)
de la Garza
DeFazio
Dowdy
Early
Fascell
Florio
Frenzel
Gibbons
Gingrich
Gradison
Grant
Gray (PA)
Gregg
Guarini
Gunderson
Hamilton
Hansen
Holloway
Horton
Huckaby
Jeffords
Jenkins
Kaptur
Kemp
Kyl
Levine (CA)
Lott
Lowery (CA)
Lungren
Mack
MacKay
Martin (IL)
Matsui
McCandless
McCrery
McDade
McEwen
Mica
Miller (CA)
Montgomery
Moorhead
Murphy
Neal
Nichols
Ortiz
Panetta
Pursell
Quillen
Ray
Roberts
Rose
Rostenkowski
Roth
Rowland (GA)
Schaefer
Schroeder
Schuette
Shuster
Smith (FL)
Smith, Denny (OR)
Spence
St Germain
Stenholm
Stokes
Sweeney
Swindall
Taylor
Traxler
Williams
Wilson
Wortley

□ 1730

The Clerk announced the following pairs:

On this vote:

Mr. GUARINI for, with Mr. RAY, against.
Mr. CONYERS for, with Mr. ORTIZ, against.
Mrs. BOXER for, with Mr. MCDADE, against.

Messrs. STRATTON, JONES of Tennessee, SMITH of Iowa, ROE, and NAGLE changed their vote from "yea" to "nay."

So the House refused to concur in the Senate amendment No. 28 with an amendment.

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the motion offered by the gentleman from California [Mr. DANNEMEYER].

The motion was agreed to.

The SPEAKER. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows: Page 29, after line 15, insert:

TITLE II—FISCAL YEAR 1988 SUPPLEMENTAL APPROPRIATIONS

DISTRICT OF COLUMBIA FUNDS

GOVERNMENTAL DIRECTION AND SUPPORT

(INCLUDING RESCISSION)

Of the funds appropriated under this heading for the fiscal year ending September 30, 1988, in the District of Columbia Appropriations Act, 1988, approved December 21, 1987 (Public Law No. 100-202, sec. 101(c); 101 Stat. 1329-91 to 1329-92), $1,357,000 are rescinded.

ECONOMIC DEVELOPMENT AND REGULATION

(INCLUDING RESCISSION)

Of the funds appropriated under this heading for the fiscal year ending September 30, 1988, in the District of Columbia Appropriations Act, 1988, approved December 21, 1987 (Public Law No. 100-202, sec. 101(c); 101 Stat. 1329-29), $11,136,000 are rescinded.

PUBLIC SAFETY AND JUSTICE

For an additional amount for "Public safety and justice", $33,251,000.

PUBLIC EDUCATION SYSTEM

(INCLUDING RESCISSION)

For an additional amount for "Public education system", $8,886,000, to be allocated as follows: $10,000,000 additional for the public schools of the District of Columbia and a rescission in the amount of $210,000 for the District of Columbia School of Law, $549,000 for the Public Library and $355,000 for the Commission on the Arts.

HUMAN SUPPORT SERVICES

(INCLUDING RESCISSION)

Of the funds appropriated under this heading for the fiscal year ending September 30, 1988, in the District of Columbia Appropriations Act, 1988, approved December 21, 1987 (Public Law No. 100-202, sec. 101(c); 101 Stat. 1329-94), $15,811,000 are rescinded: *Provided*, That an additional $2,545,000, to remain available until expended, shall be available solely for the District of Columbia employees' disability compensation: *Provided further*, That within funds remaining available under this head for the Commission on Mental Health, $400,000 shall be available for the fiscal year ending September 30, 1988, for the purpose of granting funds to a private non-profit organization establishing and operating a residential facility for mentally disabled mothers and their infants as a demonstration of the cost-effectiveness of early intervention to keep families at risk together, together with $264,000 in each of the fiscal years ending September 30, 1989, September 30, 1990, and September 30, 1991.

PUBLIC WORKS

(INCLUDING RESCISSION)

Of the funds appropriated under this heading for the fiscal year ending September 30, 1988, in the District of Columbia Appropriations Act, 1988, approved December 21, 1987 (Public Law No. 100-202, sec. 101(c); 101 Stat. 1329-94). $6,293,000 are rescinded.

REPAYMENT OF LOANS AND INTEREST

For an additional amount for "Repayment of loans and interest", $3,469,000.

REPAYMENT OF GENERAL FUND DEFICIT

For an additional amount for "Repayment of general fund deficit", $118,000.

OPTICAL AND DENTAL BENEFITS

For an additional amount for "Optical and dental benefits", $1,080,000.

PERSONAL SERVICES

For an additional amount for "Personal services", for pay increases and related costs, to be transferred by the Mayor of the District of Columbia to the appropriations for fiscal year 1988 from which employees are properly payable, $34,377,000, which includes a 12% pay absorption to be apportioned among the various appropriation titles by the Mayor.

CAPITAL OUTLAY

For an additional amount for "Capital outlay", $6,340,000.

WATER AND SEWER ENTERPRISE FUND

For an additional amount for "Water and sewer enterprise fund", $39,750,000, of which $8,385,000 shall be apportioned and payable to the debt service fund for repayment of loans and interest incurred for capital improvement projects and $31,365,000 in water and sewer enterprise fund operating revenues for pay-as-you-go capital projects, $10,500,000 of this $31,365,000 shall fund new authority in the Fiscal Year 1988 Supplemental Budget and Rescissions of Authority Request Act of 1988 and $20,865,000 of this $31,365,000 shall fund prior year capital project authority.

An additional amount for construction projects, $10,500,000, as authorized by an Act authorizing the laying of water mains and service sewers in the District of Columbia, the levying of assessments therefor, and for other purposes, approved April 22, 1904 (33 Stat. 244; Public Law 58-140; D.C. Code, sec. 43-1512 et seq.).

LOTTERY AND CHARITABLE GAMES ENTERPRISE FUND

For an additional amount for "Lottery and Charitable Games Enterprise Fund", $764,000.

ADMINISTRATIVE PROVISION

SEC. 201. Funds appropriated by this title shall become available upon enactment.

MOTION OFFERED BY MR. DIXON

Mr. DIXON. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. DIXON moves that the House recede from its disagreement to the amendment of the Senate numbered 29 and concur therein with an amendment, as follows: In lieu of the matter proposed by said amendment, insert the following:

TITLE II—FISCAL YEAR 1988 SUPPLEMENTAL APPROPRIATIONS

DISTRICT OF COLUMBIA FUNDS

GOVERNMENTAL DIRECTION AND SUPPORT

(INCLUDING RESCISSION)

For an additional amount for "Governmental direction and support", $2,168,000: *Provided*, That of the funds appropriated under this heading for fiscal year 1988 in the District of Columbia Appropriations Act, 1988, approved December 22, 1987 (Public Law 100-202, sec. 101(c); 101 Stat. 1329-91 to 1329-92), $3,525,000 are rescinded.

ECONOMIC DEVELOPMENT AND REGULATION

(INCLUDING RESCISSION)

For an additional amount for "Economic development and regulation", $143,000: *Provided*, That of the funds appropriated under this heading for fiscal year 1988 in the District of Columbia Appropriations Act, 1988, approved December 22, 1987 (Public Law 100-202, sec. 101(c); 101 Stat. 1329-92), $15,779,000 are rescinded.

PUBLIC SAFETY AND JUSTICE

(INCLUDING RESCISSION)

For an additional amount for "Public safety and justice", $33,253,000: *Provided*, That of the funds appropriated under this heading for fiscal year 1988 in the District of Columbia Appropriations Act, 1988, approved December 22, 1987 (Public Law 100-202, sec. 101(c); Stat. 1329-92 to 1329-93), $2,000 are rescinded.

PUBLIC EDUCATION SYSTEM

(INCLUDING RESCISSION)

For an additional amount for "Public education system", $13,900,000 which shall be allocated for the public schools of the District of Columbia: *Provided*, That of the funds appropriated under this heading for fiscal year 1988 in the District of Columbia Appropriations Act, 1988, approved December 22, 1987 (Public Law 100-202, sec. 101(c); 101 Stat. 1329-93 to 1329-94), $210,000 for the District of Columbia School of Law, $549,000 for the Public Library, and $355,000 for the Commission on the Arts and Humanities are rescinded.

HUMAN SUPPORT SERVICES

(INCLUDING RESCISSION)

For an additional amount for "Human support services", $24,467,000: *Provided*, That of the funds appropriated under this heading for fiscal year 1988 in the District of Columbia Appropriations Act, 1988, approved December 22, 1987 (Public Law 100-202, sec 101(c); 101 Stat. 1329-94), $8,578,000 are rescinded: *Provided further*, That an additional $2,545,000, to remain available until expended, shall be available solely for the District of Columbia employees' disability compensation: *Provided further*, That the $990,000 appropriated in the District of Columbia Appropriations Act, 1988, approved December 22, 1987 (Public Law 100-202, sec. 101(c)) shall be solely for Project Volta and shall remain available until expended: *Provided further*, That $746,054 in funds made available to the District of Columbia pursuant to the Employment Security Adminsitrative Financing Act of 1954, approved August 5, 1954 (68 Stat. 668; 42 U.S.C. 1103), shall be appropriated for the purpose of providing $39,210 towards the purchase of an optical character reader and $706,844 to pay unemployment insurance staff salaries and benefits: *Provided further*, That the $746,054 referred to in the preceding proviso shall be withdrawn and expenses incurred after the enactment date of this Act and shall not be available for obligation after the close of a 12-month period which begins on the date of the enactment of this Act.

PUBLIC WORKS

(INCLUDING RESCISSION)

For an additional amount for "Public works", $2,783,000: *Provided*, That of the funds appropriated under this heading for fiscal year 1988 in the District of Columbia Appropriations Act, 1988, approved December 22, 1987 (Public Law 100-202, sec. 101(c);

101 Stat. 1329-94), $2,625,000, including $241,000 from the school transit subsidy are rescinded.

REPAYMENT OF LOANS AND INTEREST

(RESCISSION)

Of the funds appropriated under this heading for fiscal year 1988 in the District of Columbia Appropriations Act, 1988, approved December 22, 1987 (Public Law 100-202, sec. 101(c); 101 Stat. 1329-95), $1,005,000 are rescinded.

REPAYMENT OF GENERAL FUND DEFICIT

For an additional amount for "Repayment of general fund deficit", $118,000.

OPTICAL AND DENTAL BENEFITS

For an additional amount for "Optical and dental benefits", $1,080,000.

PERSONAL SERVICES

For "Personal services", for pay increases and related costs, to be transferred by the Mayor of the District of Columbia to the various appropriation titles for fiscal year 1988 from which employees are properly payable, $34,150,000, which includes a 12 percent pay absorption to be apportioned among the various appropriation titles by the Mayor.

ADJUSTMENTS

Of the funds appropriated under the various appropriation titles in the District of Columbia Appropriations Act, 1988, approved December 22, 1987 (Public Law 100-202, sec. 101(c); 101 Stat. 1329-90 to 1329-104), $911,000, as determined by the Mayor, are rescinded.

CAPITAL OUTLAY

For an additional amount for "Capital outlay", $6,340,000, to remain available until expended.

WATER AND SEWER ENTERPRISE FUND

For an additional amount for "Water and sewer enterprise fund", $39,750,000, of which $8,385,000 shall be apportioned and payable to the debt service fund for repayment of loans and interest incurred for capital improvement projects and $31,365,000 shall be for pay-as-you-go capital projects, of which $10,500,000 shall be for new capital project authority for fiscal year 1988 and $20,865,000 shall be for prior-year capital project authority.

For an additional amount for construction projects, $10,500,000, as authorized by an Act authorizing the laying of water mains and service sewers in the District of Columbia, the levying of assessments therefor, and for other purposes, approved April 22, 1904 (33 Stat. 244; Public Law 58-140; D.C. Code, sec. 43-1512 et seq.).

LOTTERY AND CHARITABLE GAMES ENTERPRISE FUND

For an additional amount for "Lottery and charitable games enterprise fund", $764,000.

GENERAL PROVISION

SEC. 201. Notwithstanding any other provision of law, appropriations made and authority granted pursuant to this title shall be deemed to be available for the fiscal year ending September 30, 1988.

Mr. COUGHLIN (during the reading). Mr. Speaker. I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The SPEAKER. The question is on the motion offered by the gentleman from California [Mr. DIXON].

The motion was agreed to.

A motion to reconsider the votes by which action was taken on the several motions was laid on the table.

□ 1730

KEEP SPIRIT OF COOPERATION ALIVE NEXT YEAR

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

Mr. COELHO. Mr. Speaker, with passage of the appropriations bill for the District of Columbia, Congress and the President will have done something remarkable.

For the first time since 1977, Congress will have passed all 13 appropriations measures, individually, and sent them to the President prior to the beginning of the new fiscal year.

What's more, if the President signs each bill before midnight tonight, all of these individual appropriations will have been enacted before the fiscal year for the first time since 1948.

The truth is, we are obligated to complete these measures on time, but we have rarely done so.

That's why some commemoration of this event is in order.

Eleven months ago, the Nation and the world underwent a rude fiscal awakening when the stock market crashed.

The congressional leadership and the President agreed to a bipartisan economic summit, recommended by the Speaker, and we got serious about the deficit for the first time in 8 years.

With the help of Mr. MICHEL and the Senate leadership, our majority leader, TOM FOLEY, guided that summit to a successful conclusion.

Today, we should remember the work of TOM FOLEY and BOB MICHEL, and the other summiteers, for putting the Nation above partisan interests and working out that agreement.

But throughout the year, there were two stellar performances that made it possible for the House, the Congress, the President and the country to be where we are today.

First, the appropriators in committee led by Mr. WHITTEN, the distinguished chairman, and the members on the floor, all deserve credit and our applause for making the process work.

While it is true that the budget summit set ceilings on spending for them to follow, the appropriators made tough choices in every account. They kept Defense strong, and a humane public agenda, while adhering to the budget process.

Members on both sides of the aisle and both sides of the Capitol made this work.

Second, there was one constant in the process from the earthquake on October 19 to the watershed of September 30. His name is Speaker JIM WRIGHT.

The Speaker knows it is people and not process on whom we must rely. So, in his statement last January 25, he made a commitment, on the record, to the press, to the Congress, and to the American people, that we would finish our work on time.

Working behind the scenes and outside the glare of the camera lights, urging bipartisanship, forcing people to make concessions on firmly held views, Speaker WRIGHT brought us where we are today.

He took personal responsibility for a successful outcome, and now he deserves public recognition for making that happen.

It is my hope we can keep this spirit of cooperation alive next year, as we look forward to a new administration and, perhaps, a new resolve. Not only to finish all appropriations bills on time again, but to make further progress on the deficit and further progress on restoring America's economic strength.

With the Speaker's leadership, I know we can make that happen.

CONTINUING RESOLUTIONS DIED WHEN PRESIDENT REAGAN SAID HE WOULD NOT SIGN ANOTHER CONTINUING RESOLUTION

(Mr. EDWARDS of Oklahoma asked and was given permission to speak out of order.)

Mr. EDWARDS of Oklahoma. Mr. Speaker, I would concur with the gentleman from California that we are all grateful for the fact that we do not have to again labor under the threat of a continuing resolution, the continuing resolution which, along with closed rules, self-executing rules, and such other things, have denied to the American public their right to hold their representatives accountable, but I might say that while the gentleman is correct that we all benefit from not having CR's, the credit for that belongs, and while I am sure the Speaker had a role to play and all the members of the Committee on Appropriations had a role to play, the CR died when President Reagan stood up there and said he would not sign another CR. That is what happened to the CR.

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

Mr. EDWARDS of Oklahoma. I am happy to yield to the gentleman from California.

Mr. DANNEMEYER. Mr. Speaker, I wanted to ask our good friend, the gentleman from California [Mr. COELHO], a very important question. Does he know how much we added to the national debt this year as we congratulate ourselves on no CR? The

answer is $243 billion to the next generation to pay for our inability to exercise discipline today. I would like to ask Mr. COELHO another question: When is the majority party going to bring to the floor of the House for their elected representatives to vote on an amendment to the U.S. Constitution to mandate that we get some discipline in this institution to match the income and the outdo? When is that going to happen, Mr. Speaker?

CONFERENCE REPORT ON S. 908, INSPECTOR GENERAL ACT AMENDMENTS OF 1988

Mr. BROOKS submitted the following conference report and statement on the Senate bill (S. 908) to amend the Inspector General Act of 1978 to establish Offices of Inspector General in certain departments, and for other purposes.

CONFERENCE REPORT (H. REPT. 100-1020)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 908), to amend the Inspector General Act of 1978 to establish Offices of Inspector General in certain departments, 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 disagreement to the amendment of the House and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the House amendment, insert the following:

TITLE I—INSPECTOR GENERAL ACT AMENDMENTS

SEC. 101. SHORT TITLE.

This title may be cited as the "Inspector General Act Amendments of 1988".

SEC. 102. ESTABLISHMENT OF OFFICES OF INSPECTOR GENERAL.

(a) PURPOSE.—Section 2(1) of the Inspector General Act of 1978 (Public Law 95-452; 5 U.S.C. App. 3) is amended to read as follows:

"(1) to conduct and supervise audits and investigations relating to the programs and operations of the establishments listed in section 11(2);".

(b) TECHNICAL AMENDMENT.—The last clause of section 2 is amended by striking out "thereby" and inserting in lieu thereof "there".

(c) ADDITION OF DEPARTMENTS OF ENERGY, HEALTH AND HUMAN SERVICES, JUSTICE AND TREASURY, FEDERAL EMERGENCY MANAGEMENT AGENCY, NUCLEAR REGULATORY COMMISSION, OFFICE OF PERSONNEL MANAGEMENT, AND RAILROAD RETIREMENT BOARD TO LIST OF COVERED ESTABLISHMENTS.—Section 11 of such Act is amended by striking out paragraphs (1) and (2) and inserting in lieu thereof the following:

"(1) the term 'head of the establishment' means the Secretary of Agriculture, Commerce, Defense, Education, Energy, Health and Human Services, Housing and Urban Development, the Interior, Labor, State, Transportation, or the Treasury; the Attorney General; the Administrator of the Agency for International Development, Environmental Protection, General Services, National Aeronautics and Space, Small Business, or Veterans' Affairs; the Director of the Federal Emergency Management Agency, the Office of Personnel Management or the United States Information Agency; the Chairman of the Nuclear Regulatory Commission or the Railroad Retirement Board; as the case may be;

"(2) the term 'establishment' means the Department of Agriculture, Commerce, Defense, Education, Energy, Health and Human Services, Housing and Urban Development, the Interior, Justice, Labor, State, Transportation, or the Treasury; the Agency for International Development, the Environmental Protection Agency, the Federal Emergency Management Agency, the General Services Administration, the National Aeronautics and Space Administration, the Nuclear Regulatory Commission, the Office of Personnel Management, the Railroad Retirement Board, the Small Business Administration, the United States Information Agency, or the Veterans' Administration; as the case may be;".

(d) TRANSFERS OF EXISTING AUDIT AND INVESTIGATION UNITS.—Section 9(a)(1) of such Act is amended—

(1) by striking out subparagraph (I), relating to the Community Services Administration;

(2) by redesignating subparagraphs (E) and (F) as subparagraphs (G) and (H), respectively;

(3) by redesignating subparagraphs (G) and (H) as subparagraphs (J) and (K), respectively;

(4) by redesignating subparagraph (J) as subparagraph (M);

(5) by redesignating subparagraphs (K) and (L) as subparagraphs (O) and (P), respectively;

(6) by redesignating subparagraphs (M) and (N) as subparagraphs (T) and (U), respectively;

(7) by inserting after subparagraph (D) the following new subparagraphs:

"(E) of the Department of Energy, the Office of Inspector General (as established by section 208 of the Department of Energy Organization Act);

"(F) of the Department of Health and Human Services, the Office of Inspector General (as established by title II of Public Law 94-505);";

(8) by inserting after subparagraph (H) (as redesignated by paragraph (2) of this subsection) the following new subparagraph:

"(I) of the Department of Justice, the offices of that Department referred to as (i) the 'Audit Staff, Justice Management Division', (ii) the 'Policy and Procedures Branch, Office of the Comptroller, Immigration and Naturalization Service', the 'Office of Professional Responsibility, Immigration and Naturalization Service', and the 'Office of Program Inspections, Immigration and Naturalization Service', (iii) the 'Office of Internal Inspection, United States Marshals Service', (iv) the 'Financial Audit Section, Office of Financial Management, Bureau of Prisons' and the 'Office of Inspections, Bureau of Prisons', and (v) from the Drug Enforcement Administration, that portion of the 'Office of Inspections' which is engaged in internal audit activities, and that portion of the 'Office of Planning and Evaluation' which is engaged in program review activities;";

(9) by inserting after subparagraph (K) (as redesignated by paragraph (3) of this subsection) the following new subparagraph:

"(L) of the Department of the Treasury, the office of that department referred to as the 'Office of Inspector General', and, notwithstanding any other provision of law, that portion of each of the offices of that department referred to as the 'Office of Internal Affairs, Bureau of Alcohol, Tobacco, and Firearms', the 'Office of Internal Affairs, United States Customs Service', and the 'Office of Inspections, United States Secret Service' which is engaged in internal audit activities;";

(10) by inserting after subparagraph (M) (as redesignated by paragraph (4) of this subsection) the following new subparagraph:

"(N) of the Federal Emergency Management Agency, the office of that agency referred to as the 'Office of Inspector General';"; and

(11) by inserting after subparagraph (P) (as redesignated by paragraph (5) of this subsection) the following new subparagraphs:

"(Q) of the Nuclear Regulatory Commission, the office of that commission referred to as the 'Office of Inspector and Auditor';

"(R) of the Office of Personnel Management, the offices of that agency referred to as the 'Office of Inspector General', the 'Insurance Audits Division, Retirement and Insurance Group', and the 'Analysis and Evaluation Division, Administration Group';

"(S) of the Railroad Retirement Board, the Office of Inspector General (as established by section 23 of the Railroad Retirement Act of 1974);".

(e) TECHNICAL AND CONFORMING AMENDMENTS.—

(1)(A) Section 208 of the Department of Energy Organization Act is repealed.

(B) The table of contents in the first section of such Act is amended by striking out the item relating to section 208.

(2) Title II of Public Law 94-505 is repealed.

(3) Section 23 of the Railroad Retirement Act of 1974 is repealed.

(4) Any individual who, on the date of enactment of this Act, is serving as the Inspector General of the Department of Energy, the Department of Health and Human Services, or the Railroad Retirement Board, shall continue to serve in such position until such individual dies, resigns, or is removed from office in accordance with section 3(b) of the Inspector General Act of 1978.

(f) SPECIAL PROVISIONS WITH RESPECT TO THE INSPECTORS GENERAL OF THE NUCLEAR REGULATORY COMMISSION, THE DEPARTMENT OF THE TREASURY, AND THE DEPARTMENT OF JUSTICE.—The Inspector General Act of 1978 is amended by inserting after section 8A the following new sections:

"SPECIAL PROVISIONS CONCERNING THE NUCLEAR REGULATORY COMMISSION

"SEC. 8B. (a) The Chairman of the Commission may delegate the authority specified in the second sentence of section 3(a) to another member of the Nuclear Regulatory Commission, but shall not delegate such authority to any other officer or employee of the Commission.

"(b) Notwithstanding sections 6(a) (7) and (8), the Inspector General of the Nuclear Regulatory Commission is authorized to select, appoint, and employ such officers and employees as may be necessary for carrying out the functions, powers and duties of the Office of Inspector General and to obtain the temporary or intermittent services of experts or consultants or an organization thereof, subject to the applicable laws and regulations that govern such selections, appointments and employment, and the obtaining of such services, within the Nuclear Regulatory Commission.

"SPECIAL PROVISIONS CONCERNING THE DEPARTMENT OF THE TREASURY

"SEC. 8C. (a)(1) Notwithstanding the last two sentences of section 3(a), the Inspector General shall be under the authority, direction, and control of the Secretary of the Treasury with respect to audits or investigations, or the issuance of subpenas, which require access to sensitive information concerning—

"(A) ongoing criminal investigations or proceedings;

"(B) undercover operations;

"(C) the identity of confidential sources, including protected witnesses;

"(D) deliberations and decisions on policy matters, including documented information used as a basis for making policy decisions, the disclosure of which could reasonably be expected to have a significant influence on the economy or market behavior;

"(E) intelligence or counterintelligence matters; or

"(F) other matters the disclosure of which would constitute a serious threat to national security or to the protection of any person or property authorized protection by section 3056 of title 18, United States Code, section 202 of title 3, United States Code, or any provision of the Presidential Protection Assistance Act of 1976 (18 U.S.C. 3056 note; Public Law 94-524).

"(2) With respect to the information described under paragraph (1), the Secretary of the Treasury may prohibit the Inspector General from carrying out or completing any audit or investigation, or from issuing any subpena, after such Inspector General has decided to initiate, carry out, or complete such audit or investigation or to issue such subpena, if the Secretary determines that such prohibition is necessary to prevent the disclosure of any information described under paragraph (1) or to prevent significant impairment to the national interests of the United States.

"(3) If the Secretary of the Treasury exercises any power under paragraph (1) or (2), the Secretary of the Treasury shall notify the Inspector General in writing stating the reasons for such exercise. Within 30 days after receipt of any such notice, the Inspector General shall transmit a copy of such notice to the Committees on Governmental Affairs and Finance of the Senate and the Committees on Government Operations and Ways and Means of the House of Representatives, and to other appropriate committees or subcommittees of the Congress.

"(b) In carrying out the duties and responsibilities specified in this Act, the Inspector General of the Department of the Treasury shall have oversight responsibility for the internal investigations performed by the Office of Internal Affairs of the Bureau of Alcohol, Tobacco and Firearms, the Office of Internal Affairs of the United States Customs Service, and the Office of Inspections of the United States Secret Service, and the internal audits and internal investigations performed by the Office of Assistant Commissioner (Inspection) of the Internal Revenue Service. The head of each such office shall promptly report to the Inspector General the significant activities being carried out by such office.

"(c) Notwithstanding subsection (b), the Inspector General may initiate, conduct and supervise such audits and investigations in the Department of the Treasury (including the bureaus and services referred to in subsection (b)) as the Inspector General considers appropriate.

"(d) If the Inspector General initiates an audit or investigation under subsection (c) concerning a bureau or service referred to in subsection (b), the Inspector General may provide the head of the office of such bureau or service referred to in subsection (b) with written notice that the Inspector General has initiated such an audit or investigation. If the Inspector General issues a notice under the preceding sentence, no other audit or investigation shall be initiated into the matter under audit or investigation by the Inspector General and any other audit or investigation of such matter shall cease.

"(e)(1) The Inspector General shall have access to returns and return information, as defined in section 6103(b) of the Internal Revenue Code of 1986, only in accordance with the provisions of section 6103 of such Code and this Act.

"(2) Access by the Inspector General to returns and return information under section 6103(h)(1) of such Code shall be subject to the following additional requirements:

"(A) In order to maintain internal controls over access to returns and return information, the Inspector General, or in the absence of the Inspector General, the Acting Inspector General, the Deputy Inspector General, the Assistant Inspector General for Audits, or the Assistant Inspector General for Investigations, shall provide to the Assistant Commissioner (Inspection) of the Internal Revenue Service written notice of the Inspector General's intent to access returns and return information. If the Inspector General determines that the Inspection Service of the Internal Revenue Service should not be made aware of a notice of access to returns and return information, such notice shall be provided to the Senior Deputy Commissioner of Internal Revenue.

"(B) Such notice shall clearly indicate the specific returns or return information being accessed, contain a certification by the Inspector General, or in the absence of the Inspector General, the Acting Inspector General, the Deputy Inspector General, the Assistant Inspector General for Audits, or the Assistant Inspector General for Investigations, that the returns or return information being accessed are needed for a purpose described under section 6103(h)(1) of the Internal Revenue Code of 1986, and identify those employees of the Office of Inspector General of the Department of the Treasury who may receive such returns or return information.

"(C) The Internal Revenue Service shall maintain the same system of standardized records or accountings of all requests from the Inspector General for inspection or disclosure of returns and return information (including the reasons for and dates of such requests), and of returns and return information inspected or disclosed pursuant to such requests, as described under section 6103(p)(3)(A) of the Internal Revenue Code of 1986. Such system of standardized records or accountings shall also be available for examination in the same manner as provided under section 6103(p)(3) of the Internal Revenue Code of 1986.

"(D) The Inspector General shall be subject to the same safeguards and conditions for receiving returns and return information as are described under section 6103(p)(4) of the Internal Revenue Code of 1986.

"(f) An audit or investigation conducted by the Inspector General shall not affect a final decision of the Secretary of the Treasury or his delegate under section 6406 of the Internal Revenue Code of 1986.

"(g) Notwithstanding section 4(d), in matters involving chapter 75 of the Internal Revenue Code of 1986, the Inspector General shall report expeditiously to the Attorney General only offenses under section 7214 of such Code, unless the Inspector General obtains the consent of the Commissioner of Internal Revenue to exercise additional reporting authority with respect to such chapter.

"(h) Any report required to be transmitted by the Secretary of the Treasury to the appropriate committees or subcommittees of the Congress under section 5(d) shall also be transmitted, within the seven-day period specified under such section, to the Committees on Governmental Affairs and Finance of the Senate and the Committees on Government Operations and Ways and Means of the House of Representatives.

"SPECIAL PROVISIONS CONCERNING THE DEPARTMENT OF JUSTICE

"SEC. 8D. (a)(1) Notwithstanding the last two sentences of section 3(a), the Inspector General shall be under the authority, direction, and control of the Attorney General with respect to audits or investigations, or the issuance of subpenas, which require access to sensitive information concerning—

"(A) ongoing civil or criminal investigations or proceedings;

"(B) undercover operations;

"(C) the identity of confidential sources, including protected witnesses;

"(D) intelligence or counterintelligence matters; or

"(E) other matters the disclosure of which would constitute a serious threat to national security.

"(2) With respect to the information described under paragraph (1), the Attorney General may prohibit the Inspector General from carrying out or completing any audit or investigation, or from issuing any subpena, after such Inspector General has decided to initiate, carry out, or complete such audit or investigation or to issue such subpena, if the Attorney General determines that such prohibition is necessary to prevent the disclosure of any information described under paragraph (1) or to prevent the significant impairment to the national interests of the United States.

"(3) If the Attorney General exercises any power under paragraph (1) or (2), the Attorney General shall notify the Inspector General in writing stating the reasons for such exercise. Within 30 days after receipt of any such notice, the Inspector General shall transmit a copy of such notice to the Committees on Governmental Affairs and Judiciary of the Senate and the Committees on Government Operations and Judiciary of the House of Representatives, and to other appropriate committees or subcommittees of the Congress.

"(b) In carrying out the duties and responsibilities specified in this Act, the Inspector General of the Department of Justice—

"(1) may initiate, conduct and supervise such audits and investigations in the Department of Justice as the Inspector General considers appropriate;

"(2) shall give particular regard to the activities of the Counsel, Office of Professional Responsibility of the Department and the audit, internal investigative, and inspection units outside the Office of Inspector General with a view toward avoiding duplication and insuring effective coordination and cooperation; and

"(3) shall refer to the Counsel, Office of Professional Responsibility of the Department for investigation, information or allegations relating to the conduct of an officer or employee of the Department of Justice

employed in an attorney, criminal investigative, or law enforcement position that is or may be a violation of law, regulation, or order of the Department or any other applicable standard of conduct, except that no such referral shall be made if the officer or employee is employed in the Office of Professional Responsibility of the Department.

"(c) Any report required to be transmitted by the Attorney General to the appropriate committees or subcommittees of the Congress under section 5(d) shall also be transmitted, within the seven-day period specified under such section, to the Committees on the Judiciary and Governmental Affairs of the Senate and the Committees on the Judiciary and Government Operations of the House of Representatives.".

(g) DISCLOSURE OF TAX RETURNS AND RETURN INFORMATION.—Section 5(e)(3) of the Inspector General Act of 1978 is amended by striking out "Nothing" in the first sentence and inserting in lieu thereof "Except to the extent and in the manner provided under section 6103(f) of the Internal Revenue Code of 1986, nothing".

(h) TRANSFER OF 20 INVESTIGATION POSITIONS WITHIN THE DEPARTMENT OF JUSTICE.—No later than 90 days after the date of appointment of the Inspector General of the Department of Justice, the Inspector General shall designate 20 full-time investigation positions which the Attorney General may transfer from the Office of Inspector General of the Department of Justice to the Office of Professional Responsibility of the Department of Justice for the performance of functions described under section 8D(b)(3) of the Inspector General Act of 1978. Any personnel who are transferred pursuant to this subsection, and who, at the time of being so transferred, are protected from reduction in classification or compensation under section 9(c) of such Act, shall continue to be so protected for 1 year after the date of transfer pursuant to this subsection.

SEC. 103. UNIFORM SALARIES FOR INSPECTORS GENERAL.

(a) UNIFORM SALARIES.—Section 5315 of title 5, United States Code, is amended by adding at the end thereof the following new paragraphs:

"Inspector General, Department of Commerce.

"Inspector General, Department of the Interior.

"Inspector General, Department of Justice.

"Inspector General, Department of the Treasury.

"Inspector General, Agency for International Development.

"Inspector General, Environmental Protection Agency.

"Inspector General, Federal Emergency Management Agency.

"Inspector General, General Services Administration.

"Inspector General, National Aeronautics and Space Administration.

"Inspector General, Nuclear Regulatory Commission.

"Inspector General, Office of Personnel Management.

"Inspector General, Railroad Retirement Board.

"Inspector General, Small Business Administration.".

(b) CONFORMING AMENDMENTS.—Section 5316 of such title is amended by striking out the paragraphs relating to—

(1) the Inspector General of the Department of Commerce;

(2) the Inspector General of the Department of the Interior;

(3) the Inspector General of the Agency for International Development;

(4) the Inspector General of the Community Services Administration;

(5) the Inspector General of the Environmental Protection Agency;

(6) the Inspector General of the General Services Administration;

(7) the Inspector General of the National Aeronautics and Space Administration;

(8) the Inspector General of the Small Business Administration;

(9) the Deputy Inspector General of the Department of Energy; and

(10) the Deputy Inspector General of the Department of Health and Human Services.

SEC. 104. EXTENSION OF INSPECTOR GENERAL ACT PROTECTIONS AND REQUIREMENTS TO CERTAIN DESIGNATED FEDERAL ENTITIES.

(a) REQUIREMENTS FOR FEDERAL ENTITIES AND DESIGNATED FEDERAL ENTITIES.—The Inspector General Act of 1978 (as amended by section 102(f) of this title) is further amended by inserting after section 8D the following new section:

"REQUIREMENTS FOR FEDERAL ENTITIES AND DESIGNATED FEDERAL ENTITIES

"SEC. 8E. (a) Notwithstanding section 11 of this Act, as used in this section—

"(1) the term 'Federal entity' means any Government corporation (within the meaning of section 103(1) of title 5, United States Code), any Government controlled corporation (within the meaning of section 103(2) of such title), or any other entity in the Executive branch of the Government, or any independent regulatory agency, but does not include—

"(A) an establishment (as defined under section 11(2) of this Act) or part of an establishment;

"(B) a designated Federal entity (as defined under paragraph (2) of this subsection) or part of a designated Federal entity;

"(C) the Executive Office of the President;

"(D) the Central Intelligence Agency;

"(E) the General Accounting Office; or

"(F) any entity in the judicial or legislative branches of the Government, including the Administrative Office of the United States Courts and the Architect of the Capitol and any activities under the direction of the Architect of the Capitol;

"(2) the term 'designated Federal entity' means ACTION, Amtrak, the Appalachian Regional Commission, the Board of Governors of the Federal Reserve System, the Board for International Broadcasting, the Commodity Futures Trading Commission, the Consumer Product Safety Commission, the Corporation for Public Broadcasting, the Equal Employment Opportunity Commission, the Farm Credit Administration, the Federal Communications Commission, the Federal Deposit Insurance Corporation, the Federal Election Commission, the Federal Home Loan Bank Board, the Federal Labor Relations Authority, the Federal Maritime Commission, the Federal Trade Commission, the Interstate Commerce Commission, the Legal Services Corporation, the National Archives and Records Administration, the National Credit Union Administration, the National Endowment for the Arts, the National Endowment for the Humanities, the National Labor Relations Board, the National Science Foundation, the Panama Canal Commission, the Peace Corps, the Pension Benefit Guaranty Corporation, the Securities and Exchange Commission, the Smithsonian Institution, the Tennessee Valley Authority, the United States International Trade Commission, and the United States Postal Service;

"(3) the term 'head of the Federal entity' means any person or persons designated by statute as the head of a Federal entity, and if no such designation exists, the chief policymaking officer or board of a Federal entity as identified in the list published pursuant to subsection (h)(1) of this section;

"(4) the term 'head of the designated Federal entity' means any person or persons designated by statute as the head of a designated Federal entity and if no such designation exists, the chief policymaking officer or board of a designated Federal entity as identified in the list published pursuant to subsection (h)(1) of this section, except that with respect to the National Science Foundation, such term means the National Science Board;

"(5) the term 'Office of Inspector General' means an Office of Inspector General of a designated Federal entity; and

"(6) the term 'Inspector General' means an Inspector General of a designated Federal entity.

"(b) No later than 180 days after the date of the enactment of this section, there shall be established and maintained in each designated Federal entity an Office of Inspector General. The head of the designated Federal entity shall transfer to such office the offices, units, or other components, and the functions, powers, or duties thereof, that such head determines are properly related to the functions of the Office of Inspector General and would, if so transferred, further the purposes of this section. There shall not be transferred to such office any program operating responsibilities.

"(c) Except as provided under subsection (f) of this section, the Inspector General shall be appointed by the head of the designated Federal entity in accordance with the applicable laws and regulations governing appointments within the designated Federal entity.

"(d) Each Inspector General shall report to and be under the general supervision of the head of the designated Federal entity, but shall not report to, or be subject to supervision by, any other officer or employee of such designated Federal entity. The head of the designated Federal entity shall not prevent or prohibit the Inspector General from initiating, carrying out, or completing any audit or investigation, or from issuing any subpoena during the course of any audit or investigation.

"(e) If an Inspector General is removed from office or is transferred to another position or location within a designated Federal entity, the head of the designated Federal entity shall promptly communicate in writing the reasons for any such removal or transfer to both Houses of the Congress.

"(f)(1) The Chief Postal Inspector of the United States Postal Service shall also hold the position of Inspector General of the United States Postal Service, and for purposes of this section, shall report to, and be under the general supervision of, the Postmaster General of the United States Postal Service. The Postmaster General, in consultation with the Governors of the United States Postal Service, shall appoint the Chief Postal Inspector. The Postmaster General, with the concurrence of the Governors of the United States Postal Service, shall have power to remove the Chief Postal Inspector or transfer the Chief Postal Inspector to another position or location within the United States Postal Service. If the Chief Postal Inspector is removed or transferred in accordance with this subsection, the Postmaster General shall promptly notify both

Houses of the Congress in writing of the reasons for such removal or transfer.

"(2) For purposes of paragraph (1), the term 'Governors' has the same meaning as such term is defined under section 102(3) of title 39, United States Code.

"(g)(1) Sections 4, 5, 6 (other than subsections (a)(7) and (a)(8) thereof), and 7 of this Act shall apply to each Inspector General and Office of Inspector General of a designated Federal entity and such sections shall be applied to each designated Federal entity and head of the designated Federal entity (as defined under subsection (a)) by substituting—

"(A) 'designated Federal entity' for 'establishment'; and

"(B) 'head of the designated Federal entity' for 'head of the establishment'.

"(2) In addition to the other authorities specified in this Act, an Inspector General is authorized to select, appoint, and employ such officers and employees as may be necessary for carrying out the functions, powers, and duties of the Office of Inspector General and to obtain the temporary or intermittent services of experts or consultants or an organization thereof, subject to the applicable laws and regulations that govern such selections, appointments, and employment, and the obtaining of such services, within the designated Federal entity.

"(3) Notwithstanding the last sentence of subsection (d) of this section, the provisions of subsection (a) of section 8C (other than the provisions of subparagraphs (A), (B), (C), and (E) of subsection (a)(1)) shall apply to the Inspector General of the Board of Governors of the Federal Reserve System and the Chairman of the Board of Governors of the Federal Reserve System in the same manner as such provisions apply to the Inspector General of the Department of the Treasury and the Secretary of the Treasury, respectively.

"(h)(1) No later than April 30, 1989 and annually thereafter, the Director of the Office of Management and Budget, after consultation with the Comptroller General of the United States, shall publish in the Federal Register a list of the Federal entities and designated Federal entities and the head of each such entity (as defined under subsection (a) of this section).

"(2) Beginning on October 31, 1989, and on October 31 of each succeeding calendar year, the head of each Federal entity (as defined under subsection (a) of this section) shall prepare and transmit to the Director of the Office of Management and Budget and to each House of the Congress a report which—

"(A) states whether there has been established in the Federal entity an office that meets the requirements of this section;

"(B) specifies the actions taken by the Federal entity otherwise to ensure that audits are conducted of its programs and operations in accordance with the standards for audit of governmental organizations, programs, activities, and functions issued by the Comptroller General of the United States, and includes a list of each audit report completed by a Federal or non-Federal auditor during the reporting period and a summary of any particularly significant findings; and

"(C) summarizes any matters relating to the personnel, programs, and operations of the Federal entity referred to prosecutive authorities, including a summary description of any preliminary investigation conducted by or at the request of the Federal entity concerning these matters, and the prosecutions and convictions which have resulted.".

(b) CONFORMING AMENDMENT.—Section 410(b) of title 39, United States Code, is amended—

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

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

(3) by striking out "The" in paragraph (8) and inserting in lieu thereof "the";

(4) by striking out the period at the end of paragraph (8) and inserting in lieu thereof a semicolon and "and"; and

(5) by adding at the end thereof the following new paragraph:

"(9) the provisions of section 8E of the Inspector General Act of 1978.".

SEC. 105. RULE OF CONSTRUCTION OF SPECIAL PROVISIONS.

The Inspector General Act of 1978 (as amended by sections 102(f) and 104 of this title) is further amended by inserting after section 8E the following new section:

"RULE OF CONSTRUCTION OF SPECIAL PROVISIONS

"SEC. 8F. The special provisions under section 8, 8A, 8B, 8C, or 8D of this Act relate only to the establishment named in such section and no inference shall be drawn from the presence or absence of a provision in any such section with respect to an establishment not named in such section or with respect to a designated Federal entity as defined under section 8E(a).".

SEC. 106. PROVISIONS TO ENSURE UNIFORMITY AND RELIABILITY OF REPORTS.

(a) REPORT INFORMATION REQUIRED ON AUDITS.—Section 5(a) of the Inspector General Act of 1978 is amended by striking out "and" at the end of paragraph (5) and by striking out paragraph (6) and inserting in lieu thereof:

"(6) a listing, subdivided according to subject matter, of each audit report issued by the Office during the reporting period and for each audit report, where applicable, the total dollar value of questioned costs (including a separate category for the dollar value of unsupported costs) and the dollar value of recommendations that funds be put to better use;

"(7) a summary of each particularly significant report;

"(8) statistical tables showing the total number of audit reports and the total dollar value of questioned costs (including a separate category for the dollar value of unsupported costs), for audit reports—

"(A) for which no management decision had been made by the commencement of the reporting period;

"(B) which were issued during the reporting period;

"(C) for which a management decision was made during the reporting period, including—

"(i) the dollar value of disallowed costs; and

"(ii) the dollar value of costs not disallowed; and

"(D) for which no management decision has been made by the end of the reporting period;

"(9) statistical tables showing the total number of audit reports and the dollar value of recommendations that funds be put to better use by management, for audit reports—

"(A) for which no management decision had been made by the commencement of the reporting period;

"(B) which were issued during the reporting period;

"(C) for which a management decision was made during the reporting period, including—

"(i) the dollar value of recommendations that were agreed to by management; and

"(ii) the dollar value of recommendations that were not agreed to by management; and

"(D) for which no management decision has been made by the end of the reporting period;

"(10) a summary of each audit report issued before the commencement of the reporting period for which no management decision has been made by the end of the reporting period (including the date and title of each such report), an explanation of the reasons such management decision has not been made, and a statement concerning the desired timetable for achieving a management decision on each such report;

"(11) a description and explanation of the reasons for any significant revised management decision made during the reporting period; and

"(12) information concerning any significant management decision with which the Inspector General is in disagreement.".

(b) REPORT ON FINAL ACTION.—Section 5(b) of such Act is amended by striking out "head of the establishment containing any comments such head deems appropriate." and inserting in lieu thereof the following: "head of the establishment containing—

"(1) any comments such head determines appropriate;

"(2) statistical tables showing the total number of audit reports and the dollar value of disallowed costs, for audit reports—

"(A) for which final action had not been taken by the commencement of the reporting period;

"(B) on which management decisions were made during the reporting period;

"(C) for which final action was taken during the reporting period, including—

"(i) the dollar value of disallowed costs that were recovered by management through collection, offset, property in lieu of cash, or otherwise; and

"(ii) the dollar value of disallowed costs that were written off by management; and

"(D) for which no final action has been taken by the end of the reporting period;

"(3) statistical tables showing the total number of audit reports and the dollar value of recommendations that funds be put to better use by management agreed to in a management decision, for audit reports—

"(A) for which final action had not been taken by the commencement of the reporting period;

"(B) on which management decisions were made during the reporting period;

"(C) for which final action was taken during the reporting period, including—

"(i) the dollar value of recommendations that were actually completed; and

"(ii) the dollar value of recommendations that management has subsequently concluded should not or could not be implemented or completed; and

"(D) for which no final action has been taken by the end of the reporting period; and

"(4) a statement with respect to audit reports on which management decisions have been made but final action has not been taken, other than audit reports on which a management decision was made within the preceding year, containing—

"(A) a list of such audit reports and the date each such report was issued;

"(B) the dollar value of disallowed costs for each report;

"(C) the dollar value of recommendations that funds be put to better use agreed to by management for each report; and

"(D) an explanation of the reasons final action has not been taken with respect to each such audit report,

except that such statement may exclude such audit reports that are under formal administrative or judicial appeal or upon which management of an establishment has agreed to pursue a legislative solution, but shall identify the number of reports in each category so excluded.".

