HOUSE OF REPRESENTATIVES—*Tuesday, September 20, 1994*

The House met at 10:30 a.m. and was called to order by the Speaker pro tempore [Mr. TEJEDA].

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communications from the Speaker:

WASHINGTON, DC,
September 20, 1994.

I hereby designate the Honorable FRANK TEJEDA to act as Speaker pro tempore on this day.

THOMAS S. FOLEY,
Speaker of the House of Representatives.

MORNING BUSINESS

The SPEAKER pro tempore. Pursuant to the order of the House of February 11, 1994, and June 10, 1994, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member, except the majority and minority leaders, limited to not to exceed 5 minutes.

THE MORNING AFTER IN HAITI

The SPEAKER pro tempore. Under the Speaker's announced policy of February 11, 1994, and June 10, 1994, the gentleman from Florida [Mr. GOSS] is recognized during morning business for 5 minutes.

Mr. GOSS. Mr. Speaker, yesterday in this Chamber Members of the House of Representatives paused in the legislative agenda, took time out to do something that was extremely appropriate. That is we passed a resolution to reinforce our support for our troops who are now overseas; we would say "not in harm's way," but certainly in a sensitive and delicate situation where the risk for hazards and bodily harm is certainly greater than normal business as usual for members of our military, and of course it is appropriate for Congress to take the time to send that support because it means a lot. We have some Members who have been on the receiving end of that in other actions we have had on behalf of our country. We have a gentleman from California [Mr. CUNNINGHAM] who testified to that so eloquently, that when he was in Vietnam, how much it meant to him that Members of Congress, speaking for the districts of the people they represented across America, knew of the sacrifice and the extra effort, the risk and the hazards, that our men and women in uniform are taking on behalf of our Nation, and in the resolution we passed yesterday, Mr. Speaker, there was a little bit of self-congratulation, too, by the administration for avoiding, at least for the time being, the worst of the consequences of the Clinton administration's ill-advised policy for Haiti. But unfortunately, after those kinds of celebrations, there always comes a morning after, and when it has been a particularly difficult celebration, Mr. Speaker, there sometimes is a hangover, and we do, in fact, have a hangover.

The situation in Haiti so far has been generally without violence. There has been no conflict that I am aware of between American forces and Haitians. There certainly has been some confrontation between Haitians because they are, in fact, in the middle of a very difficult civil discord, if not a civil war, and our troops are really the ham in the sandwich, as it were, but our troops, it seems from the reports we have seen come in, are in an almost circuslike atmosphere, perhaps not lighthearted, but they have been welcomed with some openness and friendliness by the Haitians, which is certainly understandable because this is a friendly neighboring country that we have gotten along with for years, enjoyed wonderful relations with. We have many Haitian-Americans, and they have many Americans living in Haiti, and vice versa, and it has been a very good and happy relationship.

It is unfortunate that in the country of Haiti they have not evolved to the level of democracy that we have in this country and that they are struggling to do that, and that struggle regrettably has involved some violence, and it has not yet been resolved, and I would ask every American to think back in the history our country, of the hard times we have had solving our own problems in the evolution of democracy and developing a wonderful Constitution that serves us so well no matter which way the wind blows, no matter how hard it blows in our country. The Haitians have no such anchor; they have no such constitution. They are a republic formed by runaway slaves, so they did not have the traditions, or the wisdom in those days, or the opportunity perhaps, to pull together a plan or vision for their nation that we enjoy in our country, and still have, and pursue diligently. So, we end up with an evolving situation, and I would point out that in our own history we did not get it all done peacefully either. There was, regrettably, a time of war between our States when a great many American lives were lost, and we sorted out our differences. That is never the way to do it, but I do not think we can say that others are any less worthy than we and other nations because they fail to avoid the path of violence when we in our own history failed to avoid that path as well.

So, now we are left with a country that is still very, very divided, and we are seeing that there is great unhappiness on both sides with the arrangements that have been made to avoid the armed conflict. We have the pro-Aristide supporters in dismay in this country and in Haiti that Cedras has not been thrown out and put in jail or had horrible things happen to him. On the other hand, we have dismay that Cedras has undergone a rehabilitation. In 72 hours the worst, most brutal dictator in the Western Hemisphere, to quote President Clinton, has rehabilitated to a man with honor, a worthy partner in a military venture, to paraphrase the words of Colin Powell and former President Carter, so I suspect the American public is a little confused about whether Cedras is a monster or a loyal soldier trying to carry out his duty in Haiti, remembering that they have a different mission and he being a citizen of Haiti, not of the United States. These kinds of complex enigmas are going to sort themselves out as we go along and as the administration belatedly finds out more and more about Haiti and what is afoot there.

There are some lessons that have to be learned from this, and we will be using the time in the days ahead to review these lessons so we do not make the same mistake again and have to try and avoid armed conflict with last-minute negotiations as we did this Sunday.

RECESS

The SPEAKER pro tempore. There being no further requests for morning business, pursuant to clause 12, rule I, the Chair declares the House in recess until 12 noon.

Accordingly (at 10 o'clock and 38 minutes a.m.) the House stood in recess until 12 noon.

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

□ 1200

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 12 noon.

The Reverend Donald Paul Cooper, Beaver Dam Baptist Church, Fayetteville, NC, offered the following prayer:

Shall we pray. O God, we invite You into this place. We invite You because Thou art the God of Heaven and Earth and all that is therein and besides Thee there is none other.

We pray, O God, that You will continue to remind this body that You are the God and that we are one Nation under You, with liberty and justice for all, and to this hour they have been called.

I pray, O God, as they uphold the laws and make new laws in this great country, that they will be reminded of another great law giver, even Moses. I pray, O God, as they deliberate and discuss and debate various issues that shall come before them from time to time, that You will give unto them the wisdom of Solomon.

O God, as they walk among men and work among the people, both here at home and abroad, I pray that You have given to them the integrity, the honesty, and the statesmanship of that of an Isaiah.

Lord, as they seek for peace for the world, I pray that they may know the Prince of Peace who passeth all understanding.

Lord, grant unto these Thy servants the grace and the grit and the guts to act upon those things which are best for every citizen rather than to be persuaded by a few.

We pray, Lord God, You will bless their families, their husbands and their wives and their children and their grandchildren and above all, O God, may Thy will and Thy purpose and Thy mission be done in and through each and all of us.

In the name of Christ our Lord we pray, amen and amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Colorado [Mr. HEFLEY] come forward and lead the House in the Pledge of Allegiance.

Mr. HEFLEY led the Pledge of Allegiance as follows:

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

WELCOME TO REVEREND COOPER

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

Mr. ROSE. Mr. Speaker, I have the pleasure today of introducing to the House a distinguished clergyman from North Carolina, the Reverend Donald F. Cooper. Reverend Cooper is the pastor of the Beaver Dam Baptist Church near my home in Fayetteville, NC. This man has for 40 years served the Lord in various localities, including South Carolina, Virginia, and New York. He has dedicated his life to the service of his Heavenly Father and to the preaching of the word of God.

Reverend Cooper is accompanied today by several members of his congregation and by his wife, Mrs. Annie Lois Cooper. I am sure the House will benefit from the wisdom and the spirit of Reverend Cooper's prayer during these difficult times.

RESIGNATION OF THE PARLIAMENTARIAN, THE HONORABLE WM. HOLMES BROWN, AND APPOINTMENT OF THE HONORABLE CHARLES W. JOHNSON AS PARLIAMENTARIAN

The SPEAKER laid before the House the following communication from the Parliamentarian of the House of Representatives, which was read:

U.S. HOUSE OF REPRESENTATIVES,
THE SPEAKER'S ROOMS,
Washington, DC, August 20, 1994.

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

DEAR MR. SPEAKER: In March of this year, I completed my thirty-sixth year with the House of Representatives. In July, I completed my twentieth year as Parliamentarian.

In the past few months, circumstances, both personal and professional, have focused my attention on retirement. It has been a difficult decision to reach, but I have concluded that it's time for a change.

The office which I have been privileged to hold continues to be both challenging and rewarding. It is fascinating to encounter—almost daily—fresh interpretations of rules and bill language which require constant evaluation of yesterday's assumptions and conclusions. The House changes from year to year, with new Members and staff and circumstances always reshaping this institution; what does not change is the reservoir of intellect and inventiveness which characterizes those who work in the legislative branch of our government. Daily interaction with such talented people makes the Congress a uniquely fascinating place to work.

I could not have done this job without a lot of help, without the love and support of my family, who have learned to live with long hours and erratic schedules; without the teamwork at the rostrum and in all the support offices of the House; without the reservoir of personal commitment and professional strength from my colleagues in the Office. Among the Deputy and the assistant parliamentarians there is a wealth of experience and talent. Their accumulated service totals over 80 years. Each is dedicated to the proposition that the rules of this great institution should be applied and enforced without political considerations. All are open to Members and staff with respect to the rules and precedents which govern and guide the deliberations of the House and its committees. They are all exemplary public servants; they can and will continue to carry out the responsibilities of the Office in a manner which reflects the best traditions of the House. We share a lasting bond and I will miss these friends whom I admire and care for so deeply.

I owe a great debt of gratitude to all the Speakers whom I have been fortunate to know: Sam Rayburn, who first appointed me as an assistant parliamentarian on the recommendation of my legendary predecessor as Parliamentarian, Lewis Deschler; John McCormack, who shared his anecdotes and love of the House during long evening conversations in the Speaker's Rooms; Carl Albert, who had faith enough in my abilities to appoint me as Parliamentarian during a very tumultuous time in the history of the House and has continued to be a valued mentor since his retirement; Thomas P. 'Tip' O'Neill, whose good humor and warmth toward me survived some parliamentary decisions which he must have found vexing; Jim Wright, whose eloquence and courage are unflagging. Finally, Mr. Speaker, I must say how much I have valued your friendship and support. You have always been sensitive and faithful to the distinctions between political and parliamentary decisions and your gavel has been both firm and impartial. The opportunities you have given me to interact with other parliamentary institutions, particularly with the newly emerging democratic republics in eastern Europe, have revealed new horizons which I hope to explore more fully in the future. Programs to encourage and foster parliamentary democracy in that area of our world are of critical importance. The House can be proud of the contribution it is making to this effort and if I can be of assistance in these endeavors I will be available to do so.

I must acknowledge the courtesies and cooperation shown me by the distinguished Minority Leader, Bob Michel. He has always shown an appreciation of the role of our office and he and his staff have been of inestimable support. To have known so many of his predecessors, such distinguished men as Joe Martin, Charley Halleck, John Rhodes and Gerald Ford, has been a rare privilege. All of these Leaders have made the House a better place and have left an indelible mark on its history.

I will miss the many friendships with Members that have formed over the years. May I extend to them, through you, my appreciation for their kindnesses.

With your concurrence, my termination as Parliamentarian will be effective on September 15, 1994.

Very respectfully yours,
WM. HOLMES BROWN.

The SPEAKER. It is with great regret that the Chair accepts the resignation of the distinguished Parliamentarian of the House Wm. Holmes Brown.

Pursuant to the provisions of 2 U.S.C. 297a, the Chair announces that on September 16, 1994, he appointed Charles W. Johnson as Parliamentarian of the House of Representatives to succeed Wm. Holmes Brown, resigned.

□ 1210

A WARM FAREWELL TO WILLIAM H. BROWN, PARLIAMENTARIAN

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

Mr. MICHEL. Mr. Speaker, I think the news that was just announced here, that the Parliamentarian of the House is going to retire, comes as a sad note for many of us who have known Bill through all of these years, although I am happy that he is leaving in a commensurate year with my own retirement. He could not be leaving at a better time, from that standpoint.

However, things have changed since I first started in this House. At that time the Parliamentarian was Lou Deschler, referred to by those who dared to call him "the Judge." He was a tough old bird. He would not talk to staff, and he would hardly talk to Members.

I remember one time I took him five different versions of an amendment prohibiting food stamps for strikers and said, "Okay, Judge, one of these has got to be in order." And you see, he had the only copy of all the precedents of the House from 1936 on in his office, and he had all the power.

Bill Brown has changed all that. He and his staff have done a magnificent job in compiling and publishing those the Judge had kept hidden. He has done an excellent job organizing the Office of the Parliamentarian and helping the membership. Many of the precedents are now "on-line," available through the House Information System.

Bill was born in West Virginia, receiving a bachelor of science degree from Swarthmore College in Pennsylvania in 1951. He received his law degree from the University of Chicago, out our way in Illinois, and served in the Naval Reserve with active duty in the Persian Gulf, returning as a lieutenant commander in 1974.

Bill was first appointed Assistant Parliamentarian by Speaker Sam Rayburn, and then became Parliamentarian in 1974 under Speaker Albert, and has served under six Speakers of the House.

Bill has been a great Parliamentarian, but most do not realize that he is also a farmer. He lives in a 200-year-old home on the Oakland Green Farm, has expanded the log cabin with a stone addition, and later a brick addition. Bill, I am not sure about the aluminum siding you and your lovely wife Jean have now added.

The Browns do have one daughter, Sarah, who is currently studying in Kenya.

Being a farmer and a Parliamentarian involves a lot of work. He is often late coming in, as he has been birthing calves, or on snowy days he has had to drive his tractor to a main road to get a ride. You cannot miss his car in the Rayburn garage, as it looks like he keeps it in the chicken coop all night.

Bill, we are sorely going to miss you, and can imagine you reciting precedents to your cows as the Congress continues writing new ones. I believe we will still use your expertise in attempting to finalize the publishing of the Deschler-Brown precedents, which I will always consider the "Brown volumes."

Taking Bill's place in the top spot is someone who I also have known and argued with many a time, Charlie Johnson.

We have had a good laugh telling the story of when Charlie first was working for the Judge, and Lou assigned Charlie the responsibility of compiling old contested election cases. Charlie worked for weeks, researching and writing, only to find out later that they were all neatly compiled in Cannon's precedents.

Charlie still works harder than he needs to. He is a good guy and a dedicated worker. He is the perfect choice. Charlie, I hope you will last longer than Lehr Fess, who some of you may not know lasted just a year.

Best to you, Bill, and we know, Charlie, John, Tom, and Muftiah will carry on the strong tradition of professionalism and cooperation that you started.

TRIBUTE TO THE HONORABLE WILLIAM HOLMES BROWN, PARLIAMENTARIAN, ON HIS RETIREMENT

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

Mr. FOLEY. Mr. Speaker, nothing gives me greater satisfaction than to hear on this day of retirement of Bill Brown these wonderfully warm words from the Republican leader, because I think the lifeblood of any parliamentary body is the sense that our debates and discussions, the votes and actions taken here, are taken in a context of rules and observance, conventions and procedures, that are fair to each Member of the body. Indeed, I think the history of our House of Representatives, certainly in this recent period, has been one of scrupulous adherence to the rules.

As Speaker I have tried to follow that guide of fairness and objectivity in every ruling I have made, and if I had any tendency to veer from that, I would find resistance, very strong resistance, from the Parliamentarians of the House, who are committed in an almost religious sense to ensuring that the rules are absolutely impartially observed here, I think there is a record, perhaps, of the fact that this body has hardly ever overruled the Chair, and that in those cases where there sometimes has been a question of moving to override the Chair, Republican leadership has often joined with our Members and Republican Members have joined with Democratic Members in supporting the Chair.

Certainly no small part of the credit for this belongs to Bill Brown. He has been an absolutely sterling Parliamentarian in every way. He has served six Speakers. He has been in this body for almost a longer period than virtually anyone. There are few Members and very few professional staff who have served as long.

He begins his retirement with the best wishes and warm affection of an overwhelming number of Members and those who serve with him in aiding this body to achieve its objectives. He has compiled, as BOB MICHEL says, the precedents of the House. They are now available for all. He has in recent months been a special resource of assistance to emerging parliamentary democracies in Eastern Europe. I think he has found great satisfaction and opportunity for additional service in that work.

Charlie Johnson, his very long-time Assistant Parliamentarian, has our full confidence on both sides of the aisle, and I have made his appointment with great satisfaction; and if it is time, in Bill Brown's judgment, to leave, that a successor as worthy and able and committed and dedicated as Charlie Johnson stands ready to assume the responsibilities.

Mr. Speaker, I want to extend again, not only on my own behalf but on the behalf of all Members of this House, my thanks and my appreciation and my warmest best wishes to Bill Brown, and every success and happiness for him and Jean in the years that lie ahead.

Mr. MONTGOMERY. Mr. Speaker, I want to join you and the minority leader in recognizing the more than 36 years of service Parliamentarian Bill Brown has given to this House.

Bill is retiring this week after serving in the Parliamentarian's office since 1958. He was Assistant Parliamentarian from 1958–1974 and then was appointed to the position of Parliamentarian by House Speaker Carl Albert in 1974. During those years, Bill served under six House Speakers, including Sam Rayburn, John McCormack, Carl Albert, Tip O'Neill, Jim Wright, and TOM FOLEY.

Bill has been successful over the years in making sure the Parliamentarian's office remained nonpartisan in its duties of advising the Speaker, all Members of Congress, committees and staff on constitutional questions and rules of order within this House. He is held in high regard by Members on both sides of the aisle.

In addition to those responsibilities, Bill was involved in recent years in projects involving parliamentary development in several Eastern European republics. He and his support personnel have participated in seminars and training programs in Poland, Estonia, and Romania, as these countries and others move toward democracy.

Bill is a graduate of Swarthmore College, Pennsylvania and the University of Chicago Law School. He served on active duty in the U.S. Navy from 1954–57 and then served in the Naval Reserve from 1954–74, retiring as a lieutenant commander.

it has been a great honor to get to know Bill Brown on a personal level. I consider him a close friend and certainly will miss the wise counsel he has given me over the years. He is one of the true unsung heroes who make things work around the people's House. We will miss Bill, but he has earned his retirement. I salute Bill Brown on a job well done and wish Bill, Jean, and Sara the best in the future.

WELCOME TO JOHN HUME, LEADER OF THE SOCIAL DEMOCRATIC LABOR PARTY OF IRELAND

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

Mr. NEAL of Massachusetts. Mr. Speaker, a true man of peace, and one of the principal architects of the historic ceasefire in Northern Ireland arrived here in the United States earlier this week.

John Hume, the courageous leader of the Social Democratic and Labor Party, brings with him an encouraging message of hope, justice and reconciliation. And because of his efforts, for the first time in years, people of both traditions in Northern Ireland believe that a permanent cessation of violence is finally at hand.

In many ways, John Hume's visit represents a clear vindication for the 25 years he has spent trying to bring about a peaceful end to the longest standing political dispute in the history of the Western World. We are honored to have him in our Nation's Capital today.

As the leader of the largest nationalist party in Northern Ireland, John Hume brought unquestioned creditability and integrity to a conflict that many felt would never be solved. He worked tirelessly with Catholics and Protestants, republicans and loyalists, to convince them that the gun and bomb no longer had a place in the future of Northern Ireland. And despite long odds and great personal sacrifice, he appears to have succeeded.

Mr. Speaker, I have just returned from Northern Ireland where I met with leaders from both traditions who expressed their optimism over the John Hume brokered ceasefire. As he brings his message of peace here, let us welcome this distinguished man from Derry, and pledge to work with him to resolve the sectarian conflict known as the troubles.

□ 1220

OPERATION RESTORE DEMOCRACY

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

Mr. LINDER. Mr. Speaker, Operation Restore Democracy appears to be the best solution among a number of bad alternatives.

I am pleased that the diplomatic course in Haiti reached a reasonable conclusion before the all-out invasion reached the point of no return.

While President Clinton clearly mismanaged the situation in Haiti from the beginning, I do believe that he should be congratulated for giving diplomacy a chance.

Former President Carter, General Powell, and Senator NUNN were a successful team in this delicate diplomacy. And they deserve our thanks.

We must remember, however, when our troops came ashore in Port-au-Prince yesterday, the Haitian problem became an American problem.

Let us all hope that the 15,000 American troops serving in this mission will leave shortly after the dictators step down. We must not prolong this mission unnecessarily.

One lesson we should keep in mind during this mission in Haiti is that we can ill afford to slash our military budget further and then expect our men and women in uniform to feed, clothe, and protect the world.

IN MEMORIAM: THE HONORABLE EDWARD PATTEN

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

Mr. MENENDEZ. Mr. Speaker, I want to commemorate the passing of former New Jersey Congressman Edward Patten. Congressman Patten was one of the few with the courage to sponsor the landmark 1964 Civil Rights Act. The nine-term Congressman died Saturday. He was 89.

Congressman Patten served the former 15th district from 1963 until he retired in 1981. Born in Perth Amboy, Ed Patten was a lifelong resident and active Democrat in that city. His political career took off in 1934, when he was elected mayor of Perth Amboy. He held the mayoral post until 1940. From 1940 to 1954, he was elected Middlesex County clerk. Ed Patten also served as New Jersey secretary of state from 1954 to 1962. Ed Patten served on the House Appropriations Committee.

Ed Patten was devoted to the people of his district. He was proud that he never missed a funeral, a wedding, or a bar mitzvah. The people of New Jersey were enriched by his service and mourn his passage.

Mr. Speaker, at this time, I would ask the House to observe a moment of silence.

GENERAL LEAVE

Mr. MENENDEZ. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the life, character, and public services of the late Hon. Edward Patten.

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

There was no objection.

LET THE RECORD SPEAK FOR ITSELF

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

Mr. WELDON. Mr. Speaker, many of our colleagues yesterday were concerned that the vote to support our troops and the Carter Commission yesterday would somehow be misconstrued by the administration nationwide as though this body went on record in favor of the Clinton policy in Haiti. Nothing could be further from the truth, yet the American media in fact stated that. It was not until 8:55 last night that I was able to get CNN to correct on the air the fact that that vote was not in support of the Clinton Haiti policy but was merely a vote to support the troops and the Carter Commission.

Mr. Speaker, let us look at the RECORD as I did today. There were 33 Members who spoke on that resolution yesterday. All 13 Republicans and 10 of the 20 Members of the opposition party rose and spoke that they had major concerns with the President's policy in regard to Haiti. I find it somewhat ironic that just within the last hour, President Clinton in a live press conference said he was gratified by our vote. This was not a vote in support of President Clinton's policy in Haiti. It was a vote in support of our troops and the Carter Commission's efforts. Let the record speak for itself.

GET REAL, MR. ARISTIDE

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

Mr. TRAFICANT. Mr. Speaker, Jean-Bertrand Aristide is upset. He is upset with the deal helped developed by former President Carter. He says General Cedras will have too much time. I say unbelievable and it is time for Jean-Bertrand Aristide to get real. While America is spending a half a billion dollars over there to help straighten out Haiti, we have 40 million Americans without health care. American workers are absolutely worried about their next paycheck, how they are going to pay their mortgage off. I say

enough is enough. Maybe Congress should hand Aristide an M–16 rifle and have him take care of business for himself.

One thing for sure is Congress should be using these billions of dollars to take care of the problems in America where democracy is passing over an awful lot of Americans. Think about it.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair asks our gallery guests not to participate with applause or become involved in statements on the House floor.

WHEN ARE THE TROOPS COMING HOME?

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

Mr. EWING. Mr. Speaker, I support our troops in Haiti. I am glad that they were able to go ashore in a friendly atmosphere. And I have full confidence in their ability to get the job done.

But, Mr. Speaker, I am worried that our troops are in Haiti indefinitely. There is no time certain for their withdrawal. I am afraid that we have entered into a mission with no end. President Clinton needs to articulate an exit strategy and set a specific date for our troops to return safely to the United States.

You would think that President Clinton would have learned from his own experience with the Vietnam war and the disastrous result in Somalia that open-ended missions only lead us further into conflict.

How and when American troops will come home—there will be real uneasiness about his Haitian policy.

THE PROPER RESPONSE

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

Mr. OBEY. Mr. Speaker, I note that President Aristide is today expressing unhappiness with some aspects of the agreement worked out by the Carter mission to Haiti earlier this week. I would simply point out to Mr. Aristide that there are 14,000 American troops presently in harm's way to pave the way for a return to a democratically elected government. The proper response from Mr. Aristide is not to second-guess or nit-pick. The proper response is two words: "Thank You," to President Clinton, to President Carter, to the other members of the mission, and to every single American service man and woman presently on duty in Haiti. Mr. Aristide, like all of us is not immune from the real world necessity to compromise. My advice to Mr. Aristide is: Few people get a second chance. Get real. Don't screw it up.

HAITI COULD BECOME SOMALIA II

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

Mr. HEFLEY. Mr. Speaker, Bill Clinton believes he averted catastrophe by not having to invade Haiti. We need to remind Mr. Clinton that we did not have to shoot our way into Somalia either—but we did have to shoot our way out.

Our military believed that an invasion of Haiti would be easy. Within 7 to 10 days we would have effective control of the country. The thing that has always worried our military commanders was not the invasion, but the mission after the invasion.

If we had invaded Haiti our mission would have been simple: Gain control of the Haitian Government and capture General Cedras. This is a clear, attainable goal. Mr. Speaker, now that the invasion was cut short, what is our mission in Haiti? Build a democracy? Feed the needy?

Mr. Speaker, we need to pray for our soldiers in Haiti every day. They deserve our unequivocal, steadfast support. They have been given a mission which closely resembles the misguided and failed mission of nation-building which tragically took the lives of Americans in Somalia.

APPRECIATION FOR HAITIAN CONFLICT RESOLUTION

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

Mr. FLAKE. Mr. Speaker, on yesterday I was absent when the vote on the resolution was taken. Had I been here, I certainly would have supported it. I support the President, Jimmy Carter, Colin Powell, and SAM NUNN for the tremendous job they did to assure that we would be able to have a peaceful resolution of the conflict in Haiti. There is no doubt in my mind that without this resolution and without the resolve of those persons who are working toward peace and not war, many lives would have been lost. Even with the potential for those American lives that are jeopardized by being there, I think that we have moved a step closer to a resolution of this matter. I believe it is a matter that America can feel proud about not only by those who have represented it in the negotiations with those who are leaders in Haiti but for this President who saw a way to do it without having to fire a weapon. Thank God. Thank God we are on the way to peace in Haiti.

REPUBLICANS' UNQUESTIONABLE SUPPORT FOR U.S. TROOPS

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

Mr. BAKER of California. Mr. Speaker, I want to express House Republicans' unquestionable support for the American troops now in Haiti.

At the same time, I want to remind my colleagues that this does not mean that our view of the President's Haitian policy is unquestioning.

Our committing young lives to Haiti appears to be more political than strategic. The United States still has no national interest in Haiti.

In contrast to what some would say, the last 48 hours do not put an end to debate on this issue. In fact, if anything they raise more questions than it answers.

How many troops will the President commit to this exercise?

What exactly is their mission? How much will it cost and who will pay for it—will it come out of a defense budget that the White House has already slashed?

What is the command structure for American troops, U.N. troops, and the Haitian personnel? And most important, when will our people be coming home?

Haiti has no democratic institutions and our troops may be faced with a quicksand in time not unlike Somalia.

I support the United States troops in Haiti. But I would support them being back in America even more.

□ 1230

LINGERING QUESTIONS ON CLINTON HAITIAN POLICY

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

Mr. DE LUGO. Mr. Speaker, yesterday morning I was watching television as our troops began going ashore in Haiti, and as a person from the Caribbean, an island person from that area, I said thank God to see our young soldiers, men and women, entering without firing a shot.

A lot of people did a lot of things right this past Sunday, particularly our President.

Regardless of which side of the aisle you sit on in this House, he is our President. It took a lot of courage to do what he did, and it is time to support our President.

A lot of people did a lot of things right: Our President, our former President Jimmy Carter, the members of the Carter team that President Clinton sent to Haiti, former Chairman of the Joint Chiefs of Staff Gen. Colin Powell, whose parents are from Jamaica and whose sensitivity played a key role in

resolving the matter, and Senator NUNN.

It is time to stop carping. It is time to support our President and our troops.

HAITI: QUESTIONS REMAIN UNRESOLVED

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

Mr. KNOLLENBERG. Mr. Speaker, yesterday both Republicans and Democrats voted in support of our young men and women serving in Haiti. But what we did not do was debate some very serious lingering questions about President Clinton's newest foreign policy.

Specifically, I think that there are four essential questions that need to be answered before we become further entrenched in Haiti:

First and most importantly, how does this exercise in gunboat diplomacy serve, and or protect, the U.S. national security interests?

Second, in simple terms, what is the military's stated mission, and do we have an exit strategy?

Third, how long is it estimated that this mission and its objectives will take to complete?

And finally, what type of financial pricetag are we going to be asking the American public to shoulder for this Haitian expedition?

These are important questions that require honest debate and straightforward answers. As Members of Congress, we are constitutionally obligated to pursue these questions to their resolution. As American citizens, we owe it to our Armed Forces who are risking their lives on behalf of this policy.

BENEFITS OF THE CARTER MISSION ON HAITI

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

Ms. NORTON. Mr. Speaker, sure there are pieces still to fall in place for the extraordinary unfolding Haitian puzzle put together by former President Carter, Senator NUNN, and Colin Powell. Yet, who can deny that their way is the best way given the alternatives? The alternatives were humiliation for the United States at our inability to carry out the Governor's Island Agreement and to contain refugees rushing the overwhelmed Florida shores.

Premature criticism of the settlement while our troops are deployed misapprehends the nature of negotiation. As a professor who taught negotiation, I always began with the basics. A successful negotiation is a win-win, not a zero sum game. Each side gets something, not necessarily parity, but humiliation for one side and victory for the other seldom yields settlement. Unconditional surrender requires war and inevitable bloodshed. That is what the Carter mission has avoided. Let the critics put themselves to the exercise of crafting a better solution. I have yet to hear one.

TRIBUTE TO BOBBY THOMSON

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

Mr. FRANKS of New Jersey. Mr. Speaker, I rise today to pay tribute to my constituent, Bobby Thomson, of Watchung, NJ. Although Bobby has accomplished many things in his life, he is probably best known for hitting the vaunted "Shot Heard 'Round the World," the most famous home run ever hit. As all baseball fans know, Bobby belted that game-winning home run in the ninth inning of the New York Giants-Brooklyn Dodgers 1951 playoff game, enabling the Giants to win the National League pennant.

While Bobby will always be known as a great slugger, I pay tribute to him today for his exemplary service to his community since his retirement from baseball. Bobby has done extensive charitable work on behalf of cancer-striken children, coached Little League for many years, and also served as a member of the Watchung borough council. Additionally, Bobby has raised funds for JFK Hospital in Edison, and also for Contact We Care, a volunteer 24-hour helpline/crisis intervention service based in our home county of Union.

Mr. Speaker, while it's unfortunate that there will be no game-winning home runs this October, it is reassuring to know that Bobby Thomson's 250 homers, coupled with his considerable accomplishments off the baseball diamond, have ensured this remarkable gentleman a well-deserved place in history.

SUPPORT FOR THE CLINTON POLICY IN HAITI

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

Ms. MCKINNEY Mr. Speaker, the Haitian people have been dying for democracy for decades. Despite their cries, the United States stood idly by. First in support of Papa Doc against their cries of freedom and next in support of Baby Doc. How long were the Haitian people to wait for United States action on behalf of democracy. By day and by night body parts were found on the sides of Haitian streets. Haitian women fighting for democracy had become targets for rapists. Orphaned Haitian children had become targets for murderous thugs. All while the Haitian coup leaders thumbed their noses at the international community.

Operation restore democracy hopefully will bring these atrocities to an end. We should never allow democracy to be hijacked within our own hemisphere and we should reject the obstructionism of the gridlock gang.

The purpose of United States action is not to install a puppet, not to install a dictator, but to reinstate the justly elected choice of the Haitian people. Job well done, Mr. President.

UNANSWERED QUESTIONS REGARDING HAITI

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

Mr. BALLENGER. Mr. Speaker, while we commend the efforts of former President Jimmy Carter, Gen. Colin Powell, and Senator SAM NUNN in dodging a bullet in the occupation of Haiti, let us not forget that American soldiers are still sitting on a powder keg.

The President has yet to clearly outline our objectives in Haiti and most importantly set a date for the return of our troops. We must not forget the lessons of Somalia, it is much easier to step into a quagmire like Haiti then to get out. And most importantly, is a mission of nation building worth the cost at all?

Besides the unclear mission of our troops, there is the question of our defense budget. During a period when this administration is drastically cutting our defenses, does it make sense to expend precious and limited resources in a Caribbean country of little importance to national interests or security?

Mr. Speaker, there are many questions to be answered regarding our involvement in Haiti, and with American men and women in a potentially explosive situation, we deserve clear decisive answers.

AGREEMENT—BACKED BY UNITED STATES TROOPS—IS BEST HOPE TO RESTORE DEMOCRACY IN HAITI

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

Mrs. MEEK of Florida. Mr. Speaker, everyone is talking about Haiti. This Congress has been talking about Haiti I know for 7 or 8 years. But guess what, Mr. Speaker? They have done absolutely nothing to assist the turmoil in Haiti, to stop the killings, to stop the rapes, to help the poor people of Haiti. They have done nothing. And if President Clinton had not intervened we would still be at that same point.

□ 1240

I stand here to say to the world that I support President Clinton's effort. It took strong stamina. It took a bold and creative methodology.

Everyone is saying, "We praise the troops. We praise President Carter." Neither one of them could have moved if it were not for the President.

So we needed someone to provide leadership for this country to move forward, to help Haiti. I must say we must support President Clinton. He will go down in history as someone who was not afraid, and it is so important to understand that we all know that this agreement is not the best, but we must begin to help to solve some of this problem.

We must minimize the risk, but we also must realize that Haiti has to be helped.

COMMENDING AND CONGRATULATING PRESIDENT CLINTON

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

Mr. FOGLIETTA. Mr. Speaker, I yield to the gentlewoman from Florida [Mrs. MEEK].

Mrs. MEEK of Florida. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, why do we not ask: Why does not this Congress share that sense of humanity? Why do others respond selectively? Why do others respond selectively and differently to suffering when the persons suffering are black or from a Third World country?

We are kin to the Holocaust victims, to the Arabs on the West Bank, to Moslems in Bosnia and Serbia, to Catholics and Protestants in Ireland, to the victims of terrible atrocities in Rwanda.

Maybe it is someone's feeling that we are unfit to contribute to policy in this global village, but we must begin to fit and change policy in these global villages.

Everyone is talking about Haiti, but this Congress is doing little to resolve the problems there.

The agreement that the administration made with the leaders of the illegal government in Haiti is not perfect, but it clearly represents the brightest hope since the military coup 3 years ago to end the murder and atrocities and to restore democracy in Haiti.

President Clinton has demonstrated that he is Commander in Chief in the fullest sense. He has moved forward with strength and conviction, masterfully using the Presidential tools of military force and diplomacy to achieve U.S. objectives in the most effective and least costly manner.

The President made it clear last week that the coup leaders must give up power. And under this agreement they will, by October 15 at the latest—and the guarantee is the 15,000 American troops in Haiti.

The President made it clear last week that President Aristide will be returned to power in Haiti. And on or about October 15, under this agreement, he will—and the guarantee is the 15,000 American troops in Haiti.

I would have liked to have seen Cedras, Biamby, and Francois not only removed from power, but also forced to leave Haiti. The reign of terror over which they presided or acquiesced and the untold death and sorrow that they inflicted on their helpless country men and women are crimes against humanity and cry out for justice.

However, the amnesty provision of the agreement—which can only be enacted by the Haitian Parliament—was part of the Governors Island Agreement, to which the United States had previously agreed. Also, under international law, foreign governments cannot force people to become stateless.

Haitians must affix responsibility for the atrocities that have occurred. This agreement insures that the democratically elected government will make these decisions, not foreign powers and not the coup leaders. Again, the guarantee is the 15,000 American troops in Haiti.

Some have criticized the agreement because it did not set a date for President Aristide's return. But clearly, this agreement creates the conditions for his return. President Aristide has always said he would return soon after the coup leaders leave power. That will happen by October 15.

Finally, there is some frustration because the coup leaders are not forced to step down immediately.

But the tradeoff for this delay is that, because of this agreement, there is much less probability that United States and Haitian lives will be lost. It is in the interests of the United States and Haiti to reduce violence as much as possible, because the loss of life in a hostile invasion would have created enormous barriers between the United States and Haiti in the future.

The agreement will end the illegal government in Haiti and restore President Aristide and democratic government; ease the pain of the Haitian people by lifting the international embargo; and allow the thousands of Haitians seeking refuge at Guantanamo Bay to return to their homes.

Under the best of conditions, President Aristide faces a daunting task of coalition building in his own country and in the Parliament, and the task of choosing new military leaders and completely reforming the national police force and the task of rebuilding a ruined economy in what is, even in the best of times, the poorest country in our hemisphere.

This agreement does not begin to solve Haiti's problems. But it is nonetheless a dramatic and powerful step forward that moves us much closer to achieving United States interests while minimizing the risk to United States soldiers and the Haitian people.

Mr. FOGLIETTA. Mr. Speaker, reclaiming my time, I do so to commend the gentlewoman from Florida on her remarks, because I join in her remarks in commending the President, congratulating President Clinton on the masterful job that he has done in bringing an attempted peace to the people of Haiti.

I commend the gentlewoman and all the supporters of the people of Haiti, and I commend the President of the United States of America.

HEALTH CARE REFORM: ANOTHER OPPORTUNITY LOST

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

Mrs. JOHNSON of Connecticut. Mr. Speaker, I rise today in utter frustration with this body's inability to address even the simple but terrible problem of people being denied health insurance because they have been sick. As an author of legislation to solve this kind of problem and a cosponsor of bipartisan health care reform proposals in this Congress, I am simply outraged at the Democrat leadership's handling of health care reform and ashamed of this body's inaction.

Instead of focusing on the broad areas of agreement for reform like insurance reforms, administrative simplification, malpractice reform, voluntary pooling arrangements, and other reforms that would expand access to health care and begin to control costs, the Democrat leadership has wasted yet another year by focusing on issues that had little or no support.

Rather than fighting for employer mandates as a means of funding an expensive new entitlement, they should have seen months ago that the majority of Members think health care reform should not compromise small businesses vitality. Rather than seeking to impose Government-set global budgets and price controls, which have failed miserably in every instance they have been tried, the Democrat leadership should have been working with the bipartisan group of members building on cost containment strategies that have already actually worked in the real world. Rather than dealing with only the single payer advocates, they should have worked with those of us who have set aside partisan politics to enact meaningful, practical solutions to our health care problems.

Mr. Speaker, all time has not run out on this Congress. There are solid reforms we can still enact this year that will help people by giving them access to better, more affordable health care plans. Major reforms always serve us better as a society if they have bipartisan support. So let us not let yet another session of Congress slide by without passage of the concrete, useful reforms on which there is broad agreement.

To fail to act, to fail to help people locked in their jobs, people forced to retire early and locked into high cost plans, to fail to reform at least the health insurance industry would be a disgrace for this Congress. This Member stands ready, willing, and able to do what is necessary to get the job done.

PAY ATTENTION TO OUR HEMISPHERE, TOO

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

Mr. HUGHES. Mr. Speaker, I rise in support of President Clinton and ask my colleagues to reduce the rhetoric, and let us start trying to work with the administration in what has become a very difficult quagmire we have been in for some time.

I spoke in this well when we went into the Persian Gulf, supporting President Bush, because we can only have one President and one Secretary of State. It is the administration that carries out foreign policy, not Members of Congress. We cannot have 435 Secretaries of State.

There are a lot of unanswered questions; I have the same concerns most of my colleagues have. But I think what we need to do at this point is work it through the process.

There is no question that leadership in this world brings risks. It is not a riskless, risk-free world that we are in, as a matter of fact, and President Clinton and former President Carter's mission to Haiti pointed a direction that we did not see coming, but can lead us out of what has become a very difficult situation in our hemisphere.

You know, ladies and gentlemen, one of the reasons why we have had so many problems in this hemisphere is because we have neglected it for too many years. We need to start paying more attention in our backyard.

BE GLAD OUR DEMOCRACY STILL WORKS

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

Mr. GOSS. Mr. Speaker, Thomas Jefferson is said to have described our representative democracy this way:

> Democracy is cumbersome, slow and inefficient, but in due time, the voice of the people will be heard and their latent wisdom will prevail.

For those of us who participated in the countless hours of committee meetings, informal discussions, and floor debate on health care reform, these words ring especially true. Although the process has seemed cumbersome, the "latent wisdom" of the American people has indeed prevailed: most Americans do not want Government-run health care. They especially do not want radical changes that will lead to diminished choice and reduced quality. Some political post-mortems bemoan the fact that Clinton health reform is dead. But rather than mourn the passing of that misguided, heavy-handed approach to health reform, let us be glad our democracy still works and that we have the opportunity to achieve workable, realistic affordable reforms in Congress next year.

APPOINTMENT OF CONFEREES ON H.R. 4556, DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 1995

Mr. CARR of Michigan. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 4556) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1995, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

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

There was no objection.

MOTION TO INSTRUCT CONFEREES OFFERED BY MR. WOLF

Mr. WOLF. Mr. Speaker, I offer a motion to instruct.

The Clerk read as follows:

> Mr. WOLF of Virginia moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill, H.R. 4556, be instructed to disagree to the amendment of the Senate numbered 89.

PARLIAMENTARY INQUIRY

Mr. NADLER. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. NADLER. Mr. Speaker, is the gentleman from Michigan rising in opposition to this motion?

Mr. CARR of Michigan. Mr. Speaker, I will not oppose the motion, but will claim the appropriate amount of time.

Mr. NADLER. Mr. Speaker, I am opposed to this motion. I ask for one-third of the time in opposition.

The SPEAKER pro tempore. The gentleman from Michigan [Mr. CARR] will be recognized for 20 minutes, the gentleman from Virginia [Mr. WOLF] will be recognized for 20 minutes, and the gentleman from New York [Mr. NADLER] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Virginia [Mr. WOLF].

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

Mr. Speaker, during the debate on my motion to instruct the conferees today, I want to highlight two large projects, the Pennsylvania Station redevelopment project in New York City and the Corridor H Highway across central West Virginia.

In its version of H.R. 4556, the fiscal year 1995 transportation appropriations bill, the House did not fund either of these two projects, which will drain scarce resources from other transportation needs across the country. And the House was right.

My motion to instruct asks the conferees on behalf of the House to insist on the House position with respect to the Penn Station project, which is zero funding for fiscal year 1995, and I will enumerate the reasons for offering this motion.

It is not possible to include the West Virginia Corridor H project in the motion to instruct because it is tucked neatly away in Senate report language which lists the projects included in the $352 million appropriated for highway demonstration projects. Of that $352 million, the State of West Virginia is allocated $165 million or nearly half of the total account.

I have written to all the Members of this body about Corridor H, but before we get into that, please allow me to discuss the substance of my motion to instruct—the Penn Station redevelopment project.

Specifically, the $40 million in fiscal year 1995 funding the Senate has directed to this project would be used to fund engineering, design, and construction activities necessary to convert the James A. Farley Post Office in New York into an intercity railroad passenger station and commercial center.

The House committee decided not to fund this project for some very good reasons. And I also should note here that when the House bill was considered on the floor, not one single objection was heard concerning the committees' decision not to fund the Penn Station project.

The reasons it was not funded are basic:

The project was first included in the 1992 Amtrak reauthorization bill. In that legislation, Amtrak was directed to prepare a feasibility study predicated upon completion of the project without Federal funds. Despite these instructions, the feasibility study submitted by Amtrak estimated that approximately $92 to $132 million in Federal funds would be needed.

The project is not authorized. The proponents will tell you that authorization is imminent, but I think most of us know that the Amtrak bill is hung up on labor issues.

The project was not included in the internal budget request of either the Federal Railroad Administration [FRA] or of the Department of Transportation [DOT].

The project was not requested by Amtrak this year, even though Amtrak is stated by proponents to be the primary beneficiary of this project.

The proponents will argue that they are not robbing Peter to pay Paul, and that this project will not deplete scarce Amtrak capital. Well if you believe that, then you also believe that tax dollars grow on trees in a forest that knows no boundaries. If we do this large Penn Station project, then it

seems to me that we have less to provide for Amtrak subsidies. And any way you cut it, it will increase operation costs for Amtrak through higher rental payments. If you vote for the Penn Station/Farley project, you are voting for higher fares.

Amtrak, FRA, and DOT officials are all being good sports about this project now that word has come down from the White House that this project must be funded.

But, it is no wonder Amtrak did not ask for this project. When Amtrak officials came before our committee, they indicated that capital funds were already so oversubscribed and overleveraged that the railroad is not welcome at the banks anymore. However meritorious the Penn Station/Farley project is, it simply cannot be justified in light of Amtrak's current fiscal condition.

And, other commuter transit properties in the country could also be hurt by this $315 million project, which seeks $100 million from the Federal Government, through the draining of scarce resources.

There also remains the dilemma of a local match for this project. The proponents will tell you that a memorandum of agreement, hurriedly executed just last month, requires the city and the State to contribute $50 million each for a total local match of $100 million. Therefore, with $200 million slated to come from Federal, State, and local sources, only $115 million would come from incremental retail revenues made possible by the redevelopment, by historic tax credits and by improvements made by the Postal Service to the Farley Building.

It is important to note that the sole owner of the Farley Building, the U.S. Postal Service, is not even a party to this MOA. All that has been elicited from the Postal Service is a letter from Postmaster General Runyon pledging to "work in good faith" toward a "mutually beneficial plan and transaction."

But it is important to remember that MOA's are not legally binding to any of the non-Federal parties. This one was signed by the Governor of New York and the mayor of New York City. If we are to be good stewards of Federal tax dollars, why on Earth would we put up those dollars for any project before we see the color of the other parties' money. I think it would be appropriate to see a vote and a line item in the budget for both the State legislature and the city council before we rush to appropriate Federal dollars.

You will also hear the proponents of this project talk about a fire which broke out in Penn Station 2 weeks ago. The incident was successfully handled without tragedy, but the proponents of the redevelopment project correctly point out that there should be more egress and ingress for this crowded facility. If there are safety problems with Penn Station, and I don't doubt the word of those who say there are, then we should address those safety problems.

But shame on us if we mislead the taxpayers by using safety as a convenient, last minute mantle to wrap around an expensive economic redevelopment. Particularly one that has not yet been duly authorized at the Federal, State, or local levels of government.

So, Mr. Speaker, I urge my colleagues to accept this motion to instruct House conferees to insist that the Senate recede from its position on this matter and that no funding be included for this project for this year.

Before I yield, I would like to go back to the West Virginia Corridor H project I mentioned earlier. As I indicated, the House cannot instruct the conferees on that project because it is included on a list of highway demonstration projects within the report.

But I must highlight this action on the part of the Senate because it permits a rural State to monopolize very limited highway demonstration resources to the detriment of large urban States who are buried in traffic congestion.

Of the $352 million in the highway demo account in the Senate bill, $140 million is earmarked for Corridor H. And another $75 million for this same project was included in the fiscal year 1995 energy-water appropriations bill which has already been signed into law.

That means that the Corridor H project could end up with $215 million for the coming fiscal year. And the maximum amount that the West Virginia Department of Transportation says it can obligate in fiscal year 1995 is $82 million. And, remember that the project already has $75 million in the energy-water bill. By my calculations, the need in our bill is only $7 million more—not $140 million.

If you add up the total earmarked in that same Senate account for 6 of the 7 most populous States—California, Florida, Illinois, New York, Ohio, and Texas—that only amounts to $10.2 million.

A State with 1.7 million people receives $140 million. On the other hand, 6 States with more than 100 million citizens—who I might add are represented by 175 Members of Congress—get only $10 million. That's not fair.

Frankly, when my colleagues from the State of New York rise to discuss the Penn Station project, I would hope that they keep some of their powder dry for this downright inequitable allocation of highway dollars. When my motion to instruct was posted, one New York office asked my staff, "Why is your boss picking on New York?" I'm not, but someone in the Senate is. I do not think the time is right for allocating dollars to the Penn Station project, nor does the committee. But I do not think it is right for populous States like New York to come up with such a short end of the stick on highway funding demonstration projects.

California, the most populated State in the Union, gets no funding at all in the Senate highway demo account. That's not fair either.

Mr. Speaker, again, I urge my colleagues to support the motion to instruct the House conferees to insist on the House position with respect to the Penn Station project.

And since we cannot address the report language dealing with the Corridor H project, I would urge the Members of this body whose States are getting hurt by this inequitable situation in the Senate report to speak with the Senators in your respective States. Urge them to contact the Senate conferees and express their opposition. Because unless the Senate conferees are willing to address this problem, the conferees will have a very difficult time coming up with a funding split that is fair to those projects included in the House bill.

□ 1250

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

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

Mr. Speaker, I rise in opposition to the gentleman's motion to instruct the conferees. It is an attempt to pit one section of the country against the other and is a shortsighted attempt to kill a sound project to improve our Nation's transportation infrastructure.

Now, some Members may be tempted to support this motion as an easy way to vote against Federal spending and to vote against New York. I urge my colleagues to resist this temptation both because we in New York routinely support important projects in other regions and because this project will benefit passengers using the national passenger rail network, passengers from all parts of the country. In fact, 75 million passengers use Penn Station each year. This accounts for nearly 40 percent of all Amtrak passengers each year.

□ 1300

Penn Station is a major regional hub serving passengers not only in the Northeast corridor but also to and from points south and west. There is no doubt that this project is crucial. The current underground facility built in 1963, when people thought that rail travel was going to die out, is inadequate, decrepit, cramped, and dangerous, pushing Amtrak commuters and subway riders into the same space.

Secretary Peña has pointed out that the station is not only esthetically unpleasant, it is inadequate to the travel demands of the 75 million Americans who use it each year. More importantly, Secretary Peña points out that

it is unsafe as well. The recent fire a few weeks ago points that out as well.

This funding is actually quite modest when compared with other transportation expenditures for projects serving far fewer Americans—$8.8 billion for Boston's Central Artery, $700 million for Atlanta Rail, $1.5 billion for the Los Angeles Subway, and here we are talking about $100 million in Federal funds. We have also spent significant funds in other Amtrak stations around the country.

Amtrak spent over $70 million on Washington's Union Station a few blocks from here. Philadelphia's 30th Street Station received $13 million in a USDAG grant, plus $32 million from Amtrak and $20 million from the Federal Transit Administration. That is $65 million.

The claim is made that this is not authorized. Although it is true that the project is not specifically earmarked, the House authorization bill contains an authorization for Amtrak sufficiently large to contain sufficient funds for this project. The bill now moving through the Senate contains a more specific authorization.

New York is already committing funds for this project. The Long Island Rail Road has just completed its $200 million portion of the project. New York City and New York State have signed an agreement to fund their $100 million share. New Jersey Transit will renovate its portion as soon as Amtrak begins use of the Farley Building. Amtrak will fund its portion of the project with revenues from businesses that will be attracted to the renovated Farley Building.

The administration, Mr. Speaker, strongly supports this project. I would like to read into the RECORD a letter to the distinguished chairman of the Appropriations Committee from Transportation Secretary Federico Peña, dated September 19, in which Secretary Peña writes as follows:

DEAR MR. CHAIRMAN: I understand that the House, when it names conferees for the Department of Transportation and Related Agencies FY 1995 appropriations bill, will consider a motion to instruct the conferees to hold to the House bill provision regarding no funding for the Farley building project in New York City. I want to convey to the Committee, the Administration's strong support for this project and encourage the Committee to oppose this motion to instruct.

Penn Station in New York City is the single most heavily used intermodal transportation facility in the country serving 75 million people every year. But in its present condition, it is minimally acceptable as a public facility and poses safety risks. The proposed project will provide the needed station capacity and trackage to ensure Amtrak an efficient station to support intercity train operations and give travelers a significantly more comfortable and serviceable station. The station complex will also provide economic benefits to the immediate area, as has Union Station in Washington, D.C.

The Administration is committed to providing $100 million in Federal funds to support the redevelopment of the Pennsylvania Station including the conversion of the Farley Post Office Building into a intercity railroad passenger station and commercial center. These funds will complement substantial investments from both New York City and New York state, as well as the private sector. Congress has already provided $10 million in FY 1994 and the Senate proposes $40 million for FY 1995.

We ask the House to support the Senate and provide this funding. As the President said last October in New York City, "For more than half a million commuters every day Penn Station is the gateway to New York City. We can build a beautiful new station worthy of this great future and this great city."

An identical letter has been sent to Chairman Carr.

Sincerely,

FEDERICO PEÑA.

We have already, as was stated in the letter, provided $10 million in Federal funds for this project. It is moving along in an orderly and efficient manner, making optimum use of local and private funds. We should not pull the plug now. We should not abandon our constituents who will have to use it in the years to come. This Nation should once again have a Penn Station we can be proud of.

At this point, before I conclude, I would like to simply rebut a number of points made in the report language accompanying the June 8, 1994, House Appropriations Committee markup that raised several objections to this project.

The report said that the project is not justified in tight budgetary times, that is too uncertain and too big.

It is an absolutely necessary project. Last week's fire underscores the urgency. I already gave some figures on comparable projects at much higher cost—Centeral Artery, $8.8 billion; Atlanta Rail, $700 million; and Los Angeles Subway, $1.5 billion.

It is not too uncertain. About $10 million has already been contracted out. The Long Island Rail Road has already completed its $200 million portion. The mayor and Governor of New York City and New York State have signed an agreement to provide $100 million with the Federal money when construction work will begin this fall.

The second point made was that the project was not requested by Amtrak this year. The truth is that this project will not use Amtrak capital funds. Therefore, it is not Amtrak's budget request. It will use $100 million of State and local funds to leverage a $100 million Federal grant, of which $10 million is already received and $40 million is in the fiscal year 1995 transportation appropriation bill, in the Senate version, along with $115 million made possible by the incremental revenue from the redevelopment of the retail component. Amtrak is fully supportive of this project.

The third point made was that the project was not included in the internal budget request of FRA or DOT. The project was in the President's budget. It is a high priority project for FRA and DOT. Both agencies have included funding for Penn Station within the administration's budget ceilings.

The next point made was that the administration's proposed authorizing legislation only covers one part of the project. The legislation in fact covers the entire project, including renovation of the Farley Building, Penn Station, and the service building, and all the work necessary to establish and develop a new station and supporting facility.

The point is made that not all parties are expected to sign a binding agreement. All parties have already entered into a written agreement. Governor Cuomo, Mayor Giuliani, Amtrak, and the FRA have signed a written agreement to fund the project. Postmaster General Runyon has written a letter of intent.

Administration officials, it is said, have declined to offer a schedule showing when construction will begin, while the fiscal year 1995 request is for construction. Detailed construction schedules with critical path time lines are fully available. Steel remediation and fire protection work is scheduled to begin this fall.

Finally, it is said that it appears the funds requested for fiscal year 1995 are only a lure to attract commitments for the other $215 million needed. But as already mentioned, the city and State have signed an agreement to fund their $100 million share. The Long Island Rail Road has completed its $200 million portion of the station. New Jersey Transit has committed to renovate its portion as Amtrak uses the Farley Building. The Farley project has already received and committed $10 million. The fiscal year 1995 funds are not needed as a lure; they are needed to continue the Federal, State, and local commitment to improve the safety, function, and appearance of the busiest intermodal station in the Nation.

In conclusion, Mr. Speaker, I think this project is underway. The bulk of the funds are State and local government funds, and they are committed. I urge my colleagues to oppose this motion to instruct.

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

Mr. WOLF. Mr. Speaker, before I yield time to other Members, I yield myself such time as I may consume in order to make just one comment on what the gentleman from New York [Mr. NADLER] has said.

First, the letter is really not binding. It is a memorandum of understanding to the Post Office that actually owns the building. It really is not even part of the letter, so it has not been involved in binding either the Post Office or anyone else who might be involved.

Mr. Speaker, I yield 3 minutes to the gentleman from Illinois [Mr. FAWELL].

□ 1310

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

Mr. Speaker, I rise in support of the Wolf motion to provide instructions to the conferees in regard to not funding the Penn Station redevelopment project in New York, a project which the Senate appropriators funded at $40 million.

Mr. Speaker, the Penn Station project is by no means a new project. It is one that the House appropriators and the House authorizers have previously unanimously opposed. In fact, both the Committee on Transportation and Public Works on appropriations and the Committee on Energy and Commerce authorization reports have not only not authorized, but have gone to the extent of specifically prohibiting Federal funding for this project, which would develop the Penn Station in New York City into a train station and into a commercial center.

I cannot overestimate the fact that the gentleman from Michigan [Mr. DINGELL] and his committee—and there is a letter from Mr. DINGELL which I have here—strongly opposes the Penn Station Project because of the lack of an authorization from the House Committee on Energy and Commerce. If we do not have the authorization from the authorizing committees, then why not send this back and get that authorization? That is how the process is supposed to work, and that is why we are so deeply in debt in this country. We have an authorizing committee, and we just ignore the authorizing committee.

Earlier in the year, a $10 million appropriation for this project was slipped into the supplemental emergency appropriation bill for the California earthquake. Now, unbelievably, even though funding was prohibited by the House, the startup money was taken from the victims of the California earthquake by way of the Senate appropriators. At the last minute they pulled the wool over the eyes of the House, having assured the House there would be a clean bill, but then loading it up with a number of projects from points as far away from the earthquake epicenter as, of course, New York City.

I and 65 other Republicans and Democrats who are concerned about this have sponsored a bill to rescind the $10 million appropriation for this development project. Now they want $40 million more.

Well, at least it is not disguised as an emergency this time. Ultimately, I understand the estimates for the total cost could be $315 million. I am not sure, of course, how much of that will be put on the backs of the Federal taxpayers.

Although the $10 million appropriated in the earthquake bill may not be rescinded, the House certainly should not stand by and let the Senate appropriators attach authorizing legislation to an appropriation bill, as well as funding the project in the conference report on this bill. The project has never been authorized, I repeat, through a House or Senate committee, and funding it has been specifically prohibited.

I thus think it is only natural and right that we should stand up and simply say that with the dire financial straits that Amtrak faces, we should not allow this, at least until such time as the authorizing committees and the appropriation committees here have approved it.

I support the actions of the House Transportation Subcommittee chairman and ranking member, Mr. CARR and Mr. WOLF, who provided not only no funding for the Pennsylvania Station redevelopment project but specifically provided that no Federal funds be used on the project. I urge Members to vote for the motion to instruct conferees to insist on the House position in this matter.

Mr. NADLER. Mr. Speaker, I yield 4 minutes to the gentlewoman from New York [Mrs. LOWEY].

Mrs. LOWEY. Mr. Speaker, although New York is the largest city in the United States, its principal train station—Penn Station—is second-rate at best.

Penn Station is Amtrak's busiest, serving nearly 40 percent of all Amtrak passengers nationwide. Millions of Americans traveling the length of the east coast—from Florida to Maine—go through Penn Station each year. It is one of the linchpins of our Nation's transportation network.

Yet Penn Station is falling apart. In fact, its condition is absolutely deplorable. It is ugly, it is dingy, and it is dangerous. Just last week there was a serious fire in the station, which delayed Amtrak travelers and local commuters and injured 12 people.

This year the President's budget included funds for the renovation of Penn Station. This request was made because the administration understands the urgency of rebuilding Penn Station.

Unfortunately, the House did not include any funding for the project. As a member of the Appropriations Committee, I understand that these are tight times, and I applaud the effort that the members of the Transportation Subcommittee made to cut waste and invest in our Nation's critical transportation needs.

However, Mr. Speaker, the redevelopment of Penn Station is one of our Nation's critical transportation needs.

Anyone who questions the merits of the project should take the Metroliner from Union Station here in Washington up to Penn Station. Union Station—rebuilt at taxpayer expense—is a national model of urban renewal. Penn Station is a poster child for redevelopment. New Yorkers, and all Americans, deserve better.

The renovation of Penn Station will increase train travel and make Amtrak less dependent on Federal subsidies. On the other hand, failure to assist in this effort will leave Amtrak's busiest station in serious disrepair. Significant State and local funding for the renovation will likely disappear without this Federal investment.

New York is not a Third World nation, and it should not have a Third World train station. In fact, New York is the greatest city in the greatest Nation on Earth. Its monuments define our civic aspirations. Penn Station was once the greatest of these structures—not simply a gateway to and from New York—but a reminder of why we made the journey in the first place. I urge my colleagues to support this project.

Mr. NADLER. Mr. Speaker, I yield 4 minutes to the gentleman from New York [Mr. SCHUMER].

Mr. SCHUMER. Mr. Speaker, I thank the gentleman and join my colleagues, the gentleman from New York [Mr. NADLER] and the gentlewoman from New York [Mrs. LOWEY], in opposing this motion to instruct.

Mr. Speaker, I rise in opposition to the motion to instruct.

A week ago Penn Station barely averted yet another potential disaster. On Sunday, September 11, at 9:42 a.m., a fire broke out in the station. If this fire occurred at rush hour, when 250,000 people are usually in the building, who knows how many casualties would have occurred?

Fortunately, it was Sunday and the station was not crowded. Thankfully, only 12 people were injured.

Penn Station is America's busiest train station, but it is old, crowded, rundown, and dangerous. It operates at over capacity. It does not have enough exits or staircases to handle a rush hour disaster. It does not have enough room, ticket counters, stairs, and seating to handle the 500,000 people who come through every business day. It was built long ago for a different time.

This year, 75 million people—nearly 40 percent of Amtrak's passengers—will use Penn Station. It is the single most heavily used transportation hub in the United States, and it is falling apart.

Like Union Station in Washington, 30th Street Station in Philadelphia, and South Station in Boston, a Federal investment in the renovation of Penn Station is a sure bet to improve the station and the neighborhood surrounding the station. All of these stations got Federal funds for their projects—$70 million for Union Station, $65 million for 30th Street Station, South Station in Boston received millions as well.

Anyone who has been to the train stations in Boston, Philadelphia or Washington cannot help but be impressed by what the station renovations have meant for each city.

Perhaps that is what disturbs me the most about this motion. There are

times when the Federal Government spends money on a project and it does absolutely no good. But there are other times when Federal funds are guaranteed to work. That is clearly the case for Penn Station. We know it will work because we have seen it work in Boston, Philadelphia, Washington, Wilmington, Providence, New London, Stamford, and on and on. That is why the administration is so supportive of this project—requesting it in their budget and drafting a letter to Chairman OBEY in support of funding.

Last June, when the House passed the transportation appropriations bill, the committee had some legitimate concerns about Penn Station.

But the principal concerns have been met.

The committee wanted local government support and a commitment of local funding. They got it. On August 19, Governor Cuomo and Mayor Giuliani signed an agreement with Amtrak and the Federal Railroad Administration to provide $100 million in State and city funds for the Penn Station renovation.

Another $115 million in renovation funds will come from bonds which have no impact whatsoever on Federal outlays. Inexplicably, after all this work, the Wolf motion singles out the most important train station in America and says no to the Federal share of this desperately needed renovation.

I find it difficult to believe that the most objectionable item in the Senate bill—the one item where we need to instruct conferees—is Penn Station. If that is indeed the case, we should just accept the Senate bill as it is written.

It is a shame that a project that we all know is worthwhile—that Congress has already funded in Boston, Philadelphia, Washington, and other cities as well—is being singled out here.

One final point: This $40 million is not going to deficit reduction. We all know it will go to some other program, is a guarantee.

So this motion saves the taxpayer no money. All it does is prolong a headache for 75 million rail passengers. It sounds like a horrible deal to me.

If we are not committed to maintaining our infrastructure—whether it's highways, ports, mass transit, airports, or rail—we will have deep economic troubles in the future.

I hope Members will vote "no" on this arbitrary motion to punish everyone who rides a train into New York City.

□ 1320

The SPEAKER pro tempore (Mr. MONTGOMERY). The gentleman from New York [Mr. NADLER] has 2 minutes remaining. The gentleman from Virginia [Mr. WOLF] has 7½ minutes remaining, and the gentleman from Michigan [Mr. CARR] has 20 minutes remaining.

Mr. NADLER. Mr. Speaker, I yield 1 minute to the gentleman from New York [Mr. ENGEL].

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

Let me say I am very distressed about this. This is not something that is frivolous or something in which we ought to engage in semantics. This is something that is very, very important to New York and, frankly, I do not think that we ought to take an attitude that I see in some quarters here as a dumping on New York as something that we ought to be very proud of.

The fact of the matter is, the redevelopment of Penn Station in New York will increase safety in the station, will increase capacity and provide jobs.

The project is certainly necessary: The fire last week, the fact that the project is included in the President's budget, and it is something that we desperately need.

I have voted in my 6 years here to help people all over the country, to help projects all over the country. What we are saying in New York now is that we need the help. Somehow or other, all these, as far as I am concerned, silly arguments for knocking out this project is something that I really think is totally inappropriate.

New York needs the help. Penn Station is something that everybody knows about, not only in New York but across the country. It desperately needs the help.

We help people all over the country. Now New York needs some help. I support my colleague, the gentleman from New York [Mr. NADLER], and we ought to continue to do the kinds of things that are necessary to help Penn Station.

Mr. NADLER. Mr. Speaker, I yield 1 minute to the distinguished gentleman from New York [Mr. HINCHEY].

Mr. HINCHEY. Mr. Speaker, I just want to join some of my colleagues in support today of the Senate position which would provide $40 million toward the Federal share of the proposed renovation of Penn Station. I want to do so on the basis of the fact that this is a facility that is much used and much needed. It is a facility that provides transportation for people all across the Northeast.

People come into New York from all over the country. As a matter of fact, 75 million people come through Penn Station from all over the Nation every year.

This is not just a facility for New Yorkers. It is for people all over the country. New York has already committed a substantial amount of money for this renovation, more than $100 million committed by the State. So this is a case where I think we are in danger of being penny-wise and pound-foolish.

We need this renovation. It is good for the Northeast. It is good for people all across the country. We really ought to provide this kind of funding for those reasons.

The SPEAKER pro tempore. The time of the gentleman from New York [Mr. NADLER] has expired.

Mr. CARR of Michigan. Mr. Speaker, I yield 1 minute to the gentleman from New York [Mr. NADLER].

Mr. NADLER. Mr. Speaker, to close in opposition, I simply want to reiterate a couple clear points.

One, this is a necessary project; 40 percent of all the Amtrak passengers in this country, 75 million people a year use Penn Station. It is decrepit. It is unsafe. The letter from Secretary Peña says that.

Second, the administration supports the project.

Third, for roughly $100 million, we are getting $200 million leveraged from the Long Island Railroad, an agency of the State of New York, another $100 million already committed from the State and city of New York.

It is not an outsized project. I read a list of projects with far larger funding before.

The project is ready to go. It is an essential project, and I urge my colleagues to vote against the motion to instruct.

Mr. WOLF. Mr. Speaker, I yield myself such time as I may consume. I want to make a closing comment.

In closing, Mr. Speaker, let me make just a couple comments in summary. One, and I acknowledge some of my colleagues from New York have made some interesting arguments and having used the station, I understand. But let me make some on other side.

One, the project is not authorized. Two, when this bill came up in the House, no one from New York raised the issue. Third, the memorandum of agreement is not binding. Fourth, the Postal Service which owns the building is not a part to this MOA.

The last two points are, as Amtrak pays for its share, it can only come from one of two sources: One, a ticket increase, so by doing this we raise ticket prices for every one. And last, the American taxpayer around the country pays.

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

Mr. CARR of Michigan. Mr. Speaker, I yield 2 minutes to the gentleman from West Virginia [Mr. WISE].

Mr. WISE. Mr. Speaker, Members might ask, why is the gentleman from West Virginia rising to speak on the Penn Station situation. Actually, while it is my understanding that it is not part of this motion to instruct, the gentleman from Virginia [Mr. WOLF], did make some statements concerning corridor H, which is a vital project not only to my State but to many other States.

I simply want, for the record, to show that corridor H is an authorized project and has been for a long period of time.

Corridor H is part of that segment of the Appalachian Regional Commission sections of highways comprising 13 States, of which two-thirds is complete; corridor H being one of the most difficult sections to complete because of the terrain, has always fallen in line behind the others. It is time now to move this one forward.

Corridor H, the proposed corridor H would be a major lifesaver literally. It is estimated that in one major section, the fatality rate would be cut by one-half. For those who think this is strictly a West Virginia project, and I know the gentleman from Virginia is opposed to corridor H, the 12- to 20-mile segment that would be in Virginia, for those who think it is simply a West Virginia project, let me ask them to look at a map and they will quickly disabuse themselves of that notion.

Corridor H is a major east-west corridor of which, I might add, this Congress has already contributed to 35 miles roughly being completed or about to be complete, roughly one-quarter of the distance.

So I think that while this debate today is on something else, I do want the record to reflect that. I suspect that the gentleman from Virginia and I will be joining this issue in the future in other areas. I happen to think there are ways that corridor H can be accommodated to some of the gentleman's concerns, at least as regards Virginia.

That is for another day. But I would like the record to reflect that.

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

Mr. WOLF. Mr. Speaker, I yield myself such time as I may consume. Let me just respond to the gentleman. I have great respect for the gentleman. His district is across from ours and he is accurate. Corridor H is a dagger at the heart of my congressional district to which every one there is opposed.

Second, I have and I will submit, I was not going to submit them but since the gentleman came here, I will submit into the record so Members can read a number of letters that I have received, this is just a sample, from West Virginians who are opposed to the project.

Third, I think the gentleman raises a valid issue with regard to the safety issue, and I think that much can be done to improve and straighten and widen out. For instance, on route 55 in my area, I think we could turn it into a scenic parkway, straighten out, have some truck lanes, have some barriers and really turn it into a scenic road without destroying all of the homes.

But in closing, since the gentleman was not here, I want to cover a couple of the points. Of the $352 million of the highway demo account in the Senate bill, $140 million is earmarked for corridor H.

□ 1330

Mr. Speaker, nobody believes that any State, even California, ought to get $140 million out of $352. I would tell the gentleman from Michigan [Mr. CARR], who I have the greatest respect for, he has done an outstanding job on this committee of putting together performance standards. Michigan should not get $140 million, New York should not get $140 million for one project, and it is just wrong.

It is frankly, fundamentally flawed. It is wrong. I know Members in their heart know that it is not appropriate, and it should not stand.

Second, this means that corridor H could end up with $215 million for the fiscal year, $215 million, and at the max, we checked with the Federal Highway Administration, the maximum amount they can obligate, I would tell the gentleman, is really $82 million.

Some people think West Virginia wants to bank this money for the future. When I see all the good projects in the district of the gentleman from New York, the gentlemen from California, Michigan, New York, places like that that could use these projects to put people back to work, create jobs, but also to eliminate gridlock. How do you explain giving West Virginia in one bill $165 million out of a total allocation of $215 million, when the rest of the country does not even get that much? It is just not appropriate.

Last, the gentleman knows, and it is probably a tribute to his hard work and effort, in the energy and water bill there was $75 million for the same project. Enough is enough, Mr. Speaker. A sense of fairness, if we put this to a referendum, to the American people, and they voted on it, they would say no.

I am not against West Virginia. Let me just say to the gentleman, I have great respect for the gentleman. I have great respect for him and the Representatives from West Virginia, and I hope I do not hurt her back in West Virginia, but my senior legislative assistant is from West Virginia. Some of the best people I know are from West Virginia. However, it is inappropriate.

If you add up the earmark for the same Senate amendment, for the six or seven most popular States, California, and I see the gentleman from California, Florida, the fastest growing State, Illinois, New York, I see the New York delegation is sitting there, Ohio, Texas, that only amounts to $10.2 million. Did I say billion? No. It is $10.2 million.

We know West Virginia is going to get $215 million. $215 million, and all these States, California, Florida, Illinois, New York, Ohio, Texas, that have 175 Members of Congress, are going to get $10.2 million?

Mr. Speaker, I would say that I do not know how this is going to come out when we go to conference, but we know in our fibers, in our sense of integrity of what we know is right and wrong, we know this is wrong. We know what is happening.

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

Mr. WOLF. I yield to the gentleman from West Virginia [Mr. WISE].

Mr. WISE. Mr. Speaker, the gentleman refers to the letters. I think it would be worth consulting our highway department, which has held extensive public hearings. Seventy-two percent of the 6,700 letters received by the highway department are in favor, almost every community.

I would just invite the gentleman, if he wants to work in Virginia to build that type of parkway, fine. Please come to West Virginia and see the West Virginia Turnpike and Corridor L, we which we are now extending to a four-lane status, because we did build such a parkway as the gentleman suggested. What we found out is, this increased fatality rates and in some cases made it even more hazardous. We will revisit this, I know, much more in the future.

Mr. WOLF. Mr. Speaker, I commend the gentleman. People have urged me and said, "Please do not bring this issue up." They say there will be retribution. One, there has been no retribution; two, I expect no retribution; but, three, if there is retribution, I will be down on this floor every day giving 1-minutes, and believe me, when I get involved in an issue, I never, ever let it go.

Let me just say that $215 million for West Virginia versus $10.2 for these States like California, Florida, Illinois, New York, Ohio, and Texas, I just do not think that is fair. I hope when we go to conference that we can, in the spirit of reconciliation, in the spirit of bipartisanship, really resolve this issue, because it is not an issue of partisanship.

In closing, Mr. Speaker, I truly like the gentleman, I think he knows it, and I respect him.

Mr. Speaker, I include these documents for the RECORD:

POTOMAC VALLEY AUDUBON SOCIETY,
Shepherdstown, WV, September 13, 1994.

Hon. FRANK WOLF,
Cannon Office Building, Washington, DC.

DEAR CONGRESSMAN WOLF: I write on behalf of the 450 members of the Potomac Valley Audubon Society living in Jefferson, Berkeley, and Morgan counties in West Virginia to oppose inclusion of $140 million for the Corridor H four-land highway project in the Fiscal Year 1995 Transportation Appropriations bill currently awaiting conference committee action.

As you know, the House voted not to include any funds for the Corridor H project in its version of the bill. We ask you do your utmost to have the House conferees hold firm to this decision.

As taxpayers and small business owners, we oppose federal spending on this porkbarrel project at this time because of Corridor H's extreme cost—currently estimated to be at least $1 billion, or about $10 million per mile—and limited economic benefits.

As drivers, we oppose this project because it would drain state and federal funds away from desperately needed improvements to other, more used and but less safe roads.

As hunters, anglers, and naturalists who appreciate the beauty of the Virginia/West Virginia, highlands, we oppose this project because of the harm it would do to our trout streams, forest, farmlands, and wilderness.

Finally, as environmentalists concerned with good government, we question whether it is wise to appropriate taxpayer dollars for this project before the required environmental studies have been completed and the public is allowed to fully comment on the project. Decisions to spend millions of public dollars should follow the public's expressed desire—not precede it.

Thank you for your efforts to oppose this wasteful spending.

Regards,

DAVID MALAKOFF,
Vice President.

OHIO VALLEY
ENVIRONMENTAL COALITION,
Kenova, WV, September 14, 1994.

Congressman FRANK WOLFE,
House Office Bldg., Washington, DC.

DEAR CONGRESSMAN WOLFE: The Ohio Valley Environmental Coalition, a grassroots environment justice organization, opposes Corridor-H. please remove funding for this project from the appropriations bill.

Sincerely,

JANET FLETCHER,
OVEC project coordinator.

NORTHERN SHENANDOAH
VALLEY AUDUBON SOCIETY,
Boyce, VA, September 14, 1994.

Hon. FRANK R. WOLF,
House of Representatives, Washington, DC.
Re: Corridor H

DEAR CONGRESSMAN WOLF: On behalf of the 500 members of the Northern Shenandoah Valley Audubon Society, I urge you to stand firm on your opposition to Corridor H and to vote to cut off any funding for it.

Thank you for your courageous position against this unnecessary porkbarrel project.

Yours truly,

JOHN WATSON-JONES,
President.

WEST VIRGINIA
ENVIRONMENTAL COUNCIL,
Charleston, WV, September 13, 1994.

Hon. FRANK WOLF,
House of Representatives, Cannon Building, Washington, DC.
Re: Corridor H

DEAR REPRESENTATIVE WOLF: The West Virginia Environmental Council, a coalition of state organizations, opposes the construction of Corridor H. At our annual meeting this past weekend, we adopted a resolution to that effect, which is attached.

We had previously called for a two-lane upgrade alternative; we understood that Virginia's Commonwealth Transportation Board was studying such a proposal. However, we found the so-called "Improved Roadway Alternative," presented by the WVDOT, completely unacceptable. It's time to throw out Corridor H and start from scratch, using the transportation planning and citizen involvement called for in ISTEA.

Thank you for your efforts to stop this monstrosity.

Sincerely,

KIM BAKER,
President.

WEST VIRGINIA
ENVIRONMENTAL COUNCIL,
Charleston, WV.

RESOLUTION ON CORRIDOR H

It is resolved by the West Virginia Environmental Council:

1. We oppose construction of Corridor H.
2. We urge the Department of Transportation to implement statewide transportation planning mandated by recent federal legislation.
3. We call for improvement of existing roads, with due consideration for the integrity of towns, structures, and the environment.

Adopted by the Council at its annual meeting, September 11, 1994

In the past year, constituent organizations such as the Sierra Club have taken a strong no-build position; and the Division of Highways presented an "Improved Roadway Alternative" that was not a two-lane upgrade, but for most of its length a new highway corridor. The Council's 1993 resolution was based on the following preamble:

WHEREAS members of the Environmental Council have expressed objections to proposals for a new four-lane highway through the Potomac Highlands for the past twenty-five years; and

WHEREAS the original justification for such a highway, "to create traffic" where existing traffic was thought insufficient for economic development, is even less defensible now than it was in 1965; and

WHEREAS the West Virginia University Regional Research Institute's studies have found that construction of new highways in our rural areas distant from metropolitan centers does not foster economic development, and other experts, including the first director of the Appalachian Regional Commission, have concluded after 25 years of ARC investment that such highways are not economically justifiable; and

WHEREAS the expense of the project, more than a billion dollars, would be disproportionate to the expected traffic, and would siphon away the funds available to improve existing roads; and

WHEREAS federal and state agencies and private groups have called for more careful study of alternatives to a new corridor; and

WHEREAS a four-lane truck route through the mountains would be incompatible with the steady growth of environmentally-sensitive tourism the region has experienced over the past fifteen years; and

WHEREAS the current proposal would have a devastating impact on some of the most precious wild lands in Eastern North America, including rivers, wetlands, the Monogahela National Forest, and endangered species habitat.

CARDINAL CONTROL CO.,
Clarksburg, WV, September 15, 1994.

Congressman FRANK WOLF,
Cannon House Office Bldg., Washington, DC.

DEAR CONGRESSMAN WOLF: Many West Virginians question Corridor 'H'. Our State has many roads and bridges in need of repair. We believe money could be better spent maintaining our existing infrastructure.

Corridor 'H' as a quick way to the wilderness in not logical. Wilderness by definition does not have a four lane road through it or to it.

For those concerned about existing roads in that area, changes such as passing lanes and re-routing some grades might be possible. But clearly there is no need for Corridor 'H'.

This issue, as many do, has become personalized. No one is questioning Senator Byrd's judgment. The issue is only whether the outcome justifies the expense and destruction of wilderness. Corridor 'H' is not good for West Virginia.

CRIS GREEN.

September 15, 1994

Congressman FRANK WOLF,
Cannon House Office Building, Washington, DC.

DEAR CONGRESSMAN WOLF: I write to you to express my total opposition to the construction of Corridor H not only in West Virginia but in Virginia itself.

Please do all that you can to stop the excessive appropriation of 140 million dollars for Corridor H in the current House Appropriations bill now before the committee that you sit on!

Sincerely,

CHARLES H. MERRITT.

WEST VIRGINIA RIVERS COALITION,
September 14, 1994.

Congressman FRANK WOLF,
Cannon House Office Building, Washington DC.

DEAR CONGRESSMAN WOLF: I understand that you are willing to help West Virginia's citizens in their attempt to review the actual purpose and need of the proposed four-lane road, Corridor H. I also gather that you plan to be active in conversing/educating the House Appropriations Committee in regards to the issues surrounding the proposed road, and that you plan to take an active role in trying to halt yet more funding for this project.

As representative for the West Virginia Rivers Coalition (WVRC), I would like to make clear our groups purpose and goals so you can better understand from where our concerns come. The WVRC was formed in 1989 in an effort to establish a strong river advocacy group in West Virginia, a state which has historically suffered tremendous river degradation. Now the second largest state river conservation group in the nation, WVRC has an individual membership of approximately 1700, and an additional 37 national, regional (4 of them from Virginia) and state affiliate groups who work with us in our mission to protect and restore West Virginia's exceptional streams for the benefit of present and future generations.

Having reviewed the Supplemental Draft Environmental Impact Statement for the proposed four-lane our group has the following concerns:

That Corridor H would cross over 20 streams in both Virginia and West Virginia, and that the related construction would affect trout streams like Duck Run and Cedar Creek in Virginia; Lost River, Trout Run, Patterson Creek and Shaver's Fork in West Virginia.

That the U.S. Forest Service is currently studying 12 streams within the Monogahela National Forest for possible designation by the National Wild & Scenic Rivers System; this study includes the Shaver's Fork River which would be crossed at least once, and followed by Corridor H for approximately 4 miles. The West Virginia Rivers Coalitions strongly supports the scenic designation of this West Virginia stream and suggests that this proposed road is incompatible to this possible National River designation.

That sedimentation caused by timbering and road construction is now one of the main water quality issues many agencies are having to address.

That the U.S. Department of Interior expressed concern regarding the adverse impacts to fish and wildlife resources, specifically the secondary and cumulative impacts

to water quality in the Potomac watershed, and in the issue of channelization or relocation of the Lost River, Shaver's Fork, Trout Run and Duck Run.

While the West Virginia Department of Highways has already acquired the amount of money required for them to continue work in FY 95, and this additional appropriation of 140 million would be above and beyond their needs; we support your efforts to divert this money and direct it into efforts that would enhance water quality versus degrading it.

Congressman Wolf, I appreciate your concern and efforts in this matter.

Sincerely,

PAMELA MERRITT,
Conservation Program Director.

SIERRA CLUB, WEST VIRGINIA CHAPTER,
Morgantown, WV, September 11, 1994.

Hon. FRANK WOLF,
Cannon House Office Building, Washington, DC.

DEAR REPRESENTATIVE WOLF: This letter is to inform you that the West Virginia Chapter of the Sierra Club is opposed to the construction of Corridor H.

Our opposition is based on the negative environmental impacts such a roadway would have on the many remote and sensitive areas it would pass through or near, as well as the negative impacts on the quality of life of the communities and landowners in the area.

Sincerely,

ELIZABETH LITTLE.

SIERRA CLUB, APPALACHIAN
REGIONAL CONSERVATION COMMITTEE,
Charles Town, WV.

Representative FRANK WOLF,
Cannon House Office Building, Washington, DC.

DEAR REPRESENTATIVE WOLF: On behalf of the Sierra Club's Appalachian Regional Conservation Committee, of which your state is a member, I am asking you to oppose all and any funding for the Corridor H highway project. As I understand, the House of Representatives did not appropriate any funds for this project whereas the Senate Appropriations Committee did.

Early this year the Conservation Committee voted unanimously to support a "No Build" position proposed by Committee delegates from Virginia. Since then both the Virginia and West Virginia Chapters have voted to support a "No Build" position.

I am sure you are well aware of all the fiscal, environmental and sociological pitfalls on the Corridor H highway.

Thank you for opposing this needless and poorly planned highway.

Sincerely,

PAUL WILSON.

September 14, 1994.

Congressman FRANK WOLF,
Cannon House Office Building, Washington, DC.

DEAR CONGRESSMAN WOLF: I thoroughly approve of your position against the construction of Corridor H through parts of W. Va. and Virginia, and I hope you will maintain your position so that this pork barrel project will not be funded.

Many West Virginians feel that our wilderness area in that part of the state is far more valuable than a faster way to get to Strassburg, Virginia or to Inter-State I-81.

We appreciate your stance.

Sincerely yours,

ANNE R. HARVEY.

HENDRICKS, WV,
September 14, 1994.

Representative FRANK WOLF,
Cannon House Office Building, Washington, DC.

DEAR REPRESENTATIVE WOLF: Aggressive promotion by supporters of Corridor H (from Elkins, WV to Stanton, VA) may have obscured the fact that many of this area's residents strongly oppose its construction. I urge you on their behalf to support the House version of the current transportation appropriations bill which contains no appropriation for this project.

Very sincerely,

JON P. CROWELL.

JOHN WARNER
OTTER CREEK PHOTOGRAPHY,
Hendricks, WV, September 14, 1994.

Representative FRANK WOLF,
Cannon House Office Building, Washington, DC.

DEAR REPRESENTATIVE WOLF: As a businessperson in Tucker County, WV, I want you to know that I am strongly opposed to the construction of Corridor H from Elkins, WV to Stanton, VA and I urge you to insist on the House version of the current transportation appropriations bill with no appropriation for Corridor H.

Sincerely,

JOHN WARNER.

FISCAL YEAR 1995 APPROPRIATIONS FOR CORRIDOR H, WV

Corridor H, a planned four-lane superhighway which will traverse the central part of West Virginia, will be a big winner in the fiscal year 1995 appropriations process. This will work to the disadvantage of other states, primarily those like California which have extreme problems with urban congestion.

In fact, if you add up the total earmarked in the Senate highway demonstration account for six of the seven most populous states—California, Florida, Illinois, New York, Ohio, and Texas—that amount only totals $10.2 million. Compared to $140 million for one project in the rural state of West Virginia.

For FY '95, this one West Virginia project has been targeted in the Senate version of the transportation appropriations bill to receive $140 million, nearly half of the money available in the highway demonstration project account.

In addition, Corridor H has already received an appropriation of $75 million in the energy-water bill.

The maximum amount which can be obligated for this project in FY 1995 is $82 million.

If the project receives the full $215 million earmarked in the two appropriations bills noted above, that means that West Virginia will have $133 million left over that cannot even be obligated this coming year.

And that leftover amount does not include the $63.5 million which the West Virginia DOT has on hand from previous years to carry over. (In previous appropriations bills, at least $100 million has already been directed to this project.)

In addition, there is significant opposition to this project from the citizens of West Virginia. A citizen coalition, "Corridor H Alternatives," is actively fighting this project and has testified before congressional committees asking that funding be stopped.

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

Mr. CARR of Michigan. Mr. Speaker, I yield myself such time as I may consume, for the purpose of making just a few observations on the debate we have just held, and to speak in behalf of the entire subcommittee.

Mr. Speaker, the entire subcommittee has, in the matter of Corridor H, in the past been quite supportive. This gentleman has been a supporter of Corridor H. It is authorized. In the past I have defended it on this very floor.

We are trying in our bill to manage dollars well on behalf of the taxpayers of this country. While some projects may be controversial, and I would expect that some people would disagree mightily with some of the decisions about certain projects we have made, we have at least always endeavored to make sure that we never appropriated more money for a project than it could use in the next fiscal year. Our bills only last 1 year.

We have always regarded it as unfair if a project is appropriated more money than can be effectively used while there are other projects that are worthwhile around the country which could effectively utilize those dollars, put people to work, improve their economies, augment safety, and generally make sure that all the taxpayers of this country know that we are using and managing their cash flows and their dollars, their hard-earned tax dollars, with the respect for the hard work that earned them.

Mr. Speaker, we know we face a very, very tough conference. I would expect that we would be, in the spirit of compromise, particularly on projects like Corridor H, which we did not this year include in our bill, willing to work with the Senate to make sure that a just and reasonable compromise is achieved.

Mr. Speaker, I merely wanted to add that note for the gentleman from West Virginia [Mr. WISE]. We appreciate his advice and counsel. I do not think anything that was said here today detracts at all from Corridor H or the wonderful State of West Virginia, as we try to manage the taxpayers' dollars with the utmost care.

Mr. Speaker, as to the matter that was raised in the motion itself regarding the instruction on the Farley Building in New York City, I merely want to note that there has been some argument here over whether the project is in fact authorized or not. Indeed, if one were to take a very liberal interpretation of money going to the Northeast corridor, one could find the Farley Building and Penn Station in the Northeast corridor, and I suppose that would be sufficient authorization to spend money on the Farley Building or Penn Station.

Our committee, however, works very closely with the authorization committees that authorize the legislation for which we appropriate, and we have done so with the Committee on Public Works and Transportation on highways, in the Committee on Merchant

Marine and Fisheries on the Coast Guard, and we do so as well with the Committee on Energy and Commerce as they authorize Amtrak.

Mr. Speaker, I have had a communication from the chairman of the Committee on Energy and Commerce, the dean of my Michigan delegation, Chairman JOHN DINGELL. He is of the opinion that the Farley Building and Penn Station are not authorized, and therefore, not subject to appropriation from our Subcommittee on Transportation of the Committee on Appropriations.

I would tell Members that I am one of those travelers that go through Penn Station at least a couple of times every year, and I could heartily support renovation of Penn Station, as a traveler and a customer of Amtrak. I am not here to argue the merits of whether Penn Station needs to be renovated. I think it does. There is no doubt that Penn Station is one of the great stations in America. It is. We need at some point to address the renovation of Penn Station.

The simple fact in our subcommittee, however, was it was not authorized. Therefore, Mr. Speaker, our committee did not approve funding for it in our transportation bill recently passed by the House.

□ 1340

Therefore, Mr. Speaker, I have no objection to the motion made by the gentleman from Virginia [Mr. WOLF].

Mr. PENNY. Mr. Speaker, I rise in support of Congressman WOLF's motion to instruct. Mr. WOLF would instruct the conferees to accede to the House version of the Transportation appropriations bill, which provides no funding for the renovation of a post office building across the street from Penn Station in New York City.

Mr. Speaker, there is a direct correlation between pork-barrel spending like this and the American public's cynicism toward Congress. The $40 million in the Senate Transportation appropriations bill was not authorized, or even requested by Amtrak or the Department of Transportation. Our time-tested process of requiring appropriations projects to compete against each other for funding was completely circumvented. This $40 million was simply inserted in the bill while out of the public eye. It does not surprise me that Congress' popularity continues to plummet.

Years of time and effort have been spent attempting to cut spending on boondoggles like Steamtown U.S.A., originally funded through an earmark in an appropriations bill. Projects like this and the unauthorized earmarks in last week's HUD appropriations bill are just as egregious. Please don't condone this practice and support Mr. WOLF's motion to instruct.

Mr. MOORHEAD. Mr. Speaker, I rise in support of the motion to instruct conferees to resist inclusion of any funding of the Farley Post Office redevelopment project to replace New York's Penn Station with a new Amtrak terminal across the street. This is not because of any hostility on my part to Amtrak—quite the contrary. Amtrak is hurting, and hurting badly now. It is short of funds and short of equipment. Even its President, Mr. Downs, testified before the Energy and Commerce Committee that, however meritorious the Farley project may be, it cannot be justified if it takes funds away from Amtrak's operating and capital resources.

Yet, Mr. Speaker, that is exactly what the Senate version of this bill does. It takes $40 million directly from Amtrak for use in this project. That is bad policy. But worse, such action directly contravenes existing authorization law.

In 1992, when Congress enacted the last Amtrak authorization, we authorized a feasibility study of the Farley post office conversion project. But the law specifically required that the Farley project be evaluated on the premise that no Amtrak appropriations were to be used in converting the post office building. Yet that is exactly what the Senate is proposing to do in their version of this appropriations bill.

The $40 million that the Senate bill takes away from Amtrak is only the tip of the iceberg. According to a memorandum of agreement entered into last month, the Federal Railroad Administration would have to put up $100 million, and Amtrak would have to contribute $115 million. In my view, this does not remotely comply with the directive in the current law to avoid raiding Amtrak funds to renovate the Farley Building. And just to put these amounts in perspective, the total increase sought by the administration this year for all of Amtrak's non-Northeast Corridor service was only about $90 million. Where are our priorities?

Let me add one final note. We have a new Amtrak authorization ready to go to the House floor. On a bipartisan basis, the Energy and Commerce Committee redirected the $90 million that the administration requested for the Farley project back into Amtrak's overall national operating and capital accounts, where the need is the greatest. At the same time, I am quite willing to acknowledge, we authorized feasibility studies for upgrading two stations in California—Burbank and Ontario. But we played by the rules. In both cases, the proposals have to be predicated on receiving no Federal Amtrak appropriations. I suggest that if we are willing to honor this kind of limitation in these times of fiscal stringency, it is not asking very much for the other body to do the same—especially since the New York project is already addressed by existing law.

Mr. OXLEY. Mr. Speaker, I rise in strong support of the motion to instruct conferees. The conversion of the Farley Post Office in New York City to a new Amtrak intercity rail terminal may well be a good idea in the long run. But that is not the issue today. We are facing a situation where Amtrak is literally running its equipment into the ground because of a shortage of capital funds. As the General Accounting Office testified at our authorization hearing in the Energy and Commerce Committee, Amtrak cannot afford to maintain its current route system at current funding levels.

Against that background, channeling sizable sums—$40 million in this bill, with over $100 million contemplated for completion of the Farley project—away from Amtrak's operating and capital needs simply cannot be justified. Congress has already spoken to this issue in the 1992 Amtrak authorization—Public Law 102–533. Amtrak was told to evaluate the feasibility of the Farley project, but with the explicit directive that no Amtrak appropriations were to be used. Now we have an appropriations bill from the Senate that takes $40 million from Amtrak now, with more to come later. In fact, the memorandum of agreement signed this summer allocates a contribution of $100 million to the Federal Railroad Administration for this single building.

