United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 101st CONGRESS, SECOND SESSION

HOUSE OF REPRESENTATIVES—*October 19, 1990*

The House met at 11 a.m.

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

We celebrate Your creation, O God, with all its diversity and tradition, a creation of nations and peoples of every background and experience. Yet, we celebrate too, O God, the unity of that creation and the unique bond that exists between every person. Remind us, gracious God, that our actions should reflect that unity and our experiences toward each other should reveal our respect for our Nation and for each other. In Your holy name, we pray. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentlewoman from Maryland [Mrs. MORELLA] please come forward and lead the House in the Pledge of Allegiance.

Mrs. MORELLA 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.

MAKING IN ORDER CALL OF THE PRIVATE CALENDAR ON TODAY

Mr. BOUCHER. Mr. Speaker, I ask unanimous consent that the call of the Private Calendar be considered today, and that the eligible bills be considered in the following order: S. 3016, S. 3043, and H.R. 1230.

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

There was no objection.

PRIVATE CALENDAR

The SPEAKER. Pursuant to the unanimous consent just agreed to, this is the day for the call of the Private Calendar. The Clerk will call the first individual bill on the Private Calendar.

FIONA LAMONT DuVAL, RODNEY E. HOOVER, AND JOHN BARREN

Mr. BOUCHER. Mr. Speaker, I ask unanimous consent that numbers 23, 31, and 32 on the first page of the Private Calendar, H.R. 3920, H.R. 2937, and H.R. 4356 be passed over without prejudice.

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

There was no objection.

JANICE AND LESLIE SEDORE AND RUTH HILLMAN

The Clerk called the Senate bill (S. 3016) for the relief of Janice and Leslie Sedore and Ruth Hillman.

There being no objection, the Clerk read the Senate bill, as follows:

S. 3016

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Janice Sedore ([redacted] xxx-xx-xxxx [redacted]) and Leslie Sedore (social security number [redacted] xxx-xx-xxxx [redacted]) of Grand Ledge, Michigan, the sum of $12,143.00 and to Ruth Hillman ([redacted] xxx-xx-xxxx [redacted]) of Lansing, Michigan, the sum of $8,512.70, in full satisfaction of all claims such individuals may have against the United States for calendar years 1980 through 1984.

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.

NEBRASKA ALUMINUM CASTINGS, INC.

The Clerk read the Senate bill (S. 3043) for the relief of Nebraska Aluminum Castings, Inc.

There being no objection, the Clerk read the Senate bill, as follows:

S. 3043

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

SECTION 1. SATISFACTION OF CLAIM AGAINST THE UNITED STATES.

(a) IN GENERAL.—The Secretary of the Treasury shall pay, out of any money in the Treasury not otherwise appropriated, the sum of $95,000 to Nebraska Aluminum Castings, Inc., of Hastings, Nebraska, for costs arising out of the rejection by the United States Army of a proposal by Nebraska Aluminum Castings, Inc., in response to Solicitation No. DAAK01-85-B-B060 issued on August 27, 1985, by the United States Army Troop Support Command, for hand-held aluminum compasses.

(b) CONDITION OF PAYMENT.—The payment of the sum referred to in subsection (a) shall be in full satisfaction of any claim of Nebraska Aluminum Castings, Inc., against the United States arising out of the proposal rejection described in such subsection.

SEC. 2. LIMITATION ON ATTORNEY AND AGENT FEES.

(a) IN GENERAL.—Not more than 10 percent of the amount appropriated pursuant to section 1 shall be paid to or received by any agent or attorney for services rendered in connection with the claim described in such section.

(b) ENFORCEMENT.—Any person who violates the provisions of this section shall be fined not more than $1,000.

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.

JOCELYNE CARAYANNIS AND MARIE CARAYANNIS

The Clerk called the bill (H.R. 1230) for the relief of Jocelyne Carayannis and Marie Carayannis.

There being no objection, the Clerk read the bill as follows:

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

H.R. 1230

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) subject to subsection (b), for the purposes of the Immigration and Nationality Act, Jocelyne Carayannis and Marie Carayannis shall be considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act upon payment of the required visa fee.

(b) Subsection (a) shall only apply to a beneficiary under that subsection if the beneficiary applies to the Attorney General for permanent residence status under that subsection within two years after the date of the enactment of this Act.

(c) Upon the granting of permanent residence to a beneficiary under subsection (a), the Secretary of State shall instruct the proper officer to deduct one number from the total number of immigrant visas which are made available to natives of the country of the beneficiary's birth under section 203(a) of the Immigration and Nationality Act or, if section 202(e) of that Act is applicable to the country, from the total number of immigrant visas which are made available to natives of such country under that section.

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

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair announces that it will receive 1-minute request for eight Members on each side and will postpone further 1-minute requests.

HOUSE DEMOCRATS STOOD TALL FOR TAXPAYERS

(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, we are now heading into the final days of the budget roundup. The House passed a tax plan that is fundamentally fair and requires the wealthy to pay their fair share toward resolving the deficit problem.

The Senate last night passed a plan that is not as fair as the House plan, but at least represents some progress toward resolving the problem.

Conferees will begin meeting soon and hopefully the matter will be settled by next week. As we enter into the final stage of negotiation, we should all keep one thing in mind. It was Democrats in the House of Representatives who stood tall for the American taxpayer, and who staked out a position that ultimately will make sure the wealthy are part of the solution, and it was Republicans in the House, as well as the Republican President, who have resisted it virtually every step in bringing the wealthy to the table. Members never get everything they want from a conference report, but it was this House and this party that blazed the trail. No matter how much Republicans tried to wiggle out of this one, the American public knows now who is on their side and who is not.

DEMOCRATS WOULD RAISE TAXES, CONTINUE SPENDING

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

Mr. BALLENGER. Mr. Speaker, millions of American workers are being laid off and working short hours. Your Democrat package raises their taxes at the worst possible time. But Americans are willing to sacrifice if necessary, even to pay the largest tax increase in history for the proper purpose.

What is the purpose of this requested sacrifice? To reduce the size of Government? No. To take care of our economy? No. To support our troops in Saudi Arabia? No. Then why? To allow the continued growth of our bloated Government.

When the Government closed the other weekend, several hundred thousand nonessential workers were laid off. They picketed for losing a day of work. We need to freeze hiring and reduce the number of nonessential workers.

I realize most Democrats want to raise taxes because they do not know how to cut spending. I hope the voters also recognize this.

DEFENSE FOCUS IS WRONG

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

Mr. SCHEUER. Mr. Speaker, 3 days ago Mr. Gorbachev won the Nobel Peace Prize for working diligently with our President and the diplomatic corps to make major progress in cranking down the cold war.

Then, yesterday in the headlines of the Washington Post, it says "Pentagon Keeps All Major Weapons Systems, Conferees Trim Defense, But Continue Funding for Cold War Weapons."

Mr. Speaker, this is embarrassing to us in the House. Why should we be sending different signals to the Soviets than what our President and Mr. Gorbachev are trying to send to the world. Can we not get out of this catch-22?

What kind of a signal are we sending to the hawks in the Kremlin and in the Soviet general staff? We are telling them, no matter what the diplomats do, we are going to keep all of these outdated, outmoded weapons systems. We are going to go ahead with the B-2 bomber, whose only purpose is to silently invade the air space of the Soviet Union.

Mr. Speaker, we spent $20 billion in the last decade on SDI, and plan to spend another $3 billions this year. For what?

We'll spend another $4 billion this year for the B-2 Stealth bomber, designed to invade Soviet airspace. Why do we want to invade the airspace of another democracy?

Mr. Speaker, the minuscule cuts in land-based nuclear missiles mean nothing in a post cold war world. What kind of nonsense is this?

If being able to provide stability in regional conflicts is our goal, and it should be, then this massive weapon's buildup belongs in recent history, and not among today's priorities.

FARM BILL IS DISMAL FAILURE

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

Mr. MARLENEE. Mr. Speaker, I must ask of the Secretary of Agriculture, if he has an agricultural policy or a foreign policy in the current agricultural legislation? If it is an agricultural policy, it is a dismal failure. The farm bill that they created and helped create will cause, in my estimation, the collapse of 30 percent of the Nation's producers.

If consumers do not need this bill, and if producers do not want it, why are we passing it? For foreign agricultural giveaway? Is that what this farm bill is all about?

□ 1110

I contend that it is and that we ought to defeat the conference report on the agricultural legislation.

NO MORE TAXES ON MOM AND DAD

(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, because of the cold war, the B-2 bomber has been saved.

Now, who would ever have expected that? But tell me, who needs a B-2 when things are so bad in Russia that Germany cannot even pay Soviet soldiers to go back home. One Soviet soldier said, "There are no lights. There is no gas. There is no food, and there is no money."

Another one said that there is no housing. He said they offered he and his wife an apartment in Chernobyl, and we all know how Soviet soldiers are just dying to live in Chernobyl.

Mr. Speaker, I say we do not need a B-2 bomber. We do not need a B-2 bomber to attack an abandoned fort

that is being surrounded by Jane Fonda at this very moment.

I also say that any Congress that will increase foreign aid, raise taxes on mom and dad, and fund a B-2 bomber that cannot fly, needs his head examined.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. MONTGOMERY). Our guests in the gallery will not participate.

WE TAX TOO MUCH AND SPEND TOO MUCH

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

Mr. DANNEMEYER. Mr. Speaker, Abraham Lincoln left this Nation with a legacy of famous sayings. I will not read them all, but I will quote one. It says, "You cannot help the poor by destroying the rich."

Well, my Democrat friends would rock Mr. Lincoln in his grave in their effort to redefine rich in America. In their tax package which they passed, a family of four with taxable income of $44,800 will have an increase in taxes of $639. That family happens to comprise about 44 percent of the taxpayers in this country who will collectively realize an increase in their income taxes of 5.6 percent.

The Democrats also include within the definition of rich, people who drink beer or smoke cigarettes, because their taxes go up as well.

The answer for the American people is to retrain spending in Congress. We Republicans offered a plan. Unfortunately, the Democrats would not even let it come to a vote, they were so afraid of the votes we might get in this House. I happen to believe we would get a majority.

We are not under taxed in this country, we are spending too much.

DEMOCRATIC PARTY RAISES TAXES AND ACCELERATES SPENDING

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

Mr. CRAIG. Mr. Speaker, a great way to start a day. The first speaker this morning, a Democratic colleague of mine here in the House, stood up and said, "My party just passed a budget. The Republicans didn't."

Well, he is right. This House just passed a budget under the direction and under the leadership of the Democratic Party, a massive load of new taxes and a massive load of new spending, and now they are trying to suggest that somewhere in America there is somebody who is not paying their fair share of taxes.

The bottom line is very simple. We are just a few days away from adjournment, and when we adjourn there will be one clear fact for the American public to consider in November. That is the Democratic Party raised taxes and the Democratic Party accelerated spending in this Congress. I hope it does not create another recession.

TAX COMPARISON

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

Mr. DORGAN of North Dakota. Mr. Speaker, there is a thick political fog being cast in this Chamber and in this town about budget plans, so let me use some charts to try to clear it up just a bit. I want to compare these charts from 1977 to today, real income to tax burden.

From 1977 to today, real income increased by $91 billion for the top 1 percent of Americans. But during the same period these folks received a giant tax cut.

The middle 20 percent of Americans received a little extra income, and paid higher taxes.

The rich, $91 billion more and lower taxes.

Now, 1977 tax law to today. If the rich had been paying taxes under the 1977 tax law they would be paying $39 billion more a year. Stated another way, every other income group in America is paying more taxes, except the top 1 percent. The top 1 percent are paying $39 billion less a year.

The President says, "Well, you are trying to soak the rich."

No, we are trying to ask the rich to pay their fair share. The President is trying to soak the rest.

Let us ask the folks in the top 1 percent of the income bracket to pay their share of the American tax bill for a change. That is not radical. That is right.

APPOINT CONFEREES ON CRIME BILL

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

Mr. McCOLLUM. Mr. Speaker, 2 weeks ago today this body passed a very tough crime bill. That crime bill, after being amended on the floor, contained provisions that included the revision of the death penalty procedures in this country for Federal crimes, that would allow for the death penalty to be given for the first time for most of those crimes in nearly 20 years. It included a new death penalty for drug kingpins who traffic in very large quantities of narcotics. It included changes in the law that will finally limit the ability of death row inmates to appeal endlessly their sentences before they are carried out, and it included a provision that would expand the powers of police to search and seize and get evidence into court from what they had gotten from illicit trafficking in the drug wars that are going on out there, and to get convictions and to send people away.

But we have not seen in that 2-week period any movement to appoint conferees to go along with the Senate bill. We have seen no indication that we are really going to see a crime bill, and we are within just a few days of adjournment.

Maybe somebody is going to produce one out here on the floor. Maybe one will be passed over in the Senate and sent over here that will not have these tough provisions in it, and we will not have a chance to keep those provisions. We will have gone home again without doing the things America wants to toughen the laws against criminals in this country. If so, that will be a shame.

Mr. Speaker, I urge my colleagues in the majority to appoint conferees now and get on with the crime bill.

Mr. MAZZOLI. Mr. Speaker, as H.R. 5269, the Crime Control Act, continues to be debated in the House and Senate conference, the war against drugs and drug dealers, and drug-related crime continues in my home town of Louisville, KY, and across the Nation.

As a member of the Crime Subcommittee, I have worked hard in seeing that local governments receive their fair share of Federal funding to fight the drug war with at least equal the resources as are available, I am reluctant to admit, to the drug kingpins.

To this end, Mr. Speaker, I successfully offered two amendments to H.R. 5269 when it came before our Judiciary Committee.

One was the direct pass through amendment which provides local governments greater flexibility in applying for and using Federal grant money. The other was making permanent the 75–25 percent Federal/local cost share formula for law enforcement grants. It is scheduled to revert to 50–50 percent unless extended.

On the House floor, the direct pass through amendment was struck out of H.R. 5269, but the 75–25 percent cost-share requirement for law enforcement grants remained in the final House version of the crime bill. Since similar language was also included in the Senate version of the crime bill, language extending the 75–25 percent cost share should be in the final crime package ultimately agreed to by House-Senate conferees.

Mr. Speaker, in the event the crime bill conference is not completed by the time the 101st Congress adjourns for the year, a temporary 1-year extension of the 75–25 percent match requirement has been included in the 1991 appropriations bill for the Justice Department.

In any event, Mr. Speaker, the 101st Congress agrees: America's cities and counties cannot fight a war without resources—75–25 percent gives them those resources.

APPOINTMENT OF CONFEREES ON H.R. 996, CONGRESSIONAL SCHOLARSHIPS FOR SCIENCE, MATHEMATICS, AND ENGINEERING ACT

Mr. VALENTINE. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 996) to establish the Congressional Scholarships for Science, Mathematics, and Engineering, 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 North Carolina? The Chair hears none, and appoints the following conferees, and without objection, the Chair reserves the right to appoint additional conferees:

From the Committee on Science, Space, and Technology, for consideration of the House bill, and the Senate amendment—except sections 201, 221, and 601—and modifications committed to conference: Messrs. ROE, BROWN of California, WALGREN, VALENTINE, PRICE, WALKER, BOEHLERT, and SLAUGHTER of Virginia.

From the Committee on Education and Labor, for consideration of the House bill, and the Senate amendment—except 231, 251, 301, 321 through 323, 401 through 404, and 602—and modifications committed to conference: Messrs. HAWKINS, FORD of Michigan, WILLIAMS, OWENS of New York, SAWYER, GOODLING, COLEMAN of Missouri, and BARTLETT.

There was no objection.

WILL REPUBLICANS PARTICIPATE IN BUDGET CONFERENCE?

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

Mr. SMITH of Florida. Mr. Speaker, in the coming next few days the challenge for this Congress, for the House and the Senate, is going to be to try to craft a final budget package that everyone can agree on and the President will accept. That is fine. That is our job, and we are continuing to do that.

The real issue is whether or not the Republicans are going to be able to participate in that process, because so far they have left themselves out.

□ 1120

The President has taken positions on every side of the aisle, mostly to try to protect the wealthy.

The Republican leadership came to this floor trying to get their Republican rank-and-file to say "yes" to a package that had taxes in it. Then a few days later when it was rejected and the President had put his name on it, now they come with another package and say, "Don't do this, because it has taxes in it."

The trick is whether or not they are going to wake up once and for all and endorse a package that the Democrats have crafted that puts the tax burden back where it belongs—on the people in this country most able to pay—and tries to reduce the tax burden ultimately from the vast middle-class working men and women in this country.

The challenge is there. The Democrats have responded. We have a job to do. We invite, we invite the Republicans to take part in this process.

RELEASE THE CRIME BILL

(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, Members of the House, we invite the Democratic leadership to let loose of the crime bill. They have in charge a crime bill which the American people demand be passed. Why? How many in the public are against having the death penalty for a bank robber who kills? Not by the statistics.

Eighty percent of the American people favor the death penalty as a deterrent and as a just penalty for some of these tragic and brutal crimes that we read about.

The drive-by killer who shoots out into a crowd and kills innocent people. Should a jury have the right to impose the death penalty? The American people feel so. But the Democratic leadership will not release the crime bill that will accord us the right to pass this legislation.

Do the American people believe that someone who sends a mail bomb through the mail and kills someone, whether intentionally or not, should that person be subjected to the death penalty? The American people believe so. The Democratic leadership holds up the bill that could provide a deterrent like the death penalty.

Release that bill.

PRESIDENT BUSH SHOULD CONSULT WITH CONGRESS AND THE NATION ON MAJOR ACTION IN THE PERSIAN GULF

(Mr. MAZZOLI asked and was given permission to revise and extend his remarks.)

Mr. MAZZOLI. Mr. Speaker, based on everything I have seen, in trips back home, phone calls, and letters, I think there is broad support for the President's action thus far in the gulf region. He moved quickly to stop the adventuring and marauding of Saddam Hussein, and he has internationalized the conflict.

But, Mr. Speaker, I do not think that support from the American people extends to offensive actions which might be taken to free Kuwait or offensive actions somehow against Iraqi forces, unless those are provoked by some attack on United States personnel or some killing of a hostage or some other provocative or threatening action to United States security.

If the nature of the action in the Middle East and in the gulf is to change, Mr. Speaker, I hope the President realizes he needs to retain the broad support he legitimately enjoys today.

That means consultations with the Congress, consultations with the American people, because only in that collegial way can we maintain the sort of collective strength that the United States has shown to date in the gulf region.

WHERE IS THE CRIME BILL?

(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, where is the crime bill? Anybody know where the crime bill is?

Two weeks ago we passed a strong anticrime package; we spent 2 days on the floor of the House debating it, and it has disappeared.

Has crime in America disappeared? No.

Last night thousands of people were robbed, raped, and beaten, and there were murders committed, but there is no crime bill going to be voted on in the U.S. House and the U.S. Senate because the Democrat leadership has bottled it up. They are in a great rush to raise taxes. They are not in a great rush to raise penalties on criminals.

They do not want to see the death penalty expanded to people who blow up airplanes; they do not mind expanding taxes on airplanes. There is a real inconsistency between what they say and what they do.

Personal security at home for women and older folks is at risk because we have not passed a crime bill and we have only 1 week to go.

Rather than raise taxes, let us raise penalties on drug dealers.

BREAST CANCER AWARENESS MONTH: BEWARE OF FAULTY MAMMOGRAMS

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

Mrs. SCHROEDER. Mr. Speaker, October is Breast Cancer Awareness Month. And I think it is important we point out that every year thousands of women pay for bad mammograms in this country with their lives. That is a very expensive payment.

Congresswoman MARILYN LLOYD and I have a bill to bring Federal standards to mammogram clinics such as we have done with pap smears and other such laboratories to stop this scandal.

Only about 20 percent of the medical facilities in America today have been following the American College of Radiology's voluntary standards.

I want to say I hope many of you will cosponsor Congresswoman LLOYD's and my bill to bring these standards and to end the faulty mammograms where people think they are OK only to find out they have cancer later on.

But in the interim, let me say to women out there, when you go to get your mammograms, there are two questions you should ask. No. 1, are they following the American College of Radiology standards? No. 2, is the machine designed solely for the purpose of mammograms? The answer to both should be "yes." Otherwise find another clinic.

THE BUDGET CRISIS

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

Mr. GOSS. Mr. Speaker, the people in my district and all across the country have been looking at the fine print in the budget proposals that were rammed through this House this week—and the secret is out.

They now know they are in for more taxes for lower- and middle-income families—$150 billion more taxes. The old bait and switch trick. Tax the rich is really tax the middle class. And for what will middle America be paying higher taxes? Little more than some questionable promises of deficit reduction. There are no guarantees that spending will be cut. My constituents are telling me to vote no on the Democratic budget.

Mr. Speaker, this time the Democrats have underestimated the American people—the folks who work hard to support their families and build their futures are not sitting still. They are fighting mad and they are fighting back.

My phones have been ringing off the hook, my mail flow is mountainous and the letters to the editor in our hometown papers are vehement—the people have had enough of tax and spend.

And frankly so have I. Let us listen to the people—we do work for them—and get back to work this weekend on budget proposals that choose spending cuts and deficit reduction rather than higher taxes.

IT IS TIME TO FIX THE BANK INSURANCE FUND

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

Mr. ANNUNZIO. Mr. Speaker, on September 11, the GAO gave Congress a very clear warning: the bank insurance fund—which has now lost 50 percent of its strength since 1985—is shrinking at an alarming rate, and may require a taxpayer bailout.

Mr. Speaker, the current structure of the bank insurance fund is unsatisfactory because the sole safety net for the fund is now the American taxpayer.

I for one am convinced that the burden of potential bank failures must be placed where it belongs—on the banks themselves which reap the benefits of deposit insurance. I believe it would be immoral to call upon innocent American taxpayers once again to bail out a failed insurance fund.

That is why I introduced the Bank Account Safety and Soundness Act.

My legislation creates a supplementary safety net to protect the taxpayers from yet another bailout. It requires insured banks to place into the fund 1 percent of their deposits, which would be replenished if spent to cover losses.

It would also roughly triple the size of the bank insurance fund and make if fail-proof.

Mr. Speaker, the banking industry itself—not the taxpayer—must be the first and only line of defense to catastrophic insurance fund losses. Thus I intend to pursue this objective and use this legislation as the basis for any deposit insurance reform package considered by Congress.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

HOUSE OF REPRESENTATIVES,
Washington, DC, October 19, 1990.

Hon. THOMAS S. FOLEY,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 5 of Rule III of the Rules of the U.S. House of Representatives, the Clerk received at 3:20 a.m. on Friday, October 19, 1990 the following message from the Secretary of the Senate: That the Senate passed with an amendment H.R. 5835 and requested a conference thereon.

In accordance with action taken by the House on Thursday, October 18, 1990, the Clerk has notified the Senate that the House disagreed to amendment of the Senate to H.R. 5835, and agreed to a conference thereon.

With great respect, I am
Sincerely yours,
DONNALD K. ANDERSON,
Clerk, House of Representatives.

□ 1130

AUTHORIZING THE SPEAKER TO DECLARE RECESSES THROUGH THE LEGISLATIVE DAY OF OCTOBER 21, 1990

Mr. MOAKLEY. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 513 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 513

Resolved, That upon the adoption of this resolution the Speaker is authorized to declare recesses at any time through the legislative day of October 21, 1990, subject to the call of the Chair.

The SPEAKER pro tempore (Mr. MONTGOMERY). The gentleman from Massachusetts [Mr. MOAKLEY] is recognized for 1 hour.

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

Mr. Speaker, House Resolution 513 authorizes the Speaker to declare recesses subject to the call of the Chair at any time through the legislative day of Sunday, October 21.

Mr. Speaker, we are going to be here this weekend and there is much we have to accomplish before we can go home. No one is happy about that fact but it is a fact. Let us make what we hope to be the last week of the 101st Congress as productive as possible.

Mr. Speaker, we have been through this drill before. We know, at some point this weekend, our only responsibility will be to wait for the other body to complete action and to be sure the Senate does not amend the product of the House. At such times, it is best to recess subject to the call of the Chair.

Mr. Speaker, the rule before us simply provides the Speaker the necessary authority and flexibility while we are here this weekend.

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

Mr. Speaker, I thank the gentleman from Massachusetts [Mr. MOAKLEY], the chairman of the Committee on Rules, for yielding this time to me.

Mr. Speaker, this is a necessary resolution. Given the crisis that we are in the Speaker should have the authority to call recesses at any time.

Mr. Speaker, I urge the adoption of this resolution.

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

Mr. MOAKLEY. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

H. RES. 512

Resolved, That the requirement of clause 4(b), rule XI for a two-thirds vote to consider a report from the Committee on Rules on the same day it is presented to the House is hereby waived with respect to any resolution reported from that committee on or before the legislative day of October 21, 1990, to provide for the consideration or disposition of a bill to provide for reconciliation pursuant to section 4 of the concurrent resolution on the budget for the fiscal year 1991, an amendment thereto, or a conference report thereon, or a joint resolution making continuing appropriations for the fiscal year 1991, an amendment thereto, or a conference report thereon, or a bill to extend the temporary increase in the public debt limit, an amendment thereto, or conference report thereon.

SEC. 2. Notwithstanding the provisions of clause 2 of rule XXVIII, it shall be in order at any time through the legislative day of October 21, 1990, to consider conference reports and amendments reported from conference in disagreement on any general appropriation bill on the same day reported or any day thereafter if copies of the conference report and accompanying statement, together with the text of any amendment reported from conference in disagreement, have been available to Members for at least two hours before the beginning of such consideration. Any said conference report, amendments in disagreement, and motions to dispose of amendments in disagreement printed in the joint statement of the managers shall be considered as having been read when called up for consideration.

WAIVING SPECIFIC REQUIREMENTS OF HOUSE RULES AGAINST CONSIDERATION OF CERTAIN RESOLUTIONS, CONFERENCE REPORTS, AMENDMENTS, AND MOTIONS THROUGH OCTOBER 21, 1990

Mr. MOAKLEY. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 512 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

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

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

Mr. Speaker, House Resolution 512 provides the House the flexibility it needs to do what must be done. This rule allows the House to consider a rule on the same day it is reported through the legislative day of Sunday, October 21, notwithstanding the requirement of clause 4(b) of rule XI.

By waiving clause 4(b) of rule XI the House by majority vote may consider or dispose of any reconciliation bill, continuing resolution, or temporary increase in the debt limit. The requirement of a two-thirds vote is also waived against amendments to such measures and conference reports on such measures.

Mr. Speaker, the rule makes it in order, through the legislative day of October 21, to consider conference reports and amendments reported from conference in disagreement on any general appropriation bill, if copies of the report or the text of any amendment reported in disagreement, are available for 2 hours before they are considered. The requirement that conference reports be printed in the RECORD and lay over 3 days is waived against appropriation conference reports.

Finally, the rule provides that the conference reports, amendments in disagreement and motions to dispose of amendments in disagreement printed in a joint statement of managers will be considered as having been read.

Mr. Speaker, yesterday we took one step back away from the edge of the cliff. In the House, we passed a continuing resolution and a temporary debt limit increase that may get us through Wednesday. The President will sign these temporary measures if we can show serious progress on the reconciliation front.

House Resolution 512 demonstrates our intention to focus on the essential business and to expedite consideration.

Mr. Speaker, it is time to act. House Resolution 512 is necessary to permit the House to get its business done by majority vote. I urge adoption of the rule.

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

Mr. Speaker, the distinguished chairman of the Rules Committee, the gentleman from Massachusetts, [Mr. MOAKLEY] has fully described the provisions of this resolution. I will not repeat them.

However, I would like to urge the Democratic leadership to consult with the Republican leadership as far in advance as possible before moving legislation under the provisions of this resolution. Since this resolution dispenses with some of the usual layover requirements, it is important that there be as much notice as possible to both sides of the aisle. We all understand the need to move expeditiously at this stage in the legislative process, but nobody wants to be the victim of an ambush.

Because this resolution applies only to specified legislation which needs to move promptly and applies only through October 21, I will not object to its adoption.

Mr. Speaker, as I understand it, it applies to the budget resolution, budget reconciliation, the debt limit and continuing resolutions. Only three times.

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

Mr. WALKER. Mr. Speaker, I thank the gentleman from Tennessee [Mr. QUILLEN] for yielding this time to me.

Mr. Speaker, this is a rule that ought not be passed. This is a rule that should be defeated. Members of the House who are concerned about the nature of the legislation that we pass should not give up our rights to see the legislation that we are about to act on, and that is what this piece of legislation here refers to.

If my colleagues, in fact, allow this particular rule to be passed, what they will do is say that they can bring up any bill they want to with regard to reconciliation, continuing appropriation or the debt limit on any day, not giving the Members any opportunity whatsoever to look at the bill, and go ahead and pass it. My guess is that most of us will want to see what is in a reconciliation package that comes back from the conference committee. We are not going to want to rely upon a one-page sheet telling us what is there.

□ 1140

My guess is that if we get to a massive CR to run the Government for the entire year, that many of us might want to have a look at that before we pass it. My guess is that we might want to consider what is in a debt limit extension before passing it, and we ought not waive the two-thirds rule. We are having trouble right now getting the reconciliation package that passed in the House last Tuesday. It took us almost 3 days to get a copy of that piece of legislation to the floor, in large part because it was brought here under expedited procedures.

Under this rule, those expedited procedures will be used once again, and Members can be assured that they will have no idea what is in these packages when they are voted on.

I think this is a bad thing to do. At the end of the session often we do much mischief with things that are buried in legislation, where everybody claims, well, we had no idea what was in it. I think we ought to give ourselves some chance of knowing what is in the legislation. We ought to turn down this rule.

Mr. QUILLEN. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana [Mr. BURTON].

Mr. BURTON of Indiana. Mr. Speaker, I thank the gentleman for yielding. I concur with the gentleman from Pennsylvania [Mr. WALKER]. I know all Members want to get out of

here. I know this has been a very long debate on the budget and the budget process and taxes and everything else. But I know for that very reason, we need to have more information on what is in the legislation.

If we waive the two-thirds rule, then that puts the minority in a very, very weak position. We cannot win on anything if we have a big disagreement on what is coming to this floor. I think it is extremely important in a very real way that this rule be defeated. It seems to me that all Members ought to have some time to review the legislation, as the gentleman from Pennsylvania [Mr. WALKER] said.

Mr. Speaker, I can remember a couple of years ago when at 11 o'clock at night on the last day of the session we had a bill that weighed about 25 pounds come down that was wrapped in string and had red lines through it, and no one knew what was in it. We passed it.

I think since we are talking about higher taxes on the American people and budgetary changes, that it is extremely important that we know what is in it. I think this rule should be defeated.

Mr. QUILLEN. Mr. Speaker, I have no further requests for time, but I do support the resolution. The Republican leadership was consulted before the Committee on Rules' action, and I think this would expedite our adjournment. The rule applies to only limited categories of legislation. I urge the adoption of the resolution.

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

Mr. Speaker, I thank the ranking minority member on the Committee on Rules for his cooperation and agreement in passing this rule.

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

The previous question was ordered.

The SPEAKER pro tempore. (Mr. MONTGOMERY). The question is on the resolution.

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

Mr. BURTON of Indiana. 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 246, nays 163, not voting 24 as follows:

[Roll No. 488]

YEAS—246

Ackerman	Andrews	Applegate
Alexander	Annunzio	Aspin
Anderson	Anthony	Atkins
AuCoin	Hayes (IL)	Parker
Barnard	Hayes (LA)	Parris
Bateman	Hefner	Patterson
Bates	Hertel	Payne (NJ)
Beilenson	Hoagland	Payne (VA)
Bennett	Hochbrueckner	Pease
Berman	Horton	Pelosi
Bevill	Hoyer	Penny
Bilbray	Hubbard	Perkins
Boggs	Huckaby	Pickett
Borski	Hughes	Pickle
Bosco	Hutto	Poshard
Boucher	Jacobs	Price
Boxer	Jenkins	Quillen
Browder	Johnson (CT)	Rahall
Brown (CA)	Johnson (SD)	Rangel
Bruce	Johnston	Ray
Bryant	Jones (GA)	Richardson
Bustamante	Jones (NC)	Roe
Byron	Jontz	Rose
Campbell (CO)	Kanjorski	Rostenkowski
Cardin	Kaptur	Rowland (GA)
Carper	Kastenmeier	Roybal
Carr	Kennedy	Russo
Chapman	Kennelly	Sabo
Clarke	Kildee	Sangmeister
Clay	Kleczka	Sarpalius
Clement	Kolter	Savage
Coleman (TX)	Kostmayer	Sawyer
Collins	LaFalce	Scheuer
Condit	Lancaster	Schroeder
Conyers	Lantos	Serrano
Cooper	Laughlin	Sharp
Costello	Leath (TX)	Sikorski
Coyne	Lehman (CA)	Sisisky
Crockett	Lehman (FL)	Skaggs
DeFazio	Levin (MI)	Skelton
Derrick	Levine (CA)	Slattery
Dicks	Lewis (GA)	Slaughter (NY)
Dingell	Lipinski	Smith (FL)
Dixon	Lloyd	Smith (IA)
Donnelly	Long	Solarz
Dorgan (ND)	Lowey (NY)	Spratt
Downey	Luken, Thomas	Staggers
Durbin	Manton	Stallings
Dwyer	Markey	Stark
Dyson	Martinez	Stenholm
Early	Matsui	Studds
Eckart	Mavroules	Swift
Edwards (CA)	Mazzoli	Synar
Engel	McCloskey	Tallon
English	McCurdy	Tanner
Erdreich	McDermott	Tauzin
Espy	McHugh	Taylor
Evans	McMillen (MD)	Thomas (GA)
Fascell	McNulty	Torres
Fazio	Mfume	Torricelli
Feighan	Mineta	Towns
Flake	Mink	Traficant
Flippo	Moakley	Traxler
Foglietta	Mollohan	Udall
Ford (MI)	Montgomery	Unsoeld
Frank	Moody	Valentine
Frost	Mrazek	Vento
Gaydos	Murphy	Visclosky
Gejdenson	Murtha	Volkmer
Gephardt	Nagle	Walgren
Geren	Natcher	Watkins
Gibbons	Neal (MA)	Waxman
Glickman	Neal (NC)	Weiss
Gonzalez	Nowak	Wheat
Gordon	Oberstar	Whitten
Gray	Obey	Williams
Guarini	Olin	Wilson
Hall (TX)	Ortiz	Wise
Hamilton	Owens (NY)	Wolpe
Harris	Owens (UT)	Wyden
Hatcher	Pallone	Yates
Hawkins	Panetta	Yatron

NAYS—163

Archer	Burton	Dannemeyer
Armey	Callahan	Davis
Baker	Campbell (CA)	DeLay
Ballenger	Chandler	DeWine
Bartlett	Clinger	Dickinson
Barton	Coble	Dornan (CA)
Bereuter	Coleman (MO)	Douglas
Bilirakis	Combest	Dreier
Bliley	Conte	Duncan
Boehlert	Coughlin	Edwards (OK)
Broomfield	Courter	Emerson
Brown (CO)	Cox	Fawell
Buechner	Craig	Fields
Bunning	Crane	Fish
Frenzel	Madigan	Schiff
Gallegly	Marlenee	Schneider
Gallo	Martin (NY)	Schulze
Gekas	McCandless	Sensenbrenner
Gillmor	McCollum	Shaw
Gilman	McCrery	Shays
Gingrich	McDade	Shumway
Goodling	McEwen	Shuster
Goss	McMillan (NC)	Skeen
Gradison	Meyers	Slaughter (VA)
Grandy	Michel	Smith (NE)
Grant	Miller (OH)	Smith (NJ)
Green	Miller (WA)	Smith (TX)
Gunderson	Molinari	Smith, Denny (OR)
Hammerschmidt	Moorhead	Smith, Robert (NH)
Hancock	Morella	Smith, Robert (OR)
Hansen	Morrison (WA)	Snowe
Hastert	Myers	Solomon
Hefley	Nielson	Spence
Henry	Oxley	Stangeland
Herger	Pashayan	Stearns
Hiler	Paxon	Stump
Holloway	Petri	Sundquist
Hopkins	Porter	Tauke
Houghton	Pursell	Thomas (CA)
Hunter	Ravenel	Thomas (WY)
Hyde	Regula	Upton
Inhofe	Rhodes	Vander Jagt
Ireland	Ridge	Vucanovich
James	Rinaldo	Walker
Kasich	Ritter	Walsh
Kolbe	Roberts	Weber
Kyl	Robinson	Weldon
Lagomarsino	Rogers	Whittaker
Leach (IA)	Rohrabacher	Wolf
Lent	Ros-Lehtinen	Wylie
Lewis (FL)	Roth	Young (FL)
Lightfoot	Roukema	
Livingston	Rowland (CT)	
Lowery (CA)	Saiki	
Lukens, Donald	Saxton	
Machtley	Schaefer	

NOT VOTING—24

Bentley	Ford (TN)	Oakar
Bonior	Hall (OH)	Packard
Brennan	Lewis (CA)	Schuette
Brooks	Martin (IL)	Schumer
Darden	McGrath	Smith (VT)
de la Garza	Miller (CA)	Stokes
Dellums	Morrison (CT)	Washington
Dymally	Nelson	Young (AK)

□ 1206

The Clerk announced the following pairs:

On this vote:

Mr. Dymally for, with Mr. Lewis of California, against.

Mr. Ford of Tennessee for, with Mr. Packard against.

Messrs. HOUGHTON, HOPKINS, and FISH changed their vote from "yea" to "nay."

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.

PERSONAL EXPLANATION

Mr. MORRISON of Connecticut. Mr. Speaker, I was unavoidably absent for rollcall No. 488, House Resolution 512—waiving certain requirements of House rules against consideration of certain resolutions, conference reports, amendments, and motions through October 21; rollcall No. 489, H.R. 5019—conference report on energy and Water appropriations; rollcall No. 490, the Bevill amendment to H.R. 5019; rollcall No. 491, the second Bevill amendment to H.R. 5019; and rollcall No. 492, H.R. 5229—the conference report on Transportation appropriations.

Had I been here, I would have cast the following votes: "aye," "aye," "nay," "aye," and "aye."

PERMISSION TO FILE CONFERENCE REPORT ON H.R. 5268, RURAL DEVELOPMENT, AGRICULTURE, AND RELATED AGENCIES APPROPRIATIONS ACT, 1991

Mr. BEVILL. Mr. Speaker, I ask unanimous consent that the managers may have until midnight tonight to file a conference report on the bill (H.R. 5268) making appropriations for Rural Development, Agriculture, and related agencies programs for the fiscal year ending September 30, 1991, and for other purposes.

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

There was no objection.

PERMISSION TO FILE CONFERENCE REPORT ON H.R. 5241, TREASURY, POSTAL SERVICE AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 1991

Mr. BEVILL. Mr. Speaker, I ask unanimous consent that the managers may have until midnight tonight to file a conference report on the bill (H.R. 5241) 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, 1991, and for other purposes.

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

There was no objection.

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 bill of the House of the following title:

H.R. 5794. An act to amend the Age Discrimination Claims Assistance Act of 1988 to extend the statute of limitations applicable to certain additional claims under the Age Discrimination in Employment Act of 1967.

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

H.R. 4559. An act to establish the Red Rock Canyon National Conservation Area; and

H. Con. Res. 381. Concurrent resolution to correct the enrollment of the bill (H.R. 4151).

The message also announced that the Senate disagrees to the amendment of the House to the bill (S. 2834) entitled "An act to authorize appropriations for fiscal year 1991 for the intelligence activities of the United States Government, the Intelligence Community Staff, and the Central Intelligence Agency Retirement and Disability System, and for other purposes," agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. BOREN, Mr. NUNN, Mr. HOLLINGS, Mr. BRADLEY, Mr. CRANSTON, Mr. DECONCINI, Mr. METZENBAUM, Mr. GLENN, Mr. COHEN, Mr. HATCH, Mr. MURKOWSKI, Mr. SPECTER, Mr. WARNER, Mr. D'AMATO, and Mr. DANFORTH; from the Committee on Armed Services, Mr. EXON and Mr. THURMOND; to be the conferees on the part of the Senate.

The message also announced that the Senate agree to the Report of the Committee of Conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 4151 "An act to authorize appropriations for fiscal years 1991 through 1994 to carry out the Head Start Act, the Followthrough Act, and the Community Services Block Grant Act, and for other purposes".

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

S. 2516. An act to augment and improve the quality of international data compiled by the Bureau of Economic Analysis under the International Investment and Trade Services Survey Act by allowing that agency to share statistical establishment list information compiled by the Bureau of the Census and for other purposes; and

S. 3187. An act to address immediate problems affecting environmental cleanup activities.

GENERAL LEAVE

Mr. BEVILL. 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 conference report on the bill, H.R. 5019, as well as the Senate amendments reported in disagreement, and that I may include extraneous material and tables.

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

There was no objection.

CONFERENCE REPORT ON H.R. 5019, ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 1991

Mr. BEVILL. Mr. Speaker, I call up the conference report on the bill (H.R. 5019) making appropriations for energy and water development for the fiscal year ending September 30, 1991, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to the rule, the conference report is considered as having been read.

(For conference report and statement see proceedings of the House of October 16, 1990 at Page H-10379)

The SPEAKER pro tempore. The gentleman from Alabama [Mr. BEVILL] will be recognized for 30 minutes, and the gentleman from Indiana [Mr. MYERS] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Alabama [Mr. BEVILL].

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

Mr. Speaker, I am pleased to present the conference report on the fiscal year 1991 energy and water development appropriations bill for your favorable consideration. Our colleagues will recall that debate on this bill occurred in the House on June 19. The bill was passed by a vote of 355 to 59 in the House and by voice vote in the Senate.

Mr. Speaker, our conference committee meeting was held on Friday, October 12. I wish to compliment our friends from the other body, particularly the Senator from Louisiana [Mr. JOHNSTON], the chairman of the Senate subcommittee, and the Senator from Idaho [Mr. MCCLURE] who was standing in for the Senator from Oregon [Mr. HATFIELD], the ranking minority member, for the fine spirit of compromise displayed in the conference meeting. I also wish to thank my colleagues, the House conferees, for their support and their valuable contributions during the conference deliberations.

Now I would like to comment on various aspects of the conference agreement.

Mr. Speaker, this bill is below the subcommittee's section 302(b) allocation for budget authority. It is right at the domestic allocation for budget authority, and below the defense allocation.

Mr. Speaker, for the various agencies and programs under the jurisdiction of the Energy and Water Development Subcommittee, the committee of conference recommends $20,275,014,000 in new budget authority. This amount is $83,158,000 below the budget request, $624,986,000 below the House bill and $617,773,000 below the Senate bill.

Mr. Speaker, this conference agreement is significantly below the amounts contained in the bills passed by the House and Senate. The section 303(b) allocation for budget authority which this subcommittee received after passage of the conference report on the budget resolution required a drastic reduction in the funds previously provided for domestic energy and water programs. It was very difficult to reduce the nondefense portion

of the bill by $700,000,000 which was required by the budget resolution. The conferees were faced with many difficult choices. Necessary reductions were not made without much discussion and painstaking review of the available options. But the conference agreement on this appropriations bill indicates that the Congress is serious about deficit reduction and is prepared to make tough choices.

The conference agreement we present to you today is the culmination of many months of effort on the part of the House committee and the same review by the Senate committee. During this period we have heard testimony from hundreds of witnesses—contained in eight hearing volumes of thousands of pages.

The House considered the energy and water development appropriations bill on the floor in 1 day. The Senate had a total of 71 numbered amendments to the bill. But, within those 71 amendments, there were nearly 400 individual items in disagreement. The conference agreement represents the best efforts of the House and Senate conferees to achieve consensus on those 400 items. Many items had to be reduced or changed to accomplish agreement with the Senate.

Your House conferees did their best to maintain the House position. However, to bring back a conference report that is within the budget allocation for the energy and water development programs, a great many items had to be compromised.

We would like more money for energy and the water projects. But, if we stay within the 302(b) allocation, we cannot provide all of the funds for all of the programs and projects to the extent we would like.

Mr. Speaker, the conference agreement contains $3,302,496,000 in title I for the Army Corps of Engineers. This is $259,795,000 less than the bill as passed by the House and $133,866,000 less than the Senate-passed bill. These funds will finance 520 water resources projects in the planning or construction phase, and provide for urgently needed operation and maintenance activities at completed projects.

For title II the Bureau of Reclamation, the conferees recommend a total of $940,604,000 which is $16,505,000 less than the House-passed bill and $7,430,000 less than the Senate-passed bill. This will fund 88 water resources projects in the planning or construction phase and provide funds for operation and maintenance of 35 projects.

In my view, the conference agreement provides for a financially prudent and environmentally sound water resources development program.

The conference agreement contains $15,292,262,000 for the Department of Energy programs in title III. This includes $2,527,082,000 for energy supply, research and development activities; $326,387,000 for power marketing administrations; $242,833,000 for the nuclear waste disposal fund; and $1,148,732,000 for general science and research activities. The energy accounts include $200,926,000 for solar, geothermal, hydropower, and electric energy systems and storage; $306,490,000 for nuclear energy; $275,300,000 for magnetic fusion; and $716,275,000 for basic energy sciences. The conference agreement provides a total of $10,914,014,000 for atomic energy defense activities. Within this bill, $3,144,301,000 is provided for environmental restoration and cleanup activities—an increase of $353,865,000 over the President's budget request.

Mr. Speaker, the conference agreement includes $629,270,000 for nine independent agencies and commissions in title IV, including the Appalachian Regional Commission, the Nuclear Regulatory Commission, and the Tennessee Valley Authority.

I will insert a table in the RECORD at this point which summarizes the financial aspects of the conference agreement.

Energy and Water Development Appropriations Bill, FY 1991 (H.R. 5019)

	FY 1990 Enacted	FY 1991 Estimate	House	Senate	Conference	Conference compared with enacted
TITLE I - DEPARTMENT OF DEFENSE - CIVIL						
DEPARTMENT OF THE ARMY						
Corps of Engineers - Civil						
General investigations	129,251,000	135,400,000	167,847,000	153,335,000	146,435,000	+17,184,000
Construction, general	1,083,811,000	1,226,000,000	1,362,025,000	1,308,043,000	1,143,086,000	+59,275,000
Flood control, Mississippi River and tributaries, Arkansas, Illinois, Kentucky, Louisiana, Mississippi, Missouri, and Tennessee	331,296,000	334,500,000	342,731,000	338,993,000	344,606,000	+13,310,000
Operation and maintenance, general	1,398,219,000	1,389,500,000	1,457,488,000	1,408,791,000	1,450,669,000	+52,450,000
Regulatory program	68,455,000	75,100,000	71,100,000	71,100,000	71,100,000	+2,645,000
Flood control and coastal emergencies	20,000,000	25,000,000	25,000,000	20,000,000	20,000,000	.....
Revolving Fund	9,860,000	.....	.....	.....	.....	-9,860,000
General expenses	141,997,000	136,100,000	136,100,000	136,100,000	126,600,000	-15,397,000
Total, title I, Department of Defense - Civil, new budget (obligational) authority	3,182,889,000	3,321,600,000	3,562,291,000	3,436,362,000	3,302,496,000	+119,607,000
TITLE II - DEPARTMENT OF THE INTERIOR						
Bureau of Reclamation						
General investigations	11,369,000	11,456,000	12,926,000	12,521,000	13,221,000	+1,852,000
Construction program	652,850,000	609,430,000	649,697,000	641,027,000	642,897,000	-9,953,000
Operation and maintenance	209,315,000	231,516,000	231,516,000	231,516,000	221,516,000	+12,201,000
Loan program	33,644,000	5,708,000	5,708,000	5,708,000	5,708,000	-27,936,000
(Limitation on direct loans)	(31,475,000)	(4,946,000)	(4,946,000)	(4,946,000)	(4,946,000)	(-26,529,000)
General administrative expenses	47,311,000	51,431,000	51,431,000	51,431,000	51,431,000	+4,120,000
Emergency fund	986,000	1,000,000	1,000,000	1,000,000	1,000,000	+14,000
Working Capital fund	8,381,000	4,831,000	4,831,000	4,831,000	4,831,000	-3,550,000
Colorado River Dam fund (by transfer, permanent authority)	(-3,564,000)	(-4,702,000)	(-4,702,000)	(-4,702,000)	(-4,702,000)	(-1,138,000)
Total, Bureau of Reclamation	963,856,000	915,372,000	957,109,000	948,034,000	940,604,000	-23,252,000
Total, title II, Department of the Interior:						
New budget (obligational) authority	963,856,000	915,372,000	957,109,000	948,034,000	940,604,000	-23,252,000
(Limitation on direct loans)	(31,475,000)	(4,946,000)	(4,946,000)	(4,946,000)	(4,946,000)	(-26,529,000)
(By transfer)	(-3,564,000)	(-4,702,000)	(-4,702,000)	(-4,702,000)	(-4,702,000)	(-1,138,000)
TITLE III - DEPARTMENT OF ENERGY						
Energy Supply, Research and Development Activities:						
Operating Expenses	1,916,768,000	1,808,706,000	2,362,722,000	2,412,065,000	2,199,532,000	+282,764,000
Plant and Capital Equipment	267,681,000	296,631,000	340,550,000	333,550,000	327,550,000	+59,869,000
Total	2,184,449,000	2,105,337,000	2,703,272,000	2,745,615,000	2,527,082,000	+342,633,000
Uranium Supply and Enrichment Activities:						
Operating Expenses	1,347,096,000	1,262,473,000	1,310,973,000	1,262,473,000	1,262,473,000	-84,623,000
Plant and Capital Equipment	65,341,000	77,545,000	95,045,000	77,545,000	77,545,000	+12,204,000
Subtotal	1,412,437,000	1,340,018,000	1,406,018,000	1,340,018,000	1,340,018,000	-72,419,000
Gross revenues	-1,500,900,000	-1,450,400,000	-1,530,500,000	-1,450,400,000	-1,450,400,000	+50,500,000
Net appropriation	-88,463,000	-110,382,000	-124,482,000	-110,382,000	-110,382,000	-21,919,000
General Science and Research Activities:						
Operating Expenses	737,566,000	829,634,000	829,634,000	829,634,000	779,634,000	+42,068,000
Plant and Capital Equipment	361,263,000	444,098,000	444,098,000	444,098,000	369,098,000	+7,835,000
Total	1,098,829,000	1,273,732,000	1,273,732,000	1,273,732,000	1,148,732,000	+49,903,000
Nuclear Waste Disposal Fund	295,156,000	292,833,000	292,833,000	292,833,000	242,833,000	-52,323,000
Isotope production and distribution fund	16,016,000	.....	.....	.....	.....	-16,016,000
Environmental restoration and waste management	.....	2,818,436,000	.....	.....	.....	.....
Environmental restoration and waste management:						
Defense function	.....	(2,361,751,000)	(2,714,807,000)	(2,680,616,000)	(2,704,722,000)	(+2,704,722,000)
Non-defense function	.....	(429,685,000)	(563,685,000)	(513,685,000)	(439,579,000)	(+439,579,000)
Total, Environmental restoration and waste mgmt	.....	(2,791,436,000)	(3,278,492,000)	(3,194,301,000)	(3,144,301,000)	(+3,144,301,000)
Atomic Energy Defense Activities:						
Operating Expenses	7,936,225,000	6,937,415,000	8,902,530,000	8,945,240,000	8,984,346,000	+1,048,121,000
Plant and Capital Equipment	1,709,968,000	1,607,485,000	2,012,618,000	2,035,018,000	1,929,668,000	+219,700,000
Total	9,646,193,000	8,544,900,000	10,915,148,000	10,980,258,000	10,914,014,000	+1,267,821,000

Energy and Water Development Appropriations Bill, FY 1991 (H.R. 5019), Continued

	FY 1990 Enacted	FY 1991 Estimate	House	Senate	Conference	Conference compared with enacted
Departmental Administration:						
Operating Expenses	346,854,000	402,898,000	370,153,000	370,153,000	360,153,000	+13,299,000
Plant and Capital Equipment	3,231,000	4,942,000	4,942,000	4,942,000	4,942,000	+1,711,000
Subtotal	350,085,000	407,840,000	375,095,000	375,095,000	365,095,000	+15,010,000
Miscellaneous revenues	-147,900,000	-183,413,000	-150,000,000	-150,000,000	-150,000,000	-2,100,000
Net appropriation	202,185,000	224,427,000	225,095,000	225,095,000	215,095,000	+12,910,000
Office of Inspector General	22,638,000	28,421,000	28,421,000	28,421,000	28,421,000	+5,783,000
Power Marketing Administrations						
Operation and maintenance, Alaska Power Administration	3,134,000	3,233,000	3,233,000	3,233,000	3,233,000	+99,000
Operation and maintenance, Southeastern Power Administration	18,456,000	9,285,000	9,285,000	9,285,000	9,285,000	-9,171,000
Operation and maintenance, Southwestern Power Administration	25,057,000	20,107,000	20,107,000	20,107,000	20,107,000	-4,950,000
Construction, rehabilitation, operation and maintenance, Western Area Power Administration	290,654,000	293,762,000	293,762,000	293,762,000	293,762,000	+3,108,000
(By transfer, permanent authority)	(3,564,000)	(4,702,000)	(4,702,000)	(4,702,000)	(4,702,000)	(+1,138,000)
Total, Power Marketing Administrations	337,301,000	326,387,000	326,387,000	326,387,000	326,387,000	-10,914,000
Federal Energy Regulatory Commission						
Salaries and expenses	114,918,000	122,750,000	122,750,000	122,750,000	122,750,000	+7,832,000
Revenues Applied	-114,918,000	-122,750,000	-122,750,000	-122,750,000	-122,750,000	-7,832,000
Geothermal Resources Development Fund						
Geothermal loan guarantee and interest assistance program	74,000	80,000	80,000	80,000	80,000	+6,000
Total, title III, Department of Energy:						
New budget (obligational) authority	13,714,378,000	15,504,171,000	15,640,486,000	15,762,039,000	15,292,262,000	+1,577,884,000
(By transfer)	(3,564,000)	(4,702,000)	(4,702,000)	(4,702,000)	(4,702,000)	(+1,138,000)
TITLE IV - INDEPENDENT AGENCIES						
Appalachian Regional Commission	147,900,000	50,000,000	150,000,000	180,000,000	170,000,000	+22,100,000
Defense Nuclear Facilities Safety Board	6,865,000	12,500,000	11,000,000	11,000,000	11,000,000	+4,135,000
Delaware River Basin Commission:						
Salaries and expenses	211,000	224,000	224,000	224,000	224,000	+13,000
Contribution to Delaware River Basin Commission	340,000	457,000	457,000	457,000	457,000	+117,000
Total, Delaware River Basin Commission	551,000	681,000	681,000	681,000	681,000	+130,000
Interstate Commission on the Potomac River Basin: Contribution to Interstate Commission on the Potomac River Basin	296,000	.....	200,000	538,000	538,000	+242,000
Nuclear Regulatory Commission:						
Salaries and expenses	435,911,000	471,320,000	471,320,000	471,320,000	461,320,000	+25,409,000
Revenues	-146,850,000	-156,750,000	-156,750,000	-156,750,000	-153,450,000	-6,600,000
Subtotal	289,061,000	314,570,000	314,570,000	314,570,000	307,870,000	+18,809,000
Office of Inspector General	2,859,000	3,680,000	3,680,000	3,680,000	3,680,000	+821,000
Total, Nuclear Regulatory Commission	291,920,000	318,250,000	318,250,000	318,250,000	311,550,000	+19,630,000
Susquehanna River Basin Commission:						
Salaries and expenses	197,000	211,000	211,000	211,000	211,000	+14,000
Contribution to Susquehanna River Basin Commission	272,000	290,000	290,000	290,000	290,000	+18,000
Total, Susquehanna River Basin Commission	469,000	501,000	501,000	501,000	501,000	+32,000
Tennessee Valley Authority: Tennessee Valley Authority Fund	119,306,000	91,302,000	135,000,000	125,000,000	135,000,000	+15,694,000
Office of the Nuclear Waste Negotiator	1,972,000	.....	.....	.....	.....	-1,972,000
Nuclear Waste Technical Review Board	1,972,000	.....	.....	.....	.....	-1,972,000
Total, title IV, Independent agencies, new budget (obligational) authority	571,251,000	473,234,000	615,632,000	635,970,000	629,270,000	+58,019,000
Grand total:						
New budget (obligational) authority	18,432,374,000	20,214,377,000	20,775,518,000	20,782,405,000	20,164,632,000	+1,732,258,000
(Limitation on direct loans)	(31,475,000)	(4,946,000)	(4,946,000)	(4,946,000)	(4,946,000)	(-26,529,000)
(By transfer)	.....	.....	.....	.....	.....	.....

I would like to call Members' attention to several typographical errors in the conference report (H. Report 101-889) made by the Government Printing Office. I will not include punctuation errors or misspellings.

First, on page 7, fifth full paragraph, seventh line: "greater" should be "quarter".

Second, on page 8, sixth full paragraph, fifth line: after "1986" insert "as".

Third, on page 9, third full paragraph, second line: after "Erosion" insert "Control".

Fourth, on page 11, fifth full paragraph, first line: "or" should be "for".

Fifth, on page 12, after the italicized paragraph 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.".

Sixth, on page 13, under Flood Control and Coastal Emergencies: Delete "$26,000,000" and insert "$25,000,000".

Seventh, on pages 38 and 40: Delete "Construction, General" at the top of the page and insert "Flood Control, Mississippi River and Tributaries".

Eighth, on page 85 in the next to the last paragraph, second sentence: after "biosciences" insert "program"

Ninth, delete pages 143 through 191.

□ 1210

Mr. MYERS of Indiana. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, Chairman BEVILL has done his usual outstanding job in presenting this conference report in detail, so I shall not do this, but to make a few observations.

As Chairman BEVILL has told us, this is the first conference report on any appropriation bill to come to the floor this year. The rest of them will be coming very shortly.

We may be getting the cart before the horse just a little bit, since we have not had budget reconciliation yet pass and become law, but at least these are the targets that have been presented to us, and we have come down to them, which is not an easy task. As the chairman has said, we have taken out $624 million from the House-passed bill, which incidentally passed this House just 4 months ago today.

Since that time, there have been a couple of meetings with the other body, with the Senate. We have been working these out. They had to reduce their bill by $615 million.

We are under the President's request, all of which came out of the domestic programs, something here that many people do not realize, that more than half our bill is in defense-related activities. Since the nuclear side of the defense budget does come through this subcommittee, more than half of it is defense-related. We did not cut these defense-related items in our conference.

But it is a good conference report. It is one that I know there is going to be some differences here. Some of the projects we have put in have not been projects that others would like to see. I know the authorizing committee, at least one member from the authorizing committee will have some objection about what we have put in; but this is a product that after many, many hours of hearings earlier, and working with the other body and with other members of our committee and the staff of our committee, whom we all appreciate and thank very much for their hard work.

A lot of long, hard hours go into these conferences. Most Members who have not served on a conference do not realize this, but this year particularly when we had to cut so much and we had to cut some very good programs, some outstanding programs. As an example, the superconducting super collider, which offers, we hope, a great opportunity for this Nation to lead out in front in research for the year 2000 and beyond, very exciting what the probabilities and possibilities are for the SSC; but nevertheless, we had to cut $75 million from that exciting program.

We had to cut a lot of other very exciting research programs that offer great opportunity for this country to move ahead in developing new energy, new products, and new research. We had to cut these, too. The committee did not like to have to cut some of these great programs that offer to keep America in front, but we had little choice this year, as we are all facing very austere times.

So Mr. Speaker, this is a good conference report. Again, it is not the one that any of us would like to have seen, but it is very austere. It is lean, but it is a good one, so I am proud that we can come to the floor with this, and I hope every Member can see fit to support it.

Mr. BEVILL. Mr. Speaker, I yield such time as he may consume to the gentleman from Mississippi [Mr. WHITTEN], the chairman of the full Appropriations Committee and a member of this subcommittee.

Mr. WHITTEN. Mr. Speaker, I wanted to be recognized at this time to pay tribute to the gentleman from Alabama [Mr. BEVILL] and my colleagues on this subcommittee. They have done a marvelous job.

I want to leave the point with you that as we struggle in the deficit reduction discussions to balance our paper money and all the problems that we have with our finances, our real wealth is our country itself.

This subcommittee and those who have worked with it have shown good sound judgment in investment in our own country, on which all the rest depends. Since 1934, when we began meeting widespread local conditions with national programs, our national wealth has grown 41 times. National programs of special interest to my area and State provide:

Funding for the Yazoo basin to continue construction on the Big Sunflower project, the demonstration erosion control projects, the tributaries project, the Upper Yazoo projects, backwater mitigation land acquisition; the reformulation study of the Yazoo basin projects, and for operation and maintenance for all completed Yazoo basin projects;

Funding for the foothills Joint Demonstration Erosion Control Program for work on Batupan Bogue, Otoucalofa Creek, Hotophia Creek, Hickahala and Senatobia Creeks, Long Creek, Black Creek, Burney Branch, Town Creek-Charleston, Sherman Creek, Abiaca Creek, Toby Tubby Creek, Pelucia Creek, Cane-Mussacuna Creeks, Hurricane-Wolf Creeks, and the Coldwater River;

Funding for other ongoing construction for the Nonconnah Creek project, Sardis Dam dam safety assurance, the Tombigbee River and tributaries project, and for purchase of mitigation lands on the Tennessee-Tombigbee Waterway;

Funding for beginning the Horn Lakes Creek and tributaries project, the Gulfport Harbor project, the Jackson metro area study, and for operation and maintenance of the East Fork, Tombigbee River;

Direction to the Corps of Engineers to prepare a report providing an assessment of infrastructure and port development needs at Newport, MS, in DeSoto County;

Funding for the Tennessee Valley Authority's rural development activities at the current level which would help eliminate the economic hardships in the valley's rural areas;

Funding for the Appalachian Regional Commission's Highway Program and area development activities at current levels which would support the continued construction of corridor V;

Guidance to the Commission to facilitate the transfer of a northwest Mississippi junior college building to the Benton County school system and to strengthen the clinic at Hickory Flat which is also in Benton County;

Funding for a cooperative agreement between Jackson State University, Lawrence Berkeley Laboratory, and Ana G. Mendez Educational Foundation, which is an ongoing program.

□ 1220

Mr. MYERS of Indiana. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Nebraska [Mrs. SMITH] who will be leaving us shortly.

Mr. Speaker, let me say that the gentlewoman is a very, very valuable member of this subcommittee; she has been one of its most diligent members and one of the hardest working members that we have on our committee.

The committee will certainly miss Mrs. SMITH. The Nation and certainly the State of Nebraska are going to miss her.

So, Mr. Speaker, it is with reluctance that, for the last time, I yield such time as she may consume to the gentlewoman.

We are going to miss you.

Mrs. SMITH of Nebraska. Mr. Speaker, I thank the gentleman for yielding, and I rise to say, first, what a privilege it has been for me to serve under two of the greatest chairmen in the entire House of Representatives, the gentleman from Alabama [Mr. BEVILL] and the gentleman from Mississippi [Mr. WHITTEN]. It has been 14 years of a great experience on the Subcommittee on Energy and Water.

JOHN MYERS is one of my best friends. It has been such a privilege to sit by him and work with him in all of these 14 years.

Of course, the work of this committee is of keenest interest in my district, where water development is a very major issue.

I just want to compliment the folks that I have worked with and tell them how much I have appreciated these years.

Mr. Speaker, I rise as a member of the Appropriations Subcommittee on Energy and Water Development in support of this conference report on H.R. 5019, making appropriations for energy and water development for fiscal year 1991. I ask unanimous consent to revise and extend my remarks.

I support this bill even though it does not provide full funding for every undertaking wanted and needed for my State. But it does address the major energy and water concerns of Nebraska.

As a member of the committee of conference of this bill, I want to thank my colleagues in the House for sticking up for Nebraska when it counted.

My amendments approved by the conferees added about $9.6 million to the President's budget requests for Nebraska projects for fiscal year 1991, bringing the Nebraska total to more than $43 million, up from about $35.5 million in the previous fiscal year.

I commend our distinguished subcommittee chairman, the gentleman from Alabama [Mr. BEVILL]; the subcommittee's ranking minority member, the gentleman from Indiana [Mr. MYERS]; the distinguished chairman of our counterpart subcommittee in the other body, the Senator from Louisiana, Mr. JOHNSTON; the Senator from Oregon, Mr. HATFIELD; and all the conferees for bringing this excellent bill to the House for consideration and final approval in such timely fashion.

Once again our subcommittee is the first to bring up an appropriation conference report to send to the President.