(c) ISSUANCE OF REPORT ON FINAL ACTION.—Section 5(c) of such Act is amended by adding at the end thereof the following new sentence: "Within 60 days after the transmission of the semiannual reports of each establishment head to the Congress, the head of each establishment shall make copies of such report available to the public upon request and at a reasonable cost.".

(d) CONFORMING AMENDMENT; DEFINITIONS.—Section 5 of such Act is further amended by adding at the end thereof the following new subsection:

"(f) As used in this section—

"(1) the term 'questioned cost' means a cost that is questioned by the Office because of—

"(A) an alleged violation of a provision of a law, regulation, contract, grant, cooperative agreement, or other agreement or document governing the expenditure of funds;

"(B) a finding that, at the time of the audit, such cost is not supported by adequate documentation; or

"(C) a finding that the expenditure of funds for the intended purpose is unnecessary or unreasonable;

"(2) the term 'unsupported cost' means a cost that is questioned by the Office because the Office found that, at the time of the audit, such cost is not supported by adequate documentation;

"(3) the term 'disallowed cost' means a questioned cost that management, in a management decision, has sustained or agreed should not be charged to the Government;

"(4) the term 'recommendation that funds be put to better use' means a recommendation by the Office that funds could be used more efficiently if management of an establishment took actions to implement and complete the recommendation, including—

"(A) reductions in outlays;

"(B) deobligation of funds from programs or operations;

"(C) withdrawal of interest subsidy costs on loans or loan guarantees, insurance, or bonds;

"(D) costs not incurred by implementing recommended improvements related to the operations of the establishment, a contractor or grantee;

"(E) avoidance of unnecessary expenditures noted in preaward reviews of contract or grant agreements; or

"(F) any other savings which are specifically identified;

"(5) the term 'management decision' means the evaluation by the management of an establishment of the findings and recommendations included in an audit report and the issuance of a final decision by management concerning its response to such findings and recommendations, including actions concluded to be necessary; and

"(6) the term 'final action' means—

"(A) the completion of all actions that the management of an establishment has concluded, in its management decision, are necessary with respect to the findings and recommendations included in an audit report; and

"(B) in the event that the management of an establishment concludes no action is necessary, final action occurs when a management decision has been made.".

SEC. 107. OATH ADMINISTRATION AUTHORITY.

Section 6(a) of the Inspector General Act of 1978 is amended—

(1) by redesignating paragraphs (5) through (8) as paragraphs (6) through (9), respectively, and

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

"(5) to administer to or take from any person an oath, affirmation, or affidavit, whenever necessary in the performance of the functions assigned by this Act, which oath, affirmation, or affidavit when administered or taken by or before an employee of an Office of Inspector General designated by the Inspector General shall have the same force and effect as if administered or taken by or before an officer having a seal;".

SEC. 108. APPROPRIATION ACCOUNTS.

Section 1105(a)(25) of title 31, United States Code, is amended to read as follows:

"(25) a separate appropriation account for appropriations for each Office of Inspector General of an establishment defined under section 11(2) of the Inspector General Act of 1978.".

SEC. 109. EXTERNAL REVIEWS.

Section 4(b) of the Inspector General Act of 1978 is amended—

(1) by redesignating paragraphs (1), (2), and (3) as subparagraphs (A), (B), and (C), respectively;

(2) by inserting "(1)" after "(b)"; and

(3) by adding at the end thereof the following:

"(2) For purposes of determining compliance with paragraph (1)(A) with respect to whether internal quality controls are in place and operating and whether established audit standards, policies, and procedures are being followed by Offices of Inspector General of establishments defined under section 11(2), Offices of Inspector General of designated Federal entities defined under section 8E(a)(2), and any audit office established within a Federal entity defined under section 8E(a)(1), reviews shall be performed exclusively by an audit entity in the Federal Government, including the General Accounting Office or the Office of Inspector General of each establishment defined under section 11(2), or the Office of Inspector General of each designated Federal entity defined under section 8E(a)(2).".

SEC. 110. TECHNICAL AMENDMENTS.

(a) SENIOR EXECUTIVE SERVICE POSITIONS.—Section 6 of the Inspector General Act of 1978 is amended by adding at the end thereof the following:

"(d) For purposes of the provisions of title 5, United States Code, governing the Senior Executive Service, any reference in such provisions to the 'appointing authority' for a member of the Senior Executive Service or for a Senior Executive Service position shall, if such member or position is or would be within the Office of an Inspector General, be deemed to be a reference to such Inspector General.".

(b) COAST GUARD OPERATION AS PART OF DEPARTMENT OR AGENCY.—Section 8(e) of the Inspector General Act of 1978 is amended by inserting before the period at the end thereof the following: ", except that, when the Coast Guard operates as a service of another department or agency of the Federal Government, a member of the Coast Guard shall be deemed to be an employee of such department or agency".

SEC. 111. REPORT ON IMPLEMENTATION.

On October 31, 1989, the head of each designated Federal entity (as defined under section 8E(a)(2) of the Inspector General Act of 1978) shall submit to the Director of the Office of Management and Budget and to each House of the Congress a report on the status of the implementation by that designated Federal entity of the requirements of section 8E of such Act. Such report shall identify any area in which implementation is not complete and state the reasons for that failure.

SEC. 112. PAYMENT AUTHORITY SUBJECT TO APPROPRIATIONS.

Any authority to make payments under this title shall be effective only to such extent as provided in appropriations Acts.

SEC. 113. EFFECTIVE DATE.

This title and the amendments made by this title shall take effect 180 days after the date of the enactment of this title, except that section 5(a) (6) through (12) of the Inspector General Act of 1978 (as amended by section 106(a) of this title) and section 5(b) (1) through (4) of the Inspector General Act of 1978 (as amended by section 106(b) of this title) shall take effect 1 year after the date of the enactment of this title.

TITLE II—GOVERNMENT PRINTING OFFICE INSPECTOR GENERAL

SEC. 201. SHORT TITLE.

This title may be cited as the "Government Printing Office Inspector General Act of 1988".

SEC. 202. OFFICE OF INSPECTOR GENERAL.

Title 44 of the United States Code is amended by adding at the end thereof the following new chapter:

"CHAPTER 39—GOVERNMENT PRINTING OFFICE: OFFICE OF INSPECTOR GENERAL

"Sec.

"3901. Purpose and establishment of the Office of Inspector General.

"3902. Appointment of Inspector General; supervision; removal.

"3903. Duties, responsibilities, authority, and reports.

"§ 3901. Purpose and establishment of the Office of Inspector General

"In order to create an independent and objective office—

"(1) to conduct and supervise audits and investigations relating to the Government Printing Office;

"(2) to provide leadership and coordination and recommend policies to promote economy, efficiency, and effectiveness; and

"(3) to provide a means of keeping the Public Printer and the Congress fully and currently informed about problems and deficiencies relating to the administration and operations of the Government Printing Office;

there is hereby established an Office of Inspector General in the Government Printing Office.

"§ 3902. Appointment of Inspector General; supervision; removal

"(a) There shall be at the head of the Office of Inspector General, an Inspector General who shall be appointed by the Public Printer without regard to political affiliation and solely on the basis of integrity and demonstrated ability in accounting, auditing, financial analysis, law, management analysis, public administration, or investigations. The Inspector General shall report to, and be under the general supervision of, the Public Printer. The Public Printer shall have no authority to prevent or pro-

hibit the Inspector General from initiating, carrying out, or completing any audit or investigation, or from issuing any subpoena during the course of any audit or investigation.

"(b) The Inspector General may be removed from office by the Public Printer. The Public Printer shall, promptly upon such removal, communicate in writing the reasons for any such removal to each House of the Congress.

"§ 3903. Duties, responsibilities, authority, and reports

"(a) Sections 4, 5, 6 (other than subsection (a) (7) and (8) thereof), and 7 of the Inspector General Act of 1978 (Public Law 95-452; 5 U.S.C. App. 3) shall apply to the Inspector General of the Government Printing Office and the Office of such Inspector General and such sections shall be applied to the Government Printing Office and the Public Printer by substituting—

"(1) 'Government Printing Office' for 'establishment'; and

"(2) 'Public Printer' for 'head of the establishment'.

"(b) The Inspector General, in carrying out the provisions of this chapter, is authorized to select, appoint, and employ such officers and employees as may be necessary for carrying out the functions, powers, and duties of the Office of Inspector General subject to the provisions of this title governing selections, appointments, and employment in the Government Printing Office (and any regulations thereunder).".

SEC. 203. TRANSFER OF OFFICE.

(a) IN GENERAL.—There is transferred to the Office of Inspector General established pursuant to this title, the office of the Government Printing Office referred to as the "Office of Inspector General".

(b) RELATED PROVISIONS.—With respect to such transferred office—

(1) sections 9 (b) and (c) of the Inspector General Act of 1978 shall apply; and

(2) all the functions, powers, and duties of the office transferred by subsection (a) shall lapse.

(c) PERSONNEL.—Any person who, on the effective date of this title, held a position compensated in accordance with the applicable laws and regulations that govern selections, appointments, and employment within the Government Printing Office, and who, without a break in service, is appointed in the Office of Inspector General established by this title to a position having duties comparable to those performed immediately preceding such appointment shall continue to be compensated in the new position at not less than the rate provided for the previous position, for the duration of service in the new position.

SEC. 204. AMENDMENT TO TABLE OF CHAPTERS.

The table of chapters for title 44, United States Code, is amended by adding at the end thereof the following new item:

"39. Government Printing Office: Office of Inspector General ..... 3901".

SEC. 205. PAYMENT AUTHORITY SUBJECT TO APPROPRIATIONS.

Any authority to make payments under this title shall be effective only to such extent as provided in appropriations Acts.

SEC. 206. EFFECTIVE DATE.

The provisions of this title and the amendments made by this title shall take effect 180 days after the date of the enactment of this title.

And the House agree to the same.

JACK BROOKS,
JOHN CONYERS,
MIKE SYNAR,
BOB WISE,
BEN ERDREICH,
FRANK HORTON,
ROBERT S. WALKER,
BILL CLINGER,
Managers on the Part of the House.

JOHN GLENN,
LAWTON CHILES,
JIM SASSER,
DAVID PRYOR,
BILL ROTH,
TED STEVENS,
JOHN HEINZ,

For the purposes of the Nuclear Regulatory Commission provisions only:

JOHN BREAUX,
AL SIMPSON,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the Senate and House at the conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 908) to amend the Inspector General Act of 1978 to establish Offices of Inspector General in certain departments, and for other purposes, submit the following joint statement to the Senate and House in explanation of the effect of the action agreed upon by the managers and recommended in this conference report:

The House amendment to the text of the bill struck out all of the Senate bill after the enacting clause and inserted a substitute text.

The Senate recedes from its disagreement to the amendment of the House with an amendment which is a substitute for the Senate bill and the House amendment. The differences between the Senate bill, the House amendment, and the substitute agreed to in conference are noted below, except for clerical corrections, structural changes, conforming changes made necessary by amendments reached by the conferees, and minor drafting and clarifying changes.

TITLE I—INSPECTOR GENERAL ACT AMENDMENTS

SECTION 102. ESTABLISHMENT OF OFFICES OF INSPECTOR GENERAL

Senate Bill

The Senate bill amends the Inspector General Act of 1978 ("the Act") to establish an Office of Inspector General (OIG), headed by a Presidentially-appointed Inspector General (IG), in five establishments: Department of the Treasury, the Internal Revenue Service (IRS), the Office of Personnel Management (OPM), the Nuclear Regulatory Commission (NRC), and the Federal Emergency Management Agency (FEMA). The Senate bill transfers the audit, but not the internal investigations, resources of Treasury's Bureau of Alcohol, Tobacco and Firearms (BATF), Customs Service and Secret Service into the Treasury OIG. The Senate bill includes special provisions applicable to Treasury and IRS. One such provision allows the Treasury IG to conduct investigations in those bureaus in certain circumstances.

The IRS Office of Assistant Commissioner (Inspection) is transferred into the separate IRS OIG. The special provisions also provide that the IGs at Treasury and IRS are under the "authority, direction and control" of the Treasury Secretary and IRS Commissioner, respectively, with respect to an audit, investigation or issuance of a subpoena when those establishment heads determine, on a case-by-case basis, that the audit, investigation, or issuance of a subpoena requires access to specifically delineated information. The Senate bill allows those heads to halt an individual audit, investigation, or issuance of a subpoena to preserve the confidentiality or prevent the disclosure of such information, and requires that Congressional committees receive notice of such action.

The Senate bill also includes special provisions applicable to the NRC Chairman's authority to delegate supervisory authority over the IG to another member of the Commission.

House Amendment

The House amendment contains a Title I, "Inspector General Act Amendments of 1988", which amends the Act to establish an OIG, headed by a Presidentially-appointed IG, in the Departments of Justice and the Treasury and in FEMA. The House amendment transfers the audit, but not the internal investigations, resources of BATF, Customs Service and Secret Service into the Treasury OIG. The House amendment does not transfer the IRS Office of Assistant Commissioner (Inspection) into the Treasury OIG.

The House amendment transfers the following resources from the Department of Justice into the OIG: the Audit Staff, Justice Management Division; from the Immigration and Naturalization Service, the Policy and Procedures Branch, Office of the Comptroller, the Office of Professional Responsibility, and the Office of Program Inspections; the Office of Internal Inspection, United States Marshals Service; from the Bureau of Prisons, the Financial Audit Section, Office of Financial Management and the Office of Inspections; and from the Drug Enforcement Administration, that portion of the Office of Inspections which is engaged in internal audit activities and that portion of the Office of Planning and Evaluation which is engaged in program review activities.

The Department's Office of Professional Responsibility, the internal investigations resources of DEA, and the audit and internal investigations resources of the Federal Bureau of Investigations (FBI) are not transferred into the OIG. The House amendment does not contain any special provisions for the Departments of Justice and Treasury or the NRC.

The House amendment contains a Title II, "Government Printing Office Inspector General Act of 1988", which amends Title 44 of the United States Code to establish an OIG, headed by an IG appointed by the Public Printer, in the Government Printing Office (GPO).

Conference Agreement

The conference agreement follows the House format providing for two Titles: Title I, "Inspector General Act Amendments of 1988", which establishes OIGs, each headed by a Presidentially-appointed IG, in the Departments of Justice and the Treasury, the NRC, OPM and FEMA; and Title II, "Government Printing Office Inspector General Act of 1988", which establishes an OIG headed by an IG appointed by the Public Printer, in GPO. There is no provision for a separate Presidentially appointed IG at IRS.

The House recedes to the Senate with respect to special provisions for the Department of the Treasury and NRC, as modified in conference, with an amendment in sec-

tion 105 of the conference agreement that would add a Rule of Construction for clarification of the impact of the special provisions contained in the Inspector General Act of 1978 on their respective establishments.

Section 102(d) of the conference agreement follows the House amendment (which is identical to the Senate bill) as to the offices transferred into the Treasury OIG. In the future, the Treasury Secretary may determine that the internal investigations resources of BATF, Customs Service, and Secret Service and the IRS Office of Assistant Commissioner (Inspection) should be consolidated in the OIG. Pursuant to section 9(a)(2) of the Inspector General Act, the Treasury Secretary is authorized to effect the transfer of resources and functions necessary to achieve this consolidation. Such a transfer would be consistent with the inspector general concept.

Section 102(f) includes special provisions providing that the Treasury IG is under the "authority, direction and control" of the Treasury Secretary with respect to an audit, investigation or issuance of a subpoena when the Treasury Secretary, on a case-by-case basis, determines that the audit, investigation, or issuance of a subpoena requires access to specifically delineated information. The conference agreement allows the Treasury Secretary to halt an individual audit, investigation, or issuance of a subpoena to revent the disclosure of such information or prevent significant impairment to the national interests of the United States, and requires that Congressional committees receive notice of such action.

The special provisions also provide that the IG shall have oversight responsibility for the internal investigations performed by certain specified offices in BATF, Customs Service and Secret Service, and for the audits and investigations performed by the Office of Assistant Commissioner (Inspection) of the IRS. The head of each such office shall promptly report to the IG the significant activities being carried out by such office. The IG may initiate, conduct and supervise such audits and investigations in the Department as the IG considers appropriate. In the event any IG audit or investigation involves BATF, Customs Service, Secret Service or IRS, all other audits or investigations shall cease. The conference agreement includes additional special provisions concerning procedures governing the IG's access to taxpayer returns and return information in IRS.

In addition, section 102(d) of the conference agreement follows the House amendment as to the offices transferred into the Justice OIG. With respect to this transfer provision, the conferees recognize that certain personnel currently employed in some of the offices or portions of offices slated for transfer have been rotated into these offices for a limited period of time. These employees expect to serve out their assignments and then return to operating programs in their respective bureaus or services.

In general, rotation of personnel in and out of an OIG is inconsistent with the inspector general concept. The conferees intend that these particular Justice Department employees should finish their assignments in the new Office of Inspector General, but upon completion, they should be allowed to return to complete their careers in their respective bureaus or services. However, the full-time equivalent position and any current appropriations, authorizations, allocations, and other funds employed, held, used, arising from, available or to be made available to the Department for each such employee's position will remain with the OIG.

In deference to the request of the Attorney General, the Senate recedes to the House with respect to not transferring the Department's Office of Professional Responsibility (OPR) into the OIG. In the future the Attorney General may determine that OPR and the other audit, internal investigation, and inspection units remaining outside the OIG should be consolidated in the OIG. Pursuant to section 9(a)(2) of the Inspector General Act, the Attorney General is authorized to effect the transfer of resources and functions necessary to achieve this consolidation. Such a transfer would be consistent with the inspector general concept. Nothing in the conference agreement is intended to preclude the Attorney General or the head of any Justice Department component from reviewing, evaluating or analyzing the programs under their direction.

Section 102(f) contains special provisions in the Act concerning the Justice Department. These include special provisions providing that the Justice IG is under the "authority, direction and control" of the Attorney General with respect to an audit, investigation, or issuance of a subpoena when the Attorney General, on a case-by-case basis, determines that the audit, investigation, or issuance of a subpoena requires access to specifically delineated information. The conference agreement allows the Attorney General to halt an individual audit, investigation, or issuance of a subpoena to prevent the disclosure of such information or prevent significant impairment to the national interests of the United States, and requires that Congressional committees receive notice of such action.

The special provisions also include a provision that the IG give particular regard to the activities of the Counsel, OPR, and any other audit, internal investigation, or inspection units remaining outside the Office of Inspector General with a view toward avoiding duplication and insuring effective coordination and cooperation. In addition, the IG shall refer to the Counsel, OPR for investigation information or allegations relating to the conduct of an officer or employee of the Department employed in an attorney, criminal investigative, or law enforcement position that is or may be a violation of law, regulation, or order of the Department or any other applicable standard of conduct, except that no such referral shall be made if the officer or employee is employed in OPR.

The Inspector General Act of 1978 provides the Justice IG with the statutory authority to conduct and supervise audits and investigations relating to the programs and operations of the Department. However, the conference agreement permits OPR, which remains outside the OIG, to conduct the investigations of alleged misconduct involving a Justice Department officer or employee in an attorney, criminal investigative, or law enforcement position.

The Justice IG shall determine the deployment of OIG audit and investigative resources. In exercising the authorities granted the IG by the Inspector General Act, the IG may provide audit and investigative assistance to the Counsel, OPR as the Inspector General considers appropriate to best meet the goal of providing audit and investigative coverage to the Department. Every effort should be made for the IG and the Counsel, OPR to coordinate efforts, share resources and combine their expertise to provide the Attorney General and program managers with audit and investigative coverage.

Section 102(h) of the conference agreement provides that not later than 90 days after the appointment of the Justice IG, the IG shall designate 20 full-time investigation positions which the Attorney General may transfer from the OIG to OPR for the employee misconduct investigations to be performed by OPR. The conferees recognize the sensitivity surrounding internal investigations of personnel affiliated with the law enforcement programs of the FBI, DEA, the Marshals Service, the Immigration and Naturalization Service, and the Bureau of Prisons. Nothing in this conference agreement is intended to foreclose the OPR and OIG from expediting investigations of allegations involving the conduct of personnel of the law enforcement bureaus. The conferees intend that OPR and the IG remain responsive to the internal investigation needs of the heads of the law enforcement bureaus—FBI, DEA, the Marshals Service, the Immigration and Naturalization Service, and the Bureau of Prisons.

In the semi-annual reports required by section 5(a) of the Inspector General Act, which requires the IG to summarize the activities of the OIG during the preceding 6-month period, the IG should provide information about the coordination and cooperation between the OIG and Counsel, OPR, including a summary of matters referred to the Counsel, OPR for investigation and, where available, the results of such investigations. The Counsel, OPR should work with the IG to provide such information for inclusion in the IG's semi-annual reports in an appropriate manner.

The conferees do not intend that the IG should render judgments on the exercise of prosecutorial or other litigative discretion in a particular case or controversy. Examples include an attorney's decision regarding the adequacy of evidence to litigate a case or the decision to grant immunity to one defendant in return for testimony against another defendant. Unless a unique set of circumstances dictates otherwise, the conferees intend that reviews of such prosecutorial or other litigative discretion in a particular case or controversy is an appropriate role for, and may be delegated by, the Attorney General.

SECTION 104. EXTENSION OF INSPECTOR GENERAL ACT PROTECTIONS AND REQUIREMENTS TO CERTAIN DESIGNATED FEDERAL ENTITIES

Senate Bill

The Senate bill requires 33 "designated Federal entities" named in the bill, including the Corporation for Public Broadcasting and the Federal Election Commission, to establish internal audit units to be headed by a director appointed by the head of the designated Federal entity. The Senate bill applies relevant special provisions concerning the Treasury Department to the Federal Reserve System, one of the 33 designated Federal entities.

The Senate bill provides that the Chief Postal Inspector of the United States Postal Service shall be the internal audit unit director of the Postal Service, another designated Federal entity. The Chief Postal Inspector shall be appointed by the Postmaster General. The Chief Postal Inspector may be removed or transferred if the Postmaster General issues a written order stat-

ing the reasons for such action and two-thirds of the Governors of the Postal Service vote to ratify the order. In that case, the Postmaster General shall notify both Houses of Congress of the reasons.

The Senate bill requires the heads of the Federal entities which are not designated Federal entities to file annually with OMB a report on the status of their audit and internal investigation coverage. The Senate bill defines "head of the Federal entity" and "head of the designated Federal entity" to mean the director, administrator, president, chairman or chief executive officer of such entity, or any other body designated by statute as the head of such entity.

House Amendment

The House amendment requires each of the 33 "designated Federal entities" named in the bill, including the NRC and OPM, but not including the Corporation for Public Broadcasting and the Federal Election Commission, to establish an Office of Inspector General to be headed by an IG appointed by the head of the designated Federal entity. The House amendment contains no special provisions for the Federal Reserve System, a designated Federal entity.

The House amendment provides that the Chief Postal Inspector of the United States Postal Service shall also hold the position of Inspector General of the Postal Service, a designated Federal entity. The Chief Postal Inspector shall be appointed by the Governors of the Postal Service and may be removed or transferred by the Governors. In that case, the Governors shall notify each House of Congress of the reasons for such action.

The House amendment requires the heads of the Federal entities which are not designated Federal entities to file annually with OMB and each House of Congress a report on the status of their audit and internal investigation coverage. The House amendment defines "head of the Federal entity" and "head of the designated Federal entity" to mean the director, administrator, president, chairman, or chief policymaking officer or board of such entity, or any person or persons designated by statute as the head of such entity.

Conference Agreement

The conference agreement follows the Senate bill to include the Corporation for Public Broadcasting and the Federal Election Commission in the definition of "designated Federal entity" and to provide the NRC and OPM each with an OIG headed by a Presidentially-appointed IG (pursuant to section 102 of the conference agreement). The conference agreement also follows the Senate bill to apply relevant special provisions concerning the Treasury Department to the Federal Reserve System.

The conferees agree to follow the House amendment requiring the establishment and maintenance of an Office of Inspector General within each designated Federal entity. The conference agreement also follows the House amendment by requiring the heads of each "Federal entity" to file annually with OMB and each House of Congress a report on the status of their audit and internal investigation coverage. The first such report is due on October 31, 1989.

The conferees agree to amend the definitions of "head of the Federal entity" and "head of the designated Federal entity" to mean any person or persons designated by statute as the head of such entity, and if no such designation exists, the chief policymaking officer or board of each such entity as identified in a list to be published annually in the Federal Register by the Director of the Office of Management and Budget, after consultation with the Comptroller General of the United States. The first such list from OMB is due April 30, 1989. The conferees designate the National Science Board as the head of the National Science Foundation, a designated Federal entity.

Further, recognizing the unique structure of the National Labor Relations Act and the National Labor Relations Board, the conferees intend that "the head of the designated Federal entity" for the purposes of this bill will be the Chairman of the NLRB and that the Chairman shall exercise such authority consistent with the past practices of the Board, which has been to balance the responsibilities of the Board and the unique responsibilities of the General Counsel. In addition, because of the uniqueness of the structure of the Panama Canal Commission, the conferees intend that "the head of the designated Federal entity" for the purposes of this bill will be the Chairman of the Board of the Panama Canal Commission.

The conferees intend that the head of the designated Federal entity appoint the Inspector General without regard to political affiliation and solely on the basis of integrity and demonstrated ability in accounting, auditing, financial analysis, law, management analysis, public administration, or investigations.

Section 104(a) of the conference agreement clarifies the definition of "Federal entity" specifically to exclude a "designated Federal entity". The conferees do not intend that the definition of "Federal entity" should be interpreted only to apply to federal agencies. Rather, all agencies, regulatory boards, commissions, government corporations and other federally-funded entities in the executive branch of the government which are not specifically exempted from the definition of "Federal entity" should be included. It is intended that the Office of Management and Budget will liberally enforce the requirements of section 104(h)(2) for all of the entities listed on Attachment A hereto which are existing on the effective date of section 104, and to any other similar entities within the executive branch.

The conference agreement follows the House amendment providing that the Chief Postal Inspector of the United States Postal Service shall also hold the position of Inspector General of that designated Federal entity. The conferees intend that the Chief Postal Inspector may continue to use that title to the exclusion of the title of Inspector General, as the Chief Postal Inspector may choose.

The conference agreement provides that the Postmaster General, in consultation with the Governors of the United States Postal Service, shall appoint the Chief Postal Inspector. The Postmaster General, with the concurrence of the Governors, shall have the power to remove the Chief Postal Inspector or transfer the Chief Postal Inspector to another position or location within the United States Postal Service. The conferees intend that concurrence shall be a simple majority of the Governors of the United States Postal Service. If this authority is exercised, the Postmaster General shall promptly notify both Houses of Congress in writing of the reasons for such removal or transfer.

Section 104(b) of the conference agreement provides that there shall not be transferred to an OIG established in a designated Federal entity any program operating responsibilities. The Inspector General Act authorizes each much IG to promote economy and efficiency in the administration of, and prevent and detect fraud and abuse in, programs and operations of the designated Federal entities. The IGs are intended to act as independent factgatherers, with no vested interest in policy, or in particular programs and operations. For example, the conferees do not intend that the IG at the National Science Foundation question the scientific merits of a specific grant or contract proposal or that the IG at the FEC render judgment on the Commission's exercise of discretion in a particular case or controversy involving enforcement of or compliance with the campaign finance laws. Under the IG Act, an IG in a designated Federal entity is authorized to review allegations of misconduct in the decisionmaking process, e.g., an alleged conflict of interest on the part of an officer or employee who could personally benefit from a certain decision.

SECTION 106. PROVISIONS TO ENSURE THE UNIFORMITY AND RELIABILITY OF REPORTS

Senate Bill

The Senate bill defines "audit determination" to mean the evaluation by the management of an establishment covered by the Act of the findings and recommendations included in an audit report and issuance of a written decision concerning its response to such findings and recommendations. "Audit resolution" is defined to mean the completion of all corrective actions that management has concluded in an audit determination are necessary with respect to the findings and recommendations, and in the event management concludes no action is necessary, audit resolution occurs when an audit determination has been reached. The Senate bill also defines "ineligible", "unsupported" and "disallowed" costs. The IGs are required to report on the status of audit reports through the point of audit resolution using a statistical table. The Senate bill requires the heads of each establishment covered by the Act to include in their semi-annual reports a list of each audit report not resolved within 1 year after the date on which an audit determination was made, an explanation of the reason such audit was not resolved, and for each such report, the amount of disallowed costs that are under administrative or judicial appeal and the amount of any disallowed costs returned to or offset by the Government.

House Amendment

The House amendment substitutes "management decision" and "final action" to describe "audit determination" and "audit resolution", respectively, with minor drafting changes. The House amendment requires the IGs to include with the listing of each audit report issued by the OIG during the reporting period the amounts of costs reported as "ineligible" and "unsupported" (as such terms are defined in the amendment). The IGs would also report on the status of audit reports pending and issued during the reporting period through the point of management decision using a statistical table. The House amendment would require the IGs to include separate sections in their semi-annual reports on the activities of those audit and investigative offices outside the OIG. The House amendment requires the heads of each establishment covered by the Act to include in their semi-annual reports a list of each audit report on which final action has not been taken one year

after the date upon which a management decision was made in response to such report and an explanation of the reason final action had not been taken, except that such list may exclude audit reports under administrative or judicial review but shall identify the number of reports so excluded. The heads of establishments are also required to report on the status of audit reports from the point of management decision through final action using a statistical table.

Conference Agreement

The conference agreement follows the House amendment setting forth the definitions of "management decision" and "final action". The conferees agree to define "questioned" costs to mean those costs questioned by OIG because of an alleged violation of a provision of law, regulation, contract, grant, cooperative agreement, or other agreement or document governing the expenditure of funds; a finding that, at the time of the audit, such cost is not supported by adequate documentation; or a finding that the expenditure of funds for the intended purpose is unnecessary or unreasonable. This definition clarifies that a cost may be questioned by OIG because it is "ineligible" (a term previously separately defined in the Senate bill and House amendment), "unsupported" (a term separately defined in the conference agreement), or unnecessary or unreasonable. The conferees also agreed to separately define the terms "disallowed cost" and "recommendation that funds be put to better use".

Section 106(a) of the conference agreement follows the House amendment to require the IGs to report on the status of audit reports pending and issued during the reporting period through the point of management decision. With regard to such reports, the conferees intend that the IGs should only claim as accomplishments or savings with respect to questioned costs those costs that management of an establishment, in a management decision, has sustained or agreed should not be charged to the Government.

The conferees agree to require the IGs to use 2 statistical tables to report on audit reports pending and issued during the reporting period: one concerning the status of management decisions in repsonse to questioned costs; and the other concerning the status of management decisions in response to recommendations that funds be put to better use. Section 106(a) also requires the IGs to include with the listing of each audit report issued by the OIG during the reporting period information concerning the total dollar value of questioned costs, with a separate category setting out the dollar value of unsupported costs included in the total dollar value of questioned costs, and the dollar value of recommendations that funds be put to better use. The conferees agree to require the IGs to provide information concerning each audit report issued before the commencement of the reporting period for which no management decision has been made by the end of the reporting period.

Section 106(b) of the conference agreement follows the House amendment to require the heads of establishments covered by the Act to report on the status of audit reports from the point of management decision through final action. The conferees agreed to require the heads of establishments to use 2 statistical tables: one concerning the status of final action to be taken to recover disallowed costs; and the other concerning the status of final action to be taken to implement recommendations that funds be put to better use. Section 106(b) also requires the heads of establishments to provide a statement concerning audit reports on which management decisions have been made but final action has not been taken, other than audit reports on which a management decision was made within the preceding year, including information about the reason final action had not been taken. Such a statement may exclude audit reports under formal administrative or judicial appeal or upon which management of an establishment has agreed to pursue a legislative solution. In those instances, the heads of establishments shall identify the number of reports so excluded.

SECTION 109. EXTERNAL REVIEWS

The Senate recedes from its disagreement to the amendment of the House in regard to the reviews of Offices of Inspector General and other audit offices to determine compliance with section 4(b)(1)(A) of the Act with a substitute agreed to in conference which makes technical, conforming and clarifying changes.

SECTION 110. TECHNICAL AMENDMENTS

The Senate recedes from its disagreement to the amendment of the House in regard to the technical amendments to the Act concerning the authority of the IGs to appoint members of the Senior Executive Service to SES positions in the OIG and the status of members of the Coast Guard for purposes of section 7 of the Act.

SECTION 111. REPORT ON IMPLEMENTATION

The Senate recedes from its disagreement to the amendment of the House in regard to the one-time report required of the heads of each of the 33 designated Federal entities named in section 104(a) of the conference agreement concerning the status of implementation by each designated Federal entity of the requirements of section 104. The conferees agree that the report shall be submitted to OMB and each House of Congress on October 31, 1989. The conferees also agree to other clarifying and technical changes.

SECTION 112. PAYMENT AUTHORITY SUBJECT TO APPROPRIATIONS

The Senate recedes from its disagreement to the amendment of the House subjecting payment authority under Title I of the conference agreement to appropriations Acts.

SECTION 113. EFFECTIVE DATE

The Senate recedes from its disagreement to the amendment of the House in regard to making the effective date of Title I and the amendments to the Act made by Title I with a substitute agreed to in conference which clarifies that the effective date of all but the amendments to section 5 of the Act (relating to the IGs' and establishment heads' reporting requirements) shall be 6 months from the date of enactment of Title I. The effective date of the amendments to the reporting requirements shall be 1 year after the date of enactment of Title I.

TITLE II—GOVERNMENT PRINTING OFFICE INSPECTOR GENERAL

The Senate recedes from its disagreement to the amendment of the House in regard to Title II, which establishes an IG appointed by the Public Printer in GPO, with a substitute agreed to in conference which makes clerical corrections, structural changes, and technical and clarifying changes.

ATTACHMENT A

Administrative Conference of the United States
Advisory Committee on Federal Pay
Advisory Commission on Intergovernmental Relations
Advisory Council on Historic Preservation
African Development Foundation
Alaska Land Use Council
Alaska Natural Gas Transportation System Office of Federal Inspector
American Battle Monuments Commission
Architectural and Transportation Barriers Compliance Board
Arms Control and Disarmament Administration
Barry Goldwater Scholarship Foundation
Commission on Fine Arts
Commission on Civil Rights
Commission on Constitution Bicentennial
Commission on Education of the Deaf
Commission on Ukraine Famine
Center for Cultural and Technical Interchange Between East and West
Columbia Quincentenary Commission
Commission for Purchase from the Blind and Other Severely Handicapped
Delaware River Basin Commission
Export-Import Bank
Federal Mediation and Conciliation Service
Federal Mine Safety and Health Review Commission
Federal Retirement Thrift Investment Board
Federal Savings and Loan Insurance Corporation
Franklin Roosevelt Memorial Commission
Harry Truman Scholarship Foundation
Holocaust Memorial Commission
Illinois and Michigan Canal National Heritage Corridor Commission
Institute for Museum Services
Intelligence Community Staff
Inter-America Foundation
James Madison Fellowship Foundation
Japan-United States Friendship Commission
Jefferson National Expansion Memorial Commission
Marine Mammal Commission
Merit Systems Protection Board
Office of Special Counsel
National Afro-American History Commission
National Board for Promotion of Rifle Practice
National Capital Planning Commission
National Consumer Coop Bank
National Commission on Libraries and Information Science
National Council on Employment Policy
National Council on Handicapped
National Council on Public Works Improvement
National Critical Materials Council
National Endowment for Democracy
National Institute of Building Sciences
National Mediation Board
National Transportation Safety Board
Navajo-Hopi Relocation Commission
Neighborhood Reinvestment Corporation
Occupational Safety and Health Review Commission
Office(s) of Independent Counsel(s)
Overseas Private Investment Corporation
U.S. Institute for Peace
Pennsylvania Avenue Development Corporation
Postal Rate Commission
Potomac River Basin Commission
Selective Service System
U.S. Sentencing Commission

State Justice Institute
Susquehanna River Basin Commission
Washington Metropolitan Transit Authority

JACK BROOKS,
JOHN CONYERS,
MIKE SYNAR,
BOB WISE,
BEN ERDREICH,
FRANK HORTON,
ROBERT S. WALKER,
BILL CLINGER,
Managers on the Part of the House.

JOHN GLENN,
LAWTON CHILES,
JIM SASSER,
DAVID PRYOR,
BILL ROTH,
TED STEVENS,
JOHN HEINZ,

For the purposes of the Nuclear Regulatory Commission provisions only:

JOHN BREAUX,
AL SIMPSON,
Managers on the Part of the Senate.

APPOINTMENT OF CONFEREES ON S. 2100, WATER RESOURCES DEVELOPMENT ACT OF 1988

The SPEAKER. The Chair appoints the following conferees on S. 2100: Mr. ANDERSON; Mr. ROE, except section 30; Mr. NOWAK, as an additional conferee; Mr. BORSKI, on section 30 only of H.R. 5247, as reported, now contained in the House amendment and modifications committed to conference; and Mr. HAMMERSCHMIDT and Mr. STANGELAND.

TODAY IS AN HISTORIC DAY

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

Mr. CONTE. Mr. Speaker, it is not often that one gets to take part in history. But today is a day of historic, nay, of olympic, proportions. Today is a day that shatters myths, that counters our critics, that ends many winters of discontent.

For the first time since 1948, 40 years ago, long before the House of Representatives was more than an apple in my eye, this House of the United States of America has completed action on all 13 appropriations bills prior to the start of the fiscal year on October 1.

For the first time since 1953, 35 years ago, this Congress will not resort to a stopgap continuing resolution to keep the Government from running out of money at the start of the new fiscal year.

For the first time in the modern era, the Federal budget for the upcoming fiscal year is in place, on time and under budget.

This is it, Mr. Speaker, right here, right now. This is how the Government should run. This is how the Congress should conduct its business.

This is the textbook case that can be held up as the gold standard against which our future actions can be compared.

Let it be said, to all those who would criticize the workings of our democracy, that good Government is back—and hopefully here to stay.

Why, Mr. Speaker, why have we come so far? I would say there is no magic, no special fix, that's been put into place.

In fact, it is in spite of all the reforms—the Budget Act, which has bogged us down so badly; and Gramm-Rudman-Hollings, which gave OMB the power, by making them the unchallengeable bean counters, to jerk us around with the threat of sequester.

What was different this year was leadership. Last November, leaders in the House, the Senate, and the administration met in a Budget Summit Conference to confront, head on, the crisis of the Federal deficit.

For 22 days, we met and hashed out an agreement setting broad overall targets for domestic, military and international spending. With that agreement in place, the Appropriations Committee simply went to work and did its job.

It didn't take an act of Congress. It didn't take years of hearings, and proposals and reforms. All it took was getting key members of the administration and Congress into the same room to work out broad targets ahead of time that we could shoot for. And then, the Speaker, the leadership on my side of the aisle, the House, and the administration, simply let the Appropriations Committee do its job. And for that, I thank you.

Mr. Speaker, it is a great privilege for me to stand here in the well of the House on this momentous and historical occasion.

My privileges have been many: The privilege of working with the chairman of the committee, the dean of the House of Representatives, the gentleman from Mississippi, JAMIE WHITTEN; the privilege of representing the minority and of working with the Speaker JIM WRIGHT and the Republican leader, the gentleman from Illinois, BOB MICHEL; the privilege of working with the members of the committee from my side and all the Members.

This is a very special moment for me, a first in my career, that I will be proud of for years to come.

I would like to thank all the Members of this House and to say that the gold medal for this great achievement goes to all of you. Congratulations on a job well done. And happy fiscal new year.

Mr. Speaker, it's an historic moment. We're at the end of the end of a long marathon. It's the last amendment in disagreement on the last bill on the last day of the fiscal year. We can see the finish line across the hill and down the avenue. It's only 16 blocks away, but there's a hurdle across the Capitol.

With apologies to the great Johnny Mercer, I say to my friends in the Senate:

Something's gotta give!
When an irresistible force such as you,
Meets an old immovable object like us,
You can bet as sure as you live,
Something's gotta give,
Something's gotta give,
Something's gotta give.
When we work 11 months or more,
And you leave early the day before,
Please don't say no because we insist,
This deadline just can't be missed.
Something's gotta give,
Something's gotta give,
Something's gotta give.
Let's make history at this late date,
Senate action tomorrow will be too late,
The House has acted so the President can sign,
All the funding bills on time.
Now Senate: work, work, work with all your might!
Chances are you may get it right.
We'll find out at the stroke of midnight.
Something's gotta give,
Something's gotta give,
Something's gotta give.

□ 1745

CONGRATULATIONS TO HOUSE ON PASSAGE OF APPROPRIATIONS BILLS

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

Mr. WHITTEN. Mr. Speaker, this is a great occasion and I am very thankful, and I do think that we should take time to realize that it has not been the Appropriations Committee that has delayed the Congress, nor spent money beyond the limits. We have passed our appropriations bills on the House side in time. In recent years we have had to resort to continuing resolutions because our friends on the other side could not do their work. I want to say that this year has been different and it is a great day, and I want to take the time on this occasion when we are so proud about the end result to point out that our Committee on Appropriations joins with you and other leaders in celebrating this occasion. I believe there is enough credit to pass a little around to each of the 57 members of our committee.

Mr. Speaker, may I say "thank you" for giving our various appropriations bills the right-of-way on the floor and I hope that you will join in our happiness at the end result.

This year we had to wait for the Budget Committee for some 53 days after the due date because the Senate and the House couldn't agree on the budget bill. Then after it was 53 days overdue, we had a new set of figures so we had to do it all over again. We need to look at this problem in the future

and figure out a way that we can help the Congress and the committees do their work instead of stopping it.

Mr. Speaker, our committee is going to need much more to help next year by insisting that the Budget Committees and the Senate act on time. As the record shows, it was the failure of agreeing to a timely budget resolution that forced us into a continuing resolution for the past 2 years.

I couldn't conclude without telling my colleagues about how much work we had to do this year. I would like to repeat what I said today in debate on the defense appropriations bill.

Our committee held 275 days of hearings and took testimony from over 5,000 witnesses which is printed on 88, 319 pages in 90 hearing volumes. And we held the total of appropriations bills below our allocation and we finished on time.

Mr. Speaker, let me tell you about the House Members who helped to bring this great occasion about, particularly SILVIO CONTE, the ranking Republican of the committee, who has worked so hard to bring this about.

In order to do this job, we had the help of the staff which in my opinion is second to none.

I submit for the record the names of the subcommittee chairmen and their Republican counterparts who certainly share the credit:

Subcommittee on Commerce-Justice-State-Judiciary: NEAL SMITH, chairman; HAL ROGERS, ranking Republican.

Subcommittee on Defense: BILL CHAPPELL, chairman; JOE MCDADE, ranking Republican.

Subcommittee on District of Columbia: JULIAN DIXON, chairman; LARRY COUGHLIN, ranking Republican.

Subcommittee on Energy and Water Development: TOM BEVILL, chairman; JOHN MYERS, ranking Republican.

Subcommittee on Foreign Operations, Export Financing, and Related Programs: DAVID OBEY, chairman; MICKEY EDWARDS, ranking Republican.

Subcommittee on HUD-Independent Agencies: EDWARD BOLAND, chairman; BILL GREEN, ranking Republican.

Subcommittee on Interior: SIDNEY YATES, chairman; RALPH REGULA, ranking Republican.

Subcommittee on Labor-Health and Human Services-Education: BILL NATCHER, chairman; SILVIO CONTE, ranking Republican.

Subcommittee on Legislative: VIC FAZIO, chairman; JERRY LEWIS, ranking Republican.

Subcommittee on Military Construction: BILL HEFNER, chairman; BILL LOWERY, ranking Republican.

Subcommittee on Rural Development, Agriculture, and Related Agencies: JAMIE WHITTEN, chairman; VIRGINIA SMITH, ranking Republican.

Subcommittee on Transportation: BILL LEHMAN, chairman; LARRY COUGHLIN, ranking Republican.

Subcommittee on Treasury-Postal Service-General Government: EDWARD ROYBAL, chairman; JOE SKEEN, ranking Republican.

Mr. Speaker, as a result of the work done by these subcommittees and the full committee, all 13 appropriations bills passed the House before June 30 and the conference agreements on all 13 bills were approved by the House on or before September 30. We were glad to carry out your request.

PROVIDING FOR CONSIDERATION OF S. 2846 PROVIDING GRANTS FOR PURCHASE OF DRUGS IN THE TREATMENT OF AIDS

Mr. DERRICK, from the Committee on Rules, reported the following privileged resolution (H. Res. 559, Rept. No. 100-1021), which was referred to the House Calendar and ordered to be printed.

H. RES. 559

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the bill (S. 2846) to provide for the awarding of grants for the purchase of drugs used in the treatment of AIDS. Debate on the bill shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Energy and Commerce, and the previous question shall be considered as ordered on the bill to final passage without intervening motion except one motion to commit.

Mr. DERRICK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 559 and ask for its immediate consideration.

The SPEAKER. The Clerk will report the resolution.

The Clerk read the resolution.

The SPEAKER. The question is, Will the House now consider House Resolution 559?

The question was taken; and (two-thirds having voted in favor thereof) the House agreed to consider House Resolution 559.

The SPEAKER. The gentleman from South Carolina [Mr. DERRICK] is recognized for 1 hour.

Mr. DERRICK. Mr. Speaker, I yield the customary 30 minutes to the gentleman from Ohio [Mr. LATTA] pending which I yield myself such time as I may consume.

Mr. Speaker, this rule provides for consideration of S. 2846, a bill to provide for the awarding of grants for the purchase of drugs to be used in the treatment of AIDS. The bill will be considered in the House, with debate limited to 1 hour and equally divided and controlled by the chairman and ranking minority member of the Committee on Energy and Commerce. The rule provides that the previous question shall be considered as ordered on the bill. Finally, the rule provides one motion to recommit.