To put that amount in perspective, that is more than the administration proposed, and that our committee-reported Amtrak bill authorizes, for increases for the whole Amtrak system's capital and operating funds in fiscal year 1995. This is a complete inversion of Amtrak's priorities, and it is contrary to the guidance already given on this subject in existing law.

One especially curious aspect of this project is that the August 16 memorandum of agreement was signed by the FRA Administrator, the Governor of New York, and by Amtrak's president. But guess who is missing? The owner of the building—the U.S. Postal Service. And we all know that the Postal Service is now a Government corporation with a statutory duty to earn as much revenue as possible. Yet it is not even a party to the agreement.

It gets worse: The agreement assumes a $115 million direct contribution from Amtrak, based in part on "investments made by the United States Postal Service * * * to induce Amtrak to become a tenant." In other words, the landlord is going to pay rent to the tenant. And the landlord is not even party to the agreement.

Mr. Speaker, at some point in the future, when all the relevant parties have put together a viable transaction, this may well be a worthwhile project. But it cannot and should not be funded with Amtrak's already scarce resources.

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

The SPEAKER pro tempore (Mr. MONTGOMERY). Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Virginia [Mr. WOLF].

The motion to instruct was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees: Messrs. CARR of Michigan, DURBIN, SABO, PRICE of North Carolina, COLEMAN, FOGLIETTA, OBEY, WOLF, DELAY, REGULA, and MCDADE.

There was no objection.

CONFERENCE REPORT ON S. 1587, FEDERAL ACQUISITION STREAMLINING ACT OF 1994

Mr. CONYERS. Mr. Speaker, I call up the conference report on the Senate

bill (S. 1587) to revise and streamline the acquisition laws of the Federal Government, and for other purposes.

The Clerk read the title of the Senate bill.

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

(For conference report and statement, see proceedings of the House of August 21, 1994, at page 23486.)

The SPEAKER pro tempore. The gentleman from Michigan [Mr. CONYERS] will be recognized for 30 minutes, and the gentleman from Pennsylvania [Mr. CLINGER] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Michigan [Mr. CONYERS].

GENERAL LEAVE

Mr. CONYERS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the conference report presently under consideration.

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

There was no objection.

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

Mr. Speaker, today I bring before the House the bipartisan conference report on S. 1587, the Federal Acquisition Streamlining Act of 1994. I believe this conference report, if passed here today, will represent a major achievement of this Congress and an example of how bipartisanship works for the great benefit of the American people.

This legislation makes sweeping reforms to the Federal Procurement System. Reforms that will make it easier for businesses, large and small, to work with the Government. And, reforms that will ultimately allow the Government to deliver services more professionally. It is the boldest modern-day attempt to revolutionize how the Government does business by greatly streamlining and simplifying its buying practices. It makes for smart Government.

This bill repeals or substantially modifies over 225 provisions of law to reduce unnecessary bureaucratic paperwork, facilitate the acquisition of commercial products, enhance the use of simplified procedures for small purchases, strengthen the industrial base that supports national security objectives, and improve the accountability of Government decisionmaking.

And apart from this streamlining, the bill also:

Dramatically simplifies all procurements under $100,000 dollars and reserves them for small businesses;

Reduces the instances in which contracting officials can hold up the process by demanding cost and pricing data from contractors;

Strongly discourages unnecessary Government specifications that result in the $600 toilet seats, and instead encourages purchase of regular commercial products;

Provides more openness with clear evaluation factors in solicitations and better debriefings for vendors who lose bids;

Creates an "electronic marketplace" so that Government contracting can move with the speed and efficiency that technology now affords us.

I am proud of the fact that this legislation makes these reforms without undermining key features of the current procurement statutes that protect the taxpayers. These features, such as full and open competition, help drive down costs. They help ensure that the taxpayers' dollar is spent, not on the basis of favoritism, but on the basis of fairness. They also allow small businesses to compete against large corporations, which is vital to the Nation's economy.

I can tell you that a tremendous amount of hard work and energy has gone into this legislation, and it shows. In the House, members of the Government Operations Committee, and our staff, spent countless hours working out the details of each provision. It has been a bipartisan effort in every sense. Of course, many individuals have contributed to this success, and I want to thank them all.

There are a few, however, who deserve special mention, including Representative BILL CLINGER, our esteemed colleague from Pennsylvania, and the ranking minority member on the Government Operations Committee. He has been a true advocate of the need for procurement reform, and he deserves special praise for the counsel and support he has given the committee. Chuck Wheeler and Ellen Brown, respectively, on the majority and minority staffs deserve special praise for their long hours, diligence, and competence.

Chairman RON DELLUMS, ranking minority member FLOYD SPENCE, and other members of the Armed Services Committee, have also worked superbly well with us. Their efforts have helped us to reform those portions of the procurement system that affect the defense establishment. We have also worked with members of the Committees on Small Business, Education and Labor, Judiciary, Public Works, and Energy and Commerce, to ensure that this legislation represents a truly comprehensive package of reforms.

Through all this, we have worked side-by-side with our colleagues in the Senate. In characteristic fashion, my good friend, Senator JOHN GLENN, has spearheaded the Senate's procurement reform initiative. I know firsthand his dedication to this effort and his commitment to seeing it through to the end. Also, Senators LEVIN, ROTH, NUNN, BINGAMAN, BUMPERS, THURMOND, and others have all played a vital role in shaping this legislation. I cannot say enough about the contribution that they have made.

I should add that, while we have called for legislation for a few years now, this is no longer solely a legislative branch initiative. President Clinton and Vice President GORE deserve an enormous amount of credit for making procurement reform a centerpiece in their effort to reinvent the way government does business.

So where does that leave us? This legislation enjoys bipartisan support from Members in both Chambers. This legislation enjoys the full support of the administration. It is supported by businesses throughout the country. And, it addresses the public's desire to have a government that gets the most out of every tax dollar that is spent.

It is time for final passage of this landmark legislation. I urge my colleagues to vote in favor of the conference report on the Federal Acquisition Streamlining Act of 1994.

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

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

Mr. Speaker, I rise in relieved support of the conference report on the Federal Acquisition Streamlining Act of 1994, happy that we have at least reached the end of a long and very arduous process.

□ 1350

Less than 3 months ago this House passed our version of procurement reform. That bill represented a coordinating effort of the majority and minority of both the Committee on Government Operations and the Committee on Armed Services which actually began over 3 years ago when we began this odyssey, this journey to today's final passage hopefully of this conference report.

This conference report, which was passed by the other body in August, was negotiated over many, many weeks and by many people in this room and now represents the coordinated efforts of the majority and minority of several committees in both the House and the other body.

I would join in commending the members of the staff who worked so very, very hard on this measure, particularly Chuck Wheeler and Ellen Brown who labored endlessly to achieve the result we have here today.

Mr. Speaker, reforming the incredibly arcane and redtape-constricted Federal procurement system is an extremely difficult and complex task. Nevertheless, this is an issue clearly of vital importance to American businesses, both large and small, and to the American taxpayer.

There is no doubt that the almost $200 billion spent each year by the Federal Government is done in an inefficient and Byzantine fashion. The conference report we are voting on today

is a direct attack on a procurement system that really for too long has been going haywire. The current system costs too much, has too much red-tape and ill serves both the taxpayer and industry.

What we have done with this bill is to apply some commonsense approaches to the bureaucracy to reduce the inefficiencies of the system and get some real cost savings for the taxpayer by encouraging competition and reducing the burdens on industry and others who do business with the Federal Government. At the same time, we are encouraging other businesses who have been discouraged from dealing with the Federal Government to return to the Federal procurement business and hopefully reduce the costs and provide more competitiveness in our Government procurement.

The true impact of what we have done will not be realized fully until the regulations are written that implement this legislation. We have left the executive branch much of the hard work in seeing through the goals and purposes of this legislation, and we trust that the regulation writers will not only execute the letter of the law fully and promptly, but will also faithfully carry out the spirit of what we intended with this legislation. We look forward to working with them closely in this effort.

This bill is by no means a perfect bill. I am not sure that any bill that we pass here is a perfect bill. But I had hoped that we could have done more.

For example, in my view, it does not go far enough in the use of commercial practices, but it does take a giant step from where we are today. It does not totally remove Government-unique requirements from the purchase of commercial items, but it does alleviate much of the administrative burden of Government oversight.

On the other hand, each of us who worked on this legislation probably has a problem with some part or another of this bill. Not all provisions streamline the procurement system. Some, I regret, add new requirements. Not all provisions are supported by every member of the conference committee. Some provisions, in my opinion, may actually be contrary to the purpose of the bill.

Having said all of that, however, Mr. Speaker, this bill represents the best effort in more than a decade to legislate reforms advocated for years to enable the Government to act more like a business in the way it buys its goods and services.

My primary goal and I think the primary goal of my chairman and the others is to make Government work smarter and cost less. It has been a long road to get even to this point, but we are closer to achieving that goal than ever before. So I am pleased to be a coauthor of this bipartisan bill that from my perspective recreates the procurement system into a better, simpler, and more efficient process.

I particularly want to thank Chairman CONYERS, my chairman, for his relentless commitment and dedication to this very worthwhile effort as well as the many other Representatives and Senators who participated in the process.

Procurement reform is long overdue, Mr. Speaker. The American taxpayer deserves and should demand a procurement system that does not add cost without adding value, it does not impede the Government's access to the state of the art technology and does not force businesses to alter standard procedures and raise prices when dealing with the Federal Government.

Mr. Speaker, I would strongly urge my colleagues to adopt this conference report on S. 1587, and I hope we might have a unanimous or at least near unanimous vote in favor of it.

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

Mr. CONYERS. Mr. Speaker, I am pleased to yield such time as he may consume to the gentleman from California, Mr. RON DELLUMS, chairman of the Committee on Armed Services, whose jurisdiction was heavily affected in the course of this acquisition act.

Mr. DELLUMS. Mr. Speaker, I thank the gentleman for his generosity in yielding me this time.

Mr. Speaker, I rise in support of the conference report on S. 1587, the Federal Acquisition Streamlining Act of 1994. This bill has been an extraordinary effort which could not have been accomplished without the extensive, bipartisan cooperation between the Armed Services and Government Operations Committees in the House and with our colleagues in the Senate. Representatives FLOYD SPENCE, JOHN CONYERS, AND BILL CLINGER particularly deserve special credit for their determination to enact meaningful acquisition reform.

Mr. Speaker, the Government spends approximately $200 billion a year on the procurement of goods and services. Despite that huge expenditure of money, the present Government buying system remains complicated and confusing, wasting billions of scarce taxpayer dollars.

Two comprehensive reviews—the acquisition law advisory panel on streamlining and codifying defense acquisition law—the so called section 800 panel report—and the Vice President's National Performance Review—have documented the need to streamline procurement procedures to increase access and competition in Federal procurement and save the taxpayer's money. This is particularly critical in the defense sector where maintaining a dedicated defense industrial base is simply no longer a viable option.

The acquisition reform efforts outlined in the more than 300 pages of S. 1587 takes those needed steps. S. 1587 is far-reaching reform which will push our procurement system into the 21st century. This bill removes a number of the barriers that have kept many companies out of the Government sector, while at the same time, putting more responsibility into the system to do the right thing by the taxpayer. This should lower the cost of a significant portion of the Pentagon's procurements while still retaining the current highly regulated procedures for those defense-unique items that will continue to require careful Government management and oversight. S. 1587 also removes many obsolete and redundant statutes. It also reinforces many existing authorities for DOD—and extends these to the civilian agencies, thus creating a more uniform system.

Indeed, S. 1587 represents the most comprehensive Governmentwide acquisition reform in over a decade. The principal objective behind this legislation is to strike a more equitable balance between the multitude of Government-unique policy requirements imposed on Government contractors and the need to lower the Government's cost of doing business, and save the taxpayer money. S. 1587 accomplishes this objective in several ways. For example, it creates a clear preference for the purchase of commercial products and services, instead of goods developed to Government unique specifications.

Section 1587 also relaxes some of the policies that require Government contractors to provide cost and pricing data that they do not normally collect or provide in the private sector. And, it puts more sunshine in the system through the provision of better source selection information and more detailed post-award debriefings.

The bill creates a new category of high-volume, low-value Federal procurements that can be accomplished with streamlined rules and regulations. It also establishes a Governmentwide Federal acquisition computer network.

Most importantly, S. 1587 maintains critical social policy goals aimed at improving access to contracting opportunities for small businesses and minority-owned small businesses.

I would like to echo a comment made on several occasions that this is just a first step. I agree. Congress has taken the first step. The next and, perhaps far more significant, step must be taken by the administration. The second step involves fully implementing the authorities provided in S. 1587. I add my voice to my House and Senate colleagues in challenging the administration, and particularly the Department of Defense, to tackle its own rules and regulations; to provide the funding necessary to fully implement an electronic procurement system; to train its acquisition personnel—for DOD, This can be done through the

tools provided in the Defense Acquisition Workforce Improvement Act; and, finally, to push for cultural acceptance among the acquisition work force. Without this, our efforts today will reap few benefits or cost savings.

In closing, I must thank the House and Senate conferees for their commitment to moving this bill forward, especially representative JIM BILBRAY and Senators NUNN, THURMOND, and GLENN. In addition, the House and Senate legislative counsel staff, Sherry Chriss and Greg Scott deserve exceptional commendation for their simultaneous work on both this bill and the Defense authorization bill. Finally, special thanks must go to Cathy Garman, Robert Rangel, and Joe Drelicharz and Kevin Tansey of the House Armed Services Committee staff and Chuck Wheeler and Ellen Brown of the Government Operations Committee staff—these dedicated individuals worked long, hard hours over the last several months to help us make this bill a reality.

Mr. Speaker, we need S. 1587 if we are serious about reforming and improving our acquisition system. I urge my colleagues to support the conference report on S. 1587.

□ 1400

Mr. CLINGER. Mr. Speaker, I yield 5 minutes to my good friend, the gentleman from South Carolina [Mr. SPENCE], the ranking member of the Committee on Armed Services; as has been indicated, the Committee on Armed Services was a very, very vital and important part of this compromise and negotiated agreement.

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

Mr. Speaker, I rise in support of the conference report on H.R. 2238, the Federal Acquisition Streamlining Act of 1994.

This legislation results from many months of hard work by committees in both the House and the Senate in an effort to bring a more sensible approach to the Federal procurement system.

In particular, I want to note the bipartisan relationship of the Government Operations Committee and the Armed Services Committee which jointly crafted the principal elements of the legislation currently before the House.

Chairmen DELLUMS and CONYERS and my colleague, Mr. CLINGER, have outlined many of the features contained in this legislation that should bring a greater measure of efficiency to the day-to-day business of running this vast Government. I join them in extolling the benefits of this legislation, especially for a defense and aerospace industry that is still reeling from this administration's drastic reductions in the defense budget.

The provisions of this bill that lower existing barriers between Government and commercial production lines, and encourage the integration of the Government sector into the mainstream economy, will help many companies reduce unnecessary overhead and remain viable government vendors of critical defense technologies.

However, while this bill takes many important steps in the right direction, it does not go as far as it should in turning the U.S. Government into a world class customer. For instance, this bill fails to tackle many of the socioeconomic requirements imposed on Federal contracts—requirements that are poor fiscal policy due to the imposition of unique burdens on government vendors the costs of which are simply passed on to the taxpayer.

In fact, this bill often takes away with one hand what is being provided by the other. For instance, while exempting a series of statutory requirements from low-value and commercial item purchases, it dramatically broadens the minority business price preference program, and provides for a new dedicated contracting goal for women-owned businesses.

Mr. Speaker, I also feel the need to observe that while the Clinton administration has made acquisition reform a high profile issue, the genesis of this legislative effort can be traced to congressional attempts to reform the acquisition system dating back to the late 1980's. The rhetorical commitment of this administration certainly helped to accelerate the political momentum, but in the final analysis, the political "heavy lifting" was done here in the Congress.

On critical reform issues such as Davis-Bacon, Walsh-Healy, Buy American, Contract Services Act, and subcontracting plans, the administration talked a good game, but ultimately invested little or no political capital in vigorously pursuing such reforms for fear of offending important special interests. Predictably, little or nothing was accomplished in making much needed changes in each of these key areas.

For whatever reason, history had dictated that acquisition reform happen only once every decade. Such a trend makes this bill's lost opportunities all the more unfortunate since it is unlikely that we will get another crack at meaningful reform any time soon.

In large measure, the success or failure of this bill will rest with how vigorously it is implemented in the various agencies of government. This bill provides a vast array of tools for government officials to cut back outdated and counterproductive rules and regulations. But there has to be a broad willingness and a commitment to utilize these tools if this legislation is going to have any significance beyond the rhetoric of a White House signing ceremony.

Similarly, Congress bears a burden to resist the temptation to legislate a solution to every procurement scandal or media account. The Federal Government will always have pockets of inefficiency. They should not be tolerated and should be eliminated as rapidly as they surface. However, we must remain careful not to allow sound bite accounts of these problems to stampede us into legislative reforms that may cure the disease, but ultimately kill the patient.

Mr. Speaker, I also want to thank the staff for their endless efforts over the past months, even years, on this difficult issue of acquisition reform. Without their work, quite simply there would be no bill. Accordingly, I want to thank the Government Operations staff of Chairman CONYERS and BILL CLINGER for their professionalism and bipartisanship. Closer to home, I want to make special mention of Robert Rangel and Cathy Garman of the Armed Services Committee staff. From my perspective on the Armed Services Committee, to the extent this bill is a success, it is their success.

Mr. Speaker, as I stated at the outset, on balance, this is a good bill. It is not a perfect bill. It is not a complete bill. But is a good bill nonetheless and deserves the strong support of my colleagues.

Mr. CONYERS. Mr. Speaker, I yield 2 minutes to the gentleman from Nevada [Mr. BILBRAY], a distinguished member of the Committee on Armed Services.

Mr. BILBRAY. Mr. Speaker, I rise in strong support of the conference report on S. 1587, the Federal Acquisition Improvement Act.

First, I would like to commend the work of Chairman DELLUMS and Chairman CONYERS. Despite the responsibilities that their two committees have had over the last year and a half, they have been able to give this legislation the priority and consideration it deserves.

Second, I want to commend them for the sensitivity they have shown to the role of the small business community and the effect that this legislation would have on them.

As chairman of the Subcommittee on Procurement, Taxation, and Tourism, of the Small Business Committee, my staff and myself have also spent the better part of the last year and a half analyzing and discussing the impact this legislation would have on the small business community. Through countless negotiations sessions, and three hearings in which my subcommittee has held, it has become clear to me that the product that we see before us today will not only simplify our cumbersome and inefficient procurement system but more importantly it will provide new and more dynamic business opportunities for small businesses.

There have been a number of misconceptions surrounding the impact this bill will have on small businesses.

Let me state once and for all, this bill is good for small business.

This legislation will ensure that small business gets access to contract opportunities—faster and more efficiently through the creation of an electronic commerce network. Second, it will increase the number of contracts available to small business by raising the small business reservation to $100,000. In addition, it will spread the benefits of programs such as the 1207, small business disadvantage program throughout the Government.

Finally, it will allow the Government to enter the commercial marketplace, buy goods directly off the shelf, thereby removing the cumbersome requirements that have kept small businesses from participating in the government procurement system.

I want to take a moment to thank the staffs of both Armed Services and Government Operations Committees, Cathy Garman, Robert Rangel, Chuck Wheeler, and Ellen Brown for cooperating so fully and openly with my subcommittee staff.

Again, I urge my colleagues to support this conference report and look forward to seeing this bill signed into law this year.

Mr. CLINGER. Mr. Speaker, I yield 4 minutes to the gentlewoman from Kansas [Mrs. MEYERS], who is also the ranking Republican member on the Small Business Committee, which has played a very vital role in the construction of this legislation.

Mrs. MEYERS of Kansas. Mr. Speaker, I rise in reluctant support of this bill.

For too long the Federal procurement system has been cumbersome. The main provisions of this bill will increase the use of simplified acquisition procedures. It will permit commercial items acquisition and establish a Governmentwide computerized purchasing network.

All of this is very good for small business. These are vital advances, and they will greatly benefit the taxpayers and the Government and large and small contractors. So all of this is very good.

Unfortunately these advances are accompanied by omissions that continue to hamper small businesses. The best example is the failure to extend fast-pay procedures to small contracts, the contracts performed by small business.

Mr. Speaker, I am inserting at this point in the RECORD a letter from Mrs. Julie Ivey, president of American Reporters, Inc., as follows:

AMERICAN REPORTERS, INC.
Newington, VA, August 22, 1994.

DEPARTMENT OF THE TREASURY,
Internal Revenue Service, Philadelphia, PA.

DEAR SIR/MADAM: Enclosed is our check in the amount of $202.67 representing penalty for our late payment for the tax payment dates of May 15, 1994 (payment made on May 16, 1994) and June 15, 1994 (payment made July 8, 1994).

Our failure to make these payments on time resulted directly from the failure of several federal agencies to pay outstanding invoices within 30 days. During this period, federal agencies carried over $25,000 worth of invoices for two to three months which we made every attempt possible to collect but could not, and since we all know that the Federal Government doesn't pay anything in under 30 days, the $40,000 which was current we couldn't count on to come in on time.

The delinquency of the Federal Government caused our delinquency.

The Federal Government represents 90 percent of our client base. When the Federal Government does not pay its bills on time, that causes us to pay our bills late. I realize that this is no "excuse" for not having paid the payroll taxes on time, after all a businessperson is supposed to miraculously pull the money out of thin air to pay the Internal Revenue Service.

On the one hand, the Federal Government doesn't pay its bills; on the other hand it heavily penalizes small businesses for not paying their payroll taxes on time.

It's the old Catch-22. But what is truly amazing is that at the same time that this is going on the Federal Government is carrying on about how much it wants to foster and encourage small businesses.

Sincerely,

JULIE K. IVEY,
President.

Mr. Speaker, in her letter, Mrs. Ivey, a small businesswoman, apologizes to the IRS for being late making her payroll tax deposits; unfortunately, Mrs. Ivey runs a court reporting company and her biggest client is the Federal Government, and they never pay her on time.

Mr. Speaker, this is a problem small business faces all the time. If fast pay was allowed for these contracts, then Mrs. Ivey would not be penalized by the IRS because other Federal agencies do not pay her on time.

The amounts are not small. In her letter she says that the Federal Government, various agencies, are delinquent by $40,000 over a period of 2 to 3 months, and yet she is paying a $202 penalty for being late with her tax payments. That is totally unfair. This impacts small business frequently.

Mr. Speaker, I would also like to say that I am strongly supportive of the 5-percent goal that is set in this bill for women business owners. We have never had a goal, a Governmentwide goal, for women business owners. Women business owners own 30 percent of the businesses and have had less than 1 percent of the contracts from the Federal Government. It is time that we got a goal to kind of bring that up on everybody's radar screen.

However, I do not like implementing goals with set-asides and bid preferences, and that is what we do in this bill for minority-owned business. I strongly support a goal for minority-owned businesses. I simply do not like implementing any goals with set-asides and bid preferences.

A set-aside means there would have to be as few as two bidders, and a bid preference means a bid can be 10 percent over every other bid offering and still get the bid as long as that bidder is a minority builder. I simply do not think this is good fiscal policy to break the policy of small bids.

□ 1410

I think that is inappropriate. In the past, minority-owned businesses have had a governmentwide goal of 5 percent. I strongly supported that.

They have been allowed to fulfill that goal by set-asides in bid preferences only in the Department of Defense and maybe one or two other agencies. However, with this bill that ability to implement the goal was with set-asides and bid preferences goes governmentwide.

I think it is simply not good fiscal policy and, therefore I repeat my reluctant support for this bill. I support procurement reform 100 percent, but I believe real reform must not forget small business, all small business. This bill makes great improvements, improvements that help small business, but there is still more that we could have done and some that we should not have done.

Mr. CONYERS. Mr. Speaker, I yield 1½ minutes to the gentlewoman from Oregon [Ms. FURSE] who has worked with great dedication toward the Federal Acquisitions Streamlining Act.

Ms. FURSE. I thank the gentleman for yielding this time to me.

Mr. Speaker, I was proud to serve as a conferee for the acquisition reform legislation that is before us today. This is the most comprehensive reform in a decade.

Several businesses from my home State in Oregon came to me and said that the process of selling products to the Government is too complicated, it takes too much time and money to figure out how to jump through the proper hoops to conform with outdated regulations just to make a sale.

And these arcane regulations also push up the price of goods when the Government finally does find a product to buy. This bureaucratic redtape also prevents small companies from doing business with the Government, even though they have terrific, affordable products to offer.

This acquisition reform legislation means that businesses won't have to hire extra accountants and lawyers just to comply with arcane regulations that no one in the private sector ever deals with.

This acquisition reform legislation is also about common sense. Right now the Federal Government is contemplating whether to buy a sparkplug connector for $544, when that same item costs about $20 at the local auto parts store. We must pass this bill so that the Federal Government will begin to go shopping like everybody else: you go to the store and buy items off the shelf, which are cheaper.

I am particularly pleased that this conference report contains a provision that I insisted on including, which is the recoupment of a portion of the research and development costs of U.S. weapons systems when we sell them to foreign governments. This generates revenues to the U.S. Treasury worth tens of millions of dollars each year.

I want to emphasize that this reform legislation is only a beginning. We have a long way to go to eliminate overly rigid bureaucratic procedures, improve Government efficiency, and save taxpayers millions of dollars. This valuable legislation deserves your support.

Mr. CONYERS. Mr. Speaker, I yield 2 minutes to the gentlewoman from New York [Mrs. MALONEY] who has worked with great dedication on this measure since she has joined the Committee on Government Operations.

Mrs. MALONEY. I thank the chairman for yielding this time to me.

Mr. Speaker, the Federal Government spends over $200 billion on procurement every year. That is $800 for every American. There are few areas of the Federal Government that are more important for controlling spending, saving taxpayers' dollars, and better managing our limited resources.

As cochair of the bipartisan Freshman Task Force on Procurement Reform and as a member of the conference committee, I strongly urge the passage of this conference report.

This legislation will simplify and streamline the Federal procurement process while improving its fairness, accountability, and integrity. It will reduce paperwork by allowing the Government to buy commercial products off the shelf. In other words, there will be no more doctored specifications that allowed for $500 hammers and $600 toilet seats, outrageous examples of Federal procurement abuses.

It raises the simplified acquisition threshhold from $25,000 to $100,000, thereby reducing paperwork significantly. Fifty-five percent of the Defense Department's contracts are under $100,000, yet it is only 5 percent of their expenditures. So this is a very important provision. It also strengthens the protest and oversight process, improves the integrity of the procurement process by standardizing the procurement code and by eliminating obsolete and redundant laws.

The Federal Acquisition Improvement Act also incorporates several of Vice President GORE's National Performance Review recommendations, such as providing for multiyear contracts, promoting excellence in vendor performance, and allowing State and local governments to use Federal supply services. Of the $108 billion in savings that they project, $22 billion is projected to come from these changes in the procurement laws.

This legislation also creates a separate 5 percent nonbinding procurement goal for women-owned business. Government purchasing from women-owned businesses has been unacceptably low for far too long. This will, hopefully, improve that.

Mr. Speaker, I congratulate the chairman and ranking member of the Committee on Government Operations and also the Committee Armed Services. Without the determination, intelligence, and hard work of Chairman CONYERS and Chairman DELLUMS and Representatives CLINGER and SPENCE, this legislation would not have been possible.

Mr. CONYERS. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Illinois, Mr. BOBBY RUSH, another dedicated leader in helping small business across this country.

□ 1420

Mr. RUSH. Mr. Speaker, I want to express my strong support for the conference report on the Federal Acquisition Improvement Act of 1994. As a freshman Member of Congress, I was honored to serve as a conferee for this important legislation.

I would like to commend the distinguished chairmen of the Government Operations and Armed Services Committees for their hard work and their diligent efforts in producing the most comprehensive Government-wide acquisition reform measure in over a decade.

This conference agreement strikes a more equitable balance between the multitude of Government-unique policy requirements imposed on Federal procurement and the need to lower our cost of doing business.

This agreement increases the Government's reliance on the use of commercial products, goods, and services, and improves the access of small business to Government contracting opportunities.

Purchasing commercial products should abolish the current practice of buying expensive, specially designed products, when off-the-shelf, less expensive commercial products would suffice.

Mr. Speaker, two other significant aspects of this agreement for which I had the opportunity to work with Chairman CONYERS in developing, are the small purchase threshold increase and the training courses for Federal procurement personnel.

The increase of the small purchase threshold from $25,000 to $100,000 would allow use of simplified procedures for an estimated 45,000 additional procurements. These procurements have an aggregate value of approximately $3 billion per year.

The training courses for critical procurement officers are aimed at increasing the participation of small disadvantaged and women-owned businesses in the procurement process.

Mr. Speaker, I again applaud the work of Chairman CONYERS and Chairman DELLUMS. In creating a uniform governmentwide acquisition policy, I believe that this legislation is a significant step toward reforming the Federal procurement process.

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

Mr. CLINGER. Mr. Speaker, I yield 2 minutes to my colleague, the gentleman from Pennsylvania [Mr. WELDON], a member of the Committee on Armed Services.

Mr. WELDON. Mr. Speaker, I rise today to offer yet another endorsement of H.R. 2338, the Federal Acquisition Improvement Act. With the passage of this bill today, we will take a giant step forward in the effort to increase governmental efficiency and cost-savings.

I have been working toward this goal for some time. In 1993, I offered an amendment to the Defense authorization which would have incorporated into Defense Department buying practices several of the reforms included in H.R. 2338. Unfortunately, that measure was scuttled to ensure that governmentwide procurement reform would not be sidetracked. Fortunately, H.R. 2338 includes the commercial buying practices, simplified acquisition threshold, and reduced paperwork provisions that were contained in the Weldon amendment, and applies them to all Federal agencies.

House passage of this measure today is critical. Although many Members may not realize it, this bill may well mean the difference between survival and elimination of key weapons systems over the next several years.

Deputy Secretary of Defense John Deutch recently circulated a memo ordering the services to consider major delays or cancellation of most major weapons programs nearing the production stage. That list includes the Comanche Helicopter, the F-22 fighter, the V-22, DDG-51 destroyers, the new attack submarine, the advanced amphibious assault vehicle, JPATS trainer aircraft, precision guided munitions, and the advanced field artillery system. There is literally no weapons program in the budget that will be exempted from the rigors of this austere budget environment.

Last week, the Department of Defense validated the need for the V-22 *Osprey* aircraft and endorsed limited production of it. At the same time, Pentagon officials called on the Marine Corps and the contractors to employ the commercial buying practices and innovative procurement practices allowed in this bill as a way to reduce V-22 costs. The V-22 pilot acquisition effort, which will reduce the cost of each aircraft by several million dollars, will also be applied to future weapons acquisition programs.

At a time when every major weapons modernization program remains under scrutiny, it is absolutely essential that

we remove the nonvalue-added requirements from major acquisition programs. H.R. 2338 will not solve all of our problems with respect to the declining defense budget, but it is one huge step in the right direction. I urge my colleagues to put the final stamp of approval on this bipartisan bill and send it to the President for his signature.

Mr. CONYERS. Mr. Speaker, I yield 2 minutes to the gentlewoman from California [Ms. HARMAN].

Ms. HARMAN. Mr. Speaker, as a member of the House Armed Services Committee, I want to recognize how vitally important this legislation will be to the saving of our industrial base. By reforming the defense acquisition process, which is just a part of what this legislation will do, we assist all companies that are capable of doing business with the Defense Department. We will not only open up the process to small or disadvantaged firms, who currently are not able to do business with the Pentagon, but we will also help those larger firms, that already do business with the Defense Department, learn commercial practices.

Why does this matter? It matters because the future for our defense industrial base is diversification, and to diversify, these large firms must understand and be able to operate on a commercial level. They must be able to compete.

So, I see in this legislation an enormous win across the board.

The establishment of a simplified acquisition threshold up to $100,000—raised from $25,000—will allow a streamlined procurement process. This $100,000 threshold will apply to over 95 percent of all Government procurement actions.

The revised contracting procedures and the new, accelerated notice of contract awards, contract debriefings, and bid protests are all designed to reduce staff time, lessen the amount of paperwork required, and shrink the bureaucracy.

The bill also establishes a Government-wide electronic purchasing system. The use of electronic bulletin boards to offer contracts or list agency needs will speed up the system and open up more selling opportunities to more businesses around the country.

Of the $108 billion in savings targeted through fiscal year 1999 by the Vice President GORE's National Performance Review, $22.5 million—more than 20 percent would come from proposed changes in the Federal procurement system.

With this reform, we will be spending scarce dollars more wisely. We will be opening up the acquisition process to small and minority businesses. We will be able to introduce technology to the Government in ways that are not possible in the current Government acquisition process. We will also be helping our larger firms, our traditional defense technology providers, to do business in a new way that will help ensure their survival and the survival of our industrial and intellectual base.

In every sense, this is a major piece of the reinventing government program that so many of us were elected to carry out. I commend the committee chairman and the bipartisan group of supporters for what we are about to do today.

Mr. CLINGER. Mr. Speaker, I yield 3 minutes to the gentleman from Michigan [Mr. SMITH], chairman of the freshman Committee on Procurement Reform.

Mr. SMITH of Michigan. Mr. Speaker, I rise in strong support of the conference report on this bill. It is largely because of the hard work of ranking members and chairmen for the Committee on Government Operations and the Committee on Armed Services that I thank today. We have a real opportunity with the passage of this bill, changing for the better, the way we procure goods and services.

The Federal Government spends $200 billion on procurement every year, $800 for every American. With 142,000 Federal employees to implement over 4,500 pages of Federal procurement regulations and agency supplementals the system has long needed an overhaul.

When I first came to Congress 18 months ago, Mr. Speaker, I had hoped to make a difference in how government is run. I was honored to cochair the bipartisan freshman Procurement Task Force with the gentlewoman from New York [Mrs. MALONEY]. We heard from suppliers of goods and services about the tremendous amount of bureaucracy they have to endure in order to offer a bid. We met with administration officials, committee staff. As a freshman group, we talked and met and discussed this issue together, and this conference report reflects much of what we agreed needs to be accomplished.

This bill will encourage the dollar saving acquisition of commercial products off the shelf. It will increase the simplified acquisition threshold to $100,000 saving time and millions of dollars. It will exempt the micro purchases of less than $2,500 from a number of burdensome statutory requirements.

I would like to tell this body some of the other areas that we talked about as a freshman class. Changes that might improve this conference report include increasing the Davis-Bacon threshold to 250,000.

□ 1430

So I think we need to continue to look at Davis-Bacon. In the future I hope we can accept more of the section 800 Commissioner's recommendations to reduce the paperwork and regulatory burdens in purchases of goods and services for defense. Defense acquisition, of course, represents 80 percent of total Federal acquisition, and needs continued scrutiny, for improvement in the future. Many of us suggested the micro-purchases and simplified acquisition thresholds, should be as high as $25,000 and $250,000 respectively to further increase efficiency.

Mr. Speaker, in conclusion, this bill is still an excellent effort by this Congress to make Government run better, more efficiently and at less cost for the taxpayers of this nation. I urge my colleagues to support the conference report.

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

Mr. Speaker, I have no further requests for time, and I would just say in closing, I think this measure that we are going to vote on is perhaps the single most important measure we will have this year to really effect efficiency in Government, reduce the cost of Government, and get much more productivity out of our Government. It is really a very, very significant bill.

I would also say it is, in my view, a creature of the Congress. This is a product that has been in the works for 3 or 4 years. There has been a lot of time and effort put into it. Most of the concepts and ideas have come out of the Congress, in both the House and Senate side.

We have been pleased to have the support of the previous administration and this administration in accomplishing this goal. But it really is uniquely a product of the Congress, and I have been proud to be a part of it, proud to have worked in harness with my chairman, the gentleman from Michigan [Mr. CONYERS], and all who have been part of this day.

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

Mr. CONYERS. Mr. Speaker, before yielding back the balance of my time, since there are no further speakers, I would like to single out the staff director of the Committee on Government Operations, Julian Epstein, who has worked along with Chuck Wheeler on this matter for 4 years. The reason that I single him out is that he has been working on all the other matters in the Committee on Government Operations for 4 years as well, and we could not have moved this to the success that is being reported here today without his continuing and untiring effort.

Mr. SPRATT. Mr. Speaker, I rise to express my strong support for S. 1587, the Federal Acquisition Improvement Act of 1994. While the title seems innocuous, we expect this legislation to save taxpayers $22.5 billion between now and 1999. This is 21 percent of Vice President GORE's targeted $108 billion in savings forecast in last year's National Performance Review. As a senior member of the two committees of jurisdiction, the House Armed Services Committee, and the House Government Operations Committee, I am pleased I could help draft this legislation.

The acquisition process for the Federal Government has become so entangled that it cannot even respond to emergencies. For example, during the Persian Gulf war U.S. forces needed small radios for their troops in the field. Procurement regulations made it virtually impossible for Motorola to provide these radios quickly, even though they were widely available on the commercial market. To solve the problem, arrangements had to be made for the Japanese to buy the radios from Motorola and then donate them to United States forces. Mr. Speaker, this is a clear example of a bureaucracy run amok.

With the enactment of the Federal Acquisition Improvement Act, we are cutting this tangled web of red procurement tape. This new legislation encourages Federal agencies to buy "off the shelf" commercial products whenever possible, and to avoid conducting elaborate negotiations to purchase items designed to meet unneeded or unique Government specifications. This will make it easier for our business people to deal with their own Government. Further, this agreement increases the simplified acquisition threshold, under which procurement regulations would be streamlined, from $25,000 to $100,000. Approximately 55 percent of the Department of Defense purchases would fall under this new threshold. This act also revises current contracting procedures and procurement law, strengthens the bid protest process, and establishes a Government-wide electronic purchasing system.

Finally, the legislation establishes a Federal Acquisition Computer Network—known as FACNET—to enable Government agencies to conduct most of their procurement actions, from initial notification to award, electronically. Mr. Speaker, this action alone can save dozens and dozens of forms, unburden managers from approving routine procurement items, and allow Government employees to perform their jobs expeditiously. An added bonus of the new computer network is the potential to expand competition among many more businesses than ever before.

Mr. Speaker, this legislation will improve the working relationship between the Federal Government and our business people and put our tax dollars to more efficient use. I urge my colleagues to support S. 1587.

Mr. FAWELL. Mr. Speaker, as the House considers the conference report on the Federal Acquisition Streamlining Act of 1994, I would like to comment on section 7204 of the report. This provision, regarding the maximum practicable opportunities for apprentices on Federal construction projects, was taken from the House version of the legislation—it was not included in the Senate version, S. 1587.

Section 7204 provides a sense of the House that contractors performing Federal construction contracts should, to the maximum extent practicable, give preference in the selection of subcontractors to those participating in apprenticeship programs registered with the Department of Labor or with a State apprenticeship agency recognized by DOL. Although this provision appears to promote training, it could, in fact, decrease training opportunities and make this a discriminatory preference.

I am a strong advocate of apprenticeship and other training programs to help young people, women, and minorities obtain highly skilled jobs. However, in some States such as Washington, California, and Nevada, the State apprenticeship agencies have blatantly discriminated against the approval of qualified apprenticeship programs. They have done this by denying approval to any parallel apprenticeship programs, which essentially means a denial of any competing programs. The result has been that open shop or union programs that attempted to compete with the programs already in existence were not allowed to train individuals who wanted to join their programs.

This situation has been remedied in the past few years because many construction groups and companies have been forced to file numerous court cases in Washington, California, and Nevada in order to train individuals in their qualified apprenticeship programs. The courts have continuously upheld ERISA preemption and said that union-dominated State apprenticeship councils could not deny recognition to federally recognized apprenticeship programs just because they represented healthy competition to the entrenched union programs.

Because of these court cases there are additional apprenticeship programs being approved in Washington and many more people are being trained. Unfortunately, the House passed H.R. 1036 on November 9, 1993, seeking to overturn these properly decided court cases. If this legislation passes the Senate and is signed into law, the State apprenticeship agencies will be given carte blanche to once again discriminate against the approval of qualified apprenticeship and other training programs.

This preference language could, in effect, result in the approval of those State apprenticeship programs which discriminate against nonunion or other competing union programs. For these reasons, I strongly oppose section 7204 of the conference report. While this is only a sense-of-the-House and is nonbinding, it is nonetheless a discriminatory preference which will hinder training instead of providing much needed training opportunities.

Mr. PENNY. Mr. Speaker, I rise today in support of the conference report on H.R. 2238, the Federal Acquisition Improvement Act. This legislation reforms Federal procurement practices and, in particular, raises the simplified acquisition threshold under which procurement paperwork requirements would be streamlined—from a current threshold of $25,000 to $100,000. This reform will be particularly important to the Department of Defense where some 55 percent of all purchases will fall under the higher threshold.

In addition, small businesses will benefit from the legislation due to the fact that these businesses will be able to bid on numerous Federal contracts without having to comply with the burdensome paperwork and bookkeeping requirements under the previous procurement regulations.

I am especially pleased that this legislation includes section 7014 of the House-passed version of H.R. 2238, the Federal Acquisition Improvement Act. These provisions would prohibit agencies from requesting pricing data from private contractors for the purchase of competitively priced, commercial products.

Mr. Speaker, I have been very interested in procurement reform as a means of reducing Federal spending. In 1993, Vice President ALBERT GORE released his National Performance Review which included recommendations for changing Federal procurement procedures in order to streamline Government purchasing of goods and services—saving an estimated $22.5 billion over the next 5 years. I applaud these, and other efforts, to reduce Federal spending and regulations.

I urge Members of Congress to support the conference report on H.R. 2238, the Federal Acquisition Improvement Act.

Mr. BROOKS. Mr. Speaker, I intend to vote for this conference report because it represents hard compromises worked out among widely divergent groups. Also, I believe that some provisions in the bill will help the Federal procurement system.

Nonetheless, I am troubled by the direction of the bill, which pushes the Government toward goods and services like a commercial firm buys goods and services; in other words, toward commercial buying practices.

We all agree that the Government should buy off-the-shelf, commercial products whenever possible, instead of always having things built to Government specifications. But adopting commercial buying practices is an entirely different matter. The Government is not a commercial firm and has different interests and goals than commercial firms. In reinventing Government, we are not supposed to be destroying the mission of Government. That mission includes:

The Government answering to the voters and taxpayers; commercial firms answer to the stockholders.

The Government being concerned with the welfare of all Americans; commercial firms are concerned chiefly with profit.

The Government treating all potential sellers fairly; commercial firms need only be concerned with efficiency.

The Government assuring fair treatment for all Americans—including small businesses, minorities, women, and the handicapped; commercial firms have an interest in the bottom line.

There is no debate over whether we need an efficient Federal procurement system. But we cannot permit efficiency to be achieved at any cost by permitting an unsupervised raid on the Federal Treasury. I agree that procurement procedures should be made simpler. But the price of that simplicity cannot be a system in which the same monolithic corporations win contracts with tiresome predictability, at the expense of competitive, innovative smaller companies.

When I hear complaints about the procurement system and calls for repeal of laws such as the Competition in Contracting Act, the Procurement Integrity law, the Brooks A.D.P. Act, and other laws enacted to protect the taxpayers, I think of an inscription found in one of John F. Kennedy's notebooks, "Don't ever take down a fence, until you know the reason why it was put up." This bill leans hard on several important fences. Before Congress moves any farther in this direction, we should step back, take a hard look, and be sure that the direction we are moving is in the best interests of the Government and all the people the Government serves.

Mr. SYNAR. Mr. Speaker, I strongly support House adoption of the conference report on S.

1587, the Federal Acquisition Streamlining Act of 1994, more commonly known as the procurement reform bill. This is the most significant reform of the Government's overly-complicated and burdensome procurement system in a decade and, as a House conferee on the measure, I am gratified to have been a part of this important Federal streamlining initiative. Implementation of the reforms in this bill will save the taxpayers billions of dollars a year. As important, it will make our procurement system far more efficient and user-friendly for those who do business with the Federal Government—and this is especially true for thousands of smaller businesses who are ready, willing and able to supply the Government with billions of dollars in off-the-shelf goods.

The Federal Government spends $180 to $200 billion every year on the purchase of goods and services. As everyone knows, the Government's current procurement system is confusing and overly burdensome on businesses and the bureaucracy alike. The current system also needlessly encourages agency reliance on Government-unique, rather than off-the-shelf, products. As a result, billions of dollars a year are wasted on more costly goods. The bill before us fixes these defects in the current system.

The measure is the result of two comprehensive reviews of the Federal procurement system, including Vice President GORE's National Performance Review effort. The Vice President and others in the administration should take justifiable pride in doing so much to advance this major reform initiative, which really will "make Government work better and cost less."

While the legislation reforms virtually every facet of the existing procurements system, several reforms are especially important:

The legislation promotes uniform treatment of agency procurements throughout the Government. This will go a long way toward simplifying the Government procurement process. In particular, I am pleased the bill maintains the language we included on "unallowable" costs. We know from hearings held by my own oversight subcommittee and others that certain types of costs—including "employee morale" expenses such as Rolex watches, liquor and entertainment costs, and spouse travel, as well as expenses for lobbying, advertising, and golden parachute payments and similar expenses—are now commonly paid to contractors by civilian Government agencies. Department of Defense procurement regulations already prohibit payment for such outrageous expenses, and the legislation before us would, for the first time, generally extend that prohibition to all civilian agencies as well.

The legislation establishes a clear preference for the use of commercial items, rather than Government-unique products. These provisions will make it much easier for companies offering off-the-shelf products to aggressively compete for Government contracts. We have all read the horror stories about the current procurement system, which entails thousands and thousands of pages of silly Government specifications for products that can easily be purchased in the marketplace. The current practice doesn't benefit the Government or businesses and it needs to be overhauled. This legislation will do that by making it clear that wherever possible commercially available products should be the norm, not the exception. The bill will further reduce impediments to direct purchase of commercial items by exempting such purchases from numerous statutory requirements that are unique to the Government.

In the procurement area, one of the biggest burdens now on companies wanting to do business with the Government is the amount of financial information—so-called specialized cost and pricing data—that is required of them under the Truth in Negotiations Act. The bill before us would lift a great deal of this burden, by permanently increasing the threshold to $500,000, below which specific cost or pricing data will not be required. Moreover, it addresses the complaints of businesses in this area by creating exceptions for commercial items: in short, when a commercial item is purchased competitively and adequate market pricing information is therefore already available, no cost and pricing data will be required.

Also very important to smaller businesses, the bill provides Federal contracting officers with various contract financing options including the option, where appropriate, to provide the company with an advance payment of up to 15 percent prior to contract performance on commercial item purchases.

The legislation would raise the threshold for small purchases from the $25,000 currently in effect to $100,000. This step will vastly simplify and expedite about 45,000 Government procurements every year. Like the waiver for commercial items, this bill would also exempt purchases under this new threshold from certain statutory requirements unique to the Government, and a new "micro" purchase threshold of $2,500 would establish the simplest and most efficient procurement procedures of all.

Businesses, and particularly smaller businesses, have long complained about the bid protest process and the lack of information they receive about why a bid is rejected. This lack of information virtually forces protests by disappointed offerers, just to get information. The bill addresses this problem, and in turn will reduce the number of costly bid protests, by injecting some mandatory "sunshine" into the procurement process. For example, it requires agencies to provide more detail about the factors which will be considered in awarding contracts and requires contractor debriefings whenever requested.

Finally, the legislation recognizes that other, more innovative methods exist for procuring better goods and services for less. Thus, it authorizes several alternative procurement test programs in specific areas.

Mr. Speaker, when so much attention is being focused on issues like health care reform and foreign policy, I'm sure that procurement reform legislation doesn't sound very exciting to a lot of people. But make no mistake: this effort was a major undertaking for the executive branch and Congress, and the resulting legislation now before us is a significant boon to taxpayers and businesses alike. I am especially glad we made so much progress in making the procurement system more efficient for the tens of thousands of smaller businesses around the Nation who can and will help supply the Government with high quality, competitively priced goods and services, if we will just make the procurement system more user-friendly.

Certainly there will be some contractors or organizations out there who want to maintain their special contracting status or perks, and they will undoubtedly oppose some provisions of the bill. But I urge my colleagues to reject the criticisms of those with a vested interest in maintaining the status quo. Taxpayers and businesses alike deserve the benefits of this procurement system overhaul and I urge all my colleagues to support the conference report on S. 1587.

Mr. LAFALCE. Mr. Speaker, I rise in support of the conference report on the bill (S. 1587), the Federal Acquisition Streamlining Act of 1994.

This far-reaching reform of Federal procurement laws in long over-due and will be instrumental in achieving Government-wide costcutting.

The Federal Government spends approximately $200 billion a year on the procurement of goods and services. Few, however, would disagree that our current procurement system is overly complex, absurdly slow and frequently ineffective. It is a system burdened with an outmoded and fragmented statutory foundation, hampered by regulatory and procedural proliferation beyond comprehension and plagued by an absence of individual accountability.

I am pleased to join with my colleagues in support of this important reform legislation which is a major step forward in reinventing how the Government does business. This bill echoes many of the recommendations made in the Vice President's National Performance Review, simplifying and streamlining the procurement process, saving the taxpayer money and ensuring fairness to all stakeholders.

Key provisions of this reform package and changes I am particularly pleased with include.

Establishing simplified acquisition processes for Government contracts under $100,000;

Reserving contracts under $100,000 for small businesses;

Requiring the acquisition by Federal agencies of commercial items to the maximum extent possible;

Establishing and implementing a new Federal Acquisition Computer Network which will serve as a Government-wide electronic commerce system for purcurement opportunities;

Requiring timely responses to inquiries from small business contractors; and,

Establishing a 5 percent procurement goal for women-owned businesses.

This legislation will help the Government svae money as well as simplify and streamline the way the Government does business. I urge passage of this major procurement reform legislation.

It will substantially impact on small business. Many important decisions will be made by the regulators as they develop implementing regulations. For

example, regulations will prescribe the minimal response time which agencies must allow to permit small businesses to prepare bids. If it is set too short, small business will be effectively precluded from bidding.

There are other similar, although possibly less important issues, to be covered by regulation. The Small Business Committee, which I am privileged to Chair, will continue its oversight of the process to insure that small business is allowed to participate in Federal procurements.

In closing, I want to extend my thanks particularly to Chairman CONYERS, Chairman DELLUMS, Senator BUMPERS, and Senator NUNN, along with their staffs, for their efforts on this issue. We would not be here considering this conference report without everyone's cooperation.

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

The previous question was ordered.

The SPEAKER pro tempore (Mr. PETE GEREN of Texas). The question is on the conference report.

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

Mr. CONYERS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 425, nays 0, not voting 9, as follows:

[Roll No. 425]

YEAS—425

Abercrombie
Ackerman
Allard
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Archer
Armey
Bacchus (FL)
Bachus (AL)
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barca (WI)
Barcia (MI)
Barlow
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bateman
Becerra
Beilenson
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Blackwell
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burton
Buyer
Byrne
Callahan
Calvert
Camp
Canady
Cantwell
Cardin
Carr
Castle
Chapman
Clay
Clayton
Clement
Clinger
Clyburn
Coble
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooper
Coppersmith
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cunningham
Danner
Darden
de la Garza
Deal
DeFazio
DeLauro
DeLay
Dellums
Derrick
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Durbin
Edwards (CA)
Edwards (TX)
Ehlers
Emerson
Engel
English
Eshoo
Evans
Everett
Ewing
Farr
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Fingerhut
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Fowler
Frank (MA)
Franks (CT)
Franks (NJ)
Frost
Furse
Gallegly
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Grams
Grandy
Greenwood
Gunderson
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings
Hayes
Hefley
Hefner
Herger
Hilliard
Hinchey
Hoagland
Hobson
Hochbrueckner
Hoekstra
Hoke
Holden
Horn
Houghton
Hoyer
Huffington
Hughes
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inslee
Istook
Jacobs
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Johnston
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klein
Klink
Klug
Knollenberg
Kolbe
Kopetski
Kreidler
Kyl
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lazio
Leach
Lehman
Levin
Levy
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
Lloyd
Long
Lowey
Lucas
Machtley
Maloney
Mann
Manton
Manzullo
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDade
McDermott
McHale
McHugh
McInnis
McKeon
McKinney
McMillan
McNulty
Meehan
Meek
Menendez
Meyers
Mfume
Mica
Miller (CA)
Miller (FL)
Mineta
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murphy
Murtha
Myers
Nadler
Neal (MA)
Neal (NC)
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quillen
Quinn
Rahall
Ramstad
Rangel
Ravenel
Reed
Regula
Reynolds
Richardson
Ridge
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Rostenkowski
Roth
Roukema
Rowland
Roybal-Allard
Royce
Rush
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Sawyer
Saxton
Schaefer
Schenk
Schiff
Schroeder
Schumer
Scott
Sensenbrenner
Serrano
Sharp
Shaw
Shays
Shepherd
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter
Smith (IA)
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Stark
Stearns
Stenholm
Stokes
Strickland
Studds
Stump
Stupak
Swett
Swift
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas (CA)
Thomas (WY)
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Traficant
Tucker
Unsoeld
Upton
Valentine
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Waters
Watt
Waxman
Weldon
Whitten
Williams
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—9

Gallo
Green
Inhofe
Michel
Sundquist
Synar
Washington
Wheat
Wilson

□ 1455

Mr. BAKER of California and Mrs. SCHROEDER changed their vote from "nay" to "yea."

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

DIRECTING THE SECRETARY OF THE SENATE TO MAKE CORRECTIONS IN ENROLLMENT OF S. 1587, FEDERAL ACQUISITION STREAMLINING ACT OF 1994

Mr. CONYERS. Mr. Speaker, I send to the desk a concurrent resolution (H. Con. Res. 291) directing the Secretary of the Senate to make corrections in the enrollment of S. 1587, and ask unanimous consent for its immediate consideration.

The Clerk read the title of the concurrent resolution.

The text of House Concurrent Resolution 291 is as follows:

H. CON. RES. 291

Resolved by the House of Representatives (the Senate concurring), That in the enrollment of the bill (S. 1587) to revise and streamline the acquisition laws of the Federal Government, and for other purposes, the Secretary of the Senate shall make the following corrections:

(1) In paragraph (2)(A) of the matter proposed to be added at the end of section 3553(f) of title 31, United States Code, by paragraph (2) of section 1403(c)—

(A) strike out "person" both places it appears and insert in lieu thereof "party"; and

(B) strike out "subparagraph (C)" and insert in lieu thereof "subparagraph (B)".

(2) In the matter proposed to be inserted in section 111(f)(5) of the Federal Property and Administrative Services Act of 1949 by subsection (a) of section 1435, insert after "and no party" in the second sentence the following: "(other than a small business concern (within the meaning of section 3(a) of the Small Business Act))".

(3) In the matter proposed to be added at the end of the Office of Federal Procurement Policy Act by section 4101—

(A) strike out "subsection (c)" in subsection (a)(2) of such matter and insert in lieu thereof "subsection (b)"; and

(B) strike out "subsection (a)" in subsection (b) of such matter and insert in lieu thereof "subsection (a)(2)".

(4) In the matter proposed to be added at the end of the Office of Federal Procurement Policy Act by section 8003, strike out "subsections (a)" in subsection (c) of such matter

and insert in lieu thereof "subsections (a)(2)".

(5) In subsection (c) of section 10001, strike out "and 7207" and insert in lieu thereof "and 7206".

The SPEAKER pro tempore (Mr. PETE GEREN of Texas). Is there objection to the request of the gentleman from Michigan?

Mr. CLINGER. Mr. Speaker, reserving the right to object, I will not object, but I do so in order to ask the chairman of the committee to explain the purpose of this concurrent resolution.

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

Mr. CLINGER. I yield to the gentleman from Michigan.

Mr. CONYERS. Mr. Speaker, this resolution provides for technical and conforming changes in the conference report of S. 1587 just approved by the House. There are five corrections that the resolution makes, none substantive in nature, and they have been agreed to by both the majority and the minority in both Houses.

Mr. CLINGER. Mr. Speaker, I support the resolution, and I withdraw my reservation of objection.

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

There was no objection.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

PERMISSION TO FILE CONFERENCE REPORT ON H.R. 4606, DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1995

Mr. SMITH of Iowa. Mr. Speaker, I ask unanimous consent that the managers may have until midnight tonight, Tuesday, September 20, 1994, to file a conference report on the bill (H.R. 4606) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1995, and for other purposes.

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

There was no objection.

PERMISSION TO FILE CONFERENCE REPORT ON H.R. 4554, AGRICULTURAL, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1995

Mr. SMITH of Iowa. Mr. Speaker, I ask unanimous consent that the managers may have until midnight tonight, September 20, 1994, to file a conference report on the bill (H.R. 4554) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Programs for the fiscal year ending September 30, 1995, and for other purposes.

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

There was no objection.

□ 1500

APPOINTMENT OF CONFEREES ON H.R. 6, IMPROVING AMERICA'S SCHOOLS ACT OF 1994

Mr. FORD of Michigan. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 6) to extend for 5 years the authorizations of appropriations for the programs under the Elementary and Secondary Education Act of 1965, and for certain other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

The SPEAKER pro tempore (Mr. PETE GEREN of Texas). Is there objection to the request of the gentleman from Michigan?

There was no objection.

MOTION TO INSTRUCT CONFEREES OFFERED BY MR. GUNDERSON

Mr. GUNDERSON. Mr. Speaker, I offer a motion to instruct conferees.

The Clerk read as follows:

Mr. GUNDERSON of Wisconsin moves that the Managers on the part of the House, at the Conference on the disagreeing votes of the two Houses on the bill H.R. 6 be instructed to insist on the House position with regard to the subject of School prayer as follows:

"SEC. 9513. PROHIBITION AGAINST FUNDS FOR PROTECTED PRAYER.

"Notwithstanding any provision of law, no funds made available through the Department of Education under this Act, or any other Act, shall be available to any State or local educational agency which has a policy of denying or which effectively prevents participation in, constitutionally protected prayer in public schools by individuals on a voluntary basis. Neither the United States nor any State nor any local educational agency shall require any person to participate in prayer or influence the form or content of any constitutionally protected prayer in such public schools.

Mr. GUNDERSON (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

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

There was no objection.

The SPEAKER pro tempore. The gentleman from Wisconsin [Mr. GUNDERSON] will be recognized for 30 minutes, and the gentleman from Michigan [Mr. FORD] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Wisconsin [Mr. GUNDERSON].

Mr. GUNDERSON. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, as a member of the Committee on Education and Labor, I bring to Members what I believe is a very important motion to instruct the conferees as we go to conference later this afternoon on the Elementary and Secondary Education Act.

One of the issues in which the House spoke loudly and clearly during our earlier consideration was the right of school children to participate in what is called constitutionally permitted school prayer. The distinguished gentlemen from Texas [Mr. SAM JOHNSON] offered an amendment at that time that if Members recall I was one of those who spoke in favor of the amendment at that time because I though it was important that we understand exactly what we mean by constitutionally permitted school prayer.

Mr. Speaker, everyone has assumed that somehow under the establishment clause of the Constitution that school prayer is not constitutionally permitted. However, the American Law Division has made it very clear that constitutionally permitted school prayer would include first and foremost a moment of silence which students can use for that purpose, and, second, such activities as graduation ceremony prayers if offered by a member of the student body. I would hope that there is none among us who believe that that is in any way, shape or form coercion but rather would recognize that as the legitimate rights of students in our society. As the American Law Division wrote in their ruling, they said the students of this country do not shed their first amendment rights to free speech at the schoolhouse door.

What we would like to do is make sure that no funds are in any way, shape or form used to prohibit the rights of schools to have school prayer and go on beyond that to say that we are not going to allow any kind of funds from the Federal Government to schools that have policies which specifically prohibit school prayer. This is where the importance of this motion to instruct comes in. Because the Senate has language which in all due respect to my colleagues in the Senate makes it impossible to ever enforce the right of constitutionally permitted school prayer. The Senate language says that any State or local agency, local school, that is adjudged by a Federal court to have willfully violated a Federal court order mandating such constitutionally permitted school prayer would be denied funds. The facts are, ladies and gentlemen, to go through that kind of a not one but double legal hurdle guarantees that in effect we would never enforce the provision allowing constitutionally permitted school prayer.

I call upon my colleagues on both sides of the aisle to reaffirm what was a strong vote on this issue earlier in

our consideration so that as we go to conference, this is an issue we may bring back to Members in its proper form.

Mr. FORD of Michigan. Mr. Speaker, I ask the gentleman to yield so that we may engage in a colloquy.

Mr. GUNDERSON. I am happy to yield to the distinguished chairman.

Mr. FORD of Michigan. I would ask the gentleman if his amendment is simply a suggestion to the conference committee that we hold out for the House version of the bill?

Mr. GUNDERSON. That is exactly correct.

Mr. FORD of Michigan. That being the case, I am inclined to accept the gentleman's amendment if we can avoid spending an hour waiting around here with all kinds of nonsense on this thing. I would accept the gentleman's amendment on that condition.

Mr. GUNDERSON. I do have some people I had promised time to that I have to allocate under my 30 minutes, however. I appreciate the gentleman's support, but I do have to respect the commitment I have made.

Mr. FORD of Michigan. Well, I tried. Mr. Speaker, I reserve the balance of my time.

Mr. GUNDERSON. Mr. Speaker, I yield 5 minutes to the gentleman from Texas [Mr. SAM JOHNSON], the author of the provision during its original consideration.

Mr. SAM JOHNSON of Texas. Mr. Speaker, I rise in support of this motion to instruct the conferees on the elementary and secondary reauthorization bill, H.R. 6, to accept the Johnson/Duncan amendment which overwhelmingly passed the House on March 21 of this year by a vote of 345 to 64.

This body has voted for this exact language twice this year, the vote for my amendment in March and a 367 to 55 vote in February for a motion to instruct the conferees on Goals 2000.

If you will recall, the Johnson-Duncan amendment simply allows students and teachers in public schools across the Nation to pray on a voluntary basis. This right is protected by our Constitution.

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof . . ." [First Amendment]

The courts have affirmed that students in public schools do not "shed their constitutional right to freedom of speech or expression at the schoolhouse gate." In the case of Wallace versus Jaffree the court concluded that there is no constitutional barrier to a state "protecting every student's right to engage in voluntary prayer.

The House-passed amendment allows student-initiated, constitutionally protected voluntary prayer. It does not require a State education agency or a local education agency to do anything but uphold the Constitution. It does not create any new legal definition of voluntary school prayer. It does not require a child to participate in prayer.

The language passed by the other body places a heavy burden on those whose rights have been violated. They must obtain a court order requiring that a violation of constitutionally protected prayer be remedied, and then return to court a second time and prove willful violation of the previous court order.

The argument has been made that we should leave the decision of what is protected prayer to the courts because the Department of Education should not be involved in making such "constitutional" decisions. The Department of Education already makes decisions concerning students' constitutional rights. There is a special office at the Department called the Office of Civil Rights. This Office will investigate claims that a student's civil rights have been violated, they will contact the school and work with them to remedy the situation and if the school does not, the funds will be taken away.

The language passed by the other body will cause parents of aggrieved students to spend tremendous amounts of money in litigation costs. Let me share an example with you of the cost of prosecuting a public school student's right to pray. In the case Ferguson, et al. versus Smithfield High School students at a public high school were denied the right to start a bible club, similar to other student clubs, and have faith fellowship meetings as a club on school grounds. The case was filed in Federal District Court in February of this year. The cost of the case to this stage, not including a trial total $44,730. That includes $33,500 for lead attorneys, $6,950 for the team attorneys, $1,800 for six depositions—exclusive of attorney time—and $2,480 for disbursements. This is an undue burden that would not be placed on the aggrieved individuals under the Johnson/Duncan language.

I encourage the 345 Members who voted for the Johnson/Duncan amendment in March to continue their support for protecting the rights of all schoolchildren to voluntarily pray and vote for this motion to instruct. In a nation founded on religious beliefs, the Government should not restrict the time or place a citizen voluntarily chooses to pray.

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

Mr. SAM JOHNSON of Texas. I yield to the gentleman from Missouri [Mr. EMERSON].

Mr. EMERSON. I want to associate myself very strongly with the remarks of the gentleman from Texas [Mr. SAM JOHNSON].

Mr. Speaker, I rise today in support of the motion to instruct conferees to accept the House-passed language to H.R. 6 regarding school prayer offered by my colleague from Texas. We have worked together on this most important issue in the past and I am happy to join him again today.

As passed by the House on March 24 by a convincing vote of 289–128, H.R. 6 includes language denying funds to any State or local educational agency which has a policy of denying or preventing participation in constitutionally protected school prayer. The bill also stipulated that the Federal Government cannot require any person to participate in school prayer.

The Senate version of the bill would make schools judged by a Federal court to have willfully violated a Federal court order mandating that they correct violations of constitutionally-protected school prayer, ineligible for funds until they comply with the court order. The bill also states that funds are not reimbursable for the period during which schools were in willful noncompliance.

First, let me spell out what the House language does do and then make it clear what it doesn't do. The House-passed language will prevent any school district which has a policy of prohibiting voluntary student-initiated prayer in the schools from receiving any Federal funds authorized by this act or any other act. In other words, it simply forbids school districts from setting up official policies or procedures with the intent and purpose of prohibiting individuals from voluntarily saying prayers at school.

This language does not mandate school prayer or require schools to write any particular prayer. Under this language, a school is not required to do anything in favor of voluntary prayer. It simply must refrain from instituting policies prohibiting voluntary student prayer.

The Founding Fathers intended religion to provide a moral anchor for our democracy. Wouldn't they be puzzled to return to modern-day America and find, among elite circles in academia and the media, a scorn for the public expression of religious values. I find it ironic that while taxpayers' dollars are being used by bureaucrats to distribute condoms in our public schools across America, our children are prohibited from reading the Bible. This sends a powerful message to our children—and it is the wrong message.

One of the many liberties our forefathers founded this great Nation upon was freedom of religion; a freedom to pray to the God we want, when we want, and where we want. Unfortunately, this freedom has been eroded by the Supreme Court over the last few decades. I firmly believe that no one should be forced to pray, especially if a certain prayer is contrary to an individual's beliefs. But, there can be no question that every American citizen has the right to pray voluntarily whenever and wherever he or she chooses, and that includes children in public schools. This is protected under the first amendment; "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof." It is that second part that I ask you to pay special attention to today.

As President Reagan so eloquently stated in 1982, "the First Amendment of the Constitution was not written to protect the people of this country from religious values; it was written to protect religious values from government tyranny."

This language overwhelmingly passed the House by a vote of 289–128. I urge you to

vote for the Johnson motion to instruct conferees to accept the House-passed language to H.R. 6.

Mr. KASICH. Will the gentleman yield?

Mr. SAM JOHNSON of Texas. I yield to the gentleman from Ohio [Mr. KASICH].

Mr. KASICH. I would like to compliment the gentleman for his effort originally on this issue. Frankly, the whole country scratches their head and wonders why the Congress has failed to allow a moment of silent prayer in our schoolhouses across this country.

We begin the morning session with a prayer here in Congress, and I think everybody knows that if our society, one more time, is going to get compliance on the highway and some speed limits—we all talk about a value crisis in our country—this is not the panacea but one great step forward in terms of reinstituting some fundamental values.

I used to pray when I was a kid in school. Virtually everybody in this Chamber has. And I want to compliment the gentleman for his efforts and look forward to the House strongly supporting the Johnson motion in the conference committee.

Mr. SAM JOHNSON of Texas. I thank the gentleman from Ohio [Mr. KASICH].

□ 1510

Mr. GUNDERSON. Mr. Speaker, I yield 3 minutes to my friend and colleague, the gentleman from the great State of Ohio [Mr. TRAFICANT].

Mr. TRAFICANT. Mr. Speaker, in America, you can burn the flag. In America a communist can work in a defense plant. In America a murderer is allowed law books in the penitentiary. And in America, criminals can have a free attorney.

In our schools there are rapes. In America there are condoms in our schools. In America there is racism in our schools. In America there are assaults in our schools, there is even murder in our schools. There is theft in our schools and, ladies and gentlemen, there are drugs in American schools and in America, ladies and gentlemen, there are even guns in our schools.

But in our schools, ladies and gentlemen, there is no prayer. There is no prayer in American schools. In fact, the only time you hear about God in American schools is when God's name is taken in vain.

The Constitution separates church and State. But I for one believe the Constitution was never intended to separate God and the American people. I think if we look at the litany of all of the problems in American schools, maybe we could see, Congress, why some of that has occurred. Maybe we have gone a little bit too far with the Constitution, stretched it from what the Founders really wanted, and allowing for voluntary prayer is not a whole lot to ask.

I think if the Congress of the United States cannot deal with that issue, then shame, Congress. Hide your face.

Mr. GUNDERSON. Mr. Speaker, I yield 2 minutes to the gentleman from Tennessee [Mr. DUNCAN].

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

Mr. Speaker, I have spoken on this issue three or four times on the House floor in the past, so I will be brief.

I rise in support of this motion to instruct. Our Founding Fathers came to this Nation to get freedom of religion, not freedom from religion. I think they would be shocked to learn today that we open up every session of the House and Senate with prayer, but we will not allow the school children of this Nation that same privilege.

George Washington once said you cannot have good government without morality, you cannot have morality without religion, and you cannot have religion without God.

But I think even more aprops is something that William Raspberry, the great columnist for the Washington Post, wrote a few months ago when he asked the very pointed question in one of his columns, he said: "Is it not just possible that anti-religious bias, masquerading as religious neutrality, is costing us far more than we have been willing to admit?"

There are many things that I could say about this issue, Mr. Speaker, but I would simply like to read a recent editorial by Morton Zuckerman, editor in chief of U.S. News and World Report, entitled "Where have our values gone"? Mr. Zuckerman said,

> The fraying of America's social fabric is fast becoming a national obsession. Three out of every four Americans think we are in moral and spiritual decline. Two out of three think the country is seriously off track. Doubts about the president's character have driven his standing in the polls down about 15 points. Social dysfunction haunts the land: crime and drug abuse, the breakup of the family, the slump in academic performance, the disfigurement of public places by druggies, thugs and exhibitionists. Are we now, to use Sen. Daniel Patrick Moynihan's phrase, "defining deviancy down," accepting as part of life what we once found repugnant?

He went on to say,

> Instead culture of a culture of common good, we have culture of constant complaint. Everyone is a victim.
>
> The combined effect of these sicknesses, rooted in phony doctrines of liberalism, has been to tax the Nation's optimism and sap its confidence in the future. And it is the young who are strikingly vulnerable.

Let us do something good for the young people of this Nation. Let us allow voluntary prayer back in the schools of this land. This is not a partisan issue. It is being endorsed at the present time in my home State of Tennessee by both the senior Senator, Senator SASSER in ads that he is writing and by the other gentleman from Tennessee, our colleague, Mr. COOPER.

Mr. Speaker, I urge support of this motion to instruct.

Mr. GUNDERSON. Mr. Speaker, I yield 2½ minutes to the gentleman from Indiana [Mr. BURTON].

Mr. BURTON of Indiana. Mr. Speaker, I thank the gentleman for yielding the time.

Mr. Speaker, when I first entered the Indiana General Assembly back in 1967 I was a cosponsor of what was called the Everett Dirksen voluntary prayer amendment. That was 1967. What was that, 27 years ago, and we are still fighting this issue.

The American people by an overwhelming majority, I think 75 to 80 percent believe that there should be voluntary prayer in the schools. We see a terrible problem as far as rising crime, rising immorality, people are afraid to go out on their streets at night because there is no moral foundation in this country, and one of the reasons for that, in my opinion, is we have taken God completely away from the young people of this country. Their parents, many of them are divorced, there is no cohesion in the family, there is no place for them to turn, and there is no reliance on a Supreme Being. They do not even know that God exists, many of them.

So what do they do? They turn to their peers, and they turn to street crime, and while we are fighting in this body and other places across this country for voluntary prayer in the schools, we keep wondering why we have a never-ending spiral of increase in the area of crime and disorder in this country.

I submit that it is because we have lost our moral moorings, and we need to re-create that moral mooring by putting prayer back in the schools, voluntary prayer.

While I am talking about this I would just like to tell Members that I just got a copy of a document coming from the Los Angeles unified school district, from the Gay and Lesbian Education Commission. They have a Gay and Lesbian Education Commission out there demanding that there be education for gays and lesbians in the schools. We have come a long way. We will do that. We will observe the rights of gays and lesbians in our schools, but we will not allow God to be brought into our schools.

There is a joke going around right now. A boy drops something on the floor and bends down. The teacher comes and grabs him and says, "Son, I am sending you to the principal because you're praying." And he said, "I'm not praying, I'm looking for a condom." And she says, "Well, that's all right. There's nothing wrong with that."

Here we are in school giving out condoms and teaching kids about freer sex and that is all right. But it is not all right to have a voluntary prayer

recognizing the Almighty Creator of our country and our world. It makes no sense.

This country is off in the wrong direction and we need to get back on the beam, and the first giant step in the right direction would be to restore the right to voluntary prayer in our schools.

Mr. GUNDERSON. Mr. Speaker, I yield 1 minute to the gentleman from Texas [Mr. BARTON].

□ 1520

Mr. BARTON of Texas. Mr. Speaker, I rise in support of the Gunderson motion to instruct conferees which supports the Johnson amendment, which has already passed the House of Representatives once in this session of Congress, on school prayer.

The Constitution, according to my reading, actually does protect free speech even in the public school systems where children voluntarily decide if they need the right to pray. The House bill gives that right, and simply says that if a school voluntarily decides that it is acceptable to allow voluntary prayer, they should not be denied funding of Federal funds for that.

So I would hope that we would vote for the Gunderson motion to instruct conferees which would give the Johnson amendment, which already passed the House, the force of our support.

Mr. FINGERHUT. Mr. Speaker, I rise today in opposition to Congressman JOHNSON's motion to instruct House conferees on H.R. 6 to insist on the House bill's provision regarding school prayer. Mr. Speaker, on the surface, Mr. JOHNSON's motion and the House language make sense. The House bill would deny funds to any State or school district which has a policy of denying or preventing participation in constitutionally protected prayer in public schools by individuals on a voluntary basis. Mr. JOHNSON's motion would retain that language.

I agree that officials at our public schools should obey the law and allow constitutionally protected prayer in public schools. And, I agree that there should be legal recourse for parents in the cases where a student's right to pray has been abrogated. The problem, Mr. Speaker, lies in determining what kinds of prayer are, in fact, constitutionally protected. Frankly, the Supreme Court has issued decisions on this important issue that even Constitutional scholars find difficult to interpret. I do not think that we should require our public school superintendents to turn themselves into constitutional scholars so as not to jeopardize their funding under this bill. I also do not think we should allow funding for all disabled and disadvantaged students to be held hostage to any single individual who may believe that their rights have been violated. Such an individual has an absolute right to seek recourse in court. Enhancing this right by allowing an individual to seek a cutoff of all Federal funds is unnecessary and an unreasonable intrusion into the affairs of a local school district.

At the present time, most public school officials err on the side of being overly cautious in allowing prayers by individual students at school. Without clarification from the Supreme Court, I believe that school superintendents who are cautious and careful should not be penalized or threatened in any way. Their funds should not be jeopardized, and to do so would be absurd.

I will vote against Mr. JOHNSON's motion to instruct conferees in continued support for local control of public schools.

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

Mr. FORD of Michigan. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the motion to instruct.

The previous question was ordered.

The SPEAKER pro tempore (Mr. HASTINGS). The question is on the motion to instruct offered by the gentleman from Wisconsin [Mr. GUNDERSON].

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

Mr. SAM JOHNSON of Texas. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 369, nays 55, not voting 10, as follows:

[Roll No. 426]

YEAS—369

Allard
Andrews (NJ)
Andrews (TX)
Applegate
Archer
Armey
Bachus (AL)
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barca
Barcia
Barlow
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bateman
Becerra
Bentley
Bereuter
Bevill
Bilbray
Bilirakis
Bishop
Blackwell
Bliley
Blute
Boehlert
Boehner
Bonilla
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burton
Buyer
Byrne
Callahan
Calvert
Camp
Canady
Cantwell
Carr
Castle
Chapman
Clayton
Clement
Clinger
Clyburn
Coble
Coleman
Collins (GA)
Combest
Condit
Cooper
Costello
Cox
Cramer
Crane
Crapo
Cunningham
Danner
Darden
de la Garza
Deal
DeLauro
DeLay
Derrick
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Durbin
Edwards (TX)
Ehlers
Emerson
English
Evans
Everett
Ewing
Fawell
Fazio
Fields (LA)
Fields (TX)
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Fowler
Franks (CT)
Franks (NJ)
Frost
Gallegly
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Goodlatte
Goodling
Gordon
Goss
Grams
Grandy
Greenwood
Gunderson
Gutierrez
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Hastert
Hastings
Hayes
Hefley
Hefner
Herger
Hilliard
Hinchey
Hoagland
Hobson
Hochbrueckner
Hoekstra
Hoke
Holden
Horn
Houghton
Hoyer
Huffington
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inslee
Istook
Jacobs
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klein
Klink
Klug
Knollenberg
Kolbe
Kreidler
Kyl
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lazio
Leach
Lehman
Levin
Levy
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
Lloyd
Long
Lowey
Lucas
Machtley
Maloney
Mann
Manton
Manzullo
Martinez
Matsui
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDade
McHale
McHugh
McInnis
McKeon
McKinney
McMillan
McNulty
Meek
Menendez
Meyers
Mfume
Mica
Miller (CA)
Miller (FL)
Minge
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murphy
Murtha
Myers
Neal (MA)
Neal (NC)
Nussle
Obey
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Penny
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quillen
Quinn
Rahall
Ramstad
Rangel
Ravenel
Reed
Regula
Richardson
Ridge
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Rostenkowski
Roth
Roukema
Rowland
Royce
Sangmeister
Santorum
Sarpalius
Sawyer
Saxton
Schaefer
Schiff
Schroeder
Schumer
Sensenbrenner
Serrano
Sharp
Shaw
Shays
Shepherd
Shuster
Skeen
Skelton
Slattery
Slaughter
Smith (IA)
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Stearns
Stenholm
Strickland
Studds
Stump
Stupak
Swett
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas (CA)
Thomas (WY)
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Traficant
Tucker
Unsoeld
Upton
Valentine
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Weldon
Whitten
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—55

Abercrombie
Ackerman
Andrews (ME)
Bacchus (FL)
Beilenson
Berman
Bonior
Cardin
Clay
Collins (IL)
Collins (MI)
Conyers
Coppersmith
Coyne
DeFazio
Edwards (CA)
Engel
Eshoo
Farr
Filner
Fingerhut
Frank (MA)
Furse
Gonzalez
Hamburg
Harman
Hughes
Johnston
Kopetski
Margolies-Mezvinsky
Markey
McDermott
Meehan
Mineta
Mink
Nadler
Oberstar
Olver

Pelosi	Schenk	Waters
Reynolds	Scott	Watt
Roybal-Allard	Skaggs	Waxman
Rush	Stark	Williams
Sabo	Stokes	Yates
Sanders	Swift	

NOT VOTING—10

Dellums	Michel	Washington
Gallo	Sisisky	Wheat
Green	Sundquist	
Inhofe	Synar	

□ 1544

Messrs. HAMBURG, MINETA, BACCHUS of Florida, SANDERS, MEEHAN, MARKEY, and DEFAZIO changed their vote from "yea" to "nay."

Mr. FLAKE and Mr. DEUTSCH changed their vote from "nay" to "yea."

So the motion to instruct was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. HASTINGS). Without objection, the Chair appoints the following conferees:

From the Committee on Education and Labor, for consideration of the House bill and the Senate amendment (except for sections 601–03 and 801–05), and modifications committed to conference:

Messrs. FORD of Michigan, KILDEE, WILLIAMS, OWENS, SAWYER, and PAYNE of New Jersey, Mrs. UNSOELD, Mrs. MINK of Hawaii, Messrs. REED, ROEMER, ENGEL, BECERRA, and GENE GREEN of Texas, Ms. WOOLSEY, Mr. ROMERO-BARCELO, Ms. ENGLISH of Arizona, Messrs. STRICKLAND, UNDERWOOD, GOODLING, and PETRI, Mrs. ROUKEMA, Mr. GUNDERSON, Mr. BALLENGER, Ms. MOLINARI, and Messrs. BOEHNER, CUNNINGHAM, MCKEON, and MILLER of Florida.

From the Committee on Education and Labor, for consideration of sections 601–03 of the Senate amendment, and modifications committed to conference:

Messrs. FORD of Michigan, OWENS, PAYNE of New Jersey, FAWELL, and BALLENGER.

From the Committee on Education and Labor, for consideration of sections 801–05 of the Senate amendment, and modifications committed to conference:

Messrs. FORD of Michigan, WILLIAMS, SAWYER, PETRI, and GUNDERSON.

From the Committee on Agriculture, for consideration of sections 801–05 of the Senate amendment, and modifications committed to conference:

Messrs. DE LA GARZA, STENHOLM, and ROBERTS.

From the Committee on Ways and Means, for consideration of sections 601–03 of the Senate amendment, and modifications committed to conference:

Messrs. GIBBONS, FORD of Tennessee, and ARCHER.

There was no objection.

PERSONAL EXPLANATION

Mr. GENE GREEN of Texas. Mr. Speaker, due to appointments with constituents and a series of previously scheduled town meetings, I was unable to register my votes on three occasions.

On September 20, rollcall votes No. 425 and No. 426, I would have voted "yea" on both.

GENERAL LEAVE

Mr. FORD of Michigan. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous matter on the motion just debated and adopted.

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

There was no objection.

CONFERENCE REPORT ON H.R. 4539, TREASURY, POSTAL SERVICE AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 1995

Mr. HOYER submitted the following conference report and statement on the bill (H.R. 4539) making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain independent agencies, for the fiscal year ending September 30, 1995, and for other purposes:

CONFERENCE REPORT (H. REPT. 103–729)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 4539) "making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1995, and for other purposes," having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 6, 8, 11, 15, 21, 26, 30, 35, 40, 49, 65, 69, 75, 76, 84, 85, 86, 88, 93, and 95.

That the House recede from its disagreement to the amendments of the Senate numbered 5, 7, 9, 12, 18, 19, 20, 23, 27, 28, 31, 32, 33, 37, 38, 39, 41, 46, 47, 48, 56, 57, 59, 62, 64, 67, 74, 83, 89, 90, 91, and 92.

And agree to the same.

Amendment No. 1:

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows:

In lieu of the matter stricken and inserted by said amendment, insert: *not to exceed $2,900,000 for official travel expenses; not to exceed $3,101,000 to remain available until September 30, 1997, shall be available for information technology modernization requirements; of which not less than $6,443,000 and 85 full-time equivalent positions shall be available for enforcement activities; not to exceed $150,000 for official reception and representation expenses;* ; and the Senate agree to the same.

Amendment No. 2:

That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment as follows:

Restore the matter stricken by said amendment, amended to read as follows: *$104,479,000: Provided, That of the offsetting collections credited to this account, $79,000 are permanently canceled*; and the Senate agree to the same.

Amendment No. 3:

That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment as follows:

In lieu of the sum named in said amendment, insert: *$29,700,000*; and the Senate agree to the same.

Amendment No. 4:

That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment as follows:

In lieu of the matter proposed in said amendment, insert: *$19,823,000: Provided, That of the offsetting collections credited to this account, $1,000 are permanently canceled*; and the Senate agree to the same.

Amendment No. 10:

That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment as follows:

In lieu of the sum named in said amendment, insert: *$183,889,000*; and the Senate agree to the same.

Amendment No. 13:

That the House recede from its disagreement to the amendment of the Senate numbered 13, and agree to the same with an amendment as follows:

In lieu of the sum named in said amendment, insert: *: Provided further, That of the offsetting collections credited to this account, $4,000 are permanently canceled: Provided further, That funds made available shall be used to achieve a minimum staffing level of 4,215 full-time equivalent positions during fiscal year 1995*; and the Senate agree to the same.

Amendment No. 14:

That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment as follows:

In lieu of the sum named in said amendment, insert: *$1,394,793,000*; and the Senate agree to the same.

Amendment No. 16:

That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment as follows:

In lieu of the sum named in said amendment, insert: *: Provided further, That Customs shall achieve a minimum full-time equivalent staffing level of 17,524 during fiscal year 1995: Provided further, That $500,000 shall remain available until expended for the construction of a replacement fence within the city limits of Nogales, Arizona under that authority of section 9, title 19, United States Code*; and the Senate agree to the same.

Amendment No. 17:

That the House recede from its disagreement to the amendment of the Senate numbered 17, and agree to the same with an amendment as follows:

In lieu of the sum named in said amendment, insert: *$89,041,000*; and the Senate agree to the same.

Amendment No. 22:

That the House recede from its disagreement to the amendment of the Senate numbered 22, and agree to the same with an amendment as follows:

In lieu of the matter stricken and inserted by said amendment, insert: *$1,511,266,000, of which $3,700,000*; and the Senate agree to the same.

Amendment No. 24:

That the House recede from its disagreement to the amendment of the Senate numbered 24, and agree to the same with an amendment as follows:

In lieu of the matter proposed by said amendment, insert: *for research: Provided further, That $405,000,000 of the $426,300,000 made available for the fiscal year 1995 tax compliance initiative shall not be expended for any other purposes: Provided further, That no funds shall be transferred from this account during fiscal year 1995*; and the Senate agree to the same.

Amendment No. 25:

That the House recede from its disagreement to the amendment of the Senate numbered 25, and agree to the same with an amendment as follows:

In lieu of the matter stricken and inserted by said amendment, insert: *$1,388,000,000 of which no less than $650,000,000 shall be available for tax systems modernization, of which up to $185,000,000 for tax and information systems development projects*; and the Senate agree to the same.

Amendment No. 29:

That the House recede from its disagreement to the amendment of the Senate numbered 29, and agree to the same with an amendment as follows:

In lieu of the matter proposed by said amendment, insert:

SEC. 3. The Secretary of the Treasury may establish new fees or raise existing fees for services provided by the Interal Revenue Service to increase receipts, where such fees are authorized by another law. The Secretary of the Treasury may spend the new or increased fee receipts to supplement appropriations made available to the Internal Revenue Service appropriations accounts in fiscal years 1995 and thereafter: Provided, That the Secretary shall base such fees on the costs of providing specified services to persons paying such fees: Provided further, That the Secretary shall provide quarterly reports to the Congress on the collection of such fees and how they are being expended by the Service.

Amendment No. 34:

That the House recede from its disagreement to the amendment of the Senate numbered 34, and agree to the same with an amendment as follows:

In lieu of the matter proposed by said amendment, insert:

SEC. 113. (a) The Director of the United States Secret Service shall direct and apply appropriate agency personnel and resources for the purpose of conducting a security survey of the Bureau of Engraving and Printing.

(b) Such security survey shall include a review of all general security provisions, including:

(1) The security and safeguarding of currency;

(2) Personnel screening and employee background check procedures;

(3) Access control and identification procedures;

(4) The security and safeguarding of currency materials, supplies and related items; and

(5) Other security areas of concern as deemed relevant and appropriate by the agency.

(c) The Bureau of Engraving and Printing and the Federal agencies which participated in any investigations or arrest of person(s) for theft or currency from the Bureau of Engraving and Printing are directed to—

(1) provide any assistance and cooperation to the United States Secret Service for the purpose of the security survey;

(2) provide Secret Service personnel, in accordance with all laws, with access to person(s) arrested in connection with theft or removal of currency from the Bureau of Engraving and Printing; and

(3) provide access to all relevant investigative reports and materials: Provided, That access to such persons is approved by the appropriate United States Attorney.

(d) The Director of the United States Secret Service shall provide a preliminary report to the Congress no later than 90 days from the date of enactment of this Act, and a final report containing specific findings and recommendations to the Congress within 180 days of enactment of this Act.

And the Senate agree to the same.

Amendment No. 36:

That the House recede from its disagreement to the amendment of the Senate numbered 36, and agree to the same with an amendment as follows:

In lieu of the sum named in said amendment, insert: *$57,754,000*; and the Senate agree to the same.

Amendment No. 42:

That the House recede from its disagreement to the amendment of the Senate numbered 42, and agree to the same with an amendment as follows:

In lieu of the sum named in said amendment, insert: *$57,754,000*; and the Senate agree to the same.

Amendment No. 43:

That the House recede from its disagreement to the amendment of the Senate numbered 43, and agree to the same with an amendment as follows:

In lieu of the sum named in said amendment, insert: *$52,000,000*; and the Senate agree to the same.

Amendment No. 44:

That the House recede from its disagreement to the amendment of the Senate numbered 44, and agree to the same with an amendment as follows:

In lieu of the matter proposed by said amendment, insert: *Provided, That an additional $9,000,000 shall be made available for drug control activities in Puerto Rico and the U.S. Virgin Islands only if the Director of the Office of National Drug Control Policy designates such area as a High Intensity Drug Trafficking Area: Provided further, that the funds made available under this head shall be obligated within 90 days of the date of enactment of this Act*; and the Senate agree to the same.

Amendment No. 45:

That the House recede from its disagreement to the amendment of the Senate numbered 45, and agree to the same with an amendment as follows:

In lieu of the matter stricken and inserted by said amendment, insert: *$41,900,000, which shall be derived from deposits in the Special Forfeiture Fund; of which $1,800,000 shall be transferred to the Drug Enforcement Administration for the El Paso Intelligence Center; of which $15,000,000 shall be available to the Director of the Office of National Drug Control Policy for enhancing anti-drug control activities, upon the advance approval of the House and Senate Committees on Appropriations; of which $3,100,000 shall be available to the Director of the Office of National Drug Control Policy for ballistics technologies, upon the advance approval of the House and Senate Committees on Appropriations; of which $14,000,000 shall be transferred to the Substance Abuse and Mental Health Services Administration, and of which $10,000,000 shall be available to the Center for Substance Abuse Treatment for the residential women and children's program, and of which $4,000,000 shall be available to the Center for Substance Abuse Treatment for community drug treatment programs; of which $8,000,000;* and the Senate agree to the same.

Amendment No. 50:

That the House recede from its disagreement to the amendment of the Senate numbered 50, and agree to the same with an amendment as follows:

In lieu of the sum named in said amendment, insert: *$466,917,000*; and the Senate agree to the same.

Amendment No. 51:

That the House recede from its disagreement to the amendment of the Senate numbered 51, and agree to the same with an amendment as follows:

In lieu of the sum named in said amendment, insert: *$5,082,998,000*; and the Senate agree to the same.

Amendment No. 52:

That the House recede from its disagreement to the amendment of the Senate numbered 52, and agree to the same with an amendment as follows:

In lieu of the sum named in said amendment, insert: *$736,233,000*; and the Senate agree to the same.

Amendment No. 53:

That the House recede from its disagreement to the amendment of the Senate numbered 53, and agree to the same with an amendment as follows:

In lieu of the matter stricken and inserted by said amendment, insert:

Alabama:

Montgomery, U.S. Courthouse Annex, $40,547,000

Arizona:

Bullhead City, A grant to the Federal Aviation Administration for a runway protection zone, $2,200,000

Tucson, a grant to the Arizona Historical Documents Education Foundation, $2,000,000

Tucson, U.S. Courthouse, $92,708,000

California:

Santa Ana, U.S. Courthouse $25,193,000

Colorado:

Lakewood, U.S. Geological Survey Laboratory/Building, $25,802,000

Florida:

Jacksonville, U.S. Courthouse, $4,600,000

Orlando, U.S. Courthouse Annex, $7,261,000

Georgia:

Albany, U.S. Courthouse, $5,640,000

Savannah, U.S. Courthouse Annex, $5,262,000

Hawaii:

Consolidation, University of Hawaii-Hilo, $12,000,000

Kentucky:

Covington, U.S. Courthouse, $2,914,000

London, U.S. Courthouse, $1,523,000

Louisiana:

Lafayette, U.S. Courthouse, $5,042,000

Maryland:

Beltsville, Secret Service Building, $2,400,000

Montgomery and Prince Georges Counties, Food and Drug Administration (FDA) consolidation, $50,000,000, of which $5,000,000 shall be available to the Food and Drug Administration for payment to any entity selected by the FDA to provide for office and laboratory space and such equipment and facilities as are necessary for seafood research

Beltsville, a transfer to the Rowley Secret Service Training Center, $5,000,000

Missouri:

Kansas City, Federal Building and U.S. Courthouse, $84,895,000
St. Louis, Federal Building and U.S. Courthouse, $176,863,000
Montana:
Babb, Border Station, $333,000
New Mexico:
Albuquerque, U.S. Courthouse, $46,342,000
New York:
Long Island, U.S. Courthouse, $28,200,000
Nevada:
Las Vegas, U.S. Courthouse, $4,230,000
North Dakota:
Pembina, Border Station, $11,113,000
Ohio:
Cleveland, U.S. Courthouse, $28,246,000
Steubenville, U.S. Courthouse, $2,820,000
Pennsylvania:
Erie, U.S. Courts Complex, $3,135,000
Tennessee:
Greeneville, U.S. Courthouse, $2,936,000
Texas:
Austin, Veterans Affairs Annex, $1,430,000
Brownsville, Federal Building and U.S. Courthouse, $5,980,000
Corpus Christi, U.S. Courthouse, $6,446,000
El Paso, Federal Office Building, Claim, $327,000
Laredo, Federal Building and U.S. Courthouse, $24,341,000
Virginia:
Charlottesville, U.S. Army Foreign Science and Technology Center, $4,178,000
Washington:
Blaine, Border Station, $4,472,000
Oroville, Border Station, $1,483,000
Point Roberts, Border Station, $698,000
West Virginia:
Martinsburg, Internal Revenue Service Computer Center, $7,547,000; and the Senate agree to the same.