The House has nearly always done its work on its version of this bill and other appropriation measures with far greater dispatch than the other body.

But this year is different: We are working diligently to try to put our financial house in order in the face of rising Federal costs and lagging revenues.

Under enormous time constraints, we and the staff working together without stint, put these two complicated bills together. As all members are aware, it takes sophisticated computer systems to compare the differences in the two versions involving thousands of line items and pages and pages of report and bill language.

Then, to conform with deficit-cutting constraints, we had to go back into funding items that both Houses had agreed to in order to find necessary reductions of about $775 million.

We slashed some energy and water projects, we stretched some of them out, and we just postponed funding others. It has not been much fun.

Yet, because of extraordinary staff in both bodies, many of whom had to work into the wee hours, the conferees were able to reconcile hundreds of individual items in disagreement contained within 71 Senate amendments to the bill. We had to keep in mind that the bill has to be acceptable to the White House.

I wish to state my thanks on behalf of the people of Nebraska my appreciation for the cooperation and understanding of the Office of Management and Budget with respect to its renewed support of the completion of the North Loup Division, Nebraska, Pick-Sloan Missouri Basin Program, including the Davis Creek Dam and all related facilities.

This bill contains about $21.6 million for this project, full funding for fiscal year 1991. Completion is scheduled by fiscal year 1994. Without the committee's unwavering, faithful support, however, on both sides of the aisle, this money would not be in this bill.

I thank the House and Senate for its repeated demonstration of support for the North Loup Division and the dozens of other projects funded in the bill for Nebraska and for the Nation.

Particularly helpful to my State is the provision of $5.7 million for the science and technology centers of the University of Nebraska.

And the new construction start of the streambank erosion control program in Lincoln County from Hershey 46 miles eastward to the county line is greatly appreciated.

As Chairman BEVILL has presented here in detail, this is a carefully crafted conference report. It meets every budget test.

I want to restate Chairman BEVILL's observation that this conference report is the culmination of an intense period of effort by the House and Senate Committees.

During this period we have heard or received written testimony from thousands of witnesses, including more than half of the Members of the House—contained in eight hearing volumes covering more than 14,308 pages from the House hearings alone.

Accomplishing all this within the timeframe we set for ourselves demonstrates we are serious about doing our part about deficit reduction. We can only hope that we will again avoid the continuing resolution chaos of both 1987 and 1988.

We are claiming success. But it was achieved with great pain. The funds in this bill rarely reflect our preferences. We would like more for energy, for the weapons program, and for water resource development.

As hard as we have tried to address every concern expressed to the subcommittee, not every one of our colleagues is pleased with what we have done. Indeed, to stay within the budget constraints, we had to spread significant pain around. A great many items had to be compromised.

But dissent will be heard. We will hear some colloquys to clarify the intent of some bill and report language. We may hear from colleagues who oppose one or more of the amendments in technical disagreement.

This bill approved by the House-Senate conference includes my amendments as follows:

The sum of $5,700,000, University of Nebraska's Center for Science and Technology, Lincoln.

The sum of $1,500,000, Platte River demonstration project. To initiate construction of a $4,000,000 streambank erosion control structures on 46 miles of the Platte River from Hershey east to the Lincoln County border. The total Federal share of the cost is about $3,000,000 and the local share of the total cost is about $1,000,000.

Unspecified share of up to $300,000 from Army Corps section 22 planning funds for the State of Nebraska, mostly for several environmental protection projects. House-Senate conferees reduced total State planning funds for all the States to $3.5 million from $4.5 million in earlier versions of the bill and in effect ordered the corps to parcel out the money with special attention to the needs of 11 States, including Nebraska, who requested the maximum $300,000 allocation.

The sum of $1,260,000, Missouri National Recreation River and bank stabilization project, of which $200,000 is for operation and maintenance of existing bank stabilization structures

and $1,060,000 for construction of new ones. The project stretches 59 miles along the Missouri River from Gavins Point Dan, SD, to Ponca State Park, NE.

The sum of $270,000, Middle Loup Irrigation District, near Loup City. To initiate construction of facilities to remedy drainage problems caused by the Sherman Dam and Reservoir in the Middle Loup Irrigation District. Total cost of the project is about $1,250,000 and is expected to be completed in fiscal year 1994.

The sum of $200,000, Sargent Unit, between Millburn and Comstock, NE. For loan funds to initiate construction of drains and laterals. Total cost of the project is about $2,000,000 and would be completed in about 7 years.

The sum of $200,000, Prairie Bend Unit, near Grand Island. For redesigning and scaling back the proposed project. To date, more than $4,000,000 in Federal, State, and local funds have been used for feasibility studies of this innovative ground water recharge project.

The sum of $150,000, Nebraska Bostwich Irrigation District, near Orleans. For advanced planning for a $2.5 million construction program of relining and rehabilitating key portions of the upper Courtland Canal.

A Senate amendment, supported by Mrs. Smith, adds $75,000 for continued study of the Loup River basin.

The bill also provides an additional $33,926,700 for the following Nebraska water projects, as proposed in President Bush's budget for next fiscal year:

The sum of $21,646,000, North Loup Division, between Burwell, Ord, and Fullerton. For continuing project construction, including Davis Creek Dam and related facilities, down from $23,030,000 last year. The entire $355 million project is scheduled to be completed by fiscal year 1994, with only about $60 million remaining to be appropriated for remaining work.

The sum of $600,000, O'Neill Unit, between Ainsworth and O'Neill. For continued advanced studies of the proposed reformulated ground water recharge project, down from $700,000 last year.

The sum of $5,144,000, Gavins Point Dam and Lewis and Clark Lake, on the Missouri River between northeast Nebraska and South Dakota. For operation and maintenance, up from $4,225,000 last year.

The sum of $1,296,000, Harlan County Dam, near Alma. For operation and maintenance, up from $1,178,000 last year.

The sum of $3,545,000, Papillion Creek and tributaries lakes, near Omaha. Of the total, $2,905,000 is for continued construction, up from $2,500,000 this year, and $640,000 for operation and maintenance, up from $512,000 last year.

The sum of $660,000, Salt Creek and tributaries lakes, near Lincoln. For operation and maintenance, down from $737,000 last year.

The sum of $460,000, Farwell Unit, near Farwell. For continuing construction of structures to remedy severe drainage problems, remedies for which are expected to cost at least $15 million. A total of more than $7 million has been spent or committed through last year for subsurface drains, lining canals, and burying laterals. Authority remains for investing an additional $753,173 in future years to try to address the situation.

The sum of $178,000, Wood River, near Grant Island, flood control project planning, up from $62,000 last year.

The sum of $21,000, Antelope Creek, near Lincoln. For completing flood control plans.

The sum of $306,000, Wood River groundwater recharge demonstration project, near Grand Island. Local cost sharing would increase this by $76,500 to a total of $382,500 in fiscal year 1991, leaving most of this project's total funding of $1,168,500—of which $233,700 is non-Federal cost sharing—still to be committed in future years. The project was initiated last fiscal year.

The sum of $70,700, York groundwater recharge demonstration project, near York. Local cost sharing would increase this by $17,700 to a total of $88,400 in fiscal year 1991, leaving only small amounts needed in future to complete the project's total funding of $1,911,700, of which $382,300 is non-Federal cost sharing. Most of the money was scheduled for use last fiscal year.

Additional unspecified amounts for small-scale flood-control construction, studies, planning, and operation and maintenance, some spread over several States. For example, the appropriations bill includes $429,000 for the preliminary engineering design of the $55,000,000 Missouri River Mitigation Program for Nebraska, Iowa, Kansas, and Missouri.

Mr. BEVILL. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Arkansas [Mr. ALEXANDER].

Mr. ALEXANDER. I thank the gentleman for yielding.

Mr. Speaker, I want to thank the gentleman from Alabama [Mr. BEVILL], and the gentleman from Indiana [Mr. MYERS] for the excellent manner in which they run this subcommittee. The business of the subcommittee is efficient, its requests are always under budget. The subcommittee is always the first to complete its business and first to report to the House and the first to appropriate funds that are needed to fund the projects within its jurisdiction.

So I compliment every member of the subcommittee on your work. I appreciate very much the efficiency with which they run the business of the subcommittee.

Mr. Speaker, I would like to engage the chairman in a colloquy.

Mr. Speaker, there is general confusion regarding the definition of "wetlands" and conflict in the administration of the law. Accordingly, I have introduced a bill, H.R. 4133, which would redefine and clarify the definition of "wetlands". The chairman of the subcommittee, Mr. NOWAK, has assured me that action on my bill could take place early next year. My bill would include all farmland that was in cultivation prior to 1990.

In addition, the Corps of Engineers has issued a regulatory guidance letter attempting to clarify the definitions of "wetlands" and the "normal circumstances" that prevail to produce the conditions generally described as "wetlands".

In addition, I understand there are provisions in the 1990 farm bill which have to do with wetlands and the penalties imposed against farmers for farming wetlands.

My question, Mr. Chairman, is: Inasmuch as there are a number of efforts ongoing to redefine wetlands, is it the chairman's position that the U.S. Army Corps of Engineers should defer enforcement of any sanctions directing restoration of wetlands which involve croplands covered by the Food Security Act (Public Law 99-198) and other laws until such time as Congress can specifically express its intent on how wetland rules and regulations should be administered?

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

Mr. ALEXANDER. I yield to the subcommittee chairman, the gentleman from Alabama [Mr. BEVILL].

Mr. BEVILL. I thank the gentleman for yielding.

Mr. Speaker, I do agree with the gentleman from Arkansas that the corps should defer any action until this matter is settled.

Mr. ALEXANDER. I am convinced by commitments from various chairmen having jurisdiction in legislative committees that action will take place early next year, not later than the middle of next year.

The material referred to follows:

H.R. 4133

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Agriculture Wetlands Exemption Act".

SEC. 2. AMENDMENT OF FEDERAL WATER POLLUTION CONTROL ACT.

Section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344) is amended by adding at the end the following subsection:

"(u) EXEMPTION OF AGRICULTURAL LANDS.—

"(1) GENERAL RULE.—This section shall not apply to the discharge of dredged or fill material into any wetland—

"(A) which was used for agricultural production on any calendar date in the 24-month period ending on the date of the enactment of this subsection; and

"(B) which was used for agricultural production for at least 1 year in the period between January 1, 1972, and such date of enactment,

so long as such land is used for agricultural production.

"(2) AGRICULTURAL PRODUCTION DEFINED.—For purposes of this subsection, the term 'agricultural production' shall include, but not be limited to, production of row crops, horticulture, vintniculture, silviculture, aquaculture, mariculture, grazing, haying, apiculture, hydroponics, production of tree fruits or nuts, raising of cattle, horses, poultry, swine, sheep or goats, storage of surface water for agricultural production, distribution of water for agricultural production, conserving uses required as a condition of enrollment in an acreage reduction program administered by the Secretary of Agriculture under the Agricultural Act of 1949 or any amendments thereto; all other activities identified in subsection (f)(1) of this section as of July 31, 1989, and the construction, expansion, improvement, maintenance, and operation of farm residences, and facilities.".

Subject: Clarification of the Phrase "Normal Circumstances" as it pertains to Cropped Wetlands.

1. The purpose of this regulatory guidance letter (RGL) is to clarify the concept of "normal circumstances" as currently used in the Army Corps of Engineers of definition of wetlands (33 CFR 328.3(b)), with respect to cropped wetlands.

2. Since 1977, the Corps and the Environmental Protection Agency (EPA) have defined wetlands as: "areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions . . ." (33 CFR 328.3(b)) (emphasis added).

While "normal circumstances" has not been defined by regulation, the Corps previously provided guidance on this subject in two expired "normal circumstances" (RGLs 82-2 and 86-9). These RGLs did not specifically deal with the issue of wetland conversion for purposes of crop production.

3. When the Corps adopted the Federal Manual for Identifying and Delineating Jurisdictional Wetlands (Manual) on 10 January 1989, the Corps chose to define "normal circumstances" in a manner consistent with the definition used by the Soil Conservation Service (SCS) in its administration of the Swampbuster provisions of the Food Security Act of 1985 (FSA). Both the SAS and the Manual interpret "normal circumstances" as the soil and hydrologic conditions that are normally present, without regard to whether the vegetation has been removed [7 CFR 12.31(b)(2)i)] [Manual page 71].

4. The primary consideration in determining whether a disturbed area qualifies as a section 404 wetland under "normal circumstances" involves an evaluation of the extent and relative permanence of the physical alteration of wetlands hydrology and hydrophytic vegetation. In addition, consideration is given to the purpose and cause of the physical alterations to hydrology and vegetation. For example, we have always maintained that areas where individuals have destroyed hydrophytic vegetation in an attempt to eliminate the regulatory requirements of section 404 remain part of the overall aquatic system, and are subject to regulation under section 404. In such a case, where the Corps can determine or reasonably infer that the purpose of the physical disturbance to hydrophytic vegetation was to avoid regulation, the Corps will continue to assert section 404 jurisdiction.

5. The following guidance is provided regarding how the concept of "normal circumstances" applies to areas that are in agricultural crop production:

(a) "Prior converted cropland" is defined by the SCS (Section 512.15 of the National Food Security Act Manual, August 1988) as wetlands which were both manipulated (drained or otherwise physically altered to remove excess water from the land) and cropped before 23 December 1985, to the extent that they no longer exhibit important wetland values. Specifically, prior converted cropland is inundated for no more than 14 consecutive days during the growing season. Prior converted cropland generally does not include pothole or playa wetlands. In addition, wetlands that are seasonally flooded or ponded for 15 or more consecutive days during the growing season are not considered prior converted cropland.

(b) "Farmed wetlands" are wetlands which were both manipulated and cropped before 23 December 1985, but which continue to exhibit important wetland values. Specifically, farmed wetlands include cropped potholes, playas, and areas with 15 or more consecutive days (or 10 percent of the growing season, whichever is less) of inundation during the growing season.

(c) The definition of "normal circumstances" found at page 71 of the Manual is based upon the premise that for certain altered wetlands, even though the vegetation has been removed by cropping, the basic soil and hydrological characteristics remain to the extent that hydrophytic vegetation would return if the cropping ceased. This assumption is valid for "farmed wetlands" and as such these areas are subject to regulation under section 404.

(d) In contrast to "farmed wetlands", "prior converted croplands" generally have been subject to such extensive and relatively permanent physical hydrological modifications and alteration of hydrophytic vegetation that the resultant cropland constitutes the "normal circumstances" for purposes of section 404 jurisdiction. Consequently, the "normal circumstances" of prior converted croplands generally do not support a "prevalence of hydrophytic vegetation" and as such are not subject to regulation under section 404. In addition, our experience and professional judgment lead us to conclude that because of the magnitude of hydrological alterations that have most often occurred on prior converted cropland, such cropland meets, minimally if at all, the Manual's hydrology criteria.

(e) If prior converted cropland is abandoned (512.17 National Food Security Act Manual as amended, June 1990) and wetland conditions return, then the area will be subject to regulation under section 404. An area will be considered abandoned if for five consecutive years there has been no cropping, management or maintenance activities related to agricultural production. In this case, positive indicators of all mandatory wetlands criteria, including hydrophytic vegetation, must be observed.

(f) For the purposes of section 404, the final determination of whether an area is a wetland under normal circumstances will be made pursuant to the 19 January 1989 Army/EPA Memorandum of Agreement on geographic jurisdiction. For those cropped areas that have previously been designated as "prior converted cropland" or "farmed wetland" by the SCS, the Corps will rely upon such a designation to the extent possible. For those cropped areas that have not been designated "prior converted cropland" or "farmed wetland" by the SCS, the Corps will consult with SCS staff and make appropriate use of SCS data in making a determination of "normal circumstances" for section 404 purposes. Although every effort should be made at the field level to resolve Corps/SCS differences in opinion on the proper designation of cropped wetlands, the Corps will make the final determination of section 404 jurisdiction. However, in order to monitor implementation of this RGL, cases where the Corps and SCS fail to agree on designation of prior converted cropland or farmed wetlands should be documented and a copy of the documentation forwarded to CECWOR.

6. This policy is applicable to section 404 of the Clean Water Act only.

7. This guidance expires 31 December 1993 unless sooner revised or rescinded.

For the Commander:

PATRICK J. KELLY,
Major General, USA,
Director of Civil Works.

Mr. MYERS of Indiana. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. LAGOMARSINO].

Mr. LAGOMARSINO. Mr. Speaker, I rise in support of this conference report, and I suppose I do it primarily for parochial reasons.

Mr. Speaker, I want to compliment the chairman and minority member for being very understanding of the problems in my congressional district, not only in this bill but on many bills over many years.

Their actions have allowed us to do such important things as conserve water with a very innovative conservation project, to keep our harbors open and to provide for a number of other very important public works.

I commend and thank the chairman of the committee and its ranking member, the gentleman from Indiana [Mr. MYERS].

Mr. BEVILL. Mr. Speaker, I yield 1 minute to the gentleman from Delaware [Mr. CARPER].

Mr. CARPER. Mr. Speaker, I rise in strong support of this conference report.

Mr. Speaker, 200 years ago a canal was cut through Delaware, literally splitting my State in half, connecting shipping traffic from the Delaware to the Chesapeake Bay. Two hundred years ago a promise was made that the people would not have to pay for the cost of bridges going over that canal to move vehicles and people from north to south throughout our State and throughout our region.

Today that promise, first made over 200 years ago, is being kept by the U.S. Government.

Today a $7 million downpayment is being made for the construction of a new bridge to connect a north-south relief route through our State. I just want to take a moment to say to the gentleman from Alabama [Mr. BEVILL], the gentleman from Indiana [Mr. MYERS], and to those who serve on this committee and to Mr. HENRY NOWAK and Mr. ARLAN STANGELAND, who serve on the authorizing committee, to express the deep gratitude of the people of Delaware to each of them for keeping the promise that was made 200 years ago, a promise that is kept today.

Mr. MYERS of Indiana. Mr. Speaker, I yield 5 minutes to the gentleman from Florida [Mr. IRELAND].

Mr. IRELAND. Mr. Speaker, I want to thank the gentleman from Alabama, Chairman BEVILL, and the gentleman from Indiana [Mr. MYERS], for bringing this bill before us today. I certainly approve of what they have done. But at this time I must rise to state my objection to some Senate report language that may be inadvertently agreed to by the House. In the Senate report it says:

The Secretary of the Army is directed to compute the annual monetary percentage goals included in the demonstration program for the small business concerns using the total annual funds awarded for the performance of the work actually performed, with the type of plant available, to the small business dredging firms. The total annual funds awarded for the performance of work by seagoing hopper dredges is not to be included in the computation, because the small business industry does not own or operate this type of equipment.

Mr. Speaker this Senate directive would effectively nullify section 722 of Public Law 100-656 and would do irreparable harm to those small dredging firms now in existence and would probably prevent any new dredgers from entering the marketplace. Over the last several years many House Members have attempted to open up the Federal dredging market to smaller dredgers and thus break the stranglehold that two lone companies have had on the market—52 percent of all the work over the last 3 years. In the Senate report a flawed study is cited which manipulates data by mixing apples and oranges. In fact, data from the Corp of Engineers actually reveals that small dredgers are relatively more efficient than their larger counterparts. Excluding hopper dredging from the computation in the annual percentage goals will result in reducing the small business goals by one-third. In percentage terms, this means that the goals for fiscal year 1991 and 1992 would be reduced from 30 percent to 20 percent. That is virtually no improvement from the position that small dredgers were in before the passage of Public Law 100-656. In fiscal year 1989 the small business percentage of all Federal dredging contracts—both set-asides and unrestricted—was less than 16 percent. Thus one can see that the directive in Senate Report 101-378 would in effect violate the spirit of the law and further increase economic concentration in the dredging industry.

I wish to announce to the House that I intend to ask the leadership of both House and Senate Small Business Committees to write to the Secretary of the Army and inform him that this report language by no stretch of the imagination expresses the unanimous opinion of the Congress.

□ 1230

We visited this issue last Congress in full and open debate, not in the dead of night, in hiding, in obscure report language during a period of great national crisis. I am appalled at the blatant lobbying effort by a couple of large concerns who want more and more of the taxpayers' dollars and want to have it without competition.

Mr. Speaker, I think we should take action later in the next Congress to rectify this.

Mr. BEVILL. Mr. Speaker, I yield 1 minute to the gentleman from Kentucky [Mr. MAZZOLI].

Mr. MAZZOLI. Mr. Speaker, let me thank the gentleman from Alabama [Mr. BEVILL] and the gentleman from Indiana [Mr. MYERS] whose outstanding leadership has brought us to where we are today. As they know, my hometown of Louisville has as its heritage our waterfront along the Ohio River. As a result of the $3½ million in this bill, the city of Louisville, under the able leadership of Mayor Abramson, Judge/Executive Armstrong and Senator Karem heading up our Waterfront Development Corp., will be able to put together one of the really important centerpiece of this new waterfront, which is our Belvedere connector. This series of stairways and plazas will lead people from the Belvedere down to the waterfront where again the city, and the county and the State have made a sizable investment in the new wharf area and the new parks.

Mr. Speaker, I just want to thank my friends on the Energy and Water Power Subcommittee for the excellent work they have done. I have enjoyed working with them, and I invite them to come to Louisville in the next couple of years and see the products of their handiwork.

Mr. MYERS of Indiana. Mr. Speaker, I yield 1 minute to the gentleman from New Jersey [Mr. GALLO], a member of the Committee on Appropriations.

Mr. GALLO. Mr. Speaker, I thank the gentleman for yielding time to me and I rise in strong support of the conference report and ask unanimous consent to revise and extend my remarks. I want to thank Chairman BEVILL and our ranking member JOHN MYERS for their excellent work on this conference report. It is a difficult job reconciling the many competing demands for resources among our Nation's water projects and energy needs.

I particularly want to thank the committee for their strong support for the funding of the Passaic River flood tunnel project which will protect residents in my district from devastating floods. They have waited years for relief and we are now on the verge of implementing a well thought out plan to prevent future floods.

This bill also addresses the critical issue of our future energy security. We have only to read the headlines to recognize that the United States faces a long-term energy problem. Indeed, it is clear that the whole world is facing a serious energy problem, and while we are all hopeful that the crisis in the Middle East will be peacefully resolved and oil prices will fall, the problem of finite energy resources will not go away. In the long run, the world must depend on some combination of solar and renewable energy resources, nuclear fission and fusion. Our options are limited. The list is short. And we cannot afford to let one of our options slip away.

One of our options needs attention, and that is fusion. Fusion energy holds great promise, and recent results are very encouraging. Other countries—notably the European Community and Japan—recognize the promise of fusion energy and are making much greater commitments to fusion energy than we are. Numerous distinguished analysts have determined that it is time for the United States to move to the next step, building the burning plasma tokamak. The Secretry of Energy's Fusion Policy Advisory Committee [FPAC] just last month praised recent fusion milestones and recommended that the Department of Energy proceed promptly with the burning plasma experiment. If we do not take the necessary steps called for in the report we cannot expect to have fusion energy ready when we need it most.

I know that the members of the energy and water conference committee had difficult and competing choices to make, and I applaud their efforts to make those cuts balanced. We all know that tough decisions have been made, and it is time to stand by those decisions. Within the given resources, I believe it is time to make a decision on the future of fusion and I urge Secretary Watkins to move forward on the recommendations of the FPAC report.

Mr. MYERS of Indiana. Mr. Speaker, I yield 1 minute to the gentleman from Washington [Mr. MORRISON], a

member of the authorizing committee that we work so very closely with.

Mr. MORRISON of Washington. Mr. Speaker, I thank the gentleman from Indiana [Mr. MYERS] for yielding this time to me, and I add my voice in congratulations to both the ranking member and the chairman, the gentleman from Alabama [Mr. BEVILL] on what I think is an outstanding product. Very proudly this energy and water appropriations bill comes to the floor as the first, and now I think this conference report coming back to us meeting the challenge of deficit reduction also deserves our compliments, so my congratulations for a most difficult task very effectively achieved, accomplished. They found a balance, and I want to not only thank the Members, but also thank the staff, for their courtesy and consideration of all of us who have projects that are of vital importance, we think, to the Nation, but most certainly to our specific areas.

So, I think this conference report, Mr. Speaker, is very much worthy of the full enthusiastic support of the House.

Mr. MYERS of Indiana. Mr. Speaker, I yield 5 minutes to the gentleman from Pennsylvania [Mr. WALKER], the ranking Republican member of the Committee on Science, Space, and Technology.

Mr. WALKER. Mr. Speaker, I thank the gentleman from Indiana [Mr. MYERS] for yielding, and I am sorry that I cannot be quite as enthusiastic as the other people who have spoken about the nature of this bill because I see once again where the Committee on Appropriations regards those of us who work on the authorizing committees as just expendable people who have no say in the process whatsoever.

If my colleagues take a look at this bill, they will find in the energy sections a section where we do, in fact, have an authorization in place. It is known as Public Law 101-218. Under renewable energy sources, we allowed $113 million to be spent on those items. This bill spends $143.5 million; in other words, 27 percent more than allowed in the authorization. The authorizing committee was totally ignored.

Mr. Speaker, my colleagues do not care. They do not care what the authorization is. They are just going to go ahead and spend the money.

Mr. Speaker, they ought not be doing more than what the authorizing committees permit them to do. That is the rule, and no wonder we waive the rules of the House in order to bring matters to the floor. No wonder we have to bring appropriations bills under extraordinary rules because they are not obeying the process, and in this case they are 27 percent above what they were authorized to be in particular programs. They were authorized for certain levels, and they did not obey.

For example, under the photovoltaic energy systems, they were allowed $39 million by the authorization. Instead they are spending $46.9 million under that section. Under the program for geothermal, they were permitted $19. They are spending $27.6, so they did not care. They do not care what the authorizers do.

Why should we meet? Why should we do anything in authorizing committees in the House of Representatives if they simply are going to ignore everything that is done?

In addition, it is very interesting when I get myself down to amendment in disagreement No. 53. That is a real fascinating one. There they left the House with $45 million in earmarked programs. Every one of them unauthorized. Then we get to dealing with the Senate, and they add another $45 million in unauthorized earmarked programs.

I can read down the list of them; they are kind of interesting.

Indiana State University, the University of New Orleans, the University of Alabama at Birmingham, Case Western Reserve University, Boston College, West Virginia University—surprise, surprise; West Virginia University. Boy oh boy, that one was a shocker when I saw that one. Medical University of South Carolina, Louisiana State University, Oregon University, and Fort Hays State University in Kansas.

Mr. Speaker, that is an interesting list of projects there, most of which are for leadership or Committee on Appropriations members.

But then something else interesting happened at that point in the bill. The one authorized program that they had, the one program where it was authorized to do something about it on hydrogen energy systems, they drop it. There is a $4 million program that is authorized, and they drop it, and $90 million in unauthorized programs.

Spend the money. Go ahead. It does not matter. The authorizing committees do not have a say. But the one thing the authorizing committees regard as important and we thought ought to be established as a new-line program, $4 million for hydrogen energy to give us some alternative other than petroleum, what do they do? They drop it. It is gone.

Mr. Speaker, I got to tell my colleagues that I am over outrage. I am into nausea. Somewhere along the line I think that those of us who serve and work on authorizing committees ought to have some ability to influence the process. I do not think the appropriators have the right to make all the determinations of everything that goes on in terms of spending the taxpayers' money. It is just absolutely appalling that in instance after instance in this bill they have totally ignored what the authorizing committee said and they have done their own thing. I find it totally unacceptable.

Mr. Speaker, I will oppose the amendment No. 53. I am sure there are a number of other things in here that are in the same vein, but I cannot find them. We only were able to get hold of this thing earlier this morning because the CONGRESSIONAL RECORD was not printed, so the first time we had a chance to look through it was this morning, and these are the ones that happen to be in my committee's jurisdictional area, and what I find there is that they have made some, I think, errors that are unforgivable.

Mr. Speaker, I hope the House will turn down this report, and I certainly hope the House will strike the unauthorized pork-barrel projects in amendment No. 53.

□ 1240

Mr. MYERS of Indiana. Mr. Speaker, I yield 1 minute to the gentleman from Wisconsin [Mr. GUNDERSON].

Mr. GUNDERSON. Mr. Speaker, I want to rise in support of the conference report that is before us. I want to pay special thanks to the distinguished chairman and ranking member for their work, for their leadership, and for the progress that is being made on the environmental management program for the Upper Mississippi River.

In spite of the difficulty they face with deficit reduction in meeting the lower budget targets, they were able to provide a $2.4 million increase for the environmental management program, raising the funding for that program up to $17 million for fiscal year 1991.

This is great progress, because in 1988, the first year of that program, we were at only 5 million. We have moved considerably up to where we are almost at the authorized level.

Mr. Speaker, this is an international precedent setting program that affects the States of Minnesota, Wisconsin, Iowa, Illinois, and Missouri. People from all over the world are coming to see how the Army Corps of Engineers can work with fish and wildlife, how they can balance the uses of navigation and the commitment to the environment and recreation.

Mr. Speaker, this is a very good program, it is a precedent setting program, and the leadership and commitment of the chairman and ranking member needs to be commended.

Mr. BEVILL. Mr. Speaker, I yield 1 minute to the distinguished gentleman from North Dakota [Mr. DORGAN].

Mr. DORGAN of North Dakota. Mr. Speaker, I thank the gentleman for yielding. I intend to support this conference report and want to pay special tribute and thanks to the chairman and ranking member of the subcom-

mittee. I think they have done an outstanding job.

My State of North Dakota was promised a major water development project 40 years ago. It was authorized 20 years ago. We in this report make another incremental step in fulfilling the promise of water development in North Dakota against the odds. With some opposition, I think the subcommittee members have done a wonderful job in helping keep that promise to our State.

Mr. Speaker, I want to reiterate that I will support the conference, and I thank the chairman for the work he and his staff have done.

I must say, having heard some of the other presentations as I walked into the Chamber, that I wish I would hear that same righteous indignation on the floor of the House about Government waste when we spend billions on star wars that we do not need, or billions building bombers that should not be built. I wish some of that same indignation would be present when we talk about the appropriations for those kinds of weapons we do not need.

Mr. FAZIO. Mr. Speaker, I rise in strong support of the conference report on the energy and water development appropriations bill for fiscal 1991. This is a good and balanced conference report, and I urge my colleagues to support it.

Mr. Speaker, I would also like to take this opportunity to commend the good work of the chairman of the Energy and Water Subcommittee, Mr. BEVILL; Mr. MYERS, the ranking minority member; and, the subcommittee's dedicated staff. They have done an outstanding job over the years in defending the interests of the House during our conferences with the other body, and this year was no different.

Mr. Speaker, I would especially like to thank Mr. BEVILL and Mr. MYERS for their assistance in many varied needs of California. The conference report is very generous to a number of key energy and water projects throughout the State of Calfornia, including a number of important projects in my district.

The conference report continues to support the efforts of the Corps of Engineers to address the flood threat to Sacramento and parts of Yolo County. The conference report includes funds to continue progress on deepening the Port of Sacramento deepwater ship channel and to continue work on a project providing essential flood protection to two communities in my district, Fairfield and Suisun City.

The conference report also continues key research by the Department of Energy into solar and renewable energy, geothermal energy and the human genome. I would particularly like to highlight the strong support for the solar program reflected in the bill. The conference report provides $131.1 million for solar energy research, $38 million more than is provided for in the current fiscal year. In addition, the conference report assures that the Department of Energy will continue in a leadership role in furthering our understanding of the problems of climate change and developing proposals to mitigate the warming of the planet by continuing DOE support for the National Institute for Global Environmental Change.

The conference report also includes a provision that directs the Bureau of Reclamation to enter into three water supply contracts, totaling up to 50,000 acre-feet a year, aimed at meeting the immediate municipal and industrial water supply needs of Sacramento and El Dorado counties.

This language was added because of the concern that the Bureau has not completed the necessary studies relating to the water needs of the two counties. The bill directs the Secretary of the Interior to enter into water supply contracts providing up to 22,000 acre-feet of water for the Sacramento County Water Agency, approximately 7,000 of which is expected to go to the city of Folsom, 13,000 acre-feet for the San Juan Suburban Water District and 15,000 acre-feet of water for El Dorado County. This is an extremely important provision for my district, and I greatly appreciate the support of my House colleagues on the conference.

Again, Mr. Speaker, I thank Mr. BEVILL and Mr. MYERS for their cooperation and support, and their sensitivity to the many water development and energy-related problems facing the Nation and the State of California, in particular. I urge my colleagues to support the conference report.

Mr. RICHARDSON. Mr. Speaker, I want to express my strong support for the conference report on H.R. 5019, the energy and water appropriations bill for fiscal year 1991.

I am pleased that the conferees agreed to allow funds for independent research and development programs to continue. Current policy authorizes the Department of Energy to tax certain programs to provide discretionary funding for laboratory-directed research and development projects. The discretionary fund allows our national laboratories' the flexibility to fund new discoveries and timely ideas. The discretionary fund is critical to our laboratories' ability to address pressing scientific issues in the Nation's interest.

At Los Alamos National Laboratory, the Institutional Supporting Research and Development [ISRD] Program is the Director's discretionary, basic research and exploratory research and development program. In fiscal year 1990 this program accounted for approximately 7 percent of the laboratory's total funding amounting to $68 million.

The ISRD Program at Los Alamos is a proven success. Examples of programmatic research areas that have emerged, at least in part, from ISRD funding include inertial and magnetic fusion, human genome studies, high temperature superconductivity, and compact high current proton accelerators. I am pleased that the energy and water conference report allows our laboratories to continue such research programs.

Mr. RAHALL. Mr. Speaker, I am pleased to rise in support of the conference agreement on H.R. 5019, the energy and water development appropriations bill for fiscal year 1991.

As always, there are programs of major significance to my district and to the State of West Virginia. Chief among them is the Appalachian Regional Commission projects, for which this agreement provides $20 million more than was contained in the House bill. These funds are used, and have always been used effectively, as a key component to economic development strategies, which includes the construction of and maintenance of our infrastructure.

One of ARC's major functions has been the completion of the 3,000 mile Appalachian Corridor highway system, which is still only two-thirds complete.

The funding level for ARC is $20 million more than the original House bill at $170 million. I can wish, of course, that it was closer to the $185 million I authorized in my bill, H.R. 1167, introduced early in this Congress. However, I am more than pleased that the conferees came within $15 million of reaching the goal I had earlier set for ARC funding in fiscal year 1991. The $170 million funding level for ARC is $120 million more than the President requested.

Also of importance to the economic prosperity of West Virginia is the funding of water development projects. I am more than pleased that the conferees saw fit to retain, in the final version of the energy and water development appropriations bill, two projects that serve my Fourth Congressional District. The first one, provides $1.125 million for the expansion of the David W. Harris Riverfront Park in Huntington, WV, and $75,000 for completing a cost-effectiveness study for floodproofing along Krouts Creek, also in Huntington, WV.

The Riverfront Park project has been an integral part of southern West Virginia's tourism industry. In 1987 alone, the park received 309,000 visitors. The improvements needed include relieving traffic congestion, provide for docking facilities for excursion boats such as the *Mississippi* and *Delta Queens,* and to further increase the park's capacity.

The Krouts Creek project is of major importance to the Huntington area. There are approximately 200 residences located in this 100-year flood plain, which has suffered from severely damaging floods several times over the past 25 to 30 years. Most recently, in 1987, the flood devastated 30 residences and three businesses with total damage estimated to be over $100,000. The $75,000 ensures that the Army Corps of Engineers will complete a detailed project report for Krouts Creek.

Mr. Speaker, the bill also contains funding for flood control projects on the Levisa and Tug Forks and upper Cumberland River. These projects such as the flood walls at Williamson and the floodproofing of homes in those areas, are crucial to the future of the Tug Valley. I am pleased to note that the Corps of Engineers are directed to utilize $6 million of the funds appropriated to initiate construction of the lower Mingo County, WV, element of the Levisa and Tug Forks of the Big Sandy River and upper Cumberland River project.

Further, the measure provides that the Matewan, WV, flood protection project shall include all incorporated units within the town of Matewan.

I am pleased to note, also, that there is $400,000 allocated for a flood control project

involving the Island Creek Basin in and around Logan, WV.

Other flood control projects funded, located throughout West Virginia include: Beech Fork Lake, $689,000; Bluestone Lake, $982,000; Burnsville Lake, $1 million; East Lynn Lake, $1.09 million; Elkins, WV, $5,000; R.D. Bailey Lake, $1.33 million; Stonewall Jackson Lake, $872,000; Summersville Lake, $1.15 million; and Sutton Lake, $1.32 million. Navigation projects include the Elk River Harbor, $300,000; Kanawha River Locks and Dams, $6.59 million; and Tygart Lake, WV, $915,000.

Mr. Speaker, overall, the energy and water development appropriation bill contains $20.2 billion in fiscal year 1991 for all programs, including the Energy Department's programs, and water projects carried out by the Corps of Engineers and Interior Department's Bureau of Reclamation. The amount represents an increase of $1.7 billion over last year's funding level. This increase is less than both the House and Senate committees recommended, but reflects the need to comply with spending limitations of the revised budget resolution, in keeping with our on-going efforts to reduce the deficit.

Mr. Speaker, I compliment and thank the distinguished subcommittee chairman, and my good friend, TOM BEVILL, for his usual outstanding job in protecting and ushering through conference these water development projects of such crucial importance to all of us.

Mr. Speaker, I recommend adoption of this conference agreement, and hope that it does pass.

Mr. SHUMWAY. Mr. Speaker, during my 12 years in Congress, there has been no issue more important to my congressional district than completion of the long-authorized multipurpose Auburn Dam project.

In 1986 the American River basin experienced a near catastrophic flood. Since then, this area of California has experienced 4 years of drought conditions. On top of that the fisheries and recreational benefits of the lower American River and Folsom Lake have diminished significantly. With a multipurpose dam the area would be protected from flood; the existing drought conditions would not exist; and the wild and scenic lower American River and Folsom Lake would be providing peak fisheries and recreation benefits.

I am pleased to say that with passage of this conference report today, both the Congress and the administration will have recognized the continued need for this project and are committed to completing and updating the necessary studies so that an ultimate decision on completion of this project can be made in 1992.

The administration has specifically endorsed a study which parallels the Corps of Engineers dry dam alternative study. This Bureau of Reclamation study will not compete with or delay the Corps of Engineers flood control studies; it is to comply with the relevant principles and guidelines and NEPA requirements; and it is to be completed by the 1992 timeframe for ultimate congressional action. Mr. Speaker, I ask unanimous consent that the letters reflecting this administration support from the Commissioner of the Bureau of Reclamation and the Associate Director of the Office of Management and Budget for Natural Resources appear in the RECORD after my full statement.

It has, to say the least, been difficult to revive this long-stalled project to this point. The change in Federal water policy enacted during the 1980's to require Federal cost sharing—along with the prevailing general skepticism toward large, western water projects—has cast a shadow over the fate of the Auburn Dam. But these factors have only served to focus attention on the true need for this project. And make no mistake about it, it is precisely because of the overwhelming need and the widespread local support that this project is still alive to a viable option today.

We have come along way, and supporters of this project back home should be proud and encouraged. We are at a point in the process where the groundswell of local support has brought us further than the opponents ever said possible—we now have local users who are willing to cost share for the entire water and power portions of the project—some $700 million—upfront. But now is the time to redouble our efforts and demonstrate to the Congress by 1992 exactly how sorely this project is needed and how vast the local support is, and how environmentally beneficial it truly is. If the case is not conclusively made by then, the overwhelming threat of flooding could well force the Congress into acting on the Corps of Engineers dry dam option.

It needs to be made clear between now and 1992 that the multipurpose project Auburn Dam now envisioned is not some environmental or fiscal dinosaur from the past; rather its completion can be done in a manner which revolutionizes Federal involvement in western water projects. A number of steps can be taken to ensure that a multipurpose project is both environmentally and fiscally responsible to the majority of the Congress. Specifically:

First, construction of the project depends on non-Federal cost sharing requirements consistent with H.R. 6 from the 99th Congress—25 percent for flood control, 100 percent for municipal and industrial water supply; 100 percent for hydropower; and 50 percent for recreation and fish and wildlife enhancement.

These financing contracts and water purchasing contracts would have to be signed, sealed and delivered to the Congress prior to 1992 House consideration.

It is also important to note that with these cost sharing requirements, the cost to the Federal Government to complete the multipurpose project is actually less than to fund 75 percent of the dry dam, Corps of Engineers alternative.

Second, separate the project, financially, from the rest of the Central Valley project [CVP] so that only its direct beneficiaries pay for it. This eliminates subsidies from other California water users who do not directly benefit from the project.

Third, dedicate the entire water yield to environmental enhancement and M&I use—not agriculture use. This will ensure no subsidies to farmers. The M&I portion would be paid for 100 percent upfront—again, no subsidies.

The environmental enhancement would be for Delta water quality maintenance; protection for the wild and scenic lower American River through mandated flow levels; fisheries enhancement along the river; and dramatic recreational enhancement for Folsom Lake which is the State department of parks' largest recreational facility but which has experienced significant recreational losses in recent drought years.

On the other hand, it should be pointed out that there are a number of extremely important environmental problems associated with the Corps of Engineers dry dam option. It would leave a terrible bathtub ring in the canyon after periodic flooding. Without a new water supply for the area, ground water supplies will continue to deplete, as will the Lower American River flow levels, the river's fisheries and recreation at Folsom Lake.

The above conditions can all be guaranteed through legislative amendments to the 1965 authorization when Congress considers this matter in 1992. With these provisions the old Auburn Dam could become the new prototype Federal/non-Federal project which is streamlined for both environmental and fiscal purposes.

I am disappointed that I am retiring from the Congress before this project is completed. But I am pleased and proud that not only is it still being considered as an option, but that its prospect for congressional approval is better now than at any time since construction stopped in the early 1970's.

I would like to thank all those supporters who have fought hard and tirelessly back home for this project. And I would like to thank the chairman of the subcommittee, Mr. BEVILL, for including this funding in this bill for the Bureau of Reclamation.

DEPARTMENT OF THE INTERIOR,
BUREAU OF RECLAMATION,
Washington, DC, October 4, 1990.

Hon. NORMAN D. SHUMWAY,
House of Representatives,
Washington, DC.

DEAR MR. SHUMWAY: This is in further response to your letter of April 30, 1990, to Secretary Lujan regarding the Auburn Dam project in California. We in the Department of the Interior appreciate knowing of the interest of you and your constituents in a multipurpose facility at the Auburn Dam site.

The language in House Report 101-536 (Energy and Water Appropriations Bill, 1991) for funding the Auburn-Folsom South Unit, Central Valley Project, states that the Bureau of Reclamation "* * * is directed to study the expansion of the flood control only dam to address water supply and power * * *" and further that "* * * funds are not provided for a study of a multipurpose dam as an alternative to the flood control only dam with advanced measures at Auburn * * *."

However, you indicated that it was your intent that inclusion of special funding of $250,000 in the bill "* * * was to allow the Bureau of Reclamation to complete work on its feasibility studies and environmental studies for the long-authorized multipurpose project * * * separate from, and in addition to, the work which the Corps of Engineers is doing on the so-called expandable dry dam flood control alternative. * * *" The Bureau of Reclamation believes that consideration of such an alternative would provide a full range of options to be acted

upon by the Congress. There have been expressions of concern about Reclamation's ability to complete the feasibility study and environmental documentation in time for Congressional authorization in 1992, and Reclamation's work competing with or delaying the Corps of Engineers flood control option.

Auburn remains an authorized multipurpose project and does not require a full feasibility study to provide the local constituency, the Congress, and the Administration sufficient data to make an informed decision on this issue. What appears necessary at this time is a current economic analysis conducted under the Federal principles and guidelines for water resource studies and updated National Environmental Policy Act compliance. The Bureau of Reclamation is prepared to conduct these activities separate and apart from the Corps of Engineers flood control study and in a timeframe that should allow for ultimate congressional action on this subject in 1992. This effort would not interfere with nor delay the Corps' study effort. Recognizing the importance of this issue to the citizens who live along and rely upon the American River, this effort would be given a high priority.

Again, we greatly appreciate your interest in this matter and will cooperate fully with all concerned to attain the most suitable project at the Aburn Dam site.

Sincerely,

DENNIS B. UNDERWOOD,
Commissioner.

EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF MANAGEMENT AND BUDGET,
Washington, DC, October 4, 1990.

Hon. NORMAN D. SHUMWAY,
House of Representatives,
Washington, DC.

DEAR CONGRESSMAN SHUMWAY: Thank you very much for your letters of June 27th and August 2nd concerning the Auburn Dam project in California. I appreciate knowing of your interest in this project.

I also appreciate you enclosing a copy of the colloquy you had with Congressmen Fazio and Matsui during House floor debate on the Energy and Water Appropriations bill for fiscal year 1991. I believe that the Administration can accommodate the concerns that each of you expressed during that colloquy.

Specifically, the Administration is prepared to support a study by the Bureau of Reclamation of a multipurpose project. As your letter suggested, we would expect that such a study would be cost-shared by local entities who have an interest in determining the feasibility of this project.

I note that during your colloquy with Congressmen Fazio and Matsui, they expressed the concern that a study by the Bureau not interfere with or delay ongoing work by the Corps of Engineers to study the flood control option. I believe that this objective can be met. It would be the Administration's intention to work with the Bureau of Reclamation to develop this study separate and apart from the Corps of Engineers flood control study so that it will not delay that effort.

Knowing of the concern that Members have expressed with respect to the timeliness of this study, the Administration will work to expedite the Bureau's study so as to ensure its completion in time for Congressional action in 1992. We believe it makes sense for the Congress to have all relevant information before it when it takes up the question of the Auburn Dam in the next session.

I hope this helps to clarify the views of the Administration concerning this project. Thank you again for writing.

Yours sincerely,

ROBERT E. GRADY,
Associate Director, Natural Resources, Energy, and Science.

Mr. CONTE. Mr. Speaker, today I rise in strong support of H.R. 5019, an act making fiscal year 1991 appropriations for energy and water development. Funding provided in this bill for the Department of Energy, the Corps of Engineers, the Bureau of Reclamation and various independent agencies helps keep this country strong and proud. It has far-reaching implications for national defense, commerce, transportation, recreation, science and technology. This legislation affects every American, and the entire country will widely benefit from the long, hard hours which the Energy and Water Development Subcommittee has devoted to this bill.

Mr. Speaker, I would like to recognize the dedicated labors of the House subcommittee chairman, the honorable gentleman from Alabama, TOM BEVILL. My good friend is one of the true gentlemen of the House. He is a man of distinction and wisdom, and he has performed outstanding work under difficult circumstances.

Also, the ranking minority member, the gentleman from Indiana, the Honorable JOHN MYERS, has devoted an extraordinary amount of time and energy to ensure that this bill is fair and reflects the priorities of a richly diverse nation.

Mr. Speaker, I would like to pay special tribute to three members of the subcommittee who are taking their final energy and water conference report to the floor this year: The distinguished and honorable gentleman from Oklahoma [Mr. WATKINS]; my dear friend, the gentlelady from Nebraska [Mrs. SMITH]; and the esteemed and eminent gentlelady from Louisiana, the Honorable Mrs. BOGGS. These Members have performed exceptional and difficult work on this bill, and their retirement will be deeply felt by the subcommittee, by the Congress and by the Nation. I congratulate and thank them for their services, and I wish them the very best.

Mr. Speaker, the conference report before us today is within its 302(b) budget allocation and is below the budget request. The conferees had to make difficult and painful choices, but any pain which has been inflicted has been spread evenly and fairly. I am especially proud that the report includes $3.24 billion for the environmental restoration and waste management activities of the Department of Energy. This amount, $353 million more than requested by the administration, will get us well underway in executing the difficult and painful task of cleaning up our nuclear production facilities across the country.

I am also pleased that we were able to squeeze $2.5 billion into this bill for energy supply, research and development activities at DOE. As our Nation is once again becoming hostage to higher oil prices, the importance of alternative energy sources is becoming clearer to the entire Nation. This appropriation, $442 million more than last year's level, will help get this country one step ahead of the energy game. Alternative energy is the key to America's future productivity and strength, and I congratulate the conferees on their vision in promoting the development of such alternatives.

Mr. Speaker, I am especially proud to have sponsored particular energy and water programs that have been incorporated into this conference report, and I would ask unanimous consent to include descriptions of those programs at this point in the RECORD.

Mr. Speaker, I am pleased that the conferees on energy and water development have included in the conference report two vitally important alternative energy programs to be conducted at the University of Massachusetts at Amherst. These projects are at the cutting edge of new energy technology development, and I have confidence that they will help this country break free from the chains of dependency on foreign oil.

The report includes $1.5 million to continue and increase funding of the Renewable Energy Research Laboratory at the university. The laboratory has been especially successful in developing new wind energy technologies. The cost of wind energy is approximately one-third of what it was in 1981, and the work of the Renewable Energy Research Laboratory can only improve the prospects for wind's role in our energy future.

The report also includes $400,000 for design and engineering of the first central solar heating plant with seasonal storage in the United States. This new energy system will employ 6 acres of solar collectors. The collector energy will be stored underground and tapped in the winter to heat a new arena at the campus. The University of Massachusetts at Amherst is ideally situated to develop this one-of-a-kind efficient energy system, and Congress can be proud to be a part of this exciting new project.

Mr. Speaker, I am also pleased that the bill includes $150,000 to complete a Corps of Engineers study of stream bank erosion along the Connecticut River from Turners Falls to the Massachusetts-New Hampshire State line. This study will establish the principal causes of the erosion, make recommendations for correction of the problem, and provide a road map for future actions to stabilize the river banks.

The report also contains funds for the regular operation and maintenance of Corps of Engineers water projects in my district. These projects are critical to the well-being of western Massachusetts and I applaud the conference action.

Mr. Speaker, I am disappointed in the conference committee's adoption of Senate amendment No. 51 to H.R. 5019. This amendment provides a $1 million subsidy to the developer of a hydropower facility on the Henry's Fork of the Snake River in Idaho. This windfall is to replace a tax credit which expired before the project was put into service. Providing special exceptions to the Tax Reform Act is a bad precedent and a bad idea. If this project does get off the ground, I will be watching it every step of the way to make sure that the rich trout fisheries of the Henry's Fork are provided every possible protection.

Mr. Speaker, I urge my colleagues to vote "aye" on the conference report.

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

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

The previous question was ordered.

The SPEAKER pro tempore (Mr. MONTGOMERY). 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. WALKER. 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 362, nays 51, not voting 20, as follows:

[Roll No. 489]

YEAS—362

Ackerman	Cooper	Gephardt
Alexander	Costello	Geren
Anderson	Coughlin	Gibbons
Andrews	Courter	Gillmor
Annunzio	Cox	Gilman
Anthony	Coyne	Gingrich
Applegate	Craig	Gonzalez
Aspin	Crockett	Goodling
Atkins	Dannemeyer	Gordon
Baker	Darden	Goss
Barnard	Davis	Grant
Bartlett	DeFazio	Gray
Barton	DeLay	Green
Bateman	Dellums	Guarini
Beilenson	Derrick	Gunderson
Bennett	DeWine	Hall (TX)
Bereuter	Dickinson	Hamilton
Berman	Dicks	Hammerschmidt
Bevill	Dingell	Hansen
Bilbray	Dixon	Harris
Bilirakis	Donnelly	Hastert
Boehlert	Dorgan (ND)	Hatcher
Boggs	Dornan (CA)	Hayes (IL)
Bonior	Downey	Hayes (LA)
Borski	Durbin	Hefley
Bosco	Dwyer	Hefner
Boucher	Dyson	Herger
Boxer	Early	Hiler
Browder	Eckart	Hoagland
Brown (CA)	Edwards (CA)	Hochbrueckner
Brown (CO)	Emerson	Hopkins
Bruce	Engel	Horton
Bryant	English	Houghton
Buechner	Erdreich	Hoyer
Bustamante	Espy	Hubbard
Byron	Evans	Huckaby
Callahan	Fascell	Hughes
Campbell (CO)	Fawell	Hunter
Cardin	Fazio	Hutto
Carper	Feighan	Hyde
Carr	Fields	Inhofe
Chandler	Fish	Ireland
Chapman	Flake	James
Clarke	Flippo	Jenkins
Clay	Foglietta	Johnson (SD)
Clement	Ford (MI)	Jones (GA)
Clinger	Ford (TN)	Jones (NC)
Coleman (MO)	Frank	Kanjorski
Coleman (TX)	Frost	Kaptur
Collins	Gallegly	Kastenmeier
Condit	Gallo	Kennedy
Conte	Gaydos	Kennelly
Conyers	Gejdenson	Kildee
Kleczka	Nielson	Skeen
Kolbe	Nowak	Skelton
Kolter	Oakar	Slaughter (NY)
Kostmayer	Oberstar	Smith (FL)
Kyl	Obey	Smith (IA)
LaFalce	Olin	Smith (NE)
Lagomarsino	Ortiz	Smith (NJ)
Lancaster	Owens (NY)	Smith (TX)
Lantos	Owens (UT)	Smith, Denny (OR)
Laughlin	Pallone	Smith, Robert (OR)
Leach (IA)	Panetta	Solarz
Leath (TX)	Parker	Spence
Lehman (CA)	Pashayan	Spratt
Lehman (FL)	Patterson	Staggers
Lent	Paxon	Stallings
Levin (MI)	Payne (NJ)	Stangeland
Levine (CA)	Payne (VA)	Stark
Lewis (FL)	Pease	Stearns
Lewis (GA)	Pelosi	Stenholm
Lightfoot	Penny	Stokes
Lipinski	Perkins	Studds
Livingston	Pickett	Sundquist
Lloyd	Pickle	Swift
Long	Porter	Synar
Lowery (CA)	Poshard	Tallon
Lowey (NY)	Price	Tanner
Luken, Thomas	Pursell	Tauzin
Machtley	Quillen	Taylor
Madigan	Rahall	Thomas (CA)
Manton	Rangel	Thomas (GA)
Markey	Ravenel	Thomas (WY)
Marlenee	Ray	Torres
Martin (NY)	Regula	Torricelli
Matsui	Rhodes	Towns
Mavroules	Richardson	Traficant
Mazzoli	Ridge	Traxler
McCandless	Rinaldo	Udall
McCloskey	Ritter	Unsoeld
McCollum	Robinson	Valentine
McCrery	Roe	Vander Jagt
McCurdy	Rogers	Vento
McDade	Rohrabacher	Visclosky
McDermott	Ros-Lehtinen	Volkmer
McGrath	Rose	Vucanovich
McHugh	Rostenkowski	Walgren
McMillan (NC)	Roth	Walsh
McMillen (MD)	Roukema	Washington
McNulty	Rowland (CT)	Watkins
Meyers	Rowland (GA)	Waxman
Mfume	Roybal	Weber
Miller (CA)	Sabo	Weldon
Miller (OH)	Saiki	Wheat
Miller (WA)	Sangmeister	Whittaker
Mineta	Sarpalius	Whitten
Mink	Sawyer	Williams
Moakley	Saxton	Wilson
Molinari	Schaefer	Wise
Mollohan	Scheuer	Wolf
Montgomery	Schiff	Wolpe
Moorhead	Schneider	Wyden
Morella	Schroeder	Wylie
Morrison (WA)	Schulze	Yates
Mrazek	Schumer	Yatron
Murphy	Serrano	Young (AK)
Murtha	Shaw	Young (FL)
Myers	Shumway	
Nagle	Shuster	
Natcher	Sisisky	
Neal (MA)	Skaggs	

NAYS—51

Archer	Gradison	Russo
Armey	Grandy	Sensenbrenner
Ballenger	Hancock	Sharp
Bates	Henry	Shays
Billey	Hertel	Sikorski
Broomfield	Jacobs	Slattery
Bunning	Johnson (CT)	Slaughter (VA)
Burton	Johnston	Smith, Robert (NH)
Campbell (CA)	Jontz	Snowe
Coble	Kasich	Solomon
Combest	Lukens, Donald	Stump
Crane	McEwen	Tauke
Douglas	Michel	Upton
Dreier	Moody	Walker
Duncan	Neal (NC)	Weiss
Frenzel	Oxley	
Gekas	Petri	
Glickman	Roberts	

NOT VOTING—20

AuCoin	Hall (OH)	Nelson
Bentley	Hawkins	Packard
Brennan	Holloway	Parris
Brooks	Lewis (CA)	Savage
de la Garza	Martin (IL)	Schuette
Dymally	Martinez	Smith (VT)
Edwards (OK)	Morrison (CT)	

□ 1303

Messrs. GLICKMAN, SLATTERY, and SHARP, Mrs. JOHNSON of Connecticut, and Mr. TAUKE changed their vote from "yea" to "nay."

Mrs. VUCANOVICH changed her 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 (Mr. MONTGOMERY). Pursuant to House resolution 512, the amendments in disagreement and the motions to dispose of the amendments are considered as having been read.

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

The text of the amendment is as follows:

Senate amendment No. 1: Page 2, line 17, strike out $167,847,000 and insert "$153,335,000".

MOTION OFFERED BY MR. BEVILL

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

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

The text of the motion is as follows:

Mr. BEVILL moves that the House recede from its disagreement to the amendment of the Senate numbered 1 and concur therein with an amendment, as follows:

In lieu of the sum stricken and inserted by said amendment, insert the following "$146,435,000".

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

The motion was agreed to.

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

Mr. BEVILL. Mr. Speaker, I know of no controversy on Senate amendments in disagreement numbered 8, 19, 20, 21, 27, 28, 29, 30, 32, 37, 39, 40, 44, 45, 62, 65, and 66, and I ask unanimous consent that they be considered en bloc.

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

There was no objection.

The SPEAKER pro tempore. The Clerk will designate the amendments in disagreement.

The texts, of Senate amendments, Nos. 8, 19, 20, 21, 27, 28, 29, 30, 32, 37, 39, 40, 44, 45, 62, 65, and 66 are as follows:

Senate amendment No. 8: Page 3, line 23, after "agencies," insert "including the Department of Energy,".

Senate amendment No. 19: Page 6, line 13, after "contracts" insert: ": *Provided further*, That $6,000,000 of the funds herein appropriated to remain available until expended, the Secretary of the Army, acting through

the Chief of Engineers, is directed to initiate construction of the lower Mingo County, West Virginia element of the Levisa and Tug Forks of the Big Sandy and Upper Cumberland River project authorized by section 202 of Public Law 96-367, in accordance with the cost sharing principles of Public Law 99-662 using continuing contracts".

Senate amendment No. 20: Page 6, line 16, after "Kentucky." insert "and lower Mingo County, West Virginia,"

Senate amendment No. 21: Page 6, line 17, after "project" insert ": *Provided further,* That the project for flood protection for the town of Matewan, West Virginia, shall include all incorporated units within the town of Matewan".

Senate amendment No. 27: Page 9, line 1, after "purposes" insert ": *Provided further,* That using $550,000 of funds appropriated herein, the Secretary of the Army, acting through the Chief of Engineers, is hereby directed to study, design and construct streambank protection measures along the east shoreline of McGregor Park in the city of Clarksville, Tennessee, on Lake Barkley, under the authority of section 14 of Public Law 79-526".

Senate amendment No. 28: Page 9, line 1, after "purposes" insert ": *Provided further,* That using $970,000 of funds appropriated herein, the Secretary of the Army is directed to relocate the Southeast Light on Block Island, Rhode Island to a more suitable location, subject to enactment into law of authorizing legislation".

Senate amendment No. 29: Page 9, line 10, after "design;" down to and including "project" in line 13, and insert " and, in addition, $92,636,000, to remain available until expended, is hereby appropriated for construction of the Red River Waterway, Mississippi River to Shreveport, Louisiana, project, and the Secretary is directed to continue the first phase of construction of Locks and Dams 4 and 5 that were initiated in 1990 and continue at an accelerated rate the design of the second phase contracts for Locks and Dams 4 and 5 in order to be prepared to initiate them in the second quarter of fiscal year 1992, to repair damages caused by the 1990 flood to project features that are complete or currently under construction, and to award continuing contracts in fiscal year 1991 for construction of the following features of the Red River Waterway which are not to be considered fully funded: Grappe Capout, Fausse Capout, Socot Capout, Grappe Realignment, McDade Revetment, Moss Revetment, Elm Grove Revetment, Cecile Revetment".

Senate amendment No. 30: Page 9, line 13, after "project" insert ": *Provided further,* That, the Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to make available $150,000 for engineering, design, acquisition and construction of a support structure to serve as the foundation for the Seafarers Memorial in the Columbia River, in cooperation with the city of Hammond, Oregon".

Senate amendment No. 32: Page 11, line 5, after "provision", insert ": *Provided further,* That with $2,000,000 herein appropriated or with funds hereafter appropriated, the Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to award continuing contracts until construction is complete for the West Memphis and vicinity, Arkansas, project authorized by section 401(a) of the Water Resources Development Act of 1986 as modified by the General Design Memorandum 101, dated May 1990: *Provided further,* That using $400,000 of the funds appropriated herein the Secretary of the Army, acting through the Chief of Engineers, is directed to proceed with the authorized Ouachita River Levees project in Louisiana and that rehabilitation or replacement of all deteriorated drainage structures which threaten the security of this critical urban protection is to be accomplished at Federal expenses; and, in addition, the Bayou Rapides Drainage Structure and Pumping Plant is to be included as a feature of the Flood Control, Mississippi River and Tributaries, Arkansas, Illinois, Kentucky, Louisiana, Missisippi, Missouri, and Tennessee project, Lower Red River, South Bank Levee".

Senate amendment No. 37: Page 14, line 4, after "programs" insert ": *Provided further,* That of the funds appropriated herein, $7,000,000 is for a new bridge over the Chesapeake and Delaware Canal at Saint Georges, Delaware, as proposed by the State of Delaware, and as authorized by laws".

Senate amendment No. 39: Page 14, line 23, after "expended" insert ": *Provided,* That the Secretary of the Army, acting through the Chief of Engineers, is directed to complete the conceptual study of potential field organization structures in accordance with Senate Report 101-83 and Conference Report 101-235 accompanying Public Law 101-101".

Senate amendment No. 40: Page 15, strike out lines 18 to 22, and insert:

SEC. 101. Section 4(t)(3)(F) of the Water Resources Development Act of 1988, Public Law 100-676, is amended by striking "September 30, 1989, provided that the total amount forgiven shall not exceed $600,000." and inserting in lieu thereof "June 30, 1990.".

Senate amendment No. 44: Page 17, after line 10, insert:

SEC. 105. Section 228 of the Flood Control Act of 1970 (Public Law 91-611, 84 Stat. 1818, 1832), is modified to direct the Secretary of the Army to conclude a Local Cooperative Agreement for the facilities across the Missouri River in the vicinity of Fort Yates, North Dakota, at an estimated total cost of $22,800,000. For Fiscal Year 1991 there is authorized and appropriated for planning, engineering, and design on this project, $250,000. The non-Federal share of the cost of work directed by this section shall be 10 percent. Upon completion, non-Federal interests shall own, operate, and maintain such bridge and approach facilities.

Senate amendment No. 45: Page 17, after line 10, insert:

SEC. 106. SAN LUIS REY RIVER, CALIFORNIA.—The project for flood control, San Luis Rey River, California, approved by resolutions of the Committee on Public Works, United States Senate, and the Committee on Public Works and Transportation, House of Representatives, on December 17, 1970, and December 15, 1970, respectively, in accordance with the provisions of section 201 of Flood Control Act of 1965 (Public Law 84-298) is modified substantially in accordance with the Supplemental Phase II General Design Memorandum dated December 1987, at an estimated total cost of $60,400,000, with a Federal first cost of $45,000,000, and a non-Federal first cost of $15,300,000.

Senate amendment No. 62: Page 40, line 8, after "$0" insert ": *Provided further,* That the Commission shall, upon the expiration of the one-year contract entered into as result of solicitation No. DE-FB89-RC-00001, exercise it right under such contract not to renew the contract. The Commission shall solicit new bids, allowing for the submission of bids offering to pay the Government of perform stenographic services; that is bonus bids, and shall accept, in accordance with Federal acquisition laws and regulations, the bid of a qualified contractor that is finanically most advantageous to the Government."

Senate amendment No. 65: Page 44, after line 4, insert:

SEC. 306. Funds appropriated to the Department of Energy may be available to carry out programs, including the granting of equipment, to improve mathematics, science, and engineering education and skill levels in the United States in order to ensure that a continuing supply of technical and scientific workers is available to accomplish national and energy security missions.