Mr. Speaker, this rule is necessary to allow consideration of this amendment in a timely manner so that AIDS patients will not be denied access to drugs that are used in the treatment of that disease.

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

Mr. Speaker, there was an attempt to obtain unanimous consent to consider the bill providing for the awarding of grants for the purchase of drugs used in the treatment of AIDS. Objection was heard.

The Rules Committee was then called into an emergency session to report this rule. This rule provides for consideration of the bill in the House. The bill will be debated for 1 hour. No amendments will be in order.

Mr. Speaker, this bill passed the Senate yesterday by a voice vote. According to the description on the Senate floor. It is an authorization for $15 million to be expended between now and March 1989 for the purchase of AZT for those who cannot afford it. The present program expires at midnight tonight.

Mr. Speaker, I will not object to the passage of this rule. So that the House may proceed to the consideration of the bill it makes in order.

Mr. Speaker, I yield back the balance of my time.

Mr. DERRICK. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF S. 2749, NATIONAL DEFENSE AUTHORIZATION ACT, FISCAL YEAR 1989

Mr. DERRICK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 557 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 557

Resolved, That upon the adoption of this resolution it shall be in order to take from the Speaker's table the bill (S. 2749) to authorize appropriations for fiscal year 1989 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes, to consider said bill in the House, and all points of order against consideration of said bill are hereby waived. It shall then be in order to move to strike out all after the enacting clause of said Senate bill and to insert in lieu thereof the provisions of H.R. 4481 as passed by the House on July 12, 1988. Said motion shall be considered as read, shall be debatable for not to exceed one hour, to be equally divided and controlled by the proponent and a Member opposed thereto, all points of order

against said motion are hereby waived, and the previous question shall be considered as ordered on the motion to final adoption without intervening motion except one motion to commit. It shall then be in order to move that the House insist on its amendment to the bill S. 2749 and request a conference with the Senate thereon.

The SPEAKER pro tempore (Mr. HOYER). The gentleman from South Carolina [Mr DERRICK] is recognized for 1 hour.

Mr. DERRICK. Mr. Speaker, for purposes of debate only, I yield 30 minutes to the gentleman from Ohio [Mr. LATTA], pending which I yield myself such time as I may consume.

□ 1800

Mr. Speaker, House Resolution 557 makes in order procedures that will allow the House to go to conference with the Senate on legislation providing a mechanism for closing unnecessary military bases. The rule makes it in order to take S. 2749, the Defense Authorization Act for fiscal year 1989, from the speakers table and consider it in the House and waives all points of order against consideration of the bill. The rule provides that a motion will then be in order to consider an amendment in the nature of a substitute consisting of the text of H.R. 4481 as passed by the House on July 12, 1988. Debate on this motion is limited to 1 hour, with the time equally divided and controlled by the proponent and an opponent of the motion. All points of order against the motion are waived and the previous question shall be considered as ordered. The rule provides for the one motion to commit. Finally, the rule provides that it shall be in order to move that the House insist on its amendment and request a conference with the Senate.

Mr. Speaker, this rule is necessary to ensure that the House and Senate can go to conference on the very important base-closing legislation that this House passed earlier this year as H.R. 4781. The procedure is necessary because, in order to speed up the process of getting a revised Defense authorization bill to the President, the House and Senate Armed Services Committee conferees stripped H.R. 4781 of the base-closing provisions and substituted the Defense authorization bill. This rule will allow the House to take up S. 2749, which is a Senate-passed version of the Defense authorization bill and substitute for those provisions the House-passed base-closing legislation and go to conference on those provisions.

Mr. Speaker, the base-closing legislation offers a mechanism which will allow us to close costly military installations which have outlived their usefulness, but which are difficult to eliminate because of strong local support for the facilities and the jobs they provide. In the past, we have often avoided the tough decisions to close bases because of the suspicion that bases were targeted for closing more on the basis of political considerations than efficiency. This legislation provides a process which will focus the decisions on the real needs of our military.

I urge the adoption of this rule and of the motions it makes in order, so that this important legislation can be completed before the adjournment of the 100th Congress.

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

Mr. Speaker, the bill made in order by this rule is the Senate Defense authorization bill, which happens to include base closing provisions.

This rule provides for a motion to strike the provisions of the Senate bill and insert in lieu thereof the provisions of the base closing bill passed by the House on July 12 of this year. Finally, the rule makes in order a motion to send the base closing language to conference.

Mr. Speaker, when the House last considered the base closing legislation it passed by a vote of 374 to 39. With such strong bipartisan support we should proceed to act before the end of the Congress. This rule provides the best means to achieve that goal.

I support the rule, Mr. Speaker, so that we can move this legislation promptly to conference.

Mr. Speaker, I yield 30 seconds to the gentleman from Virginia [Mr. WOLF].

Mr. WOLF. Mr. Speaker, I wanted to ask the Chair a question. I think the Members of this body are entitled to be given some direction tonight as to what the schedule is for the rest of the day. Many Members have meetings to go to, have family events, and no one from any side, my side or the other side, is telling us what the schedule is. I would request that the Speaker tell us what we will be doing for the rest of the night and when we are finished. Do we know?

Mr. DERRICK. Mr. Speaker, I yield such time as he may consume to the distinguished majority leader, the gentleman from Washington [Mr. FOLEY].

Mr. FOLEY. Mr. Speaker, we have been advised that the other body has amended at least two of the appropriations bills conference reports and accordingly we will have to await their action and our action in resolving those differences and any other action that may be taken on appropriations.

As a consequence I think, after completing our announced schedule, we may be requesting recess authority subject to the call of the Chair and try to keep Members advised from time to time on the plans with respect to resuming sitting of the House. The only thing I can tell Members is that we are at the end of the fiscal year and it is critically important that the Congress send to the President as soon as possible the individual appropriation bills on which we have determined to provide funding for the Federal Government.

It is not an easy situation for Members, it is not a convenient situation for Members. It is no one's fault. It is the process of adjudicating the differences between the two bodies with respect to this critical legislation.

I think we will have to consult and will consult with the leadership on the Republican side during the course of the evening as well as with the leadership in the other body to assess at what time we may expect to complete action or the possibility that we will adjourn to meet tomorrow.

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

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

Mr. BURTON of Indiana. I thank the gentleman for yielding.

Mr. Speaker, if we could look just a little bit further down the road, it is my understanding we are going to have approximately 40 suspensions on Monday and because there has been some dissension in the ranks there may be as many as 40 votes called for Monday. Now a number of Members on both sides of the aisle, all of us are up for reelection of course, had events scheduled for money fundraisers and so forth. I just wonder if there is any possibility whatsoever if we have as many as 30 or 40 votes on suspensions on Monday, if they could be held over until Tuesday morning.

Mr. FOLEY. Well, I will tell the gentleman we do not intend to roll the votes, all of the votes on Monday over to Tuesday. And if an individual Member wants to record 40 votes, then it would be important for Members to know that if they are absent they will miss 40 votes.

Mr. BURTON of Indiana. So there will be 40 votes that Members will miss——

Mr. FOLEY. I cannot tell the gentleman. If the gentleman wants to suggest that is what will happen then I think we ought to be prepared for a very long day on Monday.

I might say that I think Members should realize that we have said consistently throughout all the recent weeks that every Monday and Friday this week and next week there would be votes on every day. That was announced. It was announced in the same spirit in which we have attempted to announce a month ahead of time the schedule of votes on each weekly schedule. So it seems to me that if Members find themselves in a situation where they had expected that there would not be votes on a Monday or a Friday, they have that expectation against all the information that has been provided on both sides of the aisle for several weeks.

And again, with the greatest respect, we are at the end of our session and I think Members always realize that in those circumstances, extraordinary sessions are sometimes necessary to complete the work of the House.

In my judgment this is a historic Congress, not only in terms of its 100th Congress character but in terms of the legislation that is being passed and sent to the President. And I would hope that in the best spirit possible we could conclude this Congress in an orderly way which will be the most convenient and the most effective for both the Members and the administration and indeed, the country.

Mr. DORNAN of California. Mr. Speaker, would the distinguished majority leader yield?

Mr. FOLEY. I yield to the gentleman from California.

Mr. DORNAN of California. I thank the gentleman for yielding.

Mr. Speaker, I just wanted to inquire about today. Instead of recessing, we did not have 1-minutes this morning and today is the 50th anniversary of the unfortunate Chamberlain remark "Peace in our time."

Mr. FOLEY. I did not mean to imply——

Mr. DORNAN of California. I would like to do a special order.

Mr. FOLEY. Yes; I am sorry. If the gentleman assumed by that that we would not do 1-minutes or would not do special orders, he was mistaken. I meant to say in terms of legislative business we would, after our completed schedule, we would perhaps seek recess authority. But before that we would assume the conclusion of 1-minute speeches and special orders.

Mr. DORNAN of California. I thank the majority leader. I have a fascinating special order.

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

Mr. FOLEY. I yield to the distinguished leader.

Mr. MICHEL. I thank the majority leader for yielding.

Mr. Speaker, I apologize for my tardiness in not being able to hear his earlier remarks. I was talking to the other body over there. I understand that the agriculture bill is all right and that foreign operations has passed, but with two or three amendments which I know cause heartburn downtown. Obviously that will force it back for reconsideration here in the House.

The District of Columbia measure, the abortion issue will have to be dealt with again over there on that side.

Legislative operations appears to be all right.

Do we have any preprogram terminal point for this evening when we would make a decision as to whether or not we should go over until tomorrow? Does the gentleman have any guesstimate as to when we might want to make that determination or should we just charge on through regardless with time considerations?

Mr. FOLEY. Mr. Speaker, I would assume—and this is only an assumption and I would like to have the opportunity to consult with the gentleman and with other Members of the leadership on his side—I would assume if we could not complete the business by midnight that it might well be the best course after consultation perhaps with the leadership on the other side in the other body as well to go over until tomorrow. But rather than make a commitment to Members now that we will not meet after midnight, I would like to have an opportunity to see a bit more of the progress that we may make in the earlier part of the evening. It would be foolish, for example, if we could complete all our business by 12:30 a.m. to adjourn at midnight and come back tomorrow under a situation which would obviously be more easily concluded by continuing.

But we simply need a little more opportunity to see the progress of the early evening to make a judgment.

What I would propose to do is proceed with the legislative business and with special orders and 1-minute speeches and then if circumstances indicate, and permission is given, recess with 1 hour's notice to Members of the resumption of House sitting.

Perhaps it might be appropriate, Mr. Speaker, to say that I ask unanimous consent that at the conclusion of legislative business and special orders, it shall be in order for the Speaker to declare recesses subject to the call of the Chair, providing 1 hour's notice to Members of the resumed sitting of the House.

The SPEAKER pro tempore (Mr. HOYER). Is there objection to the request of the gentleman from Washington?

Mr. WALKER. Reserving the right to object, Mr. Speaker, I would say to the majority leader that I do have some concerns about that kind of authority. Of course, if he goes to the Rules Committee and comes down and gets the authority, that is fine with this gentleman, but to do it by unanimous consent gives me some concern, largely because I think there is legislation we could be dealing with during the period of time when the House would otherwise not be sitting.

I have on occasion prior to this referred to perhaps taking up the Clean Air Act. I realize that has not emerged yet from committee. But we do have a bunch of suspensions on the calendar for next Monday. It occurs to this gentleman that some of those suspensions could come up during a period of time when the House would otherwise be in downtime. It would certainly save the Members some time on Monday or Tuesday to have some of those matters taken up yet tonight. I mean, can we not find some legislative business to be doing since we have such a pressing schedule next week?

Mr. FOLEY. Well, it might be possible to do that. I cannot tell the gentleman now that the committees are ready on this short notice to begin debate on suspensions. And I really think that the gentleman could be assured that we would declare recesses only after the most complete consultation with the Republican leadership. We are not trying to either avoid possible work or bring about unnecessary recesses.

□ 1815

But Members also, I think, might benefit from some brief respite during the course of the evening if there is no legislation ready to be considered and we are waiting for the other body.

Mr. WALKER. Mr. Speaker, further reserving the right to object, that is just this gentleman's point. We do have lots of legislation that we could be considering, and we will be in a time crunch sometime next week with the suggestion that we have a lot of legislation to do and we need to continue to pile it on the calendar.

The gentleman is simply suggesting that rather than recessing, we might be better off moving ahead with legislation that is scheduled to come to the floor anyway, thereby giving us a chance to be more rational in the scheduling next week. While I agree that the gentleman may have to check with the committees, I would be reluctant to grant a unanimous consent for a recess at this point.

Mr. FOLEY. Mr. Speaker, I think the gentleman is saying that he prefers that the House obtain a rule.

Mr. Speaker, I withdraw my unanimous-consent request.

The SPEAKER pro tempore (Mr. HOYER). The Chair recognizes the gentleman from South Carolina [Mr. DERRICK].

Mr. DERRICK. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 3408. An act to increase the amounts authorized for the Colorado River Storage Project.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 5261), "An act to re-

authorize and amend the Indian Health Care Improvement Act, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. INOUYE, Mr. MELCHER, Mr. DECONCINI, Mr. BURDICK, Mr. DASCHLE, Mr. EVANS, Mr. MURKOWSKI, and Mr. MCCAIN to be the conferees on the part of the Senate.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 4637), "An act making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1989, and for other purposes."

The message also announced, that the Senate agrees to the amendments of the House to the amendments of the Senate numbered 1, 5, 7, 10, 11, 23, 31, 33, 35, 44, 47, 53, 55, 62, 64, 70, 84, 86, 87, 89, 90, 101, 103, 111, 112, 115, 124, 133, 134, 135, 141, 144, 169, 170, 171, 172, 173, 175, 177, 179, and 180 to the above-entitled bill.

PERSONAL EXPLANATION

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

Mr. KOLBE. Mr. Speaker, yesterday, September 29, 1988, I was unable to cast my vote on several measures because I was at the Kennedy Space Center for the launch of the space shuttle *Discovery*. If I had been in attendance, I would have voted "aye" on rollcall 364, "nay" on rollcall 365, "nay" on rollcall 366, "nay" on rollcall 367, "aye" on rollcall 368, and "aye" on rollcall 369.

PROVIDING FOR THE AWARDING OF GRANTS FOR THE PURCHASE OF DRUGS USED IN THE TREATMENT OF AIDS

Mr. WAXMAN. Mr. Speaker, pursuant to House Resolution 559, I call up the Senate bill (S. 2846) to provide for the awarding of grants for the purchase of drugs used in the treatment of AIDS.

The Clerk read the title of the Senate bill.

The text of S. 2846, is as follows:

S. 2846

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

SECTION 1. GRANTS FOR TREATMENT DRUGS FOR ACQUIRED IMMUNE DEFICIENCY SYNDROME.

Part B of title III of the Public Health Service Act (42 U.S.C. 243 et seq.) is amended by inserting after section 314 the following new section:

"SEC. 315. GRANTS FOR TREATMENT DRUGS FOR ACQUIRED IMMUNE DEFICIENCY SYNDROME.

"(a) AUTHORITY.—The Secretary, may make grants to the States for the purpose of assisting grantees in the provision of drugs determined to prolong the life of individuals found to have acquired immune deficiency syndrome and related conditions.

"(b) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out subsection (a), there is authorized to be appropriated $15,000,000.

"(c) PERIOD FOR GRANTS.—No grant may be made under this section after March 31, 1989.

"(d) REPEALER.—This section shall cease to exist on March 31, 1989.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California [Mr. WAXMAN] will be recognized for 30 minutes and the gentleman from Illinois [Mr. MADIGAN] will be recognized for 30 minutes.

The Chair recognizes the gentleman from California [Mr. WAXMAN].

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

GENERAL LEAVE

Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the Senate bill presently under consideration.

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

There was no objection.

Mr. WAXMAN. Mr. Speaker, there is a current program for funding the purchase of a drug called AZT. It is the only drug now approved by the Federal Drug Administration to be used by AIDS patients.

The program will run out tonight unless we adopt this legislation. The legislation that is before us was adopted unanimously on the Senate side. It was authorized by Senator WEICKER. It would extend for 6 additional months the existing program for the purchase of the drug AZT.

It is imperative that we pass this legislation so that we leave no gap, so that people who must have this drug to stay alive would go without it.

So the legislation before us is urgent, and I ask for the adoption of the legislation.

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

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

Mr. Speaker, I rise in support of S. 2846.

The authorization for the AIDS Drug Reimbursement Program expires at midnight tonight. That authorization provided $30 million to assist individuals with AIDS in purchasing AZT.

The Medicaid programs of every State but two—Alabama and Colorado—currently provide reimbursement for the cost of retrovir for indigent patients. However, there remain several thousand AIDS patients who do not qualify for Medicaid, who lack private health insurance and who are unable to pay for the drug. These patients fall between the cracks of our health care system.

S. 2846 simply extends the current program for 6 additional months and provides authority for the expenditure of $15 million. This authority will be repealed at the end of this 6 month period.

It is my understanding that the sponsor of the drug, Burroughs Wellcome, also intends to contribute to solving the problem of access to this drug through a special patient assistance grant. I commend them for this effort and I urge my colleagues to support this bill.

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

Mr. MADIGAN. I yield to the gentleman from California.

Mr. DANNEMEYER. Mr. Speaker, I thank my colleague, the gentleman from Illinois, for yielding.

Mr. Speaker, I rise in support of this legislation. I think the House should speedily adopt it.

I can only add that some of us on the Subcommittee on Health and Environment, on which I am privileged to serve, have urged the Federal Drug Administration to modify its practice dealing with licensing drugs that offer some hope to people who are suffering now from a fatal disease in this country called AIDS.

As the practice now exists, before a drug can be approved, you have to pass two tests—safety and efficacy. Sometimes the process can last as long as 6 or 7 years. Some of us have urged, in light of the severity of the problem in the country, that the FDA be urged to authorize physicians to prescribe drugs when the safety hurdle is passed and then let a patient who is said to be dying have an opportunity to make a decision as to whether or not they want to take the drug notwithstanding the fact that the efficacy test has been fulfilled.

So I hope the FDA will get on with that suggestion. I think it would be a constructive way to hopefully develop more drugs that would reduce the suffering of these persons who are suffering from this tragic disease.

Mr. MADIGAN. Mr. Speaker, I thank the gentleman from California [Mr. DANNEMEYER] for his comments and for his support of the bill.

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

Mr. WAXMAN. Mr. Speaker, I yield such time as she may consume to the gentlewoman from California [Ms. PELOSI].

Ms. PELOSI. Mr. Speaker, I thank the gentleman for yielding this time to me, and I rise in support of the legislation.

I commend the gentleman from California [Mr. WAXMAN] and the gentleman from Illinois [Mr. MADIGAN] for their leadership.

I am pleased to give them my commendation and my gratitude for their fine work on this issue.

Mr. Speaker, I strongly support this legislation which would authorize a 6-month continuation of the Federal AZT Distribution Program. As you know the program is scheduled to expire today unless Congress acts. When Congress approved this program last year, we expected that there would soon by an even more effective alternative to this very costly drug. This, however, is not the case. AZT is the only drug approved for the treatment of AIDS and AIDS-related condition.

This is an emergency measure to address a crisis. About 6,000 people are now being treated with AZT in the United States. While there is no cure for AIDS, studies indicate that AZT cannot only prolong life but also increase the quality of life. There is no alternative and the cost remains exceptionally high.

Although the full medical story of AZT is still to be written, early studies indicate that withdrawal from AZT treatment can, for some people, result in an even greater degree of illness than before they started the drug. This possible medical rebound effect has led to a moral responsibility to try to keep people supplied with the drug until something equally effective but less costly can be found.

This program has succeeded in improving the lives of people with AIDS and AIDS-related conditions. It has allowed many people to continue to work and thus continue to feel productive in their lives. Unfortunately, the cost of the drug is such that were it not for this program these people would have to leave their jobs and become Medicaid eligible in order to receive the drug. This would be a loss to our economy and a shame for the people involved.

Clearly, we must look for more long-term solutions to the general problem of expensive life-prolonging drugs and the role of the Federal Government. In the next Congress, we will have another opportunity to develop a solution to this problem. Today we must act to save lives. We must authorize a 6-month continuation of this program.

Mr. WAXMAN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Pursuant to the rule, the previous questions is ordered.

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

PERSONAL EXPLANATION

(Ms. PELOSI asked and was given permission to address the House for 1 minute.)

Ms. PELOSI. Mr. Speaker, on Thursday, September 29, 1988, I was unavoidably detained during voting on the motion to recede and concur in the Senate amendment making appropriations for foreign operations. Had I been present I would have voted "yea" on rollcall 367.

UNITED STATES MILITARY PERSONNEL ABUSED IN DETERIORATING SITUATION IN PANAMA

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

Mr. McCLOSKEY. Mr. Speaker, this is not the time for business as usual in Panama.

It is shocking to read in yesterday's New York Times of continued shootings, beatings, abuse, harassment, and rape of American military personnel and dependents by Noriega's military defense forces.

At my request, Chairman BILL NICHOLS of the Armed Services Subcommittee on Investigations, on which I serve, has agreed to hold hearings on this deplorable situation.

State Department officials and mid-ranking officers in the Southern Command reportedly maintain the command's leadership is more content with business as usual than with vigorously protesting Noriega abuses. The Times article notes the White House has made it clear that negative publicity about Panama policy should be kept to a minimum as the political campaign intensifies.

Mr. President, this is negative publicity. Surely such cases as the rape of the 18-year-old wife of a private first class, and the beating of an officer and his wife by a Panamanian officer cry out for redress.

If the Reagan-Bush administration truly cares for the safety and dignity of our citizens in Panama, they should protest the almost 300 such cases reported in the last 6 months at least as vigorously as the current protest over Panamanian seizure of United States military equipment.

WORKING POOR AGAIN VICTIMIZED AS CONGRESS SHELVES MINIMUM WAGE INCREASE

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

Mr. HAYES of Illinois. Mr. Speaker, it is indeed a sad day in America when the economic well-being of millions of Americans is shelved because of an uncaring, unsympathetic, and unwise partisan political agenda.

In the 7 years since the minimum wage was raised, millions upon millions of American workers have had to suffer the ravages of inflation and escalating living expenses, without a corresponding increase in their wages. Their cries for a decent wage have gone unanswered and unfortunately, due to the actions of a minority of Members in the other body, it appears they will continue to go unanswered. The sad truth is that the protectors of economic slavery are alive and well on the far side of this Capitol Building.

My district has more poor and working poor people than any other district in Illinois. In 1986, the Nation as a whole had 8.9 million working poor, 2 million of whom worked full time year-round but remained in poverty. While forcing hard working citizens to work at a minimum wage which keeps them in poverty may be characteristic of our trading partners, it certainly is not the manner in which the world's richest nation should be treating its own citizens. Raising the minimum wage should not be an issue held hostage for the political ambitions and agenda of a few millionaires.

While many of our colleagues have worked very hard to resolve the problems that the Reagan administration has with treating American working men and women with fundamental fairness, some Members of the other body have given up on raising the minimum wage. I am here to tell them that the issue is far from dead. It will resurface in the current Presidential campaign, it will resurface in this Chamber and the other Chamber, and yes, it will resurface in many of the 435 congressional districts that we represent.

For those Members without the backbone to press for a minimum wage increase, it will be an issue that could very well spell their early departure from these hallowed Halls. We in the U.S. Congress need to honor this Nation's 50-year contract with low-wage workers by paying a decent minimum wage now.

□ 1830

FAMILY SUPPORT ACT

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

Mr. OWENS of Utah. Mr. Speaker, as one of the original cosponsors of this bill, I rise to express my pleasure that we passed today the first major overhaul of our welfare system in 53 years. I would like to commend Chairman ROSTENKOWSKI, Representative DOWNEY, and Senator MOYNIHAN, and the other conferees, for their unceasing effort to reach a compromise so this extraordinary legislation could become law.

I have always believed that the work ethic must be enshrined, along with opportunity, in our welfare programs. Welfare services must be inextricably linked with work incentives. In my State, the LDS Church's successful welfare services have evidenced that this conference report's workfare provisions can help numerous welfare recipients become self sufficient.

Work, education, and training programs will encourage parents—some third generation welfare recipients—to break out of the poverty cycle and find dignified opportunity and hope. The growing number of children becoming dependent on welfare—reaching almost 7 million—has become a disturbing fact that we as a nation can no longer ignore.

This bill's work, education, and training programs are an investment, not only in the future productivity of welfare recipients, but also an investment in the future productivity of our Nation. It is the children we must help first. By assisting, and insisting that the parents find work, we teach the children that self sufficiency is both possible and respectable.

Not only does this bill provide immense benefits to the individual welfare recipients and their children, but this bill does it in a manner consistent with our fiscal difficulties.

Again, I express my appreciation and gratitude to our colleagues, the conferees, for their patient, almost superhuman, efforts which made this historical bill possible.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF HOUSE CONCURRENT RESOLUTION 316

Mr. SLAUGHTER of Virginia. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of House Concurrent Resolution 316.

The SPEAKER pro tempore (Mr. HOYER). Is there objection to the request of the gentleman from Virginia.

There was no objection.

DEFERRAL OF BUDGET AUTHORITY AFFECTING DEPARTMENT OF STATE—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 100-237)

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 Appropriations and ordered to be printed.

(For message, see proceedings of the Senate of today, Friday, September 30, 1988.)

DEFERRALS OF BUDGET AUTHORITY AFFECTING DEPARTMENTS OF AGRICULTURE, DEFENSE, ENERGY, HEALTH AND HUMAN SERVICES, JUSTICE, STATE, AND TRANSPORTATION—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 100-238)

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 Appropriations and ordered to be printed.

(For message, see proceedings of the Senate of today, Friday, September 30, 1988.)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will begin to call special orders without prejudice to the resumption of legislative business should that become necessary.

PASSIVE FOREIGN INVESTMENT COMPANIES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. COYNE] is recognized for 5 minutes.

Mr. COYNE. Mr. Speaker, the United States usually imposes a tax on U.S. shareholders of a foreign corporation only when the shareholder receives the corporation's earnings in the form of a dividend.

One exception to this deferral is set forth in subpart F of the Internal Revenue Code. According to the General Explanation of the Tax Reform Act of 1986, prepared by the staff of the Joint Committee on Taxation, "* * * under these provisions, income from certain 'tax haven' or other activities conducted by corporations controlled by U.S. shareholders is taxed currently to the corporation's U.S. shareholders without regard to whether they actually receive the income currently in the form of a dividend."

Another exception to the deferral principle is the foreign personal holding company [FPHC] provision. Under subpart F, if a foreign corporation is controlled by U.S. stockholders, those U.S. shareholders who own at least 10 percent are taxed currently on their share of the firm's passive investment income. Further, if a corporation is controlled by five or fewer U.S. shareholders, and the income of the corporation is primarily from passive investment, then each shareholder is taxed currently, as opposed to deferral, on the corporation's passive investment income.

The 1986 Tax Reform Act expanded the scope of current taxation so as to include some types of income not currently taxed under subpart F or the FPHC provisions. The law did this by establishing passive foreign investment companies.

A passive foreign investment company [PFIC] is defined by the act to mean any foreign corporation that meets one of two criteria: either 75 percent or more of its income for the taxable year consists of passive income; or, 50 percent or more of the average value of its assets consists of assets that produce, or are held for the production of, passive income.

The Joint Committee Print points out that "the Congress did not believe that tax rules should effectively operate to provide U.S. investors tax incentives to make investments outside the United States rather than inside the United States."

As a member of the Ways and Means Committee that drafted the 1986 TRA I can confirm that this was indeed our objective. However, in the process of achieving this objective we must make certain that the law does not have any unintended results.

The Deputy Assistant Secretary of Treasury for Tax Policy is quoted in a statement made before the Subcommittee on Taxation and Debt Management of the Senate Finance Committee as saying that "we are concerned that the passive asset test operates to throw too broad a category of companies into PFIC status."

The Treasury Official goes on to say that "we believe that the level of a foreign corporation's passive assets generally is not relevant, except to the extent that the assets either generate current passive income to the corporation or reflect the accumulation of current passive income within a lower tier corporation."

Mr. Speaker, today I am introducing legislation which would amend this section of the 1986 Tax Reform Act. Joining me are Mr. Donnelly, Mrs. KENNELLY, Mr. MCGRATH, Mr. DOWNEY, Mr. FOLEY, and Mr. ATKINS. Five of the original cosponsors were involved in drafting the 1986 TRA.

Our legislation would narrow the applicability of the PFIC provision, but it would do so in a manner that respects the original objectives of the 1986 Tax Reform Act.

The bill would amend section 1296 of the Code by establishing 1296(e).

The new subsection provides that in certain circumstances, the 50 percent asset test would be waived. First, the foreign corporation must be a controlled foreign corporation, as defined in subpart F. Second, the company must be treated as a resident under the laws of a foreign country which had a deficit in its balance of trade with the United States. And third, such a corporation must engage in substantial manufacturing or production during the taxable year in such foreign country.

Mr. Speaker, we believe that there is a nexus between the manufacturing operations of U.S. firms [PFIC's] and the trade balance favorable to the United States. We also think that if the 50-percent asset test for PFIC's remains without any consideration given to the origin of the passive assets—in this case, the profit from the manufacturing operations—then the U.S. trade with certain countries may be adversely affected. I want to stress that this legislation would only address the 50-percent asset section of the definition. This section contains the more stringent of the two criteria.

For example, we know that Ireland, which according to the Department of Commerce, had a trade deficit with the United States that exceeded $600 million last year, imports items related to the U.S. manufacturing operations in Ireland. If the investment decisions in the manufacturing sector are made because of the PFIC provisions, we may inadvertently reduce those imports from the United States. This we do not want to do.

Mr. Speaker, this legislation is important to make certain that the PFIC provisions of the

1986 TRA as written, do not adversely affect the competitive position of U.S. firms. I commend it to my colleagues.

HONG KONG: PREPARE FOR THE FUTURE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio [Mr. DONALD E. "BUZ" LUKENS] is recognized for 5 minutes.

Mr. DONALD E. "BUZ" LUKENS. Mr. Speaker, so often, in the course of world events we find ourselves behind the curve. We find that we have not adequately prepared ourselves for current world events.

In 1977, less than 10 years from now, Hong Kong will pass from British hands to the Chinese. The time to prepare ourselves for that world event is now.

I would like to insert for the RECORD, for the use of my colleagues and the public, the text of an insightful paper prepared by Eric Hotung.

Mr. Hotung is a native of Hong Kong of Anglo-Chinese descent. He is a businessman educated in his country and in our own. Mr. Hotung's Institute for International Studies cosponsored the China trade talks held in November 1987 under bipartisan auspices in the U.S. Senate. I encourage my colleagues to familiarize themselves with Mr. Hotung's writing and prepare themselves for the future.

THE PEOPLE OF HONG KONG: THE KEY TO PEACE AND PROSPERITY IN THE PACIFIC

(By Eric Hotung)

HONG KONG.—Statesmanlike comments by the senior representatives of the Chinese government in Hong Kong during a recent fact-finding trip to the U.S. provide encouraging evidence that the leadership of the People's Republic of China wants to ensure that the transition of Hong Kong from British to Chinese rule in 1997 will be peaceful and productive.

"Not only will (Hong Kong) be able to maintain its prosperity and stability," Mr. Xu Jiatun, director of the Hong Kong Bureau of Xinhua News Agency, told a group of Chinese and American officials in Washington in August, "but also it will play a still more important role in the coming century within the Asian-Pacific region."

The unofficial remarks by Mr. Xu, a high-ranking member of the Communist Party of China, reiterated the PRC's official position that Hong Kong will exist in an environment of "one country, two systems" after 1997. This statement of political realism—which applies to Taiwan as well—reflects China's recognition that it is essential to preserve the social stability and economic vitality that have made Hong Kong a showcase of entrepreneurial achievement.

I am prepared to take Mr. Xu at his word and hope that the policies crafted for Hong Kong by the Chinese leadership survive top leader Deng Xiaoping. But I also share the concerns about the future of Hong Kong candidly acknowledged by Mr. Xu as a psychological factor in the transition equation.

As a fourth generation Hong Kong businessman, I can understand the apprehension of the five-and-a-half million Hong Kong residents as to what might happen after midnight on June 30, 1997. At that moment, as stipulated in a Sino-British agreement signed four years ago, Hong Kong will surrender the status it has enjoyed for almost 150 years as a British Crown Colony and become a Special Administrative Region of the PRC.

While the agreement included China's pledge to ensure Hong Kong's basic freedoms well into the 21st century, the people of Hong Kong are no strangers to the turmoil of Chinese politics when conservative and radical elements clash, as in the chaotic Cultural Revolution. Hong Kong's citizens obviously want Deng's reform to succeed, but they have learned from experience to be wary of diplomatic promises, especially ones crafted in the Orwellian year of 1984.

Far more is at stake here than just the self-interest of Hong Kong or the territorial integrity of China. Hong Kong's state of health affects the stability of the Chinese communities throughout Southeast Asia, including Thailand, Indonesia, Malaysia, Singapore, the Philippines and even Australia. Hong Kong is the world's third busiest container port, a crossroads where the fabric of mercantile capitalism in Asia has always found haven and ultimate expression. It is the largest financial centre after New York, London and Tokyo, a hub of East Asian economic development that could become China's centre of trade and investment. It is China's door to the Pacific and must be kept open.

Deep in our collective psyche is the fear that political change may diminish or even strangle the free enterprise system that has given Hong Kong one of the highest standards of living in the world. Can the Wall Street of Asia successfully co-exist with the Great Wall of China, we ask ourselves? I am confident that it can, but we must first confront a more pressing question—what will happen to the people of Hong Kong between now and 1997?

After all, it is the people of Hong Kong—98 percent Chinese and more than half born in Hong Kong—who have made us one of the most prosperous and productive communities in the world, and who have the most to lose. Their singularity, and the contribution of the community's multiracial and multinational minorities must be recognized. To permit an undercurrent of uncertainty, arising from misconceptions, to cause panic or apathy that would continue to drain the energy slowly from this superb financial centre and its irreplaceable pool of diverse skills, would be tragic.

Yet this "brain drain" is already beginning. According to a recent survey by the Hong Kong Computer Society, more than 67 percent of its members have decided to leave or are considering leaving. And a government spokesman recently stated, "It appears that we are headed towards a labour shortage in middle management, especially in the financial sectors," as concerns about reprisals after 1997 lead many people to take advantage of relaxed immigration laws in Australia and Canada.

However, the end result for Hong Kong need not be the atrophying of its most precious resource—its people—through enervating despair or a massive exodus. Although members of the Hong Kong Basic Law Drafting Committee unanimously agreed last April in Beijing to make public the first draft of the Law in order to elicit opinion, and although this draft provides for a high degree of autonomy, Hong Kong's populace deserves unqualified municipal autonomy as well as integration with China.

In the month ahead, prior to a second phase of opinion solicitation and consultation, it is critically important that we instill in the professional managerial class a confidence that will be conveyed by them to outside investors. A formula, practical as well as theoretical, is required to provide this assurance.

While it is clear that China and Great Britain are endeavouring to put in place a viable government well before 1997, they must first ensure that sufficient skilled workers and professional managers remain to train a younger generation and to sustain continued economic growth well into the future. The people of Hong Kong cannot put forth their best effort if they do not feel that they will have a hand in shaping their future. Without their cooperation and support, no basic economic ambience can exist and, consequently, the Basic Law cannot be implemented, even with the best of intentions by all parties.

Indeed, there are signs that a kind of interim governing structure through consultations is already evolving, and every effort should be made to encourage this process of solicitation even from trading partners who recognize the geopolitical realities of our unique situation.

Clearly, the time between now and 1997 presents a singular opportunity for China as well as Great Britain and her Commonwealth partners. All can participate in the Pacific Basin's huge and growing economy, in cooperation with their major trading partner, the United States, to assure continued economic growth and political stability in the region.

I am convinced that the leadership in Beijing wants to preserve and nourish the incomparable qualities that are the basis of Hong Kong's amazing productiveness. In the inevitable climate of uncertainty as the deadline of 1997 approaches, the people of Hong Kong can take encouragement in the thought that neither China nor Great Britain can afford to be anything less than fair and generous.

PERSONAL EXPLANATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Alabama [Mr. CALLAHAN] is recognized for 5 minutes.

Mr. CALLAHAN. Mr. Speaker, due to an unfortunate death in my family, I was necessarily absent Tuesday, Wednesday, and part of yesterday. Had I been here, I would have cast my votes as follows:

Votes missed Tuesday, September 27, 1988: Rollcall No. 348, "yea"; rollcall No. 349, "nay"; rollcall No. 350, "nay"; rollcall No. 351, "nay"; rollcall No. 352, "yea"; rollcall No. 353, "yea"; and rollcall No. 354, "yea."

Votes missed Wednesday, September 28, 1988: Rollcall No. 355, "nay"; rollcall No. 356, "yea"; rollcall No. 357, "yea"; rollcall No. 358, "yea"; rollcall No. 359, "yea"; rollcall No. 360, "yea"; rollcall No. 361, "nay"; rollcall No. 362, "yea"; rollcall No. 363, "nay."

Votes missed Thursday, September 29, 1988: Rollcall No. 364, "yea."

CLEAN COAL TECHNOLOGY PROJECTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio [Mr. REGULA] is recognized for 5 minutes.

Mr. REGULA. Mr. Speaker, this week the Department of Energy announced the selection of a new round of clean coal technology projects valued at more than $1.3 billion.

The projects will demonstrate improved techniques that could be used in the 1990's to reduce air pollution from coal plants. To my colleagues who are clamoring for an acid rain program, I would say that we have one and it is the Clean Coal Program.

The Clean Coal Program is the best hope of meeting our Nation's future energy needs. It offers a promise to energy intensive industries, such as steel, for reductions in energy costs through improved efficiencies. It offers a promise that we could insure energy security by finding ways to burn our most abundant domestic energy resource cleanly. It offers a promise of a cleaner environment. The successful demonstration of a variety of clean coal technologies could make these promises realities.

Enactment of proposed acid rain legislation, which may be considered soon, would guarantee that these promises will never be realized.

If all 16 projects are successfully negotiated the applicants will receive $537 million in Federal funds. The Federal dollars would be matched by more than $800 million in private sector funding.

This demonstrates that industry, in partnership with the Government, is making a substantial commitment to improving our energy security as well as addressing the acid rain problem. It would be a travesty to waste this investment by mandating the installation of costly and inefficient scrubbers before these technologies have been given a chance to come on stream.

THE MOST INCREDIBLE 50 YEARS IN THE HISTORY OF MANKIND

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. DORNAN] is recognized for 60 minutes.

Mr. DORNAN of California. Mr. Speaker, today is designated by some of us as important, as an important historical day in this body, because we passed all 13 appropriations bills. Well, it is an important day to remember as well because 50 years ago today the world was deluded into thinking that we had purchased peace at the price of dissecting the small democracy of Czechoslovakia and had satisfied the Nazi leader of the Third Reich, Adolf Hitler. Fifty years ago today, the world found out that last night, or the night of the 29th of 1938 in September, that Lord Chamberlain, the Prime Minister of Great Britain, Benito Mussolini, the French Prime Minister, and the Reich Chancellor, Adolf Hitler, had signed an agreement. I read it into the RECORD in its entirety last night. That would cut away just the pro-Nazi areas of the Czecho part of Czechoslovakia and that Hitler would be satisfied, would live up to this agreement.

As Mr. Chamberlain said at the airport in Munich, "I believe we have achieved peace in our time." He got on a small two-engine Lockheed Electra aircraft built in Burbank, CA, flew to a small field that no longer exists in the area of Heathrow, the large international airport that is there today, flew to the small field of Helston, stood before an emergency press conference and said, "I believe I have brought you peace in our time."

Mr. Speaker, it was not peace for the small nation of Czechoslovakia. And even peace for Europe lasted a fragile 11 months.

On the first of September 1939, Adolf Hitler sent a commando unit of SS guards across the Polish border at night. They were dressed as Polish soldiers. They turned around and came back and attacked German outposts along the German-Polish border murdering, I believe in cold blood, other fellow German soldiers of their age to create the provocative act that Poland has attacked Germany, and then in the wee hours of the morning of that date of September 1, Hitler unleashed his Panther division, and World War II officially began.

Now I have in front of me one of those historical newspapers of October 1, 1938. There was no television in those days, very little radio, to announce to the world what Mr. Chamberlain had said at the airport outside of Munich which, by the way, is now the Olympic area.

Mr. Speaker, I had the pleasure of going over to cover as a television producer and host of the Olympics in 1972. I jogged around that track there, set in the stands, looked at all those young athletes competing. It turned into the saddest of all Olympics when the terrorists murdered the 11 coaches and athletes of the Israeli team, most of them their weightlifters, but on that soil of the Olympics is where the old airport was that Hitler saw Chamberlain off, and here is the Times, the New York Times and the London Times of October 1, 1938, the next day reporting those two airport press conferences outside of Munich and at Helston Field outside of London.

The headline said, "Declaration of Peace at Munich. Future of Anglo-German Relations. The Desire of Our Two Peoples. Consultation Henceforth, Not War."

I will read the opening paragraph, and then I am going to supplement my remarks that I prepared for this 50th anniversary with a scholarly, and certainly near perfect, article on the front page of Washington's most dynamic newspaper, the Washington Times, where a professor writes succinctly what that Munich agreement means to this world today, to the other body, the U.S. Senate, to this Chamber and what it means since we are celebrating this year—not celebrating, memorializing—the 25th aniversary of the equivalent failure at Munich, and it was the failure in November of 1963 when on November 1 the head of the Government of South Vietnam, President Diem, was assassinated, not with CIA complicity, but with CIA acquiescence under the administration of a handsome young President named John F. Kennedy who had no idea that by his ambassador, a Republican, Henry Cabot Lodge, acquiescing to an overthrow, a coup d'etat, of the President of South Vietnam, that it would cost President Viem, his brother, their lives. And 22 days later, on the 22 of that November 1963, President Kennedy was brutally murdered by a leftwing radical zealot named Lee Harvey Oswald, and then, during the tailend of that year in 1963, the decisions were made on how to conduct the defense of South Vietnam.

Mr. Speaker, it seems unbelievable to me that that was the midpoint between the Munich agreement and today was the beginning of the seeds of the sell out of freedom in Southeast Asia.

Mr. DONALD E. "BUZ" LUKENS. Mr. Speaker, will the gentleman yield?

Mr. DORNAN of California. It is my pleasure to yield to the other distinguished gentleman from Ohio.

Mr. DONALD E. "BUZ" LUKENS. Mr. Speaker, I thank the gentleman from California [Mr. DORNAN] for yielding.

One remark about my admiration for the gentleman bringing up the point of history is I think he made it very carefully this evening. This was 50 years approximately on this very eve that we saw Neville Chamberlain and the piece of paper that would turn out to be very empty and led to World Wars, that peace was had in our time by the empty promise and on a worthless piece of paper. He makes the charge also of the Korean battle which most of our citizens today do not even remember because they are too old and out in vintage years as the gentleman from California [Mr. DORNAN] and I come from.

I would just like to make this observation. In our lifetime we have seen freedom threatened by the illusion of peace without strength.

□ 1845

We have again seen freedom threatened, in fact thrown away in Nicaragua, by the illusion of peace by the leaders in this very House who seem to have more support for a Communist dictatorship in Nicaragua than they

have for the Presidency of the United States.

It is critical that the Constitution gives the President of the United States the power and the responsibility to enact and carry out foreign policy, and yet we have seen in this House the tragedy of American leaders in this very House, in the leftwing leadership that controls the agenda, controls the appropriations and controls the schedule that we have not even seen yet, and have actually given more support to a Communist dictator, Daniel Ortega in Nicaragua than they give to the President of the United States.

I find that very, very disturbing.

Mr. DORNAN Of California. Mr. Speaker I thank the gentleman.

In April 1971, I came to this Capitol. I had been lying in wait to run for Congress for 13 years. It took me 19 years from the day I left the Air Force at age 24 to run for Congress. I used to come to the Capitol whenever I had a chance, and it was usually hitchhiking on Air National Guard airplanes.

I came here in 1971 in April and this city was under siege. Radical leftists were in every corner of this city. That night I had watched them tear down the flags representing each State around the Washington Monument, urinate on them, burn them, tear up the benches in that area, set fires with them, roll garbage cans down onto the George Washington Parkway, hang a Communist flag in front of the west front of this Capitol in front of which a Member of this Chamber, Mrs. Abzug spoke, a Senator from Indiana, Mr. Hartke spoke.

This city was absolutely in an unbelievable scene of radicalism. That night after having a gun pulled on me at one point, a knife at another point, I collected five Communist flags that day. It was one of the most enjoyable days of my life from that standpoint, one of the saddest days of my life from watching this city turn into a radical hotbed of pro-Communist activity.

At the end of the night, President Johnson had given a long finger of land, the park that stretches down to the statue of the man buried in the ground down toward the War College. That whole area was sort of a hippie camp with all sorts of pup tents and people having sexual activity in sleeping bags. It was a scene to behold. A low cloud of marijuana hung over this enclave that the Government had given these people to use as their rallying camp.

I remember Senator KENNEDY wearing his brother Jack's naval flight jacket, a leather flight jacket with the Presidential seal on it, working his way through the crowd, greeting the various radicals, rejecting marijuana cigarettes, I might add.

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

Mr. DORNAN of California. I am glad to yield to the gentleman from Massachusetts.

Mr. MOAKLEY. Mr. Speaker, I know the gentleman has previously consented to stand aside while we get this rule through, and I thank the gentleman from California.

PROVIDING RECESS AUTHORITY DURING LEGISLATIVE DAYS OF SEPTEMBER 30, 1988, AND OCTOBER 1, 1988

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. N. 100-1022) on the resolution (H. Res. 560) providing recess authority during the legislative days of September 30, 1988, and October 1, 1988, which was referred to the House Calendar and ordered to be printed, as follows:

H. RES. 560

Resolved, That upon adoption of this resolution the Speaker is authorized to declare recesses, subject to the call of the Chair with one-hour notice for reconvening after consultation with the Minority Leader, during the legislative days of September 30, 1988 and October 1, 1988.