Amendment No. 54:

That the House recede from its disagreement to the amendment of the Senate numbered 54, and agree to the same with an amendment as follows:

In lieu of the sum named in said amendment, insert: *$736,709,000*; and the Senate agree to the same.

Amendment No. 55:

That the House recede from its disagreement to the amendment of the Senate numbered 55, and agree to the same with an amendment as follows:

In lieu of the matter stricken and inserted by said amendment, insert:

California:
Los Angeles, U.S. Courthouse, $23,640,000
Menlo Park, U.S. Geological Survey Building #3, $7,242,000
Sacramento, Federal Building, $15,727,000
San Pedro, Custom House, $5,153,000
Colorado:
Denver, Federal Building and Custom House, $8,442,000
District of Columbia:
Ariel Rios, Facades, $3,745,000
Customs/ICC/Connecting Wing Complex, (phase I), $9,169,000
National Courts, $4,354,000
Illinois:
Chicago, Federal Center, $50,279,000
Maryland:
Baltimore, George H. Fallon Federal Building (phase 3), $16,302,000
Woodlawn, SSA East High-Low Buildings, $18,233,000
New Jersey:
Trenton, Clarkson S. Fisher Courthouse, $14,875,000
New York:
Holtsville, IRS Service Center, $20,227,000
New York, Jacob K. Javits Federal Building, $2,744,000
New York, Silvio V. Mollo Federal Building, $958,000
North Carolina:
Asheville, Federal Building and U.S. Courthouse, $6,692,000
Ohio:
Cleveland, Anthony J. Celebreeze Federal Building, $11,570,000
Oklahoma:
Oklahoma City, Alfred P. Murrah Federal Building, $5,578,000
Pennsylvania:
Harrisburg, Federal Building and U.S. Courthouse, $16,041,000
Philadelphia, Byrne-Green Complex, $32,294,000
Philadelphia, R.N.C. Nix, Sr., Federal Building and U.S. Courthouse (phase 3), $13,979,000
Rhode Island:
Providence, Kennedy Plaza Federal Courthouse, $8,161,000
Texas:
Lubbock, Federal Building and U.S. Courthouse, $12,829,000
Virginia:
Richmond, U.S. Courthouse and Annex, $13,190,000
Washington:
Walla Walla, Corps of Engineers Building, $2,814,000
Nationwide:
Chlorofluorocarbons Program, $90,035,000
Energy Program, $45,723,000
Advance Design, $19,515,000
Minor Repairs and Alterations, $257,198,000
;

And the Senate agree to the same.

Amendment No. 58:

That the House recede from its disagreement to the amendment of the Senate numbered 58, and agree to the same with an amendment as follows:

Restore the matter stricken by said amendment, amended to read as follows: *of which $3,400,000 shall be available for essential functional requirements for primary structural, electrical, and security systems of the Bureau of Census, New Computer Center; Provided further, That of the funds available to the General Services Administration for the U.S. Courthouse in Albany, Georgia; the Federal building consolidation in Hilo, Hawaii; the U.S. Courthouse in Covington, Kentucky; the U.S. Courthouse, London, Kentucky; the Secret Service building, Beltsville, Maryland; the U.S. Courthouse, Albuquerque, New Mexico; the U.S. Courthouse, Long Island, New York; the U.S. Courthouse, Las Vegas, Nevada; the U.S. Courthouse, Jacksonville, Florida; the U.S. Courthouse, Corpus Christi, Texas; the U.S. Courthouse, Stuebenville, Ohio; the U.S. Courthouse, Greeneville, Tennessee; the Kennedy Plaza Federal Courthouse, Providence, Rhode Island; the Corps of Engineers building, Walla Walla, Washington; and the construction funds only for the U.S. Courthouse, Tucson, Arizona; shall not be available for expenses in connection with any construction, repair, alteration, and acquisition project for which a prospectus, if required by the Public Buildings Act of 1959, as amended, has not been approved, except that necessary funds may be expended for each project for required expenses in connection with the development of a proposed prospectus; Provided further, That not to exceed $5,000,000 of the funds appropriated for the Food and Drug Administration consolidation may be used for necessary infrastructure improvements: Provided further, That of the $6,000,000 made available in Public laws 102-93 and 103-123 for the acquisition, lease, construction and equipping of flexiplace work telecommuting centers, not to exceed $1,300,000 shall be available for payment to a public entity in the State of Maryland to provide facilities, equipment and other services to the General Services Administration for purposes of establishing telecommuting work centers in Southern Maryland (Waldorf, Prince Frederick, and St. Mary's County) for use by governmental agencies designated by the Administrator of General Services*; and the Senate agree to the same.

Amendment No. 60:

That the House recede from its disagreement to the amendment of the Senate numbered 60, and agree to the same with an amendment as follows:

In lieu of the sum named in said amendment, insert: *$5,082,998,000*; and the Senate agree to the same.

Amendment No. 61:

That the House recede from its disagreement to the amendment of the Senate numbered 61, and agree to the same with an amendment as follows:

In lieu of the matter stricken and inserted by said amendment, insert: *Of the funds made available under this heading in Public Law 100-440, Public Law 101-136, Public Law 101-509, Public Law 102-141, Public Law 102-393, and Public Law 103-123, $78,076,000 are rescinded from the following projects in the following amounts:*

California:
Menlo Park, U.S. Geological Survey Office and Laboratory Buildings, $783,000
District of Columbia:
United States Secret Service, Headquarters, $13,958,000
White House Remote Delivery and Vehicle Maintenance Facility, $4,918,000
Federal Bureau of Investigation, Field Office, $4,419,000
Federal Office Building No. 6, $8,583,000
Florida:
Ft. Myers, U.S. Courthouse, $654,000
Hollywood, Federal Building, $1,000,000
Lakeland, Federal Building, $4,400,000
Indiana:
Hammond, U.S. Courthouse, $2,500,000
Iowa:
Burlington, Parking Facility, $2,400,000
Maryland:
Bowie, Bureau of Census, Computer Center, $660,000
New Carrollton, Internal Revenue Service, Headquarters, $30,100,000
New Hampshire:
Concord, U.S. Courthouse, $867,000
New Jersey:
Newark, Federal Building, 20 Washington Plaza, $327,000
Tennessee:
Knoxville, U.S. Courthouse, $800,000
Texas:
Del Rio, Border Station, $1,707,000.

And the Senate agree to the same.

Amendment No. 63:

That the House recede from its disagreement to the amendment of the Senate numbered 63, and agree to the same with an amendment as follows:

In lieu of the matter stricken and inserted by said amendment, insert: *$130,036,000: Provided, That of the offsetting collections credited to this account, $172,000 are permanently canceled: Provided further, That no less than $825,000 shall be available for personnel and associated costs in support of Congressional District and Senate State offices without reimbursement from these offices.*; and the Senate agree to the same.

Amendment No. 66:

That the House recede from its disagreement to the amendment of the Senate numbered 66, and agree to the same with an amendment as follows:

In lieu of the sum named in said amendment, insert: *$2,250,000*; and the Senate agree to the same.

Amendment No. 68:

That the House recede from its disagreement to the amendment of the Senate numbered 68, and agree to the same with an amendment as follows:

In lieu of the matter stricken and inserted by said amendment, insert: *$195,238,000*; and the Senate agree to the same.

Amendment No. 70:

That the House recede from its disagreement to the amendment of the Senate numbered 70, and agree to the same with an amendment as follows:

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

NATIONAL HISTORICAL PUBLICATIONS AND RECORDS COMMISSION

For necessary expenses for allocations and grants for historical publications and records as authorized by 44 U.S.C. 2504, as amended, $9,000,000 to remain available until expended: Provided, That $2,000,000 shall be a grant to the Thomas P. O'Neill, Jr. Library: Provided further, That $2,000,000 shall be a grant to the Robert H. and Corrine W. Michael Congressional Education Fund.

And the Senate agree to the same.

Amendment No. 71:

That the House recede from its disagreement to the amendment of the Senate numbered 71, and agree to the same with an amendment as follows:

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

JOHN F. KENNEDY ASSASSINATION RECORDS REVIEW BOARD

SALARIES AND EXPENSES

For necessary expenses to carry out the John F. Kennedy Assassination Records Collection Act of 1992, $2,150,000 to remain available until expended.

And the Senate agree to the same.

Amendment No. 72:

That the House recede from its disagreement to the amendment of the Senate numbered 72, and agree to the same with an amendment as follows:

In lieu of the matter stricken and inserted by said amendment, insert: *$115,139,000, of which not to exceed $1,000,000 shall be made available for the establishment of health promotion and disease prevention programs for Federal employees, and in addition $93,934,000*; and the Senate agree to the same.

Amendment No. 73:

That the House recede from its disagreement to the amendment of the Senate numbered 73, and agree to the same with an amendment as follows:

In lieu of the sum named in said amendment, insert: *$34,039,000*; and the Senate agree to the same.

Amendment No. 77:

That the House recede from its disagreement to the amendment of the Senate numbered 77, and agree to the same with an amendment as follows:

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

SEC. 527. Except as otherwise specifically provided by law, not to exceed 50 percent of unobligated balances remaining available at the end of fiscal year 1995 from appropriations made available for salaries and expenses for fiscal year 1995 in this Act, shall remain available through September 30, 1996 for each such account for the purposes authorized: Provided, That a request shall be submitted to the House and Senate Committees on Appropriations for approval prior to the expenditure of such funds.

And the Senate agree to the same.

Amendment No. 78:

That the House recede from its disagreement to the amendment of the Senate numbered 78, and agree to the same with an amendment as follows:

In lieu of the first section number named in said amendment, insert: *528*; and the Senate agree to the same.

Amendment No. 79:

That the House recede from its disagreement to the amendment of the Senate numbered 79, and agree to the same with an amendment as follows:

In lieu of the matter proposed by said amendment, insert:

SEC. 529. Law Enforcement Exclusion From Workforce Restructuring.

(a) For the fiscal year beginning on October 1, 1994, no reductions pursuant to Section 5(b) of the Federal Workforce Restructuring Act of 1994 (Public Law 103–226) may be made in the number of full-time equivalent employees classified as law enforcement and law enforcement support personnel in the Department of Treasury.

(b) During the period specified in subsection (a), no law, regulation, Executive Order, guidance, or other directive imposing a restriction on hiring by executive agencies for the purpose of achieving workforce reductions shall apply to employees classified as law enforcement and law enforcement support personnel in the Department of the Treasury.

(c) Section 5(f) Paragraph (3) of the Federal Workforce Restructuring Act shall not apply with respect to any instances of voluntary separation incentive payments made to Treasury law enforcement personnel.

And the Senate agree to the same.

Amendment No. 80:

That the House recede from its disagreement to the amendment of the Senate numbered 80, and agree to the same with an amendment as follows:

In lieu of the first section number named in said amendment, insert: *530*; and the Senate agree to the same.

Amendment No. 81:

That the House recede from its disagreement to the amendment of the Senate numbered 81, and agree to the same with an amendment as follows:

In lieu of the first section number named in said amendment, insert: *531*; and the Senate agree to the same.

Amendment No. 82:

That the House recede from its disagreement to the amendment of the Senate numbered 82, and agree to the same with an amendment as follows:

In lieu of the matter proposed by said amendment, insert:

SEC. 532. Section 1 under the subheading "General Provision" under the heading "Office of Personnel Management" under title IV of the Treasury, Postal Service and General Government Appropriations Act, 1992 (Public Law 102–141; 105 Stat. 861; 5 U.S.C. 5941 note), as amended—

(1) by striking "1995" both places it appears and inserting in lieu thereof "1996"; and

(2) by striking "adjustments" and the remainder of the sentence and inserting in lieu thereof "appropriate changes in the method of fixing compensation for affected employees, including any necessary legislative changes. Such study shall include—

"(1) an examination of the pay practices of other employers in the affected areas;

"(2) a consideration of alternative approaches to dealing with the unusual and unique circumstances of the affected areas, including modifications to the current methodology for calculating allowances to take into account all cost of living in the geographic areas of the affected employee; and

"(3) and evaluation of the likely impact of the different approaches on the Government's ability to recruit and retain a well-qualified workforce.

For the purpose of conducting such study and preparing such report, the Office may accept and utilize (without regard to any restriction on unanticipated travel expenses imposed in an Appropriations Act) funds made available to the Office pursuant to court approval.".

SEC. 533. (a) Facilities or buildings located at Safford, Graham County, Arizona and constructed with Federal funds made available to the General Services Administration for the United States Forest Service Administrative Offices and Cultural Center, shall be designated in honor of "Ora Webster DeConcini". Any reference to such facilities or buildings in a law, map, regulation, document, record, or other paper of the United States shall be a reference to the "Ora Webster DeConcini" building(s) or facilities".

(b) The Federal Building and United States Courthouse to be located in Tucson, Arizona is hereby designated as the "Evo A. DeConcini Federal Building and United States Courthouse". Any reference to such building in a law, map, regulation, document, record, or other paper of the United States shall be a reference to the "Evo A. DeConcini Federal Building and United States Courthouse".

SEC. 534. Notwithstanding any other provision of law, the Administrator of General Services is authorized to execute a lease, of no less than twenty years, with the City of Tucson, Arizona, or a subdivision thereof, for space to house the United States Department of Agriculture's Forest Service and other Federal tenants in an office complex to be developed by the City of Tucson on a site or sites owned by the City of Tucson and located near the intersection of Interstate Highway 10 and Congress Street in the City of Tucson, County of Pima, State of Arizona. The Administrator shall negotiate an operating lease that he deems to be in the best interests of the United States and necessary for the accommodation of Federal agencies.

SEC. 535. Notwithstanding any other provision of law or regulation: (1) The authority of the special police officers of the Bureau of Engraving and Printing, in the Washington, D.C. Metropolitan area, extends to buildings and land under the custody and control of the Bureau; to buildings and land acquired by or for the Bureau through lease, unless otherwise provided by the acquisition agency; to the streets, sidewalks and open areas immediately adjacent to the Bureau along Wallenberg Place (15th Street) and 14th Street between Independence and Maine Avenues and C and D Streets between 12th and 14th Streets; to areas which include surrounding parking facilities used by Bureau employees, including the lots at 12th and C Streets, S.W., Maine Avenue and Water Streets, S.W., Maiden Lane, the Tidal Basin and East Potomac Park; to the protection in transit of United States securities, plates and dies used in the production of United States securities, or other products or implements of the Bureau of Engraving and Printing which the Director of that agency so designates; (2) The exercise of police authority by Bureau officers, with the exception of the exercise of authority upon property under the custody and control of the Bureau, shall be deemed supplementary to the Federal police force with primary jurisdictional responsibility. This authority shall be in addition to any other law enforcement authority which has been provided to these officers under other provisions of law or regulations.

SEC. 536. Of the unobligated balance of funds made available until expended to the United States Mint in Public Law 103–123 and in prior appropriations acts, not to exceed $2,066,000 shall also be available in the fiscal year ending September 30, 1994 for all purposes for which

funds are appropriated under the heading "United States Mint, Salaries and expenses."

SEC. 537. Of the funds appropriated to the Office of Policy Development in Title III of this Act, not to exceed $800,000 may be transferred to the head, "Council on Environmental Quality and Office of Environmental Development."

SEC. 538. Notwithstanding any other provision of this Act, the Internal Revenue Service is authorized to replace no more than 850 vehicles for the criminal investigation division in fiscal year 1995.

SEC. 539. The activity referenced in section 5 of GSA's General Provisions in Public Law 103-123 (107 Stat. 1246) "Major equipment acquisitions and development activity" of the Salaries and Expenses, General Management and Administration appropriation account for transfer of prior year unobligated balances of operating expenses and salaries and expenses appropriation accounts may be separately accounted for under the new Working Capital Fund enacted in this Act.

SEC. 540. Notwithstanding any other provision of law, the review being conducted by the Secretary of the Treasury regarding the September 12, 1994 air incursion into the White House complex shall be exempt from the Federal Advisory Committee Act, Public Law 92-463 (codified at Title 5, United States Code, Appendix 2) as amended.

SEC. 541. Section 1(a)(1) of Public Law 101-509 is amended—

(a) by deleting subsection (a)(1) and inserting in lieu thereof the following:

"(a)(1) The Director of the Center for Legislative Archives within the National Archives and Records Administration shall be established without regard to chapter 51 title 5 and shall be paid at a rate determined without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5 governing General Schedule Classification and pay rates: Provided, That such pay shall be no less than 120 percent of the rate of pay for GS-15, step 1 of the General Schedule nor more than the rate of pay in effect for level one of the Senior Executive Schedule.

And the Senate agree to the same.

Amendment No. 87:

That the House recede from its disagreement to the amendment of the Senate numbered 87, and agree to the same with an amendment as follows:

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

SEC. 630. (a)(1) The adjustment in rates of basic pay for the statutory pay systems that takes effect in fiscal year 1995 under section 5303 of title 5, United States Code, shall be an increase of 2 percent.

(2) For purposes of each provision of law amended by section 704(a)(2) of the Ethics Reform Act of 1989 (5 U.S.C. 5318 note), no adjustment under section 5303 of title 5, United States Code, shall be considered to have taken effect in fiscal year 1995 in the rates of basic pay for the statutory pay systems.

(3) For purposes of this subsection, the term "statutory pay system" shall have the meaning given such term by section 5302 (1) of title 5, United States Code.

(b) For purposes of any locality-based comparability payments taking effect in fiscal year 1995 under subchapter I of chapter 53 of title 5, United States Code (whether by adjustment or otherwise), section 5304(a) of such title shall be deemed to be without force or effect.

(c) Notwithstanding section 5304(a)(3)(B) of title 5, United States Code, the annualized cost of pay adjustments made under section 5304 of such title in calendar year 1995 shall be equal to 0.6 percent of the estimated aggregate fiscal year 1995 executive branch civilian payroll—

(1) as determined by the pay agent (within the meaning of section 5302 of such title); and

(2) determined as if the rates of pay and comparability payments payable on September 30, 1994, had remained in effect.

And the Senate agree to the same.

Amendment No. 94

That the House recede from its disagreement to the amendment of the Senate numbered 94, and agree to the same with an amendment as follows:

In lieu of the matter proposed by said amendment, insert:

SEC. 633. LAW ENFORCEMENT AVAILABILITY PAY.

(a) SHORT TITLE.—This section may be cited as the "Law Enforcement Availability Pay Act of 1994".

(b) LAW ENFORCEMENT AVAILABILITY PAY.—

(1) IN GENERAL.—Chapter 55 of title 5, United States Code, is amended by inserting after section 5545 the following new section:

"§5545a. Availability pay for criminal investigators

"(a) For purposes of this section—

"(1) the term 'available' refers to the availability of a criminal investigator and means that an investigator shall be considered generally and reasonably accessible by the agency employing such investigator to perform unscheduled duty based on the needs of an agency;

"(2) the term 'criminal investigator' means a law enforcement officer as defined under section 5541(3) (other than an officer occupying a position under Title II of Public Law 99-399) also is required to—

"(A) possess a knowledge of investigative techniques, laws of evidence, rules of criminal procedure, and precedent court decisions concerning admissibility of evidence, constitutional rights, search and seizure, and related issues;

"(B) recognize, develop, and present evidence that reconstructs events, sequences and time elements for presentation in various legal hearing and court proceedings;

"(C) demonstrate skills in applying surveillance techniques, undercover work, and advising and assisting the United States Attorney in and out of court;

"(D) demonstrate the ability to apply the full range of knowledge, skills, and abilities necessary for cases which are complex and unfold over a long period of time (as distinguished from certain other occupations that require the use of some investigative techniques in short-term situations that may end in arrest or detention);

"(E) possess knowledge of criminal laws and Federal rules of procedure which apply to cases involving crimes against the United States, including—

"(i) knowledge of the elements of a crime;

"(ii) evidence required to prove the crime;

"(iii) decisions involving arrest authority;

"(iv) methods of criminal operations; and

"(v) availability of detection devices; and

"(F) possess the ability to follow leads that indicate a crime will be committed rather than initiate an investigation after a crime is committed;

"(3) the term 'unscheduled duty' means hours of duty a criminal investigator works, or is determined to be available for work, that are not—

"(A) part of the 40 hours in the basic work week of the investigator; or

"(B) overtime hours paid under section 5542; and

"(4) the term 'regular work day' means each day in the investigator's basic work week during which the investigator works at least 4 hours that are not overtime hours paid under section 5542 or hours considered part of section 5545a.

"(b) The purpose of this section is to provide premium pay to criminal investigators to ensure the availability of criminal investigators for unscheduled duty in excess of a 40 hour work week based on the needs of the employing agency.

"(c) Each criminal investigator shall be paid availability pay as provided under this section. Availability pay shall be paid to ensure the availability of the investigator for unscheduled duty. The investigator is generally responsible for recognizing, without supervision, circumstances which require the investigator to be on duty or be available for unscheduled duty based on the needs of the agency. Availability pay provided to a criminal investigator for such unscheduled duty shall be paid instead of premium pay provided by other provisions of this subchapter, except premium pay for regularly scheduled overtime work as provided under section 5542, night duty, Sunday duty, and holiday duty.

"(d)(1) A criminal investigator shall be paid availability pay, if the average of hours described under paragraph (2) (A) and (B) is equal to or greater than 2 hours.

"(2) The hours referred to under paragraph (1) are—

"(A) the annual average of unscheduled duty hours worked by the investigator in excess of each regular work day; and

"(B) the annual average of unscheduled duty hours such investigator is available to work on each regular work day upon request of the employing agency.

"(3) Unscheduled duty hours which are worked by an investigator on days that are not regular work days shall be considered in the calculation of the annual average of unscheduled duty hours worked or available for purposes of certification.

"(4) An investigator shall be considered to be available when the investigator cannot reasonably and generally be accessible due to a status or assignment which is the result of an agency direction, order, or approval as provided under subsection (f)(1).

"(e)(1) Each criminal investigator receiving availability pay under this section and the appropriate supervisory officer, to be designated by the head of the agency, shall make an annual certification to the head of the agency that the investigator has met, and is expected to meet, the requirements of subsection (d). The head of a law enforcement agency may prescribe regulations necessary to administer this subsection.

"(2) Involuntary reduction in pay resulting from a denial of certification under paragraph (1) shall be a reduction in pay for purposes of section 7512(4) of this title.

"(f)(1) A criminal investigator who is eligible for availability pay shall receive such pay during any period such investigator is—

"(A) attending agency sanctioned training;

"(B) on agency approved sick leave or annual leave;

"(C) on agency ordered travel status; or

"(D) on excused absence with pay for relocation purposes.

"(2) Notwithstanding (1)(A), agencies or departments may provide availability pay to investigators during training which is considered initial, basic training usually provided in the first year of service.

"(3) Agencies or departments may provide availability pay to investigators when on excused absence with pay, except as provided in paragraph (1)(D).

"(g) Section 5545(c) shall not apply to any criminal investigator who is paid availability pay under this section.

"(h) Availability pay under this section shall be—

"(1) 25 percent of the rate of basic pay for the position; and

"(2) treated as part of basic pay for purposes of—

"(A) sections 5595(c), 8114(e), 8331(3), 8431, and 8704(c); and

"(B) such other purposes as may be expressly provided for by law or as the Office of Personnel Management may by regulation prescribe.".

(2) LIMITATION ON PREMIUM PAY.—Section 5547(a) of title 5, United States Code, is amended in the first sentence by inserting "5545a," after "5545(a), (b), and (c),".

(3) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 55 of title 5, United States Code, is amended by inserting after the item relating to section 5545 the following new item:

"5545a. Availability Pay for Criminal Investigators.".

(c) COMPUTATION OF OVERTIME RATES.—Section 5542 of title 5, United States Code, is amended by adding at the end thereof the following new subsection:

"(d) In applying subsection (a) of this section with respect to any criminal investigator who is paid availability pay under section 5545a—

"(1) such investigator shall be compensated under such subsection (a), at the rates there provided, for overtime work which is scheduled in advance of the administrative workweek—

"(A) in excess of 10 hours on a day during such investigator's basic 40 hour workweek; and

"(B) on a day outside such investigator's basic 40 hour workweek; and

"(2) such investigator shall be compensated for all other overtime work under section 5545a".

"(d) EXEMPTIONS FROM CERTAIN FAIR LABOR STANDARDS.—Section 13 of the Fair Labor Standards Act of 1938 (29 U.S.C. 213) is amended—

(1) in subsection (a)—

(A) in paragraph (15) by striking out the period and inserting in lieu thereof a semicolon and "or"; and

(B) by adding at the end thereof the following new paragraph:

"(16) a criminal investigator who is paid availability pay under section 5545a of title 5, United States Code."; and

(2) in subsection (b)—

(A) in paragraph (28) by striking out "or" after the semicolon;

(B) in paragraph (29) by striking out the period and inserting in lieu thereof a semicolon and "or"; and

(C) by adding at the end thereof the following new paragraph:

(30) a criminal investigator who is paid availability pay under section 5545a of title 5, United States Code.".

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect on the first day of the first applicable pay period which begins on or after the later of October 1, 1994, or the 30th day following the date of enactment of this Act, Except that—

(1) criminal investigators, employed in Offices of Inspectors General, who are not receiving administratively uncontrollable overtime compensation or who are receiving such premium pay at a rate less than 25 percent prior to the date of enactment of this Act, may implement availability pay at any time prior to September 30, 1995, after which date availability pay as authorized under this section shall be provided to such criminal investigators.

(2) Criminal investigators, employed by Offices of Inspectors General, who are receiving administratively uncontrollable overtime at a rate less than 25 percent, shall continue to receive this compensation at the same rate or higher until availability pay compensation is provided, which shall be no later than the last pay period ending on or before September 30, 1995.

(f) Not later than the effective date of this section, each criminal investigator under section 5545a of title 5, United States Code, as added by this section, and the appropriate supervisory officer, to be designated by the head of the agency, shall make an initial certification to the head of the agency that the criminal investigator is expected to meet the requirements of subsection (d) of such section 5545a. The head of a law enforcement agency may prescribe procedures necessary to administer this paragraph.

And the Senate agree to the same.

Amendment No. 96:

The the House recede from its disagreement to the amendment of the Senate numbered 96, and agree to the same with an amendment as follows:

In lieu of the first section number named in said amendment, insert: *634*; and the Senate agree to the same.

Amendment No. 97:

That the House recede from its disagreement to the amendment of the Senate numbered 97, and agree to same with an amendment as follows:

In lieu of the section number named in said amendment, insert: *635*; and the Senate agree to the same.

Amendment No. 98:

That the House recede from its disagreement to the amendment of the Senate numbered 98, and agree to the same with an amendment as follows:

In lieu of the matter proposed by said amendment, insert:

SEC. 636. No part of any appropriation contained in this Act may be used to pay for the expenses of travel of employees, including employees of the Executive Office of the President not directly responsible for the discharge of official governmental tasks and duties: Provided, That this restriction shall not apply to the family of the President, Members of Congress or their spouses, Heads of State of a foreign country or their designee(s), persons providing assistance to the President for official purposes, or other individuals so designated by the President.

And the Senate agree to the same.

Amendment No. 99:

That the House recede from its disagreement to the amendment of the Senate numbered 99, and agree to the same with an amendment as follows:

In lieu of the first section number named in said amendment, insert: *637*; and the Senate agree to the same.

Amendment No. 100:

That the House recede from its disagreement to the amendment of the Senate numbered 100, and agree to the same with an amendment as follows:

In lieu of the first section number named in said amendment, insert: *638*; and the Senate agree to the same.

Amendment No. 101:

That the House recede from its disagreement to the amendment of the Senate numbered 101, and agree to the same with an amendment as follows:

In lieu of the matter proposed by said amendment, insert:

SEC. 639. Section 3626, paragraph (j)(1), subparagraph (D), of Title 39, United States Code is amended by—

(a) deleting the final "." from (II) and adding, "; and";

(b) and adding "(III) clause (i) shall not apply to space advertising in mail matter that otherwise qualifies for rates under former section 4452(b) or 4452(c) of this title, and satisfies the content requirements established by the Postal Service for periodical publications: Provided, That such changes in law shall take effect immediately and shall stay in effect hereafter unless the Congress enacts legislation on this matter prior to October 1, 1995.

SEC. 640. In the administration of section 3702 of title 31, United States Code, the Comptroller General of the United States shall apply a 6-year statute of limitations to any claim of Federal employee under the Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.) for violations that occurred before or claims filed before June 30, 1994.

SEC. 641. The Bureau of the Public Debt is authorized to pay in advance or reimburse any Treasury organization, an amount not to exceed one year of salary and benefits for each Public Debt employee hired by that organization described in section 521(a) of this Act.

SEC. 642. Chapter 63 of Title 5 of the United States Code is amended by adding, following the word "Forces" in section 6326, a new section, 6327 to read as follow:

"6327. Absence in connection with funerals of fellow federal law enforcement officers."

"A federal law enforcement officer or a Federal firefighter may be excused from duty without loss of, or reduction in, pay or leave to which such officer is otherwise entitled, or credit for time or service, or performance or efficiency rating, to attend the funeral of a fellow Federal law enforcement officer or Federal firefighter, who was killed in the line of duty. When so excused from duty, attendance at such service shall for the purposes of section 1345(a) of title 31, be considered to be an official duty of the officer or firefighter."

SEC. 643. Of the amount appropriated for "Government Payment for Annuitants, Employee Life Insurance" under this Act, such sums as may be necessary for such payments for the period September 15 through 30, 1994 shall become available upon enactment of this Act.

And the Senate agree to the same.

Amendment No. 102:

That the House recede from its disagreement to the amendment of the Senate numbered 102, and agree to the same with an amendment as follows:

In lieu of the matter proposed by said amendment, insert:

SEC. 644. (a) The Office of Management and Budget shall report to the Congress no later than November 1, 1994, for each agency for which the budgetary resources available to the agency in fiscal year 1995 would be canceled in an appropriations Act to achieve savings in procurement and procurement-related expenses, of the manner in which these savings are to be achieved.

(b) Notwithstanding any other provision of law, each agency for which the budgetary resources available to the agency in fiscal year 1995 would be canceled in an appropriations Act to achieve savings in procurement and procurement-related expenses, such cancellation shall occur on November 30, 1994, or 30 days after the Office of Management and Budget submits the report required by subsection (a) of this section, whichever date is earlier.

And the Senate agree to the same.

Amendment No. 103:

In lieu of the matter proposed by said amendment, insert:

TITLE VII—VIOLENT CRIME CONTROL AND LAW ENFORCEMENT FUNDING

DEPARTMENT OF THE TREASURY—DEPARTMENTAL OFFICES

SALARIES AND EXPENSES

For necessary expenses of the Office of Enforcement to oversee the implementation of the Violent Crime Control and Law Enforcement Act of 1994 as it relates to the jurisdiction of the Department of the Treasury, $2,400,000, to remain available until expended, to be derived from balances available in the Violent Crime Reduction Trust Fund, as authorized by Title XXXI of the Violent Crime Control and Law Enforcement Act of 1994.

FINANCIAL CRIMES ENFORCEMENT NETWORK

SALARIES AND EXPENSES

For salaries and expenses to implement the gateway network and other related financial intelligence and enforcement activities, $2,700,000 to remain available until expended to be derived from balances available in the Violent Crime Reduction Trust Fund, as authorized by Title XXXI of the Violent Crime Control and Law Enforcement Act of 1994.

BUREAU OF ALCOHOL, TOBACCO AND FIREARMS

SALARIES AND EXPENSES

For salaries and expenses for enforcing Federal firearms provisions and Public Law 103-159, $7,000,000 to be derived from balances available in the Violent Crime Reduction Trust Fund, as authorized by Title XXXI of the Violent Crime Control and Law Enforcement Act of 1994.

GANG RESISTANCE EDUCATION AND TRAINING

For grants to communities and police agencies for the establishment of gang resistance education and training programs to be designated by the Director of the Bureau of Alcohol, Tobacco and Firearms, $9,000,000 to be derived from balances available in the Violent Crime Reduction Trust Fund, as authorized by Title XXXI of the Violent Crime Control and Law Enforcement Act of 1994.

UNITED STATES CUSTOMS SERVICE

SALARIES AND EXPENSES

For salaries and expenses for expanding border and port enforcement activities, $4,000,000 to be derived from balances available in the Violent Crime Reduction Trust Fund, as authorized by Title XXXI of the Violent Crime Control and Law Enforcement Act of 1994.

INTERNAL REVENUE SERVICE

TAX LAW ENFORCEMENT

For tax law enforcement for combatting public corruption and enhancing illegal tax enforcement activities, $7,000,000 to be derived from balances available in the Violent Crime Reduction Trust Fund, as authorized by Title XXXI of the Violent Crime Control and Law Enforcement Act of 1994.

UNITED STATES SECRET SERVICE

SALARIES AND EXPENSES

For salaries and expenses $6,600,000, of which $5,000,000 shall be available for combatting the counterfeiting of United States currency, and of which $1,600,000, to remain available until expended, shall be available for the hiring, training, and equipping of 18 additional full-time equivalent positions for improving forensic capabilities which will assist in the investigations of missing and exploited children to be derived from balances available in the Violent Crime Reduction Trust Fund, as authorized by Title XXXI of the Violent Crime Control and Law Enforcement Act of 1994.

And the Senate agree to the same.

STENY H. HOYER,
PETER J. VISCLOSKY,
GEORGE (BUDDY) DARDEN,
JOHN W. OLVER,
TOM BEVILL,
MARTIN OLAV SABO,
DAVID OBEY,
JIM LIGHTFOOT (except amendment 29),
JOSEPH M. MCDADE,
Managers on the Part of the House.

DENNIS DECONCINI,
BARBARA A. MIKULSKI,
BOB KERREY,
ROBERT C. BYRD,
CHRISTOPHER S. BOND,
ALFONSE D'AMATO,
MARK O. HATFIELD,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and Senate at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 4539) making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President and funds appropriated to the President, and certain independent agencies for the fiscal year ending September 30, 1995, and for other purposes, submit the following joint statement to the House and Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report.

The conference agreement on the Treasury, Postal Service, and General Government Appropriations Act, 1995, incorporates some of the language and allocations set forth in House Report 103-534 and Senate Report 103-286. The language in these reports should be complied with unless specifically addressed in the accompanying statement of the managers.

TITLE I—DEPARTMENT OF THE TREASURY

DEPARTMENTAL OFFICES

SALARIES AND EXPENSES—REPROGRAMMINGS

The conferees agree to require a reprogramming request from any agency, department or office when the amount to be reprogrammed exceeds $500,000 or 10 percent of any object class, budget activity, program line item, or program activity, whichever is greater. For agencies receiving appropriations under $20,000,000, this threshold shall be $100,000 or 5 percent, whichever is greater.

Such requests shall be submitted for the prior approval of the Committees on Appropriations. The Committees must receive such requests in sufficient time to consider them before their proposed implementation. In the past, the Administration has delayed submission as much as four months between the time that it knew that the reprogramming was necessary and the time that it was formally transmitted. The conferees expect that such delays will not recur in the future.

Amendment No. 1. Earmarks not to exceed $2,900,000 for official travel expenses; $3,101,000 for information technology modernization requirements; $6,443,000 and 85 full-time equivalent positions for enforcement activities; and $150,000 for official reception and representation expenses. The conferees have provided $3,040,000 to support not to exceed 46 full-time equivalent positions for the Office of Foreign Assets Control in fiscal year 1995.

Amendent No. 2. Appropriates $104.479,000, instead of $104,400,000 as proposed by the Senate, and $105,150,000 as proposed by the House. Also restores House language canceling $79,000 in offsetting collections. Of the funds provided, the conferees have provided an additional $1,000,000 for the Office of Enforcement and up to 13 additional FTEs.

ELECTRIC RESOURCES FINANCED BY PUBLIC ENTITIES

The House included language which requested the Secretary of the Treasury to provide a report on the need for a revised procedure and methodology to implement Section 9(f) of Public Law 96-501. The conferees understand that several concerns have been raised with respect to the existing procedure under Section 9(f).

First, the conferees understand that the rulings issued by the Internal Revenue Service have not ordinarily been issued within 60 days, as called for under the existing procedure. Second, the conferees understand that the existing procedure does not reflect subsequent changes in federal tax law. Third, one of Congress' stated purposes for the enactment of Section 9(f) was to enable Bonneville Power Association (BPA) to acquire resources necessary to meet the firm load of public bodies at a cost no greater than in the absence of acquisition by BPA. The conferees understand that the existing procedure may not treat electric resources financed by public entities and acquired by BPA for use in meeting public entities' loads in the same manner as if the public entities were to use those resources directly to meet their own loads and, therefore, may be inconsistent with the stated Congressional intent.

The conferees expect that the report required by the House will address each of these concerns. Further, to the extent that the Secretary's report indicates that these concerns are valid, the conferees expect that the report will include the Secretary's recommendations on the appropriateness of changes to the existing methodology and the time and manner in which such changes would be implemented.

ELECTRONIC FUNDS TRANSFER

The conferees agree with the House report language which requires the Secretary to submit with the fiscal year 1996 budget request, a report on the proposed regulations and legislation to effect the direction that all recurring Federal payments be paid by electronic funds transfer.

EXEMPTION FROM THE FEDERAL ADVISORY COMMITTEE ACT

The Secretary of the Treasury has directed a thorough review into the recent air intrusion into the White House complex. This review is to be completed in 90 days of the incident. The review will require access to classified and highly sensitive information and will involve highly classified discussions with experts, senior Secret Service officials, and other interested parties. Compliance with the provisions of the Federal Advisory Committee Act could delay or interfere with the expeditious consideration of this matter. Therefore, the conferees have included a provision in the Act which exempts this review from the Federal Advisory Committee Act (Public Law 92-463).

TREASURY PERSONNEL IN OVERSEAS LOCATIONS

The conferees are aware that the Department of the Treasury has not fully paid its current bills under the Foreign Affairs Administrative System for Treasury personnel located overseas. The conferees also note that the Department of State has not allowed an increase in the number of Treasury personnel located overseas, despite the July 11, 1994, letter from the State Department. That letter indicated that concerns increasing overseas Treasury Department staffing to improve anti-counterfeiting efforts would be considered by the State Department in making decisions on overseas staffing requirements.

The conferees agree that the Treasury Department should meet its obligations under the Foreign Affairs Administrative System and expects Treasury to fulfill this obligation after the State Department agrees to assign additional Treasury personnel to overseas locations for expanding anti-counterfeiting investigations.

ELECTRONIC FILING TAX FRAUD TASK FORCE

The conferees agree with the House report language which requires a report which addresses the problem of electronic tax filing

fraud. This report shall be submitted to the House and Senate Committees on Appropriations when it is complete.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

Amendment No. 3. Appropriates $29,700,000 instead of $28,897,000 as proposed by the House and $30,497,000 as proposed by the Senate.

FINANCIAL CRIMES ENFORCEMENT NETWORK

SALARIES AND EXPENSES

Amendment No. 4. Appropriates $19,823,000 instead of $18,280,000 as proposed by the House and $20,690,000 as proposed by the Senate. Also, cancels $1,000 in offsetting collections. The conferees concur in the reorganization transferring funding and FTEs from Departmental Offices to FinCEN for the functions of the Office of Financial Enforcement.

FEDERAL LAW ENFORCEMENT TRAINING CENTER

SALARIES AND EXPENSES

Amendment No. 5. Makes available $7,000 for official reception and representation expenses as proposed by the Senate instead of $9,000 as proposed by the House.

Amendment No. 6. Deletes Senate language relating to the reimbursement of training expenses for Postal Police.

Amendment No. 7. Inserts Senate language authorizing the use of funds for first-aid and emergency medical services.

Amendment No. 8. Appropriates $46,713,000 as proposed by the House instead of $47,114,000 as proposed by the Senate.

ACQUISITION, CONSTRUCTION, IMPROVEMENTS AND RELATED EXPENSES

Amendment No. 9. Appropriates $16,815,000 for acquisition, construction, improvements and related expenses as proposed by the Senate instead of $9,815,000 as proposed by the House. Of this amount, $7,600,000, shall be available for the following construction projects at the Tucson, Arizona satellite facility: $5,000,000 for a 150-room dormitory; $2,100,000 for a dining hall; and $500,000 for firearms ranges. The conferees instruct the Center to request funding in fiscal year 1996 to cover the remaining costs of permanent facility improvements at the Tucson Center. The remaining funds, $2,400,000 shall be available for the design, acquisition and preparation of a facility dedicated to periodic firearms requalification and training in advanced firing techniques and explosives.

The conferees direct the Center to provide all training for the Gang Resistance Education and Training (GREAT) program through the satellite facility located at Davis-Monthan Air Force Base, Tucson, Arizona.

FINANCIAL MANAGEMENT SERVICE

SALARIES AND EXPENSES

Amendment No. 10. Appropriates $183,889,000 instead of $185,389,000 as proposed by the House and $183,697,000 as proposed by the Senate.

COMBO PRINTER

The reduction to the Federal Management Service (FMS), should to the extent possible, not be applied to the COMBO Printer initiative. The current Troy check printers have been in use at FMS since 1984 and have already surpassed their anticipated eight-year system life. The COMBO Printer initiative is to being the development of a printer replacement plan. The conferees are supportive of the need to replace printers, with the understanding that it should be a lower priority than the electronic funds transfer initiative, and the understanding that there will be a decrease in the number of printers needed by FMS.

Amendment No. 11. Restores House language canceling $192,000 in offsetting collections.

BUREAU OF ALCOHOL, TOBACCO AND FIREARMS

SALARIES AND EXPENSES

Amendment No. 12. Appropriates $385,315,000 as proposed by the Senate instead of $376,181,000 as proposed by the House. Included in this amount is $5,000,000 for the 6 GREAT projects initiated in fiscal year 1994, $1,400,000 to restore the 22 full-time equivalent positions which were due to be eliminated under the President's Executive Order, and $2,700,000 to fund the Administration's request for systems modernization. The $3,100,000 in funding for ballistics technology as proposed by the House is funded through the Special Forfeiture Fund. Conferees expect the Bureau to add two agents to the Des Moines, Iowa post as proposed by the House within the amounts provided.

EQUAL EMPLOYMENT OPPORTUNITY

The House report directed the Bureau to change the title for the senior manager responsible for equal employment opportunity from "Executive Assistant to the Director (Equal Employment Opportunity)" to "Assistant Director for Equal Employment Opportunity". The conferees agree that the official title for such a position be left to the discretion of the ATF Director.

Amendment No. 13. Restores House language canceling $4,000 in offsetting collections and includes language as proposed by the Senate establishing a FTE floor of 4,215.

UNITED STATES CUSTOMS SERVICE

SALARIES AND EXPENSES

Amendment No. 14. Appropriates $1,394,793,000 instead of $1,391,700,000 as proposed by the House and $1,378,914,000 as proposed by the Senate. Included in this amount is funding for the following: $18,000,000 for NAFTA implementation; $10,000,000 for the Center for Study of Western Hemispheric Trade; $2,310,000 for the restoration of 35 marine enforcement officers; $2,000,000 for the restoration of 25 air program positions to support the Department of Defense JTF-4 operations in Key West, Florida; $780,000 to support 10 additional pilot and crew positions at the Corpus Christi Surveillance Support Center; $500,000 for a border barrier in Nogales, Arizona; $2,100,000 for 30 inspectors in El Paso; $15,000,000 for phase I of the automated commercial systems redesign and $5,503,000 to restore 110 full-time equivalent positions proposed for elimination under the President's Executive Order. Savings of $2,641,000 resulting from exemption of the Fair Labor Standards Act shall be applied to the allocations made above.

ENFORCEMENT OF SANCTIONS AGAINST SERBIA AND MONTENEGRO

The conferees strongly support the activities currently underway to enforce the Serbian Sanctions Assistance Missions (SAMS), including those being carried out by U.S. Customs Service inspectors. However, the conferees continue to be concerned about the costs incurred by the Customs Service for activities which were not budgeted and for which Customs has no specific legal authority. In fiscal year 1993, the Senate Committee expressed its concerns about the use of Customs funds for SAMS teams and directed the Department to seek appropriate reimbursement from the Department of State. Based on this directive, the Department of State reimbursed Customs for $3,575,000 of its travel and per diem costs for 27 inspectors engaged in SAMS. In addition, the President requested, and was provided by the Congress, $17 million in the Department of State's peacekeeping operations budget for fiscal year 1995 to cover the costs of the SAMS. No funds were requested and none have been provided in the Customs Service 1995 budget. Therefore, the conferees, while strongly supporting the use of Customs inspectors in the SAMS efforts, instruct Customs to participate in these activities commensurate with its reimbursement from the Department of State. The conferees direct the Office of Management and Budget to insure that the Customs Services be reimbursed for travel and per diem expenses associated with the SAMS missions.

The conferees note that the Administration failed to make clear how Customs inspectors participating in sanctions assistance missions would be funded in the fiscal year 1995 budget request. The conferees therefore direct the Administration to present a clear and identifiable request for such items in a single account in the FY 1996 budget.

UNIFIED PORT MANAGEMENT PILOT PROJECT

Numerous studies conducted on border management have consistently found that the lack of coordination between Federal inspection agencies at the ports of entry have contributed to a slow down in the processing of persons and commerce. Most recently, an assessment of United States-Mexico border ports of entry under section 6015 of the Intermodal Surface Transportation Act of 1991 found that the most pressing institutional border issue was a lack of a comprehensive Federal approach to border management, which contributes to an increase in the overall costs of transportation and distribution of goods. The conferees believe these problems must be resolved in order to accommodate and facilitate increased trade between Mexico and the United States and to achieve a more efficient and "user-friendly" border environment. For this reason, the the conferees instruct the U.S. Customs Service to undertake a unified binational border port management pilot project to design and test a model of unified border port management in the Nogales Customs District.

The pilot project should establish a single inspection procedure that satisfies the needs of all agencies currently operating at the border and should be undertaken in cooperation with the State of Arizona. This pilot should address the following: coordinated management of border port facilities among various Federal and state agencies; coordinated operation of border facilities between U.S. and Mexico agencies; harmonized binational regulations and crossing procedures; application of technologies to expedite vehicular and commercial processing; binational planning of port facilities and transportation systems; and coordinated planning and operations of border facilities between Federal, state and local governments. The conferees instruct the Commissioner of Customs to provide a report to the House and Senate Committees on Appropriations by no later than March 1, 1995 on the progress being made in this regard.

CUSTOMS STAFFING

With the staff reassigned as part of the planned reorganization, the conferees direct Customs to provide additional inspectors to El Paso, Hidalgo Pharr International Bridge, the Miami International Airport, and the Atlanta International Airport to cover the expected workloads.

PREMIUM PAY

The conferees note that individuals receiving premium pay for overtime or holiday work, such as Customs inspectors, who call in sick, often receive that premium pay, despite the fact that they did not work. The conferees direct the General Accounting Office to examine this issue and report back to the Committees on Appropriations by March 1, 1995. This report shall not apply to availability pay, established under section 634 of this Act.

CUSTOMS FINANCIAL MANAGEMENT

The General Accounting Office, in a report released June 30, 1993, declined to express an opinion on Customs' FY 1992 Financial Statements "because of the lack of reliable financial information, inadequate financial systems and processes, and its ineffective internal control structure". GAO found several major weaknesses:

Accounts receivable may have excluded entries and failed to consider debtor's ability to pay in estimating collections.

Seized property records did not include some property, showed incorrect locations, and included some erroneous values.

Internal controls could not ensure that the proper duties were assessed importers or that claimants received proper refunds ("drawbacks").

Budget records did not include documentation linking charges for interagency agreements to actual costs.

Accounting staff did not routinely review and revise estimates of unliquidated obligations, resulting in difficulty reconciling obligations and expenditures at the end of the fiscal year.

Customs has begun responding to these criticisms. Revenue estimates should substantially improve as Customs improves its random inspection processes, enhances selectivity and improves information management systems. The conferees have provided an additional $1,377,000 and 12 FTE to produce auditable financial statements. The conferees direct Customs to provide a report on its financial improvement plans with the fiscal year 1996 budget submission.

Amendment No. 15. Restores the House allocation of $10,000,000 for the Center for Study of Western Hemispheric Trade and House language cancelling $410,000 in offsetting collections.

Amendment No. 16. Inserts Senate language authorizing an FTE floor of 17,524 and making available $500,000 for the construction of a border fence in Nogales, Arizona. Deletes Senate language relating to certain Customs fees.

OPERATION AND MAINTENANCE, AIR AND MARINE INTERDICTION PROGRAMS

Amendment No. 17. Appropriates $89,041,000 instead of $78,991,000 as proposed by the House and $91,891,000 as proposed by the Senate. This amount shall be enhanced by $10,698,000 in unobligated balances remaining in the account including $3,100,000 set aside for the ASARS program. The additional funds provided shall be used for the following: $3,000,000 for operations and maintenance activities associated with the Blackhawk apprehension and support program; $850,000 for marine interdiction operations and maintenance activities; $3,700,000 for Citation training in Mexico and other host countries; and $1,500,000 to support the continued operations of C3I-East through December 1994.

Amendment No. 18. Inserts Senate language prohibiting the transfer of aircraft outside the Department of the Treasury. The term "transfer", as used here, includes sales and long term loans.

CUSTOMS FACILITIES, CONSTRUCTION, IMPROVEMENTS AND RELATED EXPENSES

Amendment No. 19. Appropriates $1,000,000 as proposed by the Senate. These funds shall be used to construct a hanger at the Customs Air Branch in Puerto Rico.

UNITED STATES MINT

SALARIES AND EXPENSES

Amendment No. 20. Appropriates $55,740,000 as proposed by the Senate instead of $54,770,000 as proposed by the House.

MINT ZINC PURCHASES

The conferees have learned that the Mint has been purchasing zinc for coin production from international sources when domestic stocks may be available at a lower cost. The conferees note current Mint policy allows the Mint to purchase only "special hign grade" zinc for production. The conferees do not wish to address issues relating to the quality of the material necessary for coinage. However, the conferees express their concern that the domestic industry is being harmed when domestic products are available yet coins are being produced with foreign zinc. It is the conclusion of the conference that if the grade of domestic zinc is available at a competitive price it should be used. The conferees direct the Mint to review current activities and report back to the House and Senate Committees on Appropriations within 60 days of the date of enactment of this Act, as to the actions it has taken as well as future plans with regard to the purchase of zinc.

INTERNAL REVENUE SERVICE

ADMINISTRATION AND MANAGEMENT

Amendment No. 21. Appropriates $225,632,000 for administration and management instead of $163,431,000 as proposed by the Senate. The conferees support the restructuring of certain activities from the processing tax returns activities as proposed by the Administration and have reinstated the funds requested for this purpose. However, the conferees have denied funding for the requested workload increase of $825,000 and 6 FTEs.

PRIVACY OF TAXPAYER RECORDS

The conferees are very concerned about the recent revelations of the extent of employee violations of privacy standards uncovered by the Internal Revenue Service (IRS). Internal audits conducted by the IRS indicate that there has been a serious problem of certain employees reviewing taxpayer information which is beyond the scope of their job responsibilities. The IRS has reported that some of these cases went beyond curiosity and involved perusing tax information for fraudulent reasons. This activity could seriously jeopardize the full and fair tax filing of honest citizens who believe the principle of trust has been violated.

The conferees agree that the Tax Systems Modernization (TSM) program will provide state of the art security and privacy protection for the taxpayers. However, the conferees note that the reductions made to the TSM program by Congress for fiscal year 1995 are the first budgetary reductions made to this program since its inception. Nonetheless, TSM is a computer system and the violations of taxpayer privacy identified by IRS are behavioral in nature, not technical. Furthermore, TSM will not be fully implemented for at least another six years. Taxpayers should not be subject to invasion of their privacy for another six years while awaiting a new computer system.

The IRS is directed to provide quarterly reports on its efforts to identify and correct invasions of taxpayer privacy by unauthorized employees.

FEES FOR COPIES OF TAX RETURNS

The conferees are concerned about the IRS proposal to increase fees for providing taxpayers with copies of their tax returns. The conferees believe that taxpayers who have been the victims of natural disasters or other incidents beyond their control may be adversely impacted by increases in return copying fees. Therefore, the conferees direct IRS to institute a policy which would permit the Service to waive such fees if a taxpayer has been the victim of a natural disaster or other event which may have adversely impacted economic conditions in their community. The IRS shall report on the status of implementation of this policy by no later than January 1, 1995. Such report shall include a description of taxpayers who will qualify for such waiver and the procedure IRS will employ to notify eligible taxpayers.

FLEXIBILITY IN IRS APPROPRIATIONS

The conferees agree that Internal Revenue Service (IRS) and the Office of Management and Budget (OMB) should explore options available for providing more flexibility to execute tax enforcement initiatives through changing the current budget structure. The IRS currently has four different appropriations which fund the four major missions of IRS. It may be more advantageous to combine some of these appropriations.

IRS RULING ON TAXING OF HARPER REFUNDS

The Commonwealth of Virginia has recently settled its legal dispute over the taxation of Federal retirement benefits. This settlement includes the repayment of a portion of the taxes paid by retirees to the Commonwealth. While the IRS has not yet ruled on any plan to assess Federal tax liability on the repayment, there is concern that such a ruling may severely impact the affected retirees.

Therefore, the conferees agree that before IRS makes a final decision on its ruling for assessing a Federal tax liability on the settlement, it submit such a plan to the appropriate Congressional committees.

PROCESSING TAX RETURNS

Amendment No. 22. Appropriates $1,511,266,000 instead of $1,616,295,000 as proposed by the House and $1,586,028,000 as proposed by the Senate for processing tax returns and assistance. The conferees have denied the requested increase of $12,842,000 and 345 FTEs for service center workload increases. Provides $3,700,000 for Tax Counseling for the Elderly as proposed by the Senate instead of $3,500,000 as proposed by the House.

TAX LAW ENFORCEMENT

Amendment No. 23. Appropriates $4,358,180,000 for tax law enforcement as proposed by the Senate instead of $4,412,580,000 as proposed by the House.

Amendment No. 24. Inserts Senate language allocating certain funds for the 1995 tax compliance initiative and prohibiting the transfer of funds from this account. Deletes Senate language from the bill allocating $442,148,000 and 5,002 full-time equivalent positions for tax fraud investigations. The conferees note, however, that they expect IRS to achieve these minimum levels for tax fraud investigations.

ENFORCEMENT OF EMPLOYMENT TAX LAWS

The conferees agree with the House report language which directs that the Internal

Revenue Service (IRS) hire and train additional examiners to enforce classification rules in the construction industry. The IRS is to report to the House and Senate Committees on Appropriations by March 1, 1995 on this direction.

GASOLINE TAX REFUNDS

The House included language in its report expressing concern over the effect certain law changes had on gasoline tax refunds. The House stated that there should be no extensive delays in processing gasoline refunds and directed quarterly reports on the length of time taken by IRS to process claims for these refunds.

The Senate included language in its report stating that the diesel refund schedule of 20 days is an appropriate target for gasoline refunds as well. The Senate directed IRS to keep it advised of progress in meeting the 20-day goal for gasoline refunds.

The conferees agree that IRS does not appear to be applying the same refund goals for diesel and gasoline refunds. Therefore, the conferees direct IRS to ensure adequate staffing and management support to meet the 20-day goal. The IRS should advise the House and Senate Committees on Appropriations on its progress in meeting this goal.

TAX COMPLIANCE INITIATIVE

The conferees have provided $426,300,000 and 5,078 FTEs for a variety of enhanced compliance initiatives designed to collect taxes owed the U.S. Government. Of this amount, $405,000,000 shall not be utilized by the Service for any purpose than for carrying out the compliance initiatives as outlined by the Department of the Treasury.

The conferees agree with the Senate position on the hiring of 1,192 additional revenue officers. According to the General Accounting Office (GAO), collections could be better achieved through the use of less expensive call site collectors. Therefore, the conferees agree that the $87,908,000 associated with hiring additional revenue officers is denied and instead instructs the IRS to redeploy these funds into the hiring of additional call site collectors.

Furthermore, the IRS is required to fulfill the reporting requirements set forth in both the House and Senate reports concerning the monitoring of this initiative.

INFORMATION SYSTEMS

Amendment No. 25. Appropriates $1,388,000,000 as proposed by the Senate instead of $1,240,357,000 as proposed by the House, allocates $650,000,000 for tax systems modernization, and authorizes $185,000,000 to remain available until September 30, 1997, for tax and information systems development.

UPGRADING OF IRS COMPUTING CENTER, MARTINSBURG, WEST VIRGINIA

The conferees agree with the Senate report language which requires Internal Revenue Service (IRS), in cooperation with the General Services Administration (GSA), to submit a plan, by March 1, 1995, for upgrading facilities and equipment at the Martinsburg facility. This plan should be submitted to the House and Senate Committees on Appropriations.

TAX SYSTEMS MODERNIZATION

The conferees have agreed to provide a total of $1,388,000,000 for IRS Information Systems, of which $650,000,000 is available for tax systems modernization (TSM). The conferees have not agreed with the Senate proposal to allow the amounts collected by the Customs Service Merchandise Processing fee to be credited to the IRS for TSM. Despite this reduction from the TSM program, the conferees remain dedicated to ensuring that TSM is implemented to protect the confidence of American taxpayers in the concept of voluntary compliance as a means of financing government operations. Additionally, it is not the intent of the conferees that this reduction should be disproportionately applied to contractual efforts. The current effort expended by the contracted groups is to support the TSM Program Manager and should therefore, to the extent possible, be exempt from reductions.

There remain a number of concerns about TSM which both the House and Senate have addressed. In its report, the House required a variety of actions be taken by IRS to enforce management control over the TSM program. The conferees are pleased to see that swift action on the part of IRS to implement the most important of these requirements: the establishment of a Program Manager for TSM. The Program Manager must receive the necessary support from all levels within the IRS to ensure the success of TSM.

There are additional requirements which were addressed by the House which IRS will be unable to comply with by the stated deadline due to the complexity of the information required by the House. A delay in providing these reports is approved by the conferees with the understanding that IRS will comply with all the requirements no later than March 1, 1995, with the exception of the costing methodology which may be submitted no later than September 1, 1995.

The conferees are strongly supportive of the goals of TSM and agree that the IRS should work toward implementation at the earliest possible date. However, the conferees caution IRS not to proceed at a pace which jeopardizes the success of the program. The successful implementation of a new tax processing system is far more important than meeting a timetable which was established long before the complexity of TSM was fully known. Additionally, while IRS should monitor each project within the TSM program, it is important to keep in mind that TSM is a program made up of a number of big and small projects which must work together to produce the overall system to support the IRS mission.

FUTURE FUNDING OPTIONS FOR TAX SYSTEMS MODERNIZATION

The conferees are concerned about the need to establish a steady funding level for TSM for future requirements. The conferees believe that there are various options which the Office of Management and Budget could pursue toward this end. For example, the conferees believe that some aspects of the TSM program such as the procurement of hardware and software could be put into a separate procurement account similar to the method used for Department of Defense procurement requirements.

Therefore, the conferees direct the Internal Revenue Service to work with the Office of Management and Budget to develop a comprehensive plan to fund the TSM program. The plan should address the total requirement and the budgeting techniques which could be used to ensure full funding of the requirement. This plan should be submitted with the fiscal year 1996 budget request.

Amendment No. 26. Deletes language proposed by the Senate which would have increased the amount appropriated for Information Systems if the Customs Service Merchandise Processing Fee increase were authorized.

ADMINISTRATIVE PROVISIONS–INTERNAL REVENUE SERVICE

Amendment No. 27. Inserts Senate language requiring advance approval of transfers of funds from the four IRS operating accounts.

Amendment No. 28. Inserts Senate language prohibiting any transfers of funds from the "Tax Law Enforcement" account in fiscal year 1995.

Amendment No. 29. Modifies a provision proposed by the Senate which permits the Secretary of the Treasury to use the receipts from fees from services, where such fees are authorized by another law, for supplementing IRS operating accounts for the actual cost of services.

USER FEES

The conferees have agreed to language proposed by the Senate which permits the Secretary of the Treasury to impose fees or change the amount of existing fees which are already authorized by law. The conferees have also included language requiring that any fees imposed be based on the actual cost of providing the service which is being performed.

The fees must be assessed and collected solely to cover the costs of providing the services and activities for which the fees are being charged. Furthermore, the General Accounting Office (GAO) is directed to audit both the methodology used by the IRS to develop the fee structure and the fee structure itself to insure that the fees being charged reflect actual costs incurred. The GAO shall provide its report to the House and Senate Committees on Appropriations no later than January 15, 1995.

UNITED STATES SECRET SERVICE

SALARIES AND EXPENSES

Amendment No. 30. Appropriates $476,931,000 for salaries and expenses as proposed by the House instead of $474,988,000 as proposed by the Senate. Also includes language as proposed by the House canceling offsetting collections totalling $43,000. Included in the appropriated amount is an additional $4,914,000 for the restoration of 71 positions proposed for elimination in the President's Executive Order; and $1,943,000 for additional agent positions to enhance counterfeiting investigations overseas.

ENTITLEMENT FRAUD

The conferees agree with the Senate report language that entitlement fraud has become a significant problem both domestically and internationally. The conferees strongly endorse the initiatives taken by the Secret Service in working with other government agencies to correct problems related to entitlement fraud. The conferees direct the Service to advise the House and Senate Committees on Appropriations on its progress and any actions which might be necessary to assist in this effort.

BUREAU OF ENGRAVING AND PRINTING

REVIEW OF SECURITY AND MANAGEMENT CONTROLS

The conferees understand that the Secretary of the Treasury has formed a Departmental Task Force to review security and management control systems at the Bureau of Engraving and Printing (BEP). The conferees are encouraged by the formation of this group but believe that an independent team would be appropriate to review any security deficiencies at the BEP which led to the recent theft of currency. The conferees believe that an independent investigation would also ensure a cost effective approach to any enhancement in security.

The conferees believe that management and security issues have not been interwoven into decisions at BEP because the Management Directorate and its Office of Security

have not received adequate attention. The independent investigation should review the organizational structure of BEP management to ensure the most appropriate location for the Management Directorate and its Office of Security as well as the qualifications required for individuals to head the Office of Security.

Additionally, the conferees are concerned that "off line" currency production did not receive proper management oversight. The "test" currency recently stolen from BEP, was not destroyed in a timely manner and was not incorporated into the management information system so that it could be monitored. Furthermore, management oversight appears to have been lax in the assignment of duplicate serial numbers to this particular currency. These issues must be investigated and procedures implemented to correct deficiencies in management oversight.

The conferees expect the Department of Treasury to report back within 30 days of enactment of this Act on the steps being taken to address these matters.

RATIO OF SUPERVISORS TO POLICE OFFICERS

The conferees are concerned about the ratio of supervisors to police officers at the Bureau of Engraving and Printing (BEP), which according to information provided to the conferees, may be as high as one supervisor to two police officers. The conferees agree that BEP could address its shortfall of police officers by reducing the number of supervisors and adopting a ratio which more closely reflects the need for additional security.

EXPANSION OF CURRENT POLICE AUTHORITY FOR SECURITY

The conferees have included a provision (Sec. 535) which provides clarification and extends the authority delegated from the Secretary of the Treasury and the Administrator of General Services to meet the security needs of the Bureau of Engraving and Printing (BEP).

The conferees agree that this extension is necessary to protect the product, property, and the personnel of the BEP. The current authority does not permit the BEP police officers to provide adequate protection for personnel during the extended hours of BEP operations. Additionally, the current authority limits the ability of the BEP police to respond to the needs of tourists and vendors who are drawn to the area surrounding the facility. Section 535 will provide the necessary authority to enhance the ability of the BEP Police to provide adequate attention to these problems. The conferees require that the BEP provide information on the incidents which occur in this expanded area of authority so that the impact of Section 535 can be measured.

Amendment No. 31. Inserts a Senate provision relating to the consolidation plans of the Bureau of the Public Debt.

Amendment No. 32. Inserts Senate language exempting positions funded through reimbursement from the Puerto Rico Trust Fund from workforce reductions.

TREASURY FORFEITURE FUND

Amendment No. 33. Inserts a Senate provision authorizing certain expenses in the Treasury Forfeiture Fund to be paid out of the permanent indefinite appropriation.

EXPENDITURE SHIFT

The conferees have included language shifting certain Forfeiture Fund expenses from the discretionary to the permanent indefinite category. This includes the costs of overtime salaries, travel, fuel, training, equipment, and other costs of State or local law enforcement that are incurred in joint law enforcement operations and seizures, as well as expenses for the purchase or lease of automatic data processing systems, training, printing and contracting services.

The Department shall submit an operating plan to the House and Senate Committees on Appropriations for their approval within 30 days of enactment of this Act. The operating plan should describe the use of all resources, including both discretionary and permanent indefinite expenditures including, but not limited to, the following categories:

Permanent Authority:
Purchase of Evidence/Information
Salaries
Rent & Other Space Costs
Investigative Costs leading to Seizure
Advertising Expenses
Property Tracking System Maintenance
Independent Audit of Forfeiture Fund
Other Seizure-Related Expenses
Contract Services: Maintenance & Disposal of Assets
Payments of Liens & Mortgages
Remission & Mitigation Expenses
Equitable Sharing Payments
Section 9703(b)(5) Expenses
Assistance to State and Local Law Enforcement
Contract Services, Consultants and Training
Consolidated Assets Tracking System (CATS)
Other
Discretionary Expenses:
Purchase of Evidence and Information
Investigative Equipment
Training Foreign Law Enforcement Personnel
U.S. Coast Guard Expenses

The Department shall submit a reprogramming request for any reallocation greater than $500,000 among these groupings.

Amendment No. 34. Inserts a Senate provision authorizing a security survey of the Bureau of Engraving and Printing, but changes the preliminary reporting requirement to 90 days of the date of enactment of the Act and final recommendations within 180 days of the date of enactment of the Act.

Amendment No. 35. Deletes a provision proposed by the Senate regarding Customs Service inspectors retirement.

HAZARDOUS PAY FOR CUSTOMS INSPECTORS AND CANINE ENFORCEMENT OFFICERS

It is the belief of the conferees that some Customs Inspectors and Canine Enforcement Officers engage in hazardous duties and these employees should be eligible for additional compensation. The conferees are further aware that Customs has authority to implement hazardous pay compensation, under section 5545(d) of title 5, United States Code, with the concurrence of the Office of Personnel Management. Therefore, the conferees direct the Customs Service to designate hazardous duty functions for the purpose of paying differentials to Customs recommendations with a request for a waiver by the Office of Personnel Management by no later than February 1, 1995.

TITLE II—POSTAL SERVICE

PAYMENTS TO THE POSTAL SERVICE

PAYMENT TO THE POSTAL SERVICE FUND

Amendment No. 36. Appropriates $92,317,000 instead of $85,717,000 as proposed by the House and $102,317,000 as proposed by the Senate.

CITY OF BEVERLY HILLS, POST OFFICE PROPERTY

The City of Beverly Hills and the United States Postal Service are discussing the possible transfer of the old post office at 469 North Crescent Drive by the Postal Service to the City of Beverly Hills, California. The City of Beverly Hills deeded this property, undeveloped, to the Postal Service in 1931 for the sum of one dollar. It is the belief of the conferees that this property, having been declared excess by the Postal Service, should be returned to the City of Beverly Hills at little or no cost and that it should continue to be used for a public purpose. Working with community and business leaders, the City of Beverly Hills has developed a comprehensive plan for the re-use of the post office that would establish a visitor and multi-use cultural center at the Post Office site using existing facilities for the benefit of the entire community. It is the understanding of the conferees that the Postal Service maintains an interest in using a portion of the facility for retail services, and hopes that this use can be accommodated as part of an agreement between the City and the Postal Service. The conferees strongly urge a resolution of this matter within six months.

U.S. POSTAL OPERATIONS IN THE WASHINGTON, D.C. AREA

A Postal Service survey completed on May 27, 1994, rated Washington, D.C. as having the worst first class mail delivery performance in the nation, with 61 percent on time as compared to an average of 82 percent nationwide. The same survey showed that 70 percent of Washington customers were satisfied with their postal service, as opposed to 85 percent nationwide. On time performance is 21 percent below the national average, and customer satisfaction is 15 percent below the average.

Between May 17 and 19, Postal Service inspectors paid an unannounced visit to several processing centers in this area. Some of their findings follow:

The Washington, D.C. P&DC (Processing and Distribution Center) had large volumes of first-class mail in the government mail section with dates as old as February 1994.

In southern Maryland, 2.3 Million pieces of third-class letters were found stored in trailers on the P&DC yard * * * 230,000 pieces of second-class news were also on trailers * * *.

Based on our observations, we estimate approximately 75 percent of all the mail at Southern Maryland P&DC was delayed.

The Postal Service has focused on cutting overhead, reducing operating costs, restructuring staff and enhancing automation. While these are worthwhile goals, the manner in which these efforts have been implemented may have left the Postal Service in a state of disarray. The recent history of the Postal Service has included:

Departures of experienced operational personnel (over 47,000) at a cost of more than $1 billion in retirement incentives.

Two reorganizations in the past 2 years which may have led to a lack of continuity as well as uncertainty in organizational relationships.

The concurrent introduction of automated systems and significant numbers of inexperienced personnel into the mail handling process without adequate training.

As noted in the May report of the inspectors:

At Aspen Hill, general housekeeping was unsatisfactory, empty soda cans were found everywhere; sacks were not stowed; lobby counters were dirty; and trash cans throughout the office were almost full.

The general feeling among carrier supervisors is the CSDRS (Customer Service Data

Reporting System) is not used as an information source; rather, it is used to "get" supervisors.

Operations in the Washington, D.C. Area can be temporarily improved through large, quick injections of overtime and short-term staff transfers; and this should be done. But the conferees expect more of the Postal Service. The conferees expect consistent, high quality service both throughout the country and in this region.

Therefore, the conferees agree that the Post Service needs to focus on the following fundamentals:

Accountability: local managers must know that they will be answerable for the performance of their office.

Performance Measurement: the Postal Services needs objective, consistent and reliable measures of its performance that can be used at all levels of management.

Process: the Congress must be assured that procedures are in place to address problems without extraordinary intervention.

Corporate Culture: all postal employees must be able to work together toward a common goal, and that good performance will be rewarded and poor performance will not be tolerated.

The Postal Service needs employees who are well trained, qualified, and willing to work. The Postal Service needs management with clear goals and clear strategies to achieve them. The Postal Service needs systems and procedures that are efficient and understandable to all. The Postal Service needs technology that can be appropriately used by the workforce.

The conferees will be carefully monitoring Postal Service operations to insure that this occurs.

PAGE, ARIZONA POSTAL FACILITY

The conferees are aware of the pressing need for new and expanded postal services for the community of Page, Arizona. The conferees understand that in recognition of this need, the Postal Service purchased 2.53 acres of land for the new Post Office in 1986. A recent meeting by the Postal Service Area Review Committee recommended a new Post Office in Page as the number one priority in the State of Arizona. The conferees, therefore, direct the Postal Service to expeditiously approve plans for this facility so that construction can be completed in the 1995-1996 time frame. The conferees expect the Postal Service to provide an updated status report on this project within 30 days of enactment of this Act.

CHRIST CHURCH STAMP

The conferees request that the Postal Service review the need for a stamp or postal card to be used by the Postal Service to honor the 300th anniversary of the founding of the Christ Church of Philadelphia.

FEDERAL PROCUREMENT IMPROVEMENTS

The conferees are encouraged by the widespread interest in moving Federal procurement activities away from a paper-based process to an electronic-based process. The interest in electronic procurement procedures, as expressed by various Federal officials, and put forth in the National Performance Review, shows significant potential for meaningful cost savings. This theme is also contained in the statement which accompanies the Federal Acquisition Streamlining Act of 1994.

The conferees are aware that the U.S. Postal Service is implementing electronic, just-in-time, supply system which is image-based. The conferees are encouraged by this Postal Service test and direct the Service to keep the House and Senate Committees on Appropriations apprised of the success of this test.

TITLE III—EXECUTIVE OFFICE OF THE PRESIDENT AND FUNDS APPROPRIATED TO THE PRESIDENT

REPROGRAMMINGS

The conferees agree to require a reprogramming request from any agency, department or office when the amount to be reprogrammed exceeds $500,000 or 10 percent of any object class, budget activity, program line item, or program activity, whichever is greater. For agencies receiving appropriations under $20,000,000, this threshold shall be $100,000 or 5 percent, whichever is greater.

Such requests shall be submitted for the prior approval of the Committees on Appropriations. The Committees must receive such requests in sufficient time to consider them before their proposed implementation. In the past, the Administration has delayed submission as much as four months between the time that it knew that the reprogramming was necessary and the time that it was formally transmitted. The conferees expect that such delays will not recur in the future.

THE WHITE HOUSE OFFICE

SALARIES AND EXPENSES

Amendment No. 37. Appropriates $40,193,000 as proposed by the Senate instead of $38,754,000 as proposed by the House.

SPECIAL ASSISTANCE TO THE PRESIDENT

SALARIES AND EXPENSES

Amendment No. 38. Appropriates $3,280,000 as proposed by the Senate instead of $3,270,000 as proposed by the House.

COUNCIL OF ECONOMIC ADVISERS

SALARIES AND EXPENSES

Amendment No. 39. Appropriates $3,439,000 as proposed by the Senate instead of $3,420,000 as proposed by the House. Also deletes language proposed by the House authorizing a representation fund.

NATIONAL SECURITY COUNCIL

SALARIES AND EXPENSES

Amendment No. 40. Appropriates $6,648,000 as proposed by the House instead of $8,222,000 as proposed by the Senate.

OFFICE OF ADMINISTRATION

SALARIES AND EXPENSES

Amendment No. 41. Appropriates $26,217,000 as proposed by the Senate instead of $24,850,000 as proposed by the House.

OFFICE OF MANAGEMENT AND BUDGET

SALARIES AND EXPENSES

Amendment No. 42. Appropriates $57,754,000 instead of $56,272,000 proposed by the House and $55,081,000 as proposed by the Senate. The conferees have provided $1,482,000 and 15 FTEs in the OMB budget for the Information Security Oversight Office. The conferees have transferred this program from GSA to OMB beginning in fiscal year 1995.

FEDERAL DRUG CONTROL PROGRAMS

HIGH INTENSITY DRUG TRAFFICKING AREAS PROGRAM

(INCLUDING TRANSFER OF FUNDS)

Amendment No. 43. Allocates $52,000,000 in transfers to Federal agencies for anti-drug activities instead of $43,000,000 as proposed by the House and $55,000,000 as proposed by the Senate.

HIDTA STAFFING LEVELS

The conferees are very concerned about the lack of sufficient staffing to support the activities of the High Intensity Drug Trafficking Areas (HIDTAs). The conferees understand that only one individual is assigned to this program which currently covers six HIDTA regions and which will be responsible for seven such regions in fiscal year 1995. Given the importance of this program to the success of the National Drug Control Strategy, the conferees believe the HIDTA program requires additional staff and the requisite support. Therefore, the conferees expect the Director of ONDCP to allocate a minimum of two FTEs to this program during fiscal year 1995 and report what actions have been taken to implement this directive by no later than November 1, 1994.

Amendment No. 44. Allocates an additional $9,000,000 for HIDTA activities in the Puerto Rico-U.S. Virgin Islands area, if such area is so designated a HIDTA by the Director. The conferees expect the Director of ONDCP to request the full $12 million for HIDTA support for this region in fiscal year 1996.

With reference to the Southwest Border HIDTA, the funds provided shall only be used for those activities approved by the five HIDTA Executive Committees for the Southwest Border HIDTA and ultimately, the Under Secretary for Enforcement of the Department of the Treasury.

SPECIAL FORFEITURE FUND

(INCLUDING TRANSFER OF FUNDS)

Amendment No. 45. Appropriates $41,900,000 instead of $14,800,000 as proposed by the House and $52,500,000 as proposed by the Senate. The conferees have provided $41,900,000 for anti-drug activities from proceeds in the Special Forfeiture Fund in fiscal year 1995. Those funds shall be used for the following purposes: $15,000,000 for anti-drug activities at the discretion of the Director; $3,100,000 for testing and implementation of new ballistics technologies at the discretion of the Director; $8,000,000 for CTAC projects; and $14,000,000 for transfer to the Substance Abuse and Mental Health Services Administration. The bulk of the discretionary funds provided to the Director are intended to cover shortfalls in drug control accounts, such as the Customs Air and Marine Interdiction programs, which would be insufficient if the drug threat increases as a result of increased border penetrations. The conferees expect the Director to seek advance approval from the House and Senate Committees on Appropriations prior to the obligation of these funds.

SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION

The conferees have provided a total of $14,000,000 to be transferred to the Substance Abuse and Mental Health Services Administration (SAMHSA). Of these funds, $10,000,000 is for the Residential Women and Children's program, and $4 million is for the Center for Substance Abuse Treatment (CSAT) for community treatment programs. Of the $4,000,000, $1,300,000 shall be provided to Amity, Inc. for a comprehensive outpatient program, administered in cooperation with the Adult Probation Department of the Pima County Superior Court, targeted to drug-using offenders diverted from incarceration into treatment; $500,000 shall be provided to CODAC Behavioral Health Services, Inc. for a comprehensive treatment and prevention program for substance-abusing mothers and their infants; and $200,000 shall be available for renovation of a facility to serve the substance abuse needs of the people of Page, Arizona and the Western portion of the Navajo Nation under the existing grants policy of the Center.

EL PASO INTELLIGENCE CENTER

The conferees have included a total of $1,800,000 for the Drug Enforcement Administration's (DEA) El Paso Intelligence Center (EPIC). The conferees believe that in the future, the DEA should provide sufficient funds for the support and expansion of EPIC through its own appropriation so as not to establish a continued pattern of using the Special Forfeiture Fund for this purpose.

NEW BALLISTICS TECHNOLOGY

The conferees have included $3,100,000 to expand testing of new ballistics technologies. The Bureau of Alcohol, Tobacco and Firearms currently operates in the District of Columbia and pilot project called CEASEFIRE, which uses advanced computer technology and traditional investigative techniques to assist State and local police in solving firearms-related violent crimes. A key element of this project is the Projectile Comparison System, which stores ballistic images in a computer data base, facilitating comparisons and positive matches.

The $3,100,000 for additional testing should focus on the ability to coordinate among multiple jurisdictions. An example of this is the Northern California Gun-Link project, which combines the resources of ten federal, state and local crime laboratories for ballistics identification and tracing.

COUNTER-DRUG TECHNOLOGY ASSESSMENT CENTER

The conferees have provided $8,000,000 for research and development activities of CTAC in fiscal year 1995. Of this amount, $500,000 is provided for a non-intrusive inspection system assessment and engineering tradeoff study. The conferees recognize the significant progress made toward achieving our national goal to develop a rapid, modern automatic system to inspect shipment and cargo containers for illicit substances and drugs. Recognizing this progress, the conferees direct ONDCP/CTAC to conduct, with the United States Customs Service, a comprehensive non-intrusive inspection (NII) system technology assessment and engineering tradeoff study. The tradeoffs between cost, performance, and operational parameters, associated with each subsystem component, the training requirements, personnel manning and all relevant factors should be addressed. These tradeoffs should also evaluate the mix of information, screening and detection subsystems; develop estimates of the non-recurring, engineering, and architectural costs; show how the subsystems and investments scale in size; and evaluate various functional configurations to meet the needs of individual ports and border crossing locations, as well as to satisfy requirements for mobility along our extensive southwest land border. The study objective is to ensure well thought out plans for developing first generation NII systems and address such items as research and development resource allocation, system engineering, cost benefit analyses, and transition of the maturing technologies. The study should consider the entire range of customs, transportation security and counter-terrorism applications. The study shall include the U.S. Customs Service, the Departments of Defense, Treasury, Commerce, Transportation, and other involved governmental agencies. The results should be reported to Congress by September 30, 1995.

DEVELOPMENT OF NEW TECHNOLOGY

The conferees agree that multiagency research and development programs be coordinated by the Office of National Drug Control Policy through the Counter-Drug Technology Assessment Center (CTAC) in order to prevent duplication of effort and to assure that those efforts transcend the need of any single Federal agency. Prior to the obligation of these funds, the House and Senate Committees on Appropriations expect to be notified by the chief scientist on how these funds will be spent and receive advance approval prior to the obligation of these funds. Additionally, the chief scientist should provide periodic reports on the priority counterdrug enforcement research and development requirements identified by the Center and on the status of the projects funded by CTAC.

The conferees agree that CTAC should recognize and support agency contributions to research and development. However, the CTAC should be the primary research and development organization and agencies should not expend resources to develop new or expanded internal research and development offices.

TITLE IV—INDEPENDENT AGENCIES

REPROGRAMMINGS

The conferees agree to require a reprogramming request from any agency, department or office when the amount to be reprogrammed exceeds $500,000 or 10 percent of any object class, budget activity, program line item, or program activity, whichever is greater. For agencies receiving appropriations under $20,000,000, this threshold shall be $100,000 or 5 percent, whichever is greater.

Such requests shall be submitted for the prior approval of the Committees on Appropriations. The Committees must receive such requests in sufficient time to consider them before their proposed implementation. In the past, the Administration has delayed submission as much as four months between the time that it knew that the reprogramming was necessary and the time that it was formally transmitted. The conferees expect that such delays will not recur in the future.

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

SALARIES AND EXPENSES

Amendment No. 46. Appropriates $1,800,000 for salaries and expenses of the Administrative Conference of the U.S. as proposed by the Senate.

ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS

SALARIES AND EXPENSES

Amendment No. 47. Appropriates $1,000,000 for salaries and expenses of the Commission as proposed by the Senate.

FEDERAL ELECTION COMMISSION

SALARIES AND EXPENSES

Amendment No. 48. Appropriates $27,106,000 as proposed by the Senate instead of $23,564,000 as proposed by the House.

MODERNIZATION EFFORTS

The conferees support the FECs efforts to modernize its operations through computerization but are unable to earmark funds for the purpose at this time. The conferees have taken this step without prejudice and on the basis that any such earmark might undermine FECs ability to carry out its statutory responsibilities in the upcoming fiscal year.

Within available funds, the conferees urge the FEC to move as expeditiously as possible with their plans to modernize operations through computerization. The conferees encourage the FEC to develop options that will provide for the electronic filing of reports.

FEDERAL LABOR RELATIONS AUTHORITY

SALARIES AND EXPENSES

Amendment No. 49. Appropriates $21,341,000 as proposed by the House instead of $21,540,000 as proposed by the Senate.

GENERAL SERVICES ADMINISTRATION

FEDERAL BUILDINGS FUND

LIMITATIONS ON THE AVAILABILITY OF REVENUE

Amendment No. 50, Appropriates $466,917,000 for expenses of the Federal Buildings Fund, instead of $361,615,520 as proposed by the House and $500,000,000 as proposed by the Senate.

Amendment No. 51. Establishes an aggregate limitation of $5,082,998,000 in obligational authority to be expended from receipts to the Federal Buildings Fund instead of $4,973,825,520 as proposed by the House and $5,055,841,000 as proposed by the Senate.

Amendment No. 52. Authorizes GSA to expend $736,233,000 in obligational authority for construction of Federal building projects instead of $502,709,520 as proposed by the House and $721,129,000 as proposed by the Senate.

Amendment No. 53. Deletes language proposed by the House and modifies language proposed by the Senate which provides funding for the construction of certain Federal buildings and facilities.

U.S. COURTHOUSE, FRESNO, CALIFORNIA

The conferees understand that GSA will soon begin the process of selecting a site for a new Federal Courthouse in Fresno, California. The conferees agree that GSA should adequately review all sites, including those in downtown Fresno, for the new facility. The conferees note the Congressional intent is that to the extent possible, GSA strive to locate new facilities in downtown areas.

EPA BUILDING, RESEARCH TRIANGLE, NORTH CAROLINA

The conferees agree with the House position supporting the plans for a new Environmental Protection Agency laboratory in Research Triangle Park, North Carolina. The conferees expect the Administration to submit a request for construction funds for this building in the appropriate agency account in fiscal year 1996.

CLEVELAND, OHIO, U.S. COURTHOUSE

The conferees encourage GSA to work with the Planning Commission of the City of Cleveland on the location of the proposed U.S. Courthouse taking into consideration the "Group Plan of the Public Buildings of the City of Cleveland," prepared by the Board of Supervisors for Public Buildings and Grounds of the City of Cleveland. The conferees further encourage GSA to work with the Planning Commission of the City of Cleveland to review the need for pedestrian links to the community's pending waterfront rapid rail transportation extension.

FEDERAL OFFICE BUILDING, LAKELAND, FLORIDA

The conferees agree with the House report language directing GSA to develop a plan to renovate and upgrade the existing facility and use up to $1,500,000 of available funds to accomplish this task.

U.S. COURTHOUSE, SAVANNAH, GEORGIA

The conferees direct the General Services Administration to work with the City of Savannah, Georgia to incorporate, to the extent possible, adaptive renovation of historic structures, within the Federal Courthouse project.

U.S. COURTHOUSE, TAMPA, FLORIDA

The conferees agree that the report requested by the Senate with regards to this facility is no longer required.

NOAA FACILITIES

The House has included language in its report on the consolidation of NOAA facilities

in the Norfolk/Hampton Roads area. With respect to any facilities or the fleet, the conferees direct that GSA examine the cost effectiveness of using facilities and docks at military bases that are being closed.

U.S. COURTHOUSE CONSTRUCTION REQUESTS

The conferees agree with the House report language accompanying the provision of the bill (Sec. 9) on courthouse construction. The conferees direct that the Courthouse construction requirements established by GSA and OMB include a prioritization of the projects by the Administrative Office of the U.S. Courts.

AUTHORIZATION REQUIREMENTS

The conferees have funded certain Federal building projects which are subject to authorization. A provision has been included which prohibits GSA from expending the provided funds until these projects receive the necessary authorization. In the meantime, however, the conferees direct the Administrator of General Services to submit information on these projects to the authorizing committees. That information should take the form of either a formal prospectus or 11(b) report.

Amendment No. 54. Makes available $736,709,000 for repairs and alterations of certain Federal buildings and facilities instead of $815,268,000 as proposed by the House and $714,556,000 as proposed by the Senate.

Anendment No. 55. Makes available funds for repairs and alterations of certain Federal buildings and facilities.

CORPS OF ENGINEERS FACILITY, WALLA WALLA, WASHINGTON

The conferees have provided $2,814,000 for repair and alteration of the land and facilities currently occupied by the Corps of Engineers in Walla Walla, Washington. The conferees are concerned about GSA's lack of knowledge about this effort and the possibility that it may be using unrealistic cost estimates in preparing its plan. Therefore, the conferees direct GSA to work with the Corps of Engineers to implement the most cost-effective plan for the project. Additionally, the GSA shall keep the House and Senate Committees on Appropriations apprised of its efforts to complete this project.

Amendment No. 56. Makes available $2,173,000,000 for rental of space activities as proposed by the Senate instead of $2,204,628,000 as proposed by the House.

Amendment No. 57. Makes available $1,309,525,000 for building operations as proposed by the Senate instead of $1,323,689,000 as proposed by the House.

Amendment No. 58. Restores House language, with certain modifications, which allocates funds for a Bureau of Census project and subjects the obligation of funds for various Federal building projects to authorization approval, and provides that $5,000,000 appropriated for the FDA consolidation may be used for necessary infrastructure improvements.

ROAD IMPROVEMENTS

The conferees have included language directing the General Services Administration to transfer $5,000,000 to the Secret Service for road improvements at the Rowley Training Center in Beltsville, Maryland. These funds shall be expended for purposes of repairs of the adjacent roadways and its appurtenances.

TELECOMMUTING CENTER

The conferees have identified the specific amount that is available for the General Services Administration to pay to a public entity in the State of Maryland for purposes of establishing telecommuting work centers in Southern Maryland. The $1,300,000 in this language includes, and is not in addition to, those expenditures incurred or to be incurred for facilities, equipment and other services pursuant to the existing lease contract (including any supplements or riders thereto) between the General Services Administration and Charles County Community College.

Amendment No. 59. Deletes language proposed by the House with regard to certain building projects.

Amendment No. 60. Establishes an aggregate limitation of $5,082,998,000 in obligational authority to be expended from receipts to the Federal Buildings Fund instead of $4,973,825,520 as proposed by the House and $5,057,841,000 as proposed by the Senate.

Amendment No. 61. Modifies Senate language rescinding funds from certain projects funded in previous fiscal years.

OPERATING EXPENSES

Amendment No. 62. Deletes language proposed by the House authorizing expenditures for the Information Security Oversight Office. This office has been transferred to the Office of Management and Budget for fiscal year 1995.

Amendment No. 63. Appropriates $130,036,000 for operating expenses as proposed by the Senate instead of $123,020,000 as proposed by the House; includes language proposed by the House cancelling $172,000 in offsetting collections; and includes language as proposed by the Senate allocating certain funds for Congressional and Senate offices.

COMMUNICATIONS NETWORK

The conferees have provided $6,000,000 for two communications networks. The conferees direct GSA to use up to $3,000,000 to implement the pilot project described in its report, "Iowa Communications Network Study". The remaining $3,000,000 shall be available to GSA for enhancing information superhighway capabilities in the State of Arizona working through Arizona State University.

AUTOMATING PROCUREMENT OPERATIONS

The conferees agree with the House report language concerning savings which might be achieved throughout the government through application of the Interior Department's Electronic Acquisition System (IDEAS) contract. This system could help reduce costs and provide savings to the government through increased private sector competition and a reduction of administrative requirements.

POLLUTION ABATEMENT TEST

The conferees agree with the House report language which reaffirms the Congressional directive to move forward on the test of diesel fuel additives as a means to reduce emissions and particulates. The GSA has submitted a report on its role in the pollution abatement test and the conferees agency, to ensure that the test is carried out as directed in 1994.

CONVERSION OF GASOLINE POWERED VEHICLES

The conferees are aware of a unique coupling technology utilized in the fueling of alternative fueled vehicles such as liquid propane gas and liquid natural gas. This coupling technology has been successfully employed by the Houston Metro Bus System in the conversion of buses to liquid natural gas. The conferees direct GSA and the U.S. Postal Service to investigate the applicability of this coupling in their existing vehicle conversion programs mandated by Executive Order 12844 and to report back to the House and Senate Committees on Appropriations no later than March 1, 1995 on the results of this investigation.

XTH PARALYMPIAD

The conferees agree that of the amounts appropriated to GSA, up to $1,000,000 shall be used for logistical and personnel support for the Xth Paralympiad on disability. The conferees recommend GSA's participation in preparation of public facilities for use by an unprecedented population of people with disabilities during the 1996 Paralympiad. The extent of accessibility associated with the event provides a model for future design and adaptability in Federal facilities.

TELECOMMUTING CENTERS

The conferees are particularly pleased with the success of the Waldorf InTeleWorkCenter, the first of a network of telecommuting centers in Southern Maryland being developed by Charles County Community College for this demonstration. The conferees are concerned that these centers and the supporting research being undertaken by Charles County Community College on behalf of this demonstration progress in an expedited manner which encourages innovation and flexibility. In establishing the first center in Charles County, the College experiences difficulty in securing GSA reimbursement for appropriate expenditures totaling $180,676 and covering start-up, buildout and development of the Waldorf InTeleWorkCenter and the supporting program. The conferees direct GSA to promptly reimburse Charles County Community College for all the justifiable reimbursable expenses. The conferees support the continuation of the College's role as the developer of initiatives to provide tools for success for future Federal telework centers including telework training, analysis of emerging technologies, business planning, etc. Further, the conferees direct Charles County Community College to provide a full report of findings and status to date directly to this committee by July 1, 1995.

EQUIPMENT PURCHASE—WORKING CAPITAL FUND

The Committees have included a provision establishing an expanded GSA Working Capital Revolving Fund to provide a more appropriate account for the administration of the various centralized administrative support services provided to benefitting GSA organizations and external entities and the centralized acquisition of major equipment and development of agencywide financial management and management information systems. These functions were heretofore housed under the Salaries and Expenses, General Management and Administration direct appropriation account.

Accordingly, it is the intent of the Committees that the activities referenced in section 5 of GSA's General Provisions in Public Law 103-123 (107 Stat 1246) "Major equipment acquisitions and development activity" of the Salaries and Expenses, General Management and Administration appropriation account for transfer of prior year unobligated balances of operating expenses accounts be separately accounted for under the new Working Capital Fund.

Amendment No. 64. Deletes language proposed by the House authorizing GSA to transfer funds between operating accounts.

Amendment No. 65. Deletes language proposed by the Senate authorizing GSA to use certain payments received from contractors or vendors for General Supply Fund purposes.

REIMBURSEMENT FOR EXPENSES

The conferees have agreed not to include a provision (Sec. 11) as recommended by the

Senate which would have authorized GSA to retain refunds and rebates from contractors or vendors to manage and administer service programs such as the government credit card contracts due to the significant legislative concerns which have been raised. The conferees note that the current credit card contracts includes approximately $18,000,000 which will be available for rebate to all federal agencies which use the service, based on usage and other factors. The conferees direct that all agencies receiving these rebates reimburse GSA for the costs of administering the program. Additionally, GSA should develop accurate cost measures associated with management and administration of this program and ensure that only those costs are the basis for reimbursement, before it seeks future action on this issue.

MERIT SYSTEMS PROTECTION BOARD

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

Amendment No. 66. Makes available $2,250,000 from the Civil Service Retirement and Disability Fund for administrative expenses instead of $2,420,000 as proposed by the House and $1,989,000 as proposed by the Senate.

MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY FOUNDATION

FEDERAL PAYMENT TO MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY FOUNDATION

Amendment No. 67. Appropriates $10,000,000 as proposed by the Senate.

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

OPERATING EXPENSES

Amendment No. 68. Appropriates $195,238,000, instead of $194,638,000 as proposed by the House and $200,238,000 as proposed by the Senate. Also deletes language proposed by the Senate earmarking certain funds for grants for historical publications and records. The amount provided includes $100,000 for Archival activities associated with the Gallery of the Open Frontier in Nebraska and $500,000 to continue the feasibility study begun in fiscal year 1994 on the integration of Archives' collections into Internet and follow-on on-line systems in Nebraska.

Amendment No. 69. Restores House language canceling $441,000 in offsetting collections.

NATIONAL HISTORICAL PUBLICATIONS AND RECORDS COMMISSION

Amendment No. 70. Modifies House language appropriating $9,000,000 for historical publications and records grants and provides funds for the Thomas P. O'Neill, Jr. Library and the Robert H. and Corrine W. Michel Congressional Education Fund.

EDUCATIONAL PROGRAMS

In its continuing effort to improve teaching about the United States Constitution and the U.S. government, the Division of Exhibits and Educational Programs and the Constitution Project have developed a national institute for teachers on the subject of the United States Constitution and the Bill of Rights. The conferees commend this action and have provided $250,000 to fund this important program.

John F. Kennedy Assassination Records and Review Board.

SALARIES AND EXPENSES

Amendment No. 71. Appropriates $2,150,000 instead of $2,418,000 as proposed by the House.

HIRING OF INVESTIGATORS

The conferees agree that the John F. Kennedy Assassination Records Review Board should give favorable consideration to hiring individuals which have investigative experience due to their former employment with the Office of Personnel Management. These individuals may well possess the skills which the Board will need to accomplish its mission.

OFFICE OF PERSONNEL MANAGEMENT

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF TRUST FUNDS)

Amendment No. 72. Restores language and appropriations of $115,139,000 for salaries and expenses and $93,934,000 for administrative expenses as proposed by the House, including $3,000,000 as proposed by the House for OPM training. Includes language proposed by the Senate establishing health promotion and disease prevention programs.

FEDERAL EMPLOYEES HEALTH BENEFITS (FEHB)

The conferees support all efforts to encourage FEHB Plan members to utilize quality and cost-effective health care delivery systems. The conferees support OPM's position in its March 24, 1994, letter to carriers in the FEHB requiring that carriers must put in place procedures to capture discounts from all bills presented and/or contract with vendors to do so.

The conferees have some concerns that confusion and questions can arise among providers about the nature and relationship of FEHB carriers, their networks, and other organizations that are not so closely affiliated. The conferees expect OPM to carefully review carrier submissions and encourage carriers to work with providers to alleviate those concerns. The conferees further expect carriers to describe in their annual benefit submissions to OPM procedures for obtaining the lowest price for these services.

In addition, the conferees expect the OPM to review procedures and practices of all in and out of network contractors to ensure that Federal employees have the best available information in order to make sound choices and decisions.

The conferees direct OPM to report back to the House and Senate Committees on Appropriations by April 1, 1995 on the amount of savings realized from this program. The conferees wish to reiterate that OPM is expected to ensure FEHB program integrity and the highest quality care for Federal employees at the lowest price.

DIVERSITY IN THE FEDERAL WORKPLACE

The conferees are supportive of efforts by the Office of Personnel Management to promote diversity and equal employment opportunity in the Federal civil service. The conferees are aware of one such program used in this regard, the Woodrow Wilson National Fellowship Program in Public Policy. Over 800 students have been selected as Wilson Fellows for training in over 30 of the Nation's top graduate schools and universities teaching public policy in the United States. Wilson Fellows account for nearly 50 percent of all minority students served by many of these programs. The conferees are supportive of efforts by the Office of Personnel Management to improve cooperation with the Wilson program, as well as other programs that are geared to increasing minority participation in government, and encourage OPM to recommend how these efforts can be improved in its fiscal year 1996 budget submission.

BUDGET SUBMISSION

The fiscal year 1995 OPM budget submission is unclear and should be revised to illustrate the relationship between its initiatives and various appropriated and non-appropriated accounts. The conferees direct that a revised submission, with prior approval of the Committee on Appropriations, be prepared for the fiscal year 1996 budget submission.

BASE PAY FOR UNIFORMED DIVISION OFFICERS OF THE UNITED STATES SECRET SERVICE AND POLICE OFFICERS OF THE BUREAU OF ENGRAVING AND PRINTING

The conferees recommend that the Office of Personnel Management incorporate Special Pay Rates, which were previously granted to the United States Secret Service Uniformed Division officers, into the base pay scale of these officers. The conferees further recommend that the police officers of the Bureau of Engraving and Printing be provided locality pay. It was the original intent of the conferees that the Secret Service Uniformed Division Special Rates be included as part of base pay for all purposes and receipt of these Special Rates should not preclude these officers from locality pay adjustments. Comparison of locality adjustments to Special Rates is certain to reflect the very disparities which precipitated the need for the Special Rate adjustments for the Uniform Division officers in 1988. Similarly, lack of locality pay for Bureau of Engraving and Printing police erodes their new pay plan established in 1991. The conferees fear that without action to correct these oversights additional recruitment and retention problems will result. The conferees instruct OPM to report back on its actions in this regard no later than February 1, 1995.

UNITED STATES TAX COURT

SALARIES AND EXPENSES

Amendment No. 73. Appropriates $34,039,000 instead of $33,650,000 as proposed by the House and $34,427,000 as proposed by the Senate.

TITLE V—GENERAL PROVISIONS

THIS ACT

REPROGRAMMINGS

The conferees agree to require a reprogramming request from any agency, department or office when the amount to be reprogrammed exceeds $500,000 or 10 percent of any object class, budget activity, program line item, or program activity, whichever is greater. For agencies receiving appropriations under $20,000,00, this threshold shall be $100,000 or 5 percent, whichever is greater.

Such requests shall be submitted for the prior approval of the Committees on Appropriations. The Committees must receive such requests in sufficient time to consider them before their proposed implementation. In the past, the Administration has delayed submission as much as four months between the time that it knew that the reprogramming was necessary and the time that it was formally transmitted. The conferees expect that such delays will not recur in the future.

PERFORMANCE MEASUREMENT

The conferees agree to direct agencies to begin implementing performance measurement, pursuant to the following principles:

(1) A relatively large number of measures are needed to fully understand a product/service's performance. Organizations which are just now establishing measures are advised to start small with a few key areas until they increase their proficiency.

(2) Managers should be using performance measurement data, paying special attention to often-ignored quality and customer satisfaction information. Managers typically use traditional financial performance measures

while ignoring quality and customer satisfaction data.

(3) Managers should ensure that performance measure are linked with all relevant planning and improvement efforts. It is also important that organizations use performance measurement in senior management appraisals.

(4) Managers should limit the creation of overhead organizations. Initiatives that make performance measures easier—such as automated system—are popular and often create higher user satisfaction. Initiatives that create extra work—such as central office collecting measurement data or a consolidated report—inhibit productivity and are not frequently used by corporations.

The conferees note that government leaders should adopt the practice of involving customers and stakeholders in the development of performance measurements, involving line management, employees, and even customers. This tends to increase "buy-in," usability, and implementation. Development and implementation should be driven by broader improvement efforts providing a mechanism for following up on the opportunities revealed by the measurement data.

The conferees agree that, to the extent practicable, performance management concepts be incorporated and identified in the fiscal year 1996 budget requests.

TASK FORCES FUNDED IN THIS ACT

The conferees agree with the House report language requiring agencies which fund any task force to report the amount contributed to a task force to the House and Senate Committees on Appropriations.

MAILING LISTS

The conferees agree that section 522 which addresses the availability of mailing lists, has no bearing on information that may be available to federal labor organizations pursuant to any other law, rule, or regulation.

Amendment No. 74. Inserts a Senate provision changing a date from 1994 to 1995 with reference to the use of funds and other contributions to OPM.

Amendment No. 75. Restores language proposed by the House which prohibits funds from being used to withdraw the designation of a port in Front Royal, Virginia.

Amendment No. 76. Restores language proposed by the House which prohibits the use of funds to relocate any Federal agency for the sole reason that locality pay was increased.

Amendment No. 77. Restores language proposed by the House with modification requiring advance approval by the House and Senate Committees on Appropriations for funds carried-over from certain salaries and expense accounts.

Amendment No. 78. Inserts Senate language which limits travel expenses for Federal agencies and changes section number.

Amendment No. 79. Modifies Senate language to exempt Treasury law enforcement and support positions from the Federal Workforce Restructuring Act for one year.

Amendment No. 80. Inserts Senate language amending a law relating to former Presidents and changes section number.

Amendment No. 81. Inserts Senate language amending a law relating to former Presidents and changes section number.

Amendment No. 82. Modifies language proposed by the Senate requiring the Office of Personnel Management to conduct a study on cost of living allowances for Federal employees stationed outside of the continental United States. It also inserts language concerning the U.S. Forest Service Administrative Offices In Graham County, Arizona, the U.S. Courthouse in Tucson, a leased facility in Tucson, jurisdiction of the Bureau of Engraving and Printing, the use of funds made available in previous years for the U.S. Mint, a transfer of funds provided for the Office of Policy Development, the replacement of vehicles at IRS, equipment purchases for the GSA from the Working Capital Fund, exempting a Treasury Department review from the Federal Advisory Committee Act and clarifies pay for the legislative archivist at the National Archives and Records Administration.

TITLE VI—GOVERNMENTWIDE GENERAL PROVISIONS

DEPARTMENTS, AGENCIES, AND CORPORATIONS

Amendment No. 83. Inserts Senate language permitting other employee programs as authorized by law or deemed appropriate to benefit from funds received from recycling programs.

Amendment No. 84. Restores House language and deletes Senate language relating to wage grade employees.

OFFICE REDECORATING ALLOWANCES

The conferees agree with the Senate position on Section 618 regarding the use of funds for decorating and improvement purposes. It is the intent of the conferees that the word "office" refers not only to the personal office of the official, but also the entire suite of offices assigned to the official, as well as any other space that is directly controlled by the official or is recognized within the agency as being primarily for the use of the official.

Amendment No. 85. Restores House language relating to mandatory use of FTS2000.

Amendment No. 86. Deletes Senate language relating to utility rebates.

Amendment No. 87. Restores House language with a technical change to provide for an average .6 percent locality pay and a 2 percent ECI increase for Federal employees.

Amendment No. 88. Restores House language relating to the backfilling of positions eliminated through Federal "buy-outs", modified to exempt the Department of Defense.

Amendments No. 89–92. Inserts four Senate amendments relating to the employment of Executive Office of the President individuals and access to the White House.

Amendment No. 93. Deletes Senate language relating to pay for the Uniformed Division of the United States Secret Service.

Amendment No. 94. Modifies Senate language which authorizes law enforcement availability pay.

LAW ENFORCEMENT AVAILABILITY PAY

The provision included in the conference report provides a 25 percent premium pay allowance to all 1811 OPM series criminal investigators, and to 1812 OPM series criminal investigators employed by the United States Fish and Wildlife Service and the National Marine Fisheries Service.

Availability pay replaces discretionary premium pay, commonly referred to as "Administratively Uncontrollable Overtime (AUO)", with guaranteed compensation at the rate of 25 percent. The compensation is provided in anticipation of the unscheduled work which these criminal investigators are expected to perform due to the nature of their work.

Criminal investigators receiving this guaranteed compensation shall be exempt from the Fair Labor Standards Act payment. This does not imply that the conferees believe that such an exemption should or should not be applied to State and local law enforcement officers. Federal investigators are faced with unique conditions of employment, such as interstate and international relocation, which necessitate guaranteed compensation in lieu of Fair Labor Standards Act payments.

The provisions contained in this section provide criminal investigators with a guaranteed, uniformly-applied form of compensation for unscheduled duty. It will facilitate budgeting, scheduling and operations for the affected agencies. Enactment of this section will prevent litigation and provide fair and secure compensation to federal criminal investigators.

Amendment No. 95. Deletes Senate language relating to utility rebates.

Amendment No. 96. Inserts Senate language amending Section 5704 of title 5, United States Code, relating to employee mileage reimbursement and changes the section number.

Amendment No. 97. Inserts Senate language relating to Canadian restrictions on the import of chickens from the United States and changes the section number.

Amendment No. 98. Modifies Senate language relating to the use of funds for the travel of certain individuals and changes the section number.

Amendment No. 99. Inserts Senate language making amendments to Section 3 of the Congressional Award Act and changes the section number.

Amendment No. 100. Inserts a Senate provision relating to drug-free workplace programs and changes section number.

Amendment No. 101. Modifies Senate language relating to the use of subsidies for certain third-class periodical publications; establishes a 6-year statute of limitations on certain claims; authorizes the Bureau of the Public Debt to pay for certain expenses; authorizes Federal law enforcement officers to attend the funerals of fellow officers and firefighters; and permits OPM to use funds for government payments for annuitants and employee life insurance programs.

Amendment No. 102. Inserts Senate language relating to savings from procurement reforms and changes the section number.

Amendment No. 103. Deletes Senate language relating to GSA buildings and establishes a new title, Title VII, which appropriates funds for violent crime control and law enforcement programs and activities.

The conferees have provided $38,700,000 for various law enforcement activities of the Department of the Treasury. The funds are allocated as follows: $2,400,000 for the Office of Enforcement; $9,000,000 for the Gang Resistance Education and Training program; $7,000,000 for the Bureau of Alcohol, Tobacco and Firearms for firearms enforcement and compliance activities; $7,000,000 for the Internal Revenue Service's Criminal Investigation Division; $4,000,000 for the U.S. Customs Service for border and port enforcement activities; $2,700,000 for the Financial Crimes Enforcement Network for Gateway and other financial intelligence activities; and $6,600,000 for the United States Secret Service for anti-counterfeit investigations and enhancing forensics capabilities to aid in the identification of missing and exploited children.

DISTRIBUTION OF FUNDS FOR GREAT PROGRAM

The conferees direct that the Bureau of Alcohol, Tobacco and Firearms give priority to the consideration of funding for New York City and the District of Columbia when distributing funds under the GREAT program.

CONFERENCE TOTAL—WITH COMPARISONS

The total new budget (obligational) authority for the fiscal year 1995 recommended

by the Committee of Conference, with comparisons to the fiscal year 1994 amount, the 1995 budget estimates, and the House and Senate bills for 1995 follow:

New budget (obligational) authority, fiscal year 1994	$22,538,822,000
Budget estimates of new (obligational) authority, fiscal year 1995	24,571,817,000
House bill, fiscal year 1995	23,347,513,520
Senate bill, fiscal year 1995	23,591,590,000
Conference agreement, fiscal year 1995	23,584,247,000
Conference agreement compared with:	
New budget (obligational) authority, fiscal year 1994	+1,045,425,000
Budget estimates of new (obligational) authority, fiscal year 1995	−987,570,000
House bill, fiscal year 1995	+236,733,480
Senate bill, fiscal year 1995	−7,343,000

STENY H. HOYER,
PETER J. VISCLOSKY,
GEORGE (BUDDY) DARDEN,
JOHN W. OLVER,
TOM BEVILL,
MARTIN OLAV SABO,
DAVID OBEY,
JIM LIGHTFOOT,
(except amendment 29),
JOSEPH M. MCDADE,
Managers on the Part of the House.

DENNIS DECONCINI,
BARBARA A. MIKULSKI,
BOB KERREY,
ROBERT C. BYRD,
CHRISTOPHER S. BOND,
ALFONSE D'AMATO,
MARK O. HATFIELD,
Managers on the Part of the Senate.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Such rollcall votes, if postponed, will be taken after debate has concluded on all motions to suspend the rules.

SATELLITE HOME VIEWER ACT OF 1994

Mr. BROOKS. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 2406) to amend title 17, United States Code, relating to the definition of a local service area of a primary transmitter, and for other purposes, as amended.

The Clerk read as follows:

S. 2406

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Satellite Home Viewer Act of 1994".

SEC. 2. STATUTORY LICENSE FOR SATELLITE CARRIERS.

Section 119 of title 17, United States Code, is amended as follows:

(1) Subsection (a)(2)(C) is amended—

(A) by striking "90 days after the effective date of the Satellite Home Viewer Act of 1988, or";

(B) by striking "whichever is later,";

(C) by inserting "name and" after "identifying (by" each place it appears; and

(D) by striking ", on or after the effective date of the Satellite Home Viewer Act of 1988,".

(2) Subsection (a)(5) is amended by adding at the end the following:

"(D) BURDEN OF PROOF.—In any action brought under this paragraph, the satellite carrier shall have the burden of proving that its secondary transmission of a primary transmission by a network station is for private home viewing to an unserved household.".

(3) Subsection (b)(1)(B) is amended—

(A) in clause (i) by striking "12 cents" and inserting "17.5 cents per subscriber in the case of superstations not subject to syndicated exclusivity under the regulations of the Federal Communications Commission, and 14 cents per subscriber in the case of superstations subject to such syndicated exclusivity"; and

(B) in clause (ii) by striking "3" and inserting "6";

(4) Subsection (c) is amended—

(A) in paragraph (1) by striking "December 31, 1992,";

(B) in paragraph (2)—

(i) in subparagraph (A) by striking "July 1, 1991" and inserting "July 1, 1996"; and

(ii) in subparagraph (D) by striking "December 31, 1994" and inserting "December 31, 1999, or in accordance with the terms of the agreement, whichever is later";

(C) in paragraph (3)—

(i) in subparagraph (A) by striking "December 31, 1991" and inserting "January 1, 1997";

(ii) by amending subparagraph (D) to read as follows:

"(D) ESTABLISHMENT OF ROYALTY FEES.—In determining royalty fees under this paragraph, the Copyright Arbitration Panel shall establish fees for the retransmission of network stations and superstations that most clearly represent the fair market value of secondary transmissions. In determining the fair market value, the Panel shall base its decision on economic, competitive, and programming information presented by the parties, including—

"(i) the competitive environment in which such programming is distributed, the cost for similar signals in similar private and compulsory license marketplaces, and any special features and conditions of the retransmission marketplace;

"(ii) the economic impact of such fees on copyright owners and satellite carriers; and

"(iii) the impact on the continued availability of secondary transmissions to the public.";

(iii) in subparagraph (E) by striking "60" and inserting "180"; and

(iv) in subparagraph (G)—

(I) by striking ", or until December 31, 1994"; and

(II) by inserting "or July 1, 1997, whichever is later" after "section 802(g)".

(5) Subsection (a) is amended—

(A) in paragraph (5)(C) by striking "the Satellite Home Viewer Act of 1988" and inserting "this section"; and

(B) by adding at the end the following:

"(8) TRANSITIONAL SIGNAL INTENSITY MEASUREMENT PROCEDURES.—

"(A) IN GENERAL.—Subject to subparagraph (C), upon a challenge by a network station regarding whether a subscriber is an unserved household within the predicted Grade B Contour of the station, the satellite carrier shall, within 60 days after the receipt of the challenge—

"(i) terminate service to that household of the signal that is the subject of the challenge, and within 30 days thereafter notify the network station that made the challenge that service to that household has been terminated; or

"(ii) conduct a measurement of the signal intensity of the subscriber's household to determine whether the household is an unserved household after giving reasonable notice to the network station of the satellite carrier's intent to conduct the measurement.

"(B) EFFECT OF MEASUREMENT.—If the satellite carrier conducts a signal intensity measurement under subparagraph (A) and the measurement indicates that—

"(i) the household is not an unserved household, the satellite carrier shall, within 60 days after the measurement is conducted, terminate the service to that household of the signal that is the subject of the challenge, and within 30 days thereafter notify the network station that made the challenge that service to that household has been terminated; or

"(ii) the household is an unserved household, the station challenging the service shall reimburse the satellite carrier for the costs of the signal measurement within 60 days after receipt of the measurement results and a statement of the costs of the measurement.

"(C) LIMITATION ON MEASUREMENTS.—(i) Notwithstanding subparagraph (A), a satellite carrier may not be required to conduct signal intensity measurements during any calendar year in excess of 5 percent of the number of subscribers within the network station's local market that have subscribed to the service as of the effective date of the Satellite Home Viewer Act of 1994.

"(ii) If a network station challenges whether a subscriber is an unserved household in excess of 5 percent of the subscribers within the network's station local market within a calendar year, subparagraph (A) shall not apply to challenges in excess of such 5 percent, but the station may conduct its own signal intensity measurement of the subscriber's household after giving reasonable notice to the satellite carrier of the network station's intent to conduct the measurement. If such measurement indicates that the household is not an unserved household, the carrier shall, within 60 days after receipt of the measurement, terminate service to the household of the signal that is the subject of the challenge and within 30 days thereafter notify the network station that made the challenge that service has been terminated. The carrier shall also, within 60 days after receipt of the measurement and a statement of the costs of the measurement, reimburse the network station for the cost it incurred in conducting the measurement.

"(D) OUTSIDE THE PREDICTED GRADE B CONTOUR.—(i) If a network station challenges whether a subscriber is an unserved household outside the predicted Grade B Contour of the station, the station may conduct a measurement of the signal intensity of the subscriber's household to determine whether the household is an unserved household after giving reasonable notice to the satellite carrier of the network station's intent to conduct the measurement.

"(ii) If the network station conducts a signal intensity measurement under clause (i) and the measurement indicates that—

"(I) the household is not an unserved household, the station shall forward the results to the satellite carrier who shall, within 60 days after receipt of the measurement, terminate the service to the household of the signal that is the subject of the challenge, and shall reimburse the station for the costs of the measurement within 60 days after receipt of the measurement results and a statement of such costs; or

"(II) the household is an unserved household, the station shall pay the costs of the measurement.

"(9) LOSER PAYS FOR SIGNAL INTENSITY MEASUREMENT; RECOVERY OF MEASUREMENT COSTS IN A CIVIL ACTION.—In any civil action filed relating to the eligibility of subscribing households as unserved households—

"(A) a network station challenging such eligibility shall, within 60 days after receipt of the measurement results and a statement of such costs, reimburse the satellite carrier for any signal intensity measurement that is conducted by that carrier in response to a challenge by the network station and that establishes the household is an unserved household; and

"(B) a satellite carrier shall, within 60 days after receipt of the measurement results and a statement of such costs, reimburse the network station challenging such eligibility for any signal intensity measurement that is conducted by that station and that establishes the household is not an unserved household.

"(10) INABILITY TO CONDUCT MEASUREMENT.—If a network station makes a reasonable attempt to conduct a site measurement of its signal at a subscriber's household and is denied access for the purpose of conducting the measurement, and is otherwise unable to conduct a measurement, the satellite carrier shall within 60 days notice thereof, terminate service of the station's network to that household.".

(6) Subsection (d) is amended—

(A) by amending paragraph (2) to read as follows:

"(2) NETWORK STATION.—The term 'network station' means—

"(A) a television broadcast station, including any translator station or terrestrial satellite station that rebroadcasts all or substantially all of the programming broadcast by a network station, that is owned or operated by, or affiliated with, one or more of the television networks in the United States which offer an interconnected program service on a regular basis for 15 or more hours per week to at least 25 of its affiliated television licensees in 10 or more States; or

"(B) a noncommercial educational broadcast station (as defined in section 397 of the Communications Act of 1934).";

(B) in paragraph (6) by inserting "and operates in the Fixed-Satellite Service under part 25 of title 47 of the Code of Federal Regulations or the Direct Broadcast Satellite Service under part 100 of title 47 of the Code of Federal Regulations" after "Commission"; and

(C) by adding at the end the following:

"(11) LOCAL MARKET.—The term 'local market' means the area encompassed within a network station's predicted Grade B contour as that contour is defined by the Federal Communications Commission.".

SEC. 3. DEFINITIONS.

(a) CABLE SYSTEM.—Section 111(f) of title 17, United States Code, is amended in the paragraph relating to the definition of "cable system" by inserting "microwave," after "wires, cables,".

(b) LOCAL SERVICE AREA.—Section 111(f) of title 17, United States Code, is amended in the paragraph relating to the definition of "local service area of a primary transmitter" by inserting after "April 15, 1976," the following: "or such station's television market as defined in section 76.55(e) of title 47, Code of Federal Regulations (as in effect on September 18, 1993), or any modifications to such television market made, on or after September 18, 1993, pursuant to section 76.55(e) or 76.59 of title 47 of the Code of Federal Regulations,".

SEC. 4. TERMINATION.

(a) EXPIRATION OF AMENDMENTS.—Section 119 of title 17, United States Code, as amended by section 2 of this Act, ceases to be effective on December 31, 1999.

(b) CONFORMING AMENDMENT.—Section 207 of the Satellite Home Viewer Act of 1988 (17 U.S.C. 119 note) is repealed.

SEC. 5. LIMITATION.

The amendments made by this section apply only to section 119 of title 17, United States Code.

SEC. 6. EFFECTIVE DATE.

(a) IN GENERAL.—Except as provided in subsections (b) and (d), this Act and the amendments made by this Act take effect on the date of the enactment of this Act.

(b) BURDEN OF PROOF PROVISIONS.—The provisions of section 119(a)(5)(D) of title 17, United States Code (as added by section 2(2) of this Act) relating to the burden of proof of satellite carriers, shall take effect on January 1, 1997, with respect to civil actions relating to the eligibility of subscribers who subscribed to service as an unserved household before the date of the enactment of this Act.

(c) TRANSITIONAL SIGNAL INTENSITY MEASUREMENT PROCEDURES.—The provisions of section 119(a)(8) of title 17, United States Code (as added by section 2(5) of this Act), relating to transitional signal intensity measurements, shall cease to be effective on December 31, 1996.

(d) LOCAL SERVICE AREA OF A PRIMARY TRANSMITTER.—The amendment made by section 3(b), relating to the definition of the local service area of a primary transmitter, shall take effect on July 1, 1994.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas [Mr. BROOKS] will be recognized for 20 minutes, and the gentleman from California [Mr. MOORHEAD] will be recognized for 20 minutes.

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

□ 1550

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

Mr. Speaker, I am pleased to rise in support of S. 2406, which incorporates—in a slightly revised form—the language of H.R. 1103, the Satellite Home Viewing Act which originally passed the House on August 16.

The important legislation before us extends until December 31, 1999, the satellite carriers' copyright compulsory license in section 119, title 17, United States Code. The compulsory license granted to satellite carriers is presently scheduled to expire at the end of this year. The bill also clarifies that wireless cable television systems are entitled to avail themselves of the section 111 cable copyright compulsory license. Finally, the bill amends the definition of "local service area of a primary transmitter" in section 111(f) to correct an anomaly in the Copyright Act that has resulted in newer television stations being treated as distant signals while older stations in the same geographic area are treated as local signals. This disparity in treatment is unjustified and needs to be corrected immediately.

In the hard-fought compromise reached on this bill, the factors to be considered under the bill's "fair market value" determination have been made more specific. I would note that, in determining fair market value, we intend that the copyright arbitration panel consider all factors raised by the parties, including cable rates. I should also add that the intent here is to neither require nor preclude the arbitration panel from establishing network rates that are different from the rates established for superstations.

I want to commend several distinguished Members for their commitment to bringing this compromise bill to the floor. They are Mr. HUGHES, who chairs the Judiciary Committee's Subcommittee on Intellectual Property and Judicial Administration, Mr. MOORHEAD, the subcommittee's ranking minority member, and subcommittee members Mr. SYNAR and Mr. BOUCHER. They all labored long and hard to bridge difficult issues, and this compromise reflects their fine work together. I urge all Members to support passage of S. 2406.

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

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

Mr. Speaker, I rise in support of S. 2406.

Mr. Speaker, I would like to commend our subcommittee chairman the gentleman from New Jersey [Mr. HUGHES], for his hard work and leadership in this area. Also the gentleman from New York [Mr. FISH] has been instrumental in drafting this legislation. Also, the chairman, the gentleman from Texas [Mr. BROOKS], has been helpful and we appreciate his leadership as well.

Although the main purpose of this legislation is a 50-year extension of the Satellite Home Viewer Act which this subcommittee processed in 1988, this bill also contains a provision dealing with the definition of wireless cable which is very similar to a bill, H.R. 759, that RICK BOUCHER and I introduced and which was part of the overall hearings on H.R. 1103. That bill was prompted by a 1992 ruling by the Register of Copyrights that would strip the industry of its compulsory license which it has enjoyed for a number of years under section 111 of the Copyright Act.

The compromise before us today, provides that wireless and other cable-like systems will be made part of the compulsory license. I believe it's important to encourage these new technologies because they will become real competitors of cable TV in the marketplace. Competition is an important factor in keeping cable TV rates at a reasonable price. The consumer will be the ultimate benefactor of this increase in competition.

In 1988 when we drafted the original Satellite Home Viewer Act we intended that after 6 years the industry involved would be able to move into voluntary private contracts for the licensing of copyrighted programming. Although the act has worked very well we are not yet to that point where the marketplace can take over, so we still need the regulation provided by this legislation. However, I am pleased to see that during the next negotiations that the arbitrators will at least be able to consider the fair market value of this copyrighted programming. Even under the compromise language, "fair market value" is still an important factor to considered when the copyright arbitration panel determines new rates in 1997. We have come a long way—it's important legislation and I urge a favorable vote on S. 2406.

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

Mr. BROOKS. Mr. Speaker, I yield 5 minutes to the distinguished chairman of the subcommittee, the gentleman from New Jersey [Mr. HUGHES].

Mr. HUGHES. Mr. Speaker, I rise in support of S. 2406 as amended. This bill represents an informally conferenced version of H.R. 1103, the Satellite Home Viewer Act of 1994, which I introduced along with the gentleman from California [Mr. MOORHEAD] and which the House passed on August 16, 1994. The amended bill has a few changes from H.R. 1103, which I will note in a minute.

I wish to extend my appreciation to the many people who worked hard to make this bill possible, including Chairman BROOKS, his chief counsel Jon Yarowsky, who guided the final negotiations in an even-handed constructive manner, Mr. SYNAR and Peter Jacoby of his staff, Mr. BOUCHER and Lynn Starr of his staff, as well as Mr. MOORHEAD and his very competent counsel, Tom Mooney and Joe Wolfe.

At this time I might mention the outstanding work of Hayden Gregory, the chief counsel on the majority side, and Bill Patry, a member of the professional staff. Mr. BERMAN and Bari Schwartz, his legislative director, have also been helpful.

The bill we take up today fulfills the twin goals I set in introducing H.R. 1103. First, it extends the current compulsory license in section 119 of the Copyright Act until December 31, 1999, in order to ensure that rural consumers will continue to receive television programming. Second, it provides that the arbitrators establishing the interim rate adjustment in 1997 will use fair market value as their sole criterion in setting those rates.

Fair market value is the linchpin of the bill. Fair market value sends a clear message to the parties that the days of government subsidy are limited and that they should begin their transition to the free market. I urge the parties to do so as soon as possible.

I would now like to briefly note the changes made in the bill.

First, commencement of the mid-license voluntary negotiation—arbitration process is delayed from January 1, 1996 to July 1, 1996. Because of this delay, the new rates established by the arbitrators will be effective on July 1, 1997, or at a later date if, on appeal by the D.C. Circuit, that court modifies or delays the rates. Of course, under section 802(g) of the Copyright Act, the pendency of an appeal does not relieve parties of their obligation to pay royalties, including according to the revised rates.

A few minor changes were made to the "unserved household" sections of the bill. These changes, in conjunction with the voluntary testing regime already in the bill, should go a long way toward reducing the friction between the network stations and the satellite carriers over the unserved household limitation.

It is my understanding that both sides are working toward an industry agreement on the implementation of the testing regime. I strongly encourage the parties to develop industry standards; only with both sides' cooperation can the act fulfill its purpose.

The first change in the bill requires the party conducting the site measurement to give the nontesting party reasonable notice before the measurement is taken. This requirement merely reflects commonsense and is not intended to constitute a procedural hurdle or roadblock to enforcement. For this reason, we rejected a proposal to require a set number of days advance notice. The notice is, of course, given to the satellite carrier or to the network station, not to the household in question. Thus, the network station need not contact the household: Once notice has been given to the satellite carrier, it is the satellite carrier's responsibility to ensure that the network will have access since the subscriber has a contractual relationship with the carrier.

Notice by a carrier that it intends to test all houses within a clearly defined area is sufficient.

Under new subsection 119(a)(10), the network station conducting the measurement need only make a reasonable effort to conduct a site measurement, including, where access to the site is denied by the subscriber, the possibility of conducting an off-site measurement if such measurement will result in an adequate test. If, in the station's judgment an off-site measurement will be inadequate, no such measurement should be conducted. There is, accordingly, no "exhaustion" concept, requiring network stations to exhaust all means of conducting a test before the satellite carrier must terminate service.

In order to minimize disputes, the industry agreement should require the network stations to provide satellite carriers with a map of the stations' predicted grade B contour along with a list of ZIP Codes that fall within the station's predicted grade A and B contours. After receipt of this information, the satellite carrier should be required to promptly return a marked-up copy of the contour map to the station reflecting a breakdown of the subscriber information.

The next change requires that the costs for the measurements be paid back within 60 days. This requirement ensures that neither satellite carriers or the network affiliates will be forced to wait until the end of a civil trial to recoup the costs of measurements.

□ 1600

Mr. Speaker, this is a good bill. As the chairman indicated, it is a very complex bill. I took a lot of time explaining what our understanding was and tried to develop a legislative history to avoid confrontation and conflict in the months ahead. I think it is a good bill because it has been well tailored to meet the needs of all concerned, including consumers.

I urge my colleagues to vote in favor of passage.

Mr. MOORHEAD. Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. FISH].

Mr. FISH. Mr. Speaker, I thank the gentleman from California for yielding time to me.

Mr. Speaker, I would like to commend the subcommittee chairman, Mr. HUGHES, and our ranking Republican, Mr. MOORHEAD, for their leadership and hard work on this important legislation. I also would like to commend our chairman, the gentleman from Texas, for his assistance in bringing this bill to the floor.

The original bill which we enacted in 1988 solved a serious problem for satellite carriers and dish owners. Both strongly supported its enactment. Both strongly support the compromise contained in S. 2406. In 1988 we thought that 6 years was enough time for the parties to work out private licensing agreements.

However, it is clear to me that more time is needed to sort out private licensing procedures and rights. The original bill provided for an extension of only 4 years which I believed was not

enough time, for the consumers who want subscriptions to programming for periods of 1 year or longer or for businesses that need to effectively plan in 4- or 5-year cycles. I offered an amendment accepted by the subcommittee that would extend by 1 year the next satellite carrier rate adjustment proceeding and also extend the sunset by 1 year from 1998 to 1999.

The compromise that we are presenting today would modify the "Fair Market Value" language, contained in the House passed bill, H.R. 1103, and add an additional 6 months, to January 1997 before the "Fair Market Value" standard can be considered by the Copyright Arbitration Panel in any rate adjustment proceeding.

I believe we have a good bill. The parties are to be commended for working out their differences and I urge a favorable vote on S. 2406.

Mr. BROOKS. Mr. Speaker, I yield 3 minutes to the gentleman from Virginia [Mr. BOUCHER], a distinguished member of the subcommittee and a major player in this compromise.

Mr. BOUCHER. Mr. Speaker, I want to commend the gentleman from Texas [Mr. BROOKS], the chairman of the House Committee on the Judiciary, the gentleman from New Jersey [Mr. HUGHES], the chairman of our Subcommittee on Intellectual Property, the gentleman from California [Mr. MOORHEAD], the gentleman from Oklahoma [Mr. SYNAR], the gentleman from New York [Mr. FISH], and others who have worked long and hard to bring this measure before the House today.

Their work is constructive and it is reflected in a measure which will assure that satellite dish owners who cannot receive network signals from a local station may receive them by means of satellite delivery. The bill also extends to the local affiliates of the Fox Television Network local station treatment so that they do not inappropriately incur copyright liability when their signals are carried on cable systems. The Fox affiliates will be accorded the same treatment that is presently accorded to the local affiliates of the other networks.

The fair market value provisions of the legislation were subjected to considerable negotiations. I would like to take just a minute to engage with the gentleman from New Jersey in a colloquy concerning these matters and to propound to him some questions concerning the language in the legislation.

I would ask the gentleman, first, this question: In setting fees under the fair market value provisions, the copyright arbitration panel is instructed to take testimony on the competitive environment in which the programming is distributed, including the cost for similar signals in similar private and compulsory license marketplaces. That would include the cable TV marketplace, would it not?

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

Mr. BOUCHER. I yield to the gentleman from New Jersey.

Mr. HUGHES. Mr. Speaker, yes, it would. Today's legislation contemplates that the panel will look to the competitive environment in which section 119 retransmissions are distributed as well as the costs of distribution of similar signals in similar private and compulsory license marketplaces, including the cable copyright fees under section 111. This will help ensure that there is vigorous competition and diversity in the video programming distribution industry.

Mr. BOUCHER. In addition, does the gentleman believe, as I do, that when the arbitrators consider the fair market value of the fees, the arbitrators should take into account the impact on copyright owners, satellite carriers, and the continued availability of secondary transmissions to the public?

Mr. HUGHES. If the gentleman will continue to yield, yes. The fees should reflect the objectives of the copyright act: Providing a fair return to copyright owners and ensuring a competitive environment in which satellite carriers can continue to deliver programming to our Nation's consumers—particularly those consumers who reside in rural areas such as your part of the country—as well as those who live in other areas that currently benefit from satellite programming.

Mr. BOUCHER. I thank the gentleman from New Jersey for this discussion and for his fine leadership on this important measure. I urge adoption of this legislation.

Mr. SYNAR. Mr. Speaker, I rise today in support of S. 2406 as amended. Today's bill, the Satellite Home Viewer Act, is necessary legislation that will amend the copyright law to extend the satellite compulsory license. Compulsory licenses, first enacted for the nascent cable industry, and later for an infant satellite broadcast industry, allow the retransmission of copyrighted television programming in return for a statutorily determined fee. The compulsory license mechanism has been critical for the development of the cable and satellite broadcast industry by facilitating the clearance of the thousands of copyrights related to television programming. This clearance process has been essential for providing access to retransmitted programming by cable system operators and satellite broadcasters which in turn is provided to consumers who may otherwise have to forgo a wide range of diverse video programming.

S. 2406, which would extend the satellite compulsory license for a period of 5 years, also proposes to reform the arbitration process used to arrive at the statutorily determined copyright royalty fee charged to satellite broadcasters for retransmitting copyrighted programming. Under the legislation, future adjustments of the royalty fees payable under section 119 of the Copyright Act for secondary transmissions by satellite carriers are to be determined by arbitration panels applying a fair market value standard.

This concept, which has been strongly and consistently favored by Congressman HUGHES, the chief sponsor of H.R. 1103, today's bill's predecessor legislation, embodies a worthy policy goal—to direct the arbitration panel to come up with a royalty fee that closely approximates the price two private parties negotiating on their own behalf would agree to.

After considerable work and negotiations, I believe the fair market value standard in today's legislation will result in a copyright fee that achieves a delicate balance between the twin goals of ensuring that the copyright owners receive fair compensation for their works while preserving the ability of satellite carriers to continue to deliver diverse, affordable video programming to satellite consumers.

I am also hopeful that any fee resulting from the fair market value standard does not disadvantage the delivery of satellite transmissions vis-a-vis the delivery of cable retransmissions under the section 111 compulsory license.

Congress has for some time pursued various policy avenues to foster competition with the cable industry in the delivery of video programming. While the preliminary results of those efforts, spearheaded by the passage of the 1992 Cable Act, are encouraging, there is still much progress to be made. In fact, just yesterday it was reported that a Federal Communications Commission study due out on October 1 will conclude that while noncable video distribution technologies, such as direct broadcast satellite systems, and large satellite dish services are growing, these new technologies still haven't attracted enough subscribers to affect cable's actions.

It is my hope that the fees set for satellite retransmissions under the fair market value standard will, among other things, reflect the competitive environment in which those retransmissions are distributed. There is little question that Congress would like to ensure that there is vigorous competition and diversity in the distribution of video programming and the determination of fair market value fees should reflect that intent.

With regard to other provisions in this bill, S. 2406 as amended extends the time in which the copyright arbitration panel has to make its determination of new copyright fees from the current period of 60 days to 180 days. This extension was included in the legislation to relieve the truncated nature of the prior section 119 arbitration proceeding. While this extension gives the panel an additional 120 days to complete its work, it is my hope that the panel will finish the process in a timely manner so that satellite carriers will have adequate notice of the new copyright fees before they go into effect on July 1, 1997. This would allow carriers to give distributors sufficient notice regarding increases in copyright fees consistent with industry practice.

Finally, I am encouraged by the prospects for this legislation and I look forward to its quick adoption by the Senate and ultimate passage into law. It should be noted that this bill would not be before us today if it weren't for the excellent leadership of subcommittee Chairman BILL HUGHES of New Jersey, the hard work of the gentleman from Virginia, Mr. BOUCHER, and the omnipotent guidance of Judiciary Committee Chairman BROOKS.

The extension of this license in a fair and equitable manner will benefit both consumers, especially those rural satellite consumers in northeastern Oklahoma and throughout the Nation, and copyright owners who should receive a fair return for their efforts. I urge my colleagues to support the measure.

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

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

The SPEAKER pro tempore (Mr. HASTINGS). The question is on the motion offered by the gentleman from Texas [Mr. BROOKS] that the House suspend the rules and pass the Senate bill, S. 2406, as amended.

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

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. BROOKS. Mr. Speaker, I ask unanimous consent that all Members shall have 5 legislative days in which to revise and extend their remarks on the bill just passed.

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

There was no objection.

□ 1610

PROVIDING FOR CONCURRENCE TO SENATE AMENDMENT TO H.R. 783, IMMIGRATION AND NATIONALITY TECHNICAL CORRECTIONS ACT OF 1994, WITH AN AMENDMENT

Mr. MAZZOLI. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 533) to provide for the concurrence of the House to the amendment of the Senate to the bill (H.R. 783) with an amendment.

The Clerk read as follows:

H. RES. 533

Resolved, That upon the adoption of this resolution the bill (H.R. 783) to amend title III of the Immigration and Nationality Act to make changes in the laws relating to nationality and naturalization be and is hereby taken from the Speaker's table to the end that the Senate amendment to the text of the bill be and is hereby agreed to with the following amendment:

In lieu of the matter proposed to be inserted by the amendment of the Senate to the text of the bill H.R. 783, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Immigration and Nationality Technical Corrections Act of 1994".

SEC. 2. TABLE OF CONTENTS.

The table of contents of this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.

TITLE I—NATIONALITY AND NATURALIZATION

Sec. 101. Equal treatment of women in conferring citizenship to children born abroad.
Sec. 102. Naturalization of children on application of citizen parent.
Sec. 103. Former citizens of United States regaining United States citizenship.
Sec. 104. Intent to reside permanently in the United States after naturalization.
Sec. 105. Terminology relating to expatriation.
Sec. 106. Administrative and judicial determinations relating to loss of citizenship.
Sec. 107. Cancellation of United States passports and consular reports of birth.
Sec. 108. Expanding waiver of the Government knowledge, United States history, and English language requirements for naturalization.
Sec. 109. Report on citizenship of certain legalized aliens.

TITLE II—TECHNICAL CORRECTIONS OF IMMIGRATION LAWS

Sec. 201. American Institute in Taiwan.
Sec. 202. G–4 special immigrants.
Sec. 203. Clarification of certain grounds for exclusion and deportation.
Sec. 204. United States citizens entering and departing on United States passports.
Sec. 205. Applications for visas.
Sec. 206. Family unity.
Sec. 207. Technical amendment regarding one-house veto.
Sec. 208. Authorization of appropriations for refugee assistance for fiscal years 1995, 1996, and 1997.
Sec. 209. Fines for unlawful bringing of aliens into the United States.
Sec. 210. Extension of visa waiver pilot program.
Sec. 211. Creation of probationary status for participant countries in the visa waiver pilot program.
Sec. 212. Technical changes to numerical limitations concerning certain special immigrants.
Sec. 213. Extension of telephone employment verification system.
Sec. 214. Extension of expanded definition of special immigrant for religious workers.
Sec. 215. Extension of off-campus work authorization for students.
Sec. 216. Eliminating obligation of carriers to detain stowaways.
Sec. 217. Completing use of visas provided under diversity transition program.
Sec. 218. Effect on preference date of application for labor certification.
Sec. 219. Other miscellaneous and technical corrections to immigration-related provisions.

TITLE I—NATIONALITY AND NATURALIZATION

SEC. 101. EQUAL TREATMENT OF WOMEN IN CONFERRING CITIZENSHIP TO CHILDREN BORN ABROAD.

(a) IN GENERAL.—Section 301 of the Immigration and Nationality Act (8 U.S.C. 1401) is amended—

(1) by striking the period at the end of paragraph (g) and inserting "; and", and

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

"(h) a person born before noon (Eastern Standard Time) May 24, 1934, outside the limits and jurisdiction of the United States of an alien father and a mother who is a citizen of the United States who, prior to the birth of such person, had resided in the United States.".

(b) WAIVER OF RETENTION REQUIREMENTS.—Any provision of law (including section 301(b) of the Immigration and Nationality Act (as in effect before October 10, 1978), and the provisos of section 201(g) of the Nationality Act of 1940) that provided for a person's loss of citizenship or nationality if the person failed to come to, or reside or be physically present in, the United States shall not apply in the case of a person claiming United States citizenship based on such person's descent from an individual described in section 301(h) of the Immigration and Nationality Act (as added by subsection (a)).

(c) RETROACTIVE APPLICATION.—(1) Except as provided in paragraph (2), the immigration and nationality laws of the United States shall be applied (to persons born before, on, or after the date of the enactment of this Act) as though the amendment made by subsection (a), and subsection (b), had been in effect as of the date of their birth, except that the retroactive application of the amendment and that subsection shall not affect the validity of citizenship of anyone who has obtained citizenship under section 1993 of the Revised Statutes (as in effect before the enactment of the Act of May 24, 1934 (48 Stat. 797)).

(2) The retroactive application of the amendment made by subsection (a), and subsection (b), shall not confer citizenship on, or affect the validity of any denaturalization, deportation, or exclusion action against, any person who is or was excludable from the United States under section 212(a)(3)(E) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(E)) (or predecessor provision) or who was excluded from, or who would not have been eligible for admission to, the United States under the Displaced Persons Act of 1948 or under section 14 of the Refugee Relief Act of 1953.

(d) APPLICATION TO TRANSMISSION OF CITIZENSHIP.—This section, the amendments made by this section, and any retroactive application of such amendments shall not effect any residency or other retention requirements for citizenship as in effect before October 10, 1978, with respect to the transmission of citizenship.

SEC. 102. NATURALIZATION OF CHILDREN ON APPLICATION OF CITIZEN PARENT.

(a) IN GENERAL.—Section 322 of the Immigration and Nationality Act (8 U.S.C. 1433) is amended to read as follows:

"CHILD BORN OUTSIDE THE UNITED STATES; APPLICATION FOR CERTIFICATE OF CITIZENSHIP REQUIREMENTS

"SEC. 322. (a) A parent who is a citizen of the United States may apply to the Attorney General for a certificate of citizenship on behalf of a child born outside the United States. The Attorney General shall issue such a certificate of citizenship upon proof to the satisfaction of the Attorney General that the following conditions have been fulfilled:

"(1) At least one parent is a citizen of the United States, whether by birth or naturalization.

"(2) The child is physically present in the United States pursuant to a lawful admission.

"(3) The child is under the age of 18 years and in the legal custody of the citizen parent.

"(4) If the citizen parent is an adoptive parent of the child, the child was adopted by the citizen parent before the child reached the age of 16 years and the child meets the requirements for being a child under subparagraph (E) or (F) of section 101(b)(1).

"(5) If the citizen parent has not been physically present in the United States or its outlying possessions for a period or periods totaling not less than five years, at least two of which were after attaining the age of fourteen years—

"(A) the child is residing permanently in the United States with the citizen parent, pursuant to a lawful admission for permanent residence, or

"(B) a citizen parent of the citizen parent has been physically present in the United States or its outlying possessions for a period or periods totaling not less than five years, at least two of which were after attaining the age of fourteen years.

"(b) Upon approval of the application (which may be filed abroad) and, except as provided in the last sentence of section 337(a), upon taking and subscribing before an officer of the Service within the United States to the oath of allegiance required by this Act of an applicant for naturalization, the child shall become a citizen of the United States and shall be furnished by the Attorney General with a certificate of citizenship.

"(c) Subsection (a) of this section shall apply to the adopted child of a United States citizen adoptive parent if the conditions specified in such subsection have been fulfilled.".

(b) CONFORMING AMENDMENT.—Subsection (c) of section 341 of such Act (8 U.S.C. 1452) is repealed.

(c) CLERICAL AMENDMENT.—The item in the table of contents of such Act relating to section 322 is amended to read as follows:

"Sec. 322. Child born outside the United States; application for certificate of citizenship requirements.".

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the first day of the first month beginning more than 120 days after the date of the enactment of this Act.

SEC. 103. FORMER CITIZENS OF UNITED STATES REGAINING UNITED STATES CITIZENSHIP.

(a) IN GENERAL.—Section 324 of the Immigration and Nationality Act (8 U.S.C. 1435) is amended by adding at the end the following new subsection:

"(d)(1) A person who was a citizen of the United States at birth and lost such citizenship for failure to meet the physical presence retention requirements under section 301(b) (as in effect before October 10, 1978), shall, from and after taking the oath of allegiance required by section 337 be a citizen of the United States and have the status of a citizen of the United States by birth, without filing an application for naturalization, and notwithstanding any of the other provisions of this title except the provisions of section 313. Nothing in this subsection or any other provision of law shall be construed as conferring United States citizenship retroactively upon such person during any period in which such person was not a citizen.

"(2) The provisions of paragraphs (2) and (3) of subsection (c) shall apply to a person regaining citizenship under paragraph (1) in the same manner as they apply under subsection (c)(1).".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the first day of the first month beginning more than 120 days after the date of the enactment of this Act.

SEC. 104. INTENT TO RESIDE PERMANENTLY IN THE UNITED STATES AFTER NATURALIZATION.

(a) IN GENERAL.—Section 338 of the Immigration and Nationality Act (8 U.S.C. 1449) is amended by striking "intends to reside permanently in the United States, except in cases falling within the provisions of section 324(a) of this title,".

(b) CONFORMING REPEAL.—Section 340(d) of such Act (8 U.S.C. 1451(d)) is repealed.

(c) CONFORMING REDESIGNATION.—Section 340 of such Act (8 U.S.C. 1451) is amended—

(1) by redesignating subsections (e), (f), (g), (h), and (i) as subsections (d), (e), (f), (g), and (h), respectively; and

(2) in subsection (d) (as redesignated), by striking "subsections (c) or (d)" and inserting "subsection (c)".

(d) CONFORMING AMENDMENT.—Section 405 of the Immigration Act of 1990 is amended by striking subsection (b).

(e) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to persons admitted to citizenship on or after the date of enactment of this Act.

SEC. 105. TERMINOLOGY RELATING TO EXPATRIATION.

(a) IN GENERAL.—Section 351 of the Immigration and Nationality Act (8 U.S.C. 1483) is amended—

(1) in the heading, by striking "EXPATRIATION" and inserting "LOSS OF NATIONALITY";

(2) in subsection (a)—

(A) by striking "expatriate himself, or be expatriated" and inserting "lose United States nationality", and

(B) by striking "expatriation" and inserting "loss of nationality"; and

(3) in subsection (b), by striking "expatriated himself" and inserting "lost United States nationality".

(b) CLERICAL AMENDMENT.—The item in the table of contents of such Act relating to section 351 is amended to read as follows:

"Sec. 351. Restrictions on loss of nationality.".

SEC. 106. ADMINISTRATIVE AND JUDICIAL DETERMINATIONS RELATING TO LOSS OF CITIZENSHIP.

Section 358 of the Immigration and Nationality Act (8 U.S.C. 1501) is amended by adding at the end the following new sentence: "Approval by the Secretary of State of a certificate under this section shall constitute a final administrative determination of loss of United States nationality under this Act, subject to such procedures for administrative appeal as the Secretary may prescribe by regulation, and also shall constitute a denial of a right or privilege of United States nationality for purposes of section 360.".

SEC. 107. CANCELLATION OF UNITED STATES PASSPORTS AND CONSULAR REPORTS OF BIRTH.

(a) IN GENERAL.—Title III of the Immigration and Nationality Act is amended by adding at the end the following new section:

"CANCELLATION OF UNITED STATES PASSPORTS AND CONSULAR REPORTS OF BIRTH

"SEC. 361. (a) The Secretary of State is authorized to cancel any United States passport or Consular Report of Birth, or certified copy thereof, if it appears that such document was illegally, fraudulently, or erroneously obtained from, or was created through illegality or fraud practiced upon, the Secretary. The person for or to whom such document has been issued or made shall be given, at such person's last known address, written notice of the cancellation of such document, together with the procedures for seeking a prompt post-cancellation hearing. The cancellation under this section of any document purporting to show the citizenship status of the person to whom it was issued shall affect only the document and not the citizenship status of the person in whose name the document was issued.

"(b) For purposes of this section, the term 'Consular Report of Birth' refers to the report, designated as a 'Report of Birth Abroad of a Citizen of the United States', issued by a consular officer to document a citizen born abroad.".

(b) CLERICAL AMENDMENT.—The table of contents is amended by inserting after the item relating to section 360 the following new item:

"Sec. 361. Cancellation of United States passports and Consular Reports of Birth.".

SEC. 108. EXPANDING WAIVER OF THE GOVERNMENT KNOWLEDGE, UNITED STATES HISTORY, AND ENGLISH LANGUAGE REQUIREMENTS FOR NATURALIZATION.

(a) IN GENERAL.—Section 312 of the Immigration and Nationality Act (8 U.S.C. 1423) is amended—

(1) by inserting "(a)" after "312.",

(2) by striking "this requirement" and all that follows through "That",

(3) by striking "this section" and inserting "this paragraph", and

(4) by adding at the end the following new subsection:

"(b)(1) The requirements of subsection (a) shall not apply to any person who is unable because of physical or developmental disability or mental impairment to comply therewith.

"(2) The requirement of subsection (a)(1) shall not apply to any person who, on the date of the filing of the person's application for naturalization as provided in section 334, either—

"(A) is over fifty years of age and has been living in the United States for periods totalling at least twenty years subsequent to a lawful admission for permanent residence, or

"(B) is over fifty-five years of age and has been living in the United States for periods totaling at least fifteen years subsequent to a lawful admission for permanent residence.

"(3) The Attorney General, pursuant to regulations, shall provide for special consideration, as determined by the Attorney General, concerning the requirement of subsection (a)(2) with respect to any person who, on the date of the filing of the person's application for naturalization as provided in section 334, is over sixty-five years of age and has been living in the United States for periods totaling at least twenty years subsequent to a lawful admission for permanent residence.".

(b) CONFORMING AMENDMENTS.—Section 245A(b)(1)(D) of such Act (8 U.S.C. 1254a(b)(1)(D)) is amended by striking "312" each place it appears and inserting "312(a)".

(c) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date of the enactment of this Act and shall apply to applications for naturalization filed on or after such date and to such applications pending on such date.

(d) REGULATIONS.—Not later than 120 days after the date of enactment of this Act, the Attorney General shall promulgate regulations to carry out section 312(b)(3) of the Immigration and Nationality Act (as amended by subsection (a)).

SEC. 109. REPORT ON CITIZENSHIP OF CERTAIN LEGALIZED ALIENS.

Not later than June 30, 1996, the Commissioner of the Immigration and Naturalization Service shall prepare and submit to the

Congress a report concerning the citizenship status of aliens legalized under section 245A and section 210 of the Immigration and Nationality Act. Such report shall include the following information by district office for each national origin group:

(1) The number of applications for citizenship filed.

(2) The number of applications approved.

(3) The number of applications denied.

(4) The number of applications pending.

TITLE II—TECHNICAL CORRECTIONS OF IMMIGRATION LAWS

SEC. 201. AMERICAN INSTITUTE IN TAIWAN.

Section 101(a)(27)(D) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27)(D)) is amended—

(1) by inserting "or of the American Institute in Taiwan," after "of the United States Government abroad,"; and

(2) by inserting "(or, in the case of the American Institute in Taiwan, the Director thereof)" after "Foreign Service establishment".

SEC. 202. G-4 SPECIAL IMMIGRANTS.

Section 101(a)(27)(I)(iii) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27)(I)(iii)) is amended by striking "(II)" and all that follows through "; or" and inserting the following: "(II) files a petition for status under this subparagraph no later than six months after the date of such retirement or six months after the date of enactment of the Immigration and Nationality Technical Corrections Act of 1994, whichever is later; or".

SEC. 203. CLARIFICATION OF CERTAIN GROUNDS FOR EXCLUSION AND DEPORTATION.

(a) EXCLUSION GROUNDS.—Section 212 of the Immigration and Nationality Act (8 U.S.C. 1182) is amended—

(1) in subsection (a)(2)(A)(i)(I), by inserting "or an attempt or conspiracy to commit such a crime" after "offense)",

(2) in subsection (a)(2)(A)(i)(II), by inserting "or attempt" after "conspiracy", and

(3) in the last sentence of subsection (h), by inserting ", or an attempt or conspiracy to commit murder or a criminal act involving torture" after "torture".

(b) DEPORTATION GROUNDS.—Section 241(a) of such Act (8 U.S.C. 1251(a)) is amended—

(1) in paragraph (2)(C)—

(A) by striking "in violation of any law," and inserting ", or of attempting or conspiring to purchase, sell, offer for sale, exchange, use own, possess, or carry,", and

(B) by inserting "in violation of any law" after "Code)"; and

(2) in paragraph (3)(B), by inserting "an attempt or" before "a conspiracy" each place it appears in clauses (ii) and (iii).

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to convictions occurring before, on, or after the date of the enactment of this Act.

SEC. 204. UNITED STATES CITIZENS ENTERING AND DEPARTING ON UNITED STATES PASSPORTS.

(a) IN GENERAL.—Section 215(b) of the Immigration and Nationality Act (8 U.S.C. 1185(b)) is amended by inserting "United States" after "valid".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to departures and entries (and attempts thereof) occurring on or after the date of enactment of this Act.

SEC. 205. APPLICATIONS FOR VISAS.

(a) IN GENERAL.—The second sentence of section 222(a) of the Immigration and Nationality Act (8 U.S.C. 1202(a)) is amended—

(1) by striking "the immigrant" and inserting "the alien", and

(2) by striking "present address" and all that follows through "exempt from exclusion under the immigration laws;".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to applications made on or after the date of the enactment of this Act.

SEC. 206. FAMILY UNITY.

(a) IN GENERAL.—Section 301(a) of the Immigration Act of 1990 is amended by inserting after "May 5, 1988" the following: "(in the case of a relationship to a legalized alien described in subsection (b)(2)(B) or (b)(2)(C)) or as of December 1, 1988 (in the case of a relationship to a legalized alien described in subsection (b)(2)(A))".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall be deemed to have become effective as of October 1, 1991.

SEC. 207. TECHNICAL AMENDMENT REGARDING ONE-HOUSE VETO.

Section 13(c) of the Act of September 11, 1957 (8 U.S.C. 1255b(c)) is amended—

(1) by striking the third sentence; and

(2) in the fourth sentence, by striking "If neither the Senate nor the House of Representatives passes such a resolution within the time above specified the" and inserting "The".

SEC. 208. AUTHORIZATION OF APPROPRIATIONS FOR REFUGEE ASSISTANCE FOR FISCAL YEARS 1995, 1996, AND 1997.

Section 414(a) of the Immigration and Nationality Act (8 U.S.C. 1524(a)) is amended by striking "fiscal year 1993 and fiscal year 1994" and inserting "fiscal year 1995, fiscal year 1996, and fiscal year 1997".

SEC. 209. FINES FOR UNLAWFUL BRINGING OF ALIENS INTO THE UNITED STATES.

(a) IN GENERAL.—Section 273 of the Immigration and Nationality Act (8 U.S.C. 1323) is amended—

(1) in subsections (b) and (d) by striking "the sum of $3000" and inserting "a fine of $3000" each place it appears;

(2) in the first sentence of subsection (b) by striking "a sum equal" and inserting "an amount equal";

(3) in the second sentence of subsection (d) by striking "a sum sufficient to cover such fine" and inserting "an amount sufficient to cover such fine";

(4) by striking "sum" and "sums" each place either appears and inserting "fine";

(5) in subsection (c) by striking "Such" and inserting "Except as provided in subsection (e), such"; and

(6) by adding at the end the following new subsection:

"(e) A fine under this section may be reduced, refunded, or waived under such regulations as the Attorney General shall prescribe in cases in which—

"(1) the carrier demonstrates that it had screened all passengers on the vessel or aircraft in accordance with procedures prescribes by the Attorney General, or

"(2) circumstances exist that the Attorney General determines would justify such reduction, refund, or waiver.".

(b) EFFECTIVE DATE.—The amendments made by this subsection shall apply with respect to aliens brought to the United States more than 60 days after the date of enactment of this Act.

SEC. 210. EXTENSION OF VISA WAIVER PILOT PROGRAM.

Section 217(f) of the Immigration and Nationality Act (8 U.S.C. 1187(f)) is amended by striking "ending" and all that follows through the period and inserting "ending on September 30, 1996".

SEC. 211. CREATION OF PROBATIONARY STATUS FOR PARTICIPANT COUNTRIES IN THE VISA WAIVER PROGRAM.

Section 217 of the Immigration and Nationality Act (8 U.S.C. 1187) is amended—

(1) in subsection (a)(2)(B) by inserting before the period "or is designated as a pilot program country with probationary status under subsection (g)";

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

"(g) PILOT PROGRAM COUNTRY WITH PROBATIONARY STATUS.—

"(1) IN GENERAL.—The Attorney General and the Secretary of State acting jointly may designate any country as a pilot program country with probationary status if it meets the requirements of paragraph (2).

"(2) QUALIFICATIONS.—A country may not be designated as a pilot program country with probationary status unless the following requirements are met:

"(A) NONIMMIGRANT VISA REFUSAL RATE FOR PREVIOUS 2-YEAR PERIOD.—The average number of refusals of nonimmigrant visitor visas for nationals of the country during the two previous full fiscal years was less than 3.5 percent of the total number of nonimmigrant visitor visas for nationals of that country which were granted or refused during those years.

"(B) NONIMMIGRANT VISA REFUSAL RATE FOR PREVIOUS YEAR.—The number of refusals of nonimmigrant visitor visas for nationals of the country during the previous full fiscal year was less than 3 percent of the total number of nonimmigrant visitor visas for nationals of that country which were granted or refused during that year.

"(C) LOW EXCLUSIONS AND VIOLATIONS RATE FOR PREVIOUS YEAR.—The sum of—

"(i) the total number of nationals of that country who were excluded from admission or withdrew their application for admission during the preceding fiscal year as a nonimmigrant visitor, and

"(ii) the total number of nationals of that country who were admitted as nonimmigrant visitors during the preceding fiscal year and who violated the terms of such admission,

was less than 1.5 percent of the total number of nationals of that country who applied for admission as nonimmigrant visitors during the preceding fiscal year.

"(D) MACHINE READABLE PASSPORT PROGRAM.—The government of the country certifies that it has or is in the process of developing a program to issue machine-readable passports to its citizens.

"(3) CONTINUING AND SUBSEQUENT QUALIFICATIONS FOR PILOT PROGRAM COUNTRIES WITH PROBATIONARY STATUS.—The designation of a country as a pilot program country with probationary status shall terminate if either of the following occurs:

"(A) The sum of—

"(i) the total number of nationals of that country who were excluded from admission or withdrew their application for admission during the preceding fiscal year as a nonimmigrant visitor, and

"(ii) the total number of nationals of that country who were admitted as visitors during the preceding fiscal year and who violated the terms of such admission,

is more than 2.0 percent of the total number of nationals of that country who applied for admission as nonimmigrant visitors during the preceding fiscal year.

"(B) The country is not designated as a pilot program country under subsection (c) within 3 fiscal years of its designation as a pilot program country with probationary status under this subsection.".

"(4) DESIGNATION OF PILOT PROGRAM COUNTRIES WITH PROBATIONARY STATUS AS PILOT PROGRAM COUNTRIES.—In the case of a country which was a pilot program country with probationary status in the preceding fiscal year, a country may be designated by the Attorney General and the Secretary of State, acting jointly, as a pilot program country under subsection (c) if—

"(A) the total of the number of nationals of that country who were excluded from admission or withdrew their application for admission during the preceding fiscal year as a nonimmigrant visitor, and

"(B) the total number of nationals of that country who were admitted as nonimmigrant visitors during the preceding fiscal year and who violated the terms of such admission,

was less than 2 percent of the total number of nationals of that country who applied for admission as nonimmigrant visitors during such preceding fiscal year."; and

(3) in subsection (c)((2) by striking "A country" and inserting "Except as provided in subsection (g)(4), a country".

SEC. 212. TECHNICAL CHANGES TO NUMERICAL LIMITATIONS CONCERNING CERTAIN SPECIAL IMMIGRANTS.

(a) PANAMA CANAL SPECIAL IMMIGRANTS.—Section 3201 of the Panama Canal Act of 1979 (Public Law 96-70) is amended by striking subsection (c).

(b) ARMED FORCES SPECIAL IMMIGRANTS.—Section 203(b)(6) of the Immigration and Nationality Act (8 U.S.C. 1153(b)(6)) is amended by striking subparagraph (C).

SEC. 213. EXTENSION OF TELEPHONE EMPLOYMENT VERIFICATION SYSTEM.

Section 274A(d)(4)(A) of the Immigration and Nationality Act (8 U.S.C. 1324a(d)(4)(A)) is amended in the second sentence by striking "three" and inserting "five".

SEC. 214. EXTENSION OF EXPANDED DEFINITION OF SPECIAL IMMIGRANT FOR RELIGIOUS WORKERS.

Section 101(a)(27)(C)(ii) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27)(C)(ii)) is amended—

(1) in subclause (II) by striking "1994," and inserting "1997,"; and

(2) in subclause (III) by striking "1994," and inserting "1997,".

SEC. 215. EXTENSION OF OFF-CAMPUS WORK AUTHORIZATION FOR STUDENTS.

(a) IN GENERAL.—Section 221 of the Immigration Act of 1990 (Pub. Law 101-649; 104 Stat. 4978) as amended by section 303(b)(1) of the Miscellaneous and Technical Immigration and Naturalization Amendments of 1991 (Pub. Law 102-232; 105 Stat. 1747) is amended—

(1) in the heading for subsection (a) by striking "3-YEAR" and inserting "5-YEAR"; and

(2) in subsection (a) by striking "3-year" and inserting "5-year"; and

(3) in subsection (b) by striking "1994," and inserting "1996,".

SEC. 216. ELIMINATING OBLIGATION OF CARRIERS TO DETAIN STOWAWAYS.

The first sentence of section 273(d) of the Immigration and Nationality Act (8 U.S.C. 1323(d)) is amended to read as follows: "The owner, charterer, agent, consignee, commanding officer, or master of any vessel or aircraft arriving at the United States from any place outside the United States who fails to deport any alien stowaway on the vessel or aircraft on which such stowaway arrived or on another vessel or aircraft at the expense of the vessel or aircraft on which such stowaway arrived when required to do so by an immigration officer, shall pay to the Commissioner the sum of $3,000 for each alien stowaway, in respect of whom any such failure occurs.".

SEC. 217. COMPLETING USE OF VISAS PROVIDED UNDER DIVERSITY TRANSITION PROGRAM.

(a) EXTENSION OF DIVERSITY TRANSITION PROGRAM.—Section 132 of the Immigration Act of 1990 (Public Law 101-649) is amended—

(1) in subsection (a), by inserting before the period at the end of the first sentence the following: "and in fiscal year 1995 a number of immigrant visas equal to the number of such visas provided (but not made available) under this section in previous fiscal years"; and

(2) in the next to last sentence of subsection (c), by striking "or 1993" and inserting ", 1993, or 1994".

(b) ADMINISTRATION OF 1995 DIVERSITY TRANSITION PROGRAM.—

(1) ELIGIBILITY.—For the purpose of carrying out the extension of the diversity transition program under the amendments made by subsection (a), applications for natives of diversity transition countries submitted for fiscal year 1995 for diversity immigrants under section 203(c) of the Immigration and Nationality Act shall be considered applications for visas made available for fiscal year 1995 for the diversity transition program under section 132 of the Immigration Act of 1990. No application period for the fiscal year 1995 diversity transition program shall be established and no new applications may be accepted for visas made available under such program for fiscal year 1995. Applications for visas in excess of the minimum available to natives of the country specified in section 132(c) of the Immigration Act of 1990 shall be selected for qualified applicants within the several regions defined in section 203(c)(1)(F) of the Immigration and Nationality Act in proportion to the region's share of visas issued in the diversity transition program during fiscal years 1992 and 1993.

(2) NOTIFICATION.—Not later than 180 days after the date of enactment of this Act, notification of the extension of the diversity transition program for fiscal year 1995 and the provision of visa numbers shall be made to each eligible applicant under paragraph (1).

(3) REQUIREMENTS.—Notwithstanding any other provision of law, for the purpose of carrying out the extention of the diversity transition program under the amendments made by subsection (a), the requirement of section 132(b)(2) of the Immigration Act of 1990 shall not apply to applicants under such extension and the requirement of section 203(c)(2) of the Immigration and Nationality Act shall apply to such applicants.

SEC. 218. EFFECT ON PREFERENCE DATE OF APPLICATION FOR LABOR CERTIFICATION.

Section 161(c)(1) of the Immigration Act of 1990 (Public Law 101-649) is amended—

(1) by striking "or an application for labor certification before such date under section 212(a)(14)"; and

(2) in subparagraph (A)—

(A) by striking "or application"; and

(B) by striking ", or 60 days after the date of certification in the case of labor certifications filed in support of the petition under section 212(a)(14) of such Act before October 1, 1991, but not certified until after October 1, 1993".

SEC. 219. OTHER MISCELLANEOUS AND TECHNICAL CORRECTIONS TO IMMIGRATION-RELATED PROVISIONS.

(a) Section 101(a)(27)(J)(i) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27)(J)(i)) is amended by striking "and has" and inserting "or whom such a court has legally committed to, or placed under the custody of, an agency or department of a State and who has".

(b)(1) The second sentence of section 201(b)(2)(A)(i) of the Immigration and Nationality Act (8 U.S.C. 1151(b)(2)(A)(i)) is amended by inserting "(and each child of the alien)" after "the alien".

(2) The second sentence of section 204(a)(1)(A) of such Act (8 U.S.C. 1154(a)(1)(A)) is amended—

(A) by inserting "spouse" after "alien", and

(B) by inserting "of the alien (and the alien's children)" after "for classification".

(c) Section 203(b)(5) of the Immigration and Nationality Act (8 U.S.C. 1153(b)(5)) is amended by striking "TARGETTED", "TARGETTED", and "targetted" each place each appears and inserting "TARGETED", "TARGETED", and "targeted", respectively.

(d) Section 210(d)(3) of the Immigration and Nationality Act (8 U.S.C. 1160(d)(3)) is amended by inserting "the" before "Service" the first place it appears.

(e) Section 212(d)(11) of the Immigration and Nationality Act (8 U.S.C. 1182(d)(11)) is amended by striking "voluntary" and inserting "voluntarily".

(f) Section 258 of the Immigration and Nationality Act (8 U.S.C. 1288) is amended in subsection (d)(3)(B) by striking "subparagraph (A)" and inserting "subparagraph (A)(iii)".

(g) Section 241(c) of the Immigration and Nationality Act (8 U.S.C. 1251(c)) is amended by striking "or (3)(A) of subsection 241(a)" and inserting "and (3)(A) of subsection (a)".

(h) Section 242(h) of the Immigration and Nationality Act (8 U.S.C. 1252(h)) is amended by striking "Parole,," and inserting "Parole,".

(i) Section 242B(c)(1) of the Immigration and Nationality Act (8 U.S.C. 1252b(c)(1)) is amended by striking the comma after "that".

(j) Section 244A(c)(2)(A)(iii)(III) of the Immigration and Nationality Act (8 U.S.C. 1254a(c)(2)(A)(iii)(III)) is amended—

(1) by striking "Paragraphs" and inserting "paragraphs", and

(2) by striking "or (3)(E)" and inserting "and (3)(E)".

(k) Section 245(h)(2)(B) of the Immigration and Nationality Act (8 U.S.C. 1255(h)(2)(B)) is amended by striking "or (3)(E)" and inserting "and (3)(E)".

(l)(1) Subparagraph (C) of section 245A(c)(7) of the Immigration and Nationality Act (8 U.S.C. 1255a(c)(7)), as added by Public Law 102-140, is amended—

(A) by indenting it 2 additional ems to the right; and

(B) by striking "subsection (B)" and inserting "subparagraph (B)".

(2) Section 610(b) of Public Law 102-140 is amended by striking "404(b)(2)(ii)" and "404(b)(2)(iii)" and inserting "404(b)(2)(A)(ii)" and "404(b)(2)(A)(iii)", respectively.

(m) Effective as of the date of the enactment of this Act, section 246(a) of the Immigration and Nationality Act (8 U.S.C. 1256(a)) is amended by striking the first 3 sentences.

(n) Section 262(c) of the Immigration and Nationality Act (8 U.S.C. 1302(c)) is amended by striking "subsection (a) and (b)" and inserting "subsections (a) and (b)".

(o) Section 272(a) of the Immigration and Nationality Act (8 U.S.C. 1322(a)) is amended by striking the comma after "so afflicted".

(p) The first sentence of section 273(b) of the Immigration and Nationality Act (8 U.S.C. 1323(b)) is amended by striking "collector of customs" and inserting "Commissioner".

(q) Section 274B(g)(2)(C) of the Immigration and Nationality Act (8 U.S.C. 1324b(g)(2)(C)) is amended by striking "an administrative law judge" and inserting "the Special Counsel".

(r) Section 274C(b) of the Immigration and Nationality Act (8 U.S.C. 1324c(b)) is amended by striking "title V" and all that follows through "3481)"and inserting "chapter 224 of title 18, United States Code".

(s) Section 280(b)(1)(C) of the Immigration and Nationality Act (8 U.S.C. 1330(b)(1)(C)) is amended by striking "maintainance" and inserting "maintenance".

(t) Effective as if included in the enactment of Public Law 102–395, subsection (r) of section 286 of the Immigration and Nationality Act (8 U.S.C. 1356), as added by section 112 of such Public Law, is amended—

(1) in the subsection heading, by striking "Breached Bond/Detention Account" and inserting "BREACHED BOND/DETENTION FUND";

(2) in paragraph (1), by striking "(hereafter referred to as the Fund)" and inserting "(in this subsection referred to as the 'Fund')";

(3) in paragraph (2), by striking "the Immigration and Nationality Act of 1952, as amended," and inserting "this Act";

(4) in paragraphs (4) and (6), by striking "the Breached Bond/Detention" each place it appears;

(5) in paragraph (4), by striking "of this Act" and inserting "of Public Law 102–395"; and

(6) in paragraph (5), by striking "account" and inserting "Fund".

(u) Section 310(b)(5)(A) of the Immigration and Nationality Act (8 U.S.C. 1421(b)(5)(A)) is amended by striking "District Court" and inserting "district court".

(v) Effective December 12, 1991, section 313(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1424(a)(2)) is amended by striking "and" before "(F)" and inserting "or".

(w) Section 333(b)(1) of the Immigration and Nationality Act (8 U.S.C. 1444(b)(1)) is amended by striking "249(a)" and inserting "249".

(x) Section 412(e)(7)(D) of the Immigration and Nationality Act (8 U.S.C. 1522(e)(7)(D)) is amended by striking "paragraph (1) or (2) of".

(y) Section 302(c) of the Immigration Act of 1990 is amended by striking "effect" and inserting "affect".

(z) Effective as if included in the Miscellaneous and Technical Immigration and Naturalization Amendments of 1991—

(1) section 303(a)(7)(B)(i) of such Act is amended by striking "paragraph (1)(A)" and inserting "paragraph (1)(A)(i)";

(2) section 304(b)(2) of such Act is amended by striking "paragraph (1)(B)" and inserting "subsection (c)(1)(B)";

(3) paragraph (1) of section 305(j) of such Act is repealed (and section 407(d)(16)(C) of the Immigration Act of 1990 shall read as if such paragraph had not been enacted);

(4) paragraph (2) of section 306(b) of such Act is amended to read as follows:

"(2) Section 538(a) of the Immigration Act of 1990 is amended by striking the comma after 'Service'.";

(5) section 307(a)(6) of such Act is amended by striking "immigrants" the first place it appears and inserting "immigrant aliens";

(6) section 309(a)(3) of such Act is amended by striking "paragraph (1) and (2)" and inserting "paragraphs (1)(A) and (1)(B)";

(7) section 309(b)(6)(F) of such Act is amended by striking "210(a)(1)(B)(1)(B)" and inserting "210(a)(B)(1)(B)";

(8) section 309(b)(8) of such Act is amended by striking "274A(g)" and inserting "274A(h)"; and

(9) section 310 of such Act is amended—

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

(B) by striking paragraph (2); and

(C) by redesignating paragraph (3) as paragraph (2) and by striking "309(c)" and inserting "309(b)".

(aa) Effective as if included in section 4 of Public Law 102–110, section 161(c)(3) of the Immigration Act of 1990 is amended—

(1) by striking "alien described in section 203(a)(3) or 203(a)(6) of such Act" and inserting "alien admitted for permanent residence as a preference immigrant under section 203(a)(3) or 203(a)(6) of such Act (as in effect before such date)"; and

(2) by striking "this section" and inserting "this title".

(bb) Section 599E(c) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1990 (Public Law 101–167) is amended by striking "and subparagraphs" and inserting "or subparagraph".

(cc) Section 204(a)(1)(C) of the Immigration Reform and Control Act of 1986 is amended by striking "year 1993 the first place it appears" and inserting "years 1993".

(dd) Except as otherwise specifically provided in this section, the amendments made by this section shall be effective as if included in the enactment of the Immigration Act of 1990.

(ee)(1) Section 210A of the Immigration and Nationality Act (8 U.S.C. 1161) is repealed.

(2) The table of contents of the Immigration and Nationality Act is amended by striking the item relating to section 210A.

(ff) Section 122 of the Immigration Act of 1990 is amended by striking subsection (a).

(gg) The Copyright Royalty Tribunal Reform Act of 1993 (Public Law 103-198; 107 Stat. 2304) is amended by striking section 8.

The SPEAKER pro tempore (Mr. HASTINGS). Pursuant to the rule, the gentleman from Kentucky [Mr. MAZZOLI] will be recognized for 20 minutes, and the gentleman from Florida [Mr. MCCOLLUM] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Kentucky [Mr. MAZZOLI].

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

Mr. Speaker, I rise in strong support of this measure, the Immigration and Nationality Technical Corrections Act of 1994.

Mr. Speaker, this legislation was originally passed by the House last November, November 20, 1993. It consisted then of five separate sections, all of which dealt with the immigration and naturalization provisions of the law. The bill also passed the House that very same day, but the Senate added an amendment to our bill. The bill before us at this moment. Mr. Speaker, is the House amendment to the Senate amendment to the bill, H.R. 783. I will be happy in a moment to describe some of the aspects of the bill.

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

Mr. BROOKS. Mr. Speaker, I want to first thank the gentleman from Kentucky, ROMANO MAZZOLI, chairman of the Subcommittee on International Law, Immigration, and Refugees of the Committee on the Judiciary, for his fine efforts on this legislation, and for his substantial contributions to the effectiveness of this Congress over the years that he has spent here, 24 years of dedicated service. We will all miss him, and wish him every success in his future.

Mr. Speaker, I want to thank the gentleman from Florida, BILL MCCOLLUM. I do not thank him very often. He is the ranking member of the subcommittee, and I appreciate his strong contribution to this effort. It is not often, but when he does the right thing I want to recognize him and encourage him in that effort.

I am hopeful that our action today will set the stage for the Senate to send this bill promptly to the President.

Mr. Speaker, this resolution provides for the consideration of amendments to H.R. 783, legislation which provides improvements to the immigration laws and those relating to naturalization and citizenship. H.R. 783 passed the House on November 20, 1993, and was amended by the Senate and returned to the House the same day.

The bill has many important provisions, several which deserve mention. It removes discriminatory barriers which have been in the law for decades and which treated women differently from men for the purposes of transmitting citizenship. There is no basis for such a distinction, and understandably, the State department no longer wishes to defend this distinction.

The bill also extends the Visa Waiver Pilot Program for 2 years. This important program allows millions of visitors from low-risk countries to travel to the United States without the burden of obtaining a visa. It has greatly facilitated both tourism and business exchange and should be continued.

Mr. Speaker, I urge all the Members to support this effort.

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

Mr. Speaker, as the distinguished chairman of the committee, the gentleman from Texas [Mr. BROOKS] has said, the bill does many important things for the immigration and nationality category of the law. The bill provides five major, core provisions, Mr. Speaker. These provisions correct problems in current immigration law which impose unnecessary burdens on persons who wish to become citizens, and on the transmission of citizenship from parent to child.

One of the provisions corrects a problem in the law which dates all the way back to 1934. Prior to 1934, only U.S. citizen men could confer citizenship on children born outside the United States. The child of a U.S. citizen father and a noncitizen mother was a U.S. citizen, but the converse was not the case.

In 1934, Congress revised this clearly discriminatory rule. However, the 1934 act was not made retroactive. Thus, there are persons who were born abroad earlier than 1934 to U.S. citizen mothers and alien fathers who are not now citizens of the United States.

H.R. 783 corrects this inequity, but it does so while expressly prohibiting the conferral of citizenship to anyone who assisted in any form of Nazi persecution.

H.R. 783 also enables children of U.S. citizens who live and work abroad for long periods of time to receive U.S. citizenship. As we know, Mr. Speaker, now more and more people are living and working abroad. This is a very important change in the law.

Under current law, U.S. citizen parents are forced to decide between quitting their jobs abroad and returning to the United States or denying their children U.S. citizenship. H.R. 783 makes it easier for U.S. citizen parents to pass on U.S. citizenship to their children who are born abroad.

The bill requires, with regard to the U.S. history and government knowledge portions of the naturalization test, that the Attorney General publish regulations which recognize the special needs and the equities of persons who are over 65 years of age, but who have been permanent residents in the United States for at least 20 years.

The bill also provides a general waiver of all testing requirements for persons of any age who, because of physical or developmental disability or mental impairment, could not reasonably be expected to pass the test.

The bill allows an individual who lost U.S. citizenship because of failure to meet the retention requirements of the law as they existed prior to their repeal in 1978 to regain their citizenship upon application to the Attorney General.

An extremely important provision in this bill, Mr. Speaker, section 210, which, as the chairman of our committee has explained, extends the existing visa waiver pilot program for 2 years. Under the visa waiver program, visitors from abroad can come to the United States for business and/or pleasure from these qualifying foreign countries without having a visa for stays up to 90 days.

Twenty-two countries now satisfy these standards and are participants in the program. Very quickly, they are France, Germany, Italy, Japan, Brunei, Great Britain, Holland, Sweden, Switzerland, Andorra, Austria, Belgium, Denmark, Finland, Iceland, Lichtenstein, Luxembourg, Monaco, New Zealand, Norway, San Marino, and Spain.

In general, for its nationals to qualify for visa waiver, a foreign country must have a low rate of visa refusal, averaging less than 2 percent during the 2 previous fiscal years and less than 2.5 percent during any one fiscal year. In addition, the Attorney General must determine that a country's inclusion must not damage U.S. law enforcement interests. To stay in the program the countries have to maintain these low rates of visa violations.

Visa waiver was first enacted by Congress in 1983 as a part of a 3-year pilot program. In 1990, after it had been proven successful, Congress extended the program until September 30 of this year, and most of the feedback we have had, Mr. Speaker, indicates that the program has been very favorably received. The travel and tourism industries, as well as officials from both current and past administrations, are very much in favor of the program. This bill would extend the program.

Mr. Speaker, in addition to extending the program, it provides that countries that have low rates of visa refusal, but not quite low enough to qualify under current law, could qualify for visa waiver on a probationary basis. Specifically, a country would qualify if its refusal rate was less than 3.5 percent for the 2 fiscal years and less than 3 percent during the past fiscal year.

H.R. 783 also reauthorizes appropriations for the refugee resettlement program for 3 years. Such an authorization is needed to help assist the States with the cost of resettling refugees.

H.R. 783 extends for 3 years a pilot program that allows nonimmigrant students to work during their collegiate years off campus, a provision strongly supported by the Nation's universities.

The bill also extends for 3 years a program strongly supported by many religious organizations which grants special immigrant status to religious workers.

Mr. Speaker, this is a truly bipartisan, very noncontroversial bill. It makes a series of minor but important changes to the immigration law. The Subcommittee on International Law, Immigration, and Refugees of the Committee on the Judiciary, which I am very privileged to chair, held a hearing on H.R. 783 on March of last year and the Visa Waiver Program on August 11 of 1994. The subcommittee has heard from Members of Congress, administration officials, and all interested parties.

H.R. 783 was marked up by the subcommittee in May 1993 and ordered favorably reported to the full Committee on the Judiciary by voice vote. The bill was favorably reported by the full committee November 1993. It passed the House November 20, 1993, by a voice vote under suspension.

Mr. Speaker, I would like not only to thank my colleagues in this effort, the gentleman from Florida [Mr. McCOLLUM], and my friend, the gentleman from New York [Mr. SCHUMER], and all members of our committee, but I would like to mark at this point very briefly the passing of Mr. Jerry Tinker, who has worked with the Senate committee for a number of years, the committee headed by the gentleman from Massachusetts, Senator KENNEDY.

Jerry Tinker began working with Senator KENNEDY back in 1970, about the time that I came to the House.

□ 1620

He became staff director of the Senate Subcommittee on Immigration and Refugee Affairs and in that position, Mr. Speaker, helped shape all of the major legislation which has emanated from the Senate and really from the Congress until his passing just a few days ago.

It always was a pleasure working with Jerry. He was affable, personable and very knowledgeable about the law. I will, along with all members of the staff and the Congress who have worked with him, miss him in the years ahead.

We extend our condolences to his family, very particularly his daughters Katherine and Caroline.

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

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

Mr. Speaker, I rise in support of House Resolution 533 providing for the House to agree, with modifications, to the Senate amendment to the House bill 783, a bill which passed this House last November by voice vote under suspension of the rules. This bill makes several important changes to the immigration laws.

Section 101 of the bill modifies the Immigration and Nationality Act to make it clear that any person born outside the United States to parents, one of whom is a U.S. citizen, will be considered a U.S. citizen. Under present law, children born outside the United States before 1934 whose mother was a U.S. citizen but whose father was not a U.S. citizen are not deemed to be U.S. citizens. If the child's father had been the U.S. citizen, however, then the child would be a U.S. citizen. This bill corrects this inequity in the law to provide for a uniformed determination of citizenship where at least one parent is a U.S. citizen.

Section 103 addresses another inequity in the Immigration and Nationality Act. From 1934 through 1978, U.S. citizens who were born abroad to a U.S. citizen parent and an alien parent were required to live in the United States for a specified period of time in order to retain their U.S. citizenship. This residency requirement was repealed in 1978 but the repeal was not retroactive. As a result, persons who had not lived in the United States for the requisite period of time lost their U.S. citizenship. H.R. 783 provides a means by which these persons may regain their U.S. citizenship.

Section 108 relates to the tests that persons seeking to become naturalized

U.S. citizens must pass in order to be naturalized. Under present law, applicants for naturalization must pass both an English language test and a test relating to U.S. Government and history. Current law provides that waivers of the English language test may be granted to persons who suffer a disability preventing them from passing the test, and to persons who are over the age of 50 and who have lived in the United States for 20 years or over the age of 55 and who have lived in the United States for 50 years. Section 108 of this bill would extend a similar waiver to the Government and history test for any person who is over 65 years of age and who has lived in the United States for at least 20 years. This waiver is to be determined on a case by case basis by the Attorney General pursuant to regulations that she shall promulgate.

The bill also provides for the extension of several existing provisions of the Immigration and Nationality Act currently set to terminate on September 30, 1994.

Section 213 of the bill provides for the extension of time within which the President may undertake demonstration projects relating to the laws prohibiting the employment of illegal aliens. Specifically, this section will extend for an additional 2 years the telephone employment verification system, a demonstration project presently ongoing pursuant to which employers may verify by telephone the employment eligibility of potential employees. The use of a telephonic verification system for potential employee eligibility to work has been the subject of much discussion of late. Congressman KEN CALVERT has taken the lead on this issue and former Congresswoman Barbara Jordan, Chair of the Bipartisan U.S. Commission on Immigration Reform, in her testimony before a Subcommittee of the Senate Judiciary Committee noted that one of the Commission's eventual recommendations is likely to be the implementation of such a system. I believe that such a system would be an efficient, quick way for employers to verify the work eligibility of potential employees. This system would dramatically decrease the opportunities for illegal aliens to obtain work in the United States, one of the principle magnets that draws illegal aliens to this country. H.R. 4577, a bill that I cosponsored with Congressmen CALVERT would implement such a system on a nationwide basis.

Section 214 provides for the extension of the religious worker category of special immigrant through 1997. Section 215 provides for the extension for 2 more years the off-campus work authorization presently given foreign students who are studying in the United States.

Section 209 extends for 2 more years the visa waiver pilot program. Under this program, citizens of specified foreign countries are entitled to travel to the United States as tourists or business visitors for periods up to 90 days without having to obtain a visa prior to entering the country. The countries which participate in this program are those which have had historically low rates of refusal for visa applications by the citizens. The benefits of extending this program are several. First, participant countries must waive any visa requirement placed upon United States citizens who wish to travel to their country. Second, by eliminating the requirement that citizens of participant countries apply for visas, the overwhelming majority of which are granted, this program significantly reduces the work load placed upon American embassy personnel abroad. As a result, fewer employees are needed in those embassies with the resultant cost savings benefiting American taxpayers. Finally, the number of tourists from program participant countries visiting the United States generally increases once the country becomes part of the program. As tourism is a major industry in this country, eliminating unnecessary barriers to tourist travel is beneficial to our economy.

In addition to extending the present program, section 210 of the bill creates a new category of probationary participating in the visa waiver program to enable countries to participate in the program which are not now eligible to do so. Countries eligible for this new probationary status of participant will be those which have made demonstrable improvements in their visa refusal rates and which would otherwise be eligible to participate in the program in the near future. By expediting their inclusion in the program, we cause the resultant benefits in increased tourism and cost saving at our embassies to occur sooner rather than later. These provisions do not affect the screening process that goes on at our border which keeps out those who are convicted criminals, terrorists, etcetera.

Finally, I point out that this bill makes numerous technical corrections in the immigration laws. I take this opportunity to note one in particular. It is the intention of the drafters of the bill that section 218 be retroactive to the original effective date of the Immigration Act of 1990. The purpose of this provision is to make it clear that the priority date of any petition filed for classification under section 203(b) of the Immigration and Nationality Act which is accompanied by an individual labor certification from the Department of Labor shall be the date the application for certification was accepted for processing by any office within the employment service system of the Department of Labor. This section is intended to remedy an inadvertent result created by the Miscellaneous and Technical Immigration and Naturalization Amendments of 1991. As a result of how that act has been interpreted, persons on whose behalf permanent residence petitions were not filed before October 1, 1993, ran the risk of losing their priority date with respect to becoming legal permanent residents. This has led to situations where persons who had waited for several years to become a permanent resident are placed at the bottom of the waiting list and are forced to wait many more years before becoming permanent residents. The change under H.R. 783 will make it clear that priority date for this purpose is to be the date of any application for labor certification processed by the Department of Labor regardless as to whether a petition for permanent residence was filed on or before October 1, 1993.

The language in H.R. 783 has been worked out among various members of the subcommittee. I would like to thank Chairman MAZZOLI and Congressmen HOWARD BERMAN and BARNEY FRANK for their work during the development of this bill last year. I have been pleased to have continued that close relationship with Chairman MAZZOLI during the further modifications to the bill during this session of the 103d Congress. I believe the resulting product is a good piece of legislation and I urge my colleagues to support it.

Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. FISH], the ranking member of our full Committee on the Judiciary.

Mr. FISH. Mr. Speaker, I thank my friend, the gentleman from Florida, for yielding me the time.

Mr. Speaker, I am pleased that the legislation we are considering includes an extension of the visa waiver pilot program and a new probationary visa waiver status based on appropriate standards. My interest in the visa waiver pilot program goes back many years and includes involvement in its original formulation.

The United States, in my view, benefits when it expedites international visitor travel in ways that are consistent with the requirements of immigration law enforcement. The experience with the pilot program demonstrates that inspection by an immigration officer at the point of entry is a sufficient safeguard for visitors from certain countries selected on the basis of objective criteria. The extension of the program advances U.S. interests by facilitating travel opportunities.

The new probationary visa waiver status represents a modest expansion of eligibility criteria to embrace countries that have very good records with the U.S. visa refusal rate and the overstay rate are viewed in combination. The visa refusal rate for Ireland, for example, approaches—but does not reach—the criteria of existing law; nevertheless, relatively few visitors from

Ireland violate the terms of their admission by overstaying. An outstanding record of compliance with U.S. immigration law merits recognition in the visa waiver formula.

The new provision gives expression to the principle of permitting a very favorable overstay rate to counterbalance a rejection rate that slightly exceeds the current limit. Such a principle recognizes the special equities of a country that approaches current visa waiver requirements if its nationals—visiting the United States—adhere to our immigration law.

With the pilot program about to expire, I welcome legislative action providing for the program's continuation with a provision to accommodate the deserving circumstances I have described.

□ 1630

Mr. Speaker, today may well mark two events. One referred to by the chairman of the subcommittee, the gentleman from Kentucky [Mr. MAZZOLI] is the passing of Jerry Tinker. Some of us attended his funeral today. As well I think this may be the last piece of legislation that Chairman MAZZOLI brings from his subcommittee to the House floor. The field, if I might call it that, of immigration and refugee policy in the Congress of the United States has few experts, and if you remove from that pool of authority and wisdom and experience RON MAZZOLI and Jerry Tinker, then there is very little left: it is very thin. These two distinguished gentleman have served this body for over two decades and really have been in the forefront of immigration law with great knowledge which is deeply respected on both sides of the aisle. My chairman Mr. MAZZOLI, and I have served together for so many, many years on the Immigration Subcommittee as well as on other subcommittees. I do not mind leaving the Congress myself because there will be a great change in leadership on this fundamental issue when the gentleman from Kentucky [Mr. MAZZOLI] leaves.

Mr. MCCOLLUM. Mr. Speaker, reclaiming my time and yielding myself a few moments, I want to add, besides wishing a fond farewell to Chairman MAZZOLI, who has been our chairman of the subcommittee, the gentleman from New York [Mr. FISH] is himself leaving this Congress at this time, and we are going to miss him because he has spent an enormous amount of time contributing to the immigration and refugee matters. When I first came here some 14 years ago he was already a leading expert, and that is when I believe Chairman MAZZOLI became the chairman of the subcommittee for the first time. And while the gentleman from New York [Mr. FISH], speaks, and I know it will be a great loss of Chairman MAZZOLI and his knowledge of this field, Mr. FISH himself is a great loss when he leaves because he has contributed mightily to the major legislation in this field during my tenure and before that.

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

Mr. MAZZOLI. Mr. Speaker, I yield myself 1 minute. I would like to thank my friend, first from Florida for his very kind remarks. I recall when he was a first-term Member 14 years ago when he and I traveled I think maybe during the first few months of his entry into Congress, and that friendship which gelled that day and on that trip has remained intact and firm for all of these years. I certainly have enjoyed working with him and will miss his counsel and his steady presence on the committee.

For my friend from New York, Mr. FISH, who will be retiring as I will at the end of this time, I want to tell him how much I have admired him as a human being as well as an immigration expert. I recall, without going into all of the details, some few years ago the gentleman did not have the very best of health, and despite that, back in 1984 and 1982 and thereabouts we forged ahead with the earlier versions of the Immigration Control Act of 1986. I remember vividly and will carry with me for my entire life the courage and dedication and fortitude that the gentleman from New York exhibited under other than pleasant situations then in order to serve his district and in order to serve the country and in order to make sure that the subject of immigration, which can very easily tip over into an exercise in xenophobia, always stayed in the middle of the road and on top of the table. I want to thank the gentleman for that in every way.

Mr. Speaker, with great pleasure, I yield 3 minutes to the gentleman from Indiana [Mr. MCCLOSKEY] who played an absolutely crucial part in the adoption of language in this bill on visa waivers.

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

Mr. Speaker, before commenting I want to extend a special appreciation to the gentleman from Kentucky [Mr. MAZZOLI] and the gentleman from Florida [Mr. MCCOLLUM] for all of their work and leadership on this very important issue. As an aside, I guess I would say as chairman of the Friends of Ireland, and being named MCCLOSKEY, with an O'Neill and a Tiernan in my immediate background, I have a special affection for things Irish, and I know particularly the gentleman from Kentucky [Mr. MAZZOLI] shares that, being an alumnus of the Fighting Irish. And I might say that this friendship and leadership has been magnificent over the years, and I look forward as a neighbor geographically and as a friend, to further contributions to public service by the gentleman from Kentucky [Mr. MAZZOLI]. So I say, "Thank you so very much."

Mr. Speaker, I rise in strong support of H.R. 783, the Nationality and Naturalization Amendments of 1994. H.R. 783 will reauthorize the visa waiver pilot program while implementing much needed reforms. The visa waiver program enables tourists and business travelers from specified countries to come to the United States without first having to obtain a nonimmigrant visa. Current eligibility standards hinge largely on a country's non-immigrant visa refusal rate. Unfortunately, this standard is overly narrow and has led to questionable participation criteria.

This program has particular significance to me as chairman of the Friends of Ireland Committee. The fact that Ireland has been excluded from participation best illustrates the current program's shortcomings. Ireland is one of only three western European countries excluded from the visa waiver program, even though Ireland has demonstrated exemplary overstay rates and steadily declining refusal rates during the last 3 years. Additionally, while Irish citizens are denied inclusion, citizens from Northern Ireland are able to fully participate in the pilot program. Given such realities, it is apparent that the eligibility criteria is arbitrary.

H.R. 783 will correct these shortcomings by incorporating the overstay rate as a factor in determining eligibility for probationary status in the visa waiver program. The overstay rate is a critical element because it demonstrates how many nationals of a particular country actually violated the terms of their stay in the United States. I would like to commend chairman RON MAZZOLI and BILL MCCOLLUM, the distinguished ranking member of the subcommittee, for their leadership on this issue and for incorporating this reform into H.R. 783. It is a common sense approach which enjoys broad bipartisan support.

Reforming the eligibility requirements for the visa waiver pilot program has been designated as a high priority by the Irish Government and the Friends of Ireland Committee. The visa waiver pilot program has proven its worth over the years by generating tourist dollars for our economy and by generating good will toward many of our neighbors overseas. Today's reauthorization and reforms will extend those benefits while increasing the integrity of the program. I urge my colleagues to vote in favor of H.R. 783.

Mr. MCCOLLUM. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. MOORHEAD].

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

I rise in support of H.R. 783. Mr. Speaker, I wanted to comment as we come to the end of this Congress that

we are losing three of the finest men that I have known in Congress as we lose RON MAZZOLI and BILL HUGHES and HAMILTON FISH. They have been true gentlemen in this Congress and Members who have worked hard and worked together with each one of us. They have made a tremendous contribution during the years that they have been in Congress, and yet whether they agreed with us or not, they are always the kind of people that are agreeable even though they cannot vote always the same way we vote. I have enjoyed their friendship and I have learned a lot from each one of them, and certainly as they leave they have my affection and bon voyage for each one of them. And I hope I see all three of them back as many times as they can be here.

□ 1640

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

Mr. MAZZOLI. Mr. Speaker, I yield 1 minute to my friend, the gentleman from New Jersey [Mr. HUGHES], who is, as we have heard, a fellow retiree from this Congress and who has been my dear friend and seatmate for the better part of the last 20 years.

Mr. HUGHES. Mr. Speaker, I rise in strong support of H.R. 783, which is the House amendments to the Nationality and Naturalization Amendments Act of 1994.

But I take the time also to congratulate the gentleman from Kentucky and the gentleman from Florida for their work on immigration and naturalization matters, and particularly to commend him and the gentleman from New York [Mr. FISH], who have developed over the years the reputation of having the expertise in the Congress on these matters.

If you live in Florida, immigration is extremely important. For Kentucky, it is not so very important and, frankly, it does not have the kind of sex appeal that a lot of other things have. But the work has been very important.

I do not think there is anything more important to this country than trying to put our immigration and naturalization policies in order.

They have built a solid foundation on which we can build in the years ahead. I salute the gentleman from Kentucky. He has done yeoman's work, as has the gentleman from New York [Mr. FISH], in this very complex, very difficult, often unappreciated area of the law.

I wish him and HAM the very best of everything in the years ahead.

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

Mr. Speaker, again, I want to thank my friend, the gentleman from New Jersey. As I said, BILL and Nancy HUGHES have been friends of Helen and RON MAZZOLI's for a long time. That friendship will endure and continue into the years ahead, and I share the feeling, and they are reciprocal, that we have a chance to get together from time to time.

Mr. Speaker, before I conclude and ask for a positive vote on this pending resolution, House Resolution 533, I would like to pay public tribute to members of my subcommittee who have been so loyal and devoted and dedicated, and not just for this Congress but for many of them. But sitting with me on the floor today, Gene Pugliese and Kevin Anderson, and back in the office, Kitty Urban, Les Megyeri, Judy Knott, and Lizzie Daniels, because as we all know, we serve here generally to the extent that we have people around us to support us, and I have been very happy and the very, very grateful beneficiary of excellent professional work by the staff as well as friendship from them, and so I wanted to say that before we conclude.

And last but not least, Mr. Speaker, I think this is a good bill. H.R. 783 does weave together activities which emanated from our subcommittee, some from the other body. They have been blended together in, I think, a perfectly harmonious way, and I think they make changes to the better in immigration law.

Mr. SCHUMER. Mr. Speaker, I rise in support of H.R. 783, the Immigration and Nationality Technical Corrections Act of 1994. I want to thank Mr. BROOKS and Mr. MAZZOLI for their hard work on behalf of this legislation. As the senior Democrat of the Subcommittee on Immigration and Refugees, I want to highlight three important provisions.

First is a provision I drafted to roll-over the remaining diversity visas set to expire at the end of fiscal year 1994. These visas were part of the Transition Diversity Program which sought to bring in immigrants from countries of low admission. This provision is crucial because about 4,000 visas for the Irish alone will be left over. The Irish, who have been a bedrock of our successful immigration community must receive all the visas set aside for them. Their contributions to this country are numerous and will continue to be so.

The roll-over visas will be added to the allocation for the Schumer Permanent Diversity Program which begins in fiscal year 1995. They will be chosen from a fresh applicant pool and guaranteed to give the Irish community a large percentage of the immigration pie.

Second, the Visitor Visa Waiver Program [VVWP] has long been an important issue to me. I put a provision in my preinspection bill last year to make it a permanent program. I also cosponsored several bills seeking to expand the program to Ireland, and other European Union countries.

The VVWP saves the Government money in visa processing costs, boosts the tourism industry, and develops our relations with other countries. It is of particular benefit to New York and our local industries.

Because of its positive results, I support letting more countries into the program. H.R. 783, extends the VVWP till 1996 and establishes a pilot program that liberalizes the entrance criteria allowing new countries to participate on a probationary basis. At this time, INS has determined that under this new provision Ireland and Zimbabwe will be added. Ireland has taken tremendous strides in lowering their refusal rates and deserves the chance to participate.

Recently we completed the successful World Cup Soccer games in America. Imagine how much more successful the ticket sales and tourist industry would have been if more spectators had been able to travel without the hassle of obtaining a tourist visa.

In our changing world where new international alignments are being formed every day, it makes sense to expand the program. Countries like Ireland, that present little or no risk of abuse of their visas, are only a welcome addition.

Third is provision to eliminate the gender inequality in naturalization law and to exclude those persons who participated in Nazi activities during WWII. Currently, only a child of an American father born overseas can be naturalized. This provision would extend naturalization to children born of American mothers—ironing out a wrinkle in our immigration law. However, there are several Nazi expatriation cases pending in the United States that would be jeopardized if Nazi children of American mothers were to be naturalized. Nazis born to American fathers do not have this problem because a recent court case ruled that if an individual was aware of their U.S. citizenship at the time the crimes were committed they can be found guilty of an expatriating crime. Obviously Nazis naturalized retroactively could not have known of their U.S. citizenship during the time their crimes were committed. Proper prosecution of these individuals depends on the ability to denaturalize and deport them to stand trial overseas for war crimes. Although this is a strange twist in the law it must be reconciled. H.R. 783 would do just that.

I urge the House to pass H.R. 783. These provisions which would adjust current issues in immigration law must be adopted. Thank you for your consideration.

Mr. BILIRAKIS. Mr. Speaker, I rise in strong support of H.R. 783, legislation that will make four specific changes to existing nationality and naturalization laws. All of these changes will work to correct inequities in our current laws, but I would like to focus on just one of them today—one that I have worked on actively with a number of my colleagues during my years in the Congress.

This provision will exempt aliens 50 years of age or older who have been permanent U.S. residents for at least 20 years, and those older than 55 who have been permanent U.S. residents for at least 15 years, from the history and government knowledge portions of the naturalization test.

As you know, Mr. Speaker, current law exempts these individuals from only the English language portion of the test.

It has long been plain to me that a number of elderly immigrant aliens reside in this country but have not been naturalized because they fear, or are unable to pass, the government knowledge requirement for naturalization.

Many of us here today have neighborhoods in our districts that are primarily composed of immigrants from Italy, Greece, Ireland, Poland,

Germany, or some other nation. If you were to really look carefully at these communities, then you will find some of these alien individuals, constituents who have been, in effect, completely forgotten.

Absent the corrective language of this provision of H.R. 783, their dream of American citizenship may never be realized—because they fear the immigration and naturalization service test.

Obviously, since these individual have lived in this country for so many years, they are largely aware of our form of government and have abided by our laws. However, the thought of a test on these issues by a stranger can be so frightening to them that they may not follow through. That is why I believe that the requirement of a naturalization test for the elderly, who are so fragile and vulnerable, is in need of revision.

Currently, the Immigration and Nationality Act exempts individuals desiring naturalization from the requirement to speak, read, and write English if they are at least 50 years old and have been legal residents of the United States for a minimum of 20 years. However, that requirement for a knowledge-of-government test hasn't been addressed in a similar manner by the Congress.

This inequity has long concerned me, and I have in the past introduced legislation containing language similar to that contained in this provision of H.R. 783. I would emphasize that this provision has absolutely no impact on immigration ceilings or on the influx of new aliens.

Therefore, I ask that all of my colleagues support this legislation with your vote today and offer a ray of hope to the forgotten.

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

The SPEAKER pro tempore (Mr. HASTINGS). The question is on the motion offered by the gentleman from Kentucky [Mr. MAZZOLI] that the House suspend the rules and agree to the resolution, H. Res. 533.

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

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MAZZOLI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks, and include extraneous material, on House Resolution 533, the resolution just considered and agreed to.

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

There was no objection.

RELATING TO APPLICATIONS FOR PROCESS PATENTS

Mr. HUGHES. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4307) to amend title 35, United States Code, with respect to applications for process patents, as amended.

The Clerk read as follows:

H.R. 4307

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

TITLE I—PROCESS PATENT APPLICATIONS

SECTION 101. EXAMINATION OF PROCESS PATENT APPLICATIONS FOR OBVIOUSNESS.

Section 103 of title 35, United States Code, is amended—

(1) by designating the first paragraph as subsection (a);

(2) by designating the second paragraph as subsection (c); and

(3) by inserting after the first paragraph the following:

"(b)(1) Notwithstanding subsection (a), and upon timely election by the applicant for patent to proceed under this subsection, a process using or resulting in a composition of matter that is novel under section 102 and nonobvious under subsection (a) of this section shall be considered nonobvious if—

"(A) claims to the process and the composition of matter are contained in either the same application for patent or in separate applications having the same effective filing date; and

"(B) the composition of matter, and the process at the time it was invented, were owned by the same person or subject to an obligation of assignment to the same person.

"(2) A patent issued on a process under paragraph (1)—

"(A) shall also contain the claims to the composition of matter used in or made by that process, or

"(B) shall, if such composition of matter is claimed in another patent, be set to expire on the same date as such other patent, notwithstanding section 154.".

SEC. 102. PRESUMPTION OF VALIDITY; DEFENSES.

Section 282 of title 35, United States Code, is amended by inserting after the second sentence of the first paragraph the following: "Notwithstanding the preceding sentence, if a claim to a composition of matter is held invalid and that claim was the basis of a determination of nonobviousness under section 103(b)(1), the process shall no longer be considered nonobvious solely on the basis of section 103(b)(1).".

SEC. 103. EFFECTIVE DATE.

The amendments made by section 101 shall apply to any application for patent filed on or after the date of the enactment of this Act and to any application for patent pending on such date of enactment, including (in either case) an application for the reissue of a patent.

TITLE II—COPYRIGHT REFORM

SEC. 201. SHORT TITLE.

This Act may be cited as the "Copyright Reform Act of 1993".

SEC. 202. DEPOSIT OF COPIES OR PHONORECORDS FOR LIBRARY OF CONGRESS.

Section 407 of title 17, United States Code, is amended as follows:

(1) Subsection (a) is amended by striking "(a)" and all that follows through "publication—" and inserting the following:

"(a) REQUIRED DEPOSITS.—Except as provided in subsection (c), the owner of copyright in a work or of the exclusive right of publication of a work in the United States shall deposit, after the earliest date of such publication—".

(2) Subsection (b) is amended—

(A) by inserting "DEPOSIT IN COPYRIGHT OFFICE.—" after "(b)"; and

(B) by adding at the end the following: "A deposit made under this section may be used to satisfy the deposit requirements of section 408.".

(3) Subsection (c) is amended—

(A) by inserting "REGULATIONS.—" after "(c)"; and

(B) by striking "Register of Copyrights" and inserting "Librarian of Congress".

(4) Subsection (d) is amended—

(A) by redesignating paragraphs (1), (2), and (3) as subparagraphs (A), (B), and (C), respectively;

(B) by striking "(d) At any time after publication of a work as provided by subsection (a)" and inserting the following:

"(d) PROCEDURES.—(1) During November of each year, the Librarian of Congress shall publish in the Federal Register a statement of the categories of works of which the Library of Congress wishes to acquire copies or phonorecords under this section during the next calendar year. The Librarian shall review such statement annually in light of the changes in the Library's policies and procedures, changes in technology, and changes in patterns of publication. The statement shall also describe—

"(A) the types of works of which only one copy or phonorecord need be deposited;

"(B) the types of works for which the deposit requirements may be fulfilled by placing the Library of Congress on a subscription list; and

"(C) the categories of works which are exempt under subsection (c) from the deposit requirements.

"(2) At any time after publication in the United States of a work or body of works";

(C) by striking "Register of Copyrights" and inserting "Librarian of Congress";

(D) by inserting after the first sentence the following: "Such demand shall specify a date for compliance with the demand.";

(E) by inserting "in a civil action" after "are liable";

(F) in subparagraph (B) (as redesignated by subparagraph (A) of this paragraph) by striking "cost of" and inserting "cost to";

(G) in subparagraph (C) (as redesignated by subparagraph (A) of this paragraph) by striking "clauses (1) and (2)" and inserting "subparagraphs (A) and (B)"; and

(H) by adding after subparagraph (C) (as so redesignated) the following:

"In addit ion to the penalties set forth in subparagraphs (A), (B), and (C), the person against whom an action is brought under this paragraph shall be liable in such action for all costs of the United States in pursuing the demand, including an amount equivalent to a reasonable attorney's fee.".

(5) Subsection (e) is amended—

(A) by inserting "TRANSMISSION PROGRAMS.—" after "(e)";

(B) by striking "Register of Copyrights shall, after consulting with the Librarian of Congress and other interested organizations and officials," and inserting "Librarian of Congress shall, after consulting with interested organizations and officials,"; and

(C) in paragraph (2) by striking "Register of Copyrights" and inserting "Librarian of Congress".

(6) Section 407 of title 17, United States Code, is further amended by adding at the end the following:

"(f) OBLIGATION TO MAKE DEPOSITS.—Immediately upon the publication in the United States of any work in which copyright subsists under this title, it shall be the obligation of the persons identified in subsection

(a) with respect to that work, subject to the requirements and exceptions specified in this section, to deposit, for the use or disposition of the Library of Congress, the copies or phonorecords specified in such subsection. The obligation to make such deposit arises without any prior notification or demand for compliance with subsection (a).

"(g) RECORDS OF DEPOSITS.—The Librarian of Congress shall establish and maintain public records of the receipt of copies and phonorecords deposited under this section.

"(h) DATABASE OF DEPOSIT RECORDS.—The Librarian of Congress shall establish and maintain an electronic database containing its records of all deposits made under this section on and after October 1, 1995, and shall make such database available to the public through one or more international information networks.

"(i) DELEGATION AUTHORITY.—The Librarian of Congress may delegate to the Register of Copyrights or other officer or employee of the Library of Congress any of the Librarian's responsibilities under this section.".

SEC. 203. COPYRIGHT REGISTRATION IN GENERAL.

Section 408 of title 17, United States Code, is amended—

(1) in subsection (c)—

(A) in paragraph (1) by adding at the end the following: "The Register is also authorized to specify by regulation classes of material in which registration may be made without deposit of any copy or phonorecord, in cases in which the Register determines that the purposes of examination, registration, and deposit can be adequately served by deposit of descriptive material only, or by a written obligation to deposit copies or phonorecords at a later date."; and

(B) in paragraph (2) by striking "periodicals, including newspapers" and all that follows through the end of subparagraph (B) and inserting "collective works, including periodicals, published within a 5-year period, on the basis of a single deposit and application and upon payment of any special registration fee imposed under section 708(a)(10), if the application identifies each work separately, including the collective work containing it and its date of first publication."; and

(2) by adding at the end the following:

"(f) COPYRIGHT OFFICE HEARINGS.—Not later than 1 year after the effective date of this subsection, and at 1-year intervals thereafter, the Register of Copyrights shall hold public hearings to consider proposals to amend the regulations and practices of the Copyright Office with respect to deposit of works in order to eliminate deposits that are unnecessary for copyright examination or the collections of the Library of Congress, and in order to simplify the registration procedures.".

SEC. 204. APPLICATION FOR COPYRIGHT REGISTRATION.

(a) APPLICATIONS.—Section 409 of title 17, United States Code, is amended—

(1) by striking "The application" and inserting "(a) CONTENTS OF APPLICATION.—The application";

(2) in paragraph (5) by inserting before the semicolon the following: ", and if the document by which ownership was obtained has been recorded in the Copyright Office, the volume and page number of such recordation";

(3) by striking paragraphs (9) and (10) and inserting the following:

"(9) in the case of a compilation or derivative work, an identification of any preexisting work or works that it is substantially based on or substantially incorporates, and a brief, general statement of the additional material covered by the copyright claim being registered;

"(10) at the option of the applicant, names, addresses, and telephone numbers of persons or organizations that potential users of the work should contact concerning permissions or licenses to use the work, and any information with respect to the terms of such permissions or licenses; and"; and

(4) by adding at the end the following:

"(b) SHORT-FORM APPLICATION.—

"(1) USE OF SHORT-FORM.—The Register of Copyrights shall prescribe a short-form application which may be used whenever—

"(A) the work is by a living author;

"(B) the claimant is the author;

"(C) the work is not anonymous, pseudonymous, or made for hire; and

"(D) the work as a whole, or substantial portions of it, have not been previously published or registered.

"(2) CONTENTS OF SHORT-FORM.—The short-form application shall include—

"(A) the name and address of the author;

"(B) the title of the work;

"(C) the nationality or domicile of the author;

"(D) the year in which creation of the work was completed;

"(E) if the work has been published, the date and nation of its first publication;

"(F) any other information regarded by the Register of Copyrights as bearing upon the preparation or identification of the work or the existence, ownership, or duration of the copyright; and

"(G) at the option of the applicant, names, addresses, and telephone numbers of persons or organizations that potential users of the work should contact concerning permissions or licenses to use the work, and any information with respect to the terms of such permissions or licenses.".

(b) EFFECTIVE DATE.—The amendments made by this section take effect 6 months after the date of the enactment of this Act.

SEC. 205. REGISTRATION OF CLAIM AND ISSUANCE OF CERTIFICATE.

(a) DETERMINATION OF REGISTRATION.—Section 410 of title 17, United States Code, is amended by striking subsections (a) and (b) and inserting the following:

"(a) DETERMINATION OF REGISTER.—If, after examination, the Register of Copyrights determines, in accordance with the provisions of this title, that there is no reasonable possibility that a court would hold the work for which a deposit is made pursuant to section 408(c) to be copyrightable subject matter, or the Register determines that the claim is invalid for any other reason, the Register shall refuse registration and notify the applicant in writing of the reasons for such refusal. In all other cases, the Register shall register the claim and issue to the applicant a certificate of registration under the seal of the Copyright Office. A certificate of registration issued under this section extends only to those component parts of the work that both are the subject matter of copyright and the copyright owner has the right to claim. The certificate shall contain the information set forth in the application, together with the number and effective date of the registration.

"(b) APPEALS PROCEDURE.—The Register of Copyrights shall establish, and publish in the Federal Register, a formal procedure by which appeals may be taken from refusals under subsection (a) to register claims to copyright. Such procedure shall include a final appeal to the Register.".

(b) JUDICIAL PROCEEDINGS.—Subsection (c) of section 410 of title 17, United States Code, is amended—

(1) by inserting "EVIDENTIARY WEIGHT OF CERTIFICATE.—" after "(c)"; and

(2) by adding at the end the following: "Any error or omission made in good faith or upon reasonable reliance on counsel shall not affect the validity of the registration. In no case shall an incorrect statement made in an application for copyright registration invalidate the copyright.".

(c) TECHNICAL AMENDMENT.—Subsection (d) of section 410 of title 17, United States Code, is amended by inserting "EFFECTIVE DATE OF REGISTRATION.—" after "(d)".

SEC. 206. COPYRIGHT REGISTRATION PROVISIONS.

(a) REGISTRATION AND INFRINGEMENT ACTIONS.—(1) Section 411 of title 17, United States Code, is amended—

(A) by amending the section caption to read as follows:

"§ 411. Registration and infringement actions for certain works";

(B) by striking subsection (a); and

(C) in subsection (b)—

(i) by striking "(b)"; and

(ii) by striking paragraphs (1) and (2) and inserting the following:

"(1) serves notice upon the infringer, not less than 10 or more than 30 days before such fixation, identifying the work and the specific time and source of its first transmission; and

"(2) submits an application for registration of the copyright claim in the work, in accordance with this title, within 3 months after the first transmission of the work.".

(2) The item relating to section 411 in the table of sections at the beginning of chapter 4 of title 17, United States Code, is amended to read as follows:

"411. Registration and infringement actions for certain works.".

(b) REGISTRATION AS PREREQUISITE TO CERTAIN REMEDIES FOR INFRINGEMENT.—Section 412 of title 17, United States Code, and the item relating to section 412 in the table of sections at the beginning of chapter 4 of title 17, United States Code, are repealed.

SEC. 207. REMEDIES FOR INFRINGEMENT.

Section 504(c)(2) of title 17, United States Code, is amended in the second sentence—

(1) by striking "court it" and inserting "court in";

(2) by inserting "or eliminate" after "reduce"; and

(3) by striking "to a sum of not less than $200".

SEC. 208. NOTIFICATION OF FILING AND DETERMINATION OF ACTIONS.

Section 508 of title 17, United States Code, is amended—

(1) in subsection (a)—

(A) in the first sentence by inserting "and the party filing the action" after "United States"; and

(B) in the second sentence by inserting "and the party filing the action" after "clerk"; and

(2) in subsection (b) by inserting "and the party filing the action" after "clerk of the court".

SEC. 209. STUDY ON MANDATORY DEPOSIT.

(a) SUBJECT MATTER OF STUDY.—Upon the enactment of this Act, the Librarian of Congress shall conduct a study of the mandatory deposit provisions of section 407 of title 17, United States Code. Such study shall place particular emphasis on the implementation of section 407(e) of such title with respect to the deposit of transmission programs, as well

as possible alternative methods of obtaining deposits if the mandatory deposit requirements of such section 407 are expanded to authorize the collection, archival preservation, and use by the Library of Congress of other publicly transmitted works, including unpublished works such as computer programs and online databases.

(b) CONDUCT OF STUDY.—The study under subsection (a) shall be conducted by the Register of Copyright, in consultation with any affected interests, and may include the voluntary establishment, in collaboration with representatives of such interests, of practical tests and pilot projects.

(c) REPORT TO CONGRESS.—Not later than 18 months after the date of the enactment of this Act, the Librarian shall submit to the Congress a report on the results of the study conducted under this section, together with recommendations the Librarian has on—

(1) safeguarding the interests of copyright owners whose works are subject to the mandatory deposit provisions referred to in subsection (a);

(2) fulfilling the present and future needs of the Library of Congress with respect to archival and other collections development; and

(3) any legislation that may be necessary.

SEC. 210. STUDIES OF EFFECTS OF REGISTRATION AND DEPOSIT PROVISIONS.

Upon the enactment of this Act, the Librarian of Congress, after consultation with the Register of Copyrights and any affected interests, shall commence a study of the extent to which changes in the registration and deposit provisions of title 17, United States Code, that are made by this Act have affected the acquisitions of the Library of Congress and the operations of the copyright registration system, and any recommendations the Librarian may have with respect to such effects. Not later than 3 years after the date of the enactment of this Act, the Librarian shall submit to the Congress a report on such study. The Librarian may conduct further studies described in the first sentence, and report to the Congress on such studies.

SEC. 211. CONFORMING AMENDMENTS.

(a) DEFINITIONS.—Section 101 of title 17, United States Code, is amended by striking the definition of the "country of origin" of a Berne Convention work.

(b) INFRINGEMENT OF COPYRIGHT.—Section 501(b) of title 17, United States Code, is amended in the first sentence by striking ", subject to the requirements of section 411,".

(c) REMEDIES FOR INFRINGEMENT.—Section 504(a) of title 17, United States Code, is amended by striking "Except as otherwise provided by this title, an" and inserting "An".

SEC. 212. ADDITIONAL TECHNICAL AMENDMENTS.

(a) AMENDMENTS TO TITLE 17, UNITED STATES CODE.—Title 17, United States Code, is amended as follows:

(1) The definition of "publicly" contained in section 101 is amended—

(A) by striking "clause" and inserting "paragraph"; and

(B) by striking "processs" and inserting "process".

(2) The definition of "registration" contained in section 101 is amended by striking "412,".

(3) Section 108(e) is amended in the matter preceding paragraph (1) by striking "pair" and inserting "fair".

(4) Section 109(b)(2)(B) is amended by striking "Copyright" and inserting "Copyrights".

(5) Section 304(c) is amended in the matter preceding paragraph (1) by striking "the subsection (a)(1)(C) and inserting "subsection (a)(1)(C)".

(6) Section 405(b) is amended by striking "condition or" and inserting "condition for".

(7) The item relating to section 504 in the table of sections at the beginning of chapter 5 is amended by striking "Damage" and inserting "Damages".

(8) Section 501(a) is amended by striking "sections 106 through 118" and inserting "section 106".

(9) Section 509(b) is amended by striking "merchandise; and baggage" and inserting "merchandise, and baggage".

(10) Section 601 of title 17, United States Code, is amended—

(A) in subsection (a) by striking "nondramtic" and inserting "nondramatic"; and

(B) in subsection (b)(1) by striking "subsustantial" and inserting "substantial".

(11) Section 801(b)(4) of title 17, United States Code, is amended by adding a period after "chapter 10".

(12) The item relating to section 903 in the table of sections at the beginning of chapter 9 is amended to read as follows:

"903. Ownership, transfer, licensing, and recordation.".

(13) Section 909(b)(1) is amended—

(A) by striking "force" and inserting "work"; and

(B) by striking "sumbol" and inserting "symbol".

(14) Section 910(a) is amended in the second sentence by striking "as used" and inserting "As used".

(15) Section 1006(b)(1) is amended by striking "Federation Television" and inserting "Federation of Television".

(16) Section 1007 is amended—

(A) in subsection (a)(1) by striking "the calendar year in which this chapter takes effect" and inserting "calendar year 1992"; and

(B) in subsection (b) by striking "the year in which this section takes effect" and inserting "1992".

(17) The table of chapters at the beginning of title 17, United States Code, is amended—

(A) by amending the item relating to chapter 6 to read as follows:

"6. Manufacturing Requirements and Importation ..... 601";

(B) by amending the item relating to chapter 9 to read as follows:

"9. Protection of Semiconductor Chip Products ..... 901";

and

(C) by adding at the end the following:

"10. Digital Audio Recording Devices and Media ..... 1001".

(b) OTHER PROVISIONS OF LAW.—(1) Section 2319(b)(1) of title 18, United States Code, is amended by striking "at last" and inserting "at least".

(2) Section 1(a)(1) of the Act entitled "An Act to amend chapter 9 of title 17, United States Code, regarding protection extended to semiconductor chip products of foreign entities", approved November 9, 1987 (17 U.S.C. 914 note), is amended by striking "orginating" and inserting "originating".

(3) Section 3(a)(1)(C) of the Audio Home Recording Act of 1992 is amended by striking "adding the following new paragraph at the end" and inserting "inserting after paragraph (3) the following new paragraph".

SEC. 213. EFFECTIVE DATE.

(a) IN GENERAL.—Except as provided in section 204(b), and subject to subsection (b) of this section, this Act and the amendments made by this Act take effect on the date of the enactment of this Act.

(b) PENDING ACTIONS.—The amendments and repeals made by section 206 shall not affect any action brought under title 17, United States Code, before the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey [Mr. HUGHES] will be recognized for 20 minutes, and the gentleman from California [Mr. MOORHEAD] will be recognized for 20 minutes.

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

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

Mr. Speaker, I rise in support of H.R. 4307. H.R. 4307 includes two titles, a patent process title and a copyright title.

The subject matter of title I of H.R. 4307 has been debated and considered by Congress for the past 6 years. Title I of H.R. 4307 is a response to two court decisions which have affected the examination of patent applications at the Patent and Trademark Office. The two court decisions, a 1985 decision issued by the Court of Appeals for the Federal circuit, In Re Durden, and a subsequent case, In Re Pleuddemann, decided in 1990 have led to inconsistent practices by the Patent and Trademark Office in the examination of applications for process patents and claims. The result has been that some process patents and claims have been granted without any delay or controversy while other applications, similar in nature, have been rejected or required to be defended at length with the patent examiner.

Without the protection of a process patent, many American industries are unable to prevent the use of their product overseas—for which they spent the millions in research and development—in production of a product which can then be imported into the United States without the fear of infringement.

The legislation provides for a modified patent examination by the Patent and Trademark Office of process patents. Under title I of H.R. 4307, a process will not have to undergo a separate review of nonobviousness under certain conditions. If the process produces or uses a patentable composition of matter the process will be determined nonobvious for purposes of the patent examination.

This expedited review will resolve the delays and inconsistent determinations faced by process patent applicants under present Patent and Trademark Office practices without any harm to the basic principles of patentability. Title I of H.R. 4307 only impacts one element of patentability—that of nonobviousness. There is no guarantee of patentability if the process patent application satisfies the new examination procedure. The process must still fulfill other requirements of patentability,

There has been more than ample opportunity to consider this legislation. In 6 years, there have been at least five different hearings held by the House subcommittee of jurisdiction on related legislation. The solution devised in title I of H.R. 4307 has taken into account all the concerns and problems raised by various industry groups and is a middle-ground approach which is neither industry-specific or totally generic.

Given the failure of the courts to resolve the seemingly inconsistent decisions and the inability of the Patent and Trademark Office to solve the problems administratively, Congress has an obligation to act. Title I of H.R. 4307 addresses the issue in the most appropriate manner.

Title II of H.R. 4307 contains the Copyright Reform Act of 1993 in the identical form as passed by the House on November 20, 1993. Although there is a companion bill in the other body, they have not had the opportunity to process that legislation, mostly due to the time spent on the satellite bill.

Passage of the Copyright Reform Act is even more necessary since the Supreme Court's decision earlier this year in the Fogerty case. In Fogerty, the Court held that in awarding attorney's fees, courts should award them to prevailing defendants on the same basis as to prevailing plaintiffs. This means that prevailing defendants may receive attorney's fees in cases where the plaintiff, if he had prevailed, could not, because of section 412. This fact will, undoubtedly, have a chilling effect on copyright owners.

Both title of H.R. 4307 are important and require immediate action. I urge my colleagues to adopt H.R. 4307.

Mr. Speaker, I want to thank and commend the distinguished ranking Republican on the Intellectual Property and Judicial Administration Subcommittee, the gentleman from California [Mr. MOORHEAD], for his work, his staff's work, the majority staff for their work, Hayden Gregory and Jarilyn Dupont, just behind me, who worked on this important legislation, and Bill Patry, as well as the distinguished chairman of the full committee, the gentleman from Texas [Mr. BROOKS], and his staff, and the gentleman from New York [Mr. FISH] and his staff.

It is a good bill. It warrants your support.

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

□ 1650

Mr. MOORHEAD. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, I rise in support of H.R. 4307, the Process Patent Protection Act of 1994.

I would like to commend our chairman JACK BROOKS, and ranking member, HAM FISH, for their help in scheduling this legislation for the floor and the subcommittee chairman, the gentleman from New Jersey [Mr. HUGHES], for his hard work and leadership in this complex area. I also would like to thank the gentleman from Virginia, RICK BOUCHER for all of his effort and support of this important legislation.

From an economic point of view, the U.S. biotech industry has gone from zero revenues and zero jobs 15 years ago to $6 billion and 70,000 jobs today. The White House Council on Competitiveness projects a $30 to $50 billion market for biotech products by the year 2000, and many in the industry believe this estimate to be conservative.

Companies that depend heavily on research and development are especially vulnerable to foreign competitors who copy and sell their products without permission. The reason that high-technology companies are so vulnerable is that for them the cost of innovation, rather than the cost of production, is the key cost incurred in bringing a product to market.

In addition to the ability to obtain and enforce a patent, small companies in particular must be concerned about obtaining a patent in a timely fashion. In 1992 the pendency of a biotech patient application was 27 months with the backlog in applications increasing from 17,000 in 1990 to almost 20,000 in 1992. The Patent Office has taken steps to improve the situation by reorganizing its biotechnology examination group and increasing the number of new examiners. The PTO has also implemented special pay rates for their biotechnology examiners. As a result, biotech patent application pendency has been reduced from 27 months to 21 months and the backlog in applications have been reduced from 20,000 in 1992 to 17,000 in 1994.

Although this is slow progress it is a substantial improvement. However, we must continue to reduce these delays because this industry is so dependent on patents in order to raise capital for reinvestment in manufacturing plants and in new product development, and even more so for an industry targeted by Japan for major and concerted competition.

The House Judiciary Committee took the first step in 1988 when the Congress enacted two bills which I introduced relating to process patents and reform of the International Trade Commission. However, our work will not be complete until we enact H.R. 4307. This bill modifies the test for obtaining a process patent. It overrules In Re Durden (1985), a case frequently criticized that has been cited by the Patent Office as grounds for denial of biotech patents, as well as chemical and other process patent cases.

Because so many of the biotech inventions are protected by patents, the future of that industry depends greatly on what Congress does to protect U.S. patents from unfair foreign competition. America's foreign competitors, most of whom have invested comparatively little in biotechnology research, have targeted the biotech industry for major and concerted action. According to the Biotechnology Association, in Japan the Ministry of International Trade and Industry [MITI] and the Japanese biotechnology industry have joined forces and established a central plan to turn Japanese biotechnology into a 127 billion yen per year industry by the year 2000. If we fail to enact this legislation, the Congress may contribute to fulfillment of that projection.

In conclusion, Mr. Speaker, this is important legislation. The biotech industry is an immensely important industry started in the United States with many labs housed in California. In the decade ahead, biotechnology research will improve the lives and health of virtually every American family. It will put people to work and it will save people's lives. I urge its adoption.

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

Mr. HUGHES. Mr. Speaker, I yield such time as he may consume to the distinguished chairman of the full Committee on the Judiciary, the gentleman from Texas [Mr. BROOKS].

Mr. BROOKS. Mr. Speaker, the patent provisions of H.R. 4307 represent a long sought solution to the vexing problem of process patent protection. For too long, confusion in our patent law and practice has permitted foreign manufacturers to exploit the creativity of U.S. companies and inventors. H.R. 4307 modifies the examination for process patents to eliminate the nonobviousness requirement for otherwise patentable processes connected to patentable products.

For newly emerging industries, such as biotechnology firms, the legislation will give the needed certainty to continue to make needed strides in medical and scientific advances. At the same time, I am confident that this legislation will not have undue consequences on industries vital to our economy, such as the chemical industry. The legislation is intended to solve existing problems, not to cause new ones for industries that have functioned smoothly within the current system.

I congratulate Congressman BILL HUGHES, chairman of the Subcommittee on Intellectual Property and Judicial Administration, and Congressman CARLOS MOORHEAD, the ranking subcommittee member, for their steadfast dedication to this issue. The proposal before the House today reflects years of work on this issue.

With regard to the copyright provisions of this bill, they are the same as were passed on November 20, 1993, when the House adopted H.R. 897 by voice

vote. These provisions are designed to bring needed reforms to the copyright office registration process by removing bureaucratic obstacles to the protection and enforcement of copyrights.

Again, Congressmen HUGHES and MOORHEAD are to be particularly commended for their fine work as leaders in the copyright field.

This package deserves the support of the House of Representatives, and I urge my colleagues to vote "aye."

Mr. HUGHES. Mr. Speaker, I yield myself 30 seconds.

Mr. Speaker, I take this time to single out particularly the gentleman I am going to yield to next, RICK BOUCHER, the gentleman from Virginia, who has developed an expertise in the intellectual property area second to none. This has been one of his loves for a long time.

He introduced, I guess, about 5 or 6 years ago, a bill that was both industry-specific as well as generic to try to fix a very serious problem that has evolved over the years in the biotechnology process patent area. I might say that this is a highly complex area. It does put industry at a tremendous competitive disadvantage in this country vis-a-vis foreign industries, and this is going to correct that loophole.

The gentleman is a very, very good Member. In addition to being patient, he has been patient with this subcommittee because we had waited on the courts for the better part of 2 years. We thought that they would solve this issue. Then we thought that the PTO would resolve this administratively.

I want to acknowledge in particular the work of the gentleman from Virginia.

Mr. Speaker, I yield 4 minutes to the gentleman from Virginia [Mr. BOUCHER].

Mr. BOUCHER. I thank the gentleman for yielding this time to me. I want to express my appreciation to the gentleman from New Jersey [Mr. HUGHES] for those kind remarks.

Mr. Speaker, I also want to thank the gentleman from New Jersey [Mr. HUGHES] for directing the House's attention to a very urgent need of one of the most commercially important industries in the United States, and that is the biotechnology industry. The gentleman has responded very effectively to the arguments that I raised along with the gentleman from California [Mr. MOORHEAD] some several years ago about a defect in the patent law that serves as a real inhibition to the forward progress of the biotechnology industry.

That industry is itself a bright promise for the success of this Nation in international markets. It is a unique American enterprise that has created to date approximately 70,000 highly skilled, high-wage jobs and has the promise to do much more in the future.

Biotechnology firms are making major contributions to this Nation's social needs in the area both of health care and agriculture.

On the market today are products derived from biotechnology for the treatment of cancer, diabetes, and heart attacks. Firms are now developing potential treatments or even cures for AIDS, Alzheimer's disease, cystic fibrosis, and Lou Gehrig's disease.

Yet the promise of this industry is seriously challenged by a simple and obvious inadequacy in the Nation's patent laws. That inadequacy opens the door for foreign firms to expropriate American inventions and compete in this country directly with the inventing firm. In essence, the patent law confers an advantage on foreign companies not enjoyed by U.S. firms and actually encourages a pilfering of U.S. creativity.

We have numerous examples of that practice occurring. It is that defect in our patent law that the legislation before the House now is designed to address.

The bill offered by the gentleman from New Jersey [Mr. HUGHES] addresses that need by opening the door to a more certain award of process patents for biotechnology firms and other inventors. It will markedly improve the commercial prospects for an industry which will in the future make enormous contributions to the U.S. economy. I am pleased to rise in support of the legislation.

Mr. Speaker, I again commend the gentleman from New Jersey [Mr. HUGHES] and the gentleman from California [Mr. MOORHEAD] for their steadfast and productive work in bringing this measure before the House and I thank again the gentleman from New Jersey.

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

The SPEAKER pro tempore (Mr. HASTINGS). The question is on the motion offered by the gentleman from New Jersey [Mr. HUGHES] that the House suspend the rules and pass the bill, H.R. 4307, as amended.

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

The title of the bill was amended so as to read: "A bill to amend title 35, United States Code, with respect to applications for process patents, and for certain other purposes.".

A motion to reconsider was laid on the table.

□ 1700

GENERAL LEAVE

Mr. HUGHES. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks on the legislation just considered and adopted.

The SPEAKER pro tempore (Mr. HASTINGS). Is there objection to the request of the gentleman from New Jersey?

There was no objection.

CORRECTING ENGROSSMENT OF AMENDMENT OF THE HOUSE TO S. 725, PROVIDING FOR STUDIES AND PROGRAMS WITH RESPECT TO TRAUMATIC BRAIN INJURY

Mr. WAXMAN. Mr. Speaker, I offer a resolution (H. Res. 534) to correct the engrossment of the amendment of the House of Representatives to the Senate bill (S. 725), and I ask unanimous consent for its immediate consideration.

The Clerk read the title of the resolution.

The text of House Resolution 534 is as follows:

H. RES. 534

Resolved,

SECTION 1. RETURN.

The Senate is requested to return to the House of Representatives the amendment of the House to the Senate bill (S. 725).

SEC. 2. CORRECTION.

Upon the return of the House amendment to the Senate bill (S. 725), the Clerk of the House of Representatives shall make the following change in the engrossment of the House amendment: Strike section 5 and insert the following:

SEC. 5. STATE STANDARDS.

(a) PREEMPTION.—Section 403A(a) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 343-1(a)) is amended—

(1) in paragraph (1), by inserting at the end the following: "except that this paragraph does not apply to a standard of identity of—

"(A) a State or political subdivision of a State for maple syrup which is of the type required by sections 401 and 403(g), or

"(B) a State for fluid milk which is of the type required by sections 401 and 403(g) and which specifies a higher minimum level of milk components than is provided for in the corresponding standard of identity promulgated under section 401,",

(2) in paragraph (2), by inserting at the end the following: "except that this paragraph does not apply to a requirement of a State or political subdivision of a State which is of the type required by section 403(c) and which is applicable to maple syrup,",

(3) in paragraph (3), by inserting at the end the following: "except that this paragraph does not apply to a requirement of a State or political subdivision of a State which is of the type required by section 403(h)(1) and which is applicable to maple syrup,", and

(4) by adding at the end the following: "For purposes of paragraph (1)(B), the term 'fluid milk' means liquid milk in final packaged form for beverage use and does not include dry milk, manufactured milk products, or tanker bulk milk.".

(b) PROCEDURE.—Section 701(e)(1) of such Act (21 U.S.C. 371(e)(1)) is amended by striking "or maple syrup (regulated under section 168.140 of title 21, Code of Federal Regulations)".

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

Mr. MOORHEAD. Mr. Speaker, reserving the right to object, I will not object, but I would like to request that the gentleman from California [Mr. WAXMAN] explain exactly what this unanimous-consent request includes.

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

Mr. MOORHEAD. I yield to the gentleman from California.

Mr. WAXMAN. Mr. Speaker, this resolution corrects the engrossment of S. 725, a bill passed by the House. The correction replaces two paragraphs of the Senate-passed bill which were inadvertently omitted in the House-passed version. This will correct, I think, technically what we all tried to accomplish.

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

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

There was no objection. The resolution was agreed to.

A motion to reconsider was laid on the table.

VEGETABLE INK PRINTING ACT OF 1994

Mr. CONDIT. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 716) to require that all Federal lithographic printing be performed using ink make from vegetable oil and materials derived from other renewable resources, and for other purposes, as amended.

The Clerk read as follows:

S. 716

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Vegetable Ink Printing Act of 1994".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds the following:

(1) More than 95 percent of Federal printing involving documents or publications is performed using lithographic inks.

(2) Various types of oil, including petroleum and vegetable oil, are used in lithographic ink.

(3) Increasing the amount of vegetable oil used in a lithographic ink would—

(A) help reduce the Nation's use of nonrenewable energy resources;

(B) result in the use of products that are less damaging to the environment;

(C) result in a reduction of volatile organic compound emissions; and

(D) increase the use of renewable agricultural products.

(4) The technology exists to use vegetable oil in lithographic ink and, in some applications, to use lithographic ink that uses no petroleum distillates in the liquid portion of the ink.

(5) Some lithographic inks have contained vegetable oils for many years; other lithographic inks have more recently begun to use vegetable oil.

(6) According to the Government Printing Office, using vegetable oil-based ink appears to add little if any additional cost to Government printing.

(7) Use of vegetable oil-based ink in Federal Government printing should further develop—

(A) the commercial viability of vegetable oil-based ink, which could result in demand, for domestic use alone, for 2,500,000,000 pounds of vegetable crops or 500,000,000 pounds of vegetable oil; and

(B) a product that could help the United States retain or enlarge its share of the world market for vegetable oil-ink.

(b) PURPOSE.—The purpose of this Act is to require that all lithographic printing using ink containing oil that is performed or procured by a Federal agency shall use ink containing the maximum amounts of vegetable oil and materials derived from other renewable resources that—

(1) are technologically feasible, and

(2) result in printing costs that are competitive with printing using petroleum-based inks.

SEC. 3. FEDERAL PRINTING REQUIREMENTS.

(a) GENERAL RULE.—Notwithstanding any other law, and except as provided in subsection (b), a Federal agency may not perform or procure lithographic printing that uses ink containing oil if the ink contains less than the following percentage of vegetable oil:

(1) In the case of news ink, 40 percent.

(2) In the case of sheet-fed ink, 20 percent.

(3) In the case of forms ink, 20 percent.

(4) In the case of heat-set ink, 10 percent.

(b) EXCEPTIONS.—

(1) EXCEPTIONS.—Subsection (a) shall not apply to lithographic printing performed or procured by a Federal agency, if—

(A) the head of the agency determines, after consultation with the Public Printer and within the 3-year period ending on the date of the commencement of the printing or the date of that procurement, respectively, that vegetable oil-based ink is not suitable to meet specific, identified requirements of the agency related to the printing; or

(B) the Public Printer determines—

(i) within the 3-month period ending on the date of the commencement of the printing, in the case of printing of materials that are printed at intervals of less than 6 months, or

(ii) before the date of the commencement of the printing, in the case of printing of materials that are printed at intervals of 6 months or more;

that the cost of performing the printing using vegetable oil-based ink is significantly greater than the cost of performing the printing using other available ink.

(2) NOTICE TO CONGRESS.—Not later than 30 days after making a determination under paragraph (1)(A), the head of a Federal agency shall report the determination to the Committee on Government Operations and the Committee on House Administration of the House of Representatives, and the Committee on Rules of the Senate.

(c) FEDERAL AGENCY DEFINED.—In this Act, the term "Federal agency" means—

(1) an executive department, military department, Government corporation, Government-controlled corporation, or other establishment in the executive branch of the Government (including the Executive Office of the President), or any independent regulatory agency; and

(2) an establishment or component of the legislative or judicial branch of the Government.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California [Mr. CONDIT] will be recognized for 20 minutes, and the gentleman from California [Mr. HORN] will be recognized for 20 minutes.

The Chair recognizes the gentleman from California [Mr. CONDIT].

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

Mr. Speaker, we have an opportunity today to pass a bill that will help our farmers, increase reliance on a renewable resource, and improve the environment. We can accomplish all of this at no cost. The Vegetable Ink Printing Act provides this opportunity by directing the Federal Government to increase its use of vegetable ink for printing.

Today, over 95 percent of Federal printing of documents or publications is performed using lithographic inks. Lithographic ink is petroleum based and heavily dependent on the use of resins and solvents. S. 716 requires that all Federal lithographic printing use ink made from vegetable oil or other materials derived from renewable resources in place of lithographic ink.

This bill presents a win-win situation for the American people. Increasing use of vegetable ink will provide another market for our farmer's crops, increased reliance on renewable agricultural resources, and improve the environment by reducing emissions of volatile organic compounds. Best of all, there is no increased cost associated with these benefits.

Vegetable ink was developed by the American Newspaper Publishers Association during the oil crisis of the 1970's. The ink has been vigorously promoted by the American Soybean Association and by the National Soy Ink Information Center. As a result of these efforts, vegetable ink is available today at a price that is competitive with petroleum based inks.

S. 716 passed the Senate without dissent. The bill is supported by the printing industry, the Government Printing Office, and the American Soybean Association.

The Committee on Government Operations made a few small amendments to the Senate-passed bill. A slight alteration has been made that will provide some administrative flexibility. A provision has been added to allow an exception if vegetable ink does not meet the needs of a specific printing job.

For example, the Treasury Department tells us that vegetable ink cannot be used for printing checks because it may compromise security requirements. The new provision will allow the Treasury Department to continue to use other types of ink.

I want to emphasize that this bill will cost nothing to implement. The Congressional Budget Office has estimated that enactment of S. 716 would not affect direct spending or receipts. The Public Printer testified that the

bill can be implemented without additional cost. And just in case there is any doubt, the bill includes an exemption in the event that the Public Printer determines that the cost of using vegetable ink is significantly greater than the cost of using other available ink.

I want to thank the gentleman from Illinois [Mr. DURBIN] for introducing this bill and for calling it to our attention.

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

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

Mr. Speaker, on behalf of the ranking Republican, the gentleman from Wyoming [Mr. THOMAS] and myself, I rise in support of S. 716. Specifically this legislation increases the use of vegetable oil based ink for all printing performed or procured by Federal agencies. Several States, such as Illinois, Iowa, South Dakota, already require its use. S. 716 complements these efforts and expands the cleaner technology to the Federal level. The Government Printing Office testified that the, quote, Vegetable Ink Printing Act, unquote, will not significantly increase Federal printing costs. Agencies will be exempted from the act if the vegetable oil based ink is not cost effective or suitable for a specific printing job.

I recommend that my colleagues support this legislation.

Mr. Speaker, I yield 4 minutes to the gentleman from Nebraska [Mr. BEREUTER] who is in support of the bill.

Mr. BEREUTER. Mr. Speaker, as an original sponsor of nearly identical legislation introduced in the House, this Member rises in strong support of S. 716, legislation which seeks to expand the use of vegetable-based inks for Federal printing purposes and I commend the members of this committee for advancing this legislation.

The Vegetable Ink Printing Act, S. 176, would require that Federal lithographic printing be performed using vegetable-based inks when technologically feasible and cost-competitive. Therefore, this legislation does not mandate the use of these inks but rather encourages Federal printers to utilize vegetable-based inks when appropriate.

Mr. Speaker, by promoting the use of vegetable-based inks for Federal printing purposes, this legislation will reduce our Nation's dependence on foreign petroleum-based products, reduce volatile organic compounds emissions which are harmful to the environment, and increase the demand for our Nation's renewable agricultural products.

The U.S. Department of Agriculture is already using vegetable-based inks for its printing purposes. According to the USDA, approximately $26 million in annual USDA printing will be performed with ink derived from agricultural products. Similarly, many newspapers including the Nations's largest circulation newspaper, the Los Angeles Time, are major users of one particular type of vegetable ink, soy ink.

Mr. Speaker, this Member strongly supports this legislation which will, among other things, open the vast Federal printing market to vegetable-based inks. This initiative could potentially result in the demand for 2,500,000,000 pounds of vegetable crops or 500,000,000 pounds of vegetable oil in the U.S. printing market alone. It also helps to ensure that the United States will retain, or perhaps increase, its share of the world market for vegetable ink. Clearly, this legislation is good for our agricultural industry, and it is good for our environment.

In closing, this Member urges his colleagues to support this legislation, and this Member would like to commend the gentleman from Illinois [Mr. DURBIN] for his hard work in initiating this effort in the House and the gentlemen from Minnesota and Iowa respectively, Mr. PENNY and Mr. LEACH, who are also energetic original cosponsors of this important initiative.

□ 1710

Mr. CONDIT. Mr. Speaker, I yield 4 minutes to the gentleman from Illinois [Mr. DURBIN].

Mr. DURBIN. Mr. Speaker, let me first thank the gentleman from California [Mr. CONDIT] for his hard work on this. I also would like to thank the gentleman from Michigan [Mr. CONYERS], the chairman of the committee, who has agreed to allow this bill to come forward during the closing weeks of the session.

My colleague, the gentleman from Nebraska [Mr. BEREUTER] recently mentioned on the floor here that several of us a year ago introduced this legislation. The gentleman from Iowa [Mr. LEACH], the gentleman from Minnesota [Mr. PENNY], the gentleman from Nebraska [Mr. BEREUTER], and myself put this bill before the Congress in the hopes we could address what we consider to be a problem and an opportunity.

Over the years, attention has arisen between the environmental community and the agricultural community in the United States. I personally believe that much of that tension is unnecessary and unwarranted. There are many areas where the environmental community and the agricultural community in our country can come together, work together, and find commonality.

I will readily concede there are going to be extremists on both sides who will never open a dialog. But this bill is an example of where a constructive dialog between the environmental community and the agricultural community can have positive results.

We are dealing with what appears to be a very simple problem, but what can be a very serious problem, and that is the fact that petroleum-based inks, which are used primarily for printing in the United States, are not biodegradable and can create serious environmental problems.

Several years ago, experimentation led to the development of biodegradable ink, or vegetable oil ink, specifically soybean-based ink, that is now being used across the United States in newspapers every day. American readers and consumers may not be aware of the fact that a different kind of ink is being used. Those in the industry are aware of it, because it is a lot easier to work with and creates fewer environmental headaches.

We thought for many years the Federal Government should get on the bandwagon and show leadership by encouraging the use of soy ink in Federal agencies. This legislation is an attempt to achieve just that. We have written this bill with intentional flexibility, so that each agency in the Federal Government, should it decide a different type of ink is warranted, can turn to it. We have made sure that we will always be cost conscious, as the taxpayers want us to be when it comes to the use of this product, and we do not want to create a mandate that this ink be used if in fact it turns out to be more expensive in a certain application.

I think this bill is a sensible start. I know there are Members in the other body anxious to receive the bill and pass it and have it signed into law. My only hope is that should that bill signing take place, that President Clinton will fill his fountain pen with soy ink in a symbolic effort to recognize this is the wave of the future and that this bill will start the Federal Government down the path toward more cooperation between environmental and agricultural causes.

Mr. LEACH. Mr. Speaker, I rise in strong support of S. 176, the Vegetable Ink Printing Act of 1994. As the original author of Model legislation on this subject in prior Congresses and as an original cosponsor of this bill, I am convinced its passage makes good economic and good environmental sense.

I want to thank the gentleman from Illinois [Mr. DURBIN] for his leadership on the issue, as well as Pat Sounders and Tom Faletti of Mr. DURBIN's staff for their dedicated efforts on behalf of this bill. In addition, Chairman CONDIT and the ranking member, Mr. THOMAS, of the Subcommittee on Information, Justice, Transportation and Agriculture of the Committee on Government Operations are to be commended for their support and legislative guidance.

As has previously been explained, S. 176 would require that all printing performed or procured by the Federal Government use ink made from vegetable oil wherever doing so is technologically feasible and cost competitive.

The use of vegetable—as opposed to petroleum-based—newsprint inks by

Federal agencies represents progressive change in Government printing and procurement practices because it makes Federal printing more environmentally sound. Increasing the utilization of renewable resources produced by our American farmers decreases America's reliance on foreign oil.

Vegetable ink is not only environmentally friendly, but printers have found that it provides better color reproduction, makes for easier press cleanup and is less susceptible to smearing. Vegetable ink is also economical because it goes further. In fact in certain print applications, 10 to 20 percent less vegetable ink is required to do the same job as petroleum-based ink.

On the environmental side of the ledger, vegetable ink has been found to be easier to remove from paper pulp prior to recycling, causing less damage to the pulp fibers during deinking. This not only speeds up and makes recycling easier, but it contributes to better quality recycled paper. In addition, substantially less pollutants are released into the air in the drying process with the use of vegetable ink.

Major newspapers using vegetable inks are: the L.A. Times, Denver Post, Detroit Free Press, Milwaukee Journal-Sentinel, Boston Globe, Washington Times, St. Petersburg Times, USA Today, Cedar Rapids Gazette, Quad-City Times, and Des Moines Register. In fact, over 3,000 U.S. newspapers use vegetable ink, including three fourths of all daily newspapers.

The expanded use of vegetable ink makes good sense for American agriculture as well.

If Federal farm program payments are to come down without precipitating a depression in the heartland, it is crucial that new demand be developed for agricultural products. The use of vegetable ink to print Federal publications will contribute to the expansion of the manufacturing base for this ink. As use of soy oil expands as a base for ink, it is estimated that soybean demands could approach the 100 million bushel level, a significant addition to the market. This would in turn contribute to the United States retaining or enlarging its share of the world market for newsprint ink.

The words of former Public Printer Robert W. Houk perhaps best sum up the arguments for the increased use of vegetable ink this bill would require. According to Mr. Houk in a letter written to me 5 years ago, "the use of soybean oil ink could help decrease our reliance on foreign oil that is used in the petroleum-based inks, reduce our stack emissions of pollutants, and help over half a million American farmers who currently grow soybeans."

Like ethanol, soy ink is just another example of a value added commodity which is essential to keep our rural economy strong. The future of the Midwest literally depends upon finding new markets for products derived from the soil. Soy ink is a wonderful example. It's good for the environment, good for the pocketbook, good for the farmer.

In conclusion, I would like to thank Jo Patterson and Chad Kleppe of the Iowa Soybean Association who have worked steadfastly with the National Soy Ink Information Center on behalf of this important legislation.

Again, Mr. Speaker, unlike some things we do here, S. 716 makes good sense. I urge its passage.

Mr. POSHARD. Mr. Speaker, I rise in strong support of this measure to expand the use of value-added agriculture products to provide new markets for American farmers, particularly our soybean farmers.

This is good legislation. The use of soy inks and other vegetable-oil inks in our Federal printing operations benefits farmers who are seeking new markets for their products, reduces our dependence on foreign oil, and is proven to be environmentally sound. We have taken measures to ensure that the requirements in this bill will not cause any disruption in the printing operations of the Federal Government and will not increase costs to the taxpayers.

I want to thank my colleagues from Illinois, Iowa, and other farm States who have worked so hard on this legislation. I am pleased to have been part of the effort, and look forward to working with them on this important effort.

Mr. JOHNSON of South Dakota. Mr. Speaker, I rise in strong support of S. 716, the Vegetable Ink Printing Act.

This legislation offers an important opportunity for this country to expand its markets for agricultural products, while placing no additional burden on our taxpayers. The bill calls for one simple step forward: all Government lithographic printing be done with vegetable-based ink to the maximum extent technologically feasible and commercially cost-competitive. No objections to this proposal have been raised by any organization or one single Member of the Senate. An official from the Government Printing Office has testified that there would be no practical problems with implementing this proposal.

The importance of this potential market for our ag products should not be underestimated. The Department of Agriculture has already moved forward to implement the provisions of this bill, and that Department alone will bring at least $26 million of orders per year printed with vegetable ink.

Mr. Speaker, I stand with the members of the American Soybean Association, the National Corn Growers Association, the Corn Refiners Association, Communicating for Agriculture, the Consumer Federation of America, and a number of other ag organizations to support this bill.

Mr. SMITH of Michigan. Mr. Speaker, I rise to support this legislation as a strong supporter and as the sponsor of House Concurrent Resolution 231.

That resolution encourages the Federal Government to use vegetable-based oil to the greatest extent practicable in lithographic printing. The use of soy ink by Government would use an estimated additional 40 million bushels of soybeans.

Greater use of vegetable oil in lithographic ink will increase the consumption of domestic renewable resources and help reduce our dependence on imported petroleum. Vegetable-based inks are environmentally friendly. Vegetable-based inks reduce emissions of volatile organic compounds during press operation and cleanup and are more biodegradable than petroleum-based inks.

The Government Printing Office already uses vegetable oil in 25 to 30 percent of its in-plant production/printing of documents and publications. The GPO received approval last year to purchase three new letterpresses capable of using vegetable inks in printing production. According to the GPO, using vegetable-based ink in Federal printing adds little, if any, cost to printing. This is excellent legislation and I compliment the sponsor and other leaders of this body for guiding this bill to passage.

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

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

The SPEAKER pro tempore (Mr. HASTINGS). The question is on the motion offered by the gentleman from California [Mr. CONDIT] that the House suspend the rules and pass the Senate bill, S. 716, as amended.

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

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. CONDIT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on S. 716, as amended, the bill just passed.

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

There was no objection.

LIFT THE EMBARGO ON ARMENIA AND NAGORNO-KARABAKH

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

Mr. WOLF. Mr. Speaker, I rise today to inform my colleagues about my recent trip to Nagorno-Karabakh, Armenia, and Azerbaijan and to submit a copy of my report into the RECORD. I traveled to the region to view firsthand the situation in the enclave of Nagorno-Karabakh and to meet with government officials on both sides of the conflict. This region is largely forgotten but desperately needy.

I saw horrible conditions. Doctors are operating without anesthesia using only a stiff dose of cognac. Land mines planted by the retreating Azeri army

have caused injury and amputation of limbs of women and children as well as soldiers. People are living in hazardous partially bombed-out apartment buildings in the cities and in lean-tos among the debris of totally demolished villages in the rural areas.

But the governments on both sides want resolution. I think the administration should appoint a special envoy and put pressure on the governments of Turkey and Azerbaijan to lift the embargo on Armenia and Nagorno-Karabakh to allow resources, including electricity, to begin flowing into the region. The winter will be harsh and hundreds will die if this blockade continues.

Let us not forget the people of Nagorno-Karabakh.

Mr. Speaker, I am inserting at this point in the RECORD a copy of the report of my trip to Nagorno-Karabakh, Armenia, and Azerbaijan as follows:

REPORT OF CONGRESSMAN FRANK R. WOLF (MEMBER OF CSCE) TRIP TO NAGORNO-KARABAKH, ARMENIA AND AZERBAIJAN, AUGUST, 1994

As part of a delegation organized by Christian Solidarity International I recently traveled to Nagorno Karabakh, Armenia and Azerbaijan to view firsthand the situation in the disputed enclave of Nagorno-Karabakh and to meet with officials on both sides of the continuing conflict. The Nagorno-Karabakh leg of the visit was led by Baroness Caroline Cox of the House of Lords, U.K. who was bringing humanitarian relief supplies from the British people and volunteer construction workers and nurses to the beleaguered area. Representatives of Christian Solidarity International and members of British media were also in our group.

BACKGROUND

Nagorno-Karabakh is a mountainous region within the boundaries of the country of Azerbaijan very near the Armenian border. In 1921 Stalin, then Comissar for Nationality Affairs in the Transcaucasia Bureau of the Communist Party, declared Nagorno-Karabakh to be an autonomous region controlled by Azerbaijan as part of his divide and rule policy for nationalities. Historically, the majority of the population has been Armenian and the people have always had close ethnic, religious and familial ties with Armenia. So with the breakup of the Soviet Union, the Karabakh Armenians in 1987 petitioned for inclusion of Nagorno-Karabakh in the state of Armenia. In 1991, they petitioned for independent state status.

Azerbaijan considered this petition to be a matter of territorial integrity and refused to allow it. In 1988, large demonstrations were held by Armenians both in Nagorno-Karabakh and Armenia. With Karabakh Armenians insisting on independence and Azerbaijan insisting that Nagorno-Karabakh is Azeri territory with the Karabakhis in internal rebellion, the stalemate has escalated into a full-scale war over the past six years.

The result has been immense suffering on both sides and numerous incidents of atrocities. Thousands of Armenian Karabakhs and Azeris have been killed and wounded. Deportations and resettlements for ethnic cleansing have taken place. There are over one million refugees and internally displaced persons, villages destroyed in both Nagorno-Karabakh and nearby areas of Azerbaijan. Azerbaijan and its ally Turkey have blockaded Nagorno-Karabakh and Armenia cutting shipments of all supplies and resources, including electricity. During our Nagorno-Karabakh visit, there was no hot water at all and sporadic periods of electric blackouts. In Armenia there is electricity only a few hours every day. Feeling pushed and surrounded, Armenia has reluctantly accepted the return of Russian military troops to its soil. To date the Azerbaijanis have resisted the offer of Russian troops.

Currently the Karabakh Armenians have the upper hand militarily. There has been a ceasefire in effect since May which has allowed some negotiations to go forward.

There is a struggle over the peace process. The CSCE, on which I serve, created the Minsk Group to come up with a plan. The Russians have made their own proposal. Neither Nagorno-Karabakh or Azerbaijan appear to be satisfied with either plan.

OBSERVATIONS

Armenia is committed to the Nagorno-Karabakh struggle for independence. Even after suffering six years of war, the Karabakhis are determined to go on until they gain independence from Azerbaijan, as one person said, "for every last man, woman and child of Nagorno-Karabakh." The people of Nagorno-Karabakh have lived in war conditions and endured many losses and deprivations, yet they show great resilience. They are very hospitable and make do with what they have, even sharing their meager possessions. While fervently wishing for peace, they remain ready to continue their struggle.

There is widespread destruction throughout Nagorno-Karabakh, but some rebuilding has begun among the rubble despite the expectation by many Karabakhis that the ceasefire will end and an Azeri offensive will start.

The food, medicine and shelter needs in Nagorno-Karabakh are great. Doctors told us of surgery done without anesthesia using only a stiff dose of local cognac. Land mines planted by retreating Azerbaijanis have caused injury necessitating amputation of limbs of women and children as well as soldiers. Because of the ceasefire, some supplies have recently come in to Nagorno-Karabakh and the growth of summertime local crops have sustained the people somewhat. But the living conditions are still bleak. We saw people living in hazardous partially bombed-out apartment buildings in the cities of Stepanakert and Shusha and found rural peasants living in lean-tos amid the debris of totally demolished villages and virtually deserted villages.

I am greatly concerned about the hardships that the winter will cause these people, as winters are severe in this mountainous region.

Compounding the plight of Nagorno-Karabakh has been the absence of outside international attention. Since it is a blockaded enclave within hostile Azeri territory, Nagorno-Karabakh is effectively shut off from entry by outsiders. Movement into and out of Nagorno-Karabakh is nearly impossible. Also, since it is still officially part of Azerbaijan and disputed territory, U.S. officials (because the U.S. maintains diplomatic relations with Azerbaijan) are not allowed to visit Nagorno-Karabakh.

Other than Baroness Caroline Cox of the British House of Lords, who has made 21 visits to Nagorno-Karabakh, no Western officials have had sustained contact with the enclave. The U.S. State Department has de-emphasized resolution of the conflict by replacing former negotiator John Maresca, who focused only on the Nagorno-Karabakh conflict and retired earlier this year, with a representative assigned to monitor all ethnic conflicts in the former Soviet republics.

Aside from some assistance funneled to Nagorno-Karabakh from Armenia (including aid from the world wide Armenian community), we heard that the only international groups assisting in Nagorno-Karabakh are the International Red Cross monitoring the war situation and prisoners of war, the French Medicines Sans Frontiers, and Christina Solidarity International who have provided some humanitarian aid.

The Azerbaijanis are also suffering greatly from this war. Their officials report a million Azeri refugees and internally displaced persons scattered in ill-equipped camps throughout Azerbaijan. They have lost access to the crops grown in Nagorno-Karabakh which supplied one-third of their total grain needs. We heard stories (one from an Azeri prisoner of war) that young Azeri men are being conscripted into military service right off the streets.

The war effort has seriously hampered economic conditions and development of Azerbaijan's vast natural resources such as oil. Continued instability caused by the war may cause Western companies to lose interest in investing in Azerbaijan's resources.

We met with a group of private voluntary organizations who are actively supplying aid to Azeri refugees and IDPs, but they reported that their combined efforts do not meet the needs of the people.

CONCLUSIONS

While the parties involved must reach agreement among themselves, the U.S. clearly has a role to play in aiding the peace process.

The U.S. should have a full-time special envoy working on this problem, taking an active role in bringing the parties together for resolution. There should be no U.S. military involvement.

The West should understand that Nagorno-Karabakh has every right to expect some form of independence based upon agreed to borders.

The U.S. should do everything possible to encourage Azebaijan and Turkey to lift their blockades which are causing untold misery. Lifting the blockade may be the key to unlocking the peace process.

I believe introduction of Russian troops is a mistake. I see this as a means for them to re-establish their sphere of influence in the region. Russian troops are now present in Georgia, Moldova and Armenia and are interested in entering Azerbaijan. We need to be sure that the CIS (Confederation of Independent States) does not become the FIS (Formerly Independent States) and that these countries maintain their independence.

More PVO's should be encouraged to be active in Armenia, Nagorno-Karabakh and Azerbaijan to help the suffering people of all three areas.

While I favor continuation of Section 907 of the Freedom Support Act until the blockades are lifted, I believe there must be some flexibility in the enforcement so the PVOs have the ability to help the people in Azerbaijan. The PVOs providing needed assistance have been hampered by too strict interpretation of the 907 language.

Private groups should be encouraged to help with deactivating the many hidden land mines which remain in Nagorno-Karabakh causing continued maiming of the civilian population.

Its important for leaders of all sides to resolve this issue because the people are suffering so much and because the region has great

opportunity to flourish. There should be a bright future because of the natural resources of the area as well as the personal qualities of the people of both countries.

MEETINGS

NAGORNO-KARABAKH

Zori Balayan, Writer and member of Nagorno-Karabakh parliament.

Karon Barbourian, Speaker of Nagorno-Karabakh parliament.

Azeri prisoners-of-war.

ARMENIA

Serge Sarkissian, Minister of Defense.

Gragik Haratounian, Vice President of Armenia.

Robert Robinson, U.N. High Commissioner for Refugees representative.

Robert McClendon, U.S. Peace Corps Director in Armenia.

John Lynn, TACIS representative (European Union's technical assistance program).

Harry Gilmore, U.S. Ambassador to Armenia.

Edith Khachatourian, Director of Yerevan office of Armenia Assembly of America.

AZERBAIJAN

Heydar Aliyev, President of Azerbaijan.

Hassan Hassanov, Minister of Foreign Affairs.

Rasul Quliyev, Speaker of Parliament.

Ramig Maharrouisi, Azeri refugee from Nagorno-Karabakh, doctor, Chief of Shusha clinic for refugees in Baku.

Representatives from PVOs: Save the Children—Lutful Kabir and Mike Kendellen; Inter. Federation of the Red Cross and Red Crescent—Daniel Valle and John Maim; U.N. World Food Programme—Ann Hudacek; CARE-USA—G.S. Azam; World Vision International—Keith Buck; Relief International—Mary Taylor; International Rescue Committee—Richard Jacquot; and U.N.H.C.R.—Yan Long.

Richard D. Kauzlarich, U.S. Ambassador to Azerbaijan.

□ 1720

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. MCHALE). Under the Speaker's announced policy of February 11, 1994, and June 10, 1994, and under a previous order of the House, the following Member is recognized for 5 minutes.

ON HAITI INVASION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota [Mr. GRAMS] is recognized for 5 minutes.

Mr. GRAMS. Mr. Speaker, the images televised live yesterday morning from the International Airport in Port au Prince, Haiti were dramatic indeed: Dozens of heavily armed Army helicopters landing and unloading hundreds of young American troops. The soldiers, not knowing if unseen snipers were lying in wait, crawled carefully across the tarmac and secured the nearby airport facilities.

With hearts pounding and sweat dripping, young Americans risked their lives yesterday, and for how much longer we don't know, to restore ousted President Jean-Bertrand Aristide to power. And through the latter part of the day, where was their commander in chief? Playing golf, yes, President Clinton, the Commander in Chief of the U.S. Armed Forces was playing golf.

What's wrong with this picture? By the standards of the American people, everything. By the standards of the President and his administration, nothing.

Three reasons stand out in my mind as to why we shouldn't be in Haiti. First, and most importantly, returning Aristide to power isn't worth risking one American life. Aristide has a disgraceful human rights record of his own and though elected by popular vote, his brand of democracy is a far cry from the freedoms we cherish in the United States. He ruled as a dictator.

Second, President Clinton has ignored the will of the American people, shunned this Congress, and instead turned to the United Nations for validation of his on-again off-again foreign policy. Ceding power to a governing body that in no way answers to the American people is a dangerous precedent. Ultimately, it is an abdication of responsibility that we as a nation must not tolerate.

And, third, where's the plan? Where's the strategy. Now that we're in Haiti, what's our mission, and when are we coming back? The American people remember our failed mission in Somalia and fear that a haphazard invasion of Haiti could yield the same deadly results.

Until he was deposed, Aristide had nothing but contempt for America. In a 1990 Haiti radio interview regarding United States calls for elections, Aristide stated:

> [The Americans] want to hold our guts * * * in their hands. Thus, we will be economically [and] politically dependent. For our part, we reject this.

Aristide, you may remember, also had a penchant for "necklacing" his political opponents. Necklacing is a horrific means of execution whereby auto tires filled with gasoline are placed around the necks of the victims and set afire. Not exactly the Boy Scout that the President made him out to be.

President Bush's leadership during the Persian Gulf war suggests that turning to the United Nations to validate a war or intervention is a legitimate and necessary step. However, while gaining the support of the United Nations and coalition forces was important, President Bush received the moral imperative to engage in war through the unified and vocal support of Congress and the American people.

President Clinton has set a dangerous precedent by relying on the United Nations' stamp of approval before committing U.S. forces to hostile situations. The President owes it to our troops to unite the American people behind them before putting our young men and women in harm's way. This strengthens the morale and resolve of our troops to know that the American people are behind them.

Finally, President Clinton has failed to define a coherent foreign policy, in Haiti and elsewhere. Based on the rationalizations employed by this President in his invasion of Haiti a similar invasion of Cuba, Rwanda, and maybe a reprise of the debacle in Somalia, would also be called for.

Thank God there were no shots fired yesterday and no casualties, but the Haitian situation is volatile and we cannot let our guard down as we did in Somalia. Unless we have a clearly defined mission and exit strategy in Haiti, which we do not, we are doomed to repeat those mistakes. For the sake of the mothers and fathers of our young soldiers, Haiti cannot be a recurrence of another Somalia.

By an overwhelming majority, the American people, Members of Congress, and foreign policy experts do not support an invasion of Haiti. However, with our troops now committed, we must give them our unqualified support. And pray for their early, safe return.

Congratulations are in order to President Carter for helping to avert an initial armed conflict. However, having a former President at the foreign policy helm is damaging to President Clinton's already weak reputation among our allies and foes alike, and damaging to the long-term credibility of the United States.

Yesterday afternoon this Congress voted to commend the President for his actions in Haiti, and voice support for the troops. I voted against that measure. I certainly support our troops; however, I cannot commend the President for his use of them. If this is a success, then we don't expect very much. Haiti is a political exercise, not a coherent policy.

Imagine that, less than 24 hours into an intervention that most Americans and Congress are against, this body congratulated President Clinton. That vote was a PR stunt thrust upon us by the Democrat leadership in an attempt to make the White House look good but is an affront to the thousands of American troops in Haiti already who face unseen dangers at every turn. This invasion is far from over, and while I pray for the safety of our dedicated troops, I patiently wait for a foreign policy I can support.

From this point forward we must hold Presidents Clinton and Aristide accountable to the agreement President Carter reached. We must continue to impress upon our President that he must issue a coherent Haitian policy direction if he is to gain the lasting support of the people and Congress. We must impress upon President Aristide that he shall be held to the very high

standards expected of a democratically elected leader. With America's credibility, with America's reputation, and now with American lives all on the line, only the highest expectations should apply.

SUNDRY MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr. Edwin Thomas, one of his secretaries.

SPECIAL TASK FORCE DEVELOPMENTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oklahoma [Mr. ISTOOK] is recognized for 5 minutes.

Mr. ISTOOK. Mr. Speaker, I wanted to make this body and our guests aware of some of the new developments arising out of the special task force that the President of the United States organized last year, placing the First Lady in charge of it and involving in excess of 1,000 people ultimately in that effort.

Most people have become aware that the super secret documents which the administration fought tooth and toenail to keep secret have now at least in part been made available to the public through 264 boxes containing approximately one-half million or more pieces of paper, made available through the National Archives.

With the assistance of the Council for Government Reform and the Seniors Coalition, my staff has been going through those records and we intend to go through each and every one of them.

This is the world's largest jigsaw puzzle. And so far we have only had a first look at about a third of the pieces, about 90 of the boxes. They are terribly disorganized. And we are not sure that all the pieces are there. But answers to some key questions are beginning to come out.

Some of them are going to take a little bit of time to try to find out how much did this effort for a corrupt process and a failed health care bill for national control of health care, how much did it cost the taxpayers.

In testimony to the Appropriations Subcommittee of which I am a member, the White House told us $325,000. Well, Mr. Speaker, we have already documented that through 24 of the members of those working groups alone, just through 24 of them, about $700,000 was spent. And there were 1,000 people involved. We are projecting that probably that this cost the taxpayers at least $20 million. And yet the White House tried to deceive us in Congress about the cost just as they have tried to keep the record secret.

Now, through going through these boxes, we have now found evidence that in addition to what the court was previously advised that existed in the working groups, there was an extra one formed for a so-called single-payer system where the Government takes over all of the health care of the country, socializes all of the medicine.

□ 1730

No wonder the White House wanted to keep it secret. The head of that effort was a professor who was a socialist Marxist in charge of trying to convince the President and the First Lady that we should have a national single-payer socialized medical system.

I refer to his own writings where this gentleman, Professor Vincente Navarra, has written, and I quote from him:

> The superiority of socialism can be demonstrated, and I aim at developing a Marxist theory of the State.
>
> Further, contrary to what is widely claimed today, the socialist experience in both its Leninist and its social democratic traditions has been more frequently than not more efficient in responding to human needs than the capitalist experience.

This gentleman signed in and out of the White House 12 times during the meetings of the task force as he was promoting to the President and the First Lady a socialist single-payer plan for medicine. No wonder they did not want us to know who was working and what they were doing.

Mr. Speaker, in addition, for example, we have uncovered that there was a congressional proposal that the United States help pay for health care in Mexico, creating a treaty that would put Americans and Mexicans under the same health care system in areas along the border. Mr. Speaker, I do not think that is a proper use of American tax dollars.

Also, Mr. Speaker, we hear now different Members proposing, "Let us just have a kids first program where at least the Government guarantees health care for children." That is not new. That was the fall-back position we have found for the Clinton task force. In their documents we find that they wrote if they are unsuccessful in getting the Clinton-style, universal style health care, that they should take a kids first approach which would be used as the first step to phase in the full Clinton-style health care plan.

Those who claim right now, Mr. Speaker, that they say, "Let us just have a kids first approach," what they are saying is, "Let us take the first step down the road of the Clinton health care plan, because this will enable us to pass it all."

Mr. Speaker, we are still going through this stack of records. We are still putting together this jigsaw puzzle. It is going to take a while, but we are finding out what was being withheld from the American people. I will be reporting on it periodically as we continue this effort. I would just advise you, Mr. Speaker, and everyone else, to stay tuned.

QUESTIONS TO BE ANSWERED REGARDING AMERICA'S POLICY TOWARD HAITI

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio [Mr. HOKE] is recognized for 5 minutes.

Mr. HOKE. Mr. Speaker, George Santayana said, paraphrasing Euripedes and Thucydides, that "Those who fail to remember history are condemned to repeat it." It is a lesson which apparently is tougher to learn than has been thought.

In 1915 the United States Marines invaded Haiti. We had two fundamental justifications for doing that. One was humanitarian purposes. The other was to uphold the Monroe Doctrine, Monroe Doctrine. Doesn't that sound eerily familiar? Doesn't that have a weird kind of ring today?

The fact is, Mr. Speaker, we have to ask ourselves what good did we do. We finally got out in 1934, 19 years later. To see how successful we were in establishing those democratic institutions and to eliminate human rights abuse, we look at Haiti today, and what kind of a record do we see? It is a very sad record, obviously, or we would not be there. It is a troubled place.

Mr. Speaker, what have we gained? I would like to read something from the Haiti agreement that was entered into on September 18, 1994. No. 2, it says "To implement this agreement, the Haitian military and the police forces will work in close cooperation with the U.S. Military Mission. The cooperation, conducted with mutual respect, will last during a transitional period required for insuring vital institutions of the country."

Let me repeat that one part. It says implementing this agreement, the Haitian military and police forces will work in close cooperation with the United States military mission, and that cooperation will be conducted with mutual respect, mutual respect. We are now going to have mutual respect for the same man and the same police force that was described by the President Thursday night as conducting a campaign of rape, torture, and mutilation, a reign of terror.

General Cedras, the man responsible for "people slain and mutilated with body parts left as warnings to terrify others, children forced to watch as their mothers' faces are slashed with machetes," these are the same people that we are now, according to the Haitian agreement, going to rule in cooperation with, close cooperation, over the next 30 days as a minimum, and it will be conducted with mutual respect.

Lt. Gen. Henry Shelton, after meeting with General Cedras at military headquarters, spoke very warmly of

him, according to the reports from the wire reports this morning. He spoke very warmly of Cedras, and said that the Haitian military chief would play an important role in many of the decisions made in the days ahead. This is the same Cedras who was described in the President's recent address in which he used the word "rape" 3 times, the words "the killing of children" 3 times, and he was described as a dictator or as a tyrant fully 18 times. This is where this policy has now gotten us to.

Mr. Speaker, there are a lot of questions that need to be asked and there are a lot of questions that need to be answered.

First of all, how is it possible that the President of the United States thinks that it is more important to get the approval of the United Nations than to receive the approval of the U.S. Congress and the people of the United States? Have we not learned any lessons from Vietnam?

Have we not learned any lessons whatsoever with respect to foreign policy; that, No. 1, if we are going to engage in a tenuously popular war to begin with, that we get the approval of the American people, that we seek that and receive it; that we get the approval of the U.S. Congress? Clearly not.

Most importantly, Mr. Speaker, what was the justification? Not security. Is this a staging area for Communist insurgency in Latin America? I think not. Nobody is suggesting that. Is this a staging area for drugs that come into the United States? No, nobody is suggesting that.

What is it exactly that we are doing there? What is the justification for placing any, any American lives at risk in going into Haiti?

Mr. Speaker, as we have seen this morning, there has been a rather unanimous outcry from the Nation's editorial pages that questions the outcome and—not questions the outcome, but in fact questions the policy in the first place. The New York Times leads with "Haiti: Relief, Not Victory." David Broader writes in his column "Hostage to Haiti," describing the President: ". . . he is like a kid who jumps from a 7th story window ledge into a fireman's net. After you know he's not cracked his skull, you have to ask, 'What the hell was he doing on the ledge?'"

Mr. Speaker, I include for the RECORD some of these editorials.

The material referred to is as follows:

HAITI AGREEMENT

White House text of the agreement reached in Port-au-Prince, Haiti, Sept, 18, 1994, that averted an invasion of Haiti.

1. The purpose of this agreement is to foster peace in Haiti, to avoid violence and bloodshed, to promote freedom and democracy, and to forge a sustained and mutually beneficial relationship between the governments, people and institutions of Haiti and the United States.

2. To implement this agreement, the Haitian military and police forces will work in close cooperation with the U.S. Military Mission. This cooperation, conducted with mutual respect, will last during the transitional period required for insuring vital institutions of the country.

3. In order to personally contribute to the success of this agreement, certain military officers of the Haitian armed forces are willing to consent to an early honorable retirement in accordance with U.N. Resolutions 917 and 940 when a general amnesty will be voted into law by the Haitian Parliament, or October 15, 1994, whichever is earlier. The parties to this agreement pledge to work with the Haitian Parliament to expedite this action. Their successors will be named according to the Haitian Constitution and existing military law.

4. The military activities of the U.S. Military Mission will be coordinated with the Haitian military high command.

5. The economic embargo and the economic sanctions will be lifted without delay in accordance with relevant U.N. Resolutions and the need of the Haitian people will be met as quickly as possible.

6. The forthcoming legislative elections will be held in a free and democratic manner.

7. It is understood that the above agreement is conditioned on the approval of the civilian governments of the United States and Haiti.

[From the Washington Post, Sept. 20, 1994]

OUR PARTNER, GEN. CEDRAS

(By Charles Krauthammer)

The folly of a Haitian invasion having been averted—ours is a "semipermissive entry"—the burdens of a thankless Haitian occupation are just beginning. Amid the back-slapping and self-congratulation about the Carter mission's apparent success, the main point is easy to overlook: We are back in Somalia, this time with a Caribbean address.

As the administration admits, the main problem with invasion is not the invasion itself but the occupation it ushers in. What Carter did, explained Defense Secretary William Perry, was allow us to skip step 1. But it is step 2 that we will rue.

As in Somalia, we are entering a highly disorganized and extremely violent country. Once again we are occupying a people deeply divided—Somalia by clan; Haiti, no less fatally, by class. Again, we are entering relatively unopposed. Indeed, the greatest danger to the troops first arriving by helicopter in Port-au-Prince, as to the Marines landing in Mogadishu, was the stampeding camera crews.

But the Haiti adventure is more problematic than Somalia. In Somalia, our initial mission was narrowly defined and quite simple: Feed the hungry. The operation went wrong only many months later than when we strayed into politics and assigned ourselves the task of nation-building.

In Haiti our mission from the start of the occupation is politics. There is no need to feed the Haitians. They will be able to feed themselves once our starvation-inducing embargo is lifted. We are, instead, to "restore" democracy to a country that has never had it, build a civilian-controlled military where it has never existed and create a secure environment for the peaceful transition of power among murderous rivals.

This is nation-building par excellence. Whether during the months of naked U.S. occupation that are now beginning or during the months of semi-U.S. occupation—the so-called U.N. peace-keep phase—to follow, we are now as responsible for Haiti as we were for Somalia. Except that our agenda in Haiti is from Day 1 far more ambitious.

That agenda is now all the harder to fulfill because of the concessions Clinton agreed to at the eleventh hour to avoid having to go through with the invasion. Cedras may have blinked, but Clinton did too. Loath to pull the trigger, he allowed Cedras and his military to remain in Haiti and intact.

Cedras will not be required to go into exile, merely to retire honorably. It is something that is not understood by most people," explained Carter. "It's a serious violation of inherent human rights for a citizen to be forced into exile." Who but Carter could have said something like that? It is one thing to say of a dirty deal "we had to do it," quite another to defend it out of lofty concern for the human rights of a man who, by Clinton's own description, deserves to be drawn and quartered, let alone exiled.

Cedras's army comes out quite well, too. It is granted not just a broad amnesty more firmly guaranteed than under the Governors Island deal that Cedras made and broke last year. It has also been granted a month's worth of time—and the priceless legitimacy that goes with its coordinating the American entry—before it has to turn over power.

Aristide having been induced to step down next year, a power vacuum looms. Cedras and his amnestied associates—last week Clinton had called them "thugs," but this is this week—are now as well positioned to inherit power when the Americans tire of international police duty, as is Mohamed Farah Aideed—last year's thug—in Somalia.

And why are we going in to police Haiti in the first place? Wasn't it because, as President Clinton insisted only last Thursday, Gen. Cedras was the worst human rights violator in the hemisphere, the man who launched a "campaign of rape, torture and mutilation . . . a reign of terror," the man responsible for "people slain and mutilated with body parts left as warnings to terrify others; children forced to watch as their mothers' faces are slashed with machetes"? (Clinton, by the way, is the man who in 1992 accused George Bush of personalizing our fight with Iraq.)

Four days later, Gen. Cedras is our partner in the governance of Haiti. For one month we shall be ruling Haiti together with a man, Clinton assured us last week, given to "executing children, raping women, killing priests."

One renaissance weekend with Jimmy Carter, and the man has metamorphosed. Colin Powell tells us of Cedras's sense of honor. Carter is impressed with Cedras's desire to do the right thing for his country. Why are we risking the lives of 15,000 Americans to rid Haiti of a man of such elevated motives?

And Clinton complains that Americans are growing cynical about their government.

[From the New York Times, Sept. 20, 1994]

HAITI: RELIEF, NOT VICTORY

The negotiated end—or intermission—in the Haiti crisis lifted the nation's mood for a simple reason. Few things are more dreadful than the death of American troops in military actions that are both unpopular and unnecessary to the nation's security. So it was a welcome sight to see U.S. forces enter Port-au-Prince by agreement, rather than invasion.

But the White House should be celebrating its luck, not spinning the public about its diplomatic skill and the virtues of Presidential resolve. President Clinton had reduced himself to the most dismal of foreign policy options: attack or lose face.

That happened because Mr. Clinton ordered an invasion fleet to sea when two-thirds of

the American people and a majority of Congress were opposed to fighting over who governs Haiti. Even the sachems of his own party, like Bob Strauss, warned that the trumped-up invasion could turn into a political disaster.

Mr. Clinton was released from his self-built policy prison by adopting Senator Bob Dole's useful suggestion to send intermediaries. He sensibly chose former President Jimmy Carter, former Gen. Colin Powell and Senator Sam Nunn. The team performed with skill and dignity in altering the unalterable formula defined in Mr. Clinton's last speech. The generals are not leaving immediately. They may never leave. Mr. Aristide is not going back speedily, but by and by.

The lessons of this episode should not be washed away in a deluge of relief.

The Administration's attempt to inflate Mr. Aristide's fate into a casus belli has not only been messy in execution. It has also been dangerous to the country and poorly conceived. Mr. Aristide represents Haiti's lawful Government, but there has never been a convincing case for the U.S. restoring him to office by military force. Public and Congressional support should always be a prerequisite for non-emergency military action. It should be so especially when novel doctrines of intervention and United Nations peacekeeping are involved.

The military regime and its civilian puppets will remain in place for now, though with a large armed U.S. force peering over their shoulders. The anti-Aristide leaders who defied last year's Governors Island agreements have been given another chance to make mischief, for example by preventing Parliament from passing the amnesty law that is supposed to initiate the transfer of power. The amnesty itself represents a serious dilution of moral and legal accountability, further complicating the problem of building a democratic culture in a country deformed by dictators.

The soldiers on the island and policy makers in Washington must contend with the fact that Mr. Aristide is in a weak position. Because the final agreement was brokered under direct threat of U.S. invasion, Mr. Aristide was reduced to the uncomfortable role of an informed but passive participant. This casts a shadow of peril over the days ahead, when Mr. Aristide must establish his independent authority. Letting Generals Raoul Cédras and Philippe Biamby stay on may prevent bloodletting among the murderers and torturers they once led. But it also keeps troublesome and defiant figures on the scene and, perhaps, beyond the reach of law.

American troops will do well to prevent this stew from boiling over. They cannot bring democracy to Haiti. Only the Haitian people can. That is why foreign military force was never an appropriate answer to Haiti's crisis.

But foreign military force is now moving in, starting with 15,000 mainly U.S. troops. After an indefinite transition period, they will yield to a multinational force of 6,000, about a third of them from the U.S. Even with no invasion, Mr. Clinton is still deliberately placing U.S. forces in harm's way. He should seek Congressional approval now.

With U.S. troops and prestige now on the line and Haitian democracy at issue, Americans want this venture to go well. They will try to find reason to cheer Mr. Clinton. In return, they have every reason to insist that the President will ponder the difference between luck and wisdom.

[From the Washington Post, Sept. 20, 1994]

HOSTAGE TO HAITI

(By David S. Broder)

President Clinton now has put a 15,000-man American occupation force into Haiti and, by doing so, has made his presidency hostage to the uncertain fate of a badly divided, backward country that no one could have imagined was a vital interest of the United States.

The early euphoria over the success of Jimmy Carter's negotiating team in eliminating the threat of organized armed resistance is understandable. But it must be tempered by the realization that—as the Clinton administration candidly conceded in the days preceding the scheduled Sunday invasion—the real danger is that U.S. troops may be caught in an ongoing civil war between heavily armed gangs bent on revenge or determined not to yield power. Then—in a nation that has good reason to resent past American imperialism—they must prop up a president whose own commitment to democracy is unproven and provide the resources to rebuild a shattered economy and a virtually nonexistent civil society.

The moral high ground that Clinton claimed for his action has eroded. The military men he called "dictators" and "thugs" will remain in office for the next month and have become our de facto partners in this phase of the American occupation. The first "achievement" of the U.S. intervention is to guarantee blanket amnesty for Gen. Raoul Cedras and his followers, who may remain in the country to organize opposition to President Jean-Bertrand Aristide.

After making so many threats that he could not back down, Clinton sent in the troops in order to protect his own credibility and that of the nation. Credibility is important, and by sticking to his guns in the face of strong domestic opposition, Clinton has shown his tenacity.

But he is like a kid who jumps from a 7th story window ledge into a fireman's net. After you know he's not cracked his skull, you have to ask, "What the hell was he doing on the ledge?"

The intervention defies almost every rule of political prudence that we thought our government had learned from the painful experience of the post-World War II world.

The lesson of Vietnam is that you don't commit troops until the country is committed to the mission. Even now, there is no evidence the public has endorsed the commitment in Haiti.

A second rule is that if the commitment is likely to be lengthy, expensive and substantial, Congress better be in on the takeoff, and not just the landing. Amazingly, Clinton went to the United Nations for approval of military action inside our Western Hemisphere "sphere of influence," but evaded Congress—because he knew support was lacking.

When an American military occupation of Haiti was first suggested, why didn't Clinton throw its advocate out of the Oval Office?

I put that question last week to a prominent Democrat who has dealt with national security issues at high levels since Vietnam War days and who has had a close-hand view of Clinton's decision-making in this area. What he said was disturbing, but I find no reason to disagree with the four key points of his analysis.

First, he said, remember the campaign. Clinton's main focus was on the economy and domestic issues, so he did not want to debate national security policy in any broad context with President Bush. His advisers suggested he could put his opponent on the defensive—and show a toughness that his personal history did not suggest—by vowing to take a hard line against the Serb aggressors in Bosnia and the generals who had ousted President Aristide in Haiti. The stance worked fine as a campaign tactic, but caused endless headaches once he was in the White House.

The second factor is that for Clinton, as my friend said, paraphrasing Clausewitz, "foreign policy is domestic policy, conducted by other means." Clinton has built his domestic program on the core Democratic base, which is the political left. Human rights issues in general—and the worker-priest movement of Latin America, which spawned Father Aristide—are important to liberals. Haiti has particular salience or the Congressional Black Caucus and for African American voters, the most loyal of Clinton's constituencies. Their agenda became his agenda.

The third point, my friend said, is that Clinton "would rather be sympathetic than cold-hearted." He empathizes with people's feelings, and when political allies said they thought Aristide deserved to fill the office to which he had been elected, Clinton's response was not to say, "Maybe, but I've got bigger fish to fry."

The fourth point, closely linked to the third, is that the president and his national security advisers are singularly lacking in any long-term policy perspective. Each step of Haitian policy—from the initial offer of an American haven for refugees to the fateful decision to go beyond economic sanctions to the threat of force—was taken as if it would somehow resolve the problem by itself. No one in the inner circle was forceful enough to ask, "Are we prepared to act on this threat if our bluff is called?"

It was called, and now Clinton has followed the idealistic President Woodrow Wilson in sending American forces to Haiti. The last such occupation lasted 19 years.

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

A SOLDIER OF THE NOT GREAT WAR

(By Mark Helprin)

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

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

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

Anyone considering a serious challenge to the U.S. has been reassured that we have no perspective in international affairs, that we act not in regard to our basic interests but in reaction to sentiment and ideology, that we can be distracted by the smallest matter and paralyzed by the contemplation of force, that we have become timid, weak, and slow.

This is what happens when the leaders of the world's most powerful nation take a year to agonize over Haiti. This is what happens when the elephant ignores the jackals and gravely battles a fly.

WHY NOT CUBA?

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

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

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

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

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

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

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

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

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

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

DRY BONES

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

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

IMPORTANT DETAILS IN GATT LEGISLATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. ROHRABACHER] is recognized for 5 minutes.

Mr. ROHRABACHER. Mr. Speaker, the reason I am here today is to plead my case to my fellow colleagues to please pay attention to the details that are within the GATT implementation legislation. As somebody once said, "The devil is in the details," but what 90 percent of us in this body do not realize is what is contained in the massive GATT implementation legislation, and in that legislation are provisions that will dramatically reduce the patent protection now enjoyed by Americans.

□ 1740

Proponents of this devastating provision have dressed it up by calling it patent harmonization. It is one of the most malicious attacks on the ownership rights of Americans to be put forth before this body in decades. The people who have slipped this GATT ripoff, this ripoff of GATT legislation, the ripoff of patent rights, into the legislation, are counting on the ignorance of the Members of this body. In 1968, and in subsequent years, the proponents, that is, the Japanese and other multinational interests have sought to use separate legislation for this very same patent harmonization. Wisely, the Congress has defeated it every time it has seen the full light of day. These powerful interests now realize they cannot get their way in a direct battle, so they are seeking to achieve their ends through subterfuge, by using a major trade bill as a vehicle to fundamentally alter our patent system and in the process grab billions of dollars of royalties that should be going to creative and innovative Americans.

Understand that this attack on our patent rights is coming from technological users, not creators. Americans who create the technology that makes our lives better are now under attack by the big guys, huge Japanese and multinational corporations that will be making bigger profits and will be paying dramatically less in patent royalties to do so.

There are several big lies that have permitted this proposal, this ripoff, to get as far as it has.

Lie No. 1. The changes are hidden in the GATT implementation legislation and that legislation was kept from us until the very last minute. One of the reasons very few Members of this Congress realize there was a dramatic reduction in the patent protection Americans now enjoy in the GATT implementation legislation is we were not even permitted to see the legislation until just a few weeks ago, and many Members still have not been permitted

to see the legislation. That is the No. 1 big lie, it is just keeping us in the dark.

Big lie No. 2. It is claimed that the massive changes in our patent laws that are part of the GATT implementation legislation are necessary because they are part of the GATT Treaty. This is big lie No. 2. What we have in the GATT implementation legislation that affects the length of the term of patent protection for Americans is not mandated by the GATT Treaty itself. What we have here is a special interest who has snuck this provision into the GATT implementation legislation trying to fool us, lie to us, and tell us that, well, we have to do this or the whole world trading system is going to break down. That is a lie, it is not mandated by GATT.

No. 3, the third big lie. It is the most arrogant lie of all. That the patent term as suggested by this change in the GATT implementation language is longer for 95 percent of all the patents that go through the system, 95 percent of the inventors are actually going to have their term lengthened. It all comes down to this, ladies and gentlemen. What is being proposed is a change in the language that says that a person who files for a patent today in the United States, he is granted 17 years of protection from the time his patent is issued, no matter how long it takes during the process time from the time he files. What they are proposing in the GATT implementation legislation is changing that to say he has 20 years of protection from the time he files. But the clock starts ticking.

Almost every major invention that has changed the way we live for the better has taken years, up to 10 to 15 years to get through the patent process, and under the current law, the inventors have had 17 years' worth of protection. Under what they are trying to do through GATT, it would reduce it to 5 years, to 3 years and sometimes eliminate it altogether. This third lie, this idea that they are actually extending the patent protection, is the worst lie of all.

The fact is that if we permit the patent protection time to be diminished by the GATT implementation legislation going through as it is, we will find that research and development money for private development in this country will dry up. It will destroy America's edge. It will cause billions of dollars that should be going to American inventors as royalties to be left in the hands of Japanese corporations who will use it to destroy us economically.

I ask all of my colleagues to join me in demanding that this be taken out of the GATT Treaty.

CALL FOR INVESTIGATION OF POSSIBLE CONFLICTS OF INTEREST

The SPEAKER pro tempore. Under the Speaker's announced policy of February 11, 1994, and June 10, 1994, the gentleman from Indiana [Mr. BURTON] is recognized for 60 minutes as the designee of the minority leader.

Mr. BURTON of Indiana. Mr. Speaker, I will not take the whole 60 minutes, but we will go into some very interesting issues tonight. Everybody in the country has heard about Whitewater and they have heard about some of the mysterious things that have happened in the investigation into Vince Foster's death, but there is a lot of other interesting things that have happened involving the Rose Law Firm in Little Rock, AR, and Hillary Rodham Clinton and the former Governor of Arkansas, Bill Clinton.

Tonight I would like to talk about two cases involving the failure of two savings and loans and the involvement of the Rose Law Firm and some possible conflicts of interest that should be investigated by the Federal Deposit Insurance Corporation and the Federal Savings and Loan Insurance Corporation, as well as the Special Counsel, Mr. Starr.

First American Savings and Loan of Oak Brook, IL, was seized by the Federal authorities for the Federal Government in 1986. First American Savings and Loan of Oak Brook was headed by former Illinois Gov. Dan Walker.

Dan Lasater, a friend of Bill Clinton, had a brokerage business, United Capital Corp., and it traded Treasury bond futures for First Federal Savings and Loan of Illinois and others. Dan Lasater ran a brokerage firm in Little Rock, AR. He was a big contributor to Bill Clinton's gubernatorial campaigns, he was a friend of Bill Clinton and he flew Clinton around in his private jet. Lasater gave Roger Clinton, Bill Clinton's brother, a job and loaned him $8,000 to pay off a drug debt.

Lasater's brokerage firm received a lucrative contract from the government of Arkansas worth $750,000 to sell State bonds for a new Arkansas State Police communications network. He also received millions of dollars in bonds for the Arkansas Development Financial Authority.

In 1986, Lasater was convicted on drug charges. This is Bill Clinton's good friend. He served only part of his sentence and he was pardoned after serving a small part of his sentence by then Gov. Bill Clinton.

In 1985, Dan Walker, the former Governor of Illinois, discovered that First American Savings and Loan was losing money big time on its Treasury bond future trades with Dan Lasater. According to court records, Mr. Walker lost approximately $361,000. Walker claims that Lasater made unauthorized trades with First Federal's money and, Walker told the Chicago Tribune they, Lasater & Co., had general authority to trade, but they were supposed to call the First American operating officer at the time they made the trade and they did not do that.

Walker sued Lasater for $3.3 million for mail, wire, and securities fraud. The suit charged that one of Lasater's employees used First Federal's money to carry out what were in effect personal Treasury bill trades.

Does this sound familiar? Members heard me on the floor not long ago talking about a gentleman named Dennis Patrick from Kentucky. He had a similar story. According to Mr. Patrick in published accounts, between $60 million and $107 million was traded in an account in his name at Lasater & Co. without Mr. Patrick's knowledge. They traded $60 million to $107 million in bond trades in his account and he did not even know about it. On one day, $23 million was traded on his account without his knowledge. Now when Federal regulators, the FSLIC, the Federal Savings and Loan Insurance Corporation, seized First American of Illinois, they continued to pursue the lawsuit against Lasater. They wanted to recover as much money as they possibly could.

Dan Walker, the former Governor of Illinois, was accused of lending himself $1.4 million in federally insured depositors' money and later ended up being convicted of bank fraud and perjury.

Hopkins & Sutter, I know this is very complicated, but Hopkins & Sutter, a Chicago law firm, was the primary contractor or law firm for the Federal Savings and Loan Insurance Corporation. Hopkins & Sutter hired or subcontracted with a law firm in Little Rock, AR, called the Rose Law Firm to handle the suit against Lasater.

I hope everybody will think about this, my colleagues. Lasater & Co., Mr. Lasater was a very close friend of Bill Clinton. He flew around in his private jet. They went on parties together. Lasater was convicted along with Bill Clinton's brother of drug dealing. Lasater paid one of Bill Clinton's brother's drug loans of $8,000. And after Lasater was convicted, he was pardoned by then Gov. Bill Clinton. Rose Law Firm is hired as a subcontractor for the purpose of the suit against Lasater. They are going to go after Lasater. And Hillary Rodham Clinton and Vince Foster were the two lawyers from the law firm, the Rose Law Firm, to go after Mr. Lasater.

□ 1750

Think about that for a minute. They are going after Lasater for the Federal Government at the same time that he is a very good friend of Gov. Bill Clinton and has been pardoned for drug trafficking by the Governor. Dan Lasater was convicted of drug charges in 1986, as I said, and served only a

small part of his sentence, and was later pardoned by the Governor, now President Clinton.

Now enter Hillary Rodham Clinton, Rose Law Firm's powerhouse lawyer, and Vince Foster. They handled the Government's suit against Lasater. It is hard to believe this conflict of interest could occur, but they are handling the case against Lasater, Bill Clinton's friend.

Because of the close ties between Lasater and Bill and Hillary Clinton, she never should have been involved in this matter in any way. That is a big conflict of interest.

In late 1987 a confidential settlement was reached between the Government and Lasater. He ended up paying $200,000 of the $3.3 million suit. That is all, just $200,000.

The Chicago Tribune learned of the amount of the settlement from a February 1989 letter that Foster wrote to the FDIC. The letter was not part of the court filings. Court records show that Hillary Rodham Clinton and Vince Foster negotiated this settlement from $3.3 million down to $200,000. It started on May 8, 1987, when Hillary Rodham Clinton signed an amended complaint on this case that reduced the damages sought by the FSLIC against Lasater from $3.3 million down to $1.3 million. She negotiated the reduction of this down from $3.3 million down to $1.3 million for the FDIC at a time when the guy, Lasater, she was supposed to be nailing to the wall was a good friend of she and Bill Clinton, the Governor of Arkansas. The FDIC said Hillary's involvement was not extensive enough to constitute a conflict of interest. This sounds like a whitewash by the FDIC, and to cover their tails the FDIC said under Federal rules existing at the time she did not have to inform the Federal Government about her close relationship with Lasater and Lasater's company. The FDIC said Hillary worked only 3 hours on the case. They said she was not involved in the final decision to settle at $200,000. The FDIC says Vince Foster did most of the work on this case. He was her partner at Rose. The FSLIC that hired Hillary and Vince Foster and the Rose Law Firm could not remember details of the case. The FDIC's earlier inquiry was primarily a review of court records and records submitted by the Rose Law Firm. The FDIC did not interview Hillary Rodham Clinton.

Because of the apparent FDIC whitewash, in late February Senator ALFONSE D'AMATO of New York requested the FDIC Acting Chairman, Andrew Hove, to have the FDIC inspector general conduct a thorough review of this matter and Madison Guaranty. Hove asked the inspector general to complete its investigation and report to him in 90 days. That was back in February. Here we are in September and the report has not yet come down. Now why? Why has the IG's report not come down? It was demanded or requested by Senator D'AMATO of the Senate Banking Committee and it was supposed to be done in 90 days, and here we are almost a year later or 8 months later and we have not heard a thing. I wonder if the White House has anything to do with stopping that report? Obviously 90 days are over, and we still have no report on this case.

Thomas Scorza, a former assistant U.S. attorney who teaches legal ethics at the University of Chicago Law School, said the following to the Chicago Tribune newspaper:

> A lawyer is required to represent the interests of their client zealously. There is a substantial question about whether an attorney was representing a client zealously if the opponent of the client is someone with whom the attorney has a political, financial, and personal relationship.

And make no mistake about it, Hillary Rodham Clinton and Bill Clinton had a very close relationship with Lasater, and this was not made known when Hillary Rodham Clinton took on that case. In looking at the settlement he went on,

> Were they, the Rose Law Firm and Hillary Rodham Clinton, looking after Lasater's interests or the interests of the Federal Deposit Insurance Corporation?

Actually the Federal Savings and Loan Insurance Corporation. Scorza told the Chicago Tribune that Hillary Rodham Clinton should not have worked on the case, especially since the final settlement was confidential.

William Wernz, a former chairman of the Minnesota Lawyers Responsibility Board for the Minneapolis Tribune said that the bar association model rules define as conflict of interest instances where it is likely a lawyer,

> might pull a punch because he or she has some relationship with the other side or some third party of interest.
>
> Law and accounting firms are usually barred from representing the Federal Government in S&L cases if they have personally represented the S&L or if they have personal links to the persons targeted by the lawsuit,

and that was specifically the case with Lasater and company. Dan Lasater was a friend of Bill Clinton's. He contributed generously to Bill Clinton's campaign for Governor. He flew Clinton around in his private jet. They had parties together, they went out together all of the time.

Dan Lasater gave Roger Clinton a job and loaned him a large sum of money to pay drug debts, and after Lasater was convicted on drug charges and served a small part of his sentence, then Gov. Bill Clinton pardoned him.

Yet his wife, Hillary Rodham Clinton, who knew Lasater very well, took the side of the Government in the case against Lasater, reduced the settlement from $3.3 million down to $200,000 and the FSLIC was literally screwed out of all of that money from $3.3 million down to $200,000. There was definitely a conflict of interest that she did not let the American people know or the FSLIC know about.

Here is a related problem: Home Federal Savings and Loan of Centralia, IL, was also seized by Federal regulators. Home Federal's former president, King Betz, sued Lasater and company for $4.6 million for unauthorized trading. He chose the Rose Law Firm to handle his suit and Hillary Rodham Clinton was a big partner in that law firm, and he chose the Rose Law Firm to handle his suit because the issues involved were similar to the issues in First American.

After the Federal Government took over Home Federal, the Federal Government continued the case, and they had the Rose Law Firm carrying the case for them.

Thomas Mars represented Lasater on the other side of the table against the Home Federal Federal Government suit, so you had on one side of the table the Rose Law Firm of which Hillary Rodham Clinton was a partner, like the case I just cited, and on the other side was this guy named Thomas Mars.

Now where did he come from? He had previously worked at the Rose Law Firm. So you have on one side of the table negotiating for the Federal Government the Rose Law Firm, and you have a former lawyer in that same law firm representing Lasater. Does that sound like some conniving, some peculiar circumstances? Mars had previously worked at the Rose Law Firm where he had worked on the American suit. He worked on the First American suit that I just talked about. Therefore, he may have had some inside information on the Government's case since the case he worked on at the Rose Law Firm was very similar.

King Betz, the man who started the case in the first place for Home Federal Savings and Loan, was advised by Vince Foster of the Rose Law Firm to accept a $250,000 out-of-court settlement in September of 1989, and he agreed to the settlement. But he did not know that both sides of the table were being worked by the Rose Law Firm and a former lawyer who worked for the Rose Law Firm.

King Betz says that Vince Foster was handling his suit and never told him about Mar's potential conflict of interest or the Clinton's ties to Lasater.

According to the Chicago Tribune, when Betz was told that Mars previously worked with Foster and Hillary Rodham in the First Federal case for the Rose Law Firm, Betz said, "He can't do that. He could have confidential information." But the cat was already out of the bag or in the bag because he had already signed off on the $250,000 settlement on a suit that was supposed to be for $4.6 million.

There are some questions that need to be answered by the Rose Law Firm

and by the FSLIC and the FDIC concerning these two cases.

First, when will the FDIC inspector general issue its report on Hillary Rodham Clinton, First American, and Madison Guaranty? Is this report being delayed until after the election? It was ordered in February, was supposed to be done in 90 days, and here we are in September, 7 weeks before the election, and we still do not have the report. Why? That needs to be done quickly.

□ 1800

Now, here are some questions that need to be answered by the FDIC and the new independent counsel, Mr. Starr, if he is investigating this, and I think he probably will, and in full and complete congressional investigations and hearings: Did Hillary Rodham Clinton and/or the Rose Law Firm inform the Federal Government of her and her husband's ties to Dan Lasater? I do not believe she did, but we need to know if she did. This is regarding the First American. If they did not inform the Government of their ties to Dan Lasater, then why did they not? Because it was obviously conflict of interest.

To what extent was Hillary Rodham Clinton involved in the suits? They said it was only 2 or 3 hours. But she signed or got the agreement to reduce the suit from $3.3 million down to $1.3 million, so she was very conversant with it and very actively involved in it.

Specifically what role did Hillary Rodham Clinton have in the final decision to settle the suit for $200,000 down from the $3.3 million? If she was involved, how were her actions affected by her ties to Dan Lasater and Lasater & Co? Who was responsible for handling the case: Hillary Rodham Clinton, Vince Foster, or both? Obviously they were both partners in the Rose Law Firm. There had to be a conflict there.

Who decided who would handle this case? If Vince Foster was handling the case, why was Hillary Rodham Clinton involved at all?

We do know for sure, the FDIC has said that Hillary Rodham Clinton signed the amended complaint reducing the damages sought from $3.3 million to $1.3 million.

Now, involving the Home Federal case, why was not King Betz, the chairman there, told about Thomas Mars' conflict of interest? He was a former lawyer with the Rose Law Firm defending Lasater. Why was not Betz told about the ties between the Clintons and Lasater? Was the FDIC informed about any of this? Did Thomas Mars, the former employee of the Rose Law Firm, use inside information to arrange a $250,000 settlement on an over $4 million original suit?

These are questions that need to be answered. The more we get into the machinations of the Clintons, the more we find all kinds of chicanery from Whitewater to Madison Savings & Loan to these two savings and loan institutions in Illinois to the Angel Fire development in New Mexico.

There are so many questions that need to be answered. That is why we need full and complete congressional hearings, not just the facade we saw with the Committee on Banking, Finance, and Urban Affairs in the House just a few months ago. The people of this country have a right to know if there is corruption in this Government. They have a right to know if Hillary Rodham Clinton had a conflict of interest when she was representing these individuals for the FDIC; I mean, her husband was the Governor. He was a friend of the man that she was supposed to be nailing to the wall, and she reduced the claim from $3.3 million down to $200,000. There are all kinds of questions that need to be answered, and the only way the people of this country are going to know the facts is for us to have complete and thorough congressional hearings, and they need to be held as quickly as possible.

I commend to my colleagues the following February 3, 1994, Chicago Tribune article:

The special prosecutor appointed to scrutinize the business dealings of the president and first lady will focus on their role in an Ozark land development called Whitewater.

But there is another case buried deep in court records that could prove equally troubling to Bill and Hillary Rodham Clinton, particularly if Robert Fiske, the Republican special prosecutor and former U.S. attorney in New York, makes good on his pledge to publish a report on the Clinton's political and business relationships when the president was governor of Arkansas in the 1980s.

It involves a court case the first lady helped settle when she was a high-powered lawyer in Little Rock and the government was trying to sort out the problems of a bankrupt Illinois savings and loan.

The Illinois S&L case suggests that Hillary Clinton, as a private attorney, had a glaring conflict of interest. As an attorney for the Federal Deposit Insurance Corp., she helped negotiate a secret, out-of-court settlement that ended the government's suit against a family friend and an influential benefactor of her husband.

But the political problems the case could pose for the president and his wife may go far beyond the narrow questions about the first lady's conduct as a lawyer, which she defends.

As in Whitewater, the Illinois case places the president and his wife once again in an association with an unsavory wheeler-dealer who had strong personal ties to the Clintons and even stronger financial ties to the Clinton administration in Little Rock.

In Whitewater, the trouble stems from the Clintons' business relationship with James McDougal, the guiding force behind Madison Guaranty, an Arkansas savings and loan that went broke and cost taxpayers more than $47 million. Fiske will examine whether Clinton or his gubernatorial campaign benefited from McDougal's favorable treatment by a state agency in Arkansas when Clinton was governor.

In the Illinois case, the problem stems from the Clintons' friendship with Dan Lasater, a convicted felon whose high-flying bond trading firm played a hand in the troubles of several savings and loans, including First American Savings and Loan Association, an Oak Brook institution headed by another politician, Dan Walker, who was governor of Illinois from 1973 to 1977.

It all started in 1979 in an unlikely venue—the Oaklawn Park racetrack in Hot Springs, Ark. Clinton's mother, the late Virginia Kelley, had a passion for thoroughbred horseracing, and her box at the track was next to Lasater's.

An Arkansas native who grew up in poverty in Kokomo, Ind., Lasater started a hamburger chain when he was 19 and was wealthy by the time he met Mrs. Kelley and Clinton's half-brother, Roger, at the racetrack. In just over two decades, Lasater had sold his first hamburger chain; moved to Arkansas; founded the Ponderosa Steakhouse, a nationwide chain of 650 family restaurants; started a bond trading firm; and nurtured his love for horseracing.

The racetrack friendship soon blossomed into an introduction to Clinton, who was trying to regain the governor's mansion after losing an election in 1980, according to a Clinton family friend.

By early 1983, Lasater had given Roger Clinton a job at his Florida horse farm; Clinton had reclaimed the governor's mansion; and Lasater's bond firm had been added to a list of brokerage firms eligible to underwrite state bond issues, a classification that generated millions of dollars in business for his firm, according to published reports.

Over the next two years, the ties between Lasater and the Clintons grew stronger.

The Clintons benefited from the relationship. Lasater contributed money to the governor's campaign; lent Roger Clinton $8,000 to pay off a drug debt; sponsored fundraising parties at his offices; made his private plane available to the ambitious young governor for campaign jaunts; and encouraged his staff to donate to the governor's campaign, promising higher commissions to compensate for the donations, according to published reports. At one point in 1985, he also made his plane available to squire celebrities to a charity function organized by Hillary Rodham Clinton.

Lasater benefited from the closer ties, too. In the summer of 1985, Clinton successfully lobbied the Arkansas legislature to approve a contract for Lasater to sell $30.2 million in bonds for the new state police radio system. The contract netted Lasater's firm $750,000, according to a report in The Los Angeles Times.

Meanwhile, Lasater spread his financial wings beyond Arkansas, signing deals to trade Treasury bond futures with several savings and loans, including Walker's First American. The S&Ls were trying to compensate for their money-losing mortgage lending operations by engaging in the high-risk deals being peddled by Lasater.

But things began to sour in late 1985, both in Illinois and in Arkansas.

At First American, Walker discovered that Lasater's bond firm didn't have the magic touch. According to court records, Walker's S&L lost at least $361,572 in T-bond futures trades made by Lasater's firm.

"They had general authority to trade, but they were supposed to call the (First American) operating officer each time they made a trade," Walker said in a telephone interview. "They did not do that."

Meanwhile, law enforcement officers in Arkansas had started picking up reports that Lasater had another problem: He was distributing cocaine to friends and business associates at swank parties he threw in Little Rock and Hot Springs.

Walker struck first, filing a 1985 suit against Lasater's bond firm alleging that the company committed mail, wire and securities fraud by using First American funds for unauthorized T-bond futures trades.

Walker never got Lasater in court. First American was seized in 1986 by federal officials, who later charged the former Illinois governor with lending himself $1.4 million in federally insured deposits. Walker was eventually convicted of bank fraud and perjury.

Federal officials also collared Lasater; they convicted him of cocaine possession and trafficking in 1986.

Meanwhile, the federal regulators who seized First American decided to pursue the savings and loan's $3.3 million suit against Lasater to see if they could recoup some money for American taxpayers, who funded the billion-dollar bailout of hundreds of bankrupt savings and loans, including First American.

The government's deposit insurance fund hired the Rose Law Firm in Little Rock, where Hillary Clinton was a powerhouse. Rose had successfully solicited the government's legal work on failed savings and loans in Arkansas months earlier.

The Lasater connection caused no end of problems for Gov. Clinton. During his reelection campaign in 1986, Clinton came under attack from his Republican opponent for steering state contracts to Lasater while Lasater was under investigation for drug trafficking.

Clinton acknowledged being friends with Lasater but denied knowing about Lasater's drug activities. Clinton was re-elected.

In 1987, Lasater went off to serve his prison sentence after giving Patsy Thomasson, another key Clinton supporter and Democratic Party activist, legal authority to manage his assets, according to court records.

Most of the Rose firm's S&L legal work was handled by Webster Hubbel, now the No. 3 official at the U.S. Justice Department. But the firm assigned the government's suit against Lasater to Hillary Clinton and Vincent Foster, who later became deputy White House counsel for President Clinton and who committed suicide last July.

In late 1987, court records show, Hillary Clinton and Foster negotiated a confidential settlement. Lasater paid the government $200,000 in return for the dismissal of its $3.3 million suit against him.

Whether Lasater got off cheaply at the expense of the American taxpayer depends upon his assets at the time and the strength of the evidence against him, legal experts say.

Nevertheless, Thomas Scorza, a former assistant U.S. attorney who teaches legal ethics at the University of Chicago Law School, said Hillary Clinton's decision to represent the government in a lawsuit against Lasater raises serious questions about her professional conduct.

"A lawyer is required to represent the interest of their client zealously," he said. "There is a substantial question about whether an attorney was representing a client zealously if the opponent of the client is someone with whom the attorney had a political, financial and personal relationship."

"In looking at the settlement, were they (the Rose Law Firm) looking after Lasater's interests or the interests of the FDIC?" Scorza asked.

Hillary Clinton's office declined to respond to specific questions about the case but issued a general statement defending her legal ethics. "Our view is that Hillary Clinton, when a lawyer at the Rose Law Firm, acted with the utmost integrity and professionalism. I have no reason to believe otherwise," said her press secretary, Lisa Caputo.

To avoid even the appearance of a conflict of interest, Scorza said, Hillary Clinton should not have worked on the Walker S&L case—especially because the final settlement was confidential. The Tribune learned of the amount of the settlement from a February 1989 letter that Foster wrote to the FDIC; the letter was not part of the court filing.

There's no evidence in the court case that the Rose Law Firm or Hillary Clinton ever disclosed to their client, the FDIC, the ties between the Clintons and Lasater or Thomasson, who was representing Lasater's interests at the time of the settlement. Thomasson, who later became executive secretary of the Arkansas Democratic Party, is now director of the White House Office of Administration.

David Barr, an FDIC spokesman, said FDIC attorneys are trying to locate records on First American to see if the Rose Law Firm notified the FDIC about any potential conflict of interest.

A law firm can be banned from receiving further work from the FDIC and the Resolution Trust Corp., which disposes the assets of failed S&Ls, if it misleads FDIC officials about a possible conflict of interest, Barr said.

The First American case isn't the only problem for the firm, which Hillary Clinton left before her husband assumed the presidency.

The FDIC is trying to determine whether the Rose firm misled federal regulators about a potential conflict of interest when the firm represented the deposit insurance fund against the accountants who worked for Madison Guaranty. Hillary Clinton had represented Madison, the savings and loan at the heart of Whitewater.

In addition, FDIC officials are looking into the case of Home Federal Savings and Loan of Centralia, another failed Illinois institution, which is very similar to the First American case. It is not known whether Hillary Clinton was directly involved in the Home Federal case.

The Rose Law Firm represented Home Federal in a $4.6 million suit against Lasater's company for unauthorized trading. But what is unusual about this case is that Lasater, too, was represented by an attorney with ties to Rose.

King Betz, former president of Home Federal, said he initially hired the Rose Law Firm because the claims in his suit were nearly identical to those in the First American case. He said that Vince Foster was the lead attorney in the case and that he had no contact with Hillary Clinton. After the government took over Home Federal, it continued the case.

Meanwhile, though, Thomas Mars, a Rose attorney who had worked with Foster and Hillary Clinton in the First American suit against Lasater, left the Rose firm. Months later, he started representing Lasater against Home Federal, which was still represented by Rose.

Legal experts say the Rose Law Firm should have notified Betz and the FDIC about Mars' potential conflict of interest. Because Mars worked on the First American suit, he could have had inside information that gave him an advantage in negotiating a settlement for Lasater in the Home Federal suit.

Betz says Foster never told him about Lasater's ties to the Clintons. He also failed to advise Betz about Mars' potential conflict of interest. Betz said Foster advised him to accept a $250,000 out-of-court settlement in September 1989.

"We were told by the attorneys that we were not going to get any more (money)," said Betz, who agreed to the settlement. When told that Mars had previously worked with Foster and Hillary Clinton in the First Federal case, Betz said: "He can't do that. He could have confidential information."

Mars denied any wrongdoing. "There was nothing funny going on. Everything was always on the up and up. Everything was done in a businesslike manner," he said.

AGREEMENT BETWEEN THE UNITED STATES OF AMERICA AND THE PEOPLE'S REPUBLIC OF CHINA CONCERNING FISHERIES OFF THE COASTS OF THE UNITED STATES—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 103–311)

The SPEAKER pro tempore (Mr. McHALE) laid before the House the following message from the President of the United States which was read and, together with the accompanying papers, without objection, referred to the Committee on Merchant Marine and Fisheries and ordered to be printed:

To the Congress of the United States:

In accordance with the Magnuson Fishery Conservation and Management Act of 1976 (16 U.S.C. 1801 et seq.), I transmit herewith an Agreement between the Government of the United States of America and the Government of the People's Republic of China Extending the Agreement of July 23, 1985, Concerning Fisheries Off the Coasts of the United States, as extended and amended. The Agreement, which was effected by an exchange of notes at Beijing on March 4 and May 31, 1994, extends the 1985 Agreement to July 1, 1996.

In light of the importance of our fisheries relationship with the People's Republic of China, I urge that the Congress give favorable consideration to this Agreement at an early date.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *September 20, 1994.*

REPORT CONCERNING NATIONAL EMERGENCY WITH RESPECT TO ANGOLA—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 103–312)

The SPEAKER pro tempore laid before the House the following message from the President of the United States which was read and, together with the accompanying papers, without objection, referred to the Committee on Foreign Affairs and ordered to be printed:

To the Congress of the United States:

I hereby report to the Congress on the developments since March 26, 1994, concerning the national emergency

with respect to Angola that was declared in Executive Order No. 12865 of September 26, 1993. This report is submitted pursuant to section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c).

On September 26, 1993, I declared a national emergency with respect to Angola, invoking the authority, *inter alia*, of the International Emergency Economic Powers Act (50 U.S.C. 1701 *et seq.*) and the United Nations Participation Act of 1945 (22 U.S.C. 287c). Consistent with United Nations Security Council Resolution No. 864, dated September 15, 1993, the order prohibited the sale or supply by U.S. persons or from the United States, or using U.S.-registered vessels or aircraft, of arms and related materiel of all types, including weapons and ammunition, military vehicles, equipment and spare parts, and petroleum and petroleum products to the territory of Angola other than through designated points of entry. The order also prohibited such sale or supply to the National Union for the Total Independence of Angola ("UNITA"). United States persons are prohibited from activities that promote or are calculated to promote such sales or supplies, or from attempted violations, or from evasion or avoidance or transactions that have the purpose of evasion or avoidance, of the stated prohibitions. The order authorized the Secretary of the Treasury, in consultation with the Secretary of State, to take such actions, including the promulgation of rules and regulations, as might be necessary to carry out the purposes of the order.

1. On December 10, 1993, the Treasury Department's Office of Foreign Assets Control ("FAC") issued the UNITA (Angola) Sanctions Regulations (the "Regulations") (58 Fed. Reg. 64904) to implement the President's declaration of a national emergency and imposition of sanctions against Angola (UNITA). There have been no amendments to the Regulations since my report of April 12, 1994.

The Regulations prohibit the sale or supply by U.S. persons or from the United States, or using U.S.-registered vessels or aircraft, of arms and related materiel of all types, including weapons and ammunition, military vehicles, equipment and spare parts, and petroleum and petroleum products to UNITA or to the territory of Angola other than through designated points. United States persons are also prohibited from activities that promote or are calculated to promote such sales or supplies to UNITA or Angola, or from any transaction by any U.S. persons that evades or avoids, or has the purpose of evading or avoiding, or attempts to violate, any of the prohibitions set forth in the Executive order. Also prohibited are transactions by U.S. persons, or involving the use of U.S.-registered vessels or aircraft relating to transportation to Angola or UNITA of goods the exportation of which is prohibited.

The Government of Angola has designated the following points of entry as points in Angola to which the articles otherwise prohibited by the Regulations may be shipped: Airports: Luanda and Katumbela, Benguela Province; Ports: Luanda and Lobito, Benguela Province; and Namibe, Namibe Province; and Entry Points: Malongo, Cabinda Province. Although no specific license is required by the Department of the Treasury for shipments to these designated points of entry (unless the item is destined for UNITA), any such exports remain subject to the licensing requirements of the Departments of State and/or Commerce.

2. FAC has worked closely with the U.S. financial community to assure a heightened awareness of the sanctions against UNITA—through the dissemination of publications, seminars, and notices to electronic bulletin boards. This educational effort has resulted in frequent calls from banks to assure that they are not routing funds in violation of these prohibitions. United States exporters have also been notified of the sanctions through a variety of media, including special fliers and computer bulletin board information initiated by FAC and posted through the Department of Commerce and the Government Printing Office. There have been no license applications under the program.

3. The expenses incurred by the Federal Government in the 6-month period from March 26, 1994, through September 25, 1994, that are directly attributable to the exercise of powers and authorities conferred by the declaration of a national emergency with respect to Angola (UNITA) are reported at about $75,000, most of which represents wage and salary costs for Federal personnel. Personnel costs were largely centered in the Department of the Treasury (particularly in the Office of Foreign Assets Control, the U.S. Customs Service, the Office of the Under Secretary for Enforcement, and the Office of the General Counsel) and the Department of State (particularly the Office of Southern African Affairs).

I will continue to report periodically to the Congress on significant developments, pursuant to 50 U.S.C. 1703(c).

WILLIAM J. CLINTON.

THE WHITE HOUSE, *September 20, 1994.*

HOW DO WE BRING OPERATION RESTORE DEMOCRACY TO A CLOSE?

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. GOSS] is recognized for 5 minutes.

Mr. GOSS. Mr. Speaker, on July 28, 1915, the United States invaded and occupied Haiti in response to the brutal slaying and dismemberment of the Haitian President Vilbrun Guillaume by an angry mob of Haitians. This date marked the beginning of the longest occupation in American history. It lasted 19 years. In the first 5 years, United States soldiers killed more than 2,200 Haitians in their effort to pacify the cities and countryside. The United States rewrote the constitution, reconstituted the military, collected taxes, censored the press, and arbitrated disputes. We were firmly entangled in Haiti. On September 19, 1994, the United States occupied Haiti—again.

Ultimately, 15,000 to 20,000 American soldiers will be on the ground there. The Pentagon is operating on the assumption that the occupation force will stay until the end of President Aristide's term in December 1995. United States forces are working to reconstitute the Haitian military, to disarm the public, and maintain public security. In short, we are once again firmly entangled in Haiti.

Yesterday, I joined my colleagues in hailing the Sunday night, skin of our teeth agreement that helped keep American soldiers out of outright military conflict in Haiti. However, we are not out of the woods yet. The administration, did not really plan for the current military operation. As one administration official said: "We had a plan for permissive entry and a plan for hostile entry, what we got is between the two and we had no plan for it." For the soldiers who, unlike that official, aren't sitting in the relative safety of Washington, DC, the mission remains dangerously ill-defined. As one young Florida soldier noted: "We don't know what our job is, our mission is, and for how long it's supposed to last. We've just been told not to shoot anybody." In addition to these uncertainties, we must take into account the pervasive elements of Haitian society, as bred by 200 years of domestic unrest: fear, violence, paranoia. We have to consider the military ranks who oppose the return of Aristide; the sector chiefs who have built their own little kingdoms—militia and all—in the Haitian countryside; the 20,000 plus armed Attaches who are the successors to the Macoutes of Duvalier's day; the Haitians who feel they must avenge the death of friends and relations; those like Biamby who are nationalistic in the extreme and carry a visceral dislike of the United States. This last point is very important. Earlier this summer Haitians across their country paused to note the 79th anniversary of the first United States occupation of Haiti. One Haitian historian summed up the feeling this way: "The date is important because it was a period of humiliation, and one does not live easily with such humiliation. We suffered an offense to our national pride." American soldiers have already heard this message from Haitians like the university student who

screamed "You Americans better not be trying to put your flag on Haitian soil" to the arriving forces.

While the United States managed to avert all out warfare, American soldiers have been committed to a long-term stay in Haiti. Given this reality, one might expect a little enthusiasm from the man that all of these exercises are meant to restore—Jean Bertrande-Aristide. Over the last 6 months, I have specifically asked administration officials—both verbally and in writing—if Aristide made a firm commitment to return to Haiti if the United States smooths the way. The answer was invariably yes. Today, President Aristide finally broke his silence in the aftermath of the agreement reached with Cedras and company on Sunday night. In his statement he pointedly ignored the agreement and the occupation already underway, choosing instead to talk only about returning to the failed Governor's Island Accord process. Aristide does not appear to support our course of action—he may never go back. Meanwhile, American soldiers are on the ground in Haiti securing his country for him. Certainly, there is nothing simple about the current situation in Haiti. One can only wonder, given all of these potential pitfalls, how the White House intends to bring Operation Restore Democracy to a close. Let us hope it does not take 19 years and a Haitian uprising to bring our soldiers home.

□ 1810

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 4448, ESTABLISHING LOWELL NATIONAL HISTORICAL PARK

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 103–730) on the resolution (H. Res. 532) providing for consideration of the bill (H.R. 4448) to amend the act establishing Lowell National Historical Park, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 4422, COAST GUARD AUTHORIZATION ACT OF 1994

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 103–731) providing for consideration of the bill (H.R. 4422) to authorize appropriations for fiscal year 1995 for the Coast Guard, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2866, HEADWATERS FOREST ACT

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 103–732) on the resolution (H. Res. 536), providing for consideration of the bill (H.R. 2866) to provide for the sound management and protection of Redwood forest areas in Humboldt County, CA, by adding certain lands and waters to the Six Rivers National Forest and by including a portion of such lands in the National Wilderness Preservation System, which was referred to the House Calendar and ordered to be printed.

HAITI AS RELATED TO OTHER RECENT MILITARY ACTIONS

The SPEAKER pro tempore. Under the Speaker's announced policy of February 11, 1994, and June 10, 1994, the Chair recognizes the gentleman from California [Mr. HUNTER] for 60 minutes.

Mr. HUNTER. Mr. Speaker, yesterday the House put the question to Members involving the resolution supporting the action of the President and the peace delegation, the negotiating delegation, and of course the American soldiers, the military personnel who went to Haiti. This is not unusual, that when you have a military action or a quasi-military action, often the question is put to the House Members, generally after the fact, after the decision has been made to send those people, to support the troops.

Mr. Speaker, there was no compelling interest, national interest served, in my estimation, that would justify going into Haiti with military forces, whether you call it an invasion, an invasion with permission, an occupation or whatever.

In the instances in recent years when we have gone into nations in this hemisphere, such as Grenada, such as Panama, we had what I would call compelling national reasons for doing that. In Grenada we had hundreds of American medical students who were surrounded by the communist thugs who had just machinegunned Maurice Bishop and others at Fort Rupert a few miles away. In the words of these students when they were saved by American Rangers and brought back to the United States, and here I am paraphrasing what a lot of them said and what a lot of their parents said, "We were in imminent danger. We thank you for bringing us back."

With respect to the Panama Canal, that action under President Bush, we had of course a compelling justification, which was the canal itself, a strategic asset to the United States.

In this case, I think the President made no compelling justification. In fact, there appears unfortunately that some of the statements that he made early on to increase American support for this actions, such as calling General Cedras, alluding to him in a way that he was a bloodthirsty terrorist; hearing that from the President, and then a short time later after this so-called agreement had been made, hearing him refer to General Cedras as an honorable man, I think raised a lot of confusion in the minds of Americans. Had he become an honorable man over the last several hours because he now made an agreement with the President? Was he still a bloodthirsty terrorist? Was it really a reason for American troops to be introduced into Haiti?

Yesterday when the issue came before the House of Representatives, both Republicans and Democrats, obviously the time for debating whether we should go into Haiti was over because the President had sent troops into Haiti. We were asked to support the troops, and of course Republicans and Democrats support the troops.

Some Members on both sides decided not to support that resolution. They felt that the troops already knew who supports them in the United States Congress, and they did not need to do that.

Others of us felt whenever you have troops carrying out a military operation, it is important to let them know about that.

But let me tell you what most Members on the Republican side of the aisle do not support. I think most of us did not support the operation in the first place. We do not support the notion that there is a compelling national interest in being in Haiti.

Another thing that we do not support, though, and you are not going to see this coming from the Republican side of the aisle while you did see it coming from the Democrat side of the aisle from some of the more liberal Members during the 1980's, let me go over a few of the things you will not see.

You are not going to see any "Dear Commandante" letters. That was a letter sent to the communist dictator of Nicaragua by the Democrat leadership at a time when American interests were strongly opposed by the communists, the Sandinistas in Nicaragua, at a time when freedom fighters were dying under Soviet-made helicopter gunships and AK–47's manufactured in the Soviet Union, moved in by Soviet intelligence operatives into Nicaragua. You are not going to see Members of the American Congress going down and trying to strategize with certain elements in Haiti as to how best to frustrate American policy.

You saw all those things coming from the liberal Democrat leadership in this House of Representatives during the 1980's, during the contra wars. You are not going to see Members of the Republican side of the U.S. Congress

going down and meeting with adversaries to American interests trying to figure out how to frustrate an American President.

So this is President Clinton's move. He has made it about 6 weeks before the election. I think the timing is unfortunate because obviously everything the President does now is tinged with political ramifications. That is clear.

I think he owed it to the American people to wait until the election was over so there would be no question as to whether or not he was trying to move his polls for his party a little bit before the upcoming election.

I think most Americans feel that that is a misuse of the lives of our uniformed personnel, to move them around the globe in any way immediately before an election.

I wish he had not done that.

But now that he has done it, I think he has brought our focus to something else. That something else is the issue of what President Clinton and the liberal Democrat leadership of the House and the Senate had done to American military posture.

What happened to the great military machine that was built during the 1980's under the leadership of Ronald Reagan and George Bush? Where we restored the hollow military that had been left to us by the Carter administration. We rebuilt the American Navy, we rebuilt our strategic triad, we rebuilt our readiness, we gave pay raises to our uniformed personnel. We increased morale to the highest point in years. We built M-1 tanks, the Apache helicopter, the Patriot missile and ultimately we deployed all those systems, all that readiness, all those personnel in the war in the Persian Gulf, in Desert Storm. We had an overwhelming victory. I think it was well stated, we had an overwhelming victory in Desert Storm because we had forces that were far superior to our adversary's, even though the press told us over and over again, "You are going up against the fourth largest army in the world," and they kept waiting for Saddam Hussein to throw his best punch. Sometimes I think the press was waiting a little too anxiously. He was never able to throw that punch because we had overwhelming forces. We projected American military power like we had not projected it in 20 years, and it was that rebuilding of that national defense that brought the Soviet Union to the bargaining table.

Remember when we rebuilt our strategic triad, building missiles, building bomber aircraft, when Mr. Gorbachev—when the Soviet Union went into Western Europe and started to ring the nations of our allies, the French, the British, the Germans, started to put SS-20's ballistic missiles close by those countries that were allies of the United States; the United States said "we are going to put ground-launched cruise missiles and Pershing missiles in Europe facing you." And we faced down the Soviet Union.

□ 1820

And the liberal press said, "Now you've done it now, Ronald Reagan. You've gone too far, and you're going to start a war, or you're going to produce a split between the Soviet Union and the United States that will never heal, a rift, and we'll never have peace."

And yet we did those things. We provided from a position of strength, and, lo and behold, there was Mr. Gorbachev on the phone saying, "Can we talk about this?"

And we talked about it in a series of arms control treaties that were unprecedented, that vastly reduced, and are reducing, the exposure of American citizens to nuclear conflict. We did all that because we were strong.

So, in 1992, we got a new President, a Democrat President named Bill Clinton, and President Clinton put into effect one of the most radical cuts in national security in the history of this Nation. He cut $129 billion out of national defense, and that was below the cuts that had already been made by Colin Powell and Dick Cheney.

Now in cutting $129 billion out of national defense he is taking out Army divisions from 18 to 10, taking our fighter wings from an equivalency of about 24 fighter wings to 14. We have gone down to, last year when we only did 62 percent of the required depot level maintenance—that means fixing the equipment, keeping it up to speed—we now have American men and women in uniform taking 27 million dollars' worth of food stamps because we are not keeping them up to speed with respect to their pay, and this President is producing a hollow military, and maybe it is appropriate that the only nation that he felt he could really face down this year was Haiti because it really reflects all those situations that he was unable to face down, situations like the Korean Peninsula where you have a real threat.

And let me go over just a couple of the statements that have been made concerning our military readiness under this President. The Army has stated this: Recruiters are finding mission achievement increasingly difficult, and the Marines note interest in joining has never been lower. Regarding quality of troops and recruits, in 1989, Mr. Speaker, 100 percent of our recruits had high school diplomas in the first 6 months of 1994. This has already dropped to 94 percent. The Defense Science Board made a study. They warned us DOD is investing in maintenance, repair, and modernization of its facilities at a rate that is far lower than the robust period of the mid-1980's and will soon equal the rates of the hollow force era of the late 1970's. The Army has cautioned that their inability to provide requisite maintenance resources to sustain functional facilities will clearly result in lost training time, degraded equipment availability and continued troop diversion.

There are some of the smartest people in our country on the Defense Science Board saying, "You're cutting too much, your equipment is not ready, and that's going to result in disaster if we go on the battlefield in the near future."

The Marines have an unfunded depot maintenance backlog. That means fixing the equipment. They have got a backlog of $360 million. The Navy will have a backlog of 100 air frames and 250 engines, and the Air Force may face a 1,000 engine backlog because of lack of spare parts.

Remember the 1970's under Jimmy Carter? That great peace negotiator? We were cannibalizing so many of our aircraft that about half of them were not mission capable. That means we had to go off—if you are a farmer that is like going and taking one of your combines and taking all the spare parts off that combine so you can keep the other one running. That is what we were doing under President Carter. That is what we are starting to do today.

Now how does this translate into war fighting capability? As of 1994, Mr. Speaker, the Marines show a decline from 92 percent to 89 percent in equipment readiness. That is the first time in a decade it has gone under 90 percent. The Air Force is projected to have a 6-percent decrease in aircraft mission capable rates, and its mission capable rates for F-16's in the past 3 years has dropped from 85 percent to 79 percent.

Before the Senate Armed Services Committee Gen. Joseph Hoar, Commander in Chief, U.S. Central Command, stated and I am quoting him,

> Airlift in this country is broken right now. I'm not sure it's workable for one major regional contingency. In addition, while the world situation has changed, U.S. troops are still in harm's way, yet we aren't procuring for them the necessary weapons systems.

And let us review that a little bit. In fiscal year 1990 we procured 20 carriers, 511 aircraft, 448 tanks, and 175 strategic missiles. Under President Clinton's leadership, or lack thereof, DOD will procure only 6 ships, 127 aircraft, no tanks at all, and only 18 strategic missiles. Even the Congressional Budget Office has said more planes, more ships, and more tanks than are included in the administration's procurement plan would be needed to sustain its forces in the steady state. That means to keep your potential and your capabilities strong and not have it decline.

"We need more than what you're sending us." What that means is that, if you look at the replacement rate for

used equipment during the 1980's, and you look at the replacement rate for our equipment now, like our carrier aircraft, it is about one-fifth of the rate now of what it was in the mid-1980's. That means you are going to have more equipment wearing out faster, and you are not going to be able to replace it, and when you have to take the wheels off the deck, some of those planes do not work, and some of the equipment and the weapon systems on those planes do not work, and that means dead pilots, and it means missions that have not been completed.

Let me quote Col. Jan Hooley, U.S. Marine Corps. He said this:

> Our fleet of attack helicopters in Somalia were grounded just as I arrived off the coast of Somalia. To get them flying it took cannibalization or stripping of all the parts of the aircraft that were left back at Camp Lejeune so that only five of the 28 remaining aircraft were operational and flyable.

Once again that is like taking that piece of farm equipment and stripping all of the parts off of it so you can keep the other piece of farm equipment running. We are taking away mission capability from one aircraft here. In this case we are taking it away from 23 aircraft so that you have at least 5 aircraft out of 28 that are operational. That was in Somalia.

So, Mr. Speaker, foreign policy is the province of the President of the United States. I said that when it was Ronald Reagan running things, when George Bush was running things, and now with the present gentleman in office, Mr. Clinton, I will maintain that position. I think it is appropriate. He is the Commander in Chief under the Constitution. But he has a duty that he has not carried out, and that duty is to keep America strong. He has not kept that duty. He has not met that duty. And this House of Representatives should be judged by the American people in this election for not forcing the President to keep that duty because we have a constitutional right to keep national security strong, raise the Armies and the Navies and to maintain them so they can project American military power and protect and defend American foreign policy. The liberal Democrat leadership of the House of Representatives has essentially rubber stamped the defense numbers for this President, the $129 billion cuts in national defense.

And let me just close by quoting Col. William Loney, U.S. Air Force Commander, 33d Fighter Wing, Eglin Air Force Base in Florida. He said we are starting to see that we can no longer cut the force if we hope to have a capable force, and perhaps that is why those of us out in the field are starting to see some indications where now the budget needs to match the force structure. Whether or not that is happening I cannot tell you.

□ 1830

Of course, no military officer wants to say "My commander in chief, the person I salute, is wrong." That is about as close as you will ever come to finding a military officer trying to send a message to this Congress that things are very, very wrong.

You know, if you look at President Clinton's 5-year budget, you will see there a lot of increases. While he cut defense spending by 35 percent, he increased entitlement spending by 38 percent, and he increased domestic spending by 12 percent. But he cut national security, and he cut it at a time when the world is still a very, very dangerous place.

So this President can do what he wants in Haiti. That is obvious. He already has. I am sorry he did it only a few weeks before the election, because that always raises questions, and I think keeps us from being able to design a foreign policy that is as bipartisan as possible.

This President has done that. Republicans are not going to be writing any "Dear Commandante" letters, like the liberal Democratic leadership used to write to our adversaries during the contra wars of the 1980's. But we are going to do a couple of things. We are going to ask the President to account to us how much welfare we are going to be giving Haiti, because that welfare, those expenditures by American taxpayers on Haiti, will probably go over $1 billion. That is all the income taxes in certain towns in this country. If you took all the income taxes in certain mid-sized towns, you could devote all those Federal income taxes strictly to the Haitian operation, and they would barely satisfy it.

So we are probably going to spend $1 billion in Haiti. We want the President to come clean with us and tell us what it is going to cost the American taxpayers to put seven million new people on American welfare rolls. We are probably going to do that. We are also going to be asking the President some very, very what I believe will be unfortunately difficult questions for him over the next several weeks as to what he has done to the power of American Armed Forces.

COMMUNICATION FROM THE ACTING DIRECTOR OF NON-LEGISLATIVE AND FINANCIAL SERVICES

The SPEAKER pro tempore (Mr. McHALE) laid before the House the following communication from the Acting Director of Non-Legislative and Financial Services:

NON-LEGISLATIVE AND FINANCIAL SERVICES, U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, September 20, 1994.

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

DEAR MR. SPEAKER: This is to notify you formally pursuant to Rule L (50) of the Rules of the House that the Office of Finance has been served with a subpoena issued by the Superior Court of the District of Columbia.

After consultation with the General Counsel to the House, I have determined that compliance with the subpoena is consistent with the privileges and precedents of the House.

Sincerely,

RANDALL B. MEDLOCK,
Acting Director.

CONFERENCE REPORT ON H.R. 4606

Mr. SMITH of Iowa submitted the following conference report and statement on the bill (H.R. 4606) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1995, and for other purposes:

CONFERENCE REPORT (H. REPT. 103-733)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 4606) "making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1995, and for other purposes," having met after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 28, 36, 39, 77, 82, 84, 94, 105, 127, 129, 131, 133, 149, 151, and 152.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 9, 10, 19, 22, 23, 24, 25, 31, 55, 59, 64, 72, 85, 92, 110, 111, 112, 113, 114, 115, 119, 120, 121, 125, 128, 134, 136, 137, 147, and 150, and agree to the same.

Amendment numbered 2:

That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$5,505,885,000*; and the Senate agree to the same.

Amendment numbered 3:

That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$5,181,250,000*; and the Senate agree to the same.

Amendment numbered 4:

That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$142,029,000*; and the Senate agree to the same.

Amendment numbered 5:

That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment amended to read as follows: including *$46,404,000 for new centers*; ; and the Senate agree to the same.

Amendment numbered 6:

That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$125,000,000*; and the Senate agree to the same.

Amendment numbered 7:

That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$64,080,000*; and the Senate agree to the same.

Amendment numbered 8:

That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$85,710,000*; and the Senate agree to the same.

Amendment numbered 11:

That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$1,054,813,000*; and the Senate agree to the same.

Amendment numbered 14:

That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$147,188,000*; and the Senate agree to the same.

Amendment numbered 15:

That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$3,269,097,000*; and the Senate agree to the same.

Amendment numbered 16:

That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$145,254,000*; and the Senate agree to the same.

Amendment numbered 17:

That the House recede from its disagreement to the amendment of the Senate numbered 17, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$820,658,000*; and the Senate agree to the same.

Amendment numbered 21:

That the House recede from its disagreement to the amendment of the Senate numbered 21, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$31,471,000*; and the Senate agree to the same.

Amendment numbered 27:

That the House recede from its disagreement to the amendment of the Senate numbered 27, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment insert: *$154,827,000*; and the Senate agree to the same.

Amendment numbered 29:

That the House recede from its disagreement to the amendment of the Senate numbered 29, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$48,106,000*; and the Senate agree to the same.

Amendment numbered 30:

That the House recede from its disagreement to the amendment of the Senate numbered 30, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$3,913,000*; and the Senate agree to the same.

Amendment numbered 34:

That the House recede from its disagreement to the amendment of the Senate numbered 34, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$3,056,203,000*; and the Senate agree to the same.

Amendment numbered 40:

That the House recede from its disagreement to the amendment of the Senate numbered 40, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$728,284,000*; and the Senate agree to the same.

Amendment numbered 41:

That the House recede from its disagreement to the amendment of the Senate numbered 41, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$628,301,000*; and the Senate agree to the same.

Amendment numbered 42:

That the House recede from its disagreement to the amendment of the Senate numbered 42, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$291,600,000*; and the Senate agree to the same.

Amendment numbered 43:

That the House recede from its disagreement to the amendment of the Senate numbered 43, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$267,566,000*; and the Senate agree to the same.

Amendment numbered 44:

That the House recede from its disagreement to the amendment of the Senate numbered 44, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$432,698,000*; and the Senate agree to the same.

Amendment numbered 45:

That the House recede from its disagreement to the amendment of the Senate numbered 45, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$228,521,000*; and the Senate agree to the same.

Amendment numbered 46:

That the House recede from its disagreement to the amendment of the Senate numbered 46, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$166,886,000*; and the Senate agree to the same.

Amendment numbered 47:

That the House recede from its disagreement to the amendment of the Senate numbered 47, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$48,237,000*; and the Senate agree to the same.

Amendment numbered 48:

That the House recede from its disagreement to the amendment of the Senate numbered 48, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$543,550,000*; and the Senate agree to the same.

Amendment numbered 49:

That the House recede from its disagreement to the amendment of the Senate numbered 49, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$14,697,000*; and the Senate agree to the same.

Amendment numbered 50:

That the House recede from its disagreement to the amendment of the Senate numbered 50, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$126,274,000*; and the Senate agree to the same.

Amendment numbered 52:

That the House recede from its disagreement to the amendment of the Senate numbered 52, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$114,120,000*; and the Senate agree to the same.

Amendment numbered 57:

That the House recede from its disagreement to the amendment of the Senate numbered 57, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$5,796,000*; and the Senate agree to the same.

Amendment numbered 58:

That the House recede from its disagreement to the amendment of the Senate numbered 58, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$18,300,000*; and the Senate agree to the same.

Amendment numbered 60:

That the House recede from its disagreement to the amendment of the Senate numbered 60, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$2,207,135,000*; and the Senate agree to the same.

Amendment numbered 61:

That the House recede from its disagreement to the amendment of the Senate numbered 61, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$2,207,135,000*; and the Senate agree to the same.

Amendment numbered 62:

That the House recede from its disagreement to the amendment of the Senate numbered 62, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$21,225,101,000*; and the Senate agree to the same.

Amendment numbered 65:

That the House recede from its disagreement to the amendment of the Senate numbered 65, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$97,000,000*; and the Senate agree to the same.

Amendment numbered 67:

That the House recede from its disagreement to the amendment of the Senate numbered 67, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$155,796,000*; and the Senate agree to the same.

Amendment numbered 68:

That the House recede from its disagreement to the amendment of the Senate numbered 68, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$1,319,204,000*; and the Senate agree to the same.

Amendment numbered 76:

That the House recede from its disagreement to the amendment of the Senate numbered 76, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$13,659,000*; and the Senate agree to the same.

Amendment numbered 106:

That the House recede from its disagreement to the amendment of the Senate numbered 106, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$3,252,846,000*; and the Senate agree to the same.

Amendment numbered 109:

That the House recede from its disagreement to the amendment of the Senate numbered 109, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$2,393,352,000*; and the Senate agree to the same.

Amendment numbered 116:

That the House recede from its disagreement to the amendment of the Senate numbered 116, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$1,473,175,000, of which $1,470,256,000*; and the Senate agree to the same.

Amendment numbered 117:

That the House recede from its disagreement to the amendment of the Senate numbered 117, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$34,535,000*; and the Senate agree to the same.

Amendment numbered 118:

That the House recede from its disagreement to the amendment of the Senate numbered 118, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$20,684,000*; and the Senate agree to the same.

Amendment numbered 122:

That the House recede from its disagreement to the amendment of the Senate numbered 122, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$7,702,970,000*; and the Senate agree to the same.

Amendment numbered 123:

That the House recede from its disagreement to the amendment of the Senate numbered 123, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$63,375,000*; and the Senate agree to the same.

Amendment numbered 126:

That the House recede from its disagreement to the amendment of the Senate numbered 126, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment insert: *VIII, part A, subpart 1 of part B, and part D of title X, and*; and the Senate agree to the same.

Amendment numbered 132:

That the House recede from its disagreement to the amendment of the Senate numbered 132, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment, amended to read as follows: *and $1,000,000 of the amount provided herein for title III shall be available for an evaluation of the title III programs*; and the Senate agree to the same.

Amendment numbered 140:

That the House recede from its disagreement to the amendment of the Senate numbered 140, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$356,021,000*; and the Senate agree to the same.

Amendment numbered 141:

That the House recede from its disagreement to the amendment of the Senate numbered 141, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$30,437,000*; and the Senate agree to the same.

Amendment numbered 142:

That the House recede from its disagreement to the amendment of the Senate numbered 142, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$59,317,000*; and the Senate agree to the same.

Amendment numbered 143:

That the House recede from its disagreement to the amendment of the Senate numbered 143, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$214,710,000*; and the Senate agree to the same.

Amendment numbered 145:

That the House recede from its disagreement to the amendment of the Senate numbered 145, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$31,344,000*; and the Senate agree to the same.

Amendment numbered 146:

That the House recede from its disagreement to the amendment of the Senate numbered 146, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$1,793,000*; and the Senate agree to the same.

The committee of conference report in disagreement amendments numbered 12, 13, 18, 20, 26, 32, 33, 35, 37, 38, 51, 53, 54, 56, 63, 66, 69, 70, 71, 73, 74, 75, 78, 79, 80, 81, 83, 86, 87, 88, 89, 90, 91, 93, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 107, 108, 124, 130, 135, 138, 139, 144, 148, 153, 154, 155, 156, and 157.

NEAL SMITH,
DAVID OBEY,
LOUIS STOKES,
STENY H. HOYER,
NANCY PELOSI,
NITA M. LOWEY,
JOSÉ SERRANO
(except amendment 153),
ROSA L. DELAURO,
MARTIN OLAV SABO,
JOHN EDWARD PORTER
(except amendments 108 and 157),
BILL YOUNG,
HELEN DELICH BENTLEY,
HENRY BONILLA,
JOSEPH M. MCDADE,
Managers on the Part of the House.

TOM HARKIN,
ROBERT C. BYRD,
FRITZ HOLLINGS,
DANIEL K. INOUYE,
DALE BUMPERS,
HARRY REID,
HERB KOHL,
PATTY MURRAY,
ARLEN SPECTER,
MARK O. HATFIELD,
TED STEVENS
(except for CPB),
THAD COCHRAN,
SLADE GORTON,
CONNIE MACK,
C.S. BOND,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and Senate at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 4606) making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies, for the fiscal year ending September 30, 1995, and for other purposes, submit the following joint statement to the House and Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report.

TITLE I—DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

TRAINING AND EMPLOYMENT SERVICES

(Including rescission)

Amendment No. 1: Inserts heading as proposed by the Senate.

Amendment No. 2: Appropriates $5,505,885,000, instead of $5,524,991,000 as proposed by the House and $5,468,217,000 as proposed by the Senate.

The conference agreement includes $5,489,000 for labor market information, $6,000,000 for JTPA capacity building, $5,000,000 for the Samoan, Pacific Islander and Asian American employment and training initiative and $2,250,000 for microenterprise grants.

The conferees have not provided funding for job training for the non-veteran homeless population as a separate program. The conferees intend that the Department follow the guidance contained in the House report and continue through FY 1995 to help the existing grantees expand and improve partnerships with JTPA service delivery areas.

Amendment No. 3: Makes available $5,181,250,000 for obligation for the period July 1, 1995 through June 30, 1996, instead of $5,035,179,000 as proposed by the House and $5,234,055,000 as proposed by the Senate.

Amendment No. 4: Earmarks $142,029,000 for Job Corps construction, instead of $150,000,000 as proposed by the House and $126,556,000 as proposed by the Senate. The conference agreement includes $10,000,000 to initiate four new Job Corps centers, instead of $14,850,000 and six new centers as proposed by the House. The Senate bill had no provision for new centers.

Amendment No. 5: Restores language proposed by the House and stricken by the Senate amended to earmark $46,404,000 for new Job Corps centers, including $36,404,000 to continue the new centers started last year, instead of $51,254,000 as proposed by the House. The agreement also deletes language proposed by the House that would have made certain summer youth employment funds available for obligation on October 1, 1994.

Amendment No. 6: Earmarks $125,000,000 for the School-to-Work Opportunities Act, instead of $140,000,000 as proposed by the House and $100,000,000 as proposed by the Senate.

Amendment No. 7: Earmarks $64,080,000 for Native American job training, instead of $63,666,000 as proposed by the House and $64,218,000 as proposed by the Senate.

Amendment No. 8: Earmarks $85,710,000 for migrant and seasonal farmworker job training, instead of $84,841,000 as proposed by the House and $86,000,000 as proposed by the Senate.

Amendment No. 9: Earmarks $2,223,000 for the National Commission for Employment Policy as proposed by the Senate instead of $1,500,000 as proposed by the House.

Amendment No. 10: Earmarks $6,000,000 for the National Occupational Information Coordinating Committee as proposed by the Senate, instead of $5,579,000 as proposed by the House.

Amendment No. 11: Earmarks $1,054,813,000 for adult job training, instead of $1,044,813,000 as proposed by the House and $1,064,813,000 as proposed by the Senate.

Amendment No. 12: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with respect to funds appropriated for title III of the Job Training Partnership Act which removes the cost limitation that States utilize not more than 25 percent of funds on needs-related payments and supportive services; modifies the State waiver authority which permits the Governor to reduce to 30 percent the requirement that not less than 50 percent of the funds be used for retaining services; and allows funds awarded under the discretionary grant program to be used to provide needs-related payments to participants who have enrolled in training by the 6th week after the grant is awarded.

Amendment No. 13: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which rescinds $50,000,000 for youth job training. The House bill contained no rescission.

STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICE OPERATIONS

Amemdment No. 14: Appropriates $147,188,000, instead of $146,697,000 as proposed by the House and $147,351,000 as proposed by the Senate.

Amendment No. 15: Makes available $23,269,097,000 from the Unemployment Trust Fund, instead of $3,269,013,000 as proposed by the House and $3,280,357,000 as proposed by the Senate.

Amendment No. 16: Makes $145,254,000 of Employment Service funds available for obligation for the period July 1, 1995 through June 30, 1996, instead of $144,763,000 as proposed by the House and $145,417,000 as proposed by the Senate.

Amendment No. 17: Makes $820,658,000 of Employment Service funds available for obligation for the period July 1, 1995 through June 30, 1986, instead of $817,224,000 as proposed by the House and $821,803,000 as proposed by the Senate.

Amendment No. 18: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert *$223,837,000*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement earmarks $223,837,000 for the unemployment insurance contingency fund, instead of $232,437,000 as proposed by the House and $226,000,000 as proposed by the Senate.

Amendment No. 19: Makes available an additional $30,000,000 from the unemployment insurance reserve fund for every 100,000 increase in the average weekly insured unemployment as proposed by the Senate, instead of $27,800,000 as proposed by the House.

Amendment No. 20: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which permits the States to fund integrated Employment Service and unemployment insurance automation efforts, notwithstanding certain cost allocation principles.

OFFICE OF THE AMERICAN WORKPLACE

SALARIES AND EXPENSES

Amendment No. 21: Appropriates $31,471,000, instead of $30,411,000 as proposed by the House and $32,225,000 as proposed by the Senate.

PENSION AND WELFARE BENEFITS ADMINISTRATION

SALARIES AND EXPENSES

Amendment No. 22: Appropriates $69,454,000 as proposed by the Senate instead of $66,388,000 as proposed by the House.

EMPLOYMENT STANDARDS ADMINISTRATION

SALARIES AND EXPENSES

Amendment No. 23: Appropriates $248,667,000 as proposed by the Senate instead of $242,860,000 as proposed by the House.

The conferees are aware of concerns about recent Labor Department actions that appear to deem certain off-hours work by court reporters while preparing transcripts for appeal as overtime subject to the Fair Labor Standards Act. No later than one hundred and eighty days after the date of enactment of this Act, the Department of Labor shall report to the respective appropriations committees of the Senate and the House on any issues concerning the application of the Fair Labor Standards Act to the preparation of transcripts by court reporters employed by public agencies.

MINE SAFETY AND HEALTH ADMINISTRATION

SALARIES AND EXPENSES

Amendment No. 24: Appropriates $201,238,000 as proposed by the Senate instead of $197,519,000 as proposed by the House.

BUREAU OF LABOR STATISTICS

SALARIES AND EXPENSES

Amendment No. 25: Appropriates $298,761,000 as proposed by the Senate instead of $296,761,000 as proposed by the House.

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

Amendment No. 26: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

In lieu of the sum named in said amendment, insert: *$2,100,000*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The agreement earmarks $2,100,000 for the International Program on the Elimination of Child Labor, instead of $2,500,000 as proposed by the Senate. The House bill included no provision for this.

Amendment No. 27: Appropriates $154,827,000, instead of $156,002,000 as proposed by the House and $152,818,000 as proposed by the Senate and deletes language proposed by the House to earmark funds for ADP purposes. The conferees are agreed that $2,000,000 is included for automation activities for the Office of the Solicitor.

The conference agreement includes $2,000,000 and 13 FTE's to implement the North American Free Trade Agreement, $2,100,000 for the International Program on the Elimination of Child Labor, $300,000 and four FTE's to continue and expand efforts by the Labor Department to identify foreign industries and their host countries that utilize child labor in the production of goods exported to the United States and $600,000 for the Family and Medical Leave Act Commission on Leave.

ASSISTANT SECRETARY FOR VETERANS EMPLOYMENT AND TRAINING

Amendment No. 28: Makes available $185,281,000 from the Unemployment Trust Fund as proposed by the House, instead of $187,964,000 as proposed by the Senate.

OFFICE OF INSPECTOR GENERAL

Amendment No. 29: Appropriates $48,106,000, instead of $47,676,000 as proposed by the House and $48,535,000 as proposed by the Senate.

Amendment No. 30: Makes available $3,913,000 from the Unemployment Trust Fund, instead of $3,860,000 as proposed by the House and $3,966,000 as proposed by the Senate.

GENERAL PROVISIONS

Amendment No. 31: Deletes language proposed by the House that would prohibit payment of Federal Employees' Compensation Act benefits to anyone convicted of defrauding the program. The next amendment deals with this matter further.

Amendment No. 32: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which inserts a new section 101 as proposed by the Senate. This section would terminate Federal Employees' Compensation Act (FECA) benefits to anyone convicted of defrauding the FECA program and to anyone incarcerated for any felony; and it would amend title 18 of the U.S. Code to make FECA fraud a felony where the amount in question exceeded $1,000.

Amendment No. 33: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

In lieu of the matter inserted by said amendment, insert:

SEC. 105. The Secretary of Labor is authorized to accept, in the name of the Department of Labor, and employ or dispose of in furtherance of authorized activities of the Department of Labor, during the fiscal year ending September 30, 1995, and each fiscal year thereafter, any money or property, real, personal, or mixed, tangible or intangible, received by gift, devise, bequest, or otherwise.

SEC. 106. Section 5315 of title 5, United States Code, is amended by inserting at the end thereof: "The Commissioner of Labor Statistics, Department of Labor.".

SECTION 5316 OF TITLE 5, UNITED STATES CODE, IS AMENDED BY STRIKING "COMMISSIONER OF LABOR STATISTICS, DEPARTMENT OF LABOR.".

SEC. 107. None of the funds appropriated in this title for the Job Corps shall be used to pay the compensation of an individual, either as directed costs or any proration as an indirect cost, at a rate in excess of $125,000.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement deletes language proposed by the Senate related to the use of funds for joint projects with nonprofit or public organizations or agencies. The agreement inserts three new general provisions as proposed by the Senate as follows: (1) gift authority for the Secretary; (2) change of pay status for the Commissioner of

Labor Statistics; and (3) an annual cap on compensation of individuals employed in the Job Corps program.

TITLE II—DEPARTMENT OF HEALTH AND HUMAN SERVICES

HEALTH RESOURCES AND SERVICES ADMINISTRATION

HEALTH RESOURCES AND SERVICES

Amendment No. 34: Appropriates $3,056,203,000 instead of $3,008,225,000 as proposed by the House and $3,066,254,000 as proposed by the Senate.

The conferees intend that the management and regulation of the community health center program in the Pacific Basin region be as flexible as possible to accommodate the unique political and administrative environment of the area and the extreme health care needs of native American Pacific Islanders.

It has come to the attention of the conferees that the agency has a policy of limiting funding for new starts under the community health center program to $600,000. However, in the case of a satellite center that becomes a full community health center, the conferees direct that there be no reduction in the level of support that center received as a satellite, provided that the center will continue to provide services to the same or an expanded population and has a satisfactory performance record.

The conferees intend that the increase in funds above the 1994 level for the health care for the homeless program be allocated both for school-based primary health care services to homeless and at-risk youth and for the ongoing health care for the homeless projects.

The conferees agreement provides $683,950,000 for the maternal and child health block grant. The conferees direct that funding for university affiliated programs be maintained at no less than the 1994 funding level.

The conferees agree that all health professions disciplines made eligible by statute should be able to participate in the scholarships for disadvantaged students program. The conferees would like a report on this situation prior to the hearings on the fiscal year 1996 budget.

The conferees encourage the Health Resources and Services Administration to take the steps necessary to increase the representation of African Americans in the fields of full-time nursing faculty, registered nurses, and advanced nurse practitioners and in the ranks of those receiving baccalaureate, masters and doctoral degrees. The conferees expect an update on this action prior to the fiscal year 1996 hearings.

Amendment No. 35: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

In lieu of the sum named in said amendment, insert: *$24,625,000*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conferees encourage the agency to give priority to those States that do not presently have area health education centers (AHECs) when awarding grants for new AHECs.

Amendment No. 36: Deletes language proposed by the Senate which would earmark $3,000,000 of program administration funding for Ryan White AIDS programs.

Amendment No. 37: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which establishes a limitation on funds that may be used for the health centers malpractice claims fund.

CENTERS FOR DISEASE CONTROL AND PREVENTION

DISEASE CONTROL, RESEARCH, AND TRAINING

Amentment No. 38: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$2,089,443,000*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Within the prevention centers program, the Centers for Disease Control and Prevention (CDC) is encouraged to fund a women's health demonstration project at a university that has a comprehensive cancer center in a rural state with a high minority population that has a breast and cervical cancer screening program. Such a demonstration should provide mobile screening, education, prevention, followup and care and include a focus on cancers of the breast, cervix, skin, colon, and lung. CDC is encouraged to use breast and cervical cancer demonstration funds to supplement this women's health initiative.

Recognizing the need to respond to the increase in chlamydia infection, the conferees encourage the Centers for Disease Control and Prevention to use a portion of the increase provided for sexually transmitted diseases to support the infertility Prevention Act. These funds should be used to both increase support for the original demonstration regions and to expand services to new project areas.

The conferees have provided $1,448,000 and 26 FTE from the National Vaccine Program Office within the Office of the Assistant Secretary for Health for the national immunization program at CDC. The conferees direct that this funding and 20 FTE be allocated to provide technical, laboratory, and program assistance for (1) the global initiative to eradicate polio, and (2) the control and elimination of measles and neonatal tetanus in regions or countries where these activities are combined with polio eradication efforts. None of the new positions is to be allocated for administrative support outside the Immunization Service Division and the polio eradication activity.

The General Accounting Office (GAO) has found that in implementing the Vaccines for Children (VFC) program, the Secretary has established a fee schedule based on customary charges for private physicians who administer VFC-purchased vaccine. GAO has found that this fee schedule is not in accordance with the law authorizing the VFC program, which requires that fees be based on actual costs rather than prevailing charges. The conferees share GAO's concern that the Secretary's fee schedule represents an incentive to physicians at the expense of children who are uninsured. Accordingly, the Secretary is directed to compute the actual cost of administering vaccines and to revise the fee schedule in accordance with the requirements of the authorizing law. The conferees do not intend that this directive delay startup of the VFC program.

The conferees intend that a portion of the increase provided the chronic and environmental diseases will support demonstration grants for the development of community partnership coalitions for the prevention of teen pregnancies.

Amendment No. 39: Earmarks $27,862,000 for one percent evaluation set-aside funding for the National Center for Health Statistics as proposed by the House instead of $28,873,000 as proposed by the Senate.

NATIONAL INSTITUTES OF HEALTH

NATIONAL CANCER INSTITUTE

The conferees strongly encourage the Institute to expand its levels of support for both its diethylstilbestrol (DES) research and education efforts.

NATIONAL HEART, LUNG, AND BLOOD INSTITUTE

The conferees agree on the importance and effectiveness of the Institute's public and professional education programs such as the National Asthma Education and Prevention Program and the National Heart Attack Alert Program.

NATIONAL INSTITUTE OF DIABETES AND DIGESTIVE AND KIDNEY DISEASES

Amendment No. 40: Appropriates $728,284,000 instead of $726,784,000 as proposed by the House and $728,784,000 as proposed by the Senate.

The conferees are aware of the critical importance of research on endocrine and metabolic disorders, which can be fatal in children. This includes the class of diseases related to glycogen storage. The conferees urge the institute to expand its research in this field.

NATIONAL INSTITUTE OF NEUROLOGICAL DISORDERS AND STROKE

Amendment No. 41: Appropriates $628,301,000 instead of $626,801,000 as proposed by the House and $628,801,000 as proposed by the Senate.

NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS DISEASES

The conferees expect the Institute to provide a detailed progress report on its national cooperative inner city asthma study and on its plans to address asthma in African Americans and other high risk populations prior to the fiscal year 1996 hearings.

NATIONAL INSTITUTE OF CHILD HEALTH AND HUMAN DEVELOPMENT

The conference agreement provides increased funding to enable the Institute to fund additional developmental disabilities prevention research centers within university affiliated programs to investigate the critical problems of prevention and amelioration of mental retardation, including specialized research centers engaged in the multidisciplinary analysis of the development of protein sheaths protecting nerve fibers.

NATIONAL EYE INSTITUTE

Amendment No. 42: Appropriates $291,600,000 instead of $290,335,000 as proposed by the House and $292,022,000 as proposed by the Senate.

NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES

Amendment No. 43: Appropriates $267,566,000 instead of $266,400,000 as proposed by the House and $267,955,000 as proposed by the Senate.

NATIONAL INSTITUTE ON AGING

Amendment No. 44: Appropriates $432,698,000 instead of $431,198,000 as proposed by the House and $433,198,000 as proposed by the Senate.

NATIONAL INSTITUTE OF ARTHRITIS AND MUSCULOSKELETAL AND SKIN DISEASES

Amendment No. 45: Appropriates $228,521,000 instead of $227,021,000 as proposed by the House and $229,021,000 as proposed by the Senate.

NATIONAL INSTITUTE ON DEAFNESS AND OTHER COMMUNICATION DISORDERS

Amendment No. 46: Appropriates $166,886,000 instead of $166,155,000 as proposed

by the House and $167,129,000 as proposed by the Senate.

NATIONAL INSTITUTE OF NURSING RESEARCH

Amendment No. 47: Appropriates $48,237,000 instead of $47,971,000 as proposed by the House and $48,326,000 as proposed by the Senate.

NATIONAL INSTITUTE ON DRUG ABUSE

The conferees encourage the Institute to award new grants for comprehensive substance abuse treatment centers serving women, children and minorities to conduct research on the effectiveness of comprehensive substance abuse treatment services.

NATIONAL INSTITUTE OF MENTAL HEALTH

Amendment No. 48: Appropriates $543,550,000 instead of $542,050,000 as proposed by the House and $544,050,000 as proposed by the Senate.

NATIONAL CENTER FOR RESEARCH RESOURCES

The conferees direct the Center to reserve $2,500,000 of the $20,000,000 allocated for extramural facility construction and renovation for qualified regional primate centers. The award of the reserved funds shall be subject to the availability of highly meritorious applications and shall be made competitively.

The conferees urge the Center to expand support for the development of alternative research resources, including those alternative research resources that provide human tissue and organs to researchers.

JOHN E. FOGARTY INTERNATIONAL CENTER

Amendment No. 49: Appropriates $14,697,000 instead of $15,193,000 as proposed by the House and $13,209,000 as proposed by the Senate.

NATIONAL LIBRARY OF MEDICINE

Amendment No. 50: Appropriates $126,274,000 instead of $123,274,000 as proposed by the House and $127,274,000 as proposed by the Senate.

The conferees encourage the National Library of Medicine to continue to provide reasonable support for the program for bioethics bibliographic research, within available funds.

OFFICE OF THE DIRECTOR

(Including transfer of funds)

Amendment No. 51: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$218,367,000, of which $3,375,000 shall be transferred to the National Institute of General Medical Sciences*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conferees intend that $3,375,000 shall be transferred from this account to the National Institute of General Medical Sciences for the Minority Access to Research Careers and Minority Biomedical Research Support programs.

Within funding provided for the Office of the Director, the conferees have included $5,400,000 for the Office of Alternative Medicine and $750,000 above the budget request for the Office of Rare Disease Research. The conferees have also included $750,000 within the Office of the Director to commission a study by the National Academy of Sciences and the Institute of Medicine on the Federal government's research and development activities.

The conference agreement provides authority for the Director to transfer up to one percent of the National Institutes of Health (NIH) appropriation to activities he may designate. The conferees reiterate that such transfers are subject to normal reprogramming procedures and not merely a notification to Congress of actions taken.

The conferees reiterate the concerns expressed in both the House and Senate reports relating to indirect cost payments to institutions receiving NIH research funding. The conferees continue to believe that this is an area in need of review and are encouraged that the Administration has committed to a comprehensive review and revision of indirect cost procedures. The conferees expect to see the Administration's proposals for dealing with indirect costs, and particularly the disparties between institutional rates, in the context of the fiscal year 1996 budget submission.

The conferees believe that the review of the extramural research program requested in the House report should be delayed. The conferees have learned that NIH is already carrying out an internal review incorporating some of the same issues that such a study would address. The conferees look forward to receiving a report from the Director on this NIH effort to make the extramural program a "reinvention laboratory." After reviewing the results of the project currently underway, the Committees will decide whether further action is required.

OFFICE OF AIDS RESEARCH

(Including transfer of funds)

The conference agreement reflects the revised distribution of AIDS funding among the Institutes and Centers requested by the Office of AIDS Research to reflect the priorities in the AIDS research strategic plan. These totals are reflected on the table accompanying the statement of the managers. The conferees expect to be notified prior to any subsequent changes in the distribution of funding if the allocations differ significantly from the revised distributions referenced above, and such notifications are subject to normal Committee procedures.

BUILDINGS AND FACILITIES

Amendment No. 52: Appropriates $114,120,000 instead of $114,370,000 as proposed by the House and $113,370,000 as proposed by the Senate.

SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION

SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES

Amendment No. 53: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$2,181,407,000*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement appropriates $2,181,407,000 for substance abuse and mental health services, instead of $2,166,148,000 as proposed by the House and $2,164,179,000 as proposed by the Senate.

The conferees are aware that funding for substance abuse treatment through transfers from the asset forfeiture fund has been unpredictable from year to year. Therefore, the conferees intend that priority be given in making treatment improvement grants to programs previously funded by asset forfeiture funds which are in danger of being discontinued.

The conferees expect that within the increase provided to the Center for Substance Abuse Treatment for the Criminal Justice program that priority be given to expanding support for innovative programs which provide comprehensive treatment services to female offenders with substance abuse problems.

The conferees expect the agency to coordinate AIDS outreach activities with related prevention programs at the CDC.

The conferees support demonstrations to prevent substance abuse among high-risk children of chemically dependent parents and intend that special consideration be given to projects that provide comprehensive health education and prevention services for drug-addicted individuals practicing recovery lifestyles.

ASSISTANT SECRETARY FOR HEALTH

OFFICE OF THE ASSISTANT SECRETARY FOR HEALTH

Amendment No. 54: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert: *$65,267,000, together with $1,500,000 which shall be only for employee buyouts, terminal leave, severance pay, and other costs related to the reduction of the number of employees in the Office of the Assistant Secretary for Health*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement appropriates $65,267,000, instead of $70,261,000 as proposed by the House and $63,004,000 as proposed by the Senate. In addition, it deletes language proposed by the Senate that would have transferred $2,048,000 to the Centers for Disease Control and Prevention and inserts language appropriating an additional $1,500,000 to be used only for employee buyouts, terminal leave, severance pay, and other costs related to the reduction of the number of employees in the Office of the Assistant Secretary for Health.

The conferees have agreed to include $1,500,000 in a streamlining fund to assist the Office of the Assistant Secretary for Health to reduce staffing. The conferees expect OASH to report to both the House and Senate Appropriations Committees no later than January 15, 1995, on progress being made in reducing its staffing. Such a report should include the following: (1) the number of FTE reductions, by office, accomplished and projected for the remainder of the year; (2) a breakdown of those FTE's reduced through early-outs, attrition, or other; (3) the amount of dollar savings attributable to the FTE reductions; and (4) a breakdown of how the monies in the streamlining fund are being spent. The conferees expect OASH to furnish a final report on these FTE reductions no later than November 1, 1995. These reductions in staff should be calculated using the number of staff on board as of September 30, 1994.

The conferees have provided $1,000,000 and 9 FTE's for the National Vaccine Program Office (NVPO). The conferees intend that the NVPO have the flexibility to use a portion of its funding for costs associated with streamlining. The conferees direct the Department to transfer an additional 26 full-time equivalent positions from the National Vaccine Program Office to the Centers for Disease Control and Prevention.

Amendment No. 55: Deletes language proposed by the House and stricken by the Senate that would have transferred $2,000,000 to the Food and Drug Administration.

AGENCY FOR HEALTH CARE POLICY AND RESEARCH

HEALTH CARE POLICY AND RESEARCH

Amendment No. 56: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$138,642,000*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement provides a total of $15,000,000 for the National Medical Expenditure Survey, derived from both Federal funds and one percent evaluation setaside funding.

The conferees encourage the agency to support outcomes research relating to the utilization of intensive care services in regionalized pediatric referral centers, including the issues of quality standards, cost, patient morbidity and mortality, and average length of stay.

Amendment No. 57: Makes available $5,796,000 from trust funds instead of $5,806,000 as proposed by the House and $5,786,000 as proposed by the Senate.

Amendment No. 58: Earmarks $18,300,000 for one percent evaluation setaside funding instead of $13,202,000 as proposed by the House and $31,504,000 as proposed by the Senate.

The conferees intend that one percent evaluation funding for health services research be used only for activities related to the National Medical Expenditure Survey/Provider Study Program.

HEALTH CARE FINANCING ADMINISTRATION

GRANTS TO STATES FOR MEDICAID

Amendment No. 59: Appropriates $62,640,775,000 as proposed by the Senate instead of $62,637,775,000 as proposed by the House.

PROGRAM MANAGEMENT

Amendment No. 60: Makes available $2,207,135,000 from trust funds instead of $2,183,985,000 as proposed by the House and $2,207,237,000 as proposed by the Senate.

Of the total provided for rural telemedicine research demonstrations, the conference agreement includes $1,300,000 for a Statewide demonstration in a State which has a single point of access in each county to an existing fiber optic network. Funding is to be used to connect at least one hospital in each county to the network. This completed network will then allow testing of the feasibility and effectiveness of Statewide visual access of medical facilities to academic medical centers.

The conferees are aware of the initial evaluation of the demonstration projects with respect to chronic ventilator-dependent units in hospitals. The conferees urge the Health Care Financing Administration to extend support through fiscal year 1995 for any projects whose waivers expired in fiscal year 1994. This will ensure that comparable data is available from each of the four sites during 1995 for the final evaluation of the projects and will assist in obtaining the data necessary for demonstrating conclusively whether this method of treatment is cost-effective as compared with other forms of treatment.

The conferees intend that the funding provided above the President's request for Medicare contractors be allocated to payment safeguard activities.

The conferees direct that none of these funds may be used for the implementation of or planning for future implementation of the Medicare/Medicaid data bank. The conferees agree that the data bank as enacted should not be implemented. Since the conferees have not funded the data bank, and do not intend to fund the data bank in the future, penalties associated with the data bank's employer reporting requirements should not be imposed.

Amendment No. 61: Earmarks $2,207,135,000 from trust funds instead of $2,183,985,000 as proposed by the House and $2,207,237,000 as proposed by the Senate.

SOCIAL SECURITY ADMINISTRATION

SUPPLEMENTAL SECURITY INCOME PROGRAM

Amendment No. 62: The bill appropriates $21,225,101,000 for supplemental security income instead of $21,237,101,000 as proposed by the House and $21,192,101,000 as proposed by the Senate. The conference agreement provides $143,400,000 for beneficiary services as proposed by the House, instead of $153,400,000 as proposed by the Senate. The agreement further provides $27,700,000 for research and demonstrations instead of $6,700,000 as proposed by the House, and $17,700,000 as proposed by the Senate. The research and demonstration activity includes $10,000,000 that was provided under beneficiary services in the Senate bill for a drug addict and alcoholic monitoring demonstration.

LIMITATION ON ADMINISTRATIVE EXPENSES

Amendment No. 63: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$5,159,785,000*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement provides a limitation on administrative expenses of $5,159,785,000, instead of $5,127,785,000 as proposed by the House and $5,157,011,000 as proposed by the Senate.

The conferees are aware that the Social Security Administration Reform Act of 1994, P.L. 103-296, provides for the transfer of budgetary resources within the Department of Health and Human Services necessary to implement the Act. Therefore no specific provisions are contained in this appropriations bill to establish the Social Security Administration as an independent Federal agency. The conferees request the Secretary and the Commissioner to submit to the Appropriations Committees by January 1, 1995, a status report on the establishment of the independent agency, including a comprehensive budget crosswalk reflecting the proposed transfer of staffing and funding by office within the Office of the Secretary to the Social Security Administration.

Amendment No. 64: Appropriates $320,000,000 for a disability caseload processing initiative as proposed by the Senate, instead of $352,000,000 as proposed by the House.

Amendment No. 65: Appropriates $97,000,000 for an automation initiative instead of $130,000,000 as proposed by the House and $64,000,000 as proposed by the Senate. The managers remain concerned that adequate employee training accompany investments in computer hardware and software, and expect SSA to expand opportunities for computer training in the most cost-effective manner available.

ADMINISTRATION FOR CHILDREN AND FAMILIES

FAMILY SUPPORT PAYMENT TO STATES

Amendment No. 66: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which grants waivers to the AFDC and Medicaid programs to conduct a welfare reform demonstration project known as New Hope Project, Inc. The House bill included no similar provision.

LOW INCOME HOME ENERGY ASSISTANCE

(Including rescission)

Amendment No. 67: Rescinds $155,796,000 of the $1,475,000,000 currently available for the Low Income Home Energy Assistance program for fiscal year 1995, instead of rescinding $250,000,000 as proposed by the House and $89,592,000 as proposed by the Senate.

The conference agreement rescinds $155,796,000 of the $1,474,000,000 that was provided in the fiscal year 1994 appropriations act as an advance appropriation for low income home energy assistance for the fiscal year 1995. The remaining $1,319,204,000 will be available through September 30, 1995. The conferees recommend that $30,000,000 be used for the leveraging incentive fund in fiscal year 1995.

The conferees agree that the Secretary shall implement section 210 no later than October 1, 1995.

Amendment No. 68: Appropriates $1,319,204,000 for the Low Income Home Energy Assistance program for fiscal year 1996, instead of $1,225,000,000 as proposed by the House and $1,475,000,000 as proposed by the Senate. The conferees recommend that $32,500,000 be used for leveraging in fiscal year 1996, and that funds be made available within this amount for the newly authorized Residential Energy Assistance Challenge program.

REFUGEE AND ENTRANT ASSISTANCE

The conferees are agreed that $19,000,000 of the $49,397,000 appropriated for targeted assistance is to serve communities affected by the Cuban and Haitian entrants and refugees whose arrivals in recent years have increased.

STATE LEGALIZATION IMPACT-ASSISTANCE GRANTS

(Including rescission)

Amendment No. 69: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

In lieu of the matter inserted by said amendment, insert:

STATE LEGALIZATION IMPACT-ASSISTANCE GRANTS

(Including rescission)

Funds not obligated by the State by June 29, 1995, under section 204(b)(4) of the Immigration Reform and Control Act of 1986 are hereby rescinded.

For Federal administration and allotments of funds to the States made by the Secretary of Health and Human Services for the purpose of making payments to public and private nonprofit organizations for public information and outreach activities; and English language and civics instruction provided to any adult eligible legalized alien who has not met the requirements of section 312 of the Immigration and Nationality Act for purposes of becoming naturalized as a citizen of the United States, $6,000,000: Provided, That the Secretary of Health and Human Services shall allocate such amount among the States not later than August 15, 1995: Provided further, That each State's share of these funds shall be equal to that State's percentage share of the total costs of administering and providing educational services to eligible legalized aliens in all States through fiscal

year 1994, as determined by the Secretary: Provided further, That the definition of "eligible legalized alien" contained in section 204(j)(4) of the Immigration Reform and Control Act of 1986 is amended by inserting before the period at the end ", except that the five-year limitation shall not apply for the purposes of making payments from funds appropriated under the fiscal year 1995 Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act for providing public information and outreach activities regarding naturalization and citizenship, and English language and civics instruction to any adult eligible legalized alien who has not met the requirements of section 312 of the Immigration and Nationality Act for purposes of becoming naturalized as a citizen of the United States": Provided further, That each State may designate the appropriate agency or agencies to administer funds under this heading: Provided further, That section 204(b)(4) of the Immigration Reform and Control Act of 1986 is amended by striking the fourth sentence and inserting the following: "Funds made available to a State pursuant to the preceding sentence of this paragraph shall be utilized by the State to reimburse all allowable costs within 90 days after a State has received a reallocation of funds from the Secretary, but in no event later than July 31, 1995.".

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate. The conference agreement modifies the date of the rescission of funds proposed by the Senate, and provides $6,000,000 for civics and English education, instead of $8,000,000 as proposed by the Senate. The House included no similar provision.

The agreement rescinds all surplus SLIAG funds remaining on June 29, 1995, after all allowable costs are reimbursed. The agreement also provides an additional $6,000,000 to allow State and local providers funding for English language and civics instruction to assist legalized aliens to become naturalized citizens. The conferees expect the Secretary to issue guidance on the effective implementation of this provision.

COMMUNITY SERVICES BLOCK GRANT

Amendment No. 70: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert: *$472,920,000, of which $12,000,000 shall be for carrying out the National Youth Sports Program: Provided, That payments from such amount to the grantee and subgrantees administering the National Youth Sports Program may not exceed the aggregate amount contributed in cash or in kind by the grantee and subgrantee: Provided further, That amounts in excess of $9,400,000 of such amount may not be made available to the grantee and subgrantees administering the National Youth Sports Program unless the grantee agrees to provide contributions in cash to such program in an amount that equals 29 percent of such excess amount.*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement provides $472,920,000 for Community Services Block Grant programs instead of $465,714,000 as proposed by the House and $476,219,000 as proposed by the Senate. The conference agreement includes language proposed by the Senate which earmarks $12,000,000 for the National Youth Sports Program and requires a cash match by the grantee. The House bill included $13,893,000 for NYSP and did not include a matching requirement.

The conferees expect the Department to promulgate regulations delineating matching requirements for NYSP at no less than the previous year's level, as well as to require a competitive process, for one or more awards. Promotional activities for this program shall include acknowledgement of the federal funding provided through the Department.

The conferees are aware that the 1994 competitive grant for NYSP was not released until May 27, 1994. This created serious problems for the large number of colleges and universities which support the program on their campuses with their staff and resources. The conferees expect the Secretary to review this process and report to the committees on changes that can be made to ensure the release of these funds as early in the fiscal year as possible to allow the grant recipient or recipients to coordinate the program without disruption to participants.

CHILDREN AND FAMILIES SERVICE PROGRAM

Amendment No. 71: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$4,419,888,000*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The agreement provides $4,419,888,000, instead of $4,408,775,000 as proposed by the House and $4,415,514,000 as proposed by the Senate.

The conferees agree that the $15,000,000 appropriated for social services research includes a total of $7,000,000 for activities specified in both the House and Senate committee reports.

The conference agreement includes $1,500,000 under developmental disabilities special projects to fund the fourth year of a five-year demonstration project known as "transition and natural supports in the workplace". Also included in the conference agreement is continued funding for the National Research Center for Family Resource and Support Programs.

PAYMENTS TO STATES FOR FOSTER CARE AND ADOPTION ASSISTANCE

Amendment No. 72: Appropriates $3,597,371,000 for Foster Care and Adoption Assistance as proposed by the Senate instead of $3,440,871,000 as proposed by the House. The appropriation provided in the Senate bill reflects the Administration's most recent estimates of the funding requirements for this mandatory, entitlement program.

The conferees agree that the Administration for Children and Families should follow the directives included in both the House and Senate reports concerning section 427 foster care reviews and Federal financial reviews of payments under title IV-E.

ADMINISTRATION ON AGING

AGING SERVICES PROGRAMS

Amendment No. 73: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$877,223,000*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement provides $877,223,000 for aging programs, instead of $869,823,000 as proposed by the House and $873,662,000 as proposed by the Senate.

The conferees are agreed that the conference agreement includes at least $1,500,000 for national legal services support and demonstration projects under title IV of the Act. The Department shall carry out the priorities specified in the House and Senate committee reports with respect to legal services.

The conference agreement includes $1,500,000 for the Neighborhood Senior Care program and $625,000 for the Family Friends program under title IV of the Act.

OFFICE OF THE SECRETARY

GENERAL DEPARTMENTAL MANAGEMENT

Amendment No. 74: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$91,247,000*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement provides $91,247,000 for departmental management, instead of $89,500,000 as proposed by the House and $88,774,000 as proposed by the Senate.

The conferees direct the Department to notify the Committees on Appropriations at least fifteen days in advance of any office closings or relocations within the Department.

The conference agreement includes $500,000 to continue the HHS human services transportation technical assistance initiative.

The conferees have been interested in the progress of positron emission tomography (PET) scans. The conferees urge the Department to report back to the Committees by march 15, 1995 with the Department's decision concerning PET technology, its safety and effectiveness, and suitability for reimbursement under Medicare and Medicaid.

OFFICE OF INSPECTOR GENERAL

Amendment No. 75: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which inserts language allowing the Inspector General of the Department to retain and expend funds obtained from the Justice or Treasury Departments as a result of forfeiture of property in investigations in which the Inspector General participated.

POLICY RESEARCH

Amendment No. 76: Appropriates $13,659,000, instead of $14,632,000 as proposed by the House and $10,741,000 as proposed by the Senate.

GENERAL PROVISIONS

Amendment No. 77: Inserts a citation proposed by the House and stricken by the Senate which prohibits the use of funding to support an automatic setaside for primate centers in extramural facilities construction. The conferees have instead directed that $2,500,000 of the $20,000,000 provided for extramural facility construction and renovation within the National Center for Research Resources appropriation be reserved for regional primate centers. In addition, primate centers remain eligible to compete along with other entities for the remaining $17,500,000 in facilities funding.

Amendment No. 78: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which establishes a moratorium on the withholding of funds under the Child Abuse Prevention and Treatment Act from any State

by the Department of Health and Human Services because a State is not deemed to be in compliance with the religious exemption regulations. The House bill included similar language on this subject. The moratorium will allow the authorizing committees time to look at all sides of this issue and hear testimony from all affected parties when Congress considers legislation to reauthorize CAPTA next year. Under the moratorium, States deemed to be out of compliance with the religious exemption portion of the regulations will continue to receive CAPTA funds.

During reauthorization of CAPTA in 1992, the House stressed that "the exact parameters of adequate parental care are to be delineated by State law and State courts" and that "determinations as to the adequacy, type and timing of medical treatment are within the sole judgment of each State system."

Amendment No. 79: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which inserts a limitation that prohibits the payment of salaries at a rate greater than $125,000 annually from research funding of the National Institutes of Health and the Substance Abuse and Mental Health Services Administration. The House had no comparable provision.

Amendment No. 80: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which inserts language canceling $4,505,000 in budget authority related to payment of space rental charges.

Amendment No. 81: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

In lieu of the matter inserted by said amendment, insert:

SEC. 208. Taps and other assessments made by any office located in the Department of Health and Human Services shall be treated as a reprogramming of funds except that this provision shall not apply to assessments required by authorizing legislation, or related to working capital funds or other fee-for-service activities.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Amendment No. 82: Deletes a limitation proposed by the Senate that would prohibit funds from being used for a General Services Administration warehouse for childhood vaccine storage and distribution until several conditions are met by the Department of Health and Human Services. The conferees believe that this language is no longer necessary because the Department has informed the Committees in writing that it does not plan to use the warehouse for vaccine distribution. Deletes without prejudice a provision added by the Senate pertaining to limited travel privileges within the United States for high-ranking Taiwanese officials.

Amendment No. 83: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

In lieu of the matter inserted by said amendment, insert:

SEC. 209. Of the funds appropriated or otherwise made available for the Department of Health and Services, General Departmental Management, for fiscal year 1995, the Secretary of Health and Human Services shall transfer to the Office of the Inspector General such sums as may be necessary for any expenses with respect to the provision of security protection for the Secretary of Health and Human Services.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement inserts language proposed by the Senate which requires the Secretary to transfer to the Inspector General such sums as may be necessary to cover the cost of providing security protection for the Secretary and deletes language proposed by the Senate that would have required the Comptroller General by law to conduct a review of the need for security protection for all cabinet and subcabinet officials in the Federal government and to submit a report of his findings to the Committees on Appropriations by April 1, 1995. However, the conferees are agreed that the Comptroller General shall make such a review and submit such a report by April 1, 1995.

Amendment No. 84: The conference agreement deletes without prejudice language proposed by the Senate which would have granted an AFDC waiver to conduct a welfare reform demonstration. It has been brought to the attention of the conferees that several applications for waivers have been pending before the Secretary of Health and Human Services for a number of months. The conferees therefore direct the Secretary to review waiver applications and inform States of decisions on an expedited basis.

The conferees are agreed that the Secretary of Health and Human Services shall not approve welfare reform waivers which do not conform to the welfare reform waiver provisions stated in the conference report on the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 1995.

TITLE III—DEPARTMENT OF EDUCATION

EDUCATION REFORM

Amendment No. 85: Inserts citation for title IV of the Goals 2000: Educate America Act as proposed by the Senate. Both the House and Senate bills provide the same total for Education Reform programs but allocate the funds differently. The conference agreement provides the following specific amounts:

Goals 2000 State grants	$371,870,000
Parents as teachers	10,000,000
School-to-work	125,000,000

The conference agreement does not include $3,200,000 in this account to initiate a new school finance equity demonstration program as proposed in the budget request. Funding has been included instead under the education research program to finance a multiyear study of equalization activities in the various States.

EDUCATION FOR THE DISADVANTAGED

Amendment No. 86: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert: *enacted into law*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Both the House and the Senate bills provided funding for education for the disadvantaged activities based on proposed changes in the Elementary and Secondary Education Act currently being considered by the Congress. The House bill provided funding based on the reauthorization as passed the House on March 24, 1994. The Senate bill provided funding based on the bill as passed the Senate on August 2, 1994. The conference agreement provides funding based on the reauthorization "as enacted into law". This action protects the rights of both the House and the Senate as the reauthorization process is completed.

Amendment No. 87: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$7,232,722,000*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement appropriates $7,232,722,000 for education for the disadvantaged instead of $7,245,655,000 as proposed by the House and $7,233,411,000 as proposed by the Senate.

Amendment No. 88: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$7,214,160,000*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement provides that $7,214,160,000 of these funds become available on a forward-funded basis instead of $7,212,093,000 as proposed by the House and $7,214,849,000 as proposed by the Senate.

Amendment No. 89: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which specifies that not less than $41,434,000 shall be available for the capital expenses program. This is the same amount carried in both bills.

Amendment No. 90: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert: *not less than $39,311,000*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement includes $39,311,000 for neglected and delinquent programs instead of $37,244,000 as proposed by the House and $40,000,000 as proposed by the Senate.

Amendment No. 91: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which clarifies that the $27,560,000 included in both bills for program improvement grants is the maximum which can be spent for this purpose.

Amendment No. 92: Deletes language included by the House but stricken by the Senate earmarking $15,000,000 for a new program to demonstrate innovative approaches to educating disadvantaged students. This program is not yet authorized.

IMPACT AID

Amendment No. 93: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert: *enacted into law*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Both the House and the Senate bills provided funding for impact aid activities based on proposed changes in the Elementary and Secondary Education Act currently being considered by the Congress. The House bill provided funding based on the reauthorization as passed the House on March 24, 1994. The Senate bill provided funding based on the bill as passed the Senate on August 2, 1994. The conference agreement provides funding based on the reauthorization "as enacted into law". This action protects the rights of both the House and the Senate as the reauthorization process is completed.

Amendment No. 94: Appropriates $728,000,000 for impact aid as proposed by the House instead of $666,880,000 as proposed by the Senate. The conference agreement does not assume any additional transfers to this account from the Fiscal Year 1995 Defense Appropriations Act. Assuming enactment of pending revisions to the authorizing statutes for impact aid, the conferees direct the following distribution of funds:

Basic support payments	$631,707,000
Special education	40,000,000
Heavily impacted districts	40,000,000
Federal property	16,293,000

Amendment No. 95: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert: *8004(f), 9004(f), or the relevant citation which may be designated in the Act: Provided, That should the Improving America's Schools Act not be enacted into law for fiscal year 1995 funds for impact aid shall be made available under the provisions of Public Laws 81-815 and 81-874 with amounts allocated proportionately and under the same timeframes as provided in fiscal year 1994*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement clarifies language included by both the House and Senate that $40,000,000 of this appropriation shall be for heavily impacted districts. The agreement also provides that should the reauthorization process not be completed for 1995, that funding is to be distributed based on the existing impact aid statutes. The conference agreement also makes clear the authority of the Secretary to pay school districts using prior year data as was done in 1994.

SCHOOL IMPROVEMENT

Amendment No. 96: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert: *III, IV, V, VII, VIII, IX, and XV (or under the comparable citations which may be designated)*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement restores the citation included by the House but stricken by the Senate. The agreement also adds new citations proposed by the Senate.

Amendment No. 97: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert: *enacted into law*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Both the House and the Senate bills provided funding for school improvement activities based on proposed changes in the Elementary and Secondary Education Act currently being considered by the Congress. The House bill provided funding based on the reauthorization as passed the House on March 24, 1994. The Senate bill provided funding based on the bill as passed the Senate on August 2, 1994. The conference agreement provides funding based on the reauthorization "as enacted into law". This action protects the rights of both the House and the Senate as the reauthorization process is completed.

Amendment No. 98: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$1,564,877,000*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement includes $1,564,877,000 for school improvement programs instead of $1,424,513,000 as proposed by the House and $1,570,201,000 as proposed by the Senate.

Both the House and the Senate bills included a total of $667,548,000 for educational improvement activities. The conferees have agreed that $320,298,000 of this amount shall be for activities under the expanded Eisenhower professional development program and the remaining $347,250,000 shall be for the revised chapter 2 State block grant program. The conferees urge that States give the highest priority to funding of professional development activities when utilizing their chapter 2 funds.

Amendment No. 99: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$1,268,418,000*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement provides that $1,268,418,000 for school improvement programs become available on a forward-funded basis instead of $1,158,695,000 as proposed by the House and $1,264,849,000 as proposed by the Senate.

Amendment No. 100. Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert: *$5,899,000 shall be for law related education; $12,000,000 shall be for arts education activities; $28,000,000 shall be for dropout prevention assistance, if authorized; $4,185,000 shall be for Ellender Fellowships; $12,000,000 shall be for education for Native Hawaiians; $10,912,000 shall be for foreign language assistance, if authorized; and $100,000,000 shall be for new education infrastructure improvement grants, if authorized*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement specifies funding levels and inserts legislative citations for programs agreed to by the conferees. This includes $4,185,000 for Ellender Fellowships, the same level provided in both bills. The conferees have no objection to the adjustments in the funding agreement for this activity outlined on page 186 of the Senate report.

Both the House and Senate bills include $44,541,000 for the new system of consolidated technical assistance centers. It is the intention of the conferees that these funds are also available for existing centers consistent with the phase-in schedule for consolidation under the reauthorization and that there not be a gap in funding for these services.

The conference agreement includes $111,519,000 for the magnet schools program. This is $1,500,000 below the level included by the House and $4,500,000 more than provided by the Senate. The Secretary is expected to give priority in awarding new grants to local educational agencies which propose innovative programs that involve strategies such as neighborhood or community model schools organized around a special emphasis theme or concept and involving extensive parent and community involvement.

BILINGUAL AND IMMIGRANT EDUCATION

Amendment No. 101: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which inserts a legislative citation.

Amendment No. 102: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert: *enacted into law*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Both the House and the Senate bills provide funding for bilingual and immigrant education activities based on proposed changes in the Elementary and Secondary Education Act currently being considered by the Congress. The House bill provided funding based on the reauthorization as passed the House on March 24, 1994. The Senate bill provided funding based on the bill as passed the Senate on August 2, 1994. The conference agreement provides funding based on the reauthorization "as enacted into law". This action protects the rights of both the House and the Senate as the reauthorization process is completed.

Amendment No. 103: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$245,200,000*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement provides $245,200,000 for bilingual and immigrant education instead of $247,572,000 as proposed by the House and $238,082,000 as proposed by the Senate.

Amendment No. 104: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert: *part C or under subpart 3 of part A of title VII or under the comparable citation which may be designated by amendments to the authorizing legislation*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement modifies the citation for training activities to be compatible with House and Senate authorization proposals. Both the House and the Senate bills appropriate $25,180,000 for this program.

Amendment No. 105: Deletes without prejudice legislative citation added by the Senate.

SPECIAL EDUCATION

Amendment No. 106: Appropriates $3,252,846,000 for special education programs instead of $3,106,634,000 as proposed by the House and $3,299,459,000 as proposed by the Senate.

Amendment No. 107: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$2,998,812,000*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The agreement provides that $2,998,812,000 of the appropriation for special education become available on a forward-funded basis instead of $2,858,973,000 as proposed by the House and $2,753,000,000 as proposed by the Senate.

Amendment No. 108: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which delays the obligation of $292,125,000 of special education funds until September 30, 1995. This language was requested in the President's Budget based on the delays by the States in the implementation of the infants and families program. The delayed availability does not change in any way the program itself. The House bill contained no similar provision.

REHABILITATION SERVICE AND DISABILITY RESEARCH

Amendment No. 109: Appropriates $2,393,352,000 for rehabilitation programs instead of $2,355,600,000 as proposed by the House and $2,413,675,000 as proposed by the Senate.

The amount agreed to by the conferees includes $7,000,000 for the spinal cord model systems program as proposed by the Senate.

AMERICAN PRINTING HOUSE FOR THE BLIND

Amendment No. 110: Appropriates $6,680,000 as proposed by the Senate instead of $6,406,000 as proposed by the House.

NATIONAL TECHNICAL INSTITUTE FOR THE DEAF

Amendment No. 111: Appropriates $43,191,000 as proposed by the Senate instead of $41,462,000 as proposed by the House.

Amendment No. 112: Earmarks $336,000 for the endowment and $150,000 for construction as proposed by the Senate. The House bill included $333,000 for the endowment and $192,000 for construction.

GALLAUDET UNIVERSITY

Amendment No. 113: Appropriates $80,030,000 for Gallaudet University as proposed by the Senate instead of $76,742,000 as proposed by the House.

Amendment No. 114: Earmarks $1,000,000 for the endowment as proposed by the Senate instead of $991,000 as proposed by the House.

VOCATIONAL AND ADULT EDUCATION

Amendment No. 115: Inserts citation as proposed by the Senate.

Amendment No. 116: Appropriates $1,473,175,000 for vocational and adult education programs instead of $1,456,383,000 as proposed by the House and $1,475,736,000 as proposed by the Senate. The agreement also provides that $1,470,256,000 of this amount become available on a forward-funded basis.

Amendment No. 117: Earmarks $34,535,000 for vocational education national programs instead of $25,767,000 as proposed by the House and $37,096,000 as proposed by the Senate.

Amendment No. 118: Earmarks $20,684,000 of the national programs funding for demonstration grants instead of $13,000,000 as proposed by the House and $23,245,000 as proposed by the Senate. This amount includes funding for continuation of the high risk youth program and other demonstration projects as described in the House and Senate reports.

Amendment No. 119: Earmarks $6,000,000 for data systems as proposed by the Senate instead of $4,916,000 as proposed by the House.

Amendment No. 120: Earmarks $3,900,000 for adult education national programs as proposed by the Senate instead of $5,400,000 as proposed by the House.

Amendment No. 121: Deletes citation proposed by the House but stricken by the Senate.

STUDENT FINANCIAL ASSISTANCE

Amendment No. 122: Appropriates $7,702,970,000 for Student Financial Assistance instead of $7,825,417,000 as proposed by the House and $7,685,524,000 as proposed by the Senate.

The conference agreement includes $1,500,000 to carry out the provisions of section 448(f) of the Higher Education Act of 1965, as amended, which includes a separate authorization for "work colleges".

The conferees direct the Department to work with each State Postsecondary Review Entity (SPRE) with approved plans to arrive at a priority list of postsecondary institutions within their state that will be subject to a SPRE review. However, the conference agreement includes bill language under title V general provisions which directs that the designation of institutions to be reviewed shall not be final nor released nor published until the state SPRE has received the Secretary's concurrence for its institutional review standards.

Amendment No. 123: Earmarks $63,375,000 for State Student incentive Grants instead of $54,322,000 as proposed by the House and $72,429,000 as proposed by the Senate.

FEDERAL DIRECT STUDENT LOAN PROGRAM ACCOUNT

Amendment No. 124: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which provides such sums as may be necessary for Federal Direct Student Loan Program Account. The House bill contained no similar provision. Permanent appropriations are available for this program under title IV, part D, of the Higher Education Act. The conferees direct the Department to provide semiannual reports to the Appropriations Committees on the implementation of the Federal Direct Student Loan Program.

HIGHER EDUCATION

Amendment No. 125: Deletes the citation included by the House and stricken by the Senate for strengthening library and information science programs at Historically Black Colleges and Universities and other minority serving institutions.

Amendment No. 126: Modifies citations inserted by the Senate for cooperative education and Eisenhower leadership programs. The House bill did not include funding for these programs.

Amendment No. 127: Deletes citation added by the Senate for the Alaska Native Culture and Arts Development Act. This citation was included by the conferees under amendment 130.

Amendment No. 128: Deletes citation included by the House and stricken by the Senate for Olympic Scholarships. This citation was included by the conferees under amendment 130.

Amendment No. 129: Restores citation for National Academy of Science, Space, and Technology stricken by the Senate.

Amendment No. 130: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert: *section 1521 of the Higher Education Amendments of 1986 as amended by Public Law 103–239, to be administered by the Secretary of Education; part E of title XV of the Higher Education Amendments of 1992; and Public Law 102–423, $962,842,000, of which $8,060,000*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement modifies the citation for the Alaska Native Culture and Arts Development Act that was included by the Senate, but not the House; modifies the citation for Olympic Scholarships included by the House, but not the Senate; and includes the citation for the Bethune Memorial Fine Arts Center that was included by the House, but not the Senate.

The conference agreement includes $6,424,000 for the National science scholars program which is $2,000,000 more than the amounts included in the House and Senate bills. The conferees are agreed that the Secretary shall allocate $2,000,000 of these funds to the National Academy of Science, Space and Technology program.

The conferees are also agreed that the Secretary should continue the current policy within the law school clinical center program of giving priority to applications which emphasize services to indigent and underserved populations.

Amendment No. 131: Restores $4,000,000 for Bethune Memorial Fine Arts Center as proposed by the House and stricken by the Senate.

Amendment No. 132: Restores language proposed by the House and stricken by the Senate, amended to provide $1,000,000 for an evaluation of the title III, aid for institutional development programs. The House included $1,500,000 for this purpose, and the Senate bill contained no funding.

HOWARD UNIVERSITY

Amendment No. 133: Appropriates $206,463,000 for Howard University as proposed by the House instead of $192,896,000 as proposed by the Senate.

The conferees are agreed that the foreign student surcharge at Howard University should be repealed effective with the beginning of the Spring semester of the 1994–1995 academic year instead of during the Fall semester as proposed in the Senate report.

Amendment No. 134: Earmarks $3,530,000 for the regular endowment matching program as proposed by the Senate instead of $7,910,000 as proposed by the House.

Amendment No. 135: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

Restore the matter stricken by said amendment, amended to read as follows: *$5,000,000, to remain available until expended, shall be for general construction needs at the University and $5,500,000, to remain available until expended, shall be for the establishment of*

a Law School Clinical Center to be administered under the same terms and conditions as the Centers established and funded under Public Laws 99–88 and 100–517 with not more than $1,000,000 to be used for construction

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference provides $5,000,000 for general construction at Howard University instead of $6,000,000 as proposed by the House. The Senate bill did not include funds for this purpose.

The agreement also provides $5,500,000 of funding included by the House but not by the Senate for establishment of a Law School Clinical Center at Howard University. The purpose of this Center is to provide legal assistance to supplement the civil legal services of Legal Services Corporation grantees and to conduct continuing legal education courses and seminars to prepare practicing attorneys for pro bono services. Under this program, no recipient shall receive legal services who would be disqualified by law or regulation from receiving such service from a Legal Services Corporation grantee. $4,500,000 of this grant shall be made available to the University to establish an endowment fund to provide income to support the Center on a continuing basis. The remaining $1,000,000 shall be made available to the grantee for facilities, equipment, and other costs actually incurred in establishing such a clinical program.

HISTORICALLY BLACK COLLEGE AND UNIVERSITY CAPITAL FINANCING, PROGRAM ACCOUNT

The conference agreement includes $347,000 for the administrative costs associated with the new Historically Black College and University Capital Financing program. This is the same amount provided in both the House and Senate bills. The conferees wish to make clear their intention that the appropriation language agreed to provides authority to initiate this program in 1995 if its startup is delayed beyond September 30, 1994.

COLLEGE HOUSING AND ACADEMIC FACILITIES LOANS PROGRAM

Amendment No. 136: Appropriates $168,000 for loan interest subsidy costs of College Housing and Academic Facilities Loans as proposed by the Senate instead of $134,000 as proposed by the House.

Amendment No. 137: Provides authority to make $10,000,000 in new loans as proposed by the Senate instead of $8,000,000 as proposed by the House.

The conferees are concerned by the sharply rising costs of college housing and the fact that no loans have been made to college housing cooperatives for at least a decade. Therefore, consistent with the Secretary's authority to designate student housing cooperatives as a priority, the conferees direct the Department to use these funds for awards to student housing cooperatives.

EDUCATION RESEARCH, STATISTICS, AND IMPROVEMENT

Amendment No. 138: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert: , *as amended by the Improving America's Schools Act as enacted into law; the National Education Statistics Act of 1994, as enacted into law; the Education Council Act, as amended; part F of the General Education Provisions Act; and title VI of Public Law 103–227, $354,892,000: Provided, That $86,200,000 shall be for education research of which $41,000,000 shall be for regional laboratories, including rural initiatives and network activities, $33,000,000 shall be for research centers, and $3,200,000, to remain available until expended, shall be for school finance equalization research; $36,750,000 shall be for the Fund for the Improvement of Education; $3,000,000 shall be for the international education exchange program; $750,000 shall be for 21st Century Community Learning Centers, if authorized; $4,463,000 shall be for civic education activities; $14,480,000 shall be for the National Diffusion Network; $36,356,000 shall be for Eisenhower professional development Federal activities, including not less than $5,472,000 for the National Clearinghouse for Science and Mathematics and $15,000,000 for regional consortia; $2,250,000 shall be for a mathematics telecommunications demonstration, if authorized; $40,000,000 shall be for education technology activities, if authorized; and $7,000,000 shall be for Ready to Learn television, including funds to be awarded to the Corporation for Public Broadcasting in such amounts as the Secretary determines appropriate*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement appropriates $354,892,000 for education research, statistics and improvement activities instead of $318,775,000 as proposed by the House and $371,586,000 as proposed by the Senate. The conference agreement also includes updated legislative citations replacing those contained in the original House and Senate bills. Both the House and the Senate bills provided funding for certain activities based on proposed changes in the Elementary and Secondary Education Act currently being considered by the Congress. The House bill provided funding based on the reauthorization as passed by the House on March 24, 1994. The Senate bill provided funding based on the bill as passed by the Senate on August 2, 1994. The conference agreement provides funding based on the reauthorization "as enacted into law". This action protects the rights of both the House and the Senate as the reauthorization process is completed. In those cases where funds have been included for new activities which would be initially authorized by these bills, funds have been appropriated subject to final authorization.

The conference agreement includes $86,200,000 for education research. This amount includes $3,200,000 to fund a three year study of school finance equalization efforts in the States. This study is to be carried out by the National Academy of Sciences. The House and Senate reports and the Senate floor debate describe those specific education research and demonstration activities currently managed by other Offices within the Department which should be transferred to and administered by the Assistant Secretary for Education Research and Improvement during Fiscal Year 1995. The conferees expect these transfers to be accomplished as directed.

The conference agreement includes $3,000,000 to initiate the international education exchange program authorized under title VI of P.L. 103–227 instead of $5,000,000 as proposed by the Senate. The House did not consider this program.

The agreement also includes $750,000 to initiate a new program of 21st Century Community Learning Centers, if authorized, instead of $900,000 as proposed by the Senate. This program was not considered by the House.

The conference agreement includes $2,250,000 for a new demonstration program using telecommunications to improve mathematics teaching if such a project is authorized for Fiscal Year 1995. The Senate bill included $3,000,000 for this activity which was not considered by the House.

The conference agreement includes $36,750,000 for the Fund for the Improvement of Education. This includes amounts for the following priorities:

Environmental science education	$1,500,000
Model arts education	1,000,000
Elementary school counseling demonstration	2,000,000
National student and parent mock election	125,000
Partnerships in character education	750,000
Promoting scholar-athlete competitions	400,000
Middle school-workplace-community partnerships	1,000,000
African American and Hispanic student/faculty development	500,000

The conferees are also agreed that a portion of these funds may be used by the Secretary for activities to recognize exemplary schools.

LIBRARIES

Amendment No. 139: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert: *title II of the Higher Education Act, $144,161,000, of which $17,792,000 shall be used to carry out the provisions of title II of the Library Services and Construction Act and shall remain available until expended; and $4,916,000 shall be for section 222 and $6,500,000 shall be for section 223 of the Higher Education Act, of which $5,000,000 shall be for additional awards for demonstration of on-line access to statewide, multitype library bibliographic data bases using fiber optic networks and $1,500,000 shall be for a demonstration project making Federal information and other data bases available for public use by connecting a multistate consortium of public and private colleges and universities to a public library and an historic library*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement includes $144,161,000 for library activities instead of $115,996,000 as proposed by the House and $147,558,000 as proposed by the Senate.

The conference agreement includes $6,500,000 for library research and demonstration activities instead of $8,270,000 as proposed by the Senate. The House bill did not include funding for this purpose. The conferees direct the Secretary to use $5,000,000 to fund additional projects that competed in 1994 for demonstration of on-line and dial-in access to a statewide, multitype bibliographic data base through a statewide fiber optic network. Also included is $1,500,000 for a new demonstration grant making Federal data bases available to consumers by connecting colleges and universities with a public library and an historic library. Neither of these proposals was considered by the House.

The conference agreement also includes $23,700,000 for interlibrary cooperation. No funds have been included for college library technology or for research libraries grants.

DEPARTMENTAL MANAGEMENT

PROGRAM ADMINISTRATION

Amendment No. 140: Appropriates $356,021,000 for program administration instead of $359,358,000 as proposed by the House

and $346,008,000 as proposed by the Senate. This amount includes $500,000 for the Secretaries' Task Force on Coordinated Services.

The conferees direct the Secretary to provide the Office of Educational Research and Improvement the salaries and expenses commensurate with carrying out the expanded research, development, dissemination, reform assistance and independent evaluation responsibilities contained in the reauthorization and in the directives included in the fiscal year 1995 House and Senate reports. The conferees expect the Secretary to document this in the January 1995 report required by the Committees.

OFFICE OF THE INSPECTOR GENERAL

Amendment No. 141: Appropriates $30,437,000 for the Office of the Inspector General instead of $29,199,000 as proposed by the House and $31,675,000 as proposed by the Senate.

TITLE IV—RELATED AGENCIES

ARMED FORCES RETIREMENT HOME

Amendment No. 142: Appropriates $59,317,000 for the Armed Forces Retirement Home instead of $59,816,000 as proposed by the House and $56,820,000 as proposed by the Senate.

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

DOMESTIC VOLUNTEER SERVICE PROGRAMS

OPERATING EXPENSES

Amendment No. 143: The conference agreement appropriates $214,710,000 for Domestic Volunteer Service Programs, Operating Expenses (formerly Action) instead of $205,771,000 as proposed by the House and $217,688,000 as proposed by the Senate.

CORPORATION FOR PUBLIC BROADCASTING

(INCLUDING RESCISSION)

Amendment No. 144: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert:

(Including rescission)

Of the funds made available under this heading in Public Law 102-394, $7,000,000 are hereby rescinded. For payment to the Corporation for Public Broadcasting, as authorized by the Communications Act of 1934, an amount which shall be available within limitations specified by that Act, for the fiscal year 1997, $315,000,000: Provided, That no funds made available to the Corporation for Public Broadcasting by this Act shall be used to pay for receptions, parties, or similar forms of entertainment for Government officials or employees: Provided further, That none of the funds contained in this paragraph shall be available or used to aid or support any program or activity from which any person is excluded, or is denied benefits, or is discriminated against, on the basis of race, color, national origin, religion, or sex.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement rescinds $7,000,000 of funds appropriated in Public Law 102-394, the 1993 Appropriations Act, instead of rescinding $21,100,000 as proposed by the House. The Senate bill did not include a rescission. The rescission is not based on any effort to influence public broadcasting programming decisions. The conferees have taken this action due to the severe financial constraints imposed by the budget caps.

The agreement also appropriates $315,000,000 for fiscal year 1997, instead of $330,000,000 as proposed by the Senate. The House bill deferred consideration of the fiscal year 1997 funding pending reauthorization.

The conferees are concerned by reports of excessive levels of compensation paid to individual performers by the public broadcasting system. As an example, the conferees have learned that a single individual is paid $438,000 annually for his once a week 30 minute appearance. These costs are paid directly by taxpayers and contributors through charges to local stations for this programming. The conferees believe that a review of compensation policies for performers paid for by the public broadcasting system is needed and requests a detailed report on this issue from the Corporation prior to the fiscal year 1996 hearings.

FEDERAL MEDIATION AND CONCILIATION SERVICE

Amendment No. 145: Appropriates $31,344,000 for the Federal Mediation and Conciliation Service instead of $31,078,000 as proposed by the House and $31,610,000 as proposed by the Senate.

NATIONAL COUNCIL ON DISABILITY

Amendment No. 146: Appropriates $1,793,000 for the National Council on Disability instead of $1,643,000 as proposed by the House and $1,843,000 as proposed by the Senate.

NATIONAL LABOR RELATIONS BOARD

Amendment No. 147: Appropriates $176,047,000 for the National Labor Relations Board as proposed by the Senate instead of $173,388,000 as proposed by the House.

NATIONAL MEDIATION BOARD

The conference agreement provides $8,519,000 for the National Mediation Board in Amendment number 154. The conferees direct the Mediation Board to use the additional $400,000 for neutral arbitrators' salaries and expenses in deciding pending grievance cases in the railroad industry and expect the Board to maintain the 1994 level of days worked by arbitrators.

RAILROAD RETIREMENT BOARD

LIMITATION ON ADMINISTRATION

Amendment No. 148: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

In lieu of the matter inserted by said amendment, insert: *: Provided further, That for fiscal year 1995 only, notwithstanding any other provision of law, no portion of this limitation shall be available for payments of standard level user charges pursuant to section 210(j) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 490(j); 45 U.S.C. 231-231u)*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

LIMITATION ON THE OFFICE OF INSPECTOR GENERAL

Amendment No. 149: Appropriates $6,682,000 for the Inspector General as proposed by the House instead of $6,860,000 as proposed by the Senate.

UNITED STATES INSTITUTE OF PEACE

Amendment No. 150: Appropriates $11,500,000 for the United States Institute of Peace as proposed by the Senate instead of $10,912,000 as proposed by the House.

TITLE V—GENERAL PROVISIONS

Amendment No. 151: Restores language proposed by the House and stricken by the Senate related to American-made products and deletes language proposed by the Senate related to the Buy American Act.

Amendment No. 152: Restores House language deleted by the Senate that would prohibit the implementation by the Department of Education of the so-called "85/15" regulations promulgated under section 481(b)(6) of the Higher Education Act, prior to July 1, 1995. The conferees have taken this action on a one-time basis and are agreed that any further action on this matter should be taken by the authorizing committees of jurisdiction.

Amendment No. 153: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert:

SEC. 511. None of the funds appropriated or otherwise made available under this Act may be obligated in violation of existing Federal law or regulation already prohibiting such benefit or assistance. None of the funds appropriated under this Act may be used by any Federal official, or any State or local official, to induce undocumented immigrants to apply for Federal benefits for which such officials know or should know such undocumented immigrants are not eligible. In no case, shall Federal, State, or local officials be penalized for efforts to ensure that eligible persons are not excluded from participation in, denied the benefits of, or subjected to discrimination by any program receiving funds under this Act, on the grounds of race, color, or national origin-based traits, including language. Each State agency and each other entity administering a program under which verification of immigration status is required by section 121 of the Immigration Reform and Control Act of 1986 shall participate in the system for the verification of such status established by the Commissioner of the Immigration and Naturalization Service pursuant to section 121(c) of that Act, unless an alternative system is available and employed for such purposes which is found to meet the criteria for waiver under section 121(c)(4).

SEC. 512. Notwithstanding any other provision of law, monthly benefit rates during fiscal year 1995 and thereafter under part B or part C of the Black Lung Benefits Act shall continue to be based on the benefit rates in effect in September, 1994 and be paid in accordance with the Act, until exceeded by the benefit rate specified in section 412(a)(1) of the Act.

SEC. 513. No more than one percent of salaries appropriated for each Agency in this act may be expended by that Agency on cash performance awards: Provided, That of the budgetary resources available to Agencies in this Act for salaries and expenses during fiscal year 1995, $30,500,000, to be allocated by the Office of Management and Budget, are permanently canceled: Provided further, That the foregoing proviso shall not apply to the Food and Drug Administration and the Indian Health Service.

SEC. 514. Chapter 51 of title 18, United States Code, is amended by adding at the end thereof the following new section:

§1118. Protection against the Human Immunodeficiency Virus

"(a) IN GENERAL.—Whoever, after testing positive for the Human Immunodeficiency Virus (HIV) and receiving actual notice of that fact, knowingly donates or sells, or knowingly attempts to donate or sell, blood, semen, tissue, organs, or other bodily fluids for use by another, except as determined necessary for medical research or testing, shall be fined or imprisoned in accordance with subsection (c).

"(b) TRANSMISSION NOT REQUIRED.—Transmission of the Human Immunodeficiency Virus

does not have to occur for a person to be convicted of a violation of this section.

"(c) PENALTY.—Any person convicted of violating the provisions of subsection (a) shall be subject to a fine of not less than $10,000 nor more than $20,000, imprisoned for not less than 1 year nor more than 10 years, or both.".

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement modifies language proposed by the Senate with respect to undocumented immigrants. The agreement also inserts a provision relating to black lung benefits as proposed by the Senate, a provision as proposed by the Senate relating to protection against the human immunodeficiency virus and a provision as proposed by the Senate that caps the amount of funds spend for cash performance awards, modified to include a reduction in appropriations related to the cap. The conferees delete without prejudice language proposed by the Senate related to funding for executive direction activities and to unallowable costs in connection with Federal grants and contracts.

The conferees have included section 513 that places a cap on the amount that agencies may spend on cash performance awards. The amount spent may not exceed one percent of the amount budgeted for personnel compensation and benefits. In addition, the conference agreement includes a reduction of $30,500,000 for salaries and expenses for all agencies funded in this bill; this is directly related to the one-percent cap. The reduction of $30,500,000 shall be allocated among the agencies funded in the bill by the Office of Management and Budget. The reduction shall be allocated in proportion to the extent to which agencies have exceeded the one-percent figure in the past.

The conference agreement deletes the language on unallowable contractor and grantee costs proposed by the Senate. The conferees remain concerned about the problems the Departments of Labor, Health and Human Services, and Education have experienced with contractors and grantees who make claims for reimbursement for costs that are unallowable. Accordingly, in order to help eliminate claims for unallowable costs, the conferees support a process whereby contractors and grantees certify that they will not claim costs that have been previously determined to be unallowable. It is the understanding of the conferees that the conference agreement of Federal procurement reform legislation addresses this matter to strengthen controls over the procurement process and to help eliminate contractor and grantee claims for unallowable costs.

It is the intent of the conferees that funds available for executive direction, excluding the Centers for Disease Control and Prevention, the National Institutes of Health and the Social Security Administration, shall not exceed the lower of the amounts set forth in the budget estimates submitted to Congress for fiscal year 1995 or the amounts provided in this conference agreement.

Amendment No. 154: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

In lieu of the matter inserted by said amendment, insert:

SEC. 515. Notwithstanding any other provision of law, (1) no amount may be transferred from an appropriation account for the Departments of Labor, Health and Human Services, and Education except as authorized in this or any subsequent appropriation act, or in the Act establishing the program or activity for which funds are contained in this Act;

(2) no department, agency, or other entity, other than the one responsible for administering the program or activity for which an appropriation is made in this Act, may exercise authority for the timing of the obligation and expenditure of such appropriation, or for the purposes for which it is obligated and expended, except to the extent and in the manner otherwise provided in section 1512 and 1513 of title 31, United States Code; and

(3) no funds provided under this or any subsequent appropriation act shall be available for the salary (or any part thereof) of an employee who is reassigned on a temporary detail basis to another position in the employing agency or department or in any other agency or department, unless the detail is independently approved by the head of the employing department or agency.

and

on page 55 of the House engrossed bill, H.R. 4606, after line 3, insert:

SEC. 305. None of the funds appropriated under this Act may be used to publish, release, report or finalize the designation of institutions to be reviewed under subpart 1 of part H of title IV of the High Education Act of 1965, as amended, until the State postsecondary review entity responsible for evaluating those institutions has received the Secretary's approval for its institutional review standards.

and

on page 58, line 19 of the House engrossed bill, H.R. 4606, strike "$8,119,000" and insert in lieu thereof *$8,519,000*

and

on page 43 of the House engrossed bill, H.R. 4606, after line 14, insert:

SEC. 210. Of the funds made available under this title, under the heading Low Income Home Energy Assistance, for fiscal year 1996, the Secretary shall receive assurances from States that funds will assist low-income households with their home energy needs, particularly those with the lowest incomes that pay a high proportion of household income for home energy.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement deletes language proposed by the Senate that expressed the sense of the Senate regarding Federal payments in lieu of taxes. The agreement also inserts language prohibiting certain transfers of funds, certain employee details, and fund apportionments done by any agency other than the Office of Management and Budget; inserts language related to postsecondary review entities under the Higher Education Act; appropriates $8,519,000 for the National Mediation Board; and inserts language related to the Low Income Home Energy Assistance Program.

TITLE VI—EMERGENCY SUPPLEMENTAL APPROPRIATIONS

Amendment No. 155: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

In lieu of the matter inserted by said amendment, insert:

TITLE VI—EMERGENCY APPROPRIATIONS

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Amendment No. 156: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

In lieu of the matter inserted by said amendment, insert:

DEPARTMENT OF HEALTH AND HUMAN SERVICES

PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND

For the Public Health and Social Services Emergency Fund to be used to assist States and local communities in recovering from the flooding caused by tropical storm Alberto and other emergencies, $35,000,000 to remain available until expended: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That the entire amount shall be available only to the extent an official budget request, for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement, as defined in the Balanced Budget and Emergency Deficit Control Act of 1985 as amended, is transmitted by the President to the Congress.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement provides $35,000,000 to assist States and local communities in meeting public health and social services needs related to tropical storm Alberto and other emergencies, as proposed by the Senate. The funds are declared an emergency need by the Congress and would only be available if the President submits a formal budget request stating that the entire amount is an emergency requirement under the Budget Control Act. The House bill had no provision for this.

Amendment No. 157: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

In lieu of the matter inserted by said amendment, insert:

TITLE VII—CRIME REDUCTION PROGRAMS

DEPARTMENT OF HEALTH AND HUMAN SERVICES

ADMINISTRATION FOR CHILDREN AND FAMILIES

CHILDREN AND FAMILIES SERVICES PROGRAMS

In addition to amounts otherwise appropriated in this Act, $26,900,000, to be derived from the Violent Crime Reduction Trust Fund, including $1,000,000 for a domestic violence hotline as authorized by the Safe Homes for Women Act of 1994 and $25,900,000 for carrying out the Community Schools Youth Services and Supervision Grant Program Act of 1994.

DEPARTMENT OF EDUCATION

SCHOOL IMPROVEMENT PROGRAMS

In addition to amounts otherwise appropriated in this Act, $11,100,000, to be derived from the Violent Crime Reduction Trust Fund, for carrying out the Family and Community Endeavor Schools Act.

The managers on the part of the Senate will move to concur on the amendment of the House to the amendment of the Senate.

The conference agreement deletes an appropriation of $10,000,000 proposed by the Senate for disaster assistance under the im-

pact aid program of the Department of Education. Previously appropriated funds are already available for this purpose. The House bill had no provision for this. The agreement includes a new title VII of the bill making appropriations totalling $38,000,000 for carrying out certain programs under the Violent Crime Control and Law Enforcement Act of 1994.

	FY 1994 Comparable	FY 1995 Request	House Bill	Senate Bill	Conference	Conference vs FY94 Comparable
TITLE I - DEPARTMENT OF LABOR						
EMPLOYMENT AND TRAINING ADMINISTRATION						
PROGRAM ADMINISTRATION						
Job training programs	22,854	24,123	23,095	23,095	23,095	+241
Trust funds	(2,233)	(2,305)	(2,170)	(2,170)	(2,170)	(-63)
Employment security	257	483	260	260	260	+3
Trust funds	(15,059)	(15,100)	(14,635)	(14,635)	(14,635)	(-423)
Financial and administrative management	18,564	19,625	18,760	18,760	18,760	+196
Trust funds	(8,110)	(8,561)	(7,882)	(7,882)	(7,882)	(-228)
Executive direction and administration	5,994	7,197	6,057	6,057	6,057	+63
Trust funds	(1,420)	(1,743)	(1,380)	(1,380)	(1,380)	(-40)
Regional operations	24,732	25,287	24,993	24,993	24,993	+261
Trust funds	(19,554)	(19,780)	(19,006)	(19,006)	(19,006)	(-548)
Apprenticeship services	16,932	17,285	17,111	17,111	17,111	+179
Total, Program Administration	135,706	141,489	135,349	135,349	135,349	-359
Federal funds	89,333	94,000	90,276	90,276	90,276	+943
Trust funds	(46,375)	(47,489)	(45,073)	(45,073)	(45,073)	(-1,302)
TRAINING AND EMPLOYMENT SERVICES 1/						
Grants to States:						
Adult training	988,021	1,130,000	1,044,813	1,054,813	1,054,813	+66,792
Youth training	658,682	598,682	598,682	598,682	598,682	-60,000
(Rescission, FY 1994)	---	---	---	-50,000	-50,000	-50,000
Summer youth employment and training program	888,282	1,056,328	1,056,328	1,056,328	1,056,328	+168,046
(Summer of 1995) (non-add) 2/	---	(184,788)	(184,788)	(184,788)	(184,788)	(+184,788)
Dislocated worker assistance	1,118,000	1,464,949	1,296,000	1,296,000	1,296,000	+178,000
Earthquake supplemental (emergency)	(28,000)	---	---	---	---	(-28,000)
Federally administered programs:						
Native Americans	64,218	61,871	63,856	64,218	64,080	-138
Migrants and seasonal farmworkers	85,576	78,303	84,841	86,000	85,710	+134

1/ Forward funded except where noted.

2/ The Senate bill and conference agreement makes these funds available on July 1, 1995.

	FY 1994 Comparable	FY 1995 Request	House Bill	Senate Bill	Conference	Conference vs FY94 Comparable
Job Corps:						
Operations	913,913	957,431	957,431	953,631	957,431	+43,518
Construction and renovation	126,556	199,224	150,000	126,556	142,029	+15,473
Subtotal, Job Corps	1,040,469	1,156,655	1,107,431	1,080,187	1,099,460	+58,991
Youth Fair Chance	25,000	25,000	24,785	24,785	24,785	-215
Veterans' employment	8,957	8,957	8,880	8,880	8,880	-77
National activities:						
Pilots and demonstrations	35,830	34,901	35,522	35,522	35,522	-308
Research, demonstration and evaluation	12,301	12,239	12,196	12,196	12,196	-105
Other	23,021	35,674	30,823	27,000	30,823	+7,802
Subtotal, National activities	71,152	82,814	78,541	74,718	78,541	+7,389
Subtotal, Federal activities	1,295,372	1,413,600	1,368,144	1,338,788	1,361,456	+66,084
Total, Job Training Partnership Act	4,948,357	5,663,559	5,363,967	5,304,611	5,317,279	+368,922
Job training for the homeless:						
Regular program 1/	7,482	---	7,418	---	---	-7,482
Veterans program 1/	5,055	5,055	5,011	5,011	5,011	-44
Glass Ceiling Commission 1/	744	744	738	738	738	-6
Women in apprenticeship 1/	750	750	744	744	744	-6
National Center for the Workplace 1/	1,122	1,122	1,113	1,113	1,113	-9
Skills Standards	---	12,350	6,000	6,000	6,000	+6,000
School-to-work	50,000	150,000	140,000	100,000	125,000	+75,000
Total, Training and Employment Services	5,013,510	5,833,580	5,524,991	5,418,217	5,455,885	+442,375
Subtotal, forward funded	(4,998,357)	(5,825,909)	(5,509,967)	(5,410,611)	(5,448,279)	(+449,922)

1/ Current funded.

COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS						
National contracts	320,190	308,927	320,190	320,190	320,190	---
State grants	90,310	87,133	90,310	90,310	90,310	---
Total	410,500	396,060	410,500	410,500	410,500	---
FEDERAL UNEMPLOYMENT AND ALLOWANCES						
Trade adjustment	189,900	274,400	274,400	274,400	274,400	+84,500
Other activities	100	---	---	---	---	-100
Total	190,000	274,400	274,400	274,400	274,400	+84,400
STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICE OPERATIONS						
Unemployment Compensation (Trust Funds):						
State Operations	(1,715,906)	(1,765,626)	(1,765,626)	(1,765,626)	(1,765,626)	(+49,720)
State integrity activities	(356,928)	(367,169)	(367,169)	(367,169)	(367,169)	(+10,241)
National Activities	(25,435)	(16,551)	(16,551)	(16,551)	(16,551)	(-8,884)
Contingency	(347,272)	(242,437)	(232,437)	(226,000)	(223,837)	(-123,435)
Contingency bill language (OMB estimate)	(70,500)	(67,900)	(67,900)	(67,900)	(67,900)	(-2,600)
Portion treated as budget authority	(39,770)	(812)	(812)	(812)	(812)	(-38,958)
Subtotal, Unemployment Comp (trust funds)	(2,485,311)	(2,392,595)	(2,382,595)	(2,376,158)	(2,373,995)	(-111,316)
Employment Service:						
Allotments to States:						
Federal funds	24,986	25,417	24,763	25,417	25,254	+268
Trust funds	(807,870)	(821,803)	(817,224)	(821,803)	(820,658)	(+12,788)
Subtotal	832,856	847,220	841,987	847,220	845,912	+13,056
National Activities:						
Federal funds	2,056	1,934	1,934	1,934	1,934	-122
Trust funds	(68,556)	(64,194)	(64,194)	(64,194)	(64,194)	(-4,362)
Targeted jobs tax credit	(14,880)	(5,000)	(5,000)	(12,000)	(10,250)	(-4,630)

	FY 1994 Comparable	FY 1995 Request	House Bill	Senate Bill	Conference	Conference vs FY94 Comparable
One-stop Career Centers	50,000	250,000	120,000	120,000	120,000	+70,000
Subtotal, Employment Service	968,348	1,188,348	1,033,118	1,045,348	1,042,290	+73,942
Federal funds	77,042	277,351	146,697	147,351	147,188	+70,146
Trust funds	(891,306)	(890,997)	(886,418)	(897,997)	(895,102)	(+3,796)
Total, State Unemployment	3,453,659	3,560,943	3,415,710	3,421,506	3,416,285	-37,374
Federal Funds	77,042	277,351	146,697	147,351	147,188	+70,146
Trust Funds	(3,376,617)	(3,283,592)	(3,269,013)	(3,274,155)	(3,269,097)	(-107,520)
ADVANCES TO UNEMPLOYMENT TRUST FUND AND OTHER FUNDS	2,961,300	686,000	686,000	686,000	686,000	-2,275,300
Total, Employment & Training Administration	12,164,677	10,892,472	10,446,950	10,345,972	10,378,419	-1,786,258
Federal funds	8,741,685	7,561,391	7,132,864	7,026,744	7,064,249	-1,677,436
Trust funds	(3,422,992)	(3,331,081)	(3,314,086)	(3,319,228)	(3,314,170)	(-108,822)
OFFICE OF THE AMERICAN WORKPLACE						
SALARIES AND EXPENSES						
Office of the Workplace Programs	7,415	8,659	5,000	8,169	7,415	---
Office of Labor-Management Standards	22,369	25,411	25,411	24,056	24,056	+1,687
Total, LMS	29,784	34,070	30,411	32,225	31,471	+1,687
PENSION AND WELFARE BENEFITS ADMINISTRATION						
SALARIES AND EXPENSES						
Enforcement and compliance	49,181	53,835	50,717	53,783	53,783	+4,602
Policy, regulation and public service	11,303	13,957	12,180	12,180	12,180	+877
Program oversight	3,475	3,510	3,491	3,491	3,491	+16
Total, PWBA	63,959	71,302	66,388	69,454	69,454	+5,495
PENSION BENEFIT GUARANTY CORPORATION						
Program Administration subject to limitation (Trust Funds)	(34,135)	(12,030)	(11,493)	(11,493)	(11,493)	(-22,642)
Services related to terminations not subject to limitations (non-add)	(101,487)	(126,471)	(126,471)	(126,471)	(126,471)	(+24,984)
Total, PBGC	(135,622)	(138,501)	(137,964)	(137,964)	(137,964)	(+2,342)
EMPLOYMENT STANDARDS ADMINISTRATION						
SALARIES AND EXPENSES						
Enforcement of wage and hour standards	97,142	102,300	98,885	101,372	101,372	+4,230
Federal contractor EEO standards enforcement	56,306	59,611	57,408	59,113	59,113	+2,807
Federal programs for workers' compensation	71,923	81,067	75,024	76,639	76,639	+4,716
Trust funds	(989)	(1,195)	(1,059)	(1,059)	(1,059)	(+70)
Program direction and support	11,431	11,662	11,543	11,543	11,543	+112
Total, salaries and expenses	237,791	255,835	243,919	249,726	249,726	+11,935
Federal funds	236,802	254,640	242,860	248,667	248,667	+11,865
Trust funds	(989)	(1,195)	(1,059)	(1,059)	(1,059)	(+70)
SPECIAL BENEFITS						
Federal employees compensation benefits	275,000	254,000	254,000	254,000	254,000	-21,000
Longshore and harbor workers' benefits	4,000	4,000	4,000	4,000	4,000	---
Total, Special Benefits	279,000	258,000	258,000	258,000	258,000	-21,000
BLACK LUNG DISABILITY TRUST FUND						
Benefit payments and interest on advances	947,967	943,005	943,005	943,005	943,005	-4,962
Employment Standards Admin., salaries & expenses	29,223	28,216	28,216	28,216	28,216	-1,007
Departmental Management, salaries and expenses	24,384	23,333	23,333	23,333	23,333	-1,051
Departmental Management, inspector general	295	310	310	310	310	+15
Subtotal, Black Lung Disablty. Trust Fund, apprn	1,001,869	994,864	994,864	994,864	994,864	-7,005

	FY 1994 Comparable	FY 1995 Request	House Bill	Senate Bill	Conference	Conference vs FY94 Comparable
Treasury administrative costs (indefinite)	756	756	756	756	756	---
Total, Black Lung Disability Trust Fund	1,002,625	995,620	995,620	995,620	995,620	-7,005
Total, Employment Standards Administration	1,519,416	1,509,455	1,497,539	1,503,346	1,503,346	-16,070
Federal funds	1,518,427	1,508,260	1,496,480	1,502,287	1,502,287	-16,140
Trust funds	(989)	(1,195)	(1,059)	(1,059)	(1,059)	(+70)
OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION						
SALARIES AND EXPENSES						
Safety and health standards	8,615	9,619	9,031	9,031	9,031	+416
Enforcement:						
Federal Enforcement	137,649	148,881	145,834	145,834	145,834	+8,185
State programs	68,630	71,720	70,615	70,615	70,615	+1,985
Technical Support	17,876	20,431	18,883	18,883	18,883	+1,007
Compliance Assistance	43,838	46,098	44,974	44,974	44,974	+1,136
Safety and health statistics	12,750	15,890	15,900	15,900	15,900	+3,150
Executive direction and administration	7,070	7,368	7,263	7,263	7,263	+193
Total, OSHA	296,428	320,007	312,500	312,500	312,500	+16,072
MINE SAFETY AND HEALTH ADMINISTRATION						
SALARIES AND EXPENSES						
Enforcement:						
Coal	103,247	108,762	105,094	107,888	107,888	+4,641
Metal/nonmetal	41,483	42,954	41,983	42,421	42,421	+938
Standards development	1,329	1,066	1,343	1,343	1,343	+14
Assessments	3,749	3,902	3,791	3,791	3,791	+42
Educational policy and development	14,434	15,162	14,598	15,085	15,085	+651
Technical support	21,916	22,080	22,164	22,164	22,164	+248
Program administration	8,449	8,772	8,546	8,546	8,546	+97
Total, Mine Safety and Health Administration	194,607	202,698	197,519	201,238	201,238	+6,631
BUREAU OF LABOR STATISTICS						
SALARIES AND EXPENSES						
Employment and Unemployment Statistics	95,553	102,641	99,097	101,097	101,097	+5,544
Labor Market Information (Trust Funds)	(51,927)	(56,277)	(54,102)	(54,102)	(54,102)	(+2,175)
Prices and cost of living	93,144	94,776	93,225	93,225	93,225	+81
Compensation and working conditions	64,461	61,329	61,329	61,329	61,329	-3,132
Productivity and technology	6,986	7,059	6,992	6,992	6,992	+6
Economic growth and employment projections	4,193	4,253	4,197	4,197	4,197	+4
Executive direction and staff services	26,764	33,471	26,787	26,787	26,787	+23
Consumer Price Index Revision	---	5,134	5,134	5,134	5,134	+5,134
Total, Bureau of Labor Statistics	343,028	364,940	350,863	352,863	352,863	+9,835
Federal Funds	291,101	308,663	296,761	298,761	298,761	+7,660
Trust Funds	(51,927)	(56,277)	(54,102)	(54,102)	(54,102)	(+2,175)
DEPARTMENTAL MANAGEMENT						
SALARIES AND EXPENSES						
Executive direction	19,751	24,951	21,505	19,751	21,067	+1,316
Legal services	59,446	64,993	62,123	62,123	62,123	+2,677
Trust funds	(332)	(339)	(328)	(328)	(328)	(-4)
International labor affairs	7,942	10,907	8,937	13,407	12,300	+4,358
Administration and management	14,911	14,943	14,943	14,943	14,943	+32
Adjudication	19,369	21,827	20,000	20,000	20,000	+631
Promoting employment of people with disabilities	4,320	4,392	4,392	4,392	4,392	+72
Women's Bureau	7,770	7,992	7,992	8,592	8,392	+622
Civil Rights Activities	4,906	4,860	4,860	4,860	4,860	-46

	FY 1994 Comparable	FY 1995 Request	House Bill	Senate Bill	Conference	Conference vs FY94 Comparable
Chief Financial Officer	4,712	4,796	4,750	4,750	4,750	+38
Enforcement Automation	---	11,124	6,500	---	2,000	+2,000
Total, Salaries and expenses	143,459	171,124	156,330	153,146	155,155	+11,696
Federal funds	143,127	170,785	156,002	152,818	154,827	+11,700
Trust funds	(332)	(339)	(328)	(328)	(328)	(-4)
VETERANS EMPLOYMENT AND TRAINING						
State Administration:						
Disabled Veterans Outreach Program	(84,218)	(85,987)	(83,601)	(84,987)	(83,601)	(-617)
Local Veterans Employment Program	(78,166)	(79,808)	(77,593)	(78,808)	(77,593)	(-573)
Subtotal, State Administration	(162,384)	(165,795)	(161,194)	(163,795)	(161,194)	(-1,190)
Federal Administration	(21,339)	(21,428)	(21,183)	(21,183)	(21,183)	(-156)
National Veterans Training Institute	(2,925)	(2,986)	(2,904)	(2,986)	(2,904)	(-21)
Total, Trust Funds	(186,648)	(190,209)	(185,281)	(187,964)	(185,281)	(-1,367)
REINVENTION INVESTMENT FUND	---	25,000	---	---	---	---
OFFICE OF THE INSPECTOR GENERAL						
Audit:						
Federal funds	19,236	19,435	19,626	20,105	19,866	+630
Trust funds	(3,990)	(3,966)	(3,860)	(3,966)	(3,913)	(-77)
Investigation:						
Federal funds	8,945	9,016	9,032	9,016	9,024	+79
Office of Labor Racketeering	11,890	12,560	11,804	11,890	11,847	-43
Executive Direction and Management	7,144	7,524	7,214	7,524	7,369	+225
Total, Office of the Inspector General	51,205	52,501	51,536	52,501	52,019	+814
Federal funds	47,215	48,535	47,676	48,535	48,106	+891
Trust funds	(3,990)	(3,966)	(3,860)	(3,966)	(3,913)	(-77)
Total, Departmental Management	381,312	438,834	393,147	393,611	392,455	+11,143
Federal funds	190,342	244,320	203,678	201,353	202,933	+12,591
Trust funds	(190,970)	(194,514)	(189,469)	(192,258)	(189,522)	(-1,448)
Total, Labor Department 1/	15,027,346	13,845,808	13,306,810	13,222,702	13,253,239	-1,774,107
Federal funds	11,326,333	10,250,711	9,736,601	9,644,562	9,682,893	-1,643,440
Trust funds	(3,701,013)	(3,595,097)	(3,570,209)	(3,578,140)	(3,570,346)	(-130,667)

1/ Includes Federal and Trust funds.

TITLE II - DEPARTMENT OF HEALTH AND HUMAN SERVICES

HEALTH RESOURCES AND SERVICES ADMINISTRATION

HEALTH RESOURCES AND SERVICES

Health Care Delivery and Assistance:						
Community health centers	603,650	593,500	616,555	616,555	616,555	+12,905
Migrant health centers	59,000	57,994	65,000	65,000	65,000	+6,000
Black lung clinics	4,142	4,073	4,142	4,142	4,142	---
Health care for the homeless	63,011	61,942	65,445	65,445	65,445	+2,434
National Health Service Corps:						
Field placements	44,720	43,358	45,004	45,004	45,004	+284
Recruitment	79,250	77,921	78,538	81,750	80,144	+894
Subtotal, Natl Health Service Corps	123,970	121,279	123,542	126,754	125,148	+1,178
Grants to communities for scholarships	478	470	474	474	474	-4
Public housing health service grants	8,923	8,773	9,743	8,843	9,518	+595
Hansen's disease services	20,747	20,055	20,881	20,881	20,881	+134
Payment to Hawaii, treatment of Hansen's Disease	2,976	2,927	2,949	2,976	2,976	---
Native Hawaiian health care	4,336	4,264	4,297	4,600	4,524	+188
Pacific Basin initiative	2,468	2,348	2,445	3,000	2,861	+393
Alzheimers demonstration grants	4,959	4,874	4,915	4,959	4,959	---
Total, Health Care Delivery & Assistance	898,560	882,499	920,368	923,629	922,483	+23,823

	FY 1994 Comparable	FY 1995 Request	House Bill	Senate Bill	Conference	Conference vs FY94 Comparable
Maternal and child health:						
Maternal & child health block grant	687,034	667,679	680,866	687,034	683,950	-3,084
Healthy start	97,500	95,851	100,000	110,000	110,000	+12,500
Emergency medical services for children	7,500	7,371	10,000	10,000	10,000	+2,500
Total, Maternal and child health	792,034	770,901	790,866	807,034	803,950	+11,916
Health Professions:						
Minority/disadvantaged:						
Centers of excellence	23,481	23,074	23,481	23,481	23,481	---
Health careers opportunity program	24,961	24,538	27,237	24,961	26,668	+1,707
Faculty loan repayment	1,053	1,033	1,043	1,043	1,043	-10
Subtotal, minority	49,495	48,645	51,761	49,485	51,192	+1,697
Primary care / public health programs:						
Public health and preventive medicine	7,816	7,276	7,746	7,816	7,746	-70
Health administration traineeships / projects	995	978	986	986	986	-9
Family medicine training / departments	47,194	43,985	46,775	47,194	47,194	---
General dentistry residencies	3,730	1,564	3,730	3,730	3,730	---
General internal medicine and pediatrics	16,847	15,687	16,695	16,695	16,695	-152
Physician assistants	6,554	6,104	6,554	6,554	6,554	---
Allied health special projects	3,467	2,254	3,935	3,467	3,935	+468
Area health education centers	22,203	20,694	23,500	25,000	24,625	+2,422
Border health training centers	2,836	2,784	4,000	2,836	3,709	+873
Geriatric education centers and training	9,175	6,538	9,092	9,092	9,092	-83
Interdisciplinary traineeships	4,017	3,536	3,981	3,981	3,981	-36
Podiatric medicine	615	---	610	615	615	---
Chiropractic demonstration grants	750	---	743	1,000	936	+186
Subtotal, primary care	126,199	111,400	128,347	128,956	129,798	+3,599
Consolidated student assistance:						
Exceptional financial need scholarships	10,433	10,259	11,339	10,433	11,113	+680
Fin assistance for disadvantaged HP students	6,241	6,135	6,185	6,185	6,185	-56
HPSL recapitalization	7,925	7,792	8,654	7,925	8,472	+547
Scholarships for disadvantaged students	17,102	16,815	18,648	17,102	18,262	+1,160
Subtotal, consolidated loans	41,701	41,001	44,826	41,645	44,032	+2,331
Priority nursing:						
Nursing workforce diversity	---	3,632	---	---	---	---
NP, nurse midwife, other	---	44,140	---	---	---	---
Strengthening capacity	---	9,697	---	---	---	---
Advanced nurse education	12,253	---	12,143	12,253	12,253	---
Nurse practitioners / nurse midwives	16,943	---	16,943	16,943	16,943	---
Special projects	10,401	---	10,307	10,401	10,401	---
Professional nurse traineeships	15,473	---	15,334	15,473	15,473	---
Nurse disadvantaged assistance	3,693	---	3,660	3,693	3,693	---
Nurse anesthetists	2,724	---	2,699	2,724	2,724	---
Loan repayment for shortage area service	2,044	2,010	2,026	2,044	2,044	---
Subtotal, priority nursing	63,531	59,479	63,112	63,531	63,531	---
Health professions research and data:						
Health professions data system	643	1,585	637	637	637	-6
Research on health professions issues	1,123	1,089	1,113	1,113	1,113	-10
Subtotal, Health professions research & data	1,766	2,674	1,750	1,750	1,750	-16
Total, Health professions	282,692	253,199	289,796	285,377	290,303	+7,611
Resources development:						
Organ transplantation	2,652	2,565	2,629	2,629	2,629	-23
Health teaching facilities interest subsidies	415	408	411	411	411	-4
Trauma care	4,837	4,756	4,793	4,793	4,793	-44
Total, Resources Development	7,904	7,729	7,833	7,833	7,833	-71

	FY 1994 Comparable	FY 1995 Request	House Bill	Senate Bill	Conference	Conference vs FY94 Comparable
Acquired Immune Deficiency Syndrome (AIDS):						
Education and training centers	16,435	16,157	16,287	16,287	16,287	-148
Ryan White AIDS Programs:						
Emergency assistance	325,500	364,500	352,500	356,500	356,500	+31,000
Comprehensive care programs	183,897	213,897	195,897	198,897	198,147	+14,250
Early intervention program	47,968	66,968	51,568	52,568	52,318	+4,350
Pediatric demonstrations	22,000	27,000	26,000	26,000	26,000	+4,000
Subtotal, Ryan White AIDS programs	579,365	672,365	625,965	633,965	632,965	+53,600
AIDS dental services	7,000	6,884	6,937	6,937	6,937	-63
Subtotal, AIDS	602,800	695,406	649,189	657,189	656,189	+53,389
Family planning	180,918	195,489	187,000	195,489	193,367	+12,449
Rural health research	9,426	9,250	9,426	14,426	13,176	+3,750
Rural outreach grants	26,279	25,831	26,279	27,279	27,029	+750
State Offices of Rural Health	2,750	2,704	2,750	5,000	3,875	+1,125
Health care facilities	---	---	2,000	20,000	15,000	+15,000
Buildings and facilities	942	910	933	933	933	-9
National practitioner data bank	7,500	9,000	9,000	9,000	9,000	+1,500
User fees	-7,500	-9,000	-9,000	-9,000	-9,000	-1,500
Program management	121,765	121,765	121,765	122,065	122,065	+300
Rent reduction	---	-1,174	---	---	---	---
Total, Health resources and services	2,926,170	2,974,509	3,008,225	3,066,254	3,056,203	+130,033
MEDICAL FACILITIES GUARANTEE AND LOAN FUND:						
Interest subsidy program	9,000	9,000	9,000	9,000	9,000	---
HEALTH EDUCATION ASSISTANCE LOANS PROGRAM (HEAL):						
New loan subsidies	25,650	26,275	26,275	26,275	26,275	+625
Liquidating account (non-add)	(41,100)	(56,620)	(56,620)	(56,620)	(56,620)	(+15,520)
HEAL loan limitation (non-add)	(375,000)	(375,000)	(375,000)	(375,000)	(375,000)	---
Program management	2,946	2,946	2,946	2,946	2,946	---
Total, HEAL	28,596	29,221	29,221	29,221	29,221	+625
VACCINE INJURY COMPENSATION PROGRAM TRUST FUND:						
Post - FY88 claims (trust fund)	84,180	54,476	54,476	54,476	54,476	-29,704
HRSA administration (trust fund)	3,000	3,000	3,000	3,000	3,000	---
Subtotal, Vaccine injury compensation trust fund	87,180	57,476	57,476	57,476	57,476	-29,704
VACCINE INJURY COMPENSATION:						
Pre - FY89 claims (appropriation)	110,000	110,000	110,000	110,000	110,000	---
Total, Vaccine injury	197,180	167,476	167,476	167,476	167,476	-29,704
Total, Health Resources & Services Admin	3,160,946	3,180,206	3,213,922	3,271,951	3,261,900	+100,954
CENTERS FOR DISEASE CONTROL						
DISEASE CONTROL, RESEARCH AND TRAINING						
Preventive Health Services Block Grant	157,186	154,064	155,854	160,000	157,927	+741
Prevention centers	6,989	6,850	6,928	7,989	7,724	+735
Sexually transmitted diseases:						
Grants	86,461	84,850	93,563	87,000	91,922	+5,461
Direct operations	13,310	13,088	13,437	13,437	13,437	+127
Subtotal, Sexually transmitted diseases	99,771	97,938	107,000	100,437	105,359	+5,588
Immunization:						
Grants	423,393	359,393	359,393	359,393	359,393	-64,000
Direct operations	102,357	102,357	101,898	102,357	103,805	+1,448
Adverse events reporting	2,393	2,393	2,372	2,393	2,393	---
Subtotal, CDC immunization programs	528,143	464,143	463,663	464,143	465,591	-62,552
HCFA vaccine purchase	(165,000)	(424,298)	(424,298)	(424,298)	(424,298)	(+259,298)
Total, CDC/HCFA vaccine program	(693,143)	(888,441)	(887,961)	(888,441)	(889,889)	(+196,746)

	FY 1994 Comparable	FY 1995 Request	House Bill	Senate Bill	Conference	Conference vs FY94 Comparable
Infectious disease	47,782	46,956	56,000	50,000	54,500	+6,718
Tuberculosis:						
Grants	111,500	113,204	114,711	113,204	114,334	+2,834
Program operations	5,269	5,176	5,289	5,176	5,261	-8
Subtotal, Tuberculosis	116,769	118,380	120,000	118,380	119,595	+2,826
Acquired Immune Deficiency Syndrome (AIDS)	543,253	532,693	606,000	558,253	590,243	+46,990
Chronic and environmental disease prevention	123,004	120,715	128,000	143,853	139,890	+16,886
Lead poisoning prevention	34,683	34,002	37,000	34,683	36,421	+1,738
Breast and cervical cancer screening	78,076	76,536	100,000	100,000	100,000	+21,924
Injury control	39,308	38,546	42,000	46,000	45,000	+5,692
Occupational Safety and Health (NIOSH):						
Research	115,439	118,292	115,843	120,439	120,439	+5,000
Training	12,898	12,641	12,784	12,898	12,898	---
Subtotal, NIOSH	128,337	130,933	128,627	133,337	133,337	+5,000
Epidemic services	73,520	72,310	74,314	73,520	73,520	---
National Center for Health Statistics:						
Program operations	51,605	50,700	51,828	50,700	50,700	-905
Program support	2,927	2,880	2,980	2,980	2,980	+53
1% evaluation funds (non-add)	(28,873)	(28,873)	(27,862)	(28,873)	(27,862)	(-1,011)
Subtotal, health statistics	54,532	53,580	54,808	53,680	53,680	-852
Buildings and facilities	16,648	3,575	3,575	3,575	3,575	-13,073
Program management	3,131	3,081	3,081	3,081	3,081	-50
Rent reduction	---	-114	---	---	---	---
Total, Disease Control	2,051,132	1,954,188	2,086,850	2,050,931	2,089,443	+38,311
NATIONAL INSTITUTES OF HEALTH (INCLUDES AIDS)						
National Cancer Institute	1,863,514	1,967,709	1,919,419	1,919,419	1,919,419	+55,905
Transfer, Office of AIDS Research	(212,868)	(222,712)	(219,254)	(219,254)	(218,751)	(+5,883)
Subtotal	(2,076,382)	(2,190,421)	(2,138,673)	(2,138,673)	(2,138,170)	(+61,788)
National Heart, Lung, and Blood Institute	1,222,903	1,266,961	1,259,590	1,259,590	1,259,590	+36,687
Transfer, Office of AIDS Research	(54,977)	(57,910)	(56,625)	(56,625)	(55,625)	(+648)
Subtotal	(1,277,880)	(1,324,871)	(1,316,215)	(1,316,215)	(1,315,215)	(+37,335)
National Institute of Dental Research	158,089	163,776	162,832	162,832	162,832	+4,743
Transfer, Office of AIDS Research	(11,431)	(12,097)	(11,774)	(11,774)	(11,774)	(+343)
Subtotal	(169,520)	(175,873)	(174,606)	(174,606)	(174,606)	(+5,086)
National Institute of Diabetes and Digestive and Kidney Diseases	705,616	731,500	726,784	726,784	726,284	+22,668
Transfer, Office of AIDS Research	(10,438)	(11,047)	(10,752)	(10,752)	(10,752)	(+314)
Subtotal	(716,054)	(742,547)	(737,536)	(739,536)	(739,036)	(+22,982)
National Institute of Neurological Disorders and Stroke	608,545	630,443	626,801	628,801	628,301	+19,756
Transfer, Office of AIDS Research	(22,105)	(23,291)	(22,768)	(22,768)	(22,768)	(+663)
Subtotal	(630,650)	(653,734)	(649,569)	(651,569)	(651,069)	(+20,419)
National Institute of Allergy and Infectious Diseases	520,792	542,864	536,416	536,416	536,416	+15,624
Transfer, Office of AIDS Research	(542,912)	(578,109)	(559,200)	(559,200)	(559,200)	(+16,288)
Subtotal	(1,063,704)	(1,120,973)	(1,095,616)	(1,095,616)	(1,095,616)	(+31,912)
National Institute of General Medical Sciences	851,566	882,189	877,113	877,113	877,113	+25,547
Transfer, Office of AIDS Research	(23,945)	(25,409)	(24,664)	(24,664)	(24,664)	(+719)
Subtotal	(875,511)	(907,598)	(901,777)	(901,777)	(901,777)	(+26,266)

	FY 1994 Comparable	FY 1995 Request	House Bill	Senate Bill	Conference	Conference vs FY94 Comparable
National Institute of Child Health and Human Development	498,455	516,736	513,409	513,409	513,409	+14,954
Transfer, Office of AIDS Research	(56,426)	(64,155)	(59,518)	(59,518)	(58,915)	(+2,489)
Subtotal	(554,881)	(580,891)	(572,927)	(572,927)	(572,324)	(+17,443)
National Eye Institute	281,879	292,022	290,335	292,022	291,600	+9,721
Transfer, Office of AIDS Research	(8,381)	(8,870)	(8,633)	(8,633)	(8,633)	(+252)
Subtotal	(290,260)	(300,892)	(298,968)	(300,655)	(300,233)	(+9,973)
National Institute of Environmental Health Sciences	258,641	267,955	266,400	267,955	267,566	+8,925
Transfer, Office of AIDS Research	(5,608)	(5,903)	(5,776)	(5,776)	(5,776)	(+168)
Subtotal	(264,249)	(273,858)	(272,176)	(273,731)	(273,342)	(+9,093)
National Institute on Aging	418,639	433,701	431,198	433,198	432,698	+14,059
Transfer, Office of AIDS Research	(1,664)	(1,723)	(1,715)	(1,715)	(1,715)	(+51)
Subtotal	(420,303)	(435,424)	(432,913)	(434,913)	(434,413)	(+14,110)
National Institute of Arthritis and Musculoskeletal and Skin Diseases	220,409	228,413	227,021	229,021	228,521	+8,112
Transfer, Office of AIDS Research	(2,795)	(2,958)	(2,879)	(2,879)	(2,879)	(+84)
Subtotal	(223,204)	(231,371)	(229,900)	(231,900)	(231,400)	(+8,196)
National Institute on Deafness and Other Communication Disorders	161,316	167,129	166,155	167,129	166,886	+5,570
Transfer, Office of AIDS Research	(1,507)	(1,560)	(1,552)	(1,552)	(1,552)	(+45)
Subtotal	(162,823)	(168,689)	(167,707)	(168,681)	(168,438)	(+5,615)
National Institute of Nursing Research	46,574	48,326	47,971	48,326	48,237	+1,663
Transfer, Office of AIDS Research	(4,444)	(4,702)	(4,577)	(4,577)	(4,577)	(+133)
Subtotal	(51,018)	(53,028)	(52,548)	(52,903)	(52,814)	(+1,796)
National Institute on Alcohol Abuse and Alcoholism	176,160	182,498	181,445	181,445	181,445	+5,285
Transfer, Office of AIDS Research	(9,457)	(10,000)	(9,741)	(9,741)	(9,741)	(+284)
Subtotal	(185,617)	(192,498)	(191,186)	(191,186)	(191,186)	(+5,569)
National Institute on Drug Abuse	281,825	291,963	290,280	290,280	290,280	+8,455
Transfer, Office of AIDS Research	(143,376)	(151,733)	(147,677)	(147,677)	(147,677)	(+4,301)
Subtotal	(425,201)	(443,696)	(437,957)	(437,957)	(437,957)	(+12,756)
National Institute of Mental Health	526,262	545,223	542,050	544,050	543,550	+17,288
Transfer, Office of AIDS Research	(87,182)	(92,704)	(89,798)	(89,798)	(89,499)	(+2,317)
Subtotal	(613,444)	(637,927)	(631,848)	(633,848)	(633,049)	(+19,605)
National Center for Research Resources	270,532	286,394	294,877	294,877	294,877	+24,345
Transfer, Office of AIDS Research	(61,383)	(64,960)	(63,225)	(63,225)	(64,630)	(+3,247)
Subtotal	(331,915)	(351,354)	(358,102)	(358,102)	(359,507)	(+27,592)
National Center for Human Genome Research	127,112	152,010	152,010	152,010	152,010	+24,898
Transfer, Office of AIDS Research	---	---	---	---	(1,000)	(+1,000)
Subtotal	(127,112)	(152,010)	(152,010)	(152,010)	(153,010)	(+25,898)
John E. Fogarty International Center	12,825	13,745	15,193	13,209	14,697	+1,872
Transfer, Office of AIDS Research	(8,852)	(9,357)	(9,118)	(9,118)	(9,118)	(+266)
Subtotal	(21,677)	(23,102)	(24,311)	(22,327)	(23,815)	(+2,138)

	FY 1994 Comparable	FY 1995 Request	House Bill	Senate Bill	Conference	Conference vs FY94 Comparable
National Library of Medicine	115,237	135,330	123,274	127,274	126,274	+11,037
Transfer, Office of AIDS Research	(2,782)	(3,191)	(2,946)	(2,946)	(2,946)	(+164)
Subtotal	(118,019)	(138,521)	(126,220)	(130,220)	(129,220)	(+11,201)
Office of the Director	202,608	233,522	219,474	215,045	218,367	+15,759
Transfer, Office of AIDS Research	(24,582)	(26,661)	(25,414)	(25,414)	(25,414)	(+832)
Subtotal	(227,190)	(260,183)	(244,888)	(240,459)	(243,781)	(+16,591)
Buildings and facilities	111,039	113,539	114,370	113,370	114,120	+3,081
Office of AIDS Research	1,297,115	1,379,052	1,337,606	1,337,606	1,337,606	+40,491
(Total of transfers)	(1,297,115)	(1,379,052)	(1,337,606)	(1,337,606)	(1,337,606)	(+40,491)
Rent reduction	---	-1,113	---	---	---	---
Total N.I.H 1/	10,937,653	11,471,887	11,322,023	11,333,181	11,334,098	+396,445

1/ Request delays obligation of $121,400,000 until 9/19/95. No delay in conference.

SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION

Center for Mental Health Services:						
Consolidated demonstrations	---	46,637	---	---	---	---
Mental Health Block Grant	277,919	274,573	275,420	275,420	275,420	-2,499
Children's mental health	35,000	34,492	60,000	35,000	60,000	+25,000
Clinical training / AIDS training	5,443	5,343	5,394	5,394	5,394	-49
Community support demonstrations	24,402	---	24,184	24,184	24,184	-218
Grants to States for the homeless (PATH)	29,462	29,096	29,197	29,462	29,462	---
Homeless services demonstrations	21,419	---	21,227	21,227	21,227	-192
Protection and advocacy	21,957	21,685	21,760	21,957	21,957	---
AIDS demonstrations	1,500	---	1,487	---	1,487	-13
Subtotal, mental health	417,102	411,826	438,669	412,644	439,131	+22,029
Center for Substance Abuse Treatment:						
Substance abuse block grant	1,167,107	1,427,936	1,227,107	1,237,107	1,234,107	+67,000
Transfer from forfeiture fund (non-add)	(10,000)	(45,000)	---	(13,000)	---	(-10,000)
Treatment grants to crisis areas	34,848	---	34,536	35,848	35,520	+672
Treatment improvement demos:						
Consolidated demonstrations	---	197,622	---	---	---	---
Pregnant/post partum women and children	49,228	---	54,228	54,228	54,228	+5,000
Transfer from forfeiture fund (non-add)	(5,000)	---	---	(10,000)	(10,000)	(+5,000)
Campus program	9,395	---	---	---	---	-9,395
Criminal justice program	33,990	---	33,686	38,774	37,502	+3,512
Critical populations	43,681	---	43,290	23,561	23,561	-20,120
Comprehensive community treatment program	27,523	---	27,277	27,277	27,277	-246
Transfer from forfeiture fund (non-add)	---	---	---	(2,000)	(4,000)	(+4,000)
Training	5,429	5,357	5,380	5,590	5,590	+161
AIDS demonstration & training:						
Training	2,812	2,726	2,787	2,787	2,787	-25
Linkage	7,809	---	7,739	7,739	7,739	-70
Outreach	10,535	---	---	10,000	7,500	-3,035
Treatment capacity expansion program	10,000	6,701	6,701	---	6,701	-3,299
Subtotal, Substance Abuse Treatment	1,402,357	1,640,342	1,442,731	1,442,911	1,442,512	+40,155
Center for Substance Abuse Prevention:						
Prevention demonstrations:						
Consolidated demonstrations	---	223,119	---	---	---	---
High risk youth	63,295	---	61,081	66,520	65,160	+1,865
Pregnant women & infants	43,440	---	22,501	22,501	22,501	-20,939
Other programs	17,483	---	6,643	6,643	6,643	-10,840
Community partnership	104,741	---	103,804	122,241	114,741	+10,000
Transfer from forfeiture fund (non-add)	(10,000)	---	---	---	---	(-10,000)

	FY 1994 Comparable	FY 1995 Request	House Bill	Senate Bill	Conference	Conference vs FY94 Comparable
Prevention education/dissemination	---	13,465	13,465	13,465	13,465	+13,465
Training	14,512	16,049	16,049	16,049	16,049	+1,537
Subtotal, Substance Abuse Prevention	243,471	252,633	223,543	247,419	238,559	-4,912
Buildings and facilities	952	---	---	---	---	-952
Program management	61,296	61,205	61,205	61,205	61,205	-91
Rent reduction	---	-129	---	---	---	---
Total, Substance Abuse & Mental Health 1/	2,125,178	2,365,877	2,166,148	2,164,179	2,181,407	+56,229

1/ Request delays obligation of $82,200,000 until 9/19/95. No delay in conference.

ASSISTANT SECRETARY FOR HEALTH

OFFICE OF THE ASSISTANT SECRETARY FOR HEALTH

Population affairs: Adolescent family life	6,250	---	6,704	6,704	6,704	+454
Office of Adolescent Health	---	6,704	---	---	---	---
Health Initiatives:						
Office of Disease Prevention and Health Promotion	4,611	4,644	4,622	4,622	4,622	+11
Physical fitness and sports	1,453	1,414	1,414	1,414	1,414	-39
Minority health	19,738	19,914	20,668	19,668	20,668	+930
National vaccine program	2,448	2,660	2,468	2,448	1,000	-1,448
(Transfer to CDC)	---	---	---	(2,048)	---	---
Office of research integrity	4,000	3,885	3,885	4,000	3,885	-115
Office of women's health	925	971	2,934	1,500	2,576	+1,651
Emergency preparedness	2,068	2,186	2,087	2,087	2,087	+19
Health care reform data analysis	2,760	2,915	2,779	2,760	2,760	---
Health Service Management	20,072	19,801	17,801	17,801	17,801	-2,271
Transfer to FDA	---	---	2,000	---	---	---
Streamlining costs	---	---	---	---	1,500	+1,500
National AIDS program office	2,869	2,848	2,899	---	1,750	-1,119
Rent reduction	---	-30	---	---	---	---
Total, OASH	67,194	67,912	70,261	63,004	66,767	-427

RETIREMENT PAY AND MEDICAL BENEFITS FOR COMMISSIONED OFFICERS

Retirement payments	119,660	124,213	124,213	124,213	124,213	+4,553
Survivors benefits	7,856	8,826	8,826	8,826	8,826	+970
Dependent's medical care	22,665	23,844	23,844	23,844	23,844	+1,179
Military Services Credits	2,879	2,438	2,438	2,438	2,438	-441
Total, Retirement pay and medical benefits	153,060	159,321	159,321	159,321	159,321	+6,261

AGENCY FOR HEALTH CARE POLICY AND RESEARCH

Health services research:						
Research	36,812	14,064	36,686	41,812	40,012	+3,200
AIDS	10,624	11,917	10,557	10,624	10,591	-33
National Medical Expenditure Survey	10,000	---	9,918	---	9,918	-82
1% evaluation funding (non-add)	(13,204)	(57,604)	(13,202)	(29,204)	(18,300)	(+5,096)
Subtotal including trust funds & 1% funds	(70,640)	(83,585)	(70,363)	(81,640)	(78,821)	(+8,181)
Medical treatment effectiveness:						
Federal funds	75,542	74,053	75,038	74,053	75,696	+154
Trust funds	(5,786)	(5,786)	(5,806)	(5,786)	(5,796)	(+10)
1% evaluation funding (non-add)	---	(5,600)	---	(2,300)	---	---
Subtotal, Medical treatment effectiveness	(81,328)	(85,439)	(80,844)	(82,139)	(81,492)	(+164)
Program support	2,431	2,425	2,425	2,425	2,425	-6
Rent reduction	---	-92	---	---	---	---
Total, Health Care Policy and Research: Federal Funds	135,409	102,367	134,624	128,914	138,642	+3,233

	FY 1994 Comparable	FY 1995 Request	House Bill	Senate Bill	Conference	Conference vs FY94 Comparable
Trust funds	(5,786)	(5,786)	(5,806)	(5,786)	(5,796)	(+10)
Total, 1% evaluation funding (non-add)	(13,204)	(63,204)	(13,202)	(31,504)	(18,300)	(+5,096)
Total, Health Care Policy & Research (non-add)	(154,399)	(171,357)	(153,632)	(166,204)	(162,738)	(+8,339)
Total, Public Health Service: Federal Funds	18,630,572	19,301,758	19,153,149	19,171,481	19,231,578	+601,006
Trust funds	(5,786)	(5,786)	(5,806)	(5,786)	(5,796)	(+10)
HEALTH CARE FINANCING ADMINISTRATION						
GRANTS TO STATES FOR MEDICAID 1/						
Medicaid current law benefits	83,498,001	92,493,298	92,493,298	92,493,298	92,493,298	+8,995,297
State and local administration	3,657,928	3,894,551	3,894,551	3,897,551	3,897,551	+239,623
Subtotal, Medicaid program level, FY 1995	87,155,929	96,387,849	96,387,849	96,390,849	96,390,849	+9,234,920
Carryover balance	1,921,484	-7,150,074	-7,150,074	-7,150,074	-7,150,074	-9,071,558
Less funds advanced in prior year	-24,600,000	-26,600,000	-26,600,000	-26,600,000	-26,600,000	-2,000,000
Total, request, FY 1995	64,477,413	62,637,775	62,637,775	62,640,775	62,640,775	-1,836,638
New advance, 1st quarter, FY 1996	25,600,000	27,047,717	27,047,717	27,047,717	27,047,717	+447,717
PAYMENTS TO HEALTH CARE TRUST FUNDS 2/						
Supplemental medical insurance	45,097,000	36,955,000	36,955,000	36,955,000	36,955,000	-8,142,000
Hospital insurance for the uninsured	458,000	406,000	406,000	406,000	406,000	-52,000
Federal uninsured payment	48,000	56,000	56,000	56,000	56,000	+8,000
Program management	128,440	129,758	129,758	129,758	129,758	+1,318
Total, Payment to Trust Funds, current law	45,731,440	37,546,758	37,546,758	37,546,758	37,546,758	-8,184,682

1/ Does not include $15,000,000 in savings proposed for later transmittal.

2/ Does not include $2,056,000,000 in savings proposed for later transmittal.

PROGRAM MANAGEMENT						
Research, demonstration, and evaluation: Regular program, trust funds	(43,250)	(45,920)	(47,618)	(50,920)	(56,146)	(+12,896)
Counseling program	(9,920)	(4,500)	(10,036)	(10,036)	(10,036)	(+116)
Rural hospital transition demonstrations, trust funds	(21,112)	(7,000)	(7,000)	(21,112)	(17,584)	(-3,528)
Essential access community hospitals, trust funds	(10,000)	(3,500)	(10,132)	(3,500)	(3,500)	(-6,500)
New rural health grants	(1,700)	(7,700)	(1,737)	(1,737)	(1,737)	(+37)
Subtotal, research, demonstration, & evaluation	(85,982)	(68,620)	(76,523)	(87,305)	(89,003)	(+3,021)
Medicare Contractors (Trust Funds)	(1,613,015)	(1,610,300)	(1,610,300)	(1,617,500)	(1,615,700)	(+2,685)
State Survey and Certification: Medicare certification, trust funds	(145,800)	(145,800)	(147,162)	(145,800)	(145,800)	---
Federal Administration: Trust funds 1/	(343,000)	(367,100)	(350,124)	(356,756)	(356,756)	(+13,756)
Less current law user fees	(-124)	(-124)	(-124)	(-124)	(-124)	---
Rent reduction	---	(-696)	---	---	---	---
Subtotal, Federal Administration	(342,876)	(366,280)	(350,000)	(356,632)	(356,632)	(+13,756)
Indian Health Service offset	---	(-11,340)	---	---	---	---
Total, Program management	(2,187,673)	(2,179,660)	(2,183,985)	(2,207,237)	(2,207,135)	(+19,462)
HMO LOAN AND LOAN GUARANTEE FUND	---	15,000	15,000	15,000	15,000	+15,000
Total, Health Care Financing Administration: Federal funds	136,808,853	127,247,250	127,247,250	127,250,250	127,250,250	-9,558,603
Current year, FY 1995	(110,208,853)	(100,199,533)	(100,199,533)	(100,202,533)	(100,202,533)	(-10,006,320)
New advance, 1st quarter, FY 1996	(26,600,000)	(27,047,717)	(27,047,717)	(27,047,717)	(27,047,717)	(+447,717)
Trust funds	(2,187,673)	(2,179,660)	(2,183,985)	(2,207,237)	(2,207,135)	(+19,462)

1/ FY 1994 does not include $15,000,000 supplemental request.

	FY 1994 Comparable	FY 1995 Request	House Bill	Senate Bill	Conference	Conference vs FY94 Comparable
SOCIAL SECURITY ADMINISTRATION						
PAYMENTS TO SOCIAL SECURITY TRUST FUNDS	28,178	25,094	25,094	25,094	25,094	-3,084
SPECIAL BENEFITS FOR DISABLED COAL MINERS						
Benefit payments	766,000	712,693	712,693	712,693	712,693	-53,307
Administration	5,181	5,181	5,181	5,181	5,181	---
Subtotal, Black Lung, FY 1995 program level	771,181	717,874	717,874	717,874	717,874	-53,307
Less funds advanced in prior year	-196,000	-190,000	-190,000	-190,000	-190,000	+6,000
Total, Black Lung, current request, FY 1995	575,181	527,874	527,874	527,874	527,874	-47,307
New advance, 1st quarter, FY 1996	190,000	180,000	180,000	180,000	180,000	-10,000
SUPPLEMENTAL SECURITY INCOME						
Federal benefit payments	25,478,000	25,435,739	25,435,739	25,435,739	25,435,739	-42,261
Beneficiary services	51,600	70,400	143,400	153,400	143,400	+91,800
Research demonstration	12,700	6,700	6,700	17,700	27,700	+15,000
Administration	1,690,475	1,941,262	2,041,262	2,041,262	2,041,262	+350,787
Investment proposals:						
Automation investment initiative	30,091	164,500	100,000	34,000	67,000	+36,909
Disability investment initiative	60,000	240,000	280,000	280,000	280,000	+220,000
Subtotal, SSI FY 1995 program level	27,322,866	27,858,601	28,007,101	27,962,101	27,995,101	+672,235
Less funds advanced in prior year	-7,150,000	-6,770,000	-6,770,000	-6,770,000	-6,770,000	+380,000
Total, SSI, current request, FY 1995	20,172,866	21,088,601	21,237,101	21,192,101	21,225,101	+1,052,235
New advance, 1st quarter, FY 1996	6,770,000	7,060,000	7,060,000	7,060,000	7,060,000	+290,000
LIMITATION ON ADMINISTRATIVE EXPENSES						
OASDI trust funds	(2,486,753)	(2,482,948)	(2,350,948)	(2,380,174)	(2,382,948)	(-103,805)
HI/SMI trust funds	(697,057)	(735,575)	(735,575)	(735,575)	(735,575)	(+38,518)
Notch Commission	(1,800)	---	---	---	---	(-1,800)
SSI	(1,690,475)	(1,941,262)	(2,041,262)	(2,041,262)	(2,041,262)	(+350,787)
Subtotal, regular LAE	(4,876,085)	(5,159,785)	(5,127,785)	(5,157,011)	(5,159,785)	(+283,700)
DI disability initiative	(260,000)	(40,000)	(72,000)	(40,000)	(40,000)	(-220,000)
SSI disability initiative	(60,000)	(240,000)	(280,000)	(280,000)	(280,000)	(+220,000)
Subtotal, Disability initiative	(320,000)	(280,000)	(352,000)	(320,000)	(320,000)	---
OASDI automation	(189,909)	(220,500)	(30,000)	(30,000)	(30,000)	(-159,909)
SSI automation	(30,091)	(164,500)	(100,000)	(34,000)	(67,000)	(+36,909)
Subtotal, automation initative	(220,000)	(385,000)	(130,000)	(64,000)	(97,000)	(-123,000)
TOTAL, LAE	(5,416,085)	(5,824,785)	(5,609,785)	(5,541,011)	(5,576,785)	(+160,700)
Total, Social Security Administration:						
Federal funds	27,736,225	28,881,569	29,030,069	28,985,069	29,018,069	+1,281,844
Current year FY 1995	(20,776,225)	(21,641,569)	(21,790,069)	(21,745,069)	(21,778,069)	(+1,001,844)
New advances, 1st quarter FY 1996	(6,960,000)	(7,240,000)	(7,240,000)	(7,240,000)	(7,240,000)	(+280,000)
Trust funds	(5,416,085)	(5,824,785)	(5,609,785)	(5,541,011)	(5,576,785)	(+160,700)
ADMINISTRATION FOR CHILDREN AND FAMILIES						
FAMILY SUPPORT PAYMENTS TO STATES						
Aid to Families with Dependent Children (AFDC)	12,160,391	12,687,000	12,687,000	12,687,000	12,687,000	+526,609
Quality control liabilities	-60,723	-50,825	-50,825	-50,825	-50,825	+9,898
Payments to territories	18,613	18,613	18,613	18,613	18,613	---
Emergency assistance	575,000	656,000	656,000	656,000	656,000	+81,000
Repatriation	1,000	1,000	1,000	1,000	1,000	---
State and local welfare administration	1,551,000	1,612,000	1,612,000	1,612,000	1,612,000	+61,000
Work activities child care	528,000	555,000	555,000	555,000	555,000	+27,000
Transitional child care	140,000	156,000	156,000	156,000	156,000	+16,000
At risk child care	361,000	300,000	300,000	300,000	300,000	-61,000
Subtotal, Welfare payments	15,274,281	15,934,788	15,934,788	15,934,788	15,934,788	+660,507

	FY 1994 Comparable	FY 1995 Request	House Bill	Senate Bill	Conference	Conference vs FY94 Comparable
Child Support Enforcement:						
State and local administration	1,707,000	1,929,000	1,929,000	1,929,000	1,929,000	+222,000
Federal incentive payments	399,000	444,000	444,000	444,000	444,000	+45,000
Less federal share collections	-1,207,000	-1,346,000	-1,346,000	-1,346,000	-1,346,000	-139,000
Subtotal, Child support	899,000	1,027,000	1,027,000	1,027,000	1,027,000	+128,000
Total, Payments, FY 1995 program level	16,173,281	16,961,788	16,961,788	16,961,788	16,961,788	+788,507
Less funds advanced in previous years	-4,000,000	-4,200,000	-4,200,000	-4,200,000	-4,200,000	-200,000
Total, Payments, current request, FY 1995	12,173,281	12,761,788	12,761,788	12,761,788	12,761,788	+588,507
New advance, 1st quarter, FY 1996	4,200,000	4,400,000	4,400,000	4,400,000	4,400,000	+200,000
JOB OPPORTUNITIES AND BASIC SKILLS (JOBS)	1,100,000	1,300,000	1,300,000	1,300,000	1,300,000	+200,000
LOW INCOME HOME ENERGY ASSISTANCE						
Advance from prior year (non-add)	(1,437,392)	(1,475,000)	(1,475,000)	(1,475,000)	(1,475,000)	(+37,608)
FY 1995 rescission	---	-745,000	-250,000	-89,592	-155,796	-155,796
FY 1995 program level (non-add)	(1,437,408)	(730,000)	(1,225,000)	(1,385,408)	(1,319,204)	(-118,204)
Emergency allocation 1/	(600,000)	---	(600,000)	(600,000)	(600,000)	---
Advance funding (FY 1996)	1,475,000	745,000	1,225,000	1,475,000	1,319,204	-155,796
REFUGEE AND ENTRANT ASSISTANCE						
Transitional and medical services	264,280	278,116	264,280	264,280	264,280	---
Social services	80,802	80,802	80,802	80,802	80,802	---
Preventive health	5,300	5,471	5,300	5,300	5,300	---
Targeted assistance	49,397	49,397	49,397	49,397	49,397	---
Total, Refugee and entrant assistance	399,779	413,786	399,779	399,779	399,779	---
STATE LEGALIZATION IMPACT ASSISTANCE GRANTS:						
Civics and English education grants	---	---	---	6,000	5,000	+5,000
SLIAG rescission	---	---	---	---	-75,000	-75,000
Total, SLIAG	---	---	---	6,000	-69,000	-69,000

1/ For FY 1994 - Available only upon submission of a formal request designating the need for funds as an emergency as defined by the BEA. $300,000,000 was released in Feb. 1994. The 1995 request makes the remaining $300,000,000 available until expended.

COMMUNITY SERVICES BLOCK GRANT						
Grants to States for Community Services	385,500	399,622	385,500	393,500	391,500	+6,000
Homeless services grants	19,840	---	19,663	19,840	19,752	-88
Discretionary funds:						
Community initiative program:						
Economic development	22,233	---	22,233	24,233	23,733	+1,500
Rural housing	2,730	---	2,706	3,000	2,927	+197
Rural community facilities	2,730	---	2,705	3,460	3,271	+541
Consolidated program	---	35,000	---	---	---	---
Farmworker assistance	2,947	---	2,921	3,247	3,084	+137
Technical assistance	300	---	297	---	---	-300
Subtotal, discretionary funds	30,940	35,000	30,862	33,940	33,015	+2,075
National youth sports	12,000	---	13,893	12,000	12,000	---
Demonstration Partnerships	7,995	---	7,924	7,995	7,977	-18
Community Food and Nutrition	7,944	---	7,872	8,944	8,676	+732
Total, Community services	464,219	434,622	465,714	476,219	472,920	+8,701
CHILD CARE AND DEVELOPMENT BLOCK GRANT	892,641	1,090,662	934,656	934,656	934,656	+42,015
SOCIAL SERVICES BLOCK GRANT (TITLE XX)	3,800,000	2,800,000	2,800,000	2,800,000	2,800,000	-1,000,000

	FY 1994 Comparable	FY 1995 Request	House Bill	Senate Bill	Conference	Conference vs FY94 Comparable
CHILDREN AND FAMILIES SERVICES PROGRAMS						
Programs for Children, Youth, and Families:						
Head start 1/	3,324,728	4,026,285	3,534,728	3,544,728	3,534,728	+210,000
Comprehensive child development centers	46,560	21,000	---	---	---	-46,560
Child development associate scholarships	1,372	---	1,360	1,360	1,360	-12
Consolidated runaway, homeless youth program	---	68,590	---	---	---	---
Runaway and homeless youth	36,110	---	40,468	36,110	40,468	+4,358
Runaway youth - transitional living	12,200	---	13,650	12,200	13,650	+1,450
Runaway youth activities - drugs	14,603	---	14,472	14,472	14,472	-131
Subtotal, runaway	62,913	68,590	68,590	62,782	68,590	+5,677
Youth gang substance abuse	10,620	20,000	10,525	10,525	10,525	-95
Child abuse state grants	22,854	22,854	22,850	22,854	22,854	---
Child abuse discretionary activities	15,577	17,000	15,438	15,438	15,438	-139
Child abuse challenge grants	5,270	23,236	5,223	---	---	-5,270
ABCAN	291	300	289	289	289	-2
Temporary childcare/crisis nurseries	11,912	---	11,835	11,835	11,835	-77
Abandoned infants assistance	14,539	14,563	14,408	14,408	14,408	-131
Dependent care planning and development	12,939	---	12,823	12,823	12,823	-116
Emergency protection grants - substance abuse	19,039	---	18,869	---	---	-19,039
Child welfare services	294,624	294,624	291,989	291,989	291,989	-2,635
Child welfare training	4,439	4,441	4,399	4,399	4,399	-40
Child welfare research	6,466	6,466	6,408	6,408	6,408	-58
Adoption opportunities	12,117	12,162	13,007	12,117	13,007	+890
1/ Request delays obligation of $100,000,000 until 9/30/95. No delay in conference.						
ily violence	27,648	27,679	27,400	32,648	32,648	+5,000
ial services research	13,664	14,000	14,042	15,000	15,000	+1,336
ily support centers	7,374	7,374	7,308	7,374	7,374	---
mmunity Based Resource Centers	5,810	5,910	7,758	30,020	31,363	+25,553
velopmental disabilities program:						
State grants	69,343	59,343	63,722	71,343	70,438	+1,095
Protection and advocacy	23,753	34,753	26,540	26,253	26,718	+2,965
Developmental disabilities special projects	3,723	3,784	5,189	4,223	5,723	+2,000
Developmental disabilities university affiliated programs	18,272	17,281	18,109	19,272	18,981	+709
Subtotal, Developmental disabilities	115,091	115,161	115,560	120,091	121,860	+6,769
lative American Programs	38,491	38,627	38,146	38,491	38,491	---
rogram direction	159,935	172,105	166,020	159,935	164,499	+4,564
ndian Health Service offset	---	-1,340	---	---	---	---
Total, Children and Families Services Programs	4,234,273	4,911,037	4,408,775	4,415,514	4,419,888	+185,615
FAMILY SUPPORT AND PRESERVATION	60,000	150,000	150,000	150,000	150,000	+90,000
PAYMENTS TO STATES FOR FOSTER CARE AND ADOPTION ASSISTANCE						
Foster care	2,605,500	3,128,023	2,967,023	3,128,023	3,128,023	+522,523
Adoption assistance	317,400	399,348	383,848	399,348	399,348	+81,948
Independent living	70,000	70,000	70,000	70,000	70,000	---
Total, Payments to States	2,992,900	3,597,371	3,440,871	3,597,371	3,597,371	+604,471
Total, Administration for Children and Families	31,792,093	31,859,266	32,036,583	32,626,735	32,330,810	+538,717
Current year	(26,117,093)	(26,714,266)	(26,411,583)	(26,753,735)	(26,611,606)	(+494,513)
FY 1996	(5,675,000)	(5,145,000)	(5,625,000)	(5,875,000)	(5,719,204)	(+44,204)

ADMINISTRATION ON AGING						
AGING SERVICES PROGRAMS						
Grants to States:						
Supportive services and centers	306,711	306,711	303,109	306,711	306,711	---
Ombudsman services	4,370	4,370	4,475	4,370	4,449	+79
Prevention of elder abuse	4,648	4,648	4,760	4,648	4,732	+84
Pension counseling	2,000	2,000	1,976	1,976	1,976	-24
Preventive health	17,032	17,032	16,832	17,032	16,982	-50
Nutrition:						
Congregate meals	375,809	375,809	371,397	375,809	375,809	---
Home-delivered meals	93,665	93,915	94,065	93,665	94,065	+400
Frail elderly in-home services	7,075	7,075	9,992	7,075	9,263	+2,188
Grants to Indians	16,902	16,902	16,703	16,902	16,902	---
Aging research, training and special projects	25,735	25,830	26,933	25,735	26,634	+899
Federal Council on Aging	177	177	176	176	176	-1
White House Conference on Aging	1,000	3,000	3,000	3,000	3,000	+2,000
Program administration	16,563	16,253	16,405	16,563	16,524	-39
Indian Health Service offset	---	-120	---	---	---	---
Total, Administration on Aging	871,687	875,603	869,823	873,652	877,223	+5,536
OFFICE OF THE SECRETARY						
GENERAL DEPARTMENTAL MANAGEMENT:						
Federal funds	89,742	90,075	90,075	89,349	91,822	+2,080
Trust funds	(23,259)	(23,642)	(23,642)	(23,642)	(23,642)	(+383)
Portion treated as budget authority	(8,281)	(7,366)	(7,366)	(7,366)	(7,366)	(-915)
Indian Health Service offset	---	-575	-575	-575	-575	-575
Total, General Departmental Management:						
Federal funds	89,742	89,500	89,500	88,774	91,247	+1,505
Trust funds	(31,540)	(31,008)	(31,008)	(31,008)	(31,008)	(-532)
Total	(121,282)	(120,508)	(120,508)	(119,782)	(122,255)	(+973)
OFFICE OF THE INSPECTOR GENERAL:						
Federal funds	63,318	64,501	64,085	64,085	64,085	+767
Trust funds	(16,020)	(16,020)	(16,214)	(16,214)	(16,214)	(+194)
Portion treated as budget authority	(20,597)	(20,597)	(20,846)	(20,846)	(20,846)	(+249)
Indian Health Service offset	---	-500	-500	-500	-500	-500
Total, Office of the Inspector General:						
Federal funds	63,318	64,001	63,585	63,585	63,585	+267
Trust funds	(36,617)	(36,617)	(37,060)	(37,060)	(37,060)	(+443)
Total	(99,935)	(100,618)	(100,645)	(100,645)	(100,645)	(+710)
OFFICE FOR CIVIL RIGHTS:						
Federal funds	18,307	18,516	18,516	18,516	18,516	+209
Trust funds	(98)	(98)	(98)	(98)	(98)	---
Portion treated as budget authority	(3,776)	(3,776)	(3,776)	(3,776)	(3,776)	---
Indian Health Service offset	---	-107	-107	-107	-107	-107
Total, Office for Civil Rights:						
Federal funds	18,307	18,409	18,409	18,409	18,409	+102
Trust funds	(3,874)	(3,874)	(3,874)	(3,874)	(3,874)	---
Total	(22,181)	(22,283)	(22,283)	(22,283)	(22,283)	(+102)
POLICY RESEARCH	11,741	12,982	14,632	10,741	13,659	+1,918
Total, Office of the Secretary:						
Federal funds	183,108	184,892	186,126	181,509	186,900	+3,792
Trust funds	(72,031)	(71,499)	(71,942)	(71,942)	(71,942)	(-89)
Total	(255,139)	(256,391)	(258,068)	(253,451)	(258,842)	(+3,703)

	FY 1994 Comparable	FY 1995 Request	House Bill	Senate Bill	Conference	Conference vs FY94 Comparable
PROCUREMENT REFORM	---	-37,125	-37,125	-37,125	-37,125	-37,125
RENT SAVINGS	---	---	---	-4,505	-4,505	-4,505
Total, Department of Health and Human Services: Federal Funds	216,022,538	208,313,213	208,485,875	209,049,076	208,853,200	-7,169,338
Current year FY 1995	(176,787,538)	(168,880,496)	(168,573,158)	(168,886,359)	(168,846,279)	(-7,941,259)
FY 1996	(39,235,000)	(39,432,717)	(39,912,717)	(40,162,717)	(40,006,921)	(+771,921)
Trust funds	(7,681,575)	(8,081,730)	(7,871,518)	(7,825,976)	(7,861,658)	(+180,083)
TITLE III - DEPARTMENT OF EDUCATION						
EDUCATION REFORM						
als 2000: Educate America Act: State grants	87,150	665,950	363,670	393,670	371,870	+284,720
Parents as teachers	---	---	---	10,000	10,000	+10,000
National education goals panel	3,000	---	---	---	---	-3,000
National education standards council	2,000	---	---	---	---	-2,000
National skills standards	3,000	---	---	---	---	-3,000
School finance equity studies and demonstrations	---	8,000	3,200	3,200	---	---
Technology grants	5,000	---	---	---	---	-5,000
Other federal activities	4,850	34,050	21,530	21,530	21,530	+16,680
Subtotal, Goals 2000	105,000	708,000	388,400	428,400	403,400	+298,400
School-to-work opportunities	50,000	150,000	140,000	100,000	125,000	+75,000
Total	155,000	858,000	528,400	528,400	528,400	+373,400
EDUCATION FOR THE DISADVANTAGED						
Grants to local education agencies 1/	6,396,712	7,000,000	6,698,356	6,698,356	6,698,356	+301,644
Capital expenses for private school children	41,434	41,434	41,434	41,434	41,434	---
Even start	91,373	118,000	102,024	102,024	102,024	+10,651
State agency programs: Migrant	302,458	310,000	305,475	305,475	305,475	+3,017
Neglected and delinquent/high risk youth	35,407	40,000	37,244	40,000	39,311	+3,904
State program improvement grants	25,933	30,000	27,560	27,560	27,560	+1,627
Demonstrations (1502/1503) 2/	---	20,000	15,000	---	---	---
Evaluation 2/	7,987	8,695	8,270	8,270	8,270	+283
Total, Title I	6,901,304	7,568,129	7,235,363	7,223,119	7,222,430	+321,126
Migrant education: High school equivalency program 2/	8,161	8,161	8,088	8,088	8,088	-73
College assistance migrant program 2/	2,224	2,224	2,204	2,204	2,204	-20
Subtotal, migrant education	10,385	10,385	10,292	10,292	10,292	-93
Total, Compensatory education programs 3/	6,911,689	7,578,514	7,245,655	7,233,411	7,232,722	+321,033
Subtotal, forward funded	(6,893,317)	(7,539,434)	(7,212,093)	(7,214,849)	(7,214,160)	(+320,843)

1/ Distribution between Basic and Concentration grants to be determined in reauthorization. State admin costs funded by new set aside in basic law.

2/ Current funded.

3/ Proposed for later transmittal.

IMPACT AID

Maintenance and operations: Payments for "a" children: Regular payments	613,445	---	---	---	---	-613,445
3(d)(2)(B) districts	20,062	---	---	---	---	-20,062
Subtotal	633,507	---	---	---	---	-633,507
Payments for "b" children: Regular payments	123,129	---	---	---	---	-123,129
3(d)(2)(B) districts	13,375	---	---	---	---	-13,375
Subtotal	136,504	---	---	---	---	-136,504

	FY 1994 Comparable	FY 1995 Request	House Bill	Senate Bill	Conference	Conference vs FY94 Comparable
Payments for Federal property (Section 2).....	16,293	---	---	---	16,293	---
Subtotal.....	786,304	---	---	---	16,293	-770,011
Construction.....	11,904	---	---	---	---	-11,904
Proposed new structure:						
Basic support payments.....	---	694,000	---	---	631,707	+631,707
Heavily impacted districts.....	---	---	---	---	40,000	+40,000
Suppl payments for children with disabilities.....	---	45,000	---	---	40,000	+40,000
Spec payments for increases in military dependents	---	2,000	---	---	---	---
Capital fund payments.....	---	5,000	---	---	---	---
Facilities maintained by the Dept of Education....	---	2,000	---	---	---	---
Base closure assistance.....	---	2,000	---	---	---	---
Undistributed.....	---	---	728,000	666,880	---	---
(Transfer from Defense).....	---	---	---	(61,120)	---	---
Total, Impact aid 1/.....	798,208	750,000	728,000	666,880	728,000	-70,208
FY 1995 program level.....	798,208	750,000	728,000	728,000	728,000	-70,208

1/ Proposed for later transmittal.

SCHOOL IMPROVEMENT PROGRAMS

Education improvement:						
Eisenhower prof development State grants 1/.....	250,998	---	---	---	320,298	+69,300
Chapter 2, State block grants 1/.....	369,500	---	---	---	347,250	-22,250
Consolidated Eisenhower and Chapter 2 1/.....	---	752,000	667,548	667,548	---	---
Subtotal.....	620,498	752,000	667,548	667,548	667,548	+47,050
Safe and drug-free schools and communities:						
State grants 1/.....	374,937	580,000	456,962	456,962	456,962	+82,025
Postsecondary education programs.....	15,859	15,700	---	---	---	-15,859
National programs.....	60,771	63,509	25,000	25,000	25,000	-35,771
Safe schools 2/.....	20,000	---	---	---	---	-20,000
Subtotal, Safe & drug-free schools & communities	471,567	659,209	481,962	481,962	481,962	+10,395
Education infrastructure 1/.....	---	---	---	100,000	100,000	+100,000
Inexpensive book distribution (RIF).....	10,300	10,300	10,208	10,300	10,300	---
Arts in education.....	8,944	11,000	8,864	13,000	12,000	+3,056
Law - related education.....	5,952	---	5,899	5,899	5,899	-53
Christa McAuliffe fellowships.....	1,964	2,104	1,946	1,946	1,946	-18

1/ Forward funded.

2/ Fundable under general State grants in FY95.

Other school improvement programs:						
Magnet schools assistance.....	107,985	120,000	113,019	107,019	111,519	+3,534
Education for homeless children & youth 1/.....	25,470	30,000	30,000	25,242	28,811	+3,341
Women's educational equity.....	1,984	5,000	3,967	3,967	3,967	+1,983
Training and advisory services (Civil Rights IV-A)	21,606	21,606	21,412	21,412	21,412	-194
Dropout demonstrations.....	37,730	---	---	37,393	28,000	-9,730
General assistance to the Virgin Islands.....	1,227	---	1,216	---	---	-1,227
Territorial teacher training.....	1,737	---	1,721	---	---	-1,737
Ellender fellowships/Close up 1/.....	4,223	---	4,185	4,185	4,185	-38
Follow through.....	8,478	---	---	---	---	-8,478
Education for native Hawaiians.....	8,224	---	8,150	15,000	12,000	+3,776
Foreign languages assistance 1/.....	10,912	---	---	10,912	10,912	---
Training in early childhood education & violence counseling (HEA V-F).....	14,000	14,000	13,875	13,875	13,875	-125
Charter schools.....	---	15,000	6,000	6,000	6,000	+6,000
Subtotal, other school improvement programs.....	243,576	205,606	203,545	245,005	240,681	-2,895

1/ Forward funded.

	FY 1994 Comparable	FY 1995 Request	House Bill	Senate Bill	Conference	Conference vs FY94 Comparable
Technical assistance for improving ESEA programs:						
ESEA technical assist consolidation	44,942	59,400	44,541	44,541	44,541	-401
Chapter 1 technical assistance centers	(5,113)	---	---	---	---	(-5,113)
Chapter 1 rural technical assistance centers	(4,960)	---	---	---	---	(-4,960)
Chapter 1 migrant program coordination centers	(2,735)	---	---	---	---	(-2,735)
Drug-free schools regional centers	(15,595)	---	---	---	---	(-15,595)
Indian education technical assistance centers 1/	(3,815)	---	---	---	---	(-3,815)
Bilingual education multifunctional resource ctr.	(11,024)	---	---	---	---	(-11,024)
Bilingual education evaluation assistance centers	(1,700)	---	---	---	---	(-1,700)
Total, School improvement programs 2/	1,407,743	1,709,619	1,424,513	1,570,201	1,564,877	+157,134
Subtotal, forward funded	(1,039,855)	(1,362,000)	(1,158,695)	(1,264,849)	(1,268,418)	(+228,563)

1/ $3,815,000 provided in 1994 under Indian Education in Interior Act.

2/ $1,681,300,000 proposed for later transmittal.

BILINGUAL AND IMMIGRANT EDUCATION

Bilingual education:						
Bilingual programs	148,572	165,000	156,062	148,572	155,690	+7,118
Support services	14,460	17,428	14,330	14,330	14,330	-130
Training grants	25,407	32,500	25,180	25,180	25,180	-227
Immigrant education	38,992	38,992	50,000	50,000	50,000	+11,008
Total 1/	227,431	253,920	247,572	238,082	245,200	+17,769

SPECIAL EDUCATION

State grants:						
Grants to States part "b":						
Base	2,149,686	2,270,154	2,149,686	2,270,154	2,240,037	+90,351
Chapter 1 handicapped offset	82,878	82,878	82,878	82,878	82,878	---
Consolidated grant	2,232,564	2,353,032	2,232,564	2,353,032	2,322,915	+90,351
Preschool grants	339,257	367,268	339,257	367,268	360,265	+21,008
Grants for infants and families:						
Base 2/	253,152	291,125	253,152	291,125	281,632	+28,480
Chapter 1 handicapped offset	34,000	34,000	34,000	34,000	34,000	---
Consolidated grant	287,152	325,125	287,152	325,125	315,632	+28,480
Subtotal, State grants 2/	2,858,973	3,045,425	2,858,973	3,045,425	2,998,812	+139,839

1/ Proposed for later transmittal.

2/ Request, Senate and Conference delay obligation of $292,125,000 until 9/30/95. No delay in House bill.

Special purpose funds:						
Deaf-blindness	12,832	12,832	12,717	12,832	12,832	---
Serious emotional disturbance	4,147	4,147	4,110	4,147	4,147	---
Severe disabilities	9,330	10,030	9,247	10,030	10,030	+700
Early childhood education	25,167	25,167	24,942	25,167	25,167	---
Secondary and transitional services	21,966	23,966	23,670	23,966	23,966	+2,000
Postsecondary education	8,839	8,839	8,759	8,839	8,839	---
Innovation and development	20,635	19,885	19,885	20,635	20,635	---
Media and captioning services	18,642	17,642	18,642	19,142	19,142	+500
Technology applications	10,862	10,362	10,362	10,862	10,862	---
Special studies	3,855	4,160	3,820	4,160	4,160	+305
Personnel development	91,339	89,589	89,589	91,339	91,339	---
Parent training	12,735	13,535	12,521	13,535	13,535	+800
Clearinghouses	2,162	2,162	2,143	2,162	2,162	---
Regional resource centers	7,218	7,218	7,154	7,218	7,218	---
Subtotal, Special purpose funds	249,729	249,534	247,561	254,034	254,034	+4,305
Total, Special education	3,108,702	3,294,959	3,106,534	3,299,459	3,252,846	+144,144

	FY 1994 Comparable	FY 1995 Request	House Bill	Senate Bill	Conference	Conference vs FY94 Comparable
REHABILITATION SERVICES AND DISABILITY RESEARCH						
Vocational rehabilitation State grants	1,974,145	2,029,421	2,029,421	2,074,145	2,054,145	+80,000
Client assistance	9,547	9,824	9,471	9,824	9,824	+277
Training	39,629	39,629	39,313	39,629	39,629	---
Special demonstration programs	19,942	21,942	19,783	19,942	19,942	---
Supported employment projects	10,616	10,616	10,531	10,616	10,616	---
Migratory workers	1,171	1,421	1,162	1,421	1,421	+250
Recreational programs	2,596	2,596	2,576	2,596	2,596	---
Protection and advocacy of individual rights	5,500	5,500	7,456	7,456	7,456	+1,956
Projects with industry	22,071	22,071	21,895	22,071	22,071	---
Supported employment State grants	34,536	37,403	34,260	37,403	36,536	+2,000
Independent living:						
State grants	18,003	18,525	21,859	19,820	21,859	+3,856
Centers	36,818	39,068	36,524	40,533	40,533	+3,715
Services for older blind individuals	8,131	8,131	8,066	8,952	8,952	+821
Subtotal	62,952	65,724	66,449	69,305	71,344	+8,392
Evaluation	1,600	1,600	1,587	1,587	1,587	-13
Helen Keller National Center for Deaf-Blind Youths & Adults	6,741	6,936	6,687	6,936	6,936	+195
National Institute on Disability & Rehabilitation Research	68,146	66,031	67,602	70,000	70,000	+1,854
Subtotal, mandatory programs	2,259,192	2,320,714	2,318,193	2,372,931	2,354,103	+94,911
Technology assistance	37,744	40,744	37,407	40,744	39,249	+1,505
Total, Rehabilitation services	2,296,936	2,361,458	2,355,600	2,413,675	2,393,352	+96,416
SPECIAL INSTITUTIONS FOR PERSONS WITH DISABILITIES						
AMERICAN PRINTING HOUSE FOR THE BLIND	6,463	6,680	6,406	6,680	6,680	+217
NATIONAL TECHNICAL INSTITUTE FOR THE DEAF:						
Operations	41,307	42,705	40,937	42,705	42,705	+1,398
Endowment grant	336	336	333	336	336	---
Construction	193	150	192	150	150	-43
Subtotal	41,836	43,191	41,462	43,191	43,191	+1,355
GALLAUDET UNIVERSITY:						
University programs	52,715	54,244	52,243	54,244	54,244	+1,529
Precollege programs	23,720	24,786	23,508	24,786	24,786	+1,066
Endowment grant	1,000	1,000	991	1,000	1,000	---
Construction	1,000	---	---	---	---	-1,000
Subtotal	78,435	80,030	76,742	80,030	80,030	+1,595
Total, Special institutions for persons with disabilities	126,734	129,901	124,610	129,901	129,901	+3,167
VOCATIONAL AND ADULT EDUCATION						
Vocational education:						
Basic State grants	972,750	972,750	972,750	972,750	972,750	---
Community - based organizations	11,785	---	---	9,479	9,479	-2,306
Consumer and homemaking education	34,720	---	34,409	34,409	34,409	-311
Tech-Prep education	104,123	114,123	108,000	108,000	108,000	+3,877
Tribally controlled postsecondary vocational institutions 1/	2,946	3,000	2,919	2,919	2,919	-27
State councils	8,928	9,000	8,848	8,848	8,848	-80
National programs:						
Research	9,662	7,851	7,851	7,851	7,851	-1,811
Demonstrations	23,455	13,000	13,000	23,245	20,684	-2,771
Data systems (NOICC/SOICC)	4,960	5,000	4,916	6,000	6,000	+1,040
Subtotal, national programs	38,077	25,851	25,767	37,096	34,535	-3,542

1/ Current funded

	FY 1994 Comparable	FY 1995 Request	House Bill	Senate Bill	Conference	Conference vs FY94 Comparable
Bilingual vocational training	2,946	---	---	---	---	-2,946
Subtotal, Vocational education	1,176,275	1,124,724	1,152,693	1,173,501	1,170,940	-5,335
Adult education:						
State Programs	254,624	267,000	252,345	252,345	252,345	-2,279
National Institute for Literacy	4,909	5,000	4,869	4,869	4,869	-40
National programs	3,928	4,000	5,400	3,900	3,900	-28
State literacy resource centers	7,857	7,857	7,787	7,787	7,787	-70
Workplace literacy partnerships	18,906	24,000	18,736	18,736	18,736	-170
Literacy training for homeless adults	9,584	9,584	9,498	9,498	9,498	-86
Literacy programs for prisoners	5,100	5,100	5,055	5,100	5,100	---
Subtotal, adult education	304,908	322,541	303,690	302,235	302,235	-2,673
Total, Vocational and adult education	1,481,183	1,447,265	1,456,383	1,475,736	1,473,175	-8,008
STUDENT FINANCIAL ASSISTANCE						
Federal Pell Grants: Regular program	6,303,566	6,393,020	6,247,180	6,247,180	6,243,680	-59,886
Memo (non-add): Maximum grant	(2,300)	(2,400)	(2,340)	(2,340)	(2,340)	(+40)
Memo (non-add): Outlay effect for FY95	---	---	(1,086,407)	(1,086,407)	(1,086,407)	(+1,086,407)
Earthquake relief supplemental (non-add)	(80,000)	---	---	---	---	(-80,000)
Federal Pell Grants: Funding for shortfall	250,000	118,000	118,000	---	---	-250,000
Subtotal, Pell Grants	6,553,566	6,511,020	6,365,180	6,247,180	6,243,680	-309,886
Federal supplemental educational opportunity grants	583,407	583,407	583,407	583,407	583,407	---
Federal work-study	616,508	716,508	616,508	616,506	616,508	---
Federal Perkins loans:						
Capital contributions	158,000	---	158,000	138,000	158,000	---
Loan cancellations	15,000	18,000	18,000	18,000	18,000	+3,000
Subtotal, Federal Perkins loans	173,000	18,000	176,000	156,000	176,000	+3,000
State student incentive grants	72,429	---	54,322	72,429	63,375	-9,054
State postsecondary review program	21,250	35,000	30,000	10,000	20,000	-1,250
Total, Student financial assistance	8,020,160	7,863,935	7,825,417	7,685,524	7,702,970	-317,190
FEDERAL FAMILY EDUCATION LOANS PROGRAM 1/ (EXISTING GUARANTEED STUDENT LOANS PROGRAM)						
Federal education loans: Federal administration	69,966	64,191	62,191	62,191	62,191	-7,775
FEDERAL DIRECT STUDENT LOAN PROGRAM						
Mandatory administrative costs (indefinite)	(260,000)	(345,000)	(345,000)	(345,000)	(345,000)	(+85,000)
HIGHER EDUCATION						
Aid for institutional development:						
Strengthening institutions	79,196	79,196	80,000	87,794	80,000	+804
Hispanic serving institutions 1/	9,390	9,390	12,000	12,000	12,000	+2,610
Strengthening historically black colleges & univ.	100,860	106,295	110,000	99,958	108,990	+8,130
Strengthening historically black grad institutions	15,859	15,859	19,606	15,717	19,606	+3,747
Endowment challenge grants:						
Endowment grants	5,674	5,674	6,187	5,624	6,045	+371
HBCU set-aside	1,891	1,891	2,061	1,874	2,015	+124
HBCU library and information science	---	---	1,500	---	---	---
Evaluation	---	1,500	1,500	---	1,000	+1,000
Subtotal, Institutional development	212,870	219,805	232,854	222,967	229,656	+16,786

1/ Does not include $693,630,000 in FY 1995 for new direct student loan program provided under permanent authority or $2,600,031,000 in 1995 for Federal Family Education Loans provided under permanent authority for both program & liquidating accounts.

1/ FY 1994 and FY 1995 request amounts shown for comparability, actually included under strengthening institutions.

	FY 1994 Comparable	FY 1995 Request	House Bill	Senate Bill	Conference	Conference vs FY94 Comparable
Program development:						
Fund for the Improvement of Postsecondary Educ....	16,872	20,326	16,723	18,364	17,543	+671
Alaska Native Culture and Arts Development.....	---	---	---	1,000	1,000	+1,000
Eisenhower leadership program.....	4,000	---	---	4,000	4,000	---
Minority teacher recruitment.....	2,480	2,480	2,458	2,458	2,458	-22
Minority science improvement.....	5,892	5,892	5,839	5,839	5,839	-53
Innovative projects for community service.....	1,436	2,436	1,423	1,423	1,423	-13
International educ & foreign language studies:						
Domestic programs.....	52,283	52,283	52,283	52,283	52,283	---
Overseas programs.....	5,843	5,843	5,790	5,790	5,790	-53
Institute for International Public Policy.....	1,000	1,000	1,000	---	1,000	---
Subtotal, International education.....	59,126	59,126	59,073	58,073	59,073	-53
Cooperative education.....	13,749	---	---	6,927	6,927	-6,822
Law school clinical experience.....	14,920	---	14,920	14,787	14,920	---
Urban community service.....	10,606	10,606	10,512	13,000	13,000	+2,394
Student financial database & information line.....	500	500	496	496	496	-4
Subtotal, Program development.....	129,581	101,366	111,444	126,367	126,679	-2,902
Construction:						
Interest subsidy grants, prior year construction..	18,029	17,512	17,512	17,512	17,512	-517
Special grants:						
Assistance to Guam.....	397	---	---	---	---	-397
Federal TRIO programs.....	418,525	436,293	463,000	463,000	463,000	+44,475
Early intervention scholarships & partnerships....	1,875	---	3,108	3,108	3,108	+1,233
Mary McLeod Bethune Memorial Fine Arts Center.....	---	---	4,000	---	4,000	+4,000
Scholarships:						
Byrd honors scholarships.....	19,294	29,117	29,117	29,117	29,117	+9,823
National science scholars.....	4,464	4,464	4,424	4,424	6,424	+1,960
Douglas teacher scholarships.....	14,731	14,731	14,599	14,599	14,599	-132
Olympic scholarships.....	---	---	1,000	---	1,000	+1,000
Teacher corps.....	1,875	---	1,875	---	1,875	---
Subtotal, Scholarships.....	40,364	48,312	51,015	48,140	53,015	+12,651
Graduate fellowships:						
Women & minority participation in graduate educ...	5,846	---	5,794	---	---	-5,846
Harris graduate fellowships.....	20,427	20,427	20,244	20,244	20,244	-183
Javits fellowships.....	7,857	7,857	7,787	7,787	7,787	-70
Graduate assistance in areas of national need.....	27,498	27,498	27,252	27,252	27,252	-246
Faculty development fellowships.....	3,500	3,500	3,819	3,469	3,732	+232
Subtotal, Graduate fellowships.....	65,128	59,282	64,896	58,752	59,015	-6,113
School, college & university partnerships.....	3,928	3,928	3,893	3,893	3,893	-35
Legal training for the disadvantaged (CLEO).....	2,991	2,991	2,964	2,964	2,964	-27
Total, Higher education.....	893,688	889,489	954,686	946,703	962,842	+69,154
HOWARD UNIVERSITY						
Academic program.....	154,835	154,835	158,450	154,835	158,330	+3,495
Endowment program:						
Regular program.....	3,441	3,530	3,410	3,530	3,530	+89
Law school clinic.....	---	---	4,500	---	4,500	+4,500
Research.....	4,655	4,776	4,614	4,776	4,614	-41
Howard University Hospital.....	29,755	29,755	29,489	29,755	29,489	-266
Construction.....	---	---	6,000	---	6,000	+6,000
Total, Howard University.....	192,686	192,896	206,463	192,896	206,463	+13,777
COLLEGE HOUSING AND ACADEMIC FACILITIES LOANS PROGRAM:						
Federal administration.....	730	1,022	1,022	1,022	1,022	+292
Loan subsidies.....	---	---	134	168	168	+168
Loan limitation (non-add).....	---	---	(8,000)	(10,000)	(10,000)	(+10,000)

	FY 1994 Comparable	FY 1995 Request	House Bill	Senate Bill	Conference	Conference vs FY94 Comparable
HISTORICALLY BLACK COLLEGE AND UNIVERSITY CAPITAL FINANCING PROGRAM						
Federal insurance limitation (non-add)	(375,000)	---	---	---	---	(-375,000)
Letter of credit limitation (non-add)	(357,000)	---	---	---	---	(-357,000)
Federal administration	200	347	347	347	347	+147
Total	200	347	347	347	347	+147
EDUCATION RESEARCH, STATISTICS, AND IMPROVEMENT						
Research and statistics:						
Research	78,000	87,450	81,082	83,000	86,200	+8,200
Statistics	48,588	63,150	48,153	48,153	48,153	-435
Assessment	29,262	38,655	32,757	32,757	32,757	+3,495
Subtotal, Research and statistics	155,850	189,255	161,992	163,910	167,110	+11,260
Fund for Improvement of Education	32,400	35,000	37,000	37,100	36,750	+4,350
International education exchange (title VI)	---	---	---	5,000	3,000	+3,000
21st century learning	---	---	---	900	750	+750
Civics Education	4,463	---	4,463	4,463	4,463	---
Fund for the Improvement and Reform of Schools and Teaching:						
Grants for schools and teachers	5,396	---	---	---	---	-5,396
Family-school partnerships	3,687	---	---	---	---	-3,687
Eisenhower professional development Federal activities	34,735	48,000	34,424	37,000	36,356	+1,621
Eisenhower telecommunication demo	---	---	---	3,000	2,250	+2,250
Javits gifted and talented students education	9,607	10,000	9,521	9,521	9,521	-86
Blue Ribbon Schools 1/	879	---	---	---	---	-879
Star schools	25,944	25,944	29,711	33,000	30,000	+4,056
National writing project	3,212	---	3,184	3,212	3,212	---
National Diffusion Network	14,582	---	14,480	14,480	14,480	-102
Ready to learn television	---	10,000	4,000	10,000	7,000	+7,000
Educational technology (proposed legislation) 2/	---	50,000	20,000	50,000	40,000	+40,000
Total, ERSI	290,755	368,199	318,775	371,586	354,892	+64,137

1/ Similar activities authorized under Fund for Improvement of Education.

2/ Forward funded.

	FY 1994 Comparable	FY 1995 Request	House Bill	Senate Bill	Conference	Conference vs FY94 Comparable
LIBRARIES						
Public libraries:						
Services	83,227	83,227	83,482	83,227	83,227	---
Construction	17,792	---	---	17,792	17,792	---
Interlibrary cooperation	19,749	19,749	19,572	25,327	23,700	+3,951
Library literacy programs	8,098	---	8,026	8,026	8,026	-72
College library technology	3,873	---	---	---	---	-3,873
Library education and training	4,960	---	4,916	4,916	4,916	-44
Research and demonstrations	2,802	---	---	8,270	6,500	+3,698
Research libraries	5,808	---	---	---	---	-5,808
Total, Libraries	146,309	102,976	115,996	147,558	144,161	-2,148
DEPARTMENTAL MANAGEMENT						
PROGRAM ADMINISTRATION 1/	346,008	364,905	359,358	346,008	356,021	+10,013
OFFICE FOR CIVIL RIGHTS	56,570	61,457	58,325	58,325	58,325	+1,755
OFFICE OF THE INSPECTOR GENERAL	28,840	31,675	29,199	31,675	30,437	+1,597
Total, Departmental management	431,418	458,037	446,882	436,008	444,783	+13,365
Total, Department of Education	26,559,538	28,324,728	27,149,280	27,399,748	27,428,312	+868,774

1/ Includes $500,000 for the Secretaries Task Force on Coordinated Services.

	FY 1994 Comparable	FY 1995 Request	House Bill	Senate Bill	Conference	Conference vs FY94 Comparable
TITLE IV - RELATED AGENCIES						
ARMED FORCES RETIREMENT HOME						
Operation and maintenance (trust fund limitation):						
Soldiers' and Airmen's Home	43,139	44,095	45,616	43,139	45,366	+2,227
United States Naval Home	10,775	11,045	11,294	10,775	11,045	+270
Subtotal, O & M	53,914	55,140	56,910	53,914	56,411	+2,497
Capital program (trust fund limitation):						
Soldiers' and Airmen's Home	4,930	2,500	2,500	2,500	2,500	-2,430
United States Naval Home	473	406	406	406	406	-67
Subtotal, capital	5,403	2,906	2,906	2,906	2,906	-2,497
Total, AFRH	59,317	58,046	59,816	56,820	59,317	---
CORPORATION FOR NATIONAL AND COMMUNITY SERVICE						
Domestic Volunteer Service Programs (formerly Action):						
Volunteers in Service to America:						
VISTA operations	37,715	53,000	37,829	43,715	42,676	+4,961
VISTA Literacy Corps	5,009	5,600	5,024	5,600	5,024	+15
University year for VISTA	---	1,000	---	---	---	---
Subtotal, VISTA	42,724	59,600	42,853	49,315	47,700	+4,976
Special Volunteer Programs	---	1,000	---	---	---	---
National Senior Volunteer Corps:						
Foster Grandparents Program	66,117	71,600	66,317	68,310	67,812	+1,695
Senior Companion Program	29,773	34,600	29,863	31,704	31,244	+1,471
Retired Senior Volunteer Program	34,388	38,700	34,492	36,113	35,708	+1,320
Senior Demonstration Programs	---	1,000	1,000	1,000	1,000	+1,000
Subtotal, Senior Volunteers	130,278	145,900	131,672	137,127	135,764	+5,486
Program Administration	31,151	32,330	31,246	31,246	31,246	+95
Total, Domestic Volunteer Service Programs	204,153	238,830	205,771	217,688	214,710	+10,557
Corporation for Public Broadcasting: FY97 (current request) 1/	312,000	292,640	---	330,000	315,000	+3,000
1995 advance (non-add)	(275,000)	(292,640)	(292,640)	(292,640)	(292,640)	(+17,640)
1995 rescission	---	---	-21,100	---	-7,000	-7,000
Subtotal 1995 (non-add)	(275,000)	(292,640)	(271,540)	(292,640)	(285,640)	(+10,640)
Federal Mediation and Conciliation Service	30,241	30,610	31,078	31,610	31,344	+1,103
Federal Mine Safety and Health Review Commission	5,842	6,200	6,200	6,200	6,200	+358
National Commission on Libraries and Information Science	904	901	901	901	901	-3
National Council on Disability	1,690	1,643	1,643	1,843	1,793	+103
National Labor Relations Board	171,274	173,547	173,388	176,047	176,047	+4,773
National Mediation Board	8,657	8,119	8,119	8,119	8,519	-138
Occupational Safety and Health Review Commission	7,362	7,595	7,595	7,595	7,595	+233
Physician Payment Review Commission (trust funds)	(4,171)	(4,176)	(4,176)	(4,176)	(4,176)	(+5)
Prospective Payment Assessment Commission (trust funds)	(4,500)	(4,667)	(4,667)	(4,667)	(4,667)	(+167)

1/ FY 1994 approp. adv. in FY92 is $275,000,000.
FY 1995 approp. adv. in FY93 is $292,640,000.
FY 1996 approp. adv. in FY94 is $312,000,000.

Railroad Retirement Board:						
Dual benefits payments account	277,000	261,000	261,000	261,000	261,000	-16,000
Less income tax receipts on dual benefits	-20,000	-19,000	-19,000	-19,000	-19,000	+1,000
Subtotal, dual benefits	257,000	242,000	242,000	242,000	242,000	-15,000
Federal payment to the Railroad Retirement Account	300	300	300	300	300	---
Limitation on administration:						
(Retirement)	(73,791)	(74,963)	(73,881)	(73,881)	(73,881)	(+90)
(Unemployment)	(17,010)	(17,278)	(17,031)	(17,031)	(17,031)	(+21)
Subtotal, administration	(90,801)	(92,241)	(90,912)	(90,912)	(90,912)	(+111)
(Special Management Improvement Fund)	(3,300)	(1,640)	(1,640)	(1,640)	(1,640)	(-1,660)
Total, limitation on administration	(94,101)	(93,881)	(92,552)	(92,552)	(92,552)	(-1,549)
(Inspector General)	(6,742)	(6,700)	(6,682)	(6,860)	(6,682)	(-60)

	FY 1994 Comparable	FY 1995 Request	House Bill	Senate Bill	Conference	Conference vs FY94 Comparable
United States Institute of Peace	10,912	10,912	10,912	11,500	11,500	+588
Total, Title IV, Related Agencies: Federal Funds (all years)	1,069,652	1,071,343	726,623	1,090,623	1,068,226	-1,426
Current year, FY 1995	(757,652)	(778,703)	(747,723)	(760,623)	(760,226)	(+2,574)
FY 1997	(312,000)	(292,640)	---	(330,000)	(315,000)	(+3,000)
Trust funds	(109,514)	(109,424)	(108,077)	(108,255)	(108,077)	(-1,437)
TITLE V - GENERAL PROVISIONS						
Weed and Seed (P.L. 102-360) (rescission)	-225,000	---	---	---	---	+225,000
Performance award 1% cap	---	---	---	---	-30,500	-30,500
Total, title V, general provisions	-225,000	---	---	---	-30,500	+194,500
TITLE VI - EMERGENCY APPROPRIATIONS						
PUBLIC HEALTH & SOCIAL SERVICES EMERGENCY FUND	---	---	---	(35,000)	(35,000)	(+35,000)
TITLE VII - CRIME REDUCTION PROGRAMS						
DEPARTMENT OF HEALTH AND HUMAN SERVICES						
ADMINISTRATION FOR CHILDREN AND FAMILIES						
Children and families services programs: Community schools	---	---	---	---	25,900	+25,900
Domestic violence hotline	---	---	---	---	1,000	+1,000
DEPARTMENT OF EDUCATION						
School improvement programs: Family and community endeavor schools	---	---	---	---	11,100	+11,100
Total, title VII, Crime reduction programs	---	---	---	---	38,000	+38,000
SUMMARY						
Title I - Department of Labor: Federal Funds	11,326,333	10,250,711	9,736,601	9,644,562	9,682,893	-1,643,440
Trust Funds	(3,701,013)	(3,595,097)	(3,570,209)	(3,578,140)	(3,570,346)	(-130,667)
Title II - Department of Health and Human Services: Federal Funds	216,022,538	208,313,213	206,485,875	209,049,076	208,853,200	-7,169,338
Current year	(176,787,538)	(168,880,496)	(168,573,158)	(168,886,359)	(168,846,279)	(-7,941,259)
1996 advance	(39,235,000)	(39,432,717)	(39,912,717)	(40,162,717)	(40,006,921)	(+771,921)
Trust Funds	(7,681,575)	(8,081,730)	(7,871,518)	(7,825,976)	(7,861,658)	(+180,083)
Title III - Department of Education: Federal Funds	26,559,538	28,324,728	27,149,280	27,399,748	27,428,312	+868,774
Title IV - Related Agencies: Federal Funds	1,069,652	1,071,343	726,623	1,090,623	1,068,226	-1,426
Current year	(757,652)	(778,703)	(747,723)	(760,623)	(760,226)	(+2,574)
1997 advance	(312,000)	(292,640)	---	(330,000)	(315,000)	(+3,000)
Trust Funds	(109,514)	(109,424)	(108,077)	(108,255)	(108,077)	(-1,437)
Title V - General provisions	-225,000	---	---	---	-30,500	+194,500
Title VII - Crime Reduction Programs	---	---	---	---	38,000	+38,000
Total, all titles: Federal Funds	254,753,061	247,959,995	246,098,379	247,184,009	247,040,131	-7,712,930
Current year	(215,206,061)	(208,234,638)	(206,185,662)	(206,691,292)	(206,718,210)	(-8,487,851)
1996 advance	(39,235,000)	(39,432,717)	(39,912,717)	(40,162,717)	(40,006,921)	(+771,921)
1997 advance	(312,000)	(292,640)	---	(330,000)	(315,000)	(+3,000)
Trust Funds	(11,492,102)	(11,786,251)	(11,549,804)	(11,512,371)	(11,540,081)	(+47,979)

NEAL SMITH,
DAVID OBEY,
LOUIS STOKES,
STENY H. HOYER,
NANCY PELOSI,
NITA M. LOWEY,
JOSÉ SERRANO
(except amendment 153),
ROSA L. DELAURO,
MARTIN OLAV SABO,
JOHN EDWARD PORTER
(except amendments 108 and 157),
BILL YOUNG,
HELEN DELICH BENTLEY,
HENRY BONILLA,
JOSEPH M. MCDADE,
Managers on the Part of the House.

TOM HARKIN,
ROBERT C. BYRD,
FRITZ HOLLINGS,
DANIEL K. INOUYE,
DALE BUMPERS,
HARRY REID,
HERB KOHL,
PATTY MURRAY,
ARLEN SPECTER,
MARK O. HATFIELD,
TED STEVENS
(except for CPB),
THAD COCHRAN,
SLADE GORTON,
CONNIE MACK,
C.S. BOND,
Managers on the Part of the Senate.

CONFERENCE REPORT ON H.R. 4554

Mr. DURBIN submitted the following conference report and statement on the bill (H.R. 4554) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 1995, and for other purposes:

CONFERENCE REPORT (H. REPT. 103-734)

The committee on conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 4554) "making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 1995, and other purposes," having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 7, 14, 39, 43, 47, 49, 52, 54, 55, 77, 78, 85, 86, 87, 92, 93, and 99.

That the House recede from its disagreement to the amendments of the Senate numbered 6, 8, 10, 12, 16, 17, 20, 21, 23, 30, 44, 45, 46, 51, 53, 56, 59, 63, 65, 66, 67, 68, 69, 71, 73, 74, 81, 82, and 97, and agree to the same.

Amendment numbered 1:

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$63,418,000*; amd the Senate agree to the same.

Amendment numbered 2:

That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$53,936,000*; and the Senate agree to the same.

Amendment numbered 3:

That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$6,500,000*; and the Senate agree to the same.

Amendment numbered 4:

That the House recede from its disagreement to the amendment of the Senate numbered 4, and agreed to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$696,382,000*; and the Senate agree to the same.

Amendment numbered 9:

That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$1,318,000*; and the Senate agree to the same.

Amendment numbered 13:

That the House recede from its disagreement to the amendment of the Senate numbered 13, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$8,112,000*; and the Senate agree to the same.

Amendment numbered 19:

That the House recede from its disagreement to the amendment of the Senate numbered 19, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$3,463,000*; and the Senate agree to the same.

Amendment numbered 22:

That the House recede from its disagreement to the amendment of the Senate numbered 22, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$438,744,000*; and the Senate agree to the same.

Amendment numbered 27:

That the House recede from its disagreement to the amendment of the Senate numbered 27, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$516,738,000*; and the Senate agree to the same.

Amendment numbered 28:

That the House recede from its disagreement to the amendment of the Senate numbered 28, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$56,591,000*; and the Senate agree to the same.

Amendment numbered 31:

That the House recede from its disagreement to the amendment of the Senate numbered 31, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$68,884,000*; and the Senate agree to the same.

Amendment numbered 35:

That the House recede from its disagreement to the amendment of the Senate numbered 35, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$3,399,000*; and the Senate agree to the same.

Amendment numbered 36:

That the House recede from its disagreement to the amendment of the Senate numbered 36, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$70,000,000*; and the Senate agree to the same.

Amendment numbered 38:

That the House recede from its disagreement to the amendment of the Senate numbered 38, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$15,172,000*; and the Senate agree to the same.

Amendment numbered 40:

That the House recede from its disagreement to the amendment of the Senate numbered 40, and agree to the same with an amendment, as follows:

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

In lieu of the sum named, insert: *$4,500,000*; and the Senate agree to the same.

Amendment numbered 48:

That the House recede from its disagreement to the amendment of the Senate numbered 48, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$905,523,000*; and the Senate agree to the same.

Amendment numbered 50:

That the House recede from its disagreement to the amendment of the Senate numbered 50, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$126,502,000*; and the Senate agree to the same.

Amendment numbered 60:

That the House recede from its disagreement to the amendment of the Senate numbered 60, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$1,750,000*; and the Senate agree to the same.

Amendment numbered 61:

That the House recede from its disagreement to the amendment of the Senate numbered 61, and agree to the same with an amendment, as follows:

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

In lieu of the sum named insert: *$1,750,000*; and the Senate agree to the same.

Amendment numbered 62:

That the House recede from its disagreement to the amendment of the Senate numbered 62, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$4,263,000*; and the Senate agree to the same.

Amendment numbered 64:

That the House recede from its disagreement to the amendment of the Senate numbered 64, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$15,200,000*; and the Senate agree to the same.

Amendment numbered 72:

That the House recede from its disagreement to the amendment of the Senate numbered 72, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$6,750,000*; and the Senate agree to the same.

Amendment numbered 79:

That the House recede from its disagreement to the amendment of the Senate numbered 79, and agree to the same with an amendment, as follows:

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

In lieu of the sum named, insert: *$25,000,000*; and the Senate agree to the same.

Amendment numbered 80:

That the House recede from its disagreement to the amendment of the Senate numbered 80, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$899,394,000*; and the Senate agree to the same.

Amendment numbered 88:

That the House recede from its disagreement to the amendment of the Senate numbered 88, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$49,144,000*; and the Senate agree to the same.

Amendment numbered 90:

That the House recede from its disagreement to the amendment of the Senate numbered 90, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$85,500,000*; and the Senate agree to the same.

The committee of conference report in disagreement amendments numbered 5, 11, 15, 18, 24, 25, 26, 29, 32, 33, 34, 37, 41, 42, 57, 58, 70, 75, 76, 83, 84, 89, 91, 94, 95, 96, 98, 100, 101, and 102.

RICHARD J. DURBIN,
JAMIE L. WHITTEN,
MARCY KAPTUR,
RAY THORNTON,
ROSA L. DELAURO,
PETE PETERSON,
ED PASTOR,
NEAL SMITH,
DAVID R. OBEY,
JOE SKEEN,
JOHN T. MYERS,
BARBARA F. VUCANOVICH,
JAMES T. WALSH,
JOSEPH M. MCDADE,
Managers on the Part of the House.

DALE BUMPERS,
TOM HARKIN,
J. ROBERT KERREY,
(except for amendment 33 "ornamental fish")
J. BENNETT JOHNSTON,
HERB KOHL,
DIANNE FEINSTEIN,
ROBERT C. BYRD,
THAD COCHRAN,
ARLEN SPECTER,
CHRISTOPHER S. BOND,
PHIL GRAMM,
SLADE GORTON,
MARK O. HATFIELD,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and Senate at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 4554) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 1995, and for other purposes, submit the following joint statement to the House and Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report.

CONGRESSIONAL DIRECTIVES

The conferees agree that executive branch wishes cannot substitute for Congress' own statements as to the best evidence of congressional intentions—that is, the official reports of the Congress. The conferees further point out that funds in this Act must be used for the purposes for which appropriated, as required by section 1301 of title 31 of the United States Code, which provides: "Appropriations shall be applied only to the objects for which the appropriations were made except as otherwise provided by law."

Report language included by the House which is not changed by the report of the Senate, and Senate report language which is not changed by the conference are approved by the committee of conference. The statement of the managers, while repeating some report language for emphasis, does not intend to negate the language referred to above unless expressly provided herein.

TITLE I—AGRICULTURAL PROGRAMS

PRODUCTION, PROCESSING, AND MARKETING

OFFICE OF THE SECRETARY

The conferees direct the Secretary to consult with local U.S. Attorney Offices and determine the availability of personnel prior to hiring outside private counsel under the authority granted by Public Law 103-248.

OFFICE OF THE INSPECTOR GENERAL

Amendment No. 1: Appropriates $63,418,000 for the Office of the Inspector General instead of $63,918,000 as proposed by the House and $62,918,000 as proposed by the Senate.

OFFICE OF THE GENERAL COUNSEL

The conferees do not expect the Office of the General Counsel to seek reimbursement from other agencies in this Act to supplement its appropriation. If funds are transferred from appropriations in this Act to the Office of the General Counsel, they must have the approval of the agency administrator. The General Counsel provides an essential service to the agencies and programs of the Department of Agriculture; therefore, the conferees expect the fiscal year 1996 budget request to reflect the actual needs of the Office of the General Counsel.

ECONOMIC RESEARCH SERVICE

Amendment No. 2: Appropriates $53,936,000 for the Economic Research Service instead of $54,306,000 as proposed by the House and $53,565,000 as proposed by the Senate.

ALTERNATIVE AGRICULTURAL RESEARCH AND COMMERCIALIZATION REVOLVING FUND

Amendment No. 3: Appropriates $6,500,000 for the Alternative Agricultural Research and Commercialization Revolving Fund instead of $4,000,000 as proposed by the House and $9,000,000 as proposed by the Senate. The conferees agree that no additional centers be designated beyond the two already designated.

AGRICULTURAL RESEARCH SERVICE

Amendment No. 4: Appropriates $696,382,000 for the Agricultural Research Service instead of $693,977,000 as proposed by the House and $698,787,000 as proposed by the Senate.

The conference agreement includes the following increases to the 1994 level for research projects specified in the House report:

1. Ethanol pilot plant (IL)	$500,000
2. Long staple cotton breeding (NM)	300,000
3. Western pecan research (NM)	300,000
4. Sweet potato whitefly research (AZ)	500,000
5. Alternatives to chemicals on apples (MI, NY, CA)	300,000
6. Composting research (OH)	300,000
7. Animal health research (IN)	500,000

In addition, the conference agreement provides $500,000 to initiate a national program to enhance the corn germ plasm base. Scientists are concerned that the current narrow genetic base for corn greatly increases vulnerability to unforeseen pest problems for the $16 billion U.S. corn crop.

The conference agreement includes the following increases to the 1994 level for research projects specified in the Senate report:

1. Appalachian Fruit Research Laboratory (WV)	$200,000
2. Appalachian Soil and Water Conservation Laboratory (WV)	950,000
Fayetteville	250,000
Stuttgart	187,000
Booneville	125,000
Pine Bluff	62,000
	(624,000)
4. Arkansas Children's Hospital	1,100,000
5. Delta Nutrition and Health Promotion Initiative	1,500,000
6. Fish Farming Experimental Laboratory, Stuttgart (AR)	600,000
7. Hops (WA)	50,000
8. Kenaf (MS)	107,000
9. National Warm Water Aquaculture Center	200,000
10. Northwest Nursery Crops Center	200,000
12. Northwest Small Fruits Research Center	200,000
12. National Center for Physical Acoustics (MS)	150,000

The conferees expect each of the seven institutions specified in the Senate report to receive equal funding under the Delta Nutrition and Health Promotion Initiative.

Nematodes.—Nematodes cause an estimated $8,000,000,000 yearly in losses to U.S. soybean, cotton, corn, vegetable, and citrus producers, and the conferees expect the agency to place more emphasis on nematode research in 1995.

Lyme disease.—For research on lyme disease the conference agreement provides $645,000, the same as the amount available for fiscal year 1994. Included within the total is $175,000, the same as the amount available for fiscal year 1994, for a cooperative research program on tick control to be conducted in Westchester County, New York, and Connecticut. This disease, which is borne by deer ticks, is contagious to humans.

The conferees agree that of the 19 laboratories or projects proposed for closure, the following 10 should remain open another year for further evaluation: Houma (LA); Miami (FL); Brawley (CA); Sidney (MT); Jackson (TN); Hawaii; Chatsworth (NJ); Brownwood (TX); E. Grand Forks (MN); and El Reno (OK).

Amendment No. 5: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which exempts Beckley, West Virginia, from the $100 limitation on the purchase of land.

BUILDINGS AND FACILITIES

Amendment No. 6: Appropriates $43,718,000 for Agricultural Research Service, Buildings and Facilities as proposed by the Senate instead of $23,400,000 as proposed by the House. The following table reflects the conference agreement:

BUILDINGS AND FACILITIES

[In thousands of dollars]

	Fiscal year 1993 enacted	House bill	Senate bill	Conference agreement
Arizona: Water Conservation Laboratory & Western Cotton Research Laboratory	.....	.....	500	396
Arkansas: Rice Germplasm Center, Stuttgart	3,828	.....	6,000	4,752
California:				
Horticulture Crops Research Lab, Fresno to Parlier	2,630	2,630	2,630	2,630
Western Regional Research Center	1,161	1,161	.....	919
Florida: Citrus Research Lab, Orlando	2,900	2,900	2,900	2,900
Iowa: National Swine Research Facility	4,524	6,500	6,017	6,259
Kansas: Grain marketing research lab	.....	.....	1,200	950
Louisiana: Southern Regional Research Center	2,667	2,667	3,200	2,934
Maryland: Beltsville Agricultural Research Center	(1)	(1)	5,000	3,960
Mississippi:				
National Center for Natural Products	4,382	.....	4,518	3,578
National Center for Warm Water Aquaculture	1,716	1,716	1,777	1,747
New York: Plum Island Animal Disease Center	1,475	1,475	.....	1,168
South Carolina: U.S. Vegetable Lab, Charleston	909	.....	6,000	5,544
Texas:				
Plant Stress Lab, Texas Tech. University	551	551	1,551	1,051
Subtropical Lab, Weslaco	1,400	3,800	.....	3,009
West Virginia: National Center for Cold Water Aquaculture	.....	.....	2,425	1,921
Miscellaneous: Completed facilities	4,600	.....	.....	.....
Total, buildings and facilities	32,743	23,400	43,718	43,718

[1] Funded under rental payments (GSA).

Amendment No. 7: Deletes Senate language providing that the Secretary may close the research locations specified for closure in the President's budget request.

COOPERATIVE STATE RESEARCH SERVICE

SPECIAL RESEARCH GRANTS

Amendment No. 8: Appropriates $25,295,000 for special research grants as proposed by the Senate instead of $44,969,000 as proposed by the House. the following table reflects the conference agreement:

SPECIAL RESEARCH GRANTS (P.L. 89–106)

[In thousands of dollars]

	Fiscal year 1994 enacted	House bill	Senate bill	Conference agreement
Aflatoxin (IL)	126	114	.....	113
Agribusiness management (MS)	70	63	.....	.....
Agricultural diversification (HI)	145	.....	130	131
Agricultural management systems (MA)	245	222	221	221
Alfalfa (KS)	118	.....	106	106
Alternative cropping systems (Southeast)	261	.....	235	235
Alternative crops (ND)	658	595	592	592
Alternative crops for arid lands (TX)	94	85	.....	85
Alternative Marine and Fresh Water Species (MS)	258	233	308	308
Alternative pest control (AR)	1,316	.....	1,184	1,184
Aquaculture (CT)	.....	181	.....	181
Aquaculture (IL)	188	170	.....	169
Aquaculture (LA)	367	332	330	330
Aquaculture (MS)	658	595	592	592
Aquatic food safety and quality (FL)	.....	181	.....	181
Asian Products Lab (OR)	235	.....	212	212
Bacoc Institute (WI)	235	213	312	312
Beef fat content (IA)	223	202	201	201
Biodiesel research (MO)	141	.....	177	152
Brrom snakeweed (NM)	188	170	.....	169
Canola (KS)	94	.....	85	85
Center for animal health and productivity (PA)	126	113	.....	113
Center for innovative food technology (OH)	.....	181	.....	181
Center for rural studies (VT)	35	.....	31	32
Chesapeake Bay aquaculture	411	372	370	370
Competitiveness of agricultural products (WA)	752	680	677	677
Cool season legume research (ID, WA)	364	103	327	103

SPECIAL RESEARCH GRANTS (P.L. 89–106)—Continued

[In thousands of dollars]

	Fiscal year 1994 enacted	House bill	Senate bill	Conference agreement
Cranberry/blueberry disease and breeding (NJ)	244	.....	220	220
CRP acreage usage (MO)	141	.....	152	52
Dairy and meat goat research (TX)	70	63	.....	63
Delta rural revitalization (MS)	164	148	148	148
Desert plants (NM)	.....	.....	169	.....
Developing peas and lentils for residue to meet SCS standards (WA)	.....	226	.....	226
Dried bean (ND)	94	.....	85	85
Drought mitigation (NE)	.....	.....	250	200
Environmental research (NY)	540	489	.....	486
Expanded wheat pasture (OK)	317	288	285	285
Farm and rural business finance (IL, AR)	118	.....	106	106
Floriculture (HI)	278	.....	250	250
Food and Agriculture Policy Institute (IA, MO)	705	638	750	850
Food irradiation (IA)	223	.....	201	201
Food marketing policy center (CT)	369	334	332	332
Food processing center (NE)	47	.....	42	42
Food safety consortium (AR, KS, IA)	1,825	.....	1,743	1,743
Food systems research group (WI)	245	221	221	221
Forestry (AR)	470	.....	523	523
Fruit and vegetable market analysis (AZ, MO)	329	297	296	296
Generic commodity promotion research and evaluation (NY)	235	212	.....	212
Global change	1,175	1,625	1,625	.....
Global marketing support service (AR)	47	.....	92	92
Grass seed cropping systems for a sustainable agriculture (WA, OR, ID)	470	425	423	423
Great Plains agricultural policy center (OK)	47	.....	42	42
Human nutrition (AR)	470	425	.....	.....
Human nutrition (IA)	470	.....	498	473
Human nutrition (LA)	752	680	777	752
Human nutrition (NY)	691	625	.....	622
Illinois-Missouri Alliance for Biotechnology	.....	1,357	.....	1,357
Improved dairy management practices (PA)	329	297	.....	296
Improved fruit practices (MI)	494	447	.....	445
Integrated pest management and bio control	3,034	2,650	2,731	.....
Integrated production systems (OK)	179	162	161	161
International arid lands consortium	329	329	296	329
Iowa biotechnology consortium	1,880	.....	1,892	1,792
Jointed goatgrass (WA)	329	297	296	296
Livestock and dairy policy (NY, TX)	494	447	.....	445
Lowbush blueberry research (ME)	208	.....	220	220
Low-input agriculture (MN)	216	.....	195	195
Maple research (VT)	93	.....	84	84
Michigan biotechnology consortium	2,217	2,000	.....	1,995
Midwest advanced food manufacturing alliance	470	425	423	423
Midwest agriculture products (IA)	658	595	592	592
Midwest feeds consortium	470	425	.....	423
Milk safety (PA)	268	.....	268	268
Minor use animal drugs (IR–4)	611	553	550	.....
Molluscan shellfish (OR)	.....	.....	250	250
Multi-commodity research (OR)	282	.....	364	364
Multi-cropping strategies for aquaculture (HI)	141	.....	127	127
National biological impact assessment	282	255	254	254
National potato trade and tariff association	.....	.....	100	.....
Navajo Nation conservation (AZ)	.....	.....	.....	91
Nematode resistance genetic engineering (NM)	141	127	127	127
Non-food agricultural products (NE)	103	.....	93	93
North central biotechnology initiative	.....	1,900	.....	2,000
Oil resources from desert plants (NM)	188	170	.....	169
Oregon-Mass.-Penn. biotechnology	481	.....	433	524
Peach tree short life (SC)	180	.....	162	162
Perishable commodities (GA)	235	.....	212	212
Pest control alternatives (SC)	118	.....	106	106
Pesticide clearance (IR–4)	6,345	5,711	5,711	5,711
Pesticide impact assessment	1,474	1,150	1,327	.....
Pesticide research (WA)	627	115	564	115
Phytophthora root rot (NM)	141	127	.....	127
Plant biotechnology consortium	2,692	.....	2,424	.....
Potato research	1,349	638	1,214	1,214
Preservation and processing research (OK)	251	.....	226	226
Procerum root disease (VA)	24	22	.....	22
Product development and marketing center (ME)	400	.....	360	360
Rangeland ecosystems (NM)	.....	.....	338	.....
Red River Corridor (MN, ND)	188	170	169	169
Regional barley gene mapping project	387	350	349	348
Regionalized implications of farm programs (MO, TX)	327	295	294	294
Rural development centers (PA, IA (ND), MS, OR)	470	425	423	423
Rural environmental research (IL)	.....	90	.....	90
Rural housing needs (NE)	75	.....	68	68

SPECIAL RESEARCH GRANTS (P.L. 89–106)—Continued

[In thousands of dollars]

	Fiscal year 1994 enacted	House bill	Senate bill	Conference agreement
Rural policies institute (NE, MO)	494	.....	644	644
Russian wheat aphid (WA, OR, CO, CA, ID)	505	457	454	455
Seafood and aquaculture harvesting, processing, and marketing (MS)	339	.....	305	305
Seafood research (OR)	306	.....	275	275
Small fruit research (OR, WA, ID)	235	212	212	212
Soil and water research (OH)	188	170	.....	169
Soil borne disease prevention (NM)	.....	.....	127	.....
Southwest consortium for plant genetics and water resources	376	340	338	338
Soybean bioprocessing (IA)	308	.....	277	277
Soybean cyst nematode (MO)	337	304	304	303
STEEP II—water quality in Northwest	921	833	829	829
Sunflower insects (ND)	141	.....	127	127
Sustainable agriculture (MI)	494	447	.....	445
Sustainable agriculture and natural resources (PA)	94	.....	94	94
Sustainable agriculture systems (NE)	66	.....	59	59
Swine research (MN)	132	119	118	119
Taxol cultivation (CT)	47	42	.....	42
Tillage, silviculture, waste management (LA)	235	.....	212	212
Tropical and subtropical	3,121	2,824	2,809	2,809
Urban pests (GA)	71	64	.....	64
Value-added wheat (KS)	235	.....	212	212
Waste utilization (NC)	414	374	.....	373
Water conservation (KS)	88	.....	80	79
Water management (AL)	374	.....	337	337
Water quality	4,230	2,757	2,757	.....
Weed control (ND)	470	425	423	423
Wheat genetic research (KS)	196	177	177	176
Wood utilization research (OR, MS, NC, MN, ME, MI)	4,176	2,182	2,402	3,758
Wool research (TX, MT, WY)	235	212	.....	212
All other	2,689	.....	.....	.....
Total, special research grants	68,542	44,969	52,295	52,295

Oregon-Massachusetts-Pennsylvania Biotechnology.—The conferees have included $91,000 for the Pennsylvania portion of the grant. This shall not reduce the funding for Oregon and Massachusetts.

Amendment No. 9: Appropriates $1,318,000 for alternative crops instead of $1,818,000 as proposed by the House and $650,000 as proposed by the Senate. The conference agreement provides $500,000 for research on canola as proposed by both the House and the Senate. No funds are included for crambe and rapeseed as proposed by the Senate instead of $500,000 as proposed by the House. For research on guayule the conference agreement provides $668,000 as proposed by the House. The conference agreement also provides $150,000 for research on hesperaloe as proposed by both the House and the Senate.

Amendment No. 10: Provides $500,000 for the Critical Agricultural Materials Act as proposed by the Senate instead of $400,000 as proposed by the House.

Amendment No. 11: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

Restore the matter stricken by said amendment, amended to read as follows: *$475,000 for rangeland research grants as authorized by subtitle M of the National Agricultural Research, Extension, and Teaching Policy Act of 1977, as amended; $8,990,000 for contracts and grants for agricultural research under the Act of August 4, 1965, as amended (7 U.S.C. 450i(c));*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement restores House language earmarking $475,000 for rangeland research. The conference agreement also includes the following amounts for grants and contracts:

Global change	$1,625,000
Integrated pest management	2,731,000
Pesticide impact assessment	1,327,000
Minor use animal drugs (IR–4)	550,000
Water quality	2,757,000
Total	8,990,000

Amendment No. 12: Appropriates $4,350,000 for higher education challenge grants as proposed by the Senate instead of $1,500,000 as proposed by the House. The House bill included an additional $2,850,000 for higher education challenge grants under General Provisions. The conference agreement provides all of the funds in a single account.

Amendment No. 13: Provides $8,112,000 for sustainable agriculture instead of $7,400,000 as proposed by the House and $8,825,000 as proposed by the Senate.

Amendment No. 14: Provides $19,954,000 for Federal administration as proposed by the House instead of $19,019,000 as proposed by the Senate. The following table reflects the conference agreement:

FEDERAL ADMINISTRATION

[In thousands of dollars]

	Fiscal year 1994 enacted	House bill	Senate bill	Conference agreement
Ag in classroom	196	.....	.....	.....
Agricultural biotechnology	376	376	376	349
Agriculture development in American Pacific	608	608	608	564
Alternative fuels characterization lab (ND)	235	.....	235	218
American Indian Initiative of the Arid Lands Development Fund	.....	468	.....	434
Center for Agricultural and Rural Development (IA)	705	705	.....	655
Center for North American Studies (TX)	94	94	.....	87
Geographic information system	1,011	1,011	1,010	939
Herd management (TN)	576	.....	.....	535
Mississippi Valley State University	628	.....	628	583
National Potato Trade and Tariff Association [1]	.....	.....	.....	93
Office of grants and program systems	314	314	314	292
Pay costs and FERS (prior)	517	517	517	480
Peer panels	244	244	244	227
PM–10 study (CA, WA)	940	940	940	873
Shrimp aquaculture (AZ, HI, MS, MA, SC)	3,290	3,290	3,290	3,054
Vocational aquaculture education	470	470	470	436
Water quality [2]	1,175	1,000	470	928
1890 capacity building	9,917	9,917	9,917	9,207
Total, Federal Administration	21,296	19,954	19,019	19,954

[1] Senate bill included $100,000 under Special Research Grants.
[2] Includes $436,000 (ND), $492,000 (IL) FY 1995.

Amendment No. 15: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the sum proposed by said amendment insert: *$433,438,000*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement appropriates $433,438,000 for the Cooperative State Research Service instead of $433,438,000 for the Cooperative State Research Service instead of $413,960,000 as proposed by the House and $423,083,000 as proposed by the Senate.

BUILDINGS AND FACILITIES

Amendment No. 16: Appropriates $62,744,000 for Cooperative State Research Service, Buildings and Facilities as proposed by the Senate instead of $34,148,000 as proposed by the House. The following table reflects the conference agreement:

BUILDINGS AND FACILITIES

[In thousands of dollars]

	Fiscal year 1994 enacted	House bill	Senate bill	Conference agreement
Alabama: Poultry science facility, Auburn University [1]	.....	552	(1)	522
Arkansas:				
Agriculture building—University of Arkansas	1,668	1,532	2,332	2,332
Carnall Hall, Alternative Pest Control Center	.....	.....	1,000	946
California: Alternative pest control containment and quarantine, University of California	2,086	1,916	2,000	1,893
Colorado: Animal Reproduction and Biotechnology, Colorado State University	320	294	1,301	1,231
Connecticut:				
Agricultural biotechnology building, University of Connecticut	(1)	552	600	568
Chemistry Building, Connecticut Agricultural Experiment Station	.....	(1)	.....	(1)
Delaware: Poultry Biocontainment Facility	329	.....	1,500	1,420
Florida: Aquatic Research Facility, University of Florida	.....	(1)	.....	(1)
Georgia: Biocontainment Research Center, University of Georgia	1,685	1,548	2,396	2,396
Hawaii: Center for Applied Aquaculture	2,086	.....	1,580	1,495
Idaho: Biotechnology Facility	835	768	1,861	1,761
Illinois: Biotechnology Center, Northwestern University	835	828	3,400	3,218
Science facility, DePaul University [1]	.....	460	.....	435
Kentucky: Applied research and manpower training center	(1)	.....	897	897
Louisiana: Southeast Research Station, Franklinton	.....	(1)	(1)	(1)
Maryland: Institute for Natural Resources and Environmental Science, University of Maryland	1,669	1,533	2,000	1,893
Massachusetts: Center/hunger, poverty, nutrition and policy	2,202	2,022	2,600	2,461
Mississippi:				
Biological Technology Center for Water and Wetlands Resources	94	86	1,500	1,420
National Food Service Management Institute	.....	.....	(1)	(1)
Missouri: Center for plant biodivesity, St. Louis	(1)	736	800	757
Montana: Bioscience Research Laboratory, Montana State University	1,868	1,715	2,608	2,608
Nevada: Great Basin Environmental Research Lab, University of Nevada	.....	(1)	.....	(1)
New Jersey: Plant Bioscience Facility, Rutgers University	2,189	.....	4,000	3,785
New Mexico: Center for Arid Land Studies, New Mexico State University	798	734	1,500	1,420
New York: New York Botanical Garden	2,503	2,300	4,000	3,785
North Carolina: Bowman-Gray Center at Wake Forest	3,074	2,823	2,000	2,672
North Dakota: Institute for Agriculture and Rural Health Research Development, Minot State University	.....	.....	2,600	2,600
Ohio: Lake Erie Soil and Water Research and Education Center	263	242	.....	229
Oklahoma:				
Beef cattle research facility	352	.....	375	375
Grain Storage Research and Extension Center, Oklahoma State University	.....	.....	(1)	(1)
Oregon:				
Forest Ecosystem Research Lab, Oregon State University	.....	.....	(1)	(1)
Regional Food Innovation Center	2,503	.....	2,600	2,397
Pennsylvania: Center for Food Marketing, St. Joseph's University	1,950	1,790	2,500	2,366
Rhode Island: Building consolidation, University of Rhode Island	3,109	2,855	2,000	2,702
South Carolina: ARS U.S. Vegetable Lab, Charleston	.....	.....	1,000	.....
South Dakota: Animal Resource Wing, South Dakota State University	.....	.....	(1)	(1)
Tennessee:				
Agricultural, Biological and Environmental Research Complex, University of Tennessee in Knoxville	1,668	460	2,500	2,366
Horse Science and Teaching Center, Middle Tennessee State University	.....	(1)	.....	(1)
Nursery Crop Research Station, Tennessee State University	324	.....	88	88
Texas:				
Southern crop improvement, Texas A & M	584	537	.....	508

BUILDINGS AND FACILITIES—Continued

[In thousands of dollars]

	Fiscal year 1994 enacted	House bill	Senate bill	Conference agreement
Biocontainment facility, Texas A & M	.....	(1)	.....	(1)
Utah: Biotechnology Lab, Utah State University	775	.....	455	387
Vermont: Rural Community Interactive Learning Center, University of Vermont	.....	.....	(1)	(1)
Washington:				
Animal Disease Biotechnology Facility, Washington State University	4,799	4,408	4,408	4,172
Wheat research facility, Washington State University [1]	.....	450	.....	426
Wisconsin: College of Natural Resources, University of Wisconsin—Stevens Point	1,978	1,817	2,823	2,761
Wyoming: Environmental Simulation Facility, University of Wyoming	1,001	920	1,250	1,182
Miscellaneous:				
Completed facilities	10,336	.....	.....	.....
Fund for reports	94	270	270	270
Total, Buildings and facilities	53,977	34,148	62,744	62,744

[1] Report requested.

The conference agreement completes the Federal funding share for the following 10 facilities:

1. Agriculture Building—University of Arkansas

2. Biocontainment Research Center—University of Georgia

3. Applied Research and Manpower and Training Center (KY)

4. Bioscience Research Laboratory—Montana State University

5. Institute for Agriculture and Rural Health Research Development—Minot State University (ND)

6. Beef Cattle Research Facility (OK)

7. Regional Food Innovation Center (OR)

8. Nursery Crop Research Station—Tennessee State University

9. Biotechnology Laboratory—Utah State University

10. College of Natural Resources, Stevens Point—University of Wisconsin

EXTENSION SERVICE

Amendment No. 17: Provides $10,947,000 for the pest management program as proposed by the Senate instead of $10,147,000 as proposed by the House.

Amendment No. 18: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which provides for the transfer of up to $125,000 from funds available for pest management to the Cooperative State Research Service. The House bill contained no similar provision.

Amendment No. 19: Provides $3,463,000 for sustainable agriculture instead of $2,963,000 as proposed by the House and $3,963,000 as proposed by the Senate.

Amendment No. 20: Provides $2,750,000 for rural health and safety education as proposed by the Senate. The House bill contained no similar provision.

Amendment No. 21: Appropriates $12,611,000 for Federal administration of the Extension Service as proposed by the Senate instead of $7,117,000 as proposed by the House.

The following table reflects the conference agreement:

FEDERAL ADMINISTRATION AND SPECIAL GRANTS

[In thousands of dollars]

	Fiscal year 1994 enacted	House bill	Senate bill	Conference agreement
General administration	5,534	5,241	5,241	5,241
Pilot tech. transfer (OK, MS)	331	331	331	331
Pilot tech. transfer (WI)	165	165	.....	165
Rural rehabilitation (GA)	250	250	250	250
Income enhancement demonstration (OH)	250	250	.....	250
Rural development (NM)	230	230	230	230
Rural development (NE)	400	.....	392	392
Rural development (OK)	300	.....	300	300
Chinch bug/Russian wheat aphid project (NE)	67	.....	67	67
Beef producers' improvement (AR)	200	.....	200	200
Integrated cow/calf resources management (IA)	250	.....	350	350
Extension specialist (AR)	100	.....	100	100
Rural center for the study and promotion of HIV/STD prevention (IN)	250	250	.....	250
Cranberry development (ME)	50	.....	50	50
Delta teachers academy	2,000	.....	5,000	3,935
Wood biomass as an alternative farm product (NY)	.....	200	.....	200
Range improvement (NM)	.....	200	.....	200
Agricultural Plastics (VT)	.....	.....	100	100
All other	810	.....	.....	.....
Total, Federal Administration	11,187	7,117	12,611	12,611

The conference agreement provides $3,935,000 for the Delta Teachers Academy. The conferees expect the General Accounting Office to submit a final review of this program to the House and Senate Committees on Appropriations by June 30, 1995.

Amendment No. 22: Appropriates $438,744,000 for the Extension Service instead of $429,200,000 as proposed by the House and $439,244,000 as proposed by the Senate. The conference agreement includes $50,000, within the total available for the Youth-at-Risk Program, for the I-CARE Program in Marion County, Illinois.

NATIONAL AGRICULTURAL LIBRARY

Amendment No. 23: Appropriates $18,307,000 for the National Agricultural Library as proposed by the Senate instead of $17,845,000 as proposed by the House.

Amendment No. 24: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which provides that $462,000 shall be available for the National Center for Agricultural Law Research and Information at the Leflar School of Law in Fayetteville, Arkansas. The House bill contained no similar provision.

ANIMAL AND PLANT HEALTH INSPECTION SERVICE

SALARIES AND EXPENSES

Amendment No. 25: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the sum proposed by said amendment insert: *$443,651,000*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement appropriates $443,651,000 for Animal and Plant Health Inspection Service, Salaries and Expenses instead of $438,651,000 as proposed by the House and $438,901,000 as proposed by the Senate.

The following table reflects the conference agreement:

ANIMAL AND PLANT HEALTH INSPECTION SERVICE

[In thousands of dollars]

	Fiscal year 1994 enacted	House bill	Senate bill	Conference agreement
PEST AND DISEASE EXCLUSION				
Agricultural quarantine inspection	24,246	25,140	25,140	25,140
User fees	91,460	96,660	96,660	96,660
Subtotal, Agricultural quarantine inspection	115,706	121,800	121,800	121,800
Foot-and-mouth disease	4,046	3,995	3,995	3,995
Import-export inspection	6,800	6,535	6,535	6,535
International programs	5,826	6,106	6,106	6,106
Mediterranean fruit fly exclusion	10,199	10,089	10,089	10,089
Mexican fruit fly exclusion	2,272	2,156	2,156	2,156
Screwworm	34,645	34,029	34,029	34,029
Total, pest and disease exclusion	179,494	184,710	184,710	184,710
PLANT AND ANIMAL HEALTH MONITORING				
Animal health monitoring and surveillance	59,933	59,381	59,381	59,381
Animal and plant health regulatory enforcement	5,849	5,865	5,865	5,865
Fruit fly detection	3,950	3,923	3,923	3,923
Pest detection	3,444	4,206	4,206	4,206
Total, plant and animal health monitoring	73,176	73,376	73,375	73,375
PEST AND DISEASE MANAGEMENT PROGRAMS				
Animal damage control—operations	26,092	26,592	26,592	26,592
Aquaculture	.....	493	493	493
Biocontrol	5,702	7,504	7,754	7,504
Boll weevil [1]	13,226	13,084	13,084	18,084
Brucellosis eradication	31,004	27,781	27,781	27,781
Cattle ticks	4,597	4,578	4,578	4,578
Golden nematode	658	615	615	615
Gypsy moth	5,202	5,177	5,177	5,177
Honey bee pests	380	.....	.....	.....
Imported fire ant	2,700	1,500	1,500	1,500
Miscellaneous plant diseases	1,996	1,988	1,988	1,988
Noxious weeds	475	404	404	404
Pink bollworm	2,292	1,069	1,069	1,069
Pre-harvest program	.....	2,800	2,800	2,800
Pseudorabies	4,543	4,543	4,543	4,543
Russian wheat aphid	2,400	.....	.....	.....
Salmonella enteritidis	3,411	3,384	3,384	3,384
Scrapie	3,000	2,969	2,969	2,969
Sweet potato whitefly	3,514	2,400	2,400	2,400
Tropical bont tick	.....	537	537	537
Tuberculosis	5,538	5,499	5,499	5,499
Witchweed	4,081	1,975	1,975	1,975
Total, Pest and disease management programs	120,812	114,892	115,142	119,892
ANIMAL CARE				
Animal welfare	9,262	9,262	9,262	9,262
Horse protection	481	362	362	362
Total, Animal care	9,743	9,624	9,624	9,624
SCIENTIFIC AND TECHNICAL SERVICES				
ADC methods development	9,681	9,681	9,681	9,681
Biotechnology/environmental protection	7,756	7,690	7,690	7,690
Integrated systems acquisition project	3,500	3,500	3,500	3,500
Plant methods development laboratories	5,084	5,059	5,059	5,059
Veterinary biologics	10,434	10,371	10,371	10,371
Veterinary diagnostics	14,946	14,811	14,811	14,811
Total, Scientific and technical services	51,401	51,112	51,112	51,112
Contingency fund	4,938	4,938	4,938	4,938
Procurement reform	.....	.....	.....	.....
Total, Salaries and expenses	439,564	438,651	438,901	443,651

[1] House language under Federal Crop