HOUSE OF REPRESENTATIVES—*Thursday, October 26, 1989*

The House met at 10 a.m.

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

We pray, O God, for those who have special need this day, and particularly we pray for those who seek health in body and spirit. May our faith be made strong, and may our hope be made real, and may Your will be done on Earth as it is in Heaven. This is our earnest prayer. 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. The gentleman from Florida [Mr. JOHNSTON] will come forward and lead the House in the Pledge of Allegiance.

Mr. JOHNSTON of Florida 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 Mr. Hallen, one of its clerks, announced that the Senate had passed without amendment a joint resolution of the House of the following title:

H.J. Res. 241. Joint resolution designating October 25, 1989, as "National Arab-American Day".

APPOINTMENT AS MEMBER TO COMMISSION FOR STUDY OF INTERNATIONAL MIGRATION AND COOPERATIVE ECONOMIC DEVELOPMENT

The SPEAKER. Pursuant to the provisions of section 601, Public Law 99-603, the Chair appoints on the part of the House the Most Reverend Theodore E. McCarrick, Archbishop of Newark, Newark, NJ, to the Commission for the Study of International Migration and Cooperative Economic Development to fill the existing vacancy thereon.

OVERRIDE HHS APPROPRIATIONS VETO

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

Mr. JOHNSTON of Florida. Mr. Speaker, yesterday, 191 members of the House voted against an amendment to protect women who were victims of rape or incest. Of that number, 183 were men.

I have always felt that as a man, I could not tell a woman what she could or could not do with her body. Likewise, as a Representative, I could not tell a victim of rape or incest who did not want to carry a baby to term that because she was too poor, she could not have an abortion.

In a survey of my congressional district last month 80 percent of the respondents supported a women's right to choose whether she has an abortion or not. In addition, 19 percent supported abortion in the event of rape, incest, or endangerment.

There is a broad and heartfelt conviction growing among the American public that abortion should be a woman's right—even more so in the event of rape or incest.

Mr. President, this issue will come back again and again—so be prepared.

PUERTO RICO STATUS REFERENDUM ACT

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

Mr. LAGOMARSINO. Mr. Speaker, the 101st Congress has an opportunity to resolve the major issue affecting the lives of the 3½ million United States citizens of Puerto Rico: The future relationship between the United States and Puerto Rico.

On January 2 of this year, Governor Hernandez-Colon of Puerto Rico courageously declared:

It is necessary to meet face to face the continuous debate over our relationship with the United States of America. This is a debate which the Puerto Ricans wish to settle. * * * I believe that it is equally essential for the Government of the United States of America to express its position.

One month later President Bush expressed his position in his first address to a joint session of the Congress by stating:

I have long believed that the people of Puerto Rico should have the right to determine their own political future. Personally, I strongly favor statehood. But I ask the Congress to take the necessary steps to let the people decide in a referendum.

The Senate was first to respond with the leadership of Senators JOHNSTON and MCCLURE, chairman and ranking Republican of the Senate Committee on Energy and Natural Resources. After an extensive series of hearings the committee reported a carefully developed and remarkably well-balanced bill providing for a referendum in Puerto Rico in June 1991 and the accompanying enabling legislation for the three status alternatives.

Today I am introducing legislation providing for a referendum on the future relationship of the people of Puerto Rico and the United States. The bill contains the legislation as reported by the full Senate Committee on Energy and Natural Resources without the text of the tax and trade provisions for each status alternative. The Senate Finance Committee has yet to address these matters and they will also be considered by the House Ways and Means Committee.

I have discussed the introduction of this bill with the presidents of the three political parties in Puerto Rico. Senator Berrios of the Independence Party and former Governor Romero of the Statehood Party both have urged that the Senate committee-reported bill be introduced. The president of the Commonwealth Party, Governor Hernandez-Colon said he was not happy with the Senate committee's reported bill but he wanted to see progress on the legislation in the House. The Governor's initial proposal is contained in S. 712 star print of April 5.

It is the loyal United States citizens of Puerto Rico who have been and are patiently waiting for the Congress to exercise the constitutional responsibility to "make all needed rules and regulations respecting the territory" of the United States. I urge my colleagues to diligently consider the legislation before the Congress and provide the people of Puerto Rico with the opportunity to chose a clearly defined future relationship with the United States.

NATIONAL HOSTAGE AWARENESS DAY

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

Mr. PEASE. Mr. Speaker, tomorrow, October 27, the 42d birthday of journalist Terry Anderson, we will observe National Hostage Awareness Day.

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

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

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

While I have a general policy against cosponsorship of commemorative legislation, I felt strongly a need to become a part of this observance. As this Nation has watched the days of Terry Anderson's captivity stretch into months and the months into years, as we have watched other Americans fall victim to the same fate, and as we have watched some of our countrymen die in captivity, our collective outrage and frustration has grown. Tomorrow, we will once again seek strength in numbers as we dedicate a day to thoughts of and hope for Americans in captivity.

Terry Anderson originally hails from Lorain, OH, in my congressional district. Last year, I was deeply moved when Jack Lavriha, a friend of Terry's late father, organized what he though would be a small, local campaign to send Christmas greetings to Terry Anderson. It is an understatement to say that I was overwhelmed by the response inspired by Mr. Lavriha's "little" campaign. Tens of thousands of Christmas greetings from all over the world poured into Lorain, OH, representing a tremendous outpouring of the deep concern and hope that Americans harbor for Terry and his fellow hostages.

Those emotions have not diminished in the years that Terry has been held captive, and in my view, it is quite appropriate that we are celebrating his birthday by calling the world's attention to his continued detainment as well as the detainment of 9 other Americans and 11 hostages from 6 other countries. I will be wearing my yellow ribbon tomorrow with pride and with the profound hope that next year, Terry will celebrate his 43d birthday with his family, in his homeland, as a free man.

MINIMUM GAINS AND THE TRICKLE UP THEORY

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

Mr. WISE. Mr. Speaker, the President pushing so hard now to get capital gains tax breaks for the upper income is the same President who recently vetoed the first increase in the minimum wage in 9 years. He loves capital gains for the rich, but opposes minimum wages for the working poor. Perhaps it is time to change the message.

So from today forward, I will only refer to raising the minimum wage as a favorable minimum gains treatment. That is right, give the lowest income favorable minimum gains treatment. And from now on we talk about the "trickle up" theory. Give the low-income workers the first minimum gains hike since 1981 and watch that revenue begin to trickle up.

Think what a package this is. With capital gains you give the wealthiest 600,000 a $25,000 windfall. With minimum gains you give millions of working poor a 90-cent per hour raise over 2 years, still keeping them below the poverty line.

Try it, Mr. President. Minimum gains. Just think. Hopefully these new earnings will trickle up to capital gains investors, who will then make more money that you can try to cut taxes on even further. It is time to support minimum gains.

THE FUJI APPLE

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

Mr. TRAFICANT. Mr. Speaker, Japan started out taking small bites with TV's and VCR's. Now they literally want the whole apple. That's right, the Japanese are targeting the apple market in America with their new high-technology apple called, really, the Fuji apple. They say it is the sweetest apple, and they predict it will become No. 1 in America, dethroning the American red delicious.

Now, if that is not enough to sauce your apple, just think of this: with their trade policies, Japan is already doubling the cost of food. Now they are coming over here and attacking the apple pie to boot.

What I have to say, folks, is it is getting bad around here when Americans are driving their Toyotas to fruit boutiques and buying an imported Fuji apple. It sounds to me as if there is a rotten apple in there somewhere and the American people are continuing to be screwed, right to the core.

□ 1010

LET US SUPPORT AN INCREASE IN MINIMUM WAGE

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

Mr. VISCLOSKY. Mr. Speaker, with the average price of a new home at $117,800, many claim that housing is unaffordable. With the average cost of a private college education costing $44,320, many claim that it is out of reach. The average new car in America now costs about $14,700, a price too dear for a good number of Americans.

Why? Because the prices have increased too much? No, because wages have not kept pace. For example, in the First Congressional District of Indiana between 1980 and 1988 real earnings dropped between 20 to 23 percent. Nationally the real value of the minimum wage has declined by more than 30 percent.

President Bush accused Ronald Reagan of engaging in voodoo economics; he now engages in "won't do" economics.

Let us support an increase in the minimum wage.

CHEMICAL CONFUSION

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

Mr. PORTER. Mr. Speaker, reports indicate we now plan to unilaterally withdraw our chemical stockpiles from Germany. Unilaterally, Mr. Speaker.

When Congress debated our chemical modernization program, it was understood that the new binary weapons had to replace the old unitary weapons in Germany. Yet many of us warned that the same German public that doesn't want the current stockpile would not allow them to be replaced by new binaries, and it was specious to argue we should produce them for this purpose.

While our Bigeye and 155mm weapons are not yet deployable, we are about to take a giant step backward. The weapons to be removed are, according to the Army, "among the best" in our stockpiles.

With our German stockpile removed, we will have no chemical deterrent in Europe where it is needed the most. Our chemical weapons still be stationed in the United States, too far away to do any military good. We will have handed the Soviets a major arms control victory without them having to sign anything.

Mr. Speaker, there must be no unilateral withdrawal of our chemical deterrent in Germany. We must maintain it until the last Soviet chemical weapon is removed and destroyed.

SUPPORT AN INCREASE IN THE MINIMUM WAGE

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

Mr. HOAGLAND. Mr. Speaker and colleagues, I am pleased to have this opportunity once again to address the House in support of an increase in the minimum wage.

Next Wednesday we will have an opportunity to vote on that issue and it is clearly the fair thing to do to increase the minimum wage in our Nation.

It has not been increased since January of 1981. Since January of 1981 the purchasing power of the dollar has decreased by over 40 percent. Every other sector of our economy has received wage increases except for the very poor.

It is clearly long overdue, it is time for the very poor to receive those ben-

efits of economic growth and prosperity enjoyed by virtually everyone else.

So I urge my colleagues to support next Wednesday, and I urge the President to sign before the end of the year, an adequate increase in the minimum wage.

ECONOMIC EXPANSION NOW IN ITS 84TH MONTH

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

Mr. DREIER of California. Mr. Speaker, for the last few minutes I have been listening to my colleagues on the other side of the aisle telling us how things started to decline in January of 1981.

Well, just this morning we got the report from the Department of Commerce telling us in the last quarter we have been at 2.5 percent growth, we have seen the inflation rate at 2.9 percent annual level.

Now they are talking about the necessity for us to bring about this minimum wage increase which we are going to be voting on next week.

Mr. Speaker, next month marks the 84th month of the longest, strongest, most dynamic economic expansion in peacetime history.

I multiplied 12 times—at any rate, I figured it out; 84 means the beginning of the 8th year of this economic expansion.

Mr. Speaker, I believe it is very important for us to realize this has taken place under the leadership of President Reagan and now President Bush.

For those who talked about the decline that began in 1981, we should recognize that that started this economic recovery which we are now enjoying.

RAISE THE STANDARD OF LIVING FOR THE WORKING POOR

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

Mr. POSHARD. Mr. Speaker, the working poor of southern Illinois and around the country are waiting for help. They are waiting to hear from us on whether or not we are going to help them become full partners in the American dream.

They want to work for a living. They do not want welfare. They want to contribute. They cannot do that on a wage that is not keeping pace with the cost of staying alive.

How can we bail out the savings and loans? How can we lose millions in the Department of Housing and Urban Development while at the same time we say to the least well-paid of our working men and women, "You are not worthy. Your standard of living is not so important in our eyes."

It is time to help the people provide for their families. It is time to help people receive a living wage for their work.

STATES WITH ONE-TENTH THE DRUG PROBLEM GET THREE TIMES THE MONEY

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

Mr. FAWELL. Mr. Speaker, imagine the outrage if Congress mandated that $1 of every $5 of the emergency relief money passed to help earthquake-stricken California had to be parceled out equally among every State in the Union? Sounds ridiculous, but in the case of another national disaster, the scourge of drug crime in the Nation, we are doing just that.

Congressional leaders blasted the President for not spending enough to fight drugs. Their solution? A $450 million Law Enforcement Block Grant Program that has Minnesota getting three times as much money as the District of Columbia, which has 10 times as many drug arrests. Minnesota, thankfully, arrests only 1.5 people per thousand for drugs, yet they get $6 million. The District of Columbia has almost 17 arrests per thousand people and $2 million. Which needs more help with law enforcement to cope with drugs? Which has the more severe drug problem?

This is not a big-State, little-State issue. Compare New Mexico, a border State with a tough drug problem, with its 4.44 arrests per thousand and $3 million to Wisconsin, which gets twice as much money to deal with less than half the arrests.

Is this how Congress is going to solve this awful situation, by spraying money all over the Nation without regard for where the problem is most severe?

What can you do? First, vote yes on the McCollum-Hughes amendment to Commerce, Justice, State, which will at least lower the amount every State automatically gets $1.5 million to $500,000. This is a good temporary solution. But for next year, the State and local Drug Law Enforcement Program must be linked to the severity of the drug problem in a given State.

MINIMUM WAGE

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

Mr. FROST. Mr. Speaker, for the past 8 years the White House has sent a cruel message to the working poor in our country—they don't care. They don't care that full-time minimum wage workers earn only $6,969 per year—far below the poverty level of a family with only one child. And, they don't care that nearly two-thirds of the 6.7 million minimum wage workers are women—mostly women who, alone, must care for children.

It is obvious who President Bush cares most about. His only significant economic initiative has been to provide the very richest in our Nation with an additional huge tax break.

Minimum wage workers are the youngest and most unprotected segment of our work force. They aren't looking or asking for handouts. They are working to support families, finance educations and, like all other Americans, struggling to meet overwhelming medical costs.

Unless we act, minimum wage workers will think no one cares. For the working poor, this is not a kinder and gentler nation. We have an obligation to raise the minimum wage and to restore dignity and buying power to our most vulnerable families. We must show them that we do care.

JAPANESE INVESTMENT IN THE UNITED STATES/UNITED STATES INVESTMENT IN JAPAN

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

Mr. BURTON of Indiana. Mr. Speaker, this morning on Japanese television former President Ronald Reagan was asked by a Japanese interviewer what he thought about Sony's recent buyout or acquisition of Columbia Pictures for $3.4 billion. President Reagan said he thought there was not anything wrong with that because America welcomes foreign investment.

What was not discussed in that interview was the Boone Co. of Texas' acquisition of a major Japanese corporation. They bought 25 percent of the Kyoto Corp. in Japan, and that corporation will not even allow Mr. Boone or any of his executives to sit on that board of directors. He owns 25 percent of that corporation.

The next largest stockholder is Toyota. They have three people on the board of directors. Mitsubishi owns 5 percent of the stock, and they have one person on that board of directors.

Yet Mr. Boone, who owns 25 percent, cannot have anybody on the board of directors. They will not even let him attend stockholders meetings and they will not give him any financial information about that corporation.

□ 1020

Now this is a perfect example of how the Japanese are treating the United States of America. They are erecting

trade barriers to our products. They will not allow Americans to invest in their corporations where we can have a choice, and yet we are allowing them to buy America. There needs to be a fair playing field. Not just free trade, but fair trade.

POOR JUDGMENT BY PRESIDENT BUSH

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

Mr. TORRICELLI. Mr. Speaker, 50 years ago America reached an important judgment. We decided that those who labored, those who worked day in and day out in the tasks of building America would have the ability to feed their families and to clothe their children. It was a decent decision. It resulted in a fair minimum wage. It freed workers from poverty in a compact with our people. It was good social policy. It was fair. It was good economics.

Recognizing that the genius of the American economy is the ability of those who make products to buy these products. Time and inflation have eroded that important judgment. Today, those who work, who do the work of America, find themselves 30 percent below the poverty line. This institution has voted to ensure that those who do this work will at least be restored above the poverty line. George Bush has said no. It is bad judgment. Bad economics. It is not fair. Mr. Speaker, he should be urged to make good faith with the American worker again and reverse this judgment.

PRESIDENT BUSH WAS RIGHT

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

Mr. GEKAS. Mr. Speaker, many of the House Members just like the last one who took the podium are mashing and wailing and weeping and bashing the President of the United States for, as they put it, his insensitivity to the working man.

Well, President Bush has proposed a measure to raise the minimum wage. He did bring to this Congress a plan for a steady, noninflationary working type of minimum wage increase. However, the people who are standing up here criticizing and bashing the President are the first ones who voted against that proposal, one that would have been acceptable to the American people to the Congress, would have been noninflationary, work for the working man, and keep our steady economic growth in place.

That is what President Bush proposed. That is what these people who are criticizing that they voted against a fair rise in the minimum wage, a good plan for the disadvantaged worker, a temporary plan to the temporary worker just coming on the work force, and a comprehensive plan that would have been noninflationary, and would have kept our economic situation stiumlated. The President was right, and the speakers here are wrong.

REMOVAL OF NAMES OF MEMBERS AS COSPONSORS OF HOUSE CONCURRENT RESOLUTION 214

Mr. FALEOMAVAEGA. Mr. Speaker, on October 19, 1989, I introduced House Concurrent Resolution 214, a resolution supporting regional efforts to end drift net fishing in the South Pacific.

Inadvertently, during the submission process, I submitted two lists of cosponsors for the resolution. One of these lists contained the names: Mr. ASPIN, Mr. FASCELL, Mr. FROST, Mr. GEREN, Mr. HANCOCK, Mr. MARLENEE, and Mr. SLAUGHTER of Virginia. These seven members of Congress were not and are not cosponsors of House Concurrent Resolution 214, and I ask unanimous consent that their names be removed.

The SPEAKER pro tempore (Mr. JOHNSTON of Florida). Is there objection to the request of the gentleman from American Samoa?

There was no objection.

INTRODUCTION OF FEDERAL JUDGESHIPS

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

Mr. MICHEL. Mr. Speaker, during the past several Congresses, the Administrative Office of the U.S. Courts has been recommending that new Federal judgeships be created across the United States in order to deal with the tremendous backlog of cases jamming our Nation's legal system.

Case overload at the Federal district court level is a most serious threat to our U.S. judicial system. Backlogged dockets prolong and sometimes prevent the application of justice.

Unfortunately, Congress has yet to respond to the Administrative Office's recommendation.

The problem of case overload in Illinois is so severe that it is reaching crisis proportions. In order to help meet this crisis, in my home State, I, along with my colleague, the gentleman from Illinois [Mr. ANNUNZIO] will be introducing a measure today to provide the resources requested by the Administrative Office of the U.S. Courts for Illinois.

Mr. Speaker, this legislation is a simple remedy designed to reduce case overload in Illinois by establishing several new Federal judgeship positions throughout the State's districts.

I would hope the Committee on the Judiciary would look with favor on what we are proposing, and report out our bill favorably.

CONSOLIDATE DRUG COMMITTEES

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

Mr. DOUGLAS. Mr. Speaker, Larkin Smith died over 2 months ago. However, an idea he had proposed lives on. It is an idea that many Members in the freshman class are supporting.

I would hope that the folks on the other side of the aisle could support this also because it is a very simple idea. We have 80 committees and subcommittees that are supposed to be fighting the war on drugs. Now, even the Declaration of Independence could not have been written by a committee. The Founding Fathers gave up and said, "Thomas Jefferson, you go write it." All that we ask is at least the 80 committees and subcommittees be consolidated into one House committee, one Senate committee, if we are serious about fighting the war on drugs.

I would suggest to my colleagues on the Democratic side of the House, that when they start saying we did not do anything in the war on drugs, it is because of the very committee structure that this House operates under. I hope we could all get behind the gentleman from New York, Mr. PAXON's bill, and Larkin Smith's memory, and get serious about fighting the drug war in this House rather than just talking about it.

UNFAIR TRADE EMBARGO AGAINST NICARAGUA

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

Mr. WEISS. Mr. Speaker, yesterday, President Bush announced his intention to extend the U.S. trade embargo against Nicaragua. In continuing this shameful policy, the President repeated the Reagan administration's preposterous claim that Nicaragua—a small, impoverished nation of only 3 million people—poses an unusual and extraordinary threat to the national security of the United States.

Yesterday, President Bush extended the 4-year-old national emergency to deal with this so-called threat.

The U.S. trade embargo against Nicaragua is an outdated holdover from the Reagan administration and is

out-of-step with recent developments in Central America. Under the leadership of the Central American Presidents, regional efforts to achieve peace are flourshing. Elections in Nicaragua are proceeding under worldwide scrutiny. And the complex issue of Contra demobilization is finally being resolved.

Yet our President has decided to extend a disastrous U.S. policy which will add to, not alleviate, the suffering of the people of Nicaraguan.

I urge my colleagues to join in supporting legislation I have introduced to terminate this ineffective, immoral, and inhumane policy of economic sanctions against Nicaragua.

CONSECUTIVE MONTHS OF ECONOMIC GROWTH

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

Mr. McEWEN. Mr. Speaker, at 8 o'clock this morning the Department of Commerce announced another month of economic growth, taking the United States to 84 consecutive months, the longest period of economic growth in our history. It was previously 56 consecutive months. During this period of expansion since 1982, 7 out of 10 jobs created on this planet have been created in one country—the United States of America.

Jesse Jackson and company run around, faced with those facts and say they must be hamburger-flipping jobs. During any period of expansion in the top-paying category, usually 24 percent are in that category. During this expansion since 1982, 48 percent of all those new jobs created are in the top managerially-skilled area. What about the hamburger-flipping jobs? Seven percent are in the bottom paying category. In other words, 93 percent of all those new jobs created in America are in the middle or upper income category.

What happens to unemployed, black teenage employment? It drops by two-thirds. The number of people on minimum wage is cut in half. As a result, we are now at the same percentage in manufacturing as in 1950. We are No. 1 in electronics production. No. 2 is Japan, but their largest production is done by IBM.

Mr. Speaker, let Members not go back to the recommendations of the past, unemployed blacks, those on minimum wage, and those at the bottom scale again.

PRESIDENT REAGAN BASHES AMERICA AND CONGRESS

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

Mr. LEVIN of Michigan. Mr. Speaker, in the Post this morning, there is a story with a headline "Sony May Restore Decency to Hollywood," says former President Reagan.

In the press release, the AP wire story, the President is quoted that "Hollywood needs some outsiders to bring back decency."

Well, maybe so, but I would hope we would not look to outsiders. There is a further story about trade, and the former President is quoted on trade policy,

> There are just a few little itsy things here and there that we still are working on from both sides, and part of our problem is our own Congress that we have to bring into line.

In the same story, there is a discussion of the rice policy of Japan, and their continued refusal to open their doors to American rice.

President Reagan, come back home. Traveling overseas to bash America and the U.S. Congress seems ill-fitting for a former President of the United States.

□ 1030

APPROVAL OF ABORTION DEPENDS ON SUPPORT BY PRACTICING CATHOLICS

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

Mr. DORNAN of California. Mr. Speaker, we have had 84 months of expansion. That makes us the richest country in all of recorded history, and that is good. But 16 years, 9 months, and 4 days of legalized abortion on demand across the board, even if the fifth, sixth, seventh, and eighth month—that is an unabridged evil that is going to eventually destroy this country.

I would like to make an observation this morning as a loyal practicing Catholic. The Catholic Church that I love is responsible for the ongoing continued abortions in this country, and I will tell the Members why. As funny as that may sound to those who have a simmering anti-Catholicism deep within them and think that the church is the one impediment to free-wheeling, open abortion all the time, it is simply that on that vote yesterday and a couple of weeks ago the margin of defeat for life was by self-proclaimed Catholics in this House, and they never have to pay a price for it—never with the bishops in this country.

There are 352 active bishops, and they never lean on the self-proclaimed Catholics in this House who say, "I personally believe it is a human being with an immortal soul, a child in the womb, but go ahead and kill it and I'll help you pay for it."

There is no price to pay for those. We only needed 6 votes to sustain Hyde a few weeks ago, and there are at least 40 self-proclaimed Catholics in the House who vote for abortion and pay no price for it.

So, Mr. Speaker, I hope the bishops meeting in Baltimore in about a week will face up to this problem in their own church.

DISASTER ASSISTANCE ACT OF 1989 AMENDMENTS

Mr. GLICKMAN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 1792) to amend the Disaster Assistance Act of 1989 to avoid penalizing producers who planted a replacement crop on disaster-affected acreage, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore (Mr. JOHNSTON of Florida). Is there objection to the request of the gentleman from Kansas?

Mr. ROBERTS. Mr. Speaker, reserving the right to object, I shall not object, and under my reservation I yield to my colleague, the gentleman from Kansas [Mr. GLICKMAN], to explain the legislation.

Mr. GLICKMAN. Mr. Speaker, I thank my colleague for yielding.

Mr. Speaker, earlier this year the House and the Senate passed and sent to the President a disaster assistance bill covering farm disasters which occurred this year. As a part of that bill, there was a provision in that law, which emanated from the Senate bill, section 110, which had to do with replacement crops. It was an arcane provision having to do with requiring a deduction from a disaster payment for a second crop produced by a farmer under that acreage.

Unfortunately, the language of section 110 and its subsequent interpretation resulted in an arcane method by which farmers would be restricted from getting their full disaster payments and the methods of computation was extremely complicated. So this legislation we are now debating provides fundamentally for a technical change which has to do with the definition of "replacement crop" and treatment of replacement crop in disaster situations. It is intended to treat those farmers who planted a replacement crop, or ghost crop, more fairly and equitably.

This comes over as a bill sponsored on a bipartisan basis by Senators KASSEBAUM, DOLE, GRAMM, BENTSEN, KERREY, and others to make those technical changes in the earlier passed law.

There is also a section on poundage quotas, and there is a section on cost-reduction options regarding farmer-owned reserve loans.

But, Mr. Speaker, the bill is a technical bill, and there is no problem with it. The Republican side has agreed to the bill.

Mr. Speaker, I rise in support of S. 1792, which amends the 1989 Disaster Assistance Act to ensure equitable disaster payments to farmers who planted a replacement crop after their initial crop failed due to the severe drought that much of the our farmers, in particular the winter Wheat Belt suffered last winter.

In August, Congress passed the 1989 Disaster Assistance Act, to assist farmers who lost their crops due to the drought which seriously damaged and destroyed most winter and some spring planted crops. One of the provisions in the bill, section 110, which was inserted into the final legislation by the Senate, was intended to prevent farmers from receiving windfalls from proceeds generated from their second crop and large disaster payments from their failed crop. That provision basically stated that if a farmer plants a second crop on land where the first crop failed, the farmer's disaster payment for the first crop would be reduced by the market value of the second crop.

However, the implementation of this provision by the U.S. Department of Agriculture has unfairly penalized producers who made the extra effort and spent additional money to grow a second crop after losing their entire first crop. This absolutely was not the intent of Congress in passing the 1989 Disaster Assistance Act and my colleague from Kansas and I want to correct this inequity by passing S. 1792 with a minor technical amendment.

This bill would do the following:

Require USDA to only consider the amount of replacement crop production that is in excess of 50 percent of the county's average yield in determining the net value of the replacement crop

Require USDA to reduce the value of the excess second crop production on the average market prices for the second crop during a representative period.

Require USDA to reduce the value of the excess second crop by 25 percent in calculating the reduction in disaster payment.

Require USDA to take into account the historical cropping patterns of producers.

Require that reduction in disaster payments only be applicable to payments for replanted acreage.

Allow USDA to make adjustments to crop acreage bases to reflect crop rotation practices due to natural disasters.

S. 1792 includes another provision which incorporates the provisions of H.R. 2706 I introduced last June.

This section expands the discretionary authority of the Secretary of Agriculture in settling loans made to farmers under price support loan programs administered by the Commodity Credit Corporation. While this provision applies to all CCC loans, should the Secretary decide to use this authority, it is the intent of the authors that the authority is especially suited for application to long-term loans made under the Farmer-owned Reserve Program and the Special Producer Storage Loan Program. This authority will provide an incentive to farmers to redeem their commodities and paying off these loans as opposed to forfeiting the grain to the Government.

The forfeiture of grain is very costly to the Government in that the Government loses all principal and interest due on the loan and incurs new costs for storing the grain over the loan period and thereafter. It is also undesirable for the Government to acquire huge stocks of grain, not only because these stocks depress prices, but they cost the Government huge sums of money.

Although current law specifies that the Secretary may waive part or all of the interest on a price support loan in order to avoid forfeiture, he does not have specific authority to waive part of the principal. Section 3 would allow the Secretary to do this in the event that large amounts of grain are in danger of being forfeited to the Government and resulting in new costs to the Government.

Section 3 amends the cost reduction provisions of the 1985 Food Security Act which give the Secretary broad authority to make fine-tuning adjustments in farm programs if by doing so he can effect cost savings. In this particular example, if the Secretary determines that the Government would save money by reducing the amount of principal on outstanding loans to encourage farmers to redeem those loans as opposed to forfeiting the collateral to the CCC he can do so. In many cases, based on market conditions, it may indeed be more economical for the Secretary to reduce outstanding loans in this manner than to take over the grain backing the loans, pay for its transportation and storage. This is discretionary authority and predicated on a determination by the Secretary that such a reduction in principal would indeed provide benefits to the Government.

Mr. Speaker, I want to express my appreciation for the assistance of the distinguished chairman of the Agriculture Committee, Mr. DE LA GARZA, and the ranking member, Mr. MADIGAN, in bringing this bill to the floor today. Their assistance has been invaluable in first getting the initial disaster relief measure enacted and in getting this much needed technical fix made to it. I urge my colleagues to support it.

Mr. ROBERTS. Mr. Speaker, I thank my colleague, the gentleman from Kansas, for his explanation.

I would like to assure my colleagues that this bill has been cleared by the minority, including the minority leader, the gentleman from Illinois [Mr. MICHEL], the gentleman from Illinois [Mr. MADIGAN], and obviously myself. This will certainly clear up a great many problems in farm country. It is a technical correction bill.

Mrs. SMITH of Nebraska. Mr. Speaker, I rise today to express my support for S. 1792 to amend the Disaster Assistance Act of 1989 to avoid penalizing producers who planted a replacement crop on disaster-affected acres.

Congress, following a second straight year of devastating dry weather conditions, passed legislation to help those producers in most need of assistance. This drought relief package, now Public Law 101-82, was brought to the floor with great speed in order that we might provide the most timely assistance possible.

However, in our rush to complete disaster assistance legislation, we overlooked a minor provision that promises to unfairly reduce the assistance provided to farmers who planted a second crop to replace drought-destroyed acres.

For example, wheat producers who certified a failed wheat acreage and planted a second crop to increase their incomes, found that current policy cut their disaster benefits without adequately accounting for production costs. This policy left many farmers feeling that they were being penalized for their extra effort in planting a second crop, while those who did not undertake the additional labor, time, and expense were rewarded.

S. 1792 will correct our technical oversight and provide equitable drought assistance payments to producers who planted replacement crops. This legislation will more properly account for the value of replacement crops in determining the amount of disaster assistance producers may receive.

Upon the President's approval, this legislation directs the Secretary of Agriculture to reduce disaster assistance payments by an amount that reflects the net or actual value—not the gross value—of any crop farmers planted to replace failed crops.

I would like to thank my colleagues on the House Agriculture Committee for their careful attention to this problem and offer my special thanks to my friend and colleague, Mr. ROBERTS, and my colleague, Mr. GLICKMAN, for their leadership in bringing this amendment before the House to ensure that producers who planted replacement crops receive fair and equitable treatment.

Mr. COMBEST. Mr. Speaker, as many people in the farming community know, there has been a gross misinterpretation of the replacement crop provision in section 110 of the 1989 Crop Disaster Act. Rather than count the net value of the second crop, the Department of Agriculture has taken the intent of Congress and twisted it into an unfair provision. This interpretation will penalize those farmers who tried to salvage a crop year by planting a second crop in good faith. Furthermore, USDA will reward those people who did nothing but wait for Federal disaster payments.

Today, we are considering legislation which would address this matter. However, I am concerned that this may simply be nothing more than a piecemeal fix to a problem that needs a solid solution. Under this legislation, we are offering only partial relief and creating other problems. This is especially true in regard to how the value of the second crop is calculated, with no regard to irrigated and nonirrigated acreage.

Earlier this year I introduced legislation which would be a solid fix to this problem. My legislation is very simple. It would define the value of the second crop as net value and allows the cost of production to be determined on a county-by-county basis. Therefore, you are preventing double payments, while providing much needed relief to U.S. farmers. It is important that we do not penalize the producer who tried to offset losses and prevent damage to farmland caused by erosion.

Although this legislation is a step in the right direction, it does not put the issue to rest. The ideal case would have been if the Department of Agriculture had listened to the calls of farmers and corrected the situation administratively. Unfortunately, a correction was not made, and therefore we are faced with passing a partial correction.

Mr. ROBERTS. Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The Clerk read the Senate bill, as follows:

S. 1792

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

SECTION 1. REPLANTED ACREAGE.

Section 110 of the Disaster Assistance Act of 1989 (Public Law 101-82, 7 U.S.C. 1421 note) is amended to read as follows:

"SEC. 110. NO DOUBLE PAYMENTS ON REPLANTED ACREAGE.

"(a) REDUCTION OF DISASTER PAYMENTS.—Effective only for producers on a farm who receive disaster payments under this subtitle for a crop of a commodity, the Secretary of Agriculture shall reduce such payments by an amount that reflects the net value (as determined under subsection (c)) of any crop such producers plant for harvest in 1989 to replace the crop for which disaster payments are received.

"(b) REPLACEMENT CROPS.—For purposes of subsection (a), a crop shall be considered to be planted to replace the crop for which disaster payments are received if (because of loss or damage to the first crop due to damaging weather or related condition in 1988 or 1989) the second crop is planted on the same acreage on which the producers planted, or were prevented from planting, the first crop.

"(c) ADMINISTRATION.—

"(1) DETERMINATION OF VALUE.—In carrying out this section, the Secretary shall—

"(A) only consider any production of the second crop that is in excess of 50 percent of the county average yield for such crop;

"(B) base the value of the excess second crop production on average market prices for the second crop during a representative period; and

"(C) reduce the value of such excess second crop production by 25 percent.

"(2) HISTORICAL CROPPING PATTERNS.—In carrying out this section, the Secretary shall take into account the historical cropping patterns of producers.

"(3) REDUCTION ONLY APPLICABLE TO REPLANTED ACREAGE.—The reduction provided for in this subsection shall only be applied against payments due with respect to acreage that was replanted.

"(4) FUTURE CROPPING PRACTICES.—In carrying out this section, the Secretary may make adjustments to the crop acreage bases to reflect crop rotation practices because of the occurrence of a natural disaster or other similar condition beyond the control of the producer in determining a fair and equitable crop acreage base.

"(d) SEPARATE CONSIDERATION OF PLANTED AND REPLANTED ACREAGE.—In determining disaster payments under this subtitle, the Secretary shall consider separately payments due with respect to acreage that was not replanted and payments due on acreage that was replanted.".

SEC. 2. MARKETING QUOTAS.

(a) FARM POUNDAGE QUOTAS.—

(1) IN GENERAL.—Section 319 of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1314e) is amended—

(A) in subsection (d)—

(i) by striking "October 1, 1982" and inserting "for the previous marketing year"; and

(ii) by striking "1978 crop year" and inserting "immediately preceding 5 crop years"; and

(B) in the second sentence of subsection (e), by striking "marketing year beginning October 1, 1982" each place it appears and inserting "previous marketing year".

(2) ACREAGE—POUNDAGE QUOTAS.—Section 317(a)(6)(B) of such Act (7 U.S.C. 1314c(6)(B)) is amended by striking "years 1960 to 1964, inclusive, may be used, as determined by the Secretary" and inserting "immediately preceding 5 crop years shall be used by the Secretary".

(b) LEASE OR SALE OF ACREAGE ALLOTMENTS.—Section 316(c) of such Act (7 U.S.C. 1314b(c)) is amended by striking all after the first sentence and inserting "The transfer shall be approved acre for acre.".

SEC. 3. COST REDUCTION OPTIONS.

Section 1009(d) of the Food Security Act of 1985 (7 U.S.C. 1308a(d)) is amended—

"(1) by inserting after "nonrecourse loan program" the following "(including the program authorized by section 110 of the Agricultural Act of 1949 (7 U.S.C. 1445e))";

(2) by striking "savings" and inserting "benefits"; and

(3) by striking "forfeited commodity," and all that follows through the period at the end of the sentence and inserting "forfeited commodity.".

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. GLICKMAN

Mr. GLICKMAN. Mr. Speaker, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mr. GLICKMAN: Strike out all after the enacting clause and insert in lieu thereof the following:

SECTION 1. REPLANTED ACREAGE.

Section 110 of the Disaster Assistance Act of 1989 (Public Law 101-82; 7 U.S.C. 1421 note) is amended to read as follows:

"SEC. 110. NO DOUBLE PAYMENTS ON REPLANTED ACREAGE.

"(a) REDUCTION OF DISASTER PAYMENTS.—Effective only for producers on a farm who receive disaster payments under this subtitle for a crop of a commodity, the Secretary of Agriculture shall reduce such payments by an amount that reflects the net value (as determined under subsection (c)) of any crop such producers plant for harvest in 1989 to replace the crop for which disaster payments are received.

"(b) REPLACEMENT CROPS.—For purposes of subsection (a), a crop shall be considered to be planted to replace the crop for which disaster payments are received if (because of loss or damage to the first crop due to damaging weather or related condition in 1988 or 1989) the second crop is planted on acreage on which the producers planted, or were prevented from planning, the first crop.

"(c) ADMINISTRATION.—

"(1) DETERMINATION OF VALUE.—In carrying out this section, the Secretary shall—

"(A) only consider any production of the second crop that is in excess of 50 percent of the county average yield for such crop;

"(B) base the value of the excess second crop production on average market prices for the second crop during a representative period; and

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SEC. 3. COST REDUCTION OPTIONS.

Section 1009(d) of the Food Security Act of 1985 (7 U.S.C. 1308a(d)) is amended—

(1) by inserting after "nonrecourse loan program" the following "(including the program authorized by section 110 of the Agricultural Act of 1949 (7 U.S.C. 1445e))";

(2) by striking "savings" and inserting "benefits"; and

(e) by striking "forfeited commodity," and all that follows through the period at the end of the sentence and inserting "forfeited commodity.".

Mr. GLICKMAN. Mr. Speaker, the amendment contains the language that I pointed out in explaining the basic bill, and I ask for its adoption.

The SPEAKER pro tempore. The question is on the amendment in the nature of a substitute offered by the gentleman from Kansas [Mr. GLICKMAN].

The amendment in the nature of a substitute was agreed to.

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

29-059 O-90-46 (Pt. 18)

GENERAL LEAVE

Mr. GLICKMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include therein extraneous material on the Senate bill just passed.

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

There was no objection.

CONFERENCE REPORT ON H.R. 2991, DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 1990

Ms. SLAUGHTER of New York. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 274, and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 274

Resolved, That upon the adoption of this resolution it shall be in order to consider the conference report on the bill (H.R. 2991) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1990, and all points of order against consideration of the conference report for failure to comply with the provisions of section 302(f) of the Congressional Budget Act of 1974, as amended (Public Law 93-344, as amended by Public Law 99-177) are hereby waived, All points of order against consideration of the motions printed in the joint statement of the managers to dispose of Senate amendments numbered 43 and 80 for failure to comply with the provisions of section 303(a) of the Congressional Budget Act of 1974, as amended, are hereby waived. All points of order against the motion printed in the joint statement of the managers to dispose of Senate amendment numbered 187 for failure to comply with the provisions of clause 7 of rule XVI are hereby waived.

The SPEAKER pro tempore. The gentlewoman from New York [Ms. SLAUGHTER] is recognized for 1 hour.

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

Mr. Speaker, House Resolution 274 provides for the consideration of the conference report on H.R. 2991, making appropriations for the Departments of Commerce, Justice, and State, the judiciary, and related agencies for the fiscal year ending September 30, 1990.

This resolution provides for three waivers of the House rules so that the House can consider the complete package the conferees have worked out over the past few days.

The rule waives section 302(f) of the Congressional Budget Act which prohibits consideration of any bill which would cause the subcommittee's 302(b) allocation of credit authority to be exceeded. In the Small Business Administration section of the conference report, the subcommittee's 302(b) allocation of credit authority has been exceeded. If this waiver is not granted, the entire conference report could be ruled out of order. Therefore, the waiver is necessary if the House is to be allowed to consider the conference report.

The rule also waives points of order under section 303(a) of the Congressional Budget Act against consideration of the motions to dispose of Senate amendments numbered 43 and 80, providing funding for redress payments to Japanese-American internees under the Civil Liberties Act of 1988. Section 303(a) prohibits consideration of budgetary legislation before the concurrent resolution on the budget for that fiscal year has been adopted.

Senate amendment 43 would appropriate up to $500 million in fiscal year 1991 for redress payments to Japanese-Americans as authorized by Public Law 100-383, the Civil Liberties Act of 1988. Senate amendment 80 would establish beginning in fiscal year 1991 an entitlement for redress payments to Japanese-American internees, subject to the availability of funds in the civil liberties public education fund.

Finally, the rule waives points of order under clause 7 of rule XVI, which prohibits nongermane amendments, against consideration of the motion to dispose of Senate amendment 187. Amendment 187 includes language not included in either the original House or Senate versions of the bill.

Mr. Speaker, the House passed H.R. 2991 on August 1. Unfortunately the other body did not finish its consideration of the bill until September 29. The conference committee has now worked out the differences in the two bills and its report to the House has been unanimously endorsed by the House conferees.

The Appropriations subcommittee asked for and the Rules Committee agreed to these waivers so that the House can consider the conference report as a whole and in its entirety. The granting of these waivers merely allows the House to consider and work its will on these provisions.

I want to emphasize that these waivers in no way affect the usual procedures of dealing with amendments in disagreement in appropriations conference reports. The amendments which the rule will protect from points of order are still open to debate and subject to votes in the usual manner.

Mr. Speaker, the Commerce, Justice, State, the judiciary, and related agencies appropriations bill appropriates $17.2 billion for many of the core functions of our Government. The Federal courts and law enforcement agencies fulfill our constitutional mandates to "establish justice" and "insure domestic tranquility." The Commerce Department, the Trade Representative, and the Small Business Administration work to keep American businesses competitive. The State Department and the U.S. Information Agency represent our country in 165 nations around the globe.

This bill provides $7.6 billion for agencies in the front line of our war on drugs including the FBI, the Drug Enforcement Agency, and the Federal Prison System. When combined with an additional $1.9 billion in the Transportation appropriations bill, our fiscal year 1990 expenditures in this crucial effort will exceed $9.4 billion.

Mr. Speaker, today we are 26 days into the 1990 fiscal year. As lawmakers we have a responsibility to act as expeditiously as possible on this and other overdue appropriations measures. This rule will allow the House to consider this important conference report in its entirety, while still protecting Members' rights to debate and vote on its provisions. I ask my colleagues to support the rule so that we may proceed with consideration of the merits of this legislation.

□ 1040

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

Mr. Speaker, I would say to the press and to the Members back in their offices, "Listen up." Mr. Speaker, and Mr. MOAKLEY, where has all the fairness gone? Please come over here and take a look at these two brochures that I made up praising Speaker TOM FOLEY, praising Chairman MOAKLEY for their statements promising fairness.

Where has all the fairness gone? Mr. Speaker, as the gentlewoman from New York [Ms. SLAUGHTER] has stated, and I have deep respect for the gentlewoman from New York, this rule will make in order the consideration of H.R. 2991, fiscal year 1990 appropriations for the Departments of Commerce, Justice, and State.

Mr. Speaker, I do not usually stand up here and explain the technical details of a rule whenever I manage a bill on this side of the aisle. However, Mr. Speaker, on this occasion I believe it is particularly important for Members to know what they are voting on, because this is one of the worst rules to ever come before this body; under Speaker FOLEY, under Speaker Wright, under Speaker Tip O'Neill, God bless him, it is one of the worst rules we're seen in a long time.

Mr. Speaker, this rule contains three important waivers of provisions, not of just House rules, but of law. We in this body are waiving the law.

First, the rule waives section 302(f) of the Budget Act. Section 302(f) prohibits new entitlement or credit authority in any legislation that is passed after the concurrent budget resolution has already been enacted, which in fact we have already done. We are now being asked to waive this provision of law; not House rules, of law. This is a blanket waiver affecting the entire conference report; and it opens the way, at least, for spending ceilings, already enacted by this body, to be exceeded.

Mr. Speaker, if my colleagues are picking up a whiff of yet another breach of fiscal discipline, I think they are on the right track.

I know, of course, someone may come back and say that the waiver will only be used to provide some extra loan authority for the Small Business Administration. However, Mr. Speaker, my point is this: Just when and where does this process stop,

We are not being asked in this rule to just set aside House rules. We are now being asked to set aside law.

Mr. Speaker, there is not a Member of this House, particularly on the other side of the aisle, who would not be talking about impeachment if President Bush issued waivers at will setting aside laws that he finds inconvenient. There were resolutions put in on the other side of the aisle to impeach Richard Nixon, to impeach Ronald Reagan, for supposedly doing this. And here we are doing the same thing. That is exactly what the House is doing today.

Mr. Speaker, my colleagues, the second big waiver in this rule concerns section 303(a) of the Budget Act, the law of the land. Section 303(a) prohibits new budget, entitlements or credit authority for a subsequent fiscal year from being enacted before the current budget resolution for that subsequent fiscal year has been enacted. This rule is aimed in part at controlling the proverbial "outyear" spending, which is how we get ourselves in such budgetary trouble. We are being asked today to waive it in order to accommodate two Senate amendments: Numbers 43 and 80.

Mr. Speaker, I hope my colleagues take the time to read those two Senate amendments with which the House position in the conference report is in technical disagreement. These two amendments have to do with the payments to Japanese-Americans. Mr. Speaker, I have no inclination today to debate the merits of the Civil Liberties Act of 1988 or that whole issue, and at the appropriate time the gentleman from California [Mr. MINETA] and I will be having a colloquy to determine just what can be expected in the implementation of that act under the terms of this conference report.

Suffice it to say for the moment that my real concern is the process here today. Here we are being asked to waive the law so that we can accelerate a program into the next fiscal year when we could not keep it going this year in a timely fasnion as required by law.

As my colleagues know, Congress has a real talent for second-guessing the past, dreaming about the future, and doing everything except facing up to the present, which we are not doing here today. Mr. Speaker, if we could do our jobs as required by law, we would not have to issue waivers like this; and, if we could establish spending priorities for the present fiscal year, we would not have to preempt our priorities for next year. I ask my colleagues, "Why don't we do our job?"

Finally, Mr. Speaker, the third waiver in this proposed rule really takes the cake. We are being asked to set aside our own rules, rule XVI, clause 7. Remember the rule book? Has anyone even looked at the rule book lately?

Rule XVI, clause 7, prohibits nongermane amendments. That is why we are so much better than the other body, because we insist that amendments be germane. But here we are, willy-nilly, just waiving that rule. It is as simple as that.

Mr. Speaker, we are being asked to waive the germaneness rule in order to accommodate, listen to this: Amendment No. 187, another item in which the House is in disagreement with the Senate. I hope my colleagues are listening because, if they are like me, they have a lot of private colleges in their district which need help.

But what are we doing today? This provision gives $15.2 million in appropriations for new facilities at three selected colleges, none of yours, none of mine, but three of them out there for somebody. Neither the House bill, nor the Senate bill, as passed, contain any such provision.

Does that tell my colleagues something? That means it is a nonconferenceable item. How in the devil did it get in this bill, this conference report?

So, Mr. Speaker, here we are waiving House rules in order to accommodate a nongermane amendment which was conjured up in conference.

A vote for this rule really is a vote to endorse the continuing corruption of the legislative process in this House. I do not want to belittle the work of the conferees, or their motives, because they have done a good job. However, Mr. Speaker, when a rule comes before the House with these kinds of waivers, an objective observer is led to no other conclusion but that the legislative process itself, the very thing that my colleagues and I live by, is breaking down.

□ 1050

So, Mr. Speaker, and my colleagues back in your offices if you are listening, this is a terrible rule. It breaks down all the rules of this House.

I hope that all of you Republicans come over here and vote no on the rule, and I hope that you fair-minded Democrats come over here and vote no on this rule. Let us get back to living by the rules of this House.

Ms. SLAUGHTER of New York. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me remind Members that the waiver of Senate Amendment 184 in no way prevents Members from objecting to motions to dispose of the disagreement with the Senate amendment. Members' rights to debate and vote on these projects are protected under this rule.

Mr. Speaker, for purposes of debate only, I yield 5 minutes to the gentleman from California [Mr. MINETA].

Mr. MINETA. Mr. Speaker, I rise in support of the rule. The adoption of this rule is a vital step toward implementing an important civil rights program as Congress intended.

I am speaking of the Civil Liberties Public Education Fund, which was created in August 1988 to compensate loyal Americans of Japanese ancestry for the abrogation of their civil rights by the Federal Government some 47 years ago.

Though the program was signed into law more than a year ago, no funds have yet been appropriated to provide this compensation. More than half of those eligible are over 60 years old. An estimated 2,400 of those eligible die every year.

Without the language included in this confrence report regarding the appropriation of moneys to this fund, many—if not most—of those affected will not receive the benefits which Congress envisioned.

Let me offer several statistics about the compensation program.

First, an estimated 60,000 people are eligible for compensation.

Second, as I mentioned, the majority are more than 60 years old. The eldest located so far is 107 years old. More than 1,300 are aged 90 and older.

Third, an estimated 200 eligible people are dying every month.

Fourth, not a single check has yet been issued because, through the domestic discretionary appropriations process, we have not been able to find any compensation moneys for either fiscal year 1989 or fiscal year 1990.

Under Public Law 100-383, up to $500 million may be appropriated in any 1 fiscal year for this program.

The Department of Justice, whose Office of Redress Administration administers the program, not only requested $500 million for fiscal year

1990, but $500 million for fiscal year 1989.

The agreement we will vote on today contains language which will fund the program as Congress intended, beginning in fiscal year 1991, but mandating an annual appropriation at the maximum level authorized in the law.

The intent of the Civil Liberties Act is clear. When Congress indicated that the program could be fully funded in just 3 fiscal years, we were saying that we wanted the compensation to be paid first to individuals.

This intent is obviously not being met. Yet we have an obligation to fill. This conference report will allow us to meet this responsibility to the best of our ability.

Mr. Speaker, the compensation program is unique. It is unique because of the aging population affected and because of the commitment which Congress made to these recipients and to our Constitution.

An injustice was done; and in the intervening 47 years, half of those who were wronged have passed away. Of those who do survive, the majority teeter on the brink of old age.

As a former Budget Committee member, I understand full well the pressures the Federal deficit is bringing to bear on the Congress, and the difficulty in finding money for programs, however worthy.

But it is more difficult for me, as a Member of this respected institution, to watch our commitment become empty words through inaction.

What do we tell the family of my friend, Ed Kawazoe? He died October 17, a victim of the earthquake, at the age of 52. He lived long enough to hear that his nation would apologize and compensate him for tragic events of 47 years ago, but not long enough for him to see this promise to become reality. Yes, Ed and Harry Kawanishi, age 101, and John Yeshima, age 72, and Steve Hirano, age 66, and thousands of others, all have died with their hopes cruelly awakened only to be dashed. They died still waiting for the stigma on their loyalty to be lifted.

This body cannot prevent the deaths of these elderly loyal Americans. But Congress can make the effort to disburse the redress compensation as quickly as possible.

Congress and the President made a promise last year to 60,000 loyal Americans. It is our responsibility to hasten this program along as quickly and as completely as possible.

I would like to remind my colleagues that the Government of Canada, which has a similar redress program issued its first check within 3 months of passage of the program. Their government began their program after we did, yet they plan to complete their program long before we issue our first check.

As the Senator from New Hampshire, one of the writers of Gramm-Rudman-Hollings, stated on the floor of the other body:

> There comes a time when something is the right thing to do, and this is one of those times. I hope we would have overwhelming support to waive the Budget Act to redress finally for the now elderly Americans the justice that money will never recompense.

He was talking specifically about this legislation, and his colleagues in the Senate did indeed vote overwhelmingly in support of this waiver.

My esteemed colleague, the chairman of the Budget Committee, has assured me that he does not oppose the waiver in this rule.

So let us keep our word. I urge you all to support this important legislation and to vote for this rule.

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

Mr. MINETA. I yield to the gentleman from New York.

Mr. SOLOMON. Mr. Speaker, at the outset let me just say how much I deeply admire and respect the gentleman in the well.

Second, there was no one of the two or three Members who have taken the lead on this issue who have worked any harder on this than the gentleman in the well.

The SPEAKER pro tempore. The time of the gentleman from California has expired.

Mr. SOLOMON. Mr. Speaker, I yield 3 minutes to the gentleman, if he will accept it.

Mr. MINETA. I do, and I yield to my colleague, the gentleman from New York.

Mr. SOLOMON. Mr. Speaker, let me just say, the gentleman has done yeoman work on this issue; and when it does come to fruition we should all heap praise on him, even though we may have some differences on the issue itself.

I would just like to clarify a couple things that concern some of us, because we are waiving the section in the Budget Act which prohibits entitlement programs from being enacted at this point in the legislative process, are concerned that these amendments are to be considered an entitlement program.

What is the intent of the gentleman? Are all these claims to be paid, or to be attempted to be paid, within the 3-year period, as originally stated in the legislation when it was passed by this House?

Mr. MINETA. Mr. Speaker, if I may reclaim my time, I am pleased that the gentleman brings this point up.

As the language in I believe it is amendment No. 43 in the conference report states, the moneys are appropriated "subject to the provisions of section 104(e) of the Civil Liberties Act of 1988."

Now, this provision referred to setting the total authorization of this bill at $1.25 billion, with up to $500 million to be appropriated in any 1 fiscal year. Therefore, the conference report language makes mandatory a 3-year period in which this program will be completed, beginning in fiscal year 1991.

□ 1100

In addition, other sections of the law which remain unchanged have set a 10-year authorization period for this legislation, and therefore sunsets it at that point. So there was some reference to an eternal entitlement program, but that is in fact not correct.

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

Mr. MINETA. I am pleased to yield to my colleague, the gentleman from New York.

Mr. SOLOMON. Mr. Speaker, that does relieve some of our concerns. In other words, what the gentleman from California is saying is that within the next 3 years, with appropriations of up to $500 million each year, all of these claims are to be settled.

However, if there are probates for estates to be settled, it could go over into the fourth, fifth, sixth, seventh, or eighth year, but the intent is not to establish an interminable entitlement program. The intent is to pay off these claims that are due, justly due under the law, within this 3-year period.

Mr. MINETA. Mr. Speaker, that is correct.

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

Mr. MINETA. I yield to the gentleman from Massachusetts, the chair of the subcommittee that considered this matter.

Mr. FRANK. Mr. Speaker, I thank the gentleman from California. As the gentleman said with the subcommittee I chair that brought out this bill which had bipartisan support, I think what the gentleman from New York is doing is useful.

Obviously we are all leery of setting entitlements. Generally by entitlement we mean, and no one is misstating it, but we should be clear, we mean we are creating a whole new kind of indefinite class of people who have an annual claim on the Treasury.

Here we are dealing with a very limited class of people, so limited in fact no one has entered it since 1945 and no one else may ever enter it.

This is not even a general piece of language on internment. None of us think this is going to happen again. This bill that the appropriation references deals only with those people who are interned up until 1945.

So this is a class of people that cannot be expanded. It is a set of claims that cannot be expanded. It is a

very, very limited claim. So in that sense it is different from other sorts of entitlements.

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

Mr. MINETA. I yield to the gentleman from Kentucky.

Mr. ROGERS. Mr. Speaker, I thank the gentleman for yielding. The point is, whether we call it an entitlement or whatever, it is a mandatory item, which means it goes to the top of the list, when we are talking about funding education or child care or other things.

By this language we are putting the Japanese-American separation payments above all of those.

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

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

Mr. FRANK. Mr. Speaker, I agree with that. It is not exceptional. We are saying this $1.5 billion is going to be paid. If I calculate correctly, that is about 1 percent of what we said previously this year we are going to do with the saving and loan depositors, and I believe we should pay off those people. They are people we promised too.

Given it is a very limited category of people, the $500 million per year will not strain our ability to do other things.

This was originally entitled entitlement. We changed that. We talk about a 3-year period. It is actually a 4-year period from the time we began consideration of the bill in 1988. We said for that current year there would be nothing.

The only question is when we passed this bill, did we contemplate paying it? It was my sense that those Members that voted for the bill by a large majority contemplated paying it.

I believe by the appropriations sticking to the terms of the bill, the $500 million a year strictly limited is not going to strain our ability to pay other things.

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

Mr. MINETA. I yield to the gentleman from Kentucky.

Mr. ROGERS. When we passed that bill in 1988, did we have in mind that we put it above child care and above agriculture programs, above the war on drugs, above every other item in the budget entitlements?

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

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

Mr. FRANK. Mr. Speaker, my interpretation is we put it on the same level. That is all we are doing here. We said we would pay it. The alternative has been, unfortunately, to not put it at any level at all and not pay it.

Mr. SOLOMON. Mr. Speaker, I yield 7 minutes to the gentleman from Pennsylvania [Mr. WALKER].

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

I rise disappointed by this rule, in fact somewhat nauseated by it.

REQUEST TO STRIKE LANGUAGE IN HOUSE RESOLUTION 274

Mr. WALKER. If this, as it has just been described here, is not an entitlement program, then, Mr. Speaker, I would ask unanimous consent that we strike in the rule the sentence beginning on line 7, "All points of order * * *" and ending on line 12 with the word "waived."

Ms. SLAUGHTER of New York. Mr. Speaker, a point of order. The gentleman is not recognized for that purpose.

Mr. WALKER. Mr. Speaker, I am asking unanimous consent. I am making a unanimous-consent request that that language be stricken.

Mr. FRANK. Mr. Speaker, I object.

The SPEAKER pro tempore (Mr. JOHNSTON of Florida). Objection is heard.

Mr. WALKER. Mr. Speaker, then that proves the point. This is an entitlement program. We do not have to debate it here, it is an entitlement program. It is being waived in the act as an entitlement program because it is an entitlement program, and if you ask to strike the language that says it is not an entitlement program, then that is objected to.

Let me say flat out, this is an entitlement program we are waiving in the Budget Act. The fact is we are waiving a bunch of other stuff here too.

The gentlewoman from New York, when she stood to make her statement, said flatly with the blanket waiver of section 302(f) of the Budget Act, if this is not approved, the whole conference report could be ruled out of order.

That is probably right. It should scare the devil out of us that we are bringing a conference report to the floor that would be ruled out of order if we did not waiver the Budget Act for it.

We have had a lot of talk here in the last few minutes about commitments. What about the strong commitment that Members have to the rules of the House, or should have to the rules of the House, and a strong commitment to the law of the land? Do those mean nothing?

The Rules Committee is no longer a place where the rules of the House and the rights of the Members are protected. The Rules Committee has become a place where we go to evade the rules and find ways to do things that we ought not do under the rules.

The gentlewoman from New York herself has talked about protecting Members' rights. One of the chief Members' rights on this floor is to make a point of order under the rules against things that are not right to do.

So what happens in the Rules Committee? Members go to the Rules Committee who know their bill is in violation, and they say, let us not give the Members the right to do that. Why? We have money that we want to spend. We have got pork that we have to protect. So let us waive the rules to protect the pork.

Let me tell Members, the waiver of rule XVI, clause 7 of the House rules is nothing but a pork protector. That is the only reason why it is in there.

It is not pork from the House, it is pork from the Senate. The Senate has become the legislative equivalent of pork-belly futures. We are protecting them under the rules of the House.

I think it is high time Members face up to what we are doing when we do these kinds of rules, that we are waiving the law of the land in the Budget Act. There are not mere technical waivers, they are real waivers. The gentlewoman from New York herself admitted that, that the whole bill could come down if we do not approve this one waiver, and in the case of the other one we are going to create a brand new entitlement program that if we do not put that waiver of law in, the entitlement program takes place.

I believe it is an absolute disaster that this kind of rule comes to the House floor.

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

Mr. WALKER. I yield to the gentleman from New York.

Mr. SOLOMON. Mr. Speaker, I appreciate the gentleman's remarks. The reason I started off in our debate calling attention to Members on both sides of the aisle and back in their office, is that this is the first time, I believe, in the recent history of the U.S. Congress that we have ever waived the Budget Act to establish an entitlement program. That is why it is so important for us to pay attention.

Certainly, I believe, if a clean bill came to the floor establishing an entitlement program, it probably would pass. There are many Members that would vote for it. But to do this by waiving the Budget Act sets a terrible precedent that we are all going to regret. The taxpayers of this Nation are going to regret it.

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

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

Mr. FRANK. Like the gentleman from Pennsylvania, I try to be very careful about what I say. I never said it was not an entitlement. I said it was an entitlement very different than the usual phrase by which we refer to this program in that it is not open-ended, it does not create a category of new people.

Mr. WALKER. Mr. Speaker, I thank the gentleman from Massachusetts for

his explanation. Let me say to the gentleman that we always have these distinctions that are made when we bring these kinds of programs to the floor. The fact is what Members are committed to around here is spending other people's momey. We have all of these things we making moral commitments to. Somehow we never remember the fact that what we are doing is coercing money out of the pockets of very hard-working Americans to do all of these good things we want to do.

□ 1110

And now the rules of the House are being waived, the law of the land is being waived in order to continue the coercion on spending. And I suggest it is a little nauseating.

Ms. SLAUGHTER of New York. Mr. Speaker, for purposes of debate only, I yield 5 minutes to the gentleman from Hawaii [Mr. AKAKA].

Mr. AKAKA. Mr. Speaker, I commend the Rules Committee for the rule on this conference report. While it waives points of order against provisions of the Budget Act, these waivers are fair and appropriate under the circumstances.

Specifically, the rule provides a waiver against provisions of the conference agreement which make the civil liberties public education fund, better known as the Redress Program, an entitlement beginning in fiscal year 1991. This waiver is entirely appropriate and should have the support of every Member of the House.

Let me emphasize that what is being waived is the Budget Act, and not the requirements of Gramm-Rudman-Hollings. Nor are we busting the budget by granting this waiver. Every dime appropriated for the Redress Program will be subject to full accounting under the budget process and will fall within the Gramm-Rudman ceiling.

The rule only waives the technical requirement of the Budget Act that a budget resolution first be adopted by the House before a bill creating a new budget authority can be considered on the House floor. This waiver is necessary because the budget resolution which governs the new budget authority in this bill, namely the concurrent budget resolution for fiscal year 1991, cannot be considered by the House until next spring at the earliest.

Let me remind my colleagues that the new fiscal year began nearly a month ago. Obviously, we cannot wait until spring for next year's budget resolution to be considered before we take up the bill making appropriations for the Department of Commerce, the Department of Justice, and the Department of State, as well as for the Federal judiciary.

Among other things, this bill provides nearly $10 billion to fight the war on drugs. The departments and agencies funded under this bill include the Drug Enforcement Administration, the Federal Bureau of Investigation, the U.S. Attorneys Office and the Marshals Service, and a host of other Federal activities related to deterring, detaining, and incarcerating drug offenders. This bill also funds the 1990 census. We must take up this appropriations bill as soon as possible, and that is why this rule is necessary.

With respect to waiving the Budget Act, I want to point out to my colleagues that when we passed the Budget Act we also approved a process for waiving its provisions, for good cause shown. This provision appears in section 904 of the law. Clearly, if there were no circumstances under which a waiver of the Budget Act should be granted, the act would not contain a waiver provision. The opportunity to grant a waiver has been established by law, and that is why we are making use of it today. Waivers such as this have not been granted indiscriminately. Rather, they have been provided on a prudent and selective basis.

I urge my colleagues to support this rule so that we can proceed to this important appropriations bill.

Mr. SOLOMON. Mr. Speaker, I yield 3 minutes to the gentlewoman from Illinois [Mrs. MARTIN], a member of the Committee on Rules.

Mrs. MARTIN of Illinois. Mr. Speaker, a nameless member of the Committee on Rules described the reason that God gave us two hands: One was to hold your nose, while with the other we voted "yes" on a terrible bill. This rule is so bad that two hands are not enough.

We have a conference report which should not need a rule; they are privileged matters. Yet because the conferees have violated at least three major rules, including two Budget Act provisions, the report was tacked onto the Rules Committee agenda at the last minute Tuesday without prior notice.

That alone was enough to give warning the some skulduggery was afoot. Especially in the Halloween season, which I suspect should not be surprising.

Ordinarily, when conference reports come to the Rules Committee, it is to waive the 3-day layover rule or the Budget Act or a scope point of order against the conference report. And indeed in this case we have waived 302(f) of the Budget Act. But, Mr. Speaker, this rule does not stop there.

For the first time in my memory we are waiving points of order against amendments in disagreement. The first two amendments, numbered 43 and 80, relate to payments to Japanese-American internees. I know and I can understand the strong feeling. I would like to concentrate on the third waiver granted.

Unless you are from New Jersey, Kansas, or South Carolina, I do not believe there should be a great deal of emotion involved.

The third amendment, No. 187, authorizes a total of $15.5 million for three colleges and universities even where we have rules against authorizing on appropriation bills and even though none of these provisions was in the original House or Senate bill.

Mr. Speaker, enough is enough. The time has come to call a halt to these shenanigans, sneaking items onto conference reports in the dead of night. This is the kind of thing that causes people to think that this Congress, indeed, does not have the best interests of the people in mind.

I know the argument will be made that the funds for these projects are available in already enacted appropriation bills and that simply—always be wary of the word "simply"—gives the Secretary of Education authority to go ahead and spend the money.

Never mind that we have put the cart ahead of the horse in this crazy process and the cart is backing off a cliff marked "deep deficit."

The fact is, Mr. Speaker, we will never climb out of that deep gulch filled with red ink as long as we all insist on pulling our little carts with goodies and backing off that cliff.

The former beloved Senator from Illinois, Edward Dirksen, used to say, "A million here and a million there, and pretty soon you're talking about real money."

Let us begin to follow a little orderly process around this place. Maybe we can begin to restore a little fiscal sanity in the process.

I do urge, and I know it is difficult, defeat of this rule. Failing that, I at least urge my colleagues to join with me in voting down the motion to concur in amendment No. 187 with an amendment which authorizes three college projects worth $15.5 million.

Mr. SOLOMON. Mr. Speaker, I thank the Senator, I mean the Congresswoman, for her remarks.

Mr. Speaker, I yield 1 minute to the gentleman from Kentucky [Mr. ROGERS], a member of the Committee on Apropriations.

Mr. ROGERS. I thank the gentleman for yielding.

Mr. Speaker, back to the point of whether or not these payments, the Japanese-American internee payments, are entitlements or otherwise.

I point to section 110 of the conference report, one of the two that is in question here. Section 110 is headed "Entitlements to Eligible Individuals."

It goes on to say, in part, "The payments to be made," and I am quoting from the conference report the language of the Senate, "The payments to be made to any eligible individual under the provisions of this title shall be an entitlement."

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

Mr. Speaker, in conclusion, we know there is a lot of sincere concern about the Japanese-American reparations. But that is not the issue here. The issues here today are this proposed rule and the breakdown of the rules in this House.

There is no question at all about the fact that we are establishing an entitlement program.

Page 42 of the conference report specifically says, as the gentleman from Kentucky has outlined, "Entitlements to Eligible Individuals."

It goes on to establish an entitlement program.

I tried in our colloquy with the gentleman from California [Mr. MINETA], to have it stated that this is not an entitlement program, and he did just that. But I am not sure that that is good enough, because if we enact this conference report we are in effect establishing an entitlement program. That is wrong under the rules of this House.

Mr. Speaker, I would hope that all Members, when a vote is called for, will come over here and live up to the rules of this House and vote against the rule.

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

Ms. SLAUGHTER of New York. 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 SPEAKER pro tempore. The question is on the resolution.

The question was taken, and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SOLOMON. Mr. Speaker, I object to the vote on the ground 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 226, nays 189, not voting 18, as follows:

[Roll No. 312]

YEAS—226

Ackerman
Akaka
Alexander
Anderson
Annunzio
Anthony
Applegate
Aspin
Atkins
AuCoin
Barnard
Bates
Beilenson
Bennett
Berman
Bilbray
Boehlert
Boggs
Bonior
Borski
Bosco
Boucher
Boxer
Brennan
Brown (CA)
Bruce
Bryant
Bustamante
Campbell (CA)
Campbell (CO)
Cardin
Carper
Carr
Chapman
Clarke
Clay
Clement
Coleman (TX)
Collins
Condit
Conyers
Costello
Coyne
Crockett
de la Garza
DeFazio
Dellums
Derrick
Dicks
Dingell
Dixon
Donnelly
Dorgan (ND)
Downey
Durbin
Dwyer
Dymally
Early
Eckart
Edwards (CA)
Engel
English
Espy
Evans
Fascell
Fazio
Feighan
Flake
Foglietta
Ford (MI)
Frank
Frost
Gejdenson
Gephardt
Geren
Gibbons
Gingrich
Glickman
Gonzalez
Gordon
Gray
Guarini
Hall (OH)
Hatcher
Hawkins
Hayes (IL)
Hayes (LA)
Hefner
Hertel
Hoagland
Hochbrueckner
Horton
Hoyer
Hughes
Johnson (SD)
Johnston
Jones (NC)
Jontz
Kaptur
Kastenmeier
Kennedy
Kennelly
Kildee
Kleczka
Kolter
Kostmayer
LaFalce
Lancaster
Lantos
Laughlin
Lehman (CA)
Lehman (FL)
Levin (MI)
Levine (CA)
Lewis (GA)
Lipinski
Long
Lowey (NY)
Luken, Thomas
Manton
Markey
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McCurdy
McDermott
McHugh
McMillen (MD)
McNulty
Meyers
Mfume
Miller (CA)
Mineta
Moakley
Mollohan
Moody
Morella
Morrison (CT)
Morrison (WA)
Mrazek
Murtha
Nagle
Natcher
Neal (MA)
Neal (NC)
Nelson
Nowak
Oakar
Oberstar
Obey
Ortiz
Owens (NY)
Owens (UT)
Pallone
Pashayan
Patterson
Payne (NJ)
Pease
Pelosi
Penny
Perkins
Pickett
Pickle
Poshard
Price
Rahall
Rangel
Richardson
Rinaldo
Roberts
Roe
Rose
Rostenkowski
Rowland (GA)
Roybal
Sabo
Saiki
Sarpalius
Savage
Sawyer
Scheuer
Schroeder
Schuette
Schumer
Skaggs
Slattery
Slaughter (NY)
Smith (IA)
Smith (NJ)
Solarz
Spence
Spratt
Stallings
Stangeland
Stark
Stokes
Studds
Swift
Synar
Tallon
Torres
Torricelli
Towns
Traficant
Traxler
Udall
Unsoeld
Vento
Volkmer
Walgren
Watkins
Waxman
Weber
Weiss
Wheat
Whittaker
Whitten
Williams
Wilson
Wise
Wolpe
Wyden
Yates
Young (AK)

NAYS—189

Andrews
Archer
Armey
Baker
Ballenger
Bartlett
Barton
Bateman
Bentley
Bereuter
Bevill
Bilirakis
Bliley
Broomfield
Browder
Brown (CO)
Buechner
Bunning
Burton
Byron
Callahan
Chandler
Coble
Coleman (MO)
Combest
Conte
Cooper
Coughlin
Cox
Craig
Crane
Dannemeyer
Darden
Davis
DeLay
DeWine
Dickinson
Dornan (CA)
Dreier
Duncan
Dyson
Edwards (OK)
Emerson
Erdreich
Fawell
Fields
Frenzel
Gallegly
Gallo
Gaydos
Gekas
Gillmor
Gilman
Goodling
Goss
Gradison
Grandy
Grant
Green
Gunderson
Hall (TX)
Hamilton
Hammerschmidt
Hancock
Hansen
Harris
Hastert
Hefley
Henry
Herger
Hiler
Holloway
Hopkins
Houghton
Hubbard
Huckaby
Hunter
Hutto
Hyde
Inhofe
Ireland
Jacobs
James
Jenkins
Johnson (CT)
Jones (GA)
Kanjorski
Kasich
Kolbe
Kyl
Lagomarsino
Leach (IA)
Leath (TX)
Lent
Lewis (CA)
Lewis (FL)
Lightfoot
Livingston
Lloyd
Lowery (CA)
Lukens, Donald
Machtley
Madigan
Marlenee
Martin (IL)
Martin (NY)
McCandless
McCollum
McCrery
McDade
McEwen
McGrath
McMillan (NC)
Miller (OH)
Miller (WA)
Montgomery
Moorhead
Murphy
Myers
Nielson
Olin
Oxley
Packard
Panetta
Parker
Paxon
Payne (VA)
Petri
Porter
Pursell
Quillen
Ravenel
Ray
Regula
Rhodes
Ridge
Ritter
Robinson
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Rowland (CT)
Saxton
Schaefer
Schiff
Schulze
Sensenbrenner
Sharp
Shaw
Shays
Shumway
Shuster
Sikorski
Sisisky
Skeen
Skelton
Slaughter (VA)
Smith (NE)
Smith (VT)
Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Snowe
Solomon
Staggers
Stearns
Stenholm
Stump
Sundquist
Tanner
Tauke
Tauzin
Taylor
Thomas (CA)
Thomas (GA)
Thomas (WY)
Upton
Valentine
Vander Jagt
Visclosky
Vucanovich
Walker
Walsh
Weldon
Wolf
Wylie
Young (FL)

NOT VOTING—18

Brooks
Clinger
Courter
Douglas
Fish
Flippo
Florio
Ford (TN)
Garcia
Michel
Molinari
Parris
Russo
Sangmeister
Schneider
Smith (FL)
Smith (TX)
Yatron

□ 1142

Mr. RAY, Mr. OLIN, Mrs. BYRON, and Messrs. PAYNE of Virginia, DYSON, JENKINS, SHAYS, KANJORSKI, HUBBARD, and BEVILL changed their vote from "yea" to "nay."

Messrs. YOUNG of Alaska, ROBERTS, and GINGRICH changed their vote from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

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.

CONFERENCE REPORT ON H.R. 2991, DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 1990

Mr. SMITH of Iowa. Mr. Speaker, pursuant to House Resolution 274, I call up the conference report on the bill (H.R. 2991) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1990, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. JOHNSTON of Florida). Pursuant to House Resolution 274, the conference

report is considered as having been read.

(For conference report and statement, see proceedings of the House of October 20, 1989, at page 25384.)

The SPEAKER pro tempore. The gentleman from Iowa [Mr. SMITH] will be recognized for 30 minutes, and the gentleman from Kentucky [Mr. ROGERS] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Iowa [Mr. SMITH].

GENERAL LEAVE

Mr. SMITH of Iowa. 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 and amendments in disagreement on H.R. 2991, and that I be permitted to insert a table and extraneous matter following my remarks on the conference report.

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

There was no objection.

Mr. SMITH of Iowa. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this conference report has been long in coming. We passed the bill in the House on August 1, after a long period of hearings with many agencies and many witnesses, and at this point I want to thank the members of the committee, the subcommittee and the staff that worked on this bill. This bill went to the Senate, and, as we all know, it took the Senate considerable time to pass it. It was held up some over there because they were waiting for the additional requests from the administration for drug law enforcement and they did not come up until mid-September. So, Mr. Speaker, the bill did not pass the Senate until September 29.

I want to say this about this bill: The $7,580 million that is in this bill for the war on drugs is not all the funds that are available for that purpose. In addition, there is $1,912 million in title IV of H.R. 3015, the Transportation appropriations bill. My colleagues may not realize, by looking at the tables, but when they add together the amount of money that is in this conference report with the amount of money that is in the Transportation appropriations bill, they will find that there is a total of $9,492 million for the war on drugs for fiscal year 1990, and in each and every instance there is at least as much money appropriated as the administration requested. In fact, overall there is an additional $136 million over the amount the administrator requested for the war on drugs.

For the Department of Commerce, this bill provides for $3,527 million in budget authority; the Department of Justice, $6,277 million; the Department of State, $3,019 million; the judiciary, $1,577 million; and then for the related agencies the bill contains $2,847 million.

Mr. Speaker, the details are in the conference report, and I do not intend to repeat them. However, Mr. Speaker, I believe it is the best bill that we can come out with. As a matter of fact, it is a lot better than I thought we would have at the time the bill originally passed the House.

Mr. Speaker, a few years ago there were a number of reports about possible security problems at our Embassy in Moscow. Our subcommittee held extensive hearings on this matter with State Department officials and others in the administration, and at the subcommittee's direction, and with its support, the Department took the necessary action to investigate each of these items and correct them where necessary. While some of the work required is still in process, I believe that the Department is moving in the right direction to provide a secure and safe environment in the current facilities at the U.S. Embassy in Moscow for all U.S. personnel, and while there in August, I witnessed the substantial changes which have occurred. However, the subcommittee believes that it is appropriate at this time for the Department to submit a complete status report to the Appropriations Committees on its efforts to upgrade security at the Moscow Embassy, and that is all that is intended by the provision in the "Joint Explanatory Statement of the Managers" accompanying the conference report on this appropriations bill.

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY AND RELATED AGENCIES

	FY 1989 Enacted	FY 1990 Estimate	House	Senate	Conference	Conference compared with enacted
TITLE I - DEPARTMENT OF COMMERCE						
General Administration						
Salaries and expenses	$26,396,000	$29,009,000	$28,429,000	$28,250,000	$28,173,000	+$1,777,000
Office of the Inspector General	14,008,000	14,341,000	14,045,000	13,500,000	13,500,000	-508,000
Total, general administration	40,404,000	43,350,000	42,474,000	41,750,000	41,673,000	+1,269,000
Bureau of the Census						
Salaries and expenses	96,035,000	116,635,000	101,314,000	101,288,000	101,288,000	+5,253,000
Periodic censuses and programs	517,304,000	1,380,579,000	1,322,967,000	1,322,967,000	1,322,967,000	+805,663,000
Total, Bureau of the Census	613,339,000	1,497,214,000	1,424,281,000	1,424,255,000	1,424,255,000	+810,916,000
Economic and Statistical Analysis						
Salaries and expenses	32,899,000	32,861,000	32,861,000	31,150,000	31,150,000	-1,749,000
Economic Development Administration						
Economic development assistance programs	182,028,000	.....	.....	194,482,000	191,196,000	+9,168,000
(Limitation on loan guarantees)	(150,000,000)	.....	.....	(150,000,000)	(150,000,000)	.....
Salaries and expenses	24,742,000	20,000,000	26,061,000	25,500,000	25,475,000	+733,000
Total, Economic Development Administration	206,770,000	20,000,000	26,061,000	219,982,000	216,671,000	+9,901,000
International Trade Administration						
Operations and administration	167,502,000	174,591,000	179,579,000	181,296,000	181,296,000	+13,794,000
Export Administration						
Operations and administration	40,106,000	42,284,000	.....	41,800,000	42,000,000	+1,894,000
Minority Business Development Agency						
Minority business development	39,705,000	39,741,000	.....	39,741,000	39,741,000	+36,000
United States Travel and Tourism Administration						
Salaries and expenses	13,800,000	.....	.....	14,300,000	14,300,000	+500,000
National Oceanic and Atmospheric Administration						
Operations, research, and facilities	1,240,052,000	998,448,000	966,932,000	1,216,830,000	1,214,607,000	-25,445,000
Aviation weather services program (Airport and Airways Trust Fund)	28,717,000	30,000,000	.....	30,000,000	30,000,000	+1,283,000
(By transfer from Promote and Develop Fund)	(45,600,000)	(53,700,000)	.....	(51,900,000)	(55,000,000)	(+9,400,000)
(By transfer from Coastal Energy Impact Fund)	(6,500,000)	(8,500,000)	.....	(4,500,000)	(4,500,000)	(-2,000,000)
Fisheries promotional fund (availability of funds)	(3,000,000)	.....	.....	(2,000,000)	(2,000,000)	(-1,000,000)
Fishing vessel and gear damage fund	.....	1,000,000	1,000,000	1,000,000	1,000,000	+1,000,000
Fishermen's contingency fund	719,000	750,000	736,000	736,000	736,000	+17,000
Foreign fishing observer fund	1,919,000	2,000,000	1,986,000	1,986,000	1,986,000	+67,000
Total, National Oceanic and Atmospheric Administration	1,271,407,000	1,032,198,000	970,654,000	1,250,552,000	1,248,329,000	-23,078,000
Patent and Trademark Office						
Salaries and expenses	109,000,000	101,912,000	101,912,000	85,900,000	85,900,000	-23,100,000
Technology Administration						
Salaries and expenses	.....	4,100,000	.....	4,100,000	3,900,000	+3,900,000
National Institute of Standards and Technology						
Scientific and technical research and services	159,000,000	155,609,000	.....	175,600,000	163,609,000	+4,609,000
National Telecommunications and Information Administration						
Salaries and expenses	13,630,000	14,554,000	.....	14,200,000	14,200,000	+570,000
Public telecommunications facilities, planning and construction	20,000,000	.....	20,449,000	20,200,000	20,000,000	.....
National Endowment for Childrens' Educational Television	.....	.....	.....	2,500,000	.....	.....
Total, National Telecommunications and Information Administration	33,630,000	14,554,000	20,449,000	36,900,000	34,200,000	+570,000
Total, title I, Department of Commerce:						
New budget (obligational) authority	2,727,562,000	3,158,414,000	2,798,271,000	3,547,326,000	3,527,024,000	+799,462,000
(By transfer)	(52,100,000)	(62,200,000)	.....	(56,400,000)	(59,500,000)	(+7,400,000)
(Limitation on loan guarantees)	(150,000,000)	.....	.....	(150,000,000)	(150,000,000)	.....
(Availability of funds)	(3,000,000)	.....	.....	(2,000,000)	(2,000,000)	(-1,000,000)
TITLE II - DEPARTMENT OF JUSTICE						
General Administration						
Salaries and expenses	69,459,000	100,925,000	.....	90,664,000	87,439,000	+17,980,000
Office of the Inspector General	18,901,000	19,433,000	.....	20,673,000	20,673,000	+1,772,000
Total, general administration	88,360,000	120,358,000	.....	111,337,000	108,112,000	+19,752,000

	FY 1989 Enacted	FY 1990 Estimate	House	Senate	Conference	Conference compared with enacted
United States Parole Commission						
Salaries and expenses	10,893,000	10,335,000		10,261,000	10,500,000	-393,000
Legal Activities						
Salaries and expenses, general legal activities	250,594,000	303,967,000		262,491,000	257,000,000	+6,406,000
Vaccine injury compensation fund					1,000,000	+1,000,000
Independent counsel (permanent, indefinite)	6,000,000	6,000,000	6,000,000	6,000,000	6,000,000	
Civil liberties public education fund		20,000,000	50,000,000			
Salaries and expenses, Antitrust Division	44,937,000	47,222,000		42,222,000	32,222,000	-12,715,000
Salaries and expenses, United States Attorneys	460,212,000	525,561,000		444,862,000	444,862,000	-15,350,000
United States Trustees System Fund	47,370,000	62,777,000		60,729,000	60,729,000	+13,359,000
Salaries and expenses, Foreign Claims Settlement Commission	472,000	440,000		440,000	440,000	-32,000
Salaries and expenses, United States Marshals Service	208,900,000	240,846,000		217,027,000	217,027,000	+8,127,000
Support of United States prisoners	115,100,000	160,034,000		137,034,000	137,034,000	+21,934,000
Fees and expenses of witnesses	52,203,000	56,784,000		56,784,000	56,784,000	+4,581,000
Salaries and expenses, Community Relations Service	27,858,000	29,609,000		29,334,000	29,334,000	+1,476,000
Assets forfeiture fund	75,000,000	100,000,000	76,513,000	75,000,000	75,000,000	
Rescission	-2,232,000					+2,232,000
Total, legal activities	1,286,414,000	1,553,240,000	132,513,000	1,331,923,000	1,317,432,000	+31,018,000
Interagency Law Enforcement						
Organized crime drug enforcement		214,921,000		168,560,000	168,560,000	+168,560,000
Federal Bureau of Investigation						
Salaries and expenses	1,445,400,000	1,550,385,000		1,423,340,000	1,423,340,000	-22,060,000
Drug Enforcement Administration						
Salaries and expenses	551,700,000	556,481,000		492,180,000	492,180,000	-59,520,000
Immigration and Naturalization Service						
Salaries and expenses	830,200,000	898,959,000		823,486,000	828,300,000	-1,900,000
Immigration examinations fee				50,000,000	50,000,000	+50,000,000
Emergency Immigration fund				35,000,000	35,000,000	+35,000,000
Total, Immigration and Naturalization Service	830,200,000	898,959,000		908,486,000	913,300,000	+83,100,000
Federal Prison System						
Salaries and expenses	953,012,000	1,152,554,000		1,097,631,000	1,097,631,000	+144,619,000
National Institute of Corrections	9,590,000	10,112,000		10,112,000	10,112,000	+522,000
Buildings and facilities	331,793,000	1,401,332,000		401,332,000	401,332,000	+69,539,000
Federal Prison Industries, Incorporated:						
Borrowing authority	20,000,000					-20,000,000
(Limitation on administrative and vocational training expenses)	(7,051,000)	(2,857,000)		(2,857,000)	(2,857,000)	(-4,194,000)
Total, Federal prison system	1,314,395,000	2,563,998,000		1,509,075,000	1,509,075,000	+194,680,000
Office of Justice Programs						
Justice Assistance	299,075,000	421,253,000	305,843,000	304,976,000	309,976,000	+10,901,000
Rescission	-2,053,000					+2,053,000
Public safety officers' benefits program	24,000,000	25,000,000	25,000,000	25,000,000	25,000,000	+1,000,000
Total, Office of Justice Programs	321,022,000	446,253,000	330,843,000	329,976,000	334,976,000	+13,954,000
Total, title II, Department of Justice:						
New budget (obligational) authority	5,848,384,000	7,914,930,000	463,356,000	6,285,138,000	6,277,475,000	+429,091,000
(Limitation on expenses)	(7,051,000)	(2,857,000)		(2,857,000)	(2,857,000)	(-4,194,000)
TITLE III - DEPARTMENT OF STATE						
Administration of Foreign Affairs						
Salaries and expenses	1,789,250,000	1,880,760,000		1,744,467,000	1,741,489,000	-47,761,000
(By transfer)				(29,152,000)	(51,152,000)	(+51,152,000)
Office of the Inspector General		18,672,000		18,672,000	21,000,000	+21,000,000
Representation allowances	4,590,000	4,600,000		4,600,000	4,600,000	+10,000
Protection of foreign missions and officials	9,100,000	9,100,000		9,100,000	9,100,000	
Acquisition and maintenance of buildings abroad	240,021,000	348,100,000	129,200,000	348,100,000	348,100,000	+108,079,000
Emergencies in the diplomatic and consular service	4,500,000	4,700,000		4,700,000	4,700,000	+200,000
Payment to the American Institute in Taiwan	10,890,000	11,300,000		11,300,000	11,300,000	+410,000
Payment to the Foreign Service Retirement and Disability Fund	107,684,000	106,034,000	106,034,000	106,034,000	106,034,000	-1,650,000
Total, administration of foreign affairs	2,166,035,000	2,383,266,000	235,234,000	2,246,973,000	2,246,323,000	+80,288,000
International Organizations and Conferences						
Contributions to international organizations	485,940,000	714,927,000		668,011,000	622,000,000	+136,060,000
Contributions for international peacekeeping activities	29,000,000	111,184,000		111,184,000	81,500,000	+52,500,000
(By transfer from Defense and Foreign Operations)	(125,000,000)					(-125,000,000)
International conferences and contingencies	6,000,000	6,340,000		6,340,000	6,340,000	+340,000
Total, international organizations and conferences	520,940,000	832,451,000		785,535,000	709,840,000	+188,900,000

	FY 1989 Enacted	FY 1990 Estimate	House	Senate	Conference	Conference compared with enacted
International Commissions						
International Boundary and Water Commission, United States and Mexico:						
Salaries and expenses	10,261,000	10,460,000		10,460,000	10,460,000	+199,000
Construction	3,166,000	11,500,000		11,500,000	11,500,000	+8,334,000
American sections, international commissions	4,316,000	4,500,000		4,500,000	4,500,000	+184,000
International fisheries commissions	10,548,000	11,000,000		12,300,000	12,300,000	+1,752,000
Total, international commissions	28,291,000	37,460,000		38,760,000	38,760,000	+10,469,000
Other						
United States Bilateral Science and Technology Agreements	2,000,000	4,000,000		4,000,000	4,000,000	+2,000,000
Payment to the Asia Foundation	13,700,000	8,300,000		14,100,000	13,900,000	+200,000
Soviet-East European research and training	4,600,000	4,600,000		4,600,000	4,600,000	
Fishermen's guaranty fund	1,725,000	900,000		900,000	900,000	-825,000
Fishermen's protective fund		1,000,000	1,000,000	1,000,000	1,000,000	+1,000,000
Total, Other	22,025,000	18,800,000	1,000,000	24,600,000	24,400,000	+2,375,000
General Provisions						
Expenses of participation in U.S. - E.C. Interparliamentary Group	50,000					-50,000
Total, title III, Department of State:						
New budget (obligational) authority	2,737,341,000	3,271,977,000	236,234,000	3,095,868,000	3,019,323,000	+281,982,000
(By transfer)	(125,000,000)			(29,152,000)	(51,152,000)	(-73,848,000)
TITLE IV - THE JUDICIARY						
Supreme Court of the United States						
Salaries and expenses:						
Salaries of justices	1,116,000	1,154,000	1,154,000	1,154,000	1,154,000	+38,000
Other salaries and expenses	14,785,000	16,159,000	16,159,000	16,280,000	16,280,000	+1,495,000
Total, salaries and expenses	15,901,000	17,313,000	17,313,000	17,434,000	17,434,000	+1,533,000
Care of the building and grounds	2,131,000	5,714,000	3,300,000	5,547,000	4,400,000	+2,269,000
Total, Supreme Court of the United States	18,032,000	23,027,000	20,613,000	22,981,000	21,834,000	+3,802,000
United States Court of Appeals for the Federal Circuit						
Salaries and expenses:						
Salaries of judges	1,287,000	1,210,000	1,210,000	1,210,000	1,210,000	-77,000
Other salaries and expenses	7,013,000	7,775,000	7,620,000	7,390,000	7,620,000	+607,000
Total, salaries and expenses	8,300,000	8,985,000	8,830,000	8,600,000	8,830,000	+530,000
United States Court of International Trade						
Salaries and expenses:						
Salaries of judges	909,000	860,000	860,000	860,000	860,000	-49,000
Other salaries and expenses	7,091,000	7,563,000	7,412,000	7,412,000	7,412,000	+321,000
Total, salaries and expenses	8,000,000	8,423,000	8,272,000	8,272,000	8,272,000	+272,000
Courts of Appeals, District Courts, and Other Judicial Services						
Salaries and expenses:						
Salaries of judges	105,235,000	102,607,000	102,607,000	102,607,000	102,607,000	-2,628,000
Other salaries and expenses	1,064,765,000	1,286,867,000	1,247,196,000	1,187,317,000	1,184,817,000	+120,052,000
Subtotal	1,170,000,000	1,389,474,000	1,349,803,000	1,289,924,000	1,287,424,000	+117,424,000
Indefinite appropriation				40,000,000	40,000,000	+40,000,000
Offsetting receipts				-33,000,000	-33,000,000	-33,000,000
Total, salaries and expenses	1,170,000,000	1,389,474,000	1,349,803,000	1,296,924,000	1,294,424,000	+124,424,000
Defender services	110,100,000	167,260,000	133,260,000	118,787,000	86,627,000	-23,473,000
Fees of jurors and commissioners	48,135,000	58,700,000	58,700,000	54,700,000	54,700,000	+6,565,000
Court security	41,423,000	58,490,000		43,090,000	43,090,000	+1,667,000
Total, courts of appeals, district courts, and other judicial services	1,369,658,000	1,673,924,000	1,541,763,000	1,513,501,000	1,478,841,000	+109,183,000
Administrative Office of the United States Courts						
Salaries and expenses	33,600,000	34,670,000	32,670,000	34,670,000	33,670,000	+70,000
Federal Judicial Center						
Salaries and expenses	11,200,000	14,188,000	12,648,000	12,648,000	12,648,000	+1,448,000
Judicial Retirement Funds						
Payment to judicial officers' retirement fund	2,300,000	1,000,000	4,000,000	6,500,000	6,500,000	+4,200,000

	FY 1989 Enacted	FY 1990 Estimate	House	Senate	Conference	Conference compared with enacted
United States Sentencing Commission						
Salaries and expenses	5,183,000	6,920,000	6,520,000	6,520,000	6,520,000	+1,337,000
Total, title IV, the Judiciary, new budget (obligational) authority	1,456,273,000	1,771,137,000	1,635,316,000	1,613,692,000	1,577,115,000	+120,842,000
TITLE V - RELATED AGENCIES						
DEPARTMENT OF TRANSPORTATION						
Maritime Administration						
Operating-differential subsidies (liquidation of contract authority)	(248,900,000)	(225,870,000)		(225,870,000)	(225,870,000)	(-23,030,000)
Operations and training	66,250,000	66,300,000		64,050,000	65,050,000	-1,200,000
(By transfer)		(2,250,000)		(2,250,000)	(2,250,000)	(+2,250,000)
Ready reserve force	110,751,000	239,030,000		106,600,000	89,000,000	-21,751,000
Federal ship financing fund	515,000,000					-515,000,000
Portion applied to debt reduction	-515,000,000					+515,000,000
Total, Department of Transportation	177,001,000	305,330,000		170,650,000	154,050,000	-22,951,000
Advisory Commission on Conference in Ocean Shipping						
Salaries and expenses		500,000	300,000	300,000	300,000	+300,000
Arms Control and Disarmament Agency						
Arms control and disarmament activities	31,030,000	33,876,000		33,876,000	33,876,000	+2,846,000
Board for International Broadcasting						
Grants and expenses	194,900,000	218,175,000		195,000,000	190,000,000	-4,900,000
Israel Relay Station	33,000,000	207,000,000		183,500,000	183,500,000	+150,500,000
Total, Board for International Broadcasting	227,900,000	425,175,000		378,500,000	373,500,000	+145,600,000
Christopher Columbus Quincentenary Jubilee Commission						
Salaries and expenses	212,000	220,000	220,000	220,000	220,000	+8,000
Commission on Agricultural Workers						
Salaries and expenses	500,000	500,000	500,000	300,000	300,000	-200,000
Commission on the Bicentennial of the United States Constitution						
Salaries and expenses	6,936,000	14,589,000	14,300,000	14,300,000	15,005,000	+8,069,000
Commission on Civil Rights						
Salaries and expenses	5,707,000	7,857,000		5,707,000	5,707,000	
Commission for the Preservation of America's Heritage Abroad						
Salaries and expenses		200,000	200,000	200,000	200,000	+200,000
Commission on Security and Cooperation in Europe						
Salaries and expenses	741,000	912,000	850,000	850,000	850,000	+109,000
Commission on the Ukraine Famine						
Commission on the Ukraine Famine				100,000	100,000	+100,000
Commission for the Study of International Migration and Cooperative Economic Development						
Salaries and expenses	1,290,000	1,290,000	1,290,000	1,290,000	1,290,000	
Competitiveness Policy Council						
Salaries and expenses				1,000,000	750,000	+750,000
Equal Employment Opportunity Commission						
Salaries and expenses	180,712,000	188,700,000	184,926,000	184,926,000	184,926,000	+4,214,000
Federal Communications Commission						
Salaries and expenses	99,613,000	109,831,000		109,831,000	109,000,000	+9,387,000
Federal Maritime Commission						
Salaries and expenses	13,585,000	16,350,000	15,650,000	15,650,000	15,650,000	+2,065,000
Federal Trade Commission						
Salaries and expenses	66,243,000	69,580,000		64,580,000	54,580,000	-11,663,000
International Trade Commission						
Salaries and expenses	35,958,000	39,943,000		39,000,000	39,000,000	+3,042,000

	FY 1989 Enacted	FY 1990 Estimate	House	Senate	Conference	Conference compared with enacted
Japan - United States Friendship Commission						
Japan - United States Friendship Trust Fund	1,415,000	1,350,000	1,350,000	1,350,000	1,350,000	-65,000
(Foreign currency appropriation)	(1,700,000)	(1,610,000)	(1,610,000)	(1,610,000)	(1,610,000)	(-90,000)
Legal Services Corporation						
Payment to the Legal Services Corporation	308,555,000	295,314,000		321,000,000	321,000,000	+12,445,000
Marine Mammal Commission						
Salaries and expenses	953,000	960,000	960,000	960,000	960,000	+7,000
Martin Luther King, Jr. Federal Holiday Commission						
Salaries and expenses		300,000		300,000	300,000	+300,000
Office of the United States Trade Representative						
Salaries and expenses	15,229,000	16,830,000		18,830,000	18,000,000	+2,771,000
Securities and Exchange Commission						
Salaries and expenses	142,640,000	168,707,000		168,707,000	168,707,000	+26,067,000
Offsetting receipts				-26,000,000	-26,000,000	-26,000,000
Total, Securities and Exchange Commission	142,640,000	168,707,000		142,707,000	142,707,000	+67,000
Small Business Administration						
Salaries and expenses	228,490,000	268,367,000	240,545,000	239,136,000	242,000,000	+13,510,000
(By transfer, indefinite)	(88,669,000)		(96,160,000)	(96,160,000)	(96,160,000)	(+7,491,000)
Office of the Inspector General		7,552,000	7,400,000	7,552,000	7,400,000	+7,400,000
Business loan and investment fund	167,500,000	94,000,000	164,500,000	155,500,000	159,500,000	-8,000,000
Surety bond guarantees revolving fund	9,497,000	7,000,000	11,000,000	11,000,000	11,000,000	+1,503,000
Pollution control equipment contract guarantee revolving fund	13,656,000	11,500,000	13,000,000		13,000,000	-656,000
Total, Small Business Administration	419,143,000	388,419,000	436,445,000	413,188,000	432,900,000	+13,757,000
State Justice Institute						
Salaries and expenses	10,980,000	15,000,000	11,233,000	12,000,000	8,000,000	-2,980,000
United States Information Agency						
Salaries and expenses	620,347,000	655,068,000		647,875,000	638,569,000	+18,222,000
Office of the Inspector General		3,677,000		3,675,000	3,675,000	+3,675,000
Educational and cultural exchange programs	150,040,000	153,000,000		160,300,000	156,506,000	+6,466,000
Radio construction	65,000,000	89,000,000		85,000,000	85,000,000	+20,000,000
Radio broadcasting to Cuba	11,175,000	12,700,000		12,700,000	12,700,000	+1,525,000
East-West Center	20,000,000	20,000,000		20,700,000	20,700,000	+700,000
National endowment for democracy	15,800,000	15,800,000		15,800,000	17,000,000	+1,200,000
Total, United States Information Agency	882,362,000	949,245,000		946,050,000	934,150,000	+51,788,000
Total, title V, Related agencies:						
New budget (obligational) authority	2,628,705,000	3,050,978,000	668,224,000	2,877,665,000	2,848,671,000	+219,966,000
(By transfer)	(88,669,000)	(2,250,000)	(96,160,000)	(98,410,000)	(98,410,000)	(+9,741,000)
(Liquidation of contract authority)	(248,900,000)	(225,870,000)		(225,870,000)	(225,870,000)	(-23,030,000)
(Limitation on direct loans)						
(Foreign currency appropriation)	(1,700,000)	(1,610,000)	(1,610,000)	(1,610,000)	(1,610,000)	(-90,000)
Grand total:						
New budget (obligational) authority	15,398,265,000	19,167,436,000	5,801,401,000	17,419,689,000	17,249,608,000	+1,851,343,000
(By transfer)	(265,769,000)	(64,450,000)	(96,160,000)	(183,962,000)	(209,062,000)	(-56,707,000)
(Limitation on expenses)	(7,051,000)	(2,857,000)		(2,857,000)	(2,857,000)	(-4,194,000)
(Limitation on guaranteed loans)	(150,000,000)			(150,000,000)	(150,000,000)	
(Limitation on direct loans)						
(Appropriations to liquidate contract authorizations)	(248,900,000)	(225,870,000)		(225,870,000)	(225,870,000)	(-23,030,000)
(Foreign currency appropriation)	(1,700,000)	(1,610,000)	(1,610,000)	(1,610,000)	(1,610,000)	(-90,000)
Total appropriations, including appropriations to liquidate contract authorizations	(15,647,165,000)	(19,393,306,000)	(5,801,401,000)	(17,645,559,000)	(17,475,478,000)	(+1,828,313,000)

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

Mr. SMITH of Iowa. I yield to the gentleman from Florida.

Mr. FASCELL. Mr. Speaker, I rise in support of this conference report. The conferees have had an almost impossible task on the funding problem to find a deal simultaneously with Gramm-Rudman-Hollings expenditure targets of the agencies within their jurisdiction, and they have worked very long and very hard, and they deserve our support. I want to thank the gentleman from Iowa [Mr. SMITH] also for his cooperation with the Committee on Foreign Affairs. We have jurisdiction, of course, over the Department of State authorization. We are going into conference on that authorization bill today as a start, and I wanted to thank the Committee on Appropriations for giving us the time by virtue of the waiver that they have extended so that at least we would have until November 30 if we cannot come up with a conference report on the authorizing legislation.

□ 1150

Otherwise, we would have an impossible task. If it should so happen in the conference that the other side relents, because they wanted absolutely no time at all, they wanted to go right ahead with the full waiver; but if they change their mind, Mr. Speaker, and decide that they can go with a continuing rate subject to an authorization bill, I would hope the chairman would give that some consideration. It would provide some incentive both to the administration and to the other body to help us get a conference report on the authorization bill.

With this problem and with the problem of nongermane amendments, both on the authorizing bill and on other bills affecting the jurisdiction of the authorizing committees, we are in difficult shape; but I am very proud to say that we have had the cooperation of both the appropriation subcommittees on the House side in working with the authorizing committee, and I am very grateful to the gentleman from Iowa.

Mr. SMITH of Iowa. Mr. Speaker, I thank the gentleman for his remarks.

I want to say that we try to cooperate with all the authorizing committees. In the case of the Foreign Affairs Committee, the gentleman has done what some of the other authorizing committees have not done and that is the gentleman has tried to keep the authorization a year ahead so that whenever they make up the budget requests downtown they have to make it up according to an authorization. In that instance, we can hold hearings based on an authorization as some of the committees do, and wait until after the appropriation comes up to start on authorizing hearings, then we do not have the benefit of the guidelines in the authorizing legislation.

Mr. FASCELL. Mr. Speaker, if the gentleman will yield further, let me say it was the suggestion of the gentleman from Iowa for us to do that. The Foreign Affairs Committee did go on a 2-year cycle, so we are on a 2-year cycle both on the State Department authorization and on the foreign aid bill, if we can ever get them considered in the other body.

Mr. SMITH of Iowa. But as I understand it, the bill that is over there would authorize the State Department and USIA also for fiscal year 1991.

Mr. FASCELL. The gentleman is correct.

Mr. SMITH of Iowa. So if we get a conference report adopted, then they will have to send up a budget request in January and February based on that authorization. That is the way we would rather have it.

Mr. FASCELL. That is our idea. We want to cooperate fully to get that done.

Mr. Speaker, I rise in support of the conference report.

I recognize that our conferees had an almost impossible task with respect to the funding problem. Simultaneously they had to meet the Gramm-Rudman-Hollings expenditure reduction targets and deal with pressing needs to strengthen our war on drugs as well as to meet other compelling needs of our country. The conferees have worked long and hard and their effort deserves our support.

In addition to the funding problem, the conference report waives the requirement for the State Department authorization legislation now in conference. When the appropriations conference report is considered in the other body an amendment may be offered to hold funding levels for the State Department and related agencies at the current rate until the authorization legislation is signed into law. I would urge the House to agree to that amendment in order to uphold the authorization process.

This is an exciting time in the history of the world. Every day we see headlines one more surprising than the last confirming the fact that momentous currents of changes are sweeping our planet. These changes range from the advance of liberty in Eastern Europe, to the resurgent role of Japan, to global problems like the warming of our atmosphere. All these and a host of others present great opportunities, as well as challenges and dangers, for America and for mankind. But if we are to steer these waters with the skill needed to seize these opportunities and avoid the pitfalls of an uncharted future we must have a strong, creative, and dynamic foreign policy. And while money alone cannot bring wisdom, courage, and the imagination needed to provide an effective foreign policy it is an essential ingredient.

Our diplomats must have the tools and instruments to do their job. This bill provides much of what is needed but it cuts $140 million from salaries and expenses of the State Department at a time when the importance of American diplomacy is increasing. The amount for the core of the State Department is $48 million less then last year.

Even more disconcerting are the levels in the conference report for U.S. assessed contributions to international organizations and to the peacekeeping of the United Nations. In the authorization bill approved by the House the full amount requested by the President was provided for both assessed contributions and for peacekeeping.

In an increasingly interpendent world it is abundantly clear that many global problems from AIDs, to the world's food shortages can most effectively be addressed through global institutions. That is why the United States chose to join the United Nations and a number of other international organizations. Our annual assessed contributions are treaty obligations, solemn international legal obligations. As a deliberate act of policy the United States in recent years has withheld a portion of these contributions but this year the President stated these reforms were being achieved and asked that Congress provide both the full amounts requested for this fiscal year and that we also begin to pay back our arrearages. This conference report would put the United States another $92 million in arrears. That is the amount not provided this year to meet treaty obligations. Not only are we not beginning to pay back what we owe, we are failing to live up to a de facto bargain the United States proposed: Reform and we'll gladly pay up. Certainly there is room for much more improvement at the United Nation but so too is there at our own Department of Housing.

Failing to provide our full share of funding hurts our foreign policy two ways: First, by forcing the curtailment of programs, most of which, we have identified as important to our national interests; and second, by cheapening the reputation of our country and thus damaging our prestige. What kind of a message do we send about our reliability when we don't live up to our side of a bargain? More importantly, what kind of an example do we set when we do not meet the international legal obligations we have freely accepted?

But the most disappointing aspect of all in this conference report is the failure to provide the full amount requested by the President for international peacekeeping. This conference report falls almost $30 million short. Peacekeeping lies at the heart and soul of the United Nations. Changes in the Soviet Union and among combatants around the world have provided an opportunity we have not had since the end of World War II to reduce global

conflict. In the last year, the United Nations has been able to play a vital role in ending the bloodbath between Iran and Iraq, in policing Cuban withdrawal from Angola, and in easing the path toward independence in Namibia. The United Nations has been active in trying to carry out the Afghanistan accords. Meanwhile, its peacekeeping forces are on duty in many places throughout the world, such as Cyprus, trying to prevent old quarrels from erupting again into war. And the United Nations is ready to play a role in policing the borders in Central America and to facilitate possible peace agreements in north Africa and Southeast Asia. Yet peacekeeping costs a lot of money. Small countries generously contribute troops and risk the lives of their soldiers for peace. These countries, at the very least, need to be reimbursed for the financial burdens they bear. Are we in such desperate financial straits that the United States, still the world's wealthiest and most powerful nation, cannot find another $30 million to fully fund peacekeeping? Have we abandoned the commitment our Nation has repeated throughout this century to ending the scourge of war?

The problems I see in this conference report are not the making of the conferees. They reflect a failure of leadership by all of us, Presidents and Congress, to come to grips with our deficit and at the same time to reorder our priorities to meet the emerging challenges and opportunities confronting our Nation.

Mr. SMITH of Iowa. Mr. Speaker, I yield such time as he may consume to the gentleman from Florida [Mr. GIBBONS].

Mr. GIBBONS. Mr. Speaker, first of all, I want to thank the gentleman from Iowa and thank Senator HOLLINGS for conferring with me about section 609 of the conference report dealing with turtles and a possible embargo on the importation of shrimp from some foreign countries that are not cooperating properly with our attempt to save the lives of turtles.

I have read the language in the committee report, and I agree with it.

I would like to add this thought to it, based upon the jurisdiction of the Ways and Means Committee and the fact that we must cooperate with these other countries, referring to section 609 I think it is intended to promote international cooperation in the conservation of those threatened or endangered sea turtles found within the U.S. shrimp fisheries. These sea turtles migrate through the waters beyond U.S. jurisdiction where they may be adversely impacted by commercial shrimping operations of vessels from foreign countries. The potential ban on imports in this section is intended to encourage governments of these nations to enter into agreements with the United States to conserve these turtles, consistent with the General Agreement on Tariffs and Trade.

I would just like to leave that thought and that idea with the matter that is already in the statement of the managers in the report of the conferees on this bill.

Mr. SMITH of Iowa. Mr. Speaker, I thank the gentleman for his statement.

We certainly will continue to cooperate and work with the gentleman on this matter.

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

Mr. SMITH of Iowa. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Speaker, I rise in support of the conference report.

Mr. Speaker, as we know, the Bering Sea fishery is the largest single groundfish and crab fishery in the exclusive economic zone of the United States. One of the top priorities of the entire Pacific Northwest and Alaska fishing fleets was funding for Bering Sea groundfish and crab research. Concerns about overfishing have made it critical to determine what species are in the Bering Sea and how they interact to support healthy fish populations. International negotiations with the Soviets on Bering Sea fishery management are currently underway, but data on population and species interaction is inadequate.

Unfortunately, the $750,000 included in the Senate bill for Bering Sea Pollack Research was not included in the conference report for this appropriations bill.

Mr. Speaker, we in the Northwest would appreciate your assistance in working with NOAA and the National Marine Fisheries Service to make discretionary funds available on a priority basis for this valuable research.

Mr. SMITH of Iowa. Mr. Speaker, I want to say that I regret that budgetary constraints prevented us from meeting all the funding needs for fisheries research, but I do agree that the Bering Sea groundfish research should be a priority for discretionary funds from NOAA, and I will be pleased to work with my colleague toward that end.

Mr. DICKS. Mr. Speaker, I want to say that I rise in support of the conference report and say to the chairman that I appreciate his cooperation and that of the ranking member on a whole host of other fisheries issues. We in the Northwest deeply appreciate all the help that the gentleman has given us.

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

Mr. Speaker, nearly 3 months ago, the committee chairman, the gentleman from Iowa [Mr. SMITH] and the members of the subcommittee came to the floor to present a bill of which no one could be too proud.

Our 302(b) allocation was, and is, extremely restrictive.

We in the House deferred action on all accounts for which there was no authorization—two-thirds of the bill, even the war on drugs—the national priority; but we worked with the Senate, which funded all the accounts. We answered to the call of the President and Director Bill Bennett to attack the scourge of illegal drugs.

We have hammered out compromises on hundreds of Senate amendments, most of which I believe will be satisfactory to the House. But at least two Senate amendments, in my view, take us down the wrong road, and there will be efforts to defeat them or improve them later as we take up the items in disagreement. They are controversial, and Members deserve the chance to vote them up or down when they come up separately.

Mr. Speaker, the members of the subcommittee have labored hard on a very tough bill. The missions of the agencies and departments we fund could not be more diverse, from drug grants for the local sheriff to funding United Nations peacekeeping forces in Iraq; from border patrol funds to secure our borders to diplomatic security funds to secure our overseas missions.

We modernized the Weather Service in one part of the bill. In another, we modernized our ability to speak to the world through the tried and true Voice of America.

All of these bedrock programs were competing not just for our limited pot of funds, but against the No. 1 priority, the war on drugs. The President asked us for over $3.7 billion to wage the battle, and this made our job extremely tough.

This agreement with the Senate provides $17.2 billion for the year we are in now. When added to the drug title in the Transportation appropriations bill, we match the President's total request in the drug war, and we have kept the agreement fiscally responsible. Both budget authority and outlays are below the subcommittee's ceilings.

But let me alert Members as they watch this debate to three serious problems.

First, this agreement creates a permanent appropriation and entitlement authority.

Mr. Speaker, I repeat, this agreement creates an entitlement in an appropriations bill, and I hope that we will face that later on as we face the items in disagreement.

□ 1200

We are rewriting in this bill the Civil Liberties Act of last year to mandate Japanese-American reparation payments beginning in fiscal year 1991. The House approved $50 million for payments this year, $30 million more than was sought. The Senate provided nothing, nothing but a mandatory program for next year that will carve $500 million for payments right off the top above child care, above defense, above

every other item in the budget except other entitlement programs.

I strongly oppose that change. Procedurally it is wrong. We are writing entitlement language in a general appropriation bill, and in doing so violating the Budget Act, and I would hope the Committee on the Budget members would come to the floor and object to it.

Fiscally, it is indefensible. Hark back to the programs I just described. They are clamoring legitimately for more funds. By creating $500 million in mandatory payments, we shrink a minuscule pie and make it even tougher next year to fund vital programs, plus the trust fund is authorized for 10 years under the law we passed last year over which any payments we do approve can be spread if we so desire.

Internees or their survivors are eligible alike. We should not front-load the 10-year program by paying it in 2½ years.