Mr. MOAKLEY. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 560 and for its immediate consideration.

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read the resolution.

The SPEAKER pro tempore. The question is, Will the House now consider House Resolution 560?

The question was taken, and (two-thirds having voted in favor thereof) the House agreed to consider House Resolution 560.

The SPEAKER pro tempore. The gentleman from Massachusetts [Mr. MOAKLEY] is recognized for 1 hour.

Mr. MOAKLEY. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Ohio [Mr. LATTA], pending which I yield myself such time as I may consume.

Mr. MOAKLEY. Mr. Speaker, this rule authorizes the speaker to declare recesses of the House on today and tomorrow. The resolution requires consultation with the minority leader and requires that 1-hour notice be given to Members before the House reconvenes from any recess called pursuant to the resolution. Adoption of this resolution is necessary so that the Speaker may call recesses of the House once the day's legislative business and special rules are completed and while we await the arrival of appropriations bills from the other body.

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

Mr. Speaker, I agree with the resolution, and I yield back the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. The Chair again recognizes the gentleman from California [Mr. DORNAN] to continue his special order.

The Chair thanks the gentleman from California for his courtesy.

Mr. DORNAN of California. Mr. Speaker, we left off with April 23, 1971.

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

Mr. DORNAN of California. I yield to my distinguished friend, the gentleman from Pennsylvania.

Mr. WALKER. Mr. Speaker, I thank the gentleman for yielding to me.

PARLIAMENTARY INQUIRY

Mr. WALKER. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman from Pennsylvania will state his parliamentary inquiry.

Mr. WALKER. Mr. Speaker, I just wanted to figure out where we were.

Do I understand with the rule just passed that before any legislative business is taken up at this point, the Members will be given 1 hour notice?

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

Mr. WALKER. I am glad to yield to the gentleman from Massachusetts.

Mr. MOAKLEY. The gentleman from Pennsylvania is correct. It will be 1 hour notice.

The SPEAKER pro tempore. The gentleman from Pennsylvania has propounded a parliamentary inquiry to the Chair.

It is only if a recess has been declared would the answer be in the affirmative, only in the event a recess has been declared. As of this time, a recess has not been declared.

Mr. WALKER. So the answer to the question at the moment is "No"?

The SPEAKER pro tempore. The answer is "No."

Mr. WALKER. A recess would have to be declared by the Chair before the 1-hour notice?

The SPEAKER pro tempore. The gentleman is absolutely correct.

Mr. WALKER. Are we expecting to go to legislative business immediately after special orders at this point?

The SPEAKER pro tempore. The Chair cannot answer that at this point. We are waiting on the other body in their deliberations.

Mr. WALKER. Mr. Speaker, I thank the Chair.

The SPEAKER pro tempore. The gentleman from California [Mr. DORNAN] is again recognized.

Mr. DORNAN of California. Mr. Speaker, none of that time that just

transpired, as important as it was, will be taken from my special order?

The SPEAKER pro tempore. The Chair will state to the distinguished gentleman from California that the Chair did not take that time out of the gentleman's time.

Mr. DORNAN of California. Mr. Speaker, when I last left off, it was April 23, 1971, radicals from the left had taken over the city. There was a cloud of marijuana hanging over. Flags were being burned around the Washington Monument. Pandemonium reigned supreme. Patriotic, but thoughtless, Senators from various States, even from great States like Indiana, were talking to these sundry radicals gathered around here.

I went down to this hippie encampment along the banks of the beautiful Potomac and Jerry Rubin of Tom Hayden-Rubin-Abbott-Hoffman fame, had a stage setup down there by the Potomac and a group came in called Ridley's Sound. That name sticks in my mind. It was stenciled all over their hi-fi equipment. They set up large speakers. They were going to interrupt the sexual activity and the pot smoking, and right before they went on the air with these huge speakers, Jerry Rubin—excuse me, not Jerry Rubin. Who was the other guy of the Chicago Seven? His name will come to me. Rennie Davis. Rennie Davis rubs his hands together and says, "All right, gang, let's radicalize these people," and then the speakers began to boom out this ugly pro-Communist, pro-Hanoi, anti-American message.

Sometimes his words come back to me, "Let's radicalize these people."

Sometimes I want to take this well and say, "Come on, my colleagues, let's get smart. Let's educate one another."

So with that spirit, I read the words of Lord Chamberlain at Heston Field on the outskirts of London, when to a cheering nation, it says in the New York Times, he says the following, the head paragraph says; "The Nation is Thanked."

First he reads a letter from the king. This is so good, let me back up a paragraph:

The Lockheed airliner in which Mr. Chamberlain and his official advisors flew from Munich was sighted over the Aerodrome at 5:38 p.m. against a gray sky from which there had just fallen a heavy downpour of rain.

Hence the umbrella becoming the symbol of appeasement.

Two minutes later this machine had come to a standstill and the Prime Minister was standing at the cabin door smiling, waving his hat in response to the loud cheers that welcomed him back from his third and most memorable flight to Germany within 15 days.

Dare I say, shuffle diplomacy?

As soon as Mr. Chamberlain stepped to the ground, the Lord Chamberlain handed him a letter from the King. Then Lord Halifax shook him warmly by the hand.

"Good fellow," he probably said.

And others who rushed forward to greet and congratulate him included the Italian Ambassador, Count Grundi—

The fascist Italian Ambassador, the French Ambassador, Mr. Corbin—he probably became—well, I do not want to brand him, but they were about to become Vichy members engaged in complicity with the Nazi regime, the German charge d'affaires, Dr. Kordt—probably a secret Nazi, and the Hungarian Minister De Masiervich.

Mr. Chamberlain had a cordial welcome from ministerial colleagues, among whom were Lord Homme, Mr. Hor-Bielisha, Mr. Malcolm MacDonald—

Probably from Scotland, I am sure—

Captain Mogasan, Mr. Jeffrey Lloyd and Captain Harold Balfour.

They probably earned their honors at the Sonne in the battlefields of World War I, where 10 million of the youth of Europe had been ground up laying the seeds for Hitler's rise to power, crushing the Weimar Republic.

The Lord Mayor of London congratulated Chamberlain on behalf of the citizens of London.

Then there is a subheadline "The Nation Thanked."

THE NATION THANKED

Then amid continuous cheers, the Prime Minister stepped towards a microphone and spoke a message to the nation. He said:

There are only two things I want to say. First of all I received an immense number of letters during all these anxious days—and so has my wife—letters of support and approval and gratitude: and I cannot tell you what an encouragement that has been to me. I want to thank the British people for what they have done. Next I want to say that the settlement of the Czechoslovak problem which has now been achieved is, in my view, only a prelude to a larger settlement in which all Europe may find peace.

This morning I had another talk with the German Chancellor, Herr Hitler, and here is a paper which bears his name upon it as well as mine. Some of you perhaps have already heard what it contains, but I would just like to read it to you.

Mr. Chamberlain then read the joint declaration—

Which I inserted in the RECORD last night—

and there was a further burst of cheering.

"Here, here, old boy."

There were more cheers as policemen made a way for him to his car, and the drive to London began to the singing of—

Could you guess—

For he's a jolly good fellow.

Excuse me for violating the rules and singing, Mr. Speaker, I got carried away.

Then as Mr. Chamberlain drove past the cheering Eton boys—

With their little ties and their little bowler hats and umbrellas from the downpour—

to the airport exit his car was surrounded by crowds who could not be held back by the police, and amid the enthusiasm many people tried to open the doors of the car to shake him by the hand.

Mounted police eventually made a way—

Maybe the Light Guards from Buckingham Palace, for all we know—

and the Prime Minister drove slowly through the pressing and cheering crowds—among whom were children waiving tiny flags—towards London—

By the way, some of those Eton boys probably died in the jungles of Burma or in the deserts of North Africa or on Sword or Juneau or Gold beaches in the invasion of Hitler's Atlantic Wall a mere 6 years later—

and the still greater welcome that was the acknowledgment of a victory gained for peace.

No talk of appeasement here.

Next paragraph:

CROWDS AT THE PALACE—A BALCONY APPEARANCE

London's welcome reached its climax outside Buckingham Palace, where a crowd of several thousands had waited for over two hours. Indifferent to the heavy rain, they stood, densely packed, a happy throng, their hearts full of relief and a deep sense of thankfulness towards the man who had lifted a great weight of anxiety from their minds.

□ 1900

Mind you, this is a year and a half before the battle of Britain, when even the Cathedral of St. Paul was being hit with Luftwaffe bombs and London is burning from the docks to the outskirts, and the Cathedral of Coventry is turned into rubble.

"Mrs. Chamberlain arrived at the palace at 6:15 in the evening. The crowd cheered her loudly, and she smiled and waved in reply. She was conducted to their majesties' private apartments where she was received by the King and the Queen. Just before the Prime Minister arrived, a rainbow was seen over the rooftops, and it was hailed by some as an omen," God writes.

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

Mr. DORNAN of California. I am happy to yield to one of the distinguished historians of the House, my good colleague, the gentleman from New York [Mr. SOLARZ].

Mr. SOLARZ. Mr. Speaker, I thank the gentleman for yielding.

I think the gentleman has performed a profoundly useful service to the Congress and to the country by reminding us that this is the 50th anniversary of the infamous Munich agreement.

In the history of diplomacy, it is difficult to think of a more shameful sellout on the part of the sovereign republics of another country upon whom they were dependent for their security, and as it turned out, ultimately for their survival.

The American philosopher and historian, George Santayana, has told us those who do not study the past are condemned to repeat it. That is precisely why I think this special order is so timely. A half a century after the Munich agreement, we need to remind ourselves of the consequences of this accord for the peace of the entire world. It was clearly a prelude to the Second World War. It provided the ultimate signal to Hitler that the West would not resist. It helped persuade Stalin to enter into an arrangement with Hitler which itself facilitated the Nazi invasion of Poland. It was entirely unfortunate.

Historians have debated the lessons of Munich, and my good friend from California will be, I am sure, speaking to that question.

Let me simply suggest this evening that one of the clear lessons of Munich, one of the indisputable lessons of Munich, is that peace at any price is too high a price to pay. Those who strive for peace through diplomatic accommodations and through the peaceful resolution of conflicts between countries are certainly to be praised. "Blessed are the peacemakers, because they will one day inherit the Earth." But peace at any price is often too high a price to pay. It was clearly too high a price to pay at Munich. It resulted in the dismemberment of an independent and democratic country, Czechoslovakia. It was the prelude to the worst conflict in the history of mankind. It resulted in the betrayal of solemn pledges made by Britain and France and the Soviet Union to come to the aid of Czechoslovakia. It fed the appetite of a maniacal dictator who was interested in greater and greater expansion, and so I want to thank the gentleman for taking this opportunity to bring this to the attention of the House.

The majority of the American people living today were born after Munich. I have no doubt that there are millions of Americans in school and even who have graduated from school who probably do not remember Munich, who not only have no personal knowledge of it but who either never read about it, or if they have read about it, have forgotten about it, but we forget about Munich at our own peril. We forget about Munich at the peril not only of our security but of our values and of our ideas and of our principles.

Let us hope that as a result of what happened in Munich subsequently, as a result of the efforts being made by my friend, the gentleman from California, and others to remind us of the lessons of Munich, that another Munich will never happen again.

Mr. DORNAN of California. Mr. Speaker, if the gentleman will stay for just a few moments, I thank him for lending his thoughts to this.

Maybe I was getting too lighthearted about these press reports of the next day after Chamberlain came back, but I thought of reading it after this article that I want to comment on in the Washington Times today, front page of Commentary, that just made me want to set aside all my notes and everything I wanted to say on this, it was so much more succinctly written and such a fine analysis, but the gentleman is one of the few Members I told that on the 1st, 2d, and 3d of this month I visited all the major extermination camps of Poland, and I mentioned the Battle of Britain a year and a half after this.

To a Member who came here in 1974, who still looks and feels young, the last 14 years for him have gone as quickly, I am sure, as the 12 that I have been around have for me, and 6 years is just such a brief period of time. The concentration camps were already open when this adulation was going on, when this Italian ambassador, Grande, and what a peculiar name, is meeting Lord Chamberlain at planeside, and Mussolini has already used poison gas in Ethiopia, and he has already reinstituted the concentration camps that were created in the Boer War on the island of Ceylon, and had them all over what is now known as Libya, and he was crushing what he called colonists there, trying to expand the Italian Empire, and these are Nazis and Italian Fascists signing their name to a piece of paper with a Frenchman and a Britich Prime Minister, and the euphoria in all the contries, here is one from Italy that says, "Joy in Berlin, hope of a better understandings; the very first five-power meeting from our correspondents in Berlin." This was euphoria beyond belief, and it did not last 11 months.

Mr. SOLARZ. If I may say to the gentleman, one interesting but perhaps little-known aspect of the euphoria generated in the various capitals of the countries concerned, except, of course, in Prague, where it was a moment of great sadness, is that the French Prime Minister, Monsieur Daladier, when he arrived back in Paris, at least had the decency to say to his associates in private when he saw the French people cheering wildly upon his return something to the effect about how these people must be crazy, because he recognized himself, in effect, what had been done, but I think he believed that once he could no longer count on the British to come to the help of the French, if the French lived up to their commitment to the Czechs, should the Czechs resist the Germans' demands, that France would not be in a position to successfully repel an expected German invasion against France, but the point is that he left Munich knowing in his heart of hearts what the ultimate consequences would be.

The exact opposite response was elicited from none other than Herr Hitler, who, we know from the biography of him written by Joachim Fest, probably the leading German biographer of Hitler, was personally displeased by the euphoric reaction throughout the cities of Germany after the Munich agreement because, to Hitler, what is indicated was that the German people really preferred pease to war, and Hitler preferred war to peace. It was an indication to him, at least as of that date, that the German people did not yet have the martial spirit which he felt was necessary and desirable.

I think that is a sort of interesting commentary on what transpired in Munich and subsequent to it in terms of the reaction of some of the principals who were involved in that negotiation, but to my way of thinking, the most important reaction was not in Berlin, it was not in Paris, it was not in London, it was not in Washington, it was not in Moscow, it was in Prague, the capital of the country that had been sold down the river, a free, independent, and democratic country that deserved better from its friends in the West, and because it did not get better, we all know what happened.

I want to offer just one further comment.

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

Mr. DORNAN of California. I am happy to yield to the gentleman from Indiana under "the Burton rule."

Mr. BURTON of Indiana. Mr. Speaker, I would just like to interject one thought here, and that is that there are parallels, at least in my mine, to be drawn between what happened 50 years ago today and what is happening right now in our own hemisphere, and as I listened to the gentleman's words from New York, who is a very learned and eloquent speaker, I just wonder if we could maybe think about the freedom in Nicaragua that has been lost and the abandonment of those people by the United States that is taking place as we speak and the possible abandonment of the entire region of Central America.

It is very nice to listen to the history lesson that is going on here, but since we know so much about history, should we not profit from history, and should we not realize that wars are avoided by strength and by standing up to tyrants and by standing by friends who want freedom rather than turning our backs on them? We should have learned that in 1938.

It appears to me that, instead of learning from history, we, as the historians say, are making the same mistakes over and over again, because we do not profit from history.

Mr. SOLARZ. Mr. Speaker, will the gentleman yield further?

Mr. DORNAN of California. Mr. Speaker, let me make a suggestion, because I want to yield also under the Burton rule to the distinguished gentleman from California. The Burton rule is that when a Member stands on his feet during a special order, I yield within 60 seconds unless possibly I yield within 5.

Mr. Speaker, I yield to the gentleman from California, and then I want to reclaim my time for just a brief moment to lay the groundwork for this editorial called "Munich, What remains to be said?" and then elicit some more comments. I am just going to read this, and not comment myself, but I will solicit comments from my colleagues.

I yield to the gentleman from California [Mr. LAGOMARSINO].

Mr. LAGOMARSINO. Mr. Speaker, I want to thank the gentleman for taking out this special order. It is very appropriate for the 50th anniversary of Munich.

There are many lessons which are to be learned from Munich. One is, as the gentleman pointed out, one is that if we make bad deals for peace, it is too high a price to pay, as my friend, the gentleman from New York, has said, not only do you get peace, you do not get peace and you do not only pay too high a price but it ends up in a war.

Another lesson to be learned, a very obvious one, is that it was pretty apparent that Herr Hitler and the allies knew from the fact of that agreement that not only was the West not strong enough to resist them militarily but they did not have the will to do it.

Our adversaries, the Soviet Union, believe the same way, and the gentleman was with me, and we were together, and there were others there, too, in the Kremlin in 1979 when we asked the Soviets how they were going to reciprocate for various things that we had done at that time in cutting back on arms, some unilaterally, mostly unilaterally. I will never forget what they said. They said, when I asked, "How are you going to reciprocate," the answer was, "We do not believe in unilateral disarmament. We do not believe in unilateral disarmament."

I would hope that whoever the next administration is, whoever is elected, that they will remember that and will negotiate from a position of strength and a position of will and will not make unilateral concessions but, indeed, will get something for whatever is given.

Again, I appreciate the gentleman taking this special order out. It is very appropriate.

Mr. DORNAN of California. I appreciate the gentleman's observations, because that is obviously the main reason for my saying let us get educated here on this issue, and that is why I mentioned this midway point of Vietnam and the turmoil tearing this city apart.

The gentleman from New York [Mr. SOLARZ] mentioned Daladier. Here is the very thing he was talking about. Daladier, cheered by a joyful France; "These two peoples," Daladier said, and this is after, as Mr. SOLARZ just said, just pointed out of his saying, "Are they crazy out there cheering in the streets?" "Are they bereft of their senses?" He said, "These two peoples may yet reach a cordial understanding, and I am going to do my best to try and reach it."

"The Premier's desk and room were banked with flowers sent by schools and societies, most of them anonymously. He sent them to the grave of the unknown solider below the Arc de Triomphe on the Champs Elysee, and announced that tomorrow evening he would go to the head of the delegation of war veterans to rekindle the flame that always burns on the tomb," so obviously the French Premier was playing to all of this joy and euphoria, and here is a picture of Lord Chamberlain at Heston Airdrome outside of London.

Everything I was reading about the cheering, and there is something about an anniversary, particularly a 100th or a quarter century anniversary, where the pictures come to life on the pages, and they have an appeal they otherwise would not have.

Let me read this article by a great scholar from my viewpoint, Francis Loewenheim, a member of the Historical Division of the State Department in the Eisenhower adminstration; he is now a professor of history at Rice University. He starts off, "After all that has been written about Munich over the past 50 years, what possibly remains to be said?"

□ 1915

The answer is plenty. The first thing to note is that Munich, that is to say, the Munich conference of September 29-30, 1938, was not at all what almost everyone seems to now think it was. There was not any craven surrender to Hitler's demand that had taken place in the days before. The Munich conference put it in written form and I would ask you, Mr. Speaker, that any person who gets hold of this transcript of our proceedings would get my remarks from last night, put it together with this night, because obviously the gentleman from New York [Mr. SOLARZ] did not see it last night or he would not have quoted again, George Santayana, "Those who reject history are cursed to relive it," and he did not know that most of my special order last night was on the Hitler-Stalin Pact which followed this anniversary into August 23 of 1939, and the Nazis were the first ally of choice by Joseph Stalin. We were a second choice.

Mr. HUNTER. Mr. Speaker, will the gentleman from California yield?

Mr. DORNAN of California. Mr. Speaker, I yield to my friend, the gentleman from California [Mr. HUNTER].

Mr. HUNTER. Mr. Speaker, I thank the distinguished gentleman for yielding, and I am very impressed by his recall of history and I think it is appropriate with regard to what is happening in Central America today to talk about Munich.

In recent months, as the prisoners, political prisoners at Nandaime have been shown to be repressed and tortured, fine citizens by the Sandinistas Government, people have become increasingly resentful of Mr. Arias of Costa Rica and his so-called peace plan, and I think we have to remind them that Mr. Arias is not a mad man, he is as nice and intelligent and as well-meaning and as wrong as Neville Chamberlain was.

I wish we could somehow impress upon him the lesson of Munich. I thank the gentleman for coming down here to talk about something that is of great import to the Americans and people throughout the world who do not want to see a situation in which we repeat the mistakes of Munich, and as I recall 50 million people died following that day when Mr. Neville Chamberlain came home clutching that piece of paper, as Mr. Arias clutched his piece of paper.

Mr. DORNAN of California. The gentleman has anticipated the analogies that I intended to draw at the end of my special order, and if we run out of time I hope the gentleman would ask unanimous consent for 5 minutes, which you can get on the House, and the gentleman would do the same, and we can continue this because I want you to tell a story about your first day of combat in Vietnam when you carried a young Hispanic lad off the battlefield and how the groundwork for that was laid in negotiations earlier, just a few years earlier at the midpoint of this 50 years from Munich to Vietnam to the hills of Nicaragua.

Mr. Speaker, I yield to the gentleman from Indiana.

The SPEAKER pro tempore (Mr. GRAY of Illinois). The Chair would state that the distinguished gentleman from Washington [Mr. MILLER] had asked his 5 minutes be reinstated after the gentleman from California, and that would have to be done by unanimous consent, and I agreed to recognize the gentleman for that purpose, but will the gentleman amend his request to follow the gentleman from Washington?

Without objection, so ordered.

Mr. DORNAN of California. Mr. Speaker, reclaiming my time, I might ask the gentleman from Washington, in the nature of a commercial, not that his words of wisdom are like a

commercial, but if he has a pressing engagement and he wants to insert his 5 minutes right now, I would be glad to yield to the gentleman.

The SPEAKER pro tempore. The Chair would state that the time would come out of the time of the gentleman from California.

Mr. MILLER of Washington. Mr. Speaker, let us have the gentleman from California finish his special order.

Mr. DORNAN of California. Mr. Speaker, if Lieutenant HUNTER would keep an ear to the tube I would like him to hear the seven points that Professor Lowenheim makes about the lessons of Munich today.

Mr. BURTON of Indiana. Mr. Speaker, I briefly interject a thought, and I wish we had our distinguished colleague from New York [Mr. SOLARZ] here, as he would add a great deal to this debate, and one thing I was very hopeful was that he would stick around because he has such an eloquent voice in the majority of this House and people listen to them, and the thing that concerns me when we start drawing parallels between what happened in 1938 and subsequent to that which embroiled the world in World War II, when we try to compare that with Central America and other things taking place in the world, we turn off and leave and that is discouraging to me because I think parallels are there to be drawn and we need to draw the parallels so we do not make the mistakes over again and unfortunately Mr. SOLARZ left and I hope maybe he will return during the debate or discussion so we can illuminate this place with historical facts and draw the parallels because they are so important.

If the parallels are not drawn and we make the mistakes made in 1938 and subsequent, our boys will be fighting and dying unnecessarily in Central America, which is why the gentleman's special order tonight is so important because 50 years ago tragic mistakes were made and we were about to make the same mistakes again, and have made some. If we are to stay out of war we need a majority party to participate.

Mr. DORNAN of California. I do not want to rain on the House's parade tonight about completing 13 appropriation bills, which is what we are supposed to do on the last day of the fiscal year, but every Member was referring to the historicity of the 100th Congress, which has a week to go. The only thing I could focus on was the 100th Congress abandoned freedom in Central America and that is what it may go down in history for as we see how silly all this euphoria sounds in the capitals of Paris and London and even as to the poor deluded people of the Fascist nation of Germany, which did choose peace over war and thought they were getting that, but did not understand when a third gave their vote to the former corporal from World War I, Adolf Schickelgruber.

An interesting irony, before I finish with Professor Lowenheim's observation about the importance of this night on the 50th anniversary, our Congressional Research Service at the Library of Congress is tremendous. I had this thought in the back of my head that someone told me when I visited the Olympic site in 1972 that this was where Chamberlain and Hitler had stood, so I sent over there and they sent me a map back from the 1930's of the airfield, outside of Munich. It is Flughafen Oberwiesenfeld Field, and they said, yes, that is correct, the airport in Munich where Chamberlain landed and debated is now the Olympic site.

What I vividly remember is this Olympic site was built on a garbage dump, which is how they are reconciled. When Munich was bombed into rubble by the United States 8th, 15th, and 9th Air Forces to clear the rubble out of the streets, and we all recall the price that Germany paid for the brutality under the Third Reich, the first way you start to rebuild a city of rubble is to clear a path through the streets of all the broken bricks and stone and mortar. They carried it all out. They were not interested in having an airport at that moment, but interested in clearing the streets. They dumped all the bombed rubble from Munich on Flughafen Oberwiesenfeld Field, and it stayed that way until the 1960's. Over 20 years before they began to clear the site they built a new airfield outside the city. Much earlier, they cleared the site of the bombed rubble to begin building an Olympic village, and entered the bombed rubble with the runways from which the Lockheed Electria carried Mr. Chamberlain back to Europe.

Here is the meat of the article. Professor Lowenhein said there was not any craven surrender to Hitler's demands. The Munich conference put it in written form.

That is one lesson to learn. No sellout. This was a kissoff.

Too, it should be remembered that the initial response to Munich was overwhelmingly favorable. I touched on a sample of that in the headlines of world papers of October 1, 1938. Neville Chamberlain was lionized as a man of peace who saved the world from unspeakable and senseless slaughter and suffering.

President Franklin Delano Roosevelt, and why I hoped Mr. SOLARZ would stay, a Democrat from New York, he is an admirer of Roosevelt as much as our current Republican President, Ronald Reagan; he, too, was showered with international approval for his several calls for peace. It was approval FDR had no compunction about accepting.

Let me get to the point and yield to my colleagues for more House business.

This is a cliff-hanger. Munich was not a crisis about Czechoslovakia-Germany and relations for another phase in Hitler's determination to achieve mastery of Europe and much else, but was or symbolized the failure of democracy to recognize their fundamental interests against the short-ranged needs or fears of the time. It symbolized both their day-to-day drift and long-range confusion. Without exception a democracy believed that sacrificing parts of Czechoslovakia would buy them peace.

Mr. DORNAN of California. Continuing on point 4, and if you cannot retain these in your memory, write to your Congressman and ask for days 29 and 30 of your CONGRESSIONAL RECORD, and my fourth point, Munich repeated a fundamental decline in democratic self-esteem.

There is a rumor that Henry Kissinger said after a NATO meeting that his job was to cut the best deal that he could for the United States; as a second-rate Nation we are through as the leader of the world.

This is on the heels of achieving the Nobel Peace Prize, only to see the North Vietnam Communist lie and make that prize of his meaningless, giving his money in a noble gesture to the MIA families and children and Le Duc Tho had the savoir-faire to accept the peace prize, not thinking for a second that he would not live up to it.

As too many saw, the democracy heyday came and went. Mired in the depths of the Great Depression people on both sides of the Atlantic widely agreed the democratic ideals and processes were not for everybody, and so help me, Members, I hear those words when a Democratic liberal stands up on this floor and says let them have the form of government they want in Nicaragua. As though people had freely chosen the Ortega brothers as a Communist form of government that is virtually starving them, that has 9,000 people in Communist prisons built by Communists, and I hear that once a month. People get up on the floor and say they cannot all have our style of democracy. It has been my experience as the most traveled Member of either body, even more than my well-traveled friend, Mr. SOLARZ, everyone I meet in the world wants our style of government if given a true plebiscite in a secret election.

Now, more on that point 4. Woodrow Wilson, 14 years in his grave, was derided as an idealistic fool who had talked vapidly at the end of World War I about making the world safe for democracy.

This Member's father had three wound chevrons, two for poison gas. We called him Purple Heart, which he was awarded in the 1930's when that came back on the Army books, and he thought he had gone over as a young 25-year-old officer to make the world safe for democracy. Over there, over there, we will not be back until it is over over there.

But I learned something from the article which is why I disregarded my own remarks for the night. Democracies would be important if freedom survived in Britain, France, and the United States. The fall of France, 21 months after all this madness, 20½ months, suggested it might be finished there in France as well.

Fifth, Munich did not necessarily mean the end of Czechoslovakia any more than January 1973, Paris peace agreements automatically spelled the end of the Republic of Vietnam.

□ 1930

Had the Paris peace accords been faithfully observed by the Communist North Vietnam Government, South Vietnam could well have continued to exist as an independent state and so also with Czechoslovakia, had Hitler observed the Munich agreement there was no reason why Czechoslovakia, free of its dissident pro-Nazi minority, the parts that they were cutting off in four sections to be augmented over the first 8 days of October 1938, those pro-Nazi parts, most of them pro-German speaking, carved away by Hitler, Daladier, Mussolini, and Chamberlain. They thought that would make Czechoslovakia a more solid nation.

As we now know, the North Vietnamese, after 1973, and Hitler had not the slightest intention of living up to the four-power agreement that he had just solemnly signed. Hence Le Duc Tho, rejecting the Nobel Peace Prize and Henry Kissinger to this day, haunted by the fact that he had forced President Thieu of Vietnam with a very clever line, "I see light at the end of the tunnel." That is sort of a derivation of "peace in our time." And like the head of the government in Prague who was not invited to sign this document, was not even there; they did the same thing at the Paris peace talks that had been done at the Munich agreement 25 years before—add 10 years—35 years before.

Here is point 6 and there are only two to go. Six: The time has come to banish the image of Neville Chamberlain as a blind and reckless appeaser. I said as much in my freshman year in 1977. It is doubtless true that he was momentarily swayed by Hitler's false promises at Munich. That is debatable. But the Prime Minister of England, Great Britain, was far from sanguine or indifferent about the unspeakable brutalities of the Nazi system.

The concentration camp at Dachau which I visited three times, sits outside Munich itself. It is a short drive from this flughafen where they began the "peace of our time" talk. That camp opened up the month that I was born in April 1933. The first camp commandante was Rudolf Hess who, 2 years after this agreement, bailed out of a Messerschmitt over Scotland to try to cut a deal with the West because he knew that Germany would lose the war against the Soviet Union.

Hess was the first commandante of the first concentration camp and that camp outside of this very same Munich, Dachau, became the training camp for all camp commandantes, including Franz Rudolph Haas who was the camp commandante for the longest period of time at Auschwitz/Birkenau which I just visited on the 3d of this month.

As he wrote, for example, in his private diary—this is Lord Chamberlain—September 3, 1938, 27 days before he stood on the ramp of the airport at Munich, and listened to his own words: "Is it not possibly horrible to think that the fate of hundreds of millions depends on one man and he is half mad?" That bears a lot of analysis. What did he think he was dealing with at Munich? The half-sane side of Herr Hitler as he called him?

We did not lose hundreds of millions in World War II; we lost 55 million. His statement in his diary is so prophetic and the concentration camp at Dachau is a few miles outside and because Austria had been consumed by Hitler under the joining of the German-speaking people in March 1938, the concentration camp at Mathausen already had the surveyors out there drawing up the lines for that notorious Austrian then-Nazi concentration camp.

It was Mr. Chamberlain's misfortune to inherit power in May 1937. Imagine, he was only in office 16 months. This would be like Jimmy Carter in his 16th month or Ronald Reagan in his 16th month in the Presidency, this Congress, probably both Houses, would not allow a President in the first part of his second year to be going and signing a document so tenuous as this one. But it was in May 1937 that he got power at a time when the myopic, economic diplomatic and military policies of the preceding Stanley Baldwin era—that would be comparable to a Republican conservative—not of the church of variety, because it was Mr. Baldwin who use to cut up Churchill behind his back and finally said 1½ years—no, just 1 year, 11 months after this Munich agreement, it was that same Stanley Baldwin, the head of the Tory Party, the conservative party that said, "Well, I gues it is time for Winston to take over here." It was Baldwin who in the debate for 5 years leading up to this as they gutted the RAF and led to this sellout at Munich, it is that same Baldwin in the other party that watched in the first 6 months of the Labor Party Lord Chamberlain make this mistake.

Now they exposed, the Baldwin era exposed the British Empire to the greatest dangers from Europe to the Far East. If Mr. Chamberlain did not manage that unprecedented crisis in 1938, well, he was, let us admit it candidly, far from responsible for creating the perilous conditions that awaited him.

If somebody wants to see the greatest series of tapes that applied to this whole period of history on television, run on PBS twice in the last 5 years, look at the BBC series called the Wilderness Years, a brilliant portrayal by a British actor of Winston Churchill. And Winston Churchill's debates, as I tried to point on this floor, to stony silence sometimes, Churchill's debates about the growth of the Luftwaffe in Germany were identical to the debates in this Chamber in the late 1970's and throughout the 1980's on the growth of Soviet military power.

All you have to do is take out the word "Luftwaffe" and insert SS-18's and SS-19's and 24's and 25's missiles and all you have to do is take the word of "Tory," the conservative Stanley Baldwin, which our colleague JACK KEMP has said over and over during defense authorization and appropriation debates where lordly Stanley Baldwin said "The only defense is offense." Put all your eggs into strategic weapons, forget about strategic defense.

So the groundwork was laid by the opposition party and we should not put all the blame on Lord Chamberlain. But who in history clases teaches that it was the Baldwins or the conservative isolationist Republicans of the Saltonstall and Vandenberg variety in the other body and the nameless isolationist conservative Congressmen in this House, using that word in terms of the 1930's, who laid the groundwork for this.

But we find out shortly that Franklin Delano Roosevelt is not without fault.

Seven, and finally, and perhaps most noteworthy on this 50th anniversary, it is important to keep in mind that Munich was not simply a crisis in European affairs. Far from it. Though almost all history books ignore it, Munich was in fact a crisis in Atlantic history. Virtually alone, Hitler drew the correct conclusion from 1917. Listen to this, "The United States must be kept out of any future European conflict." Hitler did not want the U.S.A. involved in that war. Hitler pointed out at points in his diary during the course of the Second World War that he never declared war on the United States or on Great Britain.

Mr. Speaker, I will be back.

The SPEAKER pro tempore (Mr. GRAY of Illinois). The time of the gentleman from California [Mr. DORNAN] has expired and under the rules he is not permitted to extend beyond 60 minutes.

FURTHER MESSAGE FROM THE SENATE

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

H.R. 4354. An act to designate certain National Forest System lands in the State of Oklahoma for inclusion in the National Wilderness Preservation System, create the Winding Stair Mountain National Recreation and Wilderness Area, and for other purposes.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 4787) "An act making appropriations for Rural Development, Agriculture, and Related Agencies programs for the fiscal year ending September 30, 1989, and for other purposes."

The message also announced that the Senate agrees to the amendments of the House to the amendments of the Senate numbered 1, 12, 22, 43, 46, 56, 68, 75, 82, 90, 91, 109, 120, 121, 122, 126, 127, 128, 129, 130, 131, 140, 141, and 142 to the above-entitled bill.

PERSONAL EXPLANATION

Mr. MILLER of Washington. Mr. Speaker, I was unable to be here yesterday. Had I been here, I would have cast the following votes: "Yes" on rollcall No. 370 and "yes" on rollcall No. 371.

THE PRICE OF BEING A RELIGIOUS BELIEVER IN THE SOVIET UNION

The SPEAKER pro tempore. Without objection, the Chair will return to the 5-minute special orders and recognize the distinguished gentleman from Washington [Mr. MILLER].

There was no objection.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington [Mr. MILLER] is recognized for 5 minutes.

Mr. MILLER of Washington. Mr. Speaker, before I begin on my special order I would like to thank the distinguished gentleman from California [Mr. DORNAN] and the gentleman from Indiana [Mr. BURTON] for allowing me to interrupt their excellent presentation on the lessons of Munich.

Mr. Speaker, today I again rise to talk about Alyosha Zavrajnov. Congressman GILMAN and I met with a group of Soviet Christians in a small apartment in Moscow in January. It was there that we met Alex. At that time, Alex told us of being arrested in 1987 on the charge of being a religious fanatic. He was arrested for the simple reason that he was distributing Christian literature and he was organizing Christian study groups. In other words, he was attempting to exercise his basic right to practice his faith. I asked Alex what happened to him after he was arrested on this charge. He told me that he had been taken to a psychiatric hospital where he was injected with drugs.

Such is the price today of being a religious believer in the Soviet Union. This is the Soviet Union's effort to dissuade Alex and others from practicing their faith. But it didn't work. Alex was released and he is still a Christian and he is still a believer.

However, the day after he met with us in Moscow, upon returning to his apartment, he was accosted by several men who he assumed were KGB agents. They beat Alex, and they challenged him: "So you want to meet with a Congressman?"

This was in January. Now recently I have learned that Alex was put back in a psychiatric prison in late July and early August. This is in 1988—not the preglasnost era. This is in Michail Gorbachev's Soviet Union. This is after the Soviets have stated that psychiatric hospitals would no longer be used to imprison religious or political dissidents. And yet, Alex found himself once again imprisoned in a psychiatric hospital, imprisoned for the simple reason that he was a Christian, imprisoned because he wanted to share with others his Christian belief, and finally imprisoned because he wished to be able to exercise his basic right to emigrate—to live where he wished.

Alex, not able to practice his faith, was willing to leave his homeland and settle in a different country where he would have the most basic right of religious freedom. But the Soviets are not even allowing him this basic right.

Alex, after having been imprisoned twice, beaten and harassed continuously for wanting to exercise his basic rights, has now started down a path borne out of desperation to gain these rights that we take for granted. On September 12, he began a hunger strike.

Already Alex's health is deteriorating. We can only hope that the same resolve and faith that has carried him through his imprisonments, beatings, and harassment will see him through this. We in Congress and in the United States must also do our part. In our hopes for glasnost and perestroika, we must not forget Alex and the thousands of others like him. We must speak out on their behalf; we must champion their cause. Because in the end their cause is our cause. So, we ask you, Mr. Gorbachev, to allow Alex to exercise his religious rights. We ask you, Mr. Gorbachev, to adhere to the Helsinki accords—allow Alex to emigrate.

And we say to all of you in the Soviet Union that we will not forget your struggle. We will continue to speak out and work until Christians and Jews and other religious believers will be able to enjoy full religious freedom.

FIFTIETH ANNIVERSARY OF THE MUNICH AGREEMENT—CONTINUED

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana [Mr. BURTON] is recognized for 60 minutes.

Mr. BURTON of Indiana. Mr. Speaker, my colleague from California [Mr. DORNAN] I think was quoting Douglas MacArthur rather than Winston Churchill when he said, "I shall return." I have no doubt that he will be joining us again very shortly.

□ 1945

There were a couple of parallels I would like to draw. Before the gentleman from Washington [Mr. MILLER] leaves, I would like to just make some comments.

I am glad the gentleman brought that issue to the floor tonight, because it points out once again that the Soviets many times say one thing and do another. That is why in dealing with them we must always deal from a position of strength whenever we negotiate with them.

The gentleman from Washington cited an example of the young man who was put into a psychiatric hospital. Even though we have heard General Secretary Gorbachev say that that is a policy of the past, yet here in 1988 we see it happening again. Yet we continue to trust these people that we know violate their word on a regular basis. Here is an example of that, albeit it not one of what many would call international significance, but I certainly think it is significant.

Mr. MILLER of Washington. Mr. Speaker, will my colleague yield?

Mr. BURTON of Indiana. I am happy to yield to the gentleman from Washington.

Mr. MILLER of Washington. My colleague, the gentleman from New York [Mr. GILMAN] met with, as I mentioned, and was with me when I met with Alex. I would tell my colleague from New York that I just spoke about Alex's imprisonment in a psychiatric hospital, his release, and now on September 12 starting his hunger strike in order that he might get the right to emigrate to the United States.

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

Mr. BURTON of Indiana. I yield to the gentleman from New York.

Mr. GILMAN. Mr. Speaker, I would like to thank my colleague, the gentleman from the State of Washington, Representative MILLER, for arranging today's special order on behalf of Alexei Zavrajnov. It is important that we continue to focus attention on the issue of human rights violations within the Soviet Union.

I well remember meeting Alexei in Moscow this past January, when Congressman MILLER and I had the opportunity to visit with Soviet human rights activists. A young man, Alexei, recounted to us the many difficulties he encountered in attempting to exercise his right to Christian worship. In fact, he was arrested in 1987 for his religious activities, and was sentenced to a term in a psychiatric hospital. During that stay he was forcibly injected with drugs, notwithstanding the fact that his "crime" was in distributing literature and organizing Christian study groups.

When we first met Alexei his spirit was still strong. Upon our return to the United States, we learned that the day after our meeting, Alexei was followed by several KGB agents and beaten up. One even said to him, "so you want to meet with congressmen." This and other, more recent actions have led Alexei to strongly desire to emigrate.

This past summer Alexei was arrested once more, and sentenced to another psychiatric hospital for a period of 3 weeks. On September 12, Alexei began a hunger strike in order to achieve the rights that are due him under the Helsinki Final Act and other human documents to which the Soviet Union is signatory. Although a young man, the treatment to which he has been subjected, the harassment, the injections, and the beatings, have taken their toll. But Alexei has not given up, and apparently, will not relent with his hunger strike, which is weakening his health, until he has been granted the right to leave so that he can practice his faith freely and openly, without fear of retribution.

Mr. Speaker, there are thousands of other Soviet Christians like Alexei. Many have been harassed and beaten for their religious ideals. Many are jailed on trumped up charges and sent to labor camps or psychiatric hospitals. This is not the glasnost we have come to expect from the Soviet Union. It is far too reminiscent of the old ways. We still need to be convinced that glasnost has truly taken hold in the Soviet Union. To accomplish this, General Secretary Gorbachev needs to bring about the prompt release of all prisoners arrested solely for their religious beliefs, as well as commiting the Soviet Union to adhering to both the letter and the spirit of the Helsinki Final Act.

Alexei Zavrajnov has the right to practice his religion freely, in any country of his choosing. Mr. Speaker, I am pleased to join the gentleman from Washington in urging the Soviet Government to grant Alexei the necessary emigration documents as soon as possible, and I thank Mr. MILLER for helping to bring this case to public attention.

Mr. MILLER of Washington. Mr. Speaker, I thank my colleague from New York [Mr. GILMAN] as well as my colleague from Indiana [Mr. BURTON] for yielding the time.

Mr. BURTON of Indiana. Mr. Speaker, it is always nice to yield to Members who have something to offer this body. I think what both gentlemen have brought to our attention is very worthwhile and important, because once again it points out that the Soviets say one thing, even the current Soviet leader, and they do another. That is why we must never deal with them with our head in a sack. We must always have our eyes wide open and deal from a position of strength.

Mr. Speaker, I see my colleague from California has returned as he promised. Might I inquire how much time the gentleman thinks he might need to go ahead with his additional information.

Mr. DORNAN of California. Mr. Speaker, will the gentleman yield?

Mr. BURTON of Indiana. I yield to the gentleman from California.

Mr. DORNAN of California. Mr. Speaker, if my friend will allow me to buy him dinner downstairs when I am through, I would try to stay within 15 minutes.

Mr. BURTON of Indiana. That would be fine. What I would like to do, if it is all right with the gentleman from California, even though I control the time I will cede time to him as long as I can draw from parallels and finish at the conclusion of his remarks.

Mr. DORNAN of California. The reason I am doing this is not just to get us educated, all of us. It is to draw analogies to current history at the end of a short 50 years. As I said last night, 50 years in most history books is a paragraph on one page. They write about the Roman Empire in a few chapters, and we are talking about the sweep of a half a century. The Ottoman Empire that collapsed in 1917 was precisely 500 years, by some counts.

I had reached the point in the discussion on what was going on in the United States under President Roosevelt who was then in his fifth year. He had won a massive reelection victory against Alf Landon, Senator NANCY KASSEBAUM's dad, in 1936, so he was in the middle of what was thought to be his second and final term when this happened.

The last words I closed on were Hitler's feeling that the United States must be kept out of any future European conflicts. The conclusion that a great majority of Americans, including President Roosevelt and his top advisers, drew from our involvement in World War I was that it was a terrible mistake and must never be repeated.

I do not believe that is what the gentleman and I were taught in school, that it was a terrible mistake. We were watching Jimmy Cagney and the Fighting 69th and told in our school that we had helped the Europeans to stop this slaughter and that we had made the world safer for democracy. But Roosevelt and most of our fathers and mothers and the adults of that time were feeling that it was a terrible mistake. We lost 53,000 men in combat all in a matter of really a few months in 1918 when that war ended.

This Professor Loewenheim goes on to say when he learned that Mr. Chamberlain was headed for Munich, FDR sent the Prime Minister a brief congratulatory telegram "Good man," signed Franklin Delano Roosevelt. But as the present writer discovered and published in September 1978, Joseph P. Kennedy, the grandfather of one of our young Congressman on the majority side, then United States Ambassador to Great Britain, failed to deliver FDR's supportive message as instructed, and it never reached Mr. Chamberlain. The message, by the way, was no fluke, nor the product of momentary elation.

And on October 17, 1938, 17 days after Munich when the devastating meaning of Munich should have been plain for all to see, this is within a few days, Mr. Roosevelt went even further, writing to William Phillips, the United States Ambassador to Italy, and an old personal friend of FDR's "I want you to know that I am not the least bit upset over the final result," of the Munich agreement.

Or as FDR told the Senate Military Affairs Committee at the White House in a closed session, and it did not leak out for 40 years, a little different in those days than around here now, was it not, but in the White House on January 31, 1939, and that would be 1 day after Roosevelt's 56th birthday, a meeting surreptiously recorded by the President's stenographer. We have heard all about the Roosevelt tapes, and so there are the Nixon tapes, and early on the stenographer was tape recording all of the members of the Military Affairs Committee, a joint committee, I believe. The text was not published until 40 years later in 1979.

This is the end of this brilliant article. Here is what the tape says from Roosevelt's own stenographer: "You may be quite sure, about the last thing

this Congress should ever do is to send an army to Europe."