Senate amendment No. 66: Page 44, after line 4, insert:

SEC. 307. The Secretary is directed, in cooperation with the University of Alaska Fairbanks, to determine the capability and type of supercomputing facility for research activity conducted by the Center for Global Change and Arctic Systems Research and the Geophysical Institute, with specific reference ot the needs for auroral energy research. The Secretary is also directed, in cooperation with the National Center for Atmospheric Research, to determine the capability and type of supercomputing upgrade needed for atmospheric research conducted by the Center. The Secretary shall report the results of such determinations to the Appropriations Committees of the House and Senate by March 1, 1991.

MOTION OFFERED BY MR. BEVILL

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

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

The text of the motion is as follows:

Mr. BEVILL moves that the House recede from its disagreement to the amendments of the Senate numbered 8, 19, 20, 21, 27, 28, 29, 30, 32, 37, 39, 40, 44, 45, 62, 65, 66, and concur therein.

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

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: (9) Page 3, line 25, after "system" insert ": *Provided further,* That notwithstanding any other provision of law, the funds appropriated to the Corps of Engineers in Public Law 101-101 for Magnetic Levitation Research and Development activities are hereby authorized for expenditure only in accordance with the directions contained in Senate Report 101-83 and House Report 101-235".

MOTION OFFERED BY MR. BEVILL

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

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

The text of the motion is as follows:

Mr. BEVILL 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 further,* That notwithstanding any other provision of law, the funds appropriated to the Corps of Engineers in Public Law 101-101 for Magnetic Levitation Research and Development activities are hereby authorized for expenditure only in accordance with the directions contained in Senate Report 101-83 and House Report 101-235: *Provided further,* That with $200,000 of the funds appropriated herein, the Secretary of the Army, acting through the Chief of Engineers, is directed to resume preconstruction engineering and design of the St. Louis Harbor, Missouri and Illinois, project".

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

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. 11: Page 4, line 15, after "Project" insert ": *Provided further,* That with $800,000 of the funds provided herein, the Secretary of the Army, acting through the Chief of Engineers, is directed to accelerate preconstruction engineering and design for the Folly Beach, South Carolina, project and complete the General Design Memorandum by May 1992 so that project construction could begin in the fourth quarter of fiscal year 1992: *Provided further,* That the Secretary of the Army, acting through the Chief of Engineers, is directed to use $300,000 of the funds appropriated herein to initiate and expedite a reconnaissance study to develop a recommended plan for flood damage prevention and other water resources problems along the Ohio River and its tributaries in Belmont and Jefferson Counties, Ohio: *Provided further,* That using $270,000 of funds appropriated herein, the Secretary of the Army, acting through the Chief of Engineers, is directed to undertake engineering and design of the Bethel, Alaska bank stabilization project".

MOTION OFFERED BY MR. BEVILL

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

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

The text of the motion is as follows:

Mr. BEVILL moves that the House recede from its disagreement to the amendment of the Senate numbered 11 and concur therein with an amendment, as follows:

In lieu of the matter inserted by said amendment, insert the following ": *Provided further,* That with $800,000 of the funds provided herein, the Secretary of the Army, acting through the Chief of Engineers, is directed to accelerate preconstruction engineering and design for the Folly Beach, South Carolina, project and complete the General Design Memorandum by May 1991 so that project construction could begin in the fourth quarter of fiscal year 1992: *Provided further,* That the Secretary of the Army, acting through the Chief of Engineers, is directed to use $300,000 of the funds appropriated herein to initiate and expedite a reconnaissance study to develop a recommended plan for flood damage prevention and other water resources problems along the Ohio River and its tributaries in Belmont and Jefferson Counties, Ohio: *Provided further,* That using $270,000 of funds appropriated herein, the Secretary of the Army, acting through the Chief of Engineers, is directed to undertake engineering and design of the Bethel, Alaska, bank stabilization project".

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

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 4, line 25, strike out "$1,300,389,000" and insert "$215,407,000".

MOTION OFFERED BY MR. BEVILL

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

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

The text of the motion is as follows:

Mr. BEVILL 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 stricken and inserted by said amendment, insert the following: "$1,050,450,000".

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

The motion was agreed to.

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

The text of the amendment is as follows:

Senate amendment No. 15: Page 5, line 10, strike out "$4,100,000" and insert "$2,000,000".

MOTION OFFERED BY MR. BEVILL

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

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

The text of the motion is as follows:

Mr. BEVILL moves that the House recede from its disagreement to the amendment of the Senate numbered 15 and concur therein with an amendment, as follows:

In lieu of the sum stricken and inserted by said amendment, insert the following: "$4,100,000, which is to be utilized to construct emergency bank stabilization measures including repairs to revetments, and realignments upstream of Shreveport, Louisiana, to Index, Arkansas, that were significantly damaged in the May 1990 flood in the Red River Basin.

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

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 9, line 20, strike out "$342,731,000" and insert "$338,993,000".

MOTION OFFERED BY MR. BEVILL

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

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

The text of the motion is as follows:

Mr. BEVILL 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 sum stricken and inserted by said amendment, insert the following: "$344,606,000".

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

The motion was agreed to.

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

The text of the amendment is as follows:

Senate Amendment No. 35: Page 12, line 2, strike out all after "region" down to and including "project" in line 20, and insert: ": *Provided further,* That with $350,000 of the funds herein appropriated to remain available until expended, the Secretary of the Army, acting through the Chief of Engineers, is directed to use continuing contracts to design and construct a riverfront park at Charleston, West Virginia, in accordance with the cost sharing principles of Public Law 99-662 and as generally described in the September 1989 Reconnaissance Report of the Huntingdon District entitled, Charleston Riverfront Park, Winfield Navigation Pool, Kanawha River: *Provided further,* That no fully allocated funding policy shall apply to construction of Charleston Riverfront Park, West Virginia".

MOTION OFFERED BY MR. BEVILL

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

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

The text of the motion is as follows:

Mr. BEVILL moves that the House recede from its disagreement to the amendment of the Senate numbered 35 and concur therein with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert the following: ": *Provided further,* That $2,500,000 of the funds appropriated herein shall be used by the Secretary of the Army, acting through the Chief of Engineers, to continue the development of recreation facilities at Sepulveda Dam, California: *Provided further,* That the Secretary of the Army, acting through the Chief of Engineers, is directed to use $3,500,000 of the funds appropriated herein for the Federal share of construction of access facilities in the McAlpine Lock and Dam navigation pool. The non-Federal interests shall be credited for previous work related to access, including $3,000,000 for 1,060 feet of the new downtown wharf. Non-Federal interests shall provide necessary easements to the Federal Government for construction of improvements at no cost to the Federal Government. Title for lands shall remain with non-Federal interests: *Provided further,* That $100,000 of the funds appropriated herein shall be used by the

Secretary of the Army, acting through the Chief of Engineers, to continue the Sauk Lake, Minnesota, project: *Provided further,* That with $350,000 of the funds herein appropriated to remain available until expended, the Secretary of the Army, acting through the Chief of Engineers, is directed to use continuing contracts to design and construct a riverfront park at Charleston, West Virginia, in accordance with the cost sharing principles of Public Law 99-662 and as generally described in the September 1989 Reconnaissance Report of the Huntington District entitled, Charleston Riverfront Park, Winfield Navigation Pool, Kanawha River: *Provided further,* That no fully allocated funding policy shall apply to construction of Charleston Riverfront Park, West Virginia".

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

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. 46: Page 17, line 25, strike out "$12,926,000" and insert "$12,521,000".

MOTION OFFERED BY MR. BEVILL

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

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

The text of the motion is as follows:

Mr. BEVILL moves that the House recede from its disagreement to the amendment of the Senate numbered 46 and concur therein with an amendment, as follows:

In lieu of the sum stricken and inserted by said amendment, insert the following: "$13,221,000".

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

The motion was agreed to.

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

The text of the amendment is as follows:

Senate Amendment No. 49: Page 28, strike out all after line 12, over to and including line 2 on page 29.

MOTION OFFERED BY MR. BEVILL

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

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

The text of the motion is as follows:

Mr. BEVILL moves that the House recede from its disagreement to the amendment of the Senate numbered 49 and concur therein with an amendment, as follows:

Restore the matter stricken by said amendment, amended to read as follows:

SEC. 205. (a) AUTHORIZATION.—The Secretary is authorized and directed to enter into a contract with the McGee Creek Authority, Oklahoma City, Oklahoma, accepting a payment in an amount to be determined by the Secretary after appropriate investigation.

(b) CONTRACT TERMINATION.—Upon receipt of the payment specified in subsection (a), the McGee Creek Water Authority's obligation under contract between the Authority and the Secretary numbered 0-07-50-X0822, dated October 11, 1979, shall be terminated.

(c) TITLE TO PROJECT FACILITIES.—Notwithstanding any payments made by the McGee Creek Water Authority pursuant to section 205 (a) and (b) of this language or pursuant to any contract with the Secretary, title to project facilities of the McGee Creek Project, Oklahoma, shall remain with the United States.

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

The motion was agreed to.

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

The text of the amendment is as follows:

Senate Amendment No. 50: Page 29, strike out all after line 2 over to and including line 2 on page 31.

MOTION OFFERED BY MR. BEVILL

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

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

The text of the motion is as follows:

Mr. BEVILL moves that the House recede from its disagreement to the amendment of the Senate numbered 50 and concur therein with an amendment, as follows:

Restore the matter stricken by said amendment, amended to read as follows:

SEC. 206. (a) Except as provided in subsection (b) of this section, none of the funds appropriated in this or any other Act shall be used to execute new long-term contracts for water supply from the Central Valley Project, California.

(b)(1) The Secretary of the Interior is authorized and directed to enter into the following contracts: (A) a municipal and industrial water supply contract with the Sacramento County Water Agency, not to exceed 22,000 acre-feet annually, to meet the immediate needs of Sacramento County and a municipal and industrial water supply contract with the San Juan Suburban Water District, not to exceed 13,000 acre-feet annually, for diversion from Folsom Lake, with annual quantities delivered under these contracts to be determined by the Secretary based upon the quantity of water actually needed within the Sacramento County Water Agency service area and San Juan Suburban Water District after considering reasonable efforts to: (i) promote full utilization of existing water entitlements within Sacramento County, (ii) implement water conservation and metering programs within the areas served by the contract, and (iii) implement programs to maximize to the extent feasible conjunctive use of surface water and ground water; and (B) a municipal and industrial water supply contract with the El Dorado County Water Agency, not to exceed 15,000 acre-feet annually, for diversion from Folsom Lake or for exchange upstream on the American River or its tributaries, considering reasonable efforts to implement water conservation programs within areas to be served by the contracts. The contracts required by this subsection are intended as the first phase of a contracting program to meet the long-term water supply needs of Sacramento and El Dorado Counties. The Secretary shall promptly initiate the necesary analysis for the long-term water supply contracts. The Secretary shall include in these contracts terms and conditions to ensure that the contracts may be amended in any respect required to meet the Secretary's obligations under applicable state law and the Federal environmental laws.

(2) Prior to entering into the contracts specified in subsection (b)(1) of this section, the Secretary is directed to comply with the provision of the National Environmental Policy Act by preparing joint Environmental Impact Statements and California Environmental Quality Act Environmental Impact Reports. The Sacramento County Water Agency shall be the joint lead agency with the Bureau of Reclamation in the preparation of the environmental documents required under (b)(1)(A) of this section and the El Dorado County Water Agency shall be the joint lead agency with the Bureau of Reclamation in the preparation of the environmental documents required under (b)(1)(B), with the Bureau of Reclamation cooperating in all aspects of the environmental review process, but not controlling that process.

(3) Diversions from the American River under the contract for the Sacramento County Water Agency shall, to the maximum extent reasonable and feasible, take place at or near the mouth of the American River.

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

The motion was agreed to.

□ 1310

The SPEAKER pro tempore. (Mr. MONTGOMERY). The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 51: Page 31, after line 2, insert:

SEC. 205. The Secretary of the Interior is authorized and directed to pay, without reimbursement, $1,000,000 to the Fall River Rural Electric Cooperative in reimbursement for environmental protection requirements in connection with the development of hydroelectric power at the Island Park Dam and Reservior, Idaho. Such payment shall be made on the date the hydroelectric electric power facilities are placed in service and shall not affect cost allocations or repayment provisions for the Minidoka Project.

MOTION OFFERED BY MR. BEVILL

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

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

The text of the motion is as follows:

Mr. BEVILL moves that the House recede from its disagreement to the amendment of the Senate numbered 51 and concur therein with an amendment, as follows: In lieu of the section number named in said amendment, insert "207".

The SPEAKER pro tempore. Does any Member seek time on this motion?

Ms. SCHNEIDER. Mr. Speaker, I rise in opposition and urge my colleagues to vote in opposition to this

particular inclusion on both an environmental and fiscal basis.

The SPEAKER pro tempore. Is the gentleman from Indiana [Mr. MYERS] opposed to this motion?

Mr. MYERS of Indiana. Mr. Speaker, I am not.

The SPEAKER pro tempore. The gentlewoman from Rhode Island [Ms. SCHNEIDER] will be recognized for 20 minutes, the gentleman from Indiana [Mr. MYERS] will be recognized for 20 minutes, and the gentleman from Alabama [Mr. BEVILL] will be recognized for 20 minutes.

Mr. BEVILL. Mr. Speaker, I yield such time as he may consume to the gentleman from Idaho [Mr. STALLINGS].

Mr. STALLINGS. Mr. Speaker, I rise in support of section 51 of the conference report. This amendment is the result of a number of years of hard work by himself, and by my colleagues from Montana, and by my colleagues from Wyoming. It is the result of a negotiated settlement of a problem that has plagued a very, very special stream in Idaho called the Henrys Fork of the Snake River.

In 1985 when I was first elected to Congress, a group of environmentalists approached me about a problem they had with that river. There were 13 applications for low head hydro projects on that river. Essentially, they wanted me to help stop them, to help protect that river from being dug up, run through low head turbines for a very, very small amount of power. As a result of their request, I introduced legislation calling for a study in Wild and Scentic River status on that river, and had the support of my environmental friends in eastern Idaho.

The Senate took a different approach. My colleagues from Idaho on the Senate side passed legislation that essentially stripped any hydro projects on the Henrys Fork, except for one, except for the one that was already in existence. The dam at Island Park was already in existence, and the compromise that we worked out with all parties was that yes, there will be no new low head hydro projects on that river, but we will accept the one at Island Park.

Now, we went even further than that in the legislation that was passed by this body and the other body. It was agreed that we would put all types of environmental concerns. We would put together committees to oversee the construction of that hydro project on the dam that was already in place. We placed all types of dates of construction so it would not interfere with the high water times, and it would not interfere with key fishing times. So we accommodated the environmental concerns on every issue.

However, in the process, my interference with those 14 hydro projects created a problem because I insisted on these environmental steps and these environmental hoops that they had to run through. This Congress passed the Tax Reform Act of 1986 which essentially stripped out the energy tax credits. In the ensuing 2 years, I have worked to try and find a way around this problem. It has been in the last year or so that opposition to this project has developed, and I think it is most unfortunate, because when we protected the river back in 1985 there was tremendous support for it.

When we now are on the verge of seeing this accomplished by this amendment, all of a sudden some of that support has disappeared. It is as if people had forgotten the other 12 projects that might have been put in place by now.

The money involved here is essentially designed to pay for those environmental projections. Some are suggesting that this is a great deal of money, $1 million, and it is. It probably equates to the decal on a B–2 bomber. It is probably equal to some of the other very, very minor projects we do around here, and yet I am concerned about, and so we have made sure that that money is well spent. In fact, the Treasury will benefit from that, so over the long-term the Treasury will receive about $11 million for the $1 million spent therein.

Mr. Speaker, I would hope that Members would support Members as we try to complete this project, that we do in fact what was agreed to by all parties, and that is that we allow a hydro project on a dam that is already in existence.

I find it incredible at this point we are having trouble in energy, and we have seen the price of gas and heating fuel and everything else sky-rocket. Here we have a chance for very little cost to increase some hydro power. It is clean. It is cheap. It is renewable. It does all the things we in this body are trying to do, that is clean up the environment. This is a project that everyone wins.

The environmental concerns have been taken care of. I am convinced that eastern Idaho and this Nation would be better off with it. I guess what I am asking Members to do is to help me keep my word. I have brokered that agreement between the two parties. I put my reputation on the line. I said, "Yes, we will stop the other 12, but we have to have the one." The sides agreed. I gave my word to that, and now I am asking Members to help me keep that word. Please support this.

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

Ms. SCHNEIDER. Mr. Speaker, as I stated earlier, I rise in opposition to the Island Park Dam for a whole series of different reasons.

The proposal that we are talking about here today would require the Secretary of Interior to make an unprecedented million dollar payment for the cost of a private hydropower project in Idaho. Now, this is something in and of itself, but let me also mention that failure to comply with some of the FERC requirements that the Federal Energy Regulation Commission issued a license for this project 2 years ago. However, the developer has never complied with any FERC requirements for even the most routine submissions of information.

The FERC staff stated that because the developer missed the deadline date for requesting a 2-year extension of the license, it is likely that the license will be revoked. Without a license, it will be impossible for the developer to proceed with the project making the grant of $1 million a complete waste of taxpayers' money. I might mention that various organizations object to this project because they are outraged at the notion of bailing out a private hydropower developer with a million dollar direct Federal grant for expenses that every other hydrodeveloper in the country accepts as a cost of doing business.

I might also ask, why should the taxpayer give a $1 million handout to a private developer of hydropower? Just because a developer lost a tax break, this would set a terrible precedent. Needless to say, there are more than fiscal arguments in opposition to this. There are some environmental arguments. The Henrys Fork of the Snake River, downstream of the Island Park Dam, is one of the most famous and productive wild trout sport fisheries in the world. The construction of a hydroelectric project at the Island Park Dam could disrupt the delicate ecosystem here by causing changes in water flow, also in temperature and oxygen content. The unique fishery and the surroundings support a major tourist industry that is vital to the local community. Clearly, it appears by all environmental assessments to this point that this is no place to experiment with unproven technologies that may or may not work to protect the fish.

So, the development costs of this private hydro power project will be located in at the Bureau of Reclamation's Island Park Dam, are ones that I feel that this Congress should adamantly stand in opposition to.

□ 1320

Its potential for significant adverse impact to one of the finest trout fishery reaches in the world, plus its irresponsible request that the taxpayer support a $1 million project, is to my way of thinking inappropriate.

I might also mention that this particular proposal has not been authorized by the House of Representatives,

and therefore I feel that it is inappropriate that we support it at this time.

Mr. Speaker, I would like to also mention, in addition to the fact that we here in the House have not authorized this $1 million expenditure, the Bush administration also objects to this subsidy because it is not a Federal responsibility and because it represents a departure from long standing policy.

I might also include that the developer involved has a very poor record of complying with environmental provisions of other hydroelectric licenses, and he is currently violating at least a dozen requirements of the Island Park project license.

Mr. Speaker, I yield 5 minutes to the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. Mr. Speaker, I thank the gentlewoman for yielding this time to me.

Mr. Speaker, I share the gentlewoman's concern over the fact that this program is not authorized. This is one more instance where the Appropriations Committee has gone ahead and done something without the benefit of an appropriate authorization.

The authorization process in this House works so that we can look at some of the very issues that the gentlewoman raised before we make policy.

I am wondering, and maybe the gentlewoman knows or maybe somebody from the committee can answer, were there hearings held on this project?

Ms. SCHNEIDER. Mr. Speaker, if the gentleman will yield, there were no hearings.

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

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

Mr. STALLINGS. Mr. Speaker, yes, in fact there were hearings held. We had one over on the Senate side earlier this year. The gentleman from Montana [Mr. WILLIAMS] and I testified before the Committee on Ways and Means on this same project earlier in the year.

As a matter of fact, there is a rather extensive hearing record.

Mr. WALKER. But were there any hearings held by the committee that is now coming forward with the proposal?

Mr. STALLINGS. No.

Mr. WALKER. So that what we have, we had hearings held in the authorization process. The authorization process does not approve the project, but we come through with an appropriation where they held no hearings and decided to do it despite the fact that the authorizers decided not to approve it, evidently.

Now, I find that to be a total misstatement of the way this House ought to work. The authorizing process is meant to make determinations about policy, and then having made those determinations about policy, we are to set upward limits. Those upward limits are to be obeyed by the appropriators.

In this case, we do not have any upward limit because we had no authorization. The appropriators had no business putting this money in. It is a million dollars.

The gentleman from Idaho described that as a pittance here a few minutes ago, the decal on a B-2 bomber. A million dollars is a lot of money in my district. It is a lot of money to most people in this country.

The fact is that it is a million dollars which is not going to some Government program. It is going, as I understand it, to a private developer.

Ms. SCHNEIDER. Mr. Speaker, if the gentleman will yield, that is absolutely correct.

Mr. WALKER. And a private developer who has a record of some shakiness with regard to environmental standards; so all of a sudden because the Ways and Means Committee at one point took away a tax break from a private developer, we are now going to come in and reimburse that private developer with a million dollars worth of Government subsidies.

That does not make sense as a policy, and it certainly does not make sense as a policy that the policy was never stated by this Congress.

I object once again very strenuously to the idea that the appropriators feel as though they can run rough shod over this House, that the authorizing process does not matter and that they can go ahead and spend money regardless of where the authorizing committees stand or where the issue stands with regard to Members of the House.

Of course, we will have a vote. Then everybody will run around and we will have the word on the floor that, "You better be with us on this, or we are going to take a look at your projects, too."

I am fearful that the gentlewoman will not prevail. I hope she does, because she has brought a just cause before the House. We ought not to have these matters being brought to us in appropriation bills when they have not been appropriately authorized.

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

I would like to suggest to my colleague that I certainly do intend to succeed in calling for a vote and defeating this particular amendment No. 51 for many different reasons, not only the ones delineated by my colleague, the fact that we have not held hearings, the fact that we are running rough shod over the process. The process is one element of the argument.

In addition to that, the taxpayers are fed up with what we are doing here in Washington, and it is high time that we stop bailing out the private sector.

A million dollars, as was stated, goes a long way.

Finally, to the environmental concerns, to the trout fishermen and to the local economy, are ones that cannot be overlooked.

The National Wildlife Federation, the American Fisheries Society, the National Audubon Society, the Sport Fishing Institute, the American Rivers and Trout Unlimited, not to mention George Bush himself, stand in opposition to this particular amendment.

Mr. MYERS of Indiana. Mr. Speaker, I yield such time as he may consume to the gentleman from Idaho [Mr. CRAIG], who is quite familiar with this project.

Mr. CRAIG. Mr. Speaker, I thank my colleague for yielding me this time.

Mr. Speaker, when you have friends on both sides of an issue, sometimes it is difficult to speak out as strongly as you would like. This seems to be the case in this instance.

Although this project is not in my district, I have watched it with great interest over the last several years, because as my colleague, the gentlewoman from Rhode Island, says, this particular project is on one of the Nation's truly quality fisheries and outstanding trout streams, known throughout the world for the quality of the fishing and the type of fish that are caught there.

It was clearly with this sensitivity that my colleague from the second district, that the two Senators from Idaho who are involved, began to approach this project.

Back in 1968, when my colleague from the second district was considering the Henrys Fork as a wild and scenic river for that designation, that effort was to block hydro projects on the river. Some 12 hydro projects that all of us knew very clearly could in fact, and in fact would damage the quality of the river and its fisheries.

But this was one of the projects that when looked at, even all the coalitions involved at that time agreed that if properly handled, it would not damage the environment. It was at that time that very stringent rules and very stringent procedures for licensure, and it was under that process that the language that is now so very, very tight today on the developer in licensure process is that which is being used for the purposes of construction.

Let me read you some of that language. By the way, this was language that was negotiated by the environmental groups that are now once again in opposition to it. The language says:

The licensee shall cease or alter operations until conditions would provide water within prescribed limits.

That is one of the toughest pieces of language in any hydro license anywhere in the United States today.

In fact, it was the agreement of the coalitions involved that at any time along the way that they—and I am talking about coalitions which include the Henrys Fork Foundation, the Greater Yellowstone Coalition, and the Idaho Sportsmen's Coalition—that any time along the way that they judged there was an environmental problem happening, they could participate in it, and that has all been agreed upon.

Now, my colleague, the gentleman from Pennsylvania, argues properly the authorization question. I am not going to argue that with him. That is a concern that we all have.

Hearings were held on this. They were held in the Senate. It has moved properly through the Senate. It is now an amendment that comes from the Senate for our consideration, so proper and thorough discussion here will be in large part the only hearing that this will receive on the House side.

□ 1330

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

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

Mr. WALKER. I thank the gentleman for yielding.

Were those hearings held in the Senate Appropriations Committee?

Mr. CRAIG. I do not believe they were in the Appropriations. They were in the Energy and Natural Resources Committee of the Senate.

Mr. WALKER. Has the Senate passed an authorization bill for this?

Mr. CRAIG. I cannot answer that.

Ms. SCHNEIDER. It is my understanding, and I would welcome correction if it be necessary, but it is my understanding that neither the Senate Committee on Energy and Natural Resources nor the Senate Finance Committee has reported legislation to achieve the result that is sought by this particular amendment.

Mr. WALKER. I thank the gentlewoman.

Mr. CRAIG. My colleague from Rhode Island is accurate. Hearings were held. From those hearings, the language that you have before you, in the form of an amendment, was crafted. I believe that to be a fact. There is certainly no desire to misrepresent this issue.

What is at hand is a desire that the truth come out, not the idea that this is some issue that will damage the environment, because it is not. It is an existing dam, it is an existing power facility. We are talking about redoing it for purposes of increased production.

There will be no dam construction; there will be no major earth movement.

Clearly, the language assures that the quality of the water and the oxygen content of the water to assure maximum fisheries will be retained. All of that is built on an agreement, built on a coalition, built on negotiations, even in the licensure process, to agree that environmental groups would sit in on the committee that would help craft the language. That is how concerned my colleague from the 2nd district and our senior Senator was that this be done in such an environmentally sound way that we could, in fact, establish a precedent, a precedent to insure water quality, and to insure fisheries, while at the same time recognizing in this country, that we can develop hydro, that it will be environmentally sensitive, and that we can have that quality, and that kind of energy, as part of our overall energy blend.

I think it is important. I think it is important, not just from the standpoint of Idaho, but from the standpoint of the Nation, that we will no longer just arbitrarily say "no hydro project," no hydro projects for some reason. And that reason might be that it is environmentally unsound.

I believe we are looking at an example that can establish an environmental precedent in this country, that we have dotted all the i's and crossed all the t's, and for the first time, we not only have invited in, but we have welcomed in, and asked the environmental community to participate in the crafting of the license and the guidelines that govern and direct this issue.

Let me close by saying that Island Park was authorized by the House on November 17, 1989, in H.R. 3695. It did not pass the Senate, although it did pass the House.

Mr. BEVILL. Mr. Speaker, I yield such time as the gentleman may consume to the gentleman from Montana [Mr. WILLIAMS].

Mr. WILLIAMS. I thank the chairman.

Mr. Speaker, I rise in support of the amendment No. 51, and in opposition to the gentlewoman's attempts to strike the money for this little project out in Idaho. It is not in my State of Montana; it is in southern Idaho, a few miles from the border of Montana, a few miles just west of Yellowstone National Park, to locate it for those of you who are interested in this.

I am a little bit surprised, not only at the fact that this is being jeopardized, but at the debate this afternoon.

First, with regard to the committee running roughshod over authorization or trying to pull off some sort of slamdunk here, that is not what is happening at all. The committee is simply honoring a congressional compromise that was made in 1986. All hydro projects on this little stream, called Henry's Fork, in Idaho, were stopped in 1986. They were all stopped, except this one. The reason this was not stopped, is that the Congress believed it was needed and it could be made environmentally benign if certain adjustments were made in the construction.

And so the Congress imposed certain environmental requirements, causing a midlicensing delay on the reconstruction of this dam called Island Park.

So this little dam was disadvantaged, the only one in the Nation to be disadvantaged in this manner by the Congress of the United States.

Why did we disadvantage them? Well, because it is a trout fishery, because it is one of the Nation's great trout fisheries. That is why we stopped all hydro projects except this one. We said to the contractors and supporters of this project, "If you do it in a certain way, we go ahead and license you, if not—no license."

Now the Appropriations Committee is saying they have done it, they have met the criteria, protected the fishery, and the project should go forward.

If this dam was going to hurt this fishery, and I am a fisherman from the West, I would be opposed to it.

If this dam was bad environmentally, check my environmental record in this House, I would be opposed to it.

But that is not what this dam is going to do. This is not a new dam. There is no diversion of the water going to take place here. There is not going to be 1 inch of new road construction here. The prevailing flows will be maintained. The stream flow will not be altered. The prevailing temperature of the water is going to stay exactly as it is. The dissolved oxygen is going to be just as it is, the nitrogen is going to be changed, all water quality parameters are going to be left unchanged. Either that, or this project is not going to go ahead because that is the law. The Congress, back in 1986, placed that requirement on this little project.

So, environmentally it is very sound. As a matter of legislative integrity, this Committee is simply keeping the word of this Congress, in allowing this dam to go ahead. Now what about the money? Are we going to lose a million dollars here? The first time I ran for Congress, I started listening to those folks out West who said to me, "Pat, you know, we ought to run Government like a business." Well, I was in business. I was in the restaurant business.

The way we made money was to invest money. We have forgotten that on Capitol Hill for too long. We have forgotten that if you invest money up front in the right way, you get money back in the treasury. This $1 million will be returned almost instantly to the Federal Treasury in payroll and

income taxes to the Federal Government. We have already worked that out. It comes back right away.

Then we are going to get $10 million more in the long run through Bureau of Reclamation fees, income taxes, and other revenues to the Federal Treasury. And by the way, not my State, but the State of Idaho is going to make another $3 million on it. So it is an investment.

Ms. SCHNEIDER. Mr. Speaker, will the gentleman yield?

Mr. WILLIAMS. I am pleased to yield to the gentlewoman.

Ms. SCHNEIDER. I thank the gentleman for yielding.

Mr. Speaker, I am very curious to learn how you can calculate that we the taxpayers will be the beneficiary of the return on that million-dollar investment, when in fact, the Federal Energy Regulatory Commission has issued a license for this project with which the firm has never complied with any of the FERC requirements for even the most routine submission of information. And at this point their 2-year extension is at the point of being revoked, making it very clear, that without a license, it will be impossible for the developer to proceed with the project. And there, where will that million dollars go?

Mr. WILLIAMS. Obviously, if they cannot proceed with construction because a license is denied, the million dollars would stay in the Federal Treasury.

I mean, we are not going to write a check to some contractor out in Idaho and say, "Here, it is your money, whether you get a license to build or not." That is not what is going on here.

My colleagues, I urge you to support the Bevill amendment No. 51.

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

Mr. Speaker, there are a few points I would like to make. Rather than interrupt my colleagues, I wanted to make it very clear to my one colleague, the gentleman from Idaho [Mr. CRAIG] that this particular objection is not an objection to all hydroelectric plants, it is an objection to this one particular plant, because of the failure to comply with license requirements, because at a time like this, we do not need, and the Idaho statesman also points out that the Idaho project does not merit, taxpayer help.

□ 1340

In addition to that, there are environmental questions that have been raised, so much so, that there are 29 different environmental organizations in that vicinity, including the Montana Wildlife Federation, the Montana Trout Unlimited, to which my other colleague is a member, have objections to this. So, there are procedural, there are also taxpayers' concerns; there are environmental concerns.

And last, but not least, let me point out that the chairman of the Subcommittee on Water, Power and Offshore Energy Resources has written a letter to the gentleman from Alabama [Mr. BEVILL] suggesting that it would not be prudent to authorize or appropriate a million dollars to the Fall River Rural Electric Cooperative at this time, because it is necessary to fully review this matter and allow interested parties an opportunity to comment and suggest alternatives.

That opportunity has not been provided, Mr. Speaker, and I feel, that for this body to suggest that we go ahead and assist an individual in the private sector who has violated Federal laws already, the Federal Energy Regulatory Commission, and violated licensing procedures, that it is absolutely irresponsible for this Congress to support this amendment.

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

Mr. MYERS of Indiana. Mr. Speaker, I yield 5 minutes to the gentleman from Idaho [Mr. STALLINGS].

Mr. STALLINGS. Mr. Speaker, I will not use all 5 minutes. I do want to just rebut a couple of points that were made.

This project has been under consideration, under very close scrutiny, for the last 4 years. It is a project that has been slowed down; as the gentlewoman from Rhode Island [Ms. SCHNEIDER] says, the project has not moved very rapidly in the last few years, and for a very good reason. This body has slowed it down. They have been waiting to see exactly what Congress would do, and, until Congress acts, those folks involved in the process should not carry on.

Another point that I think needs to be made is the gentlewoman from Rhode Island [Ms. SCHNEIDER] suggested that perhaps the money was going to some company. As a matter of fact, it is not going to a company, but it is going to the Fall River REA to pay for environmental responsibilities, to pay for the environmental concerns, that we in this Congress established.

Now, my colleagues, as the gentleman from Montana [Mr. WILLIAMS], my colleague, says this project is environmentally benign. We have wide support from government officials in the State of Idaho. Governor Cecil Andrus, who has strong environmental credentials, is very supportive of this. The State of Idaho Water Resource Board looked at it closely and has agreed that it is good. The Idaho Department of Fish and Game, certainly not a group that is interested in seeing the fisheries damaged, have issued support. The Idaho Sportsman Coalition have expressed support.

Ms. SCHNEIDER. Mr. Speaker, will the gentleman yield?

Mr. STALLINGS. I yield to the gentlewoman from Rhode Island.

Ms. SCHNEIDER. Mr. Speaker, given the fact that we have, as I mentioned, 29 regional organizations that stand in opposition to it, mentioning also the fact that the administration is opposed to it, and many of us who feel that the process is irresponsible to minority views, let me ask the gentleman how is it that he can feel justified in suggesting the support for that legislation when in fact the chairman of the committee has even suggested that there is no great rush to move this through today, that what we should allow is the opportunity for hearings to be held and a further discussion of the fine points of this, fiscally and environmentally.

Mr. STALLINGS. Reclaiming my time, Mr. Speaker, I cannot speak for the chairman that the gentlewoman from Rhode Island [Ms. SCHNEIDER] is referring to. I have no idea of what he has in mind. All I know is this project is part of this bill. It has been heard on both sides, in both bodies. It has support in the State of Idaho.

The gentlewoman from Rhode Island [Ms. SCHNEIDER] mentioned a list of groups, national groups for the most part, that are expressing concern.

Ms. SCHNEIDER. No, they are all local groups.

Mr. STALLINGS. Reclaiming my time, Mr. Speaker, one of the names which the gentlewoman has on that list, the conservation list, to my understanding has not participated. They are puzzled how their name got on that list. They have stayed out of this, as most of the Idaho groups have. Many of the groups that the gentlewoman is referring to on her list have been rather recent in their creation.

Mr. Speaker, I agree there is some opposition in this State; I would not oppose that, but I would need to point out finally for my colleagues that we in this body do a number of things, most of them well intended. Unfortunately, at times we trample on the people we are trying to help. We placed environmental concerns on a small REA in eastern Idaho and said, "If you'll go through these hoops, you then can develop this energy project."

By putting those obstacles in front of these folks, we made it virtually impossible for them to complete the project that we were trying to help.

My colleagues, we have gone through those hoops. We have an environmentally conscientious project. It is in the interests of fishermen, in the interests of people in eastern Idaho. We think it sets a great example of how future environmental projects, future hydro projects, can be brought together with the environmental community to make sure that we do not

have the damage to the fisheries, the damage to the wildlife.

Mr. Speaker, this project is a model, and I certainly urge my colleagues' support.

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

Mr. MYERS of Indiana. Mr. Speaker, I yield myself such time as I may consume.

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

Mr. MYERS of Indiana. I yield to the gentleman from Alabama.

Mr. BEVILL. Mr. Speaker, I just want to rise in support of this motion and urge the Members to vote aye.

Mr. MYERS of Indiana. Mr. Speaker, I thank the gentleman from Alabama [Mr. BEVILL] for his comments.

Mr. Speaker, the Committee on Appropriations has found itself in a middle situation here not by their own making. This was a Senate amendment, and we did consider this amendment quite extensively in the conference. It was discussed quite thoroughly, and this committee, our House Members, were convinced that there was an injustice here in this particular instance.

This project was on schedule until an amendment was offered several years ago in an appropriation bill that required zero, zero, tolerance here in the environmental issues in this project. Because of that, it was stopped temporarily, and the project lost time in order to comply with this fine trout fishing stream, making sure it was not violated, that we protect that stream. So, that was the reason that it was stopped, because of action by the Congress. Otherwise they would have met the time requirement for this tax credit.

Now, it was said this is precedent setting. Well, this one particular instance, maybe it is, but it really is not setting any precedents that we have not done in the past. This project was delayed, not because of any action of the project operators or the promoters. It was because Congress forced the delay to meet, again, the environmental standards. So, it really is not precedent setting. If it is, we are paying the price for what we did, and it is not costing the taxpayers any money, as far as a cash-out. It just qualifies for a tax credit they otherwise would have been able to meet if they had not been delayed by actions of this Congress.

So, after hearing all this evidence from the Senate, the members of the conference decided that it was appropriate in this instance, but the conferees and the appropriate committee is going to be very careful about anything precedent setting that is costing money. We felt it was just an altogether fitting, and I strongly support that we should support the amendment No. 51.

Ms. SCHNEIDER. Mr. Speaker, will the gentleman yield?

Mr. MYERS of Indiana. I yield to the gentlewoman from Rhode Island.

Ms. SCHNEIDER. Mr. Speaker, I am curious to know.

Mr. MYERS of Indiana. You have been curious before.

Ms. SCHNEIDER. If we find that this particular project is unable to procure the license because of the failure to comply with FERC, and they do not receive a license, is the gentleman then willing to say that we will withhold that million dollars because this is an exceeding controversial proposal that is in a precarious position now due to the developer's mishandling of the entire project, not because of any controversy on environment or anything else, but because he has a record and a reputation of failing to comply with licenses? And I think that when we talk about that precedent, if we are going to in fact provide $1 million to someone who does not have a clear-cut reputation in following the law, is the gentleman willing to suggest that, if he does not receive a license, that that million dollar benefit will come back to the taxpayers?

□ 1350

Mr. WILLIAMS. Will the gentleman yield?

Mr. MYERS of Indiana. I yield to the gentleman from Montana.

Mr. WILLIAMS. Mr. Speaker, let me read from page 37, line 8. "Such payment," referring to the $1 million, of course, "shall be made on the date the hydroelectric power facilities are placed in service." Obviously, they cannot go ahead.

Mr. MYERS of Indiana. Mr. Speaker, reclaiming my time, I would say it is in lieu of a tax credit. This is in lieu of a tax credit that they were entitled to if they had not been delayed because of actions by this Congress.

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

Mr. Speaker, I think this committee will need to take note, because I am quite certain that we will see other developers come forward who are in similar fiscal difficulties asking for a congressional bailout once again. If we are so ready to hand it out in a circumstance that is so very controversial as this one, I am quite sure this will be precedent setting.

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

Mr. MYERS of Indiana. I yield to the gentleman from Idaho.

Mr. STALLINGS. Mr. Speaker, I need to make the point one more time, this does not go to the developer; it goes to the Fall River Rural Electric Association to pay for the requirements we have imposed upon them. It does not go to the developer.

Mr. CONTE. Mr. Speaker, I rise in opposition to Senate Amendment No. 51. This $1 million subsidy for a private developer of hydropower is a bad precedent and a bad idea.

This provision of law does not belong on an appropriations bill without an authorization. It is extremely controversial and should be subject to full hearings. There is no urgency or compelling public policy reason for us to perform an end run around the committees of jurisdiction. Mr. Speaker, a host of fishermen and environmentalists fiercely oppose giving a Federal handout for a project that threatens one of the finest trout fisheries in the United States. Most of these opponents live in Idaho and enjoy the unspoiled nature of Henry's Fork.

It is a bad policy to provide relief to a private developer because a tax break he was counting on expired. The tax credit expired for everybody. The Tax Code changes apply to everybody. If we give an exception for this developer, then we open the door for everyone similarly situated to seek like relief.

I have heard the argument that the developers deserve this relief because Congress, by imposing special environmental restrictions on the project, was responsible for project delays. Well, the project sponsors should have been thinking about river protection all along. This is a unique area and requires unique protections. Environmental protection is a fundamental responsibility of us all and is a cost of doing business. It is not the fault of the Congress.

I urge my colleagues to reject the Senate amendment.

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

The SPEAKER pro tempore (Mr. MONTGOMERY). The question is on the motion offered by the gentleman from Alabama [Mr. BEVILL].

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

Ms. SCHNEIDER. Mr. Speaker, I object to the vote on the ground that a quorum is not present, and I 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 246, nays 172, not voting 15, as follows:

[Roll No. 490]

YEAS—246

Ackerman	Bonior	Chandler
Alexander	Borski	Chapman
Anderson	Bosco	Clay
Annunzio	Boucher	Clement
Applegate	Brooks	Coleman (MO)
AuCoin	Browder	Coleman (TX)
Baker	Brown (CA)	Collins
Barnard	Bruce	Condit
Barton	Bryant	Conyers
Bateman	Bustamante	Cooper
Bennett	Callahan	Costello
Bereuter	Campbell (CO)	Coyne
Bevill	Cardin	Craig
Bilbray	Carper	Crockett
Boggs	Carr	Darden

Davis	LaFalce	Rahall
DeFazio	Lagomarsino	Ray
Derrick	Lancaster	Regula
Dickinson	Lantos	Rhodes
Dicks	Laughlin	Roberts
Dingell	Lehman (CA)	Robinson
Dixon	Lehman (FL)	Roe
Donnelly	Lent	Rogers
Dorgan (ND)	Levin (MI)	Rose
Durbin	Levine (CA)	Rostenkowski
Dwyer	Lewis (FL)	Roukema
Dyson	Lewis (GA)	Rowland (GA)
Edwards (CA)	Lightfoot	Roybal
Edwards (OK)	Lipinski	Sabo
Emerson	Livingston	Sangmeister
Engel	Lloyd	Sarpalius
English	Long	Savage
Erdreich	Lowery (CA)	Sawyer
Fazio	Luken, Thomas	Schulze
Feighan	Madigan	Serrano
Ford (MI)	Manton	Shumway
Frost	Marlenee	Shuster
Gallegly	Martinez	Sisisky
Gallo	Mavroules	Skaggs
Gaydos	Mazzoli	Skeen
Gekas	McCandless	Skelton
Gephardt	McCloskey	Slattery
Geren	McCrery	Smith (IA)
Gibbons	McDade	Smith (NE)
Glickman	McEwen	Smith, Denny (OR)
Gonzalez	McHugh	Smith, Robert (OR)
Gordon	McMillen (MD)	Solarz
Grandy	McNulty	Spratt
Grant	Mfume	Staggers
Gray	Michel	Stallings
Guarini	Mineta	Stangeland
Hall (TX)	Moakley	Stenholm
Hammerschmidt	Mollohan	Stokes
Hansen	Montgomery	Stump
Harris	Moorhead	Swift
Hastert	Morrison (WA)	Synar
Hatcher	Mrazek	Tallon
Hayes (IL)	Murphy	Tanner
Hayes (LA)	Murtha	Tauzin
Hefner	Myers	Thomas (CA)
Hoagland	Nagle	Thomas (GA)
Hochbrueckner	Natcher	Thomas (WY)
Holloway	Nielson	Torres
Horton	Nowak	Torricelli
Houghton	Oakar	Traficant
Hoyer	Oberstar	Traxler
Hubbard	Olin	Unsoeld
Huckaby	Ortiz	Visclosky
Hughes	Owens (NY)	Volkmer
Hunter	Oxley	Vucanovich
Hutto	Pallone	Washington
Hyde	Panetta	Watkins
Inhofe	Pashayan	Whittaker
Ireland	Payne (NJ)	Whitten
Johnston	Payne (VA)	Williams
Jones (NC)	Pease	Wilson
Kanjorski	Penny	Wise
Kaptur	Perkins	Yatron
Kildee	Pickett	Young (AK)
Kleczka	Pickle	Young (FL)
Kolbe	Poshard	
Kolter	Price	
Kyl	Quillen	

NAYS—172

Andrews	Coble	Flippo
Anthony	Combest	Foglietta
Archer	Conte	Ford (TN)
Armey	Coughlin	Frank
Aspin	Courter	Frenzel
Atkins	Cox	Gejdenson
Ballenger	Crane	Gillmor
Bartlett	Dannemeyer	Gilman
Bates	DeLay	Gingrich
Bellenson	Dellums	Goss
Bentley	DeWine	Gradison
Berman	Dornan (CA)	Green
Bilirakis	Douglas	Gunderson
Bliley	Downey	Hall (OH)
Boehlert	Dreier	Hamilton
Boxer	Duncan	Hancock
Broomfield	Early	Hawkins
Brown (CO)	Eckart	Hefley
Buechner	Espy	Henry
Bunning	Evans	Herger
Burton	Fascell	Hertel
Byron	Fawell	Hiler
Campbell (CA)	Fields	Hopkins
Clarke	Fish	Jacobs
Clinger	Flake	James
Jenkins	Parris	Smith (FL)
Johnson (CT)	Patterson	Smith (NJ)
Johnson (SD)	Paxon	Smith (TX)
Jones (GA)	Pelosi	Smith, Robert (NH)
Jontz	Petri	Snowe
Kasich	Porter	Solomon
Kastenmeier	Pursell	Spence
Kennedy	Rangel	Stark
Kostmayer	Ravenel	Stearns
Leach (IA)	Richardson	Studds
Lowey (NY)	Ridge	Sundquist
Lukens, Donald	Rinaldo	Tauke
Machtley	Ritter	Taylor
Markey	Rohrabacher	Towns
Martin (NY)	Ros-Lehtinen	Upton
Matsui	Roth	Valentine
McCollum	Rowland (CT)	Vander Jagt
McCurdy	Russo	Vento
McDermott	Saiki	Walgren
McGrath	Saxton	Walker
McMillan (NC)	Schaefer	Walsh
Meyers	Scheuer	Waxman
Miller (CA)	Schiff	Weber
Miller (OH)	Schneider	Weiss
Miller (WA)	Schroeder	Weldon
Mink	Schumer	Wheat
Molinari	Sensenbrenner	Wolf
Moody	Sharp	Wolpe
Morella	Shaw	Wyden
Neal (MA)	Shays	Wylie
Obey	Sikorski	Yates
Owens (UT)	Slaughter (NY)	
Parker	Slaughter (VA)	

NOT VOTING—15

Brennan	Leath (TX)	Nelson
de la Garza	Lewis (CA)	Packard
Dymally	Martin (IL)	Schuette
Goodling	Morrison (CT)	Smith (VT)
Kennelly	Neal (NC)	Udall

□ 1410

Messrs. FASCELL, FOGLIETTA, RICHARDSON, DELLUMS, YATES, MATSUI, and GILLMOR, Mrs. BOXER, and Messrs. JACOBS, KASTENMEIER, WHEAT, and OWENS of Utah changed their vote from "yea" to "nay."

Mr. EMERSON and Mr. KYL 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. 52: Page 31, line 17, strike out "$2,703,272,000" and insert "$2,745,615,000".

MOTION OFFERED BY MR. BEVILL

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

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

The text of the motion is as follows:

Mr. BEVILL moves that the House recede from its disagreement to the amendment of the Senate numbered 52 and concur therein with an amendment, as follows:

In lieu of the sum stricken and inserted by said amendment, insert the following: "$2,527,082,000".

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

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 31, strike out all after line 17, over to and including line 3 on page 32, and insert "$45,000,000 shall be available only for the following facilities: Center for Nuclear Medicine Research in Alzheimer's Disease and Related Disorders, Health Sciences Center, West Virginia University; Gazes Cardiac Research Institute, Medical University of South Carolina; Biomedical Research Institute, Louisiana State University Medical Center, Shreveport, Louisiana; the Neurosensory Research Center, Oregon Health Sciences University; and the Physical Sciences Center, Fort Hays State University, Fort Hays, Kansas.".

MOTION OFFERED BY MR. BEVILL

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

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

The text of the motion is as follows:

Mr. BEVILL 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 stricken and inserted, insert the following: "$89,842,500 shall be available only for the following facilities: Advanced Technology Center, Indiana State University; Center for Energy Resources Management, University of New Orleans; Biomedical Research Facility, University of Alabama at Birmingham; Biomedical Research Facility, Cape Western Reserve University; Energy Science Research Facility at Boston College; Center for Nuclear Medicine Research in Alzheimer's Disease and Related Disorders, Health Sciences Center, West Virginia University; Gazes Cardiac Research Institute, Medical University of South Carolina; Biomedical Research Institute, Louisiana State University Medical Center, Shreveport, Louisiana; the Neurosensory Research Center, Oregon Health Sciences University; and the Physical Sciences Center, Fort Hays State University, Fort Hays, Kansas".

The SPEAKER pro tempore. Does any Member request time on this motion?

Mr. WALKER. Mr. Speaker, I request time on this motion, and I ask the time be allotted.

The SPEAKER pro tempore. The Chair would ask the gentleman from Indiana [Mr. MYERS] if he is opposed to the motion.

Mr. MYERS of Indiana. Mr. Speaker, I am not opposed to the motion.

The SPEAKER pro tempore. The gentleman from Indiana [Mr. MYERS] will be recognized for 20 minutes, the gentleman from Pennsylvania [Mr. WALKER] will be recognized for 20 minutes, and the gentleman from Alabama [Mr. BEVILL] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. Mr. Speaker, when the legislation that we are considering left the House of Representatives, in

the energy research, supply and development activities accounts, the bill had $43 million in unauthorized and earmarked projects.

As the bill returns to us from the conference committee, it now has $90 million in unauthorized and earmarked projects. It is an interesting list that I will go into in a moment.

But I want to make one other point. When the bill left the House, it had one authorized project, a $4 million appropriation for a Hydrogen Energy Systems Program, in other words a program aimed at giving us the alternative fuel of hydrogen. We had given money to the Hydrogen Energy Systems Program so that we might develop hydrogen as an alternative energy source for our future.

As the bill returns from conference, that program has been stricken.

We now have got $45 million more in earmarked projects that are unauthorized, and $4 million taken out of the only authorized program that was sent to conference.

I find that a rather strange way of dealing with the authorizing processes of the House, but I also find it of some concern when we look at where we are spending the $90 million.

Let me read off the list of the universities that have gotten $90 million under this program. The universities getting the programs under this $90 million appropriation are: Indiana State University, University of New Orleans, University of Alabama at Birmingham, Case Western Reserve University, Boston College, West Virginia University, Medical University of South Carolina, Louisiana State University, Oregon University, and Fort Hays State University in Kansas.

I do not know, I have to assume that it is just a coincidence, but when I went to the report and figured out who was on the committee that made this determination, I find that 8 of those 10 projects happened to be in the States and in some cases in the very districts of the people who served on the conference committee.

I am sure that must be a coincidence. Can someone assure me it is simply coincidental, that 8 out of 10 projects happened to go to people who are on the conference committee? Well, can someone tell me that that is precisely the reason why they are in here is because they were from members of the conference committee? I do not seem to be getting much of a reply, and I guess I suspected I would not get much of a reply, but the fact is that when we are allocating money, it is not based upon merit other than the people whe are sitting in the room divvying up the money.

The question I have is: Are any of these unauthorized programs programs that have been peer-reviewed? Can somebody from the committee at least answer a couple of questions here?

Mr. MYERS of Indiana. Mr. Speaker, we are here if the gentleman will yield.

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

Mr. Speaker, the Department of Energy has standards that suggest that when you are allocating money for science there ought to be a peer-review process to select the very best science.

Have any of these projects been peer-reviewed through the Department of Energy's science programs?

Mr. MYERS of Indiana. If the gentleman will continue to yield, there have been some that were and some that were not. I do not know which are which, but the gentleman should know. He has been in this Congress a good number of years.

Mr. WALKER. In other words, the determination was made without knowing which are peer reviewed?

Mr. MYERS of Indiana. No; not without knowing. There are lots of projects, if the gentleman will yield further; if we only put authorized programs at this point in this bill, I do not know how many, about 3 or 4 billion, I guess, and very little of the Department of Energy is authorized at this point. Very little of the defense is authorized at this point.

Mr. WALKER. I thank the gentleman, but that is not the point here.

Mr. MYERS of Indiana. That is the issue the gentleman started about being unauthorized.

Mr. WALKER. Yes. In this particular case, we are determining that science programs, some of the most essential programs in the country, are going to go to particular places. We have no idea whether they are the best places for the money to go. We are simply spending $90 million. It certainly has the appearance that we are spending $90 million of money on projects that were directly related to people who sat on the conference committee.

I am saying to the gentleman that that is not a criteria that ought to be utilized for determining how the best science in this country gets done, and that we ought to have an appropriate process for assuring that science is properly evaluated and not just to satisfy the wishes of some Member that happens to be sitting in the room.

□ 1420

I am very disturbed by the situation where we are ignoring the authorizing process and where the one authorized program that was in the bill got dropped. Now, I find that very puzzling.

The gentleman said that we cannot do anything because there is no authorization in place. When the authorization is in place, we drop that program.

Now, the gentleman talked here a few minutes ago on the other bill about the fact that we have to have a sense of justice here, and we have to deal in ways in which the Committee on Appropriations makes up for the mistakes of others. How are we making up for the mistakes of others when we are talking a specific program that the authorizing committees wanted, and dropping it, in favor of going with $90 million in spending that the authorizing committees have not come up with?

Mr. MYERS of Indiana. Mr. Speaker, if the gentleman will yield, the gentleman will remember that this amendment was offered on the floor here. We did not have, in the hearings we held, we had hearings, too. The sun does not rise and fall with the authorizing committees.

Mr. WALKER. And neither does it on the appropriating committee, except the appropriating committees seem to act as though it does, and they ignore virtually everything that the authorizing committees do. How is it that we are outspending far in excess of anything that the authorizing committees have authorized at this point, where we do have laws in place, and yet we have exceeded it over and over again, in this particular bill, not in bills in days past. In this particular bill they have gone way over authorizations in the case of authorization committee priorities, they ignored, and in the case of the Committee on Appropriations, particularly Members sitting in the room, they decided to emphasize those.

I am saying that that is pretty much of a case where the appropriators do believe the sun rises and sets on them, and that they totally ignored that which goes on in the other committees of this Congress, who I think have a legitimate role to play.

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

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

Mr. RITTER. I think the gentleman is making an excellent point. Frankly, this country is sustaining a self-inflicted wound to the ability of science and technology, to promote our national well-being by politicizing this in its extent.

No, this process of allocating money to the university programs through appropriations bills has gone too far. It started 5 or 6 years ago where we began to ignore peer review, and each year it gets bigger and bigger and bigger.

Frankly, what we are doing is ignoring the science, the judgments of the scientists, and we are depending upon the judgments of the politicians. Do Members know what that makes? Po-

litical science. Political science. That is what we are getting in this Congress these days.

We can point to a dozen projects which have been involved because of politics. Now, that does not fit well with the national economy. That depends on a science and technology base. I tell Members what we are, and I will repeat it, sustaining grave damage to the ability of science and technology to perform for the American people.

Mr. WALKER. Mr. Speaker, I thank the gentleman. As a distinguished scientist himself, he understands the problems I am tryng to get to.

I am simply concerned that we have projects here that were not requested by DOD, have never been peer reviewed by the Department of Energy. They have absolutely nothing going for them except that they are politically motivated, and they have not in any way authorizing process ever been out forward as appropriate projects for the country to do.

So I think that this is an amendment that should be turned down. The Senate may well want to spend $90 million of the taxpayers' money for unjustified programs. This gentleman does not.

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

Mr. BEVILL. Mr. Speaker, I yield 3 minutes to the distinguished gentlewoman from Louisiana [Mrs. BOGGS], who is retiring this term. We are going to miss Mrs. BOGGS a great deal, not only those from the State of Louisiana, but the entire Nation. She is a great woman, and we are proud of her. We are sorry to see her leave.

Mrs. BOGGS. Mr. Speaker, I would like to say that the projects that were in the House version of the bill all have very, very careful consideration. Unfortunately, this Member could not be at the conference committee. Had I been there, in all probability I would have spoken up for the hydrogen project which the gentleman from Pennsylvania is concerned with.

However, I would like to speak to the value not only to energy research but to technology transfer into the balance of payments and trade for the United States and the project of Energy Resources Center at the University of New Orleans. It was carefully considered by the subcommittee that has this before Members, and was completely regarded in the report of the bill that came out of that committee and went over to the Senate with the full concurrence of this House in the bill that was passed in this House.

So it is a splendid investment for this country and it is an investment that is shared in by the city of New Orleans, the State of Louisiana, the University of New Orleans, and a land transfer that had to be developed from the Levy Board of the city of New Orleans in a swap with the university.

It is all a very beautiful plan. We have the interests of Eastern Europe and French companies in the whole central park that will be developed at the university, and this Energy Resources Center that will be the heart of the technology transfer and heart of the great and splendid research that has gone on in Louisiana, and energy will be performed there.

I must speak to the merits of this particular project.

Mr. LIVINGSTON. Mr. Speaker, will the gentlewoman yield?

Mrs. BOGGS.I yield to the gentleman from Louisiana.

Mr. LIVINGSTON. Mr. Speaker, I also rise in support of the two projects, the Central Research Center at the University of New Orleans, and the Biomedical Research at LSU, and I want to applaud the gentlewoman's support of these programs, as well as her performance and reputation of her constitutents over these last 20 years that she has served in the House of Representatives. She has been an outstanding Member, and a pleasure to work with, and a great friend. I wish her well in her retirement from Congress.

Mr. MYERS of Indiana. Mr. Speaker, I yield 2 additional minutes to the gentlewoman from Louisiana [Mrs. BOGGS].

Mrs. BOGGS. Mr. Speaker, I yield such time as he may consume to the gentleman from Louisiana [Mr. LIVINGSTON].

Mr. LIVINGSTON. Mr. Speaker, I might also say that since I serve on the Defense Appropriations Committee, I see how some 70 to 80 percent of the research projects often find themselves consolidated in two or three States in the entire Nation, indicating that only the universities of those two or three States have the capacity to do research for the Federal Government in critical areas.

Since Louisiana is not one of those States, I would suggest that Louisiana and the other 46 States are equally capable and have wonderfully dynamic universities and educational facilities that could likewise render great service to the Nation in terms of not only defense research but biomedical and industrial research, and research of all kinds.

I think that the gentlewoman's projects are not only well-intentioned, they are properly investigated. I know a good bit about them. I think that they are absolutely worthy of consideration of the House at this time. I urge that the gentleman's reservation be denied.

Mr. MYERS of Indiana. Mr. Speaker, I yield myself such time as I may consume.

A lot has been said about unauthorized projects in this bill, and there are a considerable number as I mentioned earlier. If this Committee on Appropriations had to wait for all the authorizations to come through, we would be here until Christmas next year waiting on this year.

The committee does not like to have to do this. I just went through some mail here the committee has received from a number of authorizing chairmen, asking this committee to do the things we have done. Times changed after the authorization came through. The economy changed. The need has changed after authorization between that time and now.

□ 1430

So this committee has not gone around willy-nilly saying we will throw a dart and build this or that.

The gentleman from Pennsylvania [Mr. WALKER] has made an issue here about the location of these. It is true, of course, this committee had hearings, and in our best judgment, these are facilities that are badly needed.

Now let us take a look at what the House version had. Two biomedical research facilities, again, something most Members do not realize here. We have a whole new area in our country of nuclear medicine and diagnostic type of work, various types of diagnostic work is necessary.

Now we have new research, and they have been able to diagnose illnesses, problems and diseases, long before you could do normally, until the disease really takes over; so a lot of diagnostic work is being done now in research in universities.

Now, previously it was done by some drug companies and industry, but under our new tax structure, the Government no longer wants to share in the risk of research, so it has driven more of it over to universities.

So two of these facilities were biomedical research, doing very important work in heart, AIDS, cancer, to name a few, doing diagnostic work as well as treatment work.

Yes, we put the money in because we do not like the statistics we see today. Maybe these were not authorized, but we did have hearings, and the Committee on Appropriations had hearings also, I say to the gentleman from Pennsylvania [Mr. WALKER], we had lots of witnesses come in.

The other is a research facility that the gentlewoman from Louisiana [Mrs. BOGGS] has already spoken of. It does great work, so it was very badly needed.

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

Mr. MYERS of Indiana. Certainly, I yield to the gentleman from Pennsylvania.

Mr. WALKER. Mr. Speaker, can the gentleman tell me whether or not

these specific projects had people come in and testify about them?

Mr. MYERS of Indiana. Some did.

Mr. WALKER. Some did, some did not.

Mr. MYERS of Indiana. Let me ask the gentleman what was in HUD. I was not going to bring this up. There is a provision in HUD that was introduced by the gentleman from Pennsylvania:

Notwithstanding any other provision of law or requirement, the Borough of East Stroudsburg in the Commonwealth of Pennsylvania is authorized to retain any land disposition proceeds from the closed Courtland Plaza urban renewal.

Whose district is that in?

Mr. WALKER. That is not my district.

Mr. MYERS of Indiana. Who put that in?

Mr. WALKER. I have no idea, but East Stroudsburg is not in my district.

Mr. MYERS of Indiana. That was put in without any hearings.

Mr. WALKER. I do not know, but if the gentleman is referring to me, East Stroudsburg is not in my district. I certainly did not introduce that, because East Stroudsburg is not in my district.

But let us get back to the point at hand, instead of engaging in personalities. Let us get back to the point at hand.

Which of these particular projects has been subjected to hearings in the House?

Mr. MYERS of Indiana. We have had hearings, I say to the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. Which of these projects has gone through hearings in the House where we had a chance to specifically review them?

Mr. MYERS of Indiana. Specifically in particular projects, I do not know that we had hearings only on that, but we had 2 or 3 days on medical research.

Mr. WALKER. Mr. Speaker, if the gentleman will yield further, this particular title is the energy supply, research and development activities. It has nothing to do with biomedical research. That is in another area. We fund a lot of programs in biomedicine.

This is energy supply research. We are supposed to be developing new sources of energy. The gentleman specifically cut out developing hydrogen in order to do biomedicine?

Mr. MYERS of Indiana. Let me continue. The gentleman has the cart a little bit ahead of the horse here.

On the University of Boston College, the research being done there.

Mr. WALKER. Mr. Speaker, if the gentleman will yield further, the gentleman mentioned biomedicine here.

Mr. MYERS of Indiana. That is right.

Mr. WALKER. This is not the section under which we do biomedicine. That is another section of research. I agree it is very important, but this is where we are supposed to be finding out how we produce new energy for our future.

The one program that was aimed at doing that, the authorizing committee had put forward, the gentleman cut out.

Mr. MYERS of Indiana. The gentleman has been critical of Boston College, the catalyst-based research being done at Boston College.

Let me read this: "Improved efficiency of energy production."

Energy is something vitally needed in this country, improved efficiency of how we are using energy, development of entirely new materials.

Some of the temperatures that we are using are very high, so this is the kind of research we are doing there.

Reduction of environmental pollution caused by industrial and automobile emissions, becoming increasingly big problems; enhance and expedite clean-up of environmental disasters, such as the *Exxon Valdez.*

Mr. WALKER. The gentleman is probably right. I am not saying there is not some worthwhile research here, but I think that it needs to be weighed against other research that might also have been done.

What are we doing in neurosensory research that develops new energy sources for the country?

Mr. MYERS of Indiana. I did not hear the gentleman's question.

Mr. WALKER. The Neurosensory research center, what are we doing there that develops new energy sources for the country?

Mr. MYERS of Indiana. Well, Mr. Speaker, I say to the gentleman from Pennsylvania [Mr. WALKER], these are vital research, as I have been trying to read here, and the gentleman interrupted me.

This is research that has to be done. We did have hearings, several days of hearings.

Now, the gentleman asked which ones specifically. We had hearings on all of them, all that we received mail and letters on. Maybe they are located in some of the districts of Members, but we know more about them there.

We did have hearings, several days of hearing on this very thing.

Mr. WALKER. Mr. Speaker, if the gentleman will yield, getting letters from somebody who wants a project in their district is not holding a hearing.

Mr. MYERS of Indiana. We had testimony, too. We looked at hundreds of letters.

Mr. WALKER. But did the gentleman have any hearings where they weighed these projects against all the other projects that are also out there seeking money to do this kind of thing?

Mr. MYERS of Indiana. We certainly did, yes, yes. There were a lot of requests for money. We could not satisfy everyone's request. There is not that much money left.

Mr. WALKER. I would say to the gentleman, I am not talking about whether Members requested the money or not. It seems to me that there is a lot of research being done in the country that maybe Members do not know about. Somehow along the line, we ought to figure out a system that allows us to get the very best science, whether or not it is in some Member's district who is willing to come to the floor and vote for the bill.

Mr. MYERS of Indiana. Because it is in someone's district, the gentleman thinks it should be disqualified, is that what the gentleman is suggesting? If it happens to be in the district of someone who serves on the Appropriations Committee? We have a lot of projects that work in those districts.

Mr. WALKER. Mr. Speaker, if the gentleman will yield further, if it happens to come together, that the very best project in the country also existed in a Member's district and he wants to fight for it, fine. I do not have a problem with that, but what I do have a problem with is, if it is a mediocre project, and we have no idea because we did not hold any hearings about it——

Mr. MYERS of Indiana. We did have hearings. I do not accept that.

Mr. WALKER. But the gentleman has not told me, for example, which of these projects was specifically under hearings, and whether they were weighed against other major science projects in the country.

Mr. MYERS of Indiana. That is the job of this committee, to weigh, and we did weigh. If the gentleman is not pleased with it, there is nothing we can do about that. The gentleman could object in the regular hearings. The gentleman has every right to do that.

When we had our bills on the floor back in June, the gentleman objected to this, did he not? These same projects, did he not?

Mr. WALKER. I objected to them because they were not authorized projects at the time, but what the gentleman did, he went to the conference, and he took all five of the ones we had in the House, and added five more from the Senate. The gentleman took everything everybody wanted. There was no attempt here to discern among them. We left here with $45 million. We came back with $90 million and took everything that the Senate wanted, and everything that the House wanted.

Now, that does not sound to me as though it is something where we did much weighing.

Mr. MYERS of Indiana. Where is Lebanon, PA?

Mr. WALKER. Lebanon, PA is in my district.

Mr. MYERS of Indiana. I rest my case. I will not bring it up. We are not bashing each other here.

Every Member knows his own district or her own district best.

In closing, I want to say that this committee is going to lose three Members next year. We have already talked about the gentlewoman from Nebraska [Mrs. SMITH]. The gentlewoman from Louisiana [Mrs. BOGGS] will be leaving, an able Member for a number of years, made a great contribution. Certainly her city of New Orleans, LA, and the Nation, and certainly our committee will miss the service of the gentlewoman from Louisiana [Mrs. BOGGS].

The gentleman from Oklahoma [Mr. WATKINS] is not on the floor right now, but he will also not be returning. It is a heavy loss to lose three Members of a small subcommittee like this. We will miss these Members very much. We thank them for their service.

Mr. WALKER. Mr. Speaker, I yield myself 1 minute.

I think it is interesting that the gentleman mentions Lebanon, PA. Every time I have come out here to the floor to fight spending projects, the Appropriations Committee seems to raise that.

I will tell the gentleman, I will accept any kind of language in a bill that meets the same standards that Lebanon, PA, did, because there is not one dime of appropriated money in it.

Mr. MYERS of Indiana. Mr. Speaker, if the gentleman will yield, where were the hearings held on Lebanon, PA?

Mr. WALKER. They have been held in the Banking Committee because it is a part of the authorization in the House. It has been peer reviewed and has been suggested by the Department of Housing and Urban Development.

Mr. MYERS of Indiana. A peer review on a project like this?

Mr. WALKER. Yes, absolutely. It is something that the district office of HUD has recommended.

But I want to tell the gentleman, there is not one dime of appropriated money, so if the gentleman wants to come to the floor with things that do not have any appropriated funds in them, that do not cost the taxpayer a dime, then I would say to you I do not think we have a problem there; but in this particular case we are talking about $90 million of taxpayers' money that is going to be spent. I would suggest to the gentleman that that is a different standard.

Mr. MYERS of Indiana. Mr. Speaker, I yield myself 1 minute.

These four or five projects put in on the House side, every one of them have local money going into them too, roughly 1 to 3, so it is not a matter that we are giving money out to somebody. It is matching money. Every one of these local governments or local entities has put some money up, too.

It is like the other projects in HUD or anything else.

Mr. WALKER. Mr. Speaker, if the gentleman will yield, I do not see any of that matching money in here.

Mr. MYERS of Indiana. The gentleman did not attend the hearings, I say to the gentleman from Pennsylvania [Mr. WALKER].

□ 1440

Mr. BEVILL. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Ohio [Mr. STOKES], a member of the Committee on Appropriations.

Mr. STOKES. Mr. Speaker, I thank the distinguished chairman of the subcommittee for yielding to me.

First I would like to reply to a couple of things said by the gentleman from Pennsylvania [Mr. WALKER]. First he made reference to the fact that these projects were put in by a bunch of conferees sitting in a room divvying up money.

Even though I am proud to be a member of the Committee on Appropriations, I do not sit on this particular subcommittee. At no time was I in the room as a conferee while these projects were being considered.

Second, he says they are not based upon merit.

I think it is important to say that the president of Case Western Reserve University came here to Congress, testified before the subcommittee along with myself and other persons regarding this project.

Further, on its merits, Mr. Speaker, Case Western Reserve is one of the Nation's leading private research universities. This new research facility will be located at Case Western School of Medicine and will house 150 scientists conducting clinical research in areas of critical need.

The facility will allow the university to strengthen its research activities in a variety of areas, including environmental health, cancer, diabetes, geriatrics, viral diseases such as AIDS, and genetic diseases such as sickle-cell anemia and cystic fibrosis.

The new building will be designed for interdisciplinary teams, an approach that is critically important in developing new insights into treating diseases.

This new building will also contribute to the growth of the local economy. Of the 150 scientists who will work at the facility, 80 will be new faculty. The new building will create about 250 new jobs for support staff.

Construction of the building is expected to create more than 1,500 jobs. The project is expected to generate an additional $25 million in annual research funding, with an estimated impact of more than $37 million annually on the regional economy. The transfer of new technology developed at the facility will also contribute to the economic growth of the region.

Mr. Speaker, "The Decaying American Campus, a Ticking Time Bomb," a joint publication of the Association of Physical Plant Administrators of Universities and Colleges and the National Association of Colleges and University Business Officers, in cooperation with Coopers Lybrand, reports that American college and university facilities are decaying.

The time bomb, as many have called it, continues to tick. At risk is the ability of colleges and universities to fulfill their missions of teaching and research in an increasingly knowledge-based society. Aging and deteriorating facilities pose a threat to first-class learning and advanced research in the coming decades.

This publication also tells us that higher education has suffered from chronic under-investment in capital renewal and replacement. Some experts tell us the bomb may have already detonated. In the case of this particular project, the State, and privately in the city of Cleveland, they have raised more than $100 million for this project. We are just asking for the $10 million from the Federal Government. We think this is an important investment in the future of our Nation.

Mr. MYERS of Indiana. Mr. Speaker, I yield such time as he may consume to the ranking member of the Committee on Appropriations, the gentleman from Massachusetts [Mr. CONTE].

Mr. CONTE. Mr. Speaker, I want to pay special tribute to the gentlewoman from Louisiana, the gracious and charming LINDY BOGGS.

LINDY BOGGS is retiring from this body. Her loss will be deeply felt by our committee, by Congressman BEVILL and Congressman MYERS, and this Congress and also felt by this Nation.

All of us would agree that the gentlewoman is the absolute portrait of charm and grace. She has extended her warmth and her hospitality to all Members of this body and we all owe her a deep debt of gratitude.

LINDY, on behalf of the committee and all the Members on this side of the aisle, thank you; I congratulate you.

LINDY, we wish you the very, very best in life.

Mr. Speaker, talk about peer review, I know no better peer review than LINDY BOGGS, and I urge an "aye" vote.

Mr. WALKER. Mr. Speaker, I yield myself 1 minute.

I certainly want to join the gentleman from Massachusetts in his praise of LINDY BOGGS. She has contributed a great deal to this body over the years she has been here, and I think that it is entirely appropriate for us to take

that time in order to congratulate her for all the service she had provided to the House of Representatives.

Mr. Speaker, I hope that we will not regard amendment No. 53 as the LINDY BOGGS amendment. That probably would give me difficulty in winning my position.

But I hope that we would look at the issue.

The gentleman from Ohio a few minutes ago told us about what this research was going to do at Case Western University. In no case did he mention anything that I could hear that has anything to do with energy supply research and development activities. It sounded like it is going to be a medical center.

I am perfectly aware we need medical research in this country. But this is the energy supply research and development title of the bill, and there is some question as to why we ought to be funding this project under this title.

Mr. MYERS of Indiana. Mr. Speaker, I yield 5 minutes to the gentleman from Michigan [Mr. PURSELL], a valued member of this subcommittee.

Mr. PURSELL. Mr. Speaker, I will be very brief. I think these last 2 weeks have brought to our attention a change in public policy in which we are coming into a collision course between priorities. And when you look at reconciliation and you see the Committee on Ways and Means looking at more revenue, more taxes to fund our programs, and those of us on the Committee on Appropriations looking at priority programs, most of which are authorized, some are not authorized, you come to the conclusion that we cannot do both.

We cannot raise taxes and raise spending; defense, entitlements, and discretionary funding.

So that is why we are here, because of this huge national debt, $185 billion of interest in fiscal year 1991 that our children and grandchildren will be paying.

On the Energy and Water Subcommittee, I went back and reassessed my priorities. I said, well, I have a project in there called Rouge River project for $3 million. I asked the conference committee to take it out. I do not know if that was an appropriate request from a Member who had put it in 6 months ago. But I have to admit publicly that that Rouge River was a little muddy. But I also saw a river alongside of it that was full of red ink called the deficit.

So when you decide which is better for the country and the generations to come, I decided we could clean up the Rouge River with volunteers and address the cause of the problem not by pouring in more and more money, multimillions of dollars in the long term, to solve that problem.

So I just say to each of you, I ask you both Republicans and Democrats, that we have got to reassess our priorities in life. That is why we are here.

So I am asking each of you to look at your programs and your requests. Those of us on the Appropriations Committee get hundreds of requests for grants and projects with respect to the 13 appropriations bills.

I also ask you to consider, if you are on the authorization committee, to look at all the grants you announce back home. Maybe there is a grant you do not really need, maybe there is a project that you really do not need, that is not a high priority, that does not have a lot of merit.

If each one of us would do that, the cumulative effect and the aggregate effect would dramatically show the people of this Nation that, yes, we can address the spending side. The people who want no taxes say, "I am not going to vote for taxes." But you look at some of them, let us say maybe in the State of Texas, that has the supercollider, the Houston space program, and defense installations; well, you cannot have it both ways. I am just suggesting hopefully that each one of us on both sides of the aisle begin to reassess our priorities in this Nation and on the spending side try to show some example, whatever it is that you can look at in the oncoming months and in the next year, in order to address a deficit that is going to bankrupt this Nation, and my children and your children.

Mr. WALKER. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, I appreciate the remarks of the gentleman from Michigan a moment ago. If we take a look at the tax bill we passed on the House floor the other night, which raises taxes to middle-class families by $400 a year, it will take 225,000 of those families paying an additional $400 just to pay for the $90 million of earmarked unauthorized programs that are in this particular bill; 225,000 middle-class families are paying the bill for these projects that have not been authorized and have not had peer review, that we have no idea about whether they have merit or whether they do not.

□ 1450

Some may, some may not. We do not know, but yet taxpayers are going to be asked to ante up for it.

Mr. MYERS of Indiana. Mr. Speaker, I yield myself 30 seconds.

Mr. Speaker, we may not know whether it is proper or not, what the Appropriations Subcommittee does.

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

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

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

Mr. Speaker, we have talked a lot about these projects, and about the authorization committee. In my judgment, there is no subcommittee in the Congress that works closer with the authorization committee than this subcommittee. On every one of these projects testimony was presented. The subcommittee went through these projects and asked all the questions that they wanted. The subcommittee could ask questions of the officials of the various hospitals and schools as they presented their testimony. Then the whole House Committee on Appropriations approved them. Then the whole House and Senate of the United States approved them. Then the conferees approved every one of these buildings unanimously. There is nothing unusual about this.

Mr. Speaker, we do have to have buildings on these campuses. We do have to have laboratories. We need more laboratories. We need more scientists. We need more emphasis on these programs because our great Nation is now falling behind in the field of science. I hope that you will vote "aye" on this motion.

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

The SPEAKER pro tempore (Mr. MAZZOLI). The question is on the motion offered by the gentleman from Alabama [Mr. BEVILL].

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

Mr. WALKER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point 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 308, nays 108, not voting 17, as follows:

[Roll No. 491]

YEAS—308

Ackerman	Browder	Davis
Alexander	Brown (CA)	de la Garza
Anderson	Bruce	DeFazio
Andrews	Bryant	Dellums
Annunzio	Bustamante	Derrick
Anthony	Byron	DeWine
Applegate	Callahan	Dickinson
Aspin	Campbell (CO)	Dicks
Atkins	Cardin	Dingell
AuCoin	Carper	Dixon
Baker	Carr	Donnelly
Barnard	Chandler	Dorgan (ND)
Barton	Chapman	Downey
Bateman	Clarke	Durbin
Bennett	Clay	Dwyer
Bereuter	Clement	Dyson
Berman	Clinger	Early
Bevill	Coleman (MO)	Eckart
Bilbray	Coleman (TX)	Edwards (CA)
Boehlert	Collins	Edwards (OK)
Boggs	Conte	Engel
Bonior	Conyers	English
Borski	Costello	Erdreich
Bosco	Coughlin	Espy
Boucher	Coyne	Evans
Boxer	Craig	Fascell
Brooks	Darden	Fazio

Feighan
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Frost
Gallegly
Gallo
Gaydos
Gejdenson
Gephardt
Geren
Gibbons
Gillmor
Gilman
Glickman
Gonzalez
Goodling
Gordon
Goss
Grant
Gray
Green
Guarini
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harris
Hastert
Hatcher
Hawkins
Hayes (IL)
Hayes (LA)
Hefner
Hertel
Hiler
Hoagland
Hochbrueckner
Holloway
Hopkins
Horton
Houghton
Hoyer
Hubbard
Huckaby
Hughes
Hutto
Ireland
Jacobs
Jenkins
Johnson (SD)
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Kolbe
Kolter
Kostmayer
LaFalce
Lagomarsino
Lancaster
Lantos
Laughlin
Lehman (CA)
Lehman (FL)
Levin (MI)
Levine (CA)
Lewis (GA)
Lipinski
Livingston
Lloyd
Long
Lowery (CA)
Lowey (NY)
Luken, Thomas
Lukens, Donald
Madigan
Manton
Markey
Martin (NY)
Martinez
Matsui
Mavroules
Mazzoli
McCandless
McCloskey
McCrery
McCurdy
McDade
McDermott
McHugh
McMillen (MD)
McNulty
Meyers
Mfume
Michel
Miller (CA)
Mineta
Mink
Moakley
Molinari
Mollohan
Montgomery
Morrison (WA)
Mrazek
Murphy
Murtha
Myers
Nagle
Natcher
Neal (MA)
Neal (NC)
Nowak
Oakar
Oberstar
Obey
Olin
Ortiz
Owens (NY)
Owens (UT)
Pallone
Panetta
Parker
Parris
Pashayan
Patterson
Payne (NJ)
Pelosi
Penny
Perkins
Pickett
Pickle
Poshard
Price
Rahall
Rangel
Ray
Richardson
Rinaldo
Roberts
Robinson
Roe
Rogers
Ros-Lehtinen
Rose
Rostenkowski
Roukema
Rowland (CT)
Rowland (GA)
Roybal
Sabo
Sangmeister
Sarpalius
Sawyer
Saxton
Scheuer
Schumer
Serrano
Sharp
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter (NY)
Smith (FL)
Smith (IA)
Smith (NE)
Smith (NJ)
Smith, Denny (OR)
Smith, Robert (OR)
Solarz
Spence
Spratt
Staggers
Stallings
Stangeland
Stark
Stenholm
Stokes
Studds
Swift
Synar
Tallon
Tanner
Tauzin
Taylor
Thomas (GA)
Thomas (WY)
Torres
Torricelli
Towns
Traficant
Traxler
Unsoeld
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Vucanovich
Walgren
Walsh
Washington
Watkins
Waxman
Weber
Wheat
Whittaker
Whitten
Williams
Wilson
Wise
Wolf
Wyden
Wylie
Yates
Yatron
Young (AK)
Young (FL)

NAYS—108

Archer
Armey
Ballenger
Bartlett
Bates
Bellenson
Bentley
Bilirakis
Billey
Broomfield
Brown (CO)
Buechner
Bunning
Burton
Campbell (CA)
Coble
Combest
Condit
Cooper
Courter
Cox
Crane
Dannemeyer
DeLay
Dornan (CA)
Douglas
Dreier
Duncan
Emerson
Fawell
Fields
Frank
Frenzel
Gekas
Gingrich
Gradison
Gunderson
Hammerschmidt
Hancock
Hefley
Henry
Herger
Hunter
Hyde
Inhofe
James
Johnson (CT)
Johnston
Kasich
Kastenmeier
Kyl
Leach (IA)
Lent
Lewis (FL)
Lightfoot
Machtley
Marlenee
McCollum
McEwen
McGrath
McMillan (NC)
Miller (OH)
Miller (WA)
Moody
Morella
Nielson
Oxley
Paxon
Payne (VA)
Pease
Petri
Porter
Pursell
Ravenel
Regula
Rhodes
Ridge
Ritter
Rohrabacher
Roth
Russo
Saiki
Schaefer
Schiff
Schneider
Schroeder
Schulze
Sensenbrenner
Shaw
Shays
Shumway
Shuster
Sikorski
Slaughter (VA)
Smith (TX)
Smith, Robert (NH)
Snowe
Solomon
Stearns
Stump
Sundquist
Tauke
Thomas (CA)
Upton
Walker
Weiss
Weldon
Wolpe

NOT VOTING—17

Brennan
Crockett
Dymally
Flippo
Grandy
Leath (TX)
Lewis (CA)
Martin (IL)
Moorhead
Morrison (CT)
Nelson
Packard
Quillen
Savage
Schuette
Smith (VT)
Udall

□ 1513

The Clerk announced the following pairs:

On this vote:

Mr. Dymally for, with Mr. Packard against.

Mr. Udall for, with Mr. Quillen against.

Mr. FAWELL and Mr. WOLPE changed their vote from "yea" to "nay."

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. 54: Page 32, line 3, after "College" insert ": *Provided further*, That of the amount appropriated herein, $6,000,000 shall be available only for the Boron Neutron Capture Therapy research program at the Idaho National Engineering Laboratory and $7,500,000 shall be available only for the modification and operation of the Power Burst Facility at the Idaho National Engineering Laboratory, and the Secretary of Energy is directed to obligate and expend funds for these activities prior to the end of fiscal year 1991."

MOTION OFFERED BY MR. BEVILL

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

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

The text of the motion is as follows:

Mr. BEVILL 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 inserted by said amendment, insert the following: ": *Provided further*, That of the amount appropriated herein, $5,500,000 shall be available only for the Boron Neutron Capture Therapy research program at the Idaho National Engineering Laboratory and $7,500,000 shall be available only for the modification and operation of the Power Burst Facility at the Idaho National Engineering Laboratory, and the Secretary of Energy is directed to obligate and expend funds for these activities prior to the end of fiscal year 1991".

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

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 33, strike out all after line 15 over to and including line 10 on page 34, and insert:

For nuclear waste disposal activities to carry out the purposes of Public Law 97-425, as amended, including the acquisition of real property or facility construction or expansion, $292,833,000, to remain available until expended, to be derived from the Nuclear Waste Fund. To the extent that balances in the fund are not sufficient to cover amounts available for obligation in the account, the Secretary shall exercise his authority pursuant to section 302(e)(5) of said Act to issue obligations to the Secretary of the Treasury: *Provided*, That of the amount herein appropriated, within available funds, not to exceed $5,000,000, may be provided to the State of Nevada, for the conduct of its oversight responsibilities pursuant to the Nuclear Waste Policy Act of 1982, Public Law 97-425, as amended, $750,000 is to be available for the University of Nevada, Reno for infrastructure studies related to nuclear waste, and $250,000 is to be available to the University of Nevada, Las Vegas, to carry out transportation studies related to nuclear waste: *Provided further*, That not more than $5,900,000, may be provided to affected local governments, as defined in the Act, to conduct appropriate activities pursuant to the Act: *Provided further*, That none of the funds herein appropriated may be used directly or indirectly to influence legislative action on any matter pending before Congress or a State legislature or for any lobbying activity as provided in 18 U.S.C. 1913: *Provided further*, That none of the funds herein appropriated may be used for litigation expenses: *Provided further*, That of the amount appropriated herein, up to $5,000,000 shall be available for infrastructure studies and other research and development work to be carried out by the University of Nevada, Las Vegas (UNLV) and the University of Nevada, Reno.

In paying the amounts determined to be appropriate as a result of the decision in Consolidated Edison Company of New York v. Department of Energy, 870 F.2d 694 (D.C. Cir. 1989), the Department of Energy shall pay interest at a rate to be determined by the Secretary of the Treasury and calculated from the date the amounts were deposited into the Nuclear Waste Fund. Such payments may be made by credits to future utility payments into the fund.

MOTION OFFERED BY MR. BEVILL

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

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

The text of the motion is as follows:

Mr. BEVILL 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 stricken and inserted by said amendment, insert the following:

For nuclear waste disposal activities to carry out the purposes of Public Law 97-425, as amended, including the acquisition of real property or facility construction or expansion, $242,833,000, to remain available until expended to be derived from the Nuclear Waste Fund. To the extent that balances in the fund are not sufficient to cover amounts available for obligation in the account, the Secretary shall exercise his authority pursuant to section 302(e)(5) of said Act to issue obligations to the Secretary of the Treasury: *Provided*, That of the amount herein appropriated, within available funds, not to exceed $4,146,000, may be provided to the State of Nevada, for the conduct of its oversight responsibilities pursuant to the Nuclear Waste Policy Act of 1982, Public Law 97-425, as amended, $622,000 is to be available for the University of Nevada, Reno for infrastructure studies related to nuclear waste, and $207,000 is to be available to the University of Nevada, Las Vegas, to carry out transportation studies related to nuclear waste: *Provided further*, That not more than $4,892,000, may be provided to affected local governments, as defined in the Act, to conduct appropriate activities pursuant to the Act: *Provided further*, That none of the funds herein appropriated may be used directly or indirectly to influence legislative action on any matter pending before Congress or a State legislature or for any lobbying activity as provided in 18 U.S.C. 1913: *Provided further*, That none of the funds herein appropriated may be used for litigation expenses: *Provided further*, That of the amount appropriated herein, up to $4,146,000 shall be available for infrastructure studies and other research and development work to be carried out by the University of Nevada, Las Vegas (UNLV) and the University of Nevada, Reno.

In paying the amounts determined to be appropriate as a result of the decision in Consolidated Edison Company of New York v. Department of Energy, 870 F.2d 694 (D.C. Cir. 1989), the Department of Energy shall pay interest at a rate to be determined by the Secretary of the Treasury and calculated from the date the amounts were deposited into the Nuclear Waste Fund. Such payments may be made by credits to future utility payments into the fund.

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

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. 58: Page 34, line 22 strike out "$10,915,148,000" and insert "$10,980,258,000".

MOTION OFFERED BY MR. BEVILL

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

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

The text of the motion is as follows:

Mr. BEVILL moves that the House recede from its disagreement to the amendment of the Senate numbered 58 and concur therein with an amendment, as follows:

In lieu of the sum stricken and inserted by said amendment, insert the following "$10,914,014,000".

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

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. 59: Page 35, line 12, after "report" insert ", except for $15,000,000 for nonsite specific design activities and activities in support of ongoing preparation of the Environmental Impact Statement, subject to authorization: *Provided further*, That no funds in this Act shall be available for Project 89-D-125, Plutonium Recovery Modification Project (PRMP), until authorizing legislation therefore is enacted into law".

MOTION OFFERED BY MR. BEVILL

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

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

The text of the motion is as follows:

Mr. BEVILL moves that the House recede from its disagreement to the amendment of the Senate numbered 59 and concur therein with an amendment, as follows:

In lieu of the matter inserted by said amendment, insert the following ", except for $15,000,000 in operating expenses for nonsite specific design activities and activities in support of ongoing preparation of the Environmental Impact Statement, subject to authorization: Provided further, That no funds in this Act shall be available for Project 89-D-125, Plutonium Recovery Modification Project (PRMP), until authorizing legislation therefore is enacted into law".

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

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 44, after line 4, insert:

SEC. 305. Not to exceed 6 per centum of funding received by Department of Energy laboratories may be used for laboratory directed research and development in accordance with procedures established by the Secretary of Energy.

MOTION OFFERED BY MR. BEVILL

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

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

The text of the motion is as follows:

Mr. BEVILL moves that the House recede from its disagreement to the amendment of the Senate numbered 64 and concur therein with an amendment, as follows:

Delete the matter proposed by the said amendment and on page 3, line 13, of the House engrossed bill, H.R. 5019, strike "30,700,000" and insert in lieu thereof "27,200,000"; and on page 14, line 22, of the House engrossed bill, H.R. 5019, strike "136,100,000" and insert in lieu thereof "136,100,000, of which $9,500,000 shall be derived from funds appropriated to "General expenses" by Public Law 101-302"; and on page 21, line 8, of the House engrossed bill, H.R. 5019, strike "231,516,000" and insert in lieu thereof "221,516,000"; and on page 33, line 13, of the House engrossed bill, H.R. 5019, strike "1,273,732,000" and insert in lieu thereof "1,148,732,000"; and on page 35, line 20, of the House engrossed bill, H.R. 5019, strike "375,095,000" and insert in lieu thereof "365,095,000"; and on page 36, line 12, of the House engrossed bill, H.R. 5019, strike "225,095,000" and insert in lieu thereof "215,095,000"; and on page 46, line 13, of the House engrossed bill, H.R. 5019, strike "471,320,000" and insert in lieu thereof "461,320,000"; and on page 47, line 6, of the House engrossed bill, H.R. 5019, strike "156,750,000" and insert in lieu thereof "153,450,000"; and on page 47, line 20, of the House engrossed bill, H.R. 5019, strike "314,570,000" and insert in lieu thereof "307,870,000".

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

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. 70: Page 52, after line 8, insert:

SEC. 510. Without fiscal year limitation and notwithstanding any other provision of law, no funds appropriated or made available under this or any other Act shall be used by the executive branch to change the employment levels determined by the Administrator of the Bonneville Power Administration to be necessary to carry out his responsibilities under the Bonneville Project Act, the Federal Columbia River Transmission Act, and the Pacific Northwest Power Planning and Conservation Act and other related legislation.

MOTION OFFERED BY MR. BEVILL

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

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

The text of the motion is as follows:

Mr. BEVILL moves that the House recede from its disagreement to the amendment of the Senate numbered 70 and concur therein with an amendment, as follows:

In lieu of the matter inserted by said amendment, insert the following:

SEC. 510. Without fiscal year limitation and notwithstanding any other provision of law, no funds appropriated or made available under this or any other Act now or hereafter shall be used by the executive branch to change the employment levels determined by the Administrators of the Federal Power Marketing Administrations to be necessary to carry out their responsibilities under the Department of Energy Organization Act and related laws, or to change the employment levels of other Department of Energy programs to compensate for employment levels of the Federal Power Marketing Administrations.

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

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. 71: Page 52, after line 8, insert:

SEC. 511. (a)(1) None of the funds appropriated by this Act may be obligated or expended to enter into any contract for the construction, alteration, or repair of any public building or public work in the United States or any territory or possession of the United States with any contractor or subcontractor of a foreign country, or any supplier of products of a foreign country, during any period in which such foreign country is listed in the United States Trade Representative under subsection (c) of this section.

(2) The President or the head of a Federal agency administering the funds for the construction, alteration, or repair may waive the restrictions of paragraph (1) of this subsection with respect to an individual contract if the President or the head of such agency determines that such action is necessary for the public interest. The authority of the President or the head of a Federal agency under this paragraph may not be delegated. The President or the head of a Federal agency waiving such restrictions shall, within 10 days, publish a notice thereof in the Federal Register describing in detail the contract involved and the reason for granting the waiver.

(b)(1) Not later than 30 days after the date of enactment of this Act, the United States Trade Representative shall make a determination with respect to each foreign country of whether such foreign country—

(A) denies fair and equitable market opportunities for products and services of the United States in procurement, or

(B) denies fair and equitable market opportunities for products and services of the United States in bidding,

for construction projects that cost more than $500,000 and are funded (in whole or in part) by the government of such foreign country or by an entity controlled directly or indirectly by such foreign country.

(2) In making determinations under paragraph (1), the United States Trade Representative shall take into account information obtained in preparing the report submitted under section 181(b) of the Trade Act of 1974 and such other information or evidence concerning discrimination in construction projects against United States products and services that are available.

(c)(1) The United States Trade Representative shall maintain a list of each foreign country which—

(A) denies fair and equitable market opportunities for products and services of the United States in procurement, or

(B) denies fair and equitable market opportunities for products and services of the United States in bidding,

for construction projects that cost more than $500,000 and are funded (in whole or in part) by the government of such foreign country or by an entity controlled directly or indirectly by such foreign country.

(2) Any foreign country that is initially listed or that is added to the list maintained under paragraph (1) shall remain on the list until—

(A) such country removes the barriers in construction projects to United States products and services;

(B) such country submits to the United States Trade Representative evidence demonstrating that such barriers have been removed; and

(C) the United States Trade Representative conducts an investigation to verify independently that such barriers have been removed and submits, at least 30 days before granting any such waiver, a report to each House of the Congress identifying the barriers and describing the actions taken to remove them.

(3) The United States Trade Representative shall publish in the Federal Register the entire list required under paragraph (1) and shall publish in the Federal Register any modifications to such list that are made after publication of the original list.

(d) For purposes of this section—

(1) The term "foreign country" includes any foreign instrumentality. Each territory or possession of a foreign country that is administered separately for customs' purposes shall be treated as a separate foreign country.

(2) Any contractor or subcontractor that is a citizen or national of a foreign country, or is controlled directly or indirectly by citizens or nationals of a foreign country, shall be considered to be a contractor or subcontractor of such foreign country.

(3) Subject to paragraph (4), any product that is produced or manufactured (in whole or in substantial part) in a foreign country shall be considered to be a product of such foreign country.

(4) The restrictions of subsection (a)(1) shall not prohibit the use, in the construction, alteration, or repair of a public building or public work, of vehicles or construction equipment of a foreign country.

(5) The terms "contractor" and "subcontractor" includes any person performing any architectual, engineering, or other services directly related to the preparation for or performance of the construction, alteration, or repair.

(e) Paragraph (a)(1) of this section shall not apply to contracts entered into prior to the date of enactment of this Act.

(f) The provisions of this section are in addition to, and do not limit or supersede, any other restrictions contained in any other Federal law.

MOTION OFFERED BY MR. BEVILL

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

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

The text of the motion is as follows:

Mr. BEVILL moves that the House recede from its disagreement to the amendment of the Senate numbered 71 and concur therein with an amendment, as follows:

In lieu of "30 days after the date of enactment of this Act" cited in subsection (b)(1) insert "May 1, 1991".

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

The motion was agreed to.

A motion to reconsider the votes by which action was taken on the several motions and on the conference report was laid on the table.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate has passed without amendment a joint resolution of the House of the following titles:

H.J. Res. 677. Joint resolution making further continuing appropriations for the fiscal year 1991, and for other purposes.

GENERAL LEAVE

Mr. LEHMAN of Florida. 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 to the bill, H.R. 5229, Department of Transportation and Related Agencies Appropriations Act, 1991.

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

There was no objection.

CONFERENCE REPORT ON H.R. 5229, DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 1991

Mr. LEHMAN of Florida. Mr. Speaker, I call up the conference report on the bill (H.R. 5229) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1991, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to the rule, the conference report is considered as having been read.

(For conference report and statement see proceedings of the House of October 16, 1990.)

The SPEAKER pro tempore. The gentleman from Florida [Mr. LEHMAN] will be recognized for 30 minutes, and the gentleman from Pennsylvania [Mr. COUGHLIN] will be recognized for 30 minutes.

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

Mr. LEHMAN of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we bring before the House today the conference report on the fiscal year 1991 transportation appropriations bill. This year, we had 143 amendments in conference, and I am pleased to report that with the efforts of our own conferees, especially the gentleman from Pennsylvania [Mr. COUGHLIN], with the cooperation of the conferees from the other body, especially their chairman and ranking minority member, and with the hard work of the staffs on both sides we have resolved all amendments. The result is a package that I believe preserves a balanced transportation

system for the Nation, and provides increases for our transportation infrastructure while meeting our overall budgetary constraints.

OVERALL FUNDING SUMMARY

Mr. Speaker, the conference agreement is a fiscally sound compromise. The total funding levels of $13 billion in new budget authority and $29.7 billion in outlays are within the revised 302(b) allocations, and in accord with the budget resolution recently passed by the House and the Senate. I would like to point out that the new budget authority provided in this conference agreement is lower than last year's funding level and lower than funding levels in either the House- or Senate-passed transportation bills. Outlays are also lower than the House-passed bill.

TRANSPORTATION PROGRAM HIGHLIGHTS

Mr. Speaker, the details of the conference agreement are described in the statement of the managers. I would encourage the Members to review that statement. However, I would like to highlight some of the more important items.

First, the agreement provides a total program level of $8.1 billion for the FAA, which is a 14-percent increase over fiscal year 1990. This includes a 6-percent increase in funding for operations, a 22-percent increase in funding for facilities and equipment, and a limitation on obligations of $1.8 billion for airport grants in aid, a 26-percent increase over fiscal year 1990. For those who believe that we should be drawing down the balance in the airport and airway trust fund, I would point out that the conference agreement provides that about $2 billion, or 50 percent, of FAA's operational expenses are to come from the trust fund. This compares to $817 million, or 20 percent, in last year's appropriation. In addition, facilities and equipment funding, which comes entirely from the trust fund, is up 22 percent from last year.

Second, the agreement provides $3 billion for the Coast Guard, including important and needed increases above the budget request for oil spill response capability. The agreement specifies that not less than $197 million of the Coast Guard's operating expenses is for marine environmental protection activities, compared to $168 million last year. It is assumed that $300 million will be provided for Coast Guard activities in the DOD appropriations bill.

Third, the agreement provides for $475.1 million for operations and capital improvements of Amtrak, and an additional $179 million to procure equipment and begin infrastructure improvements in the Northeast Corridor which are needed to reduce travel time between New York and Boston to 3 hours.

Fourth, a total of $15.1 billion in new budget authority and limitations on obligations is provided for the Federal Highway Administration, an increase of 11 percent over fiscal year 1990. The obligation limitation for the Federal aid-highways program is set at $14.5 billion, which is a $2.3 billion increase over last year. This funding increase, when combined with other amounts for highways in the agreement, will put us well on the way to addressing the highway infrastructure needs of this Nation. The conference agreement is virtually identical to the total amount reported in the House bill.

Fifth, the conference agreement deletes the Senate provision which would have directed the Secretary of Transportation to promulgate a rule to ban the use of radar detectors in commercial motor vehicles unless the Secretary determined that such a provision would not improve highway safety. The House bill included no such provision, and it has been dropped in conference.

Sixth, the Essential Air Service Program has been funded at the higher level of $26.5 million as proposed by the Senate. Eligibility criteria have been revised to require that those EAS points receiving the highest per-passenger subsidies meet an isolation standard of 70 miles from the nearest hub airport. Under the House bill, service to those communities would have been discontinued. Further discussion of EAS is included in the statement of the managers.

SUMMARY

Mr. Speaker, this agreement is a balanced compromise which protects the major provisions and interests of the House-passed bill. It has been developed in a bipartisan fashion with full participation by our conferees from the other side of the aisle. There have been some major compromises and tough decisions to get us to this point. Given today's fiscal realities, it is the best bill that can be produced. It deserves the Members' support. I strongly urge its adoption.

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

Mr. WHITTEN. Mr. Speaker, I rise in support of the conference agreement on the transportation appropriations bill. I commend my colleagues on the subcommittee for a fine job on programs that are investments in America.

Mr. Speaker, national programs of special interest to my area and State includes establishment of an instrument landing system (ILS) at Gulfport, replacement of an ILS at Jackson, and a feasibility study of installing an ILS system or ILS localizer at the Olive Branch Airport. The agreement urges that priority be given for construction or development of the Belmont-Tishomingo County Airport, the Greenwood-Leflore Airport, the Macon Municipal Airport, and the Water Valley Municipal Airport.

Funds are also included for continuation of work on SR-6 from Oxford to Pontotoc, on SR-302, from I-55 to U.S. 72, from U.S. 78 to SR-309, from SR-309 to U.S. 72 at Mt. Pleasant and U.S. 72 from close to the Tennessee State line at Mt. Pleasant to Corinth. This is in addition to the regular State apportionments which are allocated by the State Highway Commission. In addition funds are available for a demonstration project in Hinds County and a feasibility study at Jackson.

Mr. Speaker, this is a good agreement, and I urge it be adopted.

□ 1520

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

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

Mr. Speaker, I rise in strong support of the conference report to accompany H.R. 5229, the fiscal year 1990 transportation appropriations bill.

Our distinguished chairman the gentleman from Florida [Mr. LEHMAN] has done a remarkable job both first, in getting this bill to and through conference, which is no easy task and second in explaining the agreements which have been reached. Congratulations to staff. Minority and majority sides spend long hours putting pieces together.

The bill provides $12,847,552,000 in new budget—obligational—authority. This is: First, below the House level, second, below the Senate level, and third, within our section 302(b) allocation!

The House Budget Committee agrees that this bill is not a budget buster. The Department of Transportation strongly supports this bill. And the Office of Management and Budget strongly supports this bill contingent on passing a satisfactory budget reconciliation bill. We on the Appropriations Committee are doing our job in holding down spending. It is incumbent on all of us to help those dealing with reconciliation reach a conference agreement which the President can sign, and vote for its approval.

OFFICE OF THE SECRETARY

Conferees recommend $198.9 million for the activities of the Office of the Secretary and related offices. This includes $3.4 million for operations and research activities of the Office of Commercial Space Transportation and $1.2 million for the Office of Intelligence and Security. This latter office was established in July 1990 in response to the recommendations of the President's Commission on Aviation Security and Terrorism. It will oversee security and intelligence policy and strategic planning for all security ini-

tiatives in the Department and will be headed by retired Coast Guard Adm. Clyde Robbins.

Also included is $26.6 million for essential air service [EAS]. Subsidy under this program is paid to airlines, primarily commuters, to support air service to points that would not be served but for the subsidy.

COAST GUARD

Conferees recommend $3 billion for the Coast Guard. Included in this total is $2 billion for operating expenses, of which $41.5 million is to come from the oil spill liability trust fund, and $406.3 million for acquisition, construction, and improvements. The transportation appropriations bill earmarks a minimum of $602.6 million for drug interdiction activities. This is $35.6 million over last year's level.

On the subject of the HH-65 engine, the conferees direct the Director of Operational Test and Evaluation of the Department of Defense to review the Allison C30's and Arriel IC2 engines, to investigate the capabilities of the T800 engine, and to submit findings within 90 days. Should the Director recommend conducting a proof of concept on a commercial engine, $2 million is available for this purpose.

FEDERAL AVIATION ADMINISTRATION

Conferees recommend $7.9 billion for the Federal Aviation Administration. This includes a total of $4 billion for operations, $2.1 billion for modernization and improvement of the air traffic control and airway facilities [F&E], $205 million for research, and a grants-in-aid for airports obligation ceiling of $1.8 billion.

FEDERAL HIGHWAY ADMINISTRATION

Conferees recommend $15.1 billion for the Federal Highway Administration. This includes $517 million in highway demonstration projects and $14.6 billion in limitations on obligations. Most FHWA funding is by contract authority, with program levels established by authorizing legislation.

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

Conferees recommend $248.4 million for NHTSA. This includes $118.7 million in new budget authority and $129.7 million in limitations on obligations. There are $15 million for alcohol safety incentive grants and $114.7 million for State and community highway safety grants.

FEDERAL RAILROAD ADMINISTRATION

Conferees recommend $893.8 million for the Federal Railroad Administration. This includes $179 million for the Northeast corridor improvement program's signaling, track, and electrification program. Also included are $343 million for Amtrak operations and $132 million for Amtrak capital.

URBAN MASS TRANSPORTATION ADMINISTRATION

Conferees recommend $3.3 billion for UMTA. This includes $1.6 billion in section 9 formula grants, $64.1 million for Washington Metro, and $160 million for interstate transfer grants for transit; $1.4 billion is provided for section 3 discretionary grants—$220 million for bus, $455 million for rail mod, $440 million for new starts, and $200 million for section 9B formula grants.

RELATED AGENCIES

Conferees recommend $31.5 million and an increase of 8 positions for the National Transportation Safety Board, $44.3 million for the Interstate Commerce Commission, $10.5 million for St. Lawrence Seaway, and $51.7 billion for interest payments on Washington Metro bonds.

GENERAL PROVISIONS

Conferees kept first, the Gray provision requiring a dedicated source of funding for mass transit; second, the provision withholding highway funds from States that do not revoke drug offender's driver's licenses; and third, the provision restricting any funds from going to countries, such as Japan, which do not give U.S. contractors equal opportunity.

Conferees dropped, first, the prohibition on radar detectors, and second, the UMTA drug testing rule.

Given our current financial situation, this is the best bill we can bring to the House. I strongly urge approval of the fiscal year 1991 Transportation appropriations conference report.

Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Arkansas [Mr. HAMMERSCHMIDT].

Mr. HAMMERSCHMIDT. Mr. Speaker, I rise in strong support of the conference report on H.R. 5229, the Department of Transportation Appropriations Act for fiscal year 1991. I am very pleased that the conference report is within the Transportation Subcommittee's 302(b) budget allocation based on the budget summit agreement.

Let me start by congratulating the chairman of the Transportation Subcommittee, the distinguished gentleman from Florida [Mr. LEHMAN], and the ranking member, the distinguished gentleman from Pennsylvania [Mr. COUGHLIN], for the superb work they have done on this conference report. Of course, congratulations are also in order for the distinguished chairman of the full committee, Mr. WHITTEN, as well as the distinguished ranking member of the committee, Mr. CONTE.

This is a truly important moment for the Federal-Aid Highway Program. After being strangled by years of unnecessarily low obligation ceilings, highway spending will finally be increased to a level much closer to the level the highway trust fund can really support. The conference report before us today establishes an obligation ceiling of $14.5 billion for fiscal year 1991, a significant increase over the $12.2 billion level in fiscal year 1990.

This is close to the $15 billion that I, as the ranking member on the Committee on Public Works and Transportation, have long advocated for highway spending. Unnecessarily high balances have been maintained in the trust fund for far too long. It's time to start drawing down these balances. Therefore, I am very pleased with the action of the Appropriations Committee to increase the obligation ceiling to $14.5 billion. This is a big step in the right direction.

This means an increase of about $21.5 million in fiscal year 1991 alone for my State of Arkansas. This additional obligational authority can be used by the State to advance much needed highway projects. Since the decision on which particular projects will be advanced is the responsibility of the State highway commission, I would hope that Highway 71 and Highway 412 in northwestern Arkansas would be given serious consideration for increased funding.

I would also like to take this opportunity to indicate my strong support for the $8.5 million in general funds contained in the conference report for Highway 71. This project is extremely important, and it is most gratifying to see funds included for that purpose.

It is also very gratifying that the conference report provides $1.8 billion for fiscal year 1991 for the Airport Improvement Program.

A special thanks goes to Tom Kingfield on the staff of the Transportation Appropriations Subcommittee. He has been most helpful to members and staff and has played a critical role in developing this important legislation. Jim Kulikowski and Kenny Kraft have also been extremely helpful and deserve our sincere appreciation for their significant contributions to this legislation.

In closing, Mr. Speaker, it is a pleasure to be able to come here today to congratulate the Appropriations Committee on the fine work they have done and to urge my colleagues to support the conference report on H.R. 5229.

□ 1330

Mr. COUGHLIN. Mr. Speaker, I yield such time as he may consume to the gentleman from Massachusetts [Mr. CONTE].

Mr. CONTE. Mr. Speaker, I rise in support of the conference report of H.R. 5229, the transportation appropriations bill for fiscal year 1991.

Mr. Speaker, at $30.9 billion, this is a large bill, but it not an easy bill to put together.

You have to balance the demands of the country's highway system against the needs for airport capacity and modernization, versus the value of mass transit, and compared to the requirements and increasing responsibil-

ities of the Coast Guard. It is not easy, but the gentleman from Florida, BILL LEHMAN, and the gentleman from Pennsylvania, LARRY COUGHLIN, have done an outstanding job of balancing the competing priorities and guiding an excellent bill through conference.

The conference report maintains the top priority we set in the House to increase Federal support for basic infrastructure. Throughout the year, we heard from Governors, transportation officials, highway users, airlines and airports, our constituents, and many others all repeating the same refrain: Please give more support to improving our roads and increasing our airport capacity. We have done both. The conference report sets the Federal highway obligation ceiling at $14.5 billion, a $2.3 billion increase over the 1990 level.

We also increased the airport improvement program by $375 million over 1990 for building airport capacity and reducing congestion.

We have given high priority to the Coast Guard in this conference report, providing it a $143 million increase.

An important component of the increase is the $47 million we included for the new Coast Guard responsibilities under the oil spill response bill enacted in August. We have also created a new environmental compliance account, at $21.5 million, which the Coast Guard will use to clean up hazardous wastes and contaminants at Coast Guard bases.

Also included in the conference report is the requirement that the Coast Guard expend $197 million in support of marine environmental protection activities to go along with the $602.6 million provided for drug interdiction activities.

I am particularly happy with the support the conference report gives to high speed rail under the Northeast Corridor Improvement Program.

The conference provided $139 million for track and signal work, electrification design, and high-speed dual powered locomotives. That will put high speed rail on the right track.

At this time I would like to engage the gentleman from Florida, the distinguished chairman, Mr. LEHMAN, in a brief colloquy regarding the provision of funds for the Northeast Corridor Improvement Program.

The conferees have recommended $14 million for dual-propulsion locomotives under this program, and my inquiry to the gentleman is whether it is his understanding that the intent of the conferees was that these funds would be available for the development and procurement of prototype dual-propulsion locomotives capable of operating at speeds of up to 125 miles per hour between New York and Boston?

Mr. LEHMAN of Florida. If the gentleman will yield, Mr. Speaker, that is my understanding.

Mr. CONTE. Is it also the gentleman's understanding that the funds provided could be used to procure the prototype power cars necessary to operate two train sets for high-speed Northeast Corridor service?

Mr. LEHMAN of Florida. That is my understanding as well.

Mr. CONTE. I appreciate the remarks of the gentleman from Florida, and want to express to him and to the gentleman from Pennsylvania [Mr. COUGHLIN], my appreciation for their support of this important initiative to provide high quality, high-speed rail service on the Northeast Corridor between New York and Boston.

One last point that I would like to note is that the conference report has provided the first increase in 6 years for mass transit. With the cost of fuel skyrocketing, there could be no better time that right now to reaffirm the Federal commitment to mass transit. This bill does so, and the elderly and less mobile populations of our cities and rural communities will directly benefit from the renewed commitment.

Mr. Speaker, this is an excellent conference report, and I urge Members to support it.

Mr. COUGHLIN. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Texas [Mr. DELAY].

Mr. DELAY. Mr. Speaker, I just wanted to rise in support of this conference report, and try to point out a couple of things to my colleagues.

First, let me say that I am very proud to serve on this subcommittee, and very proud to serve under our chairman, the gentleman from Florida [Mr. LEHMAN], and the ranking member, the gentleman from Pennsylvania [Mr. COUGHLIN]. I think if other committees of this House would operate as this committee operates, we would not have the budget problems that we have today.

I want to just point out to my colleagues, especially my colleagues on this side of the aisle, what we did in this bill that makes me so proud of it. First off, if we look, the budget authority is basically a freeze. New budget authority is basically a freeze, and I want to emphasize that point. My spending is basically coming from an arrangement made with Committee on Public Works and Transportation, that we raise the level of spending out of the trust fund, the trust funds that we collect user fees for, most of the increase in outlays, or at least the limitations on obligations, go to the Highway Department, which is about a $2.3 billion increase, UMTA is a $300 million increase, and FAA is a $400 million increase, that is coming from those kinds of user fees that we collect. That is why we have outlays of $1.4 billion over fiscal year 1990 levels. That is why I am proud of this conference report, because we are spending down the trust fund moneys, we are spending the moneys that are coming into the trust funds, or at least equivalent of the moneys coming into the trust fund, and this bill is a well-constructed conference report. It is a well-constructed compromise in many ways. I think it is a fiscally responsible conference. I urge my colleagues to support it.

Mr. Speaker, I rise in strong support of the conference report on the Transportation appropriations bill for fiscal year 1991. This is a well-crafted, excellent compromise that more than adequately funds the various components of our transportation sector. Of course, we always wish that we had more funds to work with—but in these times of fiscal restraint, the subcommittee did the best that it could. I wish to congratulate my chairman, BILL LEHMAN, and the ranking Republican, LARRY COUGHLIN, as well as the other members of the subcommittee for a job well done.

Mr. Speaker, I have several areas of primary interest in this bill. The first concerns funding for Houston Metro. The conference report provides $32 million in fiscal year 1991 for the Houston Metro system. Major infrastructure investments often generate local concern and debate. Houston is no exception. As the city continues to negotiate with its citizens, and iron out the rough spots, I believe that the subcommittee has demonstrated its commitment to the project by continuing funding. However, it is appropriate that the funding level is decreased from previous years, pending the outcome of the local negotiations. I want to commend the subcommittee for its foresight in continuing adequate funding for Houston Metro. The language contained in the House version of H.R. 5229, outlining necessary conditions for Houston Metro, provides additional guidance for future appropriations.

I am pleased to see that the conferees agreed to drop the provision included by the other body that would have had the automatic effect of banning radar detectors in commercial vehicles. I objected to this provision for several reasons: the appropriations bill was not an appropriate vehicle; this type of control should be handled by the States and not the Federal Government; and, the truckers of this Nation were being specifically pinpointed as a safety menace, when there is no concrete evidence directly tying radar detectors to accidents involving trucks. I received over 50 phone calls and letters from my constituents protesting this provision, and I know that they are relieved that it was removed.

My final area of primary concern, involves the Arriel engine for the Coast Guard's HH–65 helicopters. I know that most of my subcommittee colleagues have expressed concern over the unreliability and poor track record of the current engine, the Lycoming LTS–101. It is absolutely essential that the Coast Guard's search and rescue mission go forth uninhibited; a reliable engine is obviously a vital necessity to completing the mission. The Coast Guard has previously submitted a $2 million reprogramming to the subcommittee for a

proof of concept on the Arriel engine, which it identified as the most feasible, commercially available, alternative engine to the LTS-101. The House subcommittee, concerned about the threat to the search and rescue mission, approved the reprogramming request. Unfortunately, the other body did not agree, and the Coast Guard was thus unable to move ahead with immediately providing an alternative engine for this important mission. This greatly concerned me.

The conferees did agree to a 90-day study by the DOD's director of operational test and evaluations. I am confident that this study will confirm the Coast Guard conclusion that the Arriel is the only immediately available commercial engine, and then the proof of concept can move forward. I can only hope that, in the meanwhile, the Coast Guard's search and rescue mission is not damaged. I am sure that all of my colleagues share this hope.

Mr. Speaker, I urge my colleagues to approve the Transportation conference report.

Mr. LEHMAN of Florida. Mr. Speaker, I yield such time as he may consume to the gentleman from Michigan [Mr. KILDEE].

Mr. KILDEE. Mr. Speaker, I rise in strong support of the conference report on H.R. 5229, and I want to commend the chairman, the gentleman from Florida [Mr. LEHMAN] for his leadership in taking care of the Nation's transportation system needs.

Mr. Speaker, I rise in strong support of the conference report to H.R. 5229, the Transportation appropriations for fiscal year 1991.

I want to commend the chairman of the subcommittee, Mr. LEHMAN, for his commitment in bringing this important bill to the House floor today. Chairman LEHMAN has once again demonstrated his leadership in improving our country's transportation system.

I have always believed that in order to build real national security and economic growth in the United States, our Government must invest in the infrastructure of our Nation. We in Michigan, a State that relies heavily on roads and waterways for our tourism industry, are especially pleased with this conference agreement.

Our Nation's roads, highways, railroads and airports, are all in desperate need of repair. This legislation is vitally important if we are to improve and enhance our country's transportation system.

I would also like to thank the chairman for his assistance in obtaining funding for an important project in my hometown of Flint, MI.

For several years now, I have been working with local elected officials to move a road that will allow for the expansion of the Flint Bishop Airport. This legislation provides funding to cover all preconstruction costs of the relocation of Bristol Road. This project will serve as a vital economic development tool in our community, and I want to thank the chairman of the subcommittee, for this assistance in this matter.

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

Mr. AUCOIN. Mr. Speaker, I rise in strong support of the conference report. I want to compliment the committee on both sides of the aisle for producing an excellent appropriations bill, particularly for the projects in West Portland, OR.

Mr. LEHMAN of Florida. Mr. Speaker, I yield myself such time as I may consume for the purpose of a colloquy.

Mr. MRAZEK. Mr. Speaker, If the gentleman will yield, the Coast Guard's Brooklyn station has five HH-65 Dolphin helicopters, which serve my district in Long Island, as well as northern New Jersey. Over the past several years, the Coast Guard has had serious reliability problems with the engine in this aircraft. Last year, the Congress approved a proof of concept program to install the Army T-800 engine in the HH-65. Since then, the Army's T-800 program has been delayed. This year, the Department of Transportation requested a reprogramming to initiate a proof-of-concept on the commercial Arriel engine, as a near-term insurance policy should a re-engining program become necessary. Mr. Chairman, I am supportive of the Arriel proof of concept, and I would like to clarify several points in the conference report on this subject.

As I understand the conference report, if the Director of Operational Test and Evaluation in the Department of Defense recommends the Arriel 1C2 engine, the Commandant of the Coast Guard shall use $2 million previously appropriated for HH-65 engine improvements to conduct that proof-of-concept. Is that correct?

Mr. LEHMAN. The gentleman is correct. The conference report directs that office to compare the Allison C30 and Arriel engines for the HH-65's mission requirements, and it requires the Commandant to use $2 million to conduct a proof of concept on a commercial engine should the DOT&E make such a recommendation.

Mr. MRAZEK. Is it your understanding that the Director is to review existing data about these two engines, but is not expected to conduct his own new investigation?

Mr. LEHMAN of Florida. The gentleman is correct. The conference report asks for a review of up-to-date documentation.

Mr. DELAY. Mr. Speaker, if the gentleman will yield, I share the concerns of the gentleman from New York. The Arriel engine has flown in the Dolphin helicopter since the early 1970's, logging over 1 million miles in flight. In my mind, if the existing LTS-101 engine continues to have problems, the Arriel would be the quickest and most cost-effective re-engining solution. Mr. Chairman, if the Director does not recommend in his quick review that an additional proof of concept is necessary for a commercial engine, can the Commandant proceed with such a program anyway?

Mr. LEHMAN of Florida. If the Director concludes there is a need for a commercial alternative, the Coast Guard must conduct a proof of concept on that commercial alternative. If there is no direction, the funds still remain available, and the Commandant is free to make his own proposal. However, given the congressional interest in this program, he would be expected to advise the Congress of his plans before proceeding.

Mr. DELAY. What if the Director recommends a proof of concept on a comercial engine but makes no specific recommendation on which engine to utilize?

Mr. LEHMAN of Florida. There is nothing in the conference report barring the Commandant from choosing between the engines, as long as his decision is based upon the Director's report.

Mr. DELAY. The report language states that the Director shall submit his findings within 90 days. In approximately 75 days—on December 31 of this year—the existing contract with the company that would conduct the proof of concept on the Arriel engine would expire. A new contract would take several months to negotiate, delaying the program seriously. Such language therefore appears to prejudice the Arriel proof of concept. Is it your understanding that the conference report allows 90 days as an outer limit to the time period, but does not require the full 90 days to be used?

Mr. LEHMAN of Florida. The gentleman is correct. The conference report states that the report is to be submitted within 90 days. There is no reason why it cannot be submitted earlier if the assessment can be conducted in less time. I would encourage the Coast Guard to cooperate fully with the Director to provide for an expeditious assessment, which does not prejudice either of the engine candidates mentioned in the conference report.

□ 1540

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

Mr. LEHMAN of Florida. I yield to the gentleman from Michigan.

Mr. CARR. Mr. Speaker, I thank the gentleman for yielding to me.

I would merely like to say that the particular topic of reengining has been a controversy before our subcommittee and it was controversy in the conference. The evidence before our subcommittee, the testimony from Coast Guard officials, has been that they view it a mistake to engage in procurement which is not also being used by the Department of Defense. In this particular case, we are talking about a replacement engine for a helicopter, which is not anywhere in the DOD inventory.

The previous Coast Guard Commandant said that he would never make the mistake of going outside the DOD-type procurement again.

I just would point out that the replacement engine, in fact, goes outside that policy which the Coast Guard has enunciated and which our subcommittee has supported.

While it may end up being that we do it one more time, I think it is fair to say that most members of the subcommittee feel that it should be noted as an exception, rather than the rule, and that we want to continue to encourage the Coast Guard to procure equipment in track with or in tandem with the U.S. Department of Defense.

In addition, Mr. Speaker, I would also like to indicate that there was another contentious issue in the conference relating to intelligent vehicle highway systems, otherwise known as IVHS. Those are the new technologies for highways of the future, automobiles of the future, where we will try to maximize our highway capacities through the use of computer technology and video technology, increasing the safety of the motorist and the capacity of the highways.

I think the subcommittees of both the House and the Senate support these programs and will continue to do so in the future.

In the conference, I signed this statement of the managers, but I did except myself from amendments 39 and 40. In looking through the printed conference report, I do not find that exception anywhere, so I feel constrained to make an announcement on the House floor that while I heartily endorse the work of the subcommittee and the work of the conference, I did take vigorous exception to earmarking the IVHS account.

The reason I do so simply that it is a very small program at present. We came out with an appropriation of $13 million for the entire country. It is a new program, a very small amount. You spread that across the country and you do not have a lot of dollars going a lot of places.

In the conference, the conference bumped that up to $20 million, which on an absolute dollar value was an improvement for that particular program, but I believe that we are going to be in a situation in the future a year from now, 2 years from now, 10 years from now, when intelligent vehicle highway systems are going to be receiving a lot more money. The public is going to demand that the technologies available will be applied to highway transportation, vehicle safety, and highway capacity improvements.

I believe it is an error for our committee and the Congress to earmark while the program is in such an infancy. It is a mistake for two reasons. First, we do not have a lot of money today and we should not be earmarking large earmarks of small amounts of money nationwide.

No. 2, the fact is that the technology is a bit in its infancy. While we know where we can go with this technology, it is quite clear that there is a race on between a variety of technology companies to establish themselves as the leader both in this country and around the world.

While their zeal is commendable and we wish them well, I believe it is too soon for the Congress to be earmarking not just a State or a company, but essentially a technology. We ought to keep that competition open for a while before the Congress decides, and I believe our earmarks in that regard were premature.

So with that, I would just like to say that I support the work of the conference and ask all Members to support the work of the conference with an affirmative vote.

Mr. LEHMAN of Florida. Reclaiming my time, Mr. Speaker, I just want to say to my good friend, the gentleman from Michigan, that although we had certain disagreements, we did the best we could in producing the best possible bill we could. There is real merit in what the gentleman is saying. He has made a valuable contribution to this. I do want to reassure the gentleman that his exception was printed in the RECORD, even though there was a printing error in the first production of this conference report.

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

Mr. SOLOMON. Mr. Speaker, I thank the gentleman for yielding me this time. I will be brief.

Mr. Speaker, I would simply like to express my appreciation to the conferees on this bill for retaining my amendment reducing Federal highway funds by 10 percent to States that fail to suspend the driver's licenses of persons convicted of any drug offense.

Conditioning the privilege of driving to the responsibility of staying drug free sends a meaningful message to the youth of this country at a time in their lives when they are yearning for that great rite of passage into adulthood, their driver's license.

As I have said many times, money and rhetoric are not going to win the war against drugs, and casual drug users are going to continue to finance the drug trade as long as they go unpunished.

There is only one real way to win the war against drugs. We must reduce the demand for drugs. This House has approved my amendments denying higher education benefits to drug users. It has accepted my amendment denying job assistance and Federal housing to drug users. And in a few days, the President will sign this bill into law requiring States to suspend driver's licenses to anyone convicted of using drugs.

Mr. Speaker, I thank the Rules Committee for making that amendment in order on an appropriation bill several months ago, and I certainly thank the Appropriations Committee, the subcommittee chairman and the ranking member, for keeping it in the conference report.

Thank you very much on behalf of the young people of this country.

Mr. WOLF. Mr. Speaker, I rise in strong support of the conference report providing appropriations in fiscal year 1991 for the Department of Transportation.

I want to commend the gentleman from Florida [Mr. LEHMAN], the outstanding chairman of the Transportation Appropriations Subcommittee, and the gentleman from Pennsylvania [Mr. COUGHLIN], the vice chairman of the subcommittee, for their hard work and tireless efforts in crafting this legislation.

It is a pleasure to serve with Mr. LEHMAN and Mr. COUGHLIN and the other members of this subcommittee who work to provide funding for the transportation needs of this Nation.

I would also be remiss in not acknowledging the work of the subcommittee staff who provide exceptional assistance to the members.

Mr. Speaker, a balanced and efficient transportation network is the lifeblood of this Nation and this conference report meets the critical transportation needs of America.

This legislation provides funds to improve our Nation's transportation infrastructure and in particular the Nation's highway system. The increase this year in the obligation authority for the highway trust fund will help every State in the Nation meet its highway construction and maintenance needs.

The conference report also provides funds for important mass transportation programs across the country and for Amtrak, the Nation's passenger railway system.

In addition, this legislation includes funds for the Nation's aviation system to help ensure safe skies for the traveling public.

Mr. Speaker, the conference report before us provides the opportunity for the Congress to fulfill its commitment to provide the essential Federal role in financing vital transportation improvements to keep America moving. It is an excellent bill crafted in a time of tight Federal budgets and again I congratulate Mr. LEHMAN and Mr. COUGHLIN and all the staff for their outstanding work and urge all my colleagues to support this legislation.

Mr. RAHALL. Mr. Speaker, I am pleased to rise in support of the Transportation appropriations bill for fiscal year 1991.

This bill appropriates $13 billion in fiscal year 1991 for Transportation Department and related agencies, which include the Coast Guard, Federal Aviation Administration, Federal Highway Administration, Federal Railroad Administration, and the Urban Mass Transit Administration.

This appropriation reflects a $100 million reduction from the House-passed bill, and $69 million less than that made available in fiscal year 1990. These reductions reflect our ongoing efforts to bring appropriations bills into

conformance with the budget resolution, in keeping with targeted deficit reduction goals.

First I would like to just say that I am very pleased that essential air service payments were increased by the conferees, reflecting a $3 million increase over the House-passed bill. These payments go to subsidize airline services to smaller communities. It was originally created as part of the deregulation of the airline industry, to ensure that small communities would not lose access to vital air transportation. Five communities in West Virginia will benefit under EAS, two of which—Beckley and Bluefield—are in my Fourth Congressional District. These are of vital importance, as West Virginia continues its struggle toward economic stability by broadening its industrial base and strengthening its tourism industry. A loss of these funds would be a great deterrent to these efforts. While the funding level for EAS, at $26.6 million reflects an increase over earlier proposals, it still is lower than last year's level. However, the increase also allays my fears that continued annual reductions for EAS would lead to its eventual elimination from Federal Aviation Administration programs. This would indeed be a serious setback for West Virginia and other States which rely on EAS for assuring access to small communities via air transport.

FAA operations overall in this bill are funded at $4 billion, equal to the House recommendation, and $213 million more than last year. Within this amount, $1.9 billion is for the operation of the air traffic control system, and $470 million for aviation safety activities, representing $49 million more than last year.

There are $2.1 billion in the bill appropriated from the airport trust fund, for airport facilities and equipment.

For grants to airports, the bill releases up to $1.8 billion from the airport and airways trust fund in fiscal year 1991 as grants-in-aid for airport planning, construction, and development. This amount is $375 million more than requested by the President.

This measure, Mr. Chairman, authorizes the release of $14.5 billion from the highway trust fund for Federal highway grants to assist in the construction and repair of the Interstate Highway System, secondary roads, and bridges. This is $2.3 billion more than the fiscal year 1990 funding level, and $2.5 billion more than the President's request.

For urban mass transit, the agreement appropriates $1.9 billion for various mass transit programs under UMTA in fiscal year 1991. It authorizes the release of $1.4 billion from the mass transit account for discretionary mass transportation grants, providing $222 million more for UMTA than in fiscal year 1990, and $970 million more than the administration requested.

UMTA programs provide mass transportation capital and operating assistance to both urban and nonurban areas. Again, West Virginia relies upon this program for its rural and urban systems of travel. It is the foundation upon which the State has built the tri-State authority in Huntington, WV, in my Fourth Congressional District.

These funding levels reflect the bipartisan commitment among Members of both bodies to continue to fund highway demonstration projects as well, in spite of the administration's request to zero fund the projects.

The Federal Railroad Administration is funded at $894 million in fiscal year 1991, representing an increase of $157 million more than last year. Most of this funding will go to support Amtrak, which is funded at $625 million, $20 million over last year's level.

To be parochial, Mr. Speaker, I would like to express my deep appreciation to the conferees for including vitally needed funding in the final bill that was not included in the House-passed version.

I am talking about the funding in the bill that will go toward completion of the Appalachian highway system, a program authorized 25 years ago, but which still is only two-thirds complete. Conferees have included $51.5 million for corridor H improvements. This project stretches from Weston, WV, to the Virginia line near Winchester, VA, and still lacks 116 miles before its completion. Even with this welcome $51.5 million next year, the total outstanding completion costs are estimated to be close to $1 billion. Corridor G, stretching from Williamson, WV, to Charleston, which would be funded under this bill at $33.3 million next year, still lacks 18 miles of freeway construction before it is completed, estimated to cost $332 million in additional funding. And finally Mr. Speaker, corridor D of the Appalachian highway project, serving Wood County between Clarksburg and Parkersburg, is funded here at $10 million next year, and still lacks 10 miles to completion. It is estimated that it will cost an additional $182 million to complete construction of corridor D.

I wish to express my deep appreciation to the able chairman of the Transportation Appropriations Subcommittee, Mr. LEHMAN of Florida. His energy and commitment toward protecting transportation projects that are so vital to our congressional districts, to our States as a whole are well documented. Again to my good friend Mr. LEHMAN, I convey my thanks and appreciation for his hard work in this conference, and that of his colleagues on the subcommittee.

I urge my colleagues to support this measure, which is of massive importance to my own constituency, as well as to the entire Nation.

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

Mr. LEHMAN of Florida. 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 (Mr. MAZZOLI). 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. RUSSO. 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 394, nays 17, not voting 22, as follows:

[Roll No. 492]

YEAS—394

Ackerman	Dwyer	Kildee
Alexander	Dyson	Kleczka
Anderson	Early	Kolter
Andrews	Eckart	Kostmayer
Annunzio	Edwards (CA)	LaFalce
Anthony	Edwards (OK)	Lagomarsino
Applegate	Emerson	Lancaster
Archer	Engel	Lantos
Aspin	English	Laughlin
Atkins	Erdreich	Leach (IA)
AuCoin	Espy	Leath (TX)
Baker	Evans	Lehman (CA)
Ballenger	Fascell	Lehman (FL)
Barnard	Fawell	Lent
Bartlett	Fazio	Levin (MI)
Bateman	Feighan	Lewis (FL)
Beilenson	Fields	Lewis (GA)
Bennett	Fish	Lightfoot
Bentley	Flake	Lipinski
Bereuter	Foglietta	Livingston
Berman	Ford (MI)	Lloyd
Bevill	Ford (TN)	Long
Bilbray	Frank	Lowery (CA)
Bilirakis	Frost	Lowey (NY)
Billey	Gallegly	Luken, Thomas
Boehlert	Gallo	Lukens, Donald
Boggs	Gaydos	Machtley
Bonior	Gejdenson	Madigan
Borski	Gekas	Manton
Bosco	Geren	Markey
Boucher	Gibbons	Marlenee
Boxer	Gillmor	Martin (NY)
Brooks	Gilman	Martinez
Broomfield	Gingrich	Matsui
Browder	Glickman	Mavroules
Brown (CA)	Goodling	Mazzoli
Brown (CO)	Gordon	McCandless
Bruce	Goss	McCloskey
Bryant	Gradison	McCollum
Buechner	Grant	McCrery
Bunning	Gray	McCurdy
Bustamante	Green	McDade
Byron	Guarini	McDermott
Callahan	Gunderson	McEwen
Campbell (CA)	Hall (OH)	McGrath
Campbell (CO)	Hall (TX)	McHugh
Cardin	Hamilton	McMillan (NC)
Carper	Hammerschmidt	McMillen (MD)
Carr	Hansen	McNulty
Chandler	Harris	Meyers
Chapman	Hatcher	Mfume
Clarke	Hayes (IL)	Michel
Clay	Hayes (LA)	Miller (CA)
Clement	Hefley	Miller (OH)
Clinger	Hefner	Miller (WA)
Coble	Henry	Mineta
Coleman (MO)	Herger	Mink
Coleman (TX)	Hiler	Moakley
Collins	Hoagland	Molinari
Combest	Hochbrueckner	Mollohan
Condit	Holloway	Montgomery
Conte	Hopkins	Moody
Conyers	Horton	Moorhead
Cooper	Houghton	Morella
Costello	Hoyer	Morrison (WA)
Coughlin	Hubbard	Mrazek
Courter	Huckaby	Murphy
Cox	Hughes	Murtha
Coyne	Hunter	Myers
Craig	Hutto	Nagle
Darden	Hyde	Natcher
Davis	Inhofe	Neal (MA)
de la Garza	Ireland	Neal (NC)
DeFazio	Jacobs	Nielson
DeLay	James	Nowak
Dellums	Jenkins	Oakar
Derrick	Johnson (CT)	Oberstar
DeWine	Johnson (SD)	Obey
Dickinson	Johnston	Olin
Dicks	Jones (GA)	Ortiz
Dingell	Jones (NC)	Owens (NY)
Dixon	Jontz	Owens (UT)
Donnelly	Kanjorski	Oxley
Dorgan (ND)	Kaptur	Pallone
Dornan (CA)	Kasich	Panetta
Downey	Kastenmeier	Parker
Dreier	Kennedy	Parris
Durbin	Kennelly	Pashayan

Patterson	Schaefer	Synar
Paxon	Scheuer	Tallon
Payne (NJ)	Schiff	Tanner
Payne (VA)	Schneider	Tauke
Pease	Schroeder	Tauzin
Pelosi	Schulze	Taylor
Penny	Schumer	Thomas (CA)
Perkins	Serrano	Thomas (GA)
Petri	Sharp	Thomas (WY)
Pickett	Shaw	Torres
Pickle	Shays	Torricelli
Porter	Shuster	Towns
Poshard	Sikorski	Traficant
Price	Sisisky	Traxler
Pursell	Skaggs	Udall
Rahall	Skeen	Unsoeld
Rangel	Skelton	Upton
Ravenel	Slattery	Valentine
Ray	Slaughter (NY)	Vander Jagt
Regula	Slaughter (VA)	Vento
Rhodes	Smith (FL)	Visclosky
Richardson	Smith (IA)	Volkmer
Ridge	Smith (NE)	Vucanovich
Rinaldo	Smith (NJ)	Walgren
Ritter	Smith (TX)	Walsh
Roberts	Smith, Denny (OR)	Watkins
Roe		Waxman
Rogers	Smith, Robert (OR)	Weber
Rohrabacher		Weiss
Ros-Lehtinen	Snowe	Weldon
Rose	Solarz	Wheat
Rostenkowski	Solomon	Whittaker
Roth	Spence	Whitten
Roukema	Spratt	Williams
Rowland (GA)	Staggers	Wilson
Roybal	Stallings	Wise
Russo	Stangeland	Wolf
Sabo	Stark	Wolpe
Saiki	Stearns	Wyden
Sangmeister	Stenholm	Wylie
Sarpalius	Stokes	Yates
Savage	Studds	Yatron
Sawyer	Sundquist	Young (AK)
Saxton	Swift	Young (FL)

NAYS—17

Armey	Duncan	Sensenbrenner
Barton	Frenzel	Shumway
Bates	Hancock	Smith, Robert (NH)
Crane	Hertel	
Dannemeyer	Kolbe	Stump
Douglas	Kyl	Walker

NOT VOTING—22

Brennan	Hastert	Quillen
Burton	Hawkins	Robinson
Crockett	Levine (CA)	Rowland (CT)
Dymally	Lewis (CA)	Schuette
Flippo	Martin (IL)	Smith (VT)
Gephardt	Morrison (CT)	Washington
Gonzalez	Nelson	
Grandy	Packard	

□ 1607

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.

PERSONAL EXPLANATION

Mr. NELSON of Florida. Mr. Speaker, had I been present, I would have voted "aye" on rollcall Nos. 488, 489, 490, 491, and 492.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 1602. An act to amend the Public Health Service act to improve emergency medical services and trauma care, and for other purposes.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 1602) "An act to amend the Public Health Service Act to improve emergency medical services and trauma care, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. KENNEDY, Mr. PELL, and Mr. HATCH to be the conferees on the part of the Senate.

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

S. 1918. An act to provide for Federal recognition of the Jena Band of Choctaws of Louisiana, and for other purposes;

S. 2789. An act to authorize appropriations for the Earthquake Hazards Reduction Act of 1977, and for other purposes;

S. 2857. An act to amend the Public Health Service Act to reauthorize certain Institutes of the National Institutes of Health, and for other purposes, and

S. Con. Res. 153. Concurrent resolution to acknowledge the 100th anniversary of the tragedy at Wounded Knee Creek, State of South Dakota, December 29, 1890, wherein soldiers of the U.S. Army 7th Cavalry killed and wounded approximately 350-375 Indian men, women, and children of Chief Big Foot's band of the Minneconjou Sioux, and to recognize the Year of Reconciliation declared by the State of South Dakota between the citizens of the State and the member bands of the Great Sioux Nation.

CONFERENCE REPORT ON H.R. 5229, DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 1991

The SPEAKER pro tempore (Mr. MAZZOLI). Pursuant to House Resolution 512, the amendments in disagreement and motions to dispose of the amendments are considered as having been read, and the Clerk will report the first amendment in disagreement.

The text of the amendment is as follows:

Senate Amendment No. 4: Page 3, line 8, strike out "$21,745,000" and insert "$22,750,000".

MOTION OFFFERED BY MR. LEHMAN OF FLORIDA

Mr. LEHMAN of Florida. Mr. Speaker, I offer a motion.

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

The text of the motion is as follows:

Mr. LEHMAN of Florida moves that the House recede from its disagreement to the amendment of the Senate numbered 4 and concur therein with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert the following: "$26,745,000, of which $5,000,000 shall remain available until expended."

The SPEAKER pro tempore. The gentleman from Florida [Mr. LEHMAN] is recognized for 3 minutes.

Mr. LEHMAN of Florida. Mr. Speaker, I yield to my friend, the gentleman from Wisconsin [Mr. OBEY].

Mr OBEY. Mr. Speaker, I thank the gentleman from Florida [Mr. LEHMAN] for yielding.

Mr. Speaker, I simply want to take this time to thank the gentleman from Florida and the gentleman from Pennsylvania for their assistance in meeting the needs of the Central Wisconsin Airport. We appreciate the cooperation both of the committee and of the authorizing committee. I think, as everybody understands, reliable air service is absolutely crucial to economic development, and we very much appreciate the support of the committee.

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

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

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 4, after line 14, insert:

OFFICE OF INTELLIGENCE AND SECURITY

For necessary expenses of the Office of Intelligence and Security, $1,360,000.

MOTION OFFERED BY MR. LEHMAN OF FLORIDA

Mr. LEHMAN of Florida. Mr. Speaker, I offer a motion.

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

The text of the motion is as follows:

Mr. LEHMAN of Florida 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 sum named in said amendment, insert the following "$1,200,000".

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

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 4, after line 24, insert:

OFFICE OF COMMERCIAL SPACE TRANSPORTATION OPERATIONS AND RESEARCH

For necessary expenses for operations and research activities related to commercial space transportation, to remain available until expended $4,217,000: *Provided*, That the unexpended balances of the appropriation. "Transportation Planning, Research, and Development" associated with commercial space activities shall be transferred to and merged with this appropriation: *Provid-*

ed further, That notwithstanding any other provision of law, there may be credited up to $200,000 to this account funds received from users fees established for regulatory services.

MOTION OFFERED BY MR. LEHMAN OF FLORIDA

Mr. LEHMAN of Florida. Mr. Speaker, I offer a motion.

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

The text of the motion is as follows:

Mr. LEHMAN of Flordia 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 matter proposed by said amendment, insert the following:

OFFICE OF COMMERCIAL SPACE TRANSPORTATION OPERATIONS AND RESEARCH

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for operations and research activities related to commercial space transportation, $3,386,000, of which $1,600,000. shall remain available until expended: *Provided,* That the unexpended balances of the appropriation "Transportation Planning, Research, and Development" associated with commercial space activities shall be transferred to and merged with this appropriation: *Provided further,* That notwithstanding any other provision of law, there may be credited up to $300,000 to this account funds received from users fees established for regulatory services.

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

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 6, line 12, strike out "$2,352,000,000" and insert "$2,351,103,000".

MOTION OFFERED BY MR. LEHMAN OF FLORIDA

Mr. LEHMAN of Florida. Mr. Speaker, I offer a motion.

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

The text of the motion is as follows:

Mr. LEHMAN of Florida 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 sum proposed by said amendment, insert the following: "$2,339,839,000".

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

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 6, line 15, strike out "$2,192,000,000" and insert "$2,051,103,000".

MOTION OFFERED BY MR. LEHMAN OF FLORIDA

Mr. LEHMAN of Florida. Mr. Speaker, I offer a motion.

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

The text of the motion is as follows:

Mr. LEHMAN of Florida 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 proposed by said amendment, insert the following:

"$2,039,839,000, of which $41,489,000 shall be derived from the Oil Spill Liability Trust Fund".

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

The motion was agreed to.

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

Mr. LEHMAN of Florida. I ask unanimous consent that Senate amendments in disagreement numbered 15, 45, 69, 71, 93, 96, 97, 117, 135, 136, and 138 be considered en bloc.

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

There was no objection.

The SPEAKER pro tempore. The Clerk will designate the amendments in disagreement.

The texts of Senate amendments Nos. 15, 45, 69, 71, 93, 96, 97, 117, 135, 136, and 138 are as follows:

Senate amendment No. 15: Page 6, line 21, after "activities" insert "and not less than $197,000,000 shall be for marine environmental protection activities".

Senate amendment No. 45: Page 18, after "1991" insert ": *Provided,* That, within the funds provided for interstate construction, and in accordance with authorized cost-sharing requirements, there shall be available the amounts necessary to provide the Federal share of construction costs of a bridge, designed as required for compliance with the coastal zone plan of the State of New Jersey, on Interstate 295 in the vicinity of Crosswicks Creek near Trenton, New Jersey".

Senate amendment No. 69: Page 26, after line 16, insert:

CORRIDOR H IMPROVEMENT PROJECT

For the purpose of carrying out a demonstration of methods of eliminating traffic congestion, and to promote economic benefits for the area affected by the construction of the Corridor H segment of the Appalachian Highway System, there is hereby appropriated $51,500,000, to remain available until expended: *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.

Senate amendment No. 71: Page 26, after line 16, insert:

CORRIDOR D IMPROVEMENT PROJECT

For the purpose of carrying out a demonstration of methods of eliminating traffic congestion, and to promote economic benefits for the area affected by the construction of the Corridor D segment of the Appalachian Highway System, there is hereby appropriated $10,000,000 to remain available until expended: *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.

Senate amendment No. 93: Page 30, line 8, after "authorities" insert "other than State rail safety inspectors participating in training pursuant to section 206 of the Federal Railroad Safety Act of 1970".

Senate amendment No. 96: Page 30, line 13, after "Road" insert "to expand and extend an intermodal project including acquisition of intermodal equipment and related equipment, improvement of terminal facilities, and".

Senate amendment No. 97: Page 30, line 24, after "persons" insert ": *Provided further,* That of this amount $500,000 is available until expended for a grant to the State of Washington for a study on preliminary corridor design and feasibility studies on magnetically levitated rail or other high speed rail options: *Provided further,* That any such grant shall be matched on a dollar for dollar basis by the State of Washington".

Senate amendment No. 117: Page 40, line 1, after "$10,500,000," insert "of which $174,000 shall remain available until expended".

Senate amendment No. 135: Page 57, strike out all after line 23, over to and including "State" in line 7 on page 58, and insert: per centum of the amount required to be apportioned to any State under each of paragraphs (1), (2), (5), and (6) of section 104(b) on the first day of each fiscal year which begins after the second full calendar year following the date of enactment of this section if the State does not meet the requirements of paragraph (3) on such date.

Subsections (a)(2), (a)(3), (b), and (c) of section 104 of title 23, United States Code, are amended as follows:

"(2) The Secretary shall withhold 20 per centum (including any amounts withheld under paragraph (1)) of the amount required to be apportioned to any State under each of paragraphs (1), (2), (5), and (6) of section 104(b) on the first day of each fiscal year which begins after the fourth full calendar year following the date of enactment of this section if the State does not meet the requirements of paragraph (3) on the first day of such fiscal year.

"(3) A State meets the requirements of this paragraph if—

"(A) the State has enacted and is enforcing a law that requires in all circumstances, or requires in the absence of compelling circumstances warranting an exception—

"(i) the revocation, or suspension for at least 6 months, of the driver's license of any individual who is convicted, after the enactment of such law, of—

"(I) any violation of the Controlled Substance Act, or

"(II) any drug offense, and

"(ii) a delay in the issuance or reinstatement of a driver's license to such an individual for at least 6 months after the individual applies for the issuance or reinstatement of a driver's license if the individual does not have a driver's license, or the driver's license of the individual is suspended, at the time the individual is so convicted, or

"(B) The Governor of the State—

"(i) submits to the Secretary no earlier than the adjournment sine die of the first regularly scheduled session of the State's legislature which begins after the date of enactment of this section a written certifica-

tion stating that he is opposed to the enactment or enforcement in his State of a law described in subparagraph (A) relating to the revocation, suspension, issuance, or reinstatement of driver's licenses to convicted drug offenders; and

"(ii) submits to the Secretary a written certification that the legislature (including both Houses where applicable) has adopted a resolution expressing its opposition to a law described in clause (i).

"(b)(1)(A) Any funds withheld under subsection (a) from apportionment to any State on or before September 30, 1995, shall remain available for apportionment to such State as follows:

"(i) If such funds would have been apportioned under section 104(b)(5)(A) but for this section, such funds shall remain available until the end of the fiscal year for which such funds are authorized to be appropriated.

"(ii) If such funds would have been apportioned under section 104(b)(5)(B) but for this section, such funds shall remain available until the end of the second fiscal year following the fiscal year for which such funds are authorized to be appropriated.

"(iii) If such funds would have been apportioned under paragraph (1), (2), or (6) of section 104(b) but for this section, such funds shall remain available until the end of the third fiscal year following the fiscal year for which such funds are authorized to be appropriated.

"(B) No funds withheld under this section from apportionment to any State after September 30, 1995, shall be available for apportionment to such State.

"(2) If, before the last day of the period for which funds withheld under subsection (a) from apportionment are to remain available for apportionment to a State under paragraph (1), the State meets the requirements of subsection (a)(3), the Secretary shall, on the first day on which the State meets the requirements of subsection (a)(3), apportion to the State the funds withheld under subsection (a) that remain available for apportionment to the State.

"(3) Any funds apportioned pursuant to paragraph (2) shall remain available for expenditure as follows:

"(A) Funds originally apportioned under section 104(b)(5)(A) shall remain available until the end of the fiscal year succeeding the fiscal year in which such funds are apportioned under paragraph (2).

"(B) Funds originally apportioned under paragraph (1), (2), (5)(B), or (6) of section 104(b) shall remain available until the end of the third fiscal year succeeding the fiscal year in which such funds are so apportioned.

Sums not obligated at the end of such period shall lapse or, in the case of funds apportioned under section 104(b)(5), shall lapse and be made available by the Secretary for projects in accordance with section 118(b).

"(4) If, at the end of the period for which funds withheld under subsection (a) from apportionment are available for apportionment to a State under paragraph (1), the State does not meet the requirements of subsection (a)(3), such funds shall lapse or, in the case of funds withheld from apportionment under section 104(b)(5), such funds shall lapse and he made available by the Secretary for projects in accordance with section 118(b).

"(c) For purposes of this section—

"(1) The term 'driver's license' means a license issued by a State to any individual that authorizes the individual to operate a motor vehicle on highways.

"(2) The term 'drug offense' means any criminal offense which proscribes—

"(A) the possession, distribution, manufacture, cultivation, sale, transfer, or the attempt or conspiracy to possess, distribute, manufacture, cultivate, sell, or transfer any substance the possession of which is prohibited under the Controlled Substances Act, or

"(B) the operation of a motor vehicle under the influence of such a substance.

"(3) The term 'convicted' includes adjudicated under juvenile proceedings.".

(b) The table of contents for chapter 1 of title 23, United States Code, is amended by adding at the end thereof the following new item:

"159. Revocation or suspension of the driver's license of individuals convicted of drug offenses.".

Senate amendment No. 136: Page 58, after line 7, insert:

SEC. 334. Unobligated funds authorized to be appropriated by section 131(d)(2) of the Highway Improvement Act of 1982, Public Law 97-424, shall be available for obligation for the project described in section 149(a)(88) of the Federal-Aid Highway Act of 1987, Public Law 100-17, in the same manner and to the same extent provided in section 131(d)(3) of the Highway Improvement Act of 1982.

Senate amendment No. 138: Page 58, after line 7, insert:

SEC. 336. 23 U.S.C. 410(e)(1)(C) is hereby amended by striking the words "within the time period specified in subparagraph (F)"; 23 U.S.C. 410(e)(2) is hereby amended by adding the words "a significant portion of" after the word "which", the first time it appears, and by striking the words "convicted of" and inserting in lieu thereof the words "apprehended and fined for".

MOTION OFFERED BY MR. LEHMAN OF FLORIDA

Mr. LEHMAN of Florida. Mr. Speaker, I offer a motion.

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

The text of the motion is as follows:

Mr. LEHMAN of Florida moves that the House recede from its disagreement to the amendments of the Senate numbered 15, 45, 69, 71, 93, 96, 97, 117, 135, 136, 138 and concur therein.

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

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. 18: Page 7, line 14, strike out "$101,700,000" and insert "$93,500,000".

MOTION OFFERED BY MR. LEHMAN OF FLORIDA

Mr. LEHMAN of Florida. Mr. Speaker, I offer a motion.

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

The text of the motion is as follows:

Mr. LEHMAN of Florida moves that the House recede from its disagreement to the amendment of the Senate numbered 18 and concur therein with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert the following "$90,010,000".

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

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 7, line 15, strike out "$20,500,000" and insert "$15,500,000".

MOTION OFFERED BY MR. LEHMAN OF FLORIDA

Mr. LEHMAN of Florida. Mr. Speaker, I offer a motion.

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

The text of the motion is as follows:

Mr. LEHMAN of Florida 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 sum proposed by said amendment, insert the following "$15,000,000".

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

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 8, line 12, strike out all after "damage" down to and including "years" in line 16.

MOTION OFFERED BY MR. LEHMAN OF FLORIDA

Mr. LEHMAN of Florida. Mr. Speaker, I offer a motion.

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

The text of the motion is as follows:

Mr. LEHMAN of Florida moves that the House recede from its disagreement to the amendment of the Senate numbered 22 and concur therein with an amendment, as follows:

Restore the matter stricken by said amendment, amend to read as follows: "*Provided further,* That if necessary the Department of Transportation may transfer funds into the personnel, survey and design, and related costs subaccount from other subaccounts of the Acquisition, Construction and Improvements appropriation to cover personnel compensation and benefits for not to exceed five hundred eighty-six full time equivalent staff years during fiscal year 1991, provided that such transfer shall be subject to the established guidelines for prior approval reprogrammings as stated in House Report 101-315".

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

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. 29: Page 11, line 14, strike out "$1,994,346,000" and insert "$1,994,640,000".

MOTION OFFERED BY MR. LEHMAN OF FLORIDA

Mr. LEHMAN of Florida. Mr. Speaker, I offer a motion.

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

The text of the motion is as follows:

Mr. LEHMAN of Florida moves that the House recede from its disagreement to the amendment of the Senate numbered 29 and concur therein with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert the following "$2,002,749,000".

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

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. 32: Page 12, line 24, strike out "$2,138,615,000" and insert "$2,240,018,000".

MOTION OFFERED BY MR. LEHMAN OF FLORIDA

Mr. LEHMAN of Florida. Mr. Speaker, I offer a motion.

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

The text of the motion is as follows:

Mr. LEHMAN of Florida moves that the House recede from its disagreement to the amendment of the Senate numbered 32 and concur therein with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert the following "$2,095,407,000".

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

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. 33: page 13, line 3, strike out all after "facilities:" down to and including "project" in line 8, and insert ": *Provided further,* That appropriations made for the Airway Science Program, as authorized below in this section, the Federal Aviation Administration may hereafter enter into competitive grant agreements with institutions of higher education having airway science curricula, for the Federal share of the allowable direct costs of the following categories of items, to the extent that such items are in support of airway science curricula: (a) the construction, purchase, or lease with option to purchase, of buildings and associated facilities, (b) instructional materials and equipment, and (c) salaries and employment benefits for instructional faculty. Such grant agreements shall constitute obligations of funds appropriated for that purpose in this and subsequent appropriation acts. Such funds are hereby authorized to be appropriated and may remain available until expended, as provided in such acts. The Federal Aviation Administration shall establish guidelines for determining the direct costs allowable under grants to be made pursuant to this section. The maximum Federal share of the allowable cost of any project assisted by such grants shall be 60 percent, except that the maximum Federal share of the allowable annual cost of salaries and employment benefits for instructional faculty at a grantee institution shall be 50 per centum. Allowable costs for such salaries and employment benefits shall reflect the proportional allocation of responsibility of such faculty to airway science curriculum activities. The total amount of grants awarded in any fiscal year for the payment of the Federal share of such salaries and employment benefits at all grantee institutions shall not exceed 25 per centum of the total amount newly appropriated for the purposes of this section for that fiscal year

MOTION OFFERED BY MR. LEHMAN OF FLORIDA

Mr. LEHMAN of Florida. Mr. Speaker, I offer a motion.

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

The text of the motion is as follows:

Mr. LEHMAN of Florida moves that the House recede from its disagreement to the amendment of the Senate numbered 33 and concur therein with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert the following ": *Provided further,* That with appropriations made for the Airway Science Program, as authorized below in this section, the Federal Aviation Administration may hereafter enter into competitive grant agreements with institutions of higher education having airway science curricula, for the Federal share of the allowable direct costs of the following categories of items, to the extent that such items are in support of airway science curricula: (a) the construction, purchase, or lease with option to purchase, of buildings and associated facilities, and (b) instructional materials and equipment. Such funds are hereby authorized to be appropriated and may remain available until expended, as provided in such Acts. The Federal Aviation Administration shall establish guidelines for determining the direct costs allowable under grants to be made pursuant to this section. The maximum Federal share of the allowable cost of any project assisted by such grants shall be fifty percent.

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

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 26, line 7, strike out "$23,800,000" and insert "$58,070,000".

MOTION OFFERED BY MR. LEHMAN OF FLORIDA

Mr. LEHMAN of Florida. Mr. Speaker, I offer a motion.

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

The text of the motion is as follows:

Mr. LEHMAN of Florida 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 sum proposed by said amendment, insert "$71,365,000".

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

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. 68: Page 26, line 15, strike out "$46,050,000" and insert "$14,000,000".

MOTION OFFERED BY MR. LEHMAN OF FLORIDA

Mr. LEHMAN of Florida. Mr. Speaker, I offer a motion.

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

The text of the motion is as follows:

Mr. LEHMAN of Florida moves that the House recede from its disagreement to the amendment of the Senate numbered 68 and concur therein with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert "$48,293,000".

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

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. 70: Page 26, after line 16, insert:

CORRIDOR G IMPROVEMENT PROGRAM

For the purpose of carrying out a demonstration of methods of eliminating traffic congestion, and to promote economic benefits for the area affected by the construction of the Corridor G segment of the Appalachian Highway System, there is hereby appropriated $50,000,000 to remain available until expended: *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: *Provided further,* That of the funds made available under this head, $50,000,000 shall not become available for obligation until September 30, 1991 and pursuant to section 202 of Public Law 100-119, this action is a necessary (but secondary) result of a significant policy change.

MOTION OFFERED BY MR. LEHMAN OF FLORIDA

Mr. LEHMAN of Florida. Mr. Speaker, I offer a motion.

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

The text of the motion is as follows:

Mr. LEHMAN of Florida moves that the House recede from its disagreement to the amendment of the Senate numbered 70 and concur therein with an amendment, as follows:

In lieu of the matter inserted by said amendment, insert:

CORRIDOR G IMPROVEMENT PROGRAM

For the purpose of carrying out a demonstration of methods of eliminating traffic congestion, and to promote economic benefits for the area affected by the construction of the Corridor G segment of the Appalachian Highway System, there is hereby appropriated $33,275,000 to remain available until expended: 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 SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. LEHMAN].

The motion was agreed to.

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

The text of the amendment is as follows:

Senate amendment No. 72: Page 26, after line 16, insert:

BYPASS CONSTRUCTION PROJECT

For the purpose of carrying out a demonstration of methods of eliminating traffic congestion, improving highway safety and to promote economic benefits for the area affected by the construction of road improvements including a bypass near Weirton, West Virginia, there is hereby appropriated $50,000,000, to remain available until expended: *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.

MOTION OFFERED BY MR. LEHMAN OF FLORIDA

Mr. LEHMAN of Florida. Mr. Speaker, I offer a motion.

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

The text of the motion is as follows:

Mr. LEHMAN of Florida moves that the House recede from its disagreement to the amendment of the Senate numbered 72 and concur therein with an amendment, as follows:

In lieu of the sum named in said amendment, insert "$42,500,000".

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

The motion was agreed to.

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

The text of the amendment is as follows:

Senate amendment No. 73: Page 26, after line 16, insert:

CORNING BYPASS SAFETY DEMONSTRATION PROJECT

For the purpose of continuing a demonstration of traffic safety and flow improvement, there is hereby appropriated $20,000,000, to remaina available until expended: *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.

MOTION OFFERED BY MR. LEHMAN OF FLORIDA

Mr. LEHMAN of Florida. Mr. Speaker, I offer a motion.

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

The text of the motion is as follows:

Mr. LEHMAN of Florida moves that the House recede from its disagreement to the amendment of the Senate numbered 73 and concur therein with an amendment, as follows:

In lieu of the sum named in said amendment, insert "$17,000,000".

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

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. 74: Page 26, after line 16, insert:

TURQUOISE TRAIL PROJECT

For necessary expenses to carry out a demonstration project known as the Turquoise Trail Project, that demonstrates methods of enhancing safety and promoting economic development through converting a dirt roadway into an all weather, two lane highway, there is hereby appropriated $5,510,000, to remain available until expended: *Provided,* That such sums appropriated under this head shall be exempted from any limitation on obligations for Federal-aid highways and highway safety construction programs.

MOTION OFFERED BY MR. LEHMAN OF FLORIDA

Mr. LEHMAN of Florida. Mr. Speaker, I offer a motion.

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

The text of the motion is as follows:

Mr. LEHMAN of Florida moves that the House recede from its disagreement to the amendment of the Senate numbered 74 and concur therein with an amendment, as follows:

In lieu of the sum named in said amendment, insert "$4,684,000".

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

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. 75: Page 26, after line 16, insert:

TRADE ENHANCEMENT DEMONSTRATION PROJECT

For the purpose of implementing a demonstration of United States-Mexico trade enhancement benefits on approximately 2.6 miles of Federal-aid primary highway on State Route 189 connecting Interstate 19 to the United States-Mexico border; there is hereby appropriated $12,500,000 for engineering, design, construction and other costs incurred in the reconstruction of Mariposa Road, State Route 189 in Nogales, Arizona.

MOTION OFFERED BY MR. LEHMAN OF FLORIDA

Mr. LEHMAN of Florida. Mr. Speaker, I offer a motion.

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

The text of the motion is as follows:

Mr. LEHMAN of Florida moves that the House recede from its disagreement to the amendment of the Senate numbered 75 and concur therein with an amendment, as follows:

In lieu of the sum named in said amendment, insert "$10,625,000".

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

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. 76: Page 26, after line 16, insert:

OTTUMWA ROAD EXTENSION PROJECT

For the purpose of carrying out a demonstration of economic growth and development benefits of a four lane highway in areas with industry producing heavy truck traffic there in hereby appropriated $10,000,000 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 between Oskaloosa and Ottumwa along existing State highways and new highway alignments: *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.

MOTION OFFERED BY MR. LEHMAN OF FLORIDA

Mr. LEHMAN of Florida. Mr. Speaker, I offer a motion.

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

The text of the motion is as follows:

Mr. LEHMAN of Florida moves that the House recede from its disagreement to the amendment of the Senate numbered 76 and concur therein with an amendment, as follows:

In lieu of the sum named in said amendment, insert "$8,500,000".

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

The motion was agreed to.

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

The text of the amendment is as follows:

Senate amendment No. 77: Page 26, after line 16, insert:

IOWA CONNECTOR PROJECT

For the purpose of carrying out a demonstration of improved access through a con-

nector road, there is hereby appropriated $1,750,000 to remain available until expended, for the acquisition of rights-of-way, and other costs incurred in the construction of a highway facility connecting North 16th Street and North 25th Street in Council Bluffs, Iowa: *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.

MOTION OFFERED BY MR. LEHMAN OF FLORIDA

Mr. LEHMAN of Florida. Mr. Speaker, I offer a motion.

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

The text of the motion is as follows:

Mr. LEHMAN of Florida moves that the House recede from its disagreement to the amendment of the Senate numbered 77 and concur therein with an amendment, as follows:

In lieu of the sum named in said amendment, insert "$1,488,000".

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

The motion was agreed to.

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

The text of the amendment is as follows:

Senate amendment No. 78: Page 26, after line 16, insert:

HIGHWAY 20 REALIGNMENT PROJECT

For the purpose of carrying out a demonstration of the effect of improved highway and highway realignment, there is hereby appropriated $3,000,000 to remain available until expended, for the acquisition of right-of-way, and other costs incurred in the construction of an improved Highway 20 between Early, Iowa and Fort Dodge, Iowa: *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.

MOTION OFFERED BY MR. LEHMAN OF FLORIDA

Mr. LEHMAN of Florida. Mr. Speaker, I offer a motion.

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

The text of the motion is as follows:

Mr. LEHMAN of Florida moves that the House recede from its disagreement to the amendment of the Senate numbered 78 and concur therein with an amendment, as follows:

In lieu of the sum named in said amendment, insert "$2,550,000".

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

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 26, after line 16, insert;

RAMP RELOCATION AND RECONSTRUCTION DEMONSTRATION PROJECT

For the purposes of carrying out a coordinated program of rehabilitation, relocation and reconstruction of those portions of I-94 and connecting roads impacted by the construction of a new stadium in Milwaukee, Wisconsin, $10,000,000, to demonstrate methods of reducing traffic congestion in urban areas and particularly around sports facilities, to remain available until expended: *Provided,* That notwithstanding any other provision of law, funds appropriated for this project shall not be included in any calculations made under section 157 of title 23, United States Code, for fiscal year 1991 and each fiscal year thereafter.

MOTION OFFERED BY MR. LEHMAN OF FLORIDA

Mr. LEHMAN of Florida. Mr. Speaker, I offer a motion.

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

The text of the motion is as follows:

Mr. LEHMAN of Florida moves that the House recede from its disagreement to the amendment of the Senate numbered 80, and concur therein with an amendment, as follows:

In lieu of the sum named in said amendment, insert "$10,200,000".

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

The motion was agreed to.

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

The text of the amendment is as follows:

Senate amendment No. 81: Page 26, after line 16, insert:

U.S. 54 INTERCHANGE PROJECT

For the purpose of carrying out a demonstration of an improved interchange near a major municipal airport, there is hereby appropriated $10,900,000, to remain available until expended, for the acquisition of right-of-way, and other costs incurred in the construction of an improved interchange at Kellogg (U.S. 54) and Dugan Streets in Wichita, Kansas: *Provided,* That all funds appropriated under this heading shall be exempted from any limitation on obligations for Federal-aid highways and highway safety construction programs: *Provided further,* That $10,900,000 of unobligated contract authority available for airport development and planning pursuant to section 505(a) of the Airport and Airway Improvement Act of 1982, as amended, is rescinded.

MOTION OFFERED BY MR. LEHMAN OF FLORIDA

Mr. LEHMAN of Florida. Mr. Speaker, I offer a motion.

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

The text of the motion is as follows:

Mr. LEHMAN of Florida moves that the House recede from its disagreement to the amendment of the Senate numbered 81 and concur therein with an amendment, as follows:

In lieu of the first sum named in said amendment, insert "$9,265,000"; and in lieu of the second sum named in said amendment, insert "$200,000,000".

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

The motion was agreed to.

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

The text of the amendment is as follows:

Senate amendment No. 84: Page 27, line 6, strike out "$38,960,500" and insert "$40,397,000".

MOTION OFFERED BY MR. LEHMAN OF FLORIDA

Mr. LEHMAN of Florida. Mr. Speaker, I offer a motion.

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

The text of the motion is as follows:

Mr. LEHMAN of Florida moves that the House recede from its disagreement to the amendment of the Senate numbered 84 and concur therein with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert the following "$42,365,900".

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

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. 98: Page 31, line 14, strike out "$16,000,000" and insert "$165,000,000".

MOTION OFFERED BY MR. LEHMAN OF FLORIDA

Mr. LEHMAN of Florida. Mr. Speaker, I offer a motion.

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

The text of the motion is as follows:

Mr. LEHMAN of Florida moves that the House recede from its disagreement to the amendment of the Senate numbered 98 and concur therein with an amendment, as follows:

In lieu of the sum named in said amendment, insert "$179,000,000".

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

The motion was agreed to.

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

The text of the amendment is as follows:

Senate amendment No. 104: Page 33, strike out lines 18 and 19, and insert

MANDATORY PASSENGER RAIL SERVICE PAYMENTS

MOTION OFFERED BY MR. LEHMAN OF FLORIDA

Mr. LEHMAN of Florida. Mr. Speaker, I offer a motion.

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

The text of the motion is as follows:

Mr. LEHMAN of Florida moves that the House recede from its disagreement to the amendment of the Senate numbered 104

and concur therein with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert the following:

MANDATORY PASSENGER RAIL SERVICE PAYMENTS

Notwithstanding any other provision of law, funds provided under this head are available to enable the Secretary of Transportation to pay obligations of the National Railroad Passenger Corporation for repayment taxes due under section 3321 of the Internal Revenue Code of 1986.

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

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 38, line 7, after "amended" insert *Provided further,* That notwithstanding any other provision of law, before apportionment of these funds, $15,000,000 shall be made available for the purposes of section 18 of the Urban Mass Transportation Act of 1965, as amended".

MOTION OFFERED BY MR. LEHMAN OF FLORIDA

Mr. LEHMAN of Florida. Mr. Speaker, I offer a motion.

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

The text of the motion is as follows:

Mr. LEHMAN of Florida moved 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 the sum named in said amendment, insert "$13,000,000".

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

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. 118. Page 40, line 9, strike out "$16,300,000" and insert "$15,916,000".

MOTION OFFERED BY MR. LEHMAN OF FLORIDA

Mr. LEHMAN of Florida. Mr. Speaker, I offer a motion.

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

The text of the motion is as follows:

Mr. LEHMAN of Florida moved that the House recede from its disagreement to the amendment of the Senate numbered 118 and concur therein with an amendment, as follows:

In lieu of the sum named in said amendment, insert "$15,833,000".

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

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 54, strike out lines 3 to 6, and insert:

SEC. 325. Notwithstanding any other provisions of law, of the discretionary funds available to New York State under the Interstate Transfer Grants—Transit Account of this Act, $11,000,000 shall be transferred to the Federal Railroad Administration, which shall make such funds available to Amtrak for the Westside Connector Rail Line Project in New York City.

MOTION OFFERED BY MR. LEHMAN OF FLORIDA

Mr. LEHMAN of Florida. Mr. Speaker, I offer a motion.

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

The text of the motion is as follows:

Mr. LEHMAN of Florida 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 stricken and inserted by said amendment, insert the following:

SEC. 325. (a) INTERMODAL URBAN DEMONSTRATION PROJECT.—Funds appropriated in this Act for "Intermodal Urban Demonstration Project" shall remain available until expended.

(b) WESTSIDE CONNECTOR RAIL LINE PROJECT.—Notwithstanding any other provision of law, of the discretionary funds available to New York State under the Interstate Transfer Grants-Transit account of this Act, $11,000,000 shall be transferred to the Federal Railroad Administration, which shall make such funds available to Amtrak for the Westside Connector Rail Line Project in New York City.

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

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. 130: Page 54, strike out lines 12 to 16, and insert:

SEC. 327. (a) Notwithstanding any other provision of law, and subject to the provisions of section 2 below, title to a certain 102 acres of property located at West Sayville, town of Islip, Suffolk County, New York, as described in a deed dated November 4, 1918, from the Atlantic Communication Company, recorded in the office of the County Clerk of Suffolk County, New York on February 2, 1921, in Deed Liber 1016, page 43; a quit claim deed dated January 20, 1920, from Mary E. Shell; Executrix of the Estate of Edward Shell, recorded in the office of the County Clerk of Suffolk County, New York in Deed Liber 1016, page 443; and a deed dated September 2, 1920, from Atlantic Communication Company, recorded in the office of the County Clerk of Suffolk County, New York in Deed Liber 1016, page 438, and known as the Federal Aviation Administration's International Flight Service Transmitting Facility, shall be conveyed to the Fish and Wildlife Service of the United States Department of the Interior in order to ensure the continued protection of the sandplain gerardia (Agalinis acuta) a federally listed endangered plant species.

(b) The conveyance of the property identified in section 1 shall become effective upon certification by the Administrator of the Federal Aviation Administration that the International Flight Service Transmitting Facility currently located on such property has been completely relocated to an alternate site in Barnegat, New Jersey, and that the relocated International Flight Service Transmitting Facility is fully functional.

(c) Pursuant to the provisions of 40 U.S.C. 484(e)(3)(H), a certain 19.2 acres of property located on the west side of Cherry Avenue in West Sayville, town of Islip, County of Suffolk, New York, as described in a Declaration of Taking, Civil Number 60-CD-853, filed in United States District Court for the Eastern District of New York, dated September 9, 1960, shall be transferred, as a public benefit transfer and without cost, to said town of Islip for recreational purposes.

MOTION OFFERED BY MR. LEHMAN OF FLORIDA

Mr. LEHMAN of Florida. Mr. Speaker, I offer a motion.

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

The text of the motion is as follows:

Mr. LEHMAN of Florida moves that the House recede from its disagreement to the amendment of the Senate numbered 130 and concur therein with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert the following:

SEC. 327. (a) MAXI-CUBE VEHICLES.—Section 411(d) of the Surface Transportation Assistance Act of 1982 (49 U.S.C. App. 2311(d)), relating to length limitations on federally assisted highways, is amended by inserting after "boat transporters" the following: "and maxi-cube vehicles".

(b) INTERNATIONAL FLIGHT SERVICE TRANSMITTING FACILITY.—(1) Notwithstanding any other provision of law, and subject to the provisions of subsection (b)(2) below, title to a certain 102 acres of property located at West Sayville, town of Islip, Suffolk County, New York, as described in a deed dated November 4, 1918, from the Atlantic Communication Company, New York on February 2, 1921, in Deed Liber 1016, page 433; a quit claim deed dated January 20, 1920, from Mary E. Shell; Executrix of the Estate of Edward Shell, recorded in the office of the County Clerk of Suffolk County, New York in Deed Liber 1016, page 438; and a deed dated September 2, 1920, from Atlantic Communication Company, recorded in the office of the County Clerk of Suffolk County, New York in Deed Liber 1016, page 443, and known as the Federal Aviation Administration's International Flight Service Transmitting Facility, shall be conveyed to the Fish and Wildlife Service of the United States Department of the Interior in order to ensure the continued protection of the sandplain gerardia (Agalinis acuta) a federally listed endangered plant species.

(2) The conveyance of the property identified in subsection (b)(1) shall become effective upon certification by the Administrator of the Federal Aviation Administration that the International Flight Service Transmitting Facility currently located on such property has been completely relocated to an alternate site in Barnegat, New Jersey, and that the relocated International Flight

Service Transmitting Facilities is fully functional.

(3) Pursuant to the provisions of 40 U.S.C. 484(k)(2), a certain 19.2 acres of property located on the west side of Cherry Avenue in West Sayville, town of Islip, County of Suffolk, New York, as described in a Declaration of Taking, Civil Number 60-CD-853, filed in United States District Court for the Eastern District of New York, dated September 9, 1960, shall be transferred, as a public benefit transfer and without cost, to said town of Islip for recreational purposes.

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

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 56, after line 14, insert:

SEC. 329. AUXILIARY FLIGHT SERVICE STATION PROGRAM.—(a) GENERAL RULE.—The Administrator of the Federal Aviation Administration shall develop and implement a system of manned auxiliary flight service stations. The auxiliary flight service stations shall supplement the services of the planned consolidation to 61 automated flight service stations under the flight service station modernization program. Auxiliary flight service stations shall be located in areas of unique weather or operational conditions which are critical to the safety of flight.

(b) REPORT TO CONGRESS.—Not later than 180 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall report to Congress with the plan and schedule for implementation of this section.

MOTION OFFERED BY MR. LEHMAN OF FLORIDA

Mr. LEHMAN of Florida. Mr. Speaker, I offer a motion.

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

The text of the motion is as follows:

Mr. LEHMAN of Florida moves that the House recede from its disagreement to the amendment of the Senate numbered 132 and concur therein with an amendment, as follows:

In lieu of the matter inserted by said amendment, insert the following:

SEC. 330. (a) AUXILIARY FLIGHT SERVICE STATION PROGRAM.—The Administrator of the Federal Aviation Administration shall develop and implement a system of manned auxiliary flight service stations. The auxiliary flight service stations shall supplement the services of the planned consolidation to 61 automated flight service stations under the flight service station modernization program. Auxiliary flight service stations shall be located in areas of unique weather or operational conditions which are critical to the safety of flight. Not later than 180 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall report to Congress with the plan and schedule for implementation of this section.

Mr. LEHMAN of Florida. Mr. Speaker, I request time on this amendment.

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

Mr. LEHMAN of Florida. Mr. Speaker, I yield such time as he may consume to the gentleman from Minnesota [Mr. OBERSTAR].

Mr. OBERSTAR. Mr. Speaker, the aviation reauthorization bill (H.R. 5170) contained a provision directing the Federal Aviation Administration to establish a system of manned auxiliary flight service stations to supplement the 61 automated flight service stations [AFSS].

Prior to House passage of H.R. 5170, the Public Works and Transportation Committee fully considered the auxiliary flight service station issue. The results of the committee's deliberations are fully reflected in the committee's report (101-581).

Now I see that the same auxiliary flight service station provision is in this conference report. But of course, in this context, it does not carry with it the legislative history developed by the Public Works Committee.

Therefore, I would like to ask the Chairman of the Transportation Appropriations Subcommittee whether, in adopting the auxiliary flight service station provision, the conferees accept the legislative history that came with it and whether it would be proper for the FAA, in implementing this provision, to be bound by the Public Works Committee's report on this provision.

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Mr. LEHMAN of Florida. For the gentleman's information, I would certainly expect the FAA to follow whatever legislative intent exists, whether it would be provided by the authorizing committee or by the Appropriations Committee.

Mr. OBERSTAR. I thank the gentleman for those comments.

May I further express my deep appreciation and that of my colleagues on the committee for the splendid job the chairman has done in negotiating these provisions, which were very difficult ones, concerning aviation, and bringing aviation to a new level of excellence for the decade ahead in all of the aspects, both the airport improvement program, auxiliary facilities and equipment account and the operations and maintenance account. The gentleman had done yeoman service, and we are very grateful.

Mr. LEHMAN of Florida. Mr. Speaker, I thank my friend from Minnesota [Mr. OBERSTAR] for his support and cooperation in helping us work out the difficult provisions in our own legislation today.

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

The SPEAKER pro tempore (Mr. MAZZOLI). The question is on the motion offered by the gentleman from Florida [Mr. LEHMAN].

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 58, after line 7, insert:

SEC. 335. Notwithstanding section 127 of title 23, United States Code, the State of Wyoming may permit the use of the National System of Interstate and Defense Highways located in Wyoming by vehicles in excess of 80,000 poounds gross weight, but meeting axle and bridge formula specifications in section 127 of title 23, United States Code.

MOTION OFFERED BY MR. LEHMAN OF FLORIDA

Mr. LEHMAN of Florida. Mr. Speaker, I offer a motion.

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

The text of the motion is as follows:

Mr. LEHMAN of Florida 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 matter inserted by said amendment, insert the following:

SEC. 335. Notwithstanding section 127 of title 23, United States Code, the State of Wyoming may permit the use of the National System of Interstate and Defense Highways located in Wyoming by vehicles in excess of 80,000 pounds gross weight, but meeting axle and bridge formula specifications in section 127 of title 23, United States Code: *Provided*, That this section shall remain in effect until December 31, 1991.

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

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. 139: Page 58, after line 7, insert:

SEC. 337. Notwithstanding any other provision of law, the air traffic control facilities known as the John F. Kennedy International, LaGuardia, and Newark International Airport air traffic control towers, shall be included in the pay demonstration project as approved and published by the Office of Personnel Management in the Federal Register on March 10, 1989. Further, that these facilities shall be administratively determined by the Administrator of the Federal Aviation Administration to be level V terminals and the grades of the air traffic control specialists in the GS-2152 classification series, assigned to such facilities, shall be adjusted accordingly.

MOTION OFFERED BY MR. LEHMAN OF FLORIDA

Mr. LEHMAN of Florida. Mr. Speaker, I offer a motion.

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

The text of the motion is as follows:

Mr. LEHMAN of Florida moves that the House recede from its disagreement to the amendment of the Senate numbered 139 and concur therein with an amendment, as follows:

In lieu of the matter inserted by said amendment, insert the following:

SEC. 337. Within 180 days of the effective date of this Act, the Federal Aviation Administration shall undertake and complete a study on the classification of air traffic controllers at level IV limited radar approach facilities which includes airspace complexity as a factor in determining grade classification. The results of this study, along with an implementation plan, shall be provided to the House and Senate Committees on Appropriations.

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

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 58, after line 7, insert:

SEC. 338. None of the funds in this Act shall be used to withhold funds for any section 3 and section 9 operating and capital assistance grants for the City of Phoenix, Arizona, based, on the inclusion of a "preference in hiring" provision in the employee protective arrangements developed pursuant to 49 U.S.C. 1609(c), and such grant funds shall be awarded to the City of Phoenix within 30 days of the enactment of this Act.

MOTION OFFERED BY MR. LEHMAN OF FLORIDA

Mr. LEHMAN of Florida. Mr. Speaker, I offer a motion.

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

The text of the motion is as follows:

Mr. LEHMAN of Florida 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 matter inserted by said amendment, insert the following:

SEC. 338. Notwithstanding any provision of the Urban Mass Transportation Act of 1964, as amended, the Urban Mass Transportation Administration shall not withhold fiscal year 1989, 1990 or 1991 funds for any section 3 and section 9 operating and capital assistance grants for the City of Phoenix, Arizona, based on the inclusion of a "preference in hiring" provision in the employee protective arrangements developed pursuant to 49 U.S.C. 1609(c).

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

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. 141: Page 58, after line 7, insert:

SEC. 339. Notwithstanding subsection (d) of section 402 of the Surface Transportation Assistance Act of 1982 (Public Law 97-424, 96 Stat. 2155, 2156) for States which have received 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 1991 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.

MOTION OFFERED BY MR. LEHMAN OF FLORIDA

Mr. LEHMAN of Florida. Mr. Speaker, I offer a motion.

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

The text of the motion is as follows:

Mr. LEHMAN of Florida moves that the House recede from its disageement to the amendment of the Senate numbered 141 and concur therein with an amendment, as follows:

In lieu of the matter inserted by said amendment, insert the following:

SEC. 339. Notwithstanding subsection (d) of section 402 of the Surface Transportation Assistance Act of 1982 (Public Law 97-424, 96 Stat. 2155, 2156) for States which have received only a development grant for fiscal year 1989 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 1991 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 fiscal year 1990.

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

The motion was agreed to.

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

The text of the amendment is as follows:

Senate amendment No. 143: Page 58, after line 7, insert:

SEC. 341. (a)(1) None of the funds appropriated by this Act may be obligated or expended to enter into any contract for the construction, alteration, or repair of any public building or public work in the United States or any territory or possession of the United States with any contractor or subcontractor of a foreign country, or any supplier of products of a foreign country, during any period in which such foreign country is listed by the United States Trade Representative under subsection (c) of this section.

(2) The President or the head of a Federal agency administering the funds for the construction, alteration, or repair may waive the restrictions of paragraph (1) of this subsection with respect to an individual contract if the President or the head of such agency determines that such action is necessary for the public interest. The authority of the President or the head of a Federal agency under this paragraph may not be delegated. The President or the head of a Federal agency waiving such restrictions shall, within 10 days, publish a notice thereof in the Federal Register describing in detail the contract involved and the reason for granting the waiver.

(b)(1) Not later than 30 days after the date of enactment of this Act, the United States Trade Representative shall make a determination with respect to each foreign country of whether such foreign country—

(A) denies fair and equitable market opportunities for products and services of the United States in procurement, or

(B) denies fair and equitable market opportunities for products and services of the United States in bidding,

for construction projects that cost more than $500,000 and are funded (in whole or in part) by the government of such foreign country or by an entity controlled directly or indirectly by such foreign country.

(2) In making determinations under paragraph (1), the United States Trade Representative shall take into account information obtained in preparing the report submitted under section 181(b) of the Trade Act of 1974 and such other information or evidence concerning discrimination in construction projects against United States products and services that are available.

(c)(1) The United States Trade Representative shall maintain a list of each foreign country which—

(A) denies fair and equitable market opportunities for products and services of the United States in procurement, or

(B) denies fair and equitable market opportunities for products and services of the United States in bidding,

for construction projects that cost more than $500,000 and are funded (in whole or in part) by the government of such foreign country or by an entity controlled directly or indirectly by such foreign country.

(2) Any foreign country that is initially listed or that is added to the list maintained under paragraph (1) shall remain on the list until—

(A) such country removes the barriers in construction projects to United States products and services;

(B) such country submits to the United States Trade Representative evidence demonstrating that such barriers have been removed; and

(C) the United States Trade Representative conducts an investigation to verify independently that such barriers have been removed and submits, at least 30 days before granting any such waiver, a report to each House of the Congress identifying the barriers and describing the actions taken to remove them.

(3) The United States Trade Representative shall publish in the Federal Register the entire list required under paragraph (1) and shall publish in the Federal Register any modifications to such list that are made after publication of the original list.

(d) For purposes of this section—

(1) The term "foreign country" includes any foreign instrumentality. Each territory or possession of a foreign country that is administered separately for customs purposes shall be treated as a separate foreign country.

(2) Any contractor or subcontractor that is a citizen or national of a foreign country, or is controlled directly or indirectly by citizens or nationals of a foreign country, shall be considered to be a contractor or subcontractor of such foreign country.

(3) Subject to paragraph (4), any product that is produced or manufactured (in whole or in substantial part) in a foreign country

shall be considered to be a product of such foreign country.

(4) The restrictions of subsection (a)(1) shall not prohibit the use, in the construction, alteration, or repair of a public building or public work, of vehicles or construction equipment of a foreign country.

(5) The terms "contractor" and "subcontractor" includes any person performing any architectural, engineering, or other services directly related to the preparation for or performance of the construction, alteration, or repair.

(e) Paragraph (a)(1) of this section shall not apply to contracts entered into prior to the date of enactment of this Act.

(f) The provisions of this section are in addition to, and do not limit or supersede, any other restrictions contained in any other Federal law.

MOTION OFFERED BY MR. LEHMAN OF FLORIDA

Mr. LEHMAN of Florida. Mr. Speaker, I offer a motion.

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

The text of the motion is as follows:

Mr. LEHMAN of Florida moves that the House recede from its disagreement to the amendment of the Senate numbered 143 and concur therein with an amendment, as follows:

In lieu of the section number "341", insert "340".

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

The motion was agreed to.

A motion to reconsider the votes by which action was taken on the several motions was laid on the table.

CONFERENCE REPORT ON H.R. 5313, MILITARY CONSTRUCTION APPROPRIATIONS ACT, 1991

Mr. HEFNER. Mr. Speaker, I call up the conference report on the bill (H.R. 5313) making appropriations for military construction for the Department of Defense for the fiscal year ending September 30, 1991, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to the rule, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of October 16, 1990, at page H10444.)

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. 5313, and that I may include extraneous tabular material.

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 300 line items.

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 diligence all year long so we can be here today to present this conference report to the House. I also want to thank all the other members of the subcommittee for their bipartisan support, and to especially thank our committee chairman, JAMIE WHITTEN, for his leadership.

Mr. Speaker, the conference agreement on H.R. 5313 that we are presenting to the House provides for $8.36 billion of which almost $1 billion is to capitalize the base closure account. The bill is within our section 302 allocations for both budget authority and outlays. It is below the budget request by $764 million and $132 million below last year's level. When the base closure amount is excluded from the comparison the bill is almost $630 million below last year's level.

Mr. Speaker, the bill before us cuts the budget request for overseas spending by about $600 million. The bill reduces spending for NATO Infrastructure by 55 percent from the President's request and all other overseas programs by 80 percent. In addition, the bill will cancel previously funded projects overseas which will save the taxpayer over $286 million. Mr. Speaker, these are responsible cuts in light of the changes occurring throughout the world, especially in view of the reduced threat that has occurred in Europe.

We need to put a hold on such funding overseas until the Department develops a responsible force and base structure plan that recognizes budget realities, the reduced threat, and the need for more burdensharing.

Mr. Speaker, on the domestic side, the conference report restores the Guard and Reserve programs to last year's level rather than support the administration's proposal to reduce the Guard and Reserve by 60 percent from last year's level. Let me just say that the funding for the Guard and Reserve program comes from the cuts we made in overseas programs.

On the issue of whether to build a new base in Italy when we are closing bases in the United States, the conference agreement retains the House position which prohibits the use of any new or prior year unobligated NATO infrastructure funds from being used for construction of a base to support the relocation of the 401st Tactical Fighter Wing to Crotone, Italy. The effect of the conference agreement is that it holds up U.S. funding for a year.

Military Construction Appropriations Bill, FY 1991 (H.R. 5313)

	FY 1990 Enacted	FY 1991 Estimate	House	Senate	Conference	Conference compared with enacted
Military construction, Army	819,129,000	774,900,000	747,067,000	697,967,000	746,137,000	-72,992,000
Rescission	.....	.....	-116,745,000	-116,745,000	-116,745,000	-116,745,000
Total, Military construction, Army (net)	819,129,000	774,900,000	630,322,000	581,222,000	629,392,000	-189,737,000
Military construction, Navy	1,139,250,000	1,113,300,000	1,137,278,000	1,083,826,000	1,132,606,000	-6,644,000
Rescission	.....	.....	-6,200,000	-6,200,000	-6,200,000	-6,200,000
Total, Military construction, Navy (net)	1,139,250,000	1,113,300,000	1,131,078,000	1,077,626,000	1,126,406,000	-12,844,000
Military construction, Air Force	1,227,296,000	1,376,200,000	949,446,000	891,784,000	949,094,000	-278,202,000
Rescission	-18,500,000	.....	-25,390,000	-25,390,000	-51,390,000	-32,890,000
Total, Military construction, Air Force (net)	1,208,796,000	1,376,200,000	924,056,000	866,394,000	897,704,000	-311,092,000
Military construction, Defense agencies	537,440,000	787,500,000	625,326,000	600,113,000	601,288,000	+63,848,000
Rescission	-21,800,000	.....	-68,119,000	-68,119,000	-68,119,000	-46,319,000
Total, Military construction, Defense agencies (net)	515,640,000	787,500,000	557,207,000	531,994,000	533,169,000	+17,529,000
North Atlantic Treaty Organization Infrastructure	424,714,000	420,400,000	250,000,000	210,400,000	192,700,000	-232,014,000
Military construction, Army National Guard	230,490,000	66,678,000	201,558,000	235,549,000	313,224,000	+82,734,000
Military construction, Air National Guard	235,867,000	66,500,000	135,240,000	146,369,000	180,560,000	-55,307,000
Military construction, Army Reserve	99,124,000	59,300,000	68,297,000	75,226,000	77,426,000	-21,698,000
Military construction, Naval Reserve	56,600,000	50,200,000	63,300,000	75,207,000	80,307,000	+23,707,000
Military construction, Air Force Reserve	46,200,000	37,700,000	37,700,000	41,100,000	38,800,000	-7,600,000
Total, Reserve components	668,281,000	280,378,000	506,095,000	573,451,000	690,117,000	+21,836,000
Total, Military construction:						
New budget (obligational) authority (net)	4,775,810,000	4,752,678,000	3,993,758,000	3,841,087,000	4,069,488,000	-706,322,000
Appropriations	(4,816,110,000)	(4,752,678,000)	(4,215,212,000)	(4,057,541,000)	(4,311,942,000)	(-504,168,000)
Rescissions	(-40,300,000)	.....	(-216,454,000)	(-216,454,000)	(-242,454,000)	(-202,154,000)
Family housing, Army:						
Appropriation	1,453,982,000	1,554,450,000	1,525,767,000	1,525,667,000	1,538,267,000	+84,285,000
Portion applied to debt reduction	-300,000	-250,000	-250,000	-250,000	-250,000	+50,000
Rescission	.....	.....	-12,664,000	-12,664,000	-12,664,000	-12,664,000
Total, Family housing, Army (net)	1,453,682,000	1,554,200,000	1,512,853,000	1,512,753,000	1,525,353,000	+71,671,000
Family housing, Navy and Marine Corps	796,321,000	904,500,000	876,101,000	829,706,000	866,018,000	+67,697,000
Rescission	.....	.....	-11,037,000	-11,037,000	-11,037,000	-11,037,000
Total, Family housing, Navy (net)	796,321,000	904,500,000	865,064,000	818,671,000	854,981,000	+58,660,000
Family housing, Air Force	939,726,000	971,900,000	956,542,000	910,430,000	934,399,000	-5,327,000
Rescission	.....	.....	-45,964,000	-45,964,000	-45,964,000	-45,964,000
Total, Family housing, Air Force (net)	939,726,000	971,900,000	910,578,000	864,466,000	888,435,000	-51,291,000
Family housing, Defense agencies	21,124,000	21,100,000	21,014,000	21,014,000	21,014,000	-110,000
Rescission	.....	.....	-300,000	-300,000	-300,000	-300,000
Total, Family housing, Defense agencies (net)	21,124,000	21,100,000	20,714,000	20,714,000	20,714,000	-410,000
Homeowners Assistance Fund, Defense	5,100,000	5,100,000	5,100,000	5,100,000	5,100,000	.....
Total, Family housing:						
New budget (obligational) authority (net)	3,217,953,000	3,456,800,000	3,314,309,000	3,221,704,000	3,294,583,000	+76,630,000
Appropriations	(3,218,253,000)	(3,457,050,000)	(3,384,524,000)	(3,291,919,000)	(3,364,798,000)	(+146,545,000)
Rescissions	.....	.....	(-69,965,000)	(-69,965,000)	(-69,965,000)	(-69,965,000)
Applied to debt reduction	(-300,000)	(-250,000)	(-250,000)	(-250,000)	(-250,000)	(+50,000)
Base realignment and closure account	500,000,000	916,500,000	998,100,000	916,500,000	998,100,000	+498,100,000
Grand total:						
New budget (obligational) authority (net) 1/	8,493,763,000	9,125,978,000	8,311,167,000	7,979,291,000	8,362,171,000	-131,592,000
Appropriations	(8,534,363,000)	(9,126,228,000)	(8,597,836,000)	(8,265,960,000)	(8,674,840,000)	(+140,477,000)
Applied to debt reduction	(-300,000)	(-250,000)	(-250,000)	(-250,000)	(-250,000)	(+50,000)
Rescissions	(-40,300,000)	.....	(-286,419,000)	(-286,419,000)	(-312,419,000)	(-272,119,000)

1/ FY 1990 as enacted on November 10, 1989. Excludes subsequent rescissions. Includes sequestration.

I am opposed to building a new base at Crotone, Italy, especially when we are closing many bases in the United States and, at the same time, only making minor realignments in Europe thus far. I understand the Department's position in that we cannot have a massive pullout from Europe overnight and perhaps it is prudent to phaseout reductions overseas in a systematic way. However, I do not see where this justifies a hurry-up attitude in building a new base in Italy which may or may not be justified. After all, the planes will need to be based at interim locations until the base is completed.

All we have done in this bill is put a halt to the use of new and unobligated funds for a year. Members need to know that when the decision was made that the 401st Tactical Fighter Wing had to vacate Torrejon, Spain, and the decision was made to move to Crotone, Italy, we were in the cold-war era. Now, we have seen amazing changes occur in Europe over the past year. For this reason, there is a need for NATO to reexamine the need for the Italian base as well as whether there are other more cost-effective alternatives.

Mr. Speaker, I have seen too many times where we rush into situations like this and use the argument that it is in the interests of national security. Well, I am not going to say it isn't. What I am saying is that, let's stop and reanalyze our whole defense posture in Europe because the threat scenario has changed. We have at least seven major airbases in Germany and four in the United Kingdom. Do we need all these bases and at the same time, do we need to build a new airbase in Italy?

Earlier this year, during our hearings, I warned the Department that the building of this base was going to be a hard sell to the Congress. Have we seen the Department come back with alternatives? No. Have they considered building a bare-bones base? They have not. Now at the last minute, they recognize that we are serious about questioning the need for this base.

We have an opportunity to save $300 million of taxpayers money if we stop or delay this project. We have seen the classic example in Comiso, Sicily, where we had to hurry up and build numerous support facilities only to close that base before many of the facilities could be used. That cost the United States about $250 million. Now that base is for sale with no takers thus far.

Let me make one other point. The Crotone base is not a wartime base—it is a peacetime base. In the event of war, the F-16's would be deployed at other forward locations. So, there is nothing to prevent the wing from being based at existing bases or dual based at bases in the United States.

Mr. Speaker, those are the more significant items in the bill. The conference report is a bipartisan effort and I encourage Members to support the conference report.

At this point, I reserve the balance of my time.

Mr. WHITTEN. Mr. Speaker, I rise in support of the conference agreement on the military construction bill. I commend my colleagues on the subcommittee for their hard work in reaching this agreement.

Mr. Speaker, we all realize the world situation has changed greatly since it became apparent that the Soviet Union's economic situation has proven so bad that its military threat against the West has greatly diminished. Thus, there is bound to be a reduction in personnel as we pull back troops from overseas and reduce troop levels overall.

However, we must continue to give attention to the possible expansion and maintenance of a strong Guard and Reserve where members contribute to the economy during the week and train on the weekend.

Mr. Speaker, the agreement provides funds for the following national programs in my area and State:

Navy:	
Gulfport Naval Construction Training Center:	
Applied instruction	$1,170,000
Barracks	7,540,000
Air Force:	
Columbus Air Force Base:	
Flight simulator	400,000
Bachelor officer quarters	2,700,000
Army National Guard:	
Camp McCain:	
Tank training equipment and facilities	600,000
Troop subsistence storage facility	780,000
Ammunition supply station	500,000
Camp Shelby:	
Bachelor officer quarters (phase III)	450,000
Ammunition supply point	280,000
Fulton Armory	535,000
Starkville Armory	975,000
Air National Guard:	
Allen C. Thompson Field, Jackson:	
Base civil engineering facility	1,600,000
Medical training and security police facility	1,500,000
Gulfport:	
Vehicle maintenance facility	1,150,000
Base engineer maintenance facility	490,000
Base supply warehouse	250,000
Communications electronics training facility	2,300,000
Army Reserve:	
Vicksburg:	
Army reserve center and maintenance facility	6,978,000
Air Force Reserve:	
Keesler Air Force Base:	
Medical training facility	600,000
Total, Mississippi	30,798,000

And retained the language:

> The conferees direct the Army National Guard to continue to maintain a balanced distribution of projects throughout the State of Mississippi and to report by February 1, 1991, on how equitable distribution is being assured.

Mr. Speaker, I urge adoption of the report.

Mr. LOWERY of California. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, first, I would like to thank the chairman of the Military Construction Subcommittee, the gentleman from North Carolina, for his leadership and diligence in bringing this bill to conference. As Chairman HEFNER said, we resolved over 300 differences. We are presenting to the House a conference report which is a balanced and fair compromise.

The conference agreement on H.R. 5313 contains $7.4 billion for military construction and family housing. This represents a $600 million decrease from last year's appropriation. Also included is $998 million for continued funding of the base closure and realigment account. When combined, the total appropriation provided is $8.4 billion. This is $138 million under our revised 302(b) allocation; $132 million below last year's bill; and, $764 million below the President's request.

We have worked hard to bring this conference report to the House floor. It has not been an easy task. In this year of Defense Department building moratoria, cuts in defense spending and the needs of Desert Shield, this bill represents a good balance between the needs of our service men and women and the changing defense posture. We can and have cut military construction, but it cannot be axed. As we consolidate, close bases, and reduce manpower, the remaining bases and equipment must be maintained in top working order and personnel must be highly trained and adequately housed.

Mr. Speaker, there is one provision of this conference report to which I strongly object. It has the effect of prohibiting the U.S. contribution to the NATO Infrastructure Account for the construction of a base to relocate the 401st Tactical Fighter Wing to Crotone, Italy, for 1 year. The 401st are 72 F-16's currently based in Spain and are the only Land Based Fighter assets in the southern flank of NATO.

This decision is precipitous and should be made in the context of a complete analysis of the effect of base closures, relocations, realignments, and personnel reductions on the national military strategy for a changed world. This action by the conference committee will send the wrong signal to our allies and may seriously foreclose cost-effective options such as a bare bones base. By unilaterally reduc-

ing our capability in NATO's flanks, without regard for internal negotiations with our NATO allies or alliance negotiations for arms control with the U.S.S.R.—without regard for our future security requirements, the balance we seek to achieve through negotiations is undermined, our flexibility reduced, and the credibility of our commitment to the NATO Alliance is brought into question.

I understand this may invite a veto of the bill. Mr. Speaker, this committee does not operate in a vacuum. If something is this important to the Department, they need to do a better job of communicating with the conferees.

Mr. Speaker, this conference report does not include everything I would have liked, however, overall it is a good agreement and one which I support.

□ 1630

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

Mr. HEFNER. Mr. Speaker, I yield 1 minute to the gentleman from Missouri [Mr. SKELTON].

Mr. SKELTON. Mr. Speaker, I rise in favor of this bill.

I want to take this opportunity to compliment the chairman of the Military Construction Subcommittee of the Committee on Appropriations, the gentleman from North Carolina [Mr. HEFNER], and his committee for the work that he and they have done.

This is not an easy task in these days of tight budgetary constraints, particularly in light of the mood that we find in Eastern Europe and the challenges that we have here in the continental United States.

Being a member of the Committee on Armed Services and being the only member from the State of Missouri, I wish to add a special word of appreciation for the great effort that has gone into working with me on the Whiteman Air Force Base proposal. A new chapter is coming to pass for the Army National Guard headquarters in Jefferson City, our State capital, and for that I wish to express my appreciation of those in my State and myself.

To the gentleman and to the chairman, the gentleman from North Carolina [Mr. HEFNER], I say a job well done.

Mr. LOWERY of California. Mr. Speaker, I yield such time as he may consume to the gentleman from California [Mr. LAGOMARSINO].

Mr. LAGOMARSINO. Mr. Speaker, I take this time to ask if the chairman of the committee, the gentleman from North Carolina [Mr. HEFNER] would engage in a colloquy with me.

Mr. Speaker, my inquiry is regarding the $10 million provided in the bill for acquisition of easements or other interests on property located south of Vandenberg Air Force Base for the purpose of insuring the safety of the public during launch operations. I would assume that it is the intention of the committee that in any such transaction, all property owners would be treated equitably and fairly?

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

Mr. LAGOMARSINO. I am happy to yield to the gentleman from North Carolina.

Mr. HEFNER. Mr. Speaker, all I can say to the gentleman is that there is nothing in the bill that earmarks $10 million, and I would expect that there would be fair treatment in the use of these funds in terms of considering the needs and the desires of all the affected landowners.

Mr. LAGOMARSINO. Mr. Speaker, I thank the gentleman for that.

Mr. LOWERY of California. Mr. Speaker, will the gentleman yield?

Mr. LAGOMARSINO. I am happy to yield to the gentleman from California.

Mr. LOWERY of California. Mr. Speaker, I would concur with the gentleman in his assessment that we do not want to discriminate against anyone.

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

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 SPEAKER pro tempore (Mr. MAZZOLI). The question is on the conference report.

The conference report was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. Pursuant to House Resolution 512, the amendments in disagreement and the motions to dispose of the amendments are considered as having been read.

The Clerk will designate the first amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 5: Page 4, line 2, strike out "$949,446,000" and insert "$891,784,000".

MOTION OFFERED BY MR. HEFNER

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

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

The text of the motion is as follows:

Mr. HEFNER moves that the House recede from its disagreement to the amendment of the Senate numbered 5, and concur therein with an amendment, as follows: In lieu of the sum stricken and inserted by said amendment, insert "$949,094,000 and rescission of $26,000,000 of the funds appropriated for "Military Construction, Air Force" under Public Law 101-148 in addition to the rescissions listed subsequently in this paragraph".

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 6, line 4, strike out "$250,000,000" and insert "$210,400,000".

MOTION OFFERED BY MR. HEFNER

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

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

The text of the motion is as follows:

Mr. 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 stricken and inserted by said amendment, insert "$192,700,000".

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. 14: Page 6, line 16, strike out "$201,558,000" and insert "$235,549,000".

MOTION OFFERED BY MR. HEFNER

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

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

The text of the motion is as follows:

Mr. HEFNER 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 stricken and inserted by said amendment, insert "$313,224,000".

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. 15: Page 6, line 23, strike out "$135,240,000" and insert "$146,369,000".

MOTION OFFERED BY MR. HEFNER

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

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

The text of the motion is as follows:

Mr. HEFNER moves that the House recede from its disagreement to the amendment of the Senate numbered 15, and concur therein with an amendment, as follows: In lieu of

the sum stricken and inserted by said amendment, insert "$180,560,000".

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. 16: Page 7, line 6, strike out "$68,297,000" and insert "$75,226,000".

MOTION OFFERED BY MR. HEFNER

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

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

The text of the motion is as follows:

Mr. HEFNER moves that the House recede from its disagreement to the amendment of the Senate numbered 16, and concur therein with an amendment, as follows: In lieu of the sum stricken and inserted by said amendment, insert "$77,426,000".

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. 17: Page 7, line 13, strike out "$63,300,000" and insert "$75,207,000".

MOTION OFFERED BY MR. HEFNER

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

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

The text of the motion is as follows:

Mr. HEFNER moves that the House recede from its disagreement to the amendment of the Senate numbered 17, and concur therein with an amendment, as follows: In lieu of the sum stricken and inserted by said amendment, insert "$80,307,000".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman for 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. 19: Page 8, line 4, strike out "$61,800,000" and insert "$61,700,000".

MOTION OFFERED BY MR. HEFNER

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

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

The text of the motion is as follows:

Mr. HEFNER moves that the House recede for its disagreement to the amendment of the Senate numbered 19, and concur therein with as amendment, as follows: In lieu of the sum stricken and inserted by said amendment, insert "$74,300,000".

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 amendent is as follows:

Senate amendment No. 20: Page 8, line 6, strike out "$1,525,767,000" and insert "$1,525,667,000".

MOTION OFFERED BY MR. HEFNER

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

The SPEAKER pro tempore. The Clerk will designate the motion. The text of the motion is as follows:

Mr. 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 stricken and inserted by said amendment, insert "$1,538,267,000".

The SPEAKER pro tempore. The quesiton 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. 26: Page 11, line 3, strike out "$81,600,000 of the".

MOTION OFFERED BY MR. HEFNER

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

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

The text of the motion is an follows:

Mr. HEFNER moves that the House recede from its disagreement to the amendment of the Senate numbered 26, and concur therein with an amendment, as follows: In lieu of the matter stricken by said amendment, insert "100,000,000 of the".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina [Mr. HEFNER].

The motion was agreed to.

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The SPEAKER pro tempore (Mr. MONTGOMERY). The Clerk will designate the next admendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 28: Page 20, after line 5, insert:

SEC. 130. (a) CONVEYANCE.—(1) Except as provided in paragraphs (2), (3), and (4), and subject to subsections (c) and (g), the Secretary of the Army shall convey to the University of Utah all right, title, and interest of the United States in and to the land comprising Fort Douglas, Utah, together with improvements theron.

(2) The Secretary shall except from the land conveyed under paragraph (1) such land, not in excess of 64 acres, and improvements thereon as may be necessary for the Army to continue conducting Army Reserce activities at the Fort Douglas location.

(3) The Secretary shall also except from the land conveyed under paragraph (1) the land at Fort Douglas constituting the Fort Douglas Post Cemetery, consisting of approximately four acres.

(4) In connection with the land retained for Army Reserve activities and land constituting the Army Post Cemetery, the Secretary shall reserve to the United States in the land conveyed such rights-of-way and other easements as may be necessary for ingress to and egress from the land retained.

(b) CONSIDERATION.—(1) The conveyance under subsection (a) shall be made only on the condition that the State of Utah and the University of Utah waive any entitlements that have not been exercised on behalf of the University of Utah before the date of the enactment of this section and that may be due to the State of Utah or the University of Utah on behalf of the University of Utah under—

(A) section 3 of the Act entitled "An Act to establish the office of Surveyor-General of Utah, and to grant Land for School and University Purposes", approved February 21, 1855 (10 Stat. 611); and

(B) sections 8 and 12 of the Act entitled "An Act to enable the people of Utah to form a constitution and State government, and to be admitted into the Union on equal footing with the original States", approved July 16, 1894 (28 Stat. 110).

(2) The waiver referred to in paragraph (1) shall be executed in such manner as the Secretary of the Army, after consultation with the Attorney General of the United States, determines necessary to effectively waive any unexercised entitlements under those laws.

(c) CONDITION.—(1) The conveyance provided for in subsection (a) may be made only on condition that—

(A) the State of Utah agree to maintain and operate, as provided in paragraph (2), the Army museum located on the land conveyed to the University of Utah pursuant to this section; and

(B) the University of Utah agree—

(i) to maintain and operate, as provided in paragraph (2), the Army chapel and other historical buildings located on the land referred to in subparagraph (A); and

(ii) to preserve and maintain, as provided in paragraph (2), the parade grounds that are a part of the land referred to in subparagraph (A).

(2) The Army museum, Army chapel, and other historical buildings referred to in paragraph (1) shall be maintained and operated, and the parade grounds referred to in that paragraph shall be preserved and maintained, in a manner consistent with Federal laws and regulations pertaining to the preservation of historical sites, buildings, and monuments, as specified by the Secretary of the Interior.

(d) REVERSIONARY RIGHT.—If the University of Utah uses the land conveyed pursuant to subsection (a) for other than educational or research purposes; all right, title, and interest in and such land shall automatically revert to the United States and the United States shall have the right of immediate entry thereon.

(e) DEADLINE FOR CONVEYANCE.—The conveyance under subsection (a) shall be made not later than one year after the date of the enactment of this section.

(f) JOINT USE OF UTILITY SYSTEMS.—The Secretary may enter into an agreement with the University of Utah under which the Army and the University would—

(1) jointly use the existing utility systems located at Fort Douglas at the time of the conveyance provided for under subsection (a);

(2) equitably share the cost of maintaining, operating, and replacing (as necessary) the systems; and

(3) pay on a pro rata basis for the utilities consumed by each of the parties.

(g) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance provided for under subsection (a) as the Secretary considers necessary to protect the interests of the United States.

(h) ADDITIONAL EXCESS LAND.—In the event that any lands constituting Fort Douglas, Utah, that are not conveyed pursuant to subsection (a) are declared excess to the needs of the Army after the date of the conveyance provided for in that subsection, the Secretary shall convey such lands to the University of Utah. Any lands conveyed pursuant to this subsection shall be conveyed subject to a reversionary clause in favor of the United States as provided in subsection (d).

MOTION OFFERED BY MR. HEFNER

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

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

The text of the motion is as follows:

Mr. HEFNER moves that the House recede from its disagreement to the amendment of the Senate numbered 28, 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. 30: Page 20, after line 5, insert:

PAYMENT OF CLAIMS BY UNITED STATES NATIONALS AGAINST IRAQ

SEC. 132. (a) Notwithstanding any other provisions of law, the President is authorized—

(1) to vest title in a portion of the property in which transactions have been blocked pursuant to Executive Order 12722 of August 3, 1990, which portion shall be equal to the total amount of obligations owed to United States Government (including the Department of Agriculture and the Commodity Credit Corporation) and United States nationals for which Iraq has suspended repayment; and

(2) to liquidate such property and pay United States creditors the amount of the obligations referred to under paragraph (1).

(b) In the event that property liquidated under subsection (a)(2) is less than the total amount of obligations described in subsection (a)(1), then obligations the repayment of which is guaranteed by the Commodity Credit Corporation shall be given priority in payment of creditors.

MOTION OFFERED BY MR. HEFNER

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

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

The text of the motion is as follows:

Mr. HEFNER moves that the House insist on its disagreement to the amendment of the Senate numbered 30.

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. 31: Page 20, after line 5, insert:

ANTITERRORISM ACT OF 1990

SEC. 133. (a) SHORT TITLE.—This section may be cited as the "Antiterrorism Act of 1990".

(b) TERRORISM.—Chapter 113A of title 18, United States Code, is amended—

(1) in section 2331 by striking subsection (d) and redesignating subsection (e) as subsection (d);

(2) by redesignating section 2331 as 2323 and striking the caption for section 2331 and inserting the following:

"§ 2332. Criminal penalties";

(3) by inserting before section 2332 as redesignated the following:

"§ 2331. Definitions

"As used in this chapter—

"(1) the term 'international terrorism' means activities that—

"(A) involve violent acts or acts dangerous to human life that are a violation of the criminal laws of the United States or of any State, or that would be a criminal violation if committed within the jurisdiction of the United States or of any State;

"(B) appear to be intended—

"(i) to intimidate or coerce a civilian population;

"(ii) to influence the policy of a government by intimidation or coercion; or

"(iii) to affect the conduct of a government by assassination or kidnapping; and

"(C) occur primarily outside the territorial jurisdiction of the United States, or transcend national boundaries in terms of the means by which they are accomplished, the persons they appear intended to intimidate or coerce, or the locale in which their perpetrators operate or seek asylum;

"(2) the term 'national of the United States' has the meaning given such term in section 101(a)(22) of the Immigration and Nationality Act;

"(3) the term 'person' means any individual or entity capable of holding a legal or beneficial interest in property; and

"(4) the term 'act of war' means any act occurring in the course of—

"(A) declared war;

"(B) armed conflict, whether or not war has been declared, between two or more nations; or

"(C) armed conflict between military forces of any origin.".

"(4) by adding immediately after section 2332 as redesignated the following new sections:

"§ 2332. Civil remedies

"(a) ACTION AND JURISDICTION.—Any national of the United States injured in his person, property, or business by reason of an act of international terrorism, or his estate, survivors, or heirs, may sue therefor in any appropriate district court of the United States and shall recover threefold the damages he sustains and the cost of the suit, including attorney's fees.

"(b) ESTOPPED UNDER UNITED STATES LAW.—A final judgment or decree rendered in favor of the United States in any criminal proceeding under section 1116, 1201, 1203, or 2332 of this title or section 1472 (i), (k), (l), (n), or (r) of title 49 App. shall estop the defendant from denying the essential allegations of the criminal offense in any subsequent civil proceeding under this section.

"(c) ESTOPPED UNDER FOREIGN LAW.—A final judgment or decree rendered in favor of any foreign state in any criminal proceeding shall, to the extent that such judgment or decree may be accorded full faith and credit under the law of the United States, estop the defendant from denying the essential allegations of the criminal offense in any subsequent civil proceeding under this section.

"§ 2334. Jurisdiction and venue

"(a) GENERAL VENUE.—Any civil action under section 2333 of this title against any person may be instituted in the district court of the United States for any district where any plaintiff resides or where any defendant resides or is served, or has an agent. Process in such a civil action may be served in any district where the defendant resides, is found, or has an agent.

"(b) Special Maritime or Territorial Jurisdiction.—If the actions giving rise to the claim occurred within the special maritime and territorial jurisdiction of the United States, as defined in section 7 of this title, then any civil action under section 2333 of this title against any person may be instituted in the district court of the United States for any district in which any plaintiff resides or the defendant resides, is served, or has an agent.

"(c) SERVICE ON WITNESSES.—A witness in a civil action brought under section 2333 of this title may be served in any district where the witness resides, is found, or has an agent.

"(d) CONVENIENCE OF THE FORUM.—The district court shall not dismiss any action brought under section 2333 of this title on the grounds of the inconvenience or inappropriateness of the forum chosen, unless—

"(1) the action may be maintained in a foreign court that has jurisdiction over the subject matter and over all the defendants;

"(2) that foreign court is significantly more convenient and appropriate; and

"(3) that foreign court offers a remedy which is substantially the same as the one available in the courts of the United States.

"§ 2335. Limitation of actions

"(a) IN GENERAL.—Subject to subsection (b), a suit for recovery of damages under section 2333 of this title shall not be maintained unless commenced within 3 years from the date the cause of action accrued.

"(b) CALCULATION OF PERIOD.—The time of the absence of the defendant from the United States or from any jurisdiction in which the same or a similar action arising from the same facts may be maintained by the plaintiff, or any concealment of his whereabouts, shall not be reckoned within this period of limitation.

§ 2336. Other limitations

"No action shall be maintained under section 2333 of this title for injury or loss by reason of an act of war.

"§ 2337. Suits against government officials

"No action shall be maintained under section 2333 of this title against—

"(1) the United States, an agency of the United States, or an officer or employee of the United States or any agency thereof acting within his official capacity or under color of legal authority; or

"(2) a foreign state, an agency of a foreign state, or an officer or employee of a foreign state or an agency thereof acting within his official capacity or under color of legal authority.

§ 2338. Exclusive Federal jurisdiction

"The district courts of the United States shall have exclusive jurisdiction over an action brought under this chapter."; and

(5) by amending the table of sections to read as follows:

"CHAPTER 113A—TERRORISM

"Sec.
"2331. Definitions.
"2332. Criminal penalties.
"2333. Civil remedies.
"2334. Jurisdiction and venue.
"2335. Limitation of actions.
"2336. Other limitations.
"2337. Suits against government officials.
"2338. Exclusive Federal jurisdiction.

(c) TABLE OF CONTENTS.—The table of contents of part 1, title 18, United States Code, is amended by striking:

"113A. Extraterritorial jurisdiction over terrorist acts abroad against United States nationals..... 2331"

and inserting in lieu thereof:

"113A. Terrorism..... 2331".

(d) EFFECTIVE DATE.—This section and the amendments made by this section shall apply to any pending case and any cause of action arising on or after 3 years before the date of enactment of this section.

MOTION OFFERED BY MR. HEFNER

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

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

The text of the motion is as follows:

Mr. HEFNER moves that the House insist on its disagreement to the amendment of the Senate numbered 31.

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 upon the table.

PARLIAMENTARY INQUIRY

Mr. WALKER. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore (Mr. MONTGOMERY). The gentleman will state it.

Mr. WALKER. Mr. Speaker, where are we with regard to the legislative day at this point?

The SPEAKER pro tempore. The Chair would advise the gentleman that we have finished with the various conference reports, and we are awaiting the gentleman from Minnesota [Mr. FRENZEL] or his designee, the gentleman from Illinois [Mr. MICHEL], or his designee.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would make a statement. The Chair may have to resume legislative business for the purpose of establishing the adjournment time for tomorrow and possibly other purposes, but for the moment we will continue.

A CALL FOR RESERVISTS DURING EMERGENCY

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

Mr. MONTGOMERY. Mr. Speaker, each Member of the House will receive either today or tomorrow a report from the chairman of the Committee on Armed Services, the gentleman from Wisconsin [Mr. ASPIN], the gentlewoman from Maryland [Mrs. BYRON], and myself, and it pertains to the National Guard and Reserves, and gives the history of the Guard and Reserve. The point of the paper is that we are concerned that the Defense Department has not seen fit to call up the combat units of the National Guard and the combat units of the different Reserve units that we have in this country.

They call up support units under the total force. It seems to me that we train together as Reservists, and as we train with the active forces when we have an emergency, Guards and Reserves should be called up at the same time as active forces.

I hope Members would take a look at this paper presented to Members, and they will find out that there are very good points about the use of Reserves during this emergency.

HOUR OF MEETING ON TOMORROW SATURDAY, OCTOBER 20, 1990

Mr. YATES. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at noon tomorrow.

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

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. YATES. Mr. Speaker, I ask unanimous consent the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

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

There was no objection.

HOUR OF MEETING ON SUNDAY, OCTOBER 21, 1990

Mr. YATES. Mr. Speaker, I ask unanimous consent that when the House adjourns on Saturday, October 20, it adjourn to meet at 2 p.m. Sunday, October 21, 1990.

Mr. WALKER. Mr. Speaker, reserving the right to object, and I shall not object, it is my understanding the House tomorrow will take up the D.C. appropriations bill, the HUD appropriations bill, and those will be the only things on the schedule for tomorrow, is that correct?

Mr. YATES. Mr. Speaker, if the gentleman will yield, the gentleman is correct. It is my understanding our consideration will be the conference reports on those bills.

Mr. WALKER. And it is my understanding further that the House on Sunday will take up the Legislative Appropriations bill, and that is the only thing for Sunday, is that correct?

Mr. YATES. That is the understanding that I have, too, I will say to the gentleman.

Mr. WALKER. Mr. Speaker, further reserving the right to object, I would inquire of the Chair, with these unanimous consents out of the way, that will be the end of the legislative business for today? The Chair had previously announced there might be additional legislative business. Will this be the end of legislative business today, so Members can feel free to leave?

The SPEAKER pro tempore. The Chair is so advised, except for the appointment of conferees on the Budget Reconciliation.

Mr. WALKER. And that would be the only other business left for today, is that correct?

Mr. YATES. My understanding is that the gentleman is correct. If the gentleman will continue to yield further with respect to the reply I gave the gentleman a few moments ago, there is a possibility that there may be changes in the schedule that may come up. If that occurs, both Cloakrooms will be notified immediately.

Mr. WALKER. Well, there is some concern on our side, I might say, and further reserving the right to object, an assault weapons bill was thought to be on the calendar at one point for the weekend, and now we hear that it is not going to be. Some of our Members would have to revise their schedules based upon whether or not that was going to be on the calendar this weekend.

What I am particularly interested in is whether or not that bill might get scheduled at some point during the week.

Mr. YATES. There is a possibility that that may occur, but it is remote, and a notice will be made available to the gentleman, we believe, by 6 o'clock tomorrow evening.

Mr. WALKER. I assume sometime on the weekend, should the Reconciliation Conference Committee complete its work, we will get the conference report on the floor?

Mr. YATES. That is correct.

Mr. WALKER. Mr. Speaker, I thank the gentleman, and I withdraw my reservation of objection.

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

There was not objection.

MODIFICATION OF APPOINTMENT OF CONFEREES ON H.R. 5835, OMNIBUS BUDGET RECONCILIATION ACT OF 1990

The SPEAKER pro tempore. Pursuant to the previous order of the House of October 18, 1990, and at the request and direction of the Speaker, without objection, the appointment of conferees on H.R. 5835 is modified to read as follows:

From the Committee on the Budget, for consideration of the House bill, and the Senate amendment, and modifications committed to conference, and as exclusive conferees with respect to any proposal to report in total disagreement: Messrs. PANETTA, GEPHARDT, and FRENZEL.

As additional conferees from the Committee on the Budget, for consideration of the title XIV of the House bill, and all other provisions of the House bill and the Senate amendment on which conferees from more than one of the other standing committees of the House are appointed, and modifications committed to conference: Messrs. RUSSO, JENKINS, and GRADISON.

From the Committee on Agriculture, for consideration of title I and subtitle B of title V of the House bill, and title I and subtitle A of title IV of the Senate amendment, and modifications committed to conference: Messrs. DE LA GARZA, HUCKABY, and COLEMAN of Missouri.

From the Committee on Banking, Finance and Urban Affairs, for consideration of title II of the House bill, and title II of the Senate amendment, and modifications committed to conference: Mr. GONZALEZ, Ms. OAKAR, and Mr. WYLIE.

From the Committee on Education and Labor, for consideration of title III and sections 12403 and 13323 of the House bill, and subtitle F of title VI, part 4 of subtitle D of title VII, title X, and section 6401 of the Senate amendment, and modifications committed to conference: Messrs. HAWKINS, FORD of Michigan, and GOODLING.

From the Committee on Energy and Commerce (health), for consideration of subtitles A and B of title IV of the House bill, and part 2 of subtitle B and subtitle C of title VI of the Senate amendment, and modifications committed to conference: Messrs. DINGELL, WAXMAN, and LENT.

From the Committee on Energy and Commerce (transportation), for consideration of sections 4511, 4521, and 4522 of the House bill, and sections 3002 and 3003 of the Senate amendment, and modifications committed to conference: Messrs. DINGELL, THOMAS A. LUKEN, and LENT.

From the Committee on Energy and Commerce (energy), for consideration of sections 4501, 4502, 5101, and 10002 of the House bill, and subtitle B of title IV and section 502 of the Senate amendment, and modifications committed to conference: Messrs. DINGELL, SHARP, and LENT.

From the Committee on Government Operations, for consideration of part 1 of subtitle A and subtitles B through E (except section 14302) of title XIV of the House bill, and corresponding provisions of the Senate amendment, and modifications committed to conference: Messrs. CONYERS, WAXMAN, SYNAR, FRANK, HORTON, and NIELSON of Utah.

From the Committee on Interior and Insular Affairs, for consideration of title V and sections 4502 and 10002 of the House bill, and subtitles A and B of title IV and section 502 of the Senate amendment, and modifications committed to conference: Messrs. UDALL, MILLER of California, and YOUNG of Alaska

From the Committee on the Judiciary, for consideration of title VI of the House bill, and title IX of the Senate amendment, and modifications committed to conference: Messrs. BROOKS, KASTENMEIER, and MOORHEAD.

From the Committee on Merchant Marine and Fisheries (tonnage duties, coast guard fees, and cargo preference), for consideration of sections 7101 and 7102 of the House bill, and section 3001 of the Senate amendment, and modifications committed to conference: Messrs. JONES of North Carolina, TAUZIN, and DAVIS.

From the Committee on Merchant Marine and Fisheries (EPA fees), for consideration of section 7103 of the House bill, and modifications committed to conference: Messrs. JONES of North Carolina, STUDDS, and DAVIS.

From the Committee on Merchant Marine and Fisheries (coastal zone management), for consideration of subtitle B of title VII of the House bill, and modifications committed to conference: Messrs. JONES of North Carolina, HERTEL, and DAVIS.

From the Committee on Post Office and Civil Service, for consideration of title VIII of the House bill, and title VIII of the Senate amendment, and modifications committed to conference: Messrs. FORD of Michigan, CLAY, and GILMAN.

From the Committee on Public Works and Transportation (aviation), for consideration of subtitles B and C of title IX of the House bill, and subtitle B of title III, of the Senate amendment, and modifications committed to conference: Messrs. ANDERSON, OBERSTAR, and HAMMERSCHMIDT.

From the Committee on Public Works and Transportation (transportation trust funds) for consideration of subtitles A of title IX of the House bill, and modifications committed to conference: Messrs. ANDERSON, MINETA, and HAMMERSCHMIDT.

From the Committee on Public Works and Transportation (EPA fees), for consideration of subtitle D of title IX of the House bill, and modifications committed to conference: Messrs. ANDERSON, NOWAK, and HAMMERSCHMIDT.

From the Committee on Rules, for consideration of part 2 of subtitle A of title XIV and section 14302 of the House bill, and corresponding provisions of the Senate amendment, and modifications committed to conference: Messrs. MOAKLEY, DERRICK, BEILENSON, FROST, QUILLEN, and PASHAYAN.

From the Committee on Science, Space, Technology, for consideration of title X of the House bill, and subtitle B of title IV and sections 3004 and 3024 of the Senate amendment, and modifications committed to conference: Mr. ROE, Mrs. LLOYD, and Mr. WALKER.

From the Committee on Veterans' Affairs, for consideration of title XI (except section 11051) of the House bill, and title XI of the Senate amendment, and modifications committed to conference: Messrs. MONTGOMERY, APPLEGATE, and STUMP.

From the Committee on Ways and Means (revenues and debt ceiling), for consideration of title XIII, subtitles E and F of title XII, and sections 3102, 3121, 7101, and 11051(a) of the House bill, and title VII (except subtitle C), and subtitles D and E of title VI of the Senate amendment, and modifications committed to conference: Messrs. ROSTENKOWSKI, GIBBONS, and ARCHER.

From the Committee on Ways and Means (medicare), for consideration of subtitles A through D of title XII and subtitle A of title IV of the House bill, and subtitle B of title VI of the Senate amendment, and modifications committed to conference: Messrs. ROSTENKOWSKI, STARK, and ARCHER.

From the Committee on Ways and Means (Social Security), for consideration of part 5 of subtitle A of title VI, of the Senate amendment, and modifications committed to conference: Messrs. ROSTENKOWSKI, JACOBS, and ARCHER.

From the Committee on Ways and Means (child care and human resources), for consideration of parts 1 through 4 of subtitle A and subtitle F of title VI, and subtitle C of title VII of the Senate amendment, and modifications committed to conference:

Messrs. ROSTENKOWSKI, DOWNEY, and ARCHER.

As an additional conferee for consideration of subtitle B of title V of the House bill, and subtitle A of title IV of the Senate amendment, and modifications committed to conference: Mr. MRAZEK.

As additional conferees for consideration of title XIV of the House bill, and corresponding provisions of the Senate amendment, and modifications committed to conference: Messrs. WHITTEN, PICKLE, and PURSELL.

There was no objection.

□ 1650

DECEPTIVE MAILINGS PREVENTION ACT OF 1989

Mr. McCLOSKEY. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 2331) to amend title 39, United States Code, to designate as nonmailable matter solicitations of donations which could reasonably be misconstrued as a bill, invoice, or statement of account due, and solicitations which are offered in terms implying any Federal Government connection or endorsement, unless such matter contains an appropriate conspicuous disclaimer, and for other purposes, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

TheClerk read the Senate amendments, as follows:

Senate amendments:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Deceptive Mailings Prevention Act of 1990".

SEC. 2. AMENDMENTS TO TITLE 39.

(a) PROHIBITION OF DECEPTIVE MAILINGS.—Section 3001 of title 39, United States Code is amended by redesignating subsections (f) and (g) as subsections (i) and (j) respectively, and by inserting after subsection (e) the following:

"(f) Matter otherwise legally acceptable in the mails which constitutes a solicitation by a nongovernmental entity for the purchase of or payment for a product or service; and contains a seal, insignia, trade or brand name, or any other term or symbol that reasonably could be interpreted or construed as implying any Federal Government connection, approval or endorsement is nonmailable matter and shall not be carried or delivered by mail, and shall be disposed of as the Postal Service directs, unless—

"(1) such nongovernmental entity has such expressed connection, approval or endorsement;

"(2)(A) such matter bears on its face, in conspicuous and legible type in contrast by typography, layout, or color with other printing on its face, in accordance with regulations which the Postal Service shall prescribe, the following notice: 'THIS PRODUCT OR SERVICE HAS NOT BEEN APPROVED OR ENDORSED BY THE FEDERAL GOVERNMENT, AND THIS OFFER IS NOT BEING MADE BY AN AGENCY OF THE FEDERAL GOVERNMENT.', or a notice to the same effect in words which the Postal Service may prescribe; and

"(B) the envelope or outside cover or wrapper in which such matter is mailed bears on its face in capital letters and in conspicuous and legible type, in accordance with regulations which the Postal Service shall prescribe, the following notice: 'THIS IS NOT A GOVERNMENT DOCUMENT.', or a notice to the same effect in words which the Postal Service may prescribe; or

"(3) such matter is contained in a publication for which the addressee has paid or promised to pay a consideration or which he has otherwise indicated he desires to receive, except that this paragraph shall not apply if the solicitation is on behalf of the publisher of the publication.

"(g) Matter otherwise legally acceptable in the mails which constitutes a solicitation by a nongovernmental entity for information or the contribution of funds or membership fees and contains a seal, insignia, trade or brand name, or any other term or symbol that reasonably could be interpreted or construed as implying any Federal Government connection, approval or endorsement is nonmailable matter and shall not be carried or delivered by mail, and shall be disposed of as the Postal Service directs, unless—

"(1) such nongovernmental entity has such expressed connection, approval or endorsement;

"(2)(A) such matter bears on its face, in conspicuous and legible type in contrast by typography, layout, or color with other printing on its face, in accordance with regulations which the Postal Service shall prescribe, the following notice: 'THIS ORGANIZATION HAS NOT BEEN APPROVED OR ENDORSED BY THE FEDERAL GOVERNMENT, AND THIS OFFER IS NOT BEING MADE BY AN AGENCY OF THE FEDERAL GOVERNMENT.', or a notice to the same effect in words which the Postal Service may prescribe; and

"(B) the envelope or outside cover or wrapper in which such matter is mailed bears on its face in capital letters and in conspicuous and legible type, in accordance with regulations which the Postal Service shall prescribe, the following notice: 'THIS IS NOT A GOVERNMENT DOCUMENT.', or a notice to the same effect in words which the Postal Service may prescribe; or

"(3) such matter is contained in a publication for which the addressee has paid or promised to pay a consideration or which he has otherwise indicated he desires to receive, except that this paragraph shall not apply if the solicitation is on behalf of the publisher of the publication.

(b) DECEPTIVE MAILINGS AS FALSE REPRESENTATIONS.—Section 3005(a) of title 39, United States Code, is amended by striking out "section 3001(d)" each place that it appears and inserting in lieu thereof "section 3001 (d), (f), or (g)".

SEC. 3. REVIEW AND REPORT BY THE UNITED STATES POSTAL SERVICE.

No later than 90 days after the date of enactment of this Act, the United States Postal Service shall—

(1)(A) conduct a comprehensive review to determine if the provisions of section 123.33 of the Domestic Mail Manual (as in effect on such date of enactment) are being appropriately observed; and

(B) take appropriate measures to ensure that any misapplication or misunderstanding of such provisions is corrected among any postal personnel who are responsible for carrying them out;

(2) conduct a comprehensive review to determine the feasibility of establishing a procedure whereby a sender of mail matter which is denied entry into the mails on the basis of incorrect mail preparation, postage due, or addressing may, through expedited proceedings, obtain a final agency decision as to the mailability of such matter; and

(3) submit a written report to the Senate and the House of Representatives describing its findings and actions under this section.

SEC. 4. COORDINATION OF FUNCTIONS WITH THE DEPARTMENT OF HEALTH AND HUMAN SERVICES.

The United States Postal Service shall consult and coordinate the functions and administration of the provisions of this Act and the amendments made by this Act with the Secretary of the Department of Health and Human Services and the functions of the Secretary in the administration of section 428 of the Medicare Catastrophic Coverage Act of 1988 (42 U.S.C. 1320b-10).

SEC. 5. STATE DEPARTMENT POST OFFICES ABROAD.

(a) POSTAL SERVICES AT DIPLOMATIC POSTS.—Chapter 4 of title 39, United States Code, is amended by adding at the end thereof the following new section:

"§ 413. Postal services at diplomatic posts

"(a) The Postal Service and the Department of State may enter into 1 or more agreements for field testing to ascertain the feasibility of providing postal services through personnel provided by the Department of State at branch post offices established by the Postal Service in United States diplomatic missions at locations abroad for which branch post offices are not established under section 406.

"(b) To the extent that the Postal Service and the Department of State conclude it to be feasible and in the public interest, the Postal Service may establish branch post offices at United States diplomatic missions in locations abroad for which branch post offices are not established under section 406, and the Department of State may enter into an agreement with the Postal Service to perform postal services at such branch post offices through personnel designated by the Department of State.

"(c) The Department of State shall reimburse the Postal Service for any amounts, determined by the Postal Service, equal to the additional costs incurred by the Postal Service, including transportation costs, incurred by the Postal Service in the performance of its obligations under any agreement entered into under this section.

"(d) Each agreement entered into under this section shall include—

"(1) provisions under which the Department of State shall make any reimbursements required under subsection (c);

"(2) provisions authorizing the Postal Service to terminate the agreement, and the services provided thereunder, in the event that the Department of State does not comply with the provisions under paragraph (1); and

"(3) any other provisions which may be necessary, including provisions relating to the closing of a post office under this section if necessary because a post office under section 406 is established in the same location.".

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 4 of title 39, United States Code, is amended by adding at the end thereof the following:

"413. Postal services at diplomatic posts.".

SEC. 6. EFFECTIVE DATE.

The provisions of this Act shall take effect on the date of the enactment of this Act, except the amendments made be section 2 shall apply to matter deposited for mailing and delivery on or after 180 days after the date of the enactment of this Act.

Mr. McCLOSKEY (during the reading). Mr. Speaker, I ask unanimous consent that the Senate amendments be considered as read and printed in the RECORD.

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

There was no objection.

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

Mr. WALKER. Reserving the right to object, Mr. Speaker, I would ask the Chair, are we having legislative business or are we not having legislative business? A few moments ago we just had a dialog on the floor in which this gentleman was assured by the Chair that we were finished with legislative business for the evening.

We are trying to tell Members what to expect. If we are now going to get a whole host of new legislative business on the floor, then I think we need to understand what is going on.

I understood when I read the special orders here a little while ago, we were done with legislative business for the night.

Now, what is the status of the House at this point?

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

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

Mr. McCLOSKEY. I will just note, Mr. Speaker, that this has been throughly and substantially cleared with the Republican leadership, including the gentleman from Indiana [Mr. MYERS].

Mr. WALKER. I understand. There are some other bills hanging around here that have been cleared by everybody, too; but we are either going to proceed with legislative business or we are not going to have legislative business, one or the other.

I am just trying to determine where we are. We would like to be able to tell the Members we are finished with legislative business, if in fact we are.

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

Mr. WALKER. I am glad to yield to the gentleman from Georgia.

Mr. GINGRICH. Mr. Speaker, I just want to make the point, because I do not want my friend to think that we are concerned at a leadership level about whether or not we have cleared something.

It seems to me there are 435 Members of the House whose rights have to be protected. None of us know for sure whether or not all 435 Members would agree about a particular bill and that their right to know a bill is coming up and to know the House is in legislative session is a very, very important part of the rights of individual Members. That is all we want to clarify.

But I want to make this clear, this is not a Republican concern. This is a concern for the individual rights of all 435 Members.

Mr. WALKER. Further reserving the right to object, Mr. Speaker, I am still awaiting an answer. Are we proceeding with legislative business this evening, or are we not proceeding with legislative business?

The SPEAKER pro tempore (Mr. FAZIO). No matters will come before the House that would be called legislative business at the conclusion of this motion. If the gentleman wishes this motion to be withdrawn, he may make that request of the gentleman from Indiana.

□ 1700

Mr. WALKER. Further reserving the right to object, Mr. Speaker, I did not even hear what the motion was. What are we doing?

The SPEAKER pro tempore (Mr. FAZIO). The Clerk will re-report the title——

Mr. WALKER. Mr. Speaker, this has been cleared by both sides?

This is the Deceptive Mailings Prevention Act of 1990, and it has been cleared by both sides? I have no problem with that.

But I would hope that this would be the last business we would do for the evening and that the other business that we have before us we can take that up first thing tomorrow?

The SPEAKER pro tempore. The Chair agrees, and the gentleman's point is well taken.

The Chair can assure the gentleman this is the last item of legislative business.

Mr. SAWYER. Mr. Speaker, I rise in support of H.R. 2331, the Deceptive Mailings Prevention Act, as amended. In particular, I want to express my support for the Pryor amendment, which covers solicitations that could be construed as implying a connection with the Decennial Census.

During 1990 census operations, I became aware of the numerous solicitations which implied that they were official Censes Bureau forms. Because many of these solicitations were received during the mail out/mail back phase of the census, they caused considerable confusion for the recipient.

For example, the evelope for a questionnaire mailed by an environmental group was billed as the "1990 Environmental Census," and came compete with a "census household number." A mailing from a women's organization, in a plain brown envelope with a Washington, DC, return address, bore the following prominent legend: "National Census Documents Enclosed." That mailing contained an instruction to the Postal Service: "Important national census forms enclosed. Please deliver to addressee only." And a direct mailing for a company selling blue jeans was labeled simply as a census form.

The Decennial Census is the largest peacetime activity conducted by the Federal Government. It is becoming increasingly difficult to obtain a full count of our Nation's population. Mailings that purport to be census-related only hamper the Census Bureau's ability to catch the public's attention. The mail response rate in 1990 decreased dramatically from the 1980 census, with only 63 percent of the Nation's households returning their forms by mail. Many people indicated that they simply overlooked the census form because they received so much direct mail.

A growing number of for-profit and nonprofit organizations are promoting their services through the use misleading symbols or phrases, leading the recipients to believe that the mail is official information from a Government agency. The decennial census occurs only once every 10 years and reaches every household in the United States. Obviously, there are organizations and companies which believe they can take advantage of the national focus on this constitutionally required event to promote their cause or products.

The Direct Marketing Association took the unprecedented step in 1990 of encouraging its members not to engage in any direct mailings around the time of the census. I commend the Association for its sensitivity and constructive position on this important issue. Nevertheless, some mailers chose to ignore the Association's sound advice and couch their messages in terms of the census.

That is why the Pryor amendment to H.R. 2331 is so important. I urge my colleagues to support passage of H.R. 2331, as amended.

Ms. SNOWE. Mr. Speaker, it is with great pleasure that I rise in support of the adoption of the Senate amendments to H.R. 2331, the Deceptive Mailings Prevention Act. This marks the culmination of almost 4 years of effort in two Congresses. When signed into law, it will provide important consumer protection to individuals by requiring that conspicuous and legible disclaimers be placed on mailings which use signs, terms or insignias to imply a federal connection or endorsement.

Two deceptive mailings bills, based on proposed legislation which I introduced, have passed the House of Representatives. H.R. 4478 passed the House under suspension on August 8, 1988, in the 100th Congress, but no similar bill was passed in the Senate. In the 101st Congress, H.R. 2331 passed the House on July 31, 1989, and the Senate gave final approval to its amendments to H.R. 2331 on October 4, 1990.

I also want to commend the Post Office and Civil Service Committee of the House of Representatives and the Senate Committee on Governmental Affairs for their excellent work on this important legislation. In particular, I would like to thank Mr. McCLOSKEY and Mr. MYERS of the House Committee on Post Office and Civil Service, and Senator PRYOR and Senator HEINZ of the Senate Committee on Governmental Affairs for their strong and effective leadership on this issue.

I first introduced the deceptive mailings bill in February of 1987 because of my growing concern about individuals being misled or de-

ceived by organizations which use names, terms or seals to falsely imply that they are from the Federal Government. These scams were first brought to my attention in 1986, when a constituent complained about the Federal Record Service which offered to obtain his young child's Social Security card for a $10 fee. The tone of the mailing and the name of the organization implied that the mailing was from the Federal Government, urging compliance with a requirement of the Social Security Administration.

Similar practices have been widespread and are growing rapidly. The official sounding names are similar—Federal Social Security Center, Internal Review Service, National Records Advisory, Medicare Information Department, Social Security Protection Bureau, Document Service of the National Processing Center, Social Security Management Association, National Health and Medical Services, and Senior Citizens Advisory Council Tax Division. Typically, these organizations send out mailings which look like official U.S. Government correspondence and try to sell services that are available free from Federal agencies, such as Social Security cards or estimates of Social Security benefits. And, typically, these mailings most often prey upon the elderly with a wide array of confusing and sometimes intimidating tactics, most often related to Social Security and Medicare.

Over the past few years, the Post Office and the Social Security Administration have received hundreds of complaints. And constituents have protested to Congress, urging that these practices be investigated and stopped. The bill which I introduced on January 3, 1989, H.R. 373, has over 100 cosponsors which certainly indicates strong congressional recognition of the issue and support for efforts to solve the problem.

Mr. Speaker, I am also pleased by some of the contributions made by the Senate to the deceptive mailings legislation, such as requiring a disclaimer for mailings which solicit information under the guise of the Federal Government. The Senate amendments also contain a provision allowing the State Department to subcontract its unclassified pouch system to the U.S. Postal Service. This provision was originally requested by the State Department to increase the efficiency and decrease costs of the unclassified mail system it maintains between Washington and overseas diplomatic posts. This also falls within my jurisdiction as the ranking minority member of the Foreign Affairs Subcommittee on International Operations.

This bill is an important first step in strengthening the rights of consumers from unscrupulous mailing practices. But I strongly believe we need to go much further. The original legislation which I introduced also required disclaimers for solicitations which might be construed as a bill, invoice or account due; and solicitations for the purchase of products or services which are provided either free of charge or at a lower price by the Federal Government. I believe that these protections are important and that we need to keep working to protect consumers from these dishonest practices as well.

Again, Mr. Speaker, I wish to thank my colleagues for their consideration of this important legislation to help assure that individuals are not needlessly confused and alarmed by misleading mailing practices.

Is there objection to the initial request of the gentleman from Indiana [Mr. MCCLOSKEY]?

There was no objection.

A motion to reconsider was laid on the table.

PERMISSION FOR COMMITTEE ON AGRICULTURE TO HAVE UNTIL NOON TOMORROW, OCTOBER 20, 1990, TO FILE A REPORT ON S. 2830, TO EXTEND AGRICULTURE PRICE SUPPORTS AND RELATED PROGRAMS

Mr. ROSE. Mr. Speaker, I ask unanimous consent that the Committee on Agriculture may have until noon tomorrow to file its report on S. 2830, the farm bill.

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

Mr. WALKER. Mr. Speaker, reserving the right to object, has this been cleared by the minority?

Mr. ROSE. It has, absolutely.

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

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

There was no objection.

THE CIVIL RIGHTS ACT OF 1990

(Mr. HAWKINS asked and was given permission to address the House for 1 minute, and to revise and extend his remarks, and include extraneous matter.)

Mr. HAWKINS. Mr. Speaker, the other day we passed a Civil Rights Act. I would like to file today a statement of the National Association of Attorneys-General in support of the act which we passed and to indicate that, contrary to the media, there is no compromise or negotiations now going on by the principals of civil rights with anyone.

It is now up to the President to sign the bill that we sent to him to help eliminate discrimination, and in the words of the attorneys-general of the several States, to sign the bill. Otherwise, it would threaten the peace, order, health, safety and general welfare of the several States. That is the statement made by the attorneys general. Now it is up to the President to act responsibly, as the Congress has acted.

RESOLUTION ADOPTED BY THE NATIONAL ASSOCIATION OF ATTORNEYS GENERAL

CIVIL RIGHTS ACT OF 1990

Whereas, discrimination on the basis of race, color, religion, national origin and sex threatens the rights and proper privileges of people of the United States and threatens the peace, order, health, safety and general welfare of the several states; and

Whereas, the Civil Rights Law of 1866 and the Civil Rights Act of 1964 were intended to eliminate discrimination based on race, color, religion, national origin and sex in the workplace and elsewhere; and

Whereas, decisions of the United States Supreme Court during its 1988 term interpreting these laws significantly alter and burden victims of discrimination in their efforts to obtain redress for their injuries; and

Whereas, Congress has under consideration the Civil Rights Act of 1990, S. 2104 and H.R. 4000, which would reaffirm the national commitment to eliminating discrimination from our society; and

Whereas, as Attorneys General, we oppose discrimination based on race, color, religion, national origin and sex and favor civil rights laws to protect against discrimination:

Now, therefore, be it resolved that the National Association of Attorneys General:

(1) supports the passage of the Civil Rights Act of 1990;

(2) directs its executive Director and General Counsel to transmit this resolution of support to President Bush, the Congress, and other interested organizations.

TRIBUTE TO GERALD J. PRETE, PRESIDENT, SENIOR CITIZENS HOUSING DEVELOPMENT CORP. OF CHICAGO

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. ANNUNZIO] is recognized for 5 minutes.

Mr. ANNUNZIO. Mr. Speaker, I rise to call to the attention of my colleagues a groundbreaking ceremony that will take place in my 11th Congressional District of Illinois on the morning of October 26, at North Park Village on North Pulaski Road in Chicago.

The National Council of Senior Citizens and the Senior Citizens Housing Development Corp., which are sponsoring this groundbreaking ceremony, have indicated that the Prete Apartments will be comprised of a four-story building, adjacent to the Senate apartments, with 18 efficiency and 57 one-bedroom apartments for senior citizens of the city of Chicago. Completion is set for November 1991.

This is indeed a fitting tribute to Gerald J. Prete, president of the Senior Citizens Housing Development Corp. of Chicago, who has worked tirelessly during the past 4 years to bring to reality the dream of additional affordable housing for the city's senior citizens.

The following is a brief biography of Jerry Prete with an overview of his many significant contributions to the senior citizens of the Chicago land area:

Gerald J. Prete was honored recently at the 1988 Illinois State Council of Senior Citizens Convention in Peoria, IL, for outstanding services to senior citizens of Illinois. Jerry was also selected to receive the Silver Jubilee Award through Catholic Charities USA on behalf of the Commission on

Aging for his outstanding efforts to improve the quality of life for the elderly.

Jerry is president of the Illinois State Council of Senior Citizens and the Greater Chicago Council of Senior Citizens. He is executive director of the Chicago Senior Senate and a board member of the National Council of Senior Citizens. He is the former department director of Senior Services and currently is an associate division manager for Catholic Charities. He is responsible for nearly 1,000 units of housing in Chicago with more on the way. He is president of NCSC Housing Management Corp. and a consultant for Catholic Charities Housing Development Corp.

Twenty-one years ago, Jerry took a 1 year leave from his successful career as sales manager for Ekco Products. Inspired by his work with the Christian Family Movement, he agreed to organize and develop a new program for seniors at Catholic Charities. Twenty one years and over 500 senior citizens clubs later, Jerry is still fulfilling his mission and taking leadership in many other community, charitable, and senior citizen organizations.

Jerry's commitment and dedication to others are strongly rooted in family and faith. He and his wife, Anne of 47 years, exude a love of life and each other that is contagious. Together they have 6 children and 15 grandchildren.

As the Congressman for the 11th District of Illinois, where Jerry Prete has labored long and lovingly in behalf of his fellow senior, it gives me great pride and pleasure to extend to him my sincerest congratulations for a lifetime of selfless service to his fellow citizens. Because of Jerry, the senior citizens in the Chicago area are enjoying a better quality of life.

The Prete Apartments will be a fine reminder of Jerry Prete's hard work, generosity, and dedication to the best interests of senior citizens in our city, State, and Nation. May he continue to enjoy good health and may he continue to win many more victories for senior citizens.

THE BUDGET PACKAGE AND CLASS WARFARE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. DELAY] is recognized for 60 minutes.

Mr. DELAY. Mr. Speaker, I probably will not take the whole 60 minutes, but I felt it incumbent to come down to the well of the House and talk a little bit about what has gone on this week because of the limitations of time and what is going on in debate time.

Mr. Speaker, because of the lack of and limitation on time of debate, especially on the budget reconciliation package, I wanted to take time so that I could discuss my feelings not only about budget reconciliation package but this whole issue of the rich and class warfare that has been brought to this House and to this Congress, pitting middle-income, poor-income Americans against high-income America. But I will get to that later.

Mr. Speaker, I yield to the gentleman from California.

Mr. DREIER of California. Mr. Speaker, I congratulate the gentleman from Houston for taking the time to discuss what clearly is a very important issue. The discussion of class warfare is something that has been going on for the last several months in this House. During the debate on the budget package a couple of days ago I made the statement that it seems that our friends on the other side of the aisle are winning this battle because there is a sense out there—many of the staff members and our colleagues are wearing these green pins—I do not know if my friend has seen them—and it says "Tax the Rich."

I rarely—I do not think I have ever praised Columbia Broadcasting System [CBS], even though my father's uncle was one of the vice presidents up there many, many years ago. But last night on the CBS Evening News there was an interesting account of what actually would happen if we were to bring about this dramatic tax increase on the rich.

CBS pointed out very clearly that of those in this country who earn $200,000, they may comprise 1 percent of the taxpayers, and today they pay 15 percent of the taxes in this country. And they said that if we do impose this surtax on the rich, as it has been discussed, that we might generate $10 billion, a total of $10 billion.

Now, that is not a big chunk of that $500 billion that we are talking about. Today it is very interesting that in the Soviet Union, the Politburo is taking these dynamic steps to move toward a free-market process. They seem to be recognizing the fact that this constant attack on wealth and success is not the way to go. We in this Congress, it seems to me, are putting together a package that would do the opposite of what they are trying to do as we sit here today, in the Soviet Union. The realization that must come about, of course, is that what we have got to do is we have to bring about a reduction in spending.

On that same CBS report last night, Arthur Laffer, the economist from the University of Southern California, in my part of the world, made it very clear that spending cuts are absolutely essential. We have said this over and over again. I wish that we had bit the bullet during the 1980's. Lord knows we tried. But unfortunately this place continues right down the road toward more and more spending.

Artilce I, section 7 of the Constitution, as my friend from Houston knows very well, places the responsibility for all taxing and spending not over in the other body, in the U.S. Senate, or at 1600 Pennsylvania Avenue, but right here in the U.S. House of Representatives, the body of the people. This is the only place in this entire Government where one has to be elected to serve. As we all know, one could be appointed President if he served as Vice President, as Vice President Ford did. Easily one could be appointed in the U.S. Senate, but no Member of this body has ever served without having been elected. We have that responsibility. My friend, as a member of the Appropriations Committee, knows full well how difficult it has been to bring about those cuts.

The year I was born was the last time a Republican Congress was elected here.

I would like to see us in just a couple of weeks make a change because it seems to me that is exactly what the American people are reaching out for.

This class warfare, soak-the-rich, us-versus-them campaign that seems to be going on is the biggest bunch of baloney around.

Mr. DELAY. The gentleman is so right. His insight into what is going on is so deep because he absolutely understands what is going on. It is interesting that the gentleman commends CBS for an objective program.

Let me condemn ABC because last night on Primetime News I saw the most biased piece of journalism I have ever—in fact, I hesitate to call it journalism—it was Sam Donaldson in his piece, he did nothing but read the book of "The Politics of Rich and Poor" by Kevin Phillips, which has been repudiated as being false—maybe not false, but at least suspect in its figures and the way it reaches its conclusion. Kevin Phillips has been used time and time again and the book has been used and the figures in the book have been used as recently as on the floor of this House in 1-minutes, showing the situation where the rich are getting richer and the poor are getting poorer and the middle class are getting poorer, which is not the case at all. If you look at the last few years, everyone's income has increased.

Now, the value of that dollar has decreased somewhat because of Government spending, Government borrowing, and Government-caused inflation. It is interesting, the gentleman talks about the rich and since he brought up the subject of the rich I will get to the second half of what I wanted to bring to this House, first, and let us just talk about that issue of the rich.

In my own hometown newspaper, the Houston Post, a very well-known and respected journalist by the name of Len Ashby points out in an article

just today about the issue of the rich, and he states, and I quote:

In Washington, when money is needed, which is most of the time, the favorite target is the rich. In 1987, the latest figures available, 43 percent of all Federal income taxes were paid by the highest 5 percent of taxpayers.

□ 1710

Mr. Speaker, that is a significant jump from the 37.6 percent in 1979. More than half the taxes were paid by the top 10 percent, and almost 77 percent of all Federal income taxes came from the highest 25 percent based on adjusted gross income. In contrast, the lowest 50 percent of income paid less than 6 percent of the taxes.

Looking at it another way in 1987, there were 36,299 people who made more than $1 million. If we confiscate all of that group's taxable income, about $50 billion, it would have run the Government for 17 days in 1988. Having spent that, we would have to take all the taxable income of those who made $200,000 or more, some 545,000 among us. It would have given us $121.8 billion, enough to run the Federal Government for 1 month and 11 days. Then we come after you.

Mr. Speaker, it is not the case, as has been said on this floor over and over again, that the rich are not paying their fair share, and I beg the House's indulgence because I think it is very important to read into the RECORD two articles done by a very respected syndicated columnist by the name of Warren Brookes who succinctly points out who pays what in this country, and I start on an article published in the Washington Times on October 12, 1990, by Warren Brookes.

It is nothing new for partisan politics to engage in lying. What is troublesome is the way in which the Bush administration is lying down and taking it. President Bush's willingness to accept the notion of raising the top income, bursting the bubble, is an explicit acceptance of the liberal Democrats' persistent argument that the Reagan tax cuts benefited only the rich while the poor and the middle class wound up paying more. Even though this argument is patently and factually false, it is being buttressed by citing the so-called tax bubble.

By the way, we call that the Bradley-Gephardt tax bubble because it was those two gentlemen that put the tax bubble on as part of the 1986 Tax Reform Act whereby those with family incomes between $70,000 and $170,000 pay a temporary 5-percent surcharge on the 28-percent top marginal rate.

That creates an implicit temporary 33-percent marginal rate, which then drops back down to 28 percent on the highest incomes. This looks ludicrously unfair. Yet the whole reason for the bubble was to raise more taxes from the rich by taking away all personal exemptions and the lower threshold rate of 15 percent on the first $30,000 from those in the highest income brackets.

That phaseout adds about $6,000 to the average tax bill of those earning more than $200,000. To avoid an abrupt income cutoff for that addition, and to raise more money, Congress divides the 5-percent surcharge over a bubble of about $120,000 in income from $82,000 to $202,000 for families of four.

The effect of this bubble transition is to cause a gradual rise in average tax rates from about 25 percent for those at the start of the bubble to 28 percent for those at the top and beyond. Thus, the effect of the bubble is to increase the progressivity of the system.

The real reason for this concoction was that in 1986 tax reformers needed billions in additional revenues at the last minute and decided to soak the rich to get them. That is why there was bipartisan support for this arrangement, especially from Senator BILL BRADLEY, a New Jersey Democrat, a sensible liberal. Now the Democrats want to use this apparently——

Mr. DORNAN of California. Mr. Speaker, will the gentleman yield?

Mr. DELAY. I yield to the gentleman from California.

Mr. DORNAN of California. Mr. Speaker, was the gentleman from Texas [Mr. DELAY] guilty of an oxymoron? He said "a sensible liberal."

I am just kidding. There are a few, and the gentleman is correct. He created the bubble, but I do not see him on television shows, our good colleague in the other Chamber, defending the bubble he created to raise taxes, not to lower it for people who are hard-working and have a little bit higher income.

Mr. Speaker, I want to join with the gentleman from Texas [Mr. DELAY] when he gets to a good point with that column he told me about yesterday.

Mr. DELAY. Mr. Speaker, I welcome the gentleman's remarks, and let me get this into the RECORD, and then I will yield to the gentleman from California [Mr. DORNAN].

Mr. Speaker, the Democrats want to use this unfair device called the bubble that they helped invent as an excuse to impose an entirely new 33- to 36-percent rate on the rich with no personal exemptions or income threshold who will see their average tax rate rising a shocking 18 to 29 percent, wiping out all of the Reagan tax cuts, less than 20 percent, and I might parenthetically here insert that all over my district, all over the State of Texas, I urge in my speeches that we go to one tax rate, 10 percent; the lower does not want any more than 10 percent, it spreads the burden over everyone at the same rate. It is the only way to go, and in the 1986 Tax Reform Act we got back down to two tax rates basically, 15 percent and 28 percent, yet in this House we passed a bill that created a third rate, once again starting to raise income tax rates back the way it used to be in the 1970s, and I get back to the article.

The alleged justification for this is that the rich supposedly got all the benefits of the 1981 cuts, and the rest got nothing, or worse. That is a baldfaced lie, and those who repeatedly tell it know it, as do readers of this column.

Not only was the 1981–83 percentage rate cut the same for all income brackets, but the lower top rates induced a massive reduction in the exploitation of tax shelters, and that increased the taxes paid by the rich.

Let's go through the numbers one more time, this time in constant 1982 dollars. From 1981 to 1987 (the latest year for which we have data by income percentile) the income taxes actually paid by the top 1 percent of the taxpayers (those with incomes of more than about $130,000) rose by 49 percent in real terms. The income taxes paid by the top 5 percent rose nearly 43 percent real and those paid by the top 10 percent rose 20 percent in the same period.

By contrast, the income taxes paid by the nation as a whole rose only 4 percent real, and those of the middle class (the 50th through the 90th percentile) fell in constant dollars by 9 percent, while the bottom 50 percent paid 15 percent less.

That is to say, the real income taxes paid by 90 percent of Americans fell by 10 percent from 1981 to 1987 while the real income taxes paid by the richest 5 percent rose by nearly 43 percent.

Aha, say the liberals, but the rich got so much richer in this period while everyone else lost income ground. That's also not true. From 1981 to 1987, it's true the top 5 percent saw their median income rise in constant dollars 24.5 percent, but the middle income median also rose by 9 percent. That's less than half as much, but it rose. Yet in that same period the income taxes paid by the top 5 percent rose nearly twice as fast as their median income, while the income taxes on the middle actually fell by nearly 10 percent.

I might say there was a 1-minute on this floor earlier this morning that showed figures where middle income fell and upper income rose. What people probably did not see is that they selectively chose a time period from 1977 to 1989, so on the one hand they blame our problems on Reaganomics, yet on the other hand they take the failures of the Carter years, 1977 through 1980 and lump them into the Reagan years to dilute the success of the Reagan years. It is very selective statistics. That is why the share of income taxes paid by the top 5 percent rose dramatically, from 34.4 percent in 1981 to 43.3 percent in 1987. That is a 22-percent raise in tax share in a period when their share of total income rose by 10 percent.

□ 1720

Finally, as middle incomers listen to the Democrats trash the Reagan tax cuts, they should remember that with-

out those 25 percent rate cuts, the average middle class family would now be paying $2,400 more than they now do. Indeed, the main reason for the Democrats' vicious assaults on those cuts is precisely because they so massively reduced the actual tax collections from ordinary Americans. Americans also would do well to remember that under the Democrats' soak-the-rich policies of the 1970's, the average marginal tax rate on middle-income families soared from 23 to nearly 28 percent in 1981. Today that average marginal tax rate is less than 18 pecent.

The real irony is that the wealthy, by and large, would love to trade a higher marginal tax rate for a major capital gains exemption of 40 to 50 percent. Their net taxes would be reduced in the right combination.

The danger is the moment we start trading higher rates for more loopholes, the whole rate structure that now so benefits the middle class would be under siege all over again, and the likely losers would be the middle class. So beware the green-eyed bubble blowers.

While I am waiting for the gentleman from California to come back, I want to read something that I sent out as a "Dear Colleague" that came from the Wall Street Journal yesterday that I thought was very appropriate in this poor versus rich class warfare initiated by the Democrats. It is the editorial in the Wall Street Journal, yesterday, October 18, entitled "Soak the Poor."

Who speaks for the poor in the current budget drama? The Democrats? George Mitchell? Dan Rostenkowski? Bob Dole? Dick Darman? We suspect the short answer is that no one much thinks about the poor in Washington these days. The battle is over the middle class, because that's where the votes are and that's where the tax money is. The poor and the working poor are along for the ride. Some ride.

The Democrats in Congress abetted by at least three or four members of the Bush administration, purport to stave off a recession by raising taxes $149 billion across five years. Yes, we know, they have attached a theory to this: Short-term interest rates will drop maybe 100 basis points and the American economy will climb to the stars. A few folks, however, hold to the view that this game plan is more likely to drive any recession deeper and that the people hit hardest aren't the soaked rich or even the middle class. It's the poor. Both the U.S. Commission on Civil Rights and Jack Kemp are now trying to raise this argument in Washington.

On Tuesday, the Civil Rights Commission voted 6–0 in support of a resolution warning that the current thrust of the budget could cause economic difficulties for minorities, women and the disabled (Commissioner Mary Frances Berry abstained from the vote). "We request on behalf of America's disadvantaged" the commission said, "no general spending increase and no general tax increase." Instead, the commission would freeze spending at the fiscal 1990 level.

It called on the President and Congress to be aware of "the importance of continued economic growth to the advancement of civil rights in this country. In bad economic times, black and Hispanic unemployment rates rise the fastest."

Of course, none of the current budget incarnations has specifically growth-oriented provisions in the budget. So the Civil Rights Commission proposed one of its own: a capital gains rate of zero for those who "live, work and invest" in the depressed inner cities. This proposal, of course, has zero chance at the moment; the Democrats' soak-the-rich philosophy is colorblind.

No one has attacked the hopelessness of the status quo more than HUD Secretary Jack Kemp, and he did so again in a speech earlier this week, calling on Congress to get growth back into its deliberations. Secretary Kemp would raise the top marginal rate on incomes to 31%, while cutting gains to 15%. He also usefully pointed out that the grand plan to cut $500 billion over five years "began when the economy was stronger and there was no foreign policy challenge as we face in the Middle East today. In my view, its not logical to adopt sharp tax increases in the face of such an uncertain future." He too favors a one-year spending freeze.

As to economic opportunities for the poor, Mr. Kemp pointed out that the number of black-owned businesses grew almost 50% from 1977 to 1982, a period that began with the Steiger Amendment cutting the capital gains rate to 28% from 49%.

We can already hear the solons of Washington pooh-poohing the Kemp and Civil Rights Commission interventions. It looks to us, though, as if the Beltway is giving the poor little more than more of the same. With a recession looming, Mr. Kemp and the commission are at least trying to do better than that.

Mr. DORNAN of California. I was going to read an article that the gentleman from Texas [Mr. DELAY] told me to look for. Let me do this quickly. This was one of President Reagan's Assistant Secretaries of the Treasury, and it was Thursday, October 18, the Washington Times. It is about everything you have been discussing, this whole chimera of getting the rich, getting the rich. And while they are doing it, the networks, the easy allies of the demagogs in Congress, that keep pushing this politics of envy and greed theme, here is his concluding paragraph, Craig Paul Roberts.

He says, "Turn to America's 66 superrich people, proportionately fewer than Germany or Japan," the two major axes powers that we beat less than 50 years ago, "it is amazing how few began with inherited wealth."

I just had an argument this afternoon with one of our liberal colleagues, and Sam Donaldson of ABC said last night, what right do people have to build up a massive wealth? Kinsley said it on "Crossfire" last night, we have to get at this inherited wealth.

We were doing that to such an unfair degree in California, we finally had to completely revise our inheritance tax a few years ago.

He starts naming off the richest people in America.

Sam Walton of Wal-Mart worked for J.C. Penney for $85 a month. Ross Perot started his company with $1,000 of his wife's savings. Alfred Taubman started his firm with a $5,000 loan. Sumner Redstone is the son of a drive-in theater owner. Leslie Wexner borrowed $5,000 to open his own store. Walter Annenberg inherited a debt-ridden firm. Harry Helmsley started in the mail room. "King of malls" E.J. DeBartolo gave up truck driving to attend Notre Dame. Daniel Ludwig began with $5,000 borrowed to convert an old steamer. David Packard founded Hewlett-Packard with $538 in a Palo Alto garage. David Murdock, a high school dropout, began with a $1,800 loan. Richard DeVos and Jay Van Andel started Amway in a basement. Harold Simmons started with $5,000 equity in a Dallas drugstore. Kirk Kerkorian began as a manual laborer at 40 cents an hour. Paul Allen dropped out of college to start Microsoft. Jack Kent Cooke sold encyclopedias door to door.

I did that one for a while. I rather enjoyed it.

Curtis Leroy Carlson started Gold Bond Trading Stamp Co. with a $50 loan. Carl Icahn grew up middle class in Queens. Philip Knight developed Nike while moonlighting as an importer of Japanese track shoes.

Cut to the bottom line: Mr. Roberts says,

Their reward for creating millions of jobs and billions of taxable income is to be demagoged by two-bit politicians who have never created anything but disaster.

Hit the nail on the head. I have got a couple other things I would like to talk about.

Mr. GEKAS. Would the gentleman yield?

Mr. DELAY. I would be glad to yield to my good friend from Pennsylvania.

Mr. GEKAS. I have been listening to the discourse you initiated here. It is very important. I was going to send a congratulatory letter to the Democrats for winning the argument across the air waves in demagoguery. They were very clever, and they have substantially convinced a lot of people. It is our job to refute it. They have convinced people that the Democratic tax package is foisted against the rich, and then it goes one step further, and only against the rich, as they put it.

□ 1730

In fact, it is not true, and this is the thing that we cannot get out. The way they have structured their tax package, the middle class are in for a tax soaking of their own, and the substantial, biggest portion of the billions of dollars that they are raising as taxes will be coming from the middle class, is that not so?

Mr. DELAY. It is absolutely so, to the tune of about a 6-percent tax increase on the middle-income American.

Mr. GEKAS. Then what do we have to do? How can we struggle to get Sam Donaldson and the news commentators to acknowledge that that is so?

But they keep reverting back to the Democrats are willing to soak the rich. While they are doing that they are getting the middle class wet at the same time.

So what I am saying is it is one thing that they could be the heroes of the American public who go by the politics of envy. "I got that guy because he makes a lot of money." If they would say we have soaked the rich and have let you off or given a tax cut, but no, they in soaking the rich, they dip the middle class in the same bath water.

Mr. DELAY. What they do by their tax package is that they define who the rich are. It is everyone that works for a living, because if they indeed are taxing the rich, and by their tax package tax everyone that has an income, then everyone that works for a living is the rich. And there they come, they are coming after their income.

Mr. GEKAS. I thank the gentleman for yielding.

Mr. DELAY. I think the gentleman from Pennsylvania for his comments.

Mr. GEKAS. I for one, if we have lost the public relations battle to the Democrats, because every time they say soak the rich the media covers it fully, I am willing to suffer the penalty of the PR as long as somehow, through things like the gentleman is trying to do here, we get across the people that a tax package is a tax package is a tax package, and it looks a duck, and it acts like a duck, and it is a tax package, and it taxes everybody in the country.

Mr. DORNAN of California. I did not tell my friend, the gentleman from Texas [Mr. DELAY] this yet, but I went down the stairs to ambush the President. He was coming over here to meet with all of the old summit budgeteers down in EF-100, East Front 100, right here.

Mr. DeLary. A reunion.

Mr. DORNAN of California. Under the steps where Presidents are sworn in, except for Ronald Reagan and George Bush who liked to look out across the country and were sworn in on the West Front, but the President was very gracious. I gave him one of these new Desert Shield bracelets which says, "Desert Shield, a call to freedom," patterned after the POW bracelets.

Well, my good friend and pal, former Governor of New Hampshire, John Sununu, comes around the car and he says, "Well, Bob, are you here to apologize?" the heat is on, again. And I just looked at the President and I said, "Do I get a second chance? Here we go again." Mr. Sununu says, "You bet you will." And I guess they are working at the second chance where we have to take the heat again.

Do you know what the President said, and this is why I love the man, and I think he is a great Chief Executive, he turns to Sununu and he says, "Now, look, Bob signed a pledge, an antitax pledge, and you know a lot of Members have a problem with that."

Thank you, Mr. President. I do not want to break my pledge, my word. That is a Congressman or Congresswoman's bond with the people, plus I did not like the first package.

Now I have here the chart that we were looking at in the Wall Street Journal of the two tax plans. I just want to go down this with you and make sure we share this with any visitors who happen to blow through this Chamber, or are waiting through national technical means, the great video monster.

Notice when it comes down to luxury goods, now this is amazing, it says a 10-percent tax on any amount of a car which exceeds $30,000. So if they think they are getting a German-made car, who has the reputation for quality cars under $30,000? The Japanese. So this is going to hurt Detroit.

You know how cars will brag that everything comes with this car, you do not pay for any accessories because they are all there, just watch that reverse, right? They will start saying to buy basic car and we will get it at $29,995. That is where all the Lincoln Continentals are selling anyhow, and the Town Cars, and everything, and the car will be suddenly $29,999. Then they will say while we are preparing your car, the preparation fee is separate, and tell us what accessories you want on it, and they will be on it by Friday. Or they'll say we will go to the factory to get it, and we are going back to the factory and wait 3 months, 3 weeks, and then you will be charged separately, and just like you buy a car and you get a radio changed, change the radio, you know.

But get this, $100,000 for boats. The Senators agree with our distinguished, beloved colleague on the Ways and Means Committee, Mr. ROSTENKOWSKI, $100,000 for boats. Do you know what that is for? The hull. Then you buy separately, you know, the boat will be $99,999, and then you will buy the diesel engines, or the high powered merc cruisers, and the radar, and all of the instrumentation, and the new waterproof seats and all of that.

Then for airplanes, do you feel the fine hand of our distinguished Republican leader in the Senate? It says on our side $100,000 for planes, but on the Senate side it goes up to $250,000 for planes with a rebate for planes used by businesses.

Now, who is this going to end up punishing? Only those adventuresome people who save up all of their lives to buy a World War I War Bird, because they are all up there at $250,000. If you buy a plane for acrobatics, or just to enjoy, like a Citabria, that is under $250,000, but the big airplanes, or antiques, they cover antiques here, like the World War II planes, or collectibles, and even the little small stuff, and I collect small stuff, like stamps, you know, and there are people who collect automobiles and things as investments, and anybody who operates through the Franklin Mint, or anything, suddenly they are taking a hit here from the U.S. Congress. And there are a lot of people out there who collect everything from guns, to dolls, to coins, and they are going to be very angry that collectibles, a great investment, is suddenly being hit by the Congress.

So they give you a rebate for airplanes used for business, and the House even said any boat, car or plane used to carry fare-paying passengers. Well, when you are taking your friends out to take them water skiing, charge them all 10 bucks for the day, and then you do not have to pay that fee on your boat.

In other words, this newspaper ad says it all from today's Wall Street Journal. It has Cadillac, a beautiful car, Cadillac, and I had not seen the 1991 models, but look at what it says down at the bottom. "Your tax consultant can show you how leasing a Cadillac for business can be a brilliant deduction."

What Sam Donaldson well knows, and I just told him so out in the parking lot 2 days ago, any person worth their salt who has created jobs, and the gentleman in the well has created jobs, my friend, as a private entrepreneurial businessman in Houston, and you have tax accountants, and when you get up to these lofty incomes, the first thing that the tax accountant must do is to find his own salary, or what is the sense of hiring him, and the same goes for your tax lawyers. And the bigger your team is, if you are a corporation with about 20 of these people on the payroll, they all had better get rid of their own salaries. And the bottom line then is they then hire the lobbyists to come back here and to start finding loopholes.

I think the rich fall into several categories. The inherited wealth that you see occasionally on "Lifestyles of the Rich and Famous," and some of them waste their lives, and I do not know why they waste their lives. But there are so few of them, and we are not going to get a blip of money out of them on any economic charts.

Then there are the entrepreneurial rich that I just read off the top 66, and they spend their whole lives creating jobs. Andrew Carnegie, one of the richest Americans ever, this little dour Scot came to the United States, became a multimillionare, by today's terms a billionaire many times over, founded United States Steel, and then gave it all away. He said it was as much fun, more fun to give it away as to make it, and what a kind person

like that, who spends his whole life productively creating jobs.

And then there is the third category of rich people, and those are the ones that lie and cheat and steal. And are they going to live up to the Tax Code anyway? They are only a small percent, and we all realize that we are not going to get to them. They will continue lying, stealing and cheating on their 1040 forms, and we are trying to get at this tiny little segment of Americans in a middle class country, which is what we are, the envy of the world, the largest middle class country ever.

That is why if we look at this chart and come down to item No. 8, other income tax increases, it starts out with your name, so you read it.

□ 1740

No. 8, it says "Delays."

Mr. DELAY. It says "Delays inflation."

Mr. DORNAN of California. It does not mean TOM DELAY.

Mr. DELAY. "Adjustment to tax brackets and personal exemptions for 1 year."

Mr. DORNAN of California. The Senate dumps that on the chart next to it. Who does that hit?

Mr. DELAY. That is everybody, everybody that makes an income of any size. It forces them up, because it delays for 1 year indexing that protects the taxpayer against inflation, driving him up into higher tax brackets, but the most important thing that signals is that this is the beginning of the end of indexing that has allowed the American people to stave off Government policies creating inflation driving them into higher tax brackets, the old process that we used to call bracket creep.

Mr. DORNAN of California. Exactly, and I saw that our colleague, the gentleman from Illinois [Mr. CRANE], one of our senior Republicans on the Committee on Ways and Means, just showed me in the cloakroom on Mr. ROSTENKOWSKI's chart that with that one alone they get $29½ billion of new taxes out of the working lower middle class and middle class in this country. This is hardly a soak-the-rich plan.

One final thought about Sam Donaldson, because I said to him, and it was actually because the days are flying back here because we are cooped up here, and it was about 3 days ago, I said, "Sam," and I walked up to him, and he goes like this, "you coming to get me?" I said, "Sam, you are not going to join this soak-the-rich demagoguery, are you?" "How else are we going to raise taxes?" So I say, "Sam, you are making several million dollars a year. Do you not have tax accountants trying to figure out how to build your portfolio?" "No, I have always done my tax myself."

Well, strangely enough, I have never hit $100,000 a year in my life until last year, 57 years of age. I have done my own 1040 with never a consultant, and probably lost some money being smug, but I wanted to feel the pain, as Ronald Reagan said, doing my own taxes, since I was 14, so that is 43 years of filling out my own 1040's. I only got audited 2 years in a row. Once they got $1,300, and once I got $400 back. I was glad they came out. I made them come to my living room to go over my boxes of paperwork.

But I could not believe Sam Donaldson told me that. I said, "Sam, do not kick in to this demagoguery." Last night, Diane Sawyer opened up Primetime with one of the greatest pieces on a Soviet defector I have ever seen, put to rest, this top defector from the KGB, that back when it was called the NKVD, he said, oh, the Rosenbergs were guilty. Alger Hiss was a spy and was guilty, that this actual Russian in a fake beard and hairdo to disguise himself, because they would still love to kill him, he prepared the briefing papers for Gorbachev to meet with Mrs. Thatcher, this guy was terrific, a terrific segment on PrimeTime.

Then they come to Sammy Donaldson on soak-the-rich, the most demagogic piece to stir envy up in his fellow American citizens I have ever seen, and CBS News did it the night before. CBS News says, in a big graphic card, purple background, the rich, 45 percent up in their income. We have had a bully economy since November of 1982; people who invest, people who create jobs, people who started companies, people who, and guys, in their late twenties and early thirties getting into the electronics business, entrepreneurial people, men and women, yes, yes, up.

Mr. DELAY. Twenty-three million new jobs created.

Mr. DORNAN of California. All these new jobs created, and he says income up 45 percent for the rich. Now, we are not saying super-rich, like the 66 in Roberts' article, and then it says tax rate down, and I am waiting for the third line, share of what they are paying; the top 5 or 10 percent carrying most of the load, the top 50 percent carrying 95 percent of the load, taxes for the very poor, those who even pay, down; the lower middle class down. He does not say a word about their contributory percentage.

You know what Kinsley said on "Crossfire" the other night, that that is the biggest lie being perpetrated around this city, that the rich are paying more money. It is so deceptive.

Mr. DELAY. Those figures, by the way, those figures we cited here tonight and the figures the gentleman just cited come directly from the IRS, because the IRS knows who has what income and what taxes they pay. Those are figures taken directly from the IRS's file.

Mr. DORNAN of California. Well, I hope, because I have five kids and eight grandkids, I hope the voters do not do what they did after Watergate, punish a bunch of people that had nothing to do with this. If the anger out there is to replace one of our superb colleagues, STAN PARRIS, who is one of the best people I have ever seen, at this, with a moron mayor of Alexandria, because STAN is part of a process here where he is perceived to be part of a tax raid on the public when he has fought it all of his career, and he was punished, along with 51 other Members in our party in 1974, and not one of them had a scintilla of involvement with Watergate, but the people turned around and threw them out and then got a tax raise in Watergate that brought us under President Jimmy Carter to 21½-percent interest and 14-percent-plus inflation.

I had one of our capable young pages go down and get the definition for usury, because the gentleman was talking about what is an immoral rate of taxes. I had a little nun in the seventh grade, a sister of the Sacred Heart named Marian Brida, long gone to that reward in heaven where there are no taxes at all, and she taught me the word "usury," pronounced with that little "z" sound, u-s-u-r-y; it is an unconscionable or exorbitant rate on an amount of interest, and this grew out of the Middle Ages when people were gouging people, when interest first started on borrowed money, and before that I guess it was wampum, you know, the figure was 10 percent; this little nun taught me anything over 10 percent was unethical, immoral, and under Carter it was up to 21½ percent.

What taxes? Here we have a little more flexibility. The great religions of the world having spoken out with precision, and we are taught as conservatives in all of our seminars, and by our heroes Milton Friedman, or those that have gone to that heaven, Ludwig von Mises, Hayek, all the heroes we have had, that about 18 percent is the max that a government should take out of its people.

I was mentioning 39 on the floor the other day, and I noticed all of our New Yorkers were voting for one of these tax plans. It is because if the State deductions do not stay in the income tax as a deduction, New York taxes its citizens so highly, that for most Americans, the 50-State average is 39.7 or something, starting with a sales tax every time we buy something in all States except New Hampshire, I guess, and a few others, and if you go up and take New York into account, their citizens are paying taxes of all levels at about 45 percent or more, and if Sister Marian Brida were here, she would say just as a percent on borrowed money is a sin, immoral, unethical over 10 per-

cent, taxes pushed, taken out of somebody's working wages, what the Communists used to call the sweat of our brow, and all you have to lose are your chains, that is immoral, and this demagogic argument about soaking the rich has gone way beyond political fairball or political hardball. It is a conceived operational plan to crush some of our fellow Members in a tight election because most of our guys are on the challenger side. We are about a third of this place. It is an unethical, immoral engendering of one of the seven deadly sins in our fellow taxpayers, envy, and I hope to heavens it backfires in their face.

I say to the gentleman from Texas [Mr. DELAY], I have got a 5-minute special order here in a little while on the one form of bigotry in our country, and I know, as a fellow Christian, you will not mind me being a little hurt that it is open season on Christians in general, but Catholics in particular, and that it backfires on all Christians, but I want to read a Buchanan article and talk a little bit about the one bigotry that liberals accept in our country, actually praise it, and that is a vicious bigotry against the Roman Catholic Church and Christians in general.

So I thank the gentleman for letting me share his special order, and let me put, if he does not mind, in his special order, what we were talking about the other day, the Government in general, where are the cuts, starting with pork in the 1990 bill, $19 million to study methane from cattle as it relates to global warming, and we all know which end the methane comes out of, all the way down to an old one from yesteryear, thousands of dollars to study, $84,000, to study why people fall in love, and I have got some 1989 pork, 1988, 1990 pork. It is incredible.

We did not cut anything; $3 million to study leafy spurge and knapweed control, and we did not take out any of this. How did Ted Turner get $5 million for his disaster in Seattle called the Good Will Games? Why are we underwriting that when the man is another one of these billionaires?

I will put this in the RECORD in the gentleman's special order.

Mr. DELAY. I appreciate the gentleman's submitting that in the RECORD. Let me just say that the gentleman from California is one of the most eloquent Members of the House, and what he has said is so well said and so to the point of what we are talking about here, that the soak-the-rich argument, as he so well put it, is nothing but demagoguery, and it has been demagoguery for so long that people are starting to believe that demagoguery.

What are we talking about, all of these taxes? Where are they going for it? At approximately this time last year, that was when it started.

□ 1750

The media and liberals on the other side of the aisle start setting up the American people to the notion that they cannot run this Government unless they raise taxes. There is just no way that they can run this Government without raising taxes.

Well, the Republicans this week had a proposal to bring to the floor of this House that froze spending, cut defense spending, adjusted entitlement spending, with no new taxes. Now, we were criticized it did not meet the target. Our package, as we presented it, and we had to put it together very quickly, only saved $410 billion in deficit reduction. It did not meet the Democrats' rule of $500 billion. We had plenty more, plenty more savings that we were going to offer if we could ever get our package to the floor, but the Democrats would not allow the Republicans to bring a package to the floor that froze spending and did not raise taxes and met deficit reduction targets.

What are we talking about here about taxes?

Prior to the passage of the Democrats tax package this week, for every $1 Congress raised in taxes, they spend $1.58. Now, according to the Heritage Foundation, under the Democrats' plan that was passed here on the floor on Tuesday, for every $1 of taxes raised Congress will spend $1.90.

They did not cut spending. They raised taxes and raised spending.

Mr. Speaker, this proves all along what the Republicans have been saying: The Democrats are the ones who want to raise taxes. It is clear that they are the ones responsible for the deficit. This week in Congress the Democrats had a prime opportunity to change this trend of taxing and spending and they chose not to. They had a chance to cut spending, but instead they chose to cut Medicare and raise taxes on the middle class.

Here are the facts: Under the Democrats' tax package overall spending on average will increase by 6 percent and taxes will be raised $170 billion and Medicare recipients will pay yearly an additional $211.20 in premiums. The blame for the out-of-control taxes, out-of-control spending, and out-of-control deficit lies clearly on the Democrats.

It is interesting to find that when the Democrats had a choice of whether to cut spending or raise taxes, they chose to raise taxes. And it is certainly worth noting that they were so set against any spending cut alternatives that the Democratic leadership in the House refused to allow a Republican no new tax package to be offered on the floor for a vote.

The Democrats' tax and spend package is an insult to all hard-working American taxpayers. Democrats talk about how their package taxes the rich. This is their usual hate rhetoric, designed to hide what their package really does. The smoke and mirrors of this misleading rhetoric, Mr. Speaker, is designed to cover up the fact that their tax-and-spend budget package is really designed to soak the hardworking middle class.

It is a single person making $21,000 a year rich? I think not. Under the Democrat package, his taxes will go up another 5 percent. Is a married couple making $31,000 a year rich? Of course not. Yet under the Democrat tax-and-spend, spend, spend package, their taxes will increase by an additional 6 percent a year. This may be small potatoes to the Democrats, Mr. Speaker, but it is not small potatoes to the middle class people who are going to have to pay these additional taxes.

The cat is out of the bag. Democrats are no longer coy about what their interest is, and it is certainly not cutting spending. Taxes are what it is all about, Mr. Speaker, and taxes are what it has always been about.

When the Democrats had a choice between cutting their profligate spending, or raising taxes, what course did they take? That is right—raising taxes. No amount of rhetoric can disguise the fact that their most recent budget package represents the largest tax increase in American history. Let me repeat that: The tax package of the Democrat majority increases taxes by $170 billion.

It boggles the mind, Mr. Speaker. Earlier this year, a citizens group staffed by businessmen of all types identified $170 billion in Government waste, fraud, and mismanagement. That group, the Citizens Against Government Waste, pointed out specific changes that could be made that would save this amount of money. The Democrat majority which controls this House has consistently ignored this approach and instead chooses to do it the easy way: tax, tax, and tax so that they can spend, spend, spend. When the Republicans sought to offer their own plan, which contained not a single tax increase, the Democrat majority refused.

Let me tell Members, and I will finish with this, the differences between the tax-and-spend Democrats and the Republicans are being starkly contrasted this week. These differences cut to the very soul of our respective parties. When faced with a massing budget deficit that the Democrats created, they fall back on their old instinct—raise America's taxes. The thought of cutting spending is never seriously entertained in the Democrat's Cloakroom, although the idea does provoke laughter as outside the beltway nonsense.

This budget has tested the Democrats mettle and they have been found

wanting. The Democrats had an opportunity to either reduce spending or cut Medicare benefits. They, of course, cut benefits to the elderly. The Democrats had a choice to either decrease spending or increase taxes. True to their nature, they chose to raise your taxes. As a campaign ploy, they like to bash Bush for favoring the wealthy, yet they have the audacity to force the working men and women of America to finance the largest tax increase in our history. They tax your beer, your cigarettes, and airplane tickets then whine that the Republicans aren't sensitive to the needs of the middle class.

For all the things this budget is lacking, audacity is certainly not numbered amongst them. The Democrats refused to allow a minority leadership-backed budget alternative to the floor that would balance the budget without raising taxes. Perhaps they are the sole holders of truth. Yet, one wonders that if the Republican no new taxes budget is as outrageous on its face as the Democrats claim, then why was it not debated before the American people giving them the opportunity to decide its merits. I think we know and I think they know, when it comes right down to it the Democrats can't resist the call of taxes.

BUDGET THOUGHTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from West Virginia [Mr. WISE] is recognized for 60 minutes.

Mr. WISE. Mr. Speaker, I do not intend to give too much of a partisan speech, but the gentleman who have just preceded me have gotten my juices flowing, and it is my intention to talk about the budget. I just want to say before I try to become more objective, it was probably the best partisan explanation for why we ought not to tax the rich, who are not paying their fair share, that I have ever heard.

I would, having heard this, I will say that I am going to try to divide my presentation into an objective presentation as possible, and then the partisan presentation.

I would like to start with the objective part because this is a quiete time. It is Friday afternoon, and at midnight tonight the funding for the Federal Government expires. Hopefully, the President will see fit to sign a continuing resolution so that we do not get into the debacle we saw last week of the Washington Monument closing down, and vital services and Federal employees not knowing what is happening. I think it is important to look back for a minute and to see what has been going on, and to discuss that, because that is, of course, the question I get from my constituents in West Virginia so much as what in the world is going on. No. 2, why can Congress not do their job?

□ 1800

So I think it is important to reflect on that in this talk about exactly what is happening.

First of all, I think it has got to be realized that we are not talking about a budget in this battle that is going on. That is part of it, but it is a far greater picture than just that, a far greater battle. This is not just a 1-year budget to handle fiscal year 1991. This is a basic battle over fundamental priorities that should have been resolved years ago and have not been, and the result is that it is finally coming to a head in this year for several reasons.

The first reason is because probably we have banged at each other so much that there is such a crunch that it is just natural that things spill out.

The second reason is that there is no more money to let this go unresolved. It used to be you could continue to fund defense to some extent. You could continue to fund the domestic programs. You could put it on the Federal Visa card and you could just kind of roll on. You cannot do that any more. Indeed, the bills are coming due.

Finally, there is just simply a fundamental attitudinal battle that is taking place over what people want from Government, and it is coming to a head this year.

Some say, "Listen, this is just a 1-year budget. Why can't you guys simply work this thing out and go about business as usual?"

Because it is not business as usual and it is not just a 1-year budget. This budget starts a process of locking us in, and locking us, meaning the country, into 5 years of budget priorities. It is not an attempt to just do a 1-year budget. It is a 5-year budget with certain basic budget procedural reforms as well as certain taxing decisions and certain Federal revenue cuts.

So that is the 5-year battle that you are talking about, 5 years of priorities. That is 1995 that we are talking about.

Do we want to be in 1995 where some of the items that have been put forward in the last few weeks say we should be? I do not think so.

This is a country that wants to grow. This is a country that knows there are some new items and priorities on the agenda. This is a country that is feeling restless again and knows the problems that must be addressed. So it is not just a 1-year battle. It is a battle for at least the next decade.

So that is why it is important to fight these battles out now, as unpleasant, as uncomfortable and as untidy as they are.

This is a budget process of trying to hash out who stands for what. In the 8 years that I have had the privilege of serving in this body, I have never seen come to loggerheads in such a sharp, clear conflict as much the priorities of the different parties. Indeed, you are seeing on both sides of the aisle even some strain and stress within each party as we try to sort out where we are and who we are. What is it that we are talking about and to whom are we talking? What is it we want to achieve?

So I think for the first time you are not seeing a fuzzed up debate in which after a while it is tweedledum and tweedledee, and through all the partisan rhetoric, and there is enough posturing that goes on with both sides and through all the rhetorical excess, and there has been a lot of that in the past few weeks and months, but through all that you are hearing this clear clash of views.

It is a battle, quite frankly, that the country has to have. I am sorry that it is on the Federal employee's time. I am sorry that it is in some ways causing as much inconvenience as it is, but it is a battle that must be fought and it is a battle that will not end on Wednesday or Thursday of next week or whenever this Congress adjourns for the year. It is going to be a battle that continues, but the opening salvoes are being fired right now. So that is what it is all about.

It is also a battle if you are going to raise taxes, where do they come from?

Mr. Speaker, I would just like to note, nobody wants to raise taxes. The gentleman who preceded me made an excellent case for why they do not want to raise taxes. I hope that no one thinks it is a lot of fun for a member of the Democratic Party to raise taxes, either.

Do you know how exciting it is to go home to a town meeting and the first question you get is, "Why did you raise my taxes?" It is not something designed to give you political pleasure or any kind of joy. It is an unpleasant task which people do not appreciate, but yet at times needs to be done. Even the President of the United States came around to that point of view several months ago, recognizing what is happening.

Speaking of recognizing what is happening, I think it is important to put some things in context about what has brought us to this point. Yes, the deficit today, I believe it was last estimated for this fiscal year to be $293 billion. When the Budget Committee, of which I am a member, convened in January of this year, that budget deficit was estimated to be $100 billion, so in the space of 10 months you have seen that deficit soar in projected terms, at least, from $150 billion to almost $300 billion.

What caused that? Several things have caused it. One, of course, is the continuing and ongoing S&L debacle for a whole host of reasons, which

could be the subject of another special order; but you see the cost of the S&L restructuring rise quickly. In fact, I believe that they are going to be coming back in and looking for another $57 billion just to keep the RTC going for this year. That has risen much faster than projected.

The economic projections that the Budget Committee was given in January, that is growth, economic growth, GNP, unemployment, revenues coming in, inflation, all of those or most of those at least have proven to be totally inadequate. So when you made your revenue projections and you made your economic projections based on one set of figures, and what interest rates would be, for instance, they are now revealed to be badly off the mark and therefore another contributing factor.

Then, of course, throw in what has happened in the Persian Gulf in the last couple of months, which I think you are going to see as an even greater factor in the next fiscal year, throw in what has happened there, and where you were paying $1.10 per gallon just 3 months ago, today you are paying $1.42 to $1.60 or $1.70 a gallon, you can see the impact it is having on inflation, as well as this Government's own revenues, on taxes, and on our own economic growth.

A lot of reasons have meant then that this deficit is suddenly soaring. It is not something that just happened yesterday.

So that, too, brings us to this point. What are we learning out of all this process? Well, I think probably the first thing we have learned is that summits do not work. The summit is an attempt and has been, there have been three budget summits in the last 4 years, the summit is an attempt to bring the Republican and Democratic leadership together with the White House, two of the three branches of Government, and to work out among the leadership of those branches a budget agreement and then to bring it back.

The problem is that the 435 separate Members in this chamber and 100 in the other body, and everyone has their own concerns, everyone has their own points of view, everyone has their own approach to budgeting, and there needs to be a careful working of people along in a process, getting their input, getting their participation.

Also, we all have different axes to grind, and that is true in political system.

Also, I might add, some people say, "Why can't you guys, this Congress, just agree on something and get it done?

I would point out to the American people, as I do at home a good deal, I wish that 435 people could easily sit down and work out how to spend $1.3 trillion a year, but tell me any church, tell me any high school, tell me any small town that can sit down, tell me any Chamber of Commerce or Rotary Club or labor union that does not have great disputes waging within it. Give me any organization of seven people and I will show you eight points of view much of the time.

So that is the process that occurs here. This is raw, raucous democracy, probably more raw raucous recently than it has been for quite a while.

As I say, it can be painful to watch, but it is occurring. I am not saying that it is always in the best public interest, but it is something you expect in a democracy and it is setting the stage, I think, for continuing debate.

So I think it is important to put it in that context. It is not an apology. It is just a statement of fact.

Also I think it has to be recognized that this is not the final deficit reduction package. I know everybody is hoping, well, thank goodness, lock this thing in for 5 years. It is roughly a $500 billion deficit reduction package over 5 years, $40 billion hopefully the first year, thank goodness, this will get us on our way.

I am here to tell you, you heard it here first, this is not the end. In fact, this reminds me of the S&L restructuring in which people have come in and said that we had a $15 billion S&L problem a couple of years ago. Whoops, it just jumped to $30 billion. Come back a few months later and now it is up to $70 billion. Come back a little bit later and it is $125 billion. The last projection I heard is $500 billion over a 30-year period.

Mr. Speaker, this is not the final deficit reduction package, and I fear that it probably is not the last summit we are going to have, either. This is a first step down the road. So I am going to make a prediction that this Congress will be here next year doing the same thing, and the year thereafter.

The deficit is soaring so fast and so quickly that this package by itself will not be able to do the job.

That then leads us into something else. What about all the concern about special interests having an impact on this Congress during the deficit reduction battles? I guess I am one who takes some exception on that, because it seems to me that in the period particularly from the time that the summit broke up, I guess I did not hear from a lot of special interests. What I did hear from were senior citizens at home. I heard from people who drive to work in the construction trades at home. I heard from a lot of people at home. Many of those people are represented in Washington by various groups, whether senior citizen groups, labor unions, business groups and so on.

□ 1810

But basically the message that came through loud and clear was from home. Those are the special interests that you hear so much about. I have been pilloried for voting "no" on the first budget resolution. I voted "yes" on the second one. I have voted "no" on the summit package and was pilloried for caving in to special interests. Who are those special interests? Those special interests are my constituents. What's more, my constituents reflected, I felt, what was the national interest.

I think that needs clearly to be stated. But that goes hand in hand with this deficit reduction package, the fact that it is not final, because it is not. The second point is that in dealing with the budget, this year, these final weeks of the session, this budget package can only be the first step because it does not deal with all the forces at work. Until this Congress and this President take on some of the real forces at work outside the budget and that drive the budget deficit, we are never going to get a real handle on it. I will give you a couple of examples. Rising health care costs. Medicare is one of the fastest-growing entitlements in the budget. It was up around $114 billion this year, somewhere a little under $100 billion last year, and $80 billion the year before that.

Even the cuts that are going into place, presumably, in this reconciliation package still will make Medicare one of the fastest-growing areas.

So until somehow health care costs are gotten under control, there will be no real solution of the budget deficit.

Until defense costs are gotten under control, there will be no resolution. Until, for instance, energy, until this country has a true energy policy that works not only to make us more energy-independent but also works to make us less dependent on certain foreign sources, encourages domestic production, encourages us to develop new energy sources domestically, whether it be the fossil fuel area or renewable energy resources or automotive fuels or whatever it is, until we are able to do that, we are always going to be hostage to what is presently occurring in the Persian Gulf.

So this budget is driven by that. There is no way that you can see energy prices shoot up to 50 percent in a few months' period and not expect there to be great budget ramifications.

The S&L situation drives this budget. So, even though much of the cost is technically off budget, yet it certainly has an impact in the marketplace which, in turn, has an impact on the budget.

So the Congress must address the budget directly, but it has to be willing and cannot shrink from tackling those

other issues, particularly in the upcoming session of Congress.

There is another message that I have heard loud and clear that I think is important, and that is shared sacrifice.

I have had a number of senior citizens come to me in the past and say, "You know, Bob, I am willing to take a freeze for a period of time on the Social Security cost-of-living adjustment, the COLA, if I could be assured that everyone else would do the same. But if one group takes the hit and others don't, don't put me in there, because I think I have given enough."

Mr. Speaker, I have heard that message across a wide spectrum. That is another area that I think has to be dealt with, the shared sacrifice.

The first point I was making about the deficit reduction package not being final, I would suggest if you did not get hit this time, do not worry, it is coming around. There must be shared sacrifice. Indeed, I suspect whether it is spending cuts, tax increases, or whatever, even if it does not fall in your particular interest this time, most likely somebody is going to be looking at you in the future. Because once again it must be shared sacrifice if it is to be accepted.

There is another important point here that needs to be looked at in the future budget decisions, and possibly not only would it reduce the deficit but it is also, I think, necessary to help our country grow.

So far we have talked about two ways to reduce the budget deficit; one is tax increases, and the second is spending cuts. But we also have to be very straightforward with one another. We can have Gramm-Rudman-Hollings III, Gramm-Rudman-Hollings IV, Gramm-Rudman-Hollings V, or whatever, but the fact of the matter is you are not going to be able to cut your way out of this budget deficit, you are not going to be able to tax your way out of it. The national debt now is over $3 trillion; the budget deficit this year is running close to $300 billion, is going to take tax increases, spending cuts, and growth. That means we have to, within our budget, be encouraging growth.

Now, my friends on the other side of the aisle may have some disagreements on what growth means. Let me put forward a few that I think are very important.

First of all, this country requires a capital budget. We do not have one. Most businesses do, many States do. What that says is that you do not look at a road that you are building and account for it the same way that you do an entitlement check that is only good for that 1 month. A mile of road that you lay out today has a useful life of 10 to 15 years. You ought to be able to expense that road in the same manner so that if you expend $1 million for a mile of road today there are going to be tax revenues derived from that road, there are going to be a lot of benefits derived, and also there is a useful life to that road. So why not permit that to be accounted for over a 10- to 15-year period, spread the cost over the useful life of the asset.

So capital budgeting, I think, would do a lot toward, first, increasing our public investment in building our infrastructure which is so vital, and second, would legitimately reduce the deficit. Even if the Congress chooses not to go to capital budgeting, and I understand there are a lot of concerns about it, even if it is not going to go to capital budgeting, there is still the price of something being spread over the useful life of the asset.

I believe we need honest public investment. What concerns me is that we do not do that adequately in our economy. I have made previous speeches on the floor about the fact that public investment has already proven demonstrably that it can lead to greater productivity, and greater productivity leads to greater economic growth, more tax revenues and more people working. Yet, we do not have the kind of public investment that we need. Specifically, for instance, we have seen our public investment drop from roughly a little over 3.6 percent of GNP down to something like less than 2 percent of gross national product. At a time when a nation like Japan has increased its public and private investment, I might add, in absolute dollars and is spending more than the United States of America is, not in relation to their population but in absolute dollars they are investing more.

Of course, you can only cut so much out of vital investment projects, whether roads, bridges, education, whether it is sewer plants, airports, harbors, and all that which goes to make us more competitive. You can only do that so long without recognizing that you are robbing Peter to pay Paul and that you are eating your seed corn.

Seed corn is that which you plant and you tend very carefully, drive the birds off, nurture it, so that it grows and eventually you have a crop that is much greater than the seed corn that you put in initially.

We have been eating our seed corn in this country, unfortunately, for too many years in terms of public investment.

I want to return for just a moment to something where there is absolutely no way you can tax your way out of this deficit. The amount of taxes would be too great. There is no way you can cut your way out of this deficit.

So that means that we have to focus on those too, because you have to have both, but at the same time you also have to have growth, and you need to put together a budget that reflects that.

There is a definite need for leadership at all levels, within the Democratic Party, within the Republican Party, from the White House.

I am afraid over the last few years my observation has been it has been too easy for everyone to duck this one. I feel certain decisions were made in the early years of the Reagan administration that permitted that. We learned to feel good with the way things were coasting along. We ignored the fact that while "I am okay, Joe" seemed to be our motto more and more, what we were doing was building up a trade deficit to where we went to having a $1.3 trillion national debt that we are paying for today and we went, in 10 years, from being the largest creditor nation in the world to the largest debtor nation.

I wish it had not happened, but it did.

And now it is going to take leadership to get us out of this situation.

So the leadership is going to have to come from all levels. There is something here that I believe is important for those of us who have the privilege of elective office and those of us who have the privilege of electing, because it is going to call for tough measures all the way around. There is no easy vote on this summit package that came up a few weeks ago or on the deficit reduction package and reconciliation package coming along shortly.

Make no mistake about it, I heard someone say nobody did any cutting. There may be 170 billion dollars' worth of tax increases in this $500 billion package, and the rest of it is cuts or, hopefully, loss in interest that will not have to be paid.

There are some very painful cuts in there, Medicare cuts, for example, post office and civil service cuts, agriculture cuts, cuts in other programs. This is not an easy package. So when somebody suggests to you it is just, somehow, just taxes, that is totally erroneous.

□ 1820

Mr. Speaker, I say to my colleagues, "Look at the package, and you'll see there are some painful cuts coming, and there are going to be more cuts coming, I predict. By the same token, there are going to be tax increases coming."

While I was greatly distressed about 3 years ago when President Bush was running saying something that I thought he knew better on, which is, "Read my lips; no new taxes," and he held that out, I do respect the fact that he finally ponied up to the bar and said, "Listen. We've got to face a situation that's such that I'm going to have to backtrack on some of the things I said, and I'm going to ask

others to backtrack on some of the things they said," and the fact is no one wants to raise taxes because popularity cannot be gained out of it. No one wants to do spending cuts. That is not a popular thing to do either.

However, Mr. Speaker, there is going to be a need for leadership, and so there is going to be a need for the American people to also respect that. I hear a lot of the need for that, and so elected officials and electors are going to have to look eyeball to eyeball and say to one another, "We know that there are tough choices coming, and we expect you to make the decisions that have to be made, and while painful they may be, as long as you assure us of shared sacrifice, and that everybody is in this ball game together, then we'll support you on it."

Mr. Speaker, I am going to have to be telling my constituents some things I would just as soon not be saying over the next few months and, hopefully, over the next session of Congress. But we know that we have to do this, and we know that they can come out stronger because of it.

There is also one other message, I think, that comes from this budget, the whole budget process, and it has been playing out over the American airwaves, and that is: "What happens when you don't pay? What happens when we haven't been generating the revenues that are necessary for the programs that people want? What happens when you cut certain programs that you probably shouldn't have cut?"

Let me give my colleagues one example: Energy for instance. It is so crucial to West Virginia. We are one of the major energy suppliers for the Nation. Whether it is coal or natural gas, oil, West Virginia is there. In the terms of energy, this Government made a conscious decision in 1981-82 to cut back greatly on fossil fuels research and other types of energy research, spending almost a billion dollars cut back to somewhere around $200 million in that year. We have never recovered, and so many of the projects that could have gotten this country moving, and where we would be far less dependent upon foreign oil; we are 50 percent dependent today, I might add, than we are today, those decisions, that research, was shelved.

Mr. Speaker, I remember going to a research center in my State in 1983 and asking the director, "What's your job right now?"

He told me, "Congressman, basically my job is to take all the research that's been done, and we've been doing at the center, particularly using coal, and to put it on the shelf, to inventory it, file it, put it on the shelves so people know where it is and so one day, if they ever need it, they can go back and get it and hopefully start at that point."

However, Mr. Speaker, we know it is not that easy, and then, I say to my colleagues, look at other decisions. Look at the fact where we had 4,000 rigs actively drilling 20 years ago. We have less than a thousand today. Look at the increase in foreign dependency. Look at the number of mines, and oil and gas rigs and other energy ventures, whether it is in renewable energy resource, geothermal, alternative fuels, or whatever that got put on the shelf, and my colleagues will see what the price is.

Some people say, "Well, we enjoyed it for a while, but what are we paying today?"

What are we paying for Operation Desert Shield? Over $1 billion per month. It is a vital operation, but look at the cost to defend that one area.

What are we paying, for instance, to have others participate with us? Talk of forgiving the debt that Egypt owes, and Israel, that is roughly $12 billion right there. What is it going to cost in the future to prop up that supply line?

Mr. Speaker, I am estimating right now that we are somewhere around $20 billion. That represents, incidentally, for 1 year that represents, about a 20-cent gas tax that American taxpayers are going to be paying. What do we pay to maintain a standing force, to protect those vital supply lines? And what have we lost in job opportunities here in this country?

So, I submit to my colleagues that there was a basic cost that was paid by not continuing and not honing, by not developing more fully, an energy policy. Hopefully that can be corrected.

Mr. Speaker, I would like to talk for a second though now. I am going to turn partisan. I just want everybody to be alerted to that. I have been as objective as I probably can, and now I want to comment on some of the things that I have heard over the last few days.

First of all, there has been a lot of focus on taxes. I did not vote, incidentally, for the summit budget proposal because I thought the tax package was basically regressive. Essentially all excise taxes that fell upon the middle income and low income persons the hardest. I thought that the Medicare cut was totally out of bounds because it was $60 billion over 5 years divided between providers and beneficiaries, neither of which could handle it very well, and I thought that there were other decisions in there that simply did not reflect sound budget policy, and I was not going to lock us into that for 5 years.

That is not the package before us today. The package that was voted on the other night in the House is a far different package.

First of all, there was a suggestion that somehow Democrats wanted to tax or wanted to slash Medicare. Well, it is interesting because the Medicare part of that package, the $60 billion in the House package, is reduced now to $42 billion of cuts over 5 years. The fact that the senior citizens was going to be asked to go from paying $75 deductible, when they went to a doctor under the part B program; now it is going to be increased to $150 billion over a 5-year period. That has been cut back to a hundred dollars. The sharp increase in the part B monthly premium, presently around $28 to $29 a month; that was cut back in so that the total cost to the senior citizen, the senior citizen will be asked to maintain 25 percent of that program cost, as he or she is presently doing, not go up to 30 percent, as was suggested out of the summit.

Also what I thought was most onerous was the fact that people who are unemployed would have a 2-week period in which they would not be eligible to receive benefits instead of a 1-week period. Those are all gone. And so there were basic changes made.

For those who once again say that this package does not cut, I would point out, while the tax increase have gotten most of the attention, look at the fact that more than half of this package, easily more than half, are spending cuts, and they are painful cuts. I do not like cutting Medicare as much as it has been, but yet that is going to be the price, I think, that is paid for deficit reduction, and the beneficiary, at least, has been shielded largely from bearing the brunt of those costs.

But now I think it is time to talk about taxes because, as I said, I voted against the summit package because of its strict, very, very great reliance upon what I consider to be regressive taxes that fell heavily on the low income. And the Members of the other party came to the floor, and they were upset because the Committee on Rules did not permit them to offer their package which had no tax cuts; I am sorry, had no tax increases, but had only spending cuts, and they had the same Medicare figure, as I understand it, so where were those spending cuts going to come from?

It is a little unspecified, but the gist of it, as I picked it up, was it is going to come out of those very important public investment programs that I have already discussed, the programs that can help us grow and partially grow out of that mess instead of setting us back. That is where those cuts were going to come from. They were going to come from, incidentally, education, and they were going to come from infrastructure, and they were going to come from important programs, I assume, like WIC, Women, Infants and Children, those programs that have a very important bedrock constituency. That is where those cuts

were going to come from. Nobody talked about those, but we were not going to get 410 billion dollars' worth of cuts over a 5-year period without cutting those programs greatly.

There were no taxes, this proposal was represented to us, and, therefore, that is what supposedly made it preferable. The Members of the other party were not permitted by the Committee on Rules to put that out on the floor. Perhaps they should have been because I would have liked to have had a chance to perhaps see the bankruptcy of it. The reason was though because the summit had agreed on a $500 billion figure for 5 years that was signed off on by the Republican leadership, the Democratic leadership, and the President of the United States. Any package that comes forth must have $500 billion of true deficit reduction signed off, as I said before, by the President, the Republican leadership, and the Democratic leadership. The package that was wanted to be brought to the floor fell far short of that, $410 billion. It did not even hit the mark that everyone had agreed upon. The Democratic package, on the other hand, and the measure brought down to the floor did hit that mark.

Second is: "Can you do this thing without taxes?"

I say to my colleagues, "Boy, I sure wish you could. It would make my life a lot easier," I will tell you, and "I wish you could do this package without taxes."

However, Mr. Speaker, the President of the United States recognized several months ago that you could not be intellectually honest, could not talk to the American people about shared sacrifice, could not really be trying to make a dent in this deficit and now talk about taxes, and so he put taxes on the table, and he signed off on a tax package.

□ 1830

I did not agree completely with that package, but I recognized the fact that the President thought taxes had to be in it, and others in that summit felt taxes had to be in it. So taxes have to be on the table.

Seventy-one Members of the other party, the Republican Party, felt that too, because they voted for that summit proposal. They were back again about a week later denying that there was ever a need for taxes, but so be it.

Now, who does pay, because I think that is important. If you accept the fact that much of the House package and the summit package and the Senate package, if you accept the fact that about 90 percent of that has probably been agreed on, the Medicare cut is basically agreed upon, what the level will be, the cuts in other areas such as agriculture and Federal employees and Post Office and Civil Service, have basically been agreed upon.

If you accept the fact that the contentious issues have basically been agreed upon, about 90 percent, what is left to fight on? So the clear item is taxes.

The President has acknowledged that taxes have to be on the table. Democrats acknowledge that taxes have to be on the table. Republicans in the summit and by their votes on the summit package, 71 of them at least, acknowledge that taxes must be on the table. So taxes are on the table, and that is not an issue.

Then what is at issue? The issue is who pays. Who forks over the money.

I voted against the summit package because it put undue reliance once again upon the same folks paying all along, middle class and low income. Nine-cent gas tax, ten-cent gas tax. We know who that hits. It hurts the construction worker, driving to work every day. It hurts the person in the rural area. It hurts all of us.

The beer tax, the alcohol tax, the wine tax, the tobacco tax, excise taxes that fall most heavily upon the middle income.

Indeed, you look at the charts, the distributional charts, and you see that.

But the plan that came out of the House is far different. I have been interested to hear the reasons that people should not vote for that plan advanced by Members on the Republican side.

First of all, it is because it is wrong to soak the rich. Well, I do not know that it soaks the rich. I think it gives them a little more immersion, but it is certainly no Baptist total immersion revival, I will tell you that. They do get a little wetter, maybe up to the ankles.

So that is argument one.

Argument two is, and I like this argument the most, argument two is if you do ask the wealthy, those over $200,000, to pay a greater portion of their income than they are presently paying, and indeed a lower percentage than what middle income people are paying, if you do ask them to do that, you ought not to do it, because you know what will happen. Then the Congress will go after the middle class, who is already bearing an inequitable burden, an unfair burden.

What that defense is, it says put the middle class in the trenches to defend the existing inequity, because if you go ahead and clear it up for the upper income person, that person over $200,000 a year, then eventually it may come back around to the middle class.

I suppose we are all supposed to be happy with our burdens. Just go ahead and continue the existing disparity, the existing unfairness, rather than clear it up, because maybe at some point then they will come back around and get me.

It is a unique point of view, and I do not think it is one shared by most of those who say wait a minute, I thought we were talking about shared sacrifice. If we are talking about shared sacrifice, how about if that person shares some.

I have heard a lot of concern about the bubble. I understand there are a lot of arguments that can be made about defending, I suppose, the fact that middle income people pay a portion of their income at 33 percent, and then it drops down after $200,000 and they are paying at 28 percent. Some would argue there are sound reasons for that.

I understand the reasons that were given in 1986. They did not make a lot of sense then. They almost upset the whole tax bill. I do not think they are valid today.

That is one reason I would urge breaking that bubble.

If you want to give a limited capital gains, do it the way the Democratic package did, to persons under $100,000, concentrating on longer held assets, for assets such as homes and vintage automobiles and things like that, rather than making sure that all we do is lower the tax burden on the upper income person.

I do not want to discourage entrepreneurship, but let us also recognize in this country that from 1977 on, in 1977 the upper income person was paying 70 percent of their income in income taxes. A 70 percent income tax rate. It went down to 50 percent. Today it is down for the very upper income at 28 percent. So you have seen an incredible ability to keep income in this country for the upper income.

So I just think that before be begin weeping and wailing and worrying about the decline of entrepreneurship and punishing those that generate jobs, fine, just ask them to pay the same share as those people whom they are generating jobs for are paying. So I think that is important.

I heard a lot during the floor debate about how this was really soaking the middle income, and that is why the Democratic package was bad to do.

I think it is important to look at the distributional effects that have come out since then, particularly from Congress' Joint Committee on Taxation, in which it is recognized, for instance, that in terms of percentage change in taxes, that those making less than $10,000 will actually have a 1.3 percent tax cut as a result of the House-passed package; $10,000 to 20,000 will have a 1.6 tax cut; roughly for those from $20,000 all the way up to $200,000, they will see their income taxes increase something like 1 percent to 1.5 percent.

Now, where it does jump, though, is those making over $200,000. They will see a 7.4 percent hike.

How does that work out in a distribution chart? What it says is that this House-passed package will ask those making over $200,000 a year to pay 63 percent of tax increase. Thirty-seven percent then falls to the rest of the population. I do not think that is unfair, given the fact that those people over $200,000 are the ones that have seen their income soar in the past 14 and 15 years at a far greater rate than those in the middle class.

It is true they are paying more income taxes than they did, but their income taxes went up something like this amount, while their income over here went up this amount. So I think it is important that that be put into context.

This is not a soak-the-rich bill, but it certainly is not a bash-the-middle class bill. I hope what it is is a tax fairness bill. I think the American people see it that way.

The gas taxes, the excise taxes, tend to be the most regressive. Those are not the taxes we should be involved in.

I have heard a lot of figures tossed around about what this is going to cost the average person. I think the charts once again from the Joint Tax Committee show well.

It is estimated, for instance, that the summit package that was defeated here on the floor, that that package probably for the person making $20,000 to $30,000 would have resulted in a $165 increase over a year. The House-passed package, the Democratic plan, would have meant a $50 increase. The summit package would have been a $212 increase annually for the $30,000 to $40,000 wage or income earner. The Democratic package is $68.

It goes on in roughly that area until you get to the $75,000 to $100,000 wage earner, in which the summit package, that was defeated once again, basically relying upon regressive tax structure, excise taxes, and so on, the summit package would have provided $462 of additional taxes for the $75,000 to $100,000 wage earner. The House-passed package would have been roughly $330. I think it is important to take that into context.

This is a battle over tax fairness. Some call it demagoguery or whatever, but it is asking people who have enjoyed the benefits of this country, who have done quite well at a time when others have not done quite well, to pay their share. Not more, not an inordinate share. Certainly not as much as they were paying 15 years ago, but to pay their share, and to pay that portion that reflects what others are paying.

It is hard for me to go home and look that middle-income person in the eyes who says, "Why is it that I pay a higher percentage of my income in taxes than does the person who makes over $200,000?" That is a lot of what this is about.

□ 1840

I suspect there is going to be a hybrid come out of there, Mr. Speaker, in the conference, and that you will see a gasoline tax in some form. My hope is you will see some elements of tax fairness that went into the House package, and that we will get a budget deficit reduction package that makes that down payment, but it will make only that.

As I get ready to close I would like to say that I applauded the President when he went on television and addressed the Nation. He addressed the Nation for the first time, as I recall, to talk about the need to adopt the summit package. And I think it took some courage for him to do that, because once again he had to talk about spending cuts and he had to talk about tax increases.

But what I took great exception to, and what struck me as an amazing statement is when he looked at the camera and he looked us in the eye and he said that he was proud of the fact that this did not raise income tax rates on any American, and he took pride in that. What that said to me was that there was pride in the fact that those who are paying lower percentage of their income in income tax would continue to be that way, that there would be no relief for the middle income person who was paying already a higher portion. So, therefore, that was the excuse to let the folks that were not paying the same portion of their income in income taxes, that was the excuse to get them off the hook.

But that was an amazing statement to me. That is what this debate is about.

I think that is a clear difference between the Democratic side of the aisle in this area and the Republican side of the aisle. I suspect that the final conclusion of this is going to be that there will be some hybrid measure. But I think it is a debate that is going to continue, and it is a debate indeed that ought to continue as we fight for tax fairness.

I guess I wonder sometimes. I know the arguments about why capital gains increases are necessary to put more cash or more savings into the economy so that that person, particularly the person at the $200,000-plus level has more money to invest, hopefully in true investments and not in two Mercedes-Benzes. I understand that argument, but I never have understood why it is that we should not be given some kind of capital gains, which the Democratic package incidentally tries to do a little bit of, for some kind of recognition of the fact that the middle-income person is the one who makes it possible for there to be upper income persons, because if there are not a whole bunch of us out there buying television sets, buying refrigerators, buying automobiles at a lot less than $30,000, buying homes and getting those mortgages, putting the kids in school, if there were not a whole bunch of us out there, then who is it that makes it possible for the upper income persons to continue enjoying their wealth? Yes, they create jobs, and we applaud entrepreneurship, but at the same time there is recognition of paying the fair share. But if we tax the middle-income person and at the same time fail to recognize that the middle-income person is the one who has lost ground in the past 10 years, not gained ground, and if we continue to come back to that well, we make it impossible eventually for even the upper income person to enjoy the fruits of their labor.

So those are my objective remarks in the early part and my partisan remarks at the end. Those are some of the observations I would make about this budget process.

Finally, I would say once again, in conclusion and in summing up, that this is not the end; it is the beginning. There are more tough choices to be made, and I hope that what comes out of it, and it has been a painful ordeal for all of us, for constituents and for elected office holders alike because we have had to confront ourselves and our own inadequacies in some cases, it has been a painful ordeal for all of us, but if we can grab a silver lining it is that this debate is finally under way, that it is crystallizing, and that we are recognizing the need not only to define who we are, but also what we want, and that hopefully is what positive thing will come out of this debate.

Hopefully this Congress is going to be adjourned and we are all going to be able to find out how well crystallized it is as we head home.

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

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

Mr. RITTER. I thank the gentleman for yielding, and I want to thank him for his perceptive statements and perceptive analysis. I would just like to add a few remarks and talk about tax rates and tax fairness.

There has been so much said about tax fairness that we have kind of gotten off what actually happened when tax rates were reduced in the early 1980's. I mean, when you look at the data, the 1 percent of top income earners, the top 5 percent, the top 10 percent, when the rates were reduced each of those categories of taxpayers ended up paying more in income taxes, substantially more in income taxes, and they ended up paying a substan-

tially greater share of the overall tax burden.

The top 20 percent paid more in income taxes and more of a share of the overall tax burden. That is what happened when we reduced the tax rates.

What happened was people, instead of squirreling money away in art, or keeping income from being declared because of punitive tax rates, they actually took their money, invested it, got into the real economy and ended up paying taxes, more so than they did when the tax rates were higher.

So it seems to me that we have got to be really, if we are concerned about tax fairness, we have got to really be careful about what we do with tax rates, I think what the gentleman from West Virginia and this gentleman would like to see is the rich paying more taxes, and that the upper income brackets pay more of the overall tax base, of the revenues collected by the Government. We want to see that.

What we do not want to do is reduce that tax take. What we do not want to do is reduce that share of the burden, and so we have to be careful when we deal with tax rate increases that we do not have what sounds good, but what actually does not work happen to us. We do not want the rich and the upper income and the upper middle income, and let us face it, there are not many of them, the middle class is the ones that get hit with all of this, we do not want them paying less, and we do not want them reducing their share of the overall burden, because if the legacy of the 1980's tells us nothing else, it tells us that when you reduce the rates, as we did in the Economic Recovery and Tax Act in the early 1980's, when you reduce those rates you actually get more out of those taxpayers, and they paid a greater share, which is what I am for. The 50th to the 90th percentile, which is your middle class, that entire segment of the population actually paid less of a total share of the tax rate reductions.

In other words, the share paid by the middle class after the tax rate reductions actually went down. We are talking about income taxes here. The bottom 50 percent of the earners in America went from 7 percent of the total burden to 6 percent. They actually went down.

So let us just be careful. I think the gentleman and I share the goal that those who can afford to pay pay, but let us not do something that maybe sounds good but has the unintended consequences of turning over the economic activity in those levels of income such that they end up paying less taxes, and less share of the overall tax burden.

Perhaps for tax fairness, therefore, you have to look at the actual collections and the actual share of the burden as opposed to talking about the rates that people pay at.

I thank the gentleman from West Virginia for yielding to me, and again thank him for his perceptive contribution to this debate.

Mr. WISE. I appreciate the gentleman's observations, and I would agree with some of what he said.

I was kind of struck by your opening remarks. I do not know how it was back in the late 1970's or early 1980's in your district, but we were not saving up and investing in art a whole lot. We just did not have a lot of it. I looked for a Rembrandt or two, but I really could not find one to sink the family farm into.

Mr. RITTER. I am just talking about the facts, you know. I am not trying to demagog this.

Mr. WISE. But I would not, and here I think we may differ, that one of the results though, one of the hoped benefits from the early tax cuts that happened in 1981 and 1982 was to increase savings and increase investment, investment tax credits as well as personal income tax credits.

□ 1850

As to investment tax credit as well as the personal income tax credits, actually what you saw was a decline. You had a decline in that, and so I happen to think that those rates had to come down as the gentleman had suggested, but I am also concerned about what I would call nontargeted tax cuts where we are hoping an activity happens, but we do not have control over it.

The other thing is the gentleman mentioned the middle class paying less, which is true; there are those who would argue, and I am one of them, it is because the middle class began to lose ground, and the gentleman is correct, the upper income did pay more, but they paid more because their income shot up at a much faster rate than the middle-income persons shot up.

Mr. RITTER. If the gentleman will yield further, again, I think the gentleman is well informed.

The middle class, however, if we look a what happened to their income and their brackets, what we witnessed in the middle class was a fairly substantial movement of middle class into what we would call upper income tax brackets, and to the extent the size of the middle class declined somewhat it was because that upper end of the middle class went into the upper income bracket, and that is sort of what happened.

I want to say to the gentleman, though, that one of the intended effects was to increase personal savings of these early tax cuts, and in terms of sheer personal savings, that did not happen, but in terms of overall national savings which included investment in our future, building the factories in the gentleman's district and my district, reconstructing some of our older and more basic industries, that did happen and, frankly, the investment tax credit, the accelerated depreciation, the lesser rate of capital gains tax stimulated an investment and a growth boom in the United States that led to the longest period of peacetime recovery in the history of the country.

At the margins, however, there were flaws in both, or in all three, of these plans, whether it is in investment tax credit, accelerated depreciation, or lower capital gains differential, in that on the investment tax credit and accelerated depreciation, people bought some things that had nothing to do with economic growth. They almost could not afford not buy several Mercedes in a small business, because they could depreciate it and then sell it for more than what you paid for it. That has to be taken away.

But what happened in 1986, we threw the babies out with the bathwater. We threw out ITC, we threw out accelerated depreciation, we threw out the differential in capital gains, and what we ended up with was, I think, the recession that we are starting on today.

We then had a low, relatively low, tax rate, but we had no incentives for the kind of savings investment that the gentleman mentioned earlier, and I think, and I know that the gentleman's district and my district in some ways have a bunch of things in common, a lot of blue-collar workers, a lot of middle class, a lot of working class people. I do not have art collectors in my district either.

But what we needed to do in 1986 was to tailor those investment incentives for growth, for productive equipment, for facilities, for factories. We needed to make that capital gains differential maybe a little targeted toward long-term investment in America, in our work force, in our factories and facilities. We did not do that. We just threw them all out.

I think the recession that we are right on the brink of today and in some places, particularly my district, which I think we are in, is a direct result of a kind of real shock that the productive side of the economy took in the 1986 tax reform.

So when the gentleman talks about nontargeted tax cuts, I have some sympathies with what he is talking about, and I think we could have done a better job in 1986 in maybe taking away some of the abuses without throwing the whole kit and caboodle out, and I think that would have been much better for the gentleman's district and my district and the country, for that matter.

I thank the gentleman for yielding to me.

Mr. WISE. Mr. Speaker, I appreciate the gentleman's involvement.

I would just say that I think the 1986 tax act is going to be something this Congress is going to be revisiting, and that basic philosophical conflict that the gentleman discussed, which is that between do you try to get lower rates and eliminate all deductions, or do you use the Tax Code for tax policy, for economic policy.

The move in 1986, I think was the thought was let us try and make it as economically neutral as possible and just have the marketplace determine, now, particularly with the extenders being up, that is, the nonprograms that did provide some kind of economic policy and incentives to invest in certain areas, with those likely to be on the block and going this time, I have a feeling that the whole debate is going to be renewed, particularly if this country is headed into recession.

I think the gentleman and I are going to have a chance to talk about that a lot more. I appreciate the gentleman's comments.

Mr. RITTER. I appreciate the gentleman yielding to me.

VACATION OF SPECIAL ORDER

Mr. DORNAN of California. Mr. Speaker, I had a previous special order for 60 minutes that was swallowed because my staff had put me in for 5 minutes. I ask unanimous consent that my 5-minute special order previously requested for this evening be vacated.

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

There was no objection.

REQUEST FOR SPECIAL ORDER

Mr. DORNAN of California. Mr. Speaker, I ask unanimous consent that I be allowed a 60-minute special order on today.

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

There was no objection.

BIGOTRY AND CHRISTIANITY

Mr. DORNAN of California. Mr. Speaker, I was going to yield to my friend, but I have a problem. The Intelligence Committee is convening.

Could I ask the gentleman to be patient because of that for 15 minutes and watch?

Mr. RITTER. If the gentleman could give me just 6 minutes.

Mr. DORNAN of California. Can the gentleman do it in 4?

Mr. Speaker, I yield to the gentleman from Pennsylvania [Mr. RITTER].

TRIBUTE TO ROBERT RODALE

Mr. RITTER. Mr. Speaker, I thank the gentleman from California for yielding to me.

Mr. Speaker, I rise today sadly to pay tribute to a gentleman, to my good friend, and American pioneer, Robert Rodale, chairman and chief executive officer of Rodale Press, Inc., Emmaus, PA., who passed away September 21, 1990, at age 60.

Tragically, it was in the U.S.S.R. where a freak automobile accident took place, killing Bob Rodale and his Russian colleagues instantly, when an oncoming bus veered into the path of their van as they were headed to the Moscow Airport. Bob was en route home, to the U.S.A.

If there ever was a friend to the world, it as Bob Rodale. Through his publishing empire—Prevention, Organic Gardening, Runner's World, Men's Health, Backpacker, Bicycling and American Woodworker magazines along with books and newsletters—he touched countless people with his groundbreaking ideas in organic farming, conservation, regeneration, preventive health care, and education.

Bob was an environmentalist in the best sense of the word. His was an environmentalism that people could see, feel, touch, understand. His was an environmentalism that promoted the doable, the practical, the sensible. The Lehigh Valley of Pennsylvania, the Nation and the world have benefited from Bob Rodale's brand of environmentalism.

In 1949, he began working for the company, founded by his father, J.I. Rodale, but his passion in recent years was the nonprofit Rodale Institute, whose base in a 305-acre experimental farm in Maxatawny, Berks County, PA. "That set of plots has literally changed American agriculture," He said in an interview this summer:

> It has proven that farmers can get the same yield with much less use of fertilizers and pesticides. And sometimes in a dry year we even had better yields.

And today, it is changing agriculture worldwide.

Typical of the Rodale approach is a new project in Guatemala "to basically recreate the lost agriculture of the Mayan culture". Ignoring techniques used in developed nations and being pushed in the African bush, Rodale showed the farmers in Tanzania how to better their lots without using the expensive chemicals and agricultural equipment being peddled by others—items the country could not afford. One day Tanzania's President mentioned to Bob his own communications problems. Later Bob gave the leader a computer system needed for the task. In China, he tried to convince officals to take advantage of some of the positive aspects of their ancient organic farming methods. His latest project, the Russian-language edition of the New Farmer will begin this fall.

Indeed his joint venture in the Soviet Union was reflective of Bob's endlessly creative mind. Crucial paper and ink were to be purchased in Finland with foreign currency earned from producing and selling Russian salami!

Bob Rodale is also credited with founding the Prevention Index, a bellweather of just how well the American people are doing with those life and health enhancing measures of prevention such as smoking, drinking, fastening seatbelts, hours of sleep, and exercise, air quality and others. Bob was at the forefront of the effort to create the Secretary's Council on Health Promotion and Disease Prevention where I had the pleasure to work with him as a link to the legislative process in Congress, and the Reagan White House and Department of Health and Human Services.

Back in January 1983, Bob took the lead against the hazards of tobacco smoking by implementing a smoking ban for the company's 800 workers and executives. It started a trend. Companies across the Lehigh Valley and America followed suit. Bob played a tremendous role in encouraging preventive health investments by corporate America such as the programs at nearby Air Products and Chemicals. He was also an adjunct professor of science, technology, and society at Pennsylvania State University since 1984. He was the epitome of the 21st century man comfortable with the humane uses of technology to enhance the spirit and the environment.

Bob received many prestigious awards for his work, including the Presidential World Without Hunger Award in 1984. He was among seven people selected by President Reagan to receive the honor. He was a member of the Lehigh County Agricultural Land Preservation Board; Pennsylvania Environmental Council, Farmland Preservation Task Force and board of associates of Muhlenberg College. He was also chairman of the board of Friends of the Parks, a project of the Wildlands Conservancy, a task force member of CAST, a member of the community health delivery systems task force and a founding member of the Allentown Prevention Council.

Bob Rodale understood that for real progress to occur, real people, working together, would have to accomplish real tasks. He was the enemy of large impersonal bureaucracy, government or corporate. He was a friend of those who believed that the success of America is based on people taking responsibility at the grass roots for themselves, their companies, and their communities.

Bob was a highly regarded sportsman. He was on the U.S. Skeet Shooting Team that won the world championship in 1962 in Cairo and on the U.S. team that won the Pan American Games championship in 1967. He was the only civilian on the U.S. team in

the 1968 Olympic Games in Mexico City. Bob was selected as an All-American skeet shooter almost every year from 1965 to 1970. Only 2 weeks before his death, he was inducted into the Pennsylvania Skeet Shooters Hall of Fame, and had already been listed in the national hall of fame.

Bob and the Rodale enterprise were at the forefront of bringing bicycling into the mainstream of American life for fitness, for recreation and for sport. He and his family donated land for the Lehigh County Velodrome in Trexlertown, PA, and they and Rodale Press continue to take a leadership role in Velodrome activities bringing top cyclists and teams from all over the world.

Bob loved life, he loved people, he loved his family. He had tremendous faith in the ability of the people to do good. He was a man for all seasons. Mr. Speaker, please join me in extending heartfelt sympathy to his lovely and creative wife, Ardath, their very special children, Heather, Stoneback, Heidi Rodale, Maria Rodale; a son Anthony Rodale; his mother, the indomitable Anna; seven grandchildren; two sisters, Nina Houghton of Wye, MD, Ruth Spira of Coopersburg.

Bob will be sorely missed but his legacy lives on with all who knew him, who learned from him, and who loved him. It is now our task to carry on that legacy.

□ 1900

Mr. DORNAN. Mr. Speaker, I was glad to yield to my good friend from Pennsylvania [Mr. RITTER] an excellent Member of Congress. I am sorry to hear about the tragic death of such an outstanding American.

Mr. Speaker, let me go over some of the rules of the House by way of reminding those who enjoy the fact that this Chamber is televised, sometimes carried on radio, as a living sight, sound, and motion extension of the CONGRESSIONAL RECORD that has been in the libraries and schools of our country for almost 2 centuries now.

The rules of the House, to keep decorum and tradition intact, is that everything is to be addressed through the Speaker. Even when we engage in dialog between ourselves, we usually address one and another through the Chair, except when permission is granted for a colloquy or direct exchange. We are not supposed to refer to our guests in the gallery. We are not supposed to refer to a television audience, which we are told is now over a million people, but I would like to discuss something that I hope to change in the coming Congress.

The 102d Congress, which believe it or not will convene, God willing, the first Monday of the first week in January. There is a ruling that the cameras, only during special orders at night, are to pan an empty Chamber, indicating that no one is listening to the prior speaker's beautiful eulogy, to a friend of his, or that no one is going to be listening to my words about bigotry in this country against Christianity. Of course it is not true. People say, "I felt so sorry you are speaking to an empty House, and only I was listening." When I tell them a million people were listening with them they were shocked.

Now, two Speakers ago, a good beloved Speaker of the House, in a fit of pique, a moment of weakness which all human, frail human beings have, he was watching my colleague, also from Pennsylvania [Mr. WALKER], speak on a special order, and the camera shots are tight, as they are all day long, even during the empty House presentation of commemoratives, and this Speaker, two Speakers ago, said, "I don't like these special orders of Mr. WALKER and Mr. NEWT GINGRICH of Georgia, so let's pan the House, make them look foolish, show an empty Chamber." I will circulate a letter, explain it to the incoming freshman of our great parties in the 102d Congress and get about 2 or 300 signatures. If I get half of the House, 218, I am sure our current Speaker, a good and fair man, the gentleman from the great State of Washington [Mr. FOLEY] will end this deliberately embarrassing showing of an empty Chamber which indicates something that is wholly untrue. A million people follow, thank God, the activities of this House.

So, having said this, Mr. Speaker, let me talk about, as a Catholic, a sinful, stumbling Catholic, who is not holier than thou. I well know the Biblical story of the publican and the Pharisee. The Pharisee saying, "Look how wonderful I am praying, and look at that publican." I know that Jesus died on the cross for sinners, not for Pharisees, and those who find themselves personally so holy, I felt very badly for a lousy Catholic, who stood up before the world as a Vice Presidential candidate and said that she was devout. Believe me, when any person of any faith tells another they are devout, grab your wallet and start looking for what they want out of everyone, because devout people invariably do not ever express that, and they do not feel devout because they always know through the spirituality of how much they could give for their Creator and their Savior. Mother Teresa, who I believe is a living saint, is a living example. Never would we see that beautiful, tiny little Albanian-born lady say that she herself is devout. But I am loyal. I try to go to church every week. I try to keep my own frail spiritual condition such that I can, in the vernacular of Catholics when I was young, hit the rail, receive the sacrament of the Holy Eucharist, which loyal Catholics believe because of transubstantiation, is truly a reenactment of the Last Supper, and as the wine and bread became the body and blood of Christ at the Last Supper, I truly believe on Sundays that I receive in its fullness the body and blood of Jesus.

Now, as a stumbling, sinning, but loyal Catholic, I have had it up to here, Mr. Speaker, with the bigotry in this country, approved by the dominant media culture against Christianity in general, but with a special focus on the largest of all Christian denominations, and the oldest, the Catholic Church, the Roman Catholic faith.

Now, Mr. Speaker, from "The Last Temptation of Christ," and my staff wrote down here the title of this picture that has yet to come out of my mouth because the first word is a street word for urine, and then it is followed by the name of our Saviour, so I will take the title up and describe what this pseudo so-called artist did. Put a crucifix of Christ with a corpus Christ body on it, in a jar, and urinated on it, filled with his own urine, photographed it. His name is Serrano, a fallen-away Catholic, bigoted against the church of his fathers, and this, together with things like another fallen-away Catholic, the director of the "Last Temptation of Christ," Martin Scorsese, this type of outrage followed last December 10th, only 10 months ago, by this attack on the Catholic church were I was baptized, where my parents were married, the beautiful cathedral of New York, built with the dimes and pennies of Italian-Americans, Irish-Americans immigrants that attack by crazed homosexuals and pro-abortionist activists, on St. Patrick's Cathedral shows there is an open season on my faith and on Christianity. Believe it or not, Mr. Speaker, there is no group in America that suffers more open or blatant discrimination than Roman Catholicism.

□ 1910

Not black Americans, not African-Americans, not Jewish Americans, not Hispanic Americans, no one, not any group or person suffers the bigotry that my church does today. Say something nasty about African-Americans, about Jewish Americans or even homosexuals, and you are a bigot, a slimy bigot, no questions asked. Say something rotten about Catholics and you get a pat on the back, and everyone here in this Chamber or watching in their offices or following the course of our House, Mr. Speaker, by video, knows that is true.

The reason this discrimination does not receive more attention is the Dominant Media Culture, and I hope our reporters will record that with capital letters, Dominant Media Culture. It has been true for decades or more with the networks, and now CNN is piling on, and I had always hoped for

better out of our fourth network, which accomplished the impossible, joining the big three.

The popular culture actively participates in and indeed discourages discrimination against my beloved religion, because they do not like what it stands for, period.

Like many of my colleagues, they do not see a crucifix submerged in urine as bigoted. Let me revise that. My staff wrote down, as many of my colleagues do, let me revise that downward, like several of my colleagues, I hope to heavens a precious few. Instead the Dominant Media Culture and the popular culture, excuse these blasphemies, and not only that, some here fund it as important art. They do not see videos showing priests seducing women as bigoted. They will pay money to see it. They do not see "performance artist" Karen Findley equating my friend, John Joseph Cardinal O'Connor, with Hitler as a form of bigotry. They fight to get public funding for Findley's act.

They do not think the effort to pull the tax exempt status from the Catholic Church as bigoted, and by extension every Christian religion in this country, and the Jewish faith would of course suffer the same fate. They take the case to the courts.

Two days ago in our debate on the so-called civil rights bill, we heard about every type of discrimination under the Sun, except one. My friend, the gentleman from Texas [Mr. WASHINGTON] even provided a handy little list of modern-day bigotry. It included racial strife in New York, true; the ugly skinhead movement, true; defacing synagogues, ugliness personified; the David Duke campaign—the guy is the living pits; the Japanese racial slurs against Blacks, bigotry of course, all of it outrageous, no doubt about that, but not a word about discrimination against Catholics. It was not even mentioned.

I wish I had been on the floor. I have looked through the RECORD, not one reference to this debasing of the Catholic Church or this ridicule of my beloved clergy. There is nothing in my Texas colleague's list that even comes close to the blatant bigotry directed toward Catholics, as reported in Wednesday's column by Pat Buchanan in the Washington Times.

Let me quote just one paragraph which Buchanan quotes from another newspaper about what goes on, for example, at the Roxy Night Club in New York city.

Excuse me, Mr. Speaker, how much time do I have left?

The SPEAKER pro tempore (Mr. PRICE). The gentleman has 40 minutes remaining.

Mr. DORNAN of California. All right, I was going to feel bad about not making the gentleman from Pennsylvania [Mr. RITTER] wait.

I am going to read the whole paragraph. Patrick Buchanan's column is so good, I want to read most of it.

HORDES PAID TO SEE THIS CHAOS

This was in the Washington Times Wednesday, 2 days ago, October 17. I will give it to anybody, Mr. Speaker, who wants to write to my office to get it.

There is a new, valuable right in the land, the right to openly hate and insult all that Christians hold sacred.

Pat Buchanan writes:

I had just finished reading that line from Otto Scott's fine new newsletter, Compass.

I will subscribe to that.

When a copy of the New York City Tribune arrived and I read that John O. Edwards' page one story tells us this. At a gay night club in Chelsea—that is part of New York—the Catholic Church is enemy number one.

Reading this, Mr. Buchanan says, calls for a strong stomach.

It is the hottest place in gay nightclubbing, a taxi driver told Mr. Edwards of the Roxy Theater, probably the hottest place in town. Thursday nights are called Disco Interruptus. Interruptus refers to the interruptions by movies, solo singers, transvestite acts, that break into the almost continuous music and disco dancing. This night's theme, Holy Chaos, promises the revelers a night of side-splitting, biting ridicule directed at christianity in general and the Roman Catholic Church in particular.

The Tribune continues,

Giant mocking mug murals face murals of a Catholic cleric wearing glasses, seemingly resembling Cardinal John O'Connor, glare at patrons like medieval gargoyles. Along both the walls of the rink, naked women are pictured on crucifixes, some wearing only a nun's habit. For the 200 people packed into the VIP room, singer Amy performs the Dung Dance—

Dung as in manure,

That entails eating what resembles human excrement and throwing it at three continguous posters of Senator Jesse Helms. Each throw brings loud cheers.

Is this sick, Mr. Speaker and my colleagues?

The next interruptus is a showing of the video Our Father. While the video shows no graphic sex, it opens with a priest engaging in sexual intercourse with another man's wife. This continues for five minutes, and the priest ends by saying, "Love, honor, and obey." The priest eventually chokes the woman to death as excrement flows from her mouth. He then descends into the basement, where a young Jesus is bound to steam pipes. The priest then engages the Jesus figure with simulated anal sodomy, after which in a jealous rage the priest chases a child molester. When the molester bothers a child who the priest regularly molests. Many in the crowd smile and laugh as they watch the video.

The high point of the evening is the live crucifixion of a pregnant nun. On the stage a group of female performers dressed as nuns, along with a man dressed as a priest, escort the nun to a wooden crucifix. She is dressed only in head garb with gauze covering her genitalia. The woman portraying a nun is actually pregnant.

The crowd of young patrons seems affable, witty, intelligent, well-groomed

You know, the ultra-mundanes

clean-cut, all-American types; young lawyers, Wall Streeters, premed students, our future doctors. Some wore costumes. Many dressed as priests. Juxtaposed to this were the transvestites and other, in leather jackets complete with dangling handcuffs—the sadism and masochism crowd.

The crowd's antipathy toward the church seemed universal. One young man had fake blood on his face emanating from his eye sockets. His T-shirt read, "Fight AIDS, use a condom. Choke a priest." Another yells with a clenched fist, "Kill O'Connor."

Other acts include a transvestite Virgin Mary in a Snow White outfit, a transvestite Mary Magdalene who selects a "young Jesus" from the audience and simulates having sex with him; and "a San Francisco-imported act" titled "Sex in the Anus."

Holy Chaos was a smash; thousands paid to see it.

"A sacrilegious nightmare which only proves the homosexual groups are attempting to mainstream Satanism," is how a member of a profamily Catholic organization described it.

Buchanan writes,

He is correct.

With 80,000 dead of AIDS

May I correct you, Mr. Buchanan, Mr. Speaker, it hit 100,000 this week.

Dead in Korea in combat, 33,629. Dead in Vietnam, the names on the wall, 58,157, with one POW name on the wall, Charley Shelton, whose lovely wife, Marian, took her own life on November 4. What a tragedy; 58,157, plus one POW. Add those together, you get over 91,000.

Mr. Speaker, AIDS has taken over 100,000 Americans, 10,000 more than Vietnam and Korea added together. It is chasing now World War II and will eventually eclipse the Civil War before we are through with this death toll, a disease incubated by sodomy and spread by sodomy and now killing innocent people in every category in this country.

Now, back to "Holy Chaos."

With 80,000—

Correct that to 100,000 dead of AIDS—

3,000 more buried each month—

That figure is correct, a little more than 3,000—

Our promiscuous homosexuals appear literally hell-bent on suicide.

Read the new reports out of San Francisco. Younger homosexuals are no longer practicing safe sex. It is back to "live fast, live dangerously, die young, have a good-looking corpse."

No, more often it is a corpse all shriveled up with what Africans call the Thin Disease, the body covered with dark Karposi sarcoma sores, but they are living in the fast lane all right.

But the Roxy Theater raises other questions. What does freedom mean? What is it for? Does the first amendment, which protects the free exercise

of the Christian faith, also protect scatological—that means glorifying excrement and other categories—and blasphemous assaults on Christian faith?

□ 1920

If "holy chaos" is not a hate crime against Christianity and Catholicism, then what is a hate crime? America has gone so far as the French or Soviet revolution that sought the total eradication of Christianity—has not gone so far yet, excuse me.

But we have installed, Mr. Scott writes, the pagan system of polytheism, all gods are equally honored, all religions are equally accepted. We have placed satanism, taoism, Buddhism, Islam, witchcraft, Christianity, Judaism and a variety of cults and sects on the same level.

What does it matter that a famous photographer—he is talking about Mapplethorpe now, who is dead from AIDS—takes a picture of himself with a bullwhip in his anus. Art is sacralized, perversion is normal.

Back to Buchanan: Our Founding Father, George Washington over here, Thomas Jefferson up there, John Adams, who did not make it into this Chamber, believed religion and morality to be inseparable and indispensable to a free society. What interest have we in defending such degraded assaults on what Washington calls the twin pillars of human happiness.

Let me go back and tell you what those twin pillars are from the Father of our Country, first in war, first in peace, first in the hearts of his countrymen.

What George Washington meant by "twin pillars of happiness" were religion and morality.

If America is a sick society and we sure have a cultural war on our hands, Mr. Speaker, it is because we drink daily at the polluted waters of a popular culture into which Hollywood—that is, left-wing Hollywood, these days—and an artistic avant garde continue to dump their filth. Cleanup time. Yes, Hollywood's left is out there hyping for the Big Green, a proposition in California to clean up the physical environment but meanwhile they have polluted the spiritual and moral climate of our country.

Back to Buchanan: Conservatives fail to capture the culture, Mr. Scott writes. Now we are on the edge of the third millenium. It is not our culture alone that is in peril but our entire civilization. We cannot afford any more short views. We must engage on more significant levels. We are, after all, heirs of a triumphant Christian civilization that once reigned throughout the world. We cannot recover from our fall from that high estate without first analyzing the defects of the modern world. That is the end of Mr. Scott. Back to Patrick Buchanan, who closes, The enemy of what we believe the threat what we have is it would seem somewhat closer at hand than Saddam Hussein. In the news today we are told that Saddam Hussein is trying to develop not 2 new nuclear devices but 100 more at the same time and has spent hundreds of millions of dollars all over the world. That is a threat. But meanwhile, while we wait for our blockade to work under Operation Desert Shield, while 32 young Americans have died in the training exercise, the operational exercises there, thousands die of AIDS. Thousands are contracting syphilis, chlamydia, venereal warts, gonorrhea, and are dying of drug abuse. And in this town they are shooting one another, young males, at a rate that is even passing the 437 deaths in our beautiful Federal city. We are going to break that record easily. We are way beyond the 370 or 380 deaths at this point in October last year.

Back to my prepared remarks. I interrupted where I was just going to read a part of Pat Buchanan's column, so I read the whole thing.

Well, Mr. Speaker, this type of bigotry mentioned in this column by Mr. Scott being quoted by Mr. Buchanan, is eerily reminescent of the way in which Nazis were depicting German Jews. Now I have been a student, as an Irish-American, of the worst crimes in my life, the crimes against the Jewish people.

Only 14 million existed in the whole world in the 1930's. The ship with Jewish citizens that came to this country on the ship, the *St. Louis*, begging for asylum, was turned away at U.S. ports, Caribbean ports, at Havana, Cuba, sat in the harbor and were sent back to Bremerhaven and 99 percent of those people died. Hitler managed to slaughter 6 million of the world's 14 million Jews.

I am sure that my older colleagues—and I was only 7 years old when World War II started—but I remember these propaganda films that we saw after the war when I was in high school. The films warning German citizens of the evil of the German Jews. I remember one particular film that begins with rats scurrying through some slime in an alley and the narrator's voice in German, which is translated down at the bottom, says, "The German Jews are like rats, just like rats." This was a film to be shown to grade-school children. And then the high school kids, 5 years later, were the guards at the prison camps that became the Ivan Terrible's of Treblinka. I remember one particular film that has like a Jekyll-and-Hyde film which had won Frederick March an Academy Award and in 1940 it won a nomination for Spencer Tracy, where a normal-looking man is transformed—an elderly, middle-aged man is transformed into the worst Nazi characterization, a twisted vision through Nazi eyes of a Jekyll-and-Hyde, a Mr. Hyde creature that was just evil incarnate. In other words, the Devil.

This is what Goebbels' propaganda ministry, the horrible Jew-hater Julius Stryker, who edited the paper "Thunderbolt," what they tried to tell their own people that their brother Jews were evil and just animals that could be slaughtered. Those propaganda films are what set up the Holocaust and the deaths of 6 million of their countrymen. I repeat this film was shown in grade schools and high schools.

Now, the message they said came right out and said that these people, these rats, they will molest children, they will steal your children, rape your wives, steal your money.

Now, I ask you, Mr. Speaker, what is different between that propaganda ministry, that Nazi film, and this film being shown at the Roxy Theater in New York, getting ready to show tonight as I speak? Imagine a video telling people that African-Americans, Black Americans are wife-stealers, child-molesting murderers. Would we ever tolerate a video in this country of Jewish Americans, wife-stealing, child-molesting murderers? The Anti-Defamation League would come down on them like a ton of bricks, and rightfully they should. I ask my fellow Catholics, where are your guts? Maybe we have 20 Catholics voting in this Chamber for abortion and they feel like such hypocrites betraying their faith that they cannot stand up on their hind legs like our Jewish brothers' and sisters' country and demand this type of bigotry be branded for what it is, hate bigotry.

I will tell you, Mr. Speaker, why we end up so quiet, why we tolerate this desecration of our nuns and our priests. Why are we the targets? That is a good question. Why are Christians, especially fundamentalists, Evangelicals, charismatic Christians, why are they targeted, but particularly my faith targeted? Here is the reason: Because real Catholics, moral Catholics believe abortion is a grave sin. As the Holy Father has said, the worst of sins, the slaughter of innocent life, shedding innocent blood, because Catholics who have not lost the faith of their fathers believe homosexual activity is a sin, sodomy, bisexuality, happenstance pairings in men's rooms around this town with abject strangers spreading and picking up diseases, that is a sin, a grievous sin, a sin against nature and a sin against God. Because the true Catholic, in other words, has a consistent belief in Judao-Christian—Christian values. No matter how they individually stumble, these traditional Christians oppose actions which the traditional community has always deemed immoral. These are

the people who have not given up the faith of their mothers and the faith of their fathers, that term that means centuries. If it feels good to do it, is not the church's credo.

Madonna is going to star on MTV in red see-through panties and bra wrapped in an American flag with two rock dancers telling the young people of her generation to vote.

To vote for what? The kind of popular culture degradation she is engaging in on a regular basis, doing it always with a cross around her neck and her song, "Like a Virgin," or the one crawling across the room at a crucifix, stripping herself, making the image of Christ on the cross cry? It is because we do not have this "if it feels good" credo, we loyal Christians, that is why it is okay to mock Christians and Catholics. Believe me, it is okay in today's society to hate Catholics and it is okay to mock and ridicule and hate Christian clergy.

□ 1930

You say that this rock group, so-called music group, 2 Live Crew, should be prosecuted for obscenity, and you are a racist because they happen to be black. You put down the Dice Man, Andrew Dice Clay, then you do not have a sense of humor. You are a censor. If you think that the deceased, Mr. Mapplethorpe; he died of AIDs, obviously, if his exhibit, you believe it is child pornography or contains the type of sick S&M garbage that killed him, then you are a homophobe.

Footnote: Yes, an infamous Dornan footnote. I just went over to that dictionary, Mr. Speaker. Now, granted, it is about 15 years old, but that dictionary, it is unabridged, that is the big Funk and Wagnalls, or Webster; I think it is Webster's Third Revised Dictionary, unabridged. That means everything is up there. There is no homophobe word in there, just like there is no word bisexualphobe, or heterophobe. It is a made-up word. There is no such psychological term of disorder in any modern medical science. It was a homosexual propagandist and activist who coined this word, homophobe, and it is used in this Chamber, mostly at those leadership desks, by people who do not know what in hell's name they are talking about.

What is heterophobia? There is no such thing. There is a phobia of all people where you stay locked up in the house, but homophobia is a trick word, and they slid it right in between racism and bigotry, and they are getting away with it, just like gay is an adjective.

You know, "Don your gay apparel," at Christmastime; have a gala ball, Bing Crosby singing, "I could be happy, I could be gay, I surrender, dear."

No, gay used to mean cheerful and happy, and they turn an adjective into a noun to try and tell young people that somehow or another active homosexuals of any age are happier than everybody else. What a P.R. trick! And they got the liberal, dominant media culture to buy it, and they turned a noun, homosexual, into an adjective, gay, and turned that into a noun.

Gay? This is not the Gay '90s. The Gay '90s was the 1890's. The gay 1990's is sad and tragic with a hundred thousand people dead and 3,000 people being buried monthly. It is going up to 4,000 this month.

Is that cheerful? Happy? A wonderful life style, coupling with strangers in back alleys, in men's rooms, like animals? Nothing happy or cheerful about that.

Here is another one. If you show a video depicting a priest sodomizing Jesus Christ, you are either a champion of the first amendment or an advocate of church reform. Where is our society's outrage?

We have 300 sitting bishops and about 50 or 60 retired. Where are you people? Why are only one or two courageous bishops joining the muzzled priests and nuns across this country who are sick of having their faces walked on?

When I grew up, the popular culture praised every religion. The Chaplain of the Senate, Peter Marshall, was portrayed beautiful by British actor Richard Todd. Gregory Peck portrayed an heroic missionary priest in Keys of the Kingdom. Bing Crosby, two or three times with Barry Fitzgerald, lovable priests, as Father Malloy, and Ingrid Bergman, Song of Bernadette. All these beautiful images of clergy, and now you rip clergy, and you are a hero of free speech.

Listen to this. Oh, you know, columnist Joe Sobran got it right recently when he wrote that the liberal left's credo, New York Times, is that the only good Catholic is a bad Catholic. If you are a disloyal Catholic, then they love to put you on television and radio, write you up in the press, if you attack the faith of your fathers. No doubt about it, some of my liberal colleagues in this Chamber share that view.

Here is a quote from Cybil Shepard, who, as you know, is very, very active in the proabortion movement. She was on Larry King's show. What is the one that does not work much anymore, the sex goddess of the sixties, married a guy name Pat Curtis—I got a mental block on her name, but she was on Larry King's the other night—oh, yes, now I remember, Racquel Welch—she turned into the camera and said, "Young women, I'm telling you out there it's OK to have an abortion. Have it."

Mr. Speaker, Cybil Shepard on that same show, Larry King, was discussing the proabortion movement, and, when King suggested to her that abortion would be legal if men got pregnant; that is always a cutey, Ms. Shepard replied, "If priests could get pregnant, it would be a sacrament in the Catholic Church."

Is that not clever? Is that not witty? Is that not ugly? And is that not bigoted? And the answer is: Yes.

Jimmy the Greek Snyder, Jimmy Snyder, makes a controversial remark about blacks. He had had a few drinks. It was a stupid remark, but I do not think for a minute that Jimmy the Greek is bigoted. But he sure got fired. His career is over. I do not know if the punishment fit the crime, to end his career forever. He called up Jesse Jackson, an African American leader, and said, "Gosh, please, help me. My whole life I've never been bigoted that I know of. I grew up in a neighborhood where my ancestry was prejudiced against."

Warns you about drinking and talking on camera, but he certainly was not a bigot.

How about the Andy Rooney affair? Andy Rooney has been a civil rights crusader all his life. He has one little line at the New Year's Day wrap-up last year where he says, "Too much random sex among homosexuals was bad." This was at the end of too much drinking, too much this, too much that. Too much random sex with homosexuals. I wish he had thrown in bisexuals because that is the organized group I am still yet to find. And what happens? Instantly suspended by CBS. An outcry of outrage. I am sure some real bigots joined in. But real bigots did not know about Andy Rooney's lifetime support for civil rights causes, real crusader, and CBS had to cave in because of its gutless management. They suspended him and put him right back on the air. And he is a liberal, one of my favorite liberals, Andy Rooney.

Thanks for hanging in there, Andy, and not going off like a coward with your tail between your legs.

What about Cybil Shepard? She continues raking in the big dollars, attracting even more attention for her bigoted views. But it does not stop there, Mr. Speaker.

Philly Donohue, Notre Dame graduate and America's No. 1 anti-Catholic bigot; I have said it in this well, he took a tape of my saying it in this well, ran it on his show and says, "Now, you don't believe that; do you?"

He thought he could back me down on his show, and I said, "Yes, I do, Phil, but I pray for you, and someday you're going to come home for the faith of your Irish forebears. Now I'm here, Phil, to discuss Nicaragua," and I held up a Communist helicopter that was killing people in Nicaragua and changed the subject. And he was a

little shocked, and I stuck by my guns because he is—why is he the Nation's biggest anti-Catholic—Catholic anti-Catholic? Because his platform, his podium, his bully pulpit, is so big.

Geraldo Rivera, raised as a Catholic, like Donohue, baptized a Catholic, has not practiced his faith in many years, admits to having been a champion world-class womanizer, but now he tsk-tsks when he has on all the sexual deviates and perverts and he is trying to copy Phil Donohue's male stripper regular retinue of guests coming on the show.

Well, these two guys, Geraldo and Philly, seem to have made a career out of bashing the church. Geraldo seems to be getting a little better, while Phil is getting a little worse, if that is possible. They bash people who claim loyalty to 20 centuries of teaching. Their heroes though, who they book on their shows, are homosexual priests, lesbian nuns. They have not had any bisexual priests or nuns on yet. Maybe their producers will start looking for them. They have proabortion priests, quisling priests, and, yes, if Judas Iscariot were alive today, one of Jesus' original 12 priests; 11 became bishops, but, if Judas Iscariot were alive today, he would be a highly touted guest on all of these dominant media culture talk shows and interview shows, television and radio, and he would probably get a front-page interview in the Washington Post and the New York Times; I hope not the Los Angeles Times, my hometown paper.

In short, anyone who goes against Christian teaching or is an anti-Catholic, you are a big-time guest on the dominant media culture. Apparently these—I do not want to call them liberals anymore because we have got too many liberals in here who are responsible, these radical leftist liberals, they equate the church with a political party that can change its platform every 4 years, or eat their words or change what is on their lips. But the word of God is not amendable to loyal orthodox Jews, orthodox Protestants or orthodox Catholics.

So, I am going to state right now for the RECORD that from now on I am going to make it a poin, God willing I get reelected, of exposing anti-Catholic bigotry whenever it occurs. To my other Christian brothers, who I speak for all across this country, who lovingly invite me to talk to every one of their groups, at least the orthodox and believing groups: You know I love you, and I have no problems between my Catholic faith or any of your faiths as far as the problems that we are facing together in America. You take care of your own. I will help you occasionally when you are under assault, but you know right now the reason they hate the Catholic Church is because we are pushing a billion members in this world out of 5¼ billion citizens, and because of our size in the United States, about 55 million, I am afraid about 10 or 15 Members are cafeteria Catholics who pick and choose what they want and do not even go to church anymore. But we love them. They will all be back someday, God willing, if they live long enough and get a little wisdom with age.

□ 1940

But because of the size of the Catholic Church, almost a quarter of this country, we take the heat for most of you other Christians. So you help me too.

But if I see anti-Catholic bigotry in movies, television, or in this Chamber, I have drawn the line. This Catholic, as long as I have a breath of life in me, I am going to fight back. Oh, why don't I feel like a spiritual or a holier than thou Catholic? Because my job is so important here, I ought to get my tired fanny out of bed every morning and go over to church and receive communion, every day. Once a week doesn't cut if for someone in an important job like this.

So I am not standing on my pedestal or my high horse. I am a weak, barely hanging in there Catholic, but I know what the standards are, and I know why I love these priests that say Mass every day, and why I love the Sisters that taught me so well and the Jesuit priest that taught me in school.

They told me, "Bob Dornan, you have got an Irish loquacious nature. You had better get into politics or into the priesthood."

Well, I chose the lesser of those two great professions, but I am tired of watching Judas Iscariot, quizzling priests like Father McBrian of Notre Dame, the head of the theology department.

I am one of those people that consider myself a Notre Dame subway alumnus. I went to Loyola University in Los Angeles. I wish I had had the grades or money to go to Notre Dame, or worked hard enough to get a scholarship.

But I will tell you, football is not everything. I would not give a darn if Notre Dame lost every game for the rest of the years out to lay Father McBrian out of the theology department.

This clod sitting on Ted Koppel's Nightline show, I think there was a guest host that night, Forest Sawyer, saying that a Catholic can come into an abortion clinic with a submachine gun, kill the poor frightened mother that has been conned by the popular culture into killing her child in her womb, shoot the abortionist and all the people helping, and they will all be excommunicated, but not the guy with the machinegun.

What kind of an asinine statement is that for a Catholic priest, head of the theology department at Our Lady's College, within sight of the golden dome and the Statue of Notre Dame, to say, that a person who machine guns seven people to death is not instantly excommunicating himself and endangering his soul to burn forever in eternity?

Then he says to follow it up, I could not believe my ears. My wife looked at me and said, "This man teaches students at Notre Dame?"

Then he says, "What are we going to do, excommunicate the cab driver who takes a woman to her abortion?"

Just think about that for a second. What is a frightened young woman going to do on the way to an abortion? Say to the cab driver, "Where are you from? I hear an accent. Are you from Puerto Rico? Are you from Nigeria? are you from Somalia? You don't happen to be a Christian, do you, or an orthodox Jew, because I am going to an abortion clinic to kill a baby in my womb. Does that give you a problem?"

Then the guy has a moment of conscience and pulls over and says, "Madam, I am sorry, you will have to get out of the car. I cannot be a part of this."

The type of syllogisms that this man set up were a disgrace. A beautiful bishop from Alabama, not used to the slippery methods of those more attuned to the camera and the popular media culture, is sitting there, and this went right by him, and he did not even straighten out that piece of twisted teaching. Not just Christian, Jewish, Islamic, any teaching.

Nobody tells you that you are not in grave mortal sin if you machine gun to death seven people. Yesterday I did a 5-minute in the well. I held up a stuffed animal, a cute little white seal from the ice flows off Canada, and said that we protect those little white seals in this Chamber. I am on that legislation. We do not nearly protect them, at that time in 1978, a more endangered species. The ugly little alligators down in Florida, they are making a booming comeback, because they have been on the endangered species list.

But people who like to make little white handmuffs or white furry hats or white fur coats out of these little seals that they kill in front of their mothers, all that is very sad, but I left out my punchline yesterday.

The seal does not have a soul. It is not immortal. The seal's essence of its life does not live for all of eternity. That is what every practicing loyal Jew believes. That is what every practicing loyal Christian believes, every Muslim, and in their own different states of animism and spirit worship, Buddhism, Confucianism, Shintoism. I am not an expert on those faiths, but I know there is a respect for life in those faiths.

But that little seal that we protect does not have a soul.

Then I held up this little anthropomorphic tiny little fetus, this little doll, that to my little 2-year-old, Haley Dornan, she was 2 years and 3 months old, she grabbed it and said, "My baby."

Her mother was pregnant then 6 months with Robert K. Owen Dornan, III, my eighth newest, Robert, III. She pats her monther's tummy and says, "Your baby," and she puts this actual little anthropomorphic medical model for teaching women what is inside their womb at the twelfth week, she puts it inside her little diaper, it was last summer, it was very warm, or the late spring, and she says, "My baby," and pats Teresa's tummy, my daughter-in-law, "Mommy's baby; my baby."

A 2-year-old knew that this was a baby. That is what it looks like. Twelve weeks.

But I forgot my punchline last night. One of my staffers, before she went off to have her first child with her husband named Junior, Michael Walsh, Jr., she said, "Why don't you call him Michael, after the guardian angel," both the Jewish and the Catholics think, the defender of God, the crusher of Satan.

I said, "That is a good name for little Michael here." You cannot tell his gender, because his legs are crossed, exactly as they are in the womb.

This is a very expensive little model. All the little ribs show. This little guy Michael, unless it is Michele, the heart began to beat between day 18 and day 21. There were brain waves at day 40. This is 3 months old.

This is what we kill 4,000 times a day, a million and a half a year. But we also kill these little Michaels and Micheles when they are twice the size. And there are about 6,000 that are killed in the seventh month when they are over 7 pounds, 7 to 9½ to 10 pounds, that could live easily outside the womb.

We have not had a conviction of an abortionist doctor who has strangled to death a child, like a case right at the edge of my district in Fountain Valley, CA, where the nurses testified, crying in court, that the doctor said, as he strangles this little 8-month-pregnant delivery of a live child, "I cannot get this son of a b.," the full word, trying to respect the decorum here, "I can't get this son of a b. to die."

Then they broke down crying, all the nurses that testified against him. Put it in a utility closet, until it cried itself to death.

You know what the jury verdict was? A 11 to 1, a hung jury. Our great district attorney then in 1974 or 1975, whenever it was, came back, after Roe versus Wade, and retried him. This time it was 9 to 3, so the State gave up.

At least he went through the embarrassing trial twice and kind of left the State. I understand he is performing abortions in Massachusetts, and he is a multi-multi-millionaire.

No, my punchline, folks, this little creature has a soul, a human mortal soul.

One of my Catholic colleagues, and I will be merciful and will not mention his name, a freshman, before I spoke the other day, I showed him the little seal and I showed him this little 12-week-old fetus. I am sorry to say, he cuddled the little seal, loved it, mentioned it to me today how cute it was. But he averted his gaze from this human being with an immortal soul, this model of a human being, and could not bring himself to look at it. He did not ask to see it.

You know what I found around here as I have carried this the last 3 months? Those who are proabortion, particularly the Catholics who claim I myself, am personally opposed, the hypocrite politician line. I know it is a human being with an immortal soul, brought into existence by God, with the parents as procreators, but I personally am not going to interfere with other people's choice, and if you want to kill it, I will help you with Federal money that I will take away from believing Jews and Christians, I will take the money away from them to kill these little guys.

I have found out that when I show this to people who are proabortion, they kind of cringe from it, unless it is those in this Chamber who believe none of us have souls.

They are the atheists. They never campaign as atheists. They cannot get elected in this country, yet, by proclaiming proudly you are an atheist. You can get elected by proclaiming you are a sodomite and engage in anal sex all the time. You will get elected. But not if you come right out boldly and say you don't believe in God. Even if you say I don't know whether it is true or not, I am an agnostic, you have a rough chance of getting elected. Those people will take and look at it. Yeah, that is interesting. That is a human being in early development. I admit we are killing life, but since none of us have souls, so what?

Those who say they are personally opposed, particularly my Catholic colleagues who have lost their faith, or defied the church on this particular teaching, they say, "I don't want to touch it. I don't want to see it." They just kind of recoil from it.

I want to point out something about people who are trying to bait the Catholic Church like this moron mayor of Alexandria, named James Moran. A good Irish name. Another Irish quizzling, Moran, Moran with these ugly proabortion commercials that he has now on television trying to fight with his church, and he hopes that he will be excommunicated, or that he will be denied communion before election day, to defy the church, and it is at least 3 weeks to election, and that is another matter.

□ 1950

I defy my church all of the time on politics. I am not some rubber stamp for the Catholic Church as a Congressman, but when my church tells me that slavery is evil, and intrinsically and inherently evil, I do not defy my church. When they tell me that killing a newborn infant, putting a knitting needle through its heart because it has Down's syndrome, or its heart is outside of its body, or it has spina bifida, when they tell me infanticide is wrong, I do not defy them.

When they get involved in the Panama Canal debate, then I will debate my church on the politics. The church position on the Panama Canal did not have much to do with saving our immortal souls, or teaching transcendent religious values. I went against my church's pastoral letter on Central America, because they did not know what they were talking about. I was talking to their Catholic hero priest, the humble Archbishop Obando y Bravo. I followed my conscience, and my bishops were wrong on Central America.

And when my bishop put out a pastoral letter endorsing Jimmy Carter, and Walter Mondale, and Michael Dukakis, the taxist type economics, I laughed at that pastoral letter, and I was ashamed for them, because there is not a hard-hitting pastoral letter on human life, or on slavery, or on infanticide. Where is the big hard-hitting pastoral on drug abuse, even puffing on your first marijuana cigarette, and how you destroy the temple of the Holy Spirit, and how you wreck yourself, and throw you existence back in God's face, and how you fry those brain cells in this beautiful God-given compartment called a brain. Where are those pastoral letters?

But when my bishops and priests try to tell me about women priests, the ultra-mundane argument of altar girls, and teaching that masturbation may be all right at Catholic University. I want to bring with me an envelope that I had here in my pockets from the Catholic Church, wanting me to give money to Catholic University of America, and I feel bad, but I just could not give any money to the Catholic University ever since they declared that Tom Harkin was Catholic of the Year a few years ago, and he is trying to ride back in the Senate on a proabortion platform, and he claims that he is a good and loyal Catholic. How can I help that Catholic University when it took them 21 years to fire Charles Curran, a so-called theologian, who is telling freshmen students exactly what they wanted to hear, that it is okay to masturbate, it is okay to

shack up with somebody as long as you have a little feeling, but that is all your own conscience, that is situational ethics, and do what you feel like, and if it feels good do it. Now he is at another theological school, hired by them, another Irish quizzling who has taken the soup offered by the British conquerors, and another betrayer, another informer of his Irish Catholic heritage, you know the one, that God, thank you God, small minority, Tim Healy, priest over here of Georgetown, who is now running the New York Public Library. What has that got to do with saving souls, Tim Healy, but that you would tell one of our most courageous colleagues that he was a loud-mouthed Congressmen. Do you know who he said that about? HENRY HYDE, HENRY HYDE who says that anybody who stands tall of any faith on these life issues today, will be welcomed to heaven by a chorus of little cherubs who have had the life snuffed out from inside of their mommies' wombs, and that they will sing. Some people will stand up tall, and give up their careers as did four courageous State Senators in Maryland, not all of them Catholics, but certainly all of them Christians trying to defend their belief. They all lost their seats, some of them to loud-mouthed, phony, fallen-away, cafeteria Catholics who follow the teachings of Curran and McBrian, and Healy when he called HYDE a loud-mouthed Catholic.

Now, I go against my church more often than not here because my church is spiritually off the reservation, sticking their nose into politics all of the time, squandering their spiritual currency of what they think, who are sworn to following Jesus's steps and to saving souls, and because they involve themselves in transitory, passing issues of politics and issues in this chamber, where none of us are going to know whether we are right or wrong on these material issues until we are dead. By squandering their currency, their voice is now being crushed out, as was said in the New York Wall Street Journal just 2 days ago, that the bishops have lost, that McBrian—I will never call him Father again until he is saved and redeems himself, McBrian, the so-called theology teacher at Our Lady's school, Notre Dame, says these bishops were medieval, and all the fight over life embarassed them, and thus, they are out of it, and I am glad, and let us press on. To what? Women priests telling college kids that masturbation is okay, telling college kids that they can shack up, it is OK, but use safe sex so that you do not pass around diseases. I will not listen to my church when it sticks its nose into politics, because more often than not they are being ultra-sophisticates, and they are trying to go along with the drift of the dominant media culture, because that is what they get interviews on, and they are being disloyal, sticking their nose in politics, when it is issues of faith, morals, and saving souls, that is where my church has gone suddenly silent. And then when it comes to bigotry like this, my clergy gets its face walked on.

Virgil Bloom, one of my heroes, formed a group 30 years ago, and I was proud to send money and join, called the Catholic League for Human and Civil Rights. Now they have changed the title, I think, just to the Catholic League for Human Rights because most civil rights battles have been won, and we are talking about quotas. So we have got bigotry, pockets of bigotry everywhere, and God knows there are enough voices, including idiots like David, and the Catholic League was supposed to be the antidefammation league of my faith. Where is it? Where is that group that is going on the pattern of the Knights of Columbus? What is the matter with you, Knights of Columbus? We are 2 years away from the 200th anniversary of Columbus bringing the word of Jesus to the New World. He also brought many thieves, and syphilis, and murderers along with him, but he also brought the word of Jesus, and where are you Knights of Columbus with defending your faith, letting members be propornography and proabortion instead of telling these members, quietly, that you are taking them off the rolls if they want to be propornography or proabortion, they can go ahead, but you will take them off the rolls. And what happens with Florio, the taxing champion of all American history as Governor? He tells the Knights of Columbus, "I am resigning from you, get lost." And that is what the church clergy deserves when they did not have the guts to kick him out. What are they good for, selling beer, throwing darts and selling insurance? Is that what the Knights of Columbus is all about?

I am about to resign publicly from the Knights, in this well, unless you, after this election, ask those Catholic politicians in both Houses who put the Knights of Columbus in their resumé as members of the fraternal order, and that they are Catholics so that the voters will know they are Catholics, unless you ask them, suggest privately at first that they get out of the Knights of Columbus, you are going to lose this Irish, 57-year-old grandfather of eight because the Knights of Columbus ought to stand for something.

So Mr. Speaker, I repeat, I am ready to do battle to defend my faith, because like St. Paul, no matter how many sins I have committed in my life, I want to be able to say, like Paul, I have run the race, I have fought the good fight, I have kept the faith, and I will try, in my stumbling way, to do my utmost, to stop this blasphemy in this country against my faith, and I am putting you on notice, CBS, NBC, ABC, and even I say with a broken heart, CNN, my favorite network.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. GRANDY (at the request of Mr. MICHEL), for after 2:30 today, on account of illness in the family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. WALKER) to revise and extend their remarks and include extraneous material:)

Mr. DORNAN of California, for 5 minutes, each day on October 20 and 22, in lieu of the 60 minutes each day on these days.

Mr. RITTER, for 60 minutes, today.

(The following Members (at the request of Mr. SISISKY) to revise and extend their remarks and include extraneous material:)

Mr. COYNE, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. OWENS of Utah, for 60 minutes, on October 23.

Mr. OWENS of New York, for 60 minutes, each day on October 20, 21, 22, 23, 24, 25, 26, and 27.

Mr. WISE, for 60 minutes, today.

(The following Member (at the request of Mr. WISE) to revise and extend his remarks and include extraneous material:)

Mr. OWENS of Utah, for 60 minutes, on October 23.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. WALKER) and to include extraneous matter:)

Mr. OXLEY.

Mr. MILLER of Ohio in three instances.

Mr. DORNAN of California.

Mr. FIELDS.

Mr. SOLOMON.

Mr. BEREUTER in two instances.

Mr. HILER.

Mr. COURTER.

Mrs. MORELLA.

Mr. BURTON of Indiana.

(The following Members (at the request of Mr. SISISKY) and to include extraneous matter:)

Mr. TORRES.

Mr. MORRISON of Connecticut.

Mr. YATRON.

Mr. ROE in two instances.

Mr. UDALL.

Mr. MATSUI.

Mr. SIKORSKI.
Mr. RUSSO.
Mr. KILDEE.
Mr. NOWAK.
Mr. ECKART.
Mr. RICHARDSON.
Mr. HOCHBRUECKNER.
Mr. LEVINE of California.
Mr. MFUME.
Mr. SKELTON in three instances.
Mr. TRAFICANT in two instances.
Mr. SOLARZ.
Mr. LEHMAN of Florida.

SENATE BILL AND CONCURRENT RESOLUTION REFERRED

A bill and a concurrent resolution of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 1918. An act to provide for Federal recognition of the Jena Band of Choctaws of Louisiana, and for other purposes; to the Committee on Interior and Insular Affairs.

S. Con. Res. 153. Concurrent resolution to acknowledge the 100th anniversary of the tragedy at Wounded Knee Creek, State of South Dakota, December 29, 1890, wherein soldiers of the United States Army 7th Cavalry killed and wounded approximately 350-375 Indian men, women, and children of Chief Big Foot's band of the Minneconjou Sioux, and to recognize the Year of Reconciliation declared by the State of South Dakota between the citizens of the State and the member bands of the Great Sioux Nation; to the Committee on Interior and Insular Affairs.

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. 677. Joint resolution making further continuing appropriations for the fiscal year 1991, and for other purposes.

SENATE ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

The SPEAKER announced his signature to enrolled bills and joint resolutions of the Senate of the following titles:

S. 2104. An act to amend the Civil Rights Act of 1964 to restore and strengthen civil rights laws that ban discrimination in employment, and for other purposes;

S. 2753. An act to revise and extend the Development Disabilities Assistance and Bill of Rights Act;

S. 3091. An act to amend the act incorporating the American Legion so as to redefine eligibility for membership therein;

S.J. Res. 323. Joint resolution designating November 11 through 17, 1990, as "Geography Awareness Week";

S.J. Res. 346. Joint resolution to designate October 20 through 28, 1990, as "National Red Ribbon Week for a Drug-Free America."

S.J. Res. 351. Joint resolution to designate the month of May 1991 as "National Trauma Awareness Month";

S.J. Res. 270. Joint resolution to designate the period commencing February 17, 1991, and ending February 23, 1991, as "National Visiting Nurse Associations Week";

S.J. Res. 347. Joint resolution designating April 7 through 13, 1991, as "National County Government Week";

S.J. Res. 353. Joint resolution to designate September of 1991 as "National Rice Month";

S.J. Res. 362. Joint resolution to designate the period commencing on November 18, 1990, and ending on November 24, 1990, as "National Adoption Week"; and

S.J. Res. 366. Joint resolution to designate March 30, as "National Doctors Day."

ADJOURNMENT

Mr. DORNAN of California. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 58 minutes p.m.), under its previous order, the House adjourned until tomorrow, Saturday, October 20, 1990, at 12 noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. ROE: Committee on Science, Space, and Technology. H.R. 1268. A bill to establish a national policy for the conservation of biological diversity; to support environmental research and training necessary for conservation and sustainable use of biotic natural resources; to establish mechanisms for carrying out the national policy and for coordinating related activities; and to facilitate the collection, synthesis, and dissemination of information necessary for these purposes; with an amendment (Rept. 101-901, Pt. 1). Order to be printed.

Mr. JONES of North Carolina: Committee on Merchant Marine and Fisheries. H.R. 2548. A bill to provide for the establishment of the Laguna de Santa Rosa National Wildlife Refuge in Sonoma County, California; with an amendment (Rept. 101-902). Referred to the Committee of the Whole House on the State of the Union.

Mr. UDALL: Committee on Interior and Insular Affairs. H.R. 5204. A bill to establish a tribal cattle herd pilot project, and for other purposes; with an amendment (Rept. 101-903). Referred to the Committee of the Whole House on the State of the Union.

Mr. UDALL: Committee on Interior and Insular Affairs. S. 321. An act to revise provisions of law that provide a preference to Indians; with an amendment (Rept. 101-904). Referred to the Committee of the Whole House on the State of the Union.

Mr. BROOKS: Committee on the Judiciary. House Joint Resolution 657. Joint resolution granting the consent of the Congress to amendments to the Delaware-New Jersey Compact, and for other purposes; with amendments (Rept. 101-905). Referred to the Committee of the Whole House on the State of the Union.

SUBSEQUENT ACTION ON A REPORTED BILL SEQUENTIALLY REFERRED

Under clause 5 of rule X the following action was taken by the Speaker:

H.R. 2647. The Committee on Ways and Means discharged; H.R. 2647 referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. WHITTEN:

H.R. 5870. A bill providing for the continued operation of the Government in the absence of appropriations, and for other purposes; to the Committee on Appropriations.

By Mr. HOPKINS:

H.R. 5871. A bill to amend the farm poundage quota provisions of section 319 (g), (h), and (i) of the Agricultural Adjustment Act of 1938, and for other purposes; to the Committee on Agriculture.

By Mr. CLAY:

H.R. 5872. A bill to amend title I of the Employee Retirement Income Security Act of 1974 to require qualifying employer securities to include interests in publicly traded partnerships; to the Committee on Education and Labor.

By Mr. BARTON of Texas:

H.R. 5873. A bill to provide limited extension for land treatment facilities for which there is pending a petition seeking to demonstrate that there will be no migration of hazardous constituents from the disposal unit; to the Committee on Energy and Commerce.

By Mr. COYNE:

H.R. 5874. A bill to amend the Internal Revenue Code of 1986 to increase the marginal tax rate for high-income taxpayers; to the Committee on Ways and Means.

By Mr. CRANE (for himself, Mr. ANNUNZIO, and Mr. HYDE):

H.R. 5875. A bill to transfer a portion of Fort Sheridan, IL, to the Department of Veterans Affairs for use as a national cemetary; jointly to the Committees on Armed Services and Veterans' Affairs.

By Mr. EDWARDS of California (for himself and Mr. FISH):

H.R. 5876. A bill to provide a Federal leadership role in the development of approaches to reduce community based tension at the local level; to the Committee on the Judiciary.

By Mr. HALL of Ohio:

H.R. 5877. A bill to provide for an automatic continuing appropriation for the U.S. Government; to the Committee on Appropriations.

By Mr. HEFLEY (for himself, Mr. UDALL, Mr. BROWN of California, Mr. STUMP, Mr. HANSEN, Mr. PICKETT, Mr. SCHAEFER, Mr. SISISKY, Mr. CAMPBELL of Colorado, Mr. KOLBE, Mr. RHODES, and Mr. BATEMAN):

H.R. 5878. A bill to amend the Federal Water Pollution Control Act to provide for the use of biomonitoring and whole effluent toxicity testing in connection with publicly owned treatment works, and for other purposes; to the Committee on Public Works and Transportation.

By Mr. HOCHBRUECKNER:
H.R. 5879. A bill to amend title 38, United States Code, to revise the formula for payments to States for care furnished to veterans in State homes; to the Committee on Veterans' Affairs.

By Mr. MORRISON of Washington (for himself, Mrs. LLOYD, Mr. SCHIFF, Mr. CHANDLER, Mr. SKEEN, Mr. STALLINGS, and Mrs. VUCANOVICH):
H.R. 5880. A bill to authorize private sector participation in designing, constructing, owning, and operating facilities which support Department of Energy waste cleanup and modernization missions; to the Committee on Energy and Commerce.

By Ms. OAKAR:
H.R. 5881. A bill to create an incentive to attract private sector capital to the thrift industry, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

By Mr. SIKORSKI (for himself, Mr. MILLER of California, Mrs. BOXER, Mr. BATES, Mr. LEVINE of California, Mr. SCHEUER, Mr. FOGLIETTA, Mr. LIPINSKI, Mr. HOCHBRUECKNER, Mr. HAYES of Illinois, Mr. PERKINS, Mr. TOWNS, Mr. GEJDENSON, and Mr. VENTO):
H.R. 5882. A bill to entitle employees to family leave for attending school activities; jointly, to the Committees on Education and Labor and Ways and Means.

By Mr. FIELDS:
H.R. 5883. A bill to establish an Outer Continental Shelf revenue sharing fund from which coastal States shall receive block grants; jointly, to the Committees on Merchant Marine and Fisheries and Interior and Insular Affairs.

By Mr. BROOMFIELD (for himself, Mr. GILMAN, and Mr. BONIOR):
H. Con. Res. 385. Concurrent resolution expressing the sense of the Congress regarding human rights violations against the ethnic Albanian minority in southern Yugoslavia; to the Committee on Foreign Affairs.

By Mr. JOHNSON of South Dakota:
H. Con. Res. 386. Concurrent resolution to acknowledge the 100th anniversary of the tragedy of Wounded Knee Creek, State of South Dakota, December 29, 1890, wherein soldiers of the U.S. Army 7th Cavalry killed and wounded approximately 350 to 375 Indian men, women, children of Chief Big Foot's band of the Minneconjou Sioux, and to recognize the Year of Reconciliation declared by the State of South Dakota between the citizens of the State and the member bands of the Great Sioux Nation; to the Committee on Interior and Insular Affairs.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 1221: Mrs. SMITH of Nebraska.
H.R. 1500: Mr. KASTENMEIER, Mr. PRICE, Mr. NOWAK, Mr. FEIGHAN, and Mr. DIXON.
H.R. 2025: Mr. MAVROULES.
H.R. 2460: Mr. FASCELL and Mr. ENGEL.
H.R. 2786: Mr. SOLARZ and Mr. PORTER.
H.R. 3099: Ms. PELOSI.
H.R. 3283: Mr. WILSON.
H.R. 3603: Mr. MINETA, Mr. COSTELLO, Mr. HASTERT, Mr. EMERSON, and Mr. MCCANDLESS.
H.R. 3936: Mr. SANGMEISTER and Mr. HAWKINS.
H.R. 4289: Mrs. SAIKI.
H.R. 4369: Mr. LIPINSKI.
H.R. 4690: Mr. MCGRATH and Mr. WOLPE.
H.R. 5306: Mr. ROSE, Mr. SMITH of Vermont, Mrs. UNSOELD, and Mr. WILLIAMS.
H.R. 5363: Mr. SKEEN, Mr. ORTIZ, Mr. BATES, Mr. TOWNS, Mr. UDALL, Mr. CHAPMAN, and Mr. MATSUI.
H.R. 5416: Mr. GRANDY and Mr. NIELSON of Utah.
H.R. 5551: Mr. RAHALL and Mr. MAZZOLI.
H.R. 5666: Mr. FAZIO.
H.R. 5672: Mr. SCHIFF and Mr. RICHARDSON.
H.R. 5724: Mr. LIPINSKI.
H.R. 5804: Mr. SCHIFF and Mr. LANCASTER.
H.R. 5827: Mr. CALLAHAN, Mr. LAFALCE, and Mr. RICHARDSON.
H.R. 5830: Mr. GUNDERSON.
H.R. 5861: Mr. GEPHARDT.
H.J. Res. 201: Mr. MILLER of Washington.
H.J. Res. 202: Mr. MILLER of Washington.
H.J. Res. 636: Mr. MILLER of California, Mr. MINETA, Mr. COLEMAN of Texas, Mr. WATKINS, Mr. WALSH, Mr. TAYLOR, Mr. BUNNING, Mr. MCMILLEN of Maryland, Mr. LAFALCE, Mr. SMITH of Texas, Mr. FORD of Tennessee, Mr. LENT, Mr. NOWAK, Mr. MARTIN of New York, Mr. CONTE, Mrs. BOGGS, Mr. GOSS, Mr. WISE, Mr. DELLUMS, Mr. PICKLE, Mr. SIKORSKI, Mr. WILSON, Mr. HANSEN, Mr. ROGERS, Mr. MATSUI, Mr. DONALD E. LUKENS, Mr. BROWN of Colorado, Mrs. VUCANOVICH, Mr. WOLF, Mr. DENNY SMITH, Mr. RHODES, Mr. BATEMAN, Mr. COX, Mr. VOLKMER, and Mr. SKELTON.
H.J. Res. 642: Mr. JONES of North Carolina.
H. Con. Res. 151: Mrs. BYRON.
H. Con. Res. 162: Mr. DENNY SMITH.
H. Con. Res. 378: Mr. WEISS.
H. Con. Res. 380: Mr. DONALD E. LUKENS and Mr. LIPINSKI.