Mr. Speaker, at the appropriate time, I will ask for a vote on the amendment that provides this mandatory funding so that all Members can weigh in on this unfair proposal.

Unfortunately the conference report rejects the Shelby amendment in the Senate which would have prevented counting illegal aliens for next year's census. I am hard pressed to find a greater injustice in this agreement. Consider the irony that in the same act that provides $300 million to keep illegal aliens out of the country, we confer upon them the benefit of representation in this assembly. For 200 years the Census Bureau has counted only those persons who have a usual residence in the United States. For the first time now we will break that very basic tenet of American Government and count for representation those who do not have a usual residence in the United States, and I call that representation without taxation.

Mr. Speaker, I hope we can reverse some of these items as we take up the items in disagreement with the Senate.

This bill provides $810 million more than last year to fund the census. That is under the request, and hopefully it is adequate to do the job.

International Trade Administration: It provides the full increase for the United States and Foreign Commercial Service, very important to all of us.

In NOAA, we fund upgrades in the Weather Service, preserve the warning and forecast services so many areas depend upon. World drought, ozone depletion, and the threats they portend for the human race cannot be ignored, and we fund the multiagency global and climate change initiative among many other programs.

The SEC: The full request is given, responding to the major demands on that agency. The U.S. information Agency, the cornerstone of our public diplomacy: we give $934 million, $51 million more than last year, not near as much as this Member would like.

The world anxiously awaits American messages of freedom and democracy. We have seen entrenched societies like Romania where citizens are proudly drawn to our overseas libraries to read American literature and view taped television news, and yet they do so at tremendous risk.

The Voice of America: for some in the world, that is the only outlet to the free world and a reliable accounting of events. These programs and exchanges are best judged by the results we now see in Hungary and Poland, even in the Soviet Union, where the winds of freedom and choice are blowing strong, in Soviet Asia, the People's Republic of China where restless peoples yearn for a society they only know because of our electronic presence through the Voice of America, Radio Free Europe, and others.

What we have is a good return on our investment, and we do more in the bill before us. The same for the Board for International Broadcasting, parent to Radio Free Europe, Radio Liberty, and in this agreement we fund a major relay station which will get our message to enormously critical parts of Soviet Central Asia and Afghanistan, drawing millions of listeners brimming with reform and change.

The most important achievement of this bill, however, Mr. Speaker, is in the Justice and the Judiciary to wage the battle against drugs and crime. The President's drug-control strategy was our marching order to get moving, to provide every penny's worth of effort possible, and we have done that. Some $3.8 billion is provided between this agreement and the drug portion of Transportation.

We must make our neighborhoods safe, and there is $450 million in State and local grants to combat at that level. Felony drug convictions are the single largest and fastest-growing part of the Federal prison population. We provide a $1 billion increase, and that means another 23,000 beds in our Federal system.

Drug sales are estimated at more than double the profits of all Fortune 500 companies combined. The increases for FBI and U.S. attorneys will help put the brakes on money networks that underwrite this filth.

Illegal immigration continues at alarming rates and an ever-growing number are drug smugglers, so we have provided for a total of 4,700 Border Patrol agents, 200 over last year; from better lab services to intelligence equipment to pure and simplified manpower.

The bill before us keeps a promise that we in the Congress have been welching on for, I think, too long. I am pleased, in major part, with our work which will support law enforcement at every level, from investigation to incarceration.

Mr. Speaker, finally I close my general remarks as I did this time last year with respect to the Legal Services Corporation. Again, we face another round of strangling Senate amendments restricting the ability of the Legal Services Corporation to see that legal help for the poor is its mandate, not social engineering, not lobbying, not union organizing, not political redistricting. Legal services for the poor is what it should be doing and, again, there are many Members on both sides of the aisle in this Chamber who want material reform of the Legal Services Corporation including competition for grants, timekeeping requirements, application of Federal antifraud statutes, and other sensible changes.

Unlike last year, all we have to report back with are additional Senate-proposed restrictions on reforming the Legal Services Corporation. Nothing positive came out of the conference on these issues. The Senate was unwilling to compromise, so I will again support efforts later today to implement fair-minded reforms for Legal Services, a program I support but a program in need of change.

I share my chairman's wish that this be handled on another vehicle, but the committee of jurisdiction, the Committee on the Judiciary, has had it garaged for 9 solid years, and the tires, I am sad to say, are flat.

Mr. Speaker, in conclusion I ask Members for three things today: first, I ask for support of the conference report, the result of many months of effort. Second, I urge Members to reject the entitlement provisions of the Civil Liberties Act. And, third, I ask Members to support the McCollum-Stenholm Legal Services reform package to be offered later in the day.

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

Mr. SMITH of Iowa. Mr. Speaker, for purposes of a colloquy, I yield such time as he may consume to the gentleman from Oregon [Mr. AUCOIN].

Mr. AUCOIN. Mr. Speaker, I want to commend the gentleman from Iowa for his help for funding for fisheries and especially his attention to the tremendous problem of high seas driftnet fishing fleets from Japan, Taiwan, and South Korea. These driftnet fleets, which are stripmining the ocean, sometimes in blatantly illegal harvests of salmon, and they are devastating the marine resources of the North Pacific Ocean, including birds and mammals.

The gentleman's committee has provided $3 million for implementation of the Driftnet Act of 1987, which will better enable us to monitor driftnet fleets and assess their impact on our fish and wildlife.

While these are essential activities for dealing with driftnets, I also want to see existing laws and agreements against illegal salmon harvests enforced to the maximum. One critical enforcement tool is the genetic stock identification data bank. By giving us the ability to identify the river of origin of migratory salmon and steelhead, our agents can nail those who have taken our fish illegally. And by demonstrating that those fish in the high seas are ours, we can better pressure drift-netting nations to join agreements which protect our resources.

I would like to ask the gentleman from Iowa: In the funding for driftnet implementation, are there resources included to complete the genetic stock identification data bank, which has been developed by the National Marine Fishery Service?

Mr. SMITH of Iowa. Mr. Speaker, will the gentleman yield?

Mr. AUCOIN. I am happy to yield to the gentleman from Iowa.

□ 1310

Mr. SMITH of Iowa. The answer is yes, within the $3 million appropriated for Driftnet Act implementation, funding is provided for the genetic stock identification bank.

I did not know what driftnets were until I heard from all of the people on the west coast. But as a result of the gentleman's request, and we did have several requests from Members, funding is provided. The Department has reported to the committee on their need to complete work on this enforcement tool, and they have indicated that this project is a priority in their implementation of the Driftnet Act.

Mr. AUCOIN. Mr. Speaker, I thank the gentleman from Iowa for his cooperation at this time and for this colloquy. I certainly compliment the gentleman on the superb work in his appropriation, which I support.

Mr. SMITH of Iowa. Mr. Speaker, I yield 4 minutes to the gentleman from California [Mr. EDWARDS].

Mr. EDWARDS of California. Mr. Speaker, I thank the chairman for yielding time. I would like to engage in a colloquy with the distinguished chairman about certain assurances and clarifications concerning the use of filing fees as a source of funding for the Antitrust Division and the Federal Trade Commission.

Mr. Speaker, I would ask the chairman of the subcommittee if the revenues from the Hart-Scott-Rodino filing fees begin to fall short of projected figures, and we have the assurance that the Appropriations Subcommittee will make available the necessary funds to avoid any adverse impact on personnel and enforcement activity at the antitrust agencies.

Mr. SMITH of Iowa. Mr. Speaker, will the gentleman yield?

Mr. EDWARDS of California. I yield to the gentleman from Iowa.

Mr. SMITH of Iowa. Mr. Speaker, I say to the gentleman from California first that when he looks at the funding tables, it appears as though there is a cut in antitrust enforcement funding. But as a matter of fact, you have to add to that the fees they are going to collect. When you do that, there is not a cut, but there is in fact a program increase of $5,000,000.

Let me say that last year they had approximately 2,800 filings. In estimating the amount of fees that they will receive, we only used an estimate of 2,000. So they should not fall short.

I do want to assure the gentleman that we will do everything in our power to ensure that neither the Antitrust Division nor the FTC will suffer from funding shortfalls in the event of lower than anticipated filing fees.

Mr. EDWARDS of California. Mr. Speaker, I thank the chairman.

Mr. Speaker, I would ask the chairman that in the eventuality of such a shortfall in projected revenues, can we have the assurance from the gentleman from Iowa that no later than 6 months after the enactment of this provision other moneys or funds will be made available to the antitrust agencies so that the Antitrust Division and the Federal Trade Commission will have available no less than the level of funding requested for fiscal year 1990?

Mr. SMITH of Iowa. Mr. Speaker, the answer is generally yes. We will be closely monitoring the actual fees received in the antitrust agencies, and if the projected revenues fall short of the revenues, then we will pursue other means of funding to reach the levels that are needed for the Antitrust Division.

I cannot guarantee when a bill can be passed that would do this, but we will do our best one way or another to provide the needed money.

Mr. EDWARDS of California. Mr. Speaker, I thank the chairman.

Mr. Speaker, I ask the chairman, is the Appropriations Committee setting a precedent for the furture, creating a filing fee system as a source of funding for antitrust enforcement activities?

Mr. SMITH of Iowa. Mr. Speaker, no. The cuts made in the line-item appropriation request and the use of alternative filing fee revenues to make up for it are not meant to set a precedent. These fees are an experiment born out of budgetary necessities which are very stringent, and we are not necessarily wedded to this approach for future fiscal year appropriations decisions at all.

Mr. EDWARDS of California. Mr. Speaker, is the gentleman from Iowa aware that under other types of filing fees designed to produce revenue for agencies, litigation has ensued which has tied up funds?

Mr. SMITH of Iowa. Mr. Speaker, yes. But we believe we have structured the procedures here in a manner so they can withstand any legal challenge.

Mr. EDWARDS of California. Mr. Speaker, I would ask the chairman if it has been ruled out ever granting the Attorney General some transfer authority to move funds into the Antitrust Division if the need arises?

Mr. SMITH of Iowa. Mr. Speaker, we have not granted such authority in this provision at this time. But again, our action on this issue does not foreclose future consideration of this matter.

Mr. EDWARDS of California. Mr. Speaker, I thank the chairman for these assurances and clarifications. I thank him for his long history of supporting the enforcement of the Nation's antitrust laws.

Mr. SMITH of Iowa. Mr. Speaker, I want to say we appreciate the cooperation of the gentleman from California and the Judiciary Committee.

Mr. EDWARDS of California. Mr. Speaker, I think we are all painfully aware that, during the Reagan administration, our antitrust agencies were virtually crippled—both in will and resources—in enforcing our competition statutes, statutes which many rightly have termed America's "Economic Bill of Rights." At the Department of Justice, since 1980, there has been a 42-percent reduction in personnel. This decimation has had a drastic effect on the public enforcement of our antitrust laws, and with that drop in visible public enforcement, business self-discipline has eroded as well.

Given these circumstances, today is not the time to signal that Congress in any way sanctions the dismal state into which antitrust enforcement has fallen. This is particularly true today, when America desperately needs to be at its competitive best in meeting the challenges of the swiftly changing international marketplace.

Thus, I rise to express my serious concerns about the cut in funding for the antitrust agencies found in amendment No. 176 (section 605) of this conference report on H.R. 2991. Chairman BROOKS of the House Judiciary Committee recently wrote to the House Appropriations Committee to express his deep concerns, which I share, about reducing secure line-item appropriations for the antitrust agencies through the substitution of a filing fee system. Unfortunately, Chairman BROOKS is unable to be here to address this because of his recent hospitalization. I know I speak for all of us in wishing him a speedy recovery.

The conference agreement before us today cuts $15 million from the $47 million requested by the Justice Department for the operations of its Antitrust Division—more than a one-third cut. And, it is very important to note that a similar cut has been made to the funding for the Federal Trade Commission's antitrust enforcement activities.

By the terms of amendment No. 176 (section 605), these reductions in line-item appropriations for our antitrust agencies are to be made up through filing fees designed to reimburse the Antitrust Division and the FTC for their actual costs in processing Hart-Scott-Rodino notifications.

Underlying amendment No. 176 (section 605) appears to be a supposition by the conferees that sufficient fees will be generated to fund the actual total costs of the Hart-Scott-Rodino Program and that collection of such fees will go very smoothly.

Unfortunately, the number of Hart-Scott-Rodino filings will always vary with macro- and micro-economic developments—which are hardly susceptible to precise prediction. Thus, until amendment No. 176 (section 605) has been in place long enough to evaluate its effects, we simply have no way to gauge whether the amount of proceeds raised in this manner will be sufficient to ensure adequate enforcement of our antitrust laws.

Basing crucial funding for our antitrust agencies on possible future developments concerns me very deeply. Critical staff positions and ongoing enforcement activities could be placed in severe jeopardy, and the stability and morale of antitrust enforcers further disrupted.

For all of these reasons, I engaged in this colloquy with the gentlemen from Iowa, the distinguished chairman of the Appropriations Committee's Subcommittee on State, Justice, and Commerce, and I appreciate his assurances and clarifications concerning the use of filing fees as a source of funding for the Antitrust Division and the Federal Trade Commission.

Mr. ROGERS. Mr. Speaker, I yield 3 minutes to the gentleman from Arizona [Mr. KOLBE], a very valued member of the subcommittee.

Mr. KOLBE. Mr. Speaker, I want first to comment both the gentleman from Iowa [Mr. SMITH], chairman of the subcommittee, and the gentleman from Kentucky [Mr. ROGERS], the ranking Republican and vice chairman of the subcommittee, and the staff on both sides for the work they have done in putting this bill together.

Like other subcommittees, our subcommittee has certainly felt the pinch in recent years that comes from the deficit, meeting the Gramm-Rudman targets, and meeting our 302(b) allocations.

And, now our subcommittee work has been further complicated because one of the biggest priorities, one of the biggest responsibilities of recent years, has been handed to us. I am speaking, of course of the war on drugs.

There are a number of important programs included in this bill. I do not want to take the time to enumerate all of them, but let me mention one of particular interest to all Members this year, and all Americans. That is the census.

This bill contains important funds to complete the work of the census this year. We need to make sure we have adequate funding to get that census done during this fiscal year.

This has been a sensitive issue. I understand the sensitivity of it. I am pleased, though, that through all of this we have maintained an understanding of the need to provide the necessary funds to carry out the census. I am also gratified that this body and the conference committee, saw fit to maintain the integrity of the census, to drop the so-called Shelby amendment that would have required separating undocumented aliens from the census count.

One issue the conference does not address is our embassy in Moscow. Our silence on this issue troubles me, because I believe it is an issue which we should be keeping at the forefront of our discussion.

The administration has not yet made a decision on how to proceed with the Embassy, whether we are going to reconstruct portions of it, knock down some of it, knock down the whole thing and rebuild it, or something altogether different. This is an issue that we must solve as soon as possible. Having been to Moscow with the subcommittee this summer, I can tell Members that the need for space in Moscow Embassy is critical.

Another important item, as I have already mentioned, is the war on drugs. This bill, together with the transportation appropriations measure, provides full funding for the drug programs.

I am pleased we were able to provide this funding. I continue to believe that this subcommittee and others need to go farther in providing more resources. This can be accomplished by setting priorities in a better way, and cutting programs that have not shown the usefulness that the war on drugs has clearly shown for the American people.

Instead of trying to minimize the pain of cuts and sequestrations by spreading it equally among all of the programs, we should take a hard look at certain programs and upon realizing that they are not needed, cut them out. We are going to have an opportunity later on today to debate such a program—the Legal Services Corporation. I believe that Legal Services is a program from which some of the funds could have been taken and applied to the war on drugs.

Finally, Mr. Speaker, while I am pleased that the funding for the drug program is complete, I am disappointed and unhappy that we are so late in getting this carried out. While we continue to debate appropriation measures, continuing resolutions, debt extension, and budget reconciliation, drug programs that have claimed a priority are suffering under the sequestration order in effect.

Mr. ROGERS. Mr. Speaker, I yield 2 minutes to the gentleman from Utah [Mr. NIELSON].

Mr. NIELSON of Utah. Mr. Speaker, during hearings last month of the House Government Operations Subcommittee on Government Activities and Transportation, on which I serve as ranking member, we heard a great deal of expert testimony about the need for continued aggressive research and development into ways to counter the increasingly sophisticated techniques used by terrorists against aviation.

A number of scientists and Government officials discussed ongoing research efforts, including the pluses and minuses of some of the explosive detection systems already deployed or in development, such as thermal neutron activation or TNA.

During the hearings, reference was also made to the National Counter-terrorism Research and Development Program, which includes projects which may prove useful for aviation security, as well as for protecting buildings or detecting chemical and biological agents.

The Federal Aviation Administration and about two dozen other agencies participate in the program, which is coordinated by the State Department and funded through its budget.

This is a modest program, particularly in light of the ever-evolving threat posed by international terrorism. As with numerous other Government programs, it sports its share of scars from the scalpel of budget cutbacks.

However, I must admit I was rather surprised to learn that, despite the tragic bombing of Pan Am Flight 103 and other terrorist events, and the numerous statements we have heard from this floor in support of the struggle against terrorism, the conference report on the Commerce, State, and Justice Department appropriations bill includes only $2 million for this program.

The administration requested $6 million. It had requested the same amount last year, but because of actions in the Senate, the final compromise appropriation for fiscal year 1989 was only $3 million. The conferees could not even provide last year's spending level.

Mr. Speaker, as things go here in Congress, $1 million is not a huge sum of money, but it would fund critical research and development for equipment which may prevent future tragedies like Pan Am 103.

The conference report may be a done deal for the time being, but I hope the administration and the appropriation committees can give this program a higher priority and restore the cuts to this counterterrorism research and development effort.

□ 1220

Mr. ROGERS. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania [Mr. GOODLING].

Mr. GOODLING. Mr. Speaker, I rise in support of efforts to implement essential reforms for the Legal Services Corporation.

I am particularly supportive of the provisions directed at problems facing the agricultural community because of Legal Services activities.

While I support the concept behind the Legal Services Corporation, I feel many legal services attorneys have overstepped their authority in the past few years and forced many good farmers to go bankrupt and lose their farms.

For many, many years, there has been a close working relationship between farmers in my District and the migrant workers they employ. When the Migrant and Seasonal Worker Protection Act became law, the farmers tried best to comply with the law.

Unfortunately, not every farmer knew every provision of the law and minor infractions are now resulting in court cases brought against farmers by attorneys supported by the Legal Services Corporation. These are not, in many instances, flagrant violations. For example, suit has been brought because a farmer forgot to write the designation "U.C." for employment compensation on the wage statement 1 week. Every other week the U.C. was written in the appropriate block. The proper amount was deducted from the worker's pay each week; but, because of a minor oversight 1 week, legal action was taken. Another case involved a farmer who had not displayed the required MSPA poster.

Finally, there was a case where an unemployed migrant family stopped by a farm on a Friday night and requested work. The farmer had no work for the family; however, they pleaded for a place to stay overnight. They had two small children with runny noses and no shoes. The farmer, concerned about the children staying outside at night, finally gave in and told them they could stay. However, the only room he had left was in a facility he was no longer using. His only request was that they leave first thing in the morning. In the morning, the family refused to move and continued to plead with him for employment. He finally acquiesced and provided the father with a job. He then tried to move the family to acceptable housing, but they refused to leave the trailer in which they had been staying. The father eventually quit his job with the farmer. He still refused to leave the trailer. A magistrate wrote out an order requiring the family to leave, but it was not enforced. "Friends of Farmerworkers," then entered the picture and threatened the farmer with a lawsuit. While he had technically not done anything wrong, he finally paid the migrant worker $650 in damages. His total legal fees for this case and another case in which he was involved at the same time was $25,000.

While these issues needed to be addressed, they did not require lawsuits. There are, of course, more serious cases involving questionable claims; however, several of them are still in litigation and I cannot discuss them in detail.

Mr. Speaker, migrant labor is important in the 19th Congressional District. Farmers need the migrant workers and the workers need the farmers. Farmers know if they abuse the workers, they will not get a good day's work for a day's pay. There is every reason for them to try to work things out. In fact, most of my farmers would be quite willing to negotiate with the migrant workers and their attorneys and avoid court proceedings. Negotiation, however, does not appear to be on the agenda of the advocacy groups funded through the Legal Services Corporation. At this point, the farmers don't trust the workers and the workers don't trust the farmers—and some of these individuals worked together harmoniously for years before Legal Services came on the scene.

The sad part of this situation is that for every farmer that goes out of business because of unnecessary lawsuits, numerous migrant worker become unemployed. Before lawsuits are filed, we need to require that administrative remedies be exhausted. This action protects the farmers and the farmworkers alike.

Mr. Speaker, I support the original mandate of the Legal Services Corporation to provide affordable, effective legal representation to those who cannot otherwise afford it. What I question, however, is the unfair treatment of hardworking farmers by Legal Services attorneys whose efforts are of questionable long-term benefit to the well-being of migrant workers.

I urge my colleagues to support these necessary reforms in the Legal Services Corporation.

Mr. SMITH of Iowa. Mr. Speaker, I yield 3 minutes to the gentleman from Arkansas [Mr. ALEXANDER].

Mr. ALEXANDER. I thank the chairman for yielding.

Mr. Speaker, I congratulate the chairman and the ranking member on the leadership in the war against drugs.

For a number of years now this committee has been out front in fighting that war, and currently we are getting a lot of help from the President and from the so-called drug czar and other members of the administration who are concerned about the problem of increased drug traffic in the United States.

This bill primarily deals with enforcement, and we have supplied about a third more for enforcement than over last year's level.

Some suggest that enforcement needs to be doubled. I know in the Miami office, which is one of the principal offices that deals with drugs, the managers of that office, of the Drug Enforcement Administration there, will say they need twice as many agents as they have now. They have roughly 500; they need about 1,000 in order to carry out the policies against illegal drug trafficking in the United States.

But there is more for prosecution, more money for the courts in general, more funds for more prison space to house those convicted because of the efforts that are made by the administration to prosecute the illicit drug trafficking.

Ultimately, however, we must disrupt the supply.

I congratulate the administration for its policy statements in that regard.

Finally, we must dissuade persons from using drugs to eliminate or reduce the demand. That is where we ultimately come from.

I do not suppose that if we double the amount of money for enforcement it will eliminate illegal drugs because ultimately it must come down to reducing demand, which comes through education and leadership at the local communities, the churches, among families and in cooperation, of course, with the national policy against drugs.

There are a lot of things in this bill, but none as important as the funds that are provided to support the war against drugs.

Mr. ROGERS. Mr. Speaker, I yield 2 minutes to the very able gentleman from Minnesota [Mr. FRENZEL], the ranking member on the Committee on the Budget.

Mr. FRENZEL. Mr. Speaker, I rise in opposition to the conference report on H.R. 2991, making appropriations in fiscal year 1990 for Commerce, State, Justice, and the Judiciary.

Amendment No. 43 appropriates such sums as necessary to pay Japanese-Americans who were interned during World War II, with no more than $500 million allowed in any one year. This amendment appropriates $500 million for fiscal year 1991 and each fiscal year thereafter, up to the authorized limit of $1.2 billion. Section 303(a) of the Budget Act states that it is not in order to provide new budget authority for a fiscal year for which no concurrent budget resolution has been agreed to. Section 303(a) has clearly been violated with this conference report.

Furthermore, amendment No. 80 poses another problem. The Appropriations Committee is declaring that the payments to Japanese-Americans in fiscal years 1991 through 1993 are

entitlements, thereby attempting to ensure that these payments will be mandatory and thus never counted against future discretionary spending limits or caps, and placing the payments beyond the reach of Gramm-Rudman.

We ought to be honest with these payments. If we wish to guarantee that these moneys will be paid to eligible recipients, then appropriate those amounts directly in this fiscal year, putting aside lower-priority items to do so. Don't try to call such payments mandatory or appropriate funds for future fiscal years before budget resolutions for those years have been discussed.

The conference report commits another Budget Act violation by providing approximately $800 million in new guaranteed loan authority for the Business Loan Investment Fund of the Small Business Administration, over the subcommittee's allocation for new guaranteed loan authority. This increase in new guaranteed loan authority violates section 302(f)(1) of the Budget Act.

I urge my colleagues to vote against this conference report to maintain some semblance of fiscal responsibility.

Mr. ROGERS. Mr. Speaker, I yield 3 minutes to the gentleman from Florida [Mr. McCOLLUM].

Mr. McCOLLUM. Mr. Speaker, later today we are going to have the opportunity to vote on some new regulations and guidelines for the Legal Services Corporation. It really should not be in the appropriations bill. I think everybody concerned knows that. I know the chairman, I, and the ranking member all agree on that.

Unfortunately, we have not had an authorization bill on Legal Services in the 9 years that I have been in Congress.

Despite all the efforts we have made over the years as Members, and many of us have, to bring some sanity into the Legal Services world and provide the real kind of relief for the poor that many think ought to be there, that is the type of thing like going after landlord-tenant problems, child custody problems, child support problems, and so on, Legal Services still abounds in attorneys that out in the field, without proper guidelines, would rather go after large class-action lawsuits and lobby Congressmen and legislators for changes in the poverty law and so on.

□ 1230

Mr. Speaker, later today there will be a chance to make some significant changes. Reform has not been adopted yet. We do not know what they will do, but rather than depending on regulations, what this proposal will do is offer some changes in redistricting, and to provide that if any Legal Service lawyers want to get involved in that, he will not be able to. So, he will be prohibited from that. We will prohibit Legal Services lawyers from being able to solicit clients. We will require them in suits that they get involved with like class action suits, first to exhaust their legislative remedies and go through mediation, if that is required, and to do a number of other things that would notify the person who is being sued a little bit better about what they are being sued about, and what will be happening if they do not follow the requirements and the requests of the lawyers.

We will require timekeeping records, like any other attorney has to have. We will reinstate and clearly spell out the powers of the local Legal Services board of directors of the grantee boards, and have the power to control the operations fully. We would apply the fraud laws of this Nation, and the audit requirements to the Legal Services Corporation, like it is to almost every other Federal agency.

Last but not least, an earmarking of about $30 million of the roughly $300 million Legal Services budget for child support matters, to go out and find the fathers that are not supporting the children. Only about 3 percent of the budget is now being used for that. Then, a tiny fraction, $5 million, would be earmarked for the effort to have a drug-free workplace with regard to Legal Service participation.

There is no change in the budget or appropriated monies. There is no effort here to reduce it. Those Members involved in this process do believe in the Legal Services Corporation, do believe in their goals and objectives, and do believe in fully funding it. The entire efforts that will be made later today will be simply to try to put some regulatory sense into this process, and keep from having this thing continue to float around because there has been a great debate on the board, because some members of one body or the other do not agree with the ideas of the national board.

We think this is a responsible way to go. I urge my colleagues to give it real serious consideration and vote for these reforms when the proposal comes up in the appropriate amendment to recede and concur.

Mr. SMITH of Iowa. Mr. Speaker, I yield 2 minutes to the gentleman from Hawaii [Mr. AKAKA].

Mr. AKAKA. Mr. Speaker, I rise to commend the chairman of the subcommittee, the gentleman from Iowa [Mr. SMITH], and the members of the committee, the House conferees for their work on this bill for fashioning such a good bill, for giving needed attention to drugs and the drug problem, and needed attention to the research programs in our Nation. I commend them for it.

I commend Chairman SMITH and the House conferees for their continued support for the Civil Liberties Act of 1988. Under the leadership of Chairman SMITH, the conferees agreed to a Senate proposal making redress payments to Americans of Japanese ancestry interned during World War II an entitlement.

Mr. Speaker, I would like to share with my colleagues a letter I received from the director of the Congressional Budget Office, concerning the provisions of this bill, making the redress program an entitlement. In this letter, the director states that unless the Committee on the Budget determines otherwise, "CBO would treat the Civil Liberties Public Education Fund as a mandatory spending program if the substitute were accepted," in light of the changes recommended in the conference agreement.

The letter is as follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, October 17, 1989.

Hon. DANIEL K. AKAKA,
U.S. House of Representatives, Washington, DC.

DEAR CONGRESSMAN: As you requested in your letter of October 12, 1989, we have reviewed the proposed substitute for Senate Amendments 43 and 80 of the Commerce, Justice, State and the Judiciary Appropriations Bill, Fiscal Year 1990. The substitute would appropriate funds for the Civil Liberties Public Education Fund and would amend the Civil Liberties Act of 1988 beginning in fiscal year 1991 to make payments from the fund an entitlement. Unless otherwise directed by the Budget Committees, CBO would treat the Civil Liberties Public Education Fund as a mandatory spending program if the substitute were accepted.

Mandatory spending is not a legal concept but an accounting concept developed by the Budget and Appropriations Committees to assist the Congress in enforcing spending targets set forth in the Congressional Budget Resolution. The Budget Committees direct CBO to score spending programs as mandatory if they are not controllable through the annual appropriation process. The proposed language would avoid the annual appropriation process for spending from the fund, because it would provide spending authority on a permanent basis without further action on the part of the Appropriations Committees. Therefore, it is likely that CBO would score the program as mandatory.

If you have further questions on this issue, we will be pleased to provide them. The CBO staff contacts are Gail Del Balzo and Marta Morgan, who can be reached at 226-2886 and 226-2860, respectively.

Sincerely,

ROBERT D. REISCHAUER,
Director.

I am pleased that the conferees agreed to release this worthy program from the yearly budgetary scuffle. I am well aware of the budgetary constraints facing this country, however, I fervently believe that the Japanese-Americans who were unjustifiably evacuated, relocated, and interned during World War II deserve the com-

pensation promised to them by the Federal Government.

The Department of Justice estimates that 2,400 internees will die in each fiscal year, that is 200 individuals a month. Thus, 5,000 internees will have passed away between the time that this legislation was signed into law on August 10, 1988, and the time that funds are finally appropriated.

The Department of Justice also estimates that there are 35 individuals over 100 years old, approximately 1,000 individuals over 90 years, and 1,700 over 85 years of age. Mr. Speaker, I would like to remind my colleagues that Public Law 100-383 requires Japanese-Americans who were denied their constitutional rights during World War II be compensated regardless of whether they die after the bill was signed into law. Allowing these individuals to die before they are compensated will not lessen our obligation or reduce the cost of this program.

The conference agreement adopts Senate amendments 43 and 80 which will change the redress compensation from an annual discretionary appropriation to an entitlement, beginning in fiscal year 1991. This change would mandate an annual $500 million appropriation for fiscal years 1991 and 1992, and the balance of $250 million to complete the program in fiscal year 1993.

This important change will allow the approximately 60,000 eligible individuals to finally see that justice is done. Mr. Speaker, for individuals who have waited over 40 years to receive fair and just treatment, waiting an additional fiscal year will certainly be a hardship. However, waiting an additional 8, 9, or 10 years will be an incredible pain and a devastating blow to those internees who so proudly support this great Nation.

When Congress passed the Civil Liberties Act of 1988, we made a commitment to stand by our Constitution and ensure that the rights of all were protected. We cannot shirk our responsibilities. Supporting the conference agreement will allow funds to be appropriated, but more importantly it will allow us to meet our obligation to those citizens deprived of their liberty and freedom.

When the matter was before the Senate, Senator WARREN RUDMAN, one of the authors of the Gramm-Rudman-Hollings Act, eloquently stated "* * * there are times that we deal with fiscal reality, and there are certainly times during this month that we will deal with extraordinary fiscal reality. But there are also times, * * *, that one must set fiscal reality aside, * * * and look at what is the right thing to do." Mr. Speaker, voting for the conference report is the right thing to. I urge my colleagues to join me in finally correcting this injustice by providing civil rights to all Americans.

On a completely unrelated matter, I want to address my remarks to five research programs, within the jurisdiction of the Department of Commerce, that have been funded under the conference agreement. The purpose of my remarks is to establish further legislative history on these programs.

Due to the many problems that my Hawaii constituents and I have experienced in securing the proper administration of these funds, I am compelled to take the floor today to provide a roadmap to the legislative history so that NOAA will not overlook the clear expressions of legislative intent with respect to these programs.

Of the five programs to which I refer, the first four are sub-Arctic fisheries research also known as APRISE; Hawaii stock management plan; Mahi Mahi technology research; and Asian aquaculture exchanges. The amounts the conferees have instructed NOAA to apply to these initiatives appear in the budget table on pages 13 through 17 of the conference agreement, House Report 101-299.

Specific details of the projects approved by the conferees appear in volume 7 of the fiscal year 1990 hearings by the Commerce, Justice, State, and Judiciary, and Related Agencies Subcommittee. Beginning on page 1235 of volume 7, in testimony by myself and representatives of the Oceanic Institute in Hawaii, the goals and objectives of these projects, and a general statement of the activities to be performed, are detailed.

Each of these grants is a continuation of projects funded by Congress during the previous 2 years and, as the record of the hearings makes clear, each has been advanced by the same research institution that has performed this research in past years. Consequently, NOAA should treat these as continuing grant activities to be performed by the same project sponsor, namely the Oceanic Institute, when administering these funds in fiscal year 1990.

There would be no need to take the floor to establish legislative history on these programs if it were not for the agency's poor record of complying with the directives of the House and Senate committees in the past. For example, the agency has conceded that it simply overlooked congressional directives in past years. With this in mind, the Senate report to accompany H.R. 2991 admonished NOAA for failing to release funds appropriated for three of these programs. I am speaking of the statement appearing on page 27 of Senate Report 101-144. This section of the Senate report concludes with the statement:

> Therefore, the Committee directs NOAA to expedite the obligation of funds for the Hawaii stock management plan, the Asian aquaculture exchanges, and Mahi Mahi technology research, and in doing so, carry out the congressional intent of appropriations acts. Further, the Committee mandates that NOAA cease the apparent discrimination exhibited against congressionally funded and supported initiatives.

Under the longstanding policy of the House and Senate Appropriations Committees, the directive on page 27, which was not contradicted in the House report nor specifically denied in the conference report, shall be considered as having been approved by both Houses of Congress. The details of this policy are spelled out on page 10 of Senate Report 101-144 under the heading "Committee procedures regarding report language."

Finally, with respect to the fifth program, the Hawaii Undersea Research laboratory, known as HURL, I want to point out that the conference agreement provides $14,285,000 for the NOAA Undersea Research Program, the same level as the previous fiscal year and the full amount necessary to administer a dollar-for-dollar the continuation of fiscal year 1989 grants in fiscal year 1990. The total contains $3,000,000 for HURL, the same amount provided in fiscal year 1989.

Specific details of the HURL program appear in volume 7 of the fiscal year 1990 hearings by the Commerce, Justice, State, and the Judiciary, and Related Agencies Subcommittee. Beginning on page 1235 of volume 7, the goals and objectives of this project, and a general statement of the activities to be performed, are detailed.

Furthermore, the Senate report specifies that $3,000,000 be provided to HURL. This statement appears on page 26 of the Senate Report 101-144. As I outlined earlier, the longstanding policy of the House and Senate Appropriations Committees provides that the Senate directive relating to HURL, which was not contradicted in the House report nor specifically denied in the conference report, shall be considered as having been approved by both Houses of Congress. The details of this policy are spelled out on page 10 of Senate Report 101-144.

Since the conferees adopted the higher level of funding contained in the Senate bill for the NOAA Undersea Research Program, and the legislative history clearly provides funds for HURL, there should be no question that the conference agreement provides for a continuation of the grant to HURL in the coming year at the fiscal year 1989 level.

Mr. ROGERS. Mr. Speaker, I yield 2 minutes to the gentleman from New York [Mr. WALSH].

Mr. WALSH. Mr. Speaker, I want to speak today about how disappointed I am in the pending conference report on the Commerce, State, and Justice appropriations bill, which allows $2 million for the National Counterter-

rorism Research and Development Program—one-third of the administration request of $6 million.

My colleagues remember flight 103 and what terrorism did to my district in central New York. There were 35 Syracuse University students on that plane and two other local residents. I hope I never again experience, and I hope no one ever has to experience, that feeling of rage and frustration and horrible sadness. We can only imagine the pain of the parents.

To say we will spend $6 million to fight back, in a peaceful way, to protect our citizens, is a strong answer to the barbarians who murdered those people. To say we will now spend only one-third of that, I am afraid, sends another kind of less threatening message. A message that we lack the will to succeed.

I don't say that throwing money at a problem will solve it. I don't recommend action on emotion alone. I agree that we are a nation of people who must limit our expectations when it comes to spending.

I also believe Americans have the right to expect protection from their Government. And, being a pragmatist, I believe in the power of research and development.

This requested $6 million would not produce a new bureaucracy to tell Americans how to live the lives. It would produce equipment to detect weapons that terrorists would use to take their lives.

I respectfully ask that the Appropriations Committee and the administration try again to reprogram funds for this cause.

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

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

Let me close by saying that the chairman of the subcommittee has done yeoman service again on the subcommittee. This is good work that he has performed under extremely tough circumstances, with some very controversial items, I must say. Most of the items I agree with the chairman on. A couple we obviously disagree on. It takes nothing away from the tremendous admiration and thanks I have to and for the gentleman for the work that he and the other members of this hardworking subcommittee have performed.

Mr. Speaker, I have some disagreements on some items with the Senate, which I will voice when the time comes, but now the conference report by and large is a good report. I urge our colleagues to support it. We will have a chance when the times come up in disagreement, to wage our fight on those, but for the conference report I urge a yes vote.

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

Mr. SMITH of Iowa. Mr. Speaker, I yield myself such time as I may consume.

I thank the gentleman for his comments, and I want to thank the gentleman for the way he has helped to fashion this bill and to work its way through the obstacle course. If there is anything controversial, it will be in this bill. It has been that way forever, I guess. It has 3 departments and about 27 related agencies involved, and somehow they seem to attract controversies like flies, whether it is the FCC or FTC or any of these other agencies. Usually we have some groups down here wanting riders on one or another of the departments. At least we got by without that this year, pretty much.

I want to thank the gentleman for his cooperation.

Mr. Speaker, I yield 3 minutes to the gentleman from New Jersey [Mr. HUGHES].

Mr. HUGHES. Mr. Speaker, first I want to thank the distinguished chairman of the subcommittee for yielding time to me. He and the distinguished gentleman from Kentucky have done a very good job. It is a very difficult area to make everyone happy, particularly with regard to some of the Senate amendments. The Senate seems to have no rules whatsoever by which to operate, and as a result, while it is a good conference report, and I intend to support it, there are some problems in the conference report that I do object to and will, in fact, challenge.

However, Mr. Speaker, I think it is overall a good conference report. Among other things, it contains about $7.5 billion for those departments and agencies involved in law enforcement efforts against illegal drug trafficking. This amount, added to the sum $1.9 billion contained in title IV of H.R. 3015, brings the total amount available for fiscal year 1990 to about $9.4 billion. This amount is an increase of about $1.36 million above the amount requested by the administration, including budget amendments to combat violent crime and implement the national drug control strategy.

It is a major step in the direction of providing more resources to the law enforcement community. Police operations are strained, all over, and the criminal justice system is in serious trouble.

Mr. Speaker, I did indicate that there are a few areas where I have some problems, and in particular with three different amendments that were tacked on by the Senate. I am not going to challenge all three, because I think we can live with two of them.

□ 1240

One, however would be a serious mistake. The Senate forced upon us a 75 to 25 sharing program. When we developed the Justice Assistance Program, we made it a hard 50 to 50 match between State and Federal money. Indeed we lost the Law Enforcement Assistance Administration Program many years ago because many people perceived it to be free Federal money. There was much abuse and great waste. We made it a 50 to 50 match because we wanted the States to have a full partnership with the States and insure their total commitment. While I object to what the Senate has done because they are legislating in an appropriation bill, the gentleman from Iowa [Mr. SMITH] and the gentleman from Kentucky [Mr. ROGERS] did hold it down to a 1-year extension, not a 2-year extension. That is something we don't like but can live with. But we cannot live with what the Senate did with regard to the funding formula. They have changed the funding formula by again legislating in an appropriation bill. Moreover they make permanent changes.

The funding formula was evolved in our subcommittee and in the full Committee on the Judiciary after much thought, after a tug of war between large States and smaller States, between big cities against smaller cities, and by governors that wanted to have control over all of the money and local units of government that wanted to have automatic passthroughs. We custom-tailored the formula to fairly and objectively deal with these concerns. It has worked well. It is not broken, so we should not fix it.

So, Mr. Speaker, I am going to challenge that motion to recede and concur on amendment 83 by which the Senate is attempting to change the funding formula. Most all the larger States in this country lose under the proposed change. They do not get the lion's share now on a per capita basis. It is the smaller States that get the lion's share on a per capita basis. We think the existing formula is a good formula, and I hope you will support me in this challenge to the Senate amendment No. 83.

Mr. ROGERS. Mr. Speaker, I ask unanimous consent that I may be allowed to reclaim my time.

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

There was no objection.

Mr. ROGERS. Mr. Speaker, I yield 2 minutes to the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Mr. Speaker, I rise in support of the bill, but I feel it necessary to express my reservations about several important aspects of this legislation that must be addressed during the next fiscal cycle.

The Commerce, Justice, and State appropriations bill only includes $2 million for counterterrorism research

and development. This is very disturbing because it undermines the U.S. Government's counterterrorism efforts, both in our own research, and in our attempts to encourage international cooperation.

The administration had requested $6 million for the National Counterterrorism Research and Development Program which provides seed money for priority projects which could be used by a variety of agencies but otherwise were not being funded by any individual department. The State Department, as the lead agency for dealing with international terrorism, coordinates the program. The State Department authorization bill previously approved by the House would contain sufficient funding to accommodate this request.

In addition to helping fund important research in American laboratories, the National Counterterrorism R&D Program also is used to finance the U.S. Government's participation in the joint effort with a dozen other countries to produce a taggant which can be used to help detect plastic explosives. This international effort was launched after it was determined that Pan Am 103 was destroyed by a plastic explosive.

The National Counterterrorism R&D Program is also the focal point of a growing bilateral effort with several close allies to coordinate our research and development with their programs to enhance the overall research effort and prevent duplication. As cochairman of the Interparliamentary Exchange Between Members of the European Parliament, and Members of the U.S. Congress, I have taken part in many discussions on terrorism with our European counterparts. I strongly believe that international cooperation is the key to a successful effort.

The sharp cutback in R&D funding represented in the conference report would badly hurt this important part of our antiterrorism effort. The Congress and the State Department should take steps to remedy this problem, and restore funding for this critically important program.

The second issue I wish to address is the cut in contributions to international organizations and international peacekeeping activities. For some reason, we find ourselves in the precarious position of having reduced U.S. assessed contributions to international organizations and peacekeeping activities as well as arrearages by almost $125 million in spite of the stated views of Secretaries Baker and Shultz.

As we know, this body as well as our colleagues on the Senate side both voted full funding for assessments, partial payment of arrearages and the full administration request for peacekeeping in the State authorization bill. The need for this additional funding is readily apparent to those of us who closely follow the good works of these bureaus.

International organizations have made considerable progress in dealing with important multilateral issues such as terrorism, narcotics, AIDS, the environment, and peacekeeping. We have pressed the United Nations to reform its budget process. In light of the significant progress on these issues, I feel it is now an appropriate time to pay our assessments in full.

Mr. Speaker, I thank the Chair for its indulgence.

Mr. SMITH of Iowa. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, since a couple of Members have talked about counterterrorism research and development funding, I think I should point out a couple of things. The State Department is a very, very minor player in research on counterterrorism. The vast majority of funding in this area, almost all of it, is done by the Departments of Defense and Transportation. The State Department's part in this is only as a minor player. We do not do anything in here like this without consulting the State Department. So any impression that this has any effect at all on counterterrorism research is simply not correct.

Mr. ESPY. Mr. Speaker, I speak in opposition to the McCollum-Stenholm amendment.

I have the greatest respect for the authors of this amendment. The gentlemen from Texas is a valued colleague, senior member of the Agriculture Committee.

But I must oppose this amendment because it seeks I think to promote the interests of the Legal Service Corporation over the interest of the indigent clients its designed to serve.

It undermines the honorable mission of the Legal Services Corporation and prevents the barrister, the counselors, the advocates from fulfilling the oath that all lawyers must take upon passage of the bar—the oath to zealously represent the client. Zealous representation demands full use of the legal process.

I am a lawyer—I cut my teeth through service to the indigent client as a Mississippi Legal Services lawyer—I know of the good work of the legal service lawyers. I also know of what would be the damaging effect of the McCollum-Stenholm amendment. Among the 550,000 income eligible clients in Mississippi, almost half are in my district.

Two dramatic and devastating effects of the amendment we are considering would force legal services clients to exhaust all mediation effects before they seek legal remedies. It would deny the option of class action suits by common claimants. These are useful tools of advocacy. To deny the use of these tools is to hamstring the advocate—to cripple the client who is often times already illiterate and uneducated—to make hollow and false the promise of zealous representation.

I ask my colleagues to defeat the McCollum-Stenholm amendment. Allowing immediate and full access to our legal system should be the effort and goal of Government. Never should Government unwittingly or willfully impede those seeking legal aid. Please defeat this burdensome amendment.

Mr. PANETTA. Mr. Speaker, I rise today in support of the conference report for H.R. 2991, the Commerce, Justice, State, the Judiciary, and related agencies appropriations bill for fiscal year 1990. I would first like to commend Chairman WHITTEN, Chairman SMITH, and all the conferees for their hard work on this appropriations bill and I also would like to take a few moments to discuss with my colleagues two of the programs funded in this measure which are of great importance to my district.

Included in this appropriations bill is funding for the National Oceanic and Atmospheric Administration [NOAA]. NOAA supports many important projects in my district, one of the most prominent being the designation of the Monterey Bay as a national marine sanctuary.

Last year, in its reauthorization of the national marine sanctuary program, Congress provided for the first time the actual designation of a number of sites including Monterey Bay in my own district.

Monterey Bay is a marine resource of truly national significance and one of tremendous importance to the people of central California. The deep marine canyon which lies beneath the waters of the Monterey Bay is home to an extraordinary number of endangered and threatened species of marine mammals and birds. In addition, the bay is also the site of commercial and recreational fisheries, many tourist activities, and extensive national and international marine research efforts.

In its reauthorization of the national marine sanctuary program, Congress expressed its commitment to the protection of our sensitive marine environments, like the Monterey Bay. Recent environmental disasters have reemphasized to us in the most dramatic terms the fragility of our coastal areas and has signaled the need for strong protection of these sensitive areas.

While neither House was able to fund the national marine sanctuary program at its fully authorized level of $4.9 million in either the House or Senate version of this appropriations bill, I was very pleased that the conferees were able to maintain the higher level of $3.1 million for the national marine sanctuary program in the conference report. Only through proper funding of the national marine sanctuary program may Congress ensure that our mandate of environmental protection of our sensitive marine environments is responsibly and effectively implemented.

On a separate, but related matter, I was very pleased that the conferees maintained the $500,000 appropriation for the NOAA Center for Oceanic Analysis and Prediction also located in Monterey, CA. The Center, which is part of NOAA's "Center for Excellence" program, is designed to be a national center for developing practical applications for ocean and coastal pollution and climate activities. It was located in Monterey not by chance, but in order to take advantage of the wealth of oceanic research activities located there.

It is my understanding that the $500,000 contained in this bill for the COAP will fill the most basic infrastructure needs at the Center. Ultimately, of course, hopes to do beyond merely the maintenance of existing services and use its resources to produce a coastal model to be utilitized by all the coastal areas of the United States.

I was especially encouraged by the conferees maintenance of the funding for the COAP as it is the first time Congress has provided NOAA with direct funding for the COAP in Monterey and wish to thank the conferees for including this important item in this appropriations bill.

Once again, I would like to express my appreciation to the conferees for their support in funding the national marine sanctuary program and the NOAA Center in Monterey. Through the funding of these programs Congress has expressed its continued commitment to sound environmental protection of our unique coastal resources. I strongly urge my colleagues to support the passage of this bill.

Ms. PELOSI. Mr. Speaker, I rise in support of the conference report of Commerce, Justice, State, and Judiciary appropriations bill. On behalf of the many Japanese-Americans in my district, I would like to thank Chairman NEAL SMITH for his support of reparations for Japanese-Americans who were interned during World War II and Congressmen NORMAN MINETA and BOB MATSUI for their leadership.

Too many years have gone by during which we have not redressed the wrong that was committed during World War II when the United States Government interned over 100,000 Americans of Japanese ancestry. Unfortunately, through time, we have lost many of those loyal citizens who were unfairly and unjustly treated.

Today, we have the opportunity to establish an entitlement program beginning in the fiscal year 1991 for the reparations process. I am pleased that my colleagues have included this entitlement program in this legislation. However, I am disappointed that we cannot begin processing the payments now. Congress has already determined that Japanese-Americans will receive compensation, but this entitlement program will reaffirm the Government's commitment to justice and fairness and it will serve as a reminder, that no American citizen should be incarcerated based on their ancestry, race, religion, or sex or denied their constitutional rights in America.

I urge my colleagues to support the conference report on Commerce, Justice, State, and Judiciary.

Mr. LOWERY of California. Mr. Chairman, I rise to express my support for the conference report on H.R. 2991, the Commerce, Justice, State appropriations bill for fiscal year 1990. Despite tight budgetary constraints, this legislation adequately funds important law enforcement agencies that are being required to increase their efforts to combat illegal drugs while maintaining their other statutory responsibilities.

I want to call attention to the important work being done by the Immigration and Naturalization Service and the U.S. Border Patrol. The INS and the Border Patrol have been called on to play a vital role in the war on drugs and at the same time deal with the critical problem of illegal immigration to this country.

The San Diego District of the INS and the San Diego Sector of the Border Patrol are probably the busiest in the Nation. The per capita alien population is the highest in the United States. The INS and Border Patrol must process millions of travelers, business people, and other legal entrants to the United States, while apprehending thousands of illegal aliens. The task of drug interdiction has grown in importance and complicates the other duties of the Border Patrol and INS. We must provide adequate funding for the complex and growing duties of these agencies.

The conference report goes a long way toward meeting these needs. Chairman SMITH and Mr. ROGERS, the ranking minority member are to be congratulated for their efforts on the bill.

I also want to thank the Chairman and Mr. ROGERS for working with the Senate conferees to enable the FBI to offer a reward of up to $100,000 for information on incidents of terrorism in the United States. This type of reward was authorized in the Anti-Terrorism Act of 1984, but had never been appropriated. Senator SPECTER and I requested this appropriation with the support of the FBI to assist them in the investigation of the March, 1989 bombing of a van driven by Mrs. Will Rogers, wife of the captain of the U.S.S. *Vincennes*. I want to thank the committee for its assistance and cooperation on this matter.

In conclusion, the committee has produced a good bill, and while it is not perfect, it does provide the necessary funding for important departments and agencies of the U.S. Government and I urge its approval by the House.

Mr. PRICE. Mr. Speaker, I rise in support of H.R. 2991, and want to commend the chairman of the Commerce, Justice, State Appropriations Subcommittee, NEAL SMITH, ranking member HAL ROGERS, and Chairman WHITTEN for their work in bringing this conference report before the House today.

The National Weather Service plays a vital role in providing accurate and timely storm information, and I am particularly pleased with the level of funding appropriated in this year's bill for the next generation doppler radar or NEXRAD. Our current radar system is in deplorable condition. We have learned this the hard way in North Carolina. All across the country, there have been incidents where technologically outdated radars have failed to detect severe storms or tornadoes, costing lives and millions of dollars in property damage. There is good evidence that the doppler radar will detect severe storms and tornadoes more quickly than our current system. In fact, NEXRAD may increase our present lead time of 2 to 3 minutes to 25 or 30 minutes. This increased lead time could save hundreds of lives each year.

The National Weather Service has recently completed a series of tests on the NEXRAD system to determine its capabilities, and the results are excellent. The funding level included in the bill, $71.4 million, will be enough for the National Weather Service to begin implementing their modernization plan and I commend the conference committee for recognizing the importance of this program.

I want further to note the compelling need to conduct research on Eastern storm cells. They are smaller and much harder to detect than storm cells in the West and Midwest. This is important when we consider that currently all tornado research is conducted in the West and Midwest. The fiscal year 1990 NOAA reauthorization bill passed by the House included an amendment offered by me and my colleague, TIM VALENTINE, that earmarks $650,000 for severe storm research funding in the Southeast region. It is critically important that NOAA and the National Weather Service direct a portion of the $5.6 million appropriated for severe storm mesoscale research toward research on Southeastern storm cells.

Finally, I want to say a few words about the Textile/Clothing Technology Corp. or [TC^2]. In 1979, the National Science Foundation sponsored a study recommending that the apparel industry tap state-of-the-art technology in an effort to maintain a competitive advantage. The industry responded to NSF's recommendations, and pooled funds to establish [TC^2].

The principal purpose of [TC^2] is to research and develop the most modern equipment, computer systems and methodologies for apparel manufacturing in an operating plant environment. The corporation also functions as an education and training center. Manufacturing management, engineers, technicians, and students are trained in the operation and capabilities of the new technology.

Since its inception [TC^2] has been a joint venture between the Government, the industry, and labor, and this bill continues that partnership by providing $3.4 million for [TC^2]. This strong alliance is helping to turn the apparel industry into a competitive force by developing and promoting the most modern technology to stay ahead of ever-increasing foreign competition. I strongly support the conference committee's initiative in providing these funds to keep the textile and apparel industry strong and vital.

I urge my colleagues to support the passage of this important legislation.

Mr. VALENTINE. Mr. Speaker, during hearings held last February on the Pan Am 103 disaster by the House Transportation, Aviation, and Materials Subcommittee, which I chair, there was a great deal of discussion about the need to improve aviation security.

One approach is to develop better equipment to detect the increasingly sophisticated bombs used by terrorists, such as the one hidden in a radio and used to blow up Pan Am 103. In combating this type of terrorism, the research and development effort is critical. The Federal Aviation Administration Research Program, which helped develop the thermal neutron analysis [TNA] equipment, has received a great deal of publicity lately.

However, there are other lines of research underway to develop additional ways of helping protect our people, airplanes, and buildings. In late 1986, Congress helped establish a National Counterterrorism Research and Development Program to provide seed money for priority projects that otherwise were not being funded by any specific agency and thus were falling between the cracks. Some of the research projects are turning out to be useful for

aviation security as well as meeting other needs.

I am troubled, therefore, that the State Department appropriation bill conference report, which we are considering in this Chamber today, includes only $2 million for the National Interagency Counterterrorism Research and Development Program.

Despite the need for a coordinated research effort, this National Interagency Program, small as it is, has not been adequately supported by the other body. Although the House last year authorized and appropriated the full $6 million request, the appropriations conferees only approved $3 million for fiscal year 1989. This year the administration again requested $6 million, but the conference report on the Commerce, State and Justice Department appropriations bill, which we are considering today, includes $2 million. This is very troubling.

These cuts endanger efforts to develop equipment to detect explosives before they are brought aboard airplanes or into buildings as well as other projects such as those designed to detect chemical and biological agents. This is not the time to be cutting back on antiterrorism research and development efforts. If anything, we should be increasing our efforts.

I call on the administration to try to restore the funding for the program. Somewhere in the nooks and crannies of the State Department budget there should be another $1 or $2 million which can be found to help prevent future terrorist attacks. The budget may be tight, but it is time to give more than lipservice to preventing terrorist attacks.

Mr. RAHALL. Mr. Speaker, I rise in support of the conference report on H.R. 2991, the fiscal year 1990 appropriations bill for Commerce, Justice, State the Judiciary and related agencies. I would like to take this opportunity to highlight those programs which are of particular importance to my home State of West Virginia.

The agreement provides $191 million for the Economic Development Administration [EDA]. The EDA is of vital importance to the State of West Virginia. The EDA targets economically needy areas for assistance. EDA grants finance roads, waste water treatment, business incubators, industrial parks, vocational schools and other projects important to the creation of new jobs and long-term development. The EDA also provides small businesses with the necessary start-up funding essential to begin operation.

While it is difficult to successfully measure the direct effectiveness of EDA due to its mission, various econometric analyses have supported the notion that EDA has had a positive effect on employment. I know that in West Virginia, EDA has been instrumental in assisting in a variety of important projects.

I commend the conferees for providing these funds for this worthy program. We should be promoting economic growth to increase our tax base, increase employment, increase our share of the world market, and ultimately to decrease the dual deficits. Support of EDA is a good first step in this effort.

I am also pleased that the agreement includes language requiring the agency to make or complete grants for projects described in the fiscal year 1989 Appropriations Act. Unfortunately, there was some confusion regarding congressional intent with respect to the funding of certain projects contained in last year's appropriations bill. As a result of this confusion, funds have not yet been dispersed to Marshall University to help fund the creation of an institute for advanced flexible manufacturing systems.

This project is meant to support the transfer of technology and innovation within West Virginia, stimulate joint venture opportunities between university and industry, provide education and retraining, and generally assure the successful competition in regional, national, and world markets. It is my hope that the language in the agreement has clarified our intent.

The agreement also provides $14.3 million to support the activities of the U.S. Travel and Tourism Administration [USTTA]. This important agency promotes international travel to the United States and provides States with information on potential markets and how to best target those markets. Next to coal, tourism is the largest industry in West Virginia.

The USTTA has greatly assisted West Virginia attract foreign business. In 1986 foreign travelers spent $10.8 million in our State. Nationally, USTTA encouraged foreign travelers to spend $29.2 billion in 1988. In 1989, foreign travelers are projected to spend $1.2 billion more than U.S. travelers spend abroad. I think it is clear that the $14.3 million the agreement provides for this program is money well spent, and I hope that we will be able to provide the agency with more funding in fiscal year 1991.

Finally, I would like to mention how pleased I am that this agreement provides $10.9 million for the continuation of the Trade Adjustment Assistance Program. This level provides for the continuation of all trade adjustment assistance centers at current operating levels. The services provided under this program are of great importance to many unemployed workers in West Virginia, especially those who have been involved in coal and steel production, whose jobs have been lost due to unfair trade practices by many of our trade partners. This program has greatly assisted those men and women who desperately want to work to support themselves and their families, but who can no longer find employment in the fields of work for which they are trained. The training offered by the TAA Program enables many to master a new trade and start in a new line of worthwhile, fulfilling work to provide for themselves and their families.

I strongly support the funding provided in this agreement and urge my colleagues to support its adoption.

Mr. EDWARDS of California. Mr. Speaker, I rise in strong support of the rule.

The conference on the Commerce, Justice, State and Judiciary appropriations bill adopted a Senate-passed provision which would allow the Civil Liberties Act to begin implementation in fiscal 1991, a year from now. Payments under the Civil Liberties Act would become entitlements, and the program would be completed in only 3 years.

We have come a long way to redress the grievous wrong committed by our Government nearly 50 years ago. By enacting the Civil Liberties Act over a year ago, our Nation admitted that a terrible mistake was made when 120,000 persons of Japanese ancestry were incarcerated without due process of law. This violation of basic civil and constitutional rights marked a dark chapter in American history.

We stood very tall in the eyes of the world when we enacted the Civil Liberties Act last year. It was a proud day for our country, and for me personally, when Congress apologized for our Nation and acknowledged that a terrible wrong was committed. And we made a promise to make monetary redress to those still alive.

Mr. Speaker, this is a promise we must keep. The conference agreement has worked out a full schedule of payments to begin next year.

I know some of our colleagues will argue against an entitlement, and note that when we passed the act last year we did not make the program an entitlement. When Congress enacted the Civil Liberties Act, we intended that payments be made quickly and fairly, and envisioned that the program be completed in 3 years.

As a senior member of the authorizing committee, the Committee on the Judiciary, I support making redress payments an entitlement. Although the committee did not want to mandate the level of payments on the Appropriations Committees, we did intend that these payments begin promptly and be completed quickly. And now, the Appropriations Committees have determined that these payments should be entitlements. I strongly support that decision.

The House has tried to provide some payments in the supplemental appropriation for 1989 and in the 1990 House-passed appropriation bill, but not a single cent has yet been paid or will be paid in the coming year. By approving this conference report, we can begin a full schedule of payments, implementing the intent of Congress, starting next year.

I know others will argue that we will never gain control over the deficit if we continue to waive the Budget Act. In this case, I join with my distinguished colleague in the Senate, the primary author of the Deficit Control Act of 1985, Senator WARREN RUDMAN, in agreeing that this is one of those occasions that the right thing to do is to waive the Budget Act.

Each day we delay payments, more and more survivors of the incarceration will die. The youngest of these loyal Americans is now approaching 50, the oldest located survivor is 106, and 2,400 are dying each month. To delay beyond providing a full schedule of payments starting in fiscal 1991 would show the world that the redress program was only an empty gesture.

The Judiciary Subcommittee on Civil and Constitutional Rights, which I chair, conducted hearings in March on the authorization request of the Civil Rights Division of the Department of Justice. The Civil Rights Division, through its Office of Redress Administration [ORA], is responsible for carrying out the implementation of the act.

According to testimony at the hearing, we learned that the ORA, working on a shoestring budget, has done an excellent job thus far. ORA has contacted nearly all of the persons eligible for payments under the act, and will

be able to fully carry out the program beginning next year. ORA will need sufficient funds to administer the act, and I am confident that the Attorney General will see that the Office is able to fully carry out the act.

On the day the House passed H.R. 442 in 1987, our Nation celebrated the bicentennial of the Constitution. There was no more fitting tribute to the strength of our Constitution than to attempt to remove this infamous blot on our history by formally acknowledging the wrong done to Japanese-Americans and to provide token monetary redress. We have the opportunity to begin this promise by adopting this rule and agreeing with the conference report. Let us not walk away from that opportunity.

Mr. Speaker, nearly 50 years is delay enough. I urge adoption of the rule and adoption of the conference report.

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

Mr. SMITH of Iowa. 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 that the ayes appeared to have it.

Mr. ROGERS. 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 323, nays 81, not voting 29, as follows:

[Roll No. 313]

YEAS—323

Ackerman
Akaka
Alexander
Anderson
Andrews
Annunzio
Anthony
Aspin
Atkins
AuCoin
Baker
Barnard
Bateman
Bates
Beilenson
Bennett
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bliley
Boehlert
Boggs
Bonior
Borski
Bosco
Boucher
Boxer
Broomfield
Browder
Bruce
Bryant
Buechner
Bustamante
Campbell (CA)
Campbell (CO)
Cardin
Carper
Carr
Chandler
Chapman
Clarke
Clay
Clement
Coleman (MO)
Coleman (TX)
Collins
Condit
Conte
Conyers
Costello
Coughlin
Coyne
Craig
Crockett
Darden
Davis
de la Garza
DeFazio
DeLay
Dellums
Derrick
DeWine
Dickinson
Dicks
Dingell
Dixon
Donnelly
Dorgan (ND)
Douglas
Downey
Durbin
Dwyer
Dymally
Dyson
Early
Eckart
Edwards (CA)
Edwards (OK)
Emerson
Engel
English
Espy
Evans
Fascell
Fazio
Feighan
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank
Frost
Gallegly
Gallo
Gaydos
Gejdenson
Gephardt
Geren
Gibbons
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Gordon
Goss
Gradison
Grandy
Grant
Gray
Green
Guarini
Hall (OH)
Hamilton
Hastert
Hatcher
Hawkins
Hayes (IL)
Hayes (LA)
Hefley
Hefner
Hiler
Hoagland
Hochbrueckner
Hopkins
Horton
Houghton
Hoyer
Hubbard
Huckaby
Hughes
Hyde
Inhofe
James
Jenkins
Johnson (CT)
Johnson (SD)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kaptur
Kastenmeier
Kennedy
Kennelly
Kildee
Kleczka
Kolbe
Kolter
Kostmayer
LaFalce
Lagomarsino
Lancaster
Lantos
Laughlin
Leach (IA)
Lehman (CA)
Lehman (FL)
Levin (MI)
Levine (CA)
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lipinski
Livingston
Lloyd
Long
Lowery (CA)
Lowey (NY)
Luken, Thomas
Machtley
Madigan
Manton
Markey
Martin (NY)
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McCollum
McCrery
McCurdy
McDade
McDermott
McGrath
McHugh
McMillan (NC)
McMillen (MD)
McNulty
Meyers
Mfume
Michel
Miller (CA)
Miller (OH)
Miller (WA)
Mineta
Moakley
Mollohan
Moody
Morella
Morrison (CT)
Morrison (WA)
Murtha
Myers
Nagle
Natcher
Neal (MA)
Nelson
Nowak
Oakar
Oberstar
Obey
Olin
Ortiz
Owens (NY)
Owens (UT)
Oxley
Packard
Pallone
Panetta
Parker
Parris
Payne (NJ)
Pelosi
Perkins
Pickett
Pickle
Porter
Poshard
Price
Pursell
Quillen
Rahall
Rangel
Ravenel
Regula
Rhodes
Richardson
Ridge
Rinaldo
Ritter
Roe
Rogers
Ros-Lehtinen
Rose
Rostenkowski
Roukema
Rowland (CT)
Rowland (GA)
Roybal
Sabo
Saiki
Sarpalius
Savage
Sawyer
Saxton
Scheuer
Schiff
Schneider
Schroeder
Schuette
Schulze
Schumer
Sharp
Shaw
Shays
Sikorski
Skaggs
Skeen
Slattery
Slaughter (NY)
Smith (FL)
Smith (IA)
Smith (NE)
Smith (VT)
Smith, Robert (OR)
Snowe
Solarz
Spence
Spratt
Staggers
Stallings
Stearns
Stokes
Studds
Swift
Synar
Tauke
Thomas (CA)
Thomas (GA)
Torres
Torricelli
Towns
Traficant
Traxler
Unsoeld
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Vucanovich
Walsh
Watkins
Waxman
Weber
Weiss
Weldon
Wheat
Whittaker
Whitten
Wilson
Wolf
Wolpe
Wyden
Wylie
Yates
Young (AK)
Young (FL)

NAYS—81

Applegate
Archer
Ballenger
Bartlett
Barton
Brown (CO)
Bunning
Burton
Byron
Callahan
Coble
Combest
Cox
Crane
Dannemeyer
Dreier
Duncan
Erdreich
Fields
Frenzel
Gekas
Goodling
Gunderson
Hall (TX)
Hammerschmidt
Hancock
Hansen
Harris
Henry
Herger
Hertel
Holloway
Hunter
Hutto
Ireland
Jacobs
Kanjorski
Kasich
Kyl
Leath (TX)
Lightfoot
Lukens, Donald
Marlenee
Martin (IL)
McCandless
McEwen
Montgomery
Moorhead
Murphy
Nielson
Pashayan
Patterson
Paxon
Payne (VA)
Pease
Penny
Petri
Ray
Robinson
Rohrabacher
Roth
Schaefer
Sensenbrenner
Shumway
Shuster
Sisisky
Skelton
Slaughter (VA)
Smith, Denny (OR)
Smith, Robert (NH)
Solomon
Stangeland
Stenholm
Stump
Sundquist
Tanner
Tauzin
Taylor
Thomas (WY)
Upton
Walker

NOT VOTING—29

Armey
Brennan
Brooks
Brown (CA)
Clinger
Cooper
Courter
Dornan (CA)
Fawell
Fish
Flippo
Florio
Garcia
Lent
Molinari
Mrazek
Neal (NC)
Roberts
Russo
Sangmeister
Smith (NJ)
Smith (TX)
Stark
Tallon
Udall
Walgren
Williams
Wise
Yatron

□ 1307

The Clerk announced the following pair:

On this vote:

Mr. Brown of California for, with Mr. Armey against.

Messrs. THOMAS of Wyoming, SCHAEFER, LEATH of Texas, and SISISKY, Mrs. BYRON, Mr. TAYLOR, and Mr. HUTTO changed their vote from "yea" to "nay."

Mr. RITTER changed his 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. The Clerk will designate the first amendment in disagreement.

Mr. SMITH of Iowa. Mr. Speaker, I ask unanimous consent that the Senate amendments numbered 1, 5, 10, 15, 16, 17, 20, 21, 22, 23, 24, 26, 29, 33, 34, 35, 36, 39, 45, 46, 48, 49, 50, 51, 55, 58, 59, 60, 62, 63, 65, 66, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 81, 88, 89, 90, 92, 93, 94, 97, 99, 100, 101, 102, 103, 104, 105, 107, 108, 113, 118, 120, 123, 126, 135, 138, 139, 141, 143, 145, 146, 147, 149, 151, 153, 155, 157, 166, 167, 169, 172, 173, 175, and 178 be considered en bloc and printed in the RECORD.

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

There was no objection.

The texts of the various Senate amendments referred to in the unanimous-consent request are as follows:

Senate amendment No. 1: Page 2, line 5, after "law" insert ", including not to exceed $2,000 for official entertainment".

Senate amendment No. 5: Page 2, line 20, after "$1,322,967,000" insert ", to remain available until expended".

Senate amendment No. 10: Page 3, line 9, after "law," inset "and including demonstrating new alternatives to providing services domestically and engaging in trade promotional activities abroad without regard to the provisions of law set forth in 44 U.S.C. 3702 and 3703; and implementation of section 406(b) of the U.S.-Canada Free-Trade Agreement Implementation Act of 1988, notwithstanding section 406(b)3 of said Act; full medical coverage for dependent members of immediate families of employees sta-

tioned overseas; travel and transportation of employees of the United States and Foreign Commercial Service between two points abroad, without regard to 49 U.S.C. 1517; employment of Americans and aliens by contract for services abroad; rental of space abroad for periods not exceeding ten years, and expenses of alteration, repair, or improvement; purchase or construction of temporary demountable exhibition structures for use abroad; payment of tort claims, in the manner authorized in the first paragraph of 28 U.S.C. 2672 when such claims arise in foreign countries; not to exceed $300,000 for official representation expenses abroad; and purchase of passenger motor vehicles for official use abroad; obtain insurance on official motor vehicles, rent tie lines and teletype equipment;".

Senate amendment No. 15: Page 3, after line 10, insert:

MINORITY BUSINESS DEVELOPMENT AGENCY

MINORITY BUSINESS DEVELOPMENT

For necessary expenses of the Department of Commerce in fostering, promoting, and developing minority business enterprise, including expenses of grants, contracts, and other agreements with public or private organizations, $39,741,000, of which $25,321,000 shall remain available until expended: *Provided*, That not to exceed $14,420,000 shall be available for program management for fiscal year 1990.

Senate amendment No. 16: Page 3, after line 10, insert:

UNITED STATES TRAVEL AND TOURISM ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the United States Travel and Tourism Administration including travel and tourism promotional activities abroad for travel to the United States and its possessions without regard to the provisions of law set forth in 44 U.S.C. 3702 and 3703; and including employment of American citizens and aliens by contract for services abroad; rental of space abroad for periods not exceeding five years, and expenses of alteration, repair, or improvement; purchase or construction of temporary demountable exhibition structures for use abroad; advance of funds under contracts abroad; payment of tort claims in the manner authorized in the first paragraph of 28 U.S.C. 2672, when such claims arise in foreign countries; and not to exceed $12,000 for representation expenses abroad; $14,300,000.

Senate amendment No. 17: Page 3, line 16, after "craft" insert "; 439 commissioned officers on the active list;".

Senate amendment No. 20: Page 3, after line 20, insert:

FISHERIES PROMOTIONAL FUND

Of the funds deposited in the Fisheries Promotional Fund pursuant to section 209 of the Fish and Seafood Promotion Act of 1986, $2,000,000, to remain available until expended, shall be made available as authorized by said Act.

Senate amendment No. 21: Page 3, line 24, after "1980(f)" insert ", to remain available until expended".

Senate amendment No. 22: Page 4, line 4, after "Act" insert ", to remain available until expended".

Senate amendment No. 23: Page 4, line 13, after "$1,986,000" insert ", to remain available until expended".

Senate amendment No. 24: Page 4, line 17, after "law," insert "and including defense of suits instituted against the Commissioner of Patents and Trademarks;".

Senate amendment No. 26: Page 4, line 19, after "376" insert ", to remain available until expended".

Senate amendment No. 29: Page 4, after line 21, insert:

SALARIES AND EXPENSES

For necessary expenses, as provided for by law, of the National Telecommunications and Information Administration, $14,200,000 of which $700,000 shall remain available until expended.

Senate amendment No. 33: Page 5, line 10, after "Act" insert ", and, notwithstanding 31 U.S.C. 3324, may be used for advanced payments not otherwise authorized only upon the certification of officials designated by the Secretary that such payments are in the public interest".

Senate amendment No. 34: Page 5, after line 17, insert:

SEC. 103. No funds in this title shall be used to sell to private interests, except with the consent of the borrower, or contract with private interest to sell or administer, any loans made under the Public Works and Economic Development Act of 1965 or any loans made under section 254 of the Trade Act of 1974.

Senate amendment No. 35: Page 5, after line 17, insert:

SEC. 104. Hereafter, the National Institute of Standards and Technology is authorized to accept contributions of funds, to remain available until expended, from any public or private source to construct a facility for cold neutron research on materials, notwithstanding the limitations contained in 15 U.S.C. 278d.

Senate amendment No. 36: Page 5, after line 17, insert:

SEC. 105. None of the funds appropriated in this title for the Department of Commerce shall be available to reimburse the fund established by 15 U.S.C. 1521 on account of the performance of a program, project, or activity, nor shall such fund be available for the performance of a program, project, or activity, which had not been performed as a central service pursuant to 15 U.S.C. 1521 before July 1, 1982, unless the Appropriations Committees of both Houses of Congress are notified fifteen days in advance of such action in accordance with the Committees' reprogramming procedures.

Senate amendment No. 39: Page 5, after line 20, insert:

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $20,673,000; including not to exceed $10,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of the Attorney General, and to be accounted for solely on his certificate; and for the acquisition, lease, maintenance and operation of motor vehicles without regard to the general purchase price limitation.

Senate amendment No. 45: Page 6, after line 2, insert:

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

For necessary expenses of the Offices of the United States Attorneys, $444,862,000, of which not to exceed $5,000,000 shall be available until September 30, 1991, for the purposes of (1) providing training of personnel of the Department of Justice in debt collection, (2) providing services related to locating debtors and their property, such as title searches, debtor skiptracing, asset searches, credit reports and other investigations, and (3) paying the costs of sales of property not covered by the sale proceeds, such as auctioneers' fees and expenses, maintenance and protection of property and businesses, advertising and title search and surveying costs: *Provided*, That of the total amount appropriated, not to exceed $8,000 shall be available for official reception and representation expenses.

Senate amendment No. 46: Page 6, after line 2, insert:

UNITED STATES TRUSTEE SYSTEM FUND

For the necessary expenses of the United States Trustee Program, $60,729,000, to remain available until expended and to be derived from the Fund, for activities authorized by section 115 of the Bankruptcy Judges, United States Trustees, and Family Farmer Bankruptcy Act of 1986 (Public Law 99-554): *Provided*, That deposits to the Fund are available in such amounts as may be necessary to pay refunds due depositors.

Senate amendment No. 48: Page 6, after line 2, insert:

SALARIES AND EXPENSES, UNITED STATES MARSHALS SERVICE

For necessary expenses of the United States Marshals Service; including acquisition, lease, maintenance, and operation of vehicles and aircraft; $217,027,000 as authorized in Public Law 100-690 (102 Stat. 4513): *Provided*, That notwithstanding the provisions of title 31 U.S.C. 3302, for fiscal year 1990 and hereafter the Director of the United States Marshals Service may collect fees and expenses for the services authorized by 28 U.S.C. 1921 as amended by Public Law 100-690, and credit such fees to this appropriation to be used for salaries and other expenses incurred in providing these services: *Provided further*, That not to exceed $6,000 shall be available for official reception and representation expenses.

Senate amendment No. 49: Page 6, after line 2, insert:

SUPPORT OF UNITED STATES PRISONERS

For support of United States prisoners in non-Federal institutions, $137,034,000, to remain available until expended; of which not to exceed $5,000,000 shall be available under the Cooperative Agreement Program.

Senate amendment No. 50: Page 6, after line 2, insert:

FEES AND EXPENSES OF WITNESSES

For expenses, mileage, compensation, and per diems of witnesses, for private counsel expenses, and for per diems in lieu of subsistence, as authorized by law, including advances; $56,784,000, to remain available until expended, of which not to exceed $1,690,000 may be made available for planning, construction, renovation, maintenance, remodeling, and repair of buildings and the purchase of equipment incident thereto for protected witness safesites: *Provided*, That for fiscal year 1990 and hereafter the Attorney General may enter into reimbursable agreements with other Federal Government agencies or components within the Department of Justice to pay expenses of private counsel to defend Federal Government employees sued for actions while performing their official duties: *Provided further*, That for fiscal year 1990 and hereafter the Attorney General, upon notification to the Committees on Appropriations of the House of Representatives and the Senate in compliance with provisions set forth in section 606 of this Act, may authorize litigating components to reimburse this account for expert witness expenses when it

appears current allocations will be exhausted for cases scheduled for trial in the current fiscal year.

Senate amendment No. 51: Page 6, after line 2, insert:

SALARIES AND EXPENSES, COMMUNITY RELATIONS SERVICE

For necessary expenses of the Community Relations Service, established by title X of the Civil Rights Act of 1964, $29,334,000, of which not to exceed $21,500,000 shall remain available until expended to make payments in advance for grants, contracts and reimbursable agreements and other expenses necessary under section 501(c) of the Refugee Education Assistance Act of 1980 (Public Law 96-422; 94 Stat. 1809) for the processing, care, maintenance, security, transportation and reception and placement in the United States of Cuban and Haitian entrants: *Provided*, That notwithstanding section 501(e)(2)(B) of the Refugee Education Assistance Act of 1980 (Public Law 96-422; 94 Stat. 1810), funds may be expended for assistance with respect to Cuban and Haitian entrants as authorized under section 501(c) of such Act.

Senate amendment No. 55: Page 6 after line 6, insert:

DRUG ENFORCEMENT ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Drug Enforcement Administration, including not to exceed $70,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of the Attorney General, and to be accounted for solely on his certificate; expenses for conducting drug education programs, including travel and related expenses for participants in such programs and the distribution of items of token value that promote the goals of such programs; purchase of not to exceed 703 passenger motor vehicles of which 489 are for replacement only for police-type use without regard to the general purchase price limitation for the current fiscal year; and acquisition, lease, maintenance, and operation of aircraft; $492,180,000, of which not to exceed $1,200,000 for research shall remain available until expended; and of which not to exceed $1,700,000 for purchase of evidence and payments for information, not to exceed $9,638,000 for contracting for ADP and telecommunications equipment, and not to exceed $2,000,000 for technical and laboratory equipment, shall remain available until September 30, 1991: *Provided*, That not to exceed $30,000 shall be available for official reception and representation expenses.

Senate amendment No. 58: Page 6, after line 6, insert:

FEDERAL PRISON SYSTEM

Senate amendment No. 59: Page 6, after line 6, insert:

SALARIES AND EXPENSES

For expenses necessary for the administration, operation, and maintenance of Federal penal and correctional institutions, including purchase (not to exceed 159 of which 55 are for replacement only) and hire of law enforcement and passenger motor vehicles; $1,097,631,000: *Provided*, That there may be transferred to the Health Resources and Services Administration such amounts as may be necessary, in the discretion of the Attorney General, for direct expenditures by that Administration for medical relief for inmates of Federal penal and correctional institutions: *Provided further*, That uni forms may be purchased without regard to the general purchaser price limitation for the current fiscal year: *Provided further*, That not to exceed $3,000 shall be available for official reception and representation expenses.

Senate amendment No. 60: Page 6, after line 6, insert:

NATIONAL INSTITUTE OF CORRECTIONS

For carrying out the provisions of sections 4351-4353 of title 18, United States Code, which established a National Institute of Corrections, $10,112,000, to remain available until expended.

Senate amendment No. 62: Page 6, after line 6, insert:

FEDERAL PRISON INDUSTRIES, INCORPORATED

The Federal Prison Industries, Incorporated, is hereby authorized to make such expenditures, within the limits of funds and borrowing authority available, and in accord with the law, and to make such contracts and commitments, without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended, as may be necessary in carrying out the program set forth in the budget for the current fiscal year for such corporation, including purchase of (not to exceed five for replacement only) and hire of passenger motor vehicles.

Senate amendment No. 63: Page 6, after line 6, insert:

LIMITATION ON ADMINISTRATIVE EXPENSES, FEDERAL PRISON IDNUSTRIES, INCORPORATED

Not to exceed $2,857,000 of the funds of the corporation shall be available for its administrative expenses for services as authorized by 5 U.S.C. 3109, to be computed on an accrual basis to be determined in accordance with the corporation's prescribed accounting system in effect on July 1, 1946, and such amount shall be exclusive of depreciation, payment of claims, and expenditures which the said accounting system requires to be capitalized or charged to cost of commodities acquired or produced, including selling and shipping expenses, and expenses in connection with acquisition, construction, operation, maintenance, improvement, protection, or disposition of facilities and other property belonging to the corporation or in which it has an interest.

Senate amendment No. 65: Page 6, line 15, after "6093" insert "and 7289".

Senate amendment No. 66: Page 6, line 16, after "4339-4340" insert "and 4461".

Senate amendment No. 68: Page 7, line 6, strike out "60993" and insert "7265".

Senate amendment No. 69: Page 7, line 7, strike out "4339-4340" and insert "4448 and 4449".

Senate amendment No. 70: Page 7, strike out lines 12 to 16, and insert:

In addition, $5,000,000 for the purpose of making grants to States for their expenses by reason of Mariel Cubans having to be incarcerated in State facilities for terms requiring incarceration for the full period October 1, 1989, through September 30, 1990, following their conviction of a felony committed after having been paroled into the United States by the Attorney General: *Provided*, That within thirty days of enactment of this Act the Attorney General shall announce in the Federal Register that this appropriation will be made available to the States whose Governors certify by February 1, 1990, a listing of names of such Mariel Cubans incarcerated in their respective facilities: *Provided further*, That the Attorney General, not later than April 1, 1990, will complete his review of the certified listings of such incarcerated Mariel Cubans, and make grants to the States on the basis that the certified number of such incarcerated persons in a State bears to the total certified number of such incarcerated persons: *Provided further*, That the amount of reimbursements per prisoner per annum shall not exceed $12,000.

Senate amendment No. 71: Page 7, after line 22, insert:

GENERAL PROVISIONS—DEPARTMENT OF JUSTICE

Senate amendment No. 72: Page 7, after line 22, insert:

SEC. 201. A total of not to exceed $30,000 from funds appropriated to the Department of Justice in this title shall be available only for official reception and representation expenses in accordance with distributions, procedures, and regulations established by the Attorney General.

Senate amendment No. 73: Page 7, after line 22, insert:

SEC. 202. During fiscal year 1990 and hereafter, materials produced by convict labor may be used in the construction of any highways or portion of highways located on Federal-aid systems, as described in section 103 of title 23, United States Code.

Senate amendment No. 74: Page 7, after line 22, insert:

SEC. 203. For fiscal year 1990 and hereafter, appropriations for "Salaries and expenses, General Administration", "Salaries and expenses, United States Marshals Service", "Salaries and expenses, Federal Bureau of Investigation", "Salaries and expenses, Drug Enforcement Administration", "Salaries and expenses, Immigration and Naturalization Service", and "Salaries and expenses, Federal Prison System", shall be available for uniforms and allowances therefor as authorized by law (5 U.S.C. 5901-5902).

Senate amendment No. 75: Page 7, after line 22, insert:

SEC. 204. (a) Subject to subsection (b) of this section, authorities contained in Public Law 96-132, "The Department of Justice Appropriation Authorization Act, Fiscal Year 1980", shall remain in effect until the termination date of this Act or until the effective date of a Department of Justice Appropriation Authorization Act, whichever is earlier.

(b)(1) With respect to any undercover investigative operation of the Federal Bureau of Investigation or the Drug Enforcement Administration which is necessary for the detection and prosecution of crimes against the United States or for the collection of foreign intelligence or counterintelligence—

(A) sums authorized to be appropriated for the Federal Bureau of Investigation and for the Drug Enforcement Administration, for fiscal year 1990, may be used for purchasing property, buildings, and other facilities, and for leasing space, within the United States, the District of Columbia, and the territories and possessions of the United States, without regard to section 1341 of title 31 of the United States Code, section 3732(a) of the Revised Statutes (41 U.S.C. 11(a)), section 305 of the Act of June 30, 1949 (63 Stat. 396; 41 U.S.C. 255), the third undesignated paragraph under the heading "Miscellaneous" of the Act of March 3, 1877 (19 Stat. 370; 40 U.S.C. 34), section 3324 of title 31 of the United States Code, section 3741 of the Revised Statutes (41 U.S.C. 22), and subsections (a) and (c) of section 304 of the Federal Property and Administrative Service Act of 1949 (63 Stat. 395; 41 U.S.C. 254 (a) and (c)),

(B) sums authorized to be appropriated for the Federal Bureau of Investigation and for the Drug Enforcement Administration, for fiscal year 1990, may be used to establish or to acquire proprietary corporations or business entities as part of an undercover investigative operation, and to operate such corporations or business entities on a commercial basis, without regard to section 9102 of title 31 of the United States Code,

(C) sums authorized to be appropriated for the Federal Bureau of Investigation and for the Drug Enforcement Administration, for fiscal year 1990, and the proceeds from such undercover operation, may be deposited in banks or other financial institutions, without regard to section 648 of title 18 of the United States Code and section 3302 of title 31 of the United States Code, and

(D) proceeds from such undercover operation may be used to offset necessary and reasonable expenses incurred in such operation, without regard to section 3302 of title 31 of the United States Code,

only, in operations designed to detect and prosecute crimes against the United States, upon the written certification of the Director of the Federal Bureau of Investigation (or, if designated by the Director, a member of the Undercover Operations Review Committee established by the Attorney General in the Attorney General's Guidelines on Federal Bureau of Investigation Undercover Operations, as in effect on July 1, 1983) or the Administrator of the Drug Enforcement Administration, as the case may be, and the Attorney General (or, with respect to Federal Bureau of Investigation undercover operations, if designated by the Attorney General, a member of such Review Committee), that any action authorized by subparagraph (A), (B), (C), or (D) is necessary for the conduct of such undercover operation. If the undercover operation is designed to collect foreign intelligence or counterintelligence, the certification that any action authorized by subparagraph (A), (B), (C), or (D) is necessary for the conduct of such undercover operation shall be by the Director of the Federal Bureau of Investigation (or, if designated by the Director, the Assistant Director, Intelligence Division) and the Attorney General (or, if designated by the Attorney General, the Counsel for Intelligence Policy). Such certification shall continue in effect for the duration of such undercover operation, without regard to fiscal years.

(2) As soon as the proceeds from an undercover investigative operation with respect to which an action is authorized and carried out under subparagraphs (C) and (D) of subsection (a) are no longer necessary for the conduct of such operation, such proceeds or the balance of such proceeds remaining at the time shall be deposited in the Treasury of the United States as miscellaneous receipts.

(3) If a corporation or business entity established or acquired as part of an undercover operation under subparagraph (B) of paragraph (1) with a net value of over $50,000 is to be liquidated, sold, or otherwise disposed of, the Federal Bureau of Investigation or the Drug Enforcement Administration, as much in advance as the Director or the Administrator, or the designee of the Director or the Administator, determines is practicable, shall report the circumstances to the Attorney General and the Comptroller General. The proceeds of the liquidation, sale, or other disposition, after obligations are met, shall be deposited in the Treasury of the United States as miscellaneous receipts.

(4)(A) The Federal Bureau of Investigation or the Drug Enforcement Administration, as the case may be, shall conduct a detailed financial audit of each undercover investigative operation which is closed in fiscal year 1990—

(i) submit the results of such audit in writing to the Attorney General, and

(ii) not later than 180 days after such undercover operation is closed, submit a report to the Congress concerning such audit.

(B) The Federal Bureau of Investigation and the Drug Enforcement Administration shall each also submit a report annually to the Congress specifying as to their respective undercover investigative operations—

(i) the number, by programs, of undercover investigative operations pending as of the end of the one-year period for which such report is submitted,

(ii) the number, by programs, of undercover investigative operations commenced in the one-year period preceding the period for which such report is submitted, and

(iii) the number, by programs, of undercover investigative operations closed in the one-year period preceding the period for which such report is submitted and, with respect to each such closed undercover operations, the results obtained. With respect to each such closed undercover operation which involves any of the sensitive circumstances specified in the Attorney General's Guidelines on Federal Bureau of Investigation Undercover Operations, such report shall contain a detailed description of the operation and related matters, including information pertaining to.

(I) the results,

(II) any civil claims, and

(III) identification of such sensitive circumstances involved, that arose at any time during the course of such undercover operation.

(5) For purposes of paragraph (4)—

(A) the term "closed" refers to the earliest point in time at which—

(i) all criminal proceedings (other than appeals) are conducted, or

(ii) covert activities are concluded, whichever, occurs later,

(B) the term "employees" means employees, as defined in section 2105 of title 5 of the United States Code, of the Federal Bureau of Investigation, and

(C) the terms "undercover investigative operations" and "undercover operation" means any undercover investigative operation of the Federal Bureau of Investigation or the Drug Enforcement Administration (other than a foreign counterintelligence undercover investigative operation)—

(i) in which—

(I) the gross receipts (excluding interest earned) exceed $50,000 or

(II) expenditures (other than expenditures for salaries of employees) exceed $150,000, and

(ii) which is exempt from section 3302 or 9102 of title 31 of the United States Code, except that clauses (i) and (ii) shall not apply with respect to the report required under subparagraph (B) of such paragraph.

Senate amendment No. 76: Page 7, after line 22, insert:

SEC. 205. None of the funds appropriated by this title shall be available to pay for an abortion, except where the life of the mother would be endangered if the fetus were carried to term or in the case of rape: *Provided*, That should this prohibition be declared unconstitutional by a court of competent jurisdiction, this section shall be null and void.

Senate amendment No. 77: Page 7, after line 22, insert:

SEC. 206. None of the funds appropriated under this title shall be used to require any person to perform, or facilitate in any way the performance of, any abortion.

Senate amendment No. 78: Page 7, after line 22, insert:

SEC. 207. Nothing in the preceding section shall remove the obligation of the director of the Bureau of Prisons to provide escort services necessary for a female inmate to receive such service outside the Federal facility: *Provided*, That nothing in this section in any way diminishes the effect of section 206 intended to address the philosophical beliefs of individual employees of the Bureau of Prisons.

Senate amendment No. 81: Page 7, after line 22, insert:

SEC. 210. Pursuant to the provisions of law set forth in 18 U.S.C. 3071-3077, not to exceed $100,000 of the funds appropriated to the Department of Justice in this title shall be available for rewards to individuals who furnish information regarding acts of terrorism against a United States person or property.

Senate amendment No. 88: Page 8, after line 2, insert:

REPRESENTATION ALLOWANCES

For representation allowances as authorized by section 905 of the Foreign Service Act of 1980, as amended (22 U.S.C. 4085), and for representation by United States missions to the United Nations and Organization of American States, $4,600,000.

Senate amendment No. 89: Page 8, after line 2, insert:

PROTECTION OF FOREIGN MISSIONS AND OFFICIALS

For expenses, not otherwise provided, to enable the Secretary of State to provide for extraordinary protective services in accordance with the provisions of section 214 of the State Department Basic Authorities Act of 1956, and to provide for the protection of foreign missions in accordance with the provisions of 3 U.S.C. 208, $9,100,000.

Senate amendment No. 90: Page 8, line 4, after "the" insert "Foreign Service Buildings Act of 1926, as amended (22 U.S.C. 292-300), and the".

Senate amendment No. 92: Page 8, after line 11, insert:

EMERGENCIES IN THE DIPLOMATIC AND CONSULAR SERVICE

For expenses necessary to enable the Secretary of State to meet unforeseen emergencies arising in the Diplomatic and Consular Service pursuant to the requirement of 31 U.S.C. 3526(e), $4,700,000, to remain available until expended as authorized by 22 U.S.C. 2696(c).

Senate amendment No. 93: Page 8, after line 11, insert:

PAYMENT TO THE AMERICAN INSTITUTE IN TAIWAN

For necessary expenses to carry out the Taiwan Relations Act, Public Law 96-8 (93 Stat. 14), $11,300,000.

Senate amendment No. 94: Page 8, after line 15, insert:

INTERNATIONAL ORGANIZATIONS AND CONFERENCES

Senate amendment No. 97: Page 8 after line 15, insert:

INTERNATIONAL CONFERENCES AND CONTINGENCIES

For necessary expenses authorized by section 5 of the State Department Basic Au-

thorities Act of 1956, contributions for the United States share of general expenses of international organizations, including arrearages incurred through fiscal year 1989, and representation to such organizations as provided for by 22 U.S.C. 2656 and 2672 and personal services without regard to civil service and classification laws as authorized by 5 U.S.C. 5102, $6,340,000, to remain available until expended as authorized by 22 U.S.C. 287(e), of which not to exceed $200,000 may be expended for representation as authorized by 22 U.S.C. 2269 and 4085.

Senate amendment No. 99: Page 8, after line 15, insert:

INTERNATIONAL COMMISSIONS

For necesary expenses, not otherwise provided for, to meet obligations of the United States arising under treaties, conventions or specific Acts of Congress, as follows:

Senate amendment No. 100: Page 8, after line 15, insert:

INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES AND MEXICO

For necessary expenses for the United States Section of the International Boundary and Water Commission, United States and Mexico, and to comply with laws applicable to the United States Section including not to exceed $6,000 for representation; as follows:

Senate amendment No. 101: Page 8, after line 15, insert:

SALARIES AND EXPENSES

For salaries and expenses, not otherwise provided for, including preliminary surveys, operations and maintenance of the interceptor system to be constructed to intercept sewage flows from Tijuana and from selected canyon areas as currently planned, and the operation and maintenance upon completion of the proposed Environmental Protection Agency and Corps of Engineers pipeline and plant project to capture Tijuana sewage flows in the event of a major breakdown in Mexico's conveyance system, $10,460,000: *Provided,* That expenditures for the Rio Grande bank protection project shall be subject to the provisions and conditions contained in the appropriation for said project as provided by the Act approved April 25, 1945 (59 Stat. 89).

Senate amendment No. 102: Page 8, after line 15, insert:

CONSTRUCTION

For detailed plan preparation and construction of authorized projects, $11,500,000 to remain available until expended as authorized by 22 U.S.C. 2696(c).

Senate amendment No. 103: Page 8, after line 15, insert:

AMERICAN SECTIONS, INTERNATIONAL COMMISSIONS

For necessary expenses, not otherwise provided for, including not to exceed $9,000 for representation expenses incurred by the International Joint Commission, $4,500,000; for the International Joint Commission and the International Boundary Commission, as authorized by treaties between the United States and Canada or Great Britain.

Senate amendment No. 104: Page 8, after line 15, insert:

INTERNATIONAL FISHERIES COMMISSIONS

Notwithstanding section 15(a) of the State Department Basic Authorities Act of 1956, as amended, for necessary expenses for international fisheries commissions, not otherwise provided for, $12,300,000: *Provided,* That the United States' share of such expenses may be advanced to the respective commissions, pursuant to 31 U.S.C. 529.

Senate amendment No. 105: Page 8, after line 16, insert:

U.S. BILATERAL SCIENCE AND TECHNOLOGY AGREEMENTS

For necessary expenses, not otherwise provided, for Bilateral Science and Technology Agreements, $4,000,000, to remain available until expended as authorized by 22 U.S.C. 2696(c).

Senate amendment No. 107: Page 8, after line 16, insert:

SOVIET-EAST EUROPEAN RESEARCH AND TRAINING

For expenses, not otherwise provided for, to enable the Secretary of State to carry out the provisions of title VIII of Public Law 98-164, $4,600,000.

Senate amendment No. 108: Page 8, after line 16, insert:

FISHERMEN'S GUARANTY FUND

For expenses necessary to carry out the provisions of section 7 of the Fishermen's Protective Act of 1967, as amended, $900,000 of which $450,000 shall be derived from the receipts collected pursuant to that Act, to remain available until expended.

Senate amendment No. 113: Page 9, line 14, after "$17,313,000" insert ", of which not to exceed $15,000 shall be available for the procurement of an oil portrait of former Chief Justice Warren E. Burger to be placed in the United States Supreme Court Building; not to exceed $10,000 for official reception and representation expenses; and for miscellaneous expenses, to be expended as the Chief Justice may approve".

Senate amendment No. 118: Page 10, line 21, after "3341-64)" insert ": *Provided further,* That of the total amount appropriated, $500,000 is to remain available until expended for acquisition of books, periodicals, and newspapers, and all other legal reference materials, including subscriptions: *Provided further,* That, notwithstanding any other provision of law, not to exceed $2,500,000 for expenses of the Claims Court associated with processing cases under the National Childhood Vaccine Injury Act of 1986 shall be reimbursed from the special fund established to pay judgments awarded under the Act".

Senate amendment No. 120: Page 11, line 6, after "$133,260,000" insert ", and the compensation (in accordance with Criminal Justice Act maximums) and reimbursement of expenses of attorneys appointed to assist the court in criminal cases where the defendant has waived representation by counsel, and the compensation and reimbursement of travel expenses of guardians ad litem acting on behalf of financially eligible minor or incompetent offenders in connection with transfers from the United States to foreign countries with which the United States has a treaty for the execution of penal sentences".

Senate amendment No. 123: Page 11, after line 14, insert:

COURT SECURITY

For necessary expenses, not otherwise provided for, incident to the procurement, installation, and maintenance of security equipment and protective services for the United States Courts in courtrooms and adjacent areas, including building ingress-egress control, inspection of packages, directed security patrols, and other similar activities as authorized by section 1010 of the Judicial Improvement and Access to Justice Act (Public Law 100-702); $43,090,000 to be expended directly or transferred to the United States Marshals Service which shall be responsible for administering elements of the Judicial Security Program consistent with standards or guidelines agreed to by the Director of the Administrative Office of the United States Courts and the Attorney General.

Senate amendment No. 126: Page 12, after 13; insert:

SEC. 402. Appropriations made in this title shall be available for salaries and expenses of the Temporary Emergency Court of Appeals authorized by Public Law 92-210 and the Special Court established under the Regional Rail Reorganization Act of 1973, Public Law 93-236.

Senate amendment No. 135: Page 12, after line 16, insert:

OPERATING-DIFFERENTIAL SUBSIDIES

(LIQUIDATION OF CONTRACT AUTHORITY)

For the payment of obligations incurred for operating-differential subsidies as authorized by the Merchant Marine Act, 1936, as amended, $225,870,000, to remain available until expended.

Senate amendment No. 138: Page 12, after line 22, insert:

ARMS CONTROL AND DISARMAMENT AGENCY

ARMS CONTROL AND DISARMAMENT ACTIVITIES

For necessary expenses, not otherwise provided for, for arms control and disarmament activities, including not to exceed $55,000 for official reception and representation expenses, authorized by the Act of September 26, 1961, as amended (22 U.S.C. 2551 et seq.), $33,876,000.

Senate amendment No. 139: Page 12, after line 22, insert:

BOARD FOR INTERNATIONAL BROADCASTING

Senate amendment No. 141: Page 12, after line 22, insert:

ISRAEL RELAY STATION

For an additional amount for the Board for International Broadcasting for the purpose of making and overseeing grants to Radio Free Europe/Radio Liberty, Incorporated, and its subsidiaries and of making payments as necessary in order to implement the agreement signed on June 18, 1987, between the United States Government and the Government of Israel to establish and operate a radio relay station in Israel for use by Radio Free Europe/Radio Liberty and the Voice of America, $183,500,000, to remain available until expended.

Senate amendment No. 143: Page 13, line 13, after "500,000" insert ", to remain available until expended".

Senate amendment No. 145: Page 13, after line 25, insert:

COMMISSION ON CIVIL RIGHTS

SALARIES AND EXPENSES

For necessary expenses of the Commission on Civil Rights, including hire of passenger motor vehicles $5,707,000, of which $2,000,000 is for regional offices and $700,000 is for civil rights monitoring activities: *Provided,* That not to exceed $20,000 may be used to employ consultants: *Provided further,* That not to exceed $185,000 may be used to employ temporary or special needs appointees: *Provided further,* That none of the funds shall be used to employ in excess of four full-time individuals under Schedule C of the Excepted Service exclusive of one special assistant for each Commissioner whose compensation shall not exceed the equivalent of 150 billable days at

the daily rate of a level 11 salary under the General Schedule: *Provided further,* That not to exceed $40,000 shall be available for new, continuing or modifications of contracts for performance of mission-related external services: *Provided further,* That none of the funds shall be used to reimburse Commissioners for more than 75 billable days, with the exception of the Chairman who is permitted 125 billable days: *Provided further,* That the General Accounting Office shall audit the Commission's use of this appropriation under such terms and conditions as deemed appropriate by the Comptroller General and shall report its findings to the Appropriations Committees of the Senate and House of Representatives.

Senate amendment No. 146: Page 14, after line 13, insert:

COMMISSION OF THE UKRAINE FAMINE

For necessary close out expenses of the Commission on the Ukraine Famine, $100,000.

Senate amendment No. 147: Page 14, line 21, after "$1,290,000" insert ", to remain available until expended".

Senate amendment No. 149: Page 15, line 7, after "$184,926,000" insert ": *Provided,* That the final rule regarding unsupervised waivers under the Age Discrimination in Employment Act, issued by the Commission on August 27, 1987 (29 CFR sections 1627.16(c)(1)-(3)), shall not have effect during fiscal year 1990: *Provided further,* That none of the funds may be obligated or expended by the Commission to give effect to any policy or practice pertaining to unsupervised waivers under the Age Discrimination in Employment Act, except that this proviso shall not preclude the Commission from investigating or processing claims of age discrimination, and pursuing appropriate relief in Federal court, regardless of whether an unsupervised waiver of rights has been sought or signed

Senate amendment No. 151: Page 15, line 16, after "$15,650,000" insert ": *Provided,* That not to exceed $1,500 shall be available for official reception and representation expenses".

Senate amendment No. 153: Page 15, after line 16, insert:

INTERNATIONAL TRADE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the International Trade Commission, including hire of passenger motor vehicles and services as authorized by 5 U.S.C. 3109, and not to exceed $2,500 for official reception and representation expenses, $39,000,000.

Senate amendment No. 155: Page 16, after line 5, insert:

MARTIN LUTHER KING, JR. FEDERAL HOLIDAY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Martin Luther King, Jr. Federal Holiday Commission, as authorized by Public Law 98-399, as amended, $300,000, to remain available until expended.

Senate amendment No. 157: Page 16, after line 5 insert:

SECURITIES AND EXCHANGE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Securities and Exchange Commission, including services as authorized by 5 U.S.C. 3109, and not to exceed $3,000 for official reception and representation expenses, $168,707,000, of which not to exceed $10,000 may be used toward funding a permanent secretariat for the International Organization of Securities Commissions: *Provided,* That immediately upon enactment of this Act, the rate of fees under section 6(b) of the Securities Act of 1933 (15 U.S.C. 77f(b)) shall increase from one-fiftieth of 1 per centum to one-fortieth of 1 per centum and such increase shall be deposited as an offsetting receipt to the general funds of the Treasury.

Senate amendment No. 166: Page 19, line 2, after "$11,233,000" insert ", to remain available until expended: *Provided,* That section 607 of the Judicial Improvements and Access to Justice Act, Public Law 100-702, amending section 215 of the State Justice Institute Act of 1984 is hereby repealed and section 7321(a) of the Anti-Drug Abuse Act of 1988, Public Law 100-690, is hereby revived".

Senate amendment No. 167: Page 19, after line 2, insert:

UNITED STATES INFORMATION AGENCY

Senate amendment No. 169: Page 19, after line 2, insert:

OFFICE OF THE INSPECTOR GENERAL

For salaries and expenses of the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $3,675,000.

Senate amendment No. 172: Page 19, after line 2, insert:

RADIO BROADCASTING TO CUBA

For an additional amount, necessary to enable the United States Information Agency to carry out the Radio Broadcasting to Cuba Act (providing for the Radio Marti Program or Cuba Service of the Voice of America), including the purchase, rent, construction, and improvement of facilities for radio transmission and reception and purchase and installation of necessary equipment for radio transmission and reception as authorized by 22 U.S.C. 1471, $12,700,000, to remain available until expended as authorized by 22 U.S.C. 1477b(a).

Senate amendment No. 173: Page 19, after line 2, insert:

EAST-WEST CENTER

To enable the Director of the United States Information Agency to provide for carrying out the provisions of the Center for Cultural and Technical Interchange Between East and West Act of 1960, by grant to any appropriate recipient in the State of Hawaii, $20,700,000: *Provided,* That none of the funds appropriated herein shall be used to pay any salary, or to enter into any contract providing for the payment thereof, in excess of the rate authorized for GS-18 of the Classification Act of 1949, as amended, exclusive of any cap on such rate.

Senate amendment No. 175: Page 19, after line 16, insert:

SEC. 604. If any provision of this Act or the application of such provision to any person or circumstances shall be held invalid, the remainder of the Act and the application of each provision to persons or circumstances other than those as to which it is held invalid shall not be affected thereby.

Senate amendment No. 178: Page 19, after line 2, insert:

SEC. 607. Such sums as may be necessary for fiscal year 1990 pay raises for programs funded by this Act shall be absorbed within the levels appropriated in this Act.

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. SMITH of Iowa moves that the House recede from its disagreement to the amendments of the Senate numbered, 1, 5, 10, 15, 16, 17, 20, 21, 22, 23, 24, 26, 29, 33, 34, 35, 36, 39, 45, 46, 48, 49, 50, 51, 55, 58, 59, 60, 62, 63, 65, 66, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 81, 88, 89, 90, 92, 93, 94, 97, 99, 100, 101, 102, 103, 104, 105, 107, 108, 113, 118, 120, 123, 126, 135, 138, 139, 141, 143, 145, 146, 147, 149, 151, 153, 155, 157, 166, 167, 169, 172, 173, 175, and 178, and concur therein.

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

The motion was agreed to.

□ 1310

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

The text of the amendment is as follows:

Senate amendment No. 2: Page 2, line 6, strike out "$28,429,000" and insert "$28,250,000".

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. SMITH of Iowa moves that the House recede from its disagreement to the amendment of the Senate numbered 2 and concur therein with an amendment, as follows: In lieu of the sum stricken and inserted by said amendment insert the following: "$28,173,000, of which not to exceed $1,467,000 shall be available for the Office of the General Counsel".

Mr. ROGERS (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 Kentucky?

There was no objection.

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

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. 7: Page 3, after line 1, insert:

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

For economic development assistance as provided by the Public Works and Economic Development Act of 1965, as amended, and Public Law 91-304, and such laws that were in effect immediately before September 30, 1982, $194,482,000: *Provided,* That during fiscal year 1990 total commitments to guarantee loans shall not exceed $150,000,000 of contingent liability for loan principal: *Provided further,* That none of the funds appropriated or otherwise made available under this heading may be used directly or indirectly for attorneys' or consultants' fees in connection with securing grants and contracts made by the Economic Development Administration: *Provided further,* That the Secretary of Commerce or his designees shall not promulgate or enforce any rule, regulation, or grant agreement provision affecting programs authorizing by the Public Works and Economic Development Act of 1965, as amended, unless such rule, regula-

tion, or provision is either required by statute or expressed as the explicit intent of the Congress or is in substantial conformity with those rules, regulations and provisions in effect prior to December 22, 1987.

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. SMITH of Iowa moves that the House recede from its disagreement to the amendment of the Senate numbered 7 and concur therein with an amendment, as follows: In lieu of the matter proposed by said amendment, insert the following:

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

For economic development assistance as provided by the Public Works and Economic Development Act of 1965, as amended, and Public Law 91-304, and such laws that were in effect immediately before September 30, 1982, $191,196,000, of which, notwithstanding any other provision of law $11,350,000 shall be used to make or complete each grant designated in P.L. 100-459 in subsections (a), (c), (h), (i), (k), and (l) under the heading "Economic Development Assistance Programs" which has not been made and for which pre-application or applications have been filed: *Provided*, That during fiscal year 1990 total commitments to guarantee loans shall not exceed $150,000,000 of contingent liability for loan principal: *Provided further*, That none of the funds appropriated or otherwise made available under this heading may be used directly or indirectly for attorneys' or consultants' fees in connection with securing grants and contracts made by the Economic Development Administration: *Provided further*, That the Secretary of Commerce or his designees shall not promulgate or enforce any rule, regulation, or grant agreement provision affecting programs authorized by the Public Works and Economic Development Act of 1965, as amended, unless such rule, regulation, or provision is either required by statute or expressed as the explicit intent of the Congress or is in substantial conformity with those rules, regulations and provisions in effect prior to December 22, 1987.

Mr. ROGERS (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 Kentucky?

There was no objection.

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

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. 8: Page 3, line 5, strike out "$26,061,000" and insert "$25,500,000".

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. SMITH of Iowa moves that the House recede from its disagreement to the amendment of the Senate numbered 8 and concur therein with an amendment, as follows: In lieu of the matter stricken and inserted by said amendment insert the following: "$25,475,000 of which not to exceed $494,000 shall be available for the Office of Chief Counsel".

Mr. ROGERS (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 Kentucky?

There was no objection.

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

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. 9: Page 3, line 5, after "$26,061,000" insert ": *Provided*, That these funds may be used to monitor projects approved pursuant to title I of the Public Works Employment Act of 1976, as amended, title II of the Trade Act of 1974, as amended, and the Community Emergency Drought Relief Act of 1977: *Provided further*, That none of the funds appropriated by this Act shall be available to enable the Economic Development Administration, Department of Commerce, to implement any of recommendations outlined in Final Audit Report No. D-184-8-024 issued by the Department of Commerce or to delay or otherwise adversely affect any grant application for fiscal year 1990 by the City of Chicago as a result of negotiations on the grant described in such audit report: *Provided further*, That none of the funds appropriated by this Act shall be available to enable the Economic Development Administration, Department of Commerce, to delay or otherwise adversely affect any grant application for fiscal year 1990 by the State of Oregon, or to which the State of Oregon will contribute funds, on the basis that the contribution by the State of Oregon does not conform with law or regulation. Notwithstanding any other provision of this Act or any other law, funds appropriated in this paragraph shall be used to fill and maintain forty-nine permanent positions designated as Economic Development Representatives out of the total number of permanent positions funded in the Salaries and Expenses account of the Economic Development Administration for fiscal year 1990, and such positions shall be maintained in the various States within the approved organizational structure in place on December 1, 1987, and where possible, with those employees who filled those positions on that date".

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. SMITH of Iowa moves that the House recede from its disagreement to the amendment of the Senate numbered 9 and concur therein with an amendment, as follows: In lieu of the matter inserted by said amendment insert the following: ": *Provided*, That these funds may be used to monitor projects approved pursuant to title I of the Public Works Employment Act of 1976, as amended, title II of the Trade Act of 1974, as amended, and the Community Emergency Drought Relief Act of 1977: *Provided further*, That notwithstanding any other provision of law, not to exceed $4,016,618 of the funds appropriated by this Act for "Economic Development Assistance Programs" shall be available for the purpose of paying the Economic Development Administration for any debt that rises due to the expenditure of funds under grant number 06-19-01498 as described in Inspector General Final Audit Report No. D-184-8-024 and that none of the funds appropriated by this Act shall delay or otherwise adversely affect any grant application for fiscal year 1990 by the City of Chicago as a result of negotiations on the grant described in such audit report: *Provided further*, That none of the funds appropriated by this Act shall be available to enable the Economic Development Administration, Department of Commerce, to delay or otherwise adversely affect any grant application for fiscal year 1990 by the State of Oregon, or to which the State of Oregon will contribute funds, on the basis that the contribution by the State of Oregon does not conform with law or regulation. Notwithstanding any other provision of the Act or any other law, funds appropriated in this paragraph shall be used to fill and maintain forty-nine permanent positions designated as Economic Development Representatives out of the total number of permanent positions funded in the Salaries and Expenses account of the Economic Development Administration for fiscal year 1990, and such positions shall be maintained in the various States within the approved organizational structure in place on December 1, 1987, and where possible, with those employees who filled those positions on that date: *Provided further*, That none of the funds may be used to formulate or implement any action, activity, guideline, program, project, policy or regulation which alters the practice of making grants directly to planning and development districts which was in effect on December 31, 1988, or which results in denial of funding to any planning and development district on the basis of the number of years such district has received economic development assistance program funding or on the basis of the geographic area such district encompasses or on the basis of the population situated in the geographic area such district encompasses or a combination of any of these factors."

Mr. ROGERS (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 Kentucky?

There was no objection.

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

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. 12: Page 3, line 10, after "$179,579,000" insert ", to remain available until expended: *Provided*, That the provisions of the first sentence of section 105(f) and all of section 108(c) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2455(f) and 2458(c)) shall apply in carrying out these activities;

and that for the purpose of this Act, contributions under the provisions of the Mutual Educational and Cultural Exchange Act shall include payment of assessments for services provided as part of these activities".

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. SMITH of Iowa 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: ", to remain available until expended, of which $3,000,000 shall be for support costs of a new materials center in Ames, Iowa: *Provided*, That the provisions of the first sentence of section 105(f) and all of section 108(c) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2455(f) and 2458(c)) shall apply in carrying out these activities; and that for the purpose of this Act, contributions under the provisions of the Mutual Educational and Cultural Exchange act shall include payment of assessments for services provided as part of these activities".

Mr. ROGERS (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 Kentucky?

There was no objection.

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

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. 13: Page 3, line 10, after "$179,579,000" insert ": *Provided further*, That of the funds provided in this Act or any previous Acts for the International Trade Administration, including those amounts provided in advance to recipient organizations, not less than $10,877,000 shall be available for the Trade Adjustment Assistance Program during fiscal year 1990. Notwithstanding any other provision of law, upon the request of the Secretary of Commerce, the Secretary of State shall accord the diplomatic title of Minister-Counselor to the senior Commercial Officer assigned to any United States mission abroad: *Provided further*, That the number of Commercial Service officers accorded such diplomatic title at any time shall not exceed eight".

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. SMITH of Iowa moves that the House recede from its disagreement to the amendment of the Senate numbered 13 and concur therein with an amendment, as follows: In lieu of matter proposed by said amendment insert the following: ": *Provided further*, That of the funds provided in this Act or any previous Acts for the International Trade Administration Trade Adjustment Assistance Program including those amounts provided in advance to recipient organizations which remain unexpended or which have been obligated or reserved for fiscal year 1990 expenses, including close out costs, by those organizations as of October 1, 1989, not to exceed $10,877,000 shall be available for the Trade Adjustment Assistance Program during fiscal year 1990. Notwithstanding any other provision of law, upon the request of the Secretary of Commerce, the Secretary of State shall accord the diplomatic title of Minister-Counselor to the senior Commercial Officer assigned to any United States mission abroad: *Provided further*, That the number of Commercial Service officers accorded such diplomatic title at any time shall not exceed eight".

Mr. ROGERS (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 Kentucky?

There was no objection.

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

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. 14: Page 3, after line 10, insert:

EXPORT ADMINISTRATION

OPERATIONS AND ADMINISTRATION

For necessary expenses for export administration and national security activities of the Department of Commerce, including costs associated with the performance of export administration field activities both domestically and abroad; full medical coverage for dependent members of immediate families of employees stationed overseas; employment of Amercians and aliens by contract for services abroad; rental of space abroad for periods not exceeding ten years, and expenses of alteration, repair, or improvement; payment of tort claims, in the manner authorized in the first paragraph of 28 U.S.C. 2672 when such claims arise in foreign countries; not to exceed $5,000 for official representation expenses abroad; awards of compensation to informers under the Export Administration Act of 1979, and as authorized by 22 U.S.C. 401(b); purchase of passenger motor vehicles for official use and motor vehicles for law enforcement use with special requirement vehicles eligible for purchase without regard to any price limitation otherwise established by law; $41,800,000, to remain available until expended, of which $1,000,000, including $775,000 previously appropriated, shall be available for additional regional export control assistance offices to be located in the Northern California area, in Portland, Oregon, and in the Boston/Nashua area: *Provided*, That the provisions of the first sentence of section 105(f) and all of section 108(c) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2455(f) and 2458(c)) shall apply in carrying out these activities.

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. SMITH of Iowa moves that the House recede from its disagreement to the amendment of the Senate numbered 14 and concur therein with an amendment, as follows: In lieu of the sum "$41,800,000" named in said amendment insert the following: "$42,000,000".

Mr. ROGERS (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 Kentucky?

There was no objection.

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

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 3, line 20, strike out "$966,932,000" and insert "$1,216,830,000, to remain available until expended, of which $1,500,000 shall be available for construction and renovation of facilities at the Stuttgart Fish Farming Experimental Station, Stuttgart, Arkansas; and of which $550,000 shall be available for operational expenses at the Stuttgart Fish Farming Experimental Station, Stuttgart, Arkansas; and in addition, $30,000,000 shall be derived from the Airport and Airways Trust Fund as authorized by 49 U.S.C. 2205(d); and in addition, $51,900,000 shall be derived by transfer from the fund entitled "Promote and Develop Fishery Products and Research Pertaining to American Fisheries"; and in addition, $4,500,000 shall be derived by transfer from the Coastal Energy Impact Fund: *Provided*, That grants to States pursuant to section 306 and 306(a) of the Coastal Zone Management Act, as amended, shall not exceed $2,000,000 and shall not be less than $450,000: *Provided further*, That in addition to the sums appropriated elsewhere in this paragraph, not to exceed $500,000 shall be available from the receipts deposited in the fund entitled "Promote and Develop Fishery Products and Research Pertaining to American Fisheries" for grant management and related activities".

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. SMITH of Iowa 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: "$1,214,607,000, to remain available until expended, of which $1,500,000 shall be available for construction and renovation of facilities at the Stuttgart Fish Farming Experimental Station, Stuttgart, Arkansas; and of which $550,000 shall be available for operational expenses at the Stuttgart Fish Farming Experimental Station, Stuttgart, Arkansas; and of which $377,000 shall be available only for a semi-tropical research facility located at Key Largo, Florida; and in addition, $30,000,000 shall be derived from the Airport and Airways Trust Fund as authorized by 49 U.S.C. 2205(d); and in addition, $55,000,000 shall be derived by transfer from the fund entitled "Promote and Develop Fishery Products and Research Pertaining to American Fisheries"; and in

addition, $4,500,000 shall be derived by transfer from the Coastal Energy Impact Fund: *Provided*, That grants to States pursuant to sections 306 and 306(a) of the Coastal Zone Management Act, as awarded, shall not exceed $2,000,000 and shall not be less than $450,000: *Provided further*, That in addition to the sums appropriated elsewhere in this paragraph, not to exceed $500,000 shall be available from the receipts deposited in the fund entitled "Promote and Develop Fishery Products and Research Pertaining to American Fisheries" for grant management and related activities: *Provided further*, That for fiscal year 1990 and hereafter funds appropriated under this heading shall be available for acquisition of land for facilities".

Mr. ROGERS (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 Kentucky?

There was no objection.

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

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 4, after line 19, insert:

TECHNOLOGY ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Technology Administration. $4,100,000.

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. SMITH of Iowa moves that the House recede from its disagreement to the amendment of the Senate numbered 27 and concur therein with an amendment, as follows: In lieu of the sum named in said amendment insert the following: "$3,900,000".

Mr. ROGERS (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 Kentucky?

There was no objection.

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

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 4, after line 19, insert:

NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES

For necessary expenses of the National Institute of Standards and Technology, $175,600,000, to remain available until expended, of which not to exceed $3,430,000 may be transferred to the "Working Capital Fund"; and of which not to exceed $1,300,000 shall be available for construction of research facilities.

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. SMITH of Iowa 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:

NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES

For necessary expenses of the core programs of the National Institute of Standards and Technology, $144,809,000, to remain available until expended, of which not to exceed $3,430,000 may be transferred to the "Working Capital Fund"; and of which not to exceed $1,300,000 shall be available for construction of research facilities; and in addition for grants for regional centers for the transfer of manufacturing technology as authorized by section 5121 of the Omnibus Trade and Competitiveness Act of 1988, $7,500,000, to remain available until expended; and in addition for expenses of the Advanced Technology Program as authorized by section 5131 of the Omnibus Trade and Competitiveness Act of 1988, $10,000,000, to remain available until expended; and in addition for technology transfer extension services pursuant to section 5121 of the Omnibus Trade and Competitiveness Act of 1988, $1,300,000, to remain available until expended.

Mr. ROGERS (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 Kentucky?

There was no objection.

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

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. 30: Page 4, line 25, strike out "$20,449,000" and insert "$20,200,000".

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. SMITH of Iowa moves that the House recede from its disagreement to the amendment of the Senate numbered 30 and concur therein with an amendment, as follows: In lieu of the sum stricken and inserted by said amendment insert the following: "$20,000,000".

Mr. ROGERS (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 Kentucky?

There was no objection.

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

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. 31: Page 5, line 4, after "amended" insert: ": *Provided further*, That notwithstanding the provisions of section 391 of the Communications Act of 1934, as amended, the prior year unobligated balances may be made available for grants for projects for which applications have been submitted and approved during any fiscal year: *Provided further*, That notwithstanding sections 391 and 392 of the Communications Act, as amended, up to $200,000 appropriated in this paragraph shall be available for the establishment and administration of the Pan-Pacific Educational and Cultural Experiments by Satellite program (PEACESAT)".

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. SMITH of Iowa moves that the House recede from its disagreement to the amendment of the Senate numbered 31 and concur therein with an amendment, as follows: In lieu of the matter inserted by said amendment, insert the following: ": *Provided further*, That notwithstanding the provisions of section 391 of the Communications Act of 1934, as amended, the prior year unobligated balances may be made available for grants for projects for which applications have been submitted and approved during any fiscal year".

Mr. ROGERS (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 Kentucky?

There was no objection.

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

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. 38: Page 5, after line 20, insert:

GENERAL ADMINISTRATION

SALARIES AND EXPENSES

For expenses necessary for the administration of the Department of Justice, $90,664,000.

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. SMITH of Iowa moves that the House recede from its disagreement to the amend-

ment of the Senate numbered 38 and concur therein with an amendment, as follows: In lieu of the sum named in said amendment insert the following: "$87,439,000".

Mr. ROGERS (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 Kentucky?

There was no objection.

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

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. 40: Page 5, after line 20, insert:

UNITED STATES PAROLE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the United States Parole Commission, as authorized by law, $10,261,000.

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. SMITH of Iowa moves that the House recede from its disagreement to the amendment of the Senate numbered 40 and concur therein with an amendment, as follows: In lieu of the sum named in said amendment insert "$10,500,000".

Mr. ROGERS (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 Kentucky?

There was no objection.

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

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. 41: Page 5, after line 21, insert:

SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

For expenses necessary for the legal activities of the Department of Justice, not otherwise provided for, including not to exceed $20,000 for expenses of collecting evidence, to be expended under the direction of the Attorney General and accounted for solely on his certificate; and rent of private or Government-owned space in the District of Columbia; $262,491,000, of which not to exceed $4,882,000 shall be available for the operation of the United States National Central Bureau, INTERPOL; and of which not to exceed $6,000,000 for litigation support contracts shall remain available until September 30, 1991: *Provided*, That of the funds available in this appropriation, not to exceed $6,474,000 shall remain available until expended for office automation systems for the legal divisions covered by this appropriation, and for the United States Attorneys, the Anti-Trust Division, and offices funded through Salaries and expenses, General Administration. *Provided further*, That for fiscal year 1990 and hereafter the Chief, United States National Central Bureau, INTERPOL, may establish and collect fees to process name checks and background records for noncriminal employment, licensing, and humanitarian purposes and, notwithstanding the provisions of 31 U.S.C. 3302, credit such fees to this appropriation to be used for salaries and other expenses incurred in providing these services. *Provided further*, That for fiscal year 1990 and hereafter the Attorney General may establish and collect fees to cover the cost of identifying, copying and distributing copies of tax decisions rendered by the Federal Judiciary and that any such fees shall be credited to this appropriation notwithstanding the provisions of 31 U.S.C. 3302.

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. SMITH of Iowa moves that the House recede from its disagreement to the amendment of the Senate numbered 41 and concur therein with an amendment, as follows: In lieu of the matter proposed by said amendment insert the following:

SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

For expenses necessary for the legal activities of the Department of Justice, not otherwise provided for, including not to exceed $20,000 for expenses of collecting evidence, to be expended under the direction of the Attorney General and accounted for solely on his certificate; and rent of private or Government-owned space in the District of Columbia; $257,000,000, of which not to exceed $5,751,000 shall be available for the operation of the United States National Central Bureau, INTERPOL; and of which not to exceed $6,000,000 for litigation support contracts shall remain available until September 30, 1991: *Provided*, That of the funds available in this appropriation, not to exceed $12,160,000 shall remain available until expended for office automation systems for the legal divisions covered by this appropriation, and for the United States Attorneys, the Antitrust Division, and offices funded through Salaries and expenses, General Administration: *Provided further*, That for fiscal year 1990 and hereafter the Chief, United States National Central Bureau, INTERPOL, may establish and collect fees to process name checks and background records for noncriminal employment, licensing, and humanitarian purposes and, notwithstanding the provisions of 31 U.S.C. 3302, credit such fees to this appropriation to be used for salaries and other expenses incurred in providing these services: *Provided further*, That for fiscal year 1990 and hereafter the Attorney General may establish and collect fees to cover the cost of identifying, copying and distributing copies of tax decisions rendered by the Federal Judiciary and that any such fees shall be credited to this appropriation notwithstanding the provisions of 31 U.S.C. 3302: *Provided further*, That, notwithstanding any other provision of law, not to exceed $1,000,000 for expenses of the Department of Justice associated with processing cases under the National Childhood Vaccine Injury Act of 1986 shall be reimbursed from the special fund established to pay judgements awarded under the Act.

Mr. ROGERS (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 Kentucky?

There was no objection.

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

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. 43: Page 6, after line 2, insert:

Subject to the limitations of section 104(e) of the Civil Liberties Act of 1988 (Public Law 100-383) and for the maximum amount provided for under such section, effective in the fiscal year beginning on October 1, 1990, and continuing each fiscal year thereafter, such sums as hereafter may be necessary are appropriated from money in the Treasury not otherwise appropriated, for payments to eligible individuals entitled to such payments under the provisions of the Civil Liberties Act of 1988 (Public Law 100-383).

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. SMITH of Iowa moves that the House recede from its disagreement to the amendment of the Senate numbered 43 and concur therein with an amendment, as follows: In lieu of the matter proposed by said amendment insert the following:

Subject to the provisions of section 104(e) of the Civil Liberties Act of 1988 (Public Law 100-383; 50 U.S.C. App. 1989(b-3(e)), the maximum amount authorized under such section for any fiscal year is appropriated, from money in the Treasury not otherwise appropriated, for each fiscal year beginning on or after October 1, 1990, to the Civil Liberties Public Education Fund established by section 104(a) of the Civil Liberties Act of 1988, for payments to eligible individuals under section 105 of that Act.

Mr. ROGERS. 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 Kentucky?

There was no objection.

Mr. ROGERS. Mr. Speaker, I request time in opposition.

The SPEAKER pro tempore (Mr. NAGLE). The gentleman from Iowa [Mr. SMITH] will be recognized for 30 minutes, and the gentleman from Kentucky [Mr. ROGERS] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Kentucky [Mr. ROGERS].

Mr. ROGERS. Mr. Speaker, this is one of the two items in the Senate amendments upon which a number of

us would like to be heard, and I will be seeking a vote on the matter.

Mr. Speaker, this is the Japanese-American reparations plan that is in the amendments from the Senate. This amendment involves a major change which all of us should scrutinize before we vote. This is the issue of the Japanese-American entitlements; entitlements.

Mr. Speaker, I will not argue here the merits of whether or not we should make the payments. We voted on that last year in the Congress, and that is not the driving issue here. The merits of that law are not the issue. The issue today is: Do we create entitlement legislation in this appropriation bill, something that the House has enacted a rule against? Second, do we change an authorization without justification? Third, can we afford to do what we say in this amendment we would like to do?

All of us would like to make those payments as quickly as we can. The question is: Do we elevate them above everything else except entitlements? Do we elevate those payments above child care, the defense of the country, other issues that many in this body have fought long and hard for?

In this amendment these Japanese-American reparation payments will be placed above all of those except other entitlements. The motion and the amendment would provide an advanced fixed appropriation of $500 million for payments to Japanese-American internees beginning in fiscal 1991. Along with a separate amendment which follows on later in this afternoon's debate, this is an effort to turn the reparation payment program from a discretionary program which we enacted last year, stretched over a 10-year period, into an entitlement over 2½ years, a clear violation of the Budget Act of this Congress, shielding it from our annual battles, giving it higher priority than any other item that we search and scrape and dig to find funds for every single year.

This Senate proposal says that these Japanese-American reparation payments are more important than child care; it is not an entitlement; more important than fighting drugs, the drug war is not an entitlement; more important than education; education is not an entitlement; and on and on and on.

The truth is it will reduce the amount available for all discretionary spending, a pot that shrinks and shrinks year after year after year.

□ 1320

The deficit is not the fault of the Appropriations Committee. The deficit is being caused by the entitlement programs which command so much of the overall revenue of the country.

We should reject this change today for three reasons. One, the procedure is wrong. It violates the Budget Act. It massively rewrites the law, barely a year after it was created, and without one hearing, and on an appropriation bill.

It is a huge advance appropriation, coupled with entitlement language in one general appropriations bill.

We cannot afford it as quickly as this entitlement says we should pay it. When Members passed this law last year, we said we will pay this over a 10-year period, and the bill passed and became law.

All of a sudden today we say we are going to make it mandatory that the Government pay it not in 10 years, but in just over 2 years, and elevate it to the top of all the other spending priorities that each of us have. This comes first.

It is not right. Every dollar Congress makes mandatory comes out of our hides, as we sit down to find monies for the other priority programs Congress faces. Not just in this bill, in every bill, because this being an entitlement comes off the top of all spending in the appropriations process.

When it comes time to funding agriculture programs, if you are interested, Japanese reparations payments would get top billing. Environmental needs, sorry about that. Education, maybe next year. Child care? Nice try. Even national defense would come second to these payments, because national defense is not an entitlement.

The law terminates the fund in 10 years, over which time the payments legally can be made under the law passed last year. Maybe it would not be 10. Let us hope it is 5 or less. But do not make it mandatory upon us. We have the full 10 years under the law to fulfill this obligation that Congress voted on last year.

How do we get to a $64 billion deficit next year, as the law mandates, and fund drug wars and all the other programs that must be funded, with another $500 million taken off the top, as this entitlement would surely do?

At this time, with this deficit, it is not fiscally responsible to pass this amendment the Senate has attached to our bill.

This amendment is the first of two items which carry this change. It will be this amendment, and then one later on in the procedure in the afternoon. It would appropriate the maximum amount, $500 million, starting next year.

Mr. Speaker, I urge Members to study this matter carefully before they vote, because it is very important in the fiscal matters of the Nation, and it means that money will be taken off the programs all Members are interested in. This money will come first, as other entitlements do.

If we defeat the gentleman's motion, we remove the money and mark a blow for restraint. If we do not, do not complain next year when Members' priorities are unattended.

All Members should be clear about the precedent we will make if we approve this amendment today. The prudent choice, the sensible option, is to deal with this program the way it was intended, the way it was enacted last year. I ask for a no vote on the motion.

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

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

Mr. FRANK. Mr. Speaker, I thank the gentleman for yielding. The gentleman has been a responsible appropriator.

I would be interested if we were to do as the gentleman said and reject Senate-initiated positive and important appropriations. We are in the first year in which we anticipated funding the program. Would that not leave us with no money this year?

If it was up to the gentleman from Kentucky, how much money would he appropriate for the next fiscal year to pay off the obligation? What would be the gentleman's view of what a fair amount would be? I assume the gentleman does not want to leave us with nothing.

Mr. ROGERS. Mr. Speaker, when the House passed the bill, we put in $50 million. When it came to the Senate, the Senate put in nothing. Then in conference the Senate put the entitlement language in.

Mr. FRANK. Mr. Speaker, if the gentleman would yield further, the gentleman illustrates a problem. The $50 million I must say, and Members are entitled to their own opinions, is a very inadequate amount. People would have died.

We are not talking about an ongoing situation, but a limited group of people to which this happened 45 years ago. The $50 million does seem to me to be a wholly inadequate number.

This does indicate to me what the problem is if we do it in alternative ways. The $500 million I will say is the amount we contemplated when we passed the bill. To do this $50 million at a clip over a 20-year period, it seems to me that would be a very unfortunate way to do it.

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

Mr. SMITH of Iowa. Mr Speaker, I yield 3 minutes to the gentleman from California [Mr. MINETA].

Mr. EDWARDS of California. Mr. Speaker, will the gentleman yield?

Mr. MINETA. Mr. Speaker, I am very pleased to yield to my distinguished colleague and friend from San Jose, the gentleman from California [Mr. EDWARDS], chairman of the Subcommittee on Civil and Constitutional

Rights of the Committee on the Judiciary.

Mr. EDWARDS of California. Mr. Speaker, I thank the gentleman for yielding. I should call the matter to the attention of the Members that this is a very solemn obligation that this Congress has, to comply with its obligation of the promise it has made.

I am sure that the eloquent gentleman from California [Mr. MINETA], will explain in more detail the scope of the obligation that we have to these men and women who were treated so terribly badly in my war, the war that I fought in a long time ago. Unless we pay as promised, the redress that is due these Americans and others, quite a number are dying every year. These people are getting old.

Mr. Speaker, I thank the gentleman for yielding, and I urge support of the subcommittee and the committee and an aye vote on the amendment.

Mr. MINETA. Mr. Speaker, I thank my colleague for his comments.

Mr. Speaker, I do rise in very strong support of amendments No. 43 and 80. When we passed the Civil Liberties Act of 1988 and President Reagan signed that bill into law on August 10, 1988, we created an obligation. If we do not accept this amendment, we will then fail in meeting this obligation.

The gentleman from Kentucky [Mr. ROGERS] says we have 10 years to pay, and that is correct. The law authorizes over a 10-year period payment under the Civil Liberties Act of 1988.

The problem is people are dying at the rate of over 200 per month, and it seems to me that the obligation is to those who were in fact evacuated, forcibly removed from their homes and interned during World War II, with the loss of their constitutional rights.

If we do not pay those who in fact were interned, then we will heap upon ourselves additional administrative costs of trying to find out who the rightful payees ought to be when the internee is no longer living.

I believe it would be appropriate to go over what some of the Nation's leading newspapers are saying. They say it best.

The Chicago Tribune says, "Words alone won't erase this shame."

The New York Times says, "Aged war detainees still unpaid for lost freedom."

The San Jose Mercury News says, "A debt of honor, still."

The Christian Science Monitor says, "Breaking faith again."

The San Jose Mercury News says, "Just how good is the word of the United States?"

The Washington Post says, "A debt of honor."

The New York Times in another editorial says, "Another insult to the internees."

The Los Angeles Times says, "The issue is national honor."

A publication called Legal Times says, "Time running out for World War II internees."

My dear colleagues, I urge support for this amendment.

Mr. ROGERS. Mr. Speaker, I yield 5 minutes to the gentleman from Minnesota [Mr. FRENZEL], the ranking minority member of the Budget Committee.

Mr. FRENZEL. Mr. Speaker, I voted for the act that authorized this payment to these internees last year at the request of a number of those who are speaking in favor of this amendment today.

I rise in opposition to the amendment, however, because it clearly violates the spirit of that act we passed last year, and because it even more clearly violates the Budget Act.

□ 1330

Under the act that we passed last year this particular spending account has to compete with the others for appropriations, as suggested by the gentleman from Kentucky.

The competition for appropriations is admittedly difficult. If our Committee on Appropriations and if our House Members support them, and decide that the money is to be spent for this purpose rather than someplace else this year, and maybe in a different place next year, that is the judgment of the House and of the Congress, and I, of course, will abide by it.

I myself give this particular account a high priority and believe that it should be paid off within the 3 years in question. However, where we went wrong is that instead of appropriating money this year we appropriated money next year in this conference report. That is contrary to the Budget Act. That is not fair. That is making a decision for next year and leapfrogging priorities that this House has not set yet.

The Budget Act quite correctly says that you cannot appropriate money unless there has been a budget resolution passed for that fiscal year.

As far as I know, we have not passed any such budget resolution yet.

Therefore, this amendment should be defeated.

Now after amendment 43, which appropriates in a future fiscal year, we will come eventually to amendment No. 80. Amendment No. 80 does something even worse. It establishes this payment as an entitlement. That, of course, will put this particular spending function beyond the reach of Gramm-Rudman and give it the special status also described earlier by the gentleman from Kentucky [Mr. ROGERS].

Now I do not mind the House doing this, but we have already passed a bill which many of us voted for, and which has become law which did not do this.

After that arrangement, the promoters of these amendments No. 43 and No. 80, asking to give two more escalations to the priority for this spending. They are demanding two more bites at the apples.

Again, as I said, I believe in spending for this purpose but I believe it ought to be done under the appropriations process, which means that something else has to stand aside for this rather high-priority item.

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

Mr. FRENZEL. No, I will not yield until I finish my own points. I have a short time.

In fact, the gentleman has so bumped me off my stride that I may never recover.

The problem here is the two escalations give this a special priority that was not intended in the Reparations Act passed last year.

So I think we are breaking faith with every other participant in the appropriation and budget processes, to violate the Budget Act and create this entitlement and this future spending.

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

Mr. FRENZEL. I yield to the gentleman from California.

Mr. MATSUI. I thank the gentleman for yielding.

The gentleman from Minnesota will never have his stride broken. As a member of the committee he serves on, I understand his ability to handle it very well.

The gentleman from Minnesota realizes very well that both Mr. RUDMAN and Mr. HOLLINGS, authors of the Gramm-Rudman-Hollings, were the makers of this particular amendment in the Senate.

Both Mr. RUDMAN and Mr. HOLLINGS were the two sponsors of this particular provision in the Senate. So, frankly, it seems odd to me that we would raise Gramm-Rudman-Hollings as being a problem in this issue when the makers of the original Gramm-Rudman-Hollings were the ones who offered this particular amendment in the Senate.

It seems to me the way to solve the problem.

Mr. FRENZEL. I thank the gentleman for his contribution. I would note for the record that the gentleman's persuasiveness occasioned my vote, or rather persuaded me to vote for the bill last year. My intention, prior to his earnest persuasion, was to vote "no."

However, it is painfully obvious that there is no consistency in actions taken by the other body. If the two Senator noted do not want to stand up for their handiwork, I will still defend it.

Mr. SMITH of Iowa. Mr. Speaker, I yield 3 minutes to the gentleman from Connecticut [Mr. MORRISON].

Mr. MORRISON of Connecticut. I thank the chairman of the subcommittee for according me this opportunity to rise in support of the committee's amendment and to remind the House of the need to keep our pledge to these people for real redress for a very real grievance, a deprivation of liberty on a level that shames us all, not because we were originally responsible but because we as a nation are responsible.

It was a proud moment when the House passed this legislation and we debated the issue: Should it be only an apology in words? Or should there be dollars? That is, the difficult dollars that we all know are so hard to come by for all the important programs that we need to fund in this Federal Government.

We made that decision: Dollars it would be, a clear statement that something very wrong had been done and some small compensation needed to be paid.

Well, we can keep putting off and putting off the appropriations process because the choices are so difficult and because this hurt, while it is so real, is so far in the past.

Some might think that any immediate problem we have now would have to take higher priority. I think the Appropriations Committee, understanding this difficult process of coming back year after year, has taken the right step. We have got to get this behind us. We need to do what is right and follow through on our commitment to make this payment. This is the way to do it. This is a good, solid, efficient way to do it. We can make technical arguments, we all know how to make those arguments on both sides of every issue about the way the procedure is not right in this case. But we have used procedures, and we saw the S&L bill, we spent $350 billion without ever getting it under the Budget Act. That found support on the other side of the aisle from some of those who are speaking against this.

I would just emphasize that we ought not have this decision turn on technical questions of budgeting. We ought to have the decision turn on getting the job done and getting the job done within a short, reasonable period of time, making payments to all those eligible individuals.

We do not want to see these payments dribbled out to heirs, grandchildren, and the like, but actually have these payments made to the individuals who were interned.

That was the idea. That was why the thought from the beginning was to do it within 3 years. We have already lost a year, we are about to lose another year; let us not have this go on far into the next decade.

Let us adopt the motion of the Committee on Appropriations. It is the best way to do what we all agreed to do, which is to make a payment which says we will make the sacrifice as a nation to compensate individuals from whom we exacted a very unjust and very devastating sacrifice.

Mr. ROGERS. Mr. Speaker, I yield 2 minutes to the gentleman from Arizona [Mr. RHODES].

Mr. RHODES. I thank the gentleman for yielding.

Mr. Speaker, I feel constrained to come to the well this afternoon and say to my friends over here that, as I know they recall very well, last year I voted in favor of the act in question and I did so enthusiastically.

For all the reasons stated by the gentleman from Kentucky [Mr. ROGERS] and the gentleman from Minnesota [Mr. FRENZEL], I cannot vote for this amendment here this afternoon. This in no way reflects a diminution of my support and enthusiasm for the action that we took last year.

□ 1340

If we had the opportunity to do it again, I would do so, the same as we did last year, with the same degree of enthusiasm. I think this is an unfortunate situation that those Members like myself, like the gentleman from Minnesota [Mr. FRENZEL] have been put into. I very seriously believe that there will be those who, perhaps not here in this body, but outside the body who will accuse Members of going back on the commitment that we made last year in reversing ourselves. Nothing could be further from the truth. The commitment is as strong today as it was then.

However, when we passed the law last year, we passed a very carefully thought out, very carefully crafted process to complete what we obligated ourselves to do and what we felt obligated to do. The gentleman from Minnesota [Mr. FRENZEL] and the gentleman from Kentucky [Mr. ROGERS] have very cogently explained not only fiscally but from a process standpoint why we should not support this amendment. I fervently hope that no Member will say that those Members who do not want to change the process we put into law last year, are changing our commitment to correct the wrongs that were committed during World War II.

Mr. SMITH of Iowa. Mr. Speaker, I yield 2 minutes to the gentleman from Hawaii [Mr. AKAKA].

Mr. AKAKA. Mr. Speaker, I rise today in strong support of the conference agreement on H.R. 2991, the Commerce, Justice, State, and the Judiciary Appropriations bill for fiscal year 1990.

I commend Chairman SMITH and the House conferees for their continued support for the Civil Liberties Act of 1988. Under the leadership of Chairman SMITH, the conferees agreed to a Senate proposal making redress payments to Americans of Japanese ancestry interned during World War II an entitlement.

I am pleased that the conferees agreed to release this worthy program from the yearly budgetary scuffle. I am well aware of the budgetary constraints facing this country, however, I fervently believe that the Japanese-Americans who were unjustifiably evacuated, relocated and interned during World War II deserve the compensation promised to them by the Federal Government.

The Department of Justice estimates that 2,400 internees will die in each fiscal year, that is 200 individuals a month. Thus, 5,000 internees will have passed away between the time that this legislation was signed into law on August 10, 1988, and the time that funds are finally appropriated.

The Department of Justice also estimates that there are 35 individuals over 100 years old, approximately 1,000 individuals over 90 years, and 1,700 over 85 years of age. Mr. Speaker, I would like to remind my colleagues that Public Law 100-383 requires Japanese-Americans who were denied their constitutional rights during World War II be compensated regardless of whether they die after the bill was signed into law. Allowing these individuals to die before they are compensated will not lessen our obligation or reduce the cost of this program.

The conference agreement adopts Senate amendments 43 and 80 which will change the redress compensation from an annual discretionary appropriation to an entitlement, beginning in fiscal year 1991. This change would mandate an annual $500 million appropriation for fiscal years 1991 and 1992, and the balance of $250 million to complete the program in fiscal year 1993.

This important change will allow the approximately 60,000 eligible individuals to finally see that justice is done. Mr. Speaker, for individuals who have waited over 40 years to receive fair and just treatment, waiting an additional fiscal year will certainly be a hardship. However, waiting an additional 8, 9 or 10 years will be an incredible pain and a devastating blow to those internees who so proudly support this great Nation.

When Congress passed the Civil Liberties Act of 1988, we made a commitment to stand by our Constitution and ensure that the rights of all were protected. We cannot shirk our responsibilities. Supporting the conference agreement will allow funds to be appropriated, but more importantly it will allow us to meet our obligation to

these citizens deprived of their liberty and freedom.

When the matter was before the Senate, Senator WARREN RUDMAN, one of the authors of the Gramm-Rudman-Hollings Act, eloquently stated "* * * there are times that we deal with fiscal reality, and there are certainly times during this month that we will deal with extraordinary fiscal reality. But there are also times, * * * that one must set fiscal reality aside, * * * and look at what is the right thing to do." Mr. Speaker, voting for the conference report is the right thing to do. I urge my colleagues to join me in finally correcting this injustice by providing civil rights to all Americans.

Mr. SMITH of Iowa. Mr. Speaker, I yield 2 minutes to the gentleman from Florida [Mr. SMITH].

Mr. SMITH of Florida. Mr. Speaker, I want to commend the chairman of the subcommittee for having come up with a very good document out of the conference committee. I would hope that none of the Members here today would be in any shape or form, attempting to back out on a commitment that we made, a commitment that we really believe needs to be fulfilled, a commitment that this country owes to those Japanese-Americans, those of Japanese ancestry in this country, American citizens, then and now, who were interned in those horrible camps during the war.

I will not ascribe anything but the best of motives, the fiscal motives, to those who are supporting receding from this part of the bill. However, I would urge Members to think about something else. We can find the money for an MX missile, we can find the money for star wars, we can find the money to build a B-2 at $500 million a copy. We can find the money for almost everything, but yesterday somehow we were told we could not find the money to fund an abortion for a 12-year-old girl who was raped by her father, and told, "We agree with the principle, but we cannot find the money to pay those 62,000 Americans who happen to be of Japanese ancestry and look Japanese. Sorry, we will get to it, do not worry about a thing, but we cannot do it this way, it should not be an entitlement, your redress should rise and fall with the whims of the Congress." That is not the commitment we made. That is not the way we have done business in this Congress.

This is a debt of honor that we owe. It is a debt of pilgrimage that we owe. How would Members have liked to have been one of those 62,000, or the families of those who have died since they were interned? This does nothing more than say to them, "We made the commitment and now we are willing to stand behind it."

Vote with the chairman. Vote to do the right thing.

Mr. ROGERS. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania [Mr. WALKER].

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

Mr. Speaker, the issue here is not the commitment. That was already decided on by the Congress some years ago. Some years ago we made a decision that we were, in fact, going to pay this money, and that we were going to do it in a particular kind of way. The question is not the commitment. The question is what we have before Members today, which has now changed the commitment into an entitlement. The commitment we made was that we could pay the money as available. We have, because of a series of budget priorities determined in years past, that there was not the availability of funds for this particular priority. We have to make a determination with a lot of priorities.

We sometimes have underfunded, in my opinion, the veterans who fought in World War II because we did not have the funds available. We have done a lot of things along the way because we did not have the funds available. That does not mean we are necessarily committed. It simply means that we did not have all of the money that we would like to have available at the time that the issues came before Members.

Well, now we are changing the commitment that we made. Now, today we come back, with no more authorization from the House, and we are now saying that we are creating an entitlement program. An entitlement program is something very, very different, because now we are saying that regardless of any other priorities, this becomes the single highest priority. Regardless of anything else that the Nation has to do, whether it is fight the drug war in these accounts or whatever, this is the single highest priority. This is an entitlement.

I am not certain that when we passed the bill a couple of years ago that we in any way indicated to the Members that they were making this the single highest priority in the accounts of the Subcommittee on Commerce, Justice, State, and Judiciary. I think that that is a decision that is before the Members today.

Mr. SMITH of Iowa. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. MATSUI].

Mr. MATSUI. Mr. Speaker, I would like to thank the gentleman from Iowa for his leadership in this particular issue. I would like to mention to the gentlemen from Illinois and Kentucky and others, we do not question their sincerity, and we appreciate what the gentlemen are doing. We understand, very much.

I yield to the gentleman from Kentucky.

Mr. ROGERS. Mr. Speaker, I hope the gentleman does understand. I understand the commitment was made in this body, and I sympathize with the cause that we were involved with. My main concern and only concern is the fact we are making it an entitlement.

Mr. MATSUI. Mr. Speaker, I understand. We certainly, as I indicated, do not question any Member's sincerity on this particular issue. That is not our intent.

I do have to say that it is a very difficult issue for all Members. As Members know, the gentleman from California [Mr. MINETA] and I and Senator INOUYE on the Senate side have been working on this issue for 5 years, and hopefully one day soon we will reach the culmination of this issue.

I have to tell Members, last August when President Reagan signed the bill, August 13, and we were at the White House, it was probably one of the happiest days of my life. I know it was also true for the gentleman from California [Mr. MINETA].

I guess the best way for me to express the importance of this issue, and the reason it is an entitlement, is to explain my situation. My mother passed away, my sister recently passed away. They will not be in a position to collect, and both of them were interned. Both of them were American citizens, and I may add, and I find it odd to say this as a Member of Congress, but we were all raised and born in Sacramento, CA. American citizens.

□ 1350

But for 3½ years of our lives we were put in internment camps by our own Government, and I cannot think of anything more horrible than being accused of potentially being a spy against your own country. That is one of the few crimes at the Federal level that we say is punishable by death, and for good reason, because it is a heinous crime against society and against one's own people.

We were incarcerated, but they are gone. My father is 74 years old. He was in his 20's in 1942. He went through the public schools in Sacramento, CA, and he had a little produce business. He was given 72 hours to take whatever he could carry, with myself and my mother, going to camp for 3½ years of his life.

He is going to die shortly. He is 74 years old. The mortality tables do not allow him to live to 100. If we get $50 million a year, it will take 25 years before these people are paid.

We made a point there making sure that this money did not go to heirs, because we wanted to insist that the payments went to those who suffered, and if we do not make this an entitle-

ment today, those who suffered will not receive their due and just apology.

Mr. Speaker, I hope that my colleagues will support the committee on this issue. It is a fundamental issue of right and wrong. It is a fundamental issue of what our country stands for.

The SPEAKER pro tempore (Mr. NAGLE). The Chair wishes to inform the gentleman from Kentucky [Mr. ROGERS] that he has 12 minutes remaining, and the gentleman from Iowa [Mr. SMITH] has 16 minutes remaining.

Mr. SMITH of Iowa. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. DELLUMS].

Mr. DELLUMS. Mr. Speaker, I thank the gentleman for yielding this time to me.

Mr. Speaker, I first rise in support of the amendment. Second, I wish to associate myself with the remarks of all my distinguished colleagues who have spoken so powerfully and eloquently in support of this amendment.

I participated in the debate that gave rise to the authorizing legislation. For some of us in this Chamber, that was a very painful debate for me, a very emotional debate. Hopefully, for all of us it was a debate full of principle integrity, and compassion.

The amendment before us at this point addresses a very dark period in the history of this country. I would suggest, Mr. Speaker, in no uncertain terms that to authorize without the accompanying resources is indeed a hollow gesture, particularly when we are confronted with the emerging new realities, and that is that people who are ostensibly the beneficiaries of this legislation are dying on a daily basis. We have to be rational and intelligent enough and bright enough and compassionate enough to make the necessary changes to be flexible enough if we are committed at the level of principle to see to it that the resources get to those people that they were designed to get to make the necessary changes.

It is unworthy of us to engage in a hallow process. This is an issue that in my opinion we must address with dignity and with integrity.

Mr. Speaker, I urge support of the amendment before us. This is a matter of high principle, and those of us who recall the debate on the floor remember there were tears in the House Chamber, and there was conflict, agony, and pain in this Chamber. Let that same spirit that allowed us to pass that legislation allow us to agree to this amendment. Let us not hide behind the technical, the earthbound, and the pedestrian.

Mr. Speaker, I urge my colleagues to support this motion.

Mr. SMITH of Iowa. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. BERMAN].

Mr. BERMAN. Mr. Speaker, I rise in very strong support of the conference report and of this amendment to recede to the Senate language, and I compliment the chairman of the subcommittee of the Committee on Appropriations, who has had the very difficult job of reconciling an incredible series of demands with a very limited allocation.

I cannot think of a better case in which to apply the term, "entitlement." I know that this is a word that causes concern. It is one that, when extended and applied in other areas, causes Members of this House to fear the loss of their discretionary authority, but when the Government that operates with the consent of the governed took tens of thousands of those whom it governed with their consent, took these U.S. citizens and moved them from their homes, with the loss of their homes and their liberty and their businesses, to these camps for that period, with no specific basis other than the fact that they were descendants of Japanese, I must ask this: When better to apply the process and the meaning of the term, "entitlement," than with the compensation that we previously authorized and are now turning into an entitlement?

Mr. Speaker, I do say to the gentleman from Minnesota who spoke earlier—and I wish he were still on the floor—that I know he supported this legislation when it went through, but when he indicates his support for the appropriation process, I would ask him to look at what happened this year. If we do not do this at this time, this money will not come. We might recall the very recent history. The administration proposed a year after the passage of this bill the payment of $20 million, an amount so low that more people would die and thereby lose their chance to be the direct beneficiaries of this program that we promised them.

The SPEAKER pro tempore. The time of the gentleman from California [Mr. BERMAN] has expired.

Mr. SMITH of Iowa. Mr. Speaker, I yield 3 minutes to the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK. Mr. Speaker, Members have said that if we adopt this, we will not be living up to the spirit of the bill that was adopted, and that is true. We, unfortunately, broke the spirit of the bill that was adopted when we failed to appropriate the money this year.

The bill came through, and it has been pending for a long time. It originally called for payments in 3 years, and that would have begun in the year in which we now are. Instead, what we said is that it would have begun last year. We passed the bill and said we will wait a full year before anything happens. But then the intent of the bill was to make the payments in 3 years. It did give a 10-year period, but that was to provide for any detail, any problems that might come up. The clear intent was to make these payments in 3 years.

So Members who were upset about a violation of the spirit of the act ought to understand that the primary violation came when the administration refused to appropriate very much money. As the gentleman from California said, they would appropriate $20 million, and the gentleman from Kentucky said $50 million. Both of those broke the spirit of the amendment.

Members are entitled to change their minds. I do not charge that that is some breach of faith that is mitigable in court. But if we want to look at who changed the terms of this, the terms were changed when we did not get the final amount.

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

Mr. FRANK. I yield to the gentleman from Kentucky.

Mr. ROGERS. Mr. Speaker, could the gentleman point out to me where in that bill it said we were intending to make the payments in 3 years?

Mr. FRANK. Mr. Speaker, I do not have the bill right with me, but I will get it and make that point.

Mr. ROGERS. I have the bill before me.

Mr. FRANK. The gentleman has it, but I do not. I will say as the author of the bill and the chairman of the authorizing subcommittee, and as we talked about it, that was our intention, and that is how we explained it to people. That is why it had the limit of how much we were to pay. If we look at the overall amount to be spent and we look at the annual limit, that is how we get the 3-year period, and so that was clearly our intention.

I will be glad to show that to the gentleman in the RECORD.

The question we have now is this: We were able to get $50 million only; the Senate said nothing. I would have preferred that we do this through the regular appropriations process, but this fealty to the spirit of the bill did not come forward before.

The other point I want to address is the word, "entitlement." Yes, if we pass this, it will entitle those people to this money if they live or if they have the right kind of survivors.

The problem we have generally found with entitlement has been that they are open-ended. Generally we worry about entitlements because they are open-ended and they are a drain on the Treasury and there is no limit. This is very limited in several ways. It is limited as to the people eligible. This is a specific group of people.

It is very much limited as to the amount either in any one year or over the full term. Entitlements have become a problem because we do not

know how much they are going to cost; they are open-ended, and they come and they come and they come. This is not such an entitlement. This is a specific recognition of a claim.

If we want a comparison, we could look at what we do with the Federal Tort Claims Act. If we have a claim against the Government which we judge to be legitimate, we pay it out of a permanent appropriation. We judge those claims to be legitimate. They are a specific and limited number. The amount to be paid is determined in advance. It is nothing that is open-ended. There is no uncertainty about the budgetary commitment.

Yes, this is not what we anticipated. It is a year later, but justice a year later is still justice. If we defeat this motion, through, it will not happen.

□ 1400

Mr. SMITH of Iowa. Mr. Speaker, I yield 2 minutes to the gentlewoman from Hawaii [Mr. SAIKI].

Mr. SAIKI. Mr. Speaker, I rise in support of amendments 43 and 80 as presented by the gentleman from Iowa [Mr. SMITH].

Mr. Speaker, last year this Congress and the President of the United States extended an apology to the Americans of Japanese ancestry who were taken from their homes and interned during World War II. Along with that initial apology reparations were assured to those who were unjustly incarcerated. We have not fulfilled the commitment by appropriating the money that is needed.

We could argue procedures here, however legitimate those procedures may be, but that is very little comfort, very little assurance, to those who were interned who are getting older every day.

My colleagues, let us be good on our word, and let us do what is right. Let us support this amendment.

Mr. SMITH of Iowa. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio [Mr. TRAFICANT].

Mr. TRAFICANT. Mr. Speaker, no one in this body comes to the House floor and questions the trade practices in Japan and probably speaks out more about Japan than I do.

However, Mr. Speaker, today we are not talking about Japan. Today we are not talking about the Japanese. Today we are talking about Americans, Japanese Americans.

Mr. Speaker, I represent a district that is going to wonder, "Why would JIM support this money?"

It is very simple.

Mr. Speaker, during the Second World War we did not lock up Italian Americans, we did not lock up German Americans, and I am not going to second-guess President Roosevelt. Maybe he had some concerns, but history has proved there were no stateside conspiracies, and the Japanese Americans were taken away from their people and their children, natural citizens born in this country seeing their father leave.

That was wrong. Today America should right that wrong.

Mr. Speaker, I am glad to see that we have brought this out as an entitlement because we made a great mistake, and everybody in this country should be treated the same way. When we start doing something other than that, we throw stones at and tear up page by page the Constitution.

So, I rise here today, and I am very proud to do so as an outspoken Member on the trade policies of Japan, to stand up today on behalf of the Japanese American citizens of our country, and I hope the Congress does as well.

Mr. ROGERS. Mr. Speaker, I yield 2 minutes to the gentleman from Georgia [Mr. GINGRICH], the minority whip of the House.

Mr. GINGRICH. Mr. Speaker, I very much appreciate the gentleman from Kentucky [Mr. ROGERS], my friend, yielding particularly in a case like this, and I just want to make a straightforward plea to my colleagues, and, Mr. Speaker, I say to them, "You could make the argument that we should not reimburse Americans who have been hurt by their government. I was convinced by a number of our most conservative members of the Committee on the Judiciary that, if you believe in the Constitution, that clearly the rights of Americans of Japanese descent were infringed upon. Clearly they were without help."

Now the House, the Congress and the President agreed to that and said, "Let's help them," and now we are faced with the tragedy of history, with the fact that the people we are trying to help tend to be over 60 years of age. Many of them are over 80 years of age, but the original amount of money we were going to allocate, if it had been targeted by age, would only have reached people who were 87 years old or over.

Mr. Speaker, I have been told that on the average every month 200 of these Americans die, and it just seemed to me that this is a very unusual situation, that we are trying to pay off a debt, a debt that we owe for things that were done in World War II, in a period of hysteria, a debt to Americans, to Americans just like us who were just as patriotic as any other American, and they deserve to have their rights protected just as much as any other American.

Mr. Speaker, when we are dealing with people in their nineties, in their eighties and their seventies, it seems to me that we have an obvious obligation to pay this priority off at a fairly high rate, and that is all this is about, trying a make sure that those who are now elderly, who once suffered a grievous harm, are given a chance to have their Government and the country they love repay that harm before they pass on.

Mr. Speaker, it is for those reasons that I urge we vote with the amendment and that we take care of this obligation.

Mr. ROGERS. Mr. Speaker, I yield such time as he may consume to the gentleman from Florida [Mr. GOSS].

Mr. GOSS. Mr. Speaker, I rise today in strong opposition to the Senate amendment to the conference report making reparations to Japanese internment victims an entitlement program.

I object to the manner in which this amendment has been included in the bill. An entitlement program has been created without appropriate hearings and placed in the appropriations bill contrary to the rules of our own budget process.

Making this program an entitlement program places internment reparations out of the scope of our Gramm-Rudman budget law and ahead of other more important programs in our budget process.

Mr. Speaker, I cannot in good conscience place these payments ahead of our veterans benefits, ahead of Medicare reimbursements and ahead of funding for our national defense. I cannot support this effort which violates our own budget act and gives these payments budgetary priority over a series of much more important programs.

Mr. ROGERS. Mr. Speaker, I yield myself such time as I may consume, and I plan to yield back the balance of my time when I finish my remarks, and I hope not to use all the time remaining.

Mr. Speaker, let me quickly disabuse those who might think what we are doing here is attempting to defeat the rights and the obligations that we acknowledged last year to the Japanese-American internees to whom we owe the money. Now that that is the law; we support it. No one is arguing we should not make the reparation payments. We should, and I will support appropriations in our subcommittee, in the full committee and the House to make those payments in a reasonable manner.

All I am saying, Mr. Speaker, is that it is unreasonable to try to make these huge payments above everything else we are obligated to do in the telescoped span of time that this amendment requires that we would do. When we passed the law last year, we said that we are going to make these payments within a 10-year span of time. That was the obligation that the Congress made. That was the planning that went into the Committee on the Budget, on which I serve, as well as the Committee on Appropriations. That was the planning that was done all along in the Justice Department in researching, in trying to relocate, and identify and validate those who are entitled to these moneys.

However, Mr. Speaker, how can we elevate these payments above those of children who need care from this Congress? Above the needs of the Nation's defense that this Congress is responsible for? How could we elevate these claims above those who are not receiving a proper education in this country that this Congress is obligated to try to help? How can we elevate these claims above the legitimate longstanding claims of many others who are looking to this Congress for a recompense?

Let us pay this claim as we can afford it, just as we balance the priorities of education, child care, defense, all the other needs that we are obligated to face. Let us place this item in the same priority as we place the other demanding, desperate claims made upon this body.

The question really is to the Members of this body, "Are you willing to place these reparation payments above the desperate needs of the other claimants that you're trying to represent in this body?"

Mr. Speaker, each of us have different types of interests. Each of us has those special groups that we try to represent here. I ask my colleagues, "Are you willing in your own priorities to place this claim above those?"

Mr. Speaker, that is the question.

Mr. DELLUMS. Mr. Speaker, will the gentleman yield briefly to me?

Mr. ROGERS. Briefly I will yield.

Mr. DELLUMS. Mr. Speaker, the difference here is that this is a matter of historical principle, and it seems to me that there are moments when we rise above this pedestrian approach which the gentleman from Kentucky [Mr. ROGERS] is laying out. We violated people historically, and the debate was around rising to a much higher level of principle and a much higher level of integrity here.

Mr. ROGERS. Mr. Speaker, reclaiming my time, I respect and admire the gentleman from California [Mr. DELLUMS], but let me say this:

We have a historical obligation to help the poor, young people with education in my district and the gentleman's.

Mr. DELLUMS. Mr. Speaker, if the gentleman will yield, I would say to him, "So, let's not build a B-2 bomber. That costs $700 million."

Mr. ROGERS. Mr. Speaker, reclaiming my time, I am not willing to place these payments above the obligations we owe to those young kids in my district that are poor and have historically, ever since we have been a nation, been denied a proper education.

Mr. Speaker, all of us have those kinds of obligations, and are my colleagues willing to place this one above those?

In the California earthquake this body arose, and we obligated ourselves to make those payments, but we said that they must come from all program spending. It has to come off defense, it has to come off education, it has to come off all the other appropriations bills that come before the body. We said that when we said it must comply with Gramm-Rudman, the California quake emergency payments. Now we are saying with these payments that we do not so believe. These payments in effect are given a priority above the California earthquake emergency payments in that respect.

Mr. Speaker, I ask my colleagues, "Are you willing to cut the programs you're most interested in in order to make these payments?"

Mr. Speaker, I think we are obligated to these people. We need to make payments in a reasonable budgetary fashion just like we deal with the other emergency priorities that face this body, and I urge the Members to support us on this move and to defeat the Senate amendment.

Mr. SMITH of Iowa. Mr. Speaker, I yield such time as he may consume to the gentleman from American Samoa [Mr. FALEOMAVAEGA].

Mr. FALEOMAVAEGA. Mr. Speaker, I rise in support of the amendment.

Mr. Speaker, I rise today in strong support of legislation that would establish an entitlement program for the redress of the unjustified, mass incarceration of Japanese-American citizens during World War II.

As a veteran of the Vietnam conflict and an officer in the Army Reserve, I share a special sensitivity with those who have fought to preserve freedom and democracy for this great country. History speaks for itself in documenting that none have shed their blood more valiantly for America than those Japanese-Americans that served in the 442d Infantry, 100th battalion, while fighting Axis Forces in Europe. With over 18,000 Japanese-American soldiers receiving medals for bravery in battle, the record shows that this unit was the most heavily decorated Army combat unit in World War II.

For these patriotic soldiers to return to the United States only to be reunited with their families that were rounded up like cattle and jailed behind barbed wire compounds, underscores the depth of the transgression committed by our Government against its own citizens. The rape of the constitutional rights of these Japanese-Americans constitutes a shameful black mark on the history of our country that should never be forgotten, lest it raise its ugly head again.

The Japanese-American people have paid their dues in blood to protect America's liberty. For their emotional humiliation, physical suffering, and loss of property caused by the en masse internment, there can never be sufficient reparation. This country, however, can demonstrate its remorse by living up to its moral obligation to financially compensate, in part, those who were interned.

I urge my colleagues in Congress to support full appropriations for the entitlement redress program, and further urge the President to sign the legislation when it comes before him.

Mr. Speaker, it is also my intention to examine the records of these brave Americans, and I am certain more Medals of Honor should have been awarded to members of this famous unit.

I submit for the RECORD, Mr. Speaker, a summary outline of one of the most famous combat units ever recorded in the annals of American military history.

SUMMARY HISTORY OF 100TH BATTALION 442D INFANTRY

1. Mission: As with all infantry units, the mission of the 100th Battalion, 442d Infantry, is to close with the enemy by means of fire and maneuver in order to destroy or capture him or repell his assault by fire, close combat and counterattack. Its combat support unit provides reconnaissance, and ground surveillance, indirect fire support, antitank support and limited air defense support for the infantry battalion, infantry division or separate infantry brigade. Its headquarters unit provides command, control and supervison of the operations of the infantry battalion.

2. History: The history of the 100th Battalion, 442d Infantry begins with the attack on Pearl Harbor on December 7, 1941. At the time of the attack, there were already some 1,500 Nisei's serving in the U.S. Army most of them with the 24th and 25th Infantry Divisions, and the 298th and 299th Infantry Regiments at Schofield Barracks. Six months after Pearl Harbor, In May 1942, Army Chief of Staff George C. Marshall ordered the formation of the 100th Battalion, composed of men already in the U.S. Army. The 100th Battalion (Separate) was thus activated on 12 June 1942, at Oakland, California.

The unit took its basic training at Camp Shelby, Mississippi under LTC Farrant L. Turner and was deployed overseas in August 1943. Landing in Oran, North Africa, the battalion crossed over to Italy, attached to the 133d Infantry Regiment, 34th Infantry Division. It participated in the bitter advance up the Italian peninsula fighting in the major battles at Salerno, Valturno River, Rapido River and Cassino.

The 442d Regimental Combat Team was activated at Camp Shelby, Mississippi on 1 February 1943 with COL Charles Spence commanding. After training at Camp Shelby and in the Louisiana Army Maneuvers, the RCT deployed overseas in May 1944. Landing in Italy, it joined the 34th Infantry Division and, the 100th Infantry Battalion. Together, they participated in the Anzio and Rome-Arno campaigns and later fought in the Rhineland and North Appenines campaigns attached to the 36th Infantry Division.

While attached to the 36th, they rescued the 1st Battalion, 141st Regiment, known as the "Lost Battalion." During the rescue, the RCT became closely attached to the people of Bruyeres, France, a little town in the Vosges Mountains. A sister city relationship exists today between Bruyeres and Honolulu.

In March 1945, the RCT returned to Italy and attached to the 92d Infantry Division, participated in the Po Valley campaign, their last campaign before the end of the war.

The record of the RCT is without equal. The unit suffered 314% casualities, earned 18,143 individual decorations, participated in six campaigns and received seven Distinguished Unit Citations, three by the 100th Battalion. It emerged as the most decorated unit of its size in the U.S. Army.

The unit was inactivated in August 1946 and reactivated in the U.S. Army Reserve in July 1947. The Battalion is the only battalion-sized unit in the U.S. Army authorized its own shoulder patch.

During the period July 1947 to 13 May 1968, the Battalion underwent organizational changes from Regimental to Battle Group, to its present battalion structure. Significant events during this period were providing individual personnel replacements during the Korean War when all company grade officers and senior NCO's were recalled to active duty. The Battalion also participated in Operation Koolau with the 25th Infantry Division in 1959 and Exercise Coral Sands 11 with the 11th Infantry Brigade in 1967.

On March 13th, 1968, during the Vietnam War, the 100th Battalion, 442d Infantry was ordered to active duty and attached to the 29th Infantry Brigade (HANG) as one of its Maneuver Battalions. Its mission was to provide strategic reserve in the Pacific. Stationed at Schofield Barracks, Hawaii, the Battalion trained for eventual deployment, and provided a manpower pool of trained personnel replacements.

On an individual basis, most members of the Battalion were reassigned to Vietnam. During the period 13 May 1968 to 12 December 1970 a total of nine gallant men from the 100th Battalion, 442d Infantry gave their lives while serving in combat in the Republic of Vietnam.

Mr. SMITH of Iowa. Mr. Speaker, I yield myself the balance of my time.

□ 1410

Mr. Speaker, I lived during the World War II period, and I spent 18 months in the Pacific. I doubt that anyone who did not live through that time could fully appreciate the attitude we had in this country, the way people felt against Japan at that time. There was really very, very strong feeling, but in spite of that fact, I always knew the internment of Japanese-Americans in those camps was wrong. I think a lot of people in this country knew it was wrong at the time, but the feeling against Japan was very strong.

Now we have two amendments before us. The Japanese-American redress bill finally was passed a couple years ago that made an authorization for appropriations. The bill should always have contained an entitlement, but it was not done in that law.

So we have amendment No. 43 that we are on at the present time, which makes the appropriation for 1991 for a maximum of $500 million. That is necessary because of a technicality in the Gramm-Rudman law. Gramm-Rudman is full of technicalities, we find out from time to time that we need to do something about them.

Amendment No. 80 provides the entitlement for the payments, but they both are really all hooked together.

Now, it is going to cost the same whether there is an entitlement or we make the payments out of discretionary funding annually. The only way you can reduce the cost is to say that we do not want to pay the bill. I do not hear anybody arguing here today that we do not want to pay the bill, but that is the only way you can reduce the cost. It is going to come out of the budget one way or another. It will not cost $1 more one way or the other. We owe the money, and the law says they are entitled to the money.

The Department only asked for $20 million for fiscal year 1990. During fiscal year 1989, they only asked for one-third of the amount needed to put together a list of eligible individuals. Out of the supplemental we appropriated the extra money so they can get the list put together of all the claimants. That list is put together now, or it soon will be.

You know, we take pride in this country in the statement that the U.S. Government has never failed to pay a mitigated obligation, but we are not paying this one on time, and unless we do something different than we have been doing, it will not be paid timely enough so we can continue to say that we never failed to pay our obligations.

Time is important in these circumstances. An aye vote is necessary on this to assure that these claims will be paid.

You know President Bush went out to California last year. He said, "I am for making these redress payments." He did not say 10 years from now. He did not say 5 years from now. He did not say 5 percent per year. He said, "I am for paying these claims. Read my lips."

If you are for paying the claims, if you are for keeping your campaign promises, then I do not know how anyone could oppose this who agreed with him at that time. If you are going to pay this bill, the only way to do it is to make it an entitlement today. You will be sure it is in the budget next spring and it will not be competing with everything else in the Budget Committee and that is what will happen if we do not do it this way. It will be competing in the Budget Committee for all these other things that everybody is for.

So I am saying to you that we really need to make sure that this promise that we made is not a hollow promise.

Vote aye for this amendment.

Mr. BRENNAN. Mr. Speaker, today we have the opportunity to repay a great debt, a moral obligation, that is long past due.

During World War II, the fears of a nation at war clouded the judgment of our leaders, and we sought a false security by taking away the liberty of our fellow Americans of Japanese descent. We called it "internment." To be honest, a more accurate word is "imprisonment."

However, we justified that action yesterday, we know today that we were wrong. There is no question about that.

There also is no question that we must somehow repay these individuals and their families for unjustly taking their freedom. They suffered greatly through that time. And now we must suffer knowing that, however we make restitution, we can never truly repay them for the indignities we thrust upon them.

Still, let us do what we can. And let us do it thinking not of our timeframe but of theirs. Many of those wronged are now between the ages of 60 and 80. Some are beyond 80. Their time is running out.

Please join me in expressing my great sorrow and my sincere apology to those individuals we wronged so many years ago. Please support the payment of restitution today.

The SPEAKER pro tempore (Mr. NAGLE). The question is on the motion offered by the gentleman from Iowa [Mr. SMITH].

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

Mr. ROGERS. 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 249, nays 166, not voting 18, as follows:

[Roll No. 314]

YEAS—249

Ackerman	Clay	Flake
Akaka	Clinger	Foglietta
Alexander	Coleman (MO)	Ford (MI)
Anderson	Coleman (TX)	Ford (TN)
Andrews	Collins	Frank
Annunzio	Condit	Frost
Anthony	Conte	Gejdenson
Aspin	Conyers	Gephardt
Atkins	Costello	Geren
AuCoin	Coyne	Gibbons
Barnard	Craig	Gillmor
Bateman	Crockett	Gilman
Bates	Davis	Gingrich
Beilenson	de la Garza	Glickman
Bennett	DeFazio	Gonzalez
Bereuter	Dellums	Gradison
Berman	Derrick	Grant
Bilbray	DeWine	Gray
Boehlert	Dicks	Hall (OH)
Boggs	Dixon	Hamilton
Bonior	Donnelly	Hayes (IL)
Borski	Dornan (CA)	Herger
Bosco	Downey	Hertel
Boucher	Dreier	Hoagland
Boxer	Durbin	Hochbrueckner
Brennan	Dwyer	Horton
Broomfield	Dymally	Hoyer
Brown (CA)	Early	Hughes
Brown (CO)	Eckart	Hyde
Bruce	Edwards (CA)	Jacobs
Bryant	Edwards (OK)	Johnson (CT)
Bustamante	Engel	Johnston
Campbell (CA)	Espy	Jones (GA)
Campbell (CO)	Evans	Jones (NC)
Cardin	Fascell	Jontz
Carr	Fazio	Kaptur
Chandler	Feighan	Kastenmeier

Kennedy
Kennelly
Kildee
Kleczka
Kolbe
Kolter
Kostmayer
Lagomarsino
Lancaster
Lantos
Leach (IA)
Lehman (CA)
Lehman (FL)
Lent
Levin (MI)
Levine (CA)
Lewis (CA)
Lewis (GA)
Lipinski
Long
Lowery (CA)
Lowey (NY)
Luken, Thomas
Lukens, Donald
Machtley
Manton
Markey
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McDermott
McGrath
McHugh
McMillen (MD)
McNulty
Mfume
Miller (CA)
Miller (WA)
Mineta
Moakley
Mollohan
Moody
Morella
Morrison (CT)
Morrison (WA)
Murtha
Nagle
Natcher
Neal (MA)
Nelson
Nowak
Oakar
Oberstar
Obey
Ortiz
Owens (NY)
Owens (UT)
Pallone
Panetta
Pashayan
Payne (NJ)
Pease
Pelosi
Perkins
Pickle
Porter
Poshard
Price
Rahall
Rangel
Ravenel
Richardson
Roe
Ros-Lehtinen
Rose
Rostenkowski
Roukema
Roybal
Sabo
Saiki
Savage
Sawyer
Saxton
Scheuer
Schiff
Schneider
Schroeder
Schumer
Sharp
Shays
Sikorski
Skaggs
Slattery
Slaughter (NY)
Smith (FL)
Smith (IA)
Smith (NJ)
Smith (VT)
Smith, Robert (OR)
Snowe
Solarz
Spratt
Staggers
Stallings
Stark
Stokes
Studds
Swift
Synar
Thomas (CA)
Thomas (WY)
Torres
Torricelli
Towns
Traficant
Traxler
Udall
Unsoeld
Upton
Valentine
Vander Jagt
Vento
Visclosky
Vucanovich
Waxman
Weber
Weiss
Wheat
Whitten
Williams
Wilson
Wise
Wolpe
Wyden
Yates
Young (AK)

NAYS—166

Archer
Baker
Ballenger
Bartlett
Barton
Bentley
Bevill
Bilirakis
Bliley
Browder
Buechner
Bunning
Burton
Byron
Callahan
Carper
Chapman
Clarke
Clement
Coble
Combest
Cooper
Coughlin
Cox
Crane
Dannemeyer
Darden
DeLay
Dickinson
Dorgan (ND)
Douglas
Duncan
Dyson
Emerson
English
Erdreich
Fawell
Fields
Frenzel
Gallegly
Gallo
Gaydos
Gekas
Goodling
Gordon
Goss
Grandy
Green
Guarini
Gunderson
Hall (TX)
Hammerschmidt
Hancock
Hansen
Harris
Hastert
Hatcher
Hayes (LA)
Hefley
Hefner
Henry
Hiler
Holloway
Hopkins
Houghton
Hubbard
Huckaby
Hunter
Hutto
Inhofe
Ireland
James
Jenkins
Johnson (SD)
Kanjorski
Kasich
Kyl
Laughlin
Leath (TX)
Lewis (FL)
Lightfoot
Livingston
Lloyd
Madigan
Marlenee
Martin (IL)
Martin (NY)
McCandless
McCollum
McCrery
McCurdy
McDade
McEwen
McMillan (NC)
Meyers
Michel
Miller (OH)
Montgomery
Moorhead
Murphy
Myers
Neal (NC)
Nielson
Olin
Oxley
Packard
Parker
Parris
Patterson
Paxon
Payne (VA)
Penny
Petri
Pickett
Pursell
Quillen
Ray
Regula
Rhodes
Ridge
Rinaldo
Ritter
Roberts
Robinson
Rogers
Rohrabacher
Roth
Rowland (CT)
Rowland (GA)
Sarpalius
Schaefer
Schuette
Schulze
Sensenbrenner
Shaw
Shumway
Shuster
Sisisky
Skeen
Skelton
Slaughter (VA)
Smith (NE)
Smith, Denny (OR)
Smith, Robert (NH)
Solomon
Spence
Stangeland
Stearns
Stenholm
Stump
Sundquist
Tallon
Tanner
Tauke
Tauzin
Taylor
Thomas (GA)
Volkmer
Walgren
Walker
Walsh
Weldon
Whittaker
Wolf
Wylie
Young (FL)

NOT VOTING—18

Applegate
Armey
Brooks
Courter
Dingell
Fish
Flippo
Florio
Garcia
Hawkins
LaFalce
Molinari
Mrazek
Russo
Sangmeister
Smith (TX)
Watkins
Yatron

□ 1435

Mr. VOLKMER changed his vote from "yea" to "nay."

Mr. ATKINS changed his vote from "nay" to "yea."

So the motion was agreed to.

The result of the vote was announced as above recorded.

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 6, after line 2, insert:

SALARIES AND EXPENSES, ANTITRUST DIVISION

For expenses necessary for the enforcement of antitrust and kindred laws, $42,222,000.

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. SMITH of Iowa moves that the House recede from its disagreement to the amendment of the Senate numbered 44 and concur therein with an amendment, as follows: In lieu of the sum named in said amendment insert: "$32,222,000".

Mr. ROGERS (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 Kentucky?

There was no objection.

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

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. 47: Page 6, after line 2, insert:

SALARIES AND EXPENSES, FOREIGN CLAIMS SETTLEMENT COMMISSION

For expenses necessary to carry out the activities of the Foreign Claims Settlement Commission, including services as authorized by 5 U.S.C. 3109; allowances and benefits similar to those allowed under the Foreign Service Act of 1980 as determined by the Commission; expenses of packing, shipping, and storing personal effects of personnel assigned abroad; rental or lease, for such periods as may be necessary, of office space and living quarters of personnel assigned abroad; maintenance, improvement, and repair of properties rented or leased abroad, and furnishing fuel, water, and utilities for such properties; insurance on official motor vehicles abroad; advances of funds abroad; advances or reimbursements to other Government agencies for use of their facilities and services in carrying out the functions of the Commission; hire of motor vehicles for field use only; and employment of aliens; $440,000.

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. SMITH of Iowa moves that the House recede from its disagreement to the amendment of the Senate numbered 47 and concur therein with an amendment, as follows: In lieu of the matter proposed by said amendment insert the following:

SALARIES AND EXPENSES, FOREIGN CLAIMS SETTLEMENT COMMISSION

For expenses necessary to carry out the activities of the Foreign Claims Settlement Commission, including services as authorized by 5 U.S.C. 3109, $440,000: *Provided*, That for fiscal year 1990 and hereafter, funds appropriated under this heading shall be available for: allowances and benefits similar to those allowed under the Foreign Service Act of 1980 as determined by the Commission; expenses of packing, shipping, and strong personal effects of personnel assigned abroad; rental or lease, for such periods as may be necessary, of office space and living quarters of personnel assigned abroad; maintenance, improvement, and repair of properties rented or leased abroad, and furnishing fuel, water, and utilities for such properties; insurance on official motor vehicles abroad; advances of funds abroad; advances or reimbursements to other Government agencies for use of their facilities and services in carrying out the functions of the Commission; hire of motor vehicles for field use only; and employment of aliens.

Mr. ROGERS (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 Kentucky?

There was no objection.

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

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. 53: Page 6, after line 6, insert:

INTERAGENCY LAW ENFORCEMENT

ORGANIZED CRIME DRUG ENFORCEMENT

For necessary expenses of agencies of the Department of Justice, for the detection, investigation, and prosecution of individuals involved in organized crime drug trafficking not otherwise provided for, $168,560,000, notwithstanding the reimbursements procedure contained in section 1055 of Public Law 100-690: *Provided*, That any amounts obligated from this appropriation may be used under authorities available to the organiza-

tions reimbursed in this Act: *Provided further,* That this appropriation may be used to reimburse Department of Justice agencies for any costs incurred by Organized Crime Drug Enforcement Task Forces between October 1, 1989 and the date of this Act.

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. SMITH of Iowa moves that the House recede from its disagreement to the amendment of the Senate numbered 53 and concur therein with an amendment, as follows: In lieu of the matter proposed by said amendment insert the following:

INTERAGENCY LAW ENFORCEMENT

ORGANIZED CRIME DRUG ENFORCEMENT

For necessary expenses for the detection, investigation, and prosecution of individuals involved in organized crime drug trafficking not otherwise provided for, $168,560,000: *Provided,* That any amounts obligated from appropriations under this heading may be used under authorities available to the organizations reimbursed in this Act: *Provided further,* That appropriations under this heading may be used to reimburse agencies for any costs incurred by Organized Crime Drug Enforcement Task Forces between October 1, 1989 and the date of this Act.

Mr. ROGERS (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 Kentucky?

There was no objection.

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

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. 54: Page 6, after line 6, insert:

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

For expenses necessary for detection, investigation, and prosecution of crimes against the United States; including purchase for police-type use of not to exceed 2,600 passenger motor vehicles of which 1,850 will be for replacement only, without regard to the general purchase price limitation for the current fiscal year, and hire of passenger motor vehicles; acquisition, lease, maintenance and operation of aircraft; and not to exceed $70,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of the Attorney General, and to be accounted for solely on his certificate; $1,423,340,000, of which not to exceed $25,000,000 for automated data processing and telecommunications and $1,000,000 for undercover operations shall remain available until September 30, 1991; of which not to exceed $8,000,000 for research and development related to investigative activities shall remain available until expended; and of which not to exceed $500,000 is authorized to be made available for making payments or advances for expenses arising out of contractual or reimbursable agreements with State and local law enforcement agencies while engaged in cooperative activities related to terrorism and drug investigations: *Provided,* That for fiscal year 1990 and hereafter the Director of the Federal Bureau of Investigation may establish and collect fees to process fingerprint identification records and name checks for non-criminal justice, non-law enforcement employment and licensing purposes and for certain employees of private sector contractors with classified Government contracts, and notwithstanding the provisions of 31 U.S.C. 3302, credit such fees to this appropriation to be used for salaries and other expenses incurred in providing these services, and that the Director of the Federal Bureau of Investigation may establish such fees at a level to include an additional amount to establish a fund to remain available until expended to defray expenses for the automation of fingerprint identification services and associated costs: *Provided further,* That not to exceed $30,000 shall be available for official reception and representation expenses: *Provided further,* That not to exceed $7,500,000 for a language translation system shall remain available until expended.

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. SMITH of Iowa moves that the House recede from its disagreement to the amendment of the Senate numbered 54 and concur therein with an amendment, as follows: In lieu of the matter proposed by said amendment insert the following:

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

For expenses necessary for detection, investigation, and prosecution of crimes against the United States; including purchase for police-type use of not to exceed 2,730 passenger motor vehicles of which 1,850 will be for replacement only, without regard to the general purchase price limitation for the current fiscal year, and hire of passenger motor vehicles; acquisition, lease, maintenance and operation of aircraft; and not to exceed $70,000 to meet unforseen em ergencies of a confidential character, to be expended under the direction of the Attorney General, and to be accounted for solely on his certificate; $1,423,340,000, of which not to exceed $25,000,000 for automated data processing and telecommunications and $1,000,000 for undercover operations shall remain available until September 30, 1991; of which not to exceed $8,000,000 for research and development related to investigative activities and $15,000,000 for construction of Pod B of the Engineering Research Facility at Quantico, Virginia, shall remain available until expended; and of which $500,000 is authorized to be made available for making payments or advances for expenses arising out of contractural or reimbursable agreements with State and local law enforcement agencies while engaged in cooperative activities related to terrorism and drug investigations: *Provided,* That the Director of the Federal Bureau of Investigation may establish and collect fees to process fingerprint identification records and name checks for non-criminal justice, non-law enforcement employment and licensing purposes and for certain employees of private sector contractors with classified Government contracts, and notwithstanding the provisions of 31 U.S.C. 3302, credit such fees to this apopropriation to be used for salaries and other expenses incurred in providing these services, and that the Director of the Federal Bureau of Investigation may establish such fees at a level to include an additional amount to establish a fund to remain available until expended to defray expenses for the automation of fingerprint identification services and associated costs: *Provided further,* That not to exceed $30,000 shall be available for official reception and representation expenses: *Provided further,* That not to exceed $7,500,000 for a language translation system shall remain available until expended.

Mr. ROGERS (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 Kentucky?

There was no objection.

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

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. 56: Page 6, after line 6, insert:

IMMIGRATION AND NATURALIZATION SERVICE

SALARIES AND EXPENSES

For expenses, not otherwise provided for, necessary for the administration and enforcement of the laws relating to immigration, naturalization, and alien registration, including not to exceed $50,000 to meet unforseen emergencies of a confidential character, to be expended under the direction of the Attorney General and accounted for solely on his certificate; purchase for police-type use (not to exceed 525, for replacement only) without regard to the general purchase price limitation for the current fiscal year, and hire of passenger motor vehicles; acquisition, lease, maintenance and operation of aircraft; and research related to immigration enforcement; $823,486,000, of which not to exceed $400,000 for research shall remain available until expended: *Provided,* That none of the funds available to the Immigration and Naturalization Service shall be available for administrative expenses to pay any employee overtime pay in an amount in excess of $25,000: *Provided further,* That uniforms may be purchased without regard to the general purchase price limitation for the current fiscal year *Provided further,* That for fiscal year 1990 and hereafter capital assets acquired by the Immigration Legalization account may be made available for the general use of the Immigration and Naturalization Service after they are no longer needed for immigration legalization purposes: *Provided further,* That title 8, United States Code, section 1356(n) is amended by deleting "in excess of $50,000,000" after "Immigration Examinations Fee Account," and by deleting "At least annually, deposits in the amount of $50,000,000 shall be transmitted from the 'Immigration Examinations Fee Account' to the General Fund of the Treasury of the United States": *Provided further,* That not to exceed $5,000 shall be available for official reception and representation expenses.

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. SMITH of Iowa moves that the House recede from its disagreement to the amendment of the Senate numbered 56 and concur therein with an amendment, as follows:

In lieu of the number "525" named in said amendment insert "620", and

In lieu of the sum "$823,486,000" named in said amendment insert "$828,300,000".

Mr. ROGERS (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 Kentucky?

There was no objection.

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

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. 57: Page 6, after line 6, insert:

IMMIGRATION EMERGENCY FUND

For necessary expenses of the emergency fund as authorized by section 404(b) of the Immigration and Nationality Act, $35,000,000.

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. SMITH of Iowa moves that the House recede from its disagreement to the amendment of the Senate numbered 57 and concur therein with an amendment, as follows: In lieu of the matter proposed by said amendment insert the following:

IMMIGRATION EMERGENCY BOARD

For necessary expenses of the immigration emergency fund as authorized by section 404(b) of the Immigration and Nationality Act, $35,000,000, to remain available until expended.

Mr. ROGERS (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 Kentucky?

There was no objection.

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

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 6, after line 6, insert:

BUILDINGS AND FACILITIES

For planning, acquisition of sites and construction of new facilities; purchase, leasing and acquisition of facilities and remodeling and equipping of such facilities for penal and correctional use, including all necessary expenses incident thereto, by contract or force account; and constructing, remodeling, and equipping necessary buildings and facilities at existing penal and correctional institutions, including all necessary expenses incident thereto, by contract or force account, $401,332,000, to remain available until expended: *Provided*, That labor of United States prisoners may be used for work performed under this appropriation: *Provided further*, That not to exceed 10 per centum of the funds appropriated to "Buildings and Facilities" in this Act or any other Act may be transferred to "Salaries and expenses", Federal Prison System upon notification by the Attorney General to the Committees on Appropriations of the House of Representatives and the Senate in compliance with provisions set forth in section 606 of this Act: *Provided further*, That of the amount appropriated under this heading, $14,000,000 shall be for the expansion of Oakdale II to 1,000 beds for the custody of criminal aliens.

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. SMITH of Iowa 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 proposed by said amendment insert the following:

BUILDINGS AND FACILITIES

For planning, acquisition of sites and construction of new facilities; purchase, leasing and acquisition of facilities and remodeling and equipping of such facilities for penal and correctional use, including all necessary expenses incident thereto, by contract or force account; and constructing, remodeling, and equipping necessary buildings and facilities at existing penal and correctional institutions, including all necessary expenses incident thereto, by contract or force account, $401,332,000, to remain available until expended: *Provided*, That labor of United States Prisoners may be used for work performed under this application: *Provided further*, That not to exceed 10 per centum of the funds appropriated to "Buildings and Facilities" in this Act or any other Act may be transferred to "Salaries and expenses", Federal Prison System upon notification by the Attorney General to the Committees on Appropriations of the House of Representatives and the Senate in compliance with provisions set forth in section 606 of this Act.

Mr. ROGERS (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 Kentucky?

There was no objection.

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

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. 64: Page 6, line 14, strike out "$81,150,000" and insert "$80,783,000".

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. SMITH of Iowa moves that the House recede from its disagreement to the amendment of the Senate numbered 64 and concur therein with an amendment, as follows: In lieu of the sum "$80,783,000" named in said amendment insert: "$90,783,000".

Mr. ROGERS (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 Kentucky?

There was no objection.

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

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. 67: Page 7, line 5, strike out "$69,693,000" and insert "$69,193,000".

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. SMITH of Iowa moves that the House recede from its disagreement to the amendment of the Senate numbered 67 and concur therein with an amendment, as follows: In lieu of the matter stricken and inserted by said amendment insert the following "$64,193,000".

Mr. ROGERS (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 Kentucky?

There was no objection.

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

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. 79: Page 7, after line 22, insert:

SEC. 208. Section 6077 of the Anti-Drug Abuse Act of 1988 (Public Law 100-690, 102 Stat. 4324-25) is amended—

(1) in subsection (a) by striking "; and "(B) is not so transferred to circumvent any requirement of State law that prohibits forfeiture or limits use or disposition of property forfeited to State or local agencies.";

(2) in subsection (a) by striking "— "(A) has a value" and inserting "has a value"; and

(3) by striking subsection (c).

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. SMITH of Iowa moves that the House recede from its disagreement to the amendment of the Senate numbered 79 and concur therein with an amendment, as follows: In lieu of the matter proposed by said amendment insert the following:

SEC. 208. Section 6077(c) of the Anti-Drug Abuse Act of 1988 (Public Law 100-690, 102 Stat. 4325) is amended by striking "September 30, 1989" and inserting "September 30, 1991".

Mr. ROGERS (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 Kentucky?

There was no objection.

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

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 7, after line 22, insert:

SEC. 209. The Civil Liberties Act of 1988 (Public Law 100-383) is amended by adding at the end thereof the following new section:

"SEC. 110. ENTITLEMENTS TO ELIGIBLE INDIVIDUALS.

"Notwithstanding any other provision of this title, beginning on October 1, 1990 the payments to be made to any eligible individual under the provisions of this title shall be an entitlement as defined in section 401(c)(2)(C) of the Congressional Budget Reform and Impoundment Control Act of 1974 (Public Law 93-344).".

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. SMITH of Iowa 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 matter proposed by said amendment insert the following:

SEC. 209. (a) The Civil Liberties Act of 1988 (Public Law 100-383; 50 U.S.C. App. 1989b and following) is amended by adding at the end thereof the following new section:

"SEC. 110. ENTITLEMENTS TO ELIGIBLE INDIVIDUALS.

"Subject to Sections 104(e) and 105(g) of this title, beginning on October 1, 1990, the payments to be made to any eligible individual under the provisions of this title shall be an entitlement. As used in this section, the term 'entitlement' means 'spending authority' as defined in section 401(c)(2)(C) of the Congressional Budget Act of 1974.".

(b) Section 105 of the Civil Liberties Act of 1988 is amended by adding at the end thereof the following:

"(g) LIABILITY OF UNITED STATES LIMITED TO AMOUNT IN THE FUND.—

"(1) GENERAL RULE.—An eligible individual may be paid under this section only from amounts in the Fund.

"(2) COORDINATION WITH OTHER PROVISIONS.—Nothing in this title shall authorize the payment to an eligible individual by the United States Government of any amount authorized by this section from any source other than the Fund.

"(3) ORDER IN WHICH UNPAID CLAIMS TO BE PAID.—If at any time the fund has insufficient funds to pay all eligible individuals at such time, such eligible individuals shall, to the extent permitted under paragraph (1), be paid in full in the order specified in subsection (b).".

Mr. ROGERS (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 Kentucky?

There was no objection.

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

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. 82: Page 7, after line 22, insert:

SEC. 211. Section 504(a)(1) of part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended by section 6091 of the Anti-Drug Abuse Act of 1988, is amended by striking "1989" and inserting in lieu therof "1991".

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. SMITH of Iowa moves that the House recede from its disagreement to the amendment of the Senate numbered 82 and concur therein with an amendment, as follows: In lieu of the date "1991" named in said amendment, insert "1990".

Mr. ROGERS (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 Kentucky?

There was no objection.

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

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 7, after line 22, insert:

SEC. 212. Section 506(a) of part D of title I of the Omnibus Crime Control and Safe Streets (42 U.S.C. 375(a)) is amended to read as follows:

"SEC. 506. (a) Of the total amount appropriated for this part in any fiscal year, the amount remaining after setting aside the amount to be reserved to carry out section 511 of this title shall be set aside for section 502 and allocated to States as follows:

"(1) 0.4 percent shall be allocated to each of the participating States; and

"(2) of the total funds remaining after the allocation under paragraph (1), there shall be allocated to each State an amount which bears the same ratio to the amount of remaining funds described in this paragraph as the population of such State bears to the population of all the States.".

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. SMITH of Iowa 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 "part D" named in said amendment insert "part E".

Mr. ROGERS (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 Kentucky?

There was no objection.

The SPEAKER pro tempore (Mr. NAGLE). The gentleman from Iowa [Mr. SMITH] will be recognized for 30 minutes, and the gentleman from Kentucky [Mr. ROGERS] will be recognized for 30 minutes.

□ 1440

PARLIAMENTARY INQUIRY

Mr. HUGHES. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore (Mr. NAGLE). The gentleman will state it.

Mr. HUGHES. Mr. Speaker, I am opposed to the motion of the gentleman from Iowa to recede and concur. Mr. Speaker, would I be entitled to time if my colleague, the gentleman from Kentucky [Mr. ROGERS] is not in opposition?

The SPEAKER pro tempore. Is the gentleman from Kentucky [Mr. ROGERS] opposed or in opposition to the motion?

Mr. ROGERS. Mr. Speaker, I am not in opposition to the motion.

Mr. HUGHES. Mr. Speaker, I am in opposition to the motion.

The SPEAKER pro tempore. The gentleman from Iowa [Mr. SMITH] will be recognized for 20 minutes, the gentleman from Kentucky [Mr. ROGERS] will be recognized for 20 minutes, and the gentleman from New Jersey [Mr. HUGHES] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Iowa [Mr. SMITH].

Mr. SMITH of Iowa. Mr. Speaker, this involves State and local drug grants. In fiscal year 1988 we appropriated $75 million for State and local grants, and in fiscal year 1989 they got $150 million.

In this bill we provide $150 million, and when that amount is added to the

$300 million in title IV of the transportation bill will make available $450 million for fiscal year 1990. That is three times as much for State and local drug grants as was available 2 years ago.

The law requires that they set up a system, of course, for distributing these grants. Frankly, I am very concerned that they very fully monitor these grants. I do not want to happen to this program what happened to LEAA. That program was so loose and got so bad that we finally had to kill it.

Each State needs to do a good job of administering these grants and make sure that they go for the purposes for which they were authorized and intended.

So in this one bill the States are getting over triple the amount of money for this new program they received in fiscal year 1989.

Now last year there was a minimum amount of $500,000 provided to each State.

That turned out to be a formula of four-tenths of 1 percent.

Now, if you triple the program, the Senate said, then you need to come somewhere close to tripling the minimum amount of money going to each State. I am telling you what the Senate position was on this.

The Senate said then we need to go to four-tenths of 1 percent, and as we increase the program or reduce the program, either one, the minimum amount going to each State should go up and down by a like percentage.

Now I want to tell you that the Senate was very strong about this.

I do not like to change authorizations in an appropriation act, I do not like to agree to such authorizations; I always consult with the authorizing committee and I do my very best to go along with the authorizing committee. But the Senate was not only very strong about this, but the supporters of doing this were the strong supporters in the Senate of increasing the amount of these grants.

Now I want to tell you, and I hope that some of the people in the State and local governments will read this in the RECORD, the support for increasing State and local grants is not overwhelming.

People remember what happened last summer when we had a supplemental around here to increase State and local grants of $100 million. The States were not to be heard from. They were not interested in a mere $100 million. They did not help one bit.

We never got one communication from them. They did not seem to be interested.

But now when we increase it to $450 million, they start looking at a few dollars here and a few dollars there. And, "If the formula were this or that way, I might get a few extra dollars."

So that is what you have been hearing about.

Now I did not want to do this, but I went along with the Senate finally because the strong supporters of increasing the amount of money were the people who wanted to go to four-tenths of 1 percent.

Every State will get more money in 1990 than they got in 1989. For example, let us take some of the big States: California in 1989 got $10,782,000. Under this bill they will get $37,203,000. That is a $26,421,000 increase.

Let us take Florida, for example, Florida got $4,969,000 last year. Under this bill they get $17,111,000. That is a $12,142,000 increase.

So every State gets an increase. But it is true, if you have one formula rather than another you get a few dollars more or a few dollars less.

I have laid out to you what the Senate position is and what the facts are. I am asking you for an "aye" vote.

This is one of those rare occasions where we did something that the legislative committee did not agree to in advance and under the circumstances I felt it was about all we could do.

So I ask for an "aye" vote on the amendment.

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

Mr. HUGHES. First of all, Mr. Speaker, I want to say to my colleague, the gentleman from Iowa, NEAL SMITH, that he is my friend today, and he is going to be my friend tomorrow. He is an ace of a guy to work with. We are lucky as an authorizing committee to have NEAL SMITH of Iowa and HAL ROGERS of Kentucky to work with because they really have been very cooperative, and accommodating. They are reasonable. They just happen to be wrong in this instance.

I know NEAL cannot have his heart in advocating his position on amendment 83 today because it basically is fair or reasonable. I understand what happened on the Senate side. This could be called the Great Train Robbery of 1989, if they get away with it, because what they are trying to do is change the funding formula to further benefit the small States at the expense of the larger States. They want a permanent funding change for the formula for the State and local assistance program. The proponents would change the laws floor of $500,000 that we wrote into the bill many years ago to give every State a stake in the local assistance program regardless of size. It gives small States a minimum amount so they can develop a grant program. Even though that floor was biased in favor of small States, we felt it was fair, it was reasonable. The formula we developed in 1982 was crafted to deal with the larger States and their concerns and the smaller States and their concerns.

We had the larger cities wanting more control over their share of the justice assistance funds than the States wanted to give them. The Governors wanted control over those funds. The cities and townships and communities wanted an automatic passthrough of their funds without having to answer to the State.

We wrote legislation that we think is fair to all concerned—that balances all of those interests and concerns. Now the Senate is attempting to change that formula in the appropriations bill. They are writing legislation in an appropriations bill to change the permanent formula without hearings or a national basis.

Mr. Speaker, I rise in opposition to the motion to recede and concur in the Senate amendment No. 83 with an amendment. Frankly, if the gentleman from Iowa is successful, States such as Florida, California, Michigan, Ohio, Illinois, Indiana, Massachusetts, Missouri, New Jersey, New York, North Carolina, Pennsylvania, Tennessee, Texas, Virginia, Washington, Wisconsin, and on and on I could go, are all going to have moneys taken away from them.

I think most people will acknowledge that much of our problem today is in the larger States, and in particular in the larger cities.

If you look at it from the standpoint of population, there is already a bias in the legislation in favor of smaller States. About $2 per capita now goes to smaller States compared to about $1 per capita for larger States.

So there is already a bias in favor of small States. In fact, if the effort of the Senate prevails, it is going to be some 3-to-1 bias in favor of small communities.

Now, Mr. Speaker, that is unfair, that is unreasonable. It does great violence to the whole legislative process and to the Justice Assistance Program. I would urge my colleagues to vote "no" on the motion to recede and concur and support the existing formula which has worked. It is fair, "it ain't broke" and we should not try to fix it.

□ 1450

Mr. EDWARDS of California. Mr. Speaker, will the gentleman from New Jersey [Mr. HUGHES] yield?

Mr. HUGHES. Mr. Speaker, I yield to the gentleman from California [Mr. EDWARDS].

Mr. EDWARDS of California. Mr. Speaker, I urge that the suggestion made by our colleague, the gentleman from New Jersey [Mr. HUGHES], very much involved in the war against drugs, that his views be respected. Does the gentleman from New Jersey think that this money should be distributed on the basis of population?

Mr. HUGHES. Of course, that is the way the program passed the House unanimously, and my colleague knows there were not very many folks in the Congress interested in the State and local assistance programs. We resurrected it from the ashes from the old Law Enforcement Assistance Administration, and we developed a program for the States that was fair and reasonable. The States, big and little, came together, large cities and small cities came together on behalf of a formula that has worked. The gentleman is absolutely correct. It is a good formula. It is a fair formula, and we should stay with the existing formula.

Mr. EDWARDS of California. Mr. Speaker, I thank the gentleman for his contribution, and I urge that the gentleman from New Jersey's suggestion be honored.

Mr. EDWARDS of California. Mr. Speaker, this is a simple matter of fairness. Federal drug money should be allocated to the States on the basis of need, and the best way to determine need is based on population. The law already has a minimum $500,000 grant per State. Regardless of its size, regardless of the extent of its crime and drug problem, every State gets half a million dollars. Beyond that, the money is currently allocated on the basis of population, and that is the way it should remain.

The Senate amendment, without any justification, casts aside a fair system that was produced through negotiation and compromise. What are the reasons for this change, where is the data supporting this Senate amendment? There are no reasons for it, no data supporting it.

It is difficult to compare crime and drug situations from State to State. Crack is epidemic in some place, not in others. PCP is a problem is some areas, not others. The only fair, workable way to determine need is on the basis of population. States with the greatest need are the more populous States.

Three hundred Members of this body are from States that would lose drug money if we concur in the Senate amendment. I urge my colleagues to vote against the motion to recede and concur. This Senate amendment would wreck a decent compromise and hurt a majority of Americans.

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

I do not think we will take the full time on this amendment. I certainly hope not.

I rise in support of the chairman's motion to concur in the Senate amendment, because I think it is the fair way for Members to go about allocating their scarce moneys. This amendment again gives each State, based on its population, a certain amount of money, as it should, and then for the additional moneys it gives each State four-tenths of 1 percent. I do not know any more fair way to go about allocating scarce moneys, counting population, and then what is left, giving it to each State in the same percentage.

Again, as the chairman has said, this Member first became aware of other States' concerns about the Senate provision only after the conference was over. I wish we had known before the conference was over. I have some concerns. A letter came from the Illinois delegation. No matter which State a Member comes from, each State will get a tremendous increase over last year's moneys. We have increased the overall funding up to $450 million from $150 million. We have tripled the amount of money, and each State will get an additional sum of money.

Let me say this about some of the small States. I come from a small State that happens to be one of the Nation's largest producers of marijuana, not something we are proud of. Nevertheless, it is there. State and local police agencies are making enormous progress to eradicate the marijuana crop. Yet it is one of the Nation's biggest suppliers of marijuana. The State of Kentucky, as does other small States, needs additional funds for the war on drugs. I think it is a fair allocation of moneys, all States getting additional funds.

New Jersey, I would point out to the gentleman, will receive not $3.3 million which you received last year, but $11.3 million, almost an $8 million increase. I respect the gentleman very highly. I respect the distinguished gentleman who is a fighter of crime.

I yield to the gentleman from New Jersey.

Mr. HUGHES. Mr. Speaker, I understand the gentleman, and the gentleman from Kentucky benefits from the new formula, as do most smaller States. However, when we wrote the formula, and it was written in our committee after many, many hearings, and in no hearing that I am aware of on the Senate side. We took into account the fact that the fund would grow.

For instance, the authorization was $350 million for this year, goes to $400 million next year, and such sums as may be appropriate in the following years. So the formula was based upon population, with the $400,000 or $500,000 on the supposition that we would have $400 million to spend, so the argument that States are going to get more, that it true, because they will get more because we are funding more, but the formula is fair because it is based on population, and the population and the distribution within the States are based upon the amount of money that is spent on their criminal justice system. So it is a fair formula.

Mr. SMITH of Iowa. Mr. Speaker, will the gentleman yield?

Mr. ROGERS. I yield to the gentleman from Iowa.

Mr. SMITH of Iowa. Mr. Speaker, I am delighted to point out we are $50 million over the authorization for this program. If we were not $50 million over, the gentleman might have a better argument. But we are $50 million over the authorization. We have put enough in to give every State more than they would have gotten if we stayed within the authorization.

Mr. ROGERS. Mr. Speaker, I yield to the gentleman from New Jersey.

Mr. HUGHES. Mr. Speaker, the amount available is irrespective as to whether the question of the formula is fair. Members are trying to create a new formula, without hearings, without taking into account the fact that most of our problems today were in the large cities, the bigger States, States like Pennsylvania, New Jersey, California, New York, and other larger States. We have humongous problems, and the program was designed to be targeted to those States, based upon population. What could be fairer than that?

Kentucky gets more than their $500,000 minimum, and it will get more under this program. What, in fact, the amendment would do would be to give smaller States 0.4 percent of the amounts being allocated, and that is not fair. That is not fair. That is why there is so much opposition to it.

The gentleman from Kentucky says that we did not consult with him. The fact of the matter is that the chairman of the full committee wrote to the Committee on Appropriations to make known to the gentleman our opposition to it. As the gentleman from Iowa, I am sure, will concede, I indicated as soon as I found out that some agreement had been arrived at, that we could not accept that. It does great violence to the program, without hearings, without any consultation in the context of an appropriations bill.

Mr. ROGERS. Mr. Speaker, reclaiming my time, this gentleman did not receive notice from the Committee on the Judiciary on this side. Of course, the language that we are talking about came over from the Senate, and as I say, there was no discussion or no awareness on our part while we were in conference in the Senate of the kind of opposition that we are hearing today.

Nevertheless, I think it is a fair approach. I think the Senate approach is fair. Each State, based on its population, gets a substantial sum of money based on that population, and if a Member is from a large State, they get more. Smaller States get less, and the other part of the population, all States get 0.4 percent, which is a minuscule amount, but nevertheless an equalizing factor.

Mr. Speaker, I urge our colleagues to support the chairman's amendment.

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

Mr. SMITH of Iowa. Mr. Speaker, I yield 1 minute to the gentleman from West Virginia [Mr. STAGGERS].

Mr. STAGGERS. Mr. Speaker, I rise in support of the conference report which provides more equity in the distribution of funds under the Drug Control and System Improvement Grant Program.

Mr. Speaker, I must remind my colleagues that the war on drugs is not limited to the urban areas of this country. As drug traffickers find more barriers to pedaling their deadly wares in the cities, we find them moving into the rural areas of America where police forces are less equipped and poorly manned to combat this recent invasion. In 1987, West Virginia narcotic drug arrests increased by nearly 28 percent over 1986. The interstate highways which run through West Virginia serve as a delivery route for drug trafficking looking for an easy market in the small communities and rural areas along these routes.

This year, a Newsweek magazine story highlighted the increasing problem which drug abuse and drug-related crime is causing in rural America. It pointed to a recent survey of 100 southern sheriffs in which 83 stated that crack cocaine is a significant problem in their areas. Moreover, a survey by the Drug Enforcement Agency highlights the rapid appearance of this deadly drug in rural areas.

Critics of the change in formula claim that there are more drug-related arrests in urban areas than rural. However, I contend that those higher numbers are due more to the greater number of law enforcement personnel in urban areas, rather than proof that the drug problem is minor in rural America. Indeed, rural areas lack the necessary resources to increase their arrest figures for lack of manpower. Rural poverty levels are now 35 percent higher than those in urban areas. In rural America we simply do not have the tax base for a great increase in law enforcement resources as do urban areas. For instance, in rural America, one sheriff may represent the only law enforcement in an entire county. Through utilization of the grant program for drug funds, these rural areas can form task force programs which integrate Federal, State, and local law enforcement agencies and prosecutors for the pooling of resources. This program has been successful in providing personnel training, added manpower, and more sophisticated equipment to combat the growing scourge of drug-related crime in rural America.

While the battle against drug abuse and drug-related crime has been focused on the urban areas of this country, we must not ignore the evidence of a growing problem in rural America. We missed the opportunity to stem the tide of drug trafficking in our cities before it reached epidemic proportions; we now have the critical opportunity to commit the resources to law enforcement efforts in rural America, thereby addressing the crisis in the most effective manner possible.

The conference agreement on the funding formula for the Drug Control and System Improvement Grant Program is prudent public policy by recognizing the need for correcting an unfair urban bias in the formula. The Congress is constantly accused of allowing problems to get too big before we take corrective action—the S&L crisis is the perfect example. By supporting the conference agreement, we will be exhibiting praiseworthy action in proactive policymaking.

Mr. HUGHES. Mr. Speaker, I yield 3 minutes to the gentleman from Florida [Mr. McCOLLUM]., the distinguished ranking minority member of the Subcommittee on Crime, who helped write the formula.

Mr. McCOLLUM. Mr. Speaker, I rise to support the gentleman from New Jersey [Mr. HUGHES'] efforts in this case. I think the gentleman from New Jersey is correct in his approach to this.

We have debated many times the formula in our committee. The formula, as it was originally written, to distribute these law enforcement assistance grants is, indeed, fair. It is a formula that says there is a base amount of $500,000 for every State, regardless of its size. The rest of the pot is divided per capita, depending on the size of the State, the number of people in your population. That is what the State will get.

When Members think about it, that is where the crime problems are, where the people are, the largest cities, the street crime. In the cities is where we are trying, with the President's war on drugs, to devote a good deal of our resources. It is the intent of the Bennett plan, to attack those resources. That is why this money is so important, that it be kept in the same formula we have had all along and not to change the formula.

□ 1500

Some Members say that this change that came out of this conference which the Senate proposed is fair, that somehow we have more money and what-have-you, and that simply is not so. It does not make any difference what the money is in terms of the total amount. The fact of the matter is that if we make an increase of three times, which is what we are doing, the base amount that each and every State gets before we start dividing it per capita, we have significantly increased the amount the smaller populated States get per capita and we have significantly decreased the amount that those States that are larger in population get, and then we have significantly reduced the amount that law enforcement people get. And that is really the important thing. That is where the bulk of our law enforcement problems are.

Nobody is trying to be unfair to smaller States in this at all. In fact, the formula has been accepted for years. The problem is that we only have so much of a resource in the Congress, and to take away from it, as this new change that is proposed would do, and never having it come through our committee, is just plain wrong. It does not make sense. It does not get the job done.

Mr. Speaker, I urge my colleagues to look at the formula. Look at the States Members are from, and look at what is going to happen. No matter what State Members are from, in the name of fairness and in the name of winning the war against drugs, I ask the Members to support this effort of the gentleman from New Jersey [Mr. HUGHES] and vote no on this amendment.

Mr. HUGHES. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania [Mr. WALKER].

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

Mr. Speaker, I rise in favor of what the gentleman from New Jersey [Mr. HUGHES] is doing. It is something which I think goes to the heart of the process around here.

We have in this particular program a formula that has been appropriately authorized. It is something which has been working. It is something which has been in the law, and all of a sudden the Appropriations Committee goes over and talks to the Senate and comes back here with a brand new formula that no one on the authorizing committee has ever heard of.

How in the world can we continue to say that we have a legitimate process if in fact that is going to continue to be the pattern of operation? The Senate is not acting in the best interest of the legislative process when they continue to pull this kind of stunt and when the appropriators continue to go along with it.

I realize it is a tough job to go over and try to deal with these guys that are being irresponsible, but somewhere along the line we have to stand up and say, "That's too much, and we do not accept this."

It is one thing for Members to come here and tell us we do not have an authorization bill in place and so, therefore, we have to do what the Senate wants to do because we have no authorization bill in place. But in this case that is not what we are dealing with. In this case we have a program which is in place, one which has been duly authorized, and we are still trying to do a brand new authorization in this bill. I say to the Members that is wrong. Any Members around here who serve on authorizing committees ought

to be appalled at what is talking place here.

So I hope that we will support the gentleman from New Jersey [Mr. HUGHES] and vote no with him so that we can get back to the kind of process that assures us that all of us have some input in the policies, because at the present time this kind of action denies to most of the Members of this body their appropriate opportunity to influence the policies that are being implemented.

Mr. HUGHES. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Florida [Mr. SMITH].

Mr. SMITH of Florida. Mr. Speaker, I thank the gentleman for yielding this time to me.

Mr. Speaker, it has been a pleasure to work with the gentleman as the chairman of the Subcommittee on Crime of the Committee on the Judiciary.

This argument has been pretty well crystallized already by the few speakers who have risen and basically explained their arguments. The gentleman from Iowa [Mr. SMITH] for whom I have great respect, has given us his overview, and it is one that I hope we will take with a grain of salt.

It is all true, yes, that every State is going to get more money. The difference is, however, that a number of States are going to get less than they would have under the new formula. Let us be realistic about this. This is a new formula that the other body, without hearings, without testimony, without any groundwork or foundation, as far as we are concerned—certainly not the kind of work we did over here for the almost 2 years it took to get this bill passed into law—just decided at the time of the conference that they were going to put in. That is not the way to do business. That may be the way they do business in the other body, but that is not the way we have done it here. There was careful thought and careful analysis given this. Strict attention was given to the needs of individual States before we decided on the final work product. Not only is it unfair of the Senate to think that we should be able to change that without the same kind of analysis, but it is extremely disingenuous.

How can we stand up and claim, as I am sure some of the Members of the other body will do with great vehemence, that, therefore, drug fighting and antidrug efforts are improved when in fact the work product they turn out cuts out huge sums of money from places like inner-city Chicago or Boston or cities in New Jersey or upstate New York or, I might add, my own home State of Florida? That is not the way to fight drugs.

We on this floor made a significant criticism of the President in his new drug program because in order to fight drugs he was going to take $305 million which had already been appropriated for immigration impact funds and help States that have the biggest impact and that have had to take money out of their own pockets for a Federal matter.

Are we now going to turn around and give credibility to this approach by verifying what the Senate did? How could we do that? That would be working against everything we stood for before, Republicans and Democrats.

This is not a partisan issue. Oh, yes, tangentially from time to time everything becomes partisan, but the question is: Is the fight against drugs really a partisan issue? It is not. The question is: What is best for everybody?

This House made a strong, legitimate, concerted effort to find a middle ground. The Senate is now in the process of making that unworkable and unfair, and I urge the Members to reject that approach and stand with the gentleman from New Jersey [Mr. HUGHES].

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

Mr. Speaker, I meant what I said about the working relationship that I have and that my staff has with the subcommittee of the Committee on Appropriations. It has been a splendid relationship.

I really am somewhat disappointed that we have any legislation in the context of the appropriation bill, but I recognize that this was forced upon the subcommittee of the Committee on Appropriations by the Senate. It was not in the House appropriations bill. And I understand that my colleague, the gentleman from Iowa, cannot have his heart in it because he knows that what he is doing is basically wrong.

We are talking about a bias, more of a bias than presently exists, in a very important program for State and local police departments. There is already a bias in favor of small States. It is about a 2-to-1 bias. If Senate amendment 83 becomes law, the least populous State would receive about $5 for each person residing in their States. Our most populous States would then receive only about $1.50 per resident. That is simply not fair.

So, Mr. Speaker, we must reject the motion to recede and concur and stay with the existing formula. If there are Members out there who believe we can improve on the formula, the proper process is to come to the authorizing committee that has lived with this legislation for 8 years and make their case, but not attempt to slip it in the back door by a Senate amendment in a conference report growing out of a House/Senate conference.

Mr. Speaker, I urge a "no" vote.

□ 1510

Mr. Speaker, I urge a no vote, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. NAGLE). Does the gentleman from Minnesota have any more requests for time?

The gentleman from Kentucky [Mr. ROGERS]; I apologize. I do not know why I want to move him to another State.

Mr. ROGERS. The Speaker pro tempore keeps wanting to move me to Minnesota.

The SPEAKER pro tempore. The Chair apologizes.

Mr. ROGERS. Mr. Speaker, I urge support for the motion offered by the subcommittee chairman, the gentleman from Iowa [Mr. SMITH], and ask for a yes vote.

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

Mr. SMITH of Iowa. Mr. Speaker, I want to very briefly summarize this in a different way.

The authorization was $400 million. We added $50 million; the Senate did this, and we went along with it, $50 million over the authorization. Of that $50 million, $18 million will be used for this purpose.

Mr. Speaker, every State will get more than they would have if we had not found the $50 million somewhere to go over the authorization. We are staying with the same percentage, but a different dollar minimum figure.

So, it amounts to this: If we had found $50 million above the authorization and not changed the formula, of course somebody would have gotten a little bit more, but everybody is going to get more than they would if we stayed within the original authorization.

The Senate was very strong on this; they were strong supporters of the State and local grant program, and maybe the best thing to do is go back to a $150 million funding level for the program and the old formula. Anyway we came out with more support for State and local grants.

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

Mr. SMITH of Iowa. I yield to the gentleman from New Jersey.

Mr. HUGHES. Mr. Speaker, the gentleman from Iowa [Mr. SMITH] has been very accommodating.

It does not make any difference how much money it is. We wrote a fair formula. The present formula is the same whether applied to $50 million or $500 million.

The question is one of fairness—as well as process.

Mr. SMITH of Iowa. Well, Mr. Speaker, the other question is whether it makes any difference whether it is a $450 million program or a $150 million program. Some people think State and local governments are not

going to use these funds very well anyway. So, we had an opportunity to discuss that question. As long as we have good support in the Senate for a high funding level, we have to go along with the Senate in the change in the formula if we would like to have more money in the program.

Mr. Speaker, I move the previous question on the motion.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Iowa.

The question was taken, and the Speaker pro tempore announced that the yeas appeared to have it.

Mr. HUGHES. 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 123, nays 287, not voting 23, as follows:

[Roll No. 315]

YEAS—123

Akaka
Alexander
Anthony
Baker
Bates
Bereuter
Bevill
Bilbray
Boggs
Brennan
Browder
Brown (CA)
Brown (CO)
Bunning
Callahan
Campbell (CO)
Carper
Craig
de la Garza
DeFazio
Derrick
Dickinson
Dorgan (ND)
Douglas
Dwyer
Early
Edwards (OK)
English
Erdreich
Espy
Gejdenson
Gibbons
Glickman
Grandy
Hammerschmidt
Hansen
Harris
Hayes (LA)
Hefley
Hefner
Hoagland
Holloway
Hopkins
Hubbard
Huckaby
Inhofe
Johnson (CT)
Johnson (SD)
Kennelly
Kolbe
Kyl
Leach (IA)
Lightfoot
Livingston
Machtley
Marlenee
Mazzoli
McCrery
McCurdy
Meyers
Moakley
Mollohan
Montgomery
Morrison (CT)
Nagle
Natcher
Nielson
Oberstar
Owens (UT)
Parker
Patterson
Penny
Perkins
Rahall
Ravenel
Rhodes
Richardson
Roberts
Robinson
Rogers
Rose
Rowland (CT)
Sabo
Saiki
Schaefer
Schiff
Schneider
Schroeder
Shays
Shuster
Sikorski
Skaggs
Skeen
Slattery
Smith (IA)
Smith (NE)
Smith, Denny (OR)
Smith, Robert (NH)
Snowe
Spence
Spratt
Staggers
Stallings
Stangeland
Stump
Synar
Tallon
Tauke
Tauzin
Taylor
Thomas (WY)
Traxler
Udall
Vento
Vucanovich
Weber
Wheat
Whittaker
Whitten
Williams
Wise
Wyden
Young (AK)

NAYS—287

Ackerman
Anderson
Andrews
Annunzio
Archer
Aspin
Atkins
AuCoin
Bartlett
Barton
Bateman
Beilenson
Bennett
Bentley
Berman
Bilirakis
Bliley
Boehlert
Bonior
Borski
Bosco
Boucher
Boxer
Broomfield
Bruce
Bryant
Buechner
Burton
Bustamante
Byron
Campbell (CA)
Cardin
Carr
Chandler
Chapman
Clarke
Clay
Clement
Clinger
Coble
Coleman (MO)
Coleman (TX)
Collins
Combest
Condit
Conte
Conyers
Cooper
Costello
Coughlin
Cox
Coyne
Crane
Crockett
Dannemeyer
Darden
Davis
DeLay
Dellums
DeWine
Dixon
Donnelly
Dornan (CA)
Downey
Dreier
Duncan
Durbin
Dymally
Dyson
Eckart
Edwards (CA)
Emerson
Engel
Evans
Fascell
Fawell
Fazio
Feighan
Fields
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank
Frenzel
Frost
Gallegly
Gallo
Gekas
Gephardt
Geren
Gillmor
Gilman
Gingrich
Gonzalez
Goodling
Gordon
Goss
Gradison
Grant
Green
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hastert
Hatcher
Hawkins
Hayes (IL)
Henry
Herger
Hertel
Hiler
Hochbrueckner
Horton
Houghton
Hoyer
Hughes
Hunter
Hutto
Hyde
Ireland
Jacobs
James
Jenkins
Johnston
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kasich
Kastenmeier
Kennedy
Kildee
Kleczka
Kolter
Kostmayer
LaFalce
Lagomarsino
Lancaster
Lantos
Lehman (CA)
Lehman (FL)
Lent
Levin (MI)
Levine (CA)
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lipinski
Lloyd
Long
Lowery (CA)
Lowey (NY)
Luken, Thomas
Lukens, Donald
Madigan
Manton
Markey
Martin (IL)
Martin (NY)
Martinez
Matsui
Mavroules
McCandless
McCloskey
McCollum
McDade
McDermott
McEwen
McGrath
McHugh
McMillan (NC)
McMillen (MD)
McNulty
Mfume
Michel
Miller (CA)
Miller (OH)
Miller (WA)
Mineta
Moody
Moorhead
Morella
Morrison (WA)
Mrazek
Murphy
Murtha
Myers
Neal (MA)
Neal (NC)
Nelson
Nowak
Oakar
Obey
Olin
Ortiz
Owens (NY)
Oxley
Packard
Pallone
Panetta
Parris
Pashayan
Paxon
Payne (NJ)
Payne (VA)
Pease
Pelosi
Petri
Pickett
Pickle
Porter
Poshard
Price
Pursell
Quillen
Rangel
Ray
Regula
Ridge
Rinaldo
Ritter
Roe
Rohrabacher
Ros-Lehtinen
Rostenkowski
Roth
Roukema
Rowland (GA)
Roybal
Sarpalius
Savage
Sawyer
Saxton
Scheuer
Schuette
Schulze
Schumer
Sensenbrenner
Sharp
Shaw
Shumway
Sisisky
Skelton
Slaughter (NY)
Slaughter (VA)
Smith (FL)
Smith (NJ)
Smith, Robert (OR)
Solarz
Solomon
Stark
Stearns
Stenholm
Stokes
Studds
Sundquist
Swift
Tanner
Thomas (CA)
Thomas (GA)
Torres
Torricelli
Towns
Traficant
Unsoeld
Upton
Valentine
Vander Jagt
Visclosky
Volkmer
Walgren
Walker
Walsh
Waxman
Weiss
Weldon
Wilson
Wolf
Wolpe
Wylie
Yates
Young (FL)

NOT VOTING—23

Applegate
Armey
Ballenger
Barnard
Brooks
Courter
Dicks
Dingell
Fish
Flippo
Florio
Garcia
Gaydos
Gray
Laughlin
Leath (TX)
Molinari
Russo
Sangmeister
Smith (TX)
Smith (VT)
Watkins
Yatron

□ 1532

Messrs. RANGEL, COYNE, JOHNSTON of Florida, and TANNER, Mrs. BYRON, and Messrs. DYSON, MATSUI, ATKINS, MANTON, and MYERS of Indiana changed their votes from "yea" to "nay."

Mrs. VUCANOVICH changed her vote from "nay" to "yea."

So the motion was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. BALLENGER. Mr Speaker, during House consideration of Senate amendment No. 83 to the conference report on H.R. 2991, making appropriations for the Departments of Commerce, State, and Justice, I was present on the House floor and cast my vote. However, for some reason, it was not recorded. I would like the RECORD to show that I case a "nay" vote on rollcall vote No. 315.

PERMISSION TO FILE CONFERENCE REPORT ON H.R. 3015, DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 1990

Mr. WHITTEN. Mr. Speaker, I ask unanimous consent that the managers may have until midnight tonight, October 26, 1989, to file a conference report on the bill (H.R. 3015) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1990, and for other purposes.

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

There was no objection.

CONFERENCE REPORT ON H.R. 2991, DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 1990

The SPEAKER pro tempore. The Chair recognizes the gentleman from Iowa [Mr. SMITH].

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. SMITH of Iowa moves that the House insist on its disagreement to the amendment of the Senate numbered 83.

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

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. 86: Page 8, after line 2, insert:

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Department of State and the Foreign Service, not

otherwise provided for, including obligations of the United States abroad pursuant to treaties, international agreements, and binational contracts (including obligations assumed in Germany on or after June 5, 1945) and expenses authorized by section 9 of the Act of August 31, 1964, as amended (31 U.S.C. 3721), and section 2 of the State Department Basic Authorities Act of 1956, as amended (22 U.S.C. 2669); telecommunications; expenses necessary to provide maximum physical security in Government-owned and leased properties and vehicles abroad; representation to certain international organizations in which the United States participates pursuant to treaties, ratified pursuant to the advice and consent of the Senate, conventions, or specific Acts of Congress; acquisition by exchange or purchase of passenger motor vehicles as authorized by 31 U.S.C. 1343, 40 U.S.C. 481(c) and 22 U.S.C. 2674, except that passenger motor vehicles with additional systems and equipment may be purchased without regard to any price limitation otherwise established by law as authorized by 31 U.S.C. 1343(c), $1,743,967,000, of which $33,498,000 is for the construction security program, to remain available until expended, and in addition not exceed $500,000 in registration fees collected pursuant to section 38 of the Arms Export Control Act, as amended, may be used in accordance with section 38(b)(3)(A) of such Act (section 1255(c) of Public Law 100-204). In addition, not to exceed $29,152,000, to remain available until expended, may be transferred to this appropriation from "Acquisition and Maintenance of Buildings Abroad: *Provided further,* That the level of service provided through the Foreign Affairs Administrative Support System (FAAS) shall be commensurate with the amounts appropriated, or otherwise made available therefor in Appropriations Act Abroad."

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. SMITH of Iowa moves that the House recede from its disagreement to the amendment of the Senate numbered 86 and concur therein with an amendment, as follows:

In lieu of the matter inserted by said amendment insert the following:

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Department of State and the Foreign Service, not otherwise provided for, including obligations of the United States abroad pursuant to treaties, international agreements, and binational contracts (including obligations assumed in Germany on or after June 5, 1945) and expenses authorized by section 9 of the Act of August 31, 1964, as amended (31 U.S.C. 3721), and section 2 of the State Department Basic Authorities Act of 1956, as amended (22 U.S.C. 2669); telecommunications; expenses necessary to provide maximum physical security in Government-owned and leased properties and vehicles abroad; representation to certain international organizations in which the United States participates pursuant to treaties, ratified pursuant to the advice and consent of the Senate, conventions, or specific Acts of Congress; acquisition by exchange or purchase of passenger motor vehicles as authorized by 31 U.S.C. 1343, 40 U.S.C. 481(c) and 22 U.S.C. 2674, except that passenger motor vehicles with additional systems and equipment may be purchased without regard to any price limitation otherwise established by law as authorized by 31 U.S.C. 1343(c), $1,741,239,000, and in addition not to exceed $250,000 in registration fees collected pursuant to section 38 of the Arms Export Control Act, as amended, may be used in accordance with section 38(b)(3)(A) of such Act (section 1255(c) of Public Law 100-204). In addition, not to exceed $51,152,000, to remain available until expended, may be transferred to this appropriation from "Acquisition and Maintenance of Buildings Abroad": *Provided,* That the level of service provided through the Foreign Affairs Administrative Support System (FAAS) shall be commensurate with the amounts appropriated, or otherwise made available therefor in Appropriations Acts.

Mr. ROGERS (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 Kentucky?

There was no objection.

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

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 8, after line 2, insert::

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General, $18,672,000.

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. SMITH of Iowa 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 sum named in said amendment insert the following "$21,000,000".

Mr. ROGERS (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 Kentucky?

There was no objection.

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

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. 95: Page 8, after line 15, insert:

CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

For expenses, not otherwise provided for, necessary to meet annual obligations of membership in international multilateral organizations, pursuant to treaties ratified pursuant to the advice and consent of the Senate, conventions or specific Acts of Congress $668,011,000: *Provided,* That none of the funds appropriated in this paragraph shall be available for a United States contribution to an international organization for the United States share of interest costs made known to the United States Government by such organization for loans incurred on or after October 1, 1984, through external borrowings.

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. SMITH of Iowa moves that the House recede from its disagreement of the amendment of the Senate numbered 95 and concur therein with an amendment, as follows:

In lieu of the sum named in said amendment insert the following "$622,000,000".

Mr. ROGERS (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 Kentucky?

There was no objection.

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

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. 96: Page 8, after line 15, insert:

CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

The payments, not otherwise provided for, by the United States for expenses of the United Nations peacekeeping forces, including arrearages incurred through fiscal year 1989, $111,184,000.

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. SMITH of Iowa moves that the House recede from its disagreement to the amendment of the Senate numbered 96 and concur therein with an amendment, as follows:

In lieu of the sum named in said amendment insert the following "$81,500,000".

Mr. ROGERS (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 Kentucky?

There was no objection.

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

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 8, after line 16, insert:

PAYMENT TO THE ASIA FOUNDATION

For a grant to the Asia Foundation, $14,100,000, to remain available until expended as authorized by 22 U.S.C. 2696(c).

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. SMITH of Iowa 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 sum named in said amendment insert the following "$13,900,000".

Mr. ROGERS (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 Kentucky?

There was no objection.

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

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. 110: Page 9, after line 2, insert:

SEC. 303. For fiscal year 1991, the Department of State shall submit a budget justification document to the Committees on Appropriations which provides function, subfunction, and object class information for each program, project, activity, subactivity, and bureau within the Department.

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. SMITH of Iowa moves that the House recede from its disagreement to the amendment of the Senate numbered 110 and concur therein with an amendment, as follows: In lieu of matter inserted by said amendment insert the following:

SEC. 302. For fiscal year 1992, the Department of State shall submit a budget justification document to the Committees on Appropriations which provides function, subfunction, and object class information for each activity, subactivity, and bureau within the Department.

Mr. ROGERS (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 Kentucky?

There was no objection.

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

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. 115: Page 9, line 19, after "$3,300,000" insert "of which $3,338,000 shall remain available until expended: *Provided*, That for fiscal year 1990 and hereafter, funds appropriated under this heading shall be available for improvements, maintenance, repairs, equipment, supplies, materials, and appurtenances; special clothing for workmen; and personal and other services (including temporary labor without regard to the Classification and Retirement Acts, as amended), and for snow removal by hire of men and equipment or under contract, and for the replacement of electrical transformers containing polychlorinated biphenyls both, without compliance with section 3709 of the Revised Statutes, as amended (41 U.S.C. 5)".

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. SMITH of Iowa moves that the House recede from its disagreement to the amendment of the Senate numbered 115 and concur therein with an amendment, as follows: In lieu of the matter inserted by said amendment insert the following ", of which $2,121,000 shall remain available until expended: *Provided*, That for fiscal year 1990 and hereafter, funds appropriated under this heading shall be available for improvements, maintenance, repairs, equipment, supplies, materials, and appurtenances; special clothing for workmen; and personal and other services (including temporary labor without regard to the Classification and Retirement Acts, as amended); and for snow removal by hire of men and equipment or under contract, and for the replacement of electrical transformers containing polychlorinated biphenyls, both witout compliance with section 3709 of the Revised Statutes, as amended (41 U.S.C. 5)".

Mr. ROGERS (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 Kentucky?

There was no objection.

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

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. 117: Page 10, line 16, strike out "$1,349,803,000" and insert "$1,289,924,000 (including the purchase of firearms and ammunition)".

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. SMITH of Iowa moves that the House recede from its disagreement to the amendment of the Senate numbered 117 and concur therein with an amendment, as follows: In lieu of the matter stricken and inserted by said amendment insert the following: "$1,287,424,000 (including the purchase of firearms and ammunition)".

Mr. ROGERS (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 Kentucky?

There was no objection.

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

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. 119: Page 11, line 6, strike out "$133,260,000" and insert "$118,787,000".

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. SMITH of Iowa moves that the House recede from its disagreement to the amendment of the Senate numbered 119 and concur therein with an amendment, as follows: In the lieu of the matter stricken and inserted by said amendment, insert "$86,627,000".

Mr. ROGERS (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 Kentucky?

There was no objection.

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

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. 122: Page 11, line 14, strike out "$58,700,000" and insert "$54,700,000, to remain available until expended: *Provided*, That the compensation of land commissioners shall not exceed the daily equivalent of the highest rate payable under section 5332 of title 5, United States Code".

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. SMITH of Iowa moves that the House recede from its disagreement to the amendment of the Senate numbered 122 and concur therein with an amendment, as follows: In the lieu of the matter stricken and inserted by said amendment, insert $54,700,000, to remain available until expended: *Provided*, That the compensation of land commissioners shall not exceed the daily equivalent of the highest rate payable under section 5332 of title 5, United States Code: *Provided further*, That for fiscal year 1990 and hereafter, funds appropriated under this heading shall be available for refreshment of jurors".

Mr. ROGERS (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 Kentucky?

There was no objection.

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

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. 124: Page 11, line 22, strike out "$32,670,000" and insert "advertising and rent in the District of Columbia and elsewhere, $34,670,000 of which an amount not to exceed $5,000 is authorized for official reception and representation expenses".

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. SMITH of Iowa moves that the House recede from its disagreement to the amendment of the Senate numbered 124 and concur therein with an amendment, as follows: In lieu of the sum "$34,670,000" named in said amendment, insert the following "$33,670,000".

Mr. ROGERS (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 Kentucky?

There was no objection.

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

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 12, after line 13, insert:

SEC. 404. Notwithstanding any other provision of law, for fiscal year 1990 and hereafter, (a) The Administrative Office of the United States Courts, or any other agency or instrumentality of the United States, is prohibited from restricting solely to staff of the Clerks of the United States Bankruptcy Courts the issuance of notices to creditors and other interested parties. (b) The Administrative Office shall permit and encourage the preparation and mailing of such notices to be performed by or at the expense of the debtors, trustees or such other interested parties as the Court may direct and approve. (c) The Director of the Administrative Office of the United States Courts shall make appropriate provisions for the use of and accounting for any postage required pursuant to such directives.

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. SMITH of Iowa 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 section designation in said amendment, insert "403".

Mr. ROGERS (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 Kentucky?

There was no objection.

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

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. 129: Page 12, after line 13, insert:

SEC. 405. For fiscal year 1990 and hereafter, such fees as shall be collected for the preparation and mailing of notices in bankruptcy cases as prescribed by the Judiciary Conference of the United States pursuant to 28 U.S.C. 1930(b) shall be deposited to the "Courts of Appeals, District Courts, and Other Judicial Services, Salaries and Expenses" appropriation to be used for salaries and other expenses incurred in providing these services.

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. SMITH of Iowa moves that the House recede from its disagreement to the amendment of the Senate numbered 129 and concur therein with an amendment, as follows: In lieu of the matter proposed by said amendment, insert the following:

SEC. 404. (a) For fiscal year 1990 and hereafter, such fees as shall be collected for the preparation and mailing of notices in bankruptcy cases as prescribed by the Judicial Conference of the United States pursuant to 28 U.S.C. 1930(b) shall be deposited to the "Courts of Apeals, District Courts, and Other Judicial Services, Salaries and Expenses" appropriation to be used for salaries and other expenses incurred in providing these services.

(b) JUDICIARY AUTOMATION FUND.—

(1) ESTABLISHMENT AND USE OF FUND.—Chapter 41 of title 28, United States Code, is amended by adding at the end of the following new section: "Section 612. Judiciary Automation Fund

"(a) ESTABLISHMENT AND AVAILABILITY OF FUND.—There is hereby established in the Treasury of the United States a special fund to be known as the 'Judiciary Automation Fund' (hereafter in this section referred to as the 'Fund'). Moneys in the Fund shall be available to the Director without fiscal year limitation for the procurement (by lease, purchase, exchange, transfer, or otherwise) of automatic data processing equipment for the judicial branch of the United States. The Fund shall also be available for expenses, including personal services and other costs, for the effective management, coordination, operation, and use of automatic data procesing equipment in the judicial branch.

"(b) PLAN FOR MEETING AUTOMATIC DATA PROCESSING NEEDS.—

"(1) DEVELOPMENT OF PLAN.—The Director shall develop and annually revise, with the approval of the Judicial Conference of the United States, a long range plan for meeting the automatic data processing equipment needs of the judicial branch. Such plan and revisions shall be submitted to Congress.

"(2) EXPENDITURES CONSISTENT WITH PLAN.—The Director may use amounts in the Fund to procure automatic data processing equipment for the judicial branch of the United States only in accordance with the plan developed under paragraph (1).

"(c) DEPOSITS INTO FUND.—

"(1) DEPOSITS.—There shall be deposited in the Fund—

"(A) all proceeds resulting from activities conducted under subsection (a), including net proceeds of disposal of excess of surplus property and receipts from carriers and others for loss of or damage to property;

"(B) amounts available for activities described in subsection (a) from funds appropriated to the judiciary; and

"(C) any advances and reimbursements required by paragraph (2).

"(2) ADVANCES AND REIMBURSEMENTS.—Whenever the Director procures automatic data processing equipment for an entity in the judicial branch other than the courts or the Administrative Office, that entity shall advance or reimburse the Fund, whichever the Director considers appropriate, for the costs of the automatic data processing equipment, from appropriations available to that entity.

"(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Fund for any fiscal year such sums as are required to supplement amounts deposited under subsection (c) in order to conduct activities under subsection (a).

"(e) CONTRACT AUTHORITY.—

"(1) FOR EACH FISCAL YEAR.—(A) In fiscal year 1990, and in each succeeding fiscal year, the Director may enter into contracts for the procurement of automatic data processing equipment in amounts which, in the aggregate, do not exceed $75,000,000 in advance of the availability of amounts in the Fund for such contracts.

"(2) MULTIYEAR CONTRACTS.—In conducting activities under subsection (a), the Director is authorized to enter into multiyear contracts for automatic data processing equipment for periods of not more than five years for any contract, if—

"(A) funds are available and adequate for payment of the costs of such contract for the first fiscal year and for payment of any costs of cancellation or termination of the contract;

"(B) such contract is awarded on a fully competitive basis; and

"(C) the Director determines that—

"(i) the need for the automatic data processing equipment being provided will continue over the period of the contract; and

"(ii) the use of the multiyear contract will yield substantial cost savings when compared with other methods of providing the necessary resources.

"(3) CANCELLATION COSTS OF MULTIYEAR CONTRACT.—Any cancellation costs incurred with respect to a contract entered into under paragraph (2) shall be paid from currently available amounts in the Fund.

"(f) APPLICABILITY OF PROCUREMENT STATUTE.—The procurement of automatic data processing equipment under this section shall be conducted in compliance with section 111 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 759).

"(g) AUTHORITY OF ADMINISTRATOR OF GENERAL SERVICES.—Nothing in this section shall be construed to limit the authority of

the Administrator of General Services under sections 111 and 201 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 481 and 759).

"(h) ANNUAL REPORT.—The Director shall submit to the Congress an annual report on the operation of the Fund, including on the inventory, use, and acquisition of automatic data processing equipment from the Fund and the consistency of such acquisition with the plan prepared under subsection (b). The report shall set forth the amounts deposited into the Fund under subsection (c).

"(i) REPROGRAMMING.—The Director of the Administrative Office of the United States Courts, under the supervision of the Judicial Conference of the United States, and upon notification to the Committees on Appropriations of the House of Representatives and the Senate, may use amounts deposited into the Fund under subparagraph (c)(1)(B) for purposes other than those established in subsection (a) only by following reprogramming procedures in compliance with provisions set forth in Section 606 of Public Law 100-459.

"(j) APPROPRIATIONS INTO THE FUND.—If the budget request of the Judiciary is appropriated in full, the amount deposited into the Fund during any fiscal year under the authority of subparagraph (c)(1)(B) will be the same as the amount of funds requested by the Judiciary for activities described in subsection (a). If an amount to be deposited is not specified by Congress and if the full request is not appropriated, the amount to be deposited under (c)(1)(B) will be set by the spending priorities established by the Judicial Conference.

"(k) DEFINITION.—For purposes of this section, the term "automatic data processing equipment" has the meaning given that term in section 111(a)(2)(A) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 759(a)(2)(A)).

"(1) TERMINATION OF AUTHORITY.—The Fund, and the authorities conferred by this section, terminate on September 30, 1994. All unobligated amounts remaining in the Fund on that date shall be deposited into the "Judicial Services Account" to be used to reimburse other appropriations.

"(2) CONFORMING AMENDMENT.—The table of sections at the beginning of chapter 41 of title 28, United States Code, is amended by adding at the end the following new item: "612. Judiciary Automation Fund.".

Mr. ROGERS (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 Kentucky?

There is no objection.

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

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 12, after line 13, insert:

SEC. 407. Appropriations made in this title which are available for salaries and expenses shall be available, notwithstanding the limitations in 31 U.S.C. section 1345, for the Judicial Conference of the United States to sponsor and host the Fifth International Appellate Judges Conference in the United States, provided that an amount shall be available only if the Appropriations Committees of both Houses of Congress are notified fifteen days in advance of any obligation or expenditure. The Judicial Conference may supplement such appropriations with other funds made available by any department or agency for the purposes of technical foreign aid, educational and cultural programs with the people of foreign countries, or commemorating the bicentennial anniversary of the United States Constitution and the Bill of Rights, provided that any supplementation shall be only for the expenses of the Fifth International Appellate Judges Conference. The Director of the Administrative Office may also accept and utilize gifts of funds, to be deposited as special deposit account in the Treasury, for the expenses of the Fifth International Appellate Judges Conference for reimbursement of appropriations or direct expenditure, provided that any unexpended balance of the special deposit account shall be returned to the donor or donors. For the purpose of the conference, the Director is authorized to pay for local travel and incidental expenses of foreign participants and dependent members of their immediate household, to pay for per diem to such persons in lieu of subsistence at rates prescribed by the Director, and to conduct and pay for the activities set forth in subsections (1), (2), (9), (15), and (18) of section 804 of the United States Information and Educational Exchange Act of 1948, as amended (22 U.S.C. section 1474). Appropriations for commemorating the bicentennial or for salaries and expenses of the Judiciary shall not be made available by this section for the travel and incidental expenses of dependents. Nothing in this section precludes payment for the travel and other expenses of foreign participants and their dependents by any other department or agency, or by the Director on their behalf, as authorized by law.

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. SMITH of Iowa moves that the House recede from its disagreement to the amendment of the Senate numbered 131 and concur therein with an amendment, as follows: In lieu of the section designation in said amendment, insert: "405".

Mr. ROGERS (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 Kentucky?

There was no objection.

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

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. 132: Page 12, after line 13, insert:

SEC. 408. Section 1930(a)(1) of title 28, United States Code, is amended by striking out "$90" and inserting in lieu thereof "$120". Pursuant to section 1930(b) of title 28, the Judicial Conference of the United States shall prescribe a fee of $60 on motions seeking relief from the automatic stay under 11 U.S.C. section 362(b) and motions to abandon property of the estate. All fees as shall be hereafter collected for any service enumerated after item 18 of the bankruptcy miscellaneous fee schedule prescribed by the Judicial Conference of the United States pursuant to 28 U.S.C. section 1930(b) and 25 percent of the fees hereafter collected under 28 U.S.C. section 1930(a)(1) shall be deposited as offsetting receipts to the fund established under 28 U.S.C. section 1931 and the Judicial Conference shall report to the Committees on Appropriations of the House of Representatives and the Senate on a quarterly basis beginning on the first day of each fiscal year regarding the sums deposited in said fund.

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. SMITH of Iowa moves that the House recede from its disagreement to the amendment of the Senate numbered 132 and concur therein with an amendment, as follows:

SEC. 406. (a) Section 1930(a)(1) of title 28, United States Code, is amended by striking out "$90" and inserting in lieu thereof "$120". Pursuant to section 1930(b) of title 28, the Judicial Conference of the United States shall prescribe a fee of $60 on motions seeking relief from the automatic stay under 11 U.S.C. section 362(b) and motions to compel abandonment of property of the estate. The fees established pursuant to the preceding two sentences shall take effect 30 days after the enactment of this Act.

(b) All fees as shall be hereafter collected for any service enumerated after item 18 of the bankruptcy miscellaneous fee schedule prescribed by the Judicial Conference of the United States pursuant to 28 U.S.C. section 1930(b) and 25 percent of the fees hereafter collected under 28 U.S.C. section 1930(a)(1) shall be deposited as offsetting receipts to the fund established under 28 U.S.C. section 1931 and shall remain available to the Judiciary until expended to reimburse any appropriation for the amount paid out of such appropriation for expenses of the Courts of Appeals, District Courts, and other Judicial Services and the Administrative Office of the United States Courts. The Judicial Conference shall report to the Committees on Appropriations of the House of Representatives and the Senate on a quarterly basis beginning on the first day of each fiscal year regarding the sums deposited in said fund.

(c) Section 589a(b)(1) of title 28, United States Code, is amended by striking out "one-third" and inserting in lieu thereof "one-fourth".

(d) Section 1931 of title 28, United States Code, is amended by striking out the following before the colon "as provided in annual appropriation Acts".

Mr. ROGERS (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 Kentucky?

There was no objection.

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

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. 136: Page 12, after line 16, insert:

OPERATIONS AND TRAINING

For necessary expenses of operations and training activities authorized by law, $66,300,000, to remain available until expended, of which $2,250,000 shall be derived from unobligated balances of "Ship Construction": *Provided*, That reimbursements may be made to this appropriation from receipts to the "Federal Ship Financing Fund" for administrative expenses in support of that program in addition to any amount heretofore appropriated.

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. SMITH of Iowa moves that the House recede from its disagreement to the amendment of the Senate numbered 136 and concur therein with an amendment, as follows: In lieu of the matter proposed by said amendment insert the following:

OPEATIONS AND TRAINING

For necessary expenses of operations and training activities authorized by law, $65,050,000, to remain available until expended, and in addition $2,250,000 shall be derived from unobligated balances of "Ship Construction": Provided, That reimbursements may be made to this appropriation from receipts to the "Federal Ship Financing Fund" for administrative expenses in support of that program in addition to any amount heretofore appropriated.

Mr. ROGERS (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 Kentucky?

There was no objection.

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

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. 137: Page 12, after line 16, insert:

READY RESERVE FORCE

For necessary expenses to acquire and maintain a surge shipping capability in the National Defense Reserve Fleet in an advanced state of readiness and related programs, $106,600,000, to remain available until expended: *Provided*, That reimbursement may be made to the Operations and Training appropriation for expenses related to this program.

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. SMITH of Iowa moves that the House recede from its disagreement to the amendment of the Senate numbered 137 and concur therein with an amendment, as follows: In lieu of the sum named in said amendment insert the following "$89,000,000".

Mr. ROGERS (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 Kentucky?

There was no objection.

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

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. 140: Page 12, after line 22, insert:

GRANTS AND EXPENSES

For expenses of the Board for International broadcasting, including grants to Radio Free Europe/Radio Liberty, Incorporated as authorized by the Board for International Broadcasting Act of 1973, as amended (22 U.S.C. 2871-2883), $195,000,000, of which not to exceed $52,000 may be made available for official reception and representation expenses as authorized by section 304(a)(8) of the Board for International Broadcasting Act of 1973, as amended.

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. SMITH of Iowa moves that the House recede from its disagreement to the amendment of the Senate numbered 140 and concur therein with an amendment, as follows: In lieu of the sum "$195,000,000" named in said amendment insert the following "$190,000,000".

Mr. ROGERS (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 Kentucky?

There was no objection.

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

The motion was agreed to.

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

The text of the amendment is as follows:

Senate amendment No. 144: Page 13, line 19, after "$14,300,000" insert ", to remain available until expended, and in carrying out the purposes of this Act, the Commission is authorized to enter into contracts, grants, or cooperative agreements as directed by the Federal Grant and Cooperative Agreement Act of 1977 (92 Stat. 3; 31 U.S.C. 6301), of which $705,000 shall be available to the National Park Service to carry out provisions of Public Law 100-421, and".

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. SMITH of Iowa moves that the House recede from its disagreement to the amendment of the Senate numbered 144 and concur therein with an amendment, as follows: In lieu of the matter proposed by said amendment insert the following: ", to remain available until expended, and in carrying out the purposes of this Act, the Commission is authorized to enter into contracts, grants, or cooperative agreements as directed by the Federal Grant and Cooperative Agreement Act of 1977 (92 Stat. 3; 31 U.S.C. 6301), and in addition, $705,000 to remain available until expended shall be available to the National Park Service to carry out provisions of Public Law 100-421; in all, appropriating $15,005,000,".

Mr. ROGERS (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 Kentucky?

There was no objection.

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

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. 148: Page 14, after line 21, insert:

COMPETITIVENESS POLICY COUNCIL

SALARIES AND EXPENSES

For necessary expenses of the Competitiveness Policy Council as authorized by Sec. 5209 of the Omnibus Trade and Competitiveness Act of 1988, $1,000,000, to remain available until expended.

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. SMITH of Iowa moves that the House recede from its disagreement to the amendment of the Senate numbered 148 and concur therein with an amendment, as follows: In lieu of the sum named in said amendment, insert "$750,000".

Mr. ROGERS (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 Kentucky?

There was no objection.

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

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. 150: Page 15, after line 7, insert:

FEDERAL COMMUNICATIONS COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Communications Commission, as authorized by law, including uniforms and allowances therefor, as authorized by law (5 U.S.C. 5901-02); not to exceed $300,000 for land and structures; not to exceed $300,000 for improvement and care of grounds and repair to buildings; not to exceed $4,000 for official reception and representation expenses; purchase (not to exceed fourteen) and hire of motor vehicles; special counsel fees; and services as authorized by 5 U.S.C. 3109; $109,831,000, of which not to exceed $300,000 of the foregoing amount shall remain available until September 30, 1991, for research and policy studies: *Provided,* That none of the funds appropriated by this Act shall be used to repeal, to retroactively apply changes in, or to continue a reexamination of, the policies of the Federal Communications Commission with respect to comparative licensing, distress sales and tax certificates granted under 26 U.S.C. 1071, to expand minority and women ownership of broadcasting licenses, including those established in the Statement of Policy on Minority Ownership of Broadcasting Facilities, 68 F.C.C. 2d 979 and 69 F.C.C. 2d 1591, as amended 52 R.R. 2d 1313 (1982) and Mid-Florida Television Corp., 60 F.C.C. 2d 607 Rev. Bd. (1978), which were effective prior to September 12, 1986, other than to close MM Docket No. 86-484 with a reinstatement of prior policy and a lifting of suspension of any sales, licenses, applications, or proceedings, which were suspended pending the conclusion of the inquiry: *Provided further,* That none of the funds appropriated to the Federal Communications Commission by this Act may be used to diminish the number of VHF channel assignments reserved for non-commercial educational television stations in the Television Table of Assignments (section 73.606 of title 47, Code of Federal Regulations): *Provided further,* That none of the funds appropriated by this Act may be used to repeal, to retroactively apply changes in, or to begin or continue a reexamination of the rules and the policies established to administer such rules of the Federal Communications Commission as set forth at section 73.3555(c) of title 47 of the Code of Federal Regulations.

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. SMITH of Iowa moves that the House recede from its disagreement to the amendment of the Senate numbered 150 and concur therein with an amendment, as follows: In lieu of the sum "$109,831,000" named in said amendment insert the following: "$109,000,000".

Mr. ROGERS (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 Kentucky?

There was no objection.

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

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. 152: Page 15, after line 16, insert:

FEDERAL TRADE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Trade Commission, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901-5902; services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles; and not to exceed $2,000 for official reception and representation expenses; $64,580,000: *Provided,* That the funds appropriated in this paragraph are subject to the limitations and provisions of sections 10(a) and 10(c) (notwithstanding section 10(e)), 11(b), 18, and 20 of the Federal Trade Commission Improvements Act of 1980 (Public Law 96-252; 94 Stat. 374).

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. SMITH of Iowa moves that the House recede from its disagreement to the amendment of the Senate numbered 152 and concur therein with an amendment, as follows: In lieu of the sum "$64,580,000" named in said amendment insert "$54,580,000".

Mr. ROGERS (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 Kentucky?

There was no objection.

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

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. 154: Page 15, after line 25, insert:

LEGAL SERVICES CORPORATION

PAYMENT TO THE LEGAL SERVICES CORPORATION

For payment to the Legal Services Corporation to carry out the purposes of the Legal Services Corporation Act of 1974, as amended, $321,000,000 of which $275,306,000 is for basic field programs, $7,313,000 is for Native American programs, $10,100,000 is for migrant programs, $1,146,000 is for law school clinics, $1,041,000 is for supplemental field programs, $650,000 is for regional training centers, $7,528,000 is for national support, $8,168,000 is for State support, $901,000 is for the Clearinghouse, $531,000 is for computer assisted legal research regional centers, and $8,316,000 is for Corporation management and administration: *Provided,* That not less than $5,000,000 of the amounts provided for basic field programs of the Legal Services Corporation shall be used directly or indirectly to assist public housing tenants, public housing authorities, tenant associations, tenant management associations and State and local school boards and officials with efforts to expel from public housing or school areas any individual engaged in drug-related criminal activity. For purposes of this paragraph, the term "drug-related criminal activity" means the illegal manufacture, sale, distribution, use, or possession with intent to manufacture, sell, distribute, use, or possession with intent to manufacture, sell, distribute, or use, of a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)).

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. SMITH of Iowa moves that the House recede from its disagreement to the amendment of the Senate numbered 154 and concur therein with an amendment, as follows: In lieu of the matter proposed by said amendment insert the following:

LEGAL SERVICES CORPORATION

PAYMENT TO THE LEGAL SERVICES CORPORATION

For payment to the Legal Services Corporation to carry out the purposes of the Legal Services Corporation Act of 1974, as amended, $321,000,000 of which $274,965,000 is for basic field programs, $7,304,000 is for Native American programs, $10,088,000 is for migrant programs, $1,144,000 is for law school clinics, $1,040,000 is for supplemental field programs, $649,000 is for regional training centers, $7,518,000 is for national support, $8,158,000 is for State support, $900,000 is for the Clearinghouse, $531,000 is for computer assisted legal research regional centers, and $8,703,000 is for Corporation management and administration.

Mr. ROGERS (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 Kentucky?

There was no objection.

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

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. 156: Page 16, after line 5, insert:

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

SALARIES AND EXPENSES

For necessary expenses of the Office of the United States Trade Representative, including the hire of passenger motor vehicles and the employment of experts and consultants as authorized by 5 U.S.C. 3109, $18,830,000, of which $1,000,000 shall remain available until expended: *Provided,* That not to exceed $89,000 shall be available for official reception and representation expenses.

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. SMITH of Iowa moves that the House recede from its disagreement to the amendment of the Senate numbered 156 and concur therein with an amendment, as follows: In lieu of the sum "$18,830,000"

named in said amendment, insert the following "$18,000,000".

Mr. ROGERS (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 Kentucky?

There was no objection.

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

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. 158: Page 16, line 12, strike out "$240,545,000" and insert $239,136,000".

MOTION OFFERED BY MR. SMITH OF IOWA.

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The clerk read as follows:

Mr. SMITH of Iowa moves that the House recede from its disagreement to the amendment of the Senate numbered 158 and concur therein with an amendment, as follows: In lieu of the matter stricken and inserted by said amendment insert the following $242,000,000, of which $500,000 shall be made available for a grant to St. Norbert College in De Pere, Wisconsin, for a regional center for rural economic development, and of which $500,000 shall be made available for the establishment of a training program at the East-West Center to assist American businessmen and trade delegations in the Pacific basin, and of which $1,500,000 shall be made available for a grant to the University of Kentucky's Somerset Community College for a regional center for rural economic development with a special emphasis on small business and".

Mr. ROGERS (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 Kentucky?

There was no objection.

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

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. 164: Page 18, after line 21, insert:

ADMINISTRATIVE PROVISIONS

(1) Section 405 of the Small Business Investment Act of 1958 (15 U.S.C. 694) is hereby repealed. Any monies remaining in the Pollution Control Equipment Contract Guarantee Revolving Fund on the date of enactment of this Act shall be transferred to the Small Business Administration's business loan and investment fund.

(2) Section 7(a)(2) of the Small Business Act (15 U.S.C. 636(a)(2)) is amended to read as follows:

"(2) In agreements to participate in loans on a deferred basis under this subsection, such participation by the Administration, except as provided in paragraph (6), shall be—

"(A) not less than 90 percent of the balance of the financing outstanding at the time of disbursement if such financing does not exceed $155,000: *Provided*, That the percentage of participation by the Administration may be reduced below 90 percent upon request of the participating lender; and

"(B) subject to the limitation in paragraph (3)—

"(i) not less than 70 percent nor more than 85 percent of the financing outstanding at the time of disbursement if such financing exceeds $155,000: *Provided*, That the participation by the Administration may be reduced below 70 percent upon request of the participating lender; and

"(ii) not less than 85 percent of the financing outstanding at the time of disbursement if such financing is a loan under paragraph (16);

The Administration shall not use the percent of guarantee requested as a criterion for establishing priorities in approving guarantee requests nor shall the Administration reduce the percent guaranteed to less than 85 percent under subparagraph (B) other than by determination made on each application. Notwithstanding subparagraphs (A) and (B), the Administration's participation under the Preferred Lenders Program or any successor thereto shall be not less than 80 percent, except upon request of the participating lender. As used in this subsection, the term 'Preferred Lenders Program' means a program under which a written agreement between the lender and the Administration delegates to the lender (I) complete authority to make and close loans with a guarantee from the Administration without obtaining the prior specific approval of the Administration, and (II) authority to service and liquidate such loans.".

(3) Section 7(a)(19) of the Small Business Act (15 U.S.C. 636(a)(19)) is amended to read as follows:

"(19)(A) In addition to the Preferred Lenders Program authorized by the proviso in section 5(b)(7), the Administration is authorized to establish a certified Lenders Program for lenders who establish their knowledge of Administration laws and regulations concerning the guaranteed loan program and their proficiency in program requirements. The designation of a lender as a certified lender shall be suspended or revoked at any time that the Administration determines that the lender is not adhering to its rules and regulations or that the loss experience of the lender is excessive as compared to other lenders, but such suspension or revocation shall not effect any outstanding guarantee.

"(B) In order to encourage all lending institutions and other entities making loans authorized under this subsection to provide loans of $50,000 or less in guarantees to eligible small business loan applicants, during fiscal years 1989, 1990, and 1991, the Administration shall (i) develop and allow participating lenders to solely utilize a uniform and simplified loan form for such loans, and (ii) allow such lenders to retain one-half of the fee collected pursuant to section (7)(a)(18) on such loans. A participating lender may not retain any fee pursuant to this paragraph if the amount committed and outstanding to the applicant would exceed $50,000 unless the amount in excess of $50,000 is an amount not approved under the provisions of this paragraph.".

(4) The last sentence of subparagraph (A) of section 8(b)(1) of the Small Business Act (15 U.S.C. 637(b)(1)) is amended to read as follows: "In the case of cosponsored activities which include the participation of a Federal, State, or local public official or agency, the Administration shall take such actions as it deems necessary to ensure that the cooperation does not constitute or imply an endorsement by the Administration of or give undue recognition to the public official or agency, and the Administration shall ensure that it receives appropriate recognition in all cosponsored printed materials, whether the participant is a profit making concern or a governmental agency or public official.".

(5) Section 303 of the Small Business Investment Act of 1958 (15 U.S.C. 683) is amended by adding at the end thereof the following new subsections:

"(d) The Administration is authorized to make, and to contract to make, periodic interest reduction payments to the holder of a debenture or the appropriate fiscal agent of a small business investment company described in section 301(d) to cover the difference, if any, between—

"(1) the amount of interest the company is required to pay on debentures issued by it (other than debentures issued to the Administration), and

"(2) the amount of interest the company would be required to pay on debentures purchased by the Administration, as determined under section 317.

Amounts authorized for direct purchase of debentures and preferred securities under this title shall also be available for interest payments under this subsection, or to purchase capital notes from section 301(d) licensees.

"(e) Notwithstanding any other provision of law, amounts available for guarantees of debentures issued by small business investment companies may be used for guarantees of debentures issued by companies licensed under section 301(d) and financed by issuance and guaranty of certificates under section 321.".

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. SMITH of Iowa moves that the House recede from its disagreement to the amendment of the Senate numbered 164 and concur therein with an amendment, as follows: In lieu of the matter by said amendment insert the following:

ADMINISTRATIVE PROVISIONS

(1) Section 7(a)(2) of the Small Business Act (15 U.S.C. 636(a)(2)) is amended to read as follows:

"(2) In agreements to participate in loans on a deferred basis under this subsection, such participation by the Administration, except as provided in paragraph (6), shall be—

"(A) not less than 90 percent of the balance of the financing outstanding at the time of disbursement if such financing does not exceed $155,000: Provided, That the percentage of participation by the Administration may be reduced below 90 percent upon request of the participating lender; and

"(B) subject to the limitation in paragraph (3)—

"(i) not less than 70 percent nor more than 85 percent of the financing outstand-

ing at the time or disbursement if such financing exceeds $155,000: Provided, That the participation by the Administration may be reduced below 70 percent upon request of the participating lender; and

"(ii) not less than 85 percent of the financing outstanding at the time of disbursement if such financing is a loan under paragraph (16); The Administration shall not use the percent of guarantee requested as a criterion for establishing priorities in approving guarantee requests nor shall the Administration reduce the percent guaranteed to less than 85 percent under subparagraph (B) other than by determination made on each application. Notwithstanding subparagraphs (A) and (B), the Administration's participation under the Preferred Lenders Program or any successor thereto shall be not less than 80 percent, except upon request of the participating lender. As used in this subsection, the term 'Preferred Lenders Program' means a program under which a written agreement between the lender and the Administration delegates to the lender (I) complete authority to make and close with a guarantee from the Administration without obtaining the prior specific approval of the Administration, and (II) authority to service and liquidate such loans.".

(2) Section 7(a)(19) of the Small Business Act (15 U.S.C. 636(a)(19) is amended as follows:

"(19)(A) In addition to the Preferred Lenders Program authorized by the proviso in section 5(b)(7), the Administration is authorized to establish a Certified Lenders Program for lenders who establish their knowledge of Administration laws and regulations, concerning the guaranteed loan program and their proficiency in program requirements. The designation of a lender as a certified lender shall be suspended or revoked at any time that the Administration determines that the lender is not adhering to its rules and regulations or that the loss experience of the lender is excessive as compared to other lenders, but such suspension or revocation shall not effect any outstanding guarantee.

"(B) In order to encourage all lending institutions and other entities making loans authorized under this subsection to provide loans of $50,000 or less in guarantees to eligible small business loan applicants, during fiscal years 1989, 1990, and 1991, the Administration shall (i) develop and allow participating lenders to solely utilize a uniform and simplified loan form for such loans, and (ii) allow such lenders to retain one-half of the fee collected pursuant to section (7)(a)(18) on such loans. A participating lender may not retain any fee pursuant to this paragraph if the amount committed and outstanding to the applicant would exceed $50,000 unless the amount in excess of $50,000 is an amount not approved under the provisions of this paragraph.".

(3) The last sentence of subparagraph (A) of section 8(b)(1) of the Small Business Act (15 U.S.C. 637(b)(1) is amended to read as follows: "In the case of cosponsored activities which include the participation of a Federal, State, or local public official or agency, the Administration shall take such actions as it deems necessary to ensure that the cooperation does not constitute or imply an endorsement by the Administration of or give undue recognition to the public official or agency, and the Administration shall ensure that it receives appropriate recognition in all cosponsored printed materials, whether the participant is a profit making concern or a governmental agency or public official.".

(4) Section 303 of the Small Business Investment Act of 1958 is amended by striking subsection (c) and inserting in lieu thereof the following new subsections:

"(c) Subject to the following conditions, the Administration is authorized to purchase preferred securities, and to purchase, or to guarantee the timely payment of all principal and interest payments as scheduled, on debentures issued by small business investment companies operating under the authority of section 301(d) of this Act. The full faith and credit of the United States is pledged to the payment of all amounts which may be required to be paid under any guarantee under this subsection.

"(1) The Administration may purchase shares of nonvoting stock (or other corporate securities having similar characteristics), provided—

"(A) dividends are preferred and cumulative to the extent of 3 per centum of par value per annum, except as provided in paragraph (5);

"(B) on liquidation or redemption the Administration is entitled to the preferred payment of the par value of such securities; and prior to any distribution (other than to the Administration) the Administration shall be paid any amounts as may be due pursuant to subparagraph (A) of this paragraph;

"(C) the purchase price shall be at par value and, in any one sale, $50,000 or more;

"(D) the amount of such securities purchased and outstanding at any one time shall not exceed—

"(i) from a company licensed on or before October 13, 1971, 200 per centum of the combined private paid-in capital and paid-in surplus of such company, or

"(ii) from any such company licensed after October 13, 1971, and having a combined paid-in capital and paid-in surplus of less than $500,000, 100 per centum of such capital and surplus, or

"(iii) from any such company licensed after October 13, 1971, and having a combined private paid-in capital and paid-in surplus of $500,000 or more, 200 per centum of such capital and surplus; and

"(E) the amount of such securities purchased by the Administration in excess of 100 per centum of such capital and surplus from any company described in clause (i) or (iii) may not exceed an amount equal to the amount of its funds invested in or legally committed to be invested in equity securities; for the purposes of this subsection, the term 'equity securities' means stock of any class (including preferred stock) or limited partnership interests, or shares in a syndicate, business trust, joint stock company or association, mutual corporation, cooperative or other joint venture for profit, or unsecured debt instruments which are subordinated by their terms to all other borrowings of the issuer.

"(2) The Administration may purchase or guarantee debentures subordinated pursuant to subsection (b) of this section (other than securities purchased under paragraph (1) of this subsection (c)), provided—

"(A) such debentures are issued for a term of not to exceed fifteen years;

"(B) the interest rate is determined pursuant to this section or section 317; and

"(C) the amount of debentures purchased or guaranteed and outstanding at any one time pursuant to this paragraph (2) from a company having combined private paid-in capital and paid-in surplus of less than $500,000 shall not exceed 300 per centum of its combined private paid-in capital and paid-in surplus less the amount of preferred securities outstanding under paragraph (1) of this subsection, nor from a company having combined private paid-in capital and paid-in surplus of $500,000 or more, 400 per centum of its combined private paid-in capital and paid-in surplus less the amount of such preferred securities.

"(3) Debentures purchased and outstanding pursuant to section 303(b) of this section may be retired simultaneously with the issuance of preferred securities to meet the requirements of subparagraph (2)(C) of this subsection (c).

"(4) The Administration may require, as a condition of the purchase or guarantee of any securities in excess of 300 per centum of the combined private paid-in capital and paid-in surplus of a company, that the company maintain a percentage of its total funds available for investment in small business concerns invested or legally committed in venture capital (as defined in subsection (b) of this section) determined by the Administration to be reasonable and appropriate.

"(5) Notwithstanding the foregoing provisions of this subsection, securities purchased by the Administration on or after the effective date of this Act (A) shall provide that dividends shall be preferred and cumulative to the extent of 4 per centum of par value per annum and (B) shall include a provision requiring the issuer to redeem such securities, including any accrued and unpaid dividends, in 15 years from the date of issuance: *Provided*, That the Administration may, in its discretion, guarantee debentures in such amounts as will permit the simultaneous redemption of such securities, including such amounts as it deems appropriate to include all or any part of accrued and unpaid dividends: *Provided further*, That the Administration shall not pay any part of the interest on such debentures except pursuant to its guarantee in the event of default in payment by the issuer.

"(6) In no event shall the Administration purchase or guarantee debentures or securities if the amount of outstanding securities and debentures of a company operating under the authority of section 301(d) would exceed 400 per centum of its combined private paid-in capital and paid-in surplus or $35,000,000, which ever is less.

"(d) If the Administration guarantees debentures issued by a small business investment company operating under authority of section 301(d) of this Act, it shall make, on behalf of the company payments in such amounts as will reduce the effective rate of interest to be paid by the company during the first five years of the term of such debentures to a rate of interest 3 points below the market rate of interest determined pursuant to section 321. Such payments shall be made by the Administration to the holder of the debenture, its agents or assigns, or to the appropriate central registration agent, if any. The aggregate amount of debentures with interest rate reductions as provided in this subsection or as provided in section 317 which may be outstanding at any time from any such company shall not exceed 200 per centum of the private paid-in capital and paid-in surplus of such company. The authority to reduce interest rates as provided in this subsection shall be limited to amounts provided in advance in appropriations acts, and the total amount shall be reserved within the business loan and investment fund to pay an amount equal to

the amount of the reduction as it becomes due.

"(e) In determining the private capital of a small business investment company, Federal, State, or local government funds received from sources other than the Administration shall be included solely for regulatory purposes, and not for the purpose of obtaining financial assistance from or licensing by the Administration, providing such funds were invested prior to the effective date of this Act.

"(f) Notwithstanding the provisions of any other law, rule, or regulation, the Administration is authorized to allow the issuer of any preferred stock heretofore sold to the Administration to redeem or repurchase such stock upon the payment to the Administration of an amount less than the par value of such stock. The Administration, in its sole discretion, shall determine the repurchase price after considering factors including, but not limited to, the market value of the stock, the value of benefits previously provided and anticipated to accrue to the issuer, the amount of dividends previously paid, accrued, and anticipated, and the Administration's estimate of any anticipated redemption. The Administration may guarantee debentures as provided in paragraph (5) of subsection (c) and allow the issuer to use the proceeds to make the payments authorized herein. Any monies received by the Administration from the repurchase of preferred stock shall be deposited in the business loan and investment fund and shall be available solely to provide assistance to companies operating under the authority of section 301(d), to the extent and in the amounts provided in advance in appropriations acts.".

(5) Section 321(a) of the Small Business Investment Act of 1958 is amended by inserting after the word "companies" the following: ", including companies operating under the authority of section 301(d),".

(6) Section 204 of the Small Business Development Center Act of 1980 (Public Law 96-302), as amended, is further amended by striking "October 1, 1990" and by inserting in lieu thereof "October 1, 1991".

(7) Notwithstanding any other provision of this Act, none of the funds appropriated or made available by this Act or otherwise appropriated or made available to the Small Business Administration shall be used to adopt, implement, or enforce any rule or regulation with respect to the Small Business Development Center program authorized by section 21 of the Small Business Act, as amended (15 U.S.C. 648) nor may any of such funds be used to impose any restrictions, conditions or limitations on such program whether by standard operating procedure, audit guidelines or otherwise, unless such restrictions, conditions or limitations were in effect on October 1, 1987, unless specifically approved by the Committees on Appropriations under reprogramming procedures except that this provision shall not apply to uniform common rules applicable to multiple Federal departments and agencies including the Small Business Administration; nor may any of such funds be used to restrict in any way the right of association of participants in such program.

(8) The funds made available by this Appropriations Act for Small Business Development Centers shall be available for grants for performance in fiscal year 1990 or fiscal year 1991.

(9) The limitation of $1,813,250,000 on gross obligations for new direct loans to carry out section 7(b) of the Small Business Act, as amended, which is contained in Sec. 108(c) of H.J. Res. 423 as enacted into law is hereby waived: *Provided*, That the de facto credit limitation during fiscal year 1990 on gross obligations for new direct loans to carry out Section 7(b) of the Small Business Act, as amended, imposed in the final Presidential sequestration order of October 16, 1989 and based on the calculation listed in the Final OMB Sequester Report to the President and Congress for Fiscal Year 1990 is hereby waived.

Mr. ROGERS (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 Kentucky?

There was no objection.

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

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. 165: Page 19, line 2, strike out "$11,233,000" and insert "$12,000,000".

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. SMITH of Iowa moves that the House recede from its disagreement to the amendment of the Senate numbered 165 and concur therein with an amendment, as follows:

In lieu of the sum named in said amendment, insert "$8,000,000".

Mr. ROGERS (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 Kentucky?

There was no objection.

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

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. 168: Page 19, after line 2, insert:

SALARIES AND EXPENSES

For expenses, not otherwise provided for, necessary to enable the United States Information Agency, as authorized by the Mutual Educational and Cultural Exchange Act of 1961, as amended (22 U.S.C. 2451 et seq.), the United States Information and Educational Exchange Act of 1948, as amended (22 U.S.C. 1431 et seq.), and Reorganization Plan No. 2 of 1977 (91 Stat. 1636), to carry out international communication, educational and cultural activities; and to carry out related activities authorized by law, including employment, without regard to civil service and classification laws, of persons on a temporary basis (not to exceed $700,000, of this appropriation), as authorized by 22 U.S.C. 1471, expenses authorized by the Foreign Service Act of 1980 (22 U.S.C. 3901 et seq.), living quarters as authorized by 5 U.S.C. 5912, and allowances as authorized by 5 U.S.C. 5921-5928 and 22 U.S.C. 287e-1; and entertainment, including official receptions, within the United States, not to exceed $20,000 as authorized by 22 U.S.C. 1474(3); $647,875,000, none of which shall be restricted from use for the purposes appropriated herein: *Provided*, That not to exceed $1,210,000 may be used for representation abroad as authorized by 22 U.S.C. 1452 and 4085: *Provided further*, That not to exceed $12,902,000 of the amounts allocated by the United States Information Agency to carry out section 102(a)(3) of the Mutual Educational and Cultural Exchange Act, as amended (22 U.S.C. 2452(a)(3)), shall remain available until expended: *Provided further*, That not to exceed $500,000 shall remain available until expended as authorized by 22 U.S.C. 1477(b), for expenses (including those authorized by the Foreign Service Act of 1980) and equipment necessary for maintenance and operation of data processing and administrative services as authorized by 31 U.S.C. 1535-1536: *Provided further*, That not to exceed $6,000,000 may be credited to this appropriation from fees or other payments received from or in connection with English teaching, library, motion picture, television, and publication programs as authorized by section 810 of the United States Information and Educational Exchange Act of 1948, as amended:

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. SMITH of Iowa moves that the House recede from its disagreement to the amendment of the Senate numbered 168 and concur therein with an amendment, as follows:

In lieu of the matter proposed by said amendment insert the following:

SALARIES AND EXPENSES

For expenses, not otherwise provided for, necessary to enable the United States Information Agency, as authorized by the Mutual Educational and Cultural Exchange Act of 1961, as amended (22 U.S.C. 2451 et seq.), the United States Information and Educational Exchange Act of 1948, as amended (22 U.S.C. 1431 et seq.) and Reorganization Plan No. 2 of 1977 (91 Stat. 1636), to carry out international communication, educational and cultural activities; and to carry out related activities authorized by law, including employment, without regard to civil service and classification laws, of persons on a temporary basis (not to exceed $700,000, of this appropriation), as authorized by 22 U.S.C. 1471, expenses authorized by the Foreign Service Act of 1980 (22 U.S.C. 3901 et seq.), living quarters as authorized by 5 U.S.C. 5912, and allowances as authorized by 5 U.S.C. 5921-5928 and 22 U.S.C. 287e-1; and entertainment, including official receptions, within the United States, not to exceed $20,000 as authorized by 22 U.S.C. 1474(3); $638,569,000, none of which shall be restricted from use for the purposes appropriated herein: *Provided*, That not less than $32,800,000 shall be available for the Television and Film Service notwithstanding Section 209(e) of Public Law 100-204: *Provided further*, That not to exceed $1,210,000 may be used for representation abroad as authorized by 22 U.S.C. 1452 and

4085: *Provided further,* That not to exceed $12,902,000 of the amounts allocated by the United States Information Agency to carry out section 102(a)(3) of the Mutual Educational and Cultural Exchange Act, as amended (22 U.S.C. 2452(a)(3)), shall remain available until expended: *Provided further,* That not to exceed $500,000 shall remain available until expended as authorized by 22 U.S.C. 1477(b), for expenses (including those authorized by the Foreign Service Act of 1980) and equipment necessary for maintenance and operation of data processing and administrative services as authorized by 31 U.S.C. 1535-1536: *Provided further,* That not to exceed $6,000,000 may be credited to this appropriation from fees or other payments received from or in connection with English teaching, library, motion pictures, television, and publication programs as authorized by section 810 of the United States Information and Educational Exchange Act of 1948, as amended.

Mr. ROGERS (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 Kentucky?

There was no objection.

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

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. 170: Page 19, after line 2, insert:

EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS

For expenses of Fulbright, International Visitor, Humphrey Fellowship, Private Sector, and Congress-Bundestag Exchange Programs, as authorized by the Mutual Educational and Cultural Exchange Act, as amended (22 U.S.C. 2451 et seq.), and Reorganization Plan No. 2 of 1977 (91 Stat. 1636) $160,300,000, including up to $1,500,000, to remain available until expended, for the Eisenhower Exchange Fellowship Program.

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. SMITH of Iowa moves that the House recede from its disagreement to the amendment of the Senate numbered 170 and concur therein with an amendment, as follows:

In lieu of the sum of "$160,300,000" named in said amendment insert "$156,506,000".

Mr. ROGERS (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 Kentucky?

There was no objection.

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

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 19, after line 2, insert:

RADIO CONSTRUCTION

For an additional amount for the purchase, rent, construction, and improvement of facilities for radio transmission and reception and purchase and installation of necessary equipment for radio transmission and reception as authorized by 22 U.S.C. 1471, $85,000,000, to remain available until expended as authorized by 22 U.S.C. 1477b(a), of which not to exceed $16,000,000 may be available for the completion of testing and first-year operations of television broadcasting to Cuba, including, but not limited to the purchase, rent, construction, improvement and equipping of facilities, operations, and staffing: *Provided,* That such funds for television broadcasting to Cuba may be used to purchase or lease, maintain, and operate such aircraft (including aerostats) as may be required to house and operate necessary television broadcasting equipment.

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. SMITH of Iowa moves that the House recede from its disagreement to the amendment of the Senate numbered 171 and concur therein with an amendment, as follows:

In lieu of the matter proposed by said amendment insert the following:

RADIO CONSTRUCTION

For an additional amount for the purchase, rent, construction, and improvement of facilities for radio transmission and reception and purchase and installation of necessary equipment for radio transmission and reception as authorized by 22 U.S.C. 1471, $85,000,000, to remain available until expended as authorized by 22 U.S.C. 1477b(a), of which not to exceed $16,000,000 may be available for the completion of testing and first-year operations of television broadcasting to Cuba, including, but not limited to the purchase, rent, construction, improvement and equipping of facilities, operations, and staffing: *Provided,* That such funds for television broadcasting to Cuba may be used to purchase or lease, maintain, and operate such aircraft (including aerostats) as may be required to house and operate necessary television broadcasting equipment: *Provided further,* That the availability of such funds for television broadcasting to Cuba shall be subject to the provisions of Part B, title II of H.R. 1487 as passed the House of Representatives until such time as legislation authorizing such activity is enacted into law.

Mr. ROGERS (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 Kentucky?

There was no objection.

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

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. 174: Page 19, after line 2, insert:

NATIONAL ENDOWMENT FOR DEMOCRACY

For grants made by the United States Information Agency to the National Endowment for Democracy as authorized by the National Endowment for Democracy Act, $15,800,000.

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. SMITH of Iowa moves that the House recede from its disagreement to the amendment of the Senate numbered 174 and concur therein with an amendment, as follows: In lieu of the sum named in said amendment, insert the following: "$17,000,000".

Mr. ROGERS (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 Kentucky?

There was no objection.

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

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. 176: Page 19, after line 16, insert:

SEC. 605. The Attorney General and the Commissioners of the Federal Trade Commission shall establish a fee schedule for filing premerger notification reports required by the Hart-Scott-Rodino Antitrust Improvement Act of 1976 within one hundred and eighty days after approval of this Act, such fees to be collected by the Federal Trade Commission and divided evenly between and credited to the appropriations Federal Trade Commission "Salaries and expenses" and Department of Justice "Salaries and expenses, Antitrust Division": *Provided,* That immediately following approval of this Act, a temporary fee of one-fiftieth of 1 per centum of the value of the transaction shall be levied pending the establishment of a fee schedule with proceeds distributed as shown above: *Provided further,* That fees in excess of $30,000,000 in fiscal year 1990 shall be deposited to the credit of the Treasury.

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. SMITH of Iowa moves that the House recede from its disagreement to the amendment of the Senate numbered 176 and concur therein with an amendment, as follows: In lieu of the matter proposed by said amendment insert the following:

SEC. 605. Five working days after enactment of this Act and thereafter, the Federal Trade Commission shall assess and collect

filing fees established at $20,000 which shall be paid by persons acquiring voting securities or assets who are required to file premerger notifications by the Hart-Scott-Rodino Antitrust Improvements Act of 1976 (15 U.S.C. 18a) and the regulations promulgated thereunder. For purposes of said Act, no notification shall be considered filed until payment of the fee required by this section. Fees collected pursuant to this section shall be divided evenly between and credited to the appropriations, Federal Trade Commission, "Salaries and Expenses" and Department of Justice, "Salaries and Expenses, Antitrust Division": *Provided*, That fees in excess of $40,000,000 in fiscal year 1990 shall be deposited to the credit of the Treasury of the United States.

Mr. ROGERS (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 Kentucky?

There was no objection.

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

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. 177: Page 19, after line 16, insert:

SEC. 606. (a) None of the funds provided under this Act or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act shall be available for obligation or expenditure through a reprogramming of funds which: (1) creates new programs; (2) eliminates a program, project, or activity; (3) increases funds or personnel by any means for any project or activity for which funds have been denied or restricted; (4) relocates on office or employees; (5) reorganizes offices, programs, or activities; or (6) contracts out or privatizes any functions or activities presently performed by Federal employees; unless the Appropriations Committees of both Houses of Congress are notified fifteen days in advance of such reprogramming of funds.

(b) None of the funds provided under this Act or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act shall be available for obligation or expenditure for activities, programs, or projects through a reprogramming of funds in excess of $250,000 or 10 per centum, whichever is less, that: (1) augments existing programs, projects, or activities; (2) reduces by 10 per centum funding for any existing program, project, or activity, or numbers of personnel by 10 per centum as approved by Congress; or (3) results from any general savings from a reduction in personnel which would result in a change in existing programs, activities, or projects as approved by Congress, unless the Appropriations Committees of both Houses of Congress are notified fifteen days in advance of such reprogramming of funds.

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. SMITH of Iowa moves that the House recede from its disagreement to the amendment of the Senate numbered 177 and concur therein with an amendment, as follows: In lieu of the sum "$250,000" named in said amendment, insert the following "$500,000".

Mr. ROGERS (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 Kentucky?

There was no objection.

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

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 19, after line 16, insert:

SEC. 608. Funds appropriated to the Legal Services Corporation and distributed to each grantee funded in fiscal year 1990 pursuant to the number of poor people determined by the Bureau of the Census to be within its geographical area shall be distributed in the following order:

(1) grants from the Legal Services Corporation and contracts entered into with the Legal Services Corporation under section 1006(a)(1) shall be maintained in fiscal year 1990 at not less than $8.98 per poor person within the geographical area of each grantee or contractor under the 1980 census or 9 cents per poor person more than the annual per-poor-person level at which each grantee and contractor was funded in fiscal year 1989, whichever is greater; and

(2) each such grantee shall be increased by an equal percentage of the amount by which such grantee's funding, including the increase under (1) above, falls below $16.68 per poor person within its geographical area under the 1980 census:

Provided, That none of the funds appropriated in this Act for the Legal Services Corporation shall be used to bring a class action suit against the Federal Government or any State or local government unless—

(1) the project director of a recipient has expressly approved the filing of such an action in accordance with policies established by the governing body of such recipient;

(2) the class relief which is the subject of such an action is sought for the primary benefit of individuals who are eligible for legal assistance; and

(3) that prior to filing such an action, the recipient project direrctor has determined that the government entity is not likely to change the policy or practice in question, that the policy or practice will continue to adversely affect eligible clients, that the recipient has given notice of its intention to seek class relief and that responsible efforts to resolve without litigation the adverse effects of the policy or practice have not been successful or would be adverse to the interest of the clients:

except that this proviso may be superseded by regulations governing the bringing of class action suits promulgated by a majority of the Board of Directors of the Corporation who have been confirmed in accordance with section 1004(a) of the Legal Services Corporation Act: *Provided further*, That none of the funds appropriated in this Act made available by the Legal Services Corporation may be used—

(1) to pay for any publicity or propaganda intended or designed to support or defeat legislation pending before Congress or State or local legislative bodies or intended or designed to influence any decision by a Federal, State, or local agency;

(2) to pay for any personal service, advertisement, telegram, telephone communication, letter, printed or written matter, or other device, intended or designed to influence any decision by a Federal, State, or local agency, except when legal assistance is provided by an employee of a recipient to an eligible client on a particular application, claim, or case, which directly involves the client's legal rights or responsibilities;

(3) to pay for any personal service, advertisement, telegram, telephone communication, letter, printed or written matter, or any other device intended or designed to influence any Member of Congress or any other Federal, State, or local elected official—

(A) to favor or oppose any referendum, initiative, constitutional amendment, or any similar procedure of the Congress, any State legislature, any local council or any similar governing body acting in a legislative capacity,

(B) to favor or oppose an authorization or appropriation directly affecting the authority, function, or funding of the recipient or the Corporation, or

(C) to influence the conduct of oversight proceedings of the recipient or the Corporation;

(4) to pay for any personal service, advertisement, telegram, telephone communication, letter, printed or written matter, or any other device intended or designed to influence any Member of Congress or any other Federal, State, or local elected official to favor or oppose any Act, bill, resolution, or similar legislation, except that this proviso shall not preclude funds from being used to provide communication directly to a Federal, State, or local elected official on a specific and distinct matter where the purpose of such communication is to bring the matter to the official's attention if—

(A) the project director of a recipient has expressly approved in writing the undertaking of such communication to be made on behalf of a client or class of clients in accordance with policy established by the governing body of the recipient; and

(B) the project director for a recipient has determined prior to the undertaking of such communication, that—

(i) the client and each client is in need of relief which can be provided by the legislative body involved;

(ii) appropriate judicial and administrative relief have been exhausted; and

(iii) documentation has been secured from each eligible client that includes a statement of the specific legal interests of the client, except that such communication may not be the result of participation in a coordinated effort to provide such communications under this proviso; and

(C) the project director of a recipient maintains documentation of the expense and time spent under this proviso as part of the records of the recipient; or

(D) the project director of a recipient has approved the submission of a communica-

tion to a legislator requesting introduction of a private relief bill:

except that nothing in this proviso shall prohibit communications made in response to a request from a Federal, State, or local official: *Provided further,* That none of the funds appropriated in this Act made available by the Legal Services Corporation may be used to pay for any administrative or related costs associated with an activity prohibited in clause (1), (2), (3), or (4) of the previous proviso: *Provided further,* That none of the funds appropriated under this Act for the Legal Services Corporation will be expended to provide legal assistance for or on behalf of any alien unless the alien is present in the United States and is—

(1) an alien lawfully admitted for permanent residence as defined in section 101(a)(20) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(20));

(2) an alien who is either married to a United States citizen or is a parent or an unmarried child under the age of twenty-one years of such a citizen and who has filed an application for adjustment of status to permanent resident under the Immigration and Nationality Act, and such application has not been rejected;

(3) an alien who is lawfully present in the United States pursuant to an admission under section 207 of the Immigration and Nationality Act (8 U.S.C. 1157, relating to refugee admissions) or who has been granted asylum by the Attorney General under such Act; or

(4) an alien who is lawfully present in the United States as a result of the Attorney General's withholding of deportation pursuant to section 243(h) of the Immigration and Nationality Act (8 U.S.C. 1253(h)):

Provided further, That an alien who is lawfully present in the United States as a result of being granted conditional entry pursuant to section 203(a)(7) of the Immigration and Nationality Act (8 U.S.C. 1153(a)(7)) before April 1, 1980, because of persecution or fear of persecution on account of race, religion, or political opinion or because of being uprooted by catastrophic natural calamity shall be deemed, for purposes of the previous proviso, to be an alien described in clause (3) of the previous proviso: *Provided further,* That none of the funds appropriated for the Legal Services Corporation may be used to support or conduct training programs for the purpose of advocating particular public policies or encouraging political activities, labor or antilabor activities, boycotts, picketing, strikes, and demonstrations, including the dissemination of information about such policies or activities, except that this provision shall not be construed to prohibit the training of attorneys or paralegal personnel necessary to prepare them to provide adequate legal assistance to eligible clients or to advise any eligible client as to the nature of the legislative process or inform any eligible client of his rights under statute, order, or regulation: *Provided further,* That none of the funds appropriated in this Act for the Legal Services Corporation may be used to carry out the procedures established pursuant to section 1011(2) of the Legal Services Corporation Act unless the Corporation prescribes procedures to insure that financial assistance under this Act shall not be terminated, and a suspension of financial assistance shall not be continued for more than thirty days, unless the grantee, contractor, or person or entity receiving financial assistance under this Act has been afforded reasonable notice and opportunity for a timely, full, and fair hearing and, when requested, such hearing shall be conducted by an independent hearing examiner, subject to the following conditions—

(1) such request for a hearing shall be made to the Corporation within thirty days after receipt of notice to terminate financial assistance, deny an application for refunding, or suspend financial assistance and such hearing shall be conducted within thirty days of receipt of such request for a hearing;

(2) the Corporation shall make such final decision within thirty days after completion of such hearing; and

(3) hearing examiners shall be appointed by the Corporation in accordance with procedures established in regulations promulgated by the Corporation:

Provided further, That none of the funds appropriated in this Act for the Legal Services Corporation may be used to carry out the procedures established pursuant to section 1011(2) of the Legal Services Corporation Act unless the Corporation prescribes procedures to ensure that an application for refunding shall not be denied unless the grantee, contractor, or person or entity receiving assistance under this Act has been afforded reasonable notice and opportunity for a timely, full, and fair hearing to show cause why such action should not be taken and subject to all other conditions of the previous proviso: *Provided further,* That none of the funds appropriated in this Act for the Legal Services Corporation shall be used by the Corporation in making grants or entering into contracts for legal assistance unless the Corporation insures that the recipient is either (1) a private attorney or attorneys (for the sole purpose of furnishing legal assistance to eligible clients) or (2) a qualified nonprofit organization chartered under the laws of one of the States, a purpose of which is furnishing legal assistance to eligible clients, the majority of the board of directors or other governing body of which organization is comprised of attorneys who are admitted to practice in one of the States and who are appointed to terms of office on such board or body by the governing bodies of State, county, or municipal bar associations the membership of which represents a majority of the attorneys practicing law in the locality in which the organization is to provide legal assistance, or, with regard to national support centers, the locality where the organization maintains its principal headquarters: *Provided further,* That none of the funds appropriated in this Act for the Corporation shall be used, directly or indirectly, by the Corporation to promulgate new regulations or to enforce, implement, or operate in accordance with regulations effective after April 27, 1984, unless the Appropriations Committees of both Houses of Congress have been notified fifteen days prior to such use of funds as provided for in section 606 of this Act: *Provided further,* That none of the funds appropriated to the Legal Services Corporation for fiscal years prior to fiscal year 1986 and carried over into fiscal year 1990, either by the Corporation itself or by any recipient of such funds, may be expended, unless such funds are expended in accordance with the preceding restrictions and provisos, except that such funds may be expended for the continued representation of aliens prohibited by said provisos where such representation commenced prior to January 1, 1983, or as approved by the Corporation: *Provided further,* That if a Presidential Order pursuant to Public Law 100-119, the Balanced Budget and Emergency Deficit Control Reaffirmation Act of 1987, is issued for fiscal year 1990, funds provided to each grantee of the Legal Services Corporation shall be reduced by the percentage specified in the Presidential Order: *Provided further,* That if funds become available to the Legal Services Corporation because a national support center has been defunded or denied refunding pursuant to section 1011(2) of the Legal Services Corporation Act, as amended by this Act, such funds may be transferred to basic field programs to be distributed in the manner specified by this Act: *Provided further,* That none of the funds appropriated by this Act or prior Acts or any other funds available to the Corporation or a recipient may be used by an officer, board member, employee or consultant of the Corporation or by any recipient to implement or enforce the 1984 and 1986 regulations on legislative and administrative advocacy (part 1612) or to implement, enforce or keep in effect provisions in the regulation regarding legislative and administrative advocacy and training (part 1612, 52 FR 28434 (July 29, 1987)) which impose restrictions on private funds except to the extent that such restrictions are explicitly set forth in sections 1007 (a)(5), (b)(6), (b)(7), and 1010(c) of the Legal Services Corporation Act, as amended: *Provided further,* That the Corporation shall not impose requirements on governing bodies of the recipients that are additional to, or more restrictive than, the provisions of this Act and section 1007(c) of the Legal Services Corporation Act, as amended, including, but not limited to (1) the procedures of appointment, including the political affiliation and the length of terms of board members, (2) the size, quorum requirements and committee operations of such governing bodies, and (3) any requirements on appointment of board members of national support centers that would preclude the bar associations in the States in which the center's principal offices are located from making all appointments required to be made by bar associations: *Provided further,* That none of the funds appropriated under this Act to the Legal Services Corporation may be used by the Corporation or any recipient to participate in any litigation with respect to abortion: *Provided further,* That the Corporation shall utilize the same formula for distribution of fiscal year 1990 migrant funds as was used in fiscal year 1989: *Provided further,* That the fourteenth and fifteenth provisos of this section (relating to parts 1607 and 1612 of the Corporation's regulations) shall expire if such action is directed by a majority vote of a Board of Directors of the Legal Services Corporation composed of eleven individuals nominated by the President after January 20, 1989, and subsequently confirmed by the United States Senate: *Provided further,* That none of the funds appropriated under this Act or under any prior Acts for the Legal Services Corporation shall be used to consider, develop, or implement any system for the competitive award of grants or contracts until such action is authorized pursuant to a majority vote of a Board of Directors of the Legal Services Corporation composed of eleven individuals nominated by the President after January 20, 1989, and subsequently confirmed by the United States Senate, except that nothing herein shall prohibit the Corporation Board, members, or staff from engaging in in-house reviews of or holding hearings on proposals for a system for the competitive award of all grants and contracts, including support cen-

ters, and that nothing herein shall apply to any competitive awards program currently in existence; subsequent to confirmation such new Board of Directors shall develop and implement a proposed system for the competitive award of all grants and contracts. *Provided further,* that the Corporation shall insure that all grants and contracts made for calendar year 1990 to all grantees receiving funds under sections 1006(a) (1)(A) and (3) of the Legal Services Corporation Act as of September 30, 1989, with funds appropriated by this Act or prior appropriations Acts, shall be made for a period of at least twelve months beginning on January 1, 1990, so as to insure that the total annual funding for each current grantee or contractor is no less than the amount provided pursuant to this Act: *Provided further,* That such grants or contracts shall not be subject to any amendments to regulations relating to fee-generating cases (45 CFR part 1609) or the use of private funds (45 CFR parts 1610 and 1611) not in operational effect on October 1, 1988: *Provided further,* That any changes in procedures in operational effect as of September 1, 1989, that would have the effect of imposing timekeeping requirements on recipients must be adopted as rules or regulations in accordance with section 1008(e) of the Legal Services Corporation Act and all of the requirements of this Act: *Provided further,* That any new rules or regulations, or revisions to existing rules or regulations adopted by the Board of the Legal Services Corporation after October 1, 1989, shall not become effective until after October 1, 1990, or until authorized pursuant to a majority vote of a Board of Directors of the Legal Services Corporation composed of eleven individuals nominated by the President after January 20, 1989, and subsequently confirmed by the United States Senate: *Provided further,* That, notwithstanding any decision or action of the President of the Corporation after September 7, 1989, funds appropriated under this Act or any prior Acts shall not be denied, for the period October 1, 1989 through December 31, 1990, to any grantee or contractor which in fiscal year 1989 received funding appropriated under any prior Act, as a result of activities which have found by an independent hearing officer appointed by the President of the Corporation prior to October 1, 1989, not to constitute grounds for a denial of refunding, and any decisions or action of the President of the Corporation reversing or setting aside such decision of an independent hearing officer concerning section 1010(c) of the Act rendered in fiscal year 1989 shall be null or void.

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. SMITH of Iowa moves that the House recede from its disagreement to the amendment of the Senate numbered 179, and concur therein.

Mr. ROGERS. Mr. Speaker, I request the question be divided.

The SPEAKER pro tempore (Mr. NAGLE). The question will be divided.

Mr. SMITH of Iowa. Mr. Speaker, I move that the House recede from its disagreement to the amendment of the Senate numbered 179.

The SPEAKER pro tempore. The question is, Will the House recede from its disagreement to the amendment of the Senate numbered 179?

The House receded from its disagreement to the amendment of the Senate numbered 179.

PREFERENTIAL MOTION OFFERED BY MR. STENHOLM

Mr. STENHOLM. Mr. Speaker, I offer a preferential motion.

Mr. MORRISON of Connecticut. Mr. Speaker, I reserve a point of order against the motion.

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

The Clerk read as follows:

Mr. STENHOLM moves that the House concur in the Senate amendment No. 179 with the following amendment: In lieu of the matter proposed to be inserted by the Senate, insert the following:

SEC. 608. Funds appropriated to the Legal Services Corporation and distributed to each grantee funded in fiscal year 1990 pursuant to the number of poor people determined by the Bureau of the Census to be within its geographical area shall be distributed in the following order:

(1) grants from the Legal Services Corporation and contracts entered into with the Legal Services Corporation under section 1006(a)(1) shall be maintained in fiscal year 1990 at not less than $8.98 per poor person within the geographical area of each grantee or contractor under the 1980 census or 9 cents per poor person more than the annual per-poor-person level at which each grantee and contractor was funded in fiscal year 1989, whichever is greater; and

(2) each such grantee shall be increased by an equal percentage of the amount by which such grantee's funding, including the increase under (1) above, falls below $16.68 per poor person within its geographical area under the 1980 census:

Provided, That none of the funds appropriated in this Act for the Legal Services Corporation shall be used to bring a class action suit against the Federal Government or any State or local government unless—

(1) the project director of a recipient has expressly approved the filing of such an action in accordance with policies established by the governing body of such recipient;

(2) the class relief which is the subject of such an action is sought for the primary benefit of individuals who are eligible for legal assistance; and

(3) that prior to filing such an action, the recipient project director has determined that the government entity is not likely to change the policy or practice in question, that the policy or practice will continue to adversely affect eligible clients, that the recipient has given notice of its intention to seek class relief and that responsible efforts to resolve without litigation the adverse effects of the policy or practice have not been successful or would be adverse to the interest of the clients:

except that this proviso may be superseded by regulations governing the bringing of class action suits promulgated by a majority of the Board of Directors of the Corporation who have been confirmed in accordance with section 1004(a) of the Legal Services Corporation Act: *Provided further,* That none of the funds appropriated in this Act made available by the Legal Services Corporation may be used—

(1) to pay for any publicity or propaganda intended or designed to support or defeat legislation pending before Congress or State or local legislative bodies or intended or designed to influence any decision by a Federal, State, or local agency.

(2) to pay for any personal service, advertisement, telegram, telephone communication, letter, printed or written matter, or other device, intended or designed to influence any decision by a Federal, State, or local agency, except when legal assistance is provided by an employee of a recipient to an eligible client on a particular application, claim, or case, which directly involves the client's legal rights or responsibilities;

(3) to pay for any personal service, advertisement, telegram, telephone communications, letter, printed or written matter, or any other device intended or designed to influence any Member of Congress or any other Federal, State, or local elected official—

(A) to favor or oppose any referendum, initiative, constitutional amendment, or any similar procedure of the Congress, any State legislature, any local council or any similar governing body acting in a legislative capacity,

(B) to favor or oppose an authorization or appropriation directly affecting the authority, function, or funding of the recipient or the Corporation, or

(C) to influence the conduct of oversight proceedings of the recipient or the Corporation;

(4) to pay for any personal service, advertisement, telegram, telephone communication, letter, printed or written matter, or any other device intended or designed to influence any Member of Congress or any other Federal, State, or local elected official to favor or oppose any Act, bill, resolution, or similar legislation, except that this proviso shall not preclude funds from being used to provide communication directly to a Federal, State, or local elected official on a specific and distinct matter where the purpose of such communication is to bring the matter to the official's attention if—

(A) the project director of a recipient has expressly approved in writing the undertaking of such communication to be made on behalf of a client or class of clients in accordance with policy established by the governing body of the recipient; and

(B) the project director of a recipient has determined prior to the undertaking of such communication, that—

(i) the client and each client is in need of relief which can be provided by the legislative body involved;

(ii) appropriate judicial and administrative relief have been exhausted; and

(iii) documentation has been secured from each eligible client that includes a statement of the specific legal interests of the client, except that such communication may not be the result of participation in a coordinated effort to provide such communications under this proviso; and

(C) the project director of a recipient maintains documentation of the expense and time spent under this proviso as part of the records of the recipient; or

(D) the project director of a recipient has approved the submission of a communication to a legislator requesting introduction of a private relief bill:

except that nothing in this proviso shall prohibit communications made in response to a request from a Federal, State, or local official: *Provided further,* That none of the funds appropriated in this Act made available by the Legal Services Corporation may

be used to pay for any administrative or related costs associated with an activity prohibited in clause (1), (2), (3), or (4) of the previous proviso: *Provided further,* That none of the funds appropriated under this Act for the Legal Services Corporation will be expended to provide legal assistance for or on behalf of any alien unless the alien is present in the United States and is—

(1) an alien lawfully admitted for permanent residence as defined in section 101(a)(20) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(20));

(2) an alien who is either married to a United States citizen or is a parent or an unmarried child under the age of twenty-one years of such a citizen and who has filed an application for adjustment of status to permanent resident under the Immigration and Nationality Act, and such application has not been rejected;

(3) an alien who is lawfully present in the United States pursuant to an admission under section 207 of the Immigration and Nationality Act (8 U.S.C. 1157, relating to refugee admissions) or who has been granted asylum by the Attorney General under such Act; or

(4) an alien who is lawfully present in the United States as a result of the Attorney General's withholding of deportation pursuant to section 243(h) of the Immigration and Nationality Act (8 U.S.C. 1253(h)):

Provided further, That an alien who is lawfully present in the United States as a result of being granted conditional entry pursuant to section 203(a)(7) of the Immigration and Nationality Act (8 U.S.C. 1153(a)(7)) before April 1, 1980, because of persecution or fear of persecution on account of race, religion, or political opinion or because of being uprooted by catastrophic natural calamity shall be deemed, for purposes of the previous proviso, to be an alien described in clause (3) of the previous proviso: *Provided further,* That none of the funds appropriated for the Legal Services Corporation may be used to support or conduct training programs for the purpose of advocating particular public policies or encouraging political activities, labor or antilabor activities, boycotts, picketing, strikes, and demonstrations, including the dissemination of information about such policies or activities, except that this provision shall not be construed to prohibit the training of attorneys or paralegal personnel necessary to prepare them to provide adequate legal assistance to eligible clients or to advise any eligible client as to the nature of the legislative process or inform any eligible client of his rights under statute, order, or regulation: *Provided further,* That none of the funds appropriated in this Act for the Legal Services Corporation may be used to carry out the procedures established pursuant to section 1011(2) of the Legal Services Corporation Act unless the Corporation prescribes procedures to insure that financial assistance under this Act shall not be terminated, and a suspension of financial assistance shall not be continued for more than thirty days, unless the grantee, contractor, or person or entity receiving financial assistance under this Act has been afforded reasonable notice and opportunity for a timely, full, and fair hearing and, when requested, such hearing shall be conducted by an independent hearing examiner, subject to the following conditions—

(1) such request for hearing shall be made to the Corporation within thirty days after receipt of notice to terminate financial assistance, deny an application for refunding, or suspend financial assistance and such hearing shall be conducted within thirty days of receipt of such request for a hearing;

(2) the Corporation shall make such final decision within thirty days after completion of such hearing; and

(3) hearing examiners shall be appointed by the Corporation in accordance with procedures established in regulations promulgated by the Corporation:

Provided further, That none of the funds appropriated in this Act for the Legal Services Corporation may be used to carry out the procedures established pursuant to section 1011(2) of the Legal Services Corporation Act unless the Corporation prescribes procedures to ensure that an application for refunding shall not be denied unless the grantee, contractor, or person or entity receiving assistance under this Act has been afforded reasonable notice and opportunity for a timely, full, and fair hearing to show cause why such action should not be taken and subject to all other conditions of the previous proviso: *Provided further,* That none of the funds appropriated in this Act for the Legal Services Corporation shall be used by the Corporation in making grants or entering into contracts for legal assistance unless the Corporation insures that the recipient is either (1) a private attorney or attorneys (for the sole purpose of furnishing legal assistance to eligible clients) or (2) a qualified nonprofit organization chartered under the laws of one of the States, a purpose of which is furnishing legal assistance to eligible clients, the majority of the board of directors or other governing body of which organization is comprised of attorneys who are admitted to practice in one of the States and who are appointed to terms of office on such board or body by the governing bodies of State, county, or municipal bar associations the membership of which represents a majority of the attorneys practicing law in the locality in which the organization is to provide legal assistance, or, with regard to national support centers, the locality where the organization maintains its principal headquarters: *Provided further,* That none of the funds appropriated in this Act for the Corporation shall be used, directly or indirectly, by the Corporation to promulgate new regulations or to enforce, implement, or operate in accordance with regulations effective after April 27, 1984, unless the Appropriations Committees of both Houses of Congress have been notified fifteen days prior to such use of funds as provided for in section 606 of this Act: *Provided further,* That none of the funds appropriated to the Legal Services Corporation for fiscal years prior to fiscal year 1986 and carried over into fiscal year 1990, either by the Corporation itself or by any recipient of such funds, may be expended, unless such funds are expended in accordance with the preceding restrictions and provisos, except that such funds may be expended for the continued representation of aliens prohibited by said provisos where such representation commenced prior to January 1, 1983, or as approved by the Corporation: *Provided further,* That if a Presidential Order pursuant to Public Law 100-119, the Balanced Budget and Emergency Deficit Control Reaffirmation Act of 1987, is issued for fiscal year 1990, funds provided to each grantee of the Legal Services Corporation shall be reduced by the percentage specified in the Presidential Order: *Provided further,* That if funds become available to the Legal Services Corporation because a national support center has been defunded or denied refunding pursuant to section 1011(2) of the Legal Services Corporation Act, as amended by this Act, such funds may be transferred to basic field programs to be distributed in the manner specified by this Act: *Provided further,* That none of the funds appropriated by this Act or prior Acts or any other funds available to the Corporation or a recipient may be used by an officer, board member, employee or consultant of the Corporation or by any recipient to implement or enforce the 1984 and 1986 regulations on legislative and administrative advocacy (part 1612) or to implement, enforce or keep in effect provisions in the regulation regarding legislative and administrative advocacy and training (part 1612, 52 FR 28434 (July 29, 1987)) which impose restrictions on private funds except to the extent that such restrictions are explicitly set forth in sections 1007 (a)(5), (b)(6), (b)(7), and 1010(c) of the Legal Services Corporation Act, as amended: *Provided further,* That the Corporation shall not impose requirements on governing bodies of the recipients that are additional to, or more restrictive than, the provisions of this Act and section 1007(c) of the Legal Services Corporation Act, as amended, including, but not limited to (1) the procedures of appointment, including the political affiliation and the length of terms of board members, (2) the size, quorum requirements and committee operations of such governing bodies, and (3) any requirements on appointment of board members of national support centers that would preclude the bar associations in the States in which the center's principal offices are located from making all appointments required to be made by bar associations: *Provided further,* That none of the funds appropriated under this Act to the Legal Services Corporation may be used by the Corporation or any recipient to participate in any litigation with respect to abortion: *Provided further,* That the Corporation shall utilize the same formula for distribution of fiscal year 1990 migrant funds as was used in fiscal year 1989: *Provided further,* That the fourteenth and fifteenth provisos of this section (relating to parts 1607 and 1612 of the Corporation's regulations) shall expire if such action is directed by a majority vote of a Board of Directors of the Legal Services Corporation composed of eleven individuals nominated by the President after January 20, 1989, and subsequently confirmed by the United States Senate: *Provided further,* That none of the funds appropriated under this Act or under any prior Acts for the Legal Services Corporation shall be used to consider, develop, or implement any system for the competitive award of grants or contracts until such action is authorized pursuant to a majority vote of a Board of Directors of the Legal Services Corporation composed of eleven individuals nominated by the President after January 20, 1989, and subsequently confirmed by the United States Senate, except that nothing herein shall prohibit the Corporation Board, members, or staff from engaging in in-house reviews of or holding hearings on proposals for a system for the competitive award of all grants and contracts, including support centers, and that nothing herein shall apply to any competitive awards program currently in existence; subsequent to confirmation such new Board of Directors shall develop and implement a proposed system for the competitive award of all grants and contracts: *Provided further,* That a person or entity receiving funds appropriated by this

Act and made available by or through the Legal Services Corporation may not—

(1) advocate or oppose, or contribute or make available any funds, personnel, or equipment for use in advocating or opposing, any plan or proposal, or

(2) represent any party or participate in any other way in litigation,

that is intended to or has the effect of altering, revising, or reapportioning a legislative, judicial, or elective district at any level of government. The activities prohibited by this section include influencing the timing or manner of the taking of a census: *Provided further*, That, with respect to the use of funds appropriated by this Act to the Legal Services Corporation—

(1) for purposes of sections 286, 287, 641, 1001, and 1002 of title 18, United States Code, the Legal Services Corporation shall be considered to be a department or agency of the United States Government;

(2) for purposes of sections 3729 through 3733 of title 31, United States Code, the term "United States Government" shall include the Legal Services Corporation;

(3) for purposes of section 3801 of title 31, United States Code, the term "authority" includes the Legal Services Corporation, and the provisions of section 3801 through 3812 of title 31, United States Code, shall apply to all parties with whom the Corporation makes grants or contracts under sections 1006(a)(1) and 1006(a)(3) of the Legal Services Corporation Act (42 U.S.C. 2996e(a)(1) and 2996(a)(3));

(4) applicants for financial assistance from the Legal Services Corporation shall file applications supported by written declaration pursuant to section 1746 of title 28, United States Code, and such declarations shall be subject to sections 1621(2) and 1622 of title 18, United States Code, relating to perjury;

(5) for purposes of sections 716 and 717 of title 31, United States Code, the Legal Services Corporation shall be considered to be a department or agency of the United States Government;

(6) for purposes of section 1516 of title 18, United States Code, as added by section 7078 of the Anti-Drug Abuse Act of 1988 (Public Law 100-680)—

(A) the term "Federal auditor" shall include any auditor employed or retained on a contractual basis by the Legal Services Corporation,

(B) the term "contract" shall include any grant or contract made by the Legal Services Corporation, and

(C) the term "person", as used in subsection (a) of such section, shall include any grantee or contractor receiving financial assistance under section 1006(a)(1) or 1006(a)(3) of the Legal Services Corporation Act (42 U.S.C. 2996e(a)(1) or 2996e(a)(3)); and

(7) funds provided by the Legal Services Corporation under section 1006 of the Legal Services Corporation Act (42 U.S.C. 2996e) shall be deemed to be Federal appropriations when used by a contractor, grantee, subcontractor, or subgrantee of the Legal Services Corporation:

Provided further, That—

(1)(A) a person or entity receiving funds appropriated by this Act and made available by or through the Legal Services Corporation, and any employee of such person or entity, may not solicit clients for purposes of facilitating or pursuing legal action against a farmer or any other agricultural entity, or solicit clients for any kind of class action or other lawsuit involving any agricultural entity; and

(B) for purposes of subparagraph (A), the term "solicit" means to enter the premises of a farm, dwelling, or facility housing migrant farmworkers, workers under contract with a farm owner or operator, or other employees, without first receiving a documented request from a named worker or employee; and

(2) a person or entity receiv.ng funds appropriated by this Act and made available by or through the Legal Services Corporation, and any employee of such person or entity, may not file a complaint or otherwise pursue litigation against or engage in precompliant settlement negotiations with a farmer, grower, or any other agricultural entity unless—

(A) any and all administrative remedies bearing on the claim or controversy have been exhausted;

(B) mechanism for alternative dispute resolution have been utilized, if available, and the claim or controversy has not been specifically identified, by name, in any complaint filed for purposes of litigation, or in any correspondence or communication for the purpose of negotiating a settlement; and

(D) an affidavit enumerating all the particular facts on which the claim or controversy is based is attached to the complaint:

Provided further, That—

(1) the Legal Services Corporation shall require any person or entity receiving funds appropriated by this Act and made available through the Legal Services Corporation by grant, contract, subgrant, or subcontract, to maintain records of time spent on the cases or matters with respect to which that person or entity engages in activities;

(2) pursuant to such requirements, such employee of such person or entity shall record by case or matter, at the time such employee engages in an activity regarding such case or matter, the time spent and the source of funds to be charged for the activity; and

(3) records maintained pursuant to this proviso shall also specify the total time spent on classes of such cases or matters, as specified by the Corporation:

Provided further, That—

(1) None of the funds appropriated by the Act shall be made available to any grantee or contractor who does not have full and complete authority over the selection of those matters and cases to which all employees, including the executive director, of the grantee or contractor shall devote their time and resources;

(2) the Board of Directors of such grantee or contractor may delegate all or a portion of this authority to its executive director, except that the Board of Directors may not delegate decisions with regard to the preparation, filing, or appeal of any class action suit; and

(3) for purposes of this proviso, the term "State" means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, the Northern Mariana Islands, and any other territory or possession of the United States:

Provided further, That

None of the funds appropriated in this Act shall be made available by or through the Legal Services Corporation to any person or entity which, through the use of private funds, engages in actions prohibited by the provisions of this Act:

(1) subject to paragraph (2), the Legal Services Corporation shall ensure that, of the funds appropriated in this Act for the Corporation's basic field programs—

(A) not less than $5,000,000 is used to assist eligible clients in bringing administrative or other legal proceedings—

(i) against persons who allegedly use or distribute drugs illegally, and

(ii) against persons or entities affiliated with persons described in clause (i); and

(B) at least $20,000,000 is used to enforce the support obligations of absent parents to their children and the spouses (or former spouses) with whom such children are living, to locate absent parents, to establish paternity, and to obtain child and spousal support; and

(2) if funds made available to a grantee or contractor by the Legal Services Corporation cannot be used for the purposes specified in subparagraphs (A) and (B) of paragraph (1) because of a lack of eligible clients to pursue such purposes, the Corporation shall waive any requirement of such subparagraphs to the extent of such unused funds:

Provided further, That notwithstanding any other provision of law, rights under sections 1007(a)(9) and 1011 of the Legal Services Corporation Act (42 U.S.C. 2996f(a)(6) and 1996j) shall not apply to the termination or denial of financial assistance under that Act as a result of the competitive award of any grant or contract required by this Act, and the expiration of any grant or contract under the Legal Services Corporation Act as a result of such competitive award shall not be treated as a termination or denial of refunding under section 1007(a)(9) or 1011 of that Act.

Mr. STENHOLM (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 Texas?

There was no objection.

The SPEAKER pro tempore. The gentleman from Iowa [Mr. SMITH] will be recognized for 30 minutes, and the gentleman from Kentucky [Mr. ROGERS] will be recognized for 30 minutes.

PARLIAMENTARY INQUIRY

Mr. ROGERS. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. ROGERS. Mr. Speaker, will there be more time on the amendment? I understand the chairman of the subcommittee will be granted 30 minutes, and the offeror of the motion will be granted 30 minutes. Is that correct?

The SPEAKER pro tempore. The gentleman from Kentucky [Mr. ROGERS] will be recognized for 30 minutes on the original motion of the gentleman from Iowa. He will have to yield time to the gentleman from Texas [Mr. STENHOLM].

Mr. ROGERS. Mr. Speaker, could I ask for a clarification: What time is allocated to whom on the amendment offered by the gentleman from Texas [Mr. STENHOLM]?

The SPEAKER pro tempore. Debate on the motion to concur and the motion to concur with an amendment

runs concurrently. The gentleman from Iowa [Mr. SMITH] has 30 minutes, and the gentleman from Kentucky [Mr. ROGERS] has 30 minutes.

Mr. ROGERS. Mr. Speaker, is it the Chair's ruling that the gentleman from Texas has no time of his own?

The SPEAKER pro tempore. The gentleman from Texas will have to receive time yielded by the gentleman from Kentucky and the gentleman from Iowa. The gentleman from Kentucky, for example, could yield 10 minutes to the gentleman from Texas now; the gentleman from Iowa could yield 10 minutes to the gentleman from Texas now; and the gentleman from Texas would have 20 minutes.

Mr. ROGERS. Mr. Speaker, I would be delighted to yield the gentleman from Texas 10 minutes of my time.

Mr. SMITH of Iowa. Mr. Speaker, I do not want to do that. The time is divided equally, as I understand it. The gentleman from Kentucky has half of it, and he can yield it, as he is on the same side as the gentleman from Texas. The gentleman from Kentucky has 30 minutes and I have 30 minutes.

Mr. STENHOLM. Mr. Speaker, will the gentleman from Kentucky yield me 15 minutes?

Mr. ROGERS. Mr. Speaker, I will be delighted to yield 15 minutes to the gentleman from Texas.

POINT OF ORDER

The SPEAKER pro tempore. The gentleman from Connecticut [Mr. MORRISON] has reserved a point of order on the motion. Does the gentleman wish to press his point of order.

Mr. MORRISON of Connecticut. Mr. Speaker, I do. I ask to be heard on my point of order.

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

Mr. MORRISON of Connecticut. Mr. Speaker, I make a point of order against the motion on the grounds that it violates rule XVI, clause 7, of the rules of the House of Representatives in that the subject matter of the proposed amendment is not germane to the matter under consideration.

The proposed motion deals with eight different issues relevant to the operation of the Legal Services Corporation and funds provided thereunder.

Six of the eight issues are not addressed at all in the underlying amendment. These six issues are as follows: First, prohibition on redistricting activity—the 19th proviso; second, protection against theft and fraud—the 20th proviso; third, procedural safeguards for agricultural litigation—the 21st proviso; fourth, timekeeping—the 22d proviso; fifth, authority of local governing boards—the 23d proviso; and sixth, earmarking of certain funds—the 24th proviso.

With regard to the seventh issue addressed by the motion, that dealing with the regulation of nonpublic resources—also addressed in the 24th proviso—the proposed motion is substantially broader than the provision dealing with nonpublic resources contained in the Senate amendment. The Senate amendment would prevent the Corporation from implementing proposed regulations that would place restrictions on nonpublic resources. The proposed amendment, on the other hand, would amend the Legal Services Act to extend existing restrictions on the use of private funds to "all nonpublic funds and in-kind services used or obtained by that person or entity." Current restrictions in the act apply only to funds provided for the purpose of providing legal services and not other activities for which funds may be received.

The last issue in the proposed amendment is the amendment dealing with competition—the 25th proviso. The underlying Senate amendment would prohibit the implementation of a competitive bidding process unless done under the authority of a confirmed board of directors composed of members named by the current president. The motion under consideration here, however, goes considerably beyond the question of whether the current board may implement a competitive bidding process. In addition, to that question, the proposed amendment would eliminate critical procedural safeguards against termination or defunding of existing LSC grantees within the context of a competitive bidding process.

In addition to the foregoing, the provisions of the motion relating to theft and fraud—the 20th proviso—would criminalize activity not previously subject to Federal criminal statutes. The amendment proposes to do so by applying the provisions of sections 286, 287, 641, 1001, and 1002 of title 18, United States Code to the Legal Services Corporation. In addition, the amendment would make applications for financial assistance subject to section 1746 of title 28, United States Code, and sections 1621(2) and 1622 of title 18, United States Code, relating to perjury. The underlying Senate amendment makes no reference to Federal criminal statutes and such conduct is not now covered by such acts.

Also, the theft and fraud provisions—the 20th proviso—would make sections 716 and 717 of title 31, United States Code, relating to audits by the Controller General and the evaluation of programs and activities of the U.S. Government, applicable to the Legal Services Corporation. That section of the amendment also provides that funds provided to the Legal Services Corporation shall be "deemed to be Federal appropriations when used to a contractor, grantee, subcontractor, or subgrantee of the Legal Services Corporation." Those issues are not dealt with in any way in the underlying Senate amendment and deal with subject matter properly within the jurisdiction of the Committee on Government Operations.

Finally, the 21st proviso, which places limits on the ability of employees of Legal Services supported programs to represent farm workers is a substantial intrusion on the jurisdiction of the Committee on Education and Labor in that it would substantially diminish the ability of farm workers to assert their Federal rights under the Migrant and Seasonal Agricultural Workers Act, and would set up barriers not contemplated in that act for the exercise of such rights. The amendment would require that, before a legal services attorney could file a suit on behalf of such a farm worker to vindicate Federal rights, the farm worker would have to exhaust all administrative remedies and participate in negotiations and in mediation programs, if available. In each case, the name of the farm worker would have to be revealed to the grower. Finally, attorneys could not act without receiving a "documented request from the named worker or employer."

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Mr. Speaker, on all these grounds, I ask that the amendment be ruled not in order.

The SPEAKER pro tempore (Mr. NAGLE). Does the gentleman from Texas wish to respond?

Mr. STENHOLM. Yes, I do, Mr. Speaker.

Mr. Speaker, I thank the gentleman for thoroughly explaining our bill.

I would respond to the point of germaneness by simply pointing out that our amendment is germane to the Rudman amendment, which is the purpose for which we offer this amendment.

The Rudman amendment has already had all points of order relating to authorizing in the appropriation bill waived by the rule under which we are being considered today.

The second point that I would make is that every item in our amendment refers to how these appropriations are or are not supposed to be spent.

The gentleman from Connecticut has done an excellent job of explaining our amendment.

I would just simply say on the germaneness question, again: Every suggestion that we make refers to how the money should be spent. The Rudman amendment has already had all points of order that the gentleman refers to waived under the rule that we operate under.

The SPEAKER pro tempore (Mr. NAGLE). Do any other Members desire to be heard on the point of order?

If not, the Chair is prepared to rule.

The gentleman from Connecticut [Mr. MORRISON] makes the point of

order that the amendment offered by the gentleman from Texas [Mr. STENHOLM] is not germane to the Senate amendment No. 179. As described on pages 82 and 83 of the joint statement of the managers, Senate amendment No. 179 is a comprehensive series of restrictions on Legal Services Corporation activities accomplished by means of funding restrictions on the Legal Services Corporation and its grantees.

In addition to the various funding restrictions in the Senate amendment, changes in the Legal Services Corporation law governing corporation activities, a directive that the Corporation reconstitute its board of directors, are included. The Senate amendment does not, however, incorporate provisions of criminal law, the False Claims Act, and other laws requiring the furnishing of information to the General Accounting Office.

The proposed amendment, in addition to the inclusion of additional funding restrictions, attempts to indirectly apply substantive provisions of Federal criminal law and other laws to render the Legal Services Corporation an agency of a department of the U.S. Government for purposes of prosecution of certain activity and the furnishing of information. While these incorporations of provisions of law are prefaced as being "with respect to the use of funds appropriated by this act to the Legal Services Corporation," it appears that these provisions in the amendment go beyond merely a restriction on the use of funds and constitute an application of other Federal law for the period covered by the appropriation in the bill.

On June 16, 1983, the Chair ruled nongermane an amendment conditioning the availability to certain recipients of the funds in an authorization bill upon their compliance with Federal law not otherwise applicable to those recipients and within the jurisdiction of other House committees.

In the opinion of the Chair, that portion of the proposed amendment which incorporates several provisions of law not contained in the Senate amendment and enacts those provisions as positive law applicable to the Legal Services Corporation and its grantees for the period fiscal 1990 renders the amendment not germane.

The Chair sustains the point of order.

Does the gentleman from Texas [Mr. STENHOLM] have another motion?

PREFERENTIAL MOTION OFFERED BY MR. STENHOLM

Mr. STENHOLM. Mr. Speaker, I offer a preferential motion.

The Clerk read as follows:

Mr. STENHOLM moves that the House concur in the Senate Amendment No. 179 with the following amendment: In lieu of the matter proposed to be inserted by the Senate, insert the following:

SEC. 608. Funds appropriated to the Legal Services Corporation and distributed to each grantee funded in fiscal year 1990 pursuant to the number of poor people determined by the Bureau of the Census to be within its geographical area shall be distributed in the following order:

(1) grants from the Legal Services Corporation and contracts entered into with the Legal Services Corporation under section 1006(a)(1) shall be maintained in fiscal year 1990 at not less than $8.98 per poor person within the geographical area of each grantee or contractor under the 1980 census or 9 cents per poor person more than the annual per-poor-person level at which each grantee and contractor was funded in fiscal year 1989, whichever is greater; and

(2) each such grantee shall be increased by an equal percentage of the amount by which such grantee's funding, including the increase under (1) above, falls below $16.68 per poor person within its geographical area under the 1980 census:

Provided, That none of the funds appropriated in this Act for the Legal Services Corporation shall be used to bring a class action suit against the Federal Government or any State or local government unless—

(1) the project director of a recipient has expressly approved the filing of such an action in accordance with policies established by the governing body of such recipient;

(2) the class relief which is the subject of such an action is sought for the primary benefit of individuals who are eligible for legal assistance; and

(3) that prior to filing such an action, the recipient project director has determined that the government entity is not likely to change the policy or practice in question, that the policy or practice will continue to adversely affect eligible clients, that the recipient has given notice of its intention to seek class relief and that responsible efforts to resolve without litigation the adverse effects of the policy or practice have not been successful or would be adverse to the interest of the clients:

except that this proviso may be superseded by regulations governing the bringing of class action suits promulgated by a majority of the Board of Directors of the Corporation who have been confirmed in accordance with section 1004(a) of the Legal Services Corporation Act: Provided further, That none of the funds appropriated in this Act made available by the Legal Services Corporation may be used—

(1) to pay for any publicity or propaganda intended or designed to support or defeat legislation pending before Congress or State or local legislative bodies or intended or designed to influence any decision by a Federal, State, or local agency;

(2) to pay for any personal service, advertisement, telegram, telephone communication, letter, printed or written matter, or other device, intended or designed to influence any decision by a Federal, State, or local agency, except when legal assistance is provided by an employee of a recipient to an eligible client on a particular application, claim, or case, which directly involves the client's legal rights or responsibilities;

(3) to pay for any personal service, advertisement, telegram, telephone communication, letter, printed or written matter, or any other device intended or designed to influence any Member of Congress or any other Federal, State, or local elected official—

(A) to favor or oppose any referendum, initiative, constitutional amendment, or any similar procedure of the Congress, any State legislature, any local council or any similar governing body acting in a legislative capacity,

(B) to favor or oppose an authorization or appropriation directly affecting the authority, function, or funding of the recipient or the Corporation, or

(C) to influence the conduct of oversight proceedings of the recipient or the Corporation;

(4) to pay for any personal service, advertisement, telegram, telephone communications, letter, printed or written matter, or any other device intended or designed to influence any Member of Congress or any other Federal, State, or local elected official to favor or oppose any Act, bill, resolution, or similar legislation, except that this proviso shall not preclude funds from being used to provide communication directly to a Federal, State, or local elected official on a specific and distinct matter where the purpose of such communication is to bring the matter to the official's attention if—

(A) the project director of a recipient has expressly approved in writing the undertaking of such communication to be made on behalf of a client or class of clients in accordance with policy established by the governing body of the recipient; and

(B) the project director of a recipient has determined prior to the undertaking of such communication, that—

(i) the client and each client is in need of relief which can be provided by the legislative body involved;

(ii) appropriate judicial and administrative relief have been exhausted; and

(iii) documentation has been secured from each eligible client that includes a statement of the specific legal interests of the client, except that such communication may not be the result of participation in a coordinated effort to provide such communications under this proviso; and

(C) the project director of a recipient maintains documentation of the expense and time spent under this proviso as part of the records of the recipient; or

(D) the project director of a recipient has approved the submission of a communication to a legislator requesting introduction of a private relief bill: except that nothing in this proviso shall prohibit communications made in response to a request from a Federal, State, or local official: *Provided further,* That none of the funds appropriated in this Act made available by the Legal Services Corporation may be used to pay for any administrative or related costs associated with an activity prohibited in clause (1), (2), (3), or (4) of the previous proviso: *Provided further,* That none of the funds appropriated under this Act for the Legal Services Corporation will be expended to provide legal assistance for or on behalf of any alien unless the alien is present in the United States and is—

(1) an alien lawfully admitted for permanent residence as defined in section 101(a)(20) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(20));

(2) an alien who is either married to a United States citizen or is a parent or an unmarried child under the age of twenty-one years of such a citizen and who has filed an application for adjustment of status to permanent resident under the Immigration and Nationality Act, and such application has not been rejected;

(3) an alien who is lawfully present in the United States pursuant to an admission under section 207 of the Immigration and Nationality Act (8 U.S.C. 1157, relating to refugee admissions) or who has been granted asylum by the Attorney General under such Act; or

(4) an alien who is lawfully present in the United States as a result of the Attorney General's withholding of deportation pursuant to section 243(h) of the Immigration and Nationality Act (8 U.S.C. 1253(h)):

Provided further, That an alien who is lawfully present in the United States as a result of being granted conditional entry pursuant to section 203(a)(7) of the Immigration and Nationality Act (8 U.S.C. 1153(a)(7)) before April 1, 1980, because of persecution or fear of persecution on account of race, religion, or political opinion or because of being uprooted by catastrophic natural calamity shall be deemed, for purposes of the previous proviso, to be an alien described in clause (3) of the previous proviso: *Provided further,* That none of the funds appropriated for the Legal Services Corporation may be used to support or conduct training programs for the purpose of advocating particular public policies or encouraging political activites, labor or antilabor activities, boycotts, picketing, strikes, and demonstrations, including the dissemination of information about such policies or activities, except that this provision shall not be construed to prohibit the training of attorneys or paralegal personnel necessary to prepare them to provide adequate legal assistance to eligible clients or to advise any eligible client as to the nature of the legislative process or inform any eligible client of his rights under statute, order, or regulation: *Provided further,* That none of the funds appropriated in this Act of the Legal Services Corporation may be used to carry out the procedures established pursuant to section 1011(2) of the Legal Services Corporation Act unless the Corporation prescribes procedures to insure that financial assistance under this Act shall not be terminated, and a suspension of financial assistance shall not be continued for more than thirty days, unless the grantee, contractor, or person or entity receiving financial assistance under this Act has been afforded reasonable notice and opportunity for a timely, full, and fair hearing and, when requested, such hearing shall be conducted by an independent hearing examiner, subject to the following conditions—

(1) such request for a hearing shall be made to the Corporation within thirty days after receipt of notice to terminate financial assistance, deny an application for refunding, or suspend financial assistance and such hearing shall be conducted within thirty days of receipt of such request for a hearing;

(2) the Corporation shall make such final decision within thirty days after completion of such hearing; and

(3) hearing examiners shall be appointed by the Corporation in accordance with procedures established in regulations promulgated by the Corporation:

Provided further, That none of the funds appropriated in this Act for the Legal Services Corporation may be used to carry out the procedures established pursuant to section 1011(2) of the Legal Services Corporation Act unless the Corporation prescribes procedures to ensure that an application for refunding shall not be denied unless the grantee, contractor, or person or entity receiving assistance under this Act has been afforded reasonable notice and opportunity for a timely, full, and fair hearing to show cause why such action should not be taken and subject to all other conditions of the previous proviso: *Provided further,* That none of the funds appropriated in this Act for the Legal Services Corporation shall be used by the Corporation in making grants or entering into contracts for legal assistance unless the Corporation insures that the recipient is either (1) a private attorney or attorneys (for the sole purpose of furnishing legal assistance to eligible clients) or (2) a qualified nonprofit organization chartered under the laws of one of the States, a purpose of which is furnishing legal assistance to eligible clients, the majority of the board of directors or other governing body of which organization is comprised of attorneys who are admitted to practice in one of the States and who are appointed to terms of office on such board or body by the governing bodies of State, county, or municipal bar associations the membership of which represents a majority of the attorneys practicing law in the locality in which the organization is to provide legal assistance, or with regard to national support centers, the locality where the organization maintains its principal headquarters: *Provided further,* That none of the funds appropriated in this Act for the Corporation shall be used, directly or indirectly, by the Corporation to promulgate new regulations or to enforce, implement, or operate in accordance with regulations effective after April 27, 1984, unless the Appropriations Committees of both Houses of Congress have been notified fifteen days prior to such use of funds as provided for in section 606 of this Act; *Provided further,* That none of the funds appropriated to the Legal Services Corporation for fiscal years prior of fiscal year 1986 and carried over into fiscal year 1990, either by the Corporation itself or by any recipient of such funds, may be expended, unless such funds are expended in accordance with the preceding restriction and provisos, except that such funds may be expended for the continued representation of aliens prohibited by said proviso where such representation commenced prior to January 1, 1983, or as approved by the Corporation: *Provided further,* That if a Presidential Order pursuant to Public Law 100-119, the Balanced Budget and Emergency Deficit Control Reaffirmation Act of 1987, is issued for fiscal year 1990, funds provided to each grantee of the Legal Services Corporation shall be reduced by the percentage specified in the Presidential Order: *Provided further,* That if funds become available to the Legal Services Corporation because a national support center has been defunded or denied refunding pursuant to section 1011(2) of the Legal Services Corporation Act, as amended by this Act, such funds may be transferred to basic field programs to be distributed in the manner specified by that Act: *Provided further,* That none of the funds appropriated by this Act or prior Acts or any other funds available to the Corporation or a recipient may be used by an officer, board member, employee or consultant of the Corporation or by any recipient to implement or enforce the 1984 and 1986 regulations on legislative and administrative advocacy (part 1612) or to implement, enforce or keep in effect provisions in the regulation regarding legislative and administrative advocacy and training (part 1612, 52 FR 28434 (July 29, 1987) which impose restrictions on private funds except of the extent that such restrictions are explicitly set forth in sections 1007(a)(5), (b)(6), (b)(7) and 1010(c) of the Legal Services Corporation Act, as amended: *Provided further,* That the Corporation shall not impose requirements on governing bodies of the recipients that are additional to, or more restrictive than, the provisions of this Act and section 1007(c) of the Legal Services Corporation Act, as amended, including, but not limited to (1) the procedures of appointment, including the political affiliation and the length of terms of board members, (2) the size, quorum requirements and committee operations of such governing bodies, and (3) any requirements on appointment of board members of national support centers that would preclude the bar associations in the States in which the center's principal offices are located from making all appointments required to be made by bar associations: *Provided further,* That none of the funds appropriated under this Act to the Legal Services Corporation may be used by the Corporation or any recipient to participate in any litigation with respect to abortion: *Provided further,* That the Corporation shall utilize the same formula for distribution of fiscal year 1990 migrant funds as was used in fiscal year 1989: *Provided further,* That the fourteenth and fifteenth provisos of this section (relating to parts 1607 and 1612 of the Corporation's regulations) shall expire if such action is directed by a majority vote of a Board of Directors of the Legal Services Corporation composed of eleven individuals nominated by the President after January 20, 1989, and subsequently confirmed by the United States Senate: *Provided further,* That none of the funds appropriated under this Act or under any prior Acts for the Legal Services Corporation shall be used to consider, develop, or implement any system for the competitive award of grants or contracts until such action is authorized pursuant to a majority vote of a Board of Directors of the Legal Services Corporation composed of eleven individuals nominated by the President after January 20, 1989, and subsequently confirmed by the United States Senate, except that nothing herein shall prohibit the Corporation Board, members, or staff from engaging in in-house reviews of or holding hearings on proposals for a system for the competitive award of all grants and contracts, including support centers, and that nothing herein shall apply to any competitive awards program currently in existence; subsequent to confirmation such new Board of Directors shall develop and implement a proposed system for the competitive award of all grants and contracts:

Provided further, That a person or entity receiving funds appropriated by this Act and made available by or through the Legal Services Corporation may not—

(1) advocate or oppose, or contribute or make available any funds, personnel, or equipment for use in advocating or opposing, any plan or proposal, or

(2) represent any party or participate in any other way in litigation,

that is intended to or has the effect of altering, revising, or reapportioning a legislative, judicial, or elective district at any level of government. The activities prohibited by this section include influencing the timing or manner of the taking of a census:

Provided further, That—

(1)(A) a person or entity receiving funds appropriated by this Act and made available by or through the Legal Services Corporation, and any employee of such person or entity, may not solicit clients for purposes

of facilitating or pursuing legal action against a farmer or any other agricultural entity, or solicit clients for any kind of class action or other lawsuit involving any agricultural entity; and

(B) for purposes of subparagraph (A), the term "solicit" means to enter the premises of a farm, dwelling, or facility housing migrant farmworkers, workers under contract with a farm owner or operator, or other employees, without first receiving a documented request from a named worker or employee; and

(2) a person or entity receiving funds appropriated by this Act and made available by or through the Legal Services Corporation, and any employee of such person or entity, may not file a complaint or otherwise pursue litigation against or engage in precomplaint settlement negotiations with a farmer, grower, or any other agricultural entity unless—

(A) any and all administrative remedies bearing on the claim or controversy have been exhausted;

(B) mechanisms for alternative dispute resolution have been utilized, if available, and the claim or controversy has not been resolved;

(C) the plaintiff has been specifically identified, by name, in any complaint filed for purposes of litigation, or in any correspondence or communication for the purpose of negotiating a settlement; and

(D) an affidavit enumerating all the particular facts on which the claim or controversy is based is attached to the complaint:

Provided further, That—

(1) the Legal Services Corporation shall require any person or entity receiving funds appropriated by this Act and made available through the Legal Services Corporation by grant, contract, subgrant, or subcontract, to maintain records of time spent on the cases or matters with respect to which that person or entity engages in activities;

(2) pursuant to such requirements, each employee of such person or entity shall record by case or matter, at the time such employee engages in an activity regarding such case or matter, the time spent and the source of funds to be charged for the activity; and

(3) records maintained pursuant to this proviso shall also specify the total time spent on classes of such cases or matters, as specified by the Corporation:

Provided further, That—

(1) None of the funds appropriated by the Act shall be made available to any grantee or contractor who does not have full and complete authority over the selection of those matters and cases to which all employees, including the executive director, of the grantee or contractor shall devote their time and resources;

(2) the Board of Directors of such grantee or contractor may delegate all or a portion of this authority to its executive director, except that the Board of Directors may not delegate decisions with regard to the preparation, filing, or appeal of any class action suit; and

(3) for purposes of this proviso, the term "State" means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, the Northern Mariana Islands, and any other territory or possession of the United States:

Provided further,

None of the funds appropriated in this Act shall be made available by or through the Legal Services Corporation to any person or entity which, through the use of private funds, engages in actions prohibited by the provisions of this Act:

(1) subject to paragraph (2), the Legal Services Corporation shall ensure that, of the funds appropriated in this Act for the Corporation's basic field programs—

(A) not less than $5,000,000 is used to assist eligible clients in bringing administrative or other legal proceedings—

(i) against persons who allegedly use or distribute drugs illegally, and

(ii) against persons or entities affiliated with persons described in clause (i); and

(B) at least $20,000,000 is used to enforce the support obligations of absent parents to their children and the spouses (of former spouses) with whom such children are living, to locate absent parents, to establish paternity, and to obtain child and spousal support; and

(2) if funds made available to a grantee or contractor by the Legal Services Corporation cannot be used for the purposes specified in subparagraphs (A) and (B) of paragraph (1) because of a lack of eligible clients to pursue such purposes, the Corporation shall waive any requirement of such subparagraphs to the extent of such unused funds:

Provided further, That notwithstanding any other provision of law, rights under sections 1007(a)(9) and 1011 of the Legal Services Corporation Act (42 U.S.C. 2996f(a)(6) and 1996j) shall not apply to the termination or denial of financial assistance under that Act as a result of the competitive award of any grant or contract required by this Act, and the expiration of any grant or contract under the Legal Services Corporation Act as a result of such competitive award shall not be treated as a termination or denial of refunding under section 1007(a)(9) or 1011 of that Act.

Mr. STENHOLM (during the reading). Mr. Speaker, I ask unanimous consent that the motion and 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 Texas?

There was no objection.

Mr. MORRISON of Connecticut. Mr. Speaker, I reserve a point of order on the motion.

Mr. Speaker, I have not seen the amendment.

Mr. STENHOLM. We left out the provision of the waste, fraud and abuse section of the amendment.

The SPEAKER pro tempore. The gentleman from Connecticut [Mr. MORRISON] reserves a point of order.

The gentleman from Iowa [Mr. SMITH] will be recognized for 30 minutes on the main motion with the amendment, and the gentleman from Kentucky [Mr. ROGERS] will be recognized for 30 minutes.

Does the gentleman from Kentucky yield time to the gentleman from Texas?

Mr. ROGERS. Mr. Speaker, I yield 15 minutes of my 30 minutes to the gentleman from Texas [Mr. STENHOLM].

The SPEAKER pro tempore. The gentleman from Connecticut [Mr. MORRISON] has reserved a point of order.

The Chair suggests that the gentleman from Texas [Mr. STENHOLM] proceed with the debate.

Mr. STENHOLM. Mr. Speaker, I yield myself 3 minutes.

Mr. Speaker, I rise today to offer an amendment which I believe strengthens legal services for the poor, a goal which I find most worthy and meritorious. My amendment would introduce modest reforms to the Legal Services program in a way that will make legal services grantees more accountable for fulfilling Congress' intent of meeting the day-to-day legal needs of the poor.

There are several points which must be underlined at the start of this debate.

First, everyone who speaks in favor of this amendment and eventually votes in support of it believes in the value of the Legal Services Corporation [LSC] and wants to see it continued. Opponents who argue or insinuate that there is a hidden agenda to abolish the corporation either are intentionally seeking to mislead or else they are stuck in a time warp—that argument may have been relevant nearly a decade ago when President Reagan was seeking to defund the LSC, but it is no longer relevant for anyone here today supporting this amendment. We believe in legal services to the poor. We believe that the vast majority of the 320 legal services grantees do a good job of properly meeting those legal needs. However, we also believe that there have been abuses by some grantees, keeping those funds and services from the poor. And finally, we believe that these amendments will help to eliminate some of those abuses.

Second, we would far prefer the regular, deliberative committee process for dealing with changes to the LSC. The last reauthorization of the Legal Services Act was in 1977, and unfortunately the appropriations riders which have made changes in the LSC since then have been haphazard and cursory. Members have had to vote on amendments without fully having time to investigate the issues and debate the merits of those amendments. During last year's appropriations debate, then-subcommittee chairman, Mr. KASTENMEIER, did commit to moving a reauthorization bill. He, however, is no longer positioned as the appropriate subcommittee chairman. The current chairman, Mr. FRANK, did hold two hearings this year in March and July, but since then has not proposed a reauthorization vehicle. We will gladly work with any effort to move a reauthorization bill.

Third, the language included by Senator RUDMAN in this conference report not only engages in authorization-type instruction to the LSC, but shows a

true disregard for the "rule of the law" as well. In numerous instances, the Rudman language interferes with procedures established by Congress and currently in law. In doing so, the Rudman language casts serious blows to the limited accountability measures which currently exist.

Those things being said, I submit for the RECORD at this point a brief summary of my legal services reform amendment. Review of the provisions shows that they are largely noncontroversial and include basic precautions and restrictions which are common for many other Government programs.

LEGAL SERVICES REFORM AMENDMENTS

The Legal Services Reform Amendments are the legislative response to a growing consensus that reform of the legal services program is both necessary and long overdue if it is to fulfill its original purpose of providing legal services to the indigent. These very basic reforms are intended to increase accountability throughout the legal services program and provide direction to the grantees as to some priorities of the program.

1. PROHIBITION OF REDISTRICTING ACTIVITY

A prohibition against redistricting activity by legal services grantees currently exists as a regulation; the amendment would enact that restriction into law. By nature, redistricting activities are political, and therefore should not be part of the LSC's activities.

2. APPLICATION OF EXISTING FEDERAL WASTE, FRAUD AND ABUSE PROVISIONS TO LEGAL SERVICES PROGRAMS

Unlike virtually all other Federal grant recipients, legal service grantees are not subject to existing Federal statutes and auditing standards dealing with waste, fraud and abuse. The application of these standards will help ensure that the funds available are used to meet the legal needs of the poor rather than fill the pockets of program personnel.

3. AGRICULTURAL PROVISIONS

Agriculture producers have been some of the greatest victims of inappropriate, unfair and costly LSC suits. The amendment would: prohibit the solicitation of clients; require that any lawsuits filed by LSC attorneys be accompanied by an affidavit enumerating the facts on which the suit is based; require that the plaintiffs be identified by name during any negotiations prior to filing a lawsuit; require that administrative remedies be exhausted prior to the commencement of litigation and that methods for alternative dispute resolution be utilized if available.

4. TIMEKEEPING

As is common practice for most attorneys, legal services programs would be required to keep accurate and contemporaneous records as to the time spent on cases.

5. AUTHORITY OF LEGAL SERVICES PROGRAM BOARDS OF DIRECTORS

The Boards of Directors of local legal services programs would be responsible for the selection of the cases to be handled by their programs.

6. REGULATION OF PRIVATE FUNDS

The Legal Services Act states that a grantee's private funds must follow the same guidelines and restrictions as the public LSC funds. However, provisions added through appropriations bills since the last reauthorization in 1977 have not held private funds to the same standards. This loophole, which has permitted the use of funds to finance LSC activities that Congress specifically prohibited, would be closed.

7. EARMARKING OF CERTAIN FUNDS

Two pressing problems facing the poor in the United States today are the lack of child support and the struggle for drug-free neighborhoods. The amendment would earmark $20 million for child support enforcement and $5 million for drug cases for indigent people fighting these legal battles. A waiver will permit alternate use of the earmarked funds if a given grantee does not have the demand for those kinds of cases.

As stated before, while many legal service grantees perform well in fulfilling congressional intent to care for the poor, other grantees have pursued an agenda for social and economic reform that hardly could be considered national policy. Redistributing wealth, creating revolutions, and overcoming citizens boards of directors—all things which some legal services grantees have straightforwardly promoted in writings about their cases—have nothing to do with child support enforcement, insurance claims, tenants' rights, and other cases for which legal services attorneys are supposed to be responsible.

One of the reasons I first became interested in the LSC was because of the large number of cases of abuse related to me by agricultural producers. I want to share an excerpt from a letter by one producer who is experiencing such a problem.

We seem to continually be subject to one of two harassment or new precedent setting lawsuits, despite our best efforts to be good and far above average farm labor employers. Currently we are working toward settlement (estimated $20,000 plus my $15,000 legal fees) over wage payments and MISWAPA violations on employees that never, we believe, worked for either us or our labor contractor. We survived wage and housing scrutiny during the season and yet two years later without any notification we are sent a copy of a suit filed against us by a group of people who claim they worked for us and were not properly paid. Naturally they claim record keeping violations because how can we have payroll records on people who didn't work. Why did it take two years for a group to "remember" they worked and were not paid? . . . We will be forced to take the "rational" choice and settle $70,000 worth of allegations . . . The big lesson we learned was not to operate where legal services is militant.

It is for reasons such as this that I believe reforms are necessary.

I urge all of my colleagues to show their support for a healthy legal services program which truly meets the legal needs of our Nation's poor by supporting the Stenholm amendment.

□ 1600

Mr. ROGERS. Mr. Speaker, I yield 5 minutes to the gentleman from Florida [Mr. McCOLLUM], a member of the Committee on the Judiciary.

Mr. McCOLLUM. Mr. Speaker, this is an extremely important opportunity that we have today to amend the Legal Services Corporation guidelines.

The gentleman from Texas, who with myself, and the gentleman from Kentucky coauthored this particular proposal, said so eloquently, we are not about to rip apart or destroy or in any way damage the Legal Services Corporation. We all believe in providing legal services to the poor. We want to continue that. We also believe that the funding level should be maintained, and that there is nothing in this amendment which in any way reduces funding or changes the funding portion of it.

What we are about in here, is to strip out some stuff that has been explained, the Senate put it in the conference, which would further tie the hands of the Legal Services Corporation board, and not allow them to be able to perform the regulatory function and oversight that was intended by the laws that they adopted long ago.

We tried to provide these guidelines, in addition, and there is a separate affirmative part that is in our amendment, to not only strip out these new restrictions that have never been placed before or never been before an authorizing committee, but make changes of our own we think ought to be made.

The reason why we propose it today is because the 9 years that this Member has been here, we have not had an authorization on the floor, as the appropriations vehicle is the only place. Legal Services lawyers continue to file class action suits, continue to get involved in class action suits, continue to get involved in lobbying legislators, and interested in redistricting far beyond the scope of the normal things most people think of for the poor and needy. We need to put Legal Services lawyers back in the business of being concerned about landlord-tenant, and child support—of everyday matters that people have as individual poor, to take care of themselves, and not so much spending the fragile and limited resources on broad, sweeping social policies.

Here is what the guidelines say we would put in. First of all, we would limit, by prohibiting the Legal Services lawyers from being involved in any reapportionment or redistricting matters. Twenty-eight thousand man-hours were spent, according to one study done by Senator HATCH, on the last reapportionment, by Legal Services lawyers. Only 33 of the 300 or so Legal Services offices reported this in to him, so I am sure many more hours were spent. Legal Services has no business involved in litigating redistricting. That should be left to the legislatures, and spend the resources elsewhere. Second, provide procedural safeguards for agricultural farmers and in agricul-

tural suits. Before litigation can be brought, first of all there is a prohibition on soliciting clients. There is no business for going out, looking for business for Legal Services. There is plenty of that just walking in the door. Second, we require mediation when that is available to be used. We require any kind of exhaustion of remedies, when that is possible, before a lawsuit is brought. We require adequate notice in listing of the items that should be brought in any matter of complaint to the farmer or to the agricultural entity before a suit is brought. That seems only reasonable. We also require time records to be kept by attorneys so that the oversight authorities, the boards, can see what the attorneys are actually spending their time doing, which is what all law offices do, and also provide explicit, what is implicit in the law, the power to the local board, the local governing grantee boards, to control the nature and the manner of litigation and what kind of cases can be taken and not. They ought to have that power.

Lastly, we earmarked $20 million for child support matters. Only 3 percent of the money is going to child support, in terms of what Legal Services' attorneys spend of all of their funding. We have a lot of fathers out there that need to be found. In my area alone in Florida we looked at over 2,500 cases last year that Legal Services offices had, and we only had 30 or so actually on child support. It seems ridiculous. In addition, we stripped out one of the things that was done by the Senate, last but not least, in which we attacked the private funding use that has been made available through various donations, I guess, independently being made to Legal Services' grantees, and they have been using private funds to do things which the appropriated monies cannot be used for. Our laws say they cannot do this or that or another thing. We had the laws in place a long time. Congress does not want certain things done by Legal Services' lawyers, and should not be allowed to go out and get privately donated funds, and doing the things in that same fashion as we did not have the restrictions there. I think all of these are exceedingly important.

If we can get these restrictions placed there, very simply as they are, new guidelines, as I call it, we will have a major improvement in the Legal Services Corporation. I think it is absolutely essential that we do this. We have no business running this shop the way it has been run. These are major improvements being offered today. I would submit to my colleagues that they are not radical in any way, shape or form, simply housekeeping guidelines. Because of political controversy, the present board has not been able to impose, by regulation, and we would impose them by statute, pending whatever time it is in the future that we have a new board, and the politics disappear that would allow that board to function more normally.

I urge my colleagues to vote aye on this.

Mr. MORRISON of Connecticut. Mr. Speaker, I withdraw my point of order.

The SPEAKER pro tempore. The point of order is withdrawn.

Mr. SMITH of Iowa. Mr. Speaker, I yield 2 minutes to the gentleman from Kansas [Mr. GLICKMAN].

Mr. GLICKMAN. Mr. Speaker, I rise in oppositon to the Stenholm-McCollum amendment for two reasons:

First, Legal Services Corporation continues to be held hostage by a holdover board of directors from the Reagan administration. This board continues its efforts to destroy the organization it is sworn to uphold. Their terms have expired, but they press ahead with attempts to make major policy changes and terminate funding to specific recipients. Congress should not impose major restrictions while Legal Services remains under the control of a terrorist board of directors.

Second, I am a member and former chairman of the Subcommittee on Administrative Law and Governmental Relations, which is the authorizing committee for Legal Services Corporation. We are holding hearings to reauthorize this program—and this is the appropriate forum to review the successes and failures of Legal Services. The restrictions contained in my colleagues amendment have not been considered by the subcommittee, and we should have the opportunity to do that.

Mr. SMITH of Iowa. Mr. Speaker, I yield 4 minutes to the gentleman from Connecticut [Mr. MORRISON].

Mr. MORRISON of Connecticut. Mr. Speaker, I think it is unfortunate that we are here on another one of these kinds of amendments, and I do not say that because I think there is any evil intent in my colleague from Texas or any other members that have allied with him in the promotion of this amendment.

I believe that this amendment is taking the side of people on the board of directors of the Legal Services Corporation who have waged an unremitting war on the provisions of legal assistance to the poor, who had had to be restrained over and over again, by Congress and the courts, to keep from interfering with the legitimate assertion of the rights of poor people eligible for Legal Services programs.

In many ways, these amendments are fighting a war that was over long ago, a war that might have had some legitimate points in the early 1980's, when people were concerned about whether the purpose of the Legal Services program was as it ought to be.

□ 1610

However, Mr. Speaker, throughout the 1980's, starting with the actions of this House in 1981 and the passage of an authorization bill, which never became law because of the threat of the veto of President Reagan, the Committee on Appropriations has taken up the cause and with the subcommittees in both the House and the Senate have crafted a set of reasonable restrictions that meet the goals that were enunciated back then in 1981.

What this amendment seeks to do is to break that carefully crafted, effectively done compromise which has been in effect in essentially the same form for most of the 1980's.

Now there certainly may be points in this amendment that could be considered, that ought to be debated and that ought to be part of an authorization bill. Those of us on the Committee on the Judiciary have said repeatedly to the last administration and to this administration, "When you are willing to say you're willing to sign a legal services bill, we'll be willing to take one up," and we said more at the beginning of this year, that, when the President of the United States would be willing to appoint a board of directors to be confirmed by the Senate, a board that would stand scrutiny in supporting the basic objectives of the Legal Services program, then we could move forward in a negotiated way for an authorization bill and relieve the Committee on Appropriations of having to come to the floor every year with authorizing language in the appropriation bill.

However, Mr. Speaker, we have gotten nowhere. It is almost November. Not only has the President not nominated a board of directors, he has not even suggested who are the potential candidates, and at least one candidate, a distinguished former Member of this body who worked very hard on that 1981 compromise, has been run off the stage by the same people who are supporting this amendment.

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

Mr. MORRISON of Connecticut. I yield to the gentleman from Massachusetts.

Mr. FRANK. Mr. Speaker, I think the gentleman from Connecticut [Mr. MORRISON] should not keep our colleagues in suspense. They ought to know that this potential president of the Legal Services Corporation who was rejected for being a dangerous leftist, apparently, who was considered to be too radical, was Caldwell Butler, a former Republican member from Virginia.

Now I do not mean to concur in that characterization, but the potential president, who we would have been glad to see, who was rejected because

of criticism from the right that he would not be sufficiently restricted, was that notorious radical, Mr. Butler.

Mr. ROGERS. Mr. Speaker, I yield myself 5 mintues.

Mr. Speaker, this motion from the gentleman from Texas [Mr. STENHOLM], our colleagues, to the much needed pragmatic reforms for the Legal Services Corporation is crafted by the gentleman from Texas and the gentleman from Florida [Mr. MCCOLLUM]. This debate should be taking place in the Committee on the Judiciary, but, Mr. Speaker, they have been debating these things now for 9 years, and not a single authorization bill has emerged from the Committee on the Judiciary, and so it has been left to our Subcommittee on Appropriations, State, Commerce, Justice, and related agencies, like Legal Services, left up to the Committee on Appropriations to do it or it would not be done.

So, Mr. Speaker, we have been trying to appropriate, as well as authorize, for the last, ever since I have been here, 9 years, and we are not likely to get an authorization bill this year or next year, it looks like from what we are hearing from that committee. So, it has fallen to our lot to do something.

Mr. Speaker, the object of the efforts here today is to give some accountability to programs that lack it to try and be sure that the Legal Services program are fulfilling the obvious mission; that is, bringing the resource of the Federal Government and the attorneys to those who need legal help. Many of these programs do just that, but many have their sights on the larger agenda. They would rather influence legislation, or dabble in redistricting, or carry on in ways that satisfy their intellectual curiosity while neglecting the job to be done.

That is why, Mr. Speaker, these gentleman and others have questioned the Legal Services Corporation for so many years, the focus of the program's efforts, the efficacy of support centers and whether there is overall good management.

Mr. Speaker, I support Legal Services. It does good work in my district, and I work hand in hand with them, and they do a lot of help for the folks that need it, and I do not seek to undermine the work of the Legal Services staff, but the time has come for some very basic steps to provide assurance that the money we are providing is being used responsibly.

Mr. Speaker, this preferential motion by the gentleman from Texas [Mr. STENHOLM] does two basic things. It maintains all the current restrictions passed to date, and it provides seven provisions which speak more to common sense management than all-out reform. They include prohibitions on restricting activity, a political activity that should not occur, but has, and I think we would all agree that, if we took this question in a vacuum, that the Legal Services Corporation should not be involved in redistricting.

No. 2, timekeeping requirements, the most common practice in the legal profession, and every responsible law office in America, private-wise, has timekeeping requirements, and this bill, this amendment, requires that, the one most necessary matter is to monitor the use of Federal dollars.

Three, regulation of private funds, the overhead costs that our appropriations fund do enable corporations to raise private funds or take private cases generating fat fees to be used for purposes I have described. That is wrong. It is a loophole and conflicts with the Legal Services Act which calls for programs to use private funds under the same guidelines that apply to Federal dollars. The loopholes have been crafted in our appropriations bills, and they should be replaced.

Mr. Speaker, there are other important provisions which I have not mentioned, but they will be discussed in this conversation.

This is the time for changes at LSC, ones that improve services to the poor, that help the tenant with a landlord dispute, that assist the mother seeking child support, that prevent frivolity or noble causes from rising within the agenda of these programs.

Mr. Speaker, I implore our colleagues not to be swayed by the argument that changes will come with a new board.

We settled last year for implementing competition for grant on the hopeless condition that they occur after a new LSC board is confirmed by the Senate. We seem no closer to that reality than we were last year. The new-board excuse is a ruse to prevent anything further by the status quo, and the status quo is a disservice at this point.

Mr. Speaker, I urge Members to support the motion of the gentleman from Texas [Mr. STENHOLM].

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

Mr. SMITH of Iowa. Mr. Speaker, I yield 5 minutes to the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK. Mr. Speaker, I want to extend my appreciation to the gentleman from Iowa [Mr. SMITH], the chairman of the subcommittee, who has done very important work here.

The gentleman from Kentucky [Mr. ROGERS] said that last year we said we would fix these when we got a new board, and we did not fix it. That is because there was no new board. The President refused to appoint one. The current President has refused to appoint one.

The situation we have is this: In 1981 this House, controlled by the Democrats, brought out and passed an authorization bill for Legal Services. There was a lot of effort. There was an open rule. There were a lot of amendments. Nobody was perfectly satisfied with it, but we had one. It went to the other body, which was controlled by the other party, and they killed the bill. They would not act on it. That is when the authorization went off the track. The Democratic House passed an authorization bill. The President was opposed even to the compromise bill that was passed, and it was a bill that was passed with unanimous subcommittee support, and we had the gentleman from Michigan, Mr. Sawyer, the gentleman from Illinois, Mr. Railsback, and the aforementioned gentleman from Virginia, Mr. Butler, whose appointment as president was apparently lobbied against very strongly by people who thought he was too sympathetic to the mission of Legal Services. That is when we stopped authorizing. That is when it became the burden of the Appropriations Subcommittee.

Mr. Speaker, for the next 5 years the Republicans continued to control the Senate, and they said there would be no bill.

Then we reached this point. The President appointed people to run the board, and the gentlemen have said in response to this amendment that they support Legal Services. I know the gentleman from Texas [Mr. STENHOLM] does. We differ in some ways about how it should operate, but he is not on the board.

The board of directors of the Legal Services Corporation consists in the majority of people whom the Senate refused to confirm, whom leading Republicans in the Senate opposed, Senator RUDMAN and others who have been supportive of Legal Services while they wanted to restrain them some.

□ 1620

This is a Board which in the majority, as has been pointed out, hired a lawyer to prove that they were unconstitutional with Government money, and when the lawyer that they hired said, "I'm sorry, you are constitutional," they were very disappointed.

So the question is this. Should we treat this Board, a holdover board, not confirmed, not submitted for confirmation by the previous administration or the current one, should we give them more power, more authority to control a program to which they are opposed?

Several of the proposals that the gentleman from Texas and the gentleman from Florida have I am in favor of. I now chair the authorizing subcommittee. I have promised the gentleman from Iowa, no one is more eager to see this authorized than the gentleman from Iowa, who has enough aggravation without it, and he is right, as soon as a board is submitted to the

Senate which consists of people who are supportive of the program, and I expect that we will disagree with them on many aspects, we will come forward with an authorization, but it has not been authorized, first because the House authorized it in 1981 and the Republican Senate said, "No, we don't want to see a program," at the request of the President, and subsequently a majority is in charge of this Board and they tell you they think it is a terrible program. They think it is unconstitutional. They are against it.

What we are saying is please do not empower us, do not make us empower that Board which is opposed to the program; and yes, we did say last year, give us a new Board.

I have talked to Senator RUDMAN, I have talked to the gentleman from Iowa. We would like to authorize it, but there has not yet been an appointed Board.

We are told by some of the President's people that they are close to doing that. As soon as we get that Board, we will bring this out.

We have got a problem also with a cultural lag. There were some excesses in the Legal Services that were bad. In 1981, we came up with a bill that was somewhat restrictive of them. The most recent excesses have been the excesses of this Board. They have been documented in hearings. There have been abuses. The Legal Services people said they should not be forced to solicit and they should be forced to do this, that and the other.

There are rules on the books. Under an amendment sponsored by the gentleman from Florida, which we have been scrupulously enforcing through our authorizing subcommittee, every grantee has to have a Board-appointed majority by the local bar association. So you do not have random crazies running this, except to the extent that random crazies dominate your local bar association, and that is not federally correctible.

The fact is that these are Boards controlled by local bar associations. There are not a lot of specific bars. There are some restrictions here.

By and large, however, the Smith-Rudman compromise says to the President, we are in favor of a Legal Services Corporation that is controlled in a rational way, but we do not think that the people who are now appointed, who make no bones about the fact they are opposed to the program, who think that they are unconstitutional, who seek to prevent their own program from operating. What we are saying is, please do not expect us to treat them as a normal Board. Send us a board. Send us a Caldwell Butler.

Let me stress again the point that the gentleman from Connecticut made, which I interrupted prematurely, although I suppose any interruption is always premature.

The gentleman from Virginia [Mr. Butler] would be a conservative Member of this body. He was in favor of the Legal Services. He was opposed to the abuses. My guess is the gentleman from Texas and he had similar views on the general way it ought to be operated, and the gentleman from Virginia who was suggested as a potential President was objected to by many of the people who now run the Board. They do not think he is sufficiently opposed to the program. That is the issue here.

I ask the Members to stick with the committee until we get a new Board appointed.

Mr. STENHOLM. Mr. Speaker, I yield 2 minutes to the gentleman from North Carolina [Mr. VALENTINE].

Mr. VALENTINE. Mr. Speaker, I want to thank my friend, the gentleman from Texas, for yielding this time to me.

I rise to express my support for his preferential motion.

I have heard a lot here today about the nature of the Board which is charged with the responsibility to govern this organization, and I have heard a lot of things that make good sense to me; but I want to point out to the body at least two practices which I know of my own personal knowledge have occurred in my State of North Carolina repeatedly, which will be addressed and stopped by this preferential motion.

The Farm Workers Legal Services of North Carolina has been involved in the practice in past years of writing letters to farm producers, to farmers, which were by and large form letters which said in effect that, "I represent a person who has worked for you, and you have violated his or her rights," without naming the individual or without giving enough particulars for that farmer to be able to form any judgment even as to whether or not the person had ever been employed by him. These letters would say, "If you will send us $5,000 or $3,000, we will end the matter. If you don't pay us, we are going to sue you."

I know this of my own knowledge, because I have drafted the responses for many of my constituents in these situations. We have sought to have this matter addressed by the disciplinary parties in the North Carolina Bar Association.

Other lawyers would be disciplined, but these people were allowed, and so far as I know are allowed to get by with this kind of conduct.

Now, this measure, as I understand, will stop that sort of thing and will strengthen the program of the Legal Services, which I support. I do not have any question or any quarrel with the proposition that it is a legitimate use of tax money for people who cannot afford attorneys to have them provided at taxpayers' expense, but what these people have been doing in my State amounts to attempted legal extortion, and this measure stops it.

Mr. STENHOLM. Mr. Speaker, I yield 2 minutes to the gentlewoman from Maryland [Mrs. BYRON].

Mrs. BYRON. Mr. Speaker, I thank the gentleman from Texas for yielding me this time.

Let me say that I rise in support of the Stenholm and McCollum amendment.

We need the Legal Services. I am one who feels that it is extremely important that we have the Legal Services, but I do not think in many areas that we have the kind of services that we need.

In July of this year, as a response to an unprecedented attack on six of the orchards within my district, I introduced two bills. One would encourage mediation and conciliation prior to filing lawsuits, and the second would award attorney's fees to farmers if a lawsuit is pursued for the pure purpose of harassment.

During the past 6 years, legal assaults have contributed to a dramatic decline in the apple production in western Maryland and has forced several orchards into bankruptcy. One such orchard was hit with over 100 lawsuits. This amendment would specifically address the concerns that I have voiced in the past.

It would prohibit the solicitation of clients. It would require lawsuits filed by Legal Service attorneys to be accompanied by an affidavit stating the facts on which the suit is based. It would require plaintiffs to be identified by name during any negotiations prior to filing a suit. It would require parties to exhaust all administrative remedies before starting litigation. It would require Legal Service programs to keep accurate records on time spent on cases.

In other words, it would require Legal Services to operate under the same guidelines as any other attorney should.

Mr. Speaker, I urge support for this amendment.

Mr. SMITH of Iowa. Mr. Speaker, I yield 2 minutes to the gentleman from Maryland [Mr. CARDIN].

Mr. CARDIN. Mr. Speaker, I want to thank the gentleman from Iowa for yielding me this time, and I want to compliment the gentleman from Iowa for the compromise that was reached in conference that will encourage the appointment of a new Board for the Legal Services Corporation, which is so desperately needed.

If you believe in equal access to our legal system, then you must oppose the Stenholm amendment.

Let me just give you one example. My friend, the gentlewoman from Maryland, mentioned the fact that we want Legal Services attorneys to have

the same rights as any other lawyer, yet in this amendment we are imposing different requirements on the Legal Services attorneys and the private attorney in migrant worker cases. That is just not fair. That is not equal access to our judicial system.

The amendment would restrict the use of private funds. If you do that, let me tell you who you are going to hurt. You are going to hurt the elderly. You are going to hurt the handicapped person.

Right now there are some people who do not qualify for LSC consideration that can be helped by the funds that are brought in by the Legal Services groups. Those individuals will be hurt if this amendment is adopted. I do not think we want to do that.

We talk about allowing our Boards to set local priorities. There is a tremendous shortage of funds available for legal services today in our communities. The local Boards are in the best position to determine where the priorities should be. This amendment will take away that right from the local Boards to determine local priorities.

As I said in the beginning, if you believe in equal access to our legal system, then you must oppose this amendment. The American Bar Association, the Legal Services providers, the advocates for the legal service community, all oppose this amendment, because they know it will hurt the people who need the help from the legal services community.

Mr. Speaker, I urge the defeat of the amendment.

□ 1630

Mr. SMITH of Iowa. Mr. Speaker, I yield 4 minutes to the gentleman from California [Mr. BERMAN].

Mr. BERMAN. Mr. Speaker, I plead with my colleagues in the House and with the well-intentioned authors of this amendment to look at the specifics of one part of the preferential motion now before us, and that is section 4 titled "Procedural safeguards for agricultural litigation." What this section does in all its parts is put forth a series of onerous, unprecedented burdens on one specific type of plaintiff that applies to no other plaintiff, no other clients of legal services programs, no individuals, corporations anywhere in this country, and that one particular type of plaintiff that will now have a whole series of new procedural obstacles is a migrant farmworker eligible for Legal Services Program because of his impoverished status who will now be faced with a series of restrictions that no other plaintiff anywhere is obligated to comply with.

What is the nature of these new obstacles? The bill puts in a doctrine of exhaustion of administrative remedies. There already is a doctrine of administrative remedies well known in administrative law applicable in all of the States of our country and all the courts of our land. It says where there is a reasonable administrative remedy, a nonfrivolous, speedy alternative to court litigation, the plaintiff is required to exhaust it. That applies to everyone including migrant farmworkers. All of a sudden now if this amendment were to pass and become law, if this motion were successful, only migrant farmworkers will have any and all, are the exact terms of the language, administrative remedies that might be put in front of them before they have access to the court. It will not apply to the tenant going after a landlord in a landlord-tenant matter. It will not apply to one spouse going after another in a child-support case. It will only apply to migrant farmworkers suing their employers because they believe that one aspect of their employment relationship, and a law that protects them in that employment relationship, the class of workers that everyone has to acknowledge are the least sophisticated, least likely to know about all of the available alternatives that they have, this is a barrier that they will now face only. This just is not fair.

There is a prohibition on solicitation here. The Supreme Court has held that as to nonprofit corporations providing legal services, the general restrictions on solicitation do not apply. All of a sudden now this prohibition will reappear for one type of nonprofit legal operation, a legal services program, and for only one type of plaintiff, and that is the migrant farmworker plaintiff who seeks to sue an agricultural employer. This is holding out an unfair situation.

So one might say: "Why do they need to solicit?" How many farmworkers, how many migrant farmworkers are going to know the detailed nature of every aspect and the protection of the law that they have managed to get, and there are not that many, that might exist in Federal legislation or State legislation? How many migrant farmworkers live on the property of the grower or in the farm labor contractor or farm labor camp where they have no access to any kind of legal services representation?

This says that after one farmworker has come forth and pointed out that that grower may be violating his legal obligations to provide adequate and decent and safe and sanitary housing or to provide a minimum wage, if one farmworker comes forth to a legal services lawyer and says, "Can we do anything about this," that lawyer cannot go to other farmworkers in that farm labor camp and seek to find out if this is a practice and pattern that deserves the kind of legal attack that it should have.

Mr. Speaker, I urge defeat of this preferential motion.

Mr. STENHOLM. Mr. Speaker, I yield 2 minutes to the gentleman from Texas [Mr. COMBEST].

Mr. COMBEST. Mr. Speaker, I would say to my colleagues who spoke earlier, the argument every year in the three terms I have been here that we should not be debating this issue on appropriations, and yet here in those three terms I have been here, we have not had an authorization bill up. I understand why. I understand the process it has been through. However, that has not been our fault, and simply because we have not had anything to do with it, I do not think we should roll over and play dead.

Also, I would contend that we may not have this amendment up today if it was not for action taken in the Senate that we feel has to be addressed. I applaud the authorization committee. I think we should debate it under an authorization program. I hope we get a bill out so we can debate legal services. However, this happened to be the only opportunity that we had to deal with it.

I do believe strongly in the Stenholm amendment. I support it strongly. It has in it many portions of a bill which I have introduced, H.R. 2884, which is before the Committee on the Judiciary, which would be a new authorization for legal services. It would completely revise the way we look at legal services today, and I think the initial intent of many of us who have looked at it is that we want to eliminate and totally do away with legal services. That is not correct. What we want to do is to provide legal services that does what the intent was initially set up under the law when it was provided years ago, that, in fact, many of those allegations of abuse, of misuse of funds, of use of funds for political activity, frivolous lawsuits are subject to some type of oversight by a Federal entity, that being the Legal Services Corporation, and rather than taking them out of the loop, that they in fact are in a loop, and that they have control over their State charters and the State corporations which administer legal services on a local basis.

It is taxpayer money, and I think those who should be responsive to Congress have some right to maintain a role in this.

To my friend from Massachusetts I would say I neither supported the appointment or supported the removal of the gentleman whom he mentioned a while ago who was up for Chairman. I had absolutely no fight in that and no dog in that hunt at all.

I certainly support the amendment of the gentleman from Texas and urge its passage.

Mr. ROGERS. Mr. Speaker, I yield 2 minutes to the gentleman from Arizona [Mr. KOLBE], a member of the subcommittee.

Mr. STENHOLM. Mr. Speaker, I yield 1 minute to the gentleman from Arizona [Mr KOLBE].

Mr. KOLBE. Mr. Speaker, this issue is not about the Board of the Legal Services Corporation. We have heard all about the Board from speaker after speaker here, but this is not about the Board. The Board is not the issue. The issue is restrictions on the grantees.

But, if we were talking about the Board, I would point out that we have heard some erroneous information. All the members of that Board have been confirmed by the Senate, and all but two of them were confirmed unanimously. The other two were confirmed by very wide margins. But the Board is not the issue.

I want to make it clear that I support legal services for the poor. It is the fundamental mission of the Legal Services Corporation. We ought to focus that mission on giving services to those who need it, those who can least afford legal services. Legal representation is a fundamental part of our system of justice.

What is needed here, what we are talking about today, are reforms. What was added by the Senate is some attempt to shackle the Legal Services Corporation Board, which has tried to put some responsible and reasonable limits on the way the grantees use the funds. What we are talking about now is restoring some of that right, some of that responsibility to the Legal Services Board through the McCollum-Stenholm amendment.

Two limitations, in particular, ought to be noted. This amendment would prohibit legal services grantees from engaging in impermissible political activity, specifically redistricting and reapportionment.

Mr. Speaker, there is no reason why grantees of the Legal Services Corporation ought to be engaged in that kind of thing, fighting our own State legislatures on what is fundamentally a political issue. They ought to be providing legal services for the poor.

Mr. Speaker, legal assistance should provide day-to-day legal assistance for poor individuals, period. That is what it ought to be about.

It is outrageous that the grantees use Federal money not to carry out their stated purpose and engage in these kinds of activities.

We do not need to tell the Board to behave. We need to tell the grantees this kind of acitivity is not sanctioned and is no longer going to be tolerated.

□ 1640

This amendment would do one other thing. It would provide money for assistance to tenants trying to evict drug dealers from public housing. Congress adopted legislation last year which said HUD ought to get drug dealers out of public housing. This amendment says to the Legal Services Corporation that they ought to assist tenants trying to do that, trying to get drug dealers out of public housing. Instead, often Legal Services Corporation is defending the drug dealers from being evicted. We should at least give equal rights to the tenants that live there and who want to get drug dealers out.

These two items alone warrant support for the Stenholm-McCollum amendment. I urge your support of it.

Mr. STENHOLM. Mr. Speaker, I yield 1 minute to the gentleman from Texas [Mr. DELAY].

Mr. DELAY. Mr. Speaker, I rise in strong support of the Stenholm/McCollum motion. In my opinion, the LSC is in dire need of reform and redirection if it is to fulfill its original objectives. This motion would give us the opportunity to strengthen the LSC from within by rectifying its inadequacies.

Legal Services is designed to serve the legal needs of the poor. The Stenholm/McCollum motion serves just that purpose. It eliminates potential abuses and highlights areas of need. It is not aimed at abolishing the LSC—rather, it seeks to improve it. Are my colleagues aware that this motion earmarks $20 million for pursuing spouses who owe child support payments? Considering that nationwide 40 percent of single-parent households live in poverty, this earmark represents a worthwhile objective for the LSC.

Additionally, this motion contains an earmark to help law-abiding citizens rid their neighborhoods of drug dealers, especially in light of the fact that the LSC is representing those very drug dealers.

I strongly support this type of program; an offshoot of it has been very successful in Houston, TX.

I urge my colleagues to support this motion and consequently vote to strengthen legal services for the most needy in our Nation.

I include for the RECORD a letter from Legal Services Corporation.

LEGAL SERVICES CORPORATION,
October 26, 1989.

DEAR MEMBER OF CONGRESS: Yesterday you received a Dear Colleague letter from Representative Frank and others concerning the appropriation for the legal services program contained in H.R. 2991. The Frank letter claims that adoption of the Conference Report will guarantee the viability of the legal services program until a new Board of Directors is appointed and confirmed. I am writing to explain why I disagree with that and several other matters contained in his letter.

First, with regard to the Senate language aimed at the current Legal Services board of directors. Regulations passed by the board to restrict political activities such as redistricting have strengthened the integrity of the legal services program. The Congress has supported that regulation during the reprogramming and legislative process.

The board's regulation on attorney's fees also attempted to discourage programs from filing cases on a financial or political basis rather than legal merit and was modeled after language in Senator Rudman's authorization bill introduced in 1986. In sum, these regulations have not hindered the federal legal services program, as Representative Frank would have you believe, but have encouraged the delivery of basic legal services to the poor.

Second, I would like to address Representative Frank's concerns with the McCollum/Stenholm amendment.

Representative Frank states that none of the provisions are necessary to be consistent with Congressional purpose. In fact, the McCollum/Stenholm provisions on private funds, the authority of local boards of directors, timekeeping, and redistricting are grounded solidly in the LSC Act.

Representative Frank states that the agricultural provisions are especially onerous and would place unncessary burdens on programs in the handling of cases brought on behalf of migrant farmworkers. In fact, Representative Frank's own sub-committee has taken testimony from numerous farmers outlining the abuses they have suffered at the hands of legal services attorneys. The McCollum/Stenholm provision is designed to require the legal services attorneys to explore other ways to resolve disputes before a farmer is destroyed by financially costly litigation. I do not see how farm workers benefit when growers are put out of business.

The American Farm Bureau reports frequent instances of LSC attorneys soliciting farmworker clients. Legal services programs lobby on agricultural labor issues before Congress and the agencies. They file lawsuits against farmers with little or no notice, with no attempt to negotiate reasonable settlements, on behalf of workers frequently unknown to the grower.

The Frank letter charges that agriculture's claims are false. This contradicts Representative Barney Frank's earlier acknowledgement of the grower's problems at hearings he held in July 1989. The McCollum/Stenholm amendment would discourage expensive nuisance lawsuits without inhibiting vindication of bona fide claims.

Representative Frank states that a 1988 GAO report "repudiated the assertions made by LSC in support of timekeeping and functional accounting." In fact, the 1988 GAO Report did not repudiate the LSC position. The GAO stated that "LSC's proposed improvements could provide valuable information for monitoring and evaluating grantee performance" and suggested criteria for developing a timekeeping system.

The Frank letter argues that the matters addressed by the amendment are properly the province of his subcommittee and should await debate over reauthorization. In fact, funds have been appropriated without authorization since 1981, and most observers think it is unlikely that a reauthorization is imminent.

Finally, the Frank letter raises another procedural matter claiming that these issues have not been considered by relevant committees with specific reference to the application of Federal waste, fraud and abuse statutes. In fact, most of these issues have been addressed in committee hearing after committee hearing, in authorization and appropriations committees in both Houses. With regard to waste, fraud and abuse, Representative Frank noted in a July 19, 1989 oversight hearing that in response to earlier testimony by the Corporation, "I have asked the staff to begin developing language which would put criminal sanctions against any conversions to personal use of Legal Services funds . . . I have asked the staff to begin drafting such a statute."

What Representative Frank's letter does not mention is that five million dollars would be earmarked to help law abiding citizens rid their neighborhood of drug dealers.

Detractors of this provision say this would create a conflict of interest because the legal, services programs now represent drug dealers and not the law abiding citizens the provision is intended to help.

Nor does the Frank letter mention that twenty million dollars would be earmarked for pursuing spouses who owe child support. Currently, only 2.64% of LSC funds are used for child support cases, more than 40 programs handle fewer than 10 child support cases a year, while study after study reveals that more than 40 percent of single parent households live in poverty.

The McCollum/Stenholm amendment strengthens the Legal Services program. There is a consensus that the poor need help with their day-to-day legal needs—like living in a drug free neighborhood and receiving the child support that would help keep them out of poverty. A vote for McCollum/Stenholm is a vote for the poor.

Sincerely,

TERRANCE J. WEAR,
President,

Mr. STENHOLM. Mr. Speaker, I yield 2 minutes to the gentleman from Texas [Mr. HALL].

Mr. HALL of Texas. Mr. Speaker, I rise in strong support of the McCollum-Stenholm amendment, and I thank them for their tireless efforts to bring a reasonable amendment before this House concerning Legal Services Corporation.

The gentleman from Kansas reluctantly opposed it. I just do not really think we are that far apart. I hope those that are going to vote on this amendment, for or against it, will read it and see it is not as extreme as has been pointed out.

The gentleman from Kansas, I think, very well stated the cause.

There is no question that the process is flawed to the extent that a present Member of this Congress was sued when he was a State prosecutor simply because he had arraigned a defendant in his sock feet. We have things that are that ridiculous and that silly.

As we prepare to vote on this issue, I believe we need to understand that we have an opportunity to take a program, a program that I think we all agree has some problems, and bring it back into the original intent of this Congress.

This does not adversely affect equal access, it ensures it. The Legal Services Corporation was created by Congress, and all Members agree it was there to provide free legal advice and representation to the poor. I think we all want to see this program work, but not without proper guidelines. It does not have an opportunity to work.

Some of my colleagues believe that the language created by the other body provides a workable solution, and I am sure their efforts are sincere, but the McCollum-Stenholm amendment contains provisions that make so much sense, so much common sense, that there should not be any question that it is a sensible, logical way to make this program work to the benefit of those people that need it.

Take the timekeeping provision, for instance. Timekeeping is an essential recordkeeping part of a professional attorney's business. All of us would expect this kind of professionalism from any lawyer we retain.

My question is, Does it not make sense to expect the same professionalism from an attorney who presents his bill to the taxpayer?

Another provision in the amendment is the regulation of private funds to be used as mandated, is all this amendment directs them to do.

Mr. Speaker, I urge the adoption of the amendment.

Mr. ROGERS. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. HERGER].

Mr. HERGER. Mr. Speaker, I rise in strong support of this motion. It will help ensure that the Legal Services Corporation meets the most basic needs of poor people. Child support enforcement is vital to improving the lives of children in single parent families. Establishing this as a priority for Legal Services will do more to improve the lives of individual poor people than any litigation drawing off scarce dollars for political issues.

Regrettably, we do not have endless resources for all programs. The Legal Services client trying desperately to obtain child support from a delinquent ex-spouse will find her economic situation improved far more by the successful resolution of her case than by any politically oriented class action lawsuit. The day-to-day casework needed by Legal Services clients may not be glamorous, but to clients, it means food on the table for themselves and for their children. Let us ensure that this type of casework is the LSC's first priority.

Mr. ROGERS. Mr. Speaker, how much time is remaining on each side?

The SPEAKER pro tempore (Mr. NAGLE). The gentleman from Kentucky [Mr. ROGERS] has 2 minutes remaining, the gentleman from Texas [Mr. STENHOLM] has 2 minutes remaining, and the gentleman from Iowa [Mr. SMITH] has 13 minutes remaining.

Mr. ROGERS. Mr. Speaker, I yield the balance of my time to the gentleman from Florida [Mr. MCCOLLUM].

Mr. MCCOLLUM. Mr. Speaker, we have heard a lot of accusations and debate about this amendment today, but I can assure my colleagues that farm workers' rights are not affected by this amendment; I can assure my colleagues that the Corporation Board and its direct powers are not affected by this amendment.

What is affected by this amendment is the carrying out of the Legal Services Program at the grassroots. As a matter of fact, the key to this is the fact we have not had an authorization for a long time, and the fact of the matter is that many of the things that we would like to have seen promulgated by regulation by the Board have not been done.

It is those things that are incorporated by statute. We do not leave it to regulation in this case. That is what is in this proposal, the recordkeeping requirements, the timekeeping requirements, the guidelines on farmer lawsuits, the issues regarding the prohibition on getting involved in redistricting.

Gosh, I cannot think of what's more important than that, with reapportionment coming up, than to keep these lawyers out of that. That is not an area the poor ought to be involved in.

The earmarking of $20 million for specifically looking for daddies and parents of children, things like that really should have been done by the Board, but we never gave them the power to do it.

This is a sensible and rational amendment. I urge that Members vote for the Stenholm-McCollum amendment. I think it is the way to go, that will give Members some breathing room until we do get an authorization by.

I plead with my colleagues to look at this from an objective standpoint, and give us the Stenholm-McCollum amendment and vote aye.

Mr. STENHOLM. Mr. Speaker, I yield myself 1½ minutes.

Mr. SMITH of Iowa. Mr. Speaker, I yield 1 minute to the gentleman from Texas [Mr. STENHOLM].

Mr. STENHOLM. Mr. Speaker, there has been a lot of statements made today that I would kindly classify as absurd. I appreciate the fact though that many of those acknowledged that the authors of the amendment, the gentleman from Florida, [Mr. MCCOLLUM] and myself, truly are not out to kill the Legal Services Corporation, because certainly this gentleman in offering this amendment has no such intent.

We believe that the amendments that we offer today will in fact improve the delivery of legal services to those that need it the most and cannot pay for it.

It has been amazing to this Member to listen to those that complain about not having a board before we act. This is truly amazing.

Since when does the Congress wait on the President to act before we pass the laws under which he and his designees are going to be operating?

That seems to be splitting hairs in a very fine way in order to continue to defend a very, very narrow social program by a handful of the grantees, of which all of us who have been here attempting to change this for the last

several years have in fact now presented these amendments.

Now, when we talk about this evil board though, and you look at the things that they have done, in lobbying for example, in competition in amnesty on aliens and fee-generating cases, this Congress has in fact authorized the things that many of my colleagues complained about.

As far as timekeeping, for example, it is interesting that in the area of private dollars which we have talked about today, the private dollars almost in total come from States. In all cases when the States are involved in payment of fees to Legal Services, they require the timekeeping requirements that many of my colleagues find so onerous as far as what we are trying to put upon the same Legal Services.

□ 1650

It is amazing to me that someone would say that our amendment is taking local control away from the Board. Our amendment puts local control back in charge of Legal Services.

You have not read the amendment to stand up and to say they are taking local control away. We are saying the local people ought to, in fact, be the ones in control.

We are splitting hairs today in defense of some personal problems down the line. And I hope we do not do that. I hope the entire House will look at the facts of the amendment and vote accordingly.

Mr. SMITH of Iowa. Mr. Speaker, I yield such time as he may consume to the gentleman from West Virginia [Mr. STAGGERS].

Mr. STAGGERS. Mr. Speaker, I rise in support of the conference report and in opposition to the McCollum-Stenholm amendment.

Mr. Speaker, the proponents of this amendment support reform of the Legal Services Corporation, as I do. However, this appropriations bill is not the time, the place, nor the vehicle for these substantial reforms—the reauthorization bill is. The reforms proposed in the amendment should be the subject of hearings in the Judiciary Committee for a thorough examination of the changes proposed. We have already had some hearings on this topic and I realize that the controversy which has surrounded the Legal Services Program for years is going to continue until a full examination of the program can occur. By reauthorizing the Legal Services Corporation Act, Congress can establish a full hearing record that will serve to substantiate or refute the allegations which are made by those on both sides of this issue.

However, the reauthorization of the Legal Services Corporation Act—which is certainly preferable to yearly appropriations language—will not become reality unless the President stops dragging his feet and appoints a new Board of Directors for the Corporation. The conference report exerts greater pressure on the administration to appoint a new board by prohibiting the implementation of any new rules or regulations until October 1, 1990, or until they are adopted by a new Board of Directors. The McCollum/Stenholm amendment has no such provision.

We need leadership on this issue, and I compliment the authors for their efforts, but the leadership should first come from the executive branch by appointing a new Legal Services Corporation Board of Directors. Only then will Congress know that the President is serious about reform.

Mr. SMITH of Iowa. Mr. Speaker, I yield myself the balance of my time.

The SPEAKER pro tempore (Mr. NAGLE). The gentleman from Iowa [Mr. SMITH] is recognized for 12 minutes.

Mr. SMITH of Iowa. Mr. Speaker, I would like to summarize where we are, not only on this amendment but on this important subject.

You know, it has been some years ago now that we had a program called the Office of Economic Opportunity. Under that office—we had the Legal Aid Program. They had a good many problems.

Then during the Nixon administration it was decided there ought to be a different approach to this, and, of course, the idea was to set up a corporation. That has a good name, corporation; if it is a corporation, it has got to be good.

In this case it really was good.

The idea is good. I think the structure is good.

So a corporation was set up with the idea that it would provide legal services in civil cases, not in criminal cases but in civil cases, to people who otherwise could not afford those services.

Now we had an authorization. But the last authorization that passed the House was effective through fiscal year 1980. Since then we have not had an authorization.

The following year the new authorization came in, wanted to zero out all the money there was for the corporation, was very hostile to the idea of even having a corporation or providing legal services.

We have had, as you all know, appointment of a very hostile board that did not even believe in the program that they were supposed to be administering.

Now we need an authorization. Surely everybody agrees on that here today. We need an authorization. This subcommittee does not like being both the authorizing committee and the appropriating committee. We have been forced into this position in order to keep the Corporation alive.

The majority on this floor have voted several times to the effect they want a Legal Services Corporation. So we have no alternative but to try to be both an authorizing and appropriating committee temporarily.

We need a confirmed board. But they have 10 members who are being held over after these terms have expired.

Can you imagine a board, its term of office comes to an end, but it is held over until there is an appointment to replace its members?

So we need a new board. That is what has gotten us into this problem. I believe that if we had a new board, we would not have these problems today.

The Appropriations Committee has been forced to handle this situation in two ways. First, we have had prohibitions upon the board and upon local programs concerning certain things we all agreed should not be done.

For example, there is a prohibition on abortion litigation. We wrote that into the bill so they would not be getting into that area.

There is a prohibition on representation of aliens.

There is a restriction on bringing class-action suits. They were doing that in cases where they should not have been. So there are restrictions on that.

There is a requirement that the State and local bar associations appoint a majority of the local board of directors.

Now those things, we think, need to be in the permanent law, they need to be in the authorization when they come out. I hope nobody is arguing about that. But those restrictions are in place, they are a part of this bill, and they will remain in place.

In addition to that, though, we found ourselves in the position of having to have prohibitions on the hostile board doing things they should not do. That is what we have had to do.

So what we have done, for example, is to prohibit the board from implementing new regulations which we know would be very hostile, until a new board is confirmed. However, we provide that if a new board is confirmed, this requirement will be terminated.

Then we require that any timekeeping requirement must be impaired by regulation. We do not prohibit that. But we want a new board to do it, one that we know is not hostile to the purpose of the program.

We have these new amendments that are before us today. I want to touch on two or three of them because they have been talked about here.

One of them is a prohibition on local programs allocating their resources to redistricting cases.

Our subcommittee last summer approved a Corporation regulation on this matter. We approved that.

Now, concerning the new regulation proposed today on selection of cases, let me say this: The board sets policy. I do not think you can expect local lawyers who are trying to make a living, serving on a board and trying to do their civic duty, to also go down

every day and select the cases that come in that day, that the local director should. They appoint a director, they expect him to operate within their policy guidelines. This new regulation would really be micromanaging.

As to the $20 million, that would be earmarked for child support cases in the gentleman's amendment, we cannot effectively require this in all of these field offices. You could not possibly handle this that way.

We have local field programs all over the country. You cannot say to each one of them that they ought to spend a certain amount of money on any certain kind of case.

Anybody who has ever practiced law knows that you do not have control over the kinds of cases that come to you. They come in, you look at them, and you take the highest priority case and that is the one that you work in. If a local program does not have enough money, then they are going to drop some cases that they would like to handle.

We did say in the statement of the managers, local programs should give a high priority to assist local housing authorities in evicting drug law violators from public housing projects.

I want to close by saying this: Legal Services is needed, everybody seems to agree on that now. That is a little progress we have made in the last 2 or 3 years.

I want to remind you that the sixth amendment to the Constitution requires that an attorney be provided to defendants in criminal cases. If you have a criminal case, you have to provide an attorney to an indigent defendant. But here is a law-abiding citizen who needs the help of an attorney to negotiate through some Government forms to show that he is eligible for some Government services. Three or four years ago we had a study made: Thirty-eight percent of the people who walked through the door of a local Legal Services Corporation field office needed some help in getting some right that they had, such as Social Security. That is one of the main categories of Legal Services cases. These people need help in getting this.

We have a government of laws, not of men. We do not have, as they have in Vietnam the white mice. If you have a problem in Vietnam, they have a white mouse, as they call them, come along in a Volkswagen. If you have an automobile accident he drives up and makes a decision right there on the spot. Whoever he says is responsible for the accident, is thrown in jail. Then the family comes down and pays the other side off. We do not have that. We abide by laws in this country. If you abide by the civil law, you have to have somebody to negotiate the law and uphold your rights.

□ 1700

The administration wanted to eliminate funding for the program. However, let me point this out: We only have the amount of money in the bill that Legal Services had in 1981. It is woefully inadequate, compared to the need. No other program I know of is still operating on 1981 dollars, but we do have an administration that says they are not opposed to Legal Services. What we need to do is to get a new board confirmed. In the meantime, this amendment is not going to help Members accomplish our objective. What we need to do now, is to defeat this amendment, to go on with what is in this bill, and then as soon as a new board is appointed and confirmed, I think that some of the things that people are complaining about will disappear.

Mr. CONYERS. Mr. Speaker, will the gentleman from Iowa yield?

Mr. SMITH of Iowa. Mr. Speaker, I yield to the gentleman from Michigan.

Mr. CONYERS. Mr. Speaker, I agree with the gentleman from Iowa [Mr. SMITH].

Mr. Speaker, the proposed amendment should be soundly rejected. It is one more example of the unceasing guerrilla warfare being waged against the embattled Legal Services Program by those who have failed in the all-out war they have waged to totally obliterate this much-needed service for the poor and powerless.

The parts of the amendment dealing with agricultural cases are particularly obnoxious because they attempt to impose upon farmworkers—one of the most powerless groups of citizens—burdens that no other segment of the population must meet in order to receive legal representation.

It is well known that throughout this country farmworkers have faced terrible obstacles in attempting to receive elementary due process by having lawyers available. Time after time, representatives of such workers have been forced to resort to the courts merely to gain the right to have access to legal services. This amendment would impose new barriers to the exercise of this elementary right of access to the legal system.

Another vulnerable segment of the population which would be penalized by the Stenholm amendment is the elderly. By forbidding Legal Services Corporation funds to be used to match Administration on Aging funds, the amendment would reduce representation available to the elderly. Current LSC grantees use these funds to match AOA funds and provide extensive services to the elderly.

Let us soundly defeat this amendment and tell its proponents to go pick on someone their own size, and leave the old, the infirm, and the powerless alone.

Mr. SMITH of Iowa. Mr. Speaker, I ask for a no vote on the amendment.

I reserve the balance of my time, and I move the previous question on the motion.

The previous question was ordered.

The SPEAKER pro tempore (Mr. NAGLE). The question is, Will the House concur in the amendment of the Senate numbered 179 with an amendment?

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. STENHOLM. 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 199, nays 206, not voting 28, as follows:

[Roll No. 316]

YEAS—199

Andrews	Henry	Regula
Archer	Herger	Rhodes
Baker	Hiler	Ridge
Ballenger	Holloway	Rinaldo
Bartlett	Hopkins	Ritter
Barton	Houghton	Roberts
Bateman	Hubbard	Robinson
Bentley	Huckaby	Rogers
Bereuter	Hunter	Rohrabacher
Bilbray	Hutto	Ros-Lehtinen
Bilirakis	Hyde	Roth
Bliley	Inhofe	Roukema
Broomfield	Ireland	Rowland (CT)
Brown (CO)	Jacobs	Rowland (GA)
Buechner	James	Saiki
Bunning	Jenkins	Sarpalius
Burton	Johnson (CT)	Saxton
Byron	Jones (NC)	Schaefer
Callahan	Kasich	Schiff
Campbell (CA)	Kolbe	Schuette
Chandler	Kyl	Schulze
Clinger	Lagomarsino	Sensenbrenner
Coble	Lancaster	Shaw
Coleman (MO)	Laughlin	Shumway
Combest	Leath (TX)	Shuster
Condit	Lent	Skeen
Coughlin	Lewis (CA)	Skelton
Cox	Lewis (FL)	Slaughter (VA)
Craig	Lightfoot	Smith (NE)
Crane	Lipinski	Smith (NJ)
Dannemeyer	Livingston	Smith (TX)
Darden	Lloyd	Smith (VT)
Davis	Lowery (CA)	Smith, Robert (NH)
de la Garza	Lukens, Donald	Smith, Robert (OR)
DeLay	Madigan	Snowe
Derrick	Martin (IL)	Solomon
DeWine	Martin (NY)	Spence
Dickinson	McCollum	Stallings
Dornan (CA)	McCrery	Stangeland
Douglas	McDade	Stearns
Dreier	McEwen	Stenholm
Duncan	McGrath	Stump
Dyson	McMillan (NC)	Sundquist
Edwards (OK)	Meyers	Tallon
Emerson	Michel	Tanner
English	Miller (OH)	Tauke
Fawell	Miller (WA)	Tauzin
Fields	Montgomery	Taylor
Gallegly	Moorhead	Thomas (CA)
Gallo	Morrison (WA)	Thomas (GA)
Gekas	Myers	Thomas (WY)
Gillmor	Nielson	Upton
Gilman	Olin	Valentine
Gingrich	Oxley	Vander Jagt
Goodling	Packard	Vucanovich
Goss	Parker	Walker
Grandy	Parris	Walsh
Grant	Pashayan	Weber
Gunderson	Paxon	Weldon
Hall (TX)	Payne (VA)	Whittaker
Hammerschmidt	Penny	Wilson
Hancock	Petri	Wolf
Hansen	Porter	Wylie
Hastert	Poshard	Young (AK)
Hatcher	Pursell	Young (FL)
Hayes (LA)	Quillen	
Hefley	Ravenel	

NAYS—206

Ackerman	Gibbons	Nowak
Akaka	Glickman	Oakar
Alexander	Gonzalez	Oberstar
Anderson	Gordon	Obey
Annunzio	Gradison	Ortiz
Anthony	Gray	Owens (NY)
Aspin	Green	Owens (UT)
Atkins	Guarini	Pallone
AuCoin	Hall (OH)	Panetta
Bates	Hamilton	Patterson
Beilenson	Harris	Payne (NJ)
Bennett	Hawkins	Pease
Berman	Hayes (IL)	Pelosi
Bevill	Hefner	Perkins
Boehlert	Hertel	Pickett
Boggs	Hoagland	Pickle
Bonior	Hochbrueckner	Price
Bosco	Horton	Rahall
Boucher	Hoyer	Rangel
Boxer	Hughes	Richardson
Brennan	Johnson (SD)	Roe
Browder	Johnston	Rose
Brown (CA)	Jones (GA)	Rostenkowski
Bruce	Jontz	Roybal
Bryant	Kanjorski	Sabo
Bustamante	Kaptur	Sangmeister
Campbell (CO)	Kastenmeier	Savage
Cardin	Kennedy	Sawyer
Carper	Kennelly	Scheuer
Carr	Kildee	Schneider
Chapman	Kleczka	Schroeder
Clarke	Kolter	Schumer
Clay	Kostmayer	Sharp
Clement	LaFalce	Shays
Coleman (TX)	Lantos	Sikorski
Collins	Leach (IA)	Sisisky
Conte	Lehman (CA)	Skaggs
Conyers	Lehman (FL)	Slattery
Cooper	Levin (MI)	Slaughter (NY)
Costello	Levine (CA)	Smith (FL)
Coyne	Lewis (GA)	Smith (IA)
Crockett	Long	Solarz
DeFazio	Lowey (NY)	Spratt
Dellums	Luken, Thomas	Staggers
Dicks	Machtley	Stark
Dixon	Manton	Stokes
Donnelly	Markey	Studds
Dorgan (ND)	Martinez	Swift
Downey	Matsui	Synar
Durbin	Mavroules	Torres
Dwyer	Mazzoli	Torricelli
Dymally	McCloskey	Towns
Early	McDermott	Traficant
Eckart	McHugh	Udall
Edwards (CA)	McMillen (MD)	Unsoeld
Engel	McNulty	Vento
Erdreich	Mfume	Visclosky
Evans	Miller (CA)	Volkmer
Fascell	Mineta	Walgren
Fazio	Moakley	Waxman
Flake	Mollohan	Weiss
Foglietta	Moody	Wheat
Ford (MI)	Morella	Whitten
Frank	Morrison (CT)	Williams
Frenzel	Murphy	Wise
Frost	Nagle	Wolpe
Gejdenson	Natcher	Wyden
Gephardt	Neal (MA)	Yates
Geren	Nelson	

NOT VOTING—28

Applegate	Flippo	Murtha
Armey	Florio	Neal (NC)
Barnard	Ford (TN)	Ray
Borski	Garcia	Russo
Brooks	Gaydos	Smith, Denny (OR)
Courter	Marlenee	
Dingell	McCandless	Traxler
Espy	McCurdy	Watkins
Feighan	Molinari	Yatron
Fish	Mrazek	

□ 1722

The Clerk announced the following pair:

On this vote:

Mr. McCandless for, with Mr. Dingell against.

Messrs. SMITH of Florida, GUARINI, UDALL, McNULTY, ROSE and MURPHY changed their vote from "yea" to "nay."

Messrs. INHOFE, STERNS, and SMITH of Vermont changed their vote from "nay" to "yea."

So the House refused to concur in the amendment of the Senate numbered 179 with an amendment.

The result of the vote was announced as above recorded.

PREFERENTIAL MOTION OFFERED BY MR. STENHOLM

Mr. STENHOLM. Mr. Speaker, I offer a preferential motion.

Mr. MORRISON of Connecticut. Mr. Speaker, I reserve a point of order against the motion.

The SPEAKER pro tempore (Mr. BRUCE). The Clerk will report the motion.

The Clerk read as follows:

Mr. STENHOLM moves that the House concur in the Senate Amendment No. 179 with the following amendment: Page 95, line 6, strike out "Provided" and all that follows through page 96, line 21.

The SPEAKER pro tempore. The Chair will announce the time remaining.

The gentleman from Texas [Mr. STENHOLM] has 30 seconds remaining, the gentleman from Kentucky [Mr. ROGERS] has no time remaining, and the gentleman from Iowa [Mr. SMITH] has 2 minutes remaining.

Mr. STENHOLM. Mr. Speaker, simply what this amendment does, it strikes all of the so-called Rudman language that the gentleman from Iowa himself has brought back to the House in technical disageement. It keeps all of the Rudman language that the gentleman from Iowa and the gentleman from Texas, and I believe a large majority of the House believe, should be included in future directions for the Legal Services Corporation.

If you truly believe that we ought not to be legislating on appropriation bills, that we ought not to be authorizing on appropriation bills, you will support this amendment and then deal with the entire question of Legal Services in the proper authorizing procedure next year.

The SPEAKER pro tempore. Does the gentleman from Connecticut withdraw his point of order?

Mr. MORRISON of Connecticut. Mr. Speaker, I reserve my point of order.

The SPEAKER pro tempore. The gentleman from Iowa [Mr. SMITH] is recognized for 2 minutes.

Mr. SMITH of Iowa. Mr. Speaker, we are in the unfortunate position of having a very hostile Board of Directors with 10 of the 11 members holding over, holding office after their terms have expired.

What we are trying to do is get by until we can get a new Board nominated and confirmed. That is all we want to do.

In the meantime, we had a few new provisions to try to get through the crisis that we have down there. One of these provisions prohibits the Corporation from implementing new regulations until a new Board is confirmed. As soon as a new Board is confirmed, this problem disappears. If the administration nominates a new Board and it is confirmed by the Senate, they do not have to worry about this.

The next provision is on timekeeping requirements. The Corporation wanted to require local Legal Services programs to keep records of time spent on cases without going through the regulatory process. The provision requires the Corporation to adopt a regulation on timekeeping requirements.

Another provision deals with a decision of an independent hearing officer appointed by the president of the Corporation in a defunding action whose decision was overruled by the Corporation president. We said that he cannot do that.

So I say, we are taking the minimum action necessary until a new Board is confirmed. I ask for a no vote on the Stenholm amendment so that we can go ahead until we get a new Board confirmed.

PARLIAMENTARY INQUIRIES

Mr. MORRISON of Connecticut. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. MORRISON of Connecticut. Mr. Speaker, is the motion before us a motion that begins with striking language out on page 95, line 6, through page 96, line 21?

The SPEAKER pro tempore. The gentleman is correct.

Mr. MORRISON of Connecticut. The only language that is struck out is this one page of language in the middle of the bill, without any particular reference to sections or any other portion; is that correct, Mr. Speaker?

The SPEAKER pro tempore. The gentleman will be advised by the Chair that it strikes on page 95, line 6, of the Senate engrossed amendment striking out "provided" and all that follows through page 96, line 21.

Mr. McCOLLUM. Mr. Speaker, I have a further parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. McCOLLUM. Am I correct, Mr. Speaker, that this amendment offered by the gentleman from Texas would strike out that language from this bill that is the language that Senator RUDMAN added this year that he did not have in the bill last year?

The SPEAKER pro tempore. The Chair will advise the gentleman from Florida that is not a parliamentary inquiry.

The question is, Will the House concur in the amendment of the Senate numbered 179 with an amendment?

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. STENHOLM. Mr. Speaker, on that I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 178, noes 233, not voting 32, as follows:

[Roll No. 317]

AYES—178

Andrews
Archer
Baker
Ballenger
Bartlett
Barton
Bateman
Bentley
Bereuter
Bilbray
Bilirakis
Bliley
Broomfield
Brown (CO)
Buechner
Bunning
Burton
Byron
Callahan
Campbell (CA)
Chandler
Coble
Coleman (MO)
Combest
Coughlin
Cox
Craig
Crane
Dannemeyer
Darden
de la Garza
DeLay
Derrick
DeWine
Dickinson
Dornan (CA)
Douglas
Dreier
Duncan
Dyson
Edwards (OK)
Emerson
Fawell
Fields
Gallegly
Gallo
Gekas
Gillmor
Gilman
Gingrich
Goodling
Goss
Grandy
Grant
Gunderson
Hall (TX)
Hammerschmidt
Hancock
Hansen
Hastert
Hatcher
Hayes (LA)
Hefley
Herger
Hiler
Holloway
Hopkins
Hubbard
Hunter
Hutto
Hyde
Inhofe
Ireland
James
Jenkins
Kasich
Kolbe
Kyl
Lagomarsino
Lancaster
Laughlin
Leath (TX)
Lent
Lewis (CA)
Lewis (FL)
Lightfoot
Lipinski
Livingston
Lloyd
Lowery (CA)
Lukens, Donald
Madigan
Martin (IL)
Martin (NY)
McCollum
McCrery
McDade
McEwen
McGrath
McMillan (NC)
Meyers
Michel
Miller (OH)
Miller (WA)
Montgomery
Moorhead
Morrison (WA)
Myers
Nielson
Olin
Oxley
Packard
Parker
Parris
Pashayan
Paxon
Payne (VA)
Petri
Poshard
Pursell
Quillen
Ravenel
Regula
Rhodes
Ritter
Roberts
Robinson
Rogers
Rohrabacher
Roth
Roukema
Rowland (CT)
Rowland (GA)
Sarpalius
Saxton
Schaefer
Schiff
Schuette
Sensenbrenner
Shaw
Shumway
Shuster
Skeen
Skelton
Slattery
Slaughter (VA)
Smith (NE)
Smith (NJ)
Smith (TX)
Smith, Robert (NH)
Smith, Robert (OR)
Solomon
Spence
Stallings
Stangeland
Stearns
Stenholm
Stump
Sundquist
Tanner
Tauke
Tauzin
Taylor
Thomas (CA)
Thomas (WY)
Upton
Valentine
Vander Jagt
Vucanovich
Walker
Weber
Weldon
Whittaker
Wilson
Wolf
Wylie
Young (AK)
Young (FL)

NOES—223

Ackerman
Akaka
Alexander
Anderson
Annunzio
Anthony
Aspin
Atkins
AuCoin
Bates
Bellenson
Bennett
Berman
Bevill
Boehlert
Boggs
Bonior
Bosco
Boucher
Boxer
Brennan
Browder
Brown (CA)
Bruce
Bryant
Bustamante
Campbell (CO)
Cardin
Carper
Carr
Chapman
Clarke
Clay
Clement
Clinger
Coleman (TX)
Collins
Condit
Conte
Conyers
Cooper
Costello
Coyne
Crockett
DeFazio
Dellums
Dicks
Dixon
Donnelly
Dorgan (ND)
Downey
Durbin
Dwyer
Dymally
Early
Eckart
Edwards (CA)
Engel
English
Erdreich
Evans
Fascell
Fazio
Flake
Foglietta
Ford (MI)
Frank
Frenzel
Frost
Gejdenson
Gephardt
Geren
Gibbons
Glickman
Gonzalez
Gordon
Gradison
Gray
Green
Guarini
Hall (OH)
Hamilton
Harris
Hawkins
Hayes (IL)
Hefner
Henry
Hertel
Hoagland
Hochbrueckner
Horton
Hoyer
Hughes
Jacobs
Johnson (CT)
Johnson (SD)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kastenmeier
Kennedy
Kennelly
Kildee
Kleczka
Kolter
Kostmayer
LaFalce
Lantos
Leach (IA)
Lehman (CA)
Lehman (FL)
Levin (MI)
Levine (CA)
Lewis (GA)
Long
Lowey (NY)
Luken, Thomas
Machtley
Manton
Markey
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McDermott
McHugh
McMillen (MD)
McNulty
Mfume
Miller (CA)
Mineta
Moakley
Mollohan
Moody
Morella
Morrison (CT)
Murphy
Nagle
Natcher
Neal (MA)
Neal (NC)
Nelson
Nowak
Oakar
Oberstar
Obey
Ortiz
Owens (NY)
Pallone
Panetta
Patterson
Payne (NJ)
Pease
Pelosi
Penny
Perkins
Pickett
Pickle
Porter
Price
Rahall
Rangel
Richardson
Ridge
Rinaldo
Roe
Ros-Lehtinen
Rose
Rostenkowski
Roybal
Sabo
Saiki
Sangmeister
Savage
Sawyer
Scheuer
Schneider
Schroeder
Schumer
Sharp
Shays
Sikorski
Sisisky
Skaggs
Slaughter (NY)
Smith (FL)
Smith (IA)
Smith (VT)
Snowe
Solarz
Spratt
Staggers
Stark
Stokes
Studds
Swift
Synar
Tallon
Thomas (GA)
Torres
Torricelli
Towns
Traficant
Udall
Unsoeld
Vento
Visclosky
Volkmer
Walgren
Walsh
Waxman
Weiss
Wheat
Whitten
Williams
Wise
Wolpe
Wyden
Yates

NOT VOTING—32

Applegate
Armey
Barnard
Borski
Brooks
Courter
Davis
Dingell
Espy
Feighan
Fish
Flippo
Florio
Ford (TN)
Garcia
Gaydos
Houghton
Huckaby
Marlenee
McCandless
McCurdy
Molinari
Mrazek
Murtha
Owens (UT)
Ray
Russo
Schulze
Smith, Denny (OR)
Traxler
Watkins
Yatron

□ 1747

The Clerk announced the following pair:

On this vote:

Mr. McCandless for, with Mr. Dingell against.

Mrs. VUCANOVICH and Messrs. DERRICK, McDADE, and CAMPBELL of California changed their vote from "no" to "aye."

So the House refused to concur in the amendment of the Senate numbered 179 with an amendment.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. BRUCE). The question is, Will the House concur in the amendment of the Senate numbered 179?

The House concurred in the amendment of the Senate numbered 179.

The SPEAKER pro tempore (Mr. BRUCE). The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 181: Page 19, after line 16, insert:

SEC. 610. (a) The Secretary of State, in consultation with the Secretary of Commerce, shall, with respect to those species of sea turtles the conservation of which is the subject of regulations promulgated by the Secretary of Commerce on June 29, 1987—

(1) initiate negotiations as soon as possible for the development of bilateral or multilateral agreements with other nations for the protection and conservation of such species of sea turtles;

(2) initiate negotiations as soon as possible with all foreign governments which are engaged in, or which have persons or companies engaged in, commercial fishing operations which, as determined by the Secretary of Commerce, may affect adversely such species of sea turtles, for the purpose of entering into bilateral and multilateral treaties with such countries to protect such species of sea turtles;

(3) encourage such other agreements to promote the purposes of this section with other nations for the protection of specific ocean and land regions which are of special significance to the health and stability of such species of sea turtles;

(4) initiate the amendment of any existing international treaty for the protection and conservation of such species of sea turtles to which the United States is a party in order to make such treaty consistent with the purposes and policies of this section; and

(5) provide to the Congress by not later than one year after the date of enactment of this section—

(A) a list of each nation which conducts commercial shrimp fishing operations within the geographic range of distribution of such sea turtles;

(B) a list of each nation which conducts commercial shrimp fishing operations which may affect adversely such species of sea turtles; and

(C) a full report on—

(i) the results of his efforts under this section; and

(ii) the status of measures taken by each nation listed pursuant to paragraph (A) or (B) to protect and conserve such sea turtles.

(b)(1) IN GENERAL.—The importation of shrimp or products from shrimp which have been harvested with commercial fishing technology which may affect adversely such species of sea turtles shall be prohibited not later than May 1, 1991, except as provided in paragraph (2).

(2) CERTIFICATION PROCEDURE.—The ban on importation of shrimp or products from shrimp pursuant to paragraph (1) shall not apply if the President shall determine and certify to the Congress not later than May 1, 1991, and annually thereafter that—

(A) the government of the harvesting nation has provided documentary evidence of the adoption of a regulatory program governing the incidental taking of such sea

turtles in the course of such harvesting that is comparable to that of the United States; and

(B) the average rate of that incidental taking by the vessels of the harvesting nation is comparable to the average rate of incidental taking of sea turtles by United States vessels in the course of such harvesting.

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. SMITH of Iowa moves that the House recede from its disagreement to the amendment of the Senate numbered 181 and concur therein with an amendment, as follows: In lieu of the matter proposed by said amendment, insert the following:

SEC. 609. (a) The Secretary of State, in consultation with the Secretary of Commerce, shall, with respect to those species of sea turtles the conservation of which is the subject of regulations promulgated by the Secretary of Commerce on June 29, 1987—

(1) initiate negotiations as soon as possible for the development of bilateral or multilateral agreements with other nations for the protection and conservation of such species of sea turtles;

(2) initiate negotiations as soon as possible with all foreign governments which are engaged in, or which have persons or companies engaged in, commercial fishing operations which, as determined by the Secretary of Commerce, may affect adversely such species of sea turtles, for the purpose of entering into bilateral and multilateral treaties with such countries to protect such species of sea turtles;

(3) encourage such other agreements to promote the purposes of this section with other nations for the protection of specific ocean and land regions which are of special significance to the health and stability of such species of sea turtles;

(4) initiate the amendment of any existing international treaty for the protection and conservation of such species of sea turtles to which the United States is a party in order to make such treaty consistent with the purposes and policies of this section; and

(5) provide to the Congress by not later than one year after the date of enactment of this section—

(A) a list of each nation which conducts commercial shrimp fishing operations within the geographic range of distribution of such sea turtles;

(B) a list of each nation which conducts commercial shrimp fishing operations which may affect adversely such species of sea turtles; and

(C) a full report on—

(i) the results of his efforts under this section; and

(ii) the status of measures taken by each nation listed pursuant to paragraph (A) or (B) to protect and conserve such sea turtles.

(b)(1) IN GENERAL.—The importation of shrimp or products from shrimp which have been harvested with commercial fishing technology which may affect adversely such species of sea turtles shall be prohibited not later than May 1, 1991, except as provided in paragraph (2).

(2) CERTIFICATION PROCEDURE.—The ban on importation of shrimp or products from shrimp pursuant to paragraph (1) shall not apply if the President shall determine and certify to the Congress not later than May 1, 1991, and annually thereafter that—

(A) the government of the harvesting nation has provided documentary evidence of the adoption of a regulatory program governing the incidental taking of such sea turtles in the course of such harvesting that is comparable to that of the United States; and

(B) the average rate of that incidental taking by the vessels of the harvesting nation is comparable to the average rate of incidental taking of sea turtles by United States vessels in the course of such harvesting; or

(C) the particular fishing environment of the harvesting nation does not pose a threat of the incidental taking of such sea turtles in the course of such harvesting.

Mr. ROGERS (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 Kentucky?

There is no objection.

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

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. 182: Page 19, after line 16, insert:

SEC. 611. No monies appropriated by this Act may be used to review or approve any export license applications for the launch of United States-built satellites on Soviet- or Chinese-built launch vehicles.

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. SMITH of Iowa moves that the House recede from its disagreement to the amendment of the Senate numbered 182 and concur therein with an amendment, as follows: In lieu of the matter proposed by said amendment insert the following:

SEC. 610. (a) No monies appropriated by this Act may be used to reinstate or approve any export license applications for the launch of United States-built satellites on Soviet- or Chinese-built launch vehicles unless the President makes a report under subsection (b) or (c) of this section.

(b) The restriction on the approval of export licenses for U.S.-built satellites to the People's Republic of China for launch on Chinese-built launch vehicles is terminated if the President makes a report to the Congress that:

(1) the Government of the People's Republic of China has made progress on a program of political reform throughout the entire country which includes—

(A) lifting of martial law;

(B) halting of executions and other reprisals against individuals for the nonviolent expression of their political beliefs;

(C) release of political prisoners;

(D) increased respect for internationally recognized human rights, including freedom of expression, the press, assembly, and association; and

(E) permitting a freer flow of information, including an end to the jamming of Voice of America and greater access for foreign journalists; or

(c) it is in the national interest of the United States.

Mr. ROGERS (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 Kentucky?

There was no objection.

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

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 19, after line 16, insert:

SEC. 615. ADOPTION OF FOREIGN BORN ORPHANS.—

(a) IN GENERAL.—Section 101(b)(2) of the Immigration and Nationality Act (8 U.S.C. 1101(b)(2)) is amended by inserting before the period at the end the following: ", except that, for purposes of paragraph (1)(F) (other than the second proviso therein) in the case of an illegitimate child described in paragraph (1)(D) (and not described in paragraph (1)(C)), the term 'parent' does not include the natural father of the child if the father has disappeared or abandoned or deserted the child or if the father has in writing irrevocably released the child for emigration and adoption.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 1989, upon the expiration of the similar amendment made by section 210(a) of the Department of Justice Appropriations Act, 1989 (title II of Public Law 100-459, 102 Stat. 2203).

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. SMITH of Iowa 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 section designation named in said amendment insert: 611

Mr. ROGERS (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 Kentucky?

There was no objection.

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

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 19, after line 16, insert:

SEC. 616. (a) The Federal building/courthouse located in Baton Rouge, Louisiana, is hereby redesignated as the Russell B. Long Building.

(b) Any and all references in Federal law and documents to the old name shall be

conformed and referred to as the Russell B. Long Building.

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. SMITH of Iowa moves that the House recede from its disagreement to the amendment of the Senate numbered 187 and concur therein with an amendment, as follows: In lieu of the matter proposed by said amendment insert the following:

SEC. 612(a)(1) The Federal Building and United States Courthouse located at 707 Florida Avenue in Baton Rouge, Louisiana, shall hereafter be known and designated as the "Russell B. Long Federal Building and United States Courthouse".

(2) Each reference in law, map, regulation, document, record, or other paper of the United States to such building shall be deemed to be a reference to the "Russell B. Long Federal Building and United States Courthouse".

(b)(1) There is hereby authorized to be appropriated such sums, not to exceed $5,500,000 to remain available until expended, as may be necessary to establish a clinical law center at Seton Hall University in Newark, New Jersey.

(2) The Secretary of Education shall make such grant in accordance with all of the terms, conditions, and requirements set forth for such a center in Amendment Numbered 70 of Conference Report 99-236 (Public Law 99-88 [99 Stat. 305]) and the Secretary of Education is authorized to receive, review and certify for payment applications for said grant. Not more than $1,000,000 of such grant shall be devoted to facilities.

(c) There is hereby authorized to be appropriated under Title III of the Higher Education Act of 1965, as amended, $4,500,000 to remain available until expended, for the cost of construction and related costs for a Health and Human Resources Center at Voorhees College in Denmark, South Carolina.

(d)(1) The Secretary of Health and Human Services, acting through the Director of the National Institutes of Health, is authorized, in accordance with the provisions of this subsection, to provide a grant for a Bioscience Research Center serving the midwestern States to be established at the University of Kansas in Lawrence, Kansas.

(2) No financial assistance may be made under this subsection unless an application is made at such time, in such matter, and containing or accompanied by such information as the Secretary of Health and Human Services may reasonably require.

(3) There are authorized to be appropriated not to exceed $5,200,000 to carry out the provisions of this subsection. Funds appropriated pursuant to this section are authorized to remain available until expended.

Mr. ROGERS (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 Kentucky?

There was no objection.

Mr. ROGERS. Mr. Speaker, there is opposition to this motion.

Mrs. MARTIN of Illinois. Mr. Speaker, I rise in opposition to the motion.

The SPEAKER pro tempore (Mr. BRUCE). Is the gentleman from Kentucky [Mr. ROGERS] opposed to the motion?

Mr. ROGERS. The gentleman is not opposed, Mr. Speaker.

The SPEAKER pro tempore. Then the gentlewoman from Illinois [Mrs. MARTIN] is entitled to 20 minutes to speak in opposition.

The gentleman from Iowa [Mr. SMITH] will be recognized for 20 minutes, the gentleman from Kentucky [Mr. ROGERS] will be recognized for 20 minutes, and the gentlewoman from Illinois [Mrs. MARTIN] will be recognized for 20 minutes.

The Chair recognizes the gentlewoman from Illinois [Mrs. MARTIN].

Mrs. MARTIN of Illinois, Mr. Speaker, I yield 2 minutes to the gentleman from Kansas [Mr. WHITTAKER].

Mr. WHITTAKER. I thank the gentlewoman for yielding me this time.

Mr. Speaker, I rise in support of Senate amendment 187 in this conference report that authorizes greatly needed resources to various institutions of higher education in our country. These funds have already been appropriated, and will not add any money to the Federal deficit or increase outlays. Of particular interest to me and the State of Kansas, is an authorization that would allow the University of Kansas to enter into a competitive bidding process for the construction of a biosciences research center at the University of Kansas at Lawrence. This facility—which would serve the Midwestern States—could enable the University of Kansas to move forward in the essential research of the diagnosis and treatment of drug abuse, alcoholism, neurological diseases, and mental illness. Its outstanding accomplishments in these areas have earned national recognition for the university's biosciences research center. Therefore, I urge my colleagues to support Senate amendment 187 to allow for current and future achievements in this important field.

Mr. SMITH of Iowa. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey [Mr. GALLO].

Mr. GALLO. Mr. Speaker, I thank the distinguished chairman of the subcommittee for yielding to me.

Mr. Speaker, I rise in support of the conference committee provision authorizing $5.5 million for the Seton Hall model law center.

Seton Hall has a longstanding tradition of academic excellence and a tremendous commitment to serving the legal needs of inner-city residents.

That is why Seton Hall has made a commitment to construct a 60,000-square-foot law library in the heart of Newark. The entire project will cost $35 million—of which this $5.5 million is the Federal share. The rest will be provided through public and private support. But, this is much more than just a law library.

It will provide clinical law programs to serve the most needy. This model program will offer legal services for the homeless, the disabled, the elderly, and for troubled juveniles, to name a few.

The potential benefits are great—to the students who devote over 90,000 hours to legal services for the poor and for the residents of the surrounding community who will have a place to turn to for legal assistance.

I urge my colleagues to support the conference committee position.

Mrs. MARTIN of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I hope the Chamber and those listening on their televisions realize that none of us would like to stay here a great deal longer and we are going to try to move debate quickly. In that spirit of comity, the first person I yielded to is someone who favors the amendment.

I would like to return to that a bit because it has been an interesting afternoon for me, I must say, as I worked on this amendment.

When the House and Senate conferencees met to consider the fiscal year 1990 Commerce, Justice, State appropriation bill, it called very simply for the redesignation of a building in the beautiful city of Baton Rouge, LA, as the Russell B. Long Federal Building and U.S. Court House. The honor which the amendment bestows on Russell Long is deserved. I commend the other body for that regard.

But when it came out of conference it bore little resemblance to that original amendment. In addition to renaming the court house, the amendment emerged authorized, authorized the expenditure of over $15 million for three projects having nothing to do with the content of the bill.

Notwithstanding the fact that we are dealing with an appropriation bill, amendment No. 187 authorizes $5.5 million for a law center, $5.2 million for a bioscience research center, and authorizes yet another $4.5 million for a college health and human resources center.

I am willing to stipulate they are all wonderful projects. If you are from Kansas, if you are from South Carolina, if you are from New Jersey, I bet you really think they are wonderful. I am willing to help you move them along in the correct process.

But we are destroying ourselves here, and we are destroying ourselves when we come and, in effect, tell the Members that are saying this process is killing us that somehow they would be against doing what this amendment wants.

This was put on by the other body. You have never looked at this stuff.

What kind of body are we that we would not say, for our authorizers, that they will have the opportunity to look at bills?

So let us agree they have merit. Let us agree if you are from that State you are probably going to vote to keep them. Let the rest of us say: Is this really what we can continue to do as we then go home and talk about budget deficits?

I can think of a lot of programs and projects in my district that could use some money. I am sure in that respect I have a great deal in company with all of you. Do you want to go home and, "Now, listen, why didn't you get some money in at the last minute?" We all want that. It is one of the things we try to do. We are supposed to do it. We try to play by the rules. We get projects authorized, we get money appropriated. We get what we can and we wait for the rest.

Sometimes we wait a long time. Our constituents get very antsy. But that is the process.

It is all right as long as everyone is playing by the same rules. In this case, everybody is not.

Mr. Speaker, the shenanigans and the shortcuts have got to stop. Nobody seems to be getting overly anxious of the fact that we are going to be in sequester in just a few days for 1 whole month.

□ 1800

We have not begun to think at all in a constructive way how we will deal with next year's constructive challenge. The critics and political pundits, of whom there will never be a shortage in this town or in this institution, for that matter, are finding all sorts of creative places to lay blame for the unraveling of the budget process. Washington's deep thinkers are doing a lot of deep thinking, and I have a suggestion that is a lot simpler than most.

Let me suggest that the problem is right here, right here in little amendment 187. I think if Members say no to this amendment, and Members say no tomorrow or the day after, to an amendment just like it, then those Members will have found the beginnings of a simple solution to one part of a very big problem. Every time we have a process we unravel, and this is an extraordinary one, every time we bend these rules or argue for an exception because it matters just this time, more of the ground shifts.

So let Members take a stand on the ground that is left. I know it is hard to say no to some of the nicest colleagues we could ask to join. This is not a partisan issue, I will be blunt. If Members think I like taking on some of the people involved in this one, Members know it is no joy for me, politically. But we must do it. We must do it.

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

Mr. ROGERS. Mr. Speaker, I yield 2 minutes to the gentlewoman from Kansas [Mrs. MEYERS].

Mrs. MEYERS of Kansas. Mr. Speaker, I rise today in support of a provision in H.R. 2991 authorizing funds for the purpose of building a bioscience research center at the University of Kansas.

Kansas University has been a leader in the development of medical products that have greatly enhanced the international competitiveness of the United States in the areas of biotechnology and pharmaceutical sciences. The university's research in these areas has won both national and international acclaim for its importance in furthering the diagnosis and treatment of various diseases.

KU's accomplishments in the area of biosciences research are in centers for biomedical research, bioanalytical research, and center for drug delivery research.

KU is a leader in research into the detection and treatment of drug abuse and alcoholism. Through the efforts of two award-winning scientists at KU, the United States is on the cutting edge in the development of drugs that would block the actions of alcohol in the brain and allow people to stop abusing alcohol. KU scientists are also working to devise ways to block the mind-altering effects of such hard drugs as PCP and cocaine.

In the diagnosis and treatment of neurological diseases, prestigious awards have been accorded to KU scientists for research on chemical changes in the brains of schizophrenic individuals.

Cancer research at the University of Kansas has resulted in significant improvements in finding treatments for cancer. Significant work is also being carried out to develop drugs which can prevent cancer.

Inroads made toward combating the effects of sexually transmitted diseases can also be attributed to University of Kansas research. Using funds from the National Institutes of Health, several KU researchers are investigating the effects of several promising drugs. One of these drugs has even been patented and is under study by industrial firms with future plans for commercialization.

The establishment of a biosciences research center at the University of Kansas would be of great benefit to the people of this Nation. It would also serve to enhance U.S. competitiveness, thereby enabling American firms to compete more effectively in the global economy.

Mr. Speaker, I urge my colleagues to reject any effort to strip these vital authorized funds from H.R. 2991.

Mr. SMITH of Iowa. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey [Mr. PAYNE].

Mr. PAYNE of New Jersey. Mr. Speaker, I rise today in support of amendment No. 187, because not a day passes without being reminded of the importance education plays in the future of our Nation. In fact, our President, who refers to himself as the "Education President," has just completed a series of intense meetings to hammer out plans for strengthening educational opportunities in this country.

We hear a great deal about cooperative efforts to encourage young people to get involved in helping the needy and disadvantaged. We hear talk about taking back our cities and turning them into centers of growth and development. And we have even heard the President refer to voluntarism as a legal adequate counsel. And if that was not enough, Monsignor Petillo, the chancellor of Seton Hall, wants to further expand the clinical law programs. Why? Because every day, at least 100 homeless persons in Newark alone seek legal counsel about tenant's rights. Not to mention the hundreds of disabled and elderly persons who need, but cannot afford, counsel.

In light of this, Mr. Speaker, I would encourage my colleagues to join me in supporting this worthy amendment.

Mr. SMITH of Iowa. Mr. Speaker, I yield 2 minutes to the gentleman from Kansas [Mr. SLATTERY].

Mr. SLATTERY. Mr. Speaker, I rise in support of amendment 187. I do so, fully sympathetic to some of the arguments that my friend, the gentlewoman from Illinois, has made, and certainly I have tried to respect, as best I could, the process that we would like to work with around here. However, in a perfect world, I think the gentlewoman from Illinois is perhaps correct, but goodness knows, we do not live in a perfect world around here. We do not work in a perfect world around here, either.

I would point out to my colleagues, that really what we are talking about here this evening is authorization language. The fact of the matter is in a previous appropriation measure that was passed in this body, it contained the appropriations required. What we are doing with this legislation is just authorizing money that we have already proposed.

Again, it is not the way we would always like to do things, but in my opinion, the merits of the case before Members this evening warrants that.

I would concur with the remarks of my colleague from Kansas which have already been made. I know the hour is late. I will be brief in pointing out, as far as I am concerned, the work to be done at the biomedical science laboratory at Kansas University is going to put this country on the cutting edge in this area. If there is one area of our Federal budget we have historically

neglected, it is the area of scientific research. If we expect to be competitive in the year 2000, as far as I am concerned, we will have to do far more in this area.

What we are talking about here this evening is a woefully small amount to move in that direction. Let me also just observe that for some that might be worried about whether the projects are competitive or not, the fact of the matter is in the case of the Kansas University project, the University of Kansas is going to have to get this project approved by the National Institutes of Health, and other universities are able to come in and meet the criteria and get an authorization. They will be in a position to compete for this also.

I know the hour is late, and I would again urge my colleagues to vote yes on the amendment No. 187.

Mr. ROGERS. Mr. Speaker, I yield 2 minutes to the gentleman from Kansas [Mr. ROBERTS].

Mr. ROBERTS. Mr. Speaker, I thank my friend and colleagues for yielding time to me.

The gentlewoman from Illinois, who has approached this issue like a virtual banshee in a dark forest, trying to set the legislative process right, I agree with her. I wish we could. People crawl out of train wrecks faster than we will set this process right.

She was referring to this whole issue as a shortcut and a shenanigan. Well, it is a shortcut. I agree with that. The gentlewoman is absolutely right. However, it is not a shenanigan. Those are worthy projects.

As I have indicated, my goodness, we will never get these projects on board, that are vitally needed, unless we take this shortcut. The University of Kansas is at the cutting edge of research in regard to the diagnosis and treatment of drugs, alcoholism, and mental illness. If we are going to win the war on drugs, Mr. Speaker, we will have to have this kind of research on drugs, as well as adding billions to virtually every program on supply and demand.

□ 1810

That is what we are talking about, Mr. Speaker, and I would also point out that the authorization contained in the Senate language does not guarantee the funds for these projects. It is an authorization for the projects to complete through the normal process of peer review.

So, I agree with the concern about process, and I agree with the gentlewoman from Illinois [Mrs. MARTIN], my colleagues, but on this particular issue we should take the short cut, fund these vitally needed projects.

My colleagues, I urge a yes vote.

Mrs. MARTIN of Illinois. Mr. Speaker, I yield 2 minutes to the gentleman from Arizona [Mr. KOLBE].

Mr. KOLBE. Mr. Speaker, the gentlewoman from Illinois [Mrs. MARTIN] said this is tough for her, because she is talking about her colleagues. It is not an easy thing politically. I feel the same way. It is even tougher though, because I serve on this subcommittee. I am here to tell my colleagues today that, as one member of that subcommittee, I was not aware this had been done.

Mr. Speaker, I want to show my colleagues something. This paper is all the information we had when we went into the conference committee. It says, "Amendment No. 187. Amendment adds a general provision which designates the Federal Building Courthouse in Baton Rouge, Louisiana, as the Russell B. Long Building and changes references in Federal law and documents accordingly."

That's all we know. We went into that conference, and when we came out, this is the last we knew of this issue. It was not until much later, until the gentlewoman from Illinois [Mrs. MARTIN] identified it, that I was even aware this had been added.

Mr. Speaker, it is embarrassing to me, as a member of the subcommittee, to have to stand here and tell my colleagues I was not aware of it. However, I was not the only member of the subcommittee to be unaware that this had been added at the last minute through a last-minute deal.

Mr. Speaker, we have heard from Members about the value of these projects. I do not doubt that these projects are worthwhile. I do not doubt the value of the biosciences project at the University of Kansas. But that is not the issue. This is an appropriation bill for the Departments of Commerce, Justice, and State and for the judiciary and related agencies, and yet these projects in question earmark funds for the Secretary of Education and the Secretary of Health and Human Services. They are not even part of the jurisdiction of this subcommittee.

I am frustrated. I am disappointed. I don't know what to say.

We had one colleague who said a few moments ago, "This isn't a perfect world."

Mr. Speaker, I agree, but I do not think today we should try to make it a worse world. I think we ought to try to make this process work, and part of the process of making it work is to have projects authorized through the normal process. This is the worst sort of thing we can do with an appropriations bill.

My colleagues, I urge you to defeat this.

Mr. ROGERS. Mr. Speaker, I yield 2 minutes to the gentleman from South Carolina [Mr. SPENCE].

Mr. SPENCE. Mr. Speaker, I rise in opposition to the motion of the gentlelady from Illinois which would have the effect, among other things, of not allowing funds to be authorized for the construction of a health and human resources center at Voorhees College in Denmark, SC. These funds are appropriated in last year's Labor/HHS/Education appropriations bill. The authorization included in this report would simply enable the Department of Education to release money that has already been appropriated.

Voorhees is a historically black college. Many of you joined me earlier this year in commemorating the tremendous contributions to society that have been made by historically black colleges. Projects at the University of Kansas and at Seton Hall University are also included in the amendment.

The completion of this project at Voorhees will enable the college to provide a physical education academic program in order to award a bachelor of science degree in community health education. Such a degree is important in providing and improving health care to minority and low-income communities.

Voorhees is up for reaccreditation next year. Without this program, their accreditation is in jeopardy and the quality education that they provide to many minority students will no longer be available. I think we all realize the importance of education in our increasingly complex and technological society. Voorhees College plays an important role in encouraging academic pursuits amongst a sector of our population who have had little hope for success. It is a small school in a predominantly rural area with chronically high unemployment and it is a center of economic activity for the black community. Without this education, many of those who have been underprivileged will remain in the cycle of poverty that has consumed whole generations and communities.

For this reason, it is extremely important—for the education of these young people and the well-being of their communities—that this money be allowed to be spent. Doing so will not increase the deficit since the funds have already been appropriated. But I can tell you, it will make a great difference in the lives of those who depend upon Voorhees College, and institutions like it, to fulfill their dreams of success and achievement.

How would you like to wake up and begin the day with news that one of your colleagues is trying to take out funds for your historically black college from the conference report on Commerce, Justice, State, and Judiciary appropriations?

It can ruin your whole day.

Without regard to the motives of the gentlelady, all I can say is, I would not want to do this to a colleague.

All of us, at one time or another can be faced with a similar problem in the future and I don't think any of you would agree with the lady from Illinois and, if it concerned her own district she would not be taking the position she is today.

You can call these projects by all kinds of names as long as it's in someone else's district but when it's your ox that's being gored, it gets personal.

I hope my colleagues will agree with me and will oppose the Martin motion.

Mr. SMITH of Iowa. Mr. Speaker, I yield 30 more seconds to the gentleman from South Carolina [Mr. SPENCE] and ask him to yield to me.

Mr. SPENCE. I yield to the gentleman from Iowa.

Mr. SMITH of Iowa. Mr. Speaker, I want to say that when somebody told me that this project was in the district of the gentleman from South Carolina [Mr. SPENCE], I said, "There's nobody I'd rather please than the gentleman from South Carolina."

Mr. Speaker, we all know the battle which the gentleman from South Carolina [Mr. SPENCE] has been through. He is looking wonderful today, and we certainly want to do something to please him. He has been a good Member of this body, a very fair person on everything, and I am sure glad we can please him.

Mrs. MARTIN of Illinois. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, I crawl out from under my rock responsible for being mean to more human beings than anyone else.

May I suggest that we remember a few things?

The gentleman from South Carolina [Mr. SPENCE] that we all care about a great deal said something interesting. The thing was appropriated money before we ever authorized it, but in this bill we are going to take two other items and authorize on the appropriations bill. Does anybody think this has just gone awry?

In addition, Mr. Speaker, I must say to the gentleman from South Carolina [Mr. SPENCE] that most of the Members in here are not going to be in this position because they are going to have to go through the formal process. They are not going to have it added on in a conference report by a Member of the other body.

I say to my colleagues, "Look, this all could be you, but in reverse. I'm not asking you to vote against your fellow Members. I'm asking you to vote for the House. I'm asking you to vote for people who are not members of the Committee on Appropriations, and I am asking you to, I believe, do the right thing."

Mr. Speaker, we all would like to help each other, but we are U.S. Representatives. It is appropriate that the Members represent their own district, and it is appropriate that we care also about what happens to this country and to this institution.

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

Mr. SMITH of Iowa. Mr. Speaker, I yield such time as he may consume to the gentleman from Kansas [Mr. GLICKMAN].

Mr. GLICKMAN. Mr. Speaker, I rise in support of the conference report on H.R. 2991, fiscal year 1990 Commerce, Justice, State appropriations, and against the Martin motion which would strike the authorization of certain grants by the Departments of Education and HHS for several colleges. One of these authorizations is for the Biosciences Research Center at the University of Kansas, a center whose work has focused on some of our Nation's most threatening problems: Drug abuse, cancer, and life-threatening infections such as the AIDS virus.

The University of Kansas has taken a major leadership role in basic research and the training of qualified scientists to identify new drugs for the problems we face in modern medicine. Scientists at KU have developed a revolutionary model which has been widely used in the pharmaceutical industry to evaluate ways to improve delivery of drugs to the brain for the treatment of AIDS and Alzheimer's disease.

The pioneering research by scientists at KU has led the National Cancer Institute to designate this group as the team that receives all NCI contracts for the formulation of dosages for anticancer agents. The drugs that are being developed at the Biosciences Research Center are the drugs that will appear in clinics across the country in the next few years.

The past generation's worth of research has resulted in significant improvements in finding treatments for cancer. This work is ongoing, and in part with funds from the Wesley Foundation in Wichita, KS, various new drugs are in preparation in laboratories affiliated with the center for the treatment of cancer. Significant work is also being done on potential drugs which can prevent cancer.

Using NIH funds, KU has a multidepartment grant, one of the few in the country, to identify safe and effective chemicals able to reverse damage to cells caused by environmental chemicals. At a time when we are realizing the negative impact pollution from the environment is having on the health of our families and children, this research is greatly needed so that we may begin to prevent cancer in people and animals highly at risk.

I urge my colleagues to recognize the invaluable work which is being done at the Biosciences Research Center at the University of Kansas. I urge them to recognize the decision made by the Rules Committee to allow these authorizations, and I urge them to accept the rule.

Mr. SMITH of Iowa. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey [Mr. TORRICELLI].

Mr. TORRICELLI. Mr. Speaker, it would appear that the principal distinction in whether these projects are vital national concerns or misuse of resources has something to do with geography. From an Illinois perspective it appears that each are wasteful. From a New Jersey perspective they are essential.

Mr. Speaker, the difference is not simply where a Member lives or who he represents. I think it has something to do with understanding the projects involved.

In the case of $5½ million for Seton Hall University, this is not to build a new or a redundant legal center. It is for a clinical law center, to aid the advocacy of the homeless, to help in the rights of the disabled, to promote the needs of juvenile justice, to help provide access for legal skills in one of America's most disadvantaged cities, for people who otherwise would have no opportunity to participate in the legal process. It is an advocacy of public service, and it is followed by $37 million in private funding to match what we are doing here today.

The gentlewoman from Illinois [Mrs. MARTIN] suggests that to vote for a national need to represent this House. I have a different idea. Represent some other things my colleagues are speaking about as well: the homeless, biomedical research in Kansas, the disabled. Those priorities are represented in what the committee has done on the national basis.

I urge support for the conference report, for amendment 187. I urge support for the committee.

□ 1820

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

Mrs. MARTIN of Illinois. Mr. Speaker, I yield myself 30 seconds.

Mr. Speaker, I would ask us to do something that is very difficult, listening to the words and hearts of our colleagues, and that is to vote "no," say "no," and get this train on at least a track that will not lead to total destruction.

I, too, am moved. I will support all of you in an appropriate authorization bill.

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

Mr. SMITH of Iowa. Mr. Speaker, I yield myself the balance of the time.

Mr. Speaker, I ask why, oh, why is it that every time we bring this bill to the floor everybody wants to pick on our little old bill?

We cannot do anything, it seems, to satisfy everybody, as much as we try. We are here to make laws, and so we have been hearing all year these complaints about not passing enough laws, so we bring before you a law. No, we do not want to pass that.

Then we have been hearing these complaints about the majority not being given the opportunity to work its will. We are giving you the opportunity to work your will.

Then there is a complaint that the procedure is not right. I do not want

to work my will today, some other time.

Now the majority is going to get a chance. Nobody denies these are worthy projects that we are doing today, and there are only three of them. They are not controversial. There is no money in the bill for them. They have been through this House one way or another before. It is not that the House has never had a chance to work its will. It has. They have been through the House before, but they did not make it all the way through the process. They are good projects.

Now we complain about the procedure. Well, I do not hear any complaints by the authorizing committees. They are the ones we primary check with.

So I say let us go ahead and vote for the motion to recede and concur.

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

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. SMITH of Iowa. 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 273, nays 121, not voting 39, as follows:

[Roll No. 318]

YEAS—273

Ackerman
Akaka
Alexander
Anderson
Andrews
Annunzio
Anthony
Aspin
Atkins
AuCoin
Beilenson
Bennett
Bereuter
Berman
Bevill
Bilbray
Boehlert
Boggs
Bonior
Borski
Bosco
Boucher
Boxer
Brennan
Broomfield
Browder
Brown (CA)
Bruce
Bryant
Bustamante
Callahan
Campbell (CO)
Cardin
Carper
Carr
Chandler
Chapman
Clarke
Clay
Coleman (TX)
Collins
Condit
Conte
Conyers
Cooper
Costello
Coughlin
Coyne
Crockett
Darden
Davis
de la Garza
DeFazio
Dellums
Derrick
Dicks
Dixon
Donnelly
Dorgan (ND)
Downey
Durbin
Dwyer
Dymally
Dyson
Early
Eckart
Edwards (CA)
Edwards (OK)
Emerson
Engel
English
Erdreich
Evans
Fascell
Fazio
Flake
Foglietta
Ford (MI)
Frost
Gallo
Gejdenson
Gephardt
Geren
Gibbons
Gillmor
Glickman
Gonzalez
Gordon
Grant
Gray
Green
Guarini
Hall (OH)
Harris
Hastert
Hatcher
Hawkins
Hayes (IL)
Hayes (LA)
Hefner
Hertel
Hoagland
Hochbrueckner
Hoyer
Hubbard
Hughes
Hunter
Hyde
Ireland
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kasich
Kennelly
Kildee
Kleczka
Kolter
Kostmayer
LaFalce
Lancaster
Lantos
Laughlin
Leath (TX)
Lehman (CA)
Lehman (FL)
Lent
Levin (MI)
Levine (CA)
Lewis (GA)
Lipinski
Livingston
Lloyd
Long
Lowery (CA)
Lowey (NY)
Luken, Thomas
Madigan
Manton
Markey
Martin (NY)
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McCollum
McDade
McDermott
McGrath
McHugh
McMillan (NC)
McMillen (MD)
McNulty
Meyers
Mfume
Miller (CA)
Mineta
Moakley
Mollohan
Montgomery
Moody
Morrison (CT)
Morrison (WA)
Murphy
Myers
Nagle
Neal (MA)
Neal (NC)
Nelson
Nowak
Oakar
Oberstar
Olin
Ortiz
Owens (NY)
Oxley
Packard
Pallone
Parker
Parris
Pashayan
Patterson
Payne (NJ)
Payne (VA)
Pelosi
Penny
Perkins
Pickett
Pickle
Poshard
Price
Pursell
Quillen
Rahall
Rangel
Ravenel
Regula
Richardson
Ridge
Rinaldo
Roberts
Roe
Rogers
Rose
Roukema
Rowland (CT)
Rowland (GA)
Roybal
Sabo
Saiki
Sangmeister
Sarpalius
Savage
Sawyer
Saxton
Scheuer
Schuette
Schumer
Sharp
Shaw
Sikorski
Skaggs
Skeen
Skelton
Slattery
Slaughter (VA)
Smith (FL)
Smith (IA)
Smith (NE)
Smith (NJ)
Smith (VT)
Smith, Robert (OR)
Solarz
Spence
Spratt
Staggers
Stallings
Stark
Stenholm
Stokes
Studds
Swift
Synar
Tanner
Tauke
Tauzin
Thomas (CA)
Torres
Torricelli
Towns
Traficant
Udall
Unsoeld
Valentine
Vander Jagt
Vento
Volkmer
Walgren
Waxman
Weber
Weiss
Wheat
Whittaker
Whitten
Wilson
Wise
Wolpe
Wyden
Yates
Young (AK)
Young (FL)

NAYS—121

Archer
Baker
Ballenger
Bartlett
Barton
Bateman
Bentley
Bilirakis
Bliley
Brown (CO)
Buechner
Bunning
Burton
Byron
Campbell (CA)
Clinger
Coble
Coleman (MO)
Combest
Cox
Craig
Crane
Dannemeyer
DeLay
DeWine
Dickinson
Dornan (CA)
Douglas
Dreier
Duncan
Fawell
Fields
Frank
Frenzel
Gallegly
Gekas
Gilman
Goodling
Goss
Gradison
Grandy
Gunderson
Hall (TX)
Hamilton
Hammerschmidt
Hancock
Hansen
Hefley
Herger
Hiler
Holloway
Hopkins
Hutto
Inhofe
Jacobs
James
Johnson (CT)
Johnson (SD)
Johnston
Kastenmeier
Kennedy
Kolbe
Kyl
Lagomarsino
Leach (IA)
Lewis (FL)
Lightfoot
Lukens, Donald
Machtley
Martin (IL)
McEwen
Michel
Miller (OH)
Miller (WA)
Moorhead
Morella
Natcher
Nielson
Obey
Panetta
Paxon
Pease
Petri
Porter
Rhodes
Ritter
Robinson
Rohrabacher
Ros-Lehtinen
Roth
Schaefer
Schiff
Schneider
Schroeder
Sensenbrenner
Shays
Shumway
Shuster
Sisisky
Slaughter (NY)
Smith (TX)
Smith, Robert (NH)
Snowe
Solomon
Stangeland
Stearns
Stump
Sundquist
Tallon
Taylor
Thomas (GA)
Thomas (WY)
Upton
Visclosky
Vucanovich
Walker
Walsh
Weldon
Williams
Wolf
Wylie

NOT VOTING—39

Applegate
Armey
Barnard
Bates
Brooks
Clement
Courter
Dingell
Espy
Feighan
Fish
Flippo
Florio
Ford (TN)
Garcia
Gaydos
Gingrich
Henry
Horton
Houghton
Huckaby
Jenkins
Lewis (CA)
Marlenee
McCandless
McCrery
McCurdy
Molinari
Mrazek
Murtha
Owens (UT)
Ray
Rostenkowski
Russo
Schulze
Smith, Denny (OR)
Traxler
Watkins
Yatron

□ 1844

Messrs. RHODES, BURTON of Indiana, HALL of Texas, OBEY, HERGER, VISCLOSKY, SCHAEFER, and JOHNSON of South Dakota changed their vote from "yea" to "nay."

Mr. WEBER and Mr. STUDDS changed their vote from "nay" to "yea."

So the motion was agreed to.

The result of the vote was announced as above recorded.

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

The text of the amendment is as follows:

Senate amendment No. 189: Page 19, after line 16, insert:

SEC. 618. (a) The Congress finds that—

(1) the illegal use of drugs is a crisis in America, causing incalculable suffering and damage to individuals, families, and social institutions;

(2) the economic and social dislocation caused by illegal drugs has had a devastating effect on the fabric of our society and citizens;

(3) it will take a multifaceted approach, both domestically and internationally, to successfully address the multifaceted problem of illegal drugs;

(4) Manuel Noriega's continued exercise of power in Panama has contributed to political unrest and international illegal drug trafficking in the hemisphere and the world, and that he should be removed from any position of power in Panama in order to reduce the drug flow and increase democracy;

(5) Public Law 100-690, the Anti-Drug Abuse Act of 1988, enacted on November 18, 1988, expressed the sense of the Congress that the President should convene as soon as possible an international conference on combating illegal drug production, trafficking, and use in the Western Hemisphere; and

(6) the national drug strategy announced by the President on September 5, 1989, states that "priority consideration should be given to convening at an early date a drug summit".

(b) It is the sense of the Congress that—

(1) the agenda of the international drug summit should include, among others, the subjects of interdiction, crop eradication, crop substitution, law-enforcement, education and prevention, and the international sharing of intelligence;

(2) the President should consult with the leaders of participating countries at the international drug summit on ways to achieve international cooperation and coordination in support of measures directed

at removing Manuel Noriega from any position of power in Panama; and

(3) in addition to or in the absence of an international drug summit, the United States should intensify unilateral and bilateral efforts as well as efforts in concert with international organizations and other multinational forums to assist the nations of the hemisphere in their battle against drugs and the drug traffickers, including measures directed at removing Manuel Noriega from any position of power in Panama.

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. SMITH of Iowa moves that the House recede from its disagreement to the amendment of the Senate numbered 189 and concur therein with an amendment, as follows: In lieu of the section designation named in said amendment insert "613".

Mr. ROGERS (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 Kentucky?

There was no objection.

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

The motion was agreed to.

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

The text of the amendment is as follows:

Senate amendment No. 191: Page 19, after line 16, insert:

SEC. 620. (a) The Senate finds that—

(1) officials representing eight United States airports recently met with Secretary Skinner to discuss the need for more airport gateways for United States cities for international service;

(2) these officials believe that the United States Government must place greater emphasis in United States international aviation negotiations on maximizing the new international trade opportunities;

(3) direct nonstop air service to foreign destinations facilitates international business for our country's industries, attracts foreign investment, makes travel abroad more convenient for United States citizens and increases foreign tourism;

(4) direct international air transport is especially important to tourism and the high-tech industries on the cutting edge of our Nation's drive for international competitiveness, both of which tend to be located away from traditional air service gateways;

(5) a single nonstop air service to a previously unserved foreign point can result in economic benefits to the United States community alone of up to a quarter of a billion dollars or more in the first year, with the benefits compounding thereafter; and

(6) the time savings to United States travelers alone from such a service are greater than profits United States airlines would lose, if any, from traffic diversion.

(b) It is the sense of the Senate that the United States Senate supports the designation of markets previously without nonstop international air service as new "gateways", and believes that other airlines, United States or foreign, be able to provide "gateway" service when United States airlines already serving the foreign country in question fail to do so.

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. SMITH of Iowa moves that the House recede from its disagreement to the amendment of the Senate numbered 191 and concur therein with an amendment, as follows: In lieu of the matter proposed by said amendment insert the following:

SEC. 614. Until H.R. 1487, the Foreign Relations Authorization Act for Fiscal Year 1990 is enacted into law, the funds appropriated by this Act for the Department of State and the United States Information Agency may be obligated and expended on or before November 30, 1989, at a rate of operations not exceeding the rate available for fiscal year 1989 or the rate provide in H.R. 2991 as passed the Senate, whichever is lower and under the authority and conditions in applicable appropriations acts for fiscal year 1989, notwithstanding section 15 of the State Department Basic Authorities Act of 1956 and section 701 of the United States Information and Educational Exchange Act of 1948: *Provided*, That if H.R. 1487, the Foreign Relations Authorization Act of Fiscal Year 1990 is not enacted into law by November 30, 1989 funds appropriated by this Act for the Department of State and the United States Information Agency may be obligated and expended at the rate of operations and under the terms and conditions provided by H.R. 2991 as enacted into law, notwithstanding section 15 of the State Department Basic Authorities Act of 1956 and section 701 of the United States Information and Educational Exchange Act of 1948.

Mr. ROGERS (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 Kentucky?

There was no objection.

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

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.

PERSONAL EXPLANATION

Mrs. JOHNSON of Connecticut, Mr. Speaker, on Monday, October 23, 1989, I was unavoidably detained in my district and missed two rollcall votes on bills on the suspension calendar. Had I been here I would have voted "aye" on both House Resolution 257 and H.R. 2095.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Connecticut?

There was objection.

PERSONAL EXPLANATION

Mr. CLINGER. Mr. Speaker, I was absent from the Chamber when recorded votes were taken on the rule waiving points of order against consideration of the Commerce, State, Justice appropriations conference agreement, and on the conference report. Had I been present at that time, I would have voted "nay" on the rule and "yea" on the conference report.

PERMISSION FOR COMMITTEE ON ENERGY AND COMMERCE TO HAVE UNTIL MIDNIGHT, FRIDAY, OCTOBER 27, 1989, TO FILE VARIOUS REPORTS

Mr. MARKEY. Mr. Speaker, I ask unanimous consent that the Committee on Energy and Commerce have until midnight on Friday, October 27, 1989, to file its reports on H.R. 3265, authorizing appropriations for the Federal Communications Commission for fiscal years 1990 and 1991, and H.R. 3310, authorizing appropriations for the National Telecommunications and Information Administration for fiscal years 1990 and 1991.

Mr. RITTER. Mr. Speaker, reserving the right to object, I will not object, but I reserve the right to object to say that this has been cleared by the ranking member, and we have no problem with it on this side.

Mr. Speaker, I withdraw my reservation objection.

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

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF HOUSE JOINT RESOLUTION 142

Mr. PENNY. Mr. Speaker, my name was inadvertently added to the list of cosponsors of House Joint Resolution 142, the resolution to designate "Geography Awareness Week." As a general rule I do not sponsor commemorative legislation. Accordingly, I ask unanimous consent that my name be removed from this bill.

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

There was no objection.

CONFERENCE REPORT ON H.R. 3012, MILITARY CONSTRUCTION APPROPRIATION, 1990

Mr. HEFNER. Mr. Speaker, pursuant to the order of the House of Wednesday, October 25, 1989, I call up the conference report on the bill (H.R. 3012) making appropriations for military construction for the Department of Defense for the fiscal year ending September 30, 1990, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. BRUCE). Pursuant to the order of the House of Wednesday, October 25, 1989, the conference report is considered as having been read.

(For conference report and statement, see Proceedings of the House of

Tuesday, October 24, 1989, at page H7433.)

The SPEAKER pro tempore. The gentleman from North Carolina [Mr. HEFNER] will be recognized for 30 minutes, and the gentleman from California [Mr. LOWERY] will be recognized for 30 minutes.

The Chair recognizes the gentleman from North Carolina [Mr. HEFNER].

GENERAL LEAVE

Mr. HEFNER. 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 and the amendments in disagreement on the bill, H.R. 3012.

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

There was no objection.

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

Mr. Speaker, the conference report we present to the House today for military construction and family housing contains agreements on about 350 line items.

Mr. Speaker, before I continue, I would like to take this time to thank the ranking minority member of the Military Construction Subcommittee, Mr. LOWERY, for his cooperation and his diligence all year so we can be here today to present this conference report to the House. I also want to thank the other members of the subcommittee for their support and cooperation. I want to thank JAMIE WHITTEN, the chairman of the full committee, who is also a member of this subcommittee, for his leadership.

Mr. Speaker, the conference agreement on H.R. 3012 that we are presenting to the House today provides $8.5 billion for both military construction and family housing. The conference agreement is within the section 302 allocations for both budget authority and outlays. It is below the President's request by $55 million. When you exchange the base closure amount of $500 million, it is below last year's level by almost $1 billion, which represents about 14 percent real negative growth.

So Mr. Speaker, this agreement is not a budget buster. It provides for a reasonable level of spending at a time when there is a need to reduce the deficit and our subcommittee has certainly made a major contribution to holding the line on spending.

Mr. Speaker, this is a bill that provides projects in support of major weapons as well as quality of life projects such as barracks, family housing, child care centers, better working conditions which all contribute to keeping our top performers in the service. The subcommittee is second to none in giving priority to improving quality of life for our service members.

With regard to base closure, I will advise the House that the conference agreement includes $500 million to capitalize the base closure account so that agencies can begin the work of closing obsolete bases starting January 1, 1990.

This is a good bill and a good agreement which deserves the support of the House. I ask for your support of the conference agreement. Mr. Speaker, I will include in the RECORD at this point a narrative of the major features of the bill, along with a comparative tabulation of the conference agreements.

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

MAJOR FEATURES OF H.R. 3012

MX RAIL GARRISON

Funding of $105 million is provided for facilities at F.E. Warren AFB, Wyoming subject to authorization.

B-2 BEDDOWN

Funding of $65.5 million is provided as the third increment of funding for the beddown of the B-2 bomber at Whiteman AFB.

FAMILY HOUSING

Funding in the amount of $3.2 billion is provided for family housing of which $200 million is for 1832 new units of housing. Funding for whole house improvements of existing housing units amount of $255 million.

CHILD CARE CENTERS

Funding in the amount of $81 million is provided for 44 child development centers at various installations.

BARRACKS

Funding in the amount of $253 million is provided for barracks to replace existing World War I and World War II vintage barracks.

RELOCATION OF NAPLES COMPLEX

Funding of $47 million is provided as the second increment of funding for relocation of the Navy's Command Control Communications and Intelligence Complex in the vicinity of Naples, Italy.

STRATEGIC HOMEPORTING

Funding of $63 million is provided for continuation of construction of strategic homeport sites at Mobile, Alabama; Staten Island, New York; Pascagoula, Mississippi; Ingleside, Texas; and Everett; Washington.

RELOCATION OF THE 401ST TACTICAL WING

Funding of $425 million is provided for the NATO Infrastructure fund, part of which can be used to begin construction of a new base at Crotone, Italy to support the relocation of the 401st Tactical Wing from Torrejon, Spain.

LARGE ROCKET TEST FACILITY (J-6)

Funding of $66 million is provided as the second increment of funding for a large rocket test facility at Arnold Engineering Center, Tennessee. The total cost of the project is estimated at $223 million.

KINGS BAY TRIDENT BASE

Funding of $67 million is provided for continuation of construction at the new Trident Base at Kings Bay, Georgia.

SOLID ROCKET MOTOR ASSEMBLY

Funding of $89 million is provided for a solid rocket motor assembly building at Cape Canaveral AFS.

GUARD AND RESERVE

Funding of $662 million is provided for the Guard and Reserve components.

	FY 1989 Enacted	FY 1990 Estimates	House	Senate	Conference
Military construction, Army	927,292,000	745,300,000	834,222,000	726,075,000	819,129,000
Prior year advance appropriation	214,000,000	---	---	---	---
Total, Army	1,141,292,000	745,300,000	834,222,000	726,075,000	819,129,000
Military construction, Navy	1,576,516,000	1,133,200,000	1,167,750,000	1,151,783,000	1,139,250,000
Military construction, Air Force	1,225,926,000	1,393,300,000	1,208,136,000	1,122,249,000	1,227,296,000
Rescission	---	---	---	-18,500,000	-18,500,000
Total, Air Force	1,225,926,000	1,393,300,000	1,208,136,000	1,103,749,000	1,208,796,000
Military construction, Defense agencies	679,533,000	596,200,000	531,320,000	468,332,000	537,440,000
Rescission	-19,548,000	---	-30,000,000	-21,800,000	-21,800,000
Total, Defense agencies	659,985,000	596,200,000	501,320,000	446,532,000	515,640,000
North Atlantic Treaty Organization Infrastructure	492,000,000	501,900,000	424,714,000	462,300,000	424,714,000
Military construction, Army National Guard	229,158,000	114,000,000	192,533,000	246,830,000	223,490,000
Military construction, Air National Guard	158,508,000	164,600,000	190,890,000	251,480,000	238,330,000
Military construction, Army Reserve	85,958,000	76,900,000	80,505,000	104,000,000	97,460,000
Military construction, Naval Reserve	60,900,000	50,900,000	56,600,000	62,400,000	56,600,000
Military construction, Air Force Reserve	70,600,000	46,200,000	46,200,000	53,200,000	46,200,000
Total, Reserve components	605,124,000	452,600,000	566,728,000	717,910,000	662,080,000
Total, military construction:					
New budget (obligational) authority (net)	5,700,843,000	4,822,500,000	4,702,870,000	4,608,349,000	4,769,609,000
Appropriations	(5,506,391,000)	(4,822,500,000)	(4,732,870,000)	(4,648,649,000)	(4,809,909,000)
Rescission	(-19,548,000)	---	(-30,000,000)	(-40,300,000)	(-40,300,000)
Prior year advance appropriations	(214,000,000)	---	---	---	---
Family housing, Army:					
Appropriation	1,527,602,000	1,438,200,000	1,524,410,000	1,459,771,000	1,453,982,000
Portion applied to debt reduction	-371,000	-300,000	-300,000	-300,000	-300,000
Subtotal, family housing, Army	1,527,231,000	1,437,900,000	1,524,110,000	1,459,471,000	1,453,682,000
Family housing, Navy and Marine Corps:					
Appropriation	799,169,000	752,200,000	918,585,000	742,073,000	798,321,000
Portion applied to debt reduction	-128,000	---	---	---	---
Subtotal, family housing, Navy and Marine Corps	799,041,000	752,200,000	918,585,000	742,073,000	798,321,000
Family housing, Air Force:					
Appropriation	910,951,000	1,015,900,000	1,026,035,000	870,800,000	941,879,000
Portion applied to debt reduction	-66,000	---	---	---	---
Subtotal, family housing, Air Force	910,885,000	1,015,900,000	1,026,035,000	870,800,000	941,879,000
Family housing, Defense agencies	20,700,000	21,300,000	21,300,000	21,300,000	21,300,000
Homeowners Assistance Fund, Defense	2,000,000	5,100,000	5,100,000	5,100,000	5,100,000
Total, family housing:					
New budget (obligational) authority	3,259,857,000	3,232,400,000	3,495,130,000	3,098,744,000	3,220,282,000
Appropriations	(3,260,422,000)	(3,232,700,000)	(3,495,430,000)	(3,099,044,000)	(3,220,582,000)
Applied to debt reduction	(-565,000)	(-300,000)	(-300,000)	(-300,000)	(-300,000)
Base realignment and closure account	---	500,000,000	500,000,000	---	500,000,000
Grand total:					
New budget (obligational) authority (net)	8,960,700,000	8,554,900,000	8,698,000,000	7,707,093,000	8,489,891,000
Appropriations	(8,766,813,000)	(8,555,200,000)	(8,728,300,000)	(7,747,693,000)	(8,530,491,000)
Rescission	(-19,548,000)	---	(-30,000,000)	(-40,300,000)	(-40,300,000)
Applied to debt reduction	(-565,000)	(-300,000)	(-300,000)	(-300,000)	(-300,000)
Prior year advance appropriation	(214,000,000)	---	---	---	---

□ 1850

Mr. LOWERY of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, first, I would like to thank my friend, the chairman of our subcommittee, for his leadership and diligence in bringing this bill to conference. We resolved over 350 line item differences. We are presenting to the House a conference report which is a good and fair compromise.

The conference agreement on H.R. 3012, contains $8 billion for military construction and family housing. This represents a $960 million cut, or real negative growth of 14 percent, from last year's appropriation. Also included is $500 million, as requested by the administration, for initial funding of the base realignment and closure account. When combined, the total appropriation provided is $8.5 billion. This is $200 million less than the House passed bill which includes our contribution to the drug initiative. It is $55 million below the administration's request.

Mr. Speaker, there is much interest in the base realignment and closure account.

Under the leadership of our chairman, the House conferees were able to hold the House position and bring to the floor a conference report which contains the entire $500 million to begin implementation of the closures.

I assure my colleagues, there are no provisions included in this bill which undermine the intent of the House, or the Commission, for implementing the realignments and closures.

Mr. Speaker, I know we have a scarcity of resources. This conference report does not include every project I would have liked to see funded; however, it is a balanced and fair compromise. We are providing needed facilities, worldwide, to support air, sea and land operations of our forces; and those facilities necessary to maintain a vast array of weapons and equipment. It provides for barracks, housing, hospitals, clinics, child-care centers and community facilities. These projects have a direct effect on the efficiency, productivity and quality of life of the men and women in our Armed Forces and their families.

Mr. Speaker, the House conferees have done a good job in maintaining the House position.

We have worked hard and in a bipartisan manner to bring this conference report to the House fl[illegible]. The administration supports it. It is a good agreement and deserves the support of the House.

Mr. Speaker, I yield such time as he may consume to the gentleman from Massachusetts [Mr. CONTE].

Mr. CONTE. I thank the gentleman for yielding.

Mr. Speaker, I want to join the gentleman in his remarks, and I compliment the subcommittee for doing a fine job and urge my colleagues to vote for the conference report.

Mr. Speaker, I want to give a special vote of thanks to the Subcommittee on Military Construction for bringing this conference report back to us today.

One of the key elements of this report is the resolution of the base closure and realignment account.

The other body had wanted to keep this account in limbo in the Defense appropriations bill and provide funds for the initial [illegible]alignment action at a lower level that could have hamstrung the process.

Acting on our motion instructing the conferees to insist on the House position, the distinguished chairman, the gentleman from North Carolina [Mr. HEFNER], and the outstanding ranking member from California [Mr. LOWERY], together with our other House conferees, extracted the concession from the other body's conferees that keeps base closure on track.

They should all be commended for their diligence and persistence in this matter. We are going to have decreasing resources allocated to the defense function in the future. Acting now on initiatives such as base closure and realignment will make our national security apparatus more efficient as our defense budgets decrease. Placing this account where I think it belongs in Milcon at a working level of funding is an important step in the process.

I understand that there will be an effort today to overturn that good work and cripple base closure when we get to amendment No. 36. I will address that issue and explain to the House what is going on if that issues arises.

I also want to note that the conference report is supporting a number of bricks and mortar projects that will help our Reserves and National Guard.

We are going to have to give more support to our reserve elements in the future in order to maintain capable national security forces. The conference report is getting us out front on this issue and I hope that will continue.

As the tensions in the world subside, we must be ready to capitalize on those situations by putting our national security structure to more efficient uses whether it is assisting in drug interdiction or moving defense industrial assets to other productive uses while maintaining a strong mobilization base.

Such an effort will take careful planning and preparation as well as a whole lot of wisdom. Military construction, base closing, and realignment and family housing are areas that we will need to give a great deal of support and scrutiny.

In this report we have also emphasized to our allies the need for more burden sharing; we have kept the support of child care high and we have funded virtually all of those stateside projects which have been agreed to for authorization.

So Mr. Speaker, I wish to reiterate my appreciation for the fine work of our conferees and urge all Members in joining me in supporting this conference report.

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

Mr. HEFNER. Mr. Speaker, I yield such time as he may consume to the distinguished chairman of the full Committee on Appropriations, the gentleman from Mississippi [Mr. WHITTEN].

Mr. Speaker, I rise in support of the conference agreement for military construction.

I serve on this subcommittee as I have for many years.

My friend, BILL HEFNER, does a great job as chairman. Mr. Speaker, I truly believe we will have to turn more and more to the National Guard and Reserve, where the members contribute to the economy during the week and train on the weekend.

To this end, we have provided funds for three armories, at Ackerman, Amory, and Iuka. The bill also includes funds for land acquisition at Camp McCain which will provide training opportunities for guardsmen and reservists in northern Mississippi.

May I add that I am glad we have worked out a transfer of 1989 funds for joint operation of the air field at Grenada, MS, by the National Guard and the city of Grenada.

Again, Mr. Speaker, this subcommittee has again done a great job.

Mr. HEFNER. Mr. Speaker, I yield 1½ minutes to the distinguished gentleman from Georgia [Mr. Thomas], a member of the committee.

Mr. THOMAS of Georgia. Mr. Speaker, I am pleased to rise in strong support of the conference agreement on H.R. 3012, the fiscal year 1990 military construction appropriations bill.

I want to thank our distinguished chairman, BILL HEFNER, and ranking minority member, BILL LOWERY, for all their hard work in crafting this compromise agreement.

Mr. Speaker, this bill appropriates $8.5 billion for important military construction and family housing projects in the United States and overseas. It is $55 million below the President's request, and $460 million below the amount we appropriated last year.

This conference agreement appropriates $500 million to begin implementation of the recommendations of the Base Closure Commission.

It provides essential funds to support the basing of major weapons systems including the MX missile and the B-2 Stealth bomber.

It continues the progress we have made in the past toward improving the facilities and working conditions of our soldiers, airmen, sailors, and marines.

It appropriates critical funds for new construction and revitalization of family housing units, barracks, child care centers, and needed medical facilities.

This is an important bill, Mr. Speaker, because it addresses quality of life issues that have proven to be essential in recruiting and retaining the quality

personnel we must have in our All-Volunteer Force.

This is a lean and effective bill that meets our priority construction needs here in the United States and abroad.

Let me again thank Chairman HEFNER and Mr. LOWERY for the outstanding job they have done in guiding the subcommittee to responsible action on this legislation, and I urge my colleagues to support this conference agreement.

Mr. LOWERY of California. Mr. Speaker, I yield 1 minute to the gentleman from Rhode Island [Mr. MACHTLEY] for the purpose of engaging in a colloquy with the chairman of the subcommittee, the gentleman from North Carolina [Mr. HEFNER].

Mr. MACHTLEY. I thank the gentleman for yielding.

Mr. Speaker, I would like to inquire of the chairman of the subcommittee:

According to this conference report, "report language included by the House which is not changed by the report of the Senate or the conference, and Senate report language which is not changed by the conference is approved by the conference."

Am I correct in stating that notwithstanding reduction of Navy family housing maintenance and improvement funds, the committee of conference concurs in the repair and improvement of 220 family housing units at the Newport Naval Education and Training Center as approved by the two Houses?

Mr. HEFNER. The Speaker, will the gentleman yield?

Mr. MACHTLEY. I yield to the chairman.

Mr. HEFNER. I thank the gentleman for yielding.

Mr. Speaker, the gentleman is exactly right, that is correct.

Mr. MACHTELY. I thank the chairman.

Mr. LOWERY of California. Mr. Speaker, I yield 3 minutes to the gentleman from Arizona [Mr. KOLBE].

Mr. KOLBE. Mr. Speaker, I rise in support of the conference report accompanying the fiscal year 1990 appropriation bill for military construction.

As a member of the Subcommittee on Military Construction I'm well aware of the difficult choices we make each year as we try to strike a balance between our main priorities—building the infrastructure necessary to support our weapons programs—and improving the quality of life for the service members and their families.

We have a pittance with which to accomplish this task—roughly $8.7 billion worldwide. This is a mere 2.6 percent of the total Department of Defense budget. As each Congress votes for more and newer weapons systems we must modernize bases, lengthen runways, build more hangers, more pier space, more support buildings. And yet our subcommittee is also given the task of caring for the families of people in the service. We build their on-base housing, their meeting places, the day care centers for their children.

We have all been to bases in our districts and seen the decay of the infrastructure. At all three of the military facilities in my district I have toured so-called temporary facilities built in World War II and still in use. I've heard stories from many of my colleagues about similar buildings in their districts. This is a problem we all have seen.

It's easy to dismiss the importance of working conditions at our military facilities. It's easy to put off replacement of decayed buildings for another few years. However, we must be aware of the chilling effect working conditions have on our retention rate. People are not motivated to stay in the military if they don't believe their work is highly valued. If they're working in a building with a condemned sign on it—as I have seen at many military facilities—and living in unimproved 1950's vintage base housing, how can the service person believe the top military brass and the Congress place a high value on their work? How can we pretend and pay lip service to our commitment to the service people and then not support giving them a decent quality of life?

On the shoulders of this subcommittee falls much of the responsibility for convincing the servi member to stay in the service. Our attrition rate will climb and the cost of retraining of recruits will skyrocket if we continue to ignore the needs of the service member at home, with his or her family. I think this subcommittee did the best job possible of striking this difficult balance while taking a decrease in our allocation for this fiscal year. I urge my colleagues to support the conference report.

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Mr. LOWERY of California. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas [Mr. DELAY].

Mr. DELAY. Mr. Speaker, I rise in support of the conference report.

Over the past 3 years, military construction appropriations have suffered by continued cuts in the budget process. Year after year, the subcommittee is faced with the dilemma of having a increasing need for additional construction and a decreasing amount of dollars to meet that need. With that in mind, I feel compelled to bring up a subject that is very near and dear to me—Davis-Bacon reform.

Many of you may know that I was prepared to offer an amendment during considering of the defense authorizing bill that would have eliminated Davis-Bacon requirements for "quality of family life" construction. In light of current budget constraints and the outlook for continued decreasing funding figures, I proposed an idea that would have simply exempted from Davis-Bacon requirements the construction of quality of family life projects such as housing, chapels, child care centers, recreation centers, and the like.

However, for one reason or another, my amendment, that would have saved the American taxpayer hundreds of millions of dollars over the next few years, was not made in order.

Regardless of that fact, studies have shown us time and time again that Davis-Bacon boosts wages at military construction projects. In fact, all service branches have testified that Davis-Bacon tacks on an additional 5 percent to the cost of a project.

Rest assured, I will be back next year to try once again to loosen the grip of Davis-Bacon. Davis-Bacon is a blatant waste of taxpayer dollars and a complete injustice to all hard-working Americans.

Although all who have fought for reform over the years have failed to receive a favorable response from Congress, we should not walk away from efforts to relieve this burden. This is a problem that has been with us for some time and will not simply go away.

I feel that Davis-Bacon requirements create a serious problem that will have detrimental long-term effects on the quality of our military forces. Budget cuts—specifically, defense cuts—are a reality. The sheer size of the deficit and the bleak outlook for the deficit in the short-term future demands that we live within this reality. We need to develop a plan that allows the Pentagon to stretch out the dwindling military family housing dollar. My idea will do just that.

Do we really need to continue abiding by these outdated regulations? I don't think we do.

Mr. FAZIO. Mr. Speaker, I rise today in support of the Military Construction Appropriation Act of fiscal year 1990. I would like to thank my chairman, BILL HEFNER and ranking minority member, BILL LOWERY for crafting this bill today. I realize that the proposal to close military installations across the country dominated much of the debate this year and want to commend the chairman, the ranking minority, and the staff for their efforts on this issue.

H.R. 3012 provides $8.5 billion in fiscal year 1990 for military construction and family housing projects. This figure represents a cut of $65 million from the President's request. As a member of the Appropriations Subcommittee on Military Construction, I am pleased that this bill ultimately contributes to the retention rate of our military personnel. Every new housing unit translates into a reduction in housing allowances, every dilapidated facility that is replaced means a reduction in utility consumption and building repair, and every new building that allows the Defense Department to move out of leased space means a reduction in annual lease payments. Quality of life is the real issue. There is no question that pride in the workplace and in the home translates into higher morale and greater retention rates.

This year, the bill funded $73.15 million for renovations at northern California military bases, including $1.2 million for construction of a new child care facility at McClellan for children of civilian employees at the base. The

only civilian child care centers to be funded by Congress are ones located at Air Force Logistic Centers. McClellan, an ALC facility, employs 13,000 Federal employees.

I am pleased that Congress recognizes that the children of civilians who repair and provide the critical support for our Air Force are as important as the children of military personnel.

MCCLELLAN AFB ($27.2 MILLION)

Civilian Child Care Center ($1.2 million): Renovate an existing building to provide child care to civilian employees.

Add to and alter depot hydraulic facility ($0.4 million): McClellan AFB has primary responsibility for all Air Force depot hydraulic repair work. The existing facility is saturated because of increased workloads associated with new weapons systems. Testing is done on a 24-hour basis during the week and a 16-hour operation on weekends. This schedule severely limits wartime surge capability. Space limitations prohibit installation of additional F-15, F-16 or B-1B test stands required to support added workloads.

Jet fuel storage complex ($4.0 million): The proposed project will include a fenced jet fuel storage area including two fuel storage tanks, vapor recovery system, spill containment walls, and a lead prevention/detection system. Nine tanks need replacement to comply with new California underground storage tank regulations.

Vehicle maintenance facility ($5.0 million): No facilities exist for adequately performing auto body repairs and periodic spark-plug checks. A substantial portion of the operations are located in the south runway clear zone and cannot be remodeled or expanded due to current aircraft traffic.

Add and alter child care facility ($0.62 million): This is a quality-of-life project. $620,000 is slated to expand the current 7,300-square-foot facility by 50 percent (2,600 sq. ft.). This will allow the child care center to increase the number of children from 99 to 134. The child care center currently has a long waiting list.

Upgrade electrical substation ($9.5 million): The renovation is required in order to increase base electrical supply capacity, to ensure adequate electrical power for numerous new facilities, and allow for maximum flexibility in load shifting. The project will also stabilize voltage fluctuations that cause severe disruption to numerous facilities, electronic instruments, and equipment which are critical to daily operations.

Failure to provide this project will perpetuate a recurring condition of precarious power supply, frequent "load shedding" practices, and fluctuating voltage quality detrimental to execution of base missions. In the event of power failure, cabling capacity will limit backup electric supply to 19 percent of switch station capability.

MATHER AFB ($2.63 MILLION)

While Mather AFB is slated for closure, the following two projects for the Army National Guard will be compatible to the closure decisions currently being made by the local community.

Army National Guard Armory ($2.14 million): A new facility is required to support medical assets and troops for a peacetime mission. The space will permit personnel to perform tasks necessary in support of Federal and State missions. This building will house the 126th Medical Company (air ambulance) consisting of 197 personnel.

C-12 hangar for the Army National Guard ($498,000): This project provides for a hangar to house one C-12 aircraft, administrative shop, and storage space for personnel provided under contract from Beechcraft Aviation to maintain the fixed wing aircraft. The current maintenance hangar is not adequate to support the new assigned area support aircraft.

SACRAMENTO ARMY DEPOT ($3.9 MILLION)

Microwave/radar maintenanc facility ($3.9 million): $3.9 million is needed to construct a radar maintenance shop. This facility is required to support a multitude of signal intelligence electronic warfare mission systems. The present Signal Intelligence Division provides support at five widely scattered locations within the installation.

BEALE AFB ($13.40 MILLION)

U-2 weather shelter ($3.5 million): This project is designed to shelter two U-2R aircraft. During the winter months, Beale has severe rainy periods. Moisture enters the aircraft structure through the nose, cockpit, and hatch seals while the aircraft is on the ground. The moisture saturations have caused numerous maintenance problems and have resulted in airborne malfunctions with near catastrophic results.

Alert crew facility ($3.1 million): The facility will house KC-135 crews during their mandatory 24-hour alert. A recent top-secret mission change generated the requirement for the KC-135 aircraft assigned to Beale AFB.

Upgrade alert complex ($1.2 million): In order to accomplish the above it is necessary to upgrade the existing alert aircraft parking area. The new alert mission cannot be adequately supported without an upgrade and alteration of the former alert complex.

Unaccompanied enlisted personnel housing ($5.6 million): A dormitory is required to house enlisted personnel to supplement current housing facilities. Local rentals and utilities are so expensive in the surrounding community that enlisted personnel cannot afford to live off base.

TRAVIS AFB ($16.5 MILLION)

Alter the consolidated mission support center ($9.0 million): This project is designed to alter the vacated medical center for use as a mission support center. A consolidated, centrally located facility is needed to house the 22d Air Force HQ, components of the 60th Air Base Group which include: Consolidated Base Personnel Office, Vehicle Registration and Personnel Identification Office, Personnel Security Management and Classification Management Office, and social actions as well as certain functions in the wing to include accounting and finance, public affairs, the Transportation Management Office (handles shipment of household goods), and the Air Force Auditing Agency. These functions are currently housed separately in 19 widely dispersed World War II and Korean war vintage facilities.

Family housing renovations ($7.5 million): This project will be the first major improvement other than routine repairs and maintenance, for 144 housing units which were originally constructed in 1951. It will include renovating the kitchens and baths, constructing patios with privacy fences, adding storage sheds and family rooms and will upgrade the wiring, roofs, and heating systems.

MARE ISLAND NAVAL SHIPYARD ($9.0 MILLION)

Controlled industrial building addition ($6.3 million): A specifically designed and controlled facility is needed to accommodate consolidation of solid waste handing functions while improving work space utilization within the industrial repair facility.

Dredging improvements ($2.7 million): The proposed 8,700 linear feet of cross-pond dredge line is required to allow systematic filling of dispersed spoils ponds from various locations on the waterfront. This project is required to maximize the life of these spoils ponds, and preclude the need of disposing of dredge spoils off the installation.

Also included in the bill was language directing the Air Force to include a new dining facility at Travis Air Force Base in the fiscal year 1991 budget.

Mr. Speaker, this is a responsible and well-crafted bill and I urge my colleagues to support H.R. 3012.

Mr. DORGAN of North Dakota. Mr. Speaker, I wish to congratulate Subcommittee Chairman HEFNER and his colleagues for a job well done; the conference report on fiscal year 1990 military construction appropriations is an excellent compromise between the House and Senate versions of this legislation.

In particular, I would like to thank the House conferees for assuring that the conference legislation addressed the pressing military construction needs for DOD's facilities in North Dakota. These included the following:

At the Grand Forks Air Force Base, an existing child care facility was taken over in June of 1988 to accommodate a reorganization of the Strategic Air Command headquarters. As a result, the child care facility needs of the enlisted personnel were not being adequately addressed. The $1.9 million appropriated in this bill will assure that a new facility can be built in fiscal year 1990 which will meet these needs.

At the Minot Air Force Base, a similar situation exists. The Minot preschool facility is currently full and there is a waiting list of over 100 children. The conference wisely adopted the House subcommittee's recommendation that the Air Force should expend $100,000 to complete architectural and engineering work this year and follow up with a request for construction funds in the next fiscal year.

I would also like to add my thanks for the conferee's support of DOD's modernization plans at other facilities in North Dakota. In Bismarck, the conferees funded a much needed, $1 million warehouse to replace the Army National Guard's existing 40-year-old building. This new warehouse will assure that the National Guard unit based there has adequate space to meet its readiness requirements. A similar need is also being addressed in Fargo where sufficient funds were appropriated to enable design and planning work to be completed on a new Armed Forces reserve center.

In Fargo, at Hector Field, the half million dollars of work planned for the Air National Guard avionics shop will support the replacement of F-4 fighters by newer F-16's. Addi-

tionally, the $1.8 million in support facility construction work will free up needed aircraft maintenance hanger space by moving other activities to another building. Both of these improvements will support the modernization of the Fargo Air National Guard aircraft which was brought about by the House amendment to the fiscal year 1987 DOD authorization conference report.

Furthermore, I would like to recognize the conference report's support for $1 million to begin planning and design of a center for health sciences and aerospace medicine at the University of North Dakota. This center will pioneer research on the medical implications of space travel—research which needs to get under way now to prepare for the future.

Finally, let me commend the House conferees for negotiating reductions in overseas military spending. Our allies need to shoulder a larger share of our mutual defense costs and this bill will make important progress toward that goal.

In conclusion, Mr. Speaker, I would note that this conference report reduces the total military construction spending in fiscal year 1990 by nearly $500 million from current levels. This is yet another reason why it warrants the support of this House and another reason why I encourage my colleagues to vote in favor.

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

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

The previous question was ordered.

The conference report was agreed to.

A motion to reconsider was laid on the table.

AMENDMENTS IN DISAGREEMENT

The SPEAKER pro tempore (Mr. SYNAR) The Clerk will designate the first amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 3: Page 2, line 21, strike out "$1,167,750,000" and insert "$1,151,783,000".

MOTION OFFERED BY MR. HEFNER

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

The Clerk read as follows:

Mr. HEFNER 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 sum named in said amendment, insert the following: "$1,139,250,000".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina [Mr. HEFNER].

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. 5: Page 3, line 4, after "therefor" insert ": *Provided further*, That none of the funds available to the Department of the Navy in this or any other Act may be utilized to initiate agricultural leases of more than one year's duration on land in or around Naval Air Station Fallon, Nevada".

MOTION OFFERED BY MR. HEFNER

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

The Clerk read as follows:

Mr. HEFNER moves that the House recede from its disagreement to the amendment of the Senate numbered 5 and concur therein.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina [Mr. HEFNER].

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 3, line 9, strike out "$1,208,136,000" and insert "$1,122,249,000".

MOTION OFFERED BY MR. HEFNER

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

The Clerk read as follows:

Mr. HEFNER moves that the House recede from its disagreement to the amendment of the Senate numbered 6 and concur therein with an amendment, as follows: In lieu of the sum named in said amendment, insert the following: "$1,227,296,000".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina [Mr. HEFNER].

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. 8: Page 3, line 17, after "therefor" insert ": *Provided further*, That of the funds appropriated for "Military Construction, Air Force" under Public Law 100-447, $18,500,000 is hereby rescinded".

MOTION OFFERED BY MR. HEFNER

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

The Clerk read as follows:

Mr. HEFNER moves that the House recede from its disagreement to the amendment of the Senate numbered 8 and concur therein.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina [Mr. HEFNER].

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. 10: Page 3, line 25, strike out "$531,200,000" and insert "$468,332,000".

MOTION OFFERED BY MR. HEFNER

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

The Clerk read as follows:

Mr. HEFNER moves that the House Recede from its disagreement to the amendment of the Senate numbered 10 and concur therein with an amendment, as follows: in lieu of the sum named in said amendment, insert the following: "$537,440,000".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina [Mr. HEFNER].

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. 13: Page 4, line 19, after "rescinded" insert ": *Provided further*, That none of the funds appropriated in this Act for Defense Agencies planning and design may be obligated until the Defense Medical Facilities Office initiates design of an aerospace medicine facility as required by the conference report accompanying Public Law 100-447".

MOTION OFFERED BY MR. HEFNER

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

The Clerk read as follows:

Mr. HEFNER moves that the House recede from its disagreement to the amendment of the Senate numbered 13 and concur therein with an amendment, as follows: In lieu of the matter proposed by said amendment, insert the following: ": *Provided further*, That, effective February 1, 1990, none of the unobligated funds appropriated in this Act for Defense Medical Facilities Office planning and design may be obligated until the Defense Medical Facilities Office initiates design of the aerospace medicine facility as required by the conference report accompany Public Law 100-447".

Mr. LOWERY of California (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 North Carolina [Mr. HEFNER].

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. 20: Page 6, line 22, strike out "$143,810,000" and insert "$91,171,000".

MOTION OFFERED BY MR. HEFNER

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

The Clerk read as follows:

Mr. HEFNER moves that the House recede from its disagreement to the amendment of the Senate numbered 20 and concur therein with an amendment, as follows: In lieu of the sum named in said amendment, insert the following: "$78,982,000".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina [Mr. HEFNER].

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 6, line 23, strike out "$1,524,410,000" and insert "$1,459,771,000".

MOTION OFFERED BY MR. HEFNER

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

The Clerk read as follows:

Mr. HEFNER 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 sum named in said amendment, insert the following: "$1,453,982,000".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina [Mr. HEFNER].

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 7, line 20, strike out "$773,300,000" and insert "$765,800,000".

MOTION OFFERED BY MR. HEFNER

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

The Clerk read as follows:

Mr. HEFNER moves that the House recede from its disagreement to the amendment of the Senate numbered 27 and concur therein with an amendment, as follows: In lieu of the sum named in said amendment, insert the following: "$741,808,000".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina [Mr. HEFNER].

The motion was agreed to.

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

The text of the amendment is as follows:

Senate amendment No. 36: Page 15, after line 6, insert:

SEC. 127. (a) SALE OF LANDS.—Notwithstanding any other provision of law, and subject to subsections (b) through (h), the Secretary of the Navy (hereinafter the "Secretary") may sell the following real property together with improvements thereon—

(1) approximately 108 acres in Pearl City, Oahu, Hawaii, known as the Manana Storage Area; and

(2) approximately 14 acres in Pearl City, Oahu, Hawaii, known as Pearl City Junction.

(b) CONDITIONS OF SALE.—

(1) MANANA STORAGE AREA.—The State of Hawaii shall have the right to acquire and the Secertary shall have the authority to sell to the State of Hawaii this property by meeting the terms and conditions set forth in subsection (c).

(2) PEARL CITY JUNCTION.—The Secretary shall have the authority to sell this property through competitive procedures.

(3) Consideration for each sale shall not be less than the fair market value of the property, as determined by the Secretary.

(4) Payment may be by cash or as specified in subsections (c) and (d), as determined by the Secretary.

(c) SALE OF MANANA STORAGE AREA.—

(1) As consideration for any transfer to the State of Hawaii of the Manana Storage Area, the State must—

(a) at a site or sites to be determined by the Secretary, design and construct to the Secretary's specifications and satisfaction: (1) an openable causeway from mainside Pearl Harbor Naval Base of Ford Island; and (2) replacement facilities for those Navy facilities presently on Manana Storage Area; and actually relocate, to the satisfaction of the Secretary, the functions presently on Manana Storage Area; or

(b) provide funds to allow the Secretary to perform the design, construction and relocation specified in subsection c(1)(a); or

(c) provide any combination of the consideration enumerated in subsections c(1)(a) and c(1)(b) above that accomplishes the design, construction, and relocation, at the discretion of, and to the satisfaction of, the Secretary.

(2) If the State of Hawaii constructs the causeway or replacement facilities or any portion thereof, upon the acceptance by Secretary, the State shall transfer complete title to those facilities to the Secertary free of any liens or encumbrances.

(d) SALE OF PEARL CITY JUNCTION.—As consideration for the sale of Pearl City Junction, the Navy shall receive either funds, or actual design and construction of facilities plus relocation, or a combination thereof, as determined by the Secretary, to accommodate consolidation and relocation of the functions on the sale property to other Navy and Marine Corps property. This may include—

(1) relocation and consolidation of functions at Manana Storage Area and Pearl City Junction to common replacement facilities; and

(2) relocation of Marine Corps functions that would be displaced by such consolidation to replacement facilities to be designed and constructed at Marine Corps Air Station, Kaneohe Bay.

(e) USE OF FUNDS.—

(1) The Secretary may use the funds derived from any sale of land under this section accomplish any of the purposes described in subsections (c) and (d) including any related expenses.

(2) Funds received from the sales of lands under this section may be placed in an interest bearing account by the Secretary until expended and the accrued interest therefrom may be used in the same manner as the sale proceeds.

(3) Any funds which are unexpended after all the actions described in subsections (c) and (d) have been accomplished, shall be available for design and construction of additional support facilities for Naval Supply Center, Pearl Harbor.

(f) LEGAL DESCRIPTIONS OF LANDS.—The exact acreages adn legal descriptions of the properties to be transferred to the State of Hawaii or sold under this section shall be in accordance with surveys that are satisfactory to the Secretary.

(g) NOTIFICATION.—The Secretary may not enter into any contract under this section to—

(1) convey title to real property;

(2) provide for design or construction of a causeway to Ford Island, replacement facilities or other support facilities; and

(3) provide for relocation of functions from the properties to be sold until—

(a) the Secretary has transmitted to the Appropriations Committees of the Senate and House of Representatives a report of the details of the proposed tran· ction; and

(b) A period of 21 days has expired from the date such report has been received by the Committees.

(h) ADDITIONAL TERMS.—The Secretary may require such additional terms and conditions in agreements entered into under this section as the Secretary considers appropriate to protect the interests of the United States.

MOTION OFFERED BY MR. HEFNER

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

The Clerk read as follows:

Mr. HEFNER moves that the House recede from its disagreement to the amendment of the Senate numbered 36 and concur therein with an amendment, as follows: In lieu of the matter proposed by said amendment, insert the following:

SEC. 127.

(a) SALE OF LANDS.—Notwithstanding any other provision of law, and subject to subsections (b) through (h), the Secretary of the Navy (hereinafter the "Secretary") may sell the following real property together with improvements thereon:

(1) Approximately 108 acres in Pearl City, Oahu, Hawaii, known as the Manana Storage Area; and

(2) Approximately 14 acres in Pearl City, Oahu, Hawaii, known as Pearl City Junction.

(a) CONDITIONS OF SALE.—(1) Manana Storage Area. The State of Hawaii shall have the right to acquire and the Secreatary shall have the authority to sell to the State of Hawaii this property by meeting the terms and conditions set forth in subsection (c);

(2) Pearl City Junction. The State of Hawaii shall have the first right to acquire and the Secretary shall have the authority to sell to the State of Hawaii this property by meeting the terms and conditions set forth in subsection (d). Should the State and the Secretary fail to consummate an agreement, the Secretary shall have authority to sell this property through competitive procedures;

(3) Consideration for each sale shall not be less than the fair market value of the property, as determined by the Secretary; and

(4) Payment may be by cash or as specified in subsections (c) and (d), as determined by the Secretary.

(c) SALE OF MANANA STORAGE AREA.—(1) As consideration for any transfer to the State of Hawaii of the Manana Storage Area, the Secretary shall receive:

(a) At a site or sites to be determined by the Secretary, design and construction to reasonable specifications to the Secretary's satisfaction: (1) an openable causeway from mainside Pearl Harbor Naval Base to Ford Island; and (2) replacement facilities for those Navy facilities presently on Manana Storage Area; and actually relocate on Oahu, to the satisfaction of the Secretary, the functions presently on Manana Storage Area; or

(b) Funds to allow the Secretary to perform the design, construction and relocation specified in subsection (c)(1)(a); or

(c) Any combination of the consideration enumerated in subsections(c)(1)(a) and (c)(1)(b) above that accomplishes the design, construction, and relocation, at the discretion of, and to the satisfaction of, the Secretary.

(2) If the State of Hawaii constructs the causeway or replacement facilities or any portion thereof, upon the acceptance by the Secretary, the State shall transfer complete title to those facilities to the Secretary free of any liens or encumbrances.

(d) SALE OF PEARL CITY JUNCTION.—As consideration for the sale of Pearl City Junction, the Navy shall receive either funds, or actual design and construction of facilities plus relocation, or a combination thereof, as determined by the Secretary, to accommodate consolidation and relocation of the functions on the sale property to other Navy and Marine Corps property. They may include:

(1) Relocation and consolidation of functions at Manana Storage Area and Pearl City Junction to common replacement facilities; and

(2) Relocation of Marine Corps functions that would be displaced by such consolidation to replacement facilities to be designed and constructed at Marine Corps Air Station, Kaneohe Bay.

(e) USE OF FUNDS.—(1) The Secretary may use the funds derived from any sale of land under this section to accomplish any of the purposes described in subsections (c) and (d) including any related expenses;

(2) Funds received from the sales of lands under this section may be placed in an interest bearing account by the Secretary until expended and the accrued interest therefrom may be used in the same manner as the sale proceeds; and

(3) Any funds which are unexpended after all the actions described in subsections (c) and (d) have been accomplished, shall be available for design and construction of additional support facilities for Navy supply Center, Pearl Harbor.

(f) LEGAL DESCRIPTIONS OF LANDS.—The exact acreages and legal descriptions of the properties to be transferred to the State of Hawaii or sold under this section shall be in accordance with surveys that are satisfactory to the Secretary.

(g) NOTIFICATION.—The Secretary may not enter into any contract under this section to:

(1) Convey title to real property;

(2) Provide for design or construction of a causeway to Ford Island, replacement facilities or other support facilities; and

(3) Provide for relocation of functions from the properties to be sold until:

(a) The Secretary has transmitted to the appropriate Committees of Congress a report of the details of the proposed transaction; and

(b) A period of 21 days has expired from the date such report has been received by the Committees.

(h) ADDITIONAL TERMS.—The Secretary may require such additional terms and conditions in agreements entered into under this section as the Secretary considers appropriate to protect the interests of the United States.

Mr. LOWERY of California (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.

Mr. ROHRABACHER. Mr. Speaker, I would like to debate the motion.

The SPEAKER pro tempore. Is the gentleman opposed to the motion?

Mr. ROHRABACHER. Yes, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from Califormia [Mr. ROHRABACHER] will be recognized for 20 minutes, the gentleman from California [Mr. LOWERY] will be recognized for 20 minutes, and the gentleman from North Carolina [Mr. HEFNER] will be recognized for 20 minutes.

The Chair recognizes the gentleman from California [Mr. ROHRABACHER].

Mr. ROHRABACHER. Mr. Speaker, first of all, let Members start by examining what this amendment is all about. First, it disposes of 108 acres of prime real estate in Honolulu, now owned by the Federal Government, and it opens it with State approval to the private and commercial development. We are talking about giving away Federal land, conservatively valued at three-quarters of a million dollars per acre. That is prime real estate. This, without any opportunity for review by the House Government Operations Committee. Now, as I understand the House Government Operations Committee, it has the responsibility of overseeing the transfer of any Federal property. Yet, not this time.

The second thing this amendment will do is in a different part of Hawaii, and this amendment will result in the building of a causeway to an island in the middle of Pearl Harbor. This is without the need for approval or involvement of the Committee on Public Works, which I am told has jurisdiction over the construction of such causeways. However, not this time.

I am also told the projects like this causeway, paid for with Federal resources and built for Federal purposes, should be subject to compliance with environmental restrictions that apply to Federal projects. However, not this time.

Now, as all this is going on, far away in California, there is the battleship *Missouri*. The third purpose of the Senate amendment No. 36 is to set the stage for the transfer of this great battlewagon, away from California, and to the State of Hawaii. This is, of course, without the nod, official nod, of the Committee on Armed Services. Although I am only a freshman, I could have sworn that the Committee on Armed Services has jurisdiction over things like this, like the transfer of home ports for battleships. However, not this time.

Meanwhile, back in Hawaii, we are told that there is a severe shortage of naval housing, and that the Senate amendment No. 36 will result in the building of more housing. However, with the arrival of the *Missouri*, one wonders what that will do to the housing shortage. If there is a housing shortage in Hawaii, which I have no doubt that there is a naval housing shortage in Hawaii, the last place in the world that we should be sending the *Missouri*, with its thousands of crew, family, and support personnel, is Hawaii. That may be the conversation that we would hear discussed at a meeting at a public hearing of the Committee on Armed Services. Unfortunately, we did not have that meeting.

In fact, there are many questions that may well have been answered, had the Senate amendment actually gone through the standard progression of legislation, rather than having just been sprung upon Members. Perhaps we would like to know just who will be benefiting from the private development of 108 acres of federally owned prime real estate in Honolulu. Who will be the developers who will be developing? Who will be the citizens who will be benefiting? Who will be making money? Who will be making the deals?

All this could have been answered with a public hearing. We have had no public hearing, and we have at disposal some very valuable Federal real estate.

□ 1910

Perhaps we would like to know why Hawaii's naval housing shortage is any worse than California's naval housing shortage or Virginia's naval housing shortage. After all, if we are going to shortcircuit the process for Hawaii, why is Hawaii any better than California, or Virginia, or other places where there is a naval housing shortage, where the rest of us have to follow the proper procedures? Perhaps we would like to know why the Federal Government should spend so much in allocating so much for the cost for relocation for the families of the *Missouri*, for duplicating in Hawaii facilities that already exist in California, for hiring highly paid ship maintenance personnel whose job will be redundant to the personnel for the same work in California, in short for wasting millions of defense dollars at a time when every dollar is supposed to count.

Mr. Speaker, we have got to end this costly politicking with defense dollars, and that is exactly what Senate amendment 36 is all about, politicking with defense dollars. We are being told that Senate amendment 36 is about naval housing. If it is, why has the process been circumvented? If it is, why are there statements in the press about taking the battleship *Missouri* to Hawaii?

We are told that the base closing bill mandates the transfer of the *Missouri*. First and foremost, the Base Closure Commission never had authority to transfer a ship from a base which is not being closed or realigned to another base. The Commission's report did not close or realign Long Beach Naval Station. Hunter's Point in San Francisco was closed, or, more precisely, construction was stopped by the Commission. However the *Missouri* was never officially assigned to Hunter's Point. The Navy never made a final decision before the Commission stopped construction at Hunter's Point and removed the San Francisco option.

The U.S.S. *Missouri* was then, is now, and continues to be home ported in Long Beach. If it is going to be pulled out and given to Pearl Harbor, it is because of Senate amendment 36. Senate amendment 36 is making that happen, not the base closing bill.

Besides, let us ask ourselves: Does the base closing bill mandate that we give away 108 acres of Federal real estate so it can be privately developed, all accomplished without going through the standard legislative procedures? Nonsense. We heard that the Navy is duty-bound to send this great battleship to Hawaii, that their hands are tied. Well, their hands are not bound, and the Congress' mouth is not gagged. This type of maneuvering at the taxpayers' expense, frustrating standard legislative procedures, bypassing authorizing committees, making policy without the benefit of congressional hearings, in either body, is unacceptable and should not be tolerated.

Mr. Speaker, let me answer the allegation before it surfaces. If the decision to move the *Missouri* would be cost effective for the Navy and offer some savings for the taxpayers, I would support it. However that is not the case. Senate amendment 36 and the relocation of the *Missouri*, which will surely follow, is bad for the taxpayers. The duplication of facilities and personnel comes to the tens of millions of wasted dollars.

It is bad for the Navy. The Long Beach Naval Station is equipped to homeport two battleships. Why should the Navy be forced to duplicate the support system for those battleships?

In addition, it is bad for the House. This deal violates established congressional procedure by bypassing appropriate review by the Committee on Armed Services, the Committee on Public Works and Transportation, and the Committee on Government Operations, as well as the appropriate Senate committees.

This is bad also for the environment. By technically removing this project from Federal jurisdiction Hawaii would actually build this causeway. The conferees also bypass normal environmental requirements for Federal construction.

So, Mr. Speaker, let us stop this land swap raid on the Treasury. The maneuver of sending the battleship to Hawaii is political, has little, if no, defense benefit, and it will mean the loss of 108 acres of extremely valuable Federal land and will incur enormous unnecessary costs.

Most of all, let us send this message, and that is, "Let's quit bypassing and trashing the authorizing committees."

Mr. Speaker, I urge a no vote on the Hefner motion.

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

Mr. HEFNER. Mr. Speaker, there is a letter that has been circulated among Members that has given them some reason to be concerned, and there are some things in this particular letter that are just not correct. That "Dear Colleague" letter dated October 25, 1989, which is cosigned by the gentlemen from California [Mr. ANDERSON and Mr. ROHRABACHER] is as follows:

HOUSE OF REPRESENTATIVES,
October 25, 1989.

GIVE AWAY LAND? CIRCUMVENT CONGRESSIONAL COMMITTEES? FLOUT ENVIRONMENTAL PROTECTION REQUIREMENTS?

DEAR COLLEAGUE: During debate on the Conference Report on the Military Construction Appropriations Bill, H.R. 3012, Congressman Hefner will offer a motion to agree to the Senate plan to give away 108 acres of prime real estate in Honolulu, Hawaii in return for a causeway designed and constructed by the state.

This motion, part of a deal to relocate the battleship MISSOURI from a California homeport to one in Hawaii, is bad:

Bad for the taxpayers—The duplication of facilities and personnel come to tens of millions of wasted dollars.

Bad for the Navy—The Long Beach Naval Station was equipped to homeport two battleships. Why should the Navy have to split up the administration of those battleships?

Bad for the House—This deal violates established Congressional procedure by bypassing appropriate review by the Armed Services Committee, the Public Works Committee, and the Government Operations Committee, as well as the appropriate Senate committees.

Bad for the environment—By technically removing this project from federal jurisdiction (Hawaii would build the causeway) the conferees also bypass the normal environmental requirements for federal construction.

Please join us in a bi-partisan effort to stop this land swap raid on the Treasury. The maneuver of sending the battleship MISSOURI to Hawaii is political, has little (if any) defense benefit, will mean the loss of 108 acres of extremely valuable federal land, and will incur enormous unnecessary costs.

Senate Amendment 36, which Congressman Hefner is asking the House to approve, is, in short, a boondoggle.

Please vote "no" on the Hefner motion.

Sincerely,

GLENN M. ANDERSON,
Member of Congress.
DANA ROHRABACHER,
Member of Congress.

Mr. Speaker, I have here a copy of that "Dear Colleague" letter cosigned by Mr. GLENN M. ANDERSON and Mr. DANA ROHRABACHER and would like to take issue with several of the statements that are made.

To begin with, the statement that it is a giveaway of 108 acres in return for a causeway to be constructed by the State of Hawaii is misleading. To begin with, it is a sale of 122 acres, to be sold at no lower than market value, and this is clearly stipulated in the legislation. So it is not a giveaway. Second, the letter speaks only to construction of a causeway estimated to cost about $75 million. What is not mentioned is that the causeway would allow the Navy to realize the potential for development on 450 acres of Navy-owned land on Ford Island which is considered a more strategic location. Let me say further that the 450 acres is needed to develop operational facilities as well as family housing in Hawaii which has the most severe housing deficit in all the United States.

Third, the State's responsibility would not be limited to just a causeway as the letter clearly states. In the contractual arrangement, the State would also have to construct new warehouses for the Marines at Kaneohe Bay, rehab vacant warehouses for Navy use, and alter existing hangars on Ford Island.

The basic legislation provides options for the State to build facilities to the Secretary of the Navy's satisfaction or for the Navy to construct facilities using the proceeds from land sale, or the combination of both. Regardless of which plan is executed, the Secretary cannot accept payment less than the fair market value. So this is not a giveaway as stated by the gentlemen from California.

The gentlemen then state their real reason for opposing the Senate amendment—that is, to prevent the Missouri Battlegroup from relocating from the temporary location at Long Beach to Pearl Harbor as required by the base realignment and closure plan. Mr. Speaker, this body has voted overwhelmingly two times to implement the base realignment and closure plan as a total package with no exceptions.

I would further state that this plan would be necessary regardless of the Missouri Battlegroup. The realignment only precipitated this plan to be placed on a fast track.

The gentlemen's statement that the amendment violates the established congressional procedures by supposedly bypassing legislative committees is completely in error. First of all, the amendment is not within the jurisdiction of the Public Works Committee. The causeway is a military project which will be constructed on land

owned by the Department of the Navy. The bridge will not be part of the Federal Highway system, but will be owned and operated by the Navy. Such work is carried out under the program known as the Defense Access Road Program, not the highway bill. With regard to the Government Operations Committee, all the land affected is owned by the Navy and not GSA. Therefore, the Government Operations Committee is not the committee of jurisdiction. The Armed Services Committee, however, is a partner with us in jurisdiction, and our committee, prior to agreeing to accept the Senate amendment, had unofficially cleared it with the Armed Services Committee. Despite all the rhetoric by the gentlemen, we did operate in proper form and did not circumvent the congressional process.

The gentlemen also state that the amendment bypasses the normal environmental requirements. That is completely false. The EIS announcement was published in the Federal Register of October 17, 1989. A consulting firm has been retained to prepare the draft and final environmental inpact statements, and a public hearing is scheduled for November 2, 1989.

I am sorry to see so much misinformation published and I find it necessary to make this statement to clarify the record.

Mr. Speaker, let me just continue by saying that the gentlemen who are opposing this amendment happen to be from the Long Beach area of California. It is in the Long Beach area where the battleship *Missouri* is temporarily located. Now, the base realignment and closure plan which the Congress overwhelmingly supported proposes to move that battleship to Pearl Harbor, HI. So it is Pearl Harbor where the Navy, in conjunction with the State of Hawaii, has worked out a comprehensive plan to sell excess land and from the proceeds construct necessary facilities in support of the future homeporting of the battlegroup. I would say further that the proposed land exchange for facilities would be necessary even if the battlegroup were not assigned to Pearl Harbor. So I cannot but summize that—while the gentlemen are attempting to lead us to believe that this is a big land grab for the State—I cannot but assume that the gentlemen's motives are parochial and that this is an attempt to nip at the base realignment and closure plan as it affects Long Beach and Hawaii. I cannot blame the gentlemen for wanting to protect their interests at home. Let me speak about our conference.

Mr. Speaker, as the chairman of this subcommittee, I have been delegated to make sure that the base closure plan does not become unraveled in the appropriations process. I have taken that responsibility very seriously. We have been waiting for over 1½ months to go to conference with the Senate. The reason for the hold was the large differences in respective funding levels for base closure, together with a jurisdiction dispute over which bill should fund the base closure account. When we named conferees, our conferees were instructed by the House to insist on the House position. I can tell you that I went into that conference and stood firm on the House position. The Senate had offered compromises but I would not accept anything short of the House position. We won that part, but in the spirit of compromise we accepted the amendment dealing with the land sale and replacement in Hawaii knowing that the amendment would be compatible with the military needs in Hawaii and that the amendment protects the interests of the United States.

Members may be led to believe that this is a unique and unprecedented land exchange. I will tell you that it is not. There have been numerous land sale and replacement packages legislated over the years and some of those are in the State of California. So this is not new or unique. For every land transfer the interests of the United States are protected just as in this case.

Let me speak to the issue of legislating in an appropriation bill. If you are to examine the military construction bills for the last several years you will find that this subcommittee has avoided legislating in the appropriations bill. If we have, you will find that the matter was coordinated through the appropriate committees. I submit to you that we have had an outstanding cooperative arrangement with Mr. DELLUMS, Mrs. SCHROEDER, and Mr. MARTIN regarding jurisdictional issues.

Let me now speak to the merits of the legislation. If you study our amendment to the Senate amendment, you will find that the interests of the United States are protected. The Secretary of the Navy basically has the trump card. First of all, any compensating construction of facilities in exchange for the land sale has to be to the satisfaction of the Secretary. The legislation does not permit the sale of the parcels to be less than the fair market value. This legislation is very clear on this part; so the notion that it is a giveaway is purely false. The legislation also requires the Secretary to report to the appropriate committees of Congress 21 days prior to entering into any contract. If we think that he has made a decision that is out of line, we can stop it.

Let me just say that this is not a proposal that popped up overnight. It is something where the Navy has been working with the State for over 3 years. The reason the plan can be activated at this point is that the State apparently has the funds to go forward. Arrangements such as this are not unusual. At many of our bases, the bases are being impacted by urban pressures—pressures to establish and revise land use plans that ultimately impact operations or transfer of land. In the case of Hawaii, the Navy sees an opportunity to sell 122 acres of land and in exchange construct facilities that will make available 450 acres of unused Navy-owned land known as Ford Island. The Navy would not only quadruple available land at no net cost to the Government—and I emphasize no net cost to the Government—but the land made available will be at a location strategically important to the Navy. More than that, it would create an opportunity to build family housing in an area which has the most serious military housing deficit in all of the United States.

Let me conclude by saying that this debate is a base closure issue in no uncertain terms. The gentlemen from California want to keep the battleship *Missouri* in Long Beach and I don't fault them for that. By defeating my motion, this is one way to start unraveling the whole plan one step at a time. This committee and the House have had to take a difficult stand in assuring that the base closure plan stays on track. We have done that even though many members of our committee are impacted.

Mr. Speaker, this amendment is a good amendment and a good deal for the Navy. I would urge Members to vote aye on my motion.

□ 1920

Mrs. SCHROEDER. Mr. Speaker, will the gentleman yield?

Mr. HEFNER. I yield to the gentlewoman from Colorado.

Mrs. SCHROEDER. Mr. Speaker, I just want to say that the gentleman from North Carolina is absolutely right, and everybody here should support the gentleman from North Carolina. He has worked very hard with the authorizing committee which I chair.

Mr. Speaker, the opponents of this motion to recede and concur make three arguments:

First. Jurisdiction; the amendment, they claim, tramples on the jurisdiction of the Committees on Public Works and Government Operations;

Second. U.S.S. *Missouri* home port; the amendment, they say, is a backhanded attempt to home port the U.S.S. *Missouri* at Pearl Harbor, instead of Long Beach; and

Third. Ripoff. The amendment, they suggest, is a ripoff of taxpayer's dollars because the causeway to Ford Island is unneeded.

None of these arguments has much weight.

First, as to jurisdiction, the Navy owns Naval Station Pearl Harbor. It owns Ford Island. Therefore, the Navy will own the causeway. The jurisdic-

tion over construction of military roads on military bases is solely within the jurisdiction of the Committee on Armed Services. The causeway will not be a Federal highway. Therefore, Public Works has no jurisdiction.

Moreover, no land is being declared excess to the needs of the Navy. The General Services Administration has responsibility to dispose of excess lands. No lands are excess; therefore, GSA has no role. And, as the oversight committees to GSA, Public Works and Government Operations have no jurisdiction.

If the jurisdictional argument of Public Works and Government Operations were upheld in this case, these two committees could claim jurisdiction over virtually every piece of military construction. If Government Operations has jurisdiction over construction at Pearl Harbor, why should they not have jurisdiction over construction of new National Guard armories? If Public Works has jurisdiction over the new causeway to Ford Island, why should not that committee have jurisdiction over tank trails at Fort Bragg?

The second argument has to do with assignment of the U.S.S. *Missouri*, a battleship which was assigned to San Francisco until the Base Closure Commission recommended the mothballing of Hunters Point. On page 71 of the Commission's report, the Commission recommends that the U.S.S. *Missouri* and two cruisers go to Pearl Harbor. As the House may remember, we voted on April 18 by 43 to 386 not to disapprove the recommendations of the Commission. The Senate voted 86 to 14 on September 26 to table a motion to undermine the Commission recommendations. Under the base closure law, the recommendations of the Commission go into effect without amendment. So, basing the U.S.S. *Missouri* at Pearl Harbor is not back-handed as the opponents claim. It was something the House and Senate already voted overwhelmingly to support.

More important is the fact that the land swap and causeway construction have nothing whatever to do with the basing of the U.S.S. *Missouri*. Nothing. Hawaii has a desperate shortage of military family housing. If we have a causeway out to Ford Island, we can build housing on Ford Island. No causeway, no housing. In this year's bill, we have 330 units of housing construction on Hawaii. We need hundreds of additional units.

Incidentally, we tried to authorize new, needed family housing at Long Beach, but had to cancel the project because there was not sufficient land to site the housing.

The third argument is that the deal is a ripoff. Nothing could be further from the truth. The provision requires that the State of Hawaii provide facilities equal in value to the land. The land is worth about $85 million; the causeway, utilities, and replacement warehouse cost about $85 million. With the military construction budget being as tight as it is, getting $85 million into the budget would be nearly impossible. By working this deal with the State of Hawaii, we can get needed facilities without increasing the Federal deficit.

Frankly, I do not like legislation of this sort in the appropriations bill. It should have been in the authorization bill. But, that said, I want to assure my colleagues that we who have jurisdiction over military construction have no problem with this provision and the taxpayers are well protected. Support Chairman HEFNER.

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

Mr. HEFNER. I yield to the gentleman from California.

Mr. DELLUMS. Mr. Speaker, I thank the gentleman for yielding to me.

I do so, rising to support the amendment that is presented by the conference. I do so, one, having served as the subcommittee chair for Military Installations and Facilities from 1983 to 1988, the subcommittee now ably chaired by the gentlewoman from Colorado [Mrs. SCHROEDER].

Second, I rise, having chaired more issues on the issue of home porting than any other committee in this House or in the other body.

No. 3, I do so as one person intimately involved in the politics of the *Missouri*. I am sure most of my colleagues are aware of the significant battles that we had over the issue of the *Missouri* being home ported in San Francisco.

Having now established those bona fides, I would like to say to my colleague, the gentleman from California, that the gentleman from North Caroline indicates that the Navy had been working on this program for 3 years, but I would suggest that this issue has been rattling around in the Armed Services Committee since 1983, longer than 3 years, before the issue of home porting became a policy, before the issue of the *Missouri* became public at all.

So I can say to my colleague that they have been trying to resolve this problem long before the issue of the *Missouri* came up. There has been to this gentleman's recollection, as I said, I am no longer the chair of this committee, a shortfall of approximately 6,000 housing units in the Hawaii area, irrespective of home porting the *Missouri*. So I can say to my colleague that if you move aside the politics of the *Missouri* and address the issue on the efficacy of its merits, then I would say to my colleague that his amendment lacks merit, because this is not about the *Missouri*. This issue was rattling around for several years, 6 years during the time that this gentleman chaired the subcommittee.

I might say that I am pleased with the fact that it has now been finally resolved. The property is now being sold for fair market value. The money derived will take care of portions of this issue. We then find family housing that is desperately needed in that area.

The issue of the *Missouri* aside, when you place that aside it seems to me you have a major responsibility to support the efforts of this committee in trying to resolve a matter that could not be resolved, not in 3 years, but literally in 6 years, almost 7 years.

Mr. LOWERY of California. Mr. Speaker, I rise in support of the motion and yield myself such time as I may consume.

Mr. Speaker, this is not a new problem, access to Ford Island from Pearl Harbor has been a longstanding issue and one this committee has been concerned with. Pearl Harbor has a drastic need for additional space, regardless of the *Missouri*. In fact, last year our committee directed the Department of the Navy to enter into negotiations with the State of Hawaii for the sale of this land and construction of the causeway before a base closure and realignment policy was enacted. The Navy was underway with this process well before the base closure recommendations were made.

Last December, when the Commission came out with its report, it recommended the *Missouri* be relocated to Pearl Harbor and I will quote from page 71 of the report:

> Naval station, San Francisco, Hunters Point. The Commission recommends that the proposed strategic homeport program construction for Hunters Point not be executed. Instead comparable construction should be accomplished at Pearl Harbor, Hawaii, and Long Beach and San Diego, California.

On page 72 further:

> The Commission recommends relocating the battleship and two cruisers from Hunters Point to Pearl Harbor, one cruiser, two destroyers and two frigates to San Diego, California, and one cruiser to Long Beach.

Let me just say, as a southern Californian, I prefer to keep the *Missouri* in southern California. San Diego, I have to say, would be my first choice, but Long Beach would be an adequate second. But the fact of the matter is this Congress supported the recommendations by an overwhelming margin when we voted down a resolution of disapproval in April, by a vote of 43 to 381. It was then we agreed to the decision to send the *Missouri* to Pearl Harbor.

Several questions have been raised on the Commission's requirement to comply with the recommendations for receiving bases.

In January of this year, the Deputy Secretary of Defense, Will Taft, said

that on January 5, 1989, Secretary Carlucci decided to adopt in totality the Commission's recommended closures and realignments. Such closures and realignments include relocation of operating forces. I have checked with the Department of Defense and this is still the policy.

Mr. Speaker, this is not a deal or manueuver to send the *Missouri* to Hawaii; this concept has been in the works for several years. It benefits the Navy. This is not a giveaway. The State has three options. To pay for the land, to design and construct the causeway and replacement facilities, or a combination of both. All at fair market value.

This is not bad for the House. It is my understanding the Armed Services Committee, which has jurisdiction, supports this language.

□ 1930

Let me just correct one other misstatement, and there are a number; the one about bypassing environmental requirements. The fact of the matter is the Navy is complying with all Federal statutes. The Navy issued an environmental impact statement announcement in the Federal Register last week, pursuant to the National Environment Policy Act of 1969. This covers the causeway, the operational and community support facilities, and the family housing. Public hearings are scheduled for November 2, 1 week from today.

The law is being fully complied with in all instances. Mr. Speaker, as much as I would like to see the *Missouri* stay in southern California, the fact of the matter is this Congress by overwhelming margins has made a decision to send it to Hawaii.

Mr. ROHRABACHER. Mr. Speaker, I yield 4 minutes to my distinguished colleague, the gentleman from California [Mr. ANDERSON].

Mr. ANDERSON. Mr. Speaker, I rise in opposition to the Hefner motion agreeing to the Senate amendment No. 36.

This amendment does several things without the benefit of examination of the pertinent committees. It creates what appears to be a swap, whereby the State of Hawaii will build a causeway to Ford Island in Pearl Harbor, and in exchange, the Navy will give to the State 108 acres of land on Oahu, arguably some of the most valuable land in the country.

I have two problems with this arrangement, Mr. Speaker. First, although the State is building the causeway, it is really being paid for by Federal funds in the form of some very expensive land, and as a result, the construction should be reviewed by the usual Federal overseers.

Second, Mr. Speaker, is the fact that the land in question is being given to the State, disposed of by the Federal Government, without involvement of the GSA. The military has again found a way to circumvent the procedures and safeguards set up to administer the disposal of land. GSA has the responsibility for the use and disposal of Federal land considered excess and surplus. Why has the Government Operations Committee not been consulted?

This swap of land for a causeway is of a very questionable financial nature. This agreement stipulates that a fair market value shall be received for the land, but since the land will not be put on the market, who can say what the land is worth? Is taxpayer money being thrown away? The answer appears to be, yes.

This amendment is misleading, bypasses the legislative process, and tries to evade committee review. It is an end run by the military. An arrangement has been made so that Hawaii gains Federal land in exchange for building a causeway to a Federal installation, and the whole situation comes to pass without scrutiny.

I urge you to vote "no" on the Hefner motion to agree to the Senate amendment. Insist on the House position. We are spending Federal money on a project of dubious worth, and we are subverting the process.

Vote "no" on the Hefner motion.

Mr. LOWERY of California. Mr. Speaker, I yield 3 minutes to the gentleman from Arizona [Mr. KOLBE].

Mr. KOLBE. Mr. Speaker, I rise in support of the request of the gentleman from North Carolina that the House concur with the Senate on this issue.

There is going to be a lot of talk about the value of land in Hawaii, and we have already heard that, whether it is a good trade to have the State build a causeway in exchange for the land.

Do not be misled by these peripheral arguments. I want my colleagues to understand what is really behind this attempt to keep the battleship *Missouri* from being moved to Pearl Harbor.

The *Missouri* was recommissioned in May of 1986 and temporarily assigned to Long Beach until a new home port could be constructed at Hunters Point, CA. The Base Closure Commission report included a provision canceling the Hunters Point home port and directing the redistribution of the entire battle group to existing ports in Hawaii and California.

Mr. Speaker, the Members may remember my attempts several times earlier this year to point out that certain portions of the base-closing agreement I did not feel were cost-effective. I did not believe they should go forward. No one knows better than I do the will of the House of Representatives, and that is to leave the base-closing recommendations intact. I made my attempt to stop what I thought was a mistake in the Base Closing Commission, but by an overwhelming vote, the House said, "We do not want to tinker with the recommendations."

I want my colleagues to recognize that this is tinkering with the recommendations.

Let me read for the Members again from the base-closure report:

> The Commission recommends that the proposed strategic home port program construction for Hunters Point not be executed. Instead, comparable construction should be accomplished at Pearl Harbor, HI, and Long Beach and San Diego, CA. The Commission recommends relocating the battleship and two cruisers to Pearl Harbor, one cruiser, two destroyers and two frigates to San Diego, and one cruiser to Long Beach.

Mr. Speaker, the intent is clear. There are no weasel words here. The Commission made its recommendation, and now the House has to decide whether we are going to attempt to block one of the specific recommendations of the Commissioners. If we do, we are opening an incredible Pandora's box which the House previously, by an enormous margin, indicated it wants to keep closed.

Let me say again, I did not vote for the base-closings report. I did not support its recommendations. I voted against it.

The gentleman from California voted to approve those recommendations. Where was he last April when this issue was brought up?

One other point, the gentleman from California said that the Department of Defense does not have to abide by this, and they do not have to move this. Let me quote from something that was given today by the Department of Defense to us today:

> The Base-Closure Realignment Act stipulates that once the Secretary of Defense accepts all of the Commission's recommendations and the Congress does not enact a joint resolution of disapproval, the Commission's recommendations have the force of law. The Congress has not enacted the joint resolution of disapproval. Consequently, the Department of Defense must, by law, implement all of the closures and realignments as recommended by the Commission in accordance with Public Law 105-526.

Mr. Speaker, this issue has been debated. It is over. It is finished. This is too late.

I urge my colleagues to support the Committee on Appropriations on the conference agreement and recede to the Senate on this issue.

Mr. ROHRABACHER. Mr. Speaker, I yield myself 3 minutes.

Mr. Speaker, I would like to share with the Members of the House a letter from JOHN CONYERS, chairman of the Committee on Government Operations. I will not read the entire letter, but I am including it in the RECORD. I will read portions of it.

JOHN CONYERS, the chairman of the Committee on Government Operations, states:

I rise in opposition to the motion to dispose of the amendment. Once again, as Chairman of the Government Operations Committee, I am confronted with an attempt by the Department of Defense to circumvent established procedures to dispose of Federal property.

We have heard often that this is not unique in this debate obviously. The chairman of the Committee on Government Operations thinks it is, and he says also:

The effective functioning of the property disposal program, which benefits all taxpayers, is jeopardized. There is no mention of park, recreational, or educational use of this property. In contrast, all of these uses are considered under the traditional disposal procedures.

Legislating "favoritism"—

And let me repeat that Chairman CONYERS calls this favoritism—

is poor public policy. For these reasons, I urge my colleagues to vote "no" on the Hefner motion.

The letter referred to follows:

MR. SPEAKER: I rise in opposition to the motion to dispose of the amendment. Once again, as chairman of the Government Operations Committee, I am confronted with an attempt by the Department of Defense (DOD) to circumvent established procedures to dispose of Federal property. As you know, this amendment would allow the Secretary of the Navy to sell Federal property to the State of Hawaii, thereby "short-circuiting" not only the Federal Property Act, but also conferring on the Navy Secretary authority given to the Administrator for GSA. The Department of Defense has frequenly supported legislative provisions, at the expense of the Federal Property Act, seeking special authority to dispose of lands under its control. In fact, since 1985, there have been no less than 54 provisions providing exemptions to the Federal Property Act—all of these for DOD.

This particular transfer involves property with an estimated value of approximately $100 million!!

This trend toward DOD favoritism underscores my concern that these special provisions are precedent setting and evade the existing property disposal structure and process established under the Federal Property Act. That is bad policy with taxpayers dollars anytime, especially when we are cutting deficits. The effective functioning of the property disposal program, which benefits all taxpayers, is jeopardized. There is no mention of park, recreational, or educational use of this property. In contrast, all of these uses are considered under the traditional disposal procedures.

Legislating "favoritism" is poor public policy. For these reasons, I urge my colleagues to vote "no" on the Hefner motion.

JOHN CONYERS,
Chairman,
Government Operations Committee.

Mr. Speaker, I yield 3 minutes to my distinguished colleague, the gentleman from California [Mr. DORNAN].

Mr. DORNAN of California. Mr. Speaker, I have friends on all sides of this issue and, frankly, I am very surprised at some of the inflammatory rhetoric when good people can come down on a different opinion on this issue.

First of all, the Base Closing Commission group had no authority to order where naval ships should be placed. What they are saying is to move the battleship *Missouri* from Hunters Point. It never got to Hunters Point. It is based right now in Long Beach sitting right next to one of its sister Iowa-class ships, the U.S.S. *New Jersey,* which has been there off and on since the Vietnam war. I have been on that ship for over 20 years.

The problem with this is that when San Francisco had a big battle with the lady mayor on one side and a lot of Congressmen saying, "Keep that weapon out of there, that admiral's toy," and blocked the whole move to have it in San Francisco where there already are excellent supercarriers, as there are down in San Diego, and it left Long Beach, the smallest of our naval shipyards but an excellent asset to this country nevertheless. It left them with the option of picking up this other battleship, the sister ship of the *New Jersey,* and servicing these two ships.

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This is not a sneak attack on something that Pearl Harbor wanted. They have had more naval ships than they could handle since the day it was picked as a strategic and tactical naval base way out in the middle of the Pacific. As our Vice President says, it is there; it always will be, and it is in the middle of the Pacific, and it is still a United States' State. That is fine.

But Long Beach was given part of the battle group from Hunter's Point, the part that never got there anyway, and another part it is said should go to San Diego, and some to Pearl Harbor. The point is, the bottom line, we are going to cost the Defense Department precious millions of dollars, as the gentleman from California, Mr. GLENN ANDERSON has said, if we take this facility in Long Beach, which is already set up to handle two battleships, and move it to another State where we will have to spend a lot of taxpayers' money.

The only argument that could have been possibly entertained by a nonmilitary person is: Is this a jackpot target to put two battleships side by side instead of having four separate ports? What about the jackpot target of San Francisco Bay with several supercarriers? What about the jackpot target of San Diego that has always had multiple supercarriers in that port because of its excellent facilities?

I voted for base closing, and there were some stupid things in there. They closed down one of the greatest desert fighter bases in the world where I flew for almost 3 years, George Air Force Base, with seven gunnery ranges, 364 flying days a year out of 365. I did not want to sign away a base that I served at and would love to go back and visit, but I accepted that.

I get 3 minutes. Hold on. The penguins out there are chirping already. Hold it just a minute, please. I am almost through, 10 seconds, and I thank Members for their courtesy.

The SPEAKER pro tempore (Mr. SYNAR). The time of the gentleman from California has expired.

Mr. DORNAN of California. Members have cost me 10 seconds.

So support the gentleman from California [Mr. ANDERSON] and the other gentleman from California [Mr. ROHRABACHER].

Mr. LOWERY of California. Mr. Speaker, I yield 2 minutes to the gentleman from Texas [Mr. DELAY].

Mr. DELAY. Mr. Speaker, I probably will not take the whole time. I just have to answer my good friend from California, and my other good friend from California who is bringing this motion.

I do not fault the gentleman for trying to protect his interests and the interests of his constituents in keeping the *Missouri* in Long Beach. But I must point out that true, the Commission does not direct where ships will be placed, but it does direct and make recommendations, and did make recommendations where the facilities would be to house these ships and service these ships.

If the *Missouri* were even kept in Long Beach, we would have to build facilities for the servicing of the *Missouri.* So there is no savings, the $8 million claimed. Facilities would still have to be built to maintain and house the *Missouri.*

I understand the gentleman. The Commission has made its recommendations, and I hope the House will support the committee.

Mr. HEFNER. Mr. Speaker, I yield 1 minute to the gentleman from Hawaii [Mr. AKAKA].

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

Mr. Speaker, I rise in support of the committee's position on amendment No. 36.

Mr. Speaker, this amendment has little to do with homeporting battleships. It has nothing to do with the procedures of this House. The real story of this amendment has to do with whether or not we provide sufficient family housing for the military.

The gentleman from California may not know it, but I represent a district that has the greatest shortage of military family housing of any other district in the Nation. We have a deficit of 4,000 family housing units, more than any other site in the country. In fact, of the total number of family housing units that are needed nationwide, 21 percent are in Hawaii.

I don't have to tell my colleagues how expensive housing costs are in Hawaii. And if you think that existing housing is expensive, the cost of constructing new housing units is even worse.

There is no more important quality of life issue in the military today than the availability of affordable housing. What kind of lifestyle do we expect the families of men and women in uniform to lead if they lack decent housing. This is a quality of life issue, pure and simple. That is why this amendment appears in our bill.

Improving the quality of life and working conditions in the military is essential to improving overall military readiness. If we do not provide the necessary housing for our armed services personnel and their families, we cannot expect them to perform as a modern and professional military force.

I assure my colleagues that the proposal contained in our bill is not the outlandish proposition that my opponents would have it. In essence, what the committee has recommended is that the State of Hawaii build a much needed bridge to Ford Island in Honolulu Harbor, and in exchange the State be given land elsewhere to cover the cost of construction. Hawaii builds the bridge, and in exchange they receive land of fair market value.

One need only examine the armed services bill for any given year to find a host of instances where the Department of Defense is trading land for the construction of new facilities that are important to its mission. There are four transactions of this kind in the DOD authorization bill which passed the House earlier this year and two more in last year's bill. So any characterization of this amendment as some kind of a one-of-a-kind boondoggle or a giveaway is wrong—dead wrong. In an era of tight budgets, such arrangements have become commonplace.

I can understand that some of my colleagues from southern California are dissatisfied with the recommendations of the Base Realignment and Closure Commission that would remove a battleship group from Hunters Point and transfer its elements to three sites, Pearl Harbor, Long Beach, and San Diego. I suppose that if I were from California, I would be unhappy as well. But that recommendation was not made by me or by Congress as a whole, but by the Secretary of Defense. And the House endorsed that recommendation by a vote of 381 to 43.

The reality is that the amendment before us is essential to the DOD's mission in Hawaii regardless of whether ships are homeported in Hawaii. This causeway is essential because without it, the only means of access that enlisted personnel and dependents have to the rest of Honolulu is a ferry service. This ferry is inadequate to support existing functions at Ford Island. My colleagues, without this bridge, you will leave those military families fortunate to have housing on Ford Island high and dry. What is worse is that without this amendment, plans to build 4,000 units for military families that are currently waiting for housing may not go forward. And that, my friends, will destroy the morale of service men and women in my State.

To prove my point, I refer my colleagues to the Army's policy statement on this issue. According to the Army, the latest survey shows a deficit of 4,000 housing units, and I quote, "making this location the number one family housing deficit problem." What I want to emphasize is that the Army goes on to say that this deficit "does not include any new requirements that may result from the Services' restationing decisions (e.g., the Battleship Group)."

Thus the Army makes clear that battleship or no battleship, the construction activity carried out under this amendment is vital to eliminating the military housing shortage on Oahu.

Now I know someone is about to stand up and say that what would be built by this amendment is not housing units but a bridge. That is true, but without the bridge the military families stationed on Ford Island will have no way to get to their work stations at Pearl Harbor except by ferryboat.

When I examine amendment No. 36, and then I listen to the debate on the floor, I can hardly believe that what we are talking about is the same amendment.

Do not be misled. This amendment is a great deal for the Federal Government. It specifically provides that, I quote, "Consideration for each sale shall not be less than the fair market value of the property." This transaction must be carried out at fair market value.

Thus, whether the State pays cash or agrees to construct a bridge, the consideration it must pay for the land cannot be less than the appraised value of the land. However, when it comes to the cost of designed and constructing the bridge to connect the military facilities on Ford Island with Pearl Harbor, the amendment places no limit on the amount the State must pay for this construction. The Department of Defense is guaranteed not less than fair market value and the State must build a causeway, regardless of cost.

In their "Dear Colleague" letter, my friends from California have branded this amendment a "raid on the Treasury" and a "land giveaway." Well, if this is a giveaway, then the Federal Government should do this more often.

Mr. LOWERY of California. Mr. Speaker, I yield 3 minutes to the gentleman from New York [Mr. MARTIN], the ranking member on the authorizing committee.

Mr. MARTIN of New York. Mr. Speaker, the good news is if I can have the attention of the Members for a minute and a half, I will do it in that time; otherwise I am going to take my full time.

My friends, I ask Members to support the Hefner position. We heard the gentleman from California, Mr. DELLUMS, speak earlier about these negotiations that were started many years ago between the State and the Federal Government and the city.

While Members want to bring in the question of base closure, it should not even be in this argument, because the fact of the matter is, and most important to this debate is the fact that we are 6,000 housing units short today in Hawaii. It is very, very expensive for our young people who try to live there on the economy.

I do not blame the gentleman and he can go and fight for the *Missouri* to stay in Long Beach. But please do not interfere with something that we have been negotiating for many, many years. It is a great benefit to the taxpayer, it is a great benefit to the Navy, and it is a great benefit to Hawaii.

I would like to point out for those particular Members from Hawaii and those interested with the issues of Hawaii and land values, there is no Member that has ever suggested that the gentleman from New York was easy when it comes to giving away land in Hawaii. My colleagues will remember the battles over Fort Derussey.

Please do not try to fight the base closure legislation on this longstanding attempt to do something for our service people.

I yield back the balance of my time.

Mr. LOWERY of California. Mr. Speaker, I yield 3 minutes to the gentlewoman from Hawaii [Mrs. SAIKI].

Mrs. SAIKI. Mr. Speaker, I would ask for the indulgence of my colleagues. This is a very important bill for those of us in Hawaii.

Mr. Speaker, I rise in strong support of the motion by Mr. HEFNER and urge my colleagues to vote in favor of this motion.

The Hefner motion will allow the Navy and the State of Hawaii to proceed on a land transaction which will allow the Navy to construct critically needed housing for its strategically forward-deployed personnel in the Pacific.

The Navy would build personnel housing on Ford Island, an island of some 450 acres in the middle of Pearl Harbor.

Today, the only access to Ford Island is by ferry. The State of Hawaii

has agreed to build a causeway from the shoreside of Pearl Harbor to Ford Island for ready access, in order to build the housing and to provide a roadway to the shore.

Approximately 1,000 new units of needed housing for military personnel could be created on Ford Island.

In return, the Navy would sell to the State of Hawaii some 108 acres of underutilized Navy land adjacent to Pearl Harbor. The State of Hawaii would, in turn, create more housing on this land, much of which would undoubtedly be used by military personnel.

This land which would go to the State, an area called the Pearl City Peninsula, currently is filled with dilapidated, underused, World War II-era warehouses. The State's efforts to construct low- and moderate-income housing here would be a giant step toward relieving the critical housing shortages in Honolulu which impact severely on military personnel stationed in Hawaii.

Mr. Speaker, this proposal is good for the U.S. Navy, it's good for the State of Hawaii, it's good for military personnel who have families and need affordable housing, and it makes good sense in general because it creates useable housing on both Ford Island and the Pearl City Peninsula for the sake of Oahu residents, military and civilian.

The Navy and the State of Hawaii have been working on this project for at least 5 years, and everyone is in agreement that the proposal is sound, necessary, and should proceed.

The state of military housing in Hawaii can only be described as sad.

The military currently estimates a shortfall of 4,000 housing units with this number getting higher and higher as older facilities fall into disrepair. Those servicemen and their families who cannot live in military housing are forced to live off base in more expensive, sometimes substandard, facilities because they cannot afford a nicer place to live.

I am not arguing that our dedicated military personnel live the lifestyle of Waikiki, but I must ask: Is this how our servicemen and women on the Pacific front-line should be treated—forced because of a severe housing shortage to live in substandard housing?

A "Dear Colleague" recently distributed by some of my colleagues from California claims that this transaction is being done with the intent of homeporting the *Missouri* at Pearl Harbor.

Mr. Speaker, the recommendation for the *Missouri* homeporting was fully addressed in the Base Closure Act.

Could this be an affort to undermine the Base Closure Act?

If it is—are we in this House going to become partners in the unraveling of the base closure recommendations that this Congress has already formulized into law?

This provision of the bill is to provide urgently needed military housing to our personnel stationed on the front-line in the Pacific—the cause way is needed with or without the *Missouri*.

Mr. Speaker, the issue here is housing.

On Oahu, in Honolulu—in my district—the median price of a house is $262,000. That's a level only second to San Francisco that with each passing day becomes farther and farther out of reach for civilians, not to mention military personnel.

Here we have an agreement between the Navy—desperate for affordable personnel housing—and the state of Hawaii—equally desperate to create more housing to ease this crunch—both agreeing to help each other with the larger problem.

The best way to do this is to let the State build the causeway to Ford Island so the Navy can build housing, in exchange for letting the State build housing with the Navy's Pearl City Peninsula land.

The result will be decent, more affordable housing for military personnel.

Mr. Speaker, I urge my colleagues this evening to vote in favor of this motion.

It makes good policy, good sense, and will make a bad situation better for everyone involved—especially our military personnel.

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Mr. ROHRABACHER. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, this issue, we have heard from many people who talked here, this is an issue about the housing for military dependents. Let me suggest there are many military dependents throughout the United States who are in need of more housing and in need of proper housing, including my district, including districts in Virginia, Florida, Texas, and throughout the United States.

However, when this body is trying to come up with the money and trying to come up with the decisionmaking process to provide housing for these military dependents, the proper procedures are used.

The proper procedures, as we have heard from the heads of the committees today, has not been followed in this process.

Another situation: If this is a debate about housing for military dependents, why is it that the proper procedures were not used in the first place? Also, if we can look at this issue and if it is the issue of housing for military dependents, why is there a suggestion that the battleship *Missouri* will be going to Hawaii? Everyone in this room knows today that the battleship *Missouri* and its support crew and the people that go with the battleship *Missouri* encompasses thousands of people, which means they will need housing for thousands of more people.

That argument is totally without merit.

If you look at this issue, you can see we are discussing whether or not a particular wheeling and dealing that has been made about where the battleship *Missouri* will be stationed is coming to a head on this floor. This is not about the unraveling of the base-closure bill. The Base Closure Commission had no authority whatsoever to reassign the battleship *Missouri* from a base that was not being closed.

Long Beach is not being closed. It was never officially assigned to Hunter's Point. Thus the Base Closing Commission had no authority to make that order.

Mr. Speaker, I just leave you with this thought: This motion is bad for the Navy, it is going to eat up the millions and millions of dollars that should be used for the Navy and for housing of naval personnel, and the duplication of facilities and services in personnel that are currently in Long Beach. It is bad for the Navy, it is bad for the taxpayers and a gross violation of procedure that we have seen on this measure. It is bad for the House of Representatives.

Mr. Speaker, I ask for this motion to be defeated.

Mr. LOWERY of California. Mr. Speaker, I yield myself such time as I may consume and ask unanimous consent to include in the RECORD a memorandum from the Deputy Assistant Secretary of Defense, to the service secretaries dated January 10, 1989, regarding base closure.

Mr. Speaker, I also ask unanimous consent to include in the RECORD, the Department of the Navy's intent to prepare an environmental impact statement for proposed development at Naval Base Pearl Harbor, Oahu, HI, as published in the Federal Register of Tuesday, October 17, 1989.

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

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

Memorandum for Secretaries of the Military Departments, Chairman of the Joint Chiefs of Staff, Directors of the Defense Agencies.

Subject: Recommendations of the Commission on Base Realignment and Closure.

On December 29, 1989 the Commission on Base Realignment and Closure presented us with its detailed findings and recommendations. On January 5, 1989 Secretary Carlucci decided to adopt in totality the Commission's recommended closures and realignments; such closures and realignments include relocations of operating forces.

WILLIAM H. TAFT IV,
Deputy Secretary of Defense.

[From the Federal Register, Oct. 17, 1989]

DEPARTMENT OF DEFENSE

DEPARTMENT OF THE NAVY

Intent To Prepare an Environmental Impact Statement for Proposed Development at Naval Base Pearl Harbor, Oahu, Hawaii

Pursuant to Section 102(2)(C) of the National Environmental Policy Act (NEPA) of 1969 as implemented by the Council on Environmental Quality regulations (40 CFR parts 1500-1508), the Department of the Navy announces its intent to prepare an Environmental Impact Statement (EIS) for the construction of various improvements at Naval Base Pearl Harbor. The improvements are required to support various activities, including the homeporting of a battleship and two cruisers to support the recommendations of the Secretary of Defense Commission on Base Realignment and Closure.

Three major components are included as part of the proposed action, and they are:

(1) A causeway connecting Ford Island to the rest of the Naval Base;

(2) Various operational and community support facilities on Ford Island, and on Naval Station and Naval Shipyard Pearl Harbor; and

(3) Housing for about 600 to 1,200 Navy families on Ford Island.

Each major component is functionally independent of the others and could be implemented as a separate action.

Causeway

The proposed causeway would be constructed to improve access to Ford Island and, hence, make possible further development of the island to serve existing and future missions at the Naval Base. Development of the mainside Pearl Harbor complex has reached the saturation point, while Ford Island contains 300 acres of open space (out of a total of about 450 acres) which is not being used to its fullest possible potential by the Navy. Given improved access, approximately 2,800 feet of ship berthing space and other facilities could be put to more effective use. The slow and inefficient vehicular ferry and passenger boat transportation system presently in operation severely constrains the potential use of Ford Island's vacant land and underused facilities.

The preferred alternative for providing access is a floating bridge, which would consist of a concrete pile causeway with a channel to allow passage of large vessels, as well as a 100 foot long, 33 foot height span to provide vertical clearance for small boat navigation. The Ford Island terminus of the proposed causeway would be to the north of the existing housing area, intersecting Saratoga Boulevard, and the mainside terminus would be near Halawa Landing, between the U.S.S. Bowfin Memorial and the Navy marina.

Alternatives to the floating bridge type of causeway include no action, expanded water-based system, fixed pile causeway without a moveable span, and sunken tube tunnel. Alternative termini on Ford Island for the floating bridge, causeway, and tunnel alternatives include a terminus passing north of the Public Works Center, intersecting the realigned Saratoga Boulevard west of its present junction with Princeton Place; and, a terminus passing through the housing area on the east end of the island, intersecting Lexington Boulevard west of the Arizona Memorial. Alternative termini on mainside include the Richardson Recreation Center and McGrew Point.

Operational and Community Support Facilities

The following projects will be required to support the homeporting of a battleship and two cruisers in response to recommendations of the Base Realignment and Closure Commission, and Congressional mandate. Proposed facilties include upgrading and extension of Berth F-5 (Foxtrot Pier) on Ford Island to accommodate the battleship, including maintenance dredging, utilities improvements and shore support facilities; upgrading the fender system at Wharf Bravo Berths B20 and B21, and upgrading shore power outlets and electrical distribution at Bravo Wharves B23 and B24 at the Naval Station to accommodate the two cruisers; new fender systems along Bravo Basins B15 and B18, and upgrading shore power outlets and electrical distribution at Bravo Wharf B25 and Mike Dock M3 to support the two cruisers; a 4,800 square foot pre-engineered building at Naval Shipyard Pearl Harbor to store parts for the homeported battleship; a 7,200 square foot addition to the Applied Instruction Building (Building 1377) at the Naval Station to provide additional training and administrative space required for Mobile Technical Unit One (MOTU-1); three new buildings at the Naval Station to house transient enlisted personnel, legal hold and restricted enlisted personnel, administrative and shop space for the Transient Personnel Unit (TPU), and enlisted personnel assigned to the station; a 5,500 square foot addition to the club on Ford Island (Building 38) to house a snack bar, game room, dining and lounge spaces, enlarged kitchen and bar areas, restrooms, and storage; and Fleet Shoreside Support Center on Ford Island consisting of an amusement center, laundromat, outdoor basketball/volleyball courts, playing fields and racquetball courts.

Alternatives to these proposed Operational and Community Support Facilities include postponing the action and using other locations for specific projects. For the proposed Applied Instruction Building Addition, two specific alternatives have been considered: A different design and training of ship personnel on the west coast. An additional alternative to the proposed TPU Unit/BEQ is the use of civilian accommodations. In accordance with provisions of the Base Realignment and Closure Act of 1988 (10 U.S.C. 2687), the no action alternative will not be considered in this EIS for these proposed facilities.

Family Housing

A number of alternatives are being considered to fulfill the requirement to house approximately 1,200 Navy families. With improved access to Ford Island, development of the underutilized acreage on the island becomes possible. About 100 acres in the old runway area would be available for family housing. The runway is currently used as a general aviation practice landing airfield. These general aviation practice exercises will be displaced. Alternatives include no action (build no new housing and have families finding housing elsewhere, either in existing military housing or in the private sector); construct 1,200 housing units on Ford Island, which most likely would consist of a mixture of low and mid-rise buildings; construct about 600 to 700 units on Ford Island and accommodate the remaining units in existing military housing areas, new military housing at other locations, or in the private sector.

Potential environmental impacts resulting from the proposed action include short-term impacts during construction (noise, dust, temporary changes in water quality), increases in traffic, socio-economic effects and visual impacts.

The consulting firm of Belt Collins & Associates has been retained to prepare the draft and Final Environmental Impact Statements.

The Navy will initiate a scoping process for the purpose of determining the scope of issues to be addressed and for identifying the significant issues related to this proposed action. A public scoping meeting will be held on November 2, 1989, beginning at 7:00 pm, at Aliamanu Intermediate School cafeteria, 3271 Salt Lake Boulevard, Honolulu, Hawaii. This meeting will be advertised in the Honolulu Advertiser, the Honolulu Star Bulletin, and the State of Hawaii OEQC (Office of Environmental Quality) Bulletin.

A short formal presentation will precede the request for public comments. Navy representatives will be available at this meeting to receive comments from the public regarding issues of concern. It is important that federal, state and county agencies, and interested individuals and groups take this opportunity to identify environmental concerns that should be addressed during the preparation of the EIS. In the interest of available time, each speaker will be asked to limit their oral comments to five (5) minutes.

Agencies and the general public are also invited and encouraged to provide written comment in addition to, or in lieu of, oral comments at the public meeting. To be most helpful, scoping comments should clearly describe specific issues or topics which the commentor believes the EIS should address. Written statements and/or questions regarding the scoping process should be mailed no later than November 17, 1989, to Mr. Gordon Ishikawa (Code 90P2), Pacific Division, Naval Facilities Engineering Command, Pearl Harbor, Hawaii 96880-7300; telephone (808) 471-7130.

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

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

Just briefly: First of all, this is a good bill. There are probably more hearings on this bill than any other bill of its size in the House of Representatives. It is a good bill, and it looks after quality of life for our service people.

The gentleman's opposition to my motion is an attempt to unravel the base-closure recommendations, make no mistake about it. Besides, my motion does not trample on anybody's jurisdiction.

The gentleman has stated that the amendment violates the established congressional procedures by supposedly bypassing legislative committees. First of all, the amendment is not within the jurisdiction of the Public Works Committee. For example, the causeway is a military activity which will be constructed on land owned by the Department of the Navy. The bridge will not be part of the Federal Highway System but will be owned and operated by the Navy along with the causeway. Such work is carried out

under the program known as the Defense Access Road Program, not the highway bill. With regard to the Government Operations Committee, all the land affected is owned by the Navy and not GSA. Therefore, the Government Operations Committee is not the committee of jurisdiction. The Armed Services Committee, however, is a partner in jurisdiction and the committee, prior to agreeing to accept the Senate amendment, had unofficially cleared it with the Armed Services Committee. Despite all the rhetoric by the gentlemen, we did operate in proper form and did not circumvent the congressional process.

This is a good bill. It merits your 100-percent vote on this amendment.

I thank you for your time and your cooperation.

The SPEAKER pro tempore (Mr. SYNAR). Without objection, the previous question is ordered.

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina [Mr. HEFNER].

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.

TRADE AND EMIGRATION POLICIES WITH RESPECT TO HUNGARY—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 101-104)

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Ways and Means and ordered to be printed.

To the Congress of the United States:

I hereby transmit the documents referred to in Subsections 402(b) and 409(b) of the Trade Act of 1974 ("the Act"), 19 U.S.C. 2432(b) and 2439(b), with respect to the consistency of the emigration laws and policies of the Republic of Hungary with the criteria set out in Subsections 402(a) and 409(a) of that Act, 19 U.S.C. 2432(a) and 2439(a). These documents constitute my decision that a waiver of Subsections (a) and (b) of Section 402 of the Act will no longer be required for the Republic of Hungary.

I include as part of these documents my Determination that the Republic of Hungary is not in violation of paragraph (1), (2), or (3) of Subsection 402(a) or paragraph (1), (2), or (3) of Subsection 409(a) of the Act. I also include information as to the nature and implementation of the emigration laws and policies of the Republic of Hungary and restrictions or discrimination applied to or against persons wishing to emigrate, including those persons wishing to emigrate to the United States to join close relatives.

GEORGE BUSH.

THE WHITE HOUSE, *October 26, 1989.*

APPOINTMENT OF CONFEREES ON H.R. 2939, FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 1990

Mr. OBEY. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 2939) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1990, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin? The Chair hears none and appoints the following conferees: Messrs. OBEY, YATES, MCHUGH, LEHMAN of Florida, WILSON, GRAY, MRAZEK, COLEMAN of Texas, WHITTEN, EDWARDS of Oklahoma, LEWIS of California, PORTER, GALLO, and CONTE.

With respect to the appointment of conferees on the foreign operations appropriations conference, the Chair reserves the right to appoint additional conferees.

The Clerk will notify the Senate of the change in conferees.

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RESIGNATION AS MEMBER OF COMMITTEE ON SMALL BUSINESS

The SPEAKER laid before the House the following communication from the Honorable CHARLES A. HAYES, a Member of Congress.

HOUSE OF REPRESENTATIVES,
Washington, DC, October 13, 1989

Hon. THOMAS S. FOLEY,
Speaker, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: I respectfully resign my seat on the Committee on Small Business to accept my recent appointment to the Committee on Post Office and Civil Service.

I appreciate your support in this endeavor and look forward to working closely with you in the future.

With kind, personal regards, I remain

Sincerely,

CHARLES A. HAYES,
Member of Congress.

ADJUSTMENT IN APPOINTMENT OF CONFEREES ON H.R. 3299, OMNIBUS BUDGET RECONCILIATION ACT OF 1989

The SPEAKER. Pursuant to the previous order of the House of October 18, 1989, the Chair announces the following adjustment in the appointment of conferees:

After the appointment of the first panel from the Committee on Interior and Insular Affairs insert the following:

Provided, That Mr. Sharp is appointed in place of Mr. Williams for consideration of subtitles B and C of title VI of the House bill.

The Clerk will notify the Senate of the adjustment in appointment of conferees.

LEGISLATIVE PROGRAM

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

Mr. MICHEL. Mr. Speaker, I would like to inquire of the distinguished majority leader of the program of next week.

I yield to the gentleman from Missouri [Mr. GEPHARDT].

Mr. GEPHARDT. Mr. Speaker, obviously we have finished the voting for this evening. Tomorrow, we will have a pro forma session on Friday.

On Monday, October 30, the House will meet at noon, and we will have under consideration seven bills under suspension. Recorded votes on the suspensions will be postponed until Tuesday, October 31.

The bills that will be considered that day are:

H.R. 3199, Veterans Health Professionals Educational Amendments of 1989;

H.R. 3390, Veterans Education Amendments of 1989;

H.R. 2642, Southeast Interstate Low-Level Radioactive Waste Compact Amendments of 1989;

H.R. 3021, to extend deadlines for FERC projects;

H.R. 3310, National Telecommunications and Information Administration Authorization Act for fiscal years 1990 and 1991;

H.R. 3265, FCC Authorization Act; and

H.R. 922, naming of a post office after M.P. Daniel and Thomas F. Calhoon.

Tuesday, October 31, the House will meet at noon. We will have recorded votes on the suspensions that are postponed from Monday, October 30. Then we will take up:

H.R. 3015, consideration of the conference report for the Transportation Appropriation Act of fiscal year 1990; and

H.R. 3443, to provide DOT review of air carriers securities acquisition (open rule, 1 hour of debate).

Wednesday, November 1, the House will meet at 10 a.m., for consideration of:

H.R. 2710, to amend the Fair Labor Standards Act of 1938 and increase the minimum wage (subject to a rule); and

H.R. 1465, Oil Pollution, Prevention, Response, Liability and Compensation Act of 1989 (subject to a rule).

On Thursday, November 2, and Friday, November 3, the House will meet at 10 to consider:

H.R. 2883, consideration of the conference report for the Agriculture Appropriation Act of Fiscal Year 1990; and

H.R. 2459, Coast Guard Authorization Act of 1989 (open rule, 1 hour of debate).

Obviously, the conference reports may be brought up at any time, and any further program will be announced later.

Mr. MICHEL. Mr. Speaker, I just want to thank the majority leader for the requests of the gentleman from Illinois for rolling the votes on Monday's suspension over to Tuesday in deference to the minority leader's program that he has especially arranged for Monday, and I am most appreciative of the accommodation on the part of the majority side.

ADJOURNMENT TO MONDAY, OCTOBER 30, 1989

Mr. GEPHARDT. Mr. Speaker, I ask unanimous consent that when the House adjourns on Friday, October 27, 1989, it adjourn to meet at noon on Monday, October 30, 1989.

Mr. SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY, NOVEMBER 1, 1989

Mr. GEPHARDT. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

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

There was no objection.

REPORT ON RESOULUTION PROVIDING FOR CONSIDERATION OF H.R. 3443, FEDERAL AVIATION ACT OF 1958 AMENDMENTS

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 101-314) on the resolution (H. Res. 275) providing for the consideration of the bill (H.R. 3443) to amend the Federal Aviation Act of 1958 to provide for review of certain acquisitions of voting securities of air carriers, and for other purposes, which was referred to the House Calendar and ordered to be printed.

IN SUPPORT OF H.R. 3496, ANTI-DRIFT NET LEGISLATION, AND COMMENDING NEW ZEALAND PRIME MINISTER GEOFFREY PALMER ON HIS ADDRESS REGARDING DRIFT NET FISHING BEFORE THE UNITED NATIONS

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

Mr. FALEOMAVAEGA. Mr. Speaker, I want to recommend the distinguished gentleman from Oregon, Mr. PETER DEFAZIO, for introducing H.R. 3496. I am very pleased to be a cosponsor of this legislation which would, at its heart, prohibit the importation into our country of products made from fish caught with drift nets. By embargoeing drift net fish products from entering the U.S. market, this will materially assist the fight to internationally outlaw this ludicrous and environmentally destructive fishing practice.

Mr. Speaker, I would also like to take this opportunity to share with my colleagues the remarks given on October 2, 1989, before the United Nations General Assembly by the Honorable Geoffrey Palmer, Prime Minister of New Zealand. In discussing the increasing use of drift nets in the South Pacific, Prime Minister Palmer eloquently described the threat that the foreign drift net fleet poses to the economic and social well-being of the people of the Pacific. I commend Prime Minister Palmer for his leadership on this matter, and attach his incisive comments regarding drift net fishing for the RECORD.

STATEMENT BY THE RIGHT HONORABLE GEOFFREY PALMER, PRIME MINISTER OF NEW ZEALAND

Imagine representing one of the countries in the South Pacific with few or no natural resources other than the fish in the ocean. You discover that foreign fishermen from outside the region have begun to use in your region a fishing technology not used there before. A technology which threatens to collapse the albacore tuna fishery which is of vital economic importance to the coastal states of the region.

I am speaking of the "Wall of Death"—the enormous drift nets which in the last few years have been employed in the South Pacific by distant water fishermen. The technology is not new in itself. What is new, and what makes it quite unacceptable, is a new technique for the use of drift nets. This involves several vessels working in cooperation each deploying a series of very long nets. Each net can be up to 50 kilometres in length. Each vessel sets a number of these nets in a very long line across the ocean. They sometimes cover thousands of kilometres of ocean. In the North Pacific, at the height of the season, an estimated 50,000 km of drift nets are set nightly. They then drift, literally like a wall of death. They catch and kill, like a vacuum cleaner, virtually every living creature—including some endangered species—which come in contact with them.

The indiscriminate nature of the catch makes this an unacceptable fishing technology. Turtles, whales, dolphins, birds—all are trapped and killed. Large percentages of the catch are lost or wasted when the nets are recovered. In the North Pacific drift net fishing has seriously damaged valuable salmon stocks.

I have to say that this is a technology which was rejected unanimously by the countries of the South Pacific. In July this year at the South Pacific Forum in Tarawa, South Pacific Heads of Government adopted a Declaration condemning the practice of large scale drift net fishing. But "wall of death" fishing is not just a moral problem. It is a legal, political and economic problem. And it has global implications.

Freedoms of the high seas cannot be invoked to protect what is in effect a systematic assault on the regional marine ecosystem.

There was a time when some argued that the freedom of the high seas legitimised unacceptable and illegal practices. But customary international law has responded over the years to outlaw unreasonable and repugnant practices. At the present time international law is again responding to the unacceptable and unreasonable uses of the high seas for drift net fishing.

There is already some evidence of the international community's response to this unreasonable use of the high seas. Many Pacific states including New Zealand have already taken action to outlaw the practice in their domestic regulations and in their 200 mile zones. The Tarawa Declaration was vigorously supported only 4 weeks ago by a resolution at the South Pacific Conference on Nature and Conservation of Protected Areas. It will be reinforced and codified later this year when the South Pacific countries adopt a regional convention to prevent "wall of death" fishing in our region.

I want to make it clear that what is troubling the South Pacific nations is not the practice of small scale inshore use of drift nets of limited size used by various developing countries. Our concern is with the new and highly destructive phenomenon of very long pelagic drift nets.

The Tarawa Declaration called on the international community to support the position of the South Pacific countries on drift netting. We have asked the Secretary General to circulate the Tarawa Declaration as a UN Document for the information of all delegations.

The South Pacific will be vigorously pursuing this issue bilaterally, regionally and globally. We will be proceeding in a dispassionate, rational and reasonable manner. But those who engage in this ecologically irresponsible activity should be in no doubt that the techniques they use are unacceptable wherever they may be used. New Zealand looks to the United Nations to support the Tarawa Declaration. Resolutions in the United Nations system to combat drift netting are inevitable if these practices are not phased out quickly. New Zealand, in close cooperation with the South Pacific countries and other members of the United Nations who have declared their abhorrence of the new drift net technology, will be pursuing this issue within the United Nations system. At the present session opportunities exist under agenda items before several Committees of this Assembly.

We note that the government of the Republic of Korea has temporarily halted drift net fishing in the Pacific. That is welcome. We also welcome the decision by Japan in

the past few weeks to reduce its drift net fishing fleet. This is also a step in the right direction. But a cessation of this fishing technique is the only ecologically acceptable solution. Only Taiwan has yet to respond to the concerns of the Pacific countries on this matter. We urge all concerned to act quickly.

Indeed, Mr. President, the state of our global fisheries is a good example of the broader environmental problems that our planet is facing.

There is really only one international measure regulating fisheries that proceeds on acceptably sound ecosystem principles. That is the Convention for the Conservation of Antarctic Marine and Living Resources. In this connection I would remind the Assembly of the important and valuable environmental protection measures that have been achieved under the Antarctic Treaty, and note that further significant steps will be sponsored by New Zealand at the Antarctic Treaty Consultative Meeting in Paris next week. The Antarctic Treaty is an effective institution. we are making it even more effective in the environmental field. It is an institution that should be supported by the United Nations General Assembly.

Even 20 years ago it was generally assumed that the fish in the open sea were inexhaustible. In general, anyone could go fishing without limitation. Yet we all now know that the biomass of any fishery can easily be overfished. We face a situation where the world's fish catching capacity may already be close to or in excess of sustainable yield from the commercial fisheries in the world's oceans. We are technically capable of catching fish faster than they can breed. Fishing rights are therefore tightly regulated and licensed. Will we soon have to apply to our atmosphere regulatory principles similar to those we are now applying to our fisheries?

I have to say that, if this is the case, the example we have set with our fisheries is a frightening one. Drift netting is simply the latest in a long history of irresponsible fishing practices. It is just as well that humanity did not depend on fisheries alone for survival. The record of international fisheries management is such a sorry one that, if that had been the case, whole populations would have long since perished in the wake of collapsed fisheries.

But the reality is that there is no alternative atmosphere to breathe. There is only one global climate. We must do better than the halting attempts at fisheries conservation that have been taken to date.

UPCOMING ABORTION DEBATE

The SPEAKER pro tempore. (Mr. HAYES of Illinois). Under a previous order of the House, the gentleman from California [Mr. DORNAN] is recognized for 5 minutes.

Mr. DORNAN of California. Mr. Speaker, I love the great State of Ohio. I will do anything for that State.

I am not doing my special order tonight on the series of House votes we have had on human life, abortion, when does life begin, rape, incest, all of these heavy duty issues, because one of my 7 grandchildren, my first grandaughter, turned 7 years of age tonight. I am racing off to her dinner and that family situation takes precedence over everything. I will do that special order on abortion next Tuesday or Wednesday.

I wish I had a car radio to listen to my colleague, the gentleman from Ohio [Mr. MCEWEN] on his great special order.

AMERICA IS ENJOYING THE GREATEST PERIOD OF ECONOMIC GROWTH IN ITS HISTORY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio [Mr. MCEWEN] is recognized for 5 minutes.

Mr. MCEWEN. Mr. Speaker, today at 8 o'clock this morning the Department of Commerce announced that America had entered the 84th consecutive month of economic expansion. That means that the economy is growing, producing more, and more people at work than ever in the history of the world, and, as a result, it is important that we take note of this fact because there are many people who build their political careers upon the decision to somehow misrepresent the condition of America's economy.

Let us put it in perspective. Since 1982 nearly 7, more than 6, nearly 7 out of every 10 jobs created on this planet since 1982 have been created in one country, the United States of America.

Now during the 1970's it is true we were losing jobs at the rate of 50,000 a week. We had the highest inflation and interest rate since the Civil War, and we were in a decline. But we pursued the proper policies since the beginning of the 1980's. Some people call it Reaganomics. Some people call them new ideas. Actually all it was was an affirmation of basic principles that called on the economy to expand, and, as a result, we have now created nearly 300,000 jobs a month every month for 84 consecutive months.

Mr. Speaker, we have cut black teenage unemployment in half; pardon me. We have cut teenage black unemployment by two-thirds. We have cut minimum wage employees by half.

We are not only No. 1 in a whole series of areas, but one of the ones that is most often misrepresented is that America is No. 1 in electronics. That is electronic production in America is No. 1. My colleagues know who No. 2 is. No. 2 is Japan. And yet the largest manufacturer of electronics in Japan is International Business Machines, or IBM, which is an American company. Sixty percent of all the basic research that is done in the world is done by the United States of America.

Mr. Speaker, I saw a distinguished Member speak the other day about the fact that at the Patent Office last year there were more non-Americans who received patents than Americans and how terrible this was that America was obviously crushed and over the hill because more non-Americans had gotten patents. I checked with the Patent Office and discovered an interesting thing of course, and that is, I say to my colleagues, "If you have a patent, if you have an invention, you want to patent it in one place. No disrespect intended, but you obviously don't wish to get a patent in Uganda, or Afghanistan or Burma. If you have an invention, you want a patent in the United States of America because that's where the patent law protects you internationally."

So, Mr. Speaker, all inventions are patented in the United States, and 48 percent of all those patents last year were Americans.

What does that mean? That means of all the new inventions of the world, half of them were done by the United States, virtually as many as the rest of the world combined. Not a bad percentage in my judgment.

Final observation would be that we are creating jobs that somehow or another are not significant. During any period of expansion since the turn of the century that we have kept these kinds of records, during any period of expansion a fourth or 24 percent on the average of all the new jobs created are in the top-paying category, the highly skilled managerial level. During this expansion since 1982, however, 48 percent of all the new jobs created since 1982 are in that top managerial level.

Mr. Speaker, we have all heard Jesse Jackson go through his rat-a-tat about the fact that we have created a lot of jobs, but they are not any good, people should be embarrassed to have them. Somehow or another the fact that they are employed is not worthy of observation or contentment, that what we should do is acknowledge these are just hamburger-flipping jobs.

Let us go on to the facts. Of the four categories, at the bottom category, 7 percent of all those new jobs created since 1982 are in the bottom $7,800 or below category, the hamburger-flipping jobs, if my colleagues will. In other words, 93 percent of all of these jobs are in the middle or upper income category.

Final observation, and with this I close, Mr. Speaker, is also the statement that somehow or another America is not manufacturing. America is not producing. In 1950, when America at the end of World War II was entering the decade in which the standard of living rose the most rapidly in the history of recorded man, 1950, the year I was born, one job in five, 20 percent of all the jobs, were in manufacturing.

This is 1989, United States of America. Of all the jobs today, one job in

five, 20 percent of all the jobs today in America are in manufacturing. The percentage has not changed 1 percent.

The conclusion has to be to the impartial observer that, if they are a businessman in West Germany, or Japan, or Korea, or Taiwan or Great Britain, there is only one place they want to invest, and save and produce. That is the United States of America, and that is why the dollar is so strong. That is why investment flows here. That is why the jobs are created here. And that is why America is enjoying the greatest period of economic growth in its entire history.

Mr. Speaker, I regret I do not have more bad news to share, but I am pleased to share that with my colleagues tonight.

GEORGE BUSH'S SWISS-CHEESE GOVERNMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio [Mr. ECKART] is recognized for 5 minutes.

Mr. ECKART. Mr. Speaker, what we have exhibited before us is a wonderful example of George Bush's swiss-cheese government. Oh, it looks like a whole lot more than what one really gets.

Now everyone knows that the holes in swiss cheese really imbibe to it some flavor, some character, real texture, and the more uniform the holes, the better is the cheese.

I would suggest to my colleagues, however, that what we have here is the exact opposite: uniform holes in the Bush administration.

As this chart suggests, one of the key factors that we have learned to know about the Reagan-Bush era is their desire to have less government. What we did not know is that that actually translated into less governors.

Now with the Bush administration almost 20 percent complete, a full 40 percent of the senior Government positions remain unfilled. For some that may seem to be a boon, but for others it may be their bane, and why is it that George Bush, the President, as a Presidential candidate who promised us with the greatest experience he has had as Ronald Reagan's copilot, would hit the ground running? Well, he has hit the ground all right, but the thud has been deafening.

Mr. Speaker, statistics prepared by the Congressional Research Service and assembled by the Democratic Study Group raise very serious questions as to whether or not the Bush administration will ever get up to speed. I say, "Mr. President, we'd be happy if you just reached jogging speed, let alone running speed."

The analysis is really quite clear. In Agriculture, there are two people less there to make decisions. In Commerce, we are short one Secretary and two agency heads. In Defense, we are short one Under Secretary and three Assistant Secretaries. At HHS, we are short two Assistant Secretaries, one agency head. At the independent agencies, 24 individuals requiring confirmation by the Senate of the United States at GSA, AID, OPM, EPA—President Bush, the environmental President—arms control and disarmament agencies are missing.

Unlike the holes in the Swiss cheese, Mr. President, vacancies and holes in your administration are not indicative of top quality.

When we look closely, however, beyond the specifics of the entire administration, we discover that it is not just true for all the agencies, but uncharacteristically remarkably true at an agency that has been at the center, if my colleagues will, of major catastrophes on both coasts of this United States. The Federal Emergency Management Agencies cries out for leadership. Its eight top management positions remain unfilled by permanent Government employees. The director is vacant. The inspector general is vacant. The deputy director is a temporary holdover. There are temporary holdovers at associate directors for State and local programs and external affairs at the Federal Insurance Administration and at the administration for the U.S. Fire Office.

Now, when the President was asked about this, his office said, and I quote, "We're very comfortable."

Of course he is. He is very comfortable in his office. Let us ask the people in South Carolina who waited 9 days before he gave them a telephone number to call how comfortable they are.

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Let us ask the people in South Carolina who waited 13 days before you opened one assistance office, how comfortable they were, and for 2 weeks after that hurricane ravaged the South Carolina coast, how comfortable were those people while your people sat as invisible ghosts in an administration that sees, hears, and feels no evil that the constituents felt in South Carolina.

Mr. President, what we want is I thought what you wanted, Government to work. What we want in FEMA are professionals who want to do their jobs.

Mr. President, you cannot manage government without managers.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. BRYANT] is recognized for 5 minutes.

Mr. BRYANT. Mr. Speaker, the Times Herald Printing Co. of Dallas, TX, has filed a request that the Federal Communications Commission issue an Order to Show Cause relating to its assertion that recent actions by the A.H. Belo Corp. violated the Commission's rules governing newspaper-television media combinations which are grandfathered exceptions to the cross-ownership rule. The cross-ownership rule, in general, prohibits one company from owning a newspaper and a television station in the same market.

Specifically, the petitioner has alleged that A.H. Belo's ownership of a license to operate WFAA-TV in Dallas was a factor in inducing the Universal Press Syndicate, Inc. to terminate its longstanding contract to provide comic strips and features to the Dallas Times Herald, and instead to provide all the features exclusively to Belo's publication, the Dallas Morning News.

A.H. Belo denies the allegation and asserts that its ownership of WFAA-TV had nothing to do with the grant to it of exclusive rights to all Universal Syndicate comics and features.

Inasmuch as the termination of the Times Herald's rights to these popular features may have seriously undermined its ability to survive, and since there are very few American cities which still have two independent, competitive newspapers, this is a very serious matter that is worthy of careful examination by the FCC. If the allegations of the Times Herald are true, this is a matter directly related to the policy of protecting the diversity of viewpoints available to the public which is supported and protected by the Commission's cross-ownership rules. If the allegations prove not to be true no harm will have come from a thorough examination of the matter.

As a member of the Subcommittee on Telecommunications, I am strongly committed to the policy of protecting the diversity of viewpoints and to the cross-ownership rule of the Commission. I believe that the Times Herald petition raises a very important issue and that question should be the subject of formal scrutiny by the FCC, including testimony and evidence submitted under oath, to determine if policies concerning grandfathered newspaper-television media combinations have been violated.

It they have, action should be taken to restore the Times Herald's competitive position. If they have not, the public will be reassured that the grandfathered cross-ownership exceptions are not contributing to the demise of another American newspaper.

I strongly urge the FCC to grant a full Commission review of this matter.

CONFERENCE REPORT ON H.R. 3015

Mr. LEHMAN of Florida submitted the following conference report and statement on the bill (H.R. 3015) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1990, and for other purposes:

CONFERENCE REPORT (H. REPT. 101-315)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 3015) "making appropriations for the Department of Transportation and Related Agencies, for the fiscal year ending September 30, 1990, 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 16, 21, 22, 23, 33, 34, 35, 36, 41, 43, 44, 45, 46, 47, 48, 49, 50, 52, 53, 54, 55, 56, 57, 58, 59, 60, 76, 78, 81, 82, 83, 87, 88, 89, 91, 96, 97, 102, 106, 107, 108, 121, 123, 135, 137, 138, 139, 140, 141, 142, 143, and 144.

That the House recede from its disagreement to the amendments of the Senate numbered 10, 12, 19, 26, 28, 29, 39, 40, 51, 61, 63, 64, 98, 103, and 114, 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: *$6,850,000*; and the Senate agree to the same.

Amendment numbered 3: That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$137,700,000*; and the Senate agree to the same.

Amendment numbered 4: That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment, as follows:

In, lieu of the sum proposed by said amendment insert: *$30,735,000*; and the Senate agree to the same.

Amendment numbered 11: That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$204,200,000*; and the Senate agree to the same.

Amendment numbered 14: That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$21,600,000*; and the Senate agree to the same.

Amendment numbered 17: That the House recede from its disagreement to the amendment of the Senate numbered 17, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$72,800,000*; and the Senate agree to the same.

Amendment numbered 18: That the House recede from its disagreement to the amendment of the Senate numbered 18, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$20,800,000*; and the Senate agree to the same.

Amendment numbered 20: That the House recede from its disagreement to the amendment of the Senate numbered 20, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$3,842,000,000*; and the Senate agree to the same.

Amendment numbered 25: That the House recede from its disagreement to the amendment of the Senate numbered 25, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$1,746,487,000*; and the Senate agree to the same.

Amendment numbered 30: That the House recede from its disagreement to the amendment of the Senate numbered 30, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$234,000,000*; and the Senate agree to the same.

Amendment numbered 31: That the House recede from its disagreement to the amendment of the Senate numbered 31, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$41,080,000*; and the Senate agree to the same.

Amendment numbered 37: That the House recede from its disagreement to the amendment of the Senate numbered 37, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$12,260,000,000*; and the Senate agree to the same.

Amendment numbered 62: That the House recede from its disagreement to the amendment of the Senate numbered 62, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment, amended as follows:

In lieu of the sum named by said amendment insert: *$5,800,000*; and the Senate agree to the same.

Amendment numbered 73: That the House recede from its disagreement to the amendment of the Senate numbered 73, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$74,550,000*; and the Senate agree to the same.

Amendment numbered 74: That the House recede from its disagreement to the amendment of the Senate numbered 74, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$37,486,000*; and the Senate agree to the same.

Amendment numbered 75: That the House recede from its disagreement to the amendment of the Senate numbered 75, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$32,300,000*; and the Senate agree to the same.

Amendment numbered 77: That the House recede from its disagreement to the amendment of the Senate numbered 77, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$14,589,000*; and the Senate agree to the same.

Amendment numbered 84: That the House recede from its disagreement to the amendment of the Senate numbered 83, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$24,800,000*; and the Senate agree to the same.

Amendment numbered 86: That the House recede from its disagreement to the amendment of the Senate numbered 86, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment, amended as follows:

In lieu of the word "first" insert: *second*; and the Senate agree to the same.

Amendment numbered 93: That the House recede from its disagreement to the amendment of the Senate numbered 93, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$1,625,000,000*; and the Senate agree to the same.

Amendment numbered 99: That the House recede from its disagreement to the amendment of the Senate numbered 99, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$85,000,000*; and the Senate agree to the same.

Amendment numbered 100: That the House recede from its disagreement to the amendment of the Senate numbered 100, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$11,400,000*; and the Senate agree to the same.

Amendment numbered 104: That the House recede from its disagreement to the amendment of the Senate numbered 104, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$27,600,000*; and the Senate agree to the same.

Amendment numbered 109: That the House recede from its disagreement to the amendment of the Senate numbered 109, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$1,400,000*; and the Senate agree to the same.

The committee of conference report in disagreement amendments numbered 1, 5, 6, 7, 8, 9, 13, 15, 24, 27, 32, 38, 42, 65, 66, 67, 68, 69, 70, 71, 72, 79, 80, 85, 90, 92, 94, 95, 101, 105, 110, 111, 112, 113, 115, 116, 117, 118, 119, 120, 122, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, and 136.

Solely for consideration of Senate amendments Nos. 1 through 135 and modifications committed to conference:

WILLIAM LEHMAN,
WILLIAM H. GRAY III,
BOB CARR,
RICHARD J. DURBIN,
R.J. MRAZEK,
MARTIN OLAV SABO,
JAMIE L. WHITTEN,
LAWRENCE COUGHLIN,
SILVIO O. CONTE,
FRANK R. WOLF,
TOM DELAY,

As additional conferees solely for consideration of Senate amendments Nos. 136 through 144 and modifications committed to conference:

JAMIE L. WHITTEN,
WILLIAM H. NATCHER,
NEAL SMITH,
SIDNEY R. YATES,
DAVID R. OBEY,
EDWARD R. ROYBAL,
TOM BEVILL,
JOHN P. MURTHA,
BOB TRAXLER,
WILLIAM LEHMAN,
JULIAN C. DIXON,
VIC FAZIO,
W.G. HEFNER,
SILVIO O. CONTE,
JOSEPH M. MCDADE,
LAWRENCE COUGHLIN,
RALPH REGULA,
MICKEY EDWARDS,
BILL GREEN,
HAROLD ROGERS,

JOE SKEEN,
Mangers on the Part of the House.

For titles I-III (amendments 1-135) of H.R. 3015:

FRANK R. LAUTENBERG,
ROBERT C. BYRD,
TOM HARKIN,
(with the exception of amendment No. 87),
JIM SASSER,
BARBARA A. MIKULSKI,
ALFONSE D'AMATO,
BOB KASTEN
(with the exception of amendment No. 87),
PETE V. DOMENICI,
CHUCK GRASSLEY,
MARK O. HATFIELD,

For the purpose of the drug amendment (title IV):

ROBERT C. BYRD,
DANIEL K. INOUYE,
MARK O. HATFIELD,

The chairman and ranking minority member of the Subcommittee on Agriculture and Related Agencies for items falling within the jurisdiction of that subcommittee; for title IV:

QUENTIN N. BURDICK,
THAD COCHRAN,

The chairman and ranking minority member of the Subcommittee on Commerce, Justice, State, and the Judiciary for items falling within the jurisdiction of that subcommittee for title IV:

FRITZ HOLLINGS,
WARREN B. RUDMAN,

The chairman and ranking minority member of the Subcommittee on Defense for items falling within the jurisdiction of that subcommittee; for title IV:

DANIEL K. INOUYE,
TED STEVENS,

The chairman and ranking minority member of the Subcommittee on the District of Columbia for items falling within the jurisdiction of that subcommittee; for title IV:

BROCK ADAMS,
PHIL GRAMM,

The chairman and ranking minority member of the Subcommittee on Energy and Water Development for items falling within the jurisdiction of that subcommittee; for title IV:

J. BENNETT JOHNSTON,
MARK O. HATFIELD,

The chairman and ranking minority member of the Subcommittee on Foreign Operations for items falling within the jurisdiction of that subcommittee; for title IV:

PATRICK LEAHY,
BOB KASTEN,

The chairman and ranking minority member of the Subcommittee on HUD and Independent Agencies for items falling within the jurisdiction of that subcommittee; for title IV:

BARBARA A. MIKULSKI,
JAKE GARN,

The chairman and ranking minority member of the Subcommittee on Interior for items falling within the jurisdiction of that subcommittee; for title IV:

ROBERT C. BYRD,
JAMES A. MCCLURE,

The chairman and ranking minority member of the Subcommittee on Labor, Health and Human Services for items falling within the jurisdiction of that subcommittee; for title IV:

TOM HARKIN,
ARLEN SPECTER,

The chairman and ranking minority member of the Subcommittee on Legislative Branch for items falling within the jurisdiction of that subcommittee; for title IV:

HARRY N. REID,
DON NICKLES,

The chairman and ranking minority member of the Subcommittee on Military Construction for items falling within the jurisdiction of that subcommittee; for title IV:

JIM SASSER,
CHUCK GRASSLEY,

The chairman and ranking minority member of the Subcommittee on Transportation for items falling within the jurisdiction of that subcommittee; for title IV:

FRANK R. LAUTENBERG,
ALFONSE D'AMATO,

The chairman and ranking minority member of the Subcommittee on Treasury, Postal Service and General Government for items falling within the jurisdiction of that subcommittee; for title IV:

DENNIS DECONCINI,
PETE V. DOMENICI,
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 amendments of the Senate to the bill (H.R. 3015) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1990, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report.

CONGRESSIONAL DIRECTIVES

The conferees agree that Executive Branch wishes cannot substitute for Congress' own statements as to the best evidence of Congressional intentions—that is, the official reports of the Congress. Report language included by the House that is not changed by the report of the Senate, and Senate report language that is not changed by the conference is approved by the committee of conference. The statement of the managers, while repeating some report language for emphasis, is not intended to negate the language referred to above unless expressly provided herein.

PROGRAM, PROJECT, AND ACTIVITY

During fiscal year 1990 and any year thereafter, for the purposes of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99-177), as amended, with respect to funds provided for the Department of Transportation and related agencies, the terms "program, project and activity" shall mean any item for which a dollar amount is contained in an appropriation Act (including joint resolutions providing continuing appropriations) or accompanying reports of the House and Senate Committees on Appropriations, or accompanying conference reports and joint explanatory statements of the committee of conference. In addition, the reductions made pursuant to any sequestration order to funds appropriated for "Facilities and equipment, Federal Aviation Administration" and for "Acquisition, construction, and improvements, Coast Guard", shall be applied equally to each "budget item" that is listed under said accounts in the budget justifications submitted to the House and Senate Committees on Appropriations as modified by subsequent appropriation Acts and accompanying committee reports, conference reports, or joint explanatory statements of the committee of conference. The conferees recognize that adjustments to the above allocations may be required due to changing program requirements or priorities. The conferees expect any such adjustments, if required, to be accompanied only through the normal reprogramming process.

TITLE I—DEPARTMENT OF TRANSPORTATION

OFFICE OF THE SECRETARY

SALARIES AND EXPENSES

Amendment No. 1: 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 striken and inserted by said amendment, insert the following:

IMMEDIATE OFFICE OF THE SECRETARY

For necessary expenses of the Immediate Office of the Secretary, $1,090,000.

IMMEDIATE OFFICE OF THE DEPUTY SECRETARY

For necessary expenses of the Immediate Office of the Deputy Secretary, $470,000.

OFFICE OF THE GENERAL COUNSEL

For necessary expenses of the Office of the General Counsel, $6,120,000

OFFICE OF THE ASSISTANT SECRETARY FOR POLICY AND INTERNATIONAL AFFAIRS

For necessary expenses of the Office of the Assistant Secretary for Policy and International Affairs, $8,250,000.

OFFICE OF THE ASSISTANT SECRETARY FOR BUDGET AND PROGRAMS

For necessary expenses of the Office of the Assistant Secretary for Budget and Programs, $2,325,000, including not to exceed $40,000 for allocation within the Department of official reception and representation expenses as the Secretary may determine.

OFFICE OF THE ASSISTANT SECRETARY FOR GOVERNMENTAL AFFAIRS

For necessary expenses of the Office of the Assistant Secretary for Governmental Affairs, $2,300,000.

OFFICE OF THE ASSISTANT SECRETARY FOR ADMINISTRATION

For necessary expenses of the Office of the Assistant Secretary for Administration, $24,700,000.

OFFICE OF THE ASSISTANT SECRETARY FOR PUBLIC AFFAIRS

For necessary expenses of the Office of the Assistant Secretary for Public Affairs, $1,350,000.

EXECUTIVE SECRETARIAT

For necessary expenses of the Executive Secretariat, $835,000.

CONTRACT APPEALS BOARD

For necessary expenses of the Contract Appeals Board, $488,000.

OFFICE OF CIVIL RIGHTS

For necessary expenses of the Office of Civil Rights, $1,315,000.

OFFICE OF COMMERCIAL SPACE TRANSPORTATION

For necessary expenses of the Office of Commercial Space Transportation, $725,000.

OFFICE OF ESSENTIAL AIR SERVICES

For necessary expenses of the Office of Essential Air Service, $1,727,000.

OFFICE OF SMALL AND DISADVANTAGED BUSINESS UTILIZATION

For necessary expenses of the Office of Small and Disadvantaged Business Utiliza-

tion, $3,500,000, of which $2,600,000 shall remain available until expended and shall be available for the purposes of the Minority Business Resource Center as authorized by 49 U.S.C. 332: Provided, That, notwithstanding any other provision of law, funds available for the purposes of the Minority Business Resource Center in this or any other Act may be used for business opportunities related to any mode of transportation.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement establishes the following distribution of Office of the Secretary salaries and expenses:

	Appropriation	Staff years
Immediate Office of the Secretary	$1,090,000	14
Immediate Office of the Deputy Secretary	470,000	9
General Counsel	6,120,000	100
Policy and International Affairs	8,250,000	139
Budget and Programs	2,325,000	36
Governmental Affairs	2,300,000	44
Administration	24,700,000	168
Public Affairs	1,350,000	25
Executive Secretariat	835,000	20
Contract Appeals Board	488,000	7
Office of Civil Rights	1,315,000	23
Office of Commercial Space Transportation	725,000	13
Office of Essential Air Service	1,727,000	29
Office of Small and Disadvantaged Business Utilization	3,500,000	16

Foreign investment in airline acquisitions or mergers.—The conferees direct that on February 1, 1990, annually thereafter and with an interim report every six months, the Secretary of Transportation shall provide a comprehensive report in both unclassified and classified forms to the Committee on Appropriations and the appropriate authorizing committees of the Senate and the House of Representatives on the exact nature of foreign participation in all airline acquisitions or mergers in the previous calendar year and their impact, individually and cumulatively on U.S. national security and the goal of long-term U.S. citizen control of U.S. airlines.

Drug-testing assessment.—As part of an ongoing review of agency drug-testing programs, the General Accounting Office reported that until July 1989, the Department of Transportation had not implemented a blind performance-testing program for assessing the accuracy and reliability of its drug-testing laboratory as required by Health and Human Services guidelines for drug testing. The conferees direct the Secretary to ensure that the Department is in full compliance with these guidelines. Further, the Secretary is directed to report to the House and Senate Committees on Appropriations not later than December 1, 1989, regarding implementation of the blind performance-testing program, including its plans to ensure that the Department of Transportation remains in full compliance with all Health and Human Services guidelines.

TRANSPORTATION/PLANNING, RESEARCH, AND DEVELOPMENT

Amendment No. 2: Appropriates $6,850,000 instead of $6,200,000 as proposed by the House and $8,000,000 as proposed by the Senate.

The conference agreement distributes these funds as follows:

Personnel compensation and benefits	$2,310,000
(Policy office staff years)	(26)
(Commercial space office staff years)	(10)
Planning, research, and development contracts	4,400,000
(Transportation policy and planning)	(1,500,000)
(Commercial space contracts)	(2,900,000)
Other costs	140,000

WORKING CAPITAL FUND

Amendment No. 3: Limits obligations to $137,700,000 instead of $131,000,000 as proposed by the House and $144,400,000 as proposed by the Senate.

PAYMENTS TO AIR CARRIERS

Amendment No. 4: Appropriates $30,735,000 instead of $12,400,000 as proposed by the House and $35,530,000 as proposed by the Senate. The conference agreement is distributed as follows:

Additional amount to continue current service for first 45 days after enactment, and amounts for certain interim rate adjustments and hold-in service	$4,200,000
Base subsidy (full year)	26,535,000
Total subsidy	30,735,000

The conferees recognize that the EAS appropriation that has been agreed upon will not support the same level of service provided in fiscal year 1989. It is expected that the Department of Transportation will take immediate regulatory action to permit the program to be carried out within the appropriated amount. Such action should be completed within 45 days of enactment and should follow the subsidy reduction criteria recommended by the Department of Transportation in its September 1989 report to Congress, except as otherwise described in this report.

The Department recommends in its report to Congress that EAS subsidies be reduced by revising eligibility criteria to (1) limit EAS payments based on the isolation of the community, and (2) impose a $200 subsidy-per-passenger cap. The DOT-recommended isolation criteria would require that a community within the 48 contiguous states or Puerto Rico be (1) 75 highway miles or more from the nearest medium or large hub airport, (2) 55 highway miles or more from the nearest small hub airport, and (3) 45 highway miles or more from the nearest nonhub airport that has enplaned 100 or more passengers per day based on the most recently available data. A large hub airport is one that annually enplanes 1.0% or more of the total annual enplanements reported by certificated air carriers in the United States. A medium hub airport enplanes between 0.25% and 0.999% of the total enplanements; a small hub airport enplanes between 0.05% and 0.249% and a nonhub enplanes less than 0.05% of total annual certificated enplanements.

The conferees have provided funds to implement this proposal with technical changes reducing the 75-mile standard to 70 miles, and continuing service to a state capital that is located more than (1) 55 highway miles from the nearest medium or large hub airport, (2) 40 miles from the nearest small hub airport and, (3) 30 miles from the nearest qualifying non-hub airport and whose per passenger subsidy does not exceed $15, as of September 30, 1989.

The conferees expect that funds made available in this bill combined with the regulatory changes described above will support air service at the following communities:

SUBSIDIZED AIR SERVICE

EAS points receiving subsidized air service	Hub(s) served	Carrier	Fiscal year 1988 traffic: Total	Fiscal year 1988 traffic: Enplanements per day	Current annual subsidy	Subsidy per passenger
Alabama:						
Anniston	Atlanta	Atlantic Southeast	16,585	26.5	(*)	(*)
Gadsden	Atlanta	Atlantic Southeast	1,659	2.7	$183,137	$110.39
Arizona:						
Kingman (community is temporarily without air service)	Las Vegas Phoenix	Golden Pacific	[1] 5,155	8.2	263,591	51.13
Page	Phoenix	Sky West	8,575	13.7	177,433	20.69
Arkansas:						
El Dorado/Camden	Memphis Dallas/Ft. Worth	Exec Express II	[2] 6,861	11.0	717,766	104.62
Harrison	Memphis St. Louis	Exec Express II	[2] 3,388	5.4	544.432	160.69
Hot Springs	Dallas/Ft. Worth	Exec Express II	[2] 2,609	4.2	507,407	194.48
Jonesboro	Memphis	Exec Express II	[2] 1,476	2.4	260,273	176.34
California:						
Crescent City	San Francisco	WestAir	4,202	6.7	154,660	36.81
Merced	San Francisco Los Angeles	WestAir	18,197	29.1	310,521	17.06
Colorado:						
Alamosa	Denver	Rocky Mountain	17,322	27.7	(*)	(*)
Cortez	Denver	Mesa Air Services	9,545	15.2	138,210	14.48
Lamar	Denver Wichita	Air Midwest	2,435	3.9	244,317	100.34
Georgia: Athens	Charlotte	CCAir	30,346	48.8	(*)	(*)

SUBSIDIZED AIR SERVICE—Continued

EAS points receiving subsidized air service	Hub(s) served	Carrier	Fiscal year 1988 traffic: Total	Fiscal year 1988 traffic: Enplanements per day	Current annual subsidy	Subsidy per passenger
Illinois:						
Mount Vernon (community is temporarily without air service)	St. Louis	Prime Air	3,515	5.6	307,772	87.56
Sterling/Rock Falls	Chicago	Propheter Aviation	1,744	2.8	248,011	142.21
Iowa: Ottumwa	Des Moines	Great Lakes	1,576	2.50	238,498	151.33
Kansas:						
Dodge City	Wichita/Denver	Air Midwest	5,242	8.4	244,317	46.61
Garden City	Wichita/Denver	Air Midwest	9,282	14.8	244,317	26.32
Goodland	Wichita/Denver	Air Midwest	1,724	2.8	244,317	141.72
Great Bend	Denver/Kansas City	Air Midwest	2,930	4.7	244,317	83.38
Hays	Denver	Air Midwest	8,561	13.7	244,317	28.54
Liberal/Guymon, OK	Wichita/Kansas City Denver/Wichita	Air Midwest	5,766	9.2	244,317	42.37
Maine: Bar Harbor	Boston	Bar Harbor Airlines	16,840	26.9	(*)	(*)
Michigan:						
Iron Mountain/Kingsford	Chicago	Great Lakes	8,799	14.1	182,799	20.77
Ironwood/Ashland, WI	Chicago	Great Lakes	4,514	7.2	182,799	40.50
Manistee/Ludington	Chicago	Great Lakes	[3] 4,455	7.1	268,414	60.25
Marinette/Menominee, WI	Chicago	Great Lakes	[4] 3,889	6.2	403,409	103.73
Minnesota:						
Fairmont	Minneapolis	Great Lakes	2,812	4.5	303,427	107.90
Mankato	Minneapolis	Bemidji	2,510	4.0	179,600	71.55
Worthington	Minneapolis	Bemidji	1,778	2.8	179,600	101.01
Mississippi: Laurel/Hattiesburg	Atlanta	Atlantic Southeast	[5] 7,396	11.8	(*)	(*)
Missouri:						
Ft. Leonard Wood	St. Louis	Air Midwest	9,356	14.9	168,983	18.06
Kirskville	Kansas City	Midcontinent	6,281	10.0	235,637	37.52
Montana:						
Glasgow	Billings	Big Sky Airlines	3,011	4.8	168,229	55.87
Glendive	Billings	Big Sky Airlines	1,764	2.8	131,515	74.55
Havre	Billings	Big Sky Airlines	1,797	2.9	190,495	106.01
Lewistown	Billings	Big Sky Airlines	984	1.6	190,495	193.59
Miles City	Billings	Big Sky Airlines	2,295	3.7	131,515	57.31
Sidney	Billings/Bismark	Big Sky Airlines	4,720	7.5	315,815	66.91
Wolf Point	Billings	Big Sky Airlines	2,737	4.4	168,229	61.46
Nebraska:						
Alliance	Denver	GP Express	1,444	2.3	222,727	154.24
Chadron	Denver	GP Express	1,154	1.8	222,727	193.00
Grand Island	Denver	GP Express	[6] 5,313	8.5	457,977	86.20
Hastings	Denver/Omaha	GP Express	1,821	2.9	222,727	122.31
Kearney	Denver/Omaha	GP Express	5,429	8.7	222,727	41.03
Mc Cook	Denver/Omaha	GP Express	2,416	3.9	222,727	92.19
Norfolk	Omaha	Midcontinent	2,562	4.1	218,079	85.12
North Platte	Omaha	GP Express	[7] 3,943	6.3	274,222	69.55
Scotsbluff	Omaha	GP Express	[7] 6,076	9.7	274,222	45.13
Nevada: Ely	Lincoln Reno	Sky West Airlines	4,430	7.1	359,194	81.08
New Hampshire:						
Keene (communmity is temporarily without air service)	Boston	Precision	16,458	26.3	(*)	(*)
Laconia	Boston	Valley Airlines	2,758	4.4	249,786	90.57
New Jersey: Cape May (community is temporarily without air service)	Philadelphia	Southern Jersey	5,585	8.9	(*)	(*)
New Mexico:						
Alamogordo/Hollman AFB	Albuquerque	Mess Air Service	6,144	9.8	165,766	26.98
Clovis	Albuquerque	Mesa Air Service	6,195	9.9	133,651	21.57
Hobbs	Albuquerque	Mesa Air Services	6,234	10.0	85,690	13.75
Santa Fe	Albuquerque	Mesa Air Service	11,262	[12] 18.0	132,314	11.75
Silver City/Hurley/Deming	Albuquerque	Mesa Air Service	4,504	7.2	169,390	37.61
New York:						
Nassena	Syracuse Burlington	Metro Northeast	8,671	13.9	166,289	19.18
Ogdensburg	Syracuse Burlington	Metro Northeast	9,490	15.2	166,289	17.52
Plattsburgh	Albany Burlington	Metro Northeast	25,250	40.3	166,289	6.59
Saranac Lake/Lake Placid	Albany Burlington	Metro Norheast	18,731	29.9	166,289	8.88
Watertown	Syracuse Burlington	Metro Northwest	15,883	[13] 25.4	166,289	10.47
North Dakota:						
Devils Lake	Minneapolis	Mesaba	4,134	6.6	294,396	71.21
Jamestown	Minneapolis	Mesaba	7,744	12.4	294,396	38.02
Williston	Billings Bismarck	Big Sky Airlines	10,421	16.6	315,815	30.31
Oklahoma:						
Enid	Tulsa	Exec Express II	[2] [8] 1,534	2.5	178,235	116.19
Ponca City	Tulsa	Exec Express II	[2] 3,058	4.9	178,235	58.28
Pennsylvania: Oil City/Franklin	Pittsburgh	Crown Airways	21,444	34.3	128,504	5.99
South Dakota:						
Brookings	Minneapolis	Mesaba	4,167	6.7	108,938	26.14
Huron	Minneapolis	Mesaba	6,216	9.9	108,938	17.53
Mitchell	Minneapolis	Mesaba	1,852	3.0	108,938	58.82
Pierre	Denver	Rocky Mountain Airways	[9] 9,425	15.1	371,165	39.38
Yankton	Omaha	Midcontinent	1,198	1.9	218,079	182.04
Texas:						
Brownwood	Dallas/Ft. Worth	Exec Express II	[2] 3,772	6.0	285,898	75.79
Paris	Dallas/Ft. Worth	Exec Express II	[2] 1,595	2.5	228,799	143.45
Utah:						
Cedar City	Salt Lake City	Sky West Airlines	10,435	16.7	167,489	16.05
Moab	Salt Lake City	Alpine Aviation	1,871	3.0	172,930	92.43
Vernal	Salt Lake City	Sky West Airlines	3,934	6.3	203,784	51.80
Vermont: Rutland (community is temporarily without air service)	Boston	Precision	15,524	24.8	(*)	(*)
Virginia: Hot Springs	Washington	Presidential	[10] 2,341	5.5	150,017	64.08
Washington: Ephrata/Moses Lake	Seattle	Horizon Airlines	6,620	10.6	164,336	24.82
West Virginia:						
Beckley	Charlotte	CCAir	21,553	34.4	55,123	2.56
Clarksburg/Fairmont	Washington [11]	Presidential	3,430	5.5	128,830	37.56
Elkins	Washington	Presidential	1,808	2.9	263,096	145.52
Morgantown	Washington [11]	Presidential	7,714	12.3	128,830	16.70
Princeton/Bluefield	Charlotte	CCAir	23,826	38.1	55,123	2.31
Wyoming: Worland	Denver	Mesa Air Services	2,543	4.1	352,655	138.68
Puerto Rico: Ponce	San Juan	Executive Air Charter	9,125	14.6	265,058	29.05

[1] Passengers are for YE March 31, 1988, the most recent data available.

[2] Passengers are for YE March 31, 1988, the most recent consecutive 12-month period without a significant service disruption.
[3] No data available for the fourth quarter of 1987 or the first quarter of 1988. Traffic figures reflect the three quarters ended December 31, 1988 (3341) increased to reflect a full year.
[4] No data available for the fourth quarter of 1987 or the first quarter of 1988. Traffic figures reflect the three quarters ended December 31, 1988 (2917) increased to reflect a full year.
[5] Laurel/Hattiesburg currently receives subsidy-free service to Memphis and generated 19,096 Memphis passengers, 31 per day in each direction, in FY 1988.
[6] Grand Island currently receives subsidy-free service to Kansas City, Lincoln and Omaha and generated 31,075, passengers in these markets in FY 1988, an average of 50 passengers per day in each direction.
[7] North Platte and Scottsbluff receive subsidy-free service to Denver and generated 18,451 and 27,947 passengers, 29 and 45 per day in each direction, respectively, in FY 1988.
[8] Enid currently receives subsidy-free service to Kansas City but did not during FY 1988.
[9] Pierre currently receives subsidy-free service to Minneapolis and generated 19,259 passengers, 31 per day in each direction, in FY 1988.
[10] Based on 213 service days. Seasonal service from April 1 through November 30.
[11] Clarksburg and Morgantown receive subsidy-free service to Pittsburgh and generated 37,351 and 37,765 passengers, respectively, 60 per day in each direction at each community, in FY 1988.
* Indicates points at which no subsidy rates are in effect; therefore no subsidy-per-passenger calculation can be made.

Note: This table includes all communities receiving subsidized air service or where we are attempting to secure air service, except Alaska and Rota have been excluded.

COMMISSION ON AVIATION SECURITY AND TERRORISM

Amendment No. 5: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the sum named in said amendment, insert: *$1,000,000*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

From the funds provided, the conferees direct that compensation in an amount not to exceed the daily rate for one individual specified for GS-15 of the General Schedule be made available to each of the members of the Commission representing the Congress for the purpose of retaining designated support staff, including independent expert consultation and technical services. Such support would be in addition to any such services provided to the Commission as a whole.

COAST GUARD

OPERATING EXPENSES

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 making $25,000,000 of the "Operating expenses" appropriation available for obligation until September 30, 1991.

The conference agreement assumes the availability of $300,000,000 to be provided in the Department of Defense Appropriations Act, 1990, thereby making available a total of $2,252,000,000 for Coast Guard operating expenses in fiscal year 1990. This is $129,384,000, or 6.1 percent above the amount provided for fiscal year 1989.

The conferees agree to adjust the Senate funding recommendation to permit follow-on funding of up to $2,731,000 for the 110-foot Island Class cutter, and to permit the Coast Guard to retain, for obligation in 1990, funds expended in 1989 for clean-up activities on the *Exxon Valdez* oil spill, which have been reimbursed by Exxon.

The conferees direct the Coast Guard to submit a comprehensive report within 90 days to the House and Senate Committees on Appropriations on its cost recovery efforts, including such recoveries as the Customs forfeiture fund, safety violations fines, and payments pursuant to the Ocean Dumping Ban Act of 1988.

The conferees also direct the Coast Guard to submit a report, through the Secretary of Transportation, to the House and Senate Committees on Appropriations within 90 days, analyzing the impact of the Administration's new drug plan on Coast Guard interdiction efforts.

The Coast Guard's budget justification for 1990 was focused primarily on incremental changes to the prior year. The amounts in the base were not described, explained, or justified to any substantial degree.

The conferees direct the Coast Guard to include a full explanation and justification of its 1991 budget proposal so that the Committees may review its geographic and programmatic implications. Further, the justification shall include a detailed description and justification of the amounts included in the base, in addition to a full justification of its proposed increases and decreases.

Reprogramming procedures.—The following are the current procedures governing reprogramming actions for the United States Coast Guard programs and activities funded in the Transportation and Related Agencies Appropriations Act:

1. Definition: "Reprogramming", as defined in these procedures, includes the intra-account reallocation of funds from one project or program or activity to another for the following appropriations as described herein:

Acquisition, Construction, and Improvements (AC&I)

Research, Development, Test, and Evaluation (RDT&E)

Alteration of Bridges (AB)

Operating Expenses (OE)

A reprogramming shall also consist of any significant change in scope of a project described in the agency's budget justifications. Specific definitions are included below.

2. Criteria for reprogramming: Any project which is deferred, canceled or significantly reduced in scope through a reprogramming (i.e., funds have been "borrowed"), shall not later be accomplished by means of further reprogramming; but, instead, funds should again be sought for the deferred, canceled or significantly reduced project through the regular appropriations process.

3. Congressional review, notification, and approval: Certain reprogramming actions require congressional approval, or notification. The Secretary will submit correspondence to the Congressional Appropriations Committees for reprogramming actions as outlined below.

These guidelines are intended to permit congressional oversight and monitoring and involvement in funding decisions, including allocation of project savings and funding of resource shortfalls, without unnecessarily constraining the Secretary.

(a) Acquisition, construction, and improvements: Prior Congressional Appropriations Committees approval is required on any reprogramming action which:

(1) Is a significant change in the scope of a project as described in the agency's budget justification;

(2) Is a new project which exceeds the cost limit for "Minor AC&I" projects;

(3) Is a termination (other than a completion; or

(4) Is a dollar increase or decrease of more than 15% in either the benefiting or providing project.

Additionally, Congressional concurrence is required for projects which involve an increase or decrease of more than $1,000,000, except when the project is over $10,000,000 and where the shift does not significantly change the scope of the project.

(b) Research, development, test, and evaluation: No prior Congressional Appropriations Committees approval is required for reprogramming actions in the RDT&E account. The Secretary shall report to the committees quarterly on new projects, termination of projects other than completions, and projects involving shifts (increases or decreases) of more than 25% or $500,000 (whichever is less), based on the detailed project sheets included in the justification.

(c) Alteration of bridges: Prior Congressional approval is required for new starts, terminations other than completions, and changes of more than 25% or $500,000 (whichever is less), for projects included in the justification.

(d) Operating expenses: To ensure that the Committees may perform effective oversight, the Secretary shall seek concurrence for the following reprogramming actions:

(1) When during the budget year OE funds are not utilized for the purpose which Congress approved as described in the Operating Expenses justification section of the Coast Guard's Budget Estimates for that year.

(2) When the Secretary proposes to close a facility or significantly increase or decrease the operational capability of a unit or facility either by a significant increase or decrease in funding and/or personnel.

(3) When the Secretary intends to make a permanent significant change in the mission of a unit or facility.

(4) When the Secretary intends to initiate a new program, to significantly increase in scope, to cancel or significantly reduce in scope, or to change allocations specifically denied, limited or increased by the Congress in the Act or the report. In cases where unforeseen events or conditions are deemed to require such changes, the proposal shall be submitted in advance to the Committees, and be fully explained and justified. In emergency cases where the prior submission and review requirement would impair the Secretary's ability to perform, the Secretary shall provide timely notification.

(e) Congressional approval: Reprogramming proposals submitted to the Committees for prior approval shall be considered approved after 30 calendar days if the Committees pose no objection. However, the agency will be expected to extend the approval deadline if specifically requested by either Committee.

(f) As permitted by 14 U.S.C. 656, the Secretary may reprogram funds to restore, repair, or replace damaged or destroyed facilities, including acquisition of sites.

4. Report language: Any limitation, directive, or earmarking contained in either the House or Senate report which is not contraindicated by the other report nor specifically denied in the conference report shall be considered as having been approved by both Committees.

5. Periodic reports: All reprogrammings, including reprogrammings which do not require prior Committee approval, shall be reported to the Committees periodically and shall include cumulative totals.

6. Assessments: No assessments shall be levied against any Coast Guard program, budget activity, subactivity, or project

funded by the Transportation Appropriations Act unless such assessments and the basis therefore are presented to the Committees on Appropriations and are approved by such Committees, in compliance with these procedures.

Amendment No. 7: 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 providing that not less than $168,467,000 shall be available for environmental protection activities.

Amendment No. 8: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter inserted by said amendment, insert the following: , *or to close or decommission any unit of the United States Coast Guard unless such closure or decommissioning was provided for in the Budget of the United States, and its supporting documentation, and was agreed to by the Congress in this Act, as provided for in its legislative history, including Committee reports*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

Amendment No. 9: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter inserted by said amendment, insert the following: *$445,500,000, of which $7,500,000 shall be derived by transfer from "Operating expenses"*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Amendment No. 10: Provides $132,700,000 for vessel acquisition, construction, and improvements as proposed by the Senate instead of $115,200,000 as proposed by the House.

Amendment No. 11: Provides $204,200,000 for aircraft acquisition, construction and improvements instead of $202,100,000 as proposed by the House and $217,100,000 as proposed by the Senate.

Amendment No. 12: Provides $15,900,000 for command, control, and communications improvements as proposed by the Senate instead of $13,200,000 as proposed by the House.

Amendment No. 13: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the sum named in said amendment, insert: *$71,100,000*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Amendment No. 14: Provides $21,600,000 for acquisition, construction and improvements administration costs instead of $20,900,000 as proposed by the Senate and $30,500,000 as proposed by the House.

The appropriation of $445,500,000 is distributed as follows:

Vessels:	
Polar icebreaker acquisition	$500,000
Polar icebreaker improvements	1,300,000
378-foot high endurance cutter renovation and modernization (FRAM)	97,000,000
378-foot high endurance cutter weapons modernization	10,000,000
210-foot medium endurance cutter major maintenance availability (MMA)	8,000,000
180-foot buoy tender replacements	3,200,000
180-foot buoy tender service life extension project (SLEP)	3,200,000
Motor lifeboat replacements	5,800,000
Cutter boat replacements	2,600,000
Barge replacements	1,100,000
Total vessels	132,700,000
Aircraft:	
HU-25 (Falcon jet) spare parts	[1] $10,200,000
HU-25 (Falcon jet) engine improvement	1,600,000
HH-65 (Dolphin helicopter) spares provisioning	18,100,000
HH-65 (Dolphin helicopter) engine improvements	10,200,000
HH-60 (MRR helicopter) replacements	132,000,000
TALON shipboard helicopter tiedown	7,100,000
HC-130 prototype radar installation	25,000,000
Total, aircraft	204,200,000
Command, Control and Communications:	
HC-130 forward looking airborne radar	$4,900,000
Global positioning system installation	1,600,000
SARSAT local user terminals	5,300,000
Aircraft repair and supply center computer replacement	1,500,000
Distributed computing system	1,900,000
Portable intelligence collection system	700,000
Total, command, control, and communications	15,900,000
Shore facilities/aids to navigation:	
Puget Sound vessel traffic service	$4,000,000
Minor shore construction projects	7,500,000
Underground storage tank cleanup	1,000,000
Clearwater, FL SEUS station improvements	5,100,000
Seattle, WA support center renovation, pier 35 construction	1,200,000
Elizabeth City, NC clinic replacement	3,200,000
Kodiak, AK fuel farm containment construction	1,900,000
Petaluma, CA replacement water line	2,400,000
Cape May, NJ beach erosion control	3,400,000
Public family quarters	10,000,000
Ketchikan, AK base renovation	4,900,000
Palm Beach, FL new station	3,200,000
Rodanthe, NC station replacement	3,600,000
Southport, NC rebuild station	3,000,000
Greenville, MS moorings relocation	2,200,000
East Tawas, MI rebuild station	2,200,000
Aids to navigation projects	6,000,000
Cape May, NJ barracks	6,300,000
Total, shore facilities/ATON	71,100,000
Administration:	
Personnel support	[2] $17,600,000
Survey and design	4,000,000
Total, administration	21,600,000
Total, AC&I program level	445,500,000
Derived by transfer	−7,500,000
Total, AC&I appropriation	438,000,000

[1] Includes $7,500,000 derived by transfer.

[2] In addition, $8,400,000 shall be made available from prior year funds.

Vessel Traffic Service Puget Sound.—The conferees agree to appropriate $4,000,000 for the Puget Sound VTS system, and direct the Coast Guard to use the funds to expand coverage to Tacoma and integrate the Point Robinson-to-Tacoma coverage into a systemwide modernization of radar vessel tracking in Puget Sount. The appropriation shall provide for upgraded, automatic digital processing equipment throughout the extended Puget Sound VTS, which will correct the existing blind spot in Rosario Strait near Cypress Island and enhance safety by providing for improved course prediction and collision avoidance.

Motor lifeboat replacement.—The conferees reiterate the House directive pertaining to motor lifeboat testing and evaluation. The conferees agree that up to $825,000 of the funds provided may be used for prototype testing prior to submission of written certification from the Inspector General that design issues have been addressed satisfactorily.

Aids to navigation.—The conferees reiterate the Senate directive specifying that $4,500,000 of the funds provided for waterway aids to navigation be available for Chesapeake Bay and Rappahannock Channel projects.

SARSAT local user terminals.—The conference agreement includes $5,300,000 to replace three prototype SARSAT local user terminal systems now in operation and to establish two new LUTs to increase South Pacific, Caribbean, and North Atlantic SARSAT capability. The new LUTs shall be installed in Hawaii and Puerto Rico.

Dolphin engine helicopter engine replacement.—The conferees agree that the report specified in the House report on Dolphin helicopter reengining options shall be submitted no later than August 31, 1990.

Cold water survival training center.—The conferees have deleted the Senate language providing funds for the construction of a cold water survival training center. The con-

ferees expect the Coast Guard to give this project full consideration in its fiscal year 1991 budget submission.

Amendment No. 15: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which transfers and merges the unobligated balances of "Coast Guard, Shore Facilities" into "Acquisition, Construction, and Improvements".

Amendment No. 16: Deletes reprogramming language proposed by the Senate. The House bill contained no similar provision.

RESERVE TRAINING

Amendment No. 17: Appropriates $72,800,000 instead of $71,800,000 as proposed by the House and $73,800,000 as proposed by the Senate.

The conference agreement provides for an increase of 650 positions over fiscal year 1989 for the selected reserve.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Amendment No. 18: Appropriates $20,800,000 instead of $18,800,000 as proposed by the House and $22,800,000 as proposed by the Senate.

Marine Environmental Protection.—The conference agreement includes $4,150,000 to accelerate the Coast Guard's applied research activities in the marine environmental protection area. The conferees expect the Coast Guard to submit to the House and Senate Committees on Appropriations a fiscal year 1990 research and development funding plan by November 30, 1989.

BOAT SAFETY

Amendment No. 19: Inserts language providing a direct appropriation of $30,000,000 as proposed by the Senate instead of language limiting obligations to $30,000,000 as proposed by the House.

FEDERAL AVIATION ADMINISTRATION

OPERATIONS

Amendment No. 20: Appropriates $3,842,000,000 instead of $3,836,000,000 as proposed by the House and $3,865,000,000 as proposed by the Senate.

The conference agreement includes the following amounts:

Operations of air traffic control system	[1] $1,732,887,000
(Positions)	(27,960)
NAS logistics support	208,000,000
(Positions)	(1,525)
Maintenance of air traffic control system	718,774,000
(Positions)	(10,454)
Leased telecommunications services	268,073,000
Administration of aviation standards program	426,383,000
(Positions)	(6,755)
Development direction	15,400,000
(Positions)	(143)
Administration of airports program	36,500,000
(Positions)	(515)
Human resources management	292,000,000
(Positions)	(1,380)
Direction, staff and supporting services	125,342,000
(Positions)	(1,067)
Headquarters administration	28,641,000
(Positions)	(397)

[1] Including $10,000,000 derived by transfer for reemployed annuitants.

The conferees expect that any potential shortfalls in safety programs resulting from this distribution will be reported promptly to the House and Senate Committees on Appropriations.

Mid-Atlantic Aviation Training and Education Center.—The conferees concur in the Senate directive to provide $3,000,000 for the Mid-Atlantic Aviation Training and Education Center in Clarksburg, West Virginia.

Sacramento Airspace Management Study.—The conferees concur with the House report language regarding the Sacramento Airspace Management Study. This study should address restructuring the airspace in the Sacramento region, the possibility of relocating the Sacramento VORTAC, and the feasibility of adding more navigational aids to allow for use of the Yolo Causeway and other undeveloped areas as an arrival or departure corridor for the airport.

Amendment No. 21: Provides that $816,500,000 of the amount provided for operations shall be derived from the Airport and Airway Trust Fund as proposed by the House instead of $906,500,000 as proposed by the Senate.

Amendment No. 22: Deletes language extending FAA's reemployed annuitant authority from December 31, 1989 to December 31, 1990 proposed by the Senate. The House bill contained no similar provision.

Amendment No. 23: Restores language proposed by the House providing $3,400,000 for the Mid-American Aviation Resource Consortium.

FACILITIES AND EQUIPMENT

(AIRPORT AND AIRWAY TRUST FUND)

Amendment No. 24: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate providing for the lease or purchase of one aircraft. The House bill contained no similar provision.

Aircraft lease/purchase.—The conferees are aware of the Department's view that other financial arrangements or another aircraft may better suit the FAA's requirement for an "N1" aircraft to perform high priority transportation missions. The conferees have therefore agreed to the Senate amendment that allows the lease or purchase of one aircraft. While such transaction is authorized for fiscal year 1990, the conference agreement contains no funds for this purpose. Should the Department determine that such an expenditure is desirable, the conferees will entertain a Facilities and Equipment reprogramming request only if such funds are derived from project savings or contract underruns that will not be necessary to recoup at a later time.

Amendment No. 25: Appropriates $1,746,487,000 instead of $1,732,000,000 as proposed by the House and $1,780,131,000 as proposed by the Senate. These funds are distributed as follows:

Air route traffic control centers:	
Long range radar	$39,048,000
Radar microwave link replacement/expansion	15,000,000
NEXRAD	5,808,000
ATC en route radar facilities improvements	4,977,000
Advanced automation system	365,000,000
Software development and integration	11,000,000
Central weather processor	9,177,000
Aeronautical data link	6,800,000
Automation improvements	5,000,000
ODAPS/EARTS software	3,700,000
NADIN II	11,170,000
ARTCC improvements/modernization	38,000,000
Data multiplexing network	7,725,000
Communications facilities consolidation/networking	2,000,000
Communications and control facilities improvements	8,600,000
Traffic management system	17,700,000
Voice switching and control system (VSCS)	184,240,000
Communications expansion	11,890,000
High capacity voice recorders	8,375,000
Air-ground radio frequency interference elimination	5,000,000
Subtotal, air route traffic control centers	760,210,000
Airport traffic control towers:	
Terminal doppler weather radar	107,000,000
Mode S spare parts, support, repairs	25,000,000
Terminal radar upgrades	8,100,000
Airport surveillance radars	10,000,000
Terminal NEXRAD	11,735,000
Parallel and converging runway monitors	9,500,000
Los Angeles Basin facilities consolidation	19,200,000
Terminal automation improvements	8,000,000
Mode C intruder	14,490,000
Dallas/Fort Worth Metroplex expansion	53,000,000
ATC terminal software costs	3,000,000
Remote maintenance monitoring	23,700,000
Tower replacements	18,800,000
Tower/TRACON modernization	7,222,000
Integrated communications switching systems	9,435,000
Interim support plan	73,000,000
Terminal communications improvements	13,865,000
New Denver airport facilities	40,000,000
Tower communications system	2,000,000
Camarillo, CA, tower establishment	2,800,000
Radio tone control equipment	10,000,000
Subtotal, airport traffic control towers	469,847,000
Flight service facilities:	
Flight service station modernizaiton	11,000,000
Very high frequency direction finder network	15,000,000
Flight service facilities improvements	1,150,000

Direct user access terminal system (DUATS)	9,000,000
Subtotal, flight service facilities	36,150,000
Air navigation facilities:	
VOR/DME	10,750,000
Nondirectional radio beacon facilities establishment/replacement	750,000
MLS demonstration program	12,000,000
Approach lighting system improvement program	4,800,000
Automated weather observing system (AWOS)	10,555,000
Visual navaids	7,500,000
St. Louis LDIN	(1,500,000)
Instrument landing systems	23,275,000
Runway visual range	4,450,000
System capacity enhancements	16,500,000
Airport approach and landing aid facilities improvements	3,500,000
Automated flight procedures development for terminal navigation facilities (IAPA)	3,900,000
Subtotal, air navigation facilities	97,980,000
Housing, utilities, and miscellaneous facilities:	
National radio communications system (NARACS)	4,650,000
Unmanned facilities improvements	20,000,000
Airport cable loop system	3,500,000
Computer-based instruction	7,595,000
Electrical power system improvements	12,000,000
Fuel storage tank replacements	6,000,000
ADP facilities management (CORN)	9,000,000
Automated command and control technology	10,000,000
Maintenance control centers	4,250,000
Land/easement purchases	3,000,000
Airport datum monument program	1,500,000
Employee safety upgrades at towers	5,500,000
Systems engineering and support	109,500,000
Air navigation facility/ACC system support	8,000,000
Mike Monroney Aeronautical Center—lease	7,191,000
Logistics support services	6,000,000
Air navigation aids/ATC facilities improvements	3,000,000
Frequency and spectrum engineering	1,800,000
Human resource management plan for NAS transition/implementation	1,000,000
Test equipment/printed circuit board software	3,800,000
Air traffic control simulators	13,000,000
Advanced design and management control contract support	6,000,000
Independent operational test and evaluation	1,440,000
Hazardous material management	7,000,000
ATC part-task trainers	7,397,000
Aircraft and airmen registry	4,000,000
Contract support	2,000,000
Mid-America Aviation Resource Consortium	3,000,000
Subtotal, housing, utilities, and miscellaneous facilities	271,123,000
Aircraft and related equipment:	
B-727 flight systems and avionics upgrade	2,500,00
TCAS OT&E equipment	1,000,000
TCAS II (13 systems)	1,200,000
Visual contact lighting systems (62 systems)	241,000
B-727 simulator retrofit for low visibility operations	1,300,000
Turbojet training device	80,000
Turboprop training device	80,000
TCAS training device	80,000
CV-580 aircraft avionics upgrade and airframe refurbishment	2,200,000
Electronic flight instrumentation (7 systems)	2,910,000
B-727 long range fuel system	1,000,000
Subtotal, aircraft and related equipment	12,591,000
Development, test, and evaluation:	
FAA Technical Center Building lease	5,290,000
Atlantic City International Airport improvements	1,200,000
Technical Center laboratory modernization	3,100,000
Target generator facility	13,000,000
New ATC R&D laboratory	2,000,000
Engineering support equipment	400,000
Subtotal, development, test, and evaluation	24,990,000
Personnel compensation, benefits, and travel:	
Eastablishment/improvement of facilties	63,642,000
Flight inspection	1,566,000
Factory inspection/contract support	6,767,000
Aeronautical Center	1,621,000
Subtotal, personal compensation, benefits and travel	73,596,000
Total appropriation	1,746,487,000

System capacity initiative.—The conference agreement includes $16,500,000 for various system capacity enhancements to be distributed as follows:

New instrument landing systems	$12,000,000
Bessemer, AL; Detroit, MI; Elkhart, IN; Miami, FL; Natchez-Adams County, MS; Ogden-Hinckley, UT; Portland, ME; Raleigh-Durham, NC; St. Louis, MO; Syracuse, NY; West Memphis, AR; Worcester, MA.	
New runway visual range equipment	3,000,000
Baltimore, MD (1); Chamblee, GA (1); Chicago (MDW), IL (2); Detroit (Willow Run), MI (1); Miami, FL (6); Minneapolis, MN (3); Philadelphia, PA (1); Roanoke, VA (1); San Antonio, TX (1); Syracuse, NY (2); Washington (Dulles), VA (1).	
Other capacity enhancements	1,500,000
Bessemer, AL—DME.	
Jasper, AL—DME/localizer.	
Morristown, NJ—PAPI.	
Mountain Home, AR—ASOS.	
St. George, AK—beacon/DME.	

The conferees also direct the FAA to submit a report to the House and Senate Appropriations Committees by January 30, 1990 assessing the most cost effective way, and feasibility of establishing airport surveillance radar systems at Wood County, WV and Roswell, NM. Such report also shall analyze the need for a terminal radar approach control system at the Eastern West Virginia Regional Airport in Martinsburg, WV, that would also serve the needs of Hagerstown, MD, and Winchester, VA.

New Denver airport.—The conference agreement includes $40,000,000 to initiate design and construction of necessary facilities and equipment at the new Denver airport. The conferees agree that any new TRACON at this facility should be integrated fully into the ACF consolidation plan. The new Denver airport is addressed further under amendment number 28.

Microwave landing system limited prototype program.—The conference agreement provides $12,000,000 to continue the nine major elements of the MLS demonstration program. No funds are included to award the limited production for Category II/III prototype systems. The conferees agree that it may not be necessary to withhold prototype funding until the end of the 30-month demonstration program (November, 1991) if preliminary results from the major evaluations currently underway produce favorable findings. The conferees will expect the FAA to be in a position to present the preliminary results of this work at the fiscal year 1991 appropriations hearings if prototype funding is requested. The conferees also have no objection to the continuance of preparatory work necessary to issue an RFP for this program. The conferees direct, however, that any planned prototype program be limited to a total of 12 systems—six from each of two different competing sources.

National Weather Graphics Display System.—The conferees are deeply concerned with the FAA's proposal to purchase

a new and very costly National Weather Graphics System. The conferees are not convinced this proposal will significantly improve the FAA's ability to provide weather graphics information. However, the conferees do not want to prevent the FAA from improving the current system if in fact significant improvements are available for a new national plan. The conferees recommend that the FAA continue with its procurement process of the new national plan. But, the conferees will retain the right to review the cost and proposed improvements of the new system before the final contract can be awarded.

Washington National Airport hangar upgrades.—The conferees have deleted the requested funds for hangar upgrades at Washington National Airport. Such work should be financed by the Metropolitan Washington Airports Authority.

Radio communications systems.—The conferees are aware of several changes in the FAA communications environment since the inception of the NAS Plan. The most important of these is the increasing amount of high speed digital data transmissions. The FAA is directed to continue with its planning to transition to a digital radio communications system consistent with sound operational and economic practices and established long-term requirements.

Interim support plan.—The conference agreement provides $73,000,000 for the interim support plan as proposed by the House. The conferees agree that the Medford, OR airport surveillance radar system shall be funded under this program.

RESEARCH, ENGINEERING, AND DEVELOPMENT

(AIRPORT AND AIRWAY TRUST FUND)

Amendment No. 26: Appropriates $173,000,000 as proposed by the Senate instead of $185,000,000 as proposed by the House. The conference agreement distributes these funds as follows:

Air traffic control	$93,725,000
Advanced computers	18,683,000
Navigation	2,920,000
Aviation weather	13,287,000
Aviation medicine	6,513,000
Aircraft safety and aviation security	35,872,000
Environment	2,000,000

Iowa State University.—The conferees have included $3,000,000 to initiate a university/industry/Government cooperative aircraft crashworthiness program at Iowa State University.

Wichita State University.—The conferees have also included $2,000,000 for the advancement of aviation safety research at the Institute for Aviation Research at Wichita State University, Wichita, Kansas. These research funds are to study aging aircraft, aircraft crashworthiness, and human factors in aviation. Available funds should also be used, as needed and at the discretion of the Institute, for continued development of a prototype electronic data base and automated system to identify civil aviation aircraft, track modifications, and distribute airworthiness materials to owners/operators.

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 with an amendment as follows:

In lieu of the matter proposed by said amendment, insert the following: *: Provided further, That of the funds available under this head, $1,000,000 to remain available until expended, is appropriated and shall be available for grants under the Federal Grant and Cooperative Agreement Act of 1977 to the National Aviation Institute, Pleasantville, New Jersey, to fund research and development in the area of facilitating research by cataloguing and prioritizing aviation related research efforts and providing a central clearinghouse for aviation research*

The managers on the part of the Senate will move to concur in the amendment of House to the amendment of the Senate.

GRANTS-IN-AID FOR AIRPORTS

(AIRPORT AND AIRWAY TRUST FUND)

Amendment No. 28: Deletes House language that provides for the purchase of airport access control systems from $100,000,000 set aside in the bill for airport capacity projects. This amount is in addition to the discretionary grants available under current law.

The conferees wish to emphasize their expectation that existing airports shall receive necessary funding and the same priority for capacity projects as new airports.

Instrument Landing Systems.—The conferees direct that up to $12,000,000 be allocated from the airport improvement program for the purchase or lease and installation of instrument landing systems for the following airports: Brookings, SD; Brookley, AL; Flagstaff, AZ; Great Bend, KS; Lanai, HI; Lawrence, KS; Mitchell, SD; Newton, IA; Olaathe Executive, KS; Ponca City, OK; Spencer, IA; Stillwater, OK.

New Denver airport.—The conferees agree that federal participation in land acquisition and construction costs for Phase 1 of the new Denver airport shall not exceed 30% of the estimated total cost. The conferees direct that all airport improvement entitlement funds designated for the new airport (and/or Stapleton airport) through fiscal year 1997 be applied to these Phase 1 costs. Any federal participation in access road construction should come from state and federal highway programs to the extent available.

The conferees also direct the Secretary to work to assure that Phase 1 costs have been reduced to the maximum extent feasible for operations to begin at the anticipated opening. Potential cost-saving options to be reviewed by the Secretary include but are not limited to such items as terminal size, number and configuration of runways, number of gates, airport parking concourses, the use of revenues from the sale of Stapleton airport for Phase 1, the imposition of special assessment districts at the redeveloped Stapleton location, the use of cost control measures such as making state and local entities financially responsible for cost overruns, providing state/local refund incentives for project underruns, and requiring state/local bond guarantees or insurance. The Secretary shall review and report on potential cost savings plans by April 15, 1990.

AIRCRAFT PURCHASE LOAN GUARANTEE PROGRAM

Amendment No. 29: Limits borrowing authority to $10,000,000 as proposed by the Senate instead of $50,000,000 as proposed by the House.

FEDERAL HIGHWAY ADMINISTRATION

LIMITATION ON GENERAL OPERATING EXPENSES

Amendment No. 30: Limits general operating expenses to $234,000,000 instead of $222,600,000 as proposed by the House and $236,896,000 as proposed by the Senate.

The conference agreement includes the following amounts:

Personnel compensation and benefits	$134,140,000
Working capital fund	10,340,000
Demonstration projects	2,959,000
Central support	44,120,000
National Highway Institute	1,361,000
Contract programs	41,080,000
R&D, highways and safety	(21,500,000)
Trucking program	(900,000)
Rural transportation	(3,700,000)
National scenic byways study	(1,000,000)
I-80/I-94 congestion study (IL/IN)	(500,000)
Minority business	(7,900,000)
Central DFD lab	(45,000)
Western DFD lab	(435,000)
University transportation centers	(5,000,000)
Kansas feasibility study	(100,000)

Highway use Tax evasion.—The conferees agree that the Federal Highway Administration may use up to $500,000 of available funds to support additional efforts to increase highway tax compliance activities.

TRANSCOM.—The conferees have agreed to provide $3,000,000 to continue to support further collaborative efforts to manage the congestion problem in northeastern New Jersey and the New York metropolitan region. Funds are to be made available to TRANSCOM through the States of New York and New Jersey Transportation Departments. In addition to the collaborators listed in the Senate report, the managers expect the commercial trucking industry to continue their support. TRANSCOM is expected to continue to solicit cost-sharing. The conferees direct the Federal Highway Administration to ensure that information on results on successful strategies is widely disseminated.

Trucking programs.—The conferees have agreed to provide $900,000 for trucking research and development programs, which includes an increase of $500,000 above the budget. The funds provided above the budget are to be available only to a not-for-profit entity, which is to provide cost-sharing of an additional $100,000 of services, equipment, labor, overhead, or general and administrative services to supplement the increase. Furthermore, $375,000 of the increase should be made available only to entities exclusively engaged in trucking-related research. The Federal Highway Administration shall contract for this research by March 15, 1990.

District of Columbia apportionment.—The conferees have agreed to reprogram $5,000,000 of District of Columbia interstate highway trust fund apportionments for the Northeast Corridor Improvement Project. The conferees expect Amtrak to use the funds to further work on the Union Station parking garage project, and to apply unneeded funds back to additional NECIP projects.

Timber Bridge research.—The conferees direct the Federal Highway Administration to cooperate with the Constructed Facilities Center in the planning and expenditure of the $500,000 included for low-cost bridge technology involving wood.

Amendment No. 31: Provides that $41,080,000 shall remain available until expended instead of $30,580,000 as proposed by the House and $42,444,000 as proposed by the Senate.

Amendment No. 32: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and

concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter proposed by said amendment, insert the following:

UNIVERSITY TRANSPORTATION CENTERS

(HIGHWAY TRUST FUND)

For necessary expenses for university transportation centers, as authorized by section 21(i)(2) of the Urban Mass Transportation Act of 1964, as amended, $5,000,000, to be derived from the Highway Trust Fund (other than the Mass Transit Account).

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

HIGHWAY SAFETY RESEARCH AND DEVELOPMENT

(HIGHWAY TRUST FUND)

Amendment No. 33: Appropriates $6,080,000 as proposed by the House. The Senate bill contained no similar appropriation.

HIGHWAY-RELATED SAFETY GRANTS

(HIGHWAY TRUST FUND)

Amendment No. 34: Limits obligations to $9,405,000 as proposed by the House instead of $10,000,000 as proposed by the Senate.

RAILROAD-HIGHWAY CROSSINGS

DEMONSTRATION PROJECTS

Amendment No. 35: Appropriates $15,000,000 as proposed by the House instead of $7,700,000 as proposed by the Senate.

The conference agreement includes the following amounts:

Augusta, Georgia	$1,000,000
Springfield, Illinois	4,500,000
Lafayette, Indiana	3,500,000
Pine Bluff, Arkansas	2,500,000
Lincoln, Nebraska	3,500,000

Amendment No. 36: Provides that $10,000,000 shall be derived from the Highway Trust Fund as proposed by the House instead of $5,133,333 as proposed by the Senate.

FEDERAL-AID HIGHWAYS

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

Amendment No. 37: Limits obligations for Federal-aid highways and highway safety construction programs to $12,260,000,000 instead of $12,050,000,000 as proposed by the Senate and $12,463,500,000 as proposed by the House.

Federal-aid Highways obligational authority.—Following is the conferees' best estimate of fiscal year 1990 federal-aid highways obligational authority that will be made available to the states under the $12,260,000,000 obligation limitation. These figures are subject to change when more accurate data become available. In addition, an estimated $1,239,000,000 will also be obligated for federal highway programs exempted from the obligation limitation.

COMPARISON OF ESTIMATED FISCAL YEAR 1990 OBLIGATION LIMITATION TO ACTUAL FISCAL YEAR 1989

[Limitation in thousands]

State	Fiscal year—1990	
	Conference report	1989 limitation
Alabama	202,889	233,902
Alaska	145,295	139,824
Arizona	122,159	117,284
Arkansas	102,298	97,787
California	902,177	839,078
Colorado	172,969	169,358
Connecticut	310,191	241,235

COMPARISON OF ESTIMATED FISCAL YEAR 1990 OBLIGATION LIMITATION TO ACTUAL FISCAL YEAR 1989—Continued

[Limitation in thousands]

State	Fiscal year—1990	
	Conference report	1989 limitation
Delaware	47,823	45,470
District of Columbia	87,326	98,682
Florida	327,876	378,732
Georgia	261,694	267,614
Hawaii	132,395	131,948
Idaho	68,812	72,536
Illinois	334,426	331,880
Indiana	180,719	173,051
Iowa	147,042	146,550
Kansas	128,972	126,397
Kentucky	152,756	146,553
Louisiana	200,841	244,280
Maine	57,594	53,322
Maryland	272,777	244,647
Massachusetts	861,963	316,953
Michigan	273,230	267,828
Minnesota	156,268	167,240
Mississippi	111,470	109,299
Missouri	220,451	211,554
Montana	101,258	97,587
Nebraska	90,155	87,627
Nevada	68,353	65,349
New Hampshire	51,156	49,052
New Jersey	338,028	272,009
New Mexico	98,075	94,752
New York	632,867	595,268
North Carolina	209,511	207,093
North Dakota	68,041	65,707
Ohio	332,999	318,119
Oklahoma	134,612	133,617
Oregon	122,988	113,343
Pennsylvania	467,201	439,797
Rhode Island	106,725	97,952
South Carolina	116,934	116,921
South Dakota	74,971	72,844
Tennessee	209,162	205,048
Texas	551,166	579,492
Utah	87,586	86,135
Vermont	51,584	49,141
Virginia	203,596	198,345
Washington	224,216	252,895
West Virginia	105,624	101,529
Wisconsin	147,513	146,084
Wyoming	76,312	73,620
American Samoa	398	381
Guam	398	381
Puerto Rico	54,384	51,698
W. Marianas	398	381
Virgin Islands	398	381
Territories	10,820	10,372
Subtotal	10,719,842	9,955,934
Administration	234,000	215,000
Federal lands	237,000	237,000
Allocation reserve	1,069,158	1,592,066
Total	12,260,000	12,000,000

Note: Fiscal year 1990 amount assumes no reduction for sequestration.

Interstate Transfer—highways.—The conference agreement includes the following allocations of interstate transfer-highways discretionary funds:

Colorado	$40,684
Illinois	90,000,000
Iowa	39,000,000
Maryland	30,000,000
Minnesota	19,624
Oregon	700,000
Pennsylvania	6,353,246
Rhode Island	5,000,000
Other	13,886,446

The conferees recognize that delays in some regions' projects might necessitate adjustments to the above allocations. The conferees expect these adjustments, if required, to be accomplished through the normal reprogramming process.

Utah Pedestrian Safety Demonstration project.—The Conference report 100-957 accompanying Public Law 100-457 directed $1,000,000 of the funds already available to the State of Utah by section 149 of Public Law 100-17 be made available for preliminary engineering, environmental studies and right-of-way acquisition to widen 8400 West Street in Magan, Utah. The conferees understand that the State of Utah has completed these studies and, because of effective management and cost efficiencies achieved, has not expended all available funds. Therefore, the conferees believe it is appropriate for the State of Utah to utilize the remaining funds from this study to begin construction of the project. Any funds remaining of the $1,000,000 after construction of the project is completed may be used for other transportation purposes and needs in the State of Utah.

Johnson City Interstate.—The conferees acknowledge the continuing efforts of local and state officials in Tennessee and North Carolina to extend Interstate 26 from Asheville, North Carolina to the Tri-Cities area in Northeast Tennessee. As part of that effort, North Carolina officials recently announced that an environmental study is underway on upgrading U.S. 23 to interstate standards. Once that upgrade is complete, U.S. 23 can connect to an interstate quality highway Tennessee officials have already committed to building. The conferees encourage the Federal Highway Administration to work with local and state officials on the project, with particular emphasis on preliminary design work on the extension of U.S. 23 pending completion of the environmental study.

RIGHT-OF-WAY REVOLVING FUND

(LIMITATION ON DIRECT LOANS)

(HIGHWAY TRUST FUND)

Amendment No. 38: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter stricken and inserted by said amendment, insert the following: *$42,500,000, together with an amount not to exceed the amount of 1989 obligations recovered*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Michigan and Virginia highway projects.—The conferees direct the Federal Highway Administration to make repayable right-of-way revolving fund loans of $15,000,000 to the State of Michigan for use in conjunction with the M-59 corridor project and $15,000,000 to the Commonwealth of Virginia for right-of-way acquisition for Route 7100-029. The conferees expect loan repayments shall be adhered to as prescribed by the Federal Highway Administration right-of-way revolving fund program guidelines.

MOTOR CARRIER SAFETY

Amendment No. 39: Appropriates $33,690,000 as proposed by the Senate instead of $32,190,000 as proposed by the House.

Amendment No. 40: Provides that $2,782,000 shall remain available until expended as proposed by the Senate instead of $1,282,000 as proposed by the House.

MOTOR CARRIER SAFETY GRANTS

(HIGHWAY TRUST FUND)

Amendment No. 41: Limits obligations to $60,200,000 as proposed by the House instead of $60,000,000 as proposed by the Senate.

Virginia enforcement program.—The conferees reiterate the directive in the House report that provides $200,000 to the Commonwealth of Virginia for additional inspectors in northern Virginia for the purpose of demonstrating the effect of increased motor carrier safety inspections on interstate high-

ways in urban and suburban regions of the country.

Amendment No. 42: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter proposed by said amendment, insert the following: *Notwithstanding subsection (d) of Sec. 402 of the Surface Transportation Assistance Act of 1982 (Public Law 97-424, 96 Stat. 2155, 2156) for states which have recieved only development grants under such section 402 and which have participated in the Commercial Motor Carrier Safety Inspection and Weighing Demonstration Program, the Secretary shall only approve a plan under such section 402 for fiscal year 1990 which provides that the aggregate expenditure of funds of the State and political subdivisions thereof, exclusive of Federal funds, for commercial motor vehicle safety programs will be maintained at a level which does not fall below the average level of such expenditure for the last two full fiscal years preceding the date the plan is approved.*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

BALTIMORE-WASHINGTON PARKWAY

(HIGHWAY TRUST FUND)

Amendment No. 43: Appropriates $12,000,000 as proposed by the House. The Senate bill contained no similar appropriation.

INTERMODAL URBAN DEMONSTRATION PROJECT

(HIGHWAY TRUST FUND)

Amendment No. 44: Appropriates $10,000,000 as proposed by the House. The Senate bill contained no similar appropriation.

HIGHWAY SAFETY AND ECONOMIC DEVELOPMENT DEMONSTRATION PROJECTS

(HIGHWAY TRUST FUND)

Amendment No. 45: Appropriates $12,000,000 as proposed by the House. The Senate bill contained no similar appropriation.

HIGHWAY SAFETY IMPROVEMENT DEMONSTRATION PROJECT

(HIGHWAY TRUST FUND)

Amendment No. 46: Appropriates $11,000,000 as proposed by the House. The Senate bill contained no similar appropriation. The conferees direct that these funds be eligible for the following improvements in the Walton Blvd. corridor: Walton Blvd. from Airport Road to Squirrel Road; Baldwin Road; Joslyn Road; and Lake Angeles Road.

HIGHWAY-RAILROAD GRADE CROSSING SAFETY DEMONSTRATION PROJECT

(HIGHWAY TRUST FUND)

Amendment No. 47: Appropriates $9,500,000 as proposed by the House. The Senate bill contained no similar appropriation.

HIGHWAY WIDENING DEMONSTRATION PROJECT

Amendment No. 48: Appropriates $2,000,000 as proposed by the House. The Senate bill contained no similar appropriation.

BRIDGE IMPROVEMENT DEMONSTRATION PROJECT

Amendment No. 49: Appropriates $4,000,000 as proposed by the House. The Senate bill contained no similar appropriation.

HIGHWAY WIDENING AND IMPROVEMENT DEMONSTRATION PROJECT

Amendment No. 50: Appropriates $5,000,000 as proposed by the House. The Senate bill contained no similar appropriation.

HIGHWAY CAPACITY IMPROVEMENT DEMONSTRATION PROJECT

Amendment No. 51: Deletes appropriation of $100,000 proposed by the House. The Senate bill contained no similar appropriation.

CLIMBING LANE SAFETY DEMONSTRATION PROJECT

Amendment No. 52: Appropriates $2,500,000 as proposed by the House. The Senate bill contained no similar appropriation.

INDIANA INDUSTRIAL CORRIDOR SAFETY DEMONSTRATION PROJECT

Amendment No. 53: Appropriates $2,400,000 as proposed by the House. The Senate bill contained no similar appropriation.

OKLAHOMA HIGHWAY WIDENING DEMONSTRATION PROJECT

Amendment No. 54: Appropriates $2,500,000 as proposed by the House. The Senate bill contained no similar appropriation.

ALABAMA HIGHWAY BYPASS DEMONSTRATION PROJECT

Amendment No. 55: Appropriates $8,300,000 as proposed by the House. The Senate bill contained no similar appropriation.

KENTUCKY BRIDGE DEMONSTRATION PROJECT

Amendment No. 56: Appropriates $5,000,000 as proposed by the House. The Senate bill contained no similar appropriation.

VIRGINIA HOV SAFETY DEMONSTRATION PROJECT

Amendment No. 57: Appropriates $4,650,000 as proposed by the House. The Senate bill contained no similar appropriation.

URBAN HIGHWAY CORRIDOR DEMONSTRATION PROJECT

Amendment No. 58: Appropriates $4,500,000 as proposed by the House. The Senate bill contained no similar appropriation.

URBAN AIRPORT ACCESS SAFETY DEMONSTRATION PROJECT

Amendment No. 59: Appropriates $5,000,000 as proposed by the House. The Senate bill contained no similar appropriation.

EBENSBURG BYPASS DEMONSTRATION PROJECT

Amendment No. 60: Appropriates $13,740,000 as proposed by the House. The Senate bill contained no similar appropriation.

BRIDGE REHABILITATION DEMONSTRATION PROJECT

Amendment No. 61: Deletes appropriation of $350,000 proposed by the House. The Senate bill contained no similar appropriation.

HIGHWAY DEMONSTRATION PROJECT—PRELIMINARY ENGINEERING

Amendment No. 62: Appropriates $5,800,000 instead of $12,400,000 as proposed by the House. The Senate bill contained no similar appropriation.

The conference agreement includes the following allocations for preliminary engineering, environmental studies and right-of-way acquisition for highway demonstration projects:

Rural economic development demonstration project (Illinois 336 from US 24 to US 136)	$1,600,000
New Mexico railroad overpass demonstration project (Las Vegas, New Mexico)	1,500,000
Highway safety and economic development demonstration projects (right-of-way acquisition for state route 6 and state route 302)	2,700,000

CORRIDOR SAFETY IMPROVEMENT PROJECT

(HIGHWAY TRUST FUND)

Amendment No. 63: Appropriates $17,300,000 as proposed by the Senate. The House bill contained no similar appropriation.

BRIDGE CAPACITY IMPROVEMENTS

(HIGHWAY TRUST FUND)

Amendment No. 64: Appropriates $4,000,000 as proposed by the Senate. The House bill contained no similar appropriation.

CORRIDOR H IMPROVEMENT PROJECT

Amendment No. 65: 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 appropriating $32,000,000.

ROAD EXTENSION DEMONSTRATION

Amendment No. 66: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter proposed by said amendment, insert the following:

ROAD EXTENSION DEMONSTRATION

For the purpose of carrying out a demonstration of economic growth and development benefits of four lane bypasses of cities, there is hereby appropriated $11,000,000, to remain available until expended, for the acquisition of rights-of-way and other costs incurred in the upgrading and construction of a portion of a four-lane facility bypassing the cities of Pella, Iowa, and Oskalossa, Iowa, on Highway 163: Provided, That all funds appropriated under this head shall be exempted from any limitation on obligations for Federal-aid highways and highway safety construction programs.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

DES MOINES INNER LOOP DEMONSTRATION PROJECT

Amendment No. 67: 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 appropriating $2,800,000.

CORRIDOR G IMPROVEMENT PROJECT

Amendment No. 68: 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 appropriating $10,000,000.

CORNING BYPASS SAFETY DEMONSTRATION PROJECT

Amendment No. 69: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and

concur in the amendment of the Senate appropriating $20,000,000.

SPRING MOUNTAIN DEMONSTRATION PROJECT

Amendment No. 70: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate appropriating $2,200,000.

MANHATTAN BRIDGE REPLACEMENT DEMONSTRATION PROJECT

Amendment No. 71: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate appropriating $3,210,000.

JUNCTION CITY HIGHWAY IMPROVEMENT DEMONSTRATION PROJECT

Amendment No. 72: 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 folows:

In lieu of the U.S. route number named in said amendment, insert: *77*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

OPERATIONS AND RESEARCH

Amendment No. 73: Appropriates $74,550,000 instead of $71,684,000 as proposed by the House and $78,400,000 as proposed by the Senate.

Amendment No. 74: Provides that $37,486,000 shall remain available until expended instead of $34,690,000 as proposed by the House and $41,390,000 as proposed by the Senate.

OPERATIONS AND RESEARCH (HIGHWAY TRUST FUND)

Amendment No. 75: Appropriates $32,300,000 instead of $31,772,000 as proposed by the Senate and $32,316,000 as proposed by the House.

Amendment No. 76: Provides that $2,000,000 of the funds provided for "Operations and Research (Highway Trust Fund)" shall be available for light truck and van safety research and analysis as proposed by the House. The Senate bill contained no similar provision.

The conference agreement includes the following distribution for the Operations and Research activity:

Rulemaking (92 positions)	$8,100,000
Enforcement (101 positions)	12,800,000
Highway safety (180 positions)	[1] 35,150,000
Research and analysis (146 positions)	44,000,000
General administration (91 positions)	[2] 8,600,000
Office of the Administrator (46 positions)	[3] 3,100,000

[1] Includes $3,651,000 derived from section 402 grant program.

[2] Includes $947,000 derived from section 402 grant program.

[3] Includes $302,000 derived from section 402 grant program.

The conference agreement includes the following project distribution and program guidance in addition to the mutually agreed upon levels set forth in House Report 101-183 and in Senate Report 101-121.

Occupant protection information program	$5,375,000
Drunk driving prevention incentive grants (Section 410)	4,000,000
Advanced driving simulator	3,000,000
Jackson Memorial shock-trauma research	2,000,000
Speed enforcement demonstration projects (one in Northeast U.S. and one in Northwest U.S.)	1,000,000
Dade County trauma system support	200,000
Community traffic safety demonstration project	150,000
New car assessment retest program	100,000

Section 410 drunk driving prevention incentive grants.—The conferees have provided $4,000,000 for Operations and Research to fund the new section 410 drunk driving prevention incentive grant program authorized in Public Law 100-690. The conferees agree that this program, included in the Omnibus Anti-Drug Abuse Act of 1988, will advance the cause of reducing drunk driving and the costs it imposes on its victims and our society.

Random drug testing pilot grants.—Although funds are not provided in this bill for a four-state demonstration program for random drug testing in connection with first time drivers licenses and licensed drivers during the first year after issuance of their licenses, the managers agree that states able to implement such programs without federal aid should receive the full cooperation and assistance of NHTSA in commencing their programs.

Injury control grants.—The conferees expect that $150,000 of previously available funds for injury control grants shall be used for an injury control grant to promote education and public awareness of measures to prevent head and bodily injury.

Advanced driver simulator.—The conferees have provided $3,000,000 for the advanced driver simulator which should be able to perform necessary truck research.

FEDERAL RAILROAD ADMINISTRATION

OFFICE OF THE ADMINISTRATOR

Amendment No. 77: Appropriates $14,589,000 instead of $14,400,000 as proposed by the House and $15,144,000 as proposed by the Senate. The conference agreement is distributed as follows:

Salaries and expenses	$13,164,000
Staff years	(196)
Contractual support	925,000
Super-speed fixed guideway activities	500,000

Amendment No. 78: Provides that $1,425,000 shall remain available until expended as proposed by the House instead of $1,980,000 as proposed by the Senate.

Amendment No. 79: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the sum named in said amendment, insert: *$500,000*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Super-speed fixed guideway activities.—In light of the growing interest in high speed rail, especially MAGLEV technology as a future transportation alternative, the conferees are concerned that the safety, economic and technical feasibility of the systems be fully assessed and evaluated. The Federal Railroad Administration has sole governmental responsibility for railroad safety and oversight of the railroad industry; therefore, the managers direct the FRA to assume lead agency responsibility to ensure the safe development of high speed rail technologies. The conferees expect any governmental efforts in the development of high speed rail and MAGLEV to be coordinated through and by the FRA. Further, it is the managers' intent that any further funding to develop these technologies will be funneled through the FRA. To that end, the conferees have provided $500,000 to be used for grants for up to 50 percent of the cost of contractual support needed to evaluate and verify the benefits and impacts of specific private sector interstate high speed rail projects, and for the FRA to engage in studies relating to safety provisions of super high speed magnetic levitation systems.

LOCAL RAIL SERVICE ASSISTANCE

Amendment No. 80: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate appropriating $7,000,000 for local rail service assistance. The House bill contained no similar appropriation.

RAILROAD SAFETY

Amendment No. 81: Appropriates $31,900,000 as proposed by the House instead of $32,057,000 as proposed by the Senate.

The conference agreement includes the following amounts:

Federal enforcement	$24,777,000
(positions)	(419)
Automated track inspection program	1,175,000
Regulation and administration	5,948,000
(position)	(67)

Amendment No. 82: Provides that $1,175,000 shall remain available until expended as proposed by the House instead of $1,181,000 as proposed by the Senate.

RAILROAD RESEARCH AND DEVELOPMENT

Amendment No. 83: Appropriates $9,600,000 as proposed by the House instead of $9,277,000 as proposed by the Senate.

NORTHEAST CORRIDOR IMPROVEMENT PROGRAM

Amendment No. 84: Appropriates $24,800,000 instead of $19,500,000 as proposed by the House and $30,000,000 as proposed by the Senate.

The conference agreement includes the following amounts:

Delaware-New Jersey CETC	$5,000,000
Penn Station train servicing facilities	2,400,000
Electric traction upgrades	1,500,000
Communications and signal system upgrades	3,300,000
Bridge replacement and upgrades	4,000,000
Track improvements	41,100,000
New York tunnels fire protection equipment	4,500,000

In addition, the conferees have agreed under amendment No. 30 to reprogram $5,000,000 in highway funds designated for the Washington Union Station parking garage to complete Amtrak facilities related to the parking garage project.

GRANTS TO THE NATIONAL RAILROAD PASSENGER CORPORATION

Amendment No. 85: 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 that distributes the funds appropriated as follows:

Operating/labor protection	$530,000,000
Capital improvements	85,000,000

Kingston, RI station.—The conferees direct Amtrak to make funds available to pay for 50 percent of the total cost to repair the fire-damage train station at Kingston, Rhode Island.

Amendment No. 86: Restores the House language restricting federal participation for Atlantic City rail line capital projects and the Amtrak share of Westside, New York, rail line capital projects to not more than 60 percent of the total cost.

Operation of Atlantic City service.—The conference agreement also restores and modifies the House language to prohibit Amtrak from operating Atlantic City service unless at least 80 percent of short-term avoidable operating costs are covered the second year of operation and 100 percent of such costs are covered for each year thereafter. Under the House bill, these operating cost recovery percentages were 80 percent the first year and 100 percent for each year thereafter.

In light of various start-up difficulties experienced by Amtrak in restoring the Atlantic City rail line, the conferees agree that the economic performance goals required by current law do not provide a reasonable test of whether it is appropriate to continue its operation in fiscal year 1990. The conference agreement has the effect of postponing the application of these standards for one year. The conferees recognize that this change in law could have a significant impact on the expectations that Amtrak and New Jersey Transit had when they originally contracted to restore this rail service. It is expected that Amtrak and New Jersey Transit will execute a new agreement described in the Senate Report that has been worked out by the parties to establish a fair financial relationship between them with respect to future rail operations on the Atlantic City line. The conferees agree to review Amtrak's financial performance in conjunction with the fiscal year 1991 appropriations bill.

RAILROAD REHABILITATION AND IMPROVEMENT FINANCING FUNDS

Amendment No. 87: Restores House language providing that, notwithstanding any other provision of law, for fiscal year 1989 and each fiscal year thereafter all amounts realized from the sale of notes or securities sold under authority of this Act shall be considered as current year domestic discretionary outlay offsets and not as "asset sales" or "loan prepayments" as defined by section 257(12) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

Amendment No. 88: Deletes $50,000,000 ceiling on new Section 511 loan guarantees proposed by the Senate. The House bill contained a separate provision prohibiting all new loan guarantee commitments under this head, whch was agreed to by the Senate. The conferees agree that, if loan guarantee authority is provided at a later time, the Secretary shall make no guarantee nor make commitments to guarantee obligations of railroads under Section 511 without prior consultation with the Chairmen and Ranking Members of the House of Representatives and Senate Committees on Appropriations to determine the available level of credit authority.

CONRAIL COMMUTER TRANSITION ASSISTANCE

Amendment No. 89: Appropriates $5,000,000 as proposed by the House. The Senate bill contained no similar appropriation.

AMTRAK CORRIDOR IMPROVEMENT LOANS

Amendment No. 90: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

Restore the matter stricken by said amendment, amend to read as follows:

AMTRAK CORRIDOR IMPROVEMENT LOANS

The Secretary is authorized to provide $3,500,000 in loans to the Chicago, Missouri and Western Railroad, or its successors, to replace existing jointed rail with continuous welded rail between Joliet, Illinois and Granite City, Illinois; Provided, That any loan authorized under this section shall be structured with a maximum 20-year payment at an annual interest rate of 4 per centum: Provided further, that the Federal Government shall hold a first and prior purchase money security interest with respect to any materials to be acquired with federal funds; Provided further, That any such loan shall be matched on a dollar for dollar basis by the State of Illinois.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

URBAN MASS TRANSPORTATION ADMINISTRATION

ADMINISTRATIVE EXPENSES

Amendment No. 91: appropriates $31,809,000 as proposed by the House instead of $31,880,000 as proposed by the Senate.

Amendment No. 92: 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 that prohibits the use of funds to implement or enforce UMTA's April 25, 1989, NPRM on "Major Capital Investment Projects".

FORMULA GRANTS

Amendment No. 93: Appropriates $1,625,000,000 instead of $1,600,000,000 as proposed by the Senate and $1,706,000,000 as proposed by the House.

Amendment No. 94: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate that limits funds for operating assistance to $804,691,892.

Amendment No. 95: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate that sets aside $16,554,033 for the Section 18 (nonurbanized areas) program before apportionment of the balance of the formula grant funds.

Amendment No. 96: Deletes Senate language allocating $8,800,000 of formula grant funds to those urbanized areas whose fiscal year 1989 general fund apportionments did not meet authorized operating assistance caps. The House bill contained no similar provision.

DISCRETIONARY GRANTS

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

Amendment No. 97: Deletes Senate language providing $5,000,000 of fiscal year 1990 funds and $2,000,000 of prior year funds for preliminary engineering work on the Newark International Airport rail link. The House bill contained no similar provision.

The bill contains an obligation limitation of $1,140,000,000. The conference agreement distributes these funds as follows:

Bus and bus facilities	$132,500,000
Rail modernization and extensions	432,000,000
New systems and new extensions	420,500,000
(Los Angeles—rail construction)	(140,000,000)
(Atlanta—rail construction)	(52,500,000)
(St. Louis—light rail construction)	(67,500,000)
(Miami—rail construction)	(12,000,000)
(San Francisco—rail construction and PE)	[1] (28,500,000)
(Houston—construction and PE)	(65,000,000)
(Denver—HOV)	(16,000,000)
(Portland—right-of-way)	(8,000,000)
(Baltimore—light rail construction)	(6,000,000)
(Jacksonville—auto. guideway)	(15,000,000)
(Cleveland—PE)	(2,000,000)
(Newark—PE)	(5,000,000)
(Chicago—AA)	(1,000,000)
(Salt Lake City—light rail construction)	(2,000,000)
Planning	45,000,000
Elderly and handicapped	35,000,000
University transportation centers	5,000,000
Section 9(B) formula grants	70,000,000

[1] Distribution between Colma extension and TASMAN to be determined by the Metropolitan Transportation Commission.

Salt Lake City.—The conferees concur that the new funds provided are for further right-of-way acquisition.

Los Angeles.—The conferees concur with the House report language directing UMTA to consider the Los Angeles Metro Rail Project corridor alternatives analysis/draft environmental impact statement as a separate project within the urbanized area, and to allow that project to proceed without prejudice from or to any other project in that urbanized area.

St. Louis.—The conferees concur with the Senate report language directing UMTA to amend the St. Louis full funding grant agreement (FFGA) to accommodate the impacts of the recently announced plans to construct new runways at the St. Louis Lambert International Airport.

The conferees also concur with the Senate report language that directs that, notwithstanding the UMTA proposed rulemaking that would affect advancement of the proposed extension of the metro link system from systems analysis to alterntives analysis on a line to Belleville, IL, $450,000 of the funds earmarked for the project in fiscal year 1990 may be used for the purpose of conducting an alternatives analysis study in a corridor between downtown St. Louis and Belleville, IL.

Portland.—The conferees wish to clarify that the amount of the federal obligation for the Westside light rail extension project referred to in report language is that amount of the total project cost for the segment between downtown Portland and 185th which is equal to the maximum percentage share available under existing law for "new start" projects. The conferees reiterate that the alternative analysis and preliminary engineering for the Hillsboro segment and preliminary engineering for the

downtown Portland to 185th segment shall proceed independent of and concurrent with each other and, upon completion of alternatives analysis and preliminary engineering for the second segment to Hillsboro, that the second segment shall be eligible for inclusion in a revised full funding agreement that would include both segments at the maximum federal share.

Upon initiation of alternatives analysis for the Eastside/I-5 and I-205 corridors by the Portland-Vancouver metropolitan area, UMTA is directed to approve Clark County, Washington, and Oregon City, Oregon, as the corridors termini. Further, the conferees instruct UMTA to permit the Portland-Vancouver metropolitan area to proceed with the alternatives analysis/draft environmental impact statement for any portion of or for the entire length of the corridors without prejudice to any other project in the urbanized area.

INTERSTATE TRANSFER GRANTS—TRANSIT

Amendment No. 98: Appropriates $160,000,000 as proposed by the Senate instead of $180,000,000 as proposed by the House.

Interstate Transfer—Transit Allocations.—The conferees have agreed to the following discretionary allocations:

Chicago	$45,596,534
Baltimore	32,517,585
Duluth	185,881
Portland	1,300,000
Construction management	400,000

The conferees recognize that delays in some regions' projects might necessitate adjustments to the above allocations. The conferees expect these adjustments, if required, to be accomplished through the normal reprogramming process.

WASHINGTON METRO

Amendment No. 99: Appropriates $85,000,000 instead of $73,400,000 as proposed by the Senate and $100,000,000 as proposed by the House.

Child Care Facilities.—The conferees reiterate the House report language directing the Washington Metropolitan Area Transit Authority to prepare a plan of action for developing at least two child care facilities located in or near WMATA facilities. At least one center should be located in Maryland and one in Virginia.

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

OPERATIONS AND MAINTENANCE

(HARBOR MAINTENANCE TRUST FUND)

Amendment No. 100: Appropriates $11,400,000 instead of $11,100,000 as proposed by the Senate and $11,750,000 as proposed by the House.

RESEARCH AND SPECIAL PROGRAMS ADMINISTRATION

RESEARCH AND SPECIAL PROGRAMS

Amendment No. 101: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the sum proposed by *$17,373,000* said amendment, insert:

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement includes the following amounts:

Operations:	
Administrator	$337,000
(positions)	(4)
Chief Counsel	521,000
(positions)	(9)
Program management and administration	1,115,000
(positions)	(14)
Aviation information management	2,650,000
(positions)	(22)
Emergency transportation	900,000
(positions)	(10)
Hazardous materials	9,525,000
(positions)	(97)
Research and technology	680,000
(positions)	(7)
(Transportation Systems Center positions)	(518)
Research and Development:	
Hazardous materials	1,115,000
Emergency transportation	230,000
Research and technology	300,000

Aviation Information Management Office.—The conferees have maintained the AIM office as a responsibility of the Research and Special Programs Administration as proposed by the House. The Senate proposed transferring this office to the Federal Aviation Administration. The conferees are aware of the need for adequate data on which to base transportation decisions such as that provided by AIM and direct the Secretary to review the issue of transportation data collection requirements and the appropriate organizational responsibility for such data collection during the development of the proposed national transportation policy.

PIPELINE SAFETY

(PIPELINE SAFETY FUND)

Amendment No. 102: Appropriates $10,325,000 as proposed by the House instead of $9,277,000 as proposed by the Senate.

The conference agreement includes the following amounts:

Personnel compensation and benefits	$2,325,000
(positions)	(51)
Administrative costs	1,048,000
Program funds	1,827,000
Research and development	725,000
State grants	4,400,000

Model one-call notification systems.—The conference agreement includes $750,000 under "Program funds" to assist States in developing one-call notification systems as proposed by the House.

Amendment No. 103: Provides that $5,250,000 shall remain available until expended as proposed by the Senate instead of $5,875,000 as proposed by the House.

TITLE II—RELATED AGENCIES

NATIONAL TRANSPORTATION SAFETY BOARD

SALARIES AND EXPENSES

Amendment No. 104: Appropriates $27,600,000 instead of $26,600,000 as proposed by the House and $28,000,000 as proposed by the Senate.

The conference agreement provides for 15 additional staff years over the fiscal year 1989 level of 324 staff years.

INTERSTATE COMMERCE COMMISSION

SALARIES AND EXPENSES

Amendment No. 105: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows: In lieu of the sum proposed by said amendment, insert: *$44,450,000*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement includes the following amounts:

Chairman	$626,000
(staff years)	(7)
Commissioners	1,994,000
(staff years)	(24)
Satellite offices	993,000
(staff years)	(15)
Secretary	3,470,000
(staff years)	(82)
General Counsel	1,926,000
(staff years)	(25)
Proceedings	7,487,000
(staff years)	(111)
Hearings	406,000
(staff years)	(5)
Public assistance	1,097,000
(staff years)	(140
Transportation analysis	2,338,000
(staff years)	(27)
Accounts	4,575,000
(staff years)	(61)
Traffic	2,961,000
(staff years)	(59)
Compliance and consumer assistance	12,235,000
(staff years)	(197)
Managing Director	4,342,000
(staff years)	(74)

PANAMA CANAL COMMISSION

PANAMA CANAL REVOLVING FUND

Amendment No. 106: Limits administrative expenses to $49,842,000 as proposed by the House instead of $49,855,000 as proposed by the Senate.

Amendment No. 107: Limits obligations for non-administrative and capital programs to $452,005,000 as proposed by the House instead of $463,467,000 as proposed by the Senate.

DEPARTMENT OF THE TREASURY

REBATE OF SAINT LAWRENCE SEAWAY TOLLS

(HARBOR MAINTENANCE TRUST FUND)

Amendment No. 108: Provides that not to exceed $250,000 shall be available for expenses of administering rebates as proposed by the House instead of $284,000 as proposed by the Senate.

TITLE III—GENERAL PROVISIONS

ADVISORY COMMITTEES

Amendment No. 109: Limits funds for the Department of Transportation advisory committees to $1,400,000 instead of $400,000 as proposed by the House and $1,500,000 as proposed by the Senate.

UMTA GRANT ANNOUNCEMENTS

Amendment No. 110: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter stricken and inserted by said amendment, insert the following: *Every 30 days.*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

RENTAL PAYMENTS TO GSA

CAPE VINCENT COAST GUARD STATION

Amendment No. 111: 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 that deletes language proposed by the

House limiting rental payments to the General Services Administration and inserts language conveying the former Coast Guard station at Cape Vincent to the Saint Lawrence Seaway Development Corporation.

Rental Payments to GSA.—The conferees direct the Department of Transportation to submit a separate single appropriation for all rental payments to the General Services Administration for fiscal year 1991 and each year thereafter.

MASS TRANSIT CAPITAL FUND

HAWAII AIRPORT GRANTS

Amendment No. 112: 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 that deletes language proposed by the House expanding the availability of appropriations under the Mass Transit Capital Fund and inserts language proposed by the Senate that permits the State of Hawaii to use general aviation airport grant funds at primary airports.

ESSENTIAL AIR SERVICE COMPENSATION

COAST GUARD USE OF DEADLY FORCE

Amendment No. 113: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter stricken and inserted by said amendment, insert the following:

(a) ESSENTIAL AIR SERVICE COMPENSATION.—Notwithstanding any other provision of law, the Secretary of Transportation shall make payment of compensation under subsection 419 of the Federal Aviation Act of 1958, as amended, only to the extent and in the manner provided in appropriations Acts, at times and in a maner determined by the Secretary to be appropriate, and claims for such compensation shall not arise except in accordance with this provision.

(b) USE OF DEADLY FORCE.—The Secretary shall report to the Committees on Appropriations and the Committees on the Judiciary of the Senate and House of Representatives, to the Senate International Narcotics Control Caucus, and to the Select Committee on Narcotics Abuse and Control of the House of Representatives on:

(1) All current provisions of law and regulation permitting the use of deadly force during time of peace by United States Coast Guard personnel in the performance of their official duties—

(A) within the territorial land, sea, and air of the United States, its territories and possessions; and

(B) outside the territorial land, sea, and air of the United States, its territories and possessions.

(2) Changes, if any that may be necessary to existing law, regulations, treaty, or executive agreements to permit United States Coast Guard personnel to employ deadly force under the following circumstances—

(A) to bring down a suspected drug smuggling aircraft which has refused or ignored instructions to land at a specified airfield for customs inspection after penetrating the territorial airspace of the United States;

(B) to halt a suspected drug smuggling vessel on the sea which has been ordered to heave to for inspection by a United States vessel or aircraft and has ignored or refused to obey the order;

(C) and to halt a suspected drug smuggler who has crossed the land border of the United States illegally and who has refused to obey or ignored an order to stop for customs inspection.

(3) The required report shall be submitted not later than ninety days after the enactment into law of this Act. The required report may be submitted in both classified and unclassified versions.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

OFFICE OF THE SECRETARY TRANSFER AUTHORITY

Amendment No. 114: Limits transfer authority for any office of the Office of the Secretary to 5 percent as proposed by the Senate instead of 4 percent as proposed by the House.

TECHNICAL AMENDMENTS

Amendment No. 115: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter stricken and inserted by said amendment, insert the following:

(a) VILLAGE OF ALSIP, ILLINOIS.—Section 149(a)(30)(D) of the Surface Transportation and Uniform Relocation Assistance Act of 1987 is amended—

(1) by striking out the heading "CALUMET PARK" and inserting in lieu thereof "VILLAGE OF ALSIP"; and

(2) by striking out all that follows after "reconstruction" and inserting in lieu thereof "of 127th Street between Illinois Route 83 and Kostner Avenue in Alsip, Illinois.".

(b) WYOMING STATE HIGHWAY REST AREA.—Notwithstanding section 16 of the Federal Airport Act of 1946 or any other provision of law, the United States hereby releases the right of reversion of the United States on 7.8 acres of land at the South Big Horn Country Airport in Wyoming proposed to be transferred to the Wyoming State Highway Department provided such land is used for a highway rest area.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

VESSEL TRAFFIC SAFETY FAIRWAY

HONOLULU INTERNATIONAL AIRPORT

Amendment No. 116: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter stricken and inserted by said amendment, insert the following:

(a) VESSEL TRAFFIC SAFETY FAIRWAY.—None of the funds in this Act shall be available to plan, finalize or implement regulations that would establish a vessel traffic safety fairway less than five miles wide between the Santa Barbara Traffic Separation Scheme and the San Francisco Traffic Separation Scheme.

(b) HONOLULU INTERNATIONAL AIRPORT.—Notwithstanding section 23 of the Airport and Airway Expansion Act of 1970 (as in effect on November 29, 1976), or any other provision of law, including obligations arising under grant agreements issued pursuant to the Airport and Airway Improvement Act of 1982, as amended, or implementing regulations, the Administrator of the Federal Aviation Administration is authorized, subject to the provisions of section 4 of the Act of October 1, 1949 (63 Stat. 700; 50 U.S.C. App. 1622c), and the provisions of paragraph (2) of this subsection, to grant releases from any of the terms, conditions, reservations, and restrictions contained in the deed of conveyance, dated November 29, 1976, under which the United States conveyed certain property to the State of Hawaii for airport purposes.

Any release granted by the Administrator pursuant to this subsection shall be subject to the following conditions:

(A) The property for which a release is granted under this subsection shall not exceed 4,550.2 acres of submerged lands known as Keehi Lagoon as described in the quitclaim deed, dated November 29, 1976.

(B) The property for which a release is granted shall not include submerged lands within an area 1,000 feet perpendicular to either side of the centerline of Runway 26L, extending 2,000 feet from the end of Runway 26L at the Honolulu Inernational Airport.

(C) The use of property to which such release applies shall not impede or interface with the safety of flight operations or otherwise derogate approach and clear zone protection at the Honolulu International Airport.

(D) Any subsequent release or authorization for use of the property for other than airport purposes shall contain the right to overfly the property and the right to make noise.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

CALIFORNIA HIGHWAYS

Amendment No. 117: 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 that makes technical modifications to the House language related to certain interchange projects in the State of California.

SURFACE TRANSPORTATION

Amendment No. 118: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter stricken and inserted by said amendment, insert the following:

(a) INTERMODAL URBAN DEMONSTRATION PROJECT.—Funds appropriated in this Act for "Intermodal Urban Demonstration Project" shall remain available until expended.

(b) UMTA COMMUTER RAIL SERVICE.—Section 337 of Public Law 100-457 is amended to read as follows:

"Notwithstanding any other provision of law, when a commuter rail service has been suspended for safety reasons, and when a statewide or regional agency or instrumentality commits to restoring such service by the end of 1989, and when the improvements needed to restore such service are funded without Urban Mass Transportation Administration funding, the directional route miles of such service shall be included for the purpose of calculating the fiscal year 1990 section 9 apportionment, as well as the apportionment for subsequent years. If such service is not restored by the end of 1989, the money received as a result of the inclusion of the direcional route miles shall be returned to the disbursing agency, the Urban Mass Transportation Administration.".

(c) STATEWIDE OPERATING ASSISTANCE—Section 9(2)(A).—In any case in which a statewide agency or instrumentality is responsible under State laws for the financing, construction and operation, directly by lease, contract or otherwise, of public transportation services, and when such statewide agency or instrumentality is the designated recipient of UMTA funds, and when the statewide agency or instrumentality provides service among two or more urbanized

areas, the statewide agency or instrumentality shall be allowed to apply for operating assistance up to the combined total permissible amount of all urbanized areas in which it provides service, regardless of whether the amount for any particular urbanized area is exceeded. In doing so, UMTA shall not reduce the amount of operating assistance allowed for any other state, or local transit agency or instrumentality within the urbanized areas affected. This provision shall take effect with the fiscal year 1990 section 9 apportionment.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

SMOKING PROHIBITION ON CERTAIN FLIGHTS

Amendment No. 119: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

Restore the matter stricken by said amendment, amended to read as follows: *Permanent Prohibition Against Smoking on Scheduled Airline Flights.—*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Amendment No. 120: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter inserted by said amendment, insert the following: *by deleting in subparagraph (A) of section 404(d)(1) of the Federal Aviation Act of 1958 (49 U.S.C. App. 1374(d)(1)(A)) all after the words "any scheduled airline flight" and inserting in lieu thereof the following: "segment in air transportation or intrastate air transportation, which is—*

(i) between any two points within Puerto Rico, the United States Virgin Islands, the District of Columbia, or any State of the United States (other than Alaska and Hawaii), or between any point in any one of the aforesaid jurisdictions (other than Alaska and Hawaii) and any point in any other of such jurisdictions;

(ii) within the State of Alaska or within the State of Hawaii; or

(iii) scheduled for 6 hours or less in duration, and between any point described in clause (i) and any point in Alaska or Hawaii, or between any point in Alaska and any point in Hawaii.",

to take effect upon the commencement of the 96th day following the date of enactment of this Act, and

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Amendment No. 121: Deletes Senate language establishing the effective date for the smoking prohibition. This date is established under amendment No. 120.

The conferees have agreed to language in section 335 that would ban permanently smoking on scheduled airline flights. The ban would apply to all flight segments within the contiguous 48 States, District of Columbia, Puerto Rico, and the Virgin Islands; flight segments within the States of Alaska and Hawaii; and to flight segments between the States of Alaska and Hawaii, and between points in those States and a point in the contiguous 48 States, the District of Columbia, Puerto Rico, or the Virgin Islands, if such segment is scheduled for 6 hours or less in duration. The ban would apply to foreign airlines operating on any of these routes as well as to domestic carriers.

The conferees urge air carriers to be sensitive to the effect of second-hand smoke on the health of flight attendants working on the flight segments where smoking will be permitted, and to try to accommodate the preferences of flight attendants who do not want to be exposed to second-hand smoke in the airline cabins which are their workplace environment.

The conferees further believe that, in conjunction with the ban imposed in this section, it is imperative that suitable smoke detectors be installed on all transport category aircraft used for passenger carrying operations. It is the understanding of the conferees that a number of the smoke detectors now installed in airline lavatories are simple household smoke detectors, potentially suceptible to being disabled, without the crew being aware of such tampering. Therefore, the FAA should perform on-site inspections of airline smoke detector installations to determine whether the device has been installed properly and is secure from potential tampering. The FAA should also develop a simple test for the Principal Maintenance Inspectors to perform to evaluate the smoke detectors's responsiveness and require that all new installations of smoke detectors should have the following characteristics: (1) power supplied by the main aircraft power supply with appropriate backup power supply; (2) an indicator to alert the cockpit and/or cabin crew to detection of smoke or fire, and to the status of the device; and (3) installation in a manner preventing tampering that could prevent the detectors from performing their intended function.

FHWA APPORTIONMENTS

Amendment No. 122: Report 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 that permits the use of certain Federal Highway Administration apportionments for on-the-job training.

STATE USE OF SAFETY REST AREAS

Amendment No. 123: Deletes Senate language related to the use of safety rest areas for extraordinary State occasions. The House bill contained no similar provision.

TECHNICAL AMENDMENT

Amendment No. 124: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the section number "339" insert: *338*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

MASS TRANSIT SAFETY REVIEW

Amendment No. 125: 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 section number "340" insert: *339*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

UMTA PROJECT MANAGEMENT OVERSIGHT

Amendment No. 126: 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 section number "341" insert: *340*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

EXPRESS PACKAGE INDUSTRY REGULATORY STUDY

Amendment No. 127: 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 section number "342", insert *341*

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 expect the study to be completed on or before July 1, 1990.

RAILROAD ABANDONMENT

Amendment No. 128: 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 section number "343" insert: *342*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

COAST GUARD FUNDS AVAILABILITY

Amendment No. 129: 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 section number "344" insert: *343*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

PUBLIC LANDS HIGHWAYS

Amendment No. 130: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the section number "345" insert: *344*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

RAILROAD RESEARCH AND DEVELOPMENT

Amendment No. 131: 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 section number "346" insert: *345*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

NOISE ABATEMENT

Amendment No. 131: 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 section number "347" insert: *346*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

DOT ADVISORY OR ASSISTANCE SERVICES

Amendment No. 133: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter inserted by said amendment, insert the following:

SEC. 347. Not more than $14,000,000 of the funds appropriated by this Act may be obligated or expended for the procurement of advisory or assistance services by the Department of Transportation.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

ALASKA HIGHWAY

Amendment No. 134: 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 section number "349" insert: *348*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

CALIFORNIA HIGHWAYS

Amendment No. 135: Deletes language proposed by the Senate amending section 149(a)(41) of the Surface Transportation and Uniform Relocation Assistance Act of 1987.

H.R. 3015 - DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATION BILL, 1990

	FY 1989 Enacted	FY 1990 Estimates	House	Senate	Title I-III Conference Agreement	Title IV Drug Funding Offsets	Revised Conference
TITLE I - DEPARTMENT OF TRANSPORTATION							
Office of the Secretary							
Salaries and expenses	---	56,481,000	---	56,470,000	---	---	---
Immediate Office of the Secretary	1,071,000	---	1,090,000	---	1,090,000	---	1,090,000
Immediate Office of the Deputy Secretary	464,000	---	470,000	---	470,000	---	470,000
Office of the General Counsel	6,000,000	---	6,250,000	---	6,120,000	---	6,120,000
Office of the Assistant Secretary for Policy and International Affairs	7,950,000	---	8,595,000	---	8,250,000	---	8,250,000
Office of the Assistant Secretary for Budget and Programs	2,241,000	---	2,290,000	---	2,325,000	---	2,325,000
Office of the Assistant Secretary for Governmental Affairs	2,265,000	---	2,300,000	---	2,300,000	---	2,300,000
Office of the Assistant Secretary for Administration	24,300,000	---	24,700,000	---	24,700,000	---	24,700,000
Office of the Assistant Secretary for Public Affairs	1,455,000	---	1,290,000	---	1,350,000	---	1,350,000
Executive Secretariat	824,000	---	835,000	---	835,000	---	835,000
Contract Appeals Board	440,000	---	450,000	---	488,000	---	488,000
Office of Civil Rights	1,305,000	---	1,315,000	---	1,315,000	---	1,315,000
Office of Commercial Space Transportation	585,000	---	645,000	---	725,000	---	725,000
Office of Essential Air Service	1,727,000	---	1,127,000	---	1,727,000	---	1,727,000
Office of Small and Disadvantaged Business Utilization	3,915,000	---	3,500,000	---	3,500,000	---	3,500,000
Subtotal, Salaries and expenses	54,542,000	56,481,000	54,857,000	56,470,000	55,195,000	---	55,195,000
Transportation planning, research, and development	5,600,000	8,126,000	6,200,000	8,000,000	6,850,000	-21,000	6,829,000
Working capital fund	3,200,000	6,150,000	4,500,000	4,500,000	4,500,000	-13,000	4,487,000
(Limitation on working capital fund)	(130,350,000)	(144,400,000)	(131,000,000)	(144,400,000)	(137,700,000)	(-413,000)	(137,287,000)
Payments to air carriers	31,600,000	---	12,400,000	35,530,000	30,735,000	-92,000	30,643,000
Commission on Aviation Security and Terrorism	---	---	---	1,200,000	1,000,000	---	1,000,000
Total, Office of the Secretary	94,942,000	70,757,000	77,957,000	105,700,000	98,280,000	-126,000	98,154,000

H.R. 3015 - DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATION BILL, 1990

	FY 1989 Enacted	FY 1990 Estimates	House	Senate	Title I-III Conference Agreement	Title IV Drug Funding Offsets	Revised Conference
Coast Guard							
Operating expenses	1,912,116,000	2,252,200,000	1,952,000,000	1,952,000,000	1,952,000,000	-5,856,000	1,946,144,000
(By transfer)	(4,500,000)	---	---	---	---	---	---
Funds included in Department of Defense Appropriations Act, 1989 (by transfer)	(206,000,000)	---	---	---	---	---	---
Acquisition, construction, and improvements	395,000,000	682,300,000	423,800,000	455,200,000	438,000,000	-1,314,000	436,686,000
(By transfer)	---	---	---	---	(7,500,000)	(-22,000)	(7,478,000)
Funds included in Military Construction Appropriations Act, 1989	(50,300,000)	---	---	---	---	---	---
Alteration of bridges	8,500,000	2,330,000	2,330,000	2,330,000	2,330,000	-7,000	2,323,000
(By transfer)	(5,000,000)	---	---	---	---	---	---
Retired pay	410,800,000	420,800,000	420,800,000	420,800,000	420,800,000	---	420,800,000
Reserve training	67,000,000	73,800,000	71,800,000	73,800,000	72,800,000	-218,000	72,582,000
Research, development, test, and evaluation	18,800,000	19,000,000	18,800,000	22,800,000	20,800,000	-62,000	20,738,000
Offshore oil pollution compensation fund (limitation)	(60,000,000)	(60,000,000)	(60,000,000)	(60,000,000)	(60,000,000)	(-180,000)	(59,820,000)
Deepwater port liability fund (limitation)	(50,000,000)	(50,000,000)	(50,000,000)	(50,000,000)	(50,000,000)	(-150,000)	(49,850,000)
Boat safety (Aquatic Resources Trust Fund)	---	---	---	30,000,000	30,000,000	-90,000	29,910,000
(Liquidation of contract authorization)	(30,000,000)	(15,000,000)	(30,000,000)	---	---	---	---
(Limitation on obligations)	(30,000,000)	(15,000,000)	(30,000,000)	---	---	---	---
Total, Coast Guard:							
New budget (obligational) authority	2,812,216,000	3,450,430,000	2,889,530,000	2,956,930,000	2,936,730,000	-7,547,000	2,929,183,000
(DoD transfer)	(256,300,000)	---	---	---	---	---	---
(Limitations on obligations)	(30,000,000)	(15,000,000)	(30,000,000)	---	---	---	---
Total	(3,098,516,000)	(3,465,430,000)	(2,919,530,000)	(2,956,930,000)	(2,936,730,000)	(-7,547,000)	(2,929,183,000)

H.R. 3015 - DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATION BILL, 1990

	FY 1989 Enacted	FY 1990 Estimates	House	Senate	Title I-III Conference Agreement	Title IV Drug Funding Offsets	Revised Conference
Federal Aviation Administration							
Headquarters administration	36,600,000	---	---	---	---	---	---
Operations	3,410,000,000	3,923,000,000	3,836,000,000	3,865,000,000	3,842,000,000	-11,526,000	3,830,474,000
(By transfer)	(10,000,000)	(10,000,000)	(10,000,000)	(10,000,000)	(10,000,000)	(-30,000)	(9,970,000)
Subtotal, Headquarters administration and operations	3,446,600,000	3,923,000,000	3,836,000,000	3,865,000,000	3,842,000,000	-11,526,000	3,830,474,000
Facilities and equipment (Airport and Airway Trust Fund)	1,384,528,000	1,955,000,000	1,732,000,000	1,780,131,000	1,746,487,000	-5,239,000	1,741,248,000
Research, engineering, and development (Airport and Airway Trust Fund)	160,000,000	165,000,000	185,000,000	173,000,000	173,000,000	-519,000	172,481,000
Grants-in-aid for airports (Airport and Airway Trust Fund):							
(Liquidation of contract authority)	(1,150,000,000)	(1,166,000,000)	(1,190,000,000)	(1,190,000,000)	(1,190,000,000)	---	(1,190,000,000)
(Limitation on obligations)	(1,400,000,000)	(1,350,000,000)	(1,500,000,000)	(1,500,000,000)	(1,500,000,000)	(-75,000,000)	(1,425,000,000)
Rescission of contract authority	-100,000,000	---	---	---	---	-25,000,000	-25,000,000
Aircraft purchase loan guarantee program:							
(Limitation on borrowing authority)	(50,000,000)	(57,000,000)	(50,000,000)	(10,000,000)	(10,000,000)	(-30,000)	(9,970,000)
Appropriations	11,905,941	---	---	---	---	---	---
Portion applied to debt reduction	-10,770,941	---	---	---	---	---	---
Total, Federal Aviation Administration:							
New budget (obligational) authority	4,892,263,000	6,043,000,000	5,753,000,000	5,818,131,000	5,761,487,000	-42,284,000	5,719,203,000
(Limitations on obligations)	(1,400,000,000)	(1,350,000,000)	(1,500,000,000)	(1,500,000,000)	(1,500,000,000)	(-75,000,000)	(1,425,000,000)
Total	(6,292,263,000)	(7,393,000,000)	(7,253,000,000)	(7,318,131,000)	(7,261,487,000)	(-117,284,000)	(7,144,203,000)

H.R. 3015 - DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATION BILL, 1990

	FY 1989 Enacted	FY 1990 Estimates	House	Senate	Title I-III Conference Agreement	Title IV Drug Funding Offsets	Revised Conference
Federal Highway Administration							
(Limitation on general operating expenses)	(217,350,000)	(228,246,000)	(222,600,000)	(236,896,000)	(234,000,000)	(-702,000)	(233,298,000)
University transportation centers (Highway Trust Fund)	---	---	---	5,000,000	5,000,000	-15,000	4,985,000
Highway safety research and development (Highway Trust Fund)	6,080,000	---	6,080,000	---	6,080,000	-18,000	6,062,000
Highway-related safety programs (Highway Trust Fund):							
(Liquidation of contract authorization)	(10,000,000)	(10,000,000)	(9,405,000)	(10,000,000)	(9,405,000)	(-28,000)	(9,377,000)
(Limitation on obligations)	(9,405,000)	(10,000,000)	(9,405,000)	(9,405,000)	(9,405,000)	(-28,000)	(9,377,000)
Railroad-highway crossings demonstration projects	7,560,000	---	15,000,000	7,700,000	15,000,000	-45,000	14,955,000
Federal-aid highways (Highway Trust Fund):							
(Limitation on obligations)	(12,000,000,000)	(11,310,000,000)	(12,463,500,000)	(12,050,000,000)	(12,260,000,000)	(-50,000,000)	(12,210,000,000)
(Liquidation of contract authorization)	(12,700,000,000)	(13,660,000,000)	(13,660,000,000)	(13,660,000,000)	(13,660,000,000)	(-40,980,000)	(13,619,020,000)
Right-of-way Revolving Fund (limitation on direct loans) (Highway Trust Fund)	(46,000,000)	(47,850,000)	(42,500,000)	(47,850,000)	(42,500,000)	(-127,000)	(42,373,000)
Motor carrier safety	27,000,000	32,190,000	32,190,000	33,690,000	33,690,000	---	33,690,000
Motor carrier safety grants (Highway Trust Fund):							
(Liquidation of contract authorization)	(50,000,000)	(52,000,000)	(52,000,000)	(52,000,000)	(52,000,000)	(-156,000)	(51,844,000)
(Limitation on obligations)	(60,000,000)	(60,000,000)	(60,200,000)	(60,000,000)	(60,200,000)	(-181,000)	(60,019,000)
Access highways to public recreation areas on certain lakes	1,291,000	---	---	---	---	---	---
Baltimore-Washington Parkway (Highway Trust Fund)	12,825,000	---	12,000,000	---	12,000,000	-36,000	11,964,000
Intermodal urban demonstration project (Highway Trust Fund)	8,550,000	---	10,000,000	---	10,000,000	-30,000	9,970,000
Highway safety and economic development demonstration projects (Highway Trust Fund)	8,550,000	---	12,000,000	---	12,000,000	-36,000	11,964,000
Airport access demonstration project (Highway Trust Fund)	1,300,000	---	---	---	---	---	---
Highway safety improvement demonstration project (Highway Trust Fund)	1,260,000	---	11,000,000	---	11,000,000	-33,000	10,967,000
Highway-railroad grade crossing safety demonstration project (Highway Trust Fund)	8,100,000	---	9,500,000	---	9,500,000	-28,000	9,472,000
Nuclear waste transportation safety demonstration project (Highway Trust Fund)	3,600,000	---	---	---	---	---	---
Highway widening demonstration project	1,800,000	---	2,000,000	---	2,000,000	-6,000	1,994,000
Bridge improvement demonstration project	8,550,000	---	4,000,000	---	4,000,000	-12,000	3,988,000
Highway widening and improvement demonstration project	4,100,000	---	5,000,000	---	5,000,000	-15,000	4,985,000
Intersection safety demonstration project	900,000	---	---	---	---	---	---
Highway capacity improvement demonstration project	900,000	---	100,000	---	---	---	---
Climbing lane safety demonstration project	450,000	---	2,500,000	---	2,500,000	-7,000	2,493,000
Indiana industrial corridor safety demonstration project	1,000,000	---	2,400,000	---	2,400,000	-7,000	2,393,000
Oklahoma highway widening demonstration project	400,000	---	2,500,000	---	2,500,000	-7,000	2,493,000
Alabama highway bypass demonstration project	3,600,000	---	8,300,000	---	8,300,000	-25,000	8,275,000
Kentucky bridge demonstration project	3,600,000	---	5,000,000	---	5,000,000	-15,000	4,985,000
Virginia HOV safety demonstration project	500,000	---	4,650,000	---	4,650,000	-14,000	4,636,000
Urban highway corridor demonstration project	225,000	---	4,500,000	---	4,500,000	-13,000	4,487,000
Urban airport access safety demonstration project	225,000	---	5,000,000	---	5,000,000	-15,000	4,985,000

H.R. 3015 - DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATION BILL, 1990

	FY 1989 Enacted	FY 1990 Estimates	House	Senate	Title I-III Conference Agreement	Title IV Drug Funding Offsets	Revised Conference
Ebensburg bypass demonstration project	---	---	13,740,000	---	13,740,000	-41,000	13,699,000
Bridge rehabilitation demonstration project	---	---	350,000	---	---	---	---
Highway demonstration projects - preliminary engineering	---	---	12,400,000	---	5,800,000	-17,000	5,783,000
Corridor safety improvement project (Highway Trust Fund)	28,000,000	---	---	17,300,000	17,300,000	-52,000	17,248,000
Bridge capacity improvements (Highway Trust Fund)	3,763,000	---	---	4,000,000	4,000,000	-12,000	3,988,000
Corridor H improvement project	16,000,000	---	---	32,000,000	32,000,000	-96,000	31,904,000
Road extension demonstration	600,000	---	---	11,000,000	11,000,000	-33,000	10,967,000
Des Moines inner loop demonstration	---	---	---	2,800,000	2,800,000	-8,000	2,792,000
Corridor G improvement project	---	---	---	10,000,000	10,000,000	-30,000	9,970,000
Corning bypass safety demonstration project	---	---	---	20,000,000	20,000,000	-60,000	19,940,000
Spring Mountain demonstration project	---	---	---	2,200,000	2,200,000	-7,000	2,193,000
Manhattan Bridge replacement project	---	---	---	3,210,000	3,210,000	-10,000	3,200,000
Junction City accleration/deceleration lane demonstration project	---	---	---	400,000	400,000	-1,000	399,000
Bridge restoration	2,000,000	---	---	---	---	---	---
Reservation road	3,500,000	---	---	---	---	---	---
Total, Federal Highway Administration:							
New budget (obligational) authority	166,229,000	32,190,000	180,210,000	149,300,000	282,570,000	-744,000	281,826,000
(Limitations on obligations)	(12,069,405,000)	(11,380,000,000)	(12,533,105,000)	(12,119,405,000)	(12,329,605,000)	(-50,209,000)	(12,279,396,000)
Total	(12,235,634,000)	(11,412,190,000)	(12,713,315,000)	(12,268,705,000)	(12,612,175,000)	(-50,953,000)	(12,561,222,000)
National Highway Traffic Safety Administration							
Operations and research	67,899,000	74,933,000	71,684,000	78,400,000	74,550,000	-224,000	74,326,000
Operations and research (Highway Trust Fund)	30,751,000	31,772,000	32,316,000	31,772,000	32,300,000	-97,000	32,203,000
Subtotal, Operations and research	98,650,000	106,705,000	104,000,000	110,172,000	106,850,000	-321,000	106,529,000
Highway traffic safety grants (Highway Trust Fund) (Liquidation of contract authorization)	(130,500,000)	(132,000,000)	(132,000,000)	(132,000,000)	(132,000,000)	(-396,000)	(131,604,000)
State and community highway safety grants: (Limitation on obligations)	(115,000,000)	(115,000,000)	(115,000,000)	(115,000,000)	(115,000,000)	(-345,000)	(114,655,000)
Alcohol safety incentive grants: (Limitation on obligations)	(11,000,000)	(13,500,000)	(11,000,000)	(11,000,000)	(11,000,000)	(-33,000)	(10,967,000)
Education grants (Sec. 209): (Cumulative limitation on obligations)	(4,750,000)	(4,750,000)	(4,750,000)	(4,750,000)	(4,750,000)	(-14,000)	(4,736,000)
Total, National Highway Traffic Safety Administration:							
New budget (obligational) authority	98,650,000	106,705,000	104,000,000	110,172,000	106,850,000	-321,000	106,529,000
(Limitations on obligations)	(126,000,000)	(128,500,000)	(126,000,000)	(126,000,000)	(126,000,000)	(-378,000)	(125,622,000)
Total	(224,650,000)	(235,205,000)	(230,000,000)	(236,172,000)	(232,850,000)	(-699,000)	(232,151,000)

H.R. 3015 - DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATION BILL, 1990

	FY 1989 Enacted	FY 1990 Estimates	House	Senate	Title I-III Conference Agreement	Title IV Drug Funding Offsets	Revised Conference
Federal Railroad Administration							
Office of the Administrator	20,975,000	15,180,000	14,400,000	15,144,000	14,589,000	---	14,589,000
(By transfer)	(4,000,000)	---	---	---	---	---	---
Local rail service assistance	---	---	---	7,000,000	7,000,000	-21,000	6,979,000
Railroad safety	27,825,000	30,307,000	31,900,000	32,057,000	31,900,000	---	31,900,000
Railroad research and development	9,286,000	9,277,000	9,600,000	9,277,000	9,600,000	-29,000	9,571,000
Northeast corridor improvement program	19,600,000	---	19,600,000	30,000,000	24,800,000	-74,000	24,726,000
Grants to the National Railroad Passenger Corporation.	584,000,000	---	615,000,000	---	---	---	---
Operations	---	---	---	530,000,000	530,000,000	-1,590,000	528,410,000
Capital	---	---	---	85,000,000	85,000,000	-255,000	84,745,000
Railroad Rehabilitation and Improvement Financing Funds: (Railroad credit enhancement)	(99,000,000)	(15,000,000)	(50,000,000)	(50,000,000)	(50,000,000)	(-150,000)	(49,850,000)
Regional rail reorganization program	---	101,577,979	101,577,979	101,577,979	101,577,979	-304,979	101,273,000
Portion applied to debt reduction	---	-94,932,979	-94,932,979	-94,932,979	-94,932,979	+284,979	-94,648,000
Conrail commuter transition assistance	4,500,000	---	5,000,000	---	5,000,000	-15,000	4,985,000
Amtrak corridor improvement loans	---	---	3,500,000	---	3,500,000	-10,000	3,490,000
(Loan authorization)	---	---	(3,500,000)	---	(3,500,000)	(-10,000)	(3,490,000)
Total, Federal Railroad Administration	666,186,000	61,409,000	705,645,000	715,123,000	718,034,000	-2,014,000	716,020,000
Urban Mass Transportation Administration							
Administrative expenses	31,882,000	---	31,809,000	31,880,000	31,809,000	---	31,809,000
Research, training, and human resources	10,000,000	---	10,000,000	10,000,000	10,000,000	-30,000	9,970,000
Formula grants	1,605,000,000	---	1,705,000,000	1,605,000,000	1,630,000,000	-4,890,000	1,625,110,000
Formula transit grants (Highway Trust Fund) (limitation on obligations)	---	(1,523,000,000)	---	---	---	---	---
Discretionary grants (Highway Trust Fund) (limitation on obligations)	(1,140,000,000)	---	(1,140,000,000)	(1,140,000,000)	(1,140,000,000)	(-3,420,000)	(1,136,580,000)
Mass transit capital fund (Highway Trust Fund) (liquidation of contract authorization)	(400,000,000)	(900,000,000)	(900,000,000)	(900,000,000)	(900,000,000)	(-2,700,000)	(897,300,000)
Interstate transfer grants - transit	200,000,000	---	180,000,000	160,000,000	160,000,000	-480,000	159,520,000
Washington Metro	168,000,000	42,000,000	100,000,000	73,400,000	85,000,000	-255,000	84,745,000
Total, Urban Mass Transportation Administration:							
New budget (obligational) authority	2,014,882,000	42,000,000	2,026,809,000	1,880,280,000	1,916,809,000	-5,655,000	1,911,154,000
(Limitations on obligations)	(1,140,000,000)	(1,523,000,000)	(1,140,000,000)	(1,140,000,000)	(1,140,000,000)	(-3,420,000)	(1,136,580,000)
Total	(3,154,882,000)	(1,565,000,000)	(3,166,809,000)	(3,020,280,000)	(3,056,809,000)	(-9,075,000)	(3,047,734,000)

H.R. 3015 - DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATION BILL, 1990

	FY 1989 Enacted	FY 1990 Estimates	House	Senate	Title I-III Conference Agreement	Title IV Drug Funding Offsets	Revised Conference
Saint Lawrence Seaway Development Corporation							
Operations and maintenance (Harbor Maintenance Trust Fund)	11,100,000	11,788,000	11,750,000	11,100,000	11,400,000	---	11,400,000
Research and Special Programs Administration							
Research and special programs	14,800,000	17,541,000	16,800,000	14,715,000	17,373,000	---	17,373,000
Pipeline safety (Pipeline Safety Fund)	9,300,000	9,848,000	10,325,000	9,277,000	10,325,000	-31,000	10,294,000
Total, Reseach and Special Programs Administration	24,100,000	27,389,000	27,125,000	23,992,000	27,698,000	-31,000	27,667,000
Office of the Inspector General							
Salaries and expenses	29,000,000	32,475,000	32,100,000	32,100,000	32,100,000	---	32,100,000
Total, title I, Department of Transportation:							
New budget (obligational) authority (net)	10,809,568,000	9,878,143,000	11,808,126,000	11,802,828,000	11,891,958,000	-58,722,000	11,833,236,000
Appropriations	(10,920,338,941)	(9,973,075,979)	(11,903,058,979)	(11,897,760,979)	(11,986,890,979)	(-34,006,979)	(11,952,884,000)
Appropriations for debt reduction	(-10,770,941)	(-94,932,979)	(-94,932,979)	(-94,932,979)	(-94,932,979)	(+284,979)	(-94,648,000)
Rescission	(-100,000,000)	---	---	---	---	(-25,000,000)	(-25,000,000)
(DoD transfer)	(256,300,000)	---	---	---	---	---	---
(By transfer)	(23,500,000)	(10,000,000)	(10,000,000)	(10,000,000)	(17,500,000)	(-52,000)	(17,448,000)
(Limitations on obligations)	(14,765,405,000)	(14,396,500,000)	(15,329,105,000)	(14,885,405,000)	(15,095,605,000)	(-129,007,000)	(14,966,598,000)
(Appropriations to liquidate contract authorizations)	(14,470,500,000)	(15,935,000,000)	(15,973,405,000)	(15,944,000,000)	(15,943,405,000)	(-44,260,000)	(15,899,145,000)
Total, title I, New budget (obligational) authority, (DoD transfer) and (limitations on obligations)	(25,831,273,000)	(24,274,643,000)	(27,137,231,000)	(26,688,233,000)	(26,987,563,000)	(-104,009,000)	(26,883,554,000)

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H.R. 3015 - DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATION BILL, 1990

	FY 1989 Enacted	FY 1990 Estimates	House	Senate	Title I-III Conference Agreement	Title IV Drug Funding Offsets	Revised Conference
TITLE II - RELATED AGENCIES							
Architectural and Transportation Barriers Compliance Board							
Salaries and expenses	1,891,000	2,000,000	1,950,000	1,950,000	1,950,000	---	1,950,000
National Transportation Safety Board							
Salaries and expenses	25,360,000	25,967,000	26,600,000	28,000,000	27,600,000	---	27,600,000
Interstate Commerce Commission							
Salaries and expenses	43,115,000	44,689,000	43,860,000	42,863,000	44,450,000	---	44,450,000
Payments for directed rail service (limitation on obligations)	(475,000)	(475,000)	(475,000)	(475,000)	(475,000)	---	(475,000)
Total, Interstate Commerce Commission	(43,590,000)	(45,164,000)	(44,335,000)	(43,338,000)	(44,925,000)	---	(44,925,000)
Panama Canal Commission							
Panama Canal Revolving Fund:							
(Administrative expenses)	(50,287,000)	(49,855,000)	(49,842,000)	(49,855,000)	(49,842,000)	(-150,000)	(49,692,000)
(Limitation on operating and capital expenses)	(436,548,000)	---	(452,005,000)	(463,467,000)	(452,005,000)	(-1,356,000)	(450,649,000)
Department of the Treasury							
Rebate of Saint Lawrence Seaway Tolls (Harbor Maintenance Trust Fund)	10,700,000	10,084,000	10,050,000	10,050,000	10,050,000	-30,000	10,020,000
Washington Metropolitan Area Transit Authority							
Interest payments	51,663,569	51,663,569	51,663,569	51,663,569	51,663,569	---	51,663,569
Total, title II, Related Agencies:							
New budget (obligational) authority	132,729,569	134,403,569	134,123,569	134,526,569	135,713,569	-30,000	135,683,569
(Limitation on obligations)	(475,000)	(475,000)	(475,000)	(475,000)	(475,000)	---	(475,000)
Total	(133,204,569)	(134,878,569)	(134,598,569)	(135,001,569)	(136,188,569)	(-30,000)	(136,158,569)

H.R. 3015 - DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATION BILL, 1990

	FY 1989 Enacted	FY 1990 Estimates	House	Senate	Title I-III Conference Agreement	Title I, Drug Funding Offsets	Revised Conference
TITLE III - GENERAL PROVISIONS							
International Zaragosa Bridge	3,000,000	---	---	---	---	---	---
Rescission	-3,000,000	---	---	---	---	---	---
Alabama Feasibility Study	675,000	---	---	---	---	---	---
Expressway safety improvement demonstration project	2,600,000	---	---	---	---	---	---
Airport emergency relief	100,000	---	---	---	---	---	---
Wisconsin rail service	6,000,000	---	---	---	---	---	---
Consultant services (sec. 347)	-34,171,000	---	---	---	---	---	---
Total, title III, General Provisions:							
New budget (obligational) authority (net)	-24,796,000	---	---	---	---	---	---
Appropriations	(-21,796,000)	---	---	---	---	---	---
Rescission	(-3,000,000)	---	---	---	---	---	---
Grand total:							
New budget (obligational) authority (net)	10,917,501,569	10,012,546,569	11,942,249,569	11,937,354,569	12,027,671,569	-58,752,000	11,968,919,569
Appropriations	(11,031,272,510)	(10,107,479,548)	(12,037,182,548)	(12,032,287,548)	(12,122,604,548)	(-34,036,979)	(12,088,567,569)
Appropriations for debt reduction	(-10,770,941)	(-94,932,979)	(-94,932,979)	(-94,932,979)	(-94,932,979)	(+284,979)	(-94,648,000)
Rescissions	(-103,000,000)	---	---	---	---	(-25,000,000)	(-25,000,000)
(DoD transfer)	(256,300,000)	---	---	---	---	---	---
(By transfer)	(23,500,000)	(10,000,000)	(10,000,000)	(10,000,000)	(17,500,000)	(-52,000)	(17,448,000)
(Limitations on obligations)	(14,765,880,000)	(14,396,975,000)	(15,329,580,000)	(14,885,880,000)	(15,096,080,000)	(-129,007,000)	(14,967,073,000)
(Appropriations to liquidate contract authorizations)	(14,470,500,000)	(15,935,000,000)	(15,973,405,000)	(15,944,000,000)	(15,943,405,000)	(-44,260,000)	(15,899,145,000)
Grand total, New budget (obligational) authority, (DoD transfer) and (limitations on obligations)	(25,939,681,569)	(24,409,521,569)	(27,271,829,569)	(26,823,234,569)	(27,123,751,569)	(-104,040,000)	(27,019,711,569)

TITLE IV—EMERGENCY DRUG FUNDING

Amendment No. 136: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter inserted by said amendment, insert the following:

TITLE IV—EMERGENCY DRUG FUNDING

CHAPTER I

DEPARTMENT OF JUSTICE

GENERAL ADMINISTRATION

SALARIES AND EXPENSES

For carrying out efforts at National Drug Control and the President's initiative to combat violent crime, $10,261,000 to enhance drug and criminal law enforcement efforts with special emphasis on improving drug law enforcement efforts among the various Justice Department agencies and on expedited deportation proceedings of convicted criminal aliens.

LEGAL ACTIVITIES

SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

For carrying out efforts at National Drug Control and the President's initiative to combat violent crime, $41,476,000, to remain available until expended, to improve the effectiveness of the Department's legal activities, to improve coordination between law enforcement programs in this country and other countries, to improve efforts in extradition of drug cartel kingpins and to improve Criminal Division efforts in Federal/State task forces.

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

To continue efforts begun in fiscal year 1989 to improve the ability of the United States Attorneys to prosecute drug and other crime related offenses, $80,699,000, for new assistant United States Attorneys, for annualization of new attorney positions funded in fiscal year 1989, and for automation enhancements necessary to improve productivity and case management in the various United States Attorneys offices.

SALARIES AND EXPENSES, UNITED STATES MARSHALS SERVICE

For carrying out efforts at National Drug Control and the President's initiative to combat violent crime, $23,819,000 to improve the ability of the United States Marshals Service to pursue and apprehend alleged major drug and organized crime figures, and to improve the security required for anti-drug and organized crime judicial proceedings.

SUPPORT OF UNITED STATES PRISONERS

To fight the war on drugs, $23,000,000 to remain available until expended for enhancing the availability of jail space for unsentenced Federal prisoners in the custody of the United States Marshals Service; of which not to exceed $10,000,000 shall be available under the Cooperative Agreement Program to obtain guaranteed housing for Federal prisoners in State and local detention facilities.

ASSETS FORFEITURE FUND

To fight the war on drugs, $25,000,000 for awards for information in drug cases, purchase of evidence for drug violations, equipping conveyances for drug law enforcement, and other expenses as authorized by 28 U.S.C. 524 (c)(1)(A)(ii), (B), (C), (F) and (G), as amended, to be derived from the Department of Justice Assets Forfeiture Fund.

INTERAGENCY LAW ENFORCEMENT

ORGANIZED CRIME DRUG ENFORCEMENT

For carrying out efforts at National Drug Control $46,361,000 to strengthen the ability of the Federal Government to attack drug cartels and other organized crime groups through the eleven cooperating Federal agencies which participate in the organized crime drug enforcement task forces.

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

For carrying out efforts at National Drug Control, $97,045,000, to strengthen Federal domestic law enforcement at the local level to include additional agents, support personnel and equipment, improvements in automation and telecommunications, and enhancements in field equipment and training.

DRUG ENFORCEMENT ADMINISTRATION

SALARIES AND EXPENSES

For carrying out efforts at National Drug Control, $64,301,000, for additional agents, support personnel and equipment for improved domestic drug law enforcement; for expanded cleanup and disposal of toxic chemicals from clandestine laboratories; to expand State and local task forces; to complete the nationwide placement of asset removal teams; and to improve intelligence programs.

IMMIGRATION AND NATURALIZATION SERVICE

SALARIES AND EXPENSES

For carrying out efforts at National Drug Control and the President's initiative to combat violent crime, $16,891,000, for additional Border Patrol agents to improve drug interdiction efforts and for additional investigators and other staff needed to increase the apprehension and detention of criminal aliens.

FEDERAL PRISON SYSTEM

SALARIES AND EXPENSES

For carrying out efforts at National Drug Control and the President's initiative to combat violent crime, $54,923,000, for additional staff to activate new prisons, to improve staffing at existing institutions, and to fund additional support costs associated with the projected increases in Federal prison populations.

BUILDINGS AND FACILITIES

For carrying out efforts at National Drug Control and the President's initiative to combat violent crime, $1,000,000,000, to remain available until expended, for acquisition and construction of new Federal prison facilities in order to handle the projected growth in prisoner populations resulting from the increased number of drug-related convictions.

OFFICE OF JUSTICE PROGRAMS

JUSTICE ASSISTANCE

To fight the war on drugs, $308,821,000, to remain available until expended; of which $300,000,000 is for the Edward Byrne Memorial State and Local Law Enforcement Assistance Programs for State and local agencies to improve efforts in street-level and community-based drug law enforcement efforts; and of which $8,821,000 is for the Juvenile Justice and Delinquency Prevention Program in order to improve programs for the prevention, intervention and treatment of juvenile crime, especially where it relates to youth gangs and drugs.

THE JUDICIARY

COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES

SALARIES AND EXPENSES

For carrying out efforts at National Drug Control and the President's initiative to combat violent crime, $59,550,000 for additional clerks, office personnel, probation and pretrial services personnel, magistrates and related support personnel, and drug aftercare treatment services necessary to handle the growth in drug and crime related caseloads in the Federal courts.

DEFENDER SERVICES

For carrying out efforts at National Drug Control and the President's initiative to combat violent crime, $41,373,000, to remain available until expanded, for the increased expenses associated with Federal public defender and community defender organizations and private panel attorneys necessary to handle the growing drug and crime related caseload of the Federal courts.

FEES OF JURORS AND COMMISSIONERS

For carrying out efforts at National Drug Control and the President's initiative to combat violent crime, $4,000,000, to remain available until expanded, for the increased cost of grand and petit juries resulting from the growth in the drug and crime related caseload of the Federal courts.

COURT SECURITY

For carrying out efforts at National Drug Control and the President's initiative to combat violent crime, $15,400,000, to provide for expanded security and protective services for the Federal courts to handle the increase in drug and crime related judicial proceedings which require a high level of security.

RELATED AGENCY

STATE JUSTICE INSTITUTE

SALARIES AND EXPENSES

For carrying out the provisions of section 7321 of the Anti-Drug Abuse Act of 1988 (P.L. 100-690), $4,020,000, to remain available until expended, to allow the State Justice Institute to expand its programs to assist States in improving their court systems to allow them to handle the growing drug and crime related caseload.

CHAPTER II

DEPARTMENT OF THE INTERIOR

BUREAU OF INDIAN AFFAIRS

CONSTRUCTION

To fight the war on drugs, $4,000,000 to remain available until expended, for the provision of additional emergency shelters for Indian youth and for the construction of juvenile detention facilities.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

INDIAN HEALTH SERVICE

To fight the war on drugs, $7,250,000, for the Indian Health Service to increase after care services and provide for family outpatient care, expand community education and training efforts with a focus on prevention and training of program staff, expand alcoholism and drug abuse prevention efforts for adolescents through urban Indian health programs, and provide contract health services for substance abuse treatment and rehabilitation of Indian youth and their families.

INDIAN HEALTH FACILITIES

To fight the war on drugs, $1,500,000 to remain available until expended, to allow

the Indian Health Service to complete the construction or renovation of facilities to provide detoxification and rehabilitation services in youth regional treatment centers.

CHAPTER III

DEPARTMENT OF LABOR

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

For an additional amount for substance abuse employee assistance programs in the workplace, $2,000,000.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

ALCOHOL, DRUG ABUSE AND MENTAL HEALTH ADMINISTRATION

ALCOHOL, DRUG ABUSE, AND MENTAL HEALTH

For carrying out activities to fight the war on drugs including substance abuse research, treatment, and prevention, $727,000,000: Provided, That of this amount, $415,000,000 shall be provided for block grants to States under title XIX of the Public Health Service Act to be used exclusively for substance abuse activities and shall remain available for obligation by the States until March 31, 1991 and such obligated funds shall remain available for expenditure by the States until March 31, 1992: Provided further, That of this amount, $40,000,000 shall be available for treatment waiting period reduction grants, if authorized in law.

FAMILY SUPPORT ADMINISTRATION

COMMUNITY SERVICES BLOCK GRANT

For an additional amount for anti-drug abuse activities under the Community Services Block Grant Act, $2,000,000.

ASSISTANT SECRETARY FOR HUMAN DEVELOPMENT SERVICES

HUMAN DEVELOPMENT SERVICES

To fight the war on drugs by providing assistance to runaway and homeless youth, by providing drug prevention activities related to youth gangs, and by providing temporary child care, crisis nurseries and abandoned infants assistance to children impacted by drugs, $23,750,000.

DEPARTMENT OF EDUCATION

SCHOOL IMPROVEMENT PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

To ensure a drug free learning environment for American students by carrying out the Drug-Free Schools and Communities Act of 1986, as amended, part F of title IV of the Elementary and Secondary Education Act, as amended, and the Department of Education Organization Act, $183,500,000: Provided, That of this amount $170,000,000 shall be for State grants under part B, which shall become available on July 1, 1990 and remain available until September 30, 1991; $2,000,000 shall be for innovative alcohol abuse programs under section 4607; $7,500,000 shall be for teacher training under part C; $2,000,000 shall be for national programs under part D; and $2,000,000 shall be transferred to "Departmental Management, Program Administration" for administrative costs: Provided further, That of the amounts available for part B, not less than $25,000,000 shall be for section 5121(a) for urban and rural emergency grants: Provided further, That funds available under the "Department of Education Appropriations Act, 1990" for "Rehabilitation Services and Handicapped Research" shall also be available for activities under title II of Public Law 100-407; funds available for "School Improvement Programs" shall also be available for activities under title IX of the Education for Economic Security Act, as amended; and funds available for "Student Financial Assistance" shall be administered without regard to section 411F(1) of the Higher Education Act of 1965 (20 U.S.C. 1001 et. seq.), and the term "annual adjusted family income" shall, under special circumstances prescribed by the Secretary of Education, mean the sum received in the first calendar year of the award year from the sources described in that section.

RELATED AGENCY

ACTION

OPERATING EXPENSES

For an additional amount for substance abuse prevention and education activities under Part C of title I of the Domestic Volunteer Service Act of 1973 as amended, $1,500,000, of which not more than $150,000 may be used for administrative expenses.

CHAPTER IV

DEPARTMENT OF THE TREASURY

BUREAU OF ALCOHOL, TOBACCO, AND FIREARMS

SALARIES AND EXPENSES

To fight the war against armed career criminals, an additional amount of $10,000,000 for the hiring, training and equipping of additional agents and inspectors to enhance the arrest and conviction of armed career criminals who violate Federal firearms statutes.

UNITED STATES CUSTOMS SERVICE

SALARIES AND EXPENSES

To fight the war on drugs, an additional amount of $18,000,000, of which $15,000,000 shall be available to undertake investigations to counter drug-related money laundering or other law enforcement activities, and of which $3,000,000 shall be available to increase the air interdiction program staffing level to 960 permanent full-time equivalent positions: Provided, That none of the additional funds shall be made available for the establishment of the Financial Crimes Enforcement Network without the advance approval of the House and Senate Committees on Appropriations.

OPERATION AND MAINTENANCE, AIR INTERDICTION PROGRAM

To fight the war on drugs, an additional $35,800,000, to remain available until expended, for the procurement of interceptor and support aircraft, and to provide for the operation and maintenance expenses of these assets to more effectively interdict the illegal importation of drugs into the United States.

CUSTOMS FORFEITURE FUND

(LIMITATION ON AVAILABILITY OF DEPOSITS)

To fight the war on drugs, an additional amount of $5,000,000, to be derived from deposits in the Fund, for authorized law enforcement purposes.

INTERNAL REVENUE SERVICE

INVESTIGATION, COLLECTION, AND TAXPAYER SERVICE

To fight the war on drugs, an additional amount of $5,000,000 for criminal investigative activities to support a vigilant enforcement of Federal tax law violations and money laundering related to illegal narcotics activity.

EXECUTIVE OFFICE OF THE PRESIDENT

OFFICE OF NATIONAL DRUG CONTROL POLICY

SALARIES AND EXPENSES

To fight the war on drugs, an additional amount of $25,000,000 for drug control activities related to the designation of high intensity drug trafficking areas: Provided, That from within available funds, the Office of National Drug Control Policy, in conjunction with other departments and agencies, shall undertake assessments of program effectiveness of all federally funded anti-drug programs for the purposes of determining their impact in reducing the illegal drug problem, including their impact on the production, importation, cost availability, and use of drugs, as well as on the successful treatment and rehabilitation of users and addicts: Provided further, That said assessments shall contain comparative cost-benefit and cost-effectiveness data to aid in determination of the absolute and relative value of each program in reducing the illegal drug problem.

SPECIAL FORFEITURE FUND

For Federal prison construction purposes to incarcerate drug traffickers and others who violate Federal statutes, an amount not to exceed $115,000,000, to be derived from deposits in the Fund, and to remain available until expended.

CHAPTER V

DEPARTMENT OF VETERANS AFFAIRS

VETERANS HEALTH SERVICE AND RESEARCH ADMINISTRATION

MEDICAL CARE

For providing necessary medical care and treatment to eligible veterans with alcohol or drug dependence or abuse disabilities, an additional $50,000,000, which shall be available only for programs and activities described in section 2502(b) of the Anti-Drug Abuse act of 1988 (Public Law 100-690), and as authorized under chapter 17 of title 38 United States Code.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

HOUSING PROGRAMS

PAYMENTS FOR OPERATION OF LOW-INCOME HOUSING PROJECTS

To fight the war on drugs and eliminate drug-related crime in public housing projects, without regard to section 9(d) of the United States Housing Act of 1937 (42 U.S.C. 1437), an additional $50,000,000, which shall be available only for grants authorized under the Public Housing Drug Elimination Act of 1988 (42 U.S.C. 11901 et seq.) and subject only to the requirements of such Act for project security, physical improvements, enforcement activities, support for voluntary organizations, and innovative programs designed to reduce drug use in and around public housing projects: Provided, That $1,000,000 shall be available for contracts, including the provision of technical assistance to public housing officials and resident groups to better prepare and educate them to confront the widespread abuse of controlled substances in public housing projects, pursuant to the Drug-Free Public Housing Act of 1988 (42 U.S.C. 11922, 11923).

CHAPTER VI

DEPARTMENT OF ENERGY

NUCLEAR WASTE DISPOSAL FUND

In order to provide funds for the war on drugs, funds appropriated by the Energy and Water Development Appropriations Act for Fiscal Year 1990 (Public Law 101-101) for the "Nuclear Waste Disposal Fund" are reduced by $46,000,000.

CLEAN COAL TECHNOLOGY

The second paragraph under this head contained in the Act making appropriations for the Department of the Interior and Related Agencies for the fiscal year ending Sep-

tember 30, 1990 is amended by striking "$450,000,000" and inserting "$419,000,000" and by striking "$125,000,000" and inserting "$156,000,000".

SPR PETROLEUM ACCOUNT

Outlays in fiscal year 1990 resulting from the use of funds appropriated to this account in the Act making appropriations for the Department of the Interior and Related Agencies for the fiscal year ending September 30, 1990 shall not exceed $145,125,000: Provided, That for purposes of section 202 of Public Law 100-119 (2 U.S.C. 909) this action is a necessary (but secondary) result of a significant policy change.

PENNSYLVANIA AVENUE DEVELOPMENT CORPORATION

LAND ACQUISITION AND DEVELOPMENT FUND

The authority to borrow from the Treasury of the United States provided under this heading in the Act making appropriations for the Department of the Interior and Related Agencies for the fiscal year ending September 30, 1990, is hereby reduced to $100,000.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

HEALTH CARE FINANCING ADMINISTRATION

PROGRAM MANAGEMENT

Notwithstanding the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 1990, the amount available for Health Care Financing Administration Program Management shall include not to exceed $1,885,172,000 to be transferred to this appropriation as authorized by section 201(g) of the Social Security Act, from the Federal Hospital Insurance, the Federal Supplementary Medical Insurance, the Federal Catasrophic Drug Insurance, and the Federal Hospital Insurance Catastrophic Coverage Reserve Trust Funds.

LEGISLATIVE BRANCH

In order to provide funds for the war on drugs, each discretionary appropriation for fiscal year 1990 provided in the Legislative Branch Appropriations Act, 1990, (H.R. 3014), shall be reduced by 0.43 percent: Provided, That $3,578,000 representing excess receipts from the sale of publications shall be transferred from the Government Printing Office revolving fund to the Salaries and Expenses Appropriation of the Office of the Superintendent of Documents, Government Printing Office.

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES

Notwithstanding any other provision of this Act, each discretionary appropriation account, loan program, and obligation limitation in Titles I and II of this Act is hereby reduced by 0.3 percent: Provided, That the reductions made pursuant to this paragraph shall not apply to "Federal-Aid Highways (Limitation on Obligations) (Highway Trust Fund)", the obligation limitation under "Grants-in-Aid for Airports", and to any appropriation account applicable to salaries and expenses in an amount less than $45,000,000: Provided further, That this paragraph shall not reduce the minimum amount specifically designated for drug enforcement activities under "Coast Guard, Operating Expenses": Provided further, That, notwithstanding any other provision of this paragraph, the obligation limitation under the head "Grants-in-Aid for Airports" is hereby reduced to $1,425,000,000 and the obligation limitation under the head "Federal-Aid Highways (Limitation on Obligations) (Highway Trust Fund)" is hereby reduced to $12,210,000,000: Provided further, That $25,000,000 of unobligated contract authority available for airport planning and development under section 505(a) of the The Airport and Airway Improvement Act of 1982, as amended, is rescinded.

DEPARTMENT OF THE TREASURY

BUREAU OF THE PUBLIC DEBT

ADMINISTERING THE PUBLIC DEBT

Of the funds appropriated under this head in the Treasury, Postal Service and General Government Appropriations Act, 1990, $14,000,000 are rescinded.

INTERNAL REVENUE SERVICE

SALARIES AND EXPENSES

Of the funds appropriated under this head in the Treasury, Postal Service and General Government Appropriations Act, 1990, $141,000 are rescinded.

PROCESSING TAX RETURNS

Of the funds appropriated under this head in the Treasury, Postal Service and General Government Appropriations Act, 1990, $1,499,000 are rescinded.

EXAMINATION AND APPEALS

Of the funds appropriated under this head in the Treasury, Postal Service and General Government Appropriations Act, 1990, $3,488,000 are rescinded.

INVESTIGATION, COLLECTION, AND TAXPAYER SERVICE

Of the funds appropriated under this head in the Treasury, Postal Service and General Government Appropriations Act, 1990, $2,299,000 are rescinded.

GENERAL SERVICES ADMINISTRATION

REAL PROPERTY ACTIVITIES

FEDERAL BUILDINGS FUND

LIMITATIONS ON AVAILABILITY OF REVENUE

The limitation established under this head in the Treasury, Postal Service and General Government Appropriations Act, 1990, for the rental of space, as well as the aggregate limitation established thereunder, are reduced by $14,400,000.

FEDERAL PROPERTY RESOURCES SERVICE

OPERATING EXPENSES

(INCLUDING TRANSFER OF FUNDS)

Of the funds appropriated under this head in the Treasury, Postal Service and General Government Appropriations Act, 1990, $945,000 are rescinded.

CHAPTER VII

OFFICE OF NATIONAL DRUG CONTROL POLICY

Not later than 30 days after the enactment of this Act, the Director of National Drug Control Policy shall report on how funds made available under Title IV of this Act have been allocated and shall, for each quarter of the fiscal year thereafter, within 45 days following the close of the quarter, report on how these funds have been obligated. Reports made under this section shall be filed with the House of Representatives and the Senate and made available to the Committees on Appropriations and other committees as appropriate.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The Senate amendment provided $3,187,224,000 in emergency funding for the war on drugs. The conferees have agreed to include this funding with only a few modifications from the Senate proposal. These funds are desperately needed to effectively deal with the terrible problem of illegal drugs in the country. The conferees believe that through the careful application of these funds we can begin to regain control of this problem.

The problem is not simply lack of money or organizations dealing with the problem. Increased funding has been appropriated in fiscal years 1986, 1987, 1988, 1989, and now in 1990.

But this is war, and to fight this war effectively, we must implement an overall plan. The 41 Federal departments and agencies responsible for those multiple programs have done as well as they can, but the overlapping Federal, State, and local programs to reduce the supply of, and the demand for, drugs in this country require a central control, with authority to cross jurisdictions.

We need more than coordination. We need operational ability in law enforcement though education must follow with strong leadership and central authority to carry out the plan. We must guarantee that all the programs that can contribute to an agreed upon national drug policy are under a central control if we are to reach our goal.

In addition it is important to stress the use of available military facilities for use as prisons, or, as proposed in H.R. 1591 and Public Law 101-45, the FY 1989 supplemental, Civilian Conservation Corps-type camps for drug offenders.

The Senate amendment included provisions on funding reductions to keep the emergency drug funding deficit neutral. The conferees have not included the Senate proposed mechanism to achieve the required cuts. Instead, specific reduction amounts were assigned to each of the 13 appropriations subcommittees. These subcommittees, in turn, determined how to implement their share of the total reduction. Chapter VI of Title IV contains the required reductions for the subcommittees whose regular bills had completed conference prior to development of this conference report. For the remaining subcommittees, their reduced amounts are factored into their regular bills.

Explanation of the emergency drug funding and necessary reductions included in Title IV follows:

CHAPTER I

DEPARTMENT OF JUSTICE, THE JUDICIARY, THE STATE JUSTICE INSTITUTE

The conference agreement provides a total of $1,916,940,000 as proposed by the Senate for agencies of the Justice Department, the Federal courts and the State Justice Institute, involved in law enforcement efforts against illegal drug trafficking. The House bill contained no similar provision.

The conference agreement for these drug and violent crime-related accounts, when added to amounts provided for these agencies in H.R. 2991 (Fiscal Year 1990 Appropriations for the Departments of Commerce, Justice and State, the Judiciary and Related Agencies), exceeds by $183,000,000 the amounts requested by the Administration. The conferees agree that appropriations provided in Chapter I of this Act be obligated under the terms and conditions identified in the conference report (101-299) and Statement of Managers accompanying H.R. 2991. The following table identifies the total amount available for these drug-related agencies for fiscal year 1990:

FISCAL YEAR 1990 FUNDING—DRUG-RELATED AGENCIES

[In millions of dollars]

	Fiscal year 1990 budget request	Appropriations		
		Conference H.R. 2991 [1]	Title IV H.R. 3015	Total available
Department of Justice:				
General administration	$101	$87	$10	$97
General legal activities	304	258	41	299
U.S. attorneys	526	445	81	526
U.S. marshals	241	217	24	241
Support of U.S. prisoners	160	137	23	160
Fees and expenses of witnesses	57	57	.....	57
Assets forfeiture fund	100	75	25	100
Organized crime drug enforcement	215	169	46	215
Federal Bureau of Investigation	1,550	1,453	97	1,550
Drug Enforcement Administration	556	492	64	556
Immigration and Naturalization Service	891	878	17	895
Federal Prison System:				
Salaries and expenses	1,153	1,098	55	1,153
National Institute of Corrections	10	10	.....	10
Buildings and facilities	1,401	401	1,000	1,401
Office of justice programs	446	330	309	639
Subtotal	7,711	6,107	1,792	7,899
Judiciary:				
Courts of appeals, district Courts and other services	1,350	1,288	60	1,348
Defender services	128	87	41	128
Fees of jurors	59	55	4	59
Court security	58	43	15	58
Subtotal	1,595	1,473	120	1,593
State Justice Institute:				
Salaries and expenses	15	8	4	12
Grand total	9,321	7,588	1,916	9,504

[1] If authorized.

CHAPTER II

DEPARTMENTS OF HEALTH AND HUMAN SERVICES AND THE INTERIOR

The managers have included a total of $4,000,000 for the Bureau of Indian Affairs and $8,750,000 for the Indian Health Service. The funds for the Bureau include $3,000,000 for emergency shelters and $1,000,000 for construction of juvenile detention centers.

CHAPTER III

The conference agreement allocates the funding provided in Chapter III as follows:

Department of Labor

Employee Assistance	$2,000,000

Department of Health and Human Services

Alcohol, Drug Abuse and Mental Health Administration:	
Block grant	$415,000,000
Waiting period reduction grants	[1] 40,000,000
Crisis area treatment grants	20,000,000
Homeless substance abuse demos	7,000,000
Quality of treatment grants	40,000,000
OSAP prevention grants	45,000,000
Community youth activities	5,000,000
New community prevention grants	40,000,000
NIDA research	25,000,000
Treatment demonstrations	40,000,000
NIAAA research	20,000,000
Treatment outcome evaluations	3,000,000
Training	20,000,000
Direct operations	7,000,000
Subtotal, ADAMHA	727,000,000
Community Services Block Grant:	
Block grant	$1,000,000
National Youth Sports Program	1,000,000
Subtotal, CSBG	2,000,000
Human Development Services:	
Runaway youth	$1,250,000
Abandoned infants	6,000,000
Runaway youth—transitional living	5,000,000
Runaway youth—drugs	5,000,000
Youth gangs	3,500,000
Child care/crisis nurseries	3,000,000
Subtotal, HDS	23,750,000
Subtotal, HHS	752,750,000

Department of Education

School improvement:	
Drug-free schools State grants	$170,000,000
Teacher training	7,500,000
National programs	2,000,000
Alcohol abuse	2,000,000
Salaries and expenses	2,000,000
Subtotal, Education	183,500,000
Action	$1,500,000
Total	939,750,000

[1] If authorized.

The conferees have provided funding for drug abuse prevention, treatment, and education under existing program authorities. They are aware, however, that additional authorizing legislation may be enacted subsequent to the passage of appropriations. The conferees would expect the Departments to submit a reprogramming a request to the Appropriations Committees if they determine that this is needed to better conform appropriations and authorizing action.

The conferees have provided extended funding availability for the drug abuse block grant to States so that States will be able to obligate the funds provided through March 31, 1991 and to outlay the funds through March 31, 1992. The conferees expect, however, that the Administration will take no action to prevent the States from having access during fiscal year 1990 to the entire amount provided and that every effort will be made to ensure that all of these funds are immediately put to use in the war on drugs.

The conferees are agreed that with the rise of cocaine and heroin abuse the development of new medications for the treatment of drug abuse is one of the highest priorities for NIDA. Research is currently underway on numerous new medications that hold great promise in counteracting the addictive properties of cocaine and opiates. These include agents which may block the euphoric effects of these drugs, prevent craving, and ameliorate their toxic effects. The conferees encourage further research into treatment agents which do not cross the placental barrier so that pregnant addicts can be treated without risk to the fetus. The successful development of these medications could provide the means to counteracting drug addiction and to stem demand for narcotics, cocaine, and other illegal drugs.

In addition, the conferees agree that the amount for national programs under Drug-free Schools shall be allocated on a prorata basis among activities under national programs.

The conference agreement provides $7,000,000 for direct operations for the Alcohol, Drug Abuse and Mental Health Administration. The conferees intend that these funds be distributed throughout the agency for additional expenses associated with implementing the substance abuse programs funded in this bill.

The conference agreement also includes legislative language under the School Improvement account clarifying three legislative citations for programs funded under the regular fiscal year 1990 Appropriations Act for the Department of Education. These citations are technical in nature and do not change any of the amounts agreed to by the conferees (H.Rpt. 101-274). These citations involve Star Schools, Technology Assistance for the Handicapped and student financial assistance.

CHAPTER IV

DEPARTMENT OF THE TREASURY

BUREAU OF ALCOHOL, TOBACCO, AND FIREARMS

SALARIES AND EXPENSES

The Conferees have provided an additional $10,000,000 for the hiring, training and equipping of additional agents and inspectors to enhance the Bureau's ability to implement the Armed Career Criminal Apprehension Act of 1984, as amended. This amount will satisfy the President's request of June 1, 1988 in addition to providing the necessary funds to implement the authorization contained within the Anti-Drug Abuse Act of 1988, Public Law 100-690.

U.S. CUSTOMS SERVICE

SALARIES AND EXPENSES

The Conferees have provided an additional $18,000,000 for drug enforcement purposes within the "Salaries and expenses" account of the U.S. Customs Service. Of this amount, the Conferees intend that $15,000,000 will be used to hire, train and equip additional personnel to conduct money laundering investigations or other law enforcement activities. The Conferees are aware of the Administration's proposal to establish a Financial Crime Enforcement Network (FINCEN) within the Department of the Treasury. The Conferees believe that the concept of a centralized facility to gather and coordinate intelligence information on money laundering activities has significant merit. However, the Conferees have serious reservations about providing additional funding for an initiative which has no detailed implementation plan and has not received the necessary endorsement from other Federal agencies which have been identified as key participants. Consequently, the Conferees intend that the Department of the Treasury develop a complete implementation plan for FINCEN before these additional funds can be used. In the meantime, the $3,000,000 provided to the U.S. Customs Service for money laundering investigations, in the "Treasury, Postal Service and General Government Appropriations Act, 1990", is available for initial development of this financial network.

The Conferees applaud the initiative taken by the U.S. Customs Service to establish a program which will result in a more vigilant attack on money laundering. If the Treasury Department wishes to expand this initiative in fiscal year 1990, then the Department should submit a request to repro-

gram existing funds to the Committees on Appropriations. This request must include a detailed budget justification for the establishment of this money laundering network. In addition this request should be accompanied by a fully developed implementation plan which demonstrates the endorsement of the agencies which have been identified as necessary participants.

OPERATION AND MAINTENANCE, AIR INTERDICTION PROGRAM

The Conferees have provided an additional $35,800,000 for the procurement of aircraft assets for the U.S. Customs Service to carry-out its lead drug air interdiction mission. $35,000,000 of these funds are intended for the procurement of interceptor aircraft and the remaining $800,000 shall be used to refurbish surplus military helicopters transferred to the Service for on-the-ground investigative purposes.

CUSTOMS FORFEITURE FUND

(LIMITATION ON AVAILABILITY OF DEPOSITS)

The Conferees have approved an additional $5,000,000 in spending authority for the Customs Forfeiture Fund, to be derived from deposits in the Fund, for carrying-out the purposes of the Trade and Tariff Act of 1984, as amended. This increase will enable the Customs Service to share additional resources, derived from forfeited assets, with State and local law enforcement agencies which assist the Customs Service in their law enforcement mission.

INTERNAL REVENUE SERVICE

INVESTIGATION, COLLECTION AND TAXPAYER SERVICE

The Conferees have provided an additional $5,000,000 for the Internal Revenue Service's Criminal Investigation Division. These funds, added to the additional $7,400,000 made available in the Treasury, Postal Service and General Government Appropriations Act, 1990, will permit the Service to increase its investigative activities related to tax code violations as well as intensify its efforts to uncover drug-related money laundering activities.

EXECUTIVE OFFICE OF THE PRESIDENT

OFFICE OF NATIONAL DRUG CONTROL POLICY

SALARIES AND EXPENSES

The Conferees have provided an additional $25,000,000 to permit the Director of the Office of National Drug Control Policy (ONDCP) to undertake activities related to the designation of high-intensity drug trafficking areas throughout the nation. These funds will enable the Director of ONDCP to implement the authorizations contained in the Anti-Drug Abuse Act of 1988, Public Law 100-690, and enhance drug control efforts in those regions where drug trafficking has reached epidemic proportions. The Conferees expect the Director of ONDCP to report to the House and Senate Committees on Appropriations by February 1, 1990 on the areas he will designate for the use of these funds. This report should also contain an explanation of why these particular areas were chosen.

ANTI-DRUG PROGRAM ASSESSMENT

Funding for anti-drug programs has increased significantly over the past several years, but little information has been available as to whether these anti-drug programs and the increased funding for them have had a positive impact on the problem. Furthermore, even less information has been available on which programs have the greatest impact. The Survey on U.S. Anti-Drug Abuse Programs conducted by the House Appropriations Surveys and Investigations Staff in October of 1988 noted many programs for which no formal assessment of program effectiveness had been carried out. The National Drug Control Strategy does not emphasize this area. In making funding decisions, it would be useful to have an overview of the accomplishments of each of these programs as well as estimates of the expected benefits of additional spending for a particular program, and how those benefits compare with additional spending on other programs. Within a month after enactment of this Act, the ONDCP is expected to report to the Committees on Appropriations of the House and Senate on the program assessments that have been conducted and within two months after enactment of this Act, the ONDCP is expected to produce a plan and timetable for carrying out the requirements of this section.

ANTI-DRUG ABUSE FUNDING LEVELS

While approving these funds for Federal anti-drug abuse programs, the conferees are concerned that a lack of precision in drug funding budget information may be misleading the American people as to the scope of these efforts. What constitutes anti-drug funding, and what it does not, is not clear under current budget accounts.

Section 1003(c) of the Anti-Drug Abuse Act of 1988 spells out procedures under which the national drug control program budget is to be developed by the Director of National Drug Control Policy, or the "Drug Czar." Those procedures appear adequate on paper. However, the conferees note that agency budget numbers now available to the Director and to Congress appear, in some cases, to lump anti-drug funding with other non-drug related agency operations and, in other cases, may not include all activities that might be considered drug related.

For instance, when the Congress receives tabulations of the status of drug account obligations from the Department of Justice, they are full agency accounts. A footnote tells us that "in many cases it is not possible to break down these accounts into discrete drug sub-accounts." The tables include the entire budgets for the FBI, U.S. Atorneys, the Immigration and Naturalization Service and the Bureau of Prisons. Those agencies certainly are responsible for many non-drug related activities, yet no further breakdown is provided.

On the other hand, the Department of Defense has neglected to include all drug-related activities in their anti-drug budgets. Demand reduction, drug testing, drug education and military police efforts in the drug area have been treated as ongoing personnel matters and have not been included in anti-drug budget totals.

If the Congress is ever to get a handle on the comparative effectiveness of anti-drug programs, it is imperative that we know how much is being spent for what. The conferees direct the Director of National Drug Control Policy, working together with the Office of Management and Budget and program managers of departments and agencies, to report to the Committees on Appropriations no later than March 15, 1990, on methods by which more accurate anti-drug funding data will be made available to Congress.

SPECIAL FORFEITURE FUND

The Conferees are agreed that of the total amount made available from the Special Forfeiture Fund $115,000,000 will be used for Federal prison construction purposes. The Conferees expect the Director to provide to the Committees on Appropriations of the House and Senate a report on how future funds, which become available in the Special Forfeiture Fund, will be expended As required by Public Law 100-690, as amended.

REDUCTIONS IN APPROPRIATIONS ACCOUNTS

The conferees have recommended a reduction in the amounts appropriated to the Internal Revenue Service (IRS) for fiscal year 1990. The conferees direct the IRS to achieve these savings in areas unrelated to activities necessary to achieve the level of revenues assumed in the Bipartisan Budget Agreement. The conferees recommend that to the maximum extent possible these reductions be achieved by reductions in travel expenses.

CHAPTER V

DEPARTMENT OF VETERANS' AFFAIRS

VETERANS HEALTH SERVICE AND RESEARCH ADMINISTRATION

MEDICAL CARE

Appropriates $50,000,000 for drug treatment and prevention activities for veterans as proposed by the Senate. The Department of Veterans Affairs requested approximately $80,000,000 for drug and alcohol abuse and treatment prevention activities in fiscal year 1990. The conference agreement on the 1990 VA, HUD, and Independent Agencies Appropriations Act added $10,000,000 above the budget request for these purposes. This conference agreement of $50,000,000 is in addition to the funds provided to the VA in the regular 1990 Appropriations Act.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

HOUSING PROGRAMS

PAYMENTS FOR OPERATION OF LOW-INCOME HOUSING PROJECTS

Appropriates $50,000,000 to fight the war on drugs and eliminate drug-related crime in public housing projects as proposed by the Senate. These funds are for grants authorized by the Public Housing Drug Elimination Act of 1988. This amount is in addition to $50,000,000 in the conference agreement on the 1990 VA, HUD, and Independent Agencies Appropriations Act for this purpose. The conferees have included language earmarking $1,000,000 of this amount for the contract costs of establishing and operating the clearinghouse on drug abuse and the regional training program for public housing officials as required by sections 5143 and 5144 of the Drug-Free Public Housing Act of 1988, as well as for technical assistance to public housing officials and resident groups to better prepare them to confront the widespread abuse of controlled substances in public housing projects.

In distributing these funds, and the nearly $50,000,000 provided in the 1990 VA, HUD, and Independent Agencies Appropriations Act, the conferees direct that HUD follow the criteria set forth in the 1988 Drug Act. The conferees intend that the General Accounting Office will carefully monitor all awards to ensure that the funds are distributed according to the legislative criteria and in an equitable manner to the areas most in need.

CHAPTER VI

DEPARTMENT OF ENERGY

The managers have agreed to reduce the funds appropriated by the Energy and Water Development Appropriations Act for Fiscal Year 1990 (Public Law 101-101) for

the "Nuclear Waste Disposal Fund" by $46,000,000. This reduction will make funds available for the drug prevention effort.

The managers have agreed to reductions to the Interior and Related Agencies Appropriations Act for Fiscal Year 1990 (Public Law 101-121) in order to accommodate additional drug-related appropriations.

The reductions are in three areas. The new budget authority for Clean Coal Technology of $450,000,000 for fiscal year 1990 is reduced by $31,000,000 with this same amount added to the advance appropriation for fiscal year 1991. With this change the new amount for fiscal year 1990 is $419,000,000 while fiscal year 1991 increases to $156,000,000. The second area of change is the imposition of an outlay ceiling on Strategic Petroleum Reserve oil acquisition. Outlays will be reduced from an estimated $169,945,000 to $147,125,000 and will decrease the fill rate from approximately 50,000 barrels per day to approximately 46,000 or 47,000 barrels per day. The third reduction relates to the Pennsylvania Avenue Development Corporation. The borrowing authority is reduced from $5,000,000 to $100,000.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

The conference agreement includes bill language reducing the amount of funds transferred from trust funds to the Health Care Financing Administration Program Management account by $32,000,000, from $1,917,172,000 to $1,885,172,000. This reduction, along with the outlays reserved from the regular 1990 Labor, Health and Human Services, and Education appropriations bill, will be sufficient to support the Subcommittee's share of the cost of anti-drug abuse funding. The conferees intend that the reduction in trust fund transfers be associated with activities to implement catastrophic health insurance, where funding needs may be diminished.

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES

The conferees agree that, in order to partially fund the high priority emergency drug abuse prevention programs contained in Title IV of this Act, all discretionary appropriations, loan programs, and obligation limitations contained in Titles I and II of this Act for the Department of Transportation and related agencies shall be reduced by 0.3 percent. This across-the-board reduction shall not reduce the minimum amount specifically designated in the bill for drug enforcement activities under "Coast Guard, Operating Expenses". In addition, the across-the-board reduction does not apply to the obligation limitations for "Grants-in-Aid for Airports" and for "Federal-Aid Highways". Instead, Title IV sets revised obligation limitations of $1,425,000,000 for "Grants-in-Aid for Airports" and $12,210,000,000 for "Federal-Aid Highways". The conference agreement also rescinds $25,000,000 in unobligated contract authority available for airport planning and development. In addition, the conference agreement exempts from the 0.3 percent across-the-board reduction all Department of Transportation and related agency salaries and expenses accounts of less than $45,000,000 and all mandatory appropriation accounts. These accounts are as follows:

Immediate Office of the Secretary.
Immediate Office of the Deputy Secretary.
Office of the General Counsel.
Office of the Assistant Secretary for Policy and International Affairs.
Office of the Assistant Secretary for Budget and Programs.
Office of the Assistant Secretary for Governmental Affairs.
Office of the Assistant Secretary for Administration.
Office of the Assistant Secretary for Public Affairs.
Executive Secretariat.
Contract Appeals Board.
Office of Civil Rights.
Office of Commercial Space Transportation.
Office of Essential Air Service.
Office of Small and Disadvantaged Business Utilization.
Commission on Aviation Security and Terrorism.
Retired pay.
Motor carrier safety.
Office of the administrator (FRA).
Railroad safety.
Administrative expenses (UMTA).
Operations and maintenance (SLSDC).
Research and special programs (RSPA).
Salaries and expenses (IG).
Salaries and expenses (ATBCB).
Salaries and expenses (NTSB).
Salaries and expenses (ICC).
Interest payments (WMATA).

The conferees agree that all reductions necessitated by this section shall be applied in the same manner as sequestration.

CHAPTER VII

OFFICE OF NATIONAL DRUG CONTROL POLICY

The conferees have included reporting requirements for emergency drug funding. The drug czar is required to submit an initial report on how the money in this title is allocated within 30 days after enactment. Subsequently, quarterly reporting is required on the progress in spending these funds within 45 days of the close of the quarter. Reports are required to be made to the House of Representatives and the Senate and to the Committees on Appropriations and other committees, as appropriate.

Amendment No. 137: Deletes language proposed by the Senate regarding authorizations for treatment grants and a perinatal addiction resource center. The conferees have agreed to delete this language since it is included in S. 1735 and it will be addressed by the appropriate legislative Committees.

Amendment No. 138: Deletes language proposed by the Senate regarding authorization of emergency protective child services grants. The conferees have agreed to delete this language since it is included in S. 1735 and it will be addressed by the appropriate legislative Committees.

Amendment No. 139: Deletes language proposed by the Senate regarding authorization of training grants. The conferees have agreed to delete this language since it is included in S. 1735 and it will be addressed by the appropriate legislative Committees.

Amendment No. 140: Deletes language proposed by the Senate regarding drug abuse prevention plans at institutions of higher education and local educational agencies and drug testing of students participating in extracurricular activities and deletes language proposed by the Senate regarding alcohol and controlled substances testing in the aviation, motor vehicle, and railroad areas. The conferees have agreed to delete this language since it is included in S. 1735 and it will be addressed by the appropriate legislative Committees.

Amendment No. 141: Deletes two general provisions (Sec. 407 and 408) proposed by the Senate. The House bill contained no similar provisions.

Sec. 407 would have amended provisions included in the Anti-Drug Abuse Act of 1988 relating to the seizure of forefeited assets. The conferees have agreed to delete this language since it is included in S. 1735 and it will be addressed by the appropriate legislative Committees.

Sec. 408 would have amended Section 6077 of the Anti-Drug Abuse Act of 1988 to repeal language dealing with the equitable sharing of forefeited assets with State and local law enforcement agencies. The conferees have agreed to delete this provision since it has been addressed in the conference report (101-299) accompanying H.R. 2991, the Departments of Commerce, Justice, and State, the Judiciary and Related Agencies Appropriations Act, 1990.

Amendment No. 142: Deletes language proposed by the Senate regarding State drug treatment plans. The conferees have agreed to delete this language since it is included in S. 1735 and it will be addressed by the appropriate legislative Committees.

Amendment No. 143: Deletes language proposed by the Senate concerning waivers related to Colombia, Bolivia and Peru. These waivers will be handled through the regular Foreign Operations appropriations and authorizing bills.

Amendment No. 144: Deletes language proposed by the Senate regarding modifications of the alcohol, drug abuse and mental health block grant formula, authorization of emergency grants to schools in urban and rural areas with severe drug problems, and technical changes. The conferees have agreed to delete this language since it is included in S. 1735 and it will be addressed by the appropriate legislative Committees.

EMERGENCY DRUG FUNDING

	New budget (obligational) authority
TITLE V—EMERGENCY DRUG FUNDING	
CHAPTER I.—DEPARTMENT OF JUSTICE	
GENERAL ADMINISTRATION	
Salaries and expenses	$10,261,000
LEGAL ACTIVITIES	
Salaries and expenses, general legal activities	41,476,000
Salaries and expenses, United States Attorneys	80,699,000
Salaries and expenses, United States Marshals Service	23,819,000
Support of United States prisoners	23,000,000
Assets forfeiture fund	25,000,000
Total, Legal activities	193,994,000
INTERAGENCY LAW ENFORCEMENT	
Organized crime drug enforcement	46,361,000
FEDERAL BUREAU OF INVESTIGATION	
Salaries and expenses	97,045,000
DRUG ENFORCEMENT ADMINISTRATION	
Salaries and expenses	64,301,000
IMMIGRATION AND NATURALIZATION SERVICE	
Salaries and expenses	16,891,000
FEDERAL PRISON SYSTEM	
Salaries and expenses	54,923,000

Buildings and facilities	1,000,000,000
Total, Federal Prison System	1,054,923,000
OFFICE OF JUSTICE PROGRAMS	
Justice Assistance	308,821,000
THE JUDICIARY	
Court of Appeals, salaries and expenses	59,550,000
Defender services	41,373,000
Fees of jurors and commissioners	4,000,000
Court security	15,400,000
Total Judiciary	120,323,000
STATE JUSTICE INSTITUTE	
Salaries and expenses	4,020,000
Total, Chapter I	1,916,940,000
CHAPTER II.—DEPARTMENT OF THE INTERIOR	
BUREAU OF INDIAN AFFAIRS	
Construction	4,000,000
DEPARTMENT OF HEALTH AND HUMAN SERVICES	
INDIAN HEALTH SERVICE	
Indian health services	7,250,000
Indian health facilities	1,500,000
Total, Department of Health and Human Services	8,750,000
Total, Chapter II	12,750,000
CHAPTER III.—DEPARTMENT OF HEALTH AND HUMAN SERVICES	
ALCOHOL, DRUG ABUSE, AND MENTAL HEALTH ADMINISTRATION	
Alcohol, drug abuse, and mental health	727,000,000
FAMILY SUPPORT ADMINISTRATION	
Community services block grant	2,000,000
ASSISTANT SECRETARY FOR HUMAN DEVELOPMENT SERVICES	
Human development services	23,750,000
Total, Department of Health and Human Services	752,750,000
DEPARTMENT OF EDUCATION	
School Improvement Programs	183,500,000
DEPARTMENT OF LABOR	
DEPARTMENTAL MANAGEMENT	
Salaries and expenses	2,000,000
RELATED AGENCIES	
Action	1,500,000
Total, Chapter III	939,750,000
CHAPTER IV.—DEPARTMENT OF THE TREASURY	
Bureau of Alcohol, Tobacco and Firearms	10,000,000
UNITED STATES CUSTOMS SERVICES	
Salaries and expenses	18,000,000
Operations and maintenance, air interdiction program	35,800,000
Customs forfeiture fund (limiation on availability of deposits)	5,000,000
Total, United States Customs Service	58,800,000
INTERNAL REVENUE SERVICE	
Investigation, collection, and taxpayer service	5,000,000
EXECUTIVE OFFICE OF THE PRESIDENT	
OFFICE OF NATIONAL DRUG CONTROL POLICY	
Salaries and expenses	25,000,000
Special forfeiture fund	115,000,000
Total, Office of National Drug Control Policy	140,000,000
Total, Chapter IV	213,800,000
CHAPTER V.—DEPARTMENT OF VETERANS AFFAIRS	
Medical care	50,000,000
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT	
HOUSING PROGRAMS	
Annual contributions for assisted housing	50,000,000
Total, Chapter V	100,000,000
Total, Emergency Drug Funding	3,183,240,000

Solely for consideration of Senate amendments Nos. 1 through 135 and modifications committed to conference:

WILLIAM LEHMAN,
WILLIAM H. GRAY, III,
BOB CARR,
RICHARD J. DURBIN,
R.J. MRAZEK,
MARTIN OLAV SABO,
JAMIE L. WHITTEN,
LAWRENCE COUGHLIN,
SILVIO O. CONTE,
FRANK R. WOLF,
TOM DELAY,

As additional conferees solely for consideration of Senate amendments Nos. 136 through 144 and modifications committed to conference:

JAMIE L. WHITTEN,
WILLIAM H. NATCHER,
NEAL SMITH,
SIDNEY R. YATES,
DAVID R. OBEY,
EDWARD R. ROYBAL,
TOM BEVILL,
JOHN P. MURTHA,
BOB TRAXLER,
WILLIAM LEHMAN,
JULIAN C. DIXON,
VIC FAZIO,
W.G. HEFNER,
SILVIO O. CONTE,
JOSEPH M. MCDADE,
LAWRENCE COUGHLIN,
RALPH REGULA,
MICKEY EDWARDS,
BILL GREEN,
HAROLD ROGERS,
JOE SKEEN,

Managers on the Part of the House.

For titles I-III (amendments 1-135) of H.R. 3015:

FRANK R. LAUTENBERG,
ROBERT C. BYRD,
TOM HARKIN,
JAMES R. SASSER (with the exception of amendment No. 87),
BARBARA A. MIKULSKI,
ALFONSE M. D'AMATO,
BOB KASTEN,
PETE V. DOMENICI (with the exception of amendment No. 87),
CHUCK GRASSLEY,
MARK O. HATFIELD,

For the purpose of the drug amendment (title IV):

ROBERT C. BYRD,
DANIEL K. INOUYE,
MARK O. HATFIELD,

The chairman and ranking minority member of the Subcommittee on Agriculture and Related Agencies for items falling within the jurisdiction of that subcommittee; for title IV:

QUENTIN N. BURDICK,
THAD COCHRAN,

The chairman and ranking minority member of the Subcommittee on Commerce, Justice, State and the Judiciary for items falling within the jurisdiction of that subcommittee; for title IV:

FRITZ HOLLINGS,
WARREN B. RUDMAN,

The chairman and ranking minority member of the Subcommittee on Defense for items falling within the jurisdiction of that subcommittee; for title IV:

DANIEL K. INOUYE,
TED STEVENS,

The chairman and ranking minority member of the Subcommittee on the District of Columbia for items falling within the jurisdiction of that subcommittee; for title IV:

BROCK ADAMS,
PHIL GRAMM,

The chairman and ranking minority member of the Subcommittee on Energy and Water Development for items falling within the jurisdiction of that subcommittee; for title IV:

J. BENNETT JOHNSTON,
MARK O. HATFIELD,

The chairman and ranking minority member of the Subcommittee on Foreign Operations for items falling within the jurisdiction of that subcommittee; for title IV:

PATRICK J. LEAHY,
BOB KASTEN,

The chairman and ranking minority member of the Subcommittee on HUD and Independent Agencies for items falling within the jurisdiction of that subcommittee; for title IV:

BARBARA A. MIKULSKI,
JAKE GARN,

The chairman and ranking minority member of the Subcommittee on Interior for items falling within the jurisdiction of that subcommittee; for title IV:

ROBERT C. BYRD,
JAMES A. MCCLURE,

The chairman and ranking minority member of the Subcommittee on Labor, Health and Human Services for items falling within the jurisdiction of that subcommittee; for title IV:

TOM HARKIN,
ARLEN SPECTER,

The chairman and ranking minority member of the Subcommittee of the Legislative Branch for items falling within the jurisdiction of that subcommittee; for title IV:

HARRY N. REID,
DON NICKLES,

The chairman and ranking minority member of the Subcommittee on Military

Construction for items falling within the jurisdiction of that subcommittee; for title IV:

JIM SASSER,
CHUCK GRASSLEY,

The chairman and ranking minority member of the Subcommittee on Transportation for items falling within the jurisdiction of that subcommittee; for title IV:

FRANK R. LAUTENBERG,
ALFONSE M. D'AMATO,

The chairman and ranking minority member of the Subcommittee on Treasury, Postal Service and General Government for items falling within the jurisdiction of that subcommittee; for title IV:

DENNIS DECONCINI,
PETE V. DOMENICI,
Managers on the Part of the Senate.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. DORNAN of California) to revise and extend their remarks and include extraneous material:)

Mrs. BENTLEY, for 60 minutes each, on November 2, 7, 8, 9, 10, 14, 15, and 16.

Mr. MCEWEN, for 5 minutes, today.

Mr. DORNAN of California, for 60 minutes each, on November 1, 8, 9, 15, and 16.

(The following Members (at the request of Mrs. UNSOELD) to revise and extend their remarks and include extraneous material:)

Mr. ECKART, for 5 minutes, today.

Mr. SABO, for 5 minutes, today.

Mr. TORRICELLI, for 5 minutes, today.

Mr. WISE, for 5 minutes, today.

Mr. BRYANT, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. STARK, for 5 minutes, today.

Mr. GAYDOS, for 60 minutes, on October 31.

Mr. ECKART, for 5 minutes, on October 31.

Mr. FROST, for 5 minutes, on October 31.

Mr. TORRICELLI, for 5 minutes, on October 31.

Mr. FRANK, for 60 minutes, on November 7.

Mr. MILLER of California, for 60 minutes, on November 7.

Mr. PEASE, for 5 minutes each, on October 30, 31, and November 1.

Mr. DYMALLY, for 5 minutes each, on October 30 and 31.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. DORNAN of California) and to include extraneous matter:)

Mr. GINGRICH.

Mr. LAGOMARSINO.

Mr. PACKARD.

Mr. RITTER.

Mr. EMERSON.

Mr. BURTON of Indiana.

Mr. GREEN in two instances.

Mr. CAMPBELL of California.

Mr. SHUMWAY.

Mr. GEKAS.

Mr. SMITH of New Jersey.

Mr. HORTON.

Mr. BALLEUGER.

Mr. MCGRATH.

Mrs. ROS-LEHTINEN.

(The following Members (at the request of Mrs. UNSOELD) and to include extraneous matter:)

Mr. MRAZEK.

Mr. HAMILTON.

Mr. DINGELL.

Mr. LAFALCE.

Mr. ACKERMAN in two instances.

Mr. SAWYER.

Mr. MCMILLEN of Maryland.

Mr. BONIOR.

Mr. KOLTER in two instances.

Mr. SMITH of Florida.

Mr. TALLON.

Mr. ASPIN.

Mr. WOLPE.

Mrs. COLLINS.

Mr. HERTEL.

Mr. MFUME.

Mr. MANTON.

ENROLLED JOINT RESOLUTION SIGNED.

Mr. ANNUNZIO, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a joint resolution of the House of the following title, which was thereupon signed by the Speaker:

H.J. Res. 241. Joint resolution designating October 25, 1989, as "National Arab-American Day."

SENATE ENROLLED JOINT RESOLUTION SIGNED

The SPEAKER announced his signature to an enrolled joint resolution of the Senate of the following title:

S.J. Res. 120. Joint resolution to designate the period commencing November 12, 1989, and ending November 18, 1989, as "Geography Awareness Week."

BILLS AND JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Mr. ANNUNZIO, from the Committee on House Administration, reported that that committee did on the following date present to the President, for his approval, bills and a joint resolution of the House of the following title:

On October 25, 1989:

H.R. 2989. An act making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain independent agencies, for the fiscal year ending September 30, 1930, and for other purposes;

H.R. 3026. An act 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; and

H.J. Res. 423. Joint resolution making further continuing appropriations for fiscal year 1990, and for other purposes.

ADJOURNMENT

Mr. ECKART. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 22 minutes p.m.), the House adjourned until tomorrow, Friday, October 27, 1989, at 10 a.m.

OATH OF OFFICE—MEMBERS, RESIDENT COMMISSIONER, AND DELEGATES

The oath of office required by the sixth article of the Constitution of the United States, and as provided by section 2 of the act of May 13, 1884 (23 Stat. 22), to be administered to Members, Resident Commissioner, and Delegates of the House of Representatives, the text of which is carried in 5 U.S.C. 3331:

> "I, Gene Taylor, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. so help me God."

has been subscribed to in person and filed in duplicate with the Clerk of the House of Representatives by the following Members of the 101st Congress, pursuant to the provisions of 2 U.S.C. 25:

Hon. GENE TAYLOR, Fifth District, Mississippi.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1896. A letter from the Acting Chairman, Federal Maritime Commission, transmitting a report on the implementation of the provisions of section 8E of the Inspector General Act, pursuant to Public Law 95-452, section 8E(h)(2) (102 Stat. 2525); to the Committee on Government Operations.

1897. A letter from the Principal Deputy Comptroller of the Department of Defense, transmitting notification of the transfers of authorized and appropriated DOD funds, pursuant to Public Law 98-473, section 8025 (98 Stat. 1928); Public Law 99-591, section 9015 (100 Stat. 3341-103); Public Law 100-202 section 8015 (101 Stat. 1329-65); jointly, to the Committees on Appropriations and Armed Services.

REPORT OF COMMITTEE 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. DINGELL: Committee on Energy and Commerce, H.R. 2642. A bill granting the consent of the Congress to amendments to the Southeast Interstate Low-Level Radioactive Waste Management Compact; with an amendment (Rept. 101-238, Pt. 2). Referred to the Committee of the Whole House on the State of the Union.

Mr. ROE: Committee on Science, Space, and Technology. Oversight of the National Science Foundation fiscal year 1990 programs (Rept. 101-309). Referred to the Committee of the Whole House on the State of the Union.

Mr. ROE: Committee on Science, Space, and Technology. Setting priorities in science and technology (Rept. 101-310). Referred to the Committee of the Whole House on the State of the Union.

Mr. JONES of North Carolina: Committee on Merchant Marine and Fisheries. H.R. 2612. A bill to provide temporary authority to certain employees of the Panama Canal Commission to purchase food and other goods at any commissary or exchange store located in Panama which is operated by any military department of the United States. (Rept. 101-311, Pt. 1). Ordered to be printed.

Mr. MONTGOMERY: Committee on Veterans' Affairs. H.R. 3199. A bill to amend title 38, United States Code, to establish a program to provide postsecondary educational assistance to students in health professions who are eligible for educational assistance under the Reserve GI Bill Program in return for agreement for subsequent service with the Department of Veterans Affairs; with amendments (Rept. 101-312). Referred to the Committee of the Whole House on the State of the Union.

Mr. MONTGOMERY: Committee on Veterans' Affairs. H.R. 3390. A bill to amend title 38, United States Code, with respect to certain veterans' education programs, and for other purposes; with amendments (Rept. 101-313). Referred to the Committee of the Whole House on the State of the Union.

Mr. FROST: Committee on Rules. House Resolution 275. Resolution providing for the consideration of H.R. 3443, a bill to amend the Federal Aviation Act of 1958 to provide for review of certain acquisitions of voting securities of air carriers, and for other purposes (Rept. 101-314). Referred to the House Calendar.

Mr. LEHMAN of Florida: Committee of conference. Conference report on H.R. 3015 (Rept. 101-315). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mrs. COLLINS:

H.R. 3529. A bill to amend the Federal Property and Administrative Services Act of 1949 to establish a term of office for the Administrator of General Services; to the Committee on Government Operations.

By Mr. BOEHLERT (for himself, Mr. MARTIN of New York, Mr. GILMAN, Mr. SMITH of Vermont, Mr. RIDGE, Ms. SLAUGHTER of New York, Mr. GEKAS, Mr. TOWNS, Mr. HOUGHTON, Ms. SNOWE, and Mr. TALLON):

H.R. 3530. A bill to improve rural development in the United States: to the Committee on Agriculture.

By Mr. CARDIN:

H.R. 3531. A bill to exclude the receipts and disbursements of the Social Security trust funds, the highway trust fund, and the airport and airway trust fund from the calculation of deficits and maximum deficit amounts under the Balanced Budget and Emergency Control Act of 1985, and for other purposes; to the Committee on Government Operations.

By Mr. EDWARDS of California:

H.R. 3532. A bill to extend the U.S. Commission on Civil Rights; to the Committee on the Judiciary.

By Mr. EMERSON (for himself, Mr. BROWN of California, Mr. BOEHLERT, Mr. WALGREN, Mr. HUBBARD, Mr. HANCOCK, Mr. SKELTON, Mr. SUNDQUIST, Mr. TANNER, Mr. CAMPBELL of California, Mr. ALEXANDER, Mr. POSHARD, and Mr. BUECHNER):

H.R. 3533. A bill to amend the Earthquake Hazards Reduction Act of 1977 to improve the Federal effort to reduce earthquake hazards, and for other purposes; jointly, to the Committee on Interior and Insular Affairs and Science, Space, and Technology.

By Mr. FAZIO:

H.R. 3534. A bill to provide for the extension of the Tehama-Colusa Canal in California; to the Committee on Interior and Insular Affairs.

By Mr. LAFALCE:

H.R. 3535. A bill to amend the Small Business Act to establish a Small and Minority Business Subcontracting Demonstration Program, and for other purposes; to the Committee on Small Business.

By Mr. LAGOMARSINO (for himself, Mr. MURPHY, Mr. COLEMAN of Missouri, Mr. SKELTON, and Mr. GREEN):

H.R. 3536. A bill to provide for a referendum on the political status of Puerto Rico; jointly, to the Committees on Interior and Insular Affairs and Rules.

By Mr. MFUME:

H.R. 3537. A bill to establish a national center for information and technical assistance relating to all types of family resource and support programs, and for other purposes; to the Committee on Education and Labor.

By Mr. MICHEL (for himself and Mr. ANNUNZIO)

H.R. 3538. A bill to provide an additional judgeship for the Northern District of Illinois, and to provide an additional temporary judgeship for each of the Northern, Central, and Southern Districts of Illinois; to the Committee on the Judiciary.

By Mr. SCHUETTE:

H.R. 3539. A bill to provide for the imposition of the death penalty for the terrorist murder of U.S. nationals abroad; to the Committee on the Judiciary.

By Mr. TALLON (for himself and Mr. RAVENEL):

H.R. 3540. A bill to amend the Disaster Assistance Act of 1989 to clarify provisions relating to disaster payments for nonprogram crops on acres in Presidential disaster areas due to Hurricane Hugo, and for other purposes; to the Committee on Agriculture.

By Mr. SOLARZ (for himself and Mr. LEACH of Iowa):

H. Con. Res. 217. Concurrent resolution honoring the centennial of the birth of India's Pandit Jawaharlal Nehru; to the Committee on Foreign Affairs.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 8: Mr. HUTTO.

H.R. 39: Mr. COURTER, Mr. POSHARD, and Mr. JOHNSTON of Florida.

H.R. 41: Ms. SLAUGHTER of New York, and Mr. HAYES of Illinois.

H.R. 84: Mr. NELSON of Florida.

H.R. 140: Mr. CARPER and Ms. SLAUGHTER of New York.

H.R. 215: Mr. DELLUMS and Mr. VALENTINE.

H.R. 746: Mr. PARKER and Mr. GEREN.

H.R. 913: Mr. MCNULTY and Mr. MONTGOMERY.

H.R. 978: Mr. ROBINSON.

H.R. 1044: Mr. OWENS of New York.

H.R. 1136: Mr. OBEY and Mr. GILMAN.

H.R. 1306: Mr. ROWLAND of Connecticut.

H.R. 1515: Mr. DYMALLY, Mr. ROBINSON, Mr. CRAIG, Mr. DELAY, Mr. DOUGLAS, Mr. HANCOCK, Mr. HANSEN, Mr. EDWARDS of Oklahoma, Mr. COUGHLIN, and Mr. WOLF.

H.R. 1699: Mr. VENTO, Mr. MILLER of California, Mr. OBEY, Mr. WOLF, Mr. RIDGE, Mr. GLICKMAN, Mr. GORDON, and Mr. KOSTMAYER.

H.R. 1730: Ms. KAPTUR, Mr. GINGRICH, Mr. TAUKE, Mr. ENGEL, Mr. HERGER, Mr. WALSH, and Mr. BARNARD.

H.R. 2002: Ms. SLAUGHTER of New York, and Mr. DEFAZIO.

H.R. 2174: Mr. EMERSON.

H.R. 2323: Mr. LIPINSKI, Mr. MCDERMOTT, Mr. COYNE, and Mr. JOHNSTON of Florida.

H.R. 2437: Mr. UPTON and Mr. PENNY.

H.R. 2538: Mr. OBERSTAR, Mrs. BYRON, Mrs. LOWEY of New York, and Mr. LANCASTER.

H.R. 2544: Mr. KANJORSKI and Mr. SAWYER.

H.R. 2589: Mr. BEREUTER, Mr. SCHAEFER, and Mr. SHUMWAY.

H.R. 2674: Mr. NIELSON of Utah, Mr. LIGHTFOOT, and Mr. RHODES.

H.R. 2700: Mr. THOMAS of Georgia and Mr. BALLENGER.

H.R. 2714: Mr. JOHNSON of South Dakota.

H.R. 2903: Mr. OBEY.

H.R. 2958: Mr. FISH and Mr. NEAL of North Carolina.

H.R. 3053: Mr. MARTINEZ, Mr. FROST, and Ms. OAKAR.

H.R. 3085: Mr. SMITH of Florida, Mr. GEJDENSON, Mr. MCDERMOTT, Mr. BRENNAN, and Mr. CONDIT.

H.R. 3122: Mr. NEAL of North Carolina and Mr. SHAYS.

H.R. 3147: Mr. SHAYS and Mr. ECKART.

H.R. 3258: Mr. UNSOELD and Mr. MILLER of California.

H.R. 3267: Mr. MCNULTY.

H.R. 3364: Mr. CRAIG, Mr. DREIER of California, Mr. DUNCAN, Mr. GALLEGLY, Mr. GOSS, Mr. LANCASTER, Mr. DONALD E. LUKENS, Mr. MCEWEN, Mr. MCMILLAN of North Carolina, Mr. MILLER of Washington, Mr. PAXON, Mr. RITTER, Mr. SKEEN, Mr. SOLOMON, Mr. THOMAS of Wyoming, and Mr. WALKER.

H.R. 3395: Mr. BEVILL and Mr. SPRATT.

H.R. 3401: Mr. PALLONE, Mr. TAUKE, Mr. GEJDENSON, and Mr. SOLARZ.

H.R. 3409: Mr. LAGOMARSINO, Mr. BRUCE, Mr. FALEOMAVAEGA, Mr. SMITH of Florida, Mr. ENGEL, and Mr. LEWIS of Georgia.

H.R. 3423: Mr. TOWNS, Mr. MORRISON of Connecticut, Mrs. UNSOELD, Mr. RANGEL, Mr. YATES, Mr. FOGLIETTA, Mr. ROYBAL, Mr. MATSUI, Mr. OWENS of New York, Mr. LEWIS of Georgia, Mr. FUSTER, and Mr. FAUNTROY.

H.R. 3428: Mr. DELLUMS, Mr. TOWNS, Mr. ROE, Mrs. JOHNSON of Connecticut, Mr. SABO, and Mr. JACOBS.

H.R. 3460: Mr. HANSEN.

H.R. 3475: Mr. UPTON, Mr. DOUGLAS, Mr. BALLENGER, Mr. REGULA, Mrs. SMITH of Nebraska, and Mr. PAXON.

H.R. 3483: Mr. SMITH of Vermont and Mr. FAUNTROY.

H.R. 3500: Mr. MARTIN of New York, Mr. CARR, Mr. WALSH, Mr. HOUGHTON, Mr. ROBINSON, Mr. GOSS, Mr. OXLEY, Mr. NIELSON of Utah, Mr. JONTZ, Mr. BROWN of Colorado, Mr. BRUCE, Mr. ROHRABACHER, Mr. BATES, Mr. BENNETT, Mrs. MARTIN of Illinois, Mr. WEBER, Mr. HORTON, Mr. EDWARDS of Oklahoma, Mr. PARKER, Mr. SMITH of New Hampshire, Mr. SMITH of Vermont, Mr. MOORHEAD, Mr. DANNEMEYER, Mr. MOODY, Mr. SLATTERY, Mr. DEFAZIO, Ms. LONG, Mr. SHUSTER, Mr. SCHIFF, Mr. STEARNS, Mr. LENT, Mr. GALLEGLY, Mr. HANSEN, Mr. CONYERS, Mr. GILMAN, Mr. LEACH of Iowa, Mr. HUNTER, Mr. GOODLING, Mr. YOUNG of Florida, Mr. BILIRAKIS, Mr. HOPKINS, Ms. SNOWE, Mr. GEKAS, Mr. DELLUMS, Mr. LEVINE of California, Mr. LEWIS of Georgia, and Mr. THOMAS of Wyoming.

H.R. 3513: Mr. SMITH of Vermont.

H.R. 3517: Mr. WAXMAN, Mr. ROYBAL, Mr. ANDERSON, Mr. EDWARDS of California, Mr. DYMALLY, Ms. PELOSI, Mrs. BOXER, Mr. MATSUI, Mr. FAUNTROY, and Mr. STARK.

H.J. Res. 35: Mr. SUNDQUIST, Mr. WELDON, Mr. PANETTA, and Mr. GEREN.

H.J. Res. 106: Mrs. VUCANOVICH.

H.J. Res. 183: Mr. POSHARD, Mr. WILSON, Mr. CRAIG, Mr. KOLTER, Mr. PICKETT, Mr. MRAZEK, Mr. LEWIS of California, Mr. MCNULTY, and Mr. JONES of Georgia.

H.J. Res. 286: Mr. KANJORSKI, Mr. SHUMWAY, Mr. BATES, Mr. JONTZ, Mr. LEACH of Iowa, Mr. GILMAN, Mr. REGULA, Mr. PAYNE of New Jersey, Mr. HASTERT, and Mr. SCHUETTE.

H.J. Res. 341: Mr. ARCHER, Mrs. MORELLA, Mr. HUTTO, Mr. COUGHLIN, Mr. GILMAN, Mr. OXLEY, Mr. PARRIS, Mr. GRANT, Mr. KENNEDY, Mrs. BOGGS, Mr. MCHUGH, Mr. MINETA, Mr. SCHEUER, Mr. BURTON of Indiana, Mr. LEVINE of California, Mr. TANNER, Mr. HEFNER, Mr. HAYES of Louisiana, Mr. ANTHONY, Mr. DYSON, Mr. CLARKE, Mr. FEIGHAN, Mr. PORTER, Mr. SARPALIUS, Mr. PERKINS, Mr. BRYANT, Mr. ERDREICH, Mr. MADIGAN, Mr. IRELAND, Mr. CROCKETT, Mr. MORRISON of Connecticut, Mr. DIXON, Mr. FLAKE, Mr. KOLTER, Mr. JOHNSON of South Dakota, Mr. SMITH of New Jersey, Mr. GONZALEZ, Mr. YATES, Mr. BERMAN, Mr. HUGHES, Mr. ROBERT F. SMITH, Mr. PALLONE, Mr. BUSTAMANTE, Mr. FLORIO, Mr. GRAY, Mr. GREEN, Mr. SCHIFF, Mrs. ROUKEMA, Mr. BRENNAN, Mr. MCCOLLUM, Mrs. UNSOELD, Mr. VENTO, Mr. MILLER of Washington, Mr. BARTLETT, Mr. WELDON, Mr. BOUCHER, Mr. RAHALL, Mr. BILIRAKIS, Mr. SANGMEISTER, Mr. EDWARDS of Oklahoma, Mr. PAYNE of Virginia, Mr. STUDDS, Mr. BONIOR, Mr. ORTIZ, Mr. BENNETT, Mr. SCHUMER, Mr. ROSE, Mr. TORRES, Mr. JONES of North Carolina, Mr. HAYES of Illinois, Mr. PAYNE of New Jersey, Mr. OWENS of New York, Mr. ROHRABACHER, Mr. NEAL of Massachusetts, Mr. STALLINGS, Mr. MONTGOMERY, Mr. BROWDER, Mr. WEBER, and Mr. KANJORSKI.

H.J. Res. 374: Mr. CARPER and Mr. MCDADE.

H.J. Res. 388: Mr. DEFAZIO.

H.J. Res. 408: Mr. LAUGHLIN and Mr. TOWNS.

H.J. Res. 417: Mr. FLORIO.

H.J. Res. 425: Mr. AKAKA, Mr. MCCLOSKEY, Mr. DICKS, Mr. SYNAR, Mr. WOLPE, Mr. KOLTER, Mr. RICHARDSON, Mrs. MARTIN of Illinois, Mr. SKELTON, Mr. GORDON, Mr. FOGLIETTA, Mr. BEVILL, Mr. ANDERSON, Mr. THOMAS A. LUKEN, Mr. MCCANDLESS, Mrs. PATTERSON, Mr. DEFAZIO, Mr. RANGEL, Mr. NAGLE, Mr. SCHUMER, Mr. ANNUNZIO, Mr. BUSTAMANTE, Mr. MARTINEZ, Mr. UDALL, Mr. MURTHA, Mr. BONIOR, Mr. SMITH of Iowa, Mr. AUCOIN, Mr. CHAPMAN, Mr. DURBIN, Mr. ECKART, Mr. HAYES of Louisiana, Mr. JACOBS, Mr. JENKINS, Mr. BARNARD, Mr. HAMILTON, Mr. TORRICELLI, Mr. SKAGGS, Mr. BROWN of California, Mr. STENHOLM, Mr. GILLMOR, Mr. APPLEGATE, Mr. DONALD E. LUKENS, Mr. ATKINS, Mrs. UNSOELD, Mr. GONZALEZ, Mr. MILLER of California, Mr. BEILENSON, Mr. ENGLISH, Mr. SISISKY, Mr. ANTHONY, Mr. HUTTO, Mr. MAVROULES, Mr. RAHALL, Mr. DYSON, Mr. TALLON, Mr. MOAKLEY, Mr. WEBER, Mrs. LOWEY of New York, Mr. MORRISON of Connecticut, Mr. HUBBARD, Mr. HOYER, Mr. HEFNER, Mr. COSTELLO, Mr. CLEMENT, Mr. CAMPBELL of Colorado, Mr. BORSKI, Mr. KANJORSKI, Mr. KLECZKA, Mr. MOLLOHAN, Mr. PAYNE of New Jersey, Mr. PAYNE of Virginia, Mr. PALLONE, Mr. CALLAHAN, Mr. EVANS, Mr. JONES of Georgia, Mr. LEWIS of Georgia, Mr. HAYES of Illinois, Mr. DELLUMS, Mr. TORRES, Mr. EDWARDS of California, Ms. PELOSI, Mr. FAZIO, Mr. BERMAN, Mr. MATSUI, Mr. PANETTA, Mr. WAXMAN, Mr. HAWKINS, Mr. ROYBAL, Mrs. BOXER, Mr. LEVINE of California, Mr. ROTH, Mr. MILLER of Washington, Mr. OBERSTAR, Mr. SAWYER, Mr. KASICH, Ms. SLAUGHTER of New York, Mr. SMITH of Florida, Mr. STANGELAND, Mr. LIPINSKI, Mr. ASPIN, Mr. STOKES, Mr. DIXON, Mr. LEHMAN of California, Mr. GEJDENSON, Mr. BRUCE, Mr. BUNNING, Mr. MCDERMOTT, Mr. RAVENEL, Mrs. SAIKI, Mr. SLAUGHTER of Virginia, Mr. HANSEN, Mr. SMITH of New Hampshire, Mr. YOUNG of Alaska, Mr. IRELAND, Mr. RHODES, Mr. DOWNEY, Mr. FLORIO, Mr. GUARINI, Mr. HUGHES, Mr. ROE, Mr. MINETA, Mr. YOUNG of Florida, Mr. BILIRAKIS, Mr. BILBRAY, Mr. HYDE, Mr. PURSELL, Mr. DREIER of California, Mr. BARTLETT, Mr. LEWIS of California, Mr. DWYER of New Jersey, Mr. CARR, Mr. WILSON, Ms. LONG, Mr. SHAYS, Mr. CONTE, Mrs. BOGGS, Mr. TRAFICANT, Mr. FLAKE, Mr. MFUME, Mr. WHEAT, Mr. STARK, Mr. PRICE, Mrs. BENTLEY, Mr. MONTGOMERY, Mr. HOPKINS, Mr. STUMP, Mr. MCNULTY, Mr. HALL of Texas, Mr. PARKER, Mr. TAUZIN, Mr. FLIPPO, Mr. HARRIS, Mr. MRAZEK, Mr. ANDREWS, Mr. COYNE, Mr. WEISS, Mrs. LLOYD, Mr. TAUKE, Mr. SKEEN, Mr. BAKER, Mr. MILLER of Ohio, Mr. GREEN, Mr. NATCHER, Mr. PERKINS, Mr. COUGHLIN, Mr. FASCELL, Mr. CARPER, Mr. SPENCE, Mr. CHANDLER, Mr. FEIGHAN, Mr. BROWDER, Mr. MCMILLEN of Maryland, Mr. HUCKABY, Mr. BEREUTER, Mr. MANTON, Mr. BENNETT, Mr. STALLINGS, Mr. LEACH of Iowa, Mr. MARTIN of New York, Mr. EARLY, Mr. BATES, Mr. KILDEE, Mr. MCHUGH, Mr. ROWLAND of Georgia, Mr. GLICKMAN, Mr. NOWAK, Mr. LAGOMARSINO, Mr. GALLEGLY, Mr. WHITTEN, Mr. CONYERS, Mr. WHITTAKER, Mr. MICHEL, and Mr. SAXTON.

H. Con. Res. 177: Mr. FALEOMAVAEGA, Mr. PAYNE of New Jersey, and Mr. FLORIO.

H. Con. Res. 182: Mr. ENGEL, Mr. LEVINE of California, and Mr. TORRICELLI.

H. Con. Res. 186: Mr. SCHUETTE and Mr. LANCASTER.

H. Con. Res. 190: Mr. HAYES of Louisiana.

H. Con. Res. 195: Mr. SHAYS.

H. Res. 261: Mr. BATES, Mr. AUCOIN, Mr. BOUCHER, Mr. PEASE, and Mr. ENGEL.

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.J. Res. 142: Mr. PENNY.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

107. By the SPEAKER: Petition of the Washington State Good Roads & Transportation Association, Olympia, WA, relative to the reestablishment of rail service by Amtrak from Seattle to Vancouver, BC; to the Committee on Energy and Commerce.

108. Also, petition of the Washington State Good Roads & Transportation Association, Olympia, WA, relative to the inclusion of Washington's scenic highway system in any national program of scenic routes; to the Committee on Interior and Insular Affairs.

109. Also, petition of the Governor of the State of Nebraska, relative to the South Dakota-Nebraska Boundary Compact; to the Committee on the Judiciary.

110. Also, petition of the Washington State Good Roads & Transportation Association, Olympia, WA, relative to enabling foreign-flag luxury cruise vessels to operate from U.S. ports in the interstate market; to the Committee on Merchant Marine and Fisheries.

111. Also, petition of the Washington State Good Roads & Transportation Association, Olympia, WA, relative to funds for road repairs in the State of Washington; to the Committee on Public Works and Transportation.

112. Also, petition of the Washington State Good Roads & Transportation Association, Olympia, WA, relative to the use of appropriate side skirt devices by heavy-duty trucks when driving on Washington State highways; to the Committee on Public Works and Transportation.

113. Also, petition of the Embassy of the Republic of Korea, Washington, DC, relative to a copy of the "Resolution of the National Assembly on Trade Relations between the Republic of Korea and the United States"; to the Committee on Ways and Means.

114. Also, petition of the Washington State Good Roads & Transportation Association, Olympia, WA, relative to its opposition to an increase in the Federal motor fuel tax; to the Committee on Ways and Means.

115. Also, petition of the Washington State Good Roads & Transportation Association, Olympia, WA, relative to dedicating an equitable share of the motor vehicle excise tax dollars to highways; to the Committee on Ways and Means.

116. Also, petition of the Washington State Good Roads & Transportation Association, Olympia, WA, relative to the use of

the Federal gas tax for maintenance and construction of roads; jointly, to the Committees on Ways and Means, and Public Works and Transportation.

117. Also, petition of the Governor of the State of South Dakota, relative to H.R. 1465 concerning oil spill liability and compensation; jointly, to the Committees on Merchant Marine and Fisheries; Public Works and Transportation; Interior and Insular Affairs; Foreign Affairs; and Science, Space, and Technology.