How Hitler would have approved that sentiment of Mr. Roosevelt's had he known about it instead of merely devoutly wishing it. But Hitler, of course, did not surmise that the night President Johnson, who read the Munich crisis well indeed, because he left the House a few years later to go in the Navy, and was awarded the Flying Cross for sitting in the back of a plane that was strafed by a couple of aircraft, and he won that medal for sitting in the back, but the night that President Johnson learned of the Soviet invasion of Czechoslovakia, August 20, 1968, at the beginning of the Democratic Convention in Chicago, where Tom Hayden, who I have said many times in this well is a California assemblyman who I believe to be a traitor to freedom, to his State, and to his Nation, was organizing on the barricades by riling people up the night before, and then going to watch the people on television, which was his style, while all that rioting was taking place on the streets in Chicago, with razor blades placed in potatoes that were thrown in the streets, and the Kerner Commission called it a police riot, but I happen to have a different viewpoint since I was there and I witnessed it. But that night Johnson said, learning of the Soviet invasion of Czechoslovakia, he told an emergency meeting of the National Security Council when he was trying to get ready to go to his convention, he said there is danger in aggression anywhere in the world. The lesson of Munich remains exactly that. In world politics, we can run but we can't hide.

I like the ring of that, because our President used that when he talked about terrorists, and then he brought to fruition the Navy and the Air Force attack by fighter planes on Libya in April 2 years ago. In world politics, we can run but we cannot hide, says Prof. Francis L. Lowenheim. From Brookline to Berkeley, Brookline being the Massachusetts equivalent where Mr. Dukakis started his career, where they still at every town hall meeting every week refuse to pledge allegiance to the flag, from Brookline to Berkeley, that may be unfashionable to say these days, but it is true all the same.

My words, Nicaragua, Angola, Afghanistan, wherever there is agression, it is the business of this House and the other house down Pennsylvania Avenue.

He concludes 50 years after Munich, 25 after Vietnam, and this is what the gentleman from California [Mr. HUNTER], and the gentleman from Indiana [Mr. BURTON] are talking about, closing the loop, has that hard lesson been forgotten? Perhaps no one summed up the meaning of Munich better than Sir Charles Webster, the renowned British diplomatic historian, speaking at the Royal Institute of International Affairs in London in December 1960. This is not even at the halfway point. That would be 22 years after Munich. Professor Webster says the following, "Munich," he said,

> shows the folly of unilateralism and neutralism, the necessity of close cooperation between threatened states, the penalty of deserting faithful allies, the dangers of discussions at the highest levels without careful preparation and adequate advice, and the special danger of negotiating under the threat of immediate war.

The gentleman from New York [Mr. SOLARZ] alluded to deserting faithful allies in his reference to Czechoslovakia. My friend from the majority side went on and on about Reykjavik and President Reagan not being properly prepared to meet Mr. Gorbachev, and although they oversold their case, there was a thread of merit in what they were saying.

The professor concludes by saying "The special danger of negotiating under the threat of war."

□ 2200

Loewenheim continues quoting Prof. Charles Webster. Some may perhaps find in it, Munich, even wider applications such as that employed by Mr. Somerset Maugham in an aphorism which he adopted from a reflection by Thucydides; that is the name the Vice President had such trouble with on the stump the other day, Thucydides on the Peloponnesian War, and these words are so important that I would like to see them emblazened up there next to Daniel Webster's words. Thucydides said that if a nation values anything more than freedom, it will lose its freedom and the irony of it is, if it is comfort and money that it values more, then it will loose those, too.

British Prof. Charles Webster, diplomatic historian; Francis L. Lowenheim, professor of history at Rice; and BOB DORNAN with the request that the gentleman yield that one point after I yield to the gentleman on what the Poles and the Czechs were doing during the next week 50 years ago. I thank the gentleman for taking this hour for himself and lending me some time to complete my thoughts.

Mr. BURTON of Indiana. I hope the gentleman from California [Mr. DORNAN] will not leave us yet because he may want to participate in a colloquy as we get further into this discussion. My colleagues know that Chamberlain would have won the Nobel Peace Prize. I do not think there is any question about that. At the time everybody in the world probably would have said Herr Hitler, Mussolini, Lord Chamberlain, all who signed that agreement, should be awarded the Nobel Peace Prize. Unfortunately or fortunately they did not have the Nobel Peace Prize at that time.

Now we see a similar agreement, as the gentleman from California [Mr. DORNAN] mentioned a while ago, the infamous Arias peace agreement or program, getting him the Nobel Peace Prize, and it is not unlike what happened in 1938 in my view.

My colleagues know that we cannot trust the Communists to keep agreements, and, if my colleagues do not believe that, all they have to do is look at the record. The ABM Treaty has been violated, SALT I, SALT II. Almost every single agreement militarily that has been signed has been violated.

In Nicaragua, the Communists down there who are supported by the Cubans, and the Soviets and their fellow travelers, violated the agreement they made with the world and the Nicaraguan people which they agreed to in 1979 when they said that there would be democracy, and free institutions, and free elections, and freedom of speech in the press and everything we hold dear. They signed an agreement at Sapoe and Esquipulas. Neither of those agreements have been lived up to, and the tyranny that is taking place in Nicaragua continues to expand.

We see violations of agreements in other parts of the world, in Afghanistan. I have talked to people from the various departments of our Government, and there is some question as to whether or not the Soviets are living up to the agreement that they signed on evacuating their troops or removing their troops from Afghanistan.

We are about to enter into another agreement, it appears to me, in Angola. It is very similar to the agreement which was signed in Afghanistan regarding Afghanistan. And I am very suspicious that the Cubans will not leave. There are now 57 Cubans over there that, if we bring in the U.N. peacekeeping forces to provide a buffer zone between the South African forces and the Angolan forces and the Communist Cubans that will still be there, what it will do is ensure that the Cubans will never leave. They might take a token contingent out of Angola, but I believe the major forces will still be there.

Mr. Speaker, that is a major concern of mine, that we do not learn from history. We did not learn from Munich. Otherwise we would not be signing these agreements. We would be dealing from a position of strength and making sure that the Soviet Union, our chief adversary in the world, lives up to the promises they make.

We ought to remember that the Soviets, as the gentleman from California [Mr. DORNAN] said a few moments ago; they signed an agreement with Herr Hitler prior to 1938, and the only reason that the Soviet Union became an ally of the United States was be-

cause the Nazis under Herr Hitler's leadership turned on them, and they have not had to deal with us, had to work with the United States and become an ally of ours to win World War II.

Cooperation between the States, as the gentleman from California [Mr. DORNAN] stated a few moments ago, is also very necessary. We need to work with our allies around the world to make sure that we have a unified front, that we have the strength that is necessary, the strength in numbers of all the free countries and free peoples of the world to deter aggression on the part of the Soviet Union, and we must never abandon our friends.

The fact of the matter is right now we are on the verge of completely abandoning friends in other parts of the world. I see that evolving in Angola with Dr. Savimbi, I see that evolving and happening in Afghanistan with the Mujahidin. I say to my colleagues today, they feel like they are being abandoned because we signed an agreement that we promised them we would not sign without their support and without their agreement.

And we are abandoning, as I said before, our friends in Nicaragua. The people in Nicaragua were promised freedom. They were promised freedom by us. They were promised freedom by the Sandinistas and that freedom has not been realized.

As a matter of fact, the tyranny that they experienced under Samoza has been increased tenfold, twentyfold, thirtyfold under the Sandinistas, and it is getting worse by the day, and as we withdraw our support, as we withdraw our support, and I think we are going to completely withdraw our support within just a very short period of time, there will be no freedom fighters left in Nicaragua. Once that happens, the Communists there will solidify their position, as they have promised they would do in Nicaragua, and they will rapidly, more rapidly than they have in the past, export revolution into the surrounding countries. There is no question in my mind.

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

Mr. BURTON of Indiana. I yield to the gentleman from California.

Mr. HUNTER. Mr. Speaker, I thank the gentleman from Indiana [Mr. BURTON] for yielding, and I think that this special order and in speaking about the similarities between the situation in Central America and that—that surrounded the European crises in the late 1930's is very commendable.

One thing that I want to inject into this discussion is the human cost of mistakes of our diplomats. The Sandinistas speak in diplomatic jargon in Washington, DC, and Managua just as Mr. Hitler's very articulate representatives spoke when the Czechs were being sold out. And yet the human cost to the people who were affected by the agreement, and, if we want to compare the Arias peace plan with the Munich agreement, there are people who are being affected right now, law-abiding citizens of Nicaragua who can hardly be hard right wingers or Samozistas. They are civilians. They are people who believe in free speech, in the right to assemble and the right to redress their government and redress their grievances. Those people are being oppressed in the same manner that Mr. Hitler oppressed the people of Czechoslovakia and ultimately many, many other regions of the world in the late 1930's and the 1940's.

Let me offer a couple of examples that were given by Jeane Kirkpatrick in her recent article called, "The Prisoners of Nicaragua," about the march in Nandaimi, Nicaragua. Leading citizens who are opposition leaders marched. They carried flags. One of our colleagues, the gentleman from Texas [Mr. DELAY] watched this particular demonstration. They exercised their right to free speech. They made a peaceful march down the street carrying flags. For this action, which the Sandinistas term to be provocative and illegal, they were arrested and thrown in jail, into prison, and they are still there, 40 people, and let me describe a couple of them. Now these are people who are reaping the results of the Arias peace plan for which Mr. Arias received his prize.

First, the wife of the Secretary General of the Democratic Coordinating Board, Roger Guevara Mena, reported recently after visiting her husband that the food is inadequate, as well as adulterated, that many prisoners have developed skin ailments and throat infections, and that most received no medical care. Trade union leader—we are not talking about some so-called rightwinger or Samozista. We are talking about a trade union leader, trade union leader Carlos Huembes who has lost 35 pounds since his imprisonment and is still losing weight. Dr. Miriam Arguello, hardly a rightwinger, who is one of those arrested at Nandaime, was seized while she spoke, jailed and paraded in prison garb. This is a woman, a leader who has as much respect among the minority political system, the minority representatives and the minority parties in Nicaragua as the gentlewoman from Maryland [Mrs. BYRON] has and the gentlewoman from Nevada [Mrs. VUCANOVICH] and other gentleladies who represent their districts in this Congress of our country. Here is a representative, a doctor, who is highly respected. She was seized, she was thrown into prison garb, and she was jailed and paraded before TV cameras. She is confined to a crowded cell with common criminals and restricted to her bunk. This is according to Mrs. Kirkpatrick:

> Arguello suffered rapid deterioration of her physical condition. Her private physician, Dr. Jose Maria Morales, who examined her on September 9 of this year said Arguello was permitted to get up from her jail bunk only when a guard was standing in front of the cell door.

So here is a lady who is in politics in Nicaragua. She is a respected doctor, a member of the opposition party. She is thrown into jail by the Communist Sandinistas, and she is only allowed to rise out of her bunk. She cannot even stand upright unless a guard permits her to. Morales said Arguello appeared, and he is a doctor, dazed and in a fog. He said her history of circulatory problems, lack of proper nourishment, and continuous psychological pressure had caused her blood pressure to rise and the loss of some control in her hands.

Now the Sandinista doctor, Dr. Miguel Aragon, pronounced Arguello "in good health," and said that all the political leaders were "in perfect condition."

Let me remind my colleagues that these citizens of Nicaragua who are being abused in Sandinista jails were people whose only crime, as witnessed by a Member of this House who has great credibility, the gentleman from Texas [Mr. DELAY], whose only crime was to march down the streets holding flags. All this was done under the Arias peace agreement. All this repression has arisen and emanated from that agreement that was made between the neighbors of Nicaragua and the dictator of Nicaragua.

Mr. BURTON of Indiana. If I might just interject one thought, I was in a town called Leon just north of Managua about 40 miles, and it parallels with what the gentleman from California [Mr. HUNTER] is talking about. The people there wanted to have a demonstration for freedom, and we thought when we went to Leon—the Government of Nicaragua tried to dissuade us from going. They even tied us into a possible meeting with some of the Sandinista commandantes to keep us from going to Leon at a time when they knew we were supposed to depart. Nevertheless, we did not want to break faith with these people. We thought there would be about 400, 500 at this movie theater or a small village gathering place to meet with us. When we got to Leon we found, not 500 people, but about 5,000 or 6,000 people, waiting for us and cheering because they had a way to demonstrate their opposition to the tyrannical practices of that government. And they had a big parade through the town, which is similar to the one the gentleman from California [Mr. HUNTER] is talking about, and they carried flags, and it was a very festive occasion, and the Sandinista military stood along the parade route, and they had television cameras, the small

VCR's, and they monitored every single person that went by the parade route, and I wonder to this day how many of those people may have been picked up after we left and thrown into jail like the people that the gentleman from California is talking about tonight.

Mr. Speaker, there is no question in my mind that many of them probably have suffered because of that demonstration, because they talked to a Congressman from the United States about the repression and the repressive tactics of the Communist Sandinista government down there.

Mr. HUNTER. Mr. Speaker, I thank the gentleman from Indiana [Mr. BURTON] for taking out this special order, and I just wonder if all of those who talk about peace in Central America would accept the peace in which wonderful people like this gentlelady that I spoke of—who is a conservative leader in Nicaragua—is jailed, is physically deteriorating under the very repressive prison practices of the Sandinistas. As long as their story and their cries for help do not get out to the outside world and bother us as we sit around television for the evening news, is that the kind of peace that—is that peace suitable for us? Is that what we want to accept?

Mr. BURTON of Indiana. That is the peace that we condemned Czechoslovakia to. That is the peace we condemned Poland to in World II by allowing a horrible document like the Munich agreement to be signed. The fact of the matter is that when Samoza left office, was run out of the country and the Sandinistas took over, there were about 800 or 900 people in their prisons. Today they have what—10 or 12 times as many prisons and about 11,000 political prisoners.

□ 2015

So the lady you are talking about, this doctor who was a political leader down there who only spoke out for freedom, that lady is about 1 of about 10,000 to 11,000 people who are condemned to prison, and as the gentleman from California [Mr. DORNAN] said many times, the greatest growth industry in Nicaragua is the prisons, because they are growing with leaps and bounds.

So I thank the gentleman from California for his contribution and for bringing this article to our attention.

I would like to just cite a couple other things that parallel what happened after Munich and before Munich. Before Munich, Great Britain had a policy of disarmament. We have Members of our Congress who want to have in effect unilateral disarmament, who want to cut our defense budget back to the bone, back to where we had gaping holes in the military in the late seventies. That is something that we cannot tolerate.

What was happening prior to World War II, Great Britain was involved in disarmament, conferences in Geneva, along with other countries in the free world. In fact, all the free world countries were concerned there would be a repeat of World War I, so they all went to Geneva to have a disarmament conference. The United States was a participant, France, Spain, Great Britain, Italy, all of them were up there at this disarmament conference—I take that back. Italy was not there. That was one of the Axis powers; but Hitler at the time this disarmament conference was taking place was involved in the biggest military buildup in the history of mankind.

The thing that is ironic about this, while Great Britain and her allies were disarming, they were selling engine parts and aircraft engines to Herr Hitler while he was involved in this huge military buildup.

Now, what do we see today that parallels that? Today the Soviet Union spends 17 percent of their GNP on military hardware and on an offensive capability. While they are doing this, as I said before, the United States is involved in cutting back or trying to cut back by many Members of this body.

Those of us who believe in a strong military stand in the breach year after year trying to make sure we have an adequate defense and that we are not involved in unilateral disarmament; nevertheless there are those who want unilateral disarmament, not unlike what England experienced under Lord Chamberlain prior to World War II.

What it led to was a terrible military tragedy.

Now, in Central America, while we withdraw support from our friends in Nicaragua who want freedom, the freedom fighters who have laid their lives on the line down there, we have given them I think a couple hundred million dollars in military supplies. While we withdraw all support, the last vestiges of help to the freedom fighters in Nicaragua, the Contras, the Soviet Union continues the greatest military buildup in the history of Central America. So far they have sent between 3 and 5 billion dollars' worth of military hardware down there. There have been thousands of tons of war materials going in there on a regular basis, while we do nothing.

While the freedom fighters, the Contras in Nicaragua, are being stamped out and run out of the country, this buildup continues.

Make no mistake about it, the parallels between what happened in 1938 and today are real. If we do not help our allies in Central America militarily today by giving them the supplies necessary to fight for freedom, then the tyrants in Nicaragua who are receiving these huge quantities of military supplies from the Soviet Union will continue to export and expand that revolution throughout all of Central America and up into Mexico. Once they get into Mexico or close to it, then the United States will have no option, no option whatsoever, but to deploy American troops south of the Mexican-American border to defend what I call the soft underbelly of America and to protect ourselves from having a military presence of the Soviet type on the Rio Grande.

We cannot allow that to occur, and yet our actions today by cutting off aid to the freedom fighters will lead to that eventually, because the Soviets are not cutting back on their military supplies to the Communists in that area, and the exportation of revolution is continuing. We have found supplies, Soviet and Communist military supplies, in many countries in Central and South America, and it goes on and on and we do not do anything about it.

I flew into a place, as I said before, called Chalatenango Province in northern El Salvador. There had been a firefight there 2 days before and during that firefight many people had been killed, and when we landed they took me in to talk to a captured Communist guerrilla. We asked this gentleman, I used our own interpreter, "Where were you trained?"

He told us he had been trained along with his cadre in Nicaragua in a camp just outside Managua. He then took us outside, they took us outside along with this gentleman to take a look at the captured military supplies that they had captured in this fight that took place a day or two before. We saw Bulgarian hand grenades, Soviet mortars, and M-16 rifles that had come from Vietnam. These military supplies had been supplied to them by the Soviet bloc through Cuba and through Nicaragua.

There is just no question that the buildup and the exportation of revolution has been perpetrated on the people of Central America by the Soviet bloc and by the Cubans.

If we continue to cut off aid to those fighting for freedom in places like Angola or Afghanistan or Nicaragua, then we will reap the whirlwind.

The Soviet Union, in my opinion, will never involve itself in a frontal attack on the United States of America. Their attacks will come in bits and pieces through her surrogates. In Angola it will be by using the Cubans to take over that country. In Mozambique they will use the Communist Frelino government supplied by the Soviet Union and helped by the Cubans. In Afghanistan they will use her surrogates, the Communist government in Kabul, and if necessary they will keep their Soviet troops in there, and in Nicaragua they will use the Cubans and the Nicaraguan Com-

munists, the Sandinistas, to solidify their position there.

Then they will use the Sandinista troops in exporting revolution into these other Central American countries as well as training Communist guerrillas in those countries.

So they are going to take the world in bits and pieces without a direct frontal assault. It is not going to be like Herr Hitler coming across the Rhineland in World War II with a direct frontal attack with his Panzer Divisions. It will be small brush fire wars and we will see the world go Communist in bits and pieces.

We need to deal with that. We need to deal with that from a position of strength. We must not involve ourselves in signing agreements that will involve capitulation by our friends and allies.

Right now, as I said before, there are negotiations going on in Angola and those negotiations, I believe, could lead to a complete Communist takeover in Angola and an erosion of support for freedom forces in that country and the countries south of there. The Communists control Angola, Mozambique, and Zimbabwe, and if we allow them to solidify their positions in those three countries, then the entire southern tier of Africa will be in jeopardy.

The minerals that we need to survive as a nation come from only two major sources, the southern tier of Africa and from the Soviet bloc. If the Soviets have their way by using their surrogates to take over the southern tier of Africa, then ultimately the United States will have to go to the Soviet Union with hat in hand and ask for the minerals that we need to produce cars, to produce defense materials to defend this country, and they will literally have us by the throat, and yet we continue to negotiate. We continue to sign agreements that are not going to be lived up to by the Soviet bloc, by the Cubans or by their allies.

I feel we need to realize that we are not just in a continuing cold war with the Soviet Union. We are involved in a real war with the Soviet Union, and it has not changed.

My colleagues on this floor on the other side of the aisle tell us from time to time that glasnost is a new era, the beginning of a new era in Soviet-American relations, and that we can trust General Secretary Gorbachev, that we can sign agreements with them knowing full well that they will live up to those agreements, that as long as they are somewhat verifiable, we need not worry.

The fact of the matter is that while we reduce our defense spending to 5 or 4 percent of our total budget or 6 percent of our total GNP, rather, the Soviets have expanded their defense spending to 17 percent. They are not cutting back one little bit in the area of offensive military capability. They outnumber us by about 5 to 1 as far as military personnel are concerned.

They have, as a matter of fact, over 100 divisions. We have 29 divisions, and that does not include their Warsaw Pact allies. They have five times as many tanks as we have. They have two or three times as many artillery pieces, and then you can get into the other nuclear weaponry and the ships and so on and so forth, and in most cases they outnumber us dramatically, and they continue to build, build, build, and modernize.

We signed an INF treaty not long ago that was hailed by our President as being an historic document, one that would bring us peace and take us back from the nuclear precipice. The fact of the matter is that document, I think, was fatally flawed. We signed that document saying that there would be onsite verification.

The fact of the matter is that the SS-20's that are supposed to be destroyed by the Soviet Union are in mobile missiles with three nuclear warheads. A mobile missile is almost impossible to verify being destroyed because it can be moved around the country.

Sure, they will show us the destruction of some of those missile systems, but not all.

In addition to that, they are replacing the SS-20's with a new generation of missiles called the SS-25. It is an intercontinental ballistic missile that can be retargeted on the same targets that the SS-20 was directed at, and yet we signed that agreement.

The Soviets build, we believe, we sign an agreement and they move forward and they use this military buildup to take other little countries in brush fire wars.

I do not know when we are going to wake up. I do not know when we are going to learn lessons from history. I do not know when we are going to realize that the Munich of 1938 will become very real today unless we start realizing the Soviets have one ultimate goal and objective. They stated it very clearly in 1917, 1918, and 1919, after they took power, and that is world domination.

If we are to survive as a free nation, if the free nations of the world are to survive, then we must be strong and we must deal from a position of strength. We must not sign agreements that give away the freedoms of our friends and our allies. We must stand with those small countries, those fledgling democracies that are fighting to retain their freedom.

In Central America on our southern flank there are a number of democracies that are very new, fledgling democracies that are struggling to survive. They are being attacked daily by Communist guerrillas, who are being supported by the Soviet Union.

We have seen Nicaragua fall. El Salvador is in jeopardy as we speak. Honduras and Guatemala are in jeopardy, and ultimately I think Mexico will be in jeopardy, and if we do not help those countries survive, then we will have to fight alone. We will have to stand up to the Communists ultimately alone in Central America or someplace in Mexico. That is a thought that I do not like to think about.

I think Winston Churchill said something very similar to that. He said that if you will not help your allies, if you will not do what is necessary to fight the Nazis—and I am paraphrasing him now—he said that someday you will have to stand alone against them, and you may have to fight knowing full well that you may not be able to survive. You may have to fight not for freedom, but just to survive.

□ 2030

One may fight knowing full well that he is going to lose, because he would rather not live as a slave. These are dire thoughts that I am presenting to my colleagues tonight, but on the 50th anniversary of the Munich agreement, we need to step back and take a look at what happened then, and look at what is going on today.

In 1938, to a tumultuous welcome, Lord Chamberlain got off the plane at Heathrow Airport, held aloft the agreement and said, "Peace in our time," and he would have won the Nobel Prize, as I said earlier, had there been one at that time.

We see in Central America a similar agreement being signed, a gentleman, the President of Costa Rica, President Arias, getting the Nobel Peace Prize for coming up with this, and we are heading down the same basic road that was traveled back in 1938, and yet nobody will admit to it. Nobody will agree that there is a threat, not only to the security of the other fledgling democracies, or to fledgling democracies of Central America, but to the United States as well.

Are we going to wait until all of those countries go Communist? Are we going to cut off aid to El Salvador, Guatemala, and Honduras like we have to the freedom fighters in Nicaragua and then stand alone against the Communists of Central America?

I talked to Bayardo Arce at the airport in Managua. He told me that their goal was to build a 1 million-man army in that country. Major Miranda, who defected from that country, who was one of the assistants to the leaders, one of the commandantes down there, said that they were going to build to a 600,000-man army. Bayardo Arce told me that they wanted a 1 million-man army.

The fact of the matter is we only have 2 million men in our entire mili-

tary force. If they build up that kind of military force in Central America, supplied by the Soviet Union, we will not be fighting the Soviet Union. We will be fighting one of their tentacles. We will have to withdraw our support from areas, countries, like NATO and the Mideast and the Middle East and focus that attention on the soft underbelly of America, the Mexican-American border and with Central America, and that is something I do not want to think about.

I do not want to see us involved in a land war on the North American continent, not like what they faced in Europe. I do not want to see American cities face what they had to face in London during the Blitz, and those things can happen if we do profit from history, and do not do what is necessary to keep that from happening again.

Mr. DORNAN of California. Mr. Speaker, will the gentleman yield?

Mr. BURTON of Indiana. I am happy to yield to the gentleman from California.

Mr. DORNAN of California. Mr. Speaker, the gentleman brought this perfectly full cycle with his special order tonight as I had hoped.

At the end of Vietnam, the words "peace with honor" were used quite extensively by a Republican administration. President Nixon used them, and Secretary of State Henry Kissinger used them. In all of these newspaper transcripts, and Washington was sort of a provincial city in those days, so I did not find much coverage by the old Washington Star or the Washington Post, not as extensive as the New York Times that I have in front of me, but listen to these same words out of Mr. Chamberlain's mouth, "Peace with honor," says Chamberlain. "Prime Minister wildly cheered by relieved Londoners. King welcomes him at the palace. Prime Minister Neville Chamberlain had a hero's welcome on a rainy autumn evening when he came back to London bringing the four-power agreement. He says, 'The desire of our two peoples never to go to war with one another for the second time in our history,' he told a wildly cheering crowd in Downing Street, 'a British Prime Minister has returned from Germany bringing peace with honor,'" the same thing that was talked about in late 1972 and the so-called Paris peace agreements signed by the Secretary of State, Henry Kissinger, and Le Duc Tho, the representative for the Communist government in North Vietnam, the same words, "peace with honor," here they were, and it seems to be a bigger headline than, "I have brought you peace in our time." That seems to have picked up momentum the next day.

Mr. BURTON of Indiana. If the gentleman would let me interject one thought. The gentleman may go ahead.

Mr. DORNAN of California. I just wanted to point out the little ironies of history, that the five people on the international commission settling the Sudetenland problem, those territories in Czechoslovakia that were German-speaking, just for history, I want to say the Fascist Italian was Bernardo Attolico, and the Czech that they dragged in kicking and resisting was Dr. Woitcek Matsnie, the French representative, and these were all the ambassadors to Berlin, Andre Poncet, and the Englishman was Sir Nevil Henderson, and the German was Baron Ernst von Veizacker, and I am serious, and Mr. Veizacker has such a kind and gentle face, and the German Nazi concentration camps were already building.

If the gentleman will allow me, my wife Sally called in with a sad epilog to Mr. Chamberlain, to reemphasize the point the gentleman and I were both making, that he was not a bad man, and that he was trying to pick up the evil mistakes, not evil mistakes, the thoughtless, patriotic, thoughtless judgment of the presiding coalition government. I misspoke earlier when I said that he was the opposition government. He was part of the MacDonald - Baldwin - Chamberlain - Churchill coalition government, and I will just end up with this and yield back the time.

Mr. BURTON of Indiana. I just had one thought that I would like to interject. Churchill, who was one of the greatest minds of that time and one of the most realistic politicians and a realist, he realized what Hitler was all about and made several statements comparing the Nazis to the Communists. He understood the danger of communism back in 1938 through 1945. He said, "Like the Communists, the Nazis cannot be trusted. Like the Communists, the Nazis are always looking for a new prize, a new victim, a new objective," and he knew that one could not trust them and, yet, today we continue to try to find ways to trust the Soviet Union, trust their leadership, because they have a nice smile, because they dress like we do, because they have a nice soft voice and have a genteel appearance or approach to us. It concerns me that we are being duped today by Mr. Gorbachev, General Secretary Gorbachev, like they duped Lord Chamberlain back in 1938, although Hitler was pretty abrasive, and they are much more polished today, but Churchill realized that the Communists could not be trusted, and we should learn from history, learn from Winston Churchill, and if we think Churchill was a great man, we should read what he stated time and again, and that is that one does not trust them, that you deal from a position of strength, and do not sign agreements that are going to put us in a trick bag.

Mr. DORNAN of California. Exactly. Here is what my wife called in, so I would be sure and reinforce the point that this was a good man, and he was no elitist Briton born to the peerage. He was the mayor of Birmingham, which suffered horribly under the bombing of the Luftwaffe just a few months after this flawed Munich agreement.

He did not serve in World War I, because he was 45 years of age when the war started, August 1914. He was born March 18, 1869, in Birmingham, served there on the city council, and he was trained to be a businessman. He was the mayor in 1915, so he was already 46 years of age. He had failed in the Caribbean, and I do not even know what sisal is, and somebody will call my office tomorrow and tell me, but it was a crop on his father's farms on the Caribbean islands, and he tried to make it work for 7 years, failed, came back and entered city government, became the mayor. In 1916 he formed a savings and loan bank, of all things, in Birmingham. Then he was called from Birmingham because of his success by David Lloyd George. He joined the government of Baldwin after that, although he broke with David Lloyd George, tried to go back into private life. He was made chairman of his party in 1930, and that is the post that Vice President BUSH has held for our party, and he joined the government of Ramsay MacDonald, the Conservative government, August 31, and for 5½ years he was the Health Minister. His background was not in diplomacy, and the mayor of Birmingham is hardly trained to deal with a Nazi Reichschancellor who is burning down the Congress in Berlin.

He did a good job for 5½ years of service, and then he was there in 1934 at the beginning of rearmament, and that was sort of in his favor, but he kept blocking Churchill, who wanted to rearm faster than the Baldwin group. On May 28, 1937, he came into power, as I said, and he was only in power 16 months when that Munich thing happened. On April 16, 1938, just a few minutes before Munich, he signed a treaty with Italy, the other Fascist country, the original Fascist country of this century, to cut them away from Germany. It all fell apart a few weeks later at Munich.

On March 15 of 1939 was another move to try and isolate Hitler from the rest of the country, and in April of 1939 after the failed Munich thing was obvious within days, the draft, involuntary servitude, started in England. They had gotten through all of World War I without a draft, killing millions of young Englishmen, but they needed a draft. They began to prepare for war. He tried to put together, threat-

ening Hitler all during 1939, because this was falling apart, an allied arrangement with Great Britain, France, and the U.S.S.R., but Stalin stabbed Chamberlain in the back on August 23. They signed the infamous Hitler-Stalin pact which we discussed last night and tonight.

He maintained, after Hitler invaded Poland, which he warned Hitler not to do, and it was Chamberlain that declared war on Adolf Hitler, not Churchill, and not Germany declaring war on Great Britain.

Mr. BURTON of Indiana. But he was forced to do that. He had no choice.

Mr. DORNAN of California. Hitler was occupying Poland, and they drew a line in the sand.

Mr. BURTON of Indiana. He held off until the last possible minute, and then he had no choice.

Mr. DORNAN of California. And Churchill was on his heels and speaking in the House, "Now, the jackboot is felt in Poland. What are you going to do about it?"

Mr. BURTON of Indiana. That is one thing we have excluded from our discussion tonight, and that is that Winston Churchill, when Chamberlain came back from Munich, went to the floor of the House of Commons to deliver a speech, and was shouted down, just because he was saying that, "We have just sown the seeds of war." It is unfortunate that while we are talking about the negative aspects of what happened at Munich, we ought to talk also about the great leader who foresaw this, and that was Winston Churchill.

Mr. DORNAN of California. The parallel that I feel here is the patriotic liberal Democrat in this Chamber making one of these mistakes, and if they were to have the White House, and I see the parallel with Governor Dukakis in the White House saying, and when giving away the store, trying to recoup and say that we are calling for some firm move, that it is almost too late then, making the proper moves as Hitler is rearmed, and they are playing catch-up.

In April, he led or supported and planned the British failed move to save Norway. Germany invaded Norway and Denmark in April of 1940, and one of these ironies of history is he resigned May 10, 1940, as Hitler invaded Belgium, and the Netherlands, who never believed Hitler would invade them, because they were neutral in World War I, and the aircraft designer Fokker was a Dutchman. And he hit France, and he resigned. Churchill kept him on as Lord President of the Council. He fell into ill health during or just before the Battle of Britain and, from a hospital bed, heard his beloved Great Britain being bombed, and the Spitfires and the Hurricanes fighting with the Luftwaffe overhead. He died in Heckfield, which is near Reading, England, on November 9, 1940, when the issue was in doubt, and America was still 13 months from rescuing our Mother Country again as we had in World War I.

The irony is he even died on a historical day, an ugly day, November 9, 1940, which was the second anniversary of Kristallnacht, which happened just a few days after Munich in 1938, 2 months and 9 days after this tragic agreement, "Peace in our time, peace with honor," and the Germans broke the windows of every Jewish shop throughout Germany, blew up and burned synagogues, and there was so much broken glass from Jewish shops that they called it "Kristallnacht" or "Crystal Night."

Mr. BURTON of Indiana. There is another parallel which we have not pointed out tonight, and that is that in Nicaragua there were synagogues burned in Nicaragua, there were Jewish people who were run out of the country, and so the religious persecution that took place in Nazi Germany has taken place in Nicaragua and is taking today, and yet we continue to close our eyes and turn our back on those people down there who want freedom so desperately, so desperately that in 1979 they accepted the Sandinistas when they ran Somoza out of the country. There is another parallel, and yet we do not look at it.

I talked to Members on the other side of the aisle, and even our side of the aisle, and when we start talking about Munich, because people talk about Winston Churchill and his predictions and what happened back in those days all the time in the well, and yet even though we point that out time and again and draw the parallels, they will not see, and I do not understand why, because now we are talking about our border, our southern flank, our soft underbelly in the North American Continent, and we are not talking about half a world away, we are not talking about waiting until the war gets so bad that we realize we have to get in it, because this time there is not going to be any leeway if it happens, because we are going to be right in it from the beginning.

Mr. DORNAN of California. Maybe Vietnam is still too close. The ending is, for us, 15 years away, for the collapse of freedom 13 years away, 25 years away from a government complicity, although they did not believe a murder would take place of the Diem brothers. Maybe that is still too close, but Munich has about the proper distance, 50 years.

The gentleman at the leadership desk has argued eloquently for freedom in the former German African colonies, but the African colonies of Germany, Mozambique and Angola, went over to be colonies of Portugal, and now they are colonies of the Soviet Union through the Cuban mercenaries, and every time we speak on the floor, it is still all the history of this fast-moving century, and I hope that this House, not next week, because we will have other things on our mind, but when we reconvene again, whichever Members have not retired, and the handful, about less than 2 percent, who will suffer defeat at the polls, and I hope we are not part of that 1½ percent, and when we come back, we begin to relive the 50th anniversary of 1939.

□ 2045

Building up to the 50th anniversary of the start of the war, and we will have that vision to see why the lessons pertain today.

Mr. BURTON of Indiana. Thus, we think there is no threat. Look back at the last 10 years and see how many countries have gone Communist. None under Ronald Reagan, but prior to that, we have Angola, we have seen Mozambique, we have seen Ethiopia, we have seen Cambodia, Laos, Nicaragua, Grenada, although liberated, and about 12 or 13 countries go Communist and the Soviet Union continues to supply billions of dollars in more countries to Communist guerrillas to overthrow the world and take the world piece by piece and get us to sign agreements or allies to sign agreements that will buy them time when they still feel like there is need to buy time.

Mr. DORNAN of California. Our great staff here helped me put a footnote to a footnote.

What kind of a farm did Lord Chamberlain fail on in the Caribbean. "Sisal, a strong durable white fiber used especially for hard fiber cordage and twine, called also sisal hemp, a widely cultivated West Indian agave whose leaves yield sisal; any of several fibers similar to true sisal, and from sisal farmer in the Caribbean the mayor of Birmingham died in a hospital bed in 1940, listening to his country being pounded by Nazi bombs because he was not tough enough when tough enough was required facing dictatorships, and I thank the gentleman for letting me participate in his special order, and I thank the gentleman for taking my special order and bringing it back perfectly on the lessons we should learn today.

Mr. BURTON of Indiana. Mr. Speaker, I thank the gentleman for his participation and I yield back the balance of my time.

SLATTERY SUPPORTS WELFARE REFORM BILL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kansas [Mr. SLATTERY] is recognized for 5 minutes.

Mr. SLATTERY. Mr. Speaker, today the House of Representatives passed the first major welfare reform package in 53 years.

The Family Support Act of 1988 provides welfare recipients with a hand up, not a hand out.

It emphasizes education, training, and work which we know is the only real way to break the cycle of poverty.

This legislation offers welfare families critical medical and child care benefits for up to 1 year after they leave welfare. The medical safety net and child care support are key provisions that will allow a working mother to choose a job and a paycheck without the fear of losing medical coverage for her children or worrying about their safety while at work.

This bill also requires States to strengthen efforts to collect the millions of dollars in delinquent child support payments.

The American taxpayer should be proud of this welfare reform legislation. It makes good use of Federal funds by providing welfare recipients with the incentive to work and the education, training and support services needed to help them regain their place in society as productive, taxpaying citizens.

MY ADVICE TO THE PRIVILEGED ORDERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. GONZALEZ] is recognized for 60 minutes.

Mr. GONZALEZ. Mr. Speaker, I have spoken out with respect in the immediate, past immediate days with respect to fundamental things.

One I will defer for next week, the subject matter having to do with the vulnerability and the dangers inherent in our present monetary and fiscal situation, but tonight I want to place into the RECORD a letter that I wrote as of yesterday to the editorial page, the editor of the Washington Post, Meg Greenfield, concerning an editorial that appeared in the Washington Post on Friday last, on September 23, entitled "Jim Wright and the CIA."

In that editorial, the editor who wrote that, whether it be a he or she, was in such a dreadful state of mind that I believe a grave injustice was done our distinguished leader, Mr. WRIGHT, my fellow Texan, when they referred to Mr. WRIGHT's referral intern to the Nicaragua regime now in power, Sandinista regime, or call it what you will.

I would like to read excerpts from my letter because I think it will succinctly state the case, and then I wish to enlarge upon and particularly in view of some of the remarks that have been made earlier in the evening here on this House floor, remarks that are very disturbing because of their lack of perspicacity as to the nature of the world here south of the border.

In this letter I state:

Your editorial condemning Jim Wright for undercutting the legal political opposition in Nicaragua is just plain wrong.

There isn't any credible evidence that anything Mr. Wright said compromised any official secret. In any case, the aim of our government in Nicaragua is crystal clear: get rid of the Sandinistas by fair means or foul. Whatever secret Jim Wright supposedly compromised surely must be the worst-kept one in the world.

The Sandinista opposition from the beginning has suffered from being identified with U.S. destabilization efforts. Funding of the contras and ham-fisted intervention into Nicaraguan politics for years has meant every opponent of the Sandinista regime could be charged with being a subversive. In such a climate, legitimate political opposition has been stillborn. That shouldn't surprise anyone: it is practically impossible for legitimate political opposition to develop or survive in any country facing subversion financed by outside powers. Well-publicized United States support for the contras, or for political opposition, long ago impaired the credibility of any opposition to the Sandinistas. What we've done in that country thus has done more to entrench the Sandinistas than anything else.

It is foolish for the Post to assume that large-scale meddling in the political affairs of other countries can long be concealed. Clandestine intervention can have perverse effects: Fidel Castro has been able to blame all his failures on the CIA forever, it seems. And that is the real point of Jim Wright's comments: clandestine intervention has done more to kill off legitimate political movements than to help them. Ill-concealed interventions like that in Nicaragua makes all opposition suspect and does more harm than good to legitimate opponents of the regime.

Opposition movements cited by the Post in South Africa, Poland and Chile have legitimacy and power precisely because they are home-grown. If they were identified with the CIA, let alone dependent on it, these movements would never have gotten off the ground. For your paper to suggest that these movements are the same as, or even similar to, the products of our government's Nicaraguan destabilization policy, is positively Orwellian logic. What our government has done in Nicaragua simply gives the Sandinistas excuses to suppress opposition. The governments of Poland, South Africa and Chile don't have that excuse, and opposition to them is both legitimate and increasingly effective as a result.

Notwithstanding all the well-orchestrated handwringing, Jim Wright has performed a public service by pointing out that clandestine and not so clandestine political interference in other countries very often does more harm than good, because it allows incumbent regimes to brand all opponents as subversives.

Sincerely,

HENRY B. GONZALEZ,
Member of Congress.

I think this is plain to those who have followed the development as they have unhappily evolved south of the border particularly. It is fine and dandy to say that one is against communism. It is another thing to say that one knows what one is talking about, much less doing, when one barges in like a bull in the china closet without understanding either the nature of the history or the culture of the particular country.

What has been happening south of the border is something that has been happening for quite a long time. We are talking about societies and cultures that have their own history, their own evolvement, even though the tendency on our part north of the border is to lump all into a homogenized entity or concept.

Nothing could be farther from the truth. There is no question about it. When the President told us just about 4 years ago that Nicaragua was a menace to the United States and its security because such cities as Harlingen, TX, were in the path of a possible invasion on the part of the Sandinistas there was no question that that statement made not only he, but us, in the United States the laughingstock of the world.

There is no question that it revealed a total and complete ignorance of what exists, even physically, much less culturally, south of the border. To visualize an invasion from Nicaragua into the United States would mean that we would take for granted that that invader would traverse the various and sundry countries, 1,500 miles down the road, including such countries as the Central American countries of Costa Rica or El Salvador, Guatemala, and Mexico, untrammeled, unimpeded as if those nations were not jealously guarding their own hegemony and own independence and own sovereignty.

I think, though, the point we reach is at such a danger that unless our American leadership in and out of the White House, in and out of the Congress, shows more enlightened type of leadership, that we will be paying an undue and unnecessary penalty in blood and treasure.

In the discussions we were hearing a few minutes ago, attempts were made to parallel the situation at the onset of what turned out to be World War II. Comparing countries, such as the Middle European countries, the Western countries of France, Germany, Belgium, England and trying to make a parallel comparison with what is happening in our part of the world today, in this case with a supposed threat of communism, nothing could be more remote, nothing could be more screened than to try to bring in that type of parallel comparison.

I think a more proper comparison should be with what has happened with our policy once the world of communism and anticommunism triggers off our thinking process or blocks them in so many cases, and we get into a state of mind, and when people are in a state of mind there is no way that one can reason. I think the best paral-

lel is to compare our course of conduct on the other side of the world, 8,500 miles away in Southeast Asia and in that part of the world. There we must never forget that as a result of our incursions we still presently have over 45,000 of our soldiers in South Korea alone. In Germany we have over 315,000, but what about our so-called allies? Why is it that France has about 10,000 and why Britain has 7,700? Why is it that we continue to have a mind set and a perspective of the world as if this were a 1947-48 world?

□ 2100

Why is it that when we entered almost blithely into our involvements in Southeast Asia we totally ignored the reality of that world even to the point that today we have heard recitations about the so-called armed strength of the Soviet Union? If we talk about terms in terms of divisions and we do not take into account that the Soviet Union has more divisions deployed on its eastern front, where it has been at war off and on with China for more than 250 years, I think we are making a very, very serious calculated mistake. If we do not realize that our incursion into Southeast Asia, first in Korea where we lost a considerable number of men, and a lot of treasure, but more preciously it was the beginning of the folding in of the hegemony that had resulted from the active shooting phase of World War II.

When we considered that world as a monolithic Communist world, we are embarking on one of the most fatal errors that any country has made in the recorded annals of mankind's history. When we persisted in not learning any better, and we must recall our experience in Korea, we did not win, we are still under a trust, we had major generals captured by the so-called Communist forces, joined not only with the North Koreans but by the Chinese at that time.

Our incursion into what we call Vietnam, but which really was the remnants of the French Indochina colonies, we ventured under a system that we have used in impressing our young men into service during the hot shooting phase of World War II.

At no time did the Congress ever address that we had reached a watershed of difference in approaching as to who would be selected or impressed to serve and who would not. We should have known and certainly the handwriting was on the wall just about the time that the Korean war was prolonging itself into the third critical year, 1953, and by that time I can recall we were beginning to have the same manifestations that we later saw in the plethora of abundance during the Vietnam hot shooting phase of that war as far as America was concerned. That is, we had demonstrations, we had people who stood in the way of munition trains in California in 1952 and 1953 and it was based on the fact that there were some Americans being conscripted and impressed into service while others were not.

These are the things that are not taken into consideration. These are contributing factors. Just like in trying to extrapolate comparisons between past eras and the present, it is almost impossible unless we have total recall of the sights, the sounds, the feelings, the emotions, the fears. We cannot compare the environment in 1938-39 and even before that, 1936-37, with the Japanese invasion of Manchuria. In 1937 the sinking of our gunboat, the *Panay*. Those were eras that I can recall vividly. I do not know how our colleagues—whether they were from that period of time. I am sure they are considerably younger than I am. But unless we can recall that, unless we can recall that in the middle thirties and even in the later thirties, we had distinguished American heroes like Charles Lindbergh, flying to Germany, decorated by Hitler and coming back to the United States and advising that the German Luftwaffe was invincible. There was nothing in the world that could defeat the German power.

That was our No. 1 hero, Charles Lindbergh telling us that. That was the environment. We had isolationism in our Congress, we had the counterparts of those that are now advocating something, I do not know whether the advocates are advocating that we invade, that we prepare for invasion, because I think what is being overlooked is that almost as if we are willing it, we have been acting in such a way as to not only fortify and unite the very objects of our dislike and our fear, but we are also setting up the very possibility of such a thing eventually happening. For example, it is fine well to blame the Marxist-Leninists or Communist forces in the revolutionary efforts in El Salvador or in Nicaragua. But if the conclusion is made that these movements are other than indigenous native born among the people, fought by the people, then we are making a sad mistake that is going to cost us very much if we continue to progress as this administration has in its actions.

For example, we talk about how we will have to have our boys fight and die. They have already died. A year ago we lost a soldier in El Salvador. He is supposed to have been an adviser but he was in an area of action and got killed.

We have had a total of over 23 of our personnel killed all up and down Central America.

My contention from the beginning has been that if we do not properly assess a situation, if we do not know where we are going from, we can hardly chart a proper, a wise, a prudent, a life saving, a national interest-saving course of action in the future.

What we are confronted with at this point in the eighth year of the term of President Reagan is a total collapse of bankruptcy, a lack of policy but certainly a bankruptcy in whatever has been the thinking that this administration would define as policy.

Actually I do not think any has been defined. The reason I say this is that if we ascribe to the Marxist-Leninists or the Communists the troubles that we identify with the countries of Nicaragua, Guatemala, El Salvador, then what about Panama? Now Panama is the real lulu, believe it or not. And the reason there is that, given the absolute ineptness, the total incompetency of our diplomatic efforts on the part of this administration, we have reached the point of no return in Panama where situations are vastly different, where we are in preparation of something, some action.

What it will be, I naturally am not privy. All I know is that the reports emanating from that country are very disturbing. As of July we know that a shipment of 5,000 plastic body bags and coffins were sent down to Panama to the original site of our hospital, Georges Hospital in Panama which is still under our domain.

However, regardless, we know that the world was astounded when it read in the front pages of our most prominent newspapers here in the United States—and this is what I cannot understand—the Post has criticized vehemently, falsely accusing the Speaker of the House of having compromised some national interests in having made the statements that he made that were critical of the CIA. But I did not see the Post saying anything about its own front page announcement that covert actions were planned and, again in the month of July, by the CIA and other intelligence components of our Government.

What I think my colleagues may not be aware of is the extent of the uncontrolled activity on the part of some components of our armed services; special teams that have been organized that are not even accountable to the commanding chiefs of those particular units under which they operate.

This has led to the exposure of such activities as the bugging and surveillance of General Noriega as far back as 1982. The fact that one intelligence agency, the Army Special Intelligence Assistance Team, was unaware that both the Drug Enforcement Agency and the CIA, particularly, actually had Mr. Noriega, or General Noriega on their payroll.

There is no question about it.

Now did the Post ever proclaim that there was an improper leakage of information there? What happened to their front page story in which they

were announcing that the Secretary of State Shultz had even proposed the kidnapping of General Noriega? All that led to was a man who was not particularly popular suddenly receiving the solid support of all of the countries surrounding Panama. We had the South American countries of Columbia, Venezuela, and the others, Ecuador, and we had some of the neighboring Central American countries saying, "Now wait awhile, Uncle Sam. Now we might understand why you don't like General Noriega, but one thing is for you to do something about him diplomatically and the other is to try to come in and invade the sovereignty, whatever is left of it, of Panama," because what we must never forget is that every one of these nation's leaders are equally afraid of the improper Yankee invasion of their sovereignty. We may not be aware of it generally but let me tell you that in that part of the world it is.

Whether we like it or not the fact is that the CIA has embarked, ever since before 1982, on very dangerous tactics, actually blowing up wharves, port facilities, attempted to hire assassins to knock off some of the then junta, the Sandinista leaders in Nicaragua and resulting in the sovereign nation of Nicaragua—we must remember that these countries are not colonies, they are sovereign independent nations.

□ 2115

We must remember that these countries are not our colonies, they are sovereign nations. They went before the International Tribunal of Justice or the World Court. They prosecuted their case. The World Court found us guilty of acts of terrorism, even set a fine or reparations, whatever we want to call it.

What was our answer to that? We walked out of the World Court. That had never happened in the history of our participation in the Court, which we ourselves helped to form many years ago.

General Eisenhower, when he was President, even he with his Secretary of State had better sense. They had better expertise too. How in the world could anybody compare the range and the depth of capacity of the sort of men like Allen Dulles and those that Allen Dulles appointed as Deputy Secretaries of State for International Affairs with what we have today in the person of a fanatic ideologue such as Elliot Abrams, who has no background other than the fact that he is the son-in-law of Norman Podhoretz, the editor of Commentary, who was the one who discovered for President Reagan the lady by the name of, the lady that actually was our Ambassador to the U.N., selected merely because of her ideological holdings, and who has been at the bottom of this kind of approach, interventionist approach in Central America.

So if we have an ideological approach based on a warped perception of what that real world is, how in the world can we end up anyplace than where we are presently? Somebody is going to have to inherit this mess.

Even the situation created in Panama, for example, overlooked at the time these plans were blithely considered, as if we could just walk in there, overwhelm and kidnap General Noriega. The fact is that today the American citizens, both in service as well as in civilian capacity living off of the military sites in Panama, are faced with a steady offensive confrontation daily.

So what will we do about that? Are we going to tolerate it? What can we do about it if it continues to exacerbate?

The time for wise and prudent action is past. The time to try to retrieve lost ground I am afraid is also lost, and it is too late. I am afraid that the inheritance we will have of the Reagan administration concept of what America's actions should be toward these countries is one that will be very costly. I think the American public has yet to know the full extent of the price tag to their admission ticket to watch President Reagan act as President of the United States.

If we voted in the belief that a movie actor could do a good job of acting the role of the Presidency, we forgot to ask what the admission tab would be, and that still has yet to be presented to the American public.

When we talk blithely about how future interventions are possible, we certainly must be alarmed because we are talking about asking somebody else's children to go and fight in areas that we have not been involved in directly. Unfortunately, our history with respect to the particular country of Nicaragua is abysmal. For 100 years we have been invading Nicaragua at will. In just this 20th century we have invaded Nicaragua better than a dozen times. In 1929, President Coolidge sent the Marines, kept them there and they stayed there for 13 years until they could impose the Somoza regime, and above all the Civilian Guard or the Guardi Civil.

These are the things that were the seeds that are now sprouting such distress and which called for every available element of leadership in our country, both in the congressional as well as the executive branch to summon forth the best available talent and approach this situation now in a manner, shape, and form that will still save the last remaining vestiges of moral suasive power of leadership of our country with these nations and their leaders that would like very much for the United States to lead.

They did in 1957 when we had the outbreak of hostility there along the Honduran and Nicaraguan border. And President Eisenhower did not think it was below our honor to join the four or five countries similar in makeup to the Contadora countries, and we went to the World Court. But these countries were to delighted when we said yes, we share with you an attempt to resolve these differences peacefully. We did not go in there to try to divide and conquer. We went in there with the right spirit, and went to the World Court, and those countries then said, well, Mr. United States, then you are going to be our leader. You will be our spokesman and we will go to the World Court and present the case. And we did, and the results were to satisfactory that until President Reagan's Secretary of State, General Haig, invited Argentine military personnel to come to Honduras as a precursor of the so-called Contras, there had been absolute peace between those two nations.

We must recognize that as in the case of almost any other set of countries in the world we have animosities, and we have rivalries. In South America, we have had wars and combats ever since their independence from Spain among some of these entities, Chile against Argentina, Bolivia against Peru, and the like. We can either assume a constructive and in the long run a productive leadership that will inure to our future well-being. It seems as if we can damn the Communists or Soviet Russia all we want, but right now what we can see is happening throughout the world is that while it seems as it in Russia the Russian people are being better led than Red, we in the United States are relapsing into better dead than Red. And that instead of a cohesive, informed, intelligent approach on all levels, we have retrograded and gone back to the gunboat type of diplomacy. It is not going to work. Those days are long gone when it could, and we have to somehow or other give the leadership to those Americans that we have. We have great leaders among us. Our task is to allow them and select them to perform.

There was no greater leader than Sumner Welles, who was President Roosevelt's Deputy Secretary of State for Latin American, for Inter-American Affairs, one of the greatest leaders that we have ever developed and who was so knowledgeable that he has written probably the definitive history, a two-volume history of the Dominican Island, and who was the great mind behind the Good Neighbor Policy.

What good was produced? Franklin Roosevelt had to resist the powerful banking, finance and oil lobbies who wanted us to invade Mexico because

President Cardenas had appropriated the United States oil fields and the oil companies, some of them belonging to American owners. Wisely, Franklin Roosevelt did not. The memories of our invasion of Vera Cruz were still vivid in the Mexican mind.

But with his promulgation of the Good Neighbor Policy, his sophisticated way of handling things with the great help of geniuses like Sumner Welles, he brought forth a policy that in our hour of need just a few years later, at the outbreak of World War II, had made us an ally. There were thousands of Mexicans who died helping us in our war effort. I think this has not ever really been presented on this level. Down in the Southwest border areas yet we are very well aware of it. The Escuadron 201, or Squadron 201, made a famous contribution of airplanes and aviators of the Mexican Government to our war effort in the Pacific. There were thousands of Mexican nationals who volunteered and served and became American soldiers. Many died, way out of proportion to their numbers, in Europe and in the Pacific. Texas, for instance, boasted the greatest per capita number of Medals of Honor winners among this group. Some of them, yes, were native born Texans. Some of them were not. Some of them were born in Mexico, but were American citizens to the extent that they volunteered happily, willingly, eagerly, and served heroically.

It became a great body of soldiers fighting in behalf of the United States. This was the product of the foresightedness of President Roosevelt.

What can we imagine has led to our failure, and it has taken a Central American country president, Arias, and I finally heard some of my colleagues saying that they have never been for the Arias peace plan. But let me advise my colleagues, the only reason the Arias plan worked in such a way as to get the seven distinct leaders around the region together even was they are tired of the bloodletting.

What we in America do not understand is the extent of the suffering and the bloodletting, much of which has been prolonged because of our interference, believe it or not. In El Salvador, most of the armament used, 90 percent of it is not Russian or Cuban or Communist made, it is American. One of my colleagues mentioned that some of it had been brought over from Vietnam, from that great disaster in which we left in a very unsatisfactory manner, leaving billions of dollars in armaments, aircraft, and even bases such as Cam Ranh Bay, which is now and has been used by the Russian navy.

Are these the results of wise policy? I hardly think so. We ended up in such a way that it cast a pall on America's leadership ability.

□ 2130

I say that, if we continue to ignore the legitimate voices south of the border, we will be preempted in this new world, too. Fortunately for us among the common masses of these countries there is a very deep reservoir of affection and respect for America. It still is a country of promise and hope, but that can be dissipated just like our active leadership was dissipated just between the years 1980 and 1981 with the organizations, regional organizations, such as the Organization of American States.

President Reagan has violated our solemn treaties in the invasion of Grenada. We talk about how the Russians do not respect their words. Well, we have violated our treaties and our pledges, and even our own domestic laws. President Reagan has been guilty of that, and it is the reason I introduced an impeachment resolution a year ago in March, and it is the reason why we do not have the happy opinion, favorable opinion, of the world with us.

There is not a country in the new world, from Canada to Argentina, that shares their sympathy with us in our policies thus far in Central America. There is not an industrialized nation in Europe that I know of, possibly with England just being indifferent, but actually no other country has expressed anything but indignation and criticism of our actions there.

With this, what can we in the Congress wait for? Are we going to continue to also indulge in violation of our own laws? It is against international law. It is against our own solemn treaties. It is against our own pledges as Members of the United Nations to have organized, aided and abetted such a thing as what we call the resistance for the Contras who are not in Nicaragua. They are in Honduras. They are hiding out in Honduras.

Have we not paused, as I have implored for the last 6 years, to just stop and reason? Even if we were to intervene with 100,000 of our troops, which is what the expert militaries tell us it would take to invade Nicaragua, even if we knocked over the regime, possessed the country through direct intervention, unless we ourselves sat there and governed the resistance group, the ex-Samozistas, the so-called Contras will never, never govern Nicaragua. That we know.

So, what else then? What are we striving for? It was the same thing in 1961 with the attempted invasion of Cuba, and incidently one of the invading forces departed from Nicaragua, helped espouse and aided by then President Samoza of Nicaragua, and what happened there? Disaster.

But even if the invasion had succeeded, it would have never governed Cuba unless the United States was willing to go in, suffer loss of life, spend a lot of money and then occupy Cuba. There is no force then represented by the invading combination that had the capability of governing Cuba because they were not an expression, an outburst from the midst of the people.

The revolution in El Salvador is one that has been going on and off since 1932. In 1932 over 30,000 lives were lost, brutally suppressed by the 11-12 ruling families that still dominate that country. What is the story of our activities during this administration in El Salvador proper? We have spent somewhere around $5 billion. As I am speaking today, we will have spent during this 24-hour period $2 million a day in El Salvador, and we are no closer to any kind of a convenient solution of that problem than we were 8 years ago.

Is this not clear evidence, I ask my colleagues, that what we have here is total bankruptcy? It behooves us to have the wit and the will to change at least the direction which our Government, representing our people, should be taking. When I started out in speaking in this manner a few years ago, I was very severely chastised, and finally one Member got up and said, "Well, just what would you do if you had the power?"

And I said, "Well, of course, that is an imponderable. I don't have the power. I don't seek it even if I could, but, if I did, one thing I would do would be to remove all our military, and instead of the military sending down doctors, nurses, and let all of the ministers of the gospel who have been working in those fields for decades and who were primarily responsible for the vestige of good will still held toward America, give them free reign. I wouldn't worry about anything else. I wouldn't worry about a people who have been oppressed and submerged for 300 years, who now that the world has contracted, no, they don't have to any longer, and, whether we identify with them or with their oppressors is the key issue," I will tell my colleagues here today.

Therefore, I wanted to compliment the Speaker, JIM WRIGHT, for the observations he very wisely made because he was pointing out to his fellow Americans that agencies created by the Congress are not the ones that are going to determine the policies and the actions of our Government and particularly when they are not accountable to the Congress as they have not been for many years.

History shows that at no time in any country under crime we can set up the type of activities that were born, and, just as in the case of the Federal Re-

serve Board, diverted from the intended congressional purposes for which they were founded and set up in such a way there is no accountability. We should not be surprised that we are having the troubles we are having now in our financial matters given the fact that we have had the most powerful agency ever created in any country at any time in any historical development of any country and wholly unaccountable to the Congress and unaccountable to the President because the Congresses have not wanted to compel accountability. Not any more there than even within our intelligence complexes because we have had actions taken by persons, perhaps with the best of intentions in their lives. But wholly outside of character with an open society and with the Democratic practices which we so much extol and praise.

There is no question about it. We know and everybody else knows whether the American people generally have it in writing, but everybody else throughout the world seems to know that we have had an agency that has been actually assassinating foreign leaders we do not like, are feared for whatever reason. We know that when that happens that a country is compromised.

I cannot imagine any country, democracy or not, that sooner or later does not have to address that problem and I want to thank the Speaker for having had the courage. I know that he is being laced pretty hard, but I want to compliment him because he reveals what all of us know and have known for some time, that he has not a superficial but a rather profound, knowledge of the history and the culture and the language of these countries.

The articles referred to follows:

[From the Washington Post, Sept. 23, 1988]

JIM WRIGHT AND THE CIA

Here are the preliminary results of House Speaker Jim Wright's statement that the CIA has testified that it ginned up anti-Sandinista protests in Nicaragua in order to provoke the Sandinistas into an oppressive overreaction that would kick back on the Sandinistas:

First, the statement is a savage blow to the Nicaraguan civic opposition—the legal political opposition—and especially to the 38 Nicaraguans who were arrested in a peaceful protest at Nandaime last July 10 and who are now facing trial. The worst political thing that can befall an opposition figure there is to be accused of being a CIA agent rather than a self-starting democrat. You will recall that Mr. Wright and others of his persuasion successfully defunded the contras, reducing the military option of the resistance to the near-disappearing point, precisely to give a chance to a democratic political process.

The statement has further implications for American efforts to extend a hand to local democratic forces elsewhere. It becomes easier in, say, South Africa, Poland and Chile for unrepresentative governments to embarrass citizen challengers with even the slightest and most innocuous contacts with foreign well-wishers.

The statement may also inflict damage on the pending bill to tighten the terms of executive notice to Congress of covert operations—a bill (supported by the speaker) that the executive branch and conservatives have fought on grounds that Congress can't keep secrets.

Mr. Wright suggests that, when he spoke, the Nicaraguan resistance and The Washington Times were already putting the allegation of a CIA hand into the public domain and that other news organizations had made similar reports earlier. But this explanation fails to take into account either the particular confidentiality obligations of an elected official or the crucial authority that a congressional figure can add by his confirmation.

Mr. Wright dates his abhorrence of CIA "destabilization" from the case of Salvador Allende in Chile in 1973. His likening of the Sandinistas to an "elected government" that represents "the choice . . . of the people," however, is laughable, or would be if the effects of his intervention were not so serious.

That leaves the factual question of whether the CIA actually did gin up that July 10 opposition rally at Nandaime, something it would have been incredibly stupid to do. The U.S. government stands on a customary and necessary refusal to be drawn into confirming or denying such charges. Public testimony in Congress absolves the U.S. government. Mr. Wright has his own view.

IS HISTORY ALL THE JAPANESE REWRITE?

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Maryland [Mrs. BENTLEY] is recognized for 60 minutes.

Mrs. BENTLEY. Mr. Speaker, as you know, I have given a number of special orders over the past 2 years concerning the expansion of Japan in the industrial world.

I have talked about how Japan Inc. through its Ministry of International Trade and Industry—also known as MITI—together with a number of its giant firms have targetted United States industries with the motivation of destroying such basic and vital industries in the U.S.A. as steel, autos, electronics, typewriters, machine tools, tubing, semiconductors, and I could go on and on.

Everyday something else comes out. Now this.

Recently I saw an article in the Wall Street Journal that absolutely amazed me. I thought perhaps I had fallen asleep and wakened in a new world when I read the following headline: "Changed History: More Japanese Deny Nation Was Aggressor During World War II."

I had always believed that Japan was the aggressor. As a young girl I heard it on the radio on December 7, 1941. That was a day you don't forget. The memories may grow dim, but you don't forget. I remember, as do many of you, President Roosevelt stating in his address about the Japanese bombing Pearl Harbor that "It was a day that would go down in infamy."

It was unquestionably a tragedy for this country, but we did prevail.

Accompanying this article is another one also in the Wall Street Journal by the same author, Urban Lehner quoting a prominent writer, Hideaki Kase, who is the son of a former ambassador to the United Nations. Kase stated, "As a matter of history, we've been treated very unfairly by the victors."

A recent bulletin from the Japan Information and Culture Center stated that "In a mere 50 years, Japan has become a major economic force."

If we treated them unfairly, then how did they get there? We helped them on their feet. Now we have an article in the paper about "Changed History" and "we have been unfair."

I would like to read quotations from the article and leave it for the RECORD.

These are just some of the highlights in there, and we are referring to Mr. Kase who the son of the former ambassador, and its says:

Precisely because they fear Mr. Kase is right, many people in other countries particularly other Asian countries, worry about Japanese attitudes toward World War II. They see a Japan that wields incredible economic power and clearly wants a greater political role in the world. They see Japan's growing self-confidence, its anger and frustration at constant foreign criticism of its trade policies, and its ever-present sense of racial uniqueness. They are disturbed by suggestions that Japan wants to rewrite history to portray itself as a victim rather than as an aggressor.

And Mr. Lehner in the Wall Street Journal goes on to say, "Are these fears justified? Certainly some Japanese are working fevorishly to promote a revisionist view of World War II. They want to play down Japanese aggression in the 1930's by substituting advance into China for invasion of China in textbooks they can test what they see as exaggerated casualty estimates from the 1973 incident. In Nanchang, China in which Japanese troops rampaged for days raping and slaughtering Chinese civilians," and then it jumps over and goes on about the schools and points out that many young people know little about the war, about World War II.

But many young people know little about the war. Hidetaro Inoue, a Tokyo University junior born more than 20 years after it ended, and his friends "never talk about it at all," he says. He has a vague sense that Japan was an aggressor but confesses ignorance of the details. In his high-school course on Japanese history, he adds, "the school year ended while we were still in the Meiji era [1868-1912]."

In his high-school course on Japanese history, he adds, "the school year ended while we were still in the Meiji era [1868-1912]."

□ 2145

Well, Mr. Lehner says:

Had the year been longer, Mr. Inoue still might not have learned much. Even before

the revisionist got to work, Japanese history textbooks were woefully inadequate. Some, for example, don't mention Japan's harsh colonization of Korea from 1910 to 1945. "West Germany gives young people tough criticism of the Nazi era," complains a Korean diplomat who worries that 30% to 40% of Japanese sympathize with the view that Japan did nothing wrong in Korea. "But the Japanese government does not do that kind of thorough education.

And then it goes on to say:

Historian Ikuhiko Hata of Takushoku University in Tokyo is among those holding to the we-did-wrong view that dominated Japan in the 1950s. He sees "less than 10% justification" for the occupation of Manchuria and at most 30% justification for anything Japan did in China. To Mr. Okuno's argument that "the white races had already colonized much of Asia," Mr. Hata retorts "We can't justify our aggression by citing white man's aggression."

Mr. Lehner says:

Revisionism is progressing instep with Japan's growing awarenes of its economic strength, which bolsters its self-confidence. Earlier in the postwar era, when Japan was poor and struggling to export, a sense of fragility, even inferiority, kept most Japanese from thinking—or at least voicing—self-justifying ideas about the war.

But now, "there's a self-confidence bordering on arrogance or smugness," says Tadashi Yamamoto, who heads a Tokyo-based cultural-exchange organization. "America is declining, Europe is declining, but we're doing just fine."

As a result of this self-confidence, many Japanese , at the very least, are in no mood for self-flagellation. Earlier this year, the Japanese distributor of Bernardo Bertolucci's "The Last Emperor" wanted to make cuts before showing the film here. The distributor said it feared that Japanese moviegoers would avoid the film rather than sit through its newsreel footage of what has come to be known as the Rape of Nanking. The distributor eventually restored some, but not all, of the cut material at Mr. Bertolucci's insistence.

Affluence and self-confidence also have a more subtle, fundamental effect on Japanese attitudes, Mr. Hata says, "younger people who don't know much about Japanese modern history believe that our prosperity cannot be the product of such a miserable history," he says. "Japan must have behaved correctly, otherwise we wouldn't have this prosperity."

Now, some people are asking whether rewriting history presages rearmament. For most, the answer is no. They argue that most Japanese consider low defense outlays one of the sources of Japan's economic strength, and few want to trade butter for guns. "It's true, as foreigners say, that never before has a country had such economic power without having military power. In that sense, Japan is trying to have a vast experiment," says Hajime Izumi, a professor at Shizuoka University in Shizuoka. "But we Japanese have high confidence that this experiment will succeed. We must do a better job of explaining our confidence to foreigners."

In closing remarks it says:

Sadao Mogami, an army veteran, likes to tell what he considers an instructional story about his British business contact in Singapore in the 1960s.

The contact was a longtime resident of Southeast Asia, and Japanese troops had beheaded his elder sister during the war and hung her head from a bridge to frighten British civilians. But despite his strong distaste for the Japanese, the contact, according to Mr. Mogami, believed that "100 years from now, there's going to be the opinion that Japan contributed a lot to the liberation of Asia." Mr. Mogami clearly believes this, too.

Mr. Speaker, I also include in here a second article by Mr. Lehner from the Wall Street Journal on the same day, entitled "Japan Revisionists Tackle Ideas Much as Westerners Do.":

JAPAN REVISIONISTS TACKLE IDEAS MUCH AS WESTERNERS DO

(By Urban C. Lehner)

TOKYO.—As a young journalist living a few months in Japan in 1935, the historian Barbara Tuchman apparently came to dislike what she saw as cavalier Japanese attitudes toward historical truth.

In an article in Foreign Affairs in April 1936, she complained about a Japanese general's denial that Japan had occupied Chinese territory during the Manchurian incident in 1931: "In real bewilderment, the foreigner asks himself what purpose the Japanese believe could be served by such obvious pretense."

Mrs. Tuchman concluded that the Japanese "mental process" is "completely divorced . . . from what Westerners call logic." But today's historical revisionists are among those Japanese whose mental processes are most like those of Westerners—people such as Hideaki Kase and Takeshi Muramatsu.

Mr. Kase is a widely read, conservative writer and the son of a former ambassador to the United Nations. He is rare among Japanese not only for his mastery of idiomatic English but also for his evident enthusiasm for Western-style debate.

PROMOTING NATIONAL PRIDE

Sitting in his Tokyo office sipping Japanese tea from a Washington Redskins mug, Mr. Kase explains that Japan was "foolish" in taking on the U.S. in the war: "We jumped into the lake when we couldn't swim." But he insists that Japan didn't wage an unjust war. "As a matter of history," he asserts, "we've been treated very unfairly by the victors."

Mr. Kase sarcastically says that Japan adopted a penitent pose after the war because "it is much easier to say everthing we did before 1945 was wrong, and we are so sorry. It protects our impregnable pacifism. It lets us get away with spending only 1% of GNP on defense while we let the Americans play mercenaries."

But with America on the decline in the world, Mr. Kase goes on, Japan cannot continue to teach its children that Japan was completely wrong. "Pacifism flourished under absolute U.S. protection. Now that the U.S. seems weaker, more and more Japanese think we have to provide defense by ourselves, and that means we have to establish national pride, especially among young people.

Mr. Muramatsu, a professor of French literature at the University of Tsukubao, is less concerned with defense than with what he calls "the search for values." With his hong hair, pullover shirts and Gauloise cigarettes, he could almost pass for an artist on Paris's Left Bank. A lover of French culture, he wants Japan to "defend its own cultural tradition and identity."

Towards that end, he has served as a consultant in the writing of a texbook with a right-wing slant on Japanese history. After lengthy arguments and some editing, the government recently decided to allow schools to use the book, which, among other things, plays down the 1946 proclamation that the emperor is a human being, not a living god. Japan's claims that its emperor was divine and that it was the "land of the gods" were critical to its prewar self-justification for expansionism.

"We have lived for 40 years as a purely economically oriented people," Mr. Muramatsu complains. "I'm afraid that many Japanese people forget that there are more important things than money."

Even some mainstream politicians are pushing anti-materialist, return-to-tradition theme, although not many dare carry it as far as the more extreme revisionists do. Among such politicians is Yasuhiro Nakasone, Mr. Takeshita's predecessor as prime minister, who was renowned as an internationalist despite a strong nationalistic streak.

In a campaign speech in 1983, Mr. Nakasone told his countrymen that they had created an image of themselves abroad as people who "become timid in front of strangers, act selfishly and are good at making money." He added: "For Japan to be regarded this way, despite our 2,000 years of tradition, the richness of our spiritual life, the strength of our arts, is unbearably mortifying.

"WE WEREN'T THE BAD BUYS"

But why does the "search for values" involve rewriting World War II history? Actually, those pushing the rewriting deny doing any such thing. They say they are simply trying to undo the self-denigrating left-wing bias about the war that was written into the national consciousness during and right after the American occupation.

"We do feel we should not have waged this war," says Shizuka Kamei, a member of the Japanese Diet. "But we did not have aggressive motives. We just cannot accept the notion that the Americans and the British and the Allies were the good guys, and we were the bad guys."

Yet many of the revisionists' historical arguments seem dubious. It may be true, as they argue, that it wasn't the Japanese who fired the first shot at the Marco Polo Bridge near Beijing in 1937, or that some foreign accounts exaggerated the death toll during the Rape of Nanking.

But, as the Japanese writer Minoru Tada notes, Japan's troops were present without invitation in another country for a long period, using increasing levels of force. "This was already an invasion before the Marco Polo Bridge incident occurred," Mr. Tada says.

In closing, I must say, we must ask ourselves if they rewrite the history of something we all know existed and that many of us participated in, then what will they do in other areas? I believe the same attitude applies to making agreements.

A year ago Toshiba sold our sensitive technology to Russia after they had signed an agreement. That sale of milling machines cost the public not only in loss of security, but in tax dollars. Estimates range from $30 billion to $90 billion to build up our defense again as a result of this espionage.

In the trade bill, which President Reagan signed on August 23, a 3-year ban of Toshiba products was imposed for this illegal sale to the Soviet Union. One provision set santions against violators of Cocom rules. It is the agreement among the Western allies over the list of restricted technologies that are too sensitive to be shipped into the Eastern bloc countries. That is the Cocom rule.

A recent article in the Journal of Commerce, titled "Japan To Fight U.S. Band on Toshiba Products" on September 7 by Barbara Casassus pointed out that the Japanese intend to fight the ban on "imports of Toshiba products at the October executive meeting of Cocom."

What is troubling to me about this Japan's apparent feeling that they can protest our setting—the Congress setting—a standard for selling our secrets. I know that two Japanese businessmen resigned and their government took some actions, very minuscule actions, I might say, but we still have the right to set the standards for our security.

If they are so insistent about Toshiba and our banning a company for espionage, then what will they do in other areas? A movement to rewrite the history of World War II—then I wonder about our agreements.

Mr. Speaker, I include the entire article from the Journal of Commerce in with my statement today.

CHANGED HISTORY; MORE JAPANESE DENY NATION WAS AGGRESSOR DURING WORLD WAR II

(by Urban C. Lehner)

TOKYO—Toshio Ichiki remembers the tension aboard the destroyer Kagero just before the Japanese attack on Pearl Harbor. He remembers the exultation and relief when he and his crewmates saw the bombers and torpedo planes returning to the carriers.

But the former navigation officer doesn't recall any qualms over the sneak attack or any other aspect of Japan's role in World War II. Nor did he develop any qualms in his 13 years as a government military historian, during, which he researched the Japanese occupation of China in the 1930s.

"I have studied this history, I have lived through the flow of this history, and I don't think that what Japan did before and during the war was aggression," the 69-year-old Mr. Ichiki declares."

A growing number of Japanese seem to agree. Last April, a cabinet minister proclaimed that Japan didn't have any "aggressive intentions" when it occupied parts of China. He was eventually forced to resign, but for lack of diplomacy, not historical inaccuracy. A group of 41 ruling-party politicians announced their support for his view that Japan has no reason to apologize for its past actions.

"I'll bet every member of the cabinet secretly shares that view," gloats Hideaki Kase, a conservative writer who shares it himself.

Precisely because they fear Mr. Kase is right, many people in other countries, particularly other Asian countries, worry about Japanese attitudes toward World War II. They see a Japan that wields incredible economic power and clearly wants a greater political role in the world. They see Japan's growing self-confidence, its anger and frustration at constant foreign criticism of its trade policies, and its ever-present sense of racial uniqueness. They are disturbed by suggestions that Japan wants to rewrite history to portray itself as a victim rather as an aggressor.

REVISIONIST GROUP

Are these fears justified? Certainly, some Japanese are working feverishly to promote a revisionist view of World War II. They want to play down Japan's aggression in the 1930s by substituting "advance into China" for "invasion of China" in textbooks. They contest what they see as exaggerated casualty estimates from the 1937 incident in Nanking, China, in which Japanese troops rampaged for days, raping and slaughtering Chinese civilians.

But these revisionists are still very much on the fringe. Talks with dozens of Japanese produce a more complex picture of current attitudes toward World War II. The spectrum of opinion is wide, and some Japanese harbor what appear to be contradictory views. One Japanese college student says Japan was the aggressor in the war, but he adds, in the same breath, that it didn't have any choice.

Although the majority doesn't agree with Mr. Kase, it is clear that fewer and fewer Japanese feel much guilt about the war. The unanswerable question is whether mainstream attitudes are drifting toward making the majority susceptible to the revisionist view in the future.

FORGETTING IT ALL

Unlike the Germans, who are still agonizing over how they went wrong, many Japanese never think about World War II at all. If the German character is to brood over history, "the Japanese character is to forget," says Takashi Hosomi, a former Finance Ministry official who was an army corporal during the war. "It comes from the climate. The typhoons come and take everything. The next day we have beautiful weather, and the Japanese people say, 'The sky is clear. Let's start again.' "

A Japanese intellectual puts it more sharply: "The West Germans are trying to learn from the war experience. The Japanese are trying to bury it."

Young people, in particular, know little and little about the war. It is as distant to them as the War of 1812 is to Americans; one Japanese college professor says some of his students don't even know that the U.S. occupied Japan for seven years after the war ended.

Schools are supposed to teach students that Japan was the aggressor in China in the 1930s and that its actions eventually led to war with the U.S. Some young people do take that message to heart. In a school workbook, on the page describing Japan's occupation of Manchuria in 1931, a 12-year-old boy living in a Tokyo suburb scrawled: Nihon wa zurui!! Japan cheats!!

But many young people know little about the war. Hidetaro Inoue, a Tokyo University junior born more than 20 years after it ended, and his friends "never talk about it at all," he says. He has a vague sense that Japan was an aggressor but confesses ignorance of the details. In his high-school course on Japanese history he adds, "the school year ended while we were still in the Meiji era [1868-1912]."

Had the year been longer, Mr. Inoue still might not have learned much. Even before the revisionists got to work, Japanese history textbooks were woefully inadequate. Some, for example, don't mention Japan's harsh colonization of Korea from 1910 to 1945. "West Germany gives young people tough criticism of the Nazi era," complains a Korean diplomat who worries that 30% to 40% of Japanese sympathize with the view that Japan did nothing wrong in Korea. "But the Japanese government does not do that kind of thorough education."

After years of commemorations of Hiroshima and Nagasaki, many Japanese tend to remember what was done to them rather than what they did to others. During a night of sake drinking, a Japanese businessman in his 40s who deals frequently with foreigners confesses that he regrets that Japan didn't defeat the U.S. He is apologetic about what Japan did to China but not about Pearl Harbor. How, he demands emotionally, could Americans have murdered so many innocent Japanese civilians at Hiroshima and Nagasaki?

Self-justifying sentiments are strongest and most widespread among Japanese who fought in the war or were educated before it. This may partly explain the support for whitewashing Japan's past among Diet members; many, are elderly men.

Historian Ikuhiko Hata of Takushoku University in Tokyo is among those holding to the we-did-wrong view that dominated Japan in the 1950s. He sees 'less than 10% justification" for the occupation of Manchuria and at most 30% justification for anything Japan did in China. To Mr. Okuno's argument that "the white races had already colonized much of Asia", Mr. Hata retorts: "We can't justify our aggression by citing the white man's aggression".

But Mr. Hata worries that voices such as his are becoming less influential. "Reaction to the dominant view is gaining power," he says. Right after the war, he says, Japanese regarded Gen. Hideki Tojo, Japan's prime minister from 1941 to 1944, as "a symbol of evil", and most Japanese agreed with the Tokyo War Crimes Trial verdict declaring him a "Class A war criminal". Now, Mr. Hata says, more and more Japanese regard him as a "scapegoat" or a victim of "victor's justice".

Observing the changing attitudes a few Japanese fear the worst. Hiraku Inoue, deputy general secretary of the Japan Congress Against A- and H-Bombs, worries that "a new system of fascism might be coming".

Revisionism is progressing in step with Japan's growing awareness of its economic strength, which bolsters its self-confidence. Earlier in the postwar era, when Japan was poor and struggling to export, a sense of fragility, even inferiority, kept most Japanese from thinking—or at least voicing—self-justifying ideas about the war.

But now, "there's a self-confidence bordering on arrogance or smugness", says Tadashi Yamamoto, who heads a Tokyo-based cultural-exchange organization. "America is declining, Europe is declining, but we're doing just fine."

As a result of this self-confidence, many Japanese, at the very least, are in no mood for self-flagellation. Earlier this year, the Japanese distributor of Bernardo Bertolucci's "The Last Emperor" wanted to make cuts before showing the film here. The distributor said it feared that Japanese moviegoers would avoid the film rather than sit through its newsreel footage of what has come to be know as the Rape of Nanking. The distributor eventually restored some,

but not all, of the cut material at Mr. Bertolucci's insistence.

Affluence and self-confidence also have a more subtle, fundamental effect on Japanese attitudes, Mr. Hata says. "Younger people who don't know much about Japanese modern history believe that our prosperity cannot be the product of such a miserable history," he says. "Japan must have behaved correctly, otherwise we wouldn't have this prosperity."

Now, some people are asking whether rewriting history presages rearmament. For most, the answer is no. They argue that most Japanese consider low defense outlays one of the sources of Japan's economic strength, and few want to trade butter for guns. "It's true, as foreigners say, that never before has a country had such economic power without having military power. In that sense, Japan is trying to have a vast experiment," says Hajime Izumi, a professor at Shizuoka University in Shizuoka. "But we Japanese have high confidence that this experiment will succeed. We must do a better job of explaining our confidence to foreigners."

Mr. Izumi adds that although young people know little about the war, "there is no sentiment among them in favor of turning Japan into a militarist nation."

An oft-noted irony—that with Asia liberated from Western colonialism as a result of the war, Japan has today achieved economically much of what it had sought militarily—also tends to encourage revisionist thinking. In its prewar propaganda, Japan said it wanted to establish the Greater East Asia Co-Prosperity Sphere to liberate Asia from the white man. Actually, its attitudes were far more complex. They ranged from contempt for other Asians (one ditty sung by Japanese schoolchildren before the war went, "Chinka, Chinka, Chinka, So stupid and they stinka") to a strong feeling that history, destiny and economic necessity gave Japan the right to dominate Asia economically.

Sadao Mogami, an army veteran, likes to tell what he considers an instructional story about his British business contact in Singapore in the 1960s.

The contact was a longtime resident of Southeast Asia, and Japanese troops had beheaded his elder sister during the war and hung her head from a bridge to frighten British civilians. But despite his strong distaste for the Japanese, the contact, according to Mr. Mogami, believed that "100 years from now, there's going to be the opinion that Japan contributed a lot to the liberation of Asia". Mr. Mogami clearly believes this, too.

RECESS

The SPEAKER pro tempore. Without objection, the House will stand in recess until 10 p.m.

There was no objection.

Accordingly (at 9 o'clock and 54 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 2215

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. GRAY of Illinois) at 10 o'clock and 18 minutes p.m.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. HALLEN, one of its clerks, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 4781) "An act making appropriations for the Department of Defense for the fiscal year ending September 30, 1989, and for other purposes."

The message also announced that the Senate agrees to the amendments of the House to the amendments of the Senate numbered 1, 19, 21, 23, 35, 36, 42, 45, 49, 50, 60, 61, 71, 72, 73, 77, 78, 80, 81, 83, 87, 102, 103, 104, 106, 108, 128, 131, 138, 179, 186, 192, 195, 206, 208, 209, 210, 220, 227, 228, 229, 230, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 247, 248, 249, 250, 253, 254, 256, 257, 258, 259, 260, 261, 263, 264, 269, 270, 271, 272, 273, 274, 275, and 277 to the above-entitled bill.

CONFERENCE REPORT ON H.R. 4637, FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 1989

Mr. OBEY. Mr. Speaker, I call up from the Speaker's table the bill (H.R. 4637) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1989, and for other purposes, with the remaining Senate amendments in disagreement.

The Clerk read the title of the bill.

AMENDMENTS IN DISAGREEMENT

The SPEAKER pro tempore. The Clerk will report the first amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 119: *Resolved*, That the Senate agree to the amendment of the House of Representatives to the amendment of the Senate numbered 119 with an amendment as follows: After "Acts" at the end of the amendment, insert ": *Provided further*, That notwithstanding any other provision of this Act, titles I and III of S. 2757 as reported by the Senate Committee on Foreign Relations on September 7, 1988, are hereby enacted into law: *Provided further*, That purchases, investments or other acquisitions of equity by the fund created by section 104 of S. 2757 as hereby enacted are limited to such amounts as may be provided in advance in appropriations Acts: **Provided further**, That section 901(a) of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989 (8 U.S.C. 1182 note) is amended to read as follows:

(a) IN GENERAL.—Notwithstanding any other provision of law, no nonimmigrant alien may be denied a visa or excluded from admission into the United States, or subject to deportation because of any past, current or expected beliefs, statements or associations which, if engaged in by a United States citizen in the United States, would be protected under the Constitution of the United States:

Provided further, That subsection (b) of section 901 of such Act is amended—

(1) by inserting "to deny adjustment of status of," after "deny issuance of a visa to,",

(2) by inserting in paragraph (1) before the semicolon, ", unless such alien is seeking issuance of a visa, adjustment of status, or admission to the United States as an immigrant."

Provided further, That subsection (d) of section 901 of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989 (8 U.S.C. 1182 note) is amended to read as follows:

(d) EFFECTIVE PERIOD.—Subsection (a) shall only apply to—

(1) applications for non-immigrant visas submitted before January 1, 1991;

(2) admissions sought before March 1, 1991;

(3) deportations based on activities occurring before January 1, 1991, or for which deportation proceedings (including judicial review with respect to such a proceeding) are pending at any time between December 31, 1987 and January 1, 1991.":

Provided further, That the amendment made in the preceding sentence shall not require the deportation of aliens admitted for permanent resident status under section 901 of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989, as in effect before the date of enactment of this act:

Provided further, That title III of S. 2757 shall be in effect for fiscal years 1989 and 1990: *Provided further*, That the Comptroller General of the United States shall examine the use of nonimmigrant visas under section 101(a)(15)(J) of the Immigration and Nationality Act for current programs of educational and cultural exchange and shall, not later than 30 days before the end of fiscal year 1989, submit to the Committees on the Judiciary of the Senate and House of Representatives, a report on whether the participants in programs of cultural exchange receiving visas under that section are performing activities consistent with the congressional intent for the implementation of that section:

Provided further, That notwithstanding section 208 of the United States Information Agency Authorization Act, Fiscal Years 1986 and 1987 and the second sentence of section 501 of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1461)—

(1) the Director of the United States Information Agency shall make available to the Archivist of the United States a master copy of the film entitled "Land of Enchantment"; and

(2) upon evidence that necessary United States rights and licenses have been secured and paid for by the person seeking domestic release of the film, the Archivist shall reimburse the Director for any expenses of the Agency in making that master copy available, shall deposit that film in the National Archives of the United States, and shall make copies of that film available for purchase and public viewing within the United States.

Any reimbursement to the Director pursuant to this section shall be credited to the applicable appropriation of the United States Information Agency.

Mr. OBEY (during the reading). Mr. Speaker, I ask unanimous consent that the Senate amendment 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.

MOTION OFFERED BY MR. OBEY

Mr. OBEY. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. OBEY moves that the House concur with the Senate amendment to the House amendment to the Senate amendment No. 119.

Mr. SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin [Mr. OBEY].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 176:

Resolved, That the Senate agree to the amendment of the House of Representatives to the amendment of the Senate numbered 176 with an amendment as follows: After "appropriated" at the end of the amendment, insert ": *Provided further*, That S. 2848, as introduced on September 30, 1988, is enacted".

Mr. OBEY (during the reading). Mr. Speaker, I ask unanimous consent that the Senate amendment 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.

MOTION OFFERED BY MR. OBEY

Mr. OBEY. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. OBEY moves that the House concur with the Senate amendment to the House amendment to the Senate amendment No. 176.

POINT OF ORDER

Mr. ARCHER. Mr. Speaker, I rise to make a point of order against the motion to concur in Senate amendment No. 176 under clause 5(b) of rule 21 because it constitutes a tax or tariff amendment which has not been reported by the committee having jurisdiction over such matters and has not been offered to a bill which was reported by such committee.

The SPEAKER pro tempore. Does any Member desire to be heard on the point of order of the gentleman from Texas?

Mr. OBEY. Mr. Speaker, I concede the point of order.

The SPEAKER pro tempore (Mr. GRAY of Illinois). The point of order is conceded and sustained.

MOTION OFFERED BY MR. OBEY

Mr. OBEY. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. OBEY moves that the House disagree to the Senate amendment to the House amendment to the Senate amendment No. 176.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 182:

Resolved, That the Senate agree to the amendment of the House of Representatives to the amendment of the Senate numbered 182 with an amendment as follows: After "Fund" at the end of the amendment, insert ": *Provided further*, That the United States Government shall not assist the missile program of the People's Republic of China in any manner, including approving of the export of satellites employing United States technology for launch by Chinese missiles, until the President certifies to the Congress that China is not supplying missiles to Iran, Iraq, Syria, Libya, or Saudi Arabia, and has provided reliable assurances that no future sales of missiles to such countries are planned.".

Resolved, That the Senate agree to the amendment of the House of Representatives to the amendment of the Senate numbered 182 with an amendment as follows: After "Fund" at the end of the amendment, insert ": *Provided further*, That title V of S. 2757 as reported by the Senate Committee on Foreign Relations on September 7, 1988, is hereby enacted into law".

Resolved, That the Senate agree to the amendment of the House of Representatives to the amendment of the Senate numbered 182 with an amendment as follows: At the end of the amendment, insert "It is the sense of the Senate that the President be urged to undertake discussions and negotiations with other nations, which are principal suppliers of arms in the Mideast, to limit to the maximum extent possible, the sale of arms to nations in the Mideast.".

Mr. OBEY (during the reading). Mr. Speaker, I ask unanimous consent that the Senate amendments 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.

MOTION OFFERED BY MR. OBEY

Mr. OBEY. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. OBEY moves that the House disagree to the Senate amendment to the House amendment to the Senate amendment No. 182.

Mr. WALKER. Mr. Speaker, I reserve the right to object.

The SPEAKER pro tempore. Does the gentleman from Wisconsin [Mr. OBEY] desire time on the motion?

Mr. OBEY. Yes, Mr. Speaker, I do.

The SPEAKER pro tempore. The gentleman from Wisconsin [Mr. OBEY] is recognized for 30 minutes.

PARLIAMENTARY INQUIRY

Mr. WALKER. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. WALKER. Thirty minutes has been yielded to the gentleman from Wisconsin [Mr. OBEY]; does that mean 30 minutes will be yielded to the gentleman from Oklahoma [Mr. EDWARDS]?

The SPEAKER pro tempore. The gentleman is absolutely correct.

Mr. WALKER. I thank the Chair.

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

Mr. Speaker, the House is at a very critical moment with respect to this session. We have the last remaining obstacles before us that will prevent sending to the White House the first free-standing foreign operations appropriations bill in 7 years. The Senate chose to add three items to this bill in the form of amendment No. 182. The first item is a sense of the Congress amendment with respect to future sales of Maverick missiles. I do not think there is any serious objection to that portion of the amendment.

There are two very serious problems that remain with the rest of the amendment and they have necessitated the White House instructing me that if this amendment is not rejected they will veto the bill. Those two provisions are two provisions by Senator HELMS. One suggests that the United States shall not approve the export licenses for any material for satellites which would be injected into orbit by Chinese missiles unless the President certifies that the Chinese are not supplying missiles to a number of countries.

I think all of us agree with the sentiments expressed in that amendment. But very frankly I think that before Members take the very serious step of supporting this amendment they ought to approach a number of Members of the House and ask what has been happening diplomatically to deal with this problem. I do not think it is productive to talk about it in public, but I do think it is important that people understand what the administration is trying to achieve.

I stand here tonight as someone who very often is an opponent to the administration on both domestic programs and on foreign policy, but I am persuaded after discussing this matter with the Secretary of State this evening that it would be a very serious mistake for those who want to see our friends in the Middle East protected and for those who want to see the Chinese restrain themselves from supplying missiles that we do not want to see provided to that region of the world, to adopt this amendment.

I have discussed this with, for instance, the Executive Director of the Organization of Middle East concerned with Israel, AIPAC, and I have been told that they oppose the adoption of this amendment and want this bill sent on to the President clean.

There is also a third provision in the amendment which I find most disturbing because that amendment would

limit the President's discretion in terms of the granting of diplomatic immunity to foreign diplomats. Again the purpose of the amendment is laudable. The purpose is to give us greater ability to pursue through our legal system diplomats who violate the privilege of representing their country in the United States. No one can argue with that goal but the fact, Mr. Speaker, is that if this amendment were to be adopted it would open our diplomats, in the judgment of the White House and in the judgment of the State Department, it would open our diplomats to the kind of risk worldwide that they do not feel they ought to incur. It would, for instance, say, it would prohibit the President from applying immunity to a foreign diplomat if he is suspected of a crime even though that crime had not been adjudicated. We can imagine how easily that same principle could be used to put any of our diplomats any other place in the world at risk. It could also require us to ask that country to waive immunity if that diplomat had been accused of a crime. That means that the political opposition of any foreign country, of any foreign government, could merely, by accusing one of their own diplomats of a crime, require us to ask that immunity be waived.

I have a letter from the Secretary of State which reads as follows:

As I discussed with you on the phone, the Administration has major difficulties with Senate action on HR 4637, the Foreign Operations Conference Report. Of particular concern are the serious changes affecting diplomatic immunity, changes that will jeopardize reciprocal immunities and thereby threaten the well being of American diplomats around the world. The provision also contains serious constitutional defects. If this provision is contained in the enacted bill and presented to the President, his senior advisors will recommend that the bill be vetoed.

This is verified by representatives of the White House itself in conversations we had with them just 20 minutes ago.

In addition, there are two other provisions adopted by the Senate that are particularly objectionable. The imposition of sweeping sanctions against Iraq will be counterproductive to our efforts to deal effectively with the use of chemical weapons in the Gulf region and will seriously undermine our efforts to maintain a dialogue with the Government of Iraq.

Finally, the Senate's action concerning the sale of missiles and the launching of satellites by China is unnecessary and unacceptable. Both of these concerns are being addressed through high level approaches to the Chinese, including the recent visit of Secretary Carlucci.

I would urge any Member of this House who is thinking of voting for the amendment to contact Secretary Carlucci to get his personal view of this amendment before considering voting for the amendment. I think if you listen to his reasons you will find good reason to reject the amendment because rejecting this amendment is in the interest of the United States and it is in the interest of the countries that the Helms amendment is trying to help.

The letter says:

The Administration is dealing with these issues in an appropriate manner and the Senate amendment represents an infringement on the President's ability to resolve these issues in a manner satisfactory to the Congress and the Administration.

I would urge that Members recognize that we have two matters of substance which are very serious before us. We also have a matter of utmost importance in clearing the deck of all appropriations so that we can, as we have tried to promise so often, finally deliver unencumbered all 13 appropriation bills to the President for his signature.

□ 2230

And I would urge that Members, despite the very laudable goals represented by both the Helms amendments, I would urge you to support the administration, support the interests of this country and the Congress and turn down the amendment.

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

Mr. EDWARDS of Oklahoma. Mr. Speaker, I yield myself such time as I may consume. Mr. Speaker, the chairman of the subcommittee is correct that this is a difficult question that is before us. He is also correct in that the provisions that were added by the Senate to our bill are for the most part laudable. I would like particularly to concentrate attention for just a moment on the provisions with respect to diplomatic immunity. What is it that the people in the other body have asked us to add to this bill? The heart of it, the heart of the Helms amendment is a provision that says whenever there is probable cause to believe that an individual who is entitled to immunity from criminal jurisdiction of the United States may have committed a serious criminal offense, particularly a crime of violence, the Secretary of State shall request the foreign ministry of the country such individual represents to waive the immunity of that individual.

If such waiver is denied, the Secretary of State shall declare that individual non grata or insure the removal from the United States. We are not talking here about just willy-nilly kicking out foreign diplomats because some representatives of the opposition in their country points the finger at some diplomat in this country and asks us to remove him.

We are talking about probable cause, we are talking about serious offenses.

There are many cases that we all know about where individuals in this country have been harmed by the actions of diplomats from other countries who are immune from our justice system. And it seems to me that in that regard at least on this particular provision, the Senator from North Carolina adds something that probably most Members of this House would agree with.

I know that the State Department is recommending a veto. I am always amazed by the things that prompt the State Department's concerns. But I would say that what is contained in this provision in regard to immunity is something that ought to be enacted by the Congress.

I would be personally quite satisfied if the Speaker of the House, who is in the Chamber at the moment, and the majority leader of the Senate would agree that we would be able to have a separate vote before we adjourn in both Houses on the diplomatic immunity question.

The bill has been pending. Many leading Members on both sides of the aisle have supported that bill and tried to get it to come to the floor so we could act on it. That has not happened.

There are probably better ways to act than to have had this added in the Senate on this bill. I am as eager to finish the appropriations process as everyone else is. I am no happier being here at 10:30 at night debating this than anybody else is, but we have to look at it on its merits. And on its merits the diplomatic immunity provisions of the Helms amendment are correct. They represent actions that ought to be taken by this House. It puts us in a difficult position, therefore, to vote to disagree with that action.

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

Mr. OBEY. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, I simply would ask this: Under the Helms amendment who defines probable cause? The amendment does not say.

I would ask: Who defines what is a prima facie case? The amendment does not say.

It requires that we ask the foreign country to waive immunity. In the case of a sex offender, the administration tells me that they do not want immunity waived because if immunity were waived and that diplomat were prosecuted we would have a problem. We could be liable for treatment for him. We could incure large expenses when what we want to do is to get rid of him. It just seems to me that we ought not at 10:30 at night be debating a very sensitive and very complicated question which could involve the security and safety of every American diplomat around the world if other countries wanted to apply this same logic to our own diplomats.

Mr. EDWARDS of Oklahoma. Mr. Speaker, I yield 5 minutes to the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. I thank the gentleman for yielding.

Mr. Speaker, I think the question before us here: Are we representatives of the State Department or are we representatives of the people? Because we have a couple of very, very important questions to look at here.

First of all, the gentleman from Wisconsin told us a little while ago there were some nations that we were not allowed to sell missiles to under the Helms amendment. We had better know which nations those are. If you vote against upholding the Helms amendment, you are voting to allow the Chinese to sell missiles to Iran, Iraq, Syria, and Libya.

Now those are certainly places that we don't want the Chinese sending missiles. In my opinion, no, no. I do not think we have any desire whatsoever to have the Chinese selling missiles to those countries. The Helms amendment says specifically we are not going to send satellite technology to them, if they continue to sell missiles to those nations.

Also I think we have an issue here of our domestic launch industry. We have a launch industry that we are trying to get off the ground. It is a very, very important component part of the mixed fleet that we need.

You will drive that launch industry further away from being economically successful if in fact you allow the Chinese to go into unfair competition with them.

In my mind that is not the right approach to take.

So that in approving the Helms amendment what you help us do is get the mixed fleet that we have long said we need as a part of our space launch industry.

Finally, I would like to deal with the matter of diplomatic immunity because we are saying that that is important as far as our diplomats go. Well, what about the American people? What about our folks who are being attacked by diplomats in this country and are being left without any recourse as a result of those attacks? There are a couple of examples that I think we ought to be aware of. There was a girl in the Metropolitan Washington area who was raped by sons of diplomats who taunted her throughout the rape with the idea that she could not do anything because they had diplomatic immunity. Well, they were right. There was absolutely nothing we could do in that case because they did have diplomatic immunity. It was a disgusting case.

We have a fellow by the name of Ken Skeen. He was shot several times by the son of a Brazilian Ambassador. As it turned out, the ambassador's son, who had diplomatic immunity, had previously been involved in at least one other serious crime. Yet nothing had been done to him.

Mr. Skeen in testifying before the Congress had this frustration and I quote, "I am an American. He is over here in my country, on my property. He shoots me. I am working. And I look like I am the bad guy, and he walks away scot-free. I was just wondering if anybody here can explain how anybody can get away with attempted murder, running over people, raping women in this country. We have a very civilized country. We are not a country where we do not have laws. We protect our people."

Mr. Skeen has a right to feel that he should be protected.

Under the Helms amendment here we are going to protect our people against diplomats who run wild and use diplomatic immunity to cover their crimes. I would suggest that if you vote against the Helms amendment as it has been presented in this House you are voting to do three things: You are voting to allow the Chinese to sell missiles to Iran, Iraq, Syria, and Libya; you are voting to bring about a problem for the domestic launch industry, our ELV's and you are voting to allow criminals among the diplomatic community to continue to use their immunity as a way of getting off from their crimes scot-free.

I do not think very many people want to vote that way unless, of course, you are voting pro-State Department and against the people.

Mr. OBEY. Mr. Speaker, I yield 3 minutes to the gentleman from New York [Mr. SOLARZ].

Mr. SOLARZ. Mr. Speaker, we have heard that if you are against the sale of intermediate range missiles by China to Iran, Iraq, Libya, or Syria, you should vote in favor of the Helms amendment. Let me suggest to you that if in fact you are concerned about the possibility that China might sell intermediate range missiles to countries like Iraq, Iran, Libya, and Syria, you ought to vote against the Helms amendment and in favor of the motion by the gentleman from Wisconsin [Mr. OBEY] to vote "aye" on his motion to disagree with the Helms amendment.

This is a diabolical amendment. It is a diabolical amendment because if it is adopted it is likely to achieve precisely the result it is ostensibly designed to prevent.

A few weeks ago the Secretary of Defense, not the Secretary of State, the Secretary of Defense Frank Carlucci was in China. When he was in Beijing he had discussions with people at the very highest levels of the Chinese Government. And as a result of those discussions which we are not in a position, for reasons of confidentiality, to disclose on the floor of the House, I think it is safe to say that we can be reasonably confident that if we defeat this amendment and if the sale of an American satellite to Australia for launch on a Chinese missile goes forward, that in fact, China will not be selling intermediate range missiles to Iran, Iraq, Libya, and Syria. But if the Helms amendment should be adopted, the fact of the matter is that pursuant to that amendment the President of the United States would be neither able nor willing to provide the precise kind of assurances called for by the amendment.

As a consequence of that, we would not be in a position to authorize the sale of the satellite to Australia for launch on the Chinese missile, as a consequence of which the sale will not go forward and China is unlikely to be constrained in its potential willingness to sell intermediate range missiles to these terrorist countries in the future.

This amendment in fact is opposed not only by the President who indicates he will veto it; not only by the Secretary of Defense who thinks it could have significantly negative strategic consequences for the United States given the degree to which it would impair our relationship with China; it is even opposed by APAC, which believes that it would be counterproductive in terms of Israel's interests in the Middle East.

Now I would simply suggest that even if you disregard completely the implications of the Helms amendment for the global balance of power in our strategic relationship with China, if all you are concerned about is the survival and security of the state of Israel, if you do not want countries like Libya and Iran and Iraq to have Chinese missiles, the best way to prevent that from happening is to vote "aye" on Mr. OBEY's motion and defeat the Helms amendment.

Mr. EDWARDS of Oklahoma. Mr. Speaker, I yield 5 minutes to the gentleman from New Mexico [Mr. LUJAN].

Mr. LUJAN. I thank the gentleman for yielding.

Mr. Speaker, I take the floor because we have held 2 days of hearings on this issue of the Long March launch rocket. During those 2 days we were very concerned about granting this license, because we were all very involved, particularly on our Committee on Science, Space and Technology of building up our domestic launch industry. We are very committed to that. We want to do that. Certainly we do not want any competition. We do not want any competition from the French, we do not want any competition from the Chinese, we do not want any competition from anyone. And so I went into this hearing thinking that it was a good idea, that it sounded good, that we deny the export license because then we would not face that competition.

I went in with the idea that it was very patriotic for others to do that, to oppose the Chinese from launching any of the satellities that we might work on. And I thought that it was the best thing to do, to deny the license to launch those satellites.

Originally I thought that that is the side that I would come down on. But after 2 days of hearings I became concerned that maybe that was not the direction that we wanted to go in, that perhaps that was not the direction we wanted to take in order to save our embryonic launch industry.

□ 2245

I thought there were other ways to do it. We heard from the builders of the satellites. We heard from the launchers, those that would be affected by the competition. We, of course, heard from the Department of State and the Department of Defense as to their views, because we were concerned about the national and the security implications of granting this license to launch on the Long March vehicle. The Department of Defense, which was my greatest concern, to be honest about it, told us that there was no problem with doing that; the Department of Defense favors issuing this license.

What did we find in these 2 days of hearing? Well, first of all, we found that with respect to the satellites, two of them belonged to Australia, and the third one belongs partially to the People's Republic of China; as a matter of fact, one-third is to a consortium from Hong Kong, and the other third to a British company. And they told us, particularly the British, the British company representative, that that is what they wanted. The wanted it for reasons other than just costs; they wanted it launched on the Chinese Long March rocket because of business considerations on their part.

So what they were telling us in effect was this: "OK, we hired an American company to do the work on the satellites, but then belong to us, and we would like them to be launched on this Long March vehicle. Now, if you don't want to do that, then we will rebid this whole process." And probably my calculations on it were that the British Aerospace Co. or one of those, not an American company, would get the business, first of refurbishing the recovered satellite, and No. 2, the building of the other two, and we would be out $400 million, another $400 million in balance of trade, because they are going to be launched on the Chinese vehicle anyway. So all that we could accomplish would be to lose 400 million dollars' worth of business to an American company.

Mr. Speaker, there are certain safeguards to the granting of this license by the foreign government. Before granting that license, there are several issues that must be settled. There must be a level playing field so that everybody is bidding on the same basis. There is a question of liability. The question is, Who is liable? That must be settled. And then there is the question of technology transfer, because we do not want transfer of the technology.

So we see that it is an emotional issue. We set up the barriers. I am not here to tell the Members that I am exactly right, that I feel 100 percent comfortable with the decision. As a matter of fact, I thought just the opposite for a long time. But after listening for 2 days and viewing the situation as it is, I just have to come on the side that says we cannot be protectionist and say that just because it is not an American-launched vehicle, we cannot grant that license.

So, Mr. Speaker, I would ask the Members of this House to look at the issue very carefully, to see what it is we are doing, and make our decision based on that assessment, not on some preconceived notion we might have.

Mr. OBEY. Mr. Speaker, I yield 4 minutes to the distinguished chairman of the Committee on Science, Space, and Technology, the gentleman from New Jersey [Mr. ROE].

Mr. ROE. Mr. Speaker, I thank the distinguished gentleman from Wisconsin for yielding me the time.

I have had a plaque on my wall for 20 some odd years, and that plaque reads: "More mistakes are made from lack of facts than poor judgment."

At the outset I want to point out that the only way we can rationally discuss the Long March issue is in the broad context of United States-China relations. We are hearing today that the license approval will be linked to specific agreements of pricing, and on and on. We are listening to the point of view that, yes, if we approve this, what we will be doing is, we will be approving other missiles that will be sent to Saudi Arabia, and so on.

That is not the issue. The issue is: Should we or should we not approve the licenses as far as the Chinese are concerned in launching the three Long March rockets that are involved and the three satellites?

Two of the satellites belong to the Australian Government, and the other one belongs to the Chinese Government, the British Government, and a consortium of companies out of Hong Kong.

As the gentleman from New Mexico [Mr. LUJAN] pointed out, we have had a day and a half of intensive hearings on this overall program. We determined the following: We called in economic people, we called in the former Ambassador to China, we called in representatives directly from the Australian Government, we called in representatives and speakers from London, from the British Government, we brought in the satellite manufacturers, we brought in the domestic launch industry, and we brought in the aerospace people and the Ariane people from France to hear what the issue was.

What we found out was the following: The assumption that if we were to disapprove these licenses, an American company would get the launching contracts, that is totally falacious. They told us specifically that if the Long March was turned down on the bid that Hughes made—which, by the way, goes to close to $600 million on the three satellites—what would happen at that point is, they would rebid that and it would go to either a British or a French company and it may be launched on the Ariane rocket. We are not going to get that business in both cases, in both instances.

The third thing has to do with the rehabilitation of the satellite, and that is a satellite that is already owned by the People's Republic of China. They own a third of the satellite themselves. One-third is owned by the British, and one-third is owned by a consortium of companies in Hong Kong. They are not our satellites. That is what it amounts to. If we do not let them launch with the Long March, which is going to happen, we are going to lose $600 million worth of satellite business. So we are not going to gain anything. That is what it amounts to.

Then they asked us this: The British said, "What about our launching, and how can we work this out?" They said to us, "If we can't launch on the Long March, then the Soviets will be into this picture and we will lose that marketplace."

Every single company that bid internationally and domestically used the Long March rocket. They did not use the Ariane rockets, nor did they use American rockets. So that is what the facts are, and that is what we are dealing with.

Let me caution the Members on this point: The people wanted to testify, and that had to do with the three companies that are handling our domestic launching program. One is General Dynamics, one is Martin-Marietta, and the other is McDonnell Douglas Corp. McDonnell Douglas wanted to testify separately because they had a problem. What was the problem they had? The problems they had is that they have a $1 billion contract with China under production now where we are building the MD-80 commercial aircraft in a joint program with China at this particular point. We are training a thousand of their engineers here. That is a $1 billion contract to McDonnell Douglas. There is another $3 billion contract pending. So the litany goes.

In the time that I have left, let me read this into the RECORD:

As of 1988 there were 407 U.S.-China joint ventures worth more than $2.1 billion in U.S. investment. In addition, there is in excess of $940 million worth of U.S. investment in offshore oil development. By the end of this year the total U.S. investment will exceed $3.9 billion. Already, American Motors cooperates with the Chinese in the manufacture of jeeps, Babcock and Wilcox cooperates in power station boilers, Corning in the manufacture of glass, Hewlett-Packard in electronics, and the list goes on. The China market is a vast commercial frontier and represents one quarter of the world's population. We simply cannot afford to ham string our private sector by short sighted protectionist trade policies.

Mr. Speaker, the future of trade in this world is going to be in the Asiatic theater, and we cannot afford to throw that opportunity away for the corporations of our country. I would urge the Members to vote down the Helms amendment and support the gentleman from Wisconsin [Mr. OBEY].

Mr. EDWARDS of Oklahoma. Mr. Speaker, I yield 5 minutes to the gentleman from New York [Mr. SOLOMON].

Mr. SOLOMON. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, unlike the gentleman from Wisconsin [Mr. OBEY], who got up and spoke so eloquently a few minutes ago saying he almost never supports the administration, particularly on foreign affairs and national security issues, I almost always support the President in his foreign policy and on his national security issues. Therefore, it is very difficult for me to stand up here and oppose that position, but I do so because I am very much concerned about it.

We have heard a lot of cogent arguments. Certainly one of the most distinguished Members of this House, the gentleman from New Jersey [Mr. ROE], spoke very eloquently. What he says has a lot of merit to it, but the truth of the matter is that what is at stake is whether or not the United States of America is going to be able to develop a fledging industry of expendable launch rocket systems so we do not have to be dependent on a Communist country, whether that be the Chinese or whether that be the Soviet Union. What matters here today is that the United States right now is proposing to license the Chinese to launch our satellites at a cost of about $16 million per launch. That means that our own fledging industries today have to pay more, because it costs them about $40 million. Why is there such a disparity? Because the industry in China is subsidized 100 percent by the Chinese Government. The industry is owned by the Chinese Government, and they produce at slave labor wages.

That means that not only do we have technology transfer at stake, not only do we have foreign policy at stake, we have American access to space at stake, and that is the thing that concerns me the most, not to mention the trade and other national security issues.

I say to the Members that Martin-Marietta, the General Electric Co., General Dynamics, and all the other fledging industries that took you at your word, Mr. Congressman, all of you, and you, Mr. President Ronald Reagan, when you told them 5 years ago what you wanted them to do, because they understood us to say, "Spend millions of dollars in the private sector because we don't want to be dependent on our own systems of launching our own rockets out of the Federal Government; we need the private sector to be in competition so that we will always have a reserve fleet to back that up."

If we go ahead with this agreement with the Chinese, nobody in their right mind, no stockbrokers in any corporation in American is going to get involved at all in this. So we, the United States of America, will then be solely dependent on a Communist nation to launch our satellites, whether it be for protection, for spying, or for whatever it might be up there. That is wrong.

Second, the gentleman from New Jersey [Mr. ROE] pointed this out—and I give him a lot of due respect—that if we do not let the Chinese do it, our allies are going to another country and have them do it, that they will go to the Chinese by themselves.

Well, we have a thing called Cocom in this country of ours, and our foreign policy dictates what kind of technology transfer we give to Communist-controlled countries. If we do not set the example, that means that Britain and France and all the others are not going to go to the Chinese; they are going to go to either French companies or American companies, those American companies with 10,000 employees, General Dynamics, Martin-Marietta, and all the rest. They are going to come to us on a competitive basis.

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

Mr. SOLOMON. I am glad to yield to my distinguished colleague, the gentleman from New Jersey.

Mr. ROE. Mr. Speaker, the program is definitely subject to the approval of Cocom.

Mr. SOLOMON. That is right. And Cocom, in case anybody wants to know, is all of our NATO countries, minus Iceland, plus Japan. Japan is the one we have got to watch out for here. If we let this go today, there will be no fledgling industry, we will not be able to launch any satellites, and this country is going to be jeopardized down the line.

We have had the heads of these companies come up and testify to us with exactly the same facts I am telling the Members here today. So I just say, without taking up any more time of the body, that it is not just what this resolution says here that is at issue, but I do want to read it to the members.

It says this: "The United States shall not assist the missile program of the People's Republic of China in any manner, including approving of the export of satellites employing United States technology for launches of Chinese missiles until the President certifies to the Congress that China is not supplying missiles to Iran, Iraq, Syria, Libya," and some other Mideastern countries.

I see nothing wrong with that. Seriously, what this does now is to say to Clayton Yeutter, who has been given the responsibility to negotiate with the Chinese, if we adopt this amendment tonight, "Mr. Yeutter, you get over there and you watch those astute Chinese. They are good people, but they know what they are doing. They will take your pants off if you aren't careful."

Mr. Speaker, I say to the Members that we should adopt this amendment. It sends a message to drive a hard bargain.

□ 2300

Mr. OBEY. Mr. Speaker, I yield 3 minutes to the gentleman from Pennsylvania [Mr. MURTHA].

Mr. MURTHA. As usual, the gentleman from Wisconsin [Mr. OBEY] and I are up here defending the administration against these radicals. Let me say that I think it would be a serious mistake for us to accept this amendment on the missile site in particular. I am concerned that, if we try to tell the Chinese what to do, it would have the opposite reaction.

I remember meeting with Chairman Deng Xiaoping, and of course he said, "I'm only the chairman of a very small committee; that's the military committee," and I remember asking who was second in command, and somebody said to me, "It's very dangerous to be second in command in China," but Deng Xiaoping said to us, "There were two things that are the most important to the Chinese country; was military hegemony and economic security," and I think here we are attempting to interfere in their military hegemony.

I have to say that the Nixon administration did the greatest service maybe in this century, by opening up China and allying us with China against the Soviet Union. And I listened to the Chinese leaders, they were affable, and they had absolutely no fear of the Soviet Union. They felt they could handle the Soviet Union on their border, and they were happy to have the United States allied with

them, but they did not need us, and they certainly were not afraid of the Soviet Union.

I believe that what we would do in this case, we would get the opposite reaction.

The gentleman from New York [Mr. SOLARZ] may be the next Secretary of State, and he said earlier that we would get the opposite reaction, and I agree with that.

I think if we try to tell the Chinese what they should do in foreign policy, they are going to do the opposite.

I remember standing on this floor and speaking against the Jackson-Vanik amendment because I believed that the Soviets would do the opposite of what the Jackson-Vanik amendment would call for. They would reduce the amount of Jews that they let out of the Soviet Union, and of course that is exactly what happened.

When we went to Russia a couple of years ago, the Soviets mentioned to us that they were not happy about a resolution that we passed years ago. They felt it was an insult to their independence, and I think we would get exactly the same kind of reaction.

If we want to cause the Chinese to sell missile in the Middle East and if we want to cause them to have the opposite reaction, I am convinced all we have to do is pass a resolution on this floor that prevents them or tries to prevent them from doing it, and the opposite will happen.

So, I would urge that the Members of the House with the chairman of the Committee on Foreign Affairs that we defeat the attempt to pass the Helms amendment in the House.

Mr. FOLEY. Mr. Speaker, the reason I sought recognition is that there is the possibility of asking unanimous consent that the House move out of the present order of debate to consider motions to be offered by the distinguished gentleman from Florida [Mr. CHAPPELL] with respect to the Department of Defense appropriation bill prior to final action with respect to this amendment.

The SPEAKER pro tempore (Mr. GRAY of Illinois). Is the gentleman from Washington [Mr. FOLEY] making a request?

Mr. FOLEY. Mr. Speaker, I yield to the gentleman from Florida [Mr. CHAPPELL].

Mr. CHAPPELL. Mr. Speaker, I make a request. I ask unanimous consent that we call up from the Speaker's table the remaining amendments in disagreement on the bill, H.R. 4781, making appropriations for the Department of Defense for the fiscal year 1989 and for other purposes.

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

Mr. WALKER. Mr. Speaker, reserving the right to object, I am just trying to figure out what we are doing here.

Do I understand that we are rising on the bill that we are presently considering, going to another bill, and then coming back to the bill that we were considering?

The SPEAKER pro tempore. The House is not in the Committee of the Whole. We would not have to rise. We are in the House.

Mr. WALKER. Mr. Speaker, I thank the Chair, but, as the Chair knows, for some of us it is a problem because in terms of debate here, the way the debate was structured, the only speakers that are going to be left on the bill a little later will be speakers who are speaking in opposition to the position that, for instance, the gentleman from Oklahoma [Mr. EDWARDS] and I have taken, and it seems a little unusual to proceed in this way.

Can we get some explanation as to why?

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

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

Mr. CONTE. Mr. Speaker, we are going to take up the Defense conference report. The Senate is taking it up. They have two amendments. We feel we can clean this up in about 5 minutes and then get right back onto this bill here.

Mr. WALKER. Mr. Speaker, can the gentleman tell me what the two amendments are?

Mr. CONTE. Sure. One amendment knocked out all the colleges, and I think we are going to agree to take that, and the other amendment was the Cohen amendment to transfer money, reprogram money, for a MARV system which was agreed to by Senators NUNN and BYRD, and the administration supports it.

The SPEAKER pro tempore. The Chair will state there is 22 minutes remaining on the pending motion.

Mr. WALKER. Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

Mr. CHAPPELL. Mr. Speaker, there are two amendments yet to be disposed of in this conference. One is amendment No. 89, and the other one is amendment No. 252.

The SPEAKER pro tempore. Does the gentleman from Florida [Mr. CHAPPELL] call up the amendments?

CONFERENCE REPORT ON H.R. 4781. DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 1989

Mr. CHAPPELL. Mr. Speaker, I call up from the Speaker's table the remaining amendments in disagreement on the bill (H.R. 4781) making appropriations for the Department of Defense for the fiscal year ending September 30, 1989, and for other purposes.

AMENDMENTS IN DISAGREEMENT

The SPEAKER pro tempore. The Clerk will report the first amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 89:

Resolved, That the Senate agree to the amendment of the House of Representatives to the amendment of the Senate numbered 89 with an amendment as follows: In lieu of the matter proposed to be inserted by the House amendment to the Senate amendment insert ": *Provided further*, That not later than February 1, 1989, the Secretary of Defense shall submit to the Committees on Appropriations and on Armed Services of the Senate and the House of Representatives a report setting forth (1) each program, project, or activity for which funds were not requested in the budget submitted to Congress pursuant to section 1105 of title 31, United States Code, for fiscal year 1989 and are made available under this Act for only one educational institution, or organization affiliated with an educational institution, which is identified, either directly or indirectly, by the terms of this Act (or the Joint Statement of Managers accompanying the conference report on H.R. 4781 of the One Hundredth Congress) as the institution or organization to perform the program, project, or activity for which such funds are provided, and (2) the name of the institution and the amount of funds made available for such program, project, or activity: *Provided further*, That the funds appropriated by this Act to carry out a program, project, or activity by any such educational institution or organization may not be obligated or expended for such purpose before February 1, 1989, and such funds may be obligated or expended on or after such date for such purposes only after a period of 90 days has expired after the date on which the committees named in the preceding proviso have received the report referred to in such proviso".

Mr. CHAPPELL (during the reading). Mr. Speaker, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

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

There was no objection.

MOTION OFFERED BY MR. CHAPPELL

Mr. CHAPPELL. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. CHAPPELL moves that the house concur in the Senate amendment to the House amendment to the Senate Amendment No. 89.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the remaining amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 252:

Resolved, That the Senate agree to the amendment of the House of Representatives to the amendment of the Senate numbered 252 with an amendment as follows: In

lieu of the matter proposed to be inserted by the House amendment to the Senate amendment insert:

SEC. 8127. (a) Not more than $3,000,000 of the funds appropriated in this Act may be used to carry out the provisions of section 430 of title 37, United States Code.

(b) Of the amount appropriated in this Act for Other Procurement, Air Force, the sum of $18,200,000 may be obligated only for the procurement of 20 Mobile Armored Reconnaissance Vehicles (MARV).

Mr. CHAPPELL (during the reading). Mr. Speaker, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

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

There was no objection.

MOTION OFFERED BY MR. CHAPPELL

Mr. CHAPPELL. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. CHAPPELL moves that the House concur in the Senate amendment to the House amendment to the Senate amendment No. 252.

The motion was agreed to.

A motion to reconsider the votes by which action was taken on the two motions was laid on the table.

CONFERENCE REPORT ON H.R. 4637, FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 1989

The SPEAKER pro tempore. The Chair recognizes the gentleman from Wisconsin [Mr. OBEY].

Mr. OBEY. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. PACKARD].

Mr. PACKARD. Mr. Speaker, for years foreign-made satellites have been going into space on American launch facilities.

First, beginning the export of American made satellites to be launched on the Chinese Long March facilities will mean American industry will not be able to compete with foreign companies for the building of satellites in the international marketplace. Jobs will be lost overseas.

Example: Hughes has been awarded a contract from Australia to build a satellite with a stipulation that it be launched on China's Long March launch system. Hughes will loose this contract to a foreign company if this amendment is not defeated.

Second, our Government has been loosing more and more of our launching business to the French Ariane. The French Government has been subsidizing their launches and thus we have been exporting our launch business to the cheaper Ariane. We have been desperately looking for an opportunity to bring the French to negotiate fair and equitable competition for launch facilities. While our launch has been crippled.

Once the Chinese offered attractive launch pricing—all of a sudden the French are now willing to come to the table.

This amendment will send the message—the French need not negotiate.

Third, our Government is negotiating with the Chinese to protect American technology and to establish long-range trade agreements. Let's not frustrate these very desirable and delicate negotiations by passing the Helms amendment.

I believe it would be in our best interest to grant the export license and defeat the Helms amendment.

Mr. OBEY. Mr. Speaker, I reserve the balance of my time.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Oklahoma [Mr. EDWARDS].

Mr. EDWARDS of Oklahoma. Mr. Speaker, I might say, first of all, to the gentleman from Wisconsin [Mr. OBEY] carrying the water for the administration is one thing, but it was nice of the gentleman from Pennsylvania [Mr. MURTHA] to suggest that President BUSH is going to appoint the gentleman from New York [Mr. SOLARZ] to his Cabinet.

Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania [Mr. GEKAS].

Mr. GEKAS. Mr. Speaker, the gentleman from New York, when he addressed the House, felt that the absence of this agreement would be one in which Chinese would nevertheless feel could be strained and not deal with Libya and Syria, et cetera and that that should be enough for us to go forward with the transaction that is contemplated without the Helms amendment. If indeed the Chinese already feel that they can promise, can pledge, and we have faith in that pledge that they will not deliver missiles to these other nations, why do we fear the Helms amendment? All it does is verbalize what the gentleman from New York says is already a de facto assurance by the Chinese in that regard. If it were not so much for the agonizing element of this diplomatic immunity issue, I would feel that it is a draw on the other end of it. Therefore, I feel that the Helms amendment is worthy of consideration only because it puts into paper the status quo which the gentleman from New York says is already agreed to by the Chinese.

□ 2315

Mr. EDWARDS of Oklahoma. Mr. Speaker, I yield 1 minute to the gentleman from Michigan [Mr. HENRY].

Mr. HENRY. Mr. Speaker, I thank the gentleman for yielding me this time.

Let me simply make one point here. I am going to support the gentleman from Wisconsin, but I do want to put one issue on the record for the administration on this. If they are asking us to support them in this matter in terms of their exercise of the Chief Executive's prerogatives in the conduct of this Nation's foreign policy, they must also take into account its potential impact on our satellite industry, and an issue that we have tried to address in this Congress deals with the chief subsidy that we do not have in this country for our private launch capacity, and that is the overwhelming cost of liability. That is where the cost differential comes in, and that is where we are facing, primarily, the kind of potential competition from state enterprises, both East and West.

The SPEAKER pro tempore. The time of the gentleman from Michigan has expired.

Mr. OBEY. Mr. Speaker, I yield the gentleman 1 additional minute from our side.

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

Mr. HENRY. I yield to the gentleman from New Jersey.

Mr. ROE. Mr. Speaker, I want to compliment the gentleman for bringing this particular item up, because it is an absolute key issue if we are going to be developing an independent, if you like, private source of launch companies to do this work.

We have passed the bill on our side, on the House side. I understand the Senate is going to be taking it up very shortly.

I want to assure the gentleman that I thoroughly support his position on this and will do everything possible, I know our committee will, to see that this gets enacted into law this year.

Mr. HENRY. Mr. Speaker, I thank the chairman, and should this take place, this would more than offset whatever immediate commercial loss there would be to our space industry.

Mr. EDWARDS of Oklahoma. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts [Mr. CONTE].

Mr. CONTE. Mr. Speaker, I want to thank my good friend, the gentleman from Oklahoma, for yielding me this time.

A "no" vote means a veto on this bill, and that means we would have a continuing resolution.

Earlier today my good friend, the gentleman from Oklahoma, took the floor of the House here, we all heard him, and the gentleman from California [Mr. COELHO] got up here and gave Speaker WRIGHT all the credit. He got up and he gave President Reagan all the credit and he said the reason we do not have a continuing resolution is because the President said he will not a sign a continuing resolution, and now he wants to make the President

veto this bill and have a continuing resolution.

I agree with the gentleman from Oklahoma. He is right. We do not want a continuing resolution, but the China language is a direct insult to the Saudi Arabians, one of our few friends in the Arab governments in the volatile Middle East, in the Persian Gulf region.

Secretary Carlucci tonight called me to plead that the House not agree with this last minute Senate amendment. He was just in China, he told me, he looked into the missile question very carefully and thoughtfully, and in his opinion we have already made our point.

Mr. Speaker, I hope that we will vote "no."

Mr. EDWARDS of Oklahoma. Mr. Speaker, we are going to offer a motion on this side.

In the interim, Mr. Speaker, I yield 3 minutes and 45 seconds to the Republican leader, the gentleman from Illinois [Mr. MICHEL], saving enough time for us to offer our motion.

Mr. MICHEL. Mr. Speaker, at this late hour may I first compliment the gentleman from Wisconsin [Mr. OBEY] for the accurate portrayal of the administration's position during the course of his discussion of these pending amendments; also to the gentleman from New York [Mr. SOLARZ], and yes, to the gentleman from New Jersey [Mr. ROE] and the gentleman from New Mexico [Mr. LUJAN] for the very dramatic points they make with respect to the space issue, or the Chinese issue, however you want to characterize it.

First of all, let me say we have really two foreign policy issues here. I am not altogether sure when my dear friend from Pennsylvania makes mention of whether or not we are going to support the State Department or whether we are going to support the folks back home makes a pretty good campaign argument from time to time, but I think here this evening we have got to have some trust and confidence in our State Department, and yes, in our Defense Department, too.

The issue that has to do with Chinese missiles, I think the gentleman from Wisconsin put it very well. If you had the opportunity to talk personally with the Secretary of Defense, as some of us have, I think you could be certainly assured from his private conversations of what the issue is here.

Then the problem would be if we do not defeat the amendment and the bill is vetoed and then the issues are highlighted all the more by that, we do ourselves a disservice.

Now, may I address myself, if I might just very briefly, to my friends on my side, because the amendment comes to us as the result of a Member of our own party from the other body. We love the gentleman, endear him. Sometimes he is right, sometimes he can be wrong. He has not always been the strongest supporter of the State Department, the administration, or the President from time to time on issues on which he had his own ideas. That is his prerogative, certainly, but I look upon this amendment coming at this hour and at this time as rather a mischievous one.

We would all do ourselves a favor this evening by voting down that amendment, with my assurance that when it gets back to the other body they will accept the decision of the House in that respect and we will have a foreign aid bill that will pass muster down at the White House.

I urge you to vote "no."

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

Mr. MICHEL. I am happy to yield to my friend, the gentleman from Massachusetts.

Mr. CONTE. Mr. Speaker, the gentleman mentioned the same thing that I did. Vote no on the Helms amendment, but vote aye on the Obey motion.

Mr. MICHEL. Oh, absolutely.

Mr. EDWARDS of Oklahoma. Mr. Speaker, I yield 30 seconds to the gentleman from Pennsylvania [Mr. WALKER].

PARLIAMENTARY INQUIRY

Mr. WALKER. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. WALKER. Mr. Speaker, is the Obey motion before the House at the moment, the motion to disagree?

The SPEAKER pro tempore. The gentleman is correct.

PREFERENTIAL MOTION OFFERED BY MR. WALKER

Mr. WALKER. Mr. Speaker, I offer a preferential motion.

The SPEAKER pro tempore. The Clerk will report the preferential motion.

The Clerk read as follows:

Mr. WALKER moves that the House concur with the amendment of the Senate numbered 182.

The SPEAKER pro tempore. The question is on the preferential motion offered by the gentleman from Pennsylvania [Mr. WALKER].

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. WALKER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point or 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, 23, nays 234, not voting 174, as follows:

[Roll No. 375]

YEAS—23

Applegate	Dannemeyer	Schulze
Bartlett	Edwards (OK)	Smith, Robert (NH)
Barton	Gekas	Solomon
Bilirakis	Hefley	Torricelli
Burton	Hunter	Traficant
Combest	Kanjorski	Upton
Craig	Kasich	Walker
Crane	Nielson	

NAYS—234

Akaka	Harris	Pease
Anthony	Hayes (IL)	Pelosi
Archer	Hefner	Penny
Ballenger	Henry	Pepper
Bateman	Herger	Perkins
Beilenson	Hertel	Pickett
Bennett	Hochbrueckner	Porter
Bentley	Hopkins	Price
Bereuter	Houghton	Rahall
Berman	Hoyer	Rangel
Bilbray	Hubbard	Ravenel
Bliley	Hyde	Regula
Boehlert	Inhofe	Rhodes
Boggs	Ireland	Richardson
Bonior	Johnson (CT)	Ridge
Borski	Johnson (SD)	Rinaldo
Bosco	Jones (TN)	Ritter
Brennan	Jontz	Roe
Brooks	Kennelly	Rogers
Bruce	Kildee	Roukema
Bustamante	Kolbe	Rowland (CT)
Byron	Konnyu	Roybal
Callahan	Kostmayer	Sabo
Carper	Lagomarsino	Saiki
Carr	Lancaster	Sawyer
Chandler	Lantos	Saxton
Chapman	Latta	Scheuer
Chappell	Leach (IA)	Schneider
Clement	Lehman (CA)	Sensenbrenner
Clinger	Lehman (FL)	Sharp
Coble	Leland	Shaw
Coelho	Lent	Shays
Coleman (MO)	Levin (MI)	Shumway
Coleman (TX)	Lewis (CA)	Sikorski
Collins	Lewis (FL)	Sisisky
Conte	Lightfoot	Skaggs
Cooper	Lipinski	Skeen
Costello	Lloyd	Skelton
Coughlin	Lowry (WA)	Slattery
Davis (IL)	Lujan	Slaughter (VA)
DeLay	Lukens, Donald	Smith (IA)
Dellums	Madigan	Smith (NE)
DeWine	Markey	Smith (NJ)
Dickinson	Martin (IL)	Smith (TX)
Dicks	Martin (NY)	Smith, Robert (OR)
Dingell	Mavroules	Snowe
DioGuardi	Mazzoli	Solarz
Dorgan (ND)	McCloskey	Staggers
Dornan (CA)	McGrath	Stallings
Downey	McHugh	Stangeland
Dreier	McMillan (NC)	Stark
Durbin	McMillen (MD)	Sundquist
Dymally	Meyers	Swift
Eckart	Mfume	Synar
Emerson	Michel	Tallon
English	Miller (OH)	Tauzin
Erdreich	Miller (WA)	Thomas (CA)
Espy	Mineta	Thomas (GA)
Evans	Moakley	Torres
Fawell	Molinari	Udall
Fazio	Mollohan	Valentine
Fields	Moody	Vento
Foglietta	Morella	Visclosky
Foley	Morrison (WA)	Vucanovich
Frost	Mrazek	Watkins
Gallegly	Murtha	Weber
Gallo	Myers	Weldon
Gejdenson	Nagle	Wheat
Gilman	Natcher	Whittaker
Glickman	Oakar	Whitten
Gonzalez	Oberstar	Wise
Goodling	Obey	Wolf
Gordon	Olin	Wolpe
Grandy	Owens (NY)	Wyden
Gray (IL)	Oxley	Yates
Green	Packard	Young (AK)
Hall (OH)	Pashayan	
Hall (TX)	Patterson	
Hammerschmidt	Payne	

NOT VOTING—174

Ackerman	Alexander	Anderson

Andrews
Annunzio
Armey
Aspin
Atkins
AuCoin
Badham
Baker
Barnard
Bates
Bevill
Boland
Bonker
Boucher
Boulter
Boxer
Broomfield
Brown (CA)
Brown (CO)
Bryant
Buechner
Bunning
Campbell
Cardin
Cheney
Clarke
Clay
Coats
Conyers
Courter
Coyne
Crockett
Darden
Daub
Davis (MI)
de la Garza
DeFazio
Derrick
Dixon
Donnelly
Dowdy
Dwyer
Dyson
Early
Edwards (CA)
Fascell
Feighan
Fish
Flake
Flippo
Florio
Ford (MI)
Ford (TN)
Frank
Frenzel
Garcia
Gaydos
Gephardt
Gibbons
Gingrich
Gradison
Grant
Gray (PA)
Gregg
Guarini
Gunderson
Hamilton
Hansen
Hastert
Hatcher
Hawkins
Hayes (LA)
Hiler
Holloway
Horton
Huckaby
Hughes
Hutto
Jacobs
Jeffords
Jenkins
Jones (NC)
Kaptur
Kastenmeier
Kemp
Kennedy
Kleczka
Kolter
Kyl
LaFalce
Leath (TX)
Levine (CA)
Lewis (GA)
Livingston
Lott
Lowery (CA)
Luken, Thomas
Lungren
Mack
MacKay
Manton
Marlenee
Martinez
Matsui
McCandless
McCollum
McCrery
McCurdy
McDade
McEwen
Mica
Miller (CA)
Montgomery
Moorhead
Morrison (CT)
Murphy
Neal
Nelson
Nichols
Nowak
Ortiz
Owens (UT)
Panetta
Parris
Petri
Pickle
Pursell
Quillen
Ray
Roberts
Robinson
Rodino
Rose
Rostenkowski
Roth
Rowland (GA)
Russo
Savage
Schaefer
Schroeder
Schuette
Schumer
Shuster
Slaughter (NY)
Smith (FL)
Smith, Denny (OR)
Spence
Spratt
St Germain
Stenholm
Stokes
Stratton
Studds
Stump
Sweeney
Swindall
Tauke
Taylor
Towns
Traxler
Vander Jagt
Volkmer
Walgren
Waxman
Weiss
Williams
Wilson
Wortley
Wylie
Yatron
Young (FL)

□ 2343

Mr. UDALL changed his vote from "yea" to "nay."

Mr. BARTON of Texas changed his vote from "nay" to "yea."

So the preferential motion was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. GRAY of Illinois). The question is on the motion offered by the gentleman from Wisconsin [Mr.OBEY] to disagree to the Senate amendment to the House amendment to the Senate amendment No. 182.

The motion was agreed to.

A motion to reconsider the votes by which action was taken on the several motions was laid on the table.

LEGISLATIVE PROGRAM

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

Mr. FOLEY, Mr. Speaker, the distinguished Republican leader and I would like to inform the House of what we expect for the remainder of the evening and for next week. The other body has passed the District of Columbia appropriations bill, it is my understanding, and, of course, we have acted jointly on the Department of Defense authorization bill. The legislative bill is now under consideration in the other body, since the bill is entirely within the conference report, there are no amendments in disagreement. The vote in the other body will be up or down, and it is expected to be adopted.

We are thus in a position to wait upon the Senate's action on the bill we have just returned to the other body, and it is my hope that there will be no further votes tonight. If additional votes should occur, we would give Members 1 hour's notice, but if no further votes are needed, we would not provide notice of motion to adjourn.

I would like to announce the schedule for next week. I have just been informed that the legislative appropriation bill has been cleared by the Senate, by the other body, so the only remaining bill will be the Foreign Operations bill which we have just returned to the Senate. We do not intend tonight at this point to have a session tomorrow, and only extraordinary circumstances, I think, would make that possible. I think Members can assume that that will not take place.

The House will, accordingly, with unanimous consent, adjourn to meet at noon on Monday. That has not been obtained yet, but I will seek it.

On Monday we have 43 bills under suspension of the rules, and if the House will indulge me, I will not read them.

The list of suspensions is as follows:

H.R. 5288, Veterans' Judicial Review Act;

H.R. 5408, to make a correction in the Education and Training for Competitive America Act of 1988;

H.R. 4857, to concur in Senate amendments to technical amendments to the Job Training Partnership Act;

S. 496, to concur in Senate amendments to the Computer Matching and Privacy Protection Act of 1987;

H. Con. Res. 351, Senate amendments to the Prompt Payment Act of 1987;

H.R. 5291, to authorize the Secretary of the Air Force to convey certain land;

H.R. 5050, Women's Business Ownership Act of 1988;

H.R. 3718, to authorize refinancing of certain small business debentures;

S. Con. Res. 137, to authorize the use of the Rotunda of the Capitol in honor of John F. Kennedy;

H.R. 5280, to require the Secretary of the Treasury to mint coins in commemoration of the Bicentennial of the U.S. Congress;

H.R. 60, to authorize the Architect of the Capitol to accept gifts and bequests;

H. Res. 558, fair employment practices resolution;

H.R. 4758, Public Safety Officers' Death Benefits Amendments of 1988;

H.R. 3914, Commisssion on Racially Motivated Violence Act of 1988;

H.R. 5164, Mariel Cuban Detainee Review Act of 1988;

H.R. 5200, to limit the period of detention of excludable aliens pending removal in a manner similar to that of deportable aliens pending deportation;

H.R. 5347, to amend the municipal bankruptcy laws;

H.R. 5348, to amend the bankruptcy laws with respect to the rejection of intellectual property licenses;

H.R. 4712, Office of Government Ethics Reauthorization;

H. Con. Res. 115, providing for participation by delegations from Congress in ceremonies marking the 200th anniversary of the U.S. Constitution;

S. 508, Whistleblower Protection Act;

H.R. 5199, Agricultural Quarantine Enforcement Act;

H.R. 5430, to amend the Ocean Dumping Act to impose special fees on ocean disposal of sewage sludge;

H.R. 4210, to reauthorize title II of the Marine Protection Research and Sanctuaries Act;

H.R. 4211, National Ocean Pollution Planning Act reauthorization;

H.R. 5315, Congressional Award Act;

H.R. 5318, Egg Research and Consumer Information Act amendments;

H.R. 4724, Mississippi reversionary interest release bill;

H.R. 4345, grain inspection fees extension;

H.J. Res. 597, to authorize the Compact of Free Association between the United States and the Government of Palau;

S. 1236, Navajo-Hopi Relocation Program authorization;

H. Con. Res. 331, relating to recognition of the contributions of the Iroquios Confederacy of Nations to the United States;

H.R. 5203, to declare that certain lands be held in trust for the Quinault Indian Nation;

H.R. 4267, to concur in Senate amendments to the WEB rural water development project authorization;

H. Res. , to concur in Senate amendments to H.R. 2772, the Lyman-Jones, West River and Oglala Sioux rural water development projects;

H.R. 4102, Senate amendments to Salt River Pima-Maricopa Indian Community Water Rights Settlement Act of 1988;

H.R. , omnibus territories bill;

S. 795, California Indian water rights settlement;

H. Res. , to go to conference on H.R. 5261, Indian Health Care;

H.R. 2596, Senate amendments to Admiralty Island bill;

H. Res. , Senate amendments to H.R. 900, relating to the protection of the New, Gauley, Meadow and Bluestone Rivers in West Virginia;

H.R. 4028, Senate amendments to authorize the exchange of certain national forest system lands in the Targhee National Forest; and

H.R. 4354, Oklahoma Wilderness.

□ 2345

We also have on Tuesday, H.R. 2642, Colorado Ute Indian Water Rights Settlement Act, open rule, 1 hour of debate.

We will defer votes on suspensions until the conclusion of all suspensions, and I cannot at this time inform the House on how many votes will be ordered or how many will be taken on Monday, but Members should expect that there will be votes in the afternoon on Monday.

On Tuesday, October 4, we will have 40 votes under suspension of the rules and recorded votes on suspensions will be postponed until after debate on all those bills.

The suspension bills are as follows:

H.R. 5389, Bangladesh Disaster Assistance Act of 1988;

H. Con. Res. 371, concerning U.S. response to atrocities in Burundi, a bill authorizing the lease of a naval repair ship to Pakistan;

S. Con. Res. 143, technical corrections in enrollment of H.J. Res. 602, regarding Cambodia;

A bill to authorize new United Nations peacekeeping operations;

H.R. 4844, FAA Drug Enforcement Assistance Act of 1988;

S. 2496, to provide for the leasing of certain real property to the American Red Cross, District of Columbia Chapter;

S. 1476, to designate the Federal Record Center in Overland, MO, as the "SSG Charles F. Prevedel Building";

H.R. 5186, to designate the Federal Building and the U.S. Courthouse in Jackson, TN, as the "Ed Jones Federal Building";

H.R. 5407, to establish a National Commission on the Thrift Industry;

H.R. 4140, to require an Office of Investigations within the NRC;

H.R. 3515, Medical Waste Tracking Act of 1988;

H.R. 5117, to require that plastic ring carrier devices be degradable;

H.R. 4939, Lead Contamination Control Act of 1988;

S. 836, pertaining to security at Strategic Petroleum Reserve Facilities Sanctuaries Act;

H.R. 2800, Hazardous Waste Reduction Act;

H. Res. 351, urging local telephone companies to establish community telephone centers;

H.R. 5155, to concur in Senate amendments to the Protection and Advocacy for Mentally Ill Individuals Act;

H.R. 4833, Senate amendments to Nursing Shortage Reduction Act;

S. 1579, conference report on Public Health Service Act Block Grant;

H.R. 3235, to concur in Senate amendments to HMO Reauthorization Act;

H.R. 5150, Senate amendments to clinical laboratory improvement amendments;

H.R. 3097, Senate amendments to Organ Transplant Amendments Act;

H.R. 3361, Senate amendments to Deafness Institute and NIH reauthorization;

H. Con. Res. 276, to express the sense of Congress that the Surgeon General should declare that drunk driving is a national crisis;

H.R. 4982, Generic Animal Drug Patent Term Restoration Act;

H.R. 2848, Satellite Home Viewer Copyright Act of 1988;

H.R. 5372, Trademark Law Revision Act of 1988;

H.R. 1518, patents in space;

H.R. 4972, Patent and Trademark Office authorization;

H.R. 2953, to permit U.S. district courts to enjoin or suspend certain State ad valorem property taxes on interstate gas pipelines;

H.R. 4379, Temporary Safe Haven Act of 1988;

H.R. 5155, Legal Immigration Amendments Act of 1988;

H.R. 4756, EPA Law Enforcement Powers Act of 1988;

H.R. 1417, Torture Victim Protection Act of 1987;

H.R. 3685, to increase amounts the United States may pay in settlement of a claim;

S. 2350, to clarify the investigatory powers of the U.S. Congress;

H.R. 4480, to name the National Tropical Botanical Garden;

H.J. Res. 644, granting the consent of Congress to an interstate compact establishing the Lake Wylie Marine Commission; and

H.R. 4174, conference report on Small Business Administration Reauthorization and Amendment Act.

Also on Tuesday we will have the motion to override the veto of H.R. 1154, the Textile and Apparel Trade Act.

On Wednesday, Thursday and Friday, October 5, 6, and 7, the House meets at 10 a.m. and H.R. 5410 and conference reports and other end of the session matters which will be announced later. I will assume we will be striving to conclude our business by Friday or Saturday of next week, if that is possible.

Mr. MICHEL. I notice the gentleman said that Tuesday we would have the motion to override the veto, and that is the gentleman's feeling; as far as this gentleman is concerned, I feel differently. The gentleman made mention of the motion to override the veto of the textile bill, and it may be the other side's position, but it is this side's position that the President's position would be sustained.

Mr. FOLEY. It may be.

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

Mr. FOLEY. Mr. Speaker, I yield to the gentleman from Indiana.

Mr. BURTON of Indiana. There will probably be, then, 84 votes on Monday and Tuesday next week?

Mr. FOLEY. I cannot tell the gentleman that because it is the authority of the Speaker that suspension votes may be postponed for up to 2 days, and I believe it will be our intention to seek a rule making an order every day next week as a suspension day, and accordingly we may place the suspensions on different days next week if that authority is given by the House, by rule and adoption of the rule, making it an order of special suspension days other than Monday and Tuesday.

ADJOURNMENT TO MONDAY, OCTOBER 3, 1988

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet at noon on Monday next.

The SPEAKER pro tempore (Mr. GRAY of Illinois). Is there objection to the request of the gentleman from Washington?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

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

There was no objection.

FISCAL YEAR 1989 APPROPRIATIONS

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

Mr. PORTER. Mr. Speaker, on the eve of the new fiscal year I want to congratulate the members of the Appropriations Committee, the entire membership of the House of Representatives and the President, for a job well done. We have made great progress since last year's budgeting debacle, and we have every right to be proud.

Mr. Speaker, I heard a great deal of comment earlier this evening as to

how we got to this wonderful position. Let me tell the House how it actually occurred.

Last December 22, I sat down at a typewriter off the House floor as we considered the omnibus continuing resolution for fiscal year 1989, and typed a letter to President Reagan. All that day and into the early hours of the following morning I collected members' signatures. One hundred and forty-six colleagues from my side of the aisle joined me in signing the letter and all of us promised to vote to uphold a Presidential veto of any CR. I am convinced that that was just the message the President needed to hear and provided the foundation for the strong message he delivered to Congress and the Nation regarding CR's in this year's State of the Union Address.

The icing on the cake came last week when one of our distinguished colleagues was at the White House. the President said he adamantly opposed a CR. The colleague asked if he would consider signing a short one, folding two or three bills together. The President made it clear that no CR would get his signature this year. Our promise to support the President made the difference between responsible budgeting and the chaos of last year.

There is much we can learn from our success this year. The most important lesson is that process is not the limiting factor in Federal budgeting, Congress is. The 9 months we have to finish appropriations is plenty of time to create a complete, coherent, prioritized budget and present the President with 13 separate bills on time. The Budget Committee must report a bill early in the session. Subcommittees must markup their bills quickly. The full committee must take action and report bills to the House on time. Conferees must be appointed as soon as the Senate appoints theirs and the President must see each bill separately. We have done it this year and can no longer propagate the lie that we need CR's.

This is a watershed year. Whoever our next President may be, he enters office with the knowledge that CR's are a thing of the past and need no longer be tolerated.

Again I congratulate the President and the Appropriations Committee, our chairman and our ranking Member for their fine works and especially the 145 Republican Members who made the budget process work by pledging themselves good government last year.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will not entertain requests for speeches under the 1-minute rule, or Members desiring recognition for special orders for 5 minutes.

Does any Member seek recognition?

RECESS

The SPEAKER pro tempore. The Chair declares a recess, subject to the call of the Chair.

Accordingly (at 11 o'clock and 56 minutes p.m.), the House stood in recess subject to the call of the Chair.

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. FOLEY) at 11 o'clock and 59 minutes p.m.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. ALEXANDER (at the request of Mr. FOLEY), after 12 noon today, on account of official business.

Mr. GRANT (at the request of Mr. FOLEY), after 11:30 a.m. today, on account of personal business.

Mr. OWENS of Utah (at the request of Mr. FOLEY), after 7 p.m. today, on account of personal reasons.

Mr. HUTTO (at the request of Mr. FOLEY), after 7:30 p.m. today, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. UPTON) to revise and extend their remarks and include extraneous material:)

Mr. MILLER of Washington, for 5 minutes, today.

Mr. WYLIE, for 60 minutes, on October 4.

Mr. MCCOLLUM, for 5 minutes, today.

Mr. CALLAHAN, for 5 minutes, today.

(The following Members (at the request of Mr. HAYES of Illinois) to revise and extend their remarks and include extraneous material:)

Mr. COYNE, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. ALEXANDER, for 60 minutes, on October 6.

(The following Member (at his own request) to revise and extend his remarks and include extraneous matter:)

Mr. BURTON of Indiana, for 60 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. DYMALLY, just before vote on amendment No. 28, H.R. 5247, in House, today.

(The following Members (at the request of Mr. UPTON) and to include extraneous matter:)

Mr. MCMILLAN of North Carolina.

Mr. GUNDERSON.

Mr. DIOGUARDI.

Mr. CHANDLER.

Mr. HANSEN.

Mr. RHODES in two instances.

Mrs. JOHNSON of Connecticut.

Mr. DONALD E. "BUZ" LUKENS in two instances.

Mr. FISH.

Mr. MCEWEN in two instances.

Mr. RITTER.

Mr. BROOMFIELD.

Mr. CONTE.

Mr. DAVIS of Illinois.

Mr. EMERSON.

(The following Members (at the request of Mr. HAYES of Illinois) and to include extraneous matter:)

Mr. HAYES of Illinois.

Mr. TALLON.

Mr. RODINO.

Mr. MAVROULES.

Mr. WALGREN.

Mr. CAMPBELL.

Mr. WILSON.

Mr. CONYERS.

Mr. LEVINE of California.

Mr. ATKINS.

Mr. DELLUMS.

Mr. DYSON.

Mr. SPRATT.

Mr. GARCIA in two instances.

Mr. SKELTON.

Mr. HOYER.

Mr. VENTO.

Mr. LANTOS.

Mr. DONNELLY.

Mrs. COLLINS.

SENATE BILLS, JOINT RESOLUTION AND CONCURRENT RESOLUTION REFERRED

Bills, a joint resolution, and concurrent resolution of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 1504. An act to provide an alternative to adversarial rulemaking by facilitating the appropriate use of negotiated rulemaking committees; to the Committee on the Judiciary.

S. 1849. An act for the relief of Mr. Conwell F. Robinson and Mr. Gerald R. Robinson; to the Committee on Interior and Insular Affairs.

S. 1911. An act to amend title 5, United States Code, to allow all forest fire fighting employees to be paid overtime without limitation while serving on forest fire emergencies; to the Committee on Post Office and Civil Service.

S.J. Res. 314. Joint resolution designating October 1988 as "Pregnancy and Infant Loss Awareness Month"; to the Committee on Post Office and Civil Service.

S. Con. Res. 146. Concurrent resolution to authorize the printing of Senator Bob Dole's series of "Senate Bicentennial Minutes"; to the Committee on House Administration.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

Mr. ANNUNZIO, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills and a joint resolution of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 2952. An act to increase the amount authorized to be appropriated for acquisition at the Women's Rights National Historical Park;

H.R. 3977. An act to authorize appropriations for the Mining and Mineral Resources Research Institute Act for fiscal years 1990 through 1993;

H.R. 4457. An act to create a national park at Nachez, Mississippi;

H.R. 4784. An act making appropriations for Rural Development, Agriculture, and Related Agencies programs for the fiscal year ending September 30, 1989, and for other purposes;

H.R. 4998. An act to amend the Food Stamp Act of 1977 to make technical corrections in the Family Independence Demonstration Project; and

H.J. Res. 576. Joint resolution designating February 19 through 25, 1989, as "National Visiting Nurse Associations Week."

BILLS AND JOINT RESOLUTIONS PRESENTED TO THE PRESIDENT

Mr. ANNUNZIO, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval, bills and joint resolutions of the House of the following titles:

H.R. 1467. An act to authorize appropriations to carry out the Endangered Species Act of 1973 during fiscal years 1988, 1989, 1990, 1991, and 1992, and for other purposes;

H.R. 2858. An act to provide for refunds pursuant to rate decreases under the Federal Power Act;

H.R. 2884. An act to assure uniformity in the exercise of regulatory jurisdiction pertaining to the transportation of natural gas and to clarify that the local transportation of natural gas by a distribution company is a matter within State jurisdiction and subject to regulation by State commissions, and for other purposes;

H.R. 4481. An act to authorize appropriations for fiscal year 1989 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes;

H.R. 4782. An act making appropriations for the Department of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1989, and for other purposes;

H.R. 4794. An act making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1989, and for other purposes;

H.J. Res. 580. Joint resolution to designate the month of September 1988 as "National Sewing Month"; and

H.J. Res. 665. Joint resolution authorizing the hand enrollment of appropriations bills for fiscal year 1989 and authorizing the subsequent, post-enactment preparation of printed enrollments of those bills.

ADJOURNMENT

Mr. KILDEE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock p.m.) under its previous order, the House adjourned until Monday, October 3, 1988, at 12 o'clock.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

4393. A letter from the Inspector General, Department of Defense, transmitting the Army Audit Agency's audit of Superfund financial transactions for fiscal year 1987, pursuant to 31 U.S.C. 7501 nt.; to the Committee on Energy and Commerce.

4394. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on Foreign Affairs.

4395. A letter from the Director, Administration and Management, Department of Defense, transmitting notification of a proposed new Federal records system, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

4396. A letter from the Administrator, Department of Health and Human Services, transmitting notification of a new Federal records system, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

4397. A letter from the Acting Administrator, General Services Administration, transmitting a report of the General Services Administration's compliance with the competition advocacy program, pursuant to 41 U.S.C. 419; to the Committee on Government Operations.

4398. A letter from the Deputy Associate Director for Collection and Disbursements, Department of the Interior, transmitting notification of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

4399. A letter from the Deputy Associate Director for Collection and Disbursements, Department of the Interior, transmitting notification of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

4400. A letter from the Deputy Associate Director for Collection and Disbursements, Department of the Interior, transmitting notification of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

4401. A letter from the Assistant Secretary for Land and Minerals Management, Department of the Interior, transmitting notice on leasing systems for the eastern Gulf of Mexico, sale 116, part I, to be held in November 1988, pursuant to 43 U.S.C. 1337(a)(8); to the Committee on Interior and Insular Affairs.

4402. A letter from the Acting Administrator, General Services Administration, transmitting information copies of various lease prospectuses, pursuant to 40 U.S.C. 606(a); to the Committee on Public Works and Transportation.

4403. A letter from the Acting Administrator, General Services Administration, transmitting an informational copy of a lease prospectus for the National Aeronautics and Space Administration, pursuant to 40 U.S.C. 606(a); to the Committee on Public Works and Transportation.

4404. A letter from the Assistant Secretary of the Army (Civil Works), transmitting a report from the Chief of Engineers, Department of the Army, on Guadalupe River, channel to Victoria, TX, together with other pertinent reports (H. Doc. No. 100-236); to the Committee on Public Works and Transportation and ordered to be printed.

4405. A letter from the Director, National Science Foundation, transmitting the second biennial report on scientific and engineering research facilities at universities and colleges for 1988, pursuant to 42 U.S.C. 7454(c); to the Committee on Science, Space and Technology.

4406. A letter from the Executive Secretary, Department of Defense, transmitting the report on Department of Defense procurement from small and other business firms for October 1987 through July 1988, pursuant to 15 U.S.C. 639(d); to the Committee on Small Business.

4407. A letter from the Comptroller General, General Accounting Office, transmitting a review of the audit of the Neighborhood Reinvestment Corporation's financial statement for fiscal year 1987 (GAO/AFMD-79); jointly, to the Committees on Government Operations and Banking, Finance and Urban 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. RODINO: Committee on the Judiciary. H.R. 5347. A bill to amend title 11 of the United States Code with respect to claims payable from special revenues by municipalities that are debtors; and for other purposes (Rept. 100-1011). Referred to the Committee of the Whole House on the State of the Union.

Mr. RODINO: Committee on the Judiciary. H.R. 5348. A bill to amend title 11 of the United States Code with respect to the rejection of executory contracts licensing rights to intellectual property (Rept. 100-1012). Referred to the Committee of the Whole House on the State of the Union.

Mr. DIXON: Committee of conference. Conference report on H.R. 4776 (Rept. 100-1013). Ordered to be printed.

Mr. SIKORSKI: Committee on Post Office and Civil Service. H.R. 4712. A bill to reauthorize the Office of Government Ethics, and for other purposes; with an amendment (Rept. 100-1017, Pt. 1). Ordered to be printed.

Mr. DINGELL: Committee on Energy and Commerce. H.R. 2800. A bill to improve Environmental Protection Agency data collection and dissemination regarding reduction of toxic chemical emissions across all media, to assist States in providing information and technical assistance about waste reduction, and for other purposes; with an amendment (Rept. 100-1018). Referred to the Committee of the Whole House on the State of the Union.

Mr. RODINO: Committee on the Judiciary. H.R. 2953. A bill to amend title 28, United States Code, to permit the district courts of the United States to enjoin, suspend, or restrain certain State ad valorem property taxes on interstate gas transmission property, and for other purposes; with an amendment (Rept. 100-1019). Referred to the Committee of the Whole House on the State of the Union.

Mr. BROOKS: Committee of Conference. Conference report on S. 908. (Rept. 100-1020). Ordered to be printed.

Mr. DERRICK: Committee on Rules. House Resolution 559. Resolution providing for the consideration of S. 2846, a bill to provide for the awarding of grants for the purchase of drugs used in the treatment of AIDS. (Rept. 100-1021). Referred to the House Calendar.

Mr. PEPPER: Committee on Rules. House Resolution 560. Resolution providing recess authority during the legislative days of September 30, 1988 and October 1, 1988. (Rept. 100-1022). Referred to the House Calendar.

Mr. DINGELL: Committee on Energy and Commerce. House Resolution 351. Resolution urging local telephone operating companies to establish community telephone centers to provide free local service for persons who cannot afford residential telephones. (Rept. 100-1023). Referred to the House Calendar.

Mr. DE LA GARZA: Committee on Agriculture. H.R. 5318. A bill to amend the Egg Research and Consumer Information Act to limit the total costs that may be incurred by the Egg Board in collecting producer assessments and having an administrative staff, to eliminate egg producer refunds, and to delay the conducting of any referendum by egg producers on the elimination of such refunds; with an amendment (Rept. 100-1024). Referred to the Committee of the Whole House on the State of the Union.

Mr. DE LA GARZA: Committee on Agriculture. H.R. 4724. A bill to direct Secretary of Agriculture to release a reversionary interest of the United States in certain land located in Oktibbeha County, Mississippi; with an amendment (Rept. 100-1025). Referred to the Committee of the Whole House on the State of the Union.

REPORTS OF COMMITTEES ON PRIVATE 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. FRANK: Committee on the Judiciary. H.R. 610. A bill for the relief of Calvin L. Graham; with an amendment (Rept. 100-1014). Referred to the Committee of the Whole House.

Mr. FRANK: Committee on the Judiciary. H.R. 4755. A bill for the relief of H.H., Barter, doing business as Barter Enterprises, (Rept. 100-1015). Referred to the Committee of the Whole House.

Mr. FRANK: Committee on the Judiciary. H.R. 5173. A bill for the relief of Ray F. Seuga (Rept. 100-1016). Referred to the Committee of the Whole House.

SUBSEQUENT ACTION ON A REPORTED BILL SEQUENTIALLY REFERRED

Under clause 5 of rule X, the following action was taken by the Speaker:

H.R. 3593. Referral to the Committee on Energy and Commerce extended for a period ending not later than October 28, 1988.

H.R. 5132. Referral to the Committees on Armed Services and the Judiciary extended for a period ending not later than October 7, 1988.

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. ARCHER (for himself, Mr. CHANDLER, Mr. CRANE, Mr. FRENZEL, Mr. THOMAS of California, Mr. BROWN of Colorado, Mr. DAUB, Mr. KYL, Mr. DEFAZIO, Mrs. BENTLEY, Mr. GEKAS, Mr. GOODLING, Mr. FAWELL, Mr. DELAY, Mr. ARMEY, Mr. SCHAEFER, Mr. CHENEY, Mr. BURTON of Indiana, Mr. NIELSON of Utah, Mr. GINGRICH, Mr. HOLLOWAY, Mr. PORTER, Mr. SWINDALL, Mr. STUMP, Mr. BALLENGER, Mr. RHODES, Mr. BLILEY, Mr. DAVIS of Illinois, Mr. HUNTER, Mr. RITTER, Mr. SHUMWAY, Mr. BAKER, Mr. SLAUGHTER of Virginia, Mr. WEBER, and Mr. HOPKINS):

H.R. 5426. A bill to amend title XVIII of the Social Security Act and other provisions of law to delay for 1 year the effective dates of the Medicare Catastrophic Coverage Act of 1988 and to establish a Bipartisan Commission to Review the Medicare Catastrophic Coverage Act; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. MAZZOLI:

H.R. 5427. A bill to extend for 2 years section 314 of the Immigration Reform and Control Act of 1986, to make additional visas available to immigrants from underrepresented countries to enhance diversity in immigration, and to extend through December 31, 1989, H-1 nonimmigrant status for certain registered nurses; to the Committee on the Judiciary.

By Mr. BOSCO:

H.R. 5428. A bill to partition certain reservation lands between the Hoopa Valley Tribe and the Yurok Indians, to clarify the use of tribal timber proceeds, and for other purposes; jointly, to the Committees on Interior and Insular Affairs, Merchant Marine and Fisheries.

By Mr. COYNE (for himself, Mr. DONNELLY, Mr. DOWNEY of New York, Mrs. KENNELLY, Mr. MCGRATH, Mr. FOLEY, and Mr. ATKINS):

H.R. 5429. A bill to amend the Internal Revenue Code of 1986 to provide that certain corporations engaged in substantial manufacturing operations in certain foreign countries will not be treated as passive foreign investment companies; to the Committee on Ways and Means.

By Mr. HUGHES (for himself, Miss SCHNEIDER, Mr. SAXTON, Mr. JONES of North Carolina, Mr. ANDERSON, Mr. ROE, Mr. NOWAK, Mr. HAMMERSCHMIDT, Mr. STANGELAND, Mr. CARPER, Mr. TOWNS, Mr. LOWRY of Washington, Mr. MOLINARI, Mr. GALLO, Mr. BUECHNER, Mrs. MORELLA, Mr. MRAZEK, Mrs. ROUKEMA, Mr. GUARINI, Mr. RODINO, Mr. COURTER, Mr. MANTON, Mr. DOWNEY of New York, Mr. HOCHBRUECKNER, Mr. BENNETT, Mr. GILMAN, Mr. DIOGUARDI, Mr. LENT, Mr. BOEHLERT, Mr. WORTLEY, Mr. GREEN, Mr. HORTON, Mr. SMITH of New Jersey, Mr. SMITH of New Hampshire, Mr. DAVIS of Michigan, Mr. STUDDS, Mr. WELDON, Mr. DWYER of New Jersey, Mr. HOUGHTON, Mr. MARTIN of New York, Mr. MCGRATH, and Mr. SOLOMON):

H.R. 5430. A bill to amend the Marine Protection, Research, and Sanctuaries Act of 1972 to establish special fees for the ocean dumping of sewage sludge and industrial waste, and for other purposes; jointly, to the Committees on Merchant Marine and Fisheries and Public Works and Transportation.

By Mr. GRAY of Illinois:

H.R. 5431. A bill to authorize the Governor of Illinois to use funds from the abandoned mine reclamation fund to provide relief to certain property owners adversely affected by abandoned mines; to the Committee on Interior and Insular Affairs.

By Mr. LAFALCE (for himself, Mr. WORTLEY, Mrs. ROUKEMA, and Mr. BARTLETT):

H.R. 5432. A bill to increase the limitation on the amount of outstanding obligations of the Financing Corporation, impose a limitation on the amount of outstanding promissory notes issued by the Federal Savings and Loan Insurance Corporation, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

By Mr. LUJAN:

H.R. 5433. A bill to assist in creating a viable domestic uranium enrichment industry, to insure the maximum economic utilization of the existing diffusion plant assets, to establish mechanisms which would permit the creation of a privately owned corporation or a mixed government-privately owned corporation to utilize the Federal Government's investment in centrifuge technology and in the centrifuge assets, to establish alternate sources of enrichment supply, so as to create American jobs, to return monies to the government and to increase Ameican industrial competitiveness in world wide nuclear fuel sales; jointly, to the Committees on Energy and Commerce, Interior and Insular Affairs, and Science, Space and Technology.

By Mr. PORTER (for himself, Mr. BONKER, Miss SCHNEIDER, Mr. GEJDENSON, Mr. MICA, and Mr. LANTOS):

H.R. 5434. A bill to ensure that any solid waste exported from the United States to foreign countries is managed to protect human health and the environment; jointly, to the Committees on Energy and Commerce and Foreign Affairs.

By Mr. RITTER (for himself, Mr. BOEHLERT, Mr. BROWN of California, Mr. HALL of Texas, Mr. LENT, Mr. MADIGAN, Miss SCHNEIDER, Mr. WALGREN, and Mr. WHITTAKER):

H.R. 5435. A bill to maximize protection of human health and the environment by requiring the submission to Congress of an annual report to assist the oversight and appropriation process, with the objective of providing an assessment which weighs the achieved or anticipated reduction in environmental risk through implementation of the Environmental Protection Agency's statutory authorities against the Agency's budgetary expenditures and the societal costs of reducing those risks; jointly, to the Committees on Energy and Commerce, Public Works and Transportation, Agriculture, Merchant Marine and Fisheries, and Interior and Insular Affairs.

By Mr. SPRATT:

H.R. 5436. A bill to suspend for a 5-year period the duty on certain dyes; to the Committee on Ways and Means.

H.R. 5437. A bill to suspend for a 5-year period the duty on certain brown, orange, and violet dyes; to the Committee on Ways and Means.

H.R. 5438. A bill to suspend for a 5-year period the duty on vat red 10 dye; to the Committee on Ways and Means.

H.R. 5439. A bill to suspend for a 5-year period the duty on certain blue and green dyes; to the Committee on Ways and Means.

By Mr. TALLON:

H.R. 5440. A bill to eliminate urban-rural distinctions in making payments and determining fees and rates under the Medicare Program; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. TRAFICANT:

H.R. 5441. A bill to authorize the Secretary of Transportation to carry out certain highway demonstration projects in the State of Ohio; to the Committee on Public Works and Transportation.

By Mr. SKELTON:

H.J. Res. 670. Joint resolution to designate September 15, 1989, as "National Respect for the Elderly Day"; to the Committee on Post Office and Civil Service.

By Mr. DORNAN of California:

H. Con. Res. 381. Concurrent resolution expressing the sense of the Congress regarding United States goals with respect to Lebanon; to the Committee on Foreign Affairs.

By Mr. CHENEY (for himself, Mr. HYDE, Mr. LIVINGSTON, Mr. MCEWEN, Mr. LUNGREN, and Mr. SHUSTER):

H. Res. 561. Resolution directing the Committee on Standards of Official Conduct to conduct an investigation regarding a possible unauthorized disclosure of classified information in violation of the Rules of the House of Representatives; to the Committee on Rules.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

471. The SPEAKER presented a memorial of the Legislature of the State of Maine, relative to legislation for better child care services; which was referred jointly, to the Committees on Education and Labor and Ways and Means.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 1036: Mr. MILLER of Washington.

H.R. 2612: Mr. DONALD E. LUKENS and Mr. HILER.

H.R. 2934: Mr. RAY.

H.R. 3348: Mr. DORNAN of California and Mr. VALENTINE.

H.R. 3515: Mr. HOCHBRUECKNER and Mr. DYSON.

H.R. 3891: Mr. WISE, Mrs. MORELLA, and Mr. SAWYER.

H.R. 3944: Mr. LIGHTFOOT.

H.R. 4277: Mr. SPENCE.

H.R. 4293: Mr. GINGRICH, Mr. LEWIS of Georgia, and Mr. BURTON of Indiana.

H.R. 4575: Ms. SLAUGHTER of New York, Mr. SYNAR, Mr. CHANDLER, and Mr. LUJAN.

H.R. 4576: Mr. RAHALL, Mr. COURTER, and Mr. BROWN of California.

H.R. 4581: Mr. ARMEY, Mr. BOULTER, Mr. BLILEY, Mr. BRUCE, Mr. FEIGHAN, Mr. GALLO, Mr. GINGRICH, Mr. HEFLEY, Mr. JONES of North Carolina, Mr. LEWIS of Florida, Mrs. MARTIN of Illinois, Mr. ROWLAND of Connecticut, Mr. DENNY SMITH, and Mr. UPTON.

H.R. 4632: Mr. LEHMAN of California and Mr. WEBER.

H.R. 4680: Mr. UPTON, Mrs. KENNELLY, Mr. CROCKETT, and Mr. SHAYS.

H.R. 4690: Mr. SMITH of New Hampshire.

H.R. 4760: Mr. FAUNTROY.

H.R. 4803: Mr. DEFAZIO, Mr. COBLE, Mr. BOEHLERT, and Mr. HAMILTON.

H.R. 4860: Ms. KAPTUR and Ms. PELOSI.

H.R. 4874: Mr. OBERSTAR.

H.R. 4884: Mr. PAYNE, Mrs. COLLINS, Mr. CHAPMAN, Mrs. BENTLEY, Mr. ATKINS, Ms. KAPTUR, Mr. SABO, and Mr. WALGREN.

H.R. 4885: Mr. PAYNE, Mrs. COLLINS, Mr. CHAPMAN, Mrs. BENTLEY, Mr. ATKINS, Ms. KAPTUR, Mr. KASTENMEIER, Mr. SABO, Mr. WALGREN, Mr. STUMP, and Mr. BORSKI.

H.R. 4992: Mrs. MORELLA and Mr. FRENZEL.

H.R. 5000: Mr. BRYANT.

H.R. 5061: Mr. KYL, Mr. BOULTER, Mr. OWENS of New York, Mr. MFUME, Mr. WORTLEY, Mr. INHOFE, and Mr. SKEEN.

H.R. 5069: Mr. BATES.

H.R. 5075: Mr. HENRY, Mr. JEFFORDS, Mr. HALL of Ohio, Mr. CRAIG, and Mr. DICKINSON.

H.R. 5086: Mr. RAY and Mr. SOLOMON.

H.R. 5107: Mr. CLINGER.

H.R. 5146: Mr. CROCKETT and Mr. BURTON of Indiana.

H.R. 5214: Mr. SMITH of Florida.

H.R. 5227: Mr. KOLBE, Mr. DANNEMEYER, Mr. HASTERT, and Mr. PACKARD.

H.R. 5351: Mr. GINGRICH, Mr. HYDE, Mr. WEBER, Mr. SMITH of Texas, Mr. DELAY, MR. DAVIS of Illinois, and Mr. BROOMFIELD.

H.R. 5352: Mr. GINGRICH, Mr. HYDE, Mr. WEBER, Mr. SMITH of Texas, Mr. DELAY, Mr. DAVIS of Illinois, and Mr. BROOMFIELD.

H.R. 5353: Mr. GINGRICH, Mr. HYDE, Mr. WEBER, Mr. SMITH of Texas, Mr. DELAY, Mr. DAVIS of Illinois, and Mr. BROOMFIELD.

H.R. 5354: Mr. GINGRICH, Mr. HYDE, Mr. WEBER, Mr. SMITH of Texas, Mr. DELAY, Mr. DAVIS of Illinois, and Mr. BROOMFIELD.

H.R. 5355: Mr. GINGRICH, Mr. HYDE, Mr. WEBER, Mr. SMITH of Texas, Mr. DELAY, Mr. DAVIS of Illinois, and Mr. BROOMFIELD.

H.R. 5356: Mr. GINGRICH, Mr. HYDE, Mr. WEBER, Mr. SMITH of Texas, Mr. DELAY, Mr. DAVIS of Illinois, and Mr. BROOMFIELD.

H.R. 5357: Mr. GINGRICH, Mr. HYDE, Mr. WEBER, Mr. SMITH of Texas, Mr. DELAY, Mr. DAVIS of Illinois, and Mr. BROOMFIELD.

H.R. 5358: Mr. GINGRICH, Mr. HYDE, Mr. WEBER, Mr. SMITH of Texas, Mr. DELAY, Mr. DAVIS of Illinois, and Mr. BROOMFIELD.

H.R. 5359: Mr. GINGRICH, Mr. HYDE, Mr. WEBER, Mr. SMITH of Texas, Mr. DELAY, Mr. DAVIS of Illinois, and Mr. BROOMFIELD.

H.R. 5360: Mr. GINGRICH, Mr. HYDE, Mr. WEBER, Mr. SMITH of Texas, Mr. DELAY, Mr. DAVIS of Illinois, and Mr. BROOMFIELD.

H.R. 5361: Mr. GINGRICH, Mr. HYDE, Mr. WEBER, Mr. SMITH of Texas, Mr. DELAY, Mr. DAVIS of Illinois, and Mr. BROOMFIELD.

H.R. 5362: Mr. GINGRICH, Mr. HYDE, Mr. WEBER, Mr. SMITH of Texas, Mr. DELAY, Mr. DAVIS of Illinois, and Mr. BROOMFIELD.

H.R. 5363: Mr. GINGRICH, Mr. HYDE, Mr. WEBER, Mr. SMITH of Texas, Mr. DELAY, Mr. DAVIS of Illinois, and Mr. BROOMFIELD.

H.R. 5364: Mr. GINGRICH, Mr. HYDE, Mr. WEBER, Mr. SMITH of Texas, Mr. DELAY, Mr. DAVIS of Illinois, and Mr. BROOMFIELD.

H.R. 5365: Mr. GINGRICH, Mr. HYDE, Mr. WEBER, Mr. SMITH of Texas, Mr. DELAY, Mr. DAVIS of Illinois, and Mr. BROOMFIELD.

H.R. 5366: Mr. GINGRICH, Mr. HYDE, Mr. WEBER, Mr. SMITH of Texas, Mr. DELAY, Mr. DAVIS of Illinois, and Mr. BROOMFIELD.

H.R. 5371: Mr. JONES of Tennessee, Mr. ACKERMAN, and Mr. LEWIS of Georgia.

H.R. 5410: Mr. LIPINSKI and Mr. VENTO.

H.J. Res. 438: Mr. BORSKI, Mrs. KENNELLY, and Mr. BRENNAN.

H.J. Res. 515: Mr. NIELSON of Utah, Ms. PELOSI, Mr. FRANK, Mr. BENNETT, Mr. MCMILLEN of Maryland, Mr. GEJDENSON, Mr. HAYES of Illinois, and Mr. BROWN of California.

H.J. Res. 557: Mr. BROWN of California, Mr. TORRES, Mr. BATEMAN, Mr. LAFALCE, Mr. HALL of Ohio, Mr. BORSKI, Mr. BERMAN, Mr. DE LUGO, Mr. YATES, Mr. WEISS, Mr. VALENTINE, Mr. TALLON, Mr. BRUCE, Mr. GORDON, Mr. HAYES of Louisiana, Mr. SKELTON, Mr. DANNEMEYER, Mr. WHITTEN, Ms. SLAUGHTER of New York, Mr. HYDE, Mr. TRAFICANT, Mr. WISE, Mr. ESPY, Mr. TORRICELLI, Mr. ARCHER, Mr. RIDGE, Mr. DENNY SMITH, Mr. BONKER, Mr. SHAW, Mr. COBLE, Mr. RAHALL, Mr. CHAPPELL, Mr. SAWYER, Mr. COOPER, Mr. BUSTAMANTE, Mr. WILSON, Mr. BOUCHER, Mr. SCHEUER, Mr. RANGEL, Mr. ROBERTS, Mr. DERRICK, Mr. SABO, Mr. NICHOLS, Mr. MILLER of Ohio, Mr. DYSON, Mr. HOCHBRUECKNER, Mr. PRICE of North Carolina, Mr. HUTTO, Mr. GRAY of Pennsylvania, Mr. IRELAND, Mr. DELLUMS, Mr. HUBBARD, and Mr. DONNELLY.

H.J. Res. 564: Mr. LOWERY of California.

H.J. Res. 570: Mr. ANDERSON, Mr. ASPIN, Mr. CLAY, Mr. ENGLISH, Mr. MADIGAN, Mr. MACKAY, Mr. MOODY, Mr. STUDDS, and Mr. BARNARD.

H.J. Res. 607: Mr. HUBBARD, Mr. HUNTER, Mr. HYDE, Mr. KEMP, Mr. IRELAND, Mr. KOSTMAYER, Mr. LAGOMARSINO, Mr. LATTA, Mr. LEVINE of California, Mr. LIPINSKI, Mrs. LLOYD, Mr. LOWRY of Washington, Mr. MACK, Mr. MACKAY, Mr. MADIGAN, Mr. MANTON, Mr. MARKEY, Mrs. MARTIN of Illinois, Mr. MARTIN of New York, Mr. MAVROULES, Mr. MAZZOLI, Mr. MCCRERY, Mr. MCHUGH, Mr. MINETA, Mr. NIELSON of Utah, Mr. PACKARD, Mr. PEPPER, Mr. PICKETT, Mr. PICKLE, Mr. QUILLEN, Mr. RAVENEL, Mr. ROBINSON, Mr. RODINO, Mr. ROYBAL, Mr. SAWYER, Mr. SHAW, Mr. DENNY SMITH, and Mr. SOLARZ.

H.J. Res. 613: Mr. SMITH of Florida.

H.J. Res. 626: Mr. ASPIN, Mr. BADHAM, Mr. BLAZ, Mr. DURBIN, Mr. ERDREICH, Mr. HYDE, Mr. JENKINS, Mr. JONES of North Carolina, Mrs. KENNELLY, Mr. MCMILLEN of Maryland, Mr. MOAKLEY, Mr. MURTHA, Mr. NIELSON of Utah, Mr. PICKETT, Mr. RICHARDSON, Mrs. SAIKI, Mr. SMITH of Iowa, Mr. SPRATT, Mr. WALGREN, Mr. WILSON, and Mr. WISE.

H.J. Res. 631: Mr. RANGEL, Mrs. JOHNSON of Connecticut, Mr. FRENZEL, Mr. HAYES of Illinois, Mr. GORDON, Mr. FROST, Mr. BRYANT, Mr. ESPY, Mr. BROWN of Colorado, Mr. CHAPMAN, Mr. SCHAEFER, Mr. LANCASTER, Mr. SOLOMON, Mr. OWENS of New York, Mr. LEVIN of Michigan, Mr. WALGREN, and Mr. BRENNAN.

H.J. Res. 636: Mr. BRENNAN.

H.J. Res. 651: Mr. MCCLOSKEY, Mrs. PATTERSON, Mr. MCMILLEN of Maryland, Mr. SCHAEFER, Mr. HALL of Ohio, Mr. APPLEGATE, Mr. BORSKI, Mr. CARPER, Mr. CLARKE, Mr. COBLE, Mr. GRAY of Pennsylvania, Mr. DARDEN, Mr. DAUB, Mr. DEFAZIO, Mr. DELLUMS, Mr. DIXON, Mr. DORGAN of North Dakota, Mr. BEVILL, Mr. AUCOIN, Mr. FOLEY, Mr. FOGLIETTA, Mr. FAUNTROY, and Mr. DOWDY of Mississippi.

H.J. Res. 661: Mr. BARNARD, Mr. BOEHLERT, Mr. BUNNING, Mr. BUSTAMANTE, Mr. CLAY, Mr. COELHO, Mr. COURTER, Mr. DIOGUARDI,

Mr. DWYER of New Jersey, Mr. DYSON, Mr. EMERSON, Mr. FAWELL, Mr. FEIGHAN, Mr. FOGLIETTA, Mr. GEJDENSON, Mr. GEPHARDT, Mr. HAYES of Illinois, Mr. HERTEL, Mr. HOYER, Mr. KASICH, Mr. LELAND, Mr. LIVINGSTON, Mr. MACKAY, Mr. MARTIN of New York, Mr. MORRISON of Connecticut, Mr. OLIN, Ms. PELOSI, Mr. RITTER, Mr. SIKORSKI, Ms. SLAUGHTER of New York, Mr. SPRATT, Mr. UDALL, Mr. WOLF, and Mr. WORTLEY.

H. Con. Res. 129: Mr. SLAUGHTER of Virginia.

H. Con. Res. 339: Mr. SABO, Mr. BRUCE, Mr. SCHUETTE, Mr. BROOMFIELD, Mr. ORTIZ, Mr. GILMAN, Mr. GEPHARDT, Mr. LUNGREN, Mr. EMERSON, Mr. ST GERMAIN, Mr. QUILLEN, Mr. MCHUGH, Mr. FLAKE, Mr. SAVAGE, Mr. PICKETT, Mr. MOLINARI, Mr. HORTON, Mr. DAVIS of Michigan, Mr. ALEXANDER, Mr. VOLKMER, Mr. BROWN of Colorado, Mr. TAYLOR, Mr. SUNDQUIST, Mr. DELAY, Mr. BAKER, Mr. CLARKE, Mr. BALLENGER, Mr. COLEMAN of Missouri, Mr. MICHEL, and Mr. SMITH of New Hampshire.

H. Con. Res. 342: Mr. NATCHER, Mr. HASTERT, Mr. MARTINEZ, Mr. DEWINE, Mr. VENTO, Mr. CHENEY, Mr. FROST, Mr. SIKORSKI, Mr. TRAFICANT, Mr. CONTE, Mrs. SAIKI, Mr. AUCOIN, Mr. MOLINARI, Mr. CARR, Mr. LATTA, Mr. SMITH of Florida, and Mr. SHUMWAY.

H. Con. Res. 355: Mr. PAYNE and Mr. JONTZ.

H. Con. Res. 365: Mr. SMITH of Florida.

H. Con. Res. 370: Mr. SKEEN, Mr. PARRIS, and Mr. MCCRERY.

H. Con. Res. 380: Mr. MOAKLEY.

H. Res. 472: Mr. BRYANT, Mr. EVANS, Mr. HAYES of Illinois, Mr. RANGEL, Mr. GARCIA, and Ms. PELOSI.

H. Res. 542: Mr. COLEMAN of Texas, Mr. AKAKA, Mr. MARTINEZ, Mr. BONKER, Mr. ACKERMAN, Mrs. MARTIN of Illinois, Mr. WOLF, Mr. TORRES, Ms. KAPTUR, Mr. BRUCE, Mr. SMITH of Florida, Mr. DANNEMEYER, Mr. FRANK, Mr. SHAYS, and Mr. DAUB.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H. Con. Res. 316: Mr. SLAUGHTER of Virginia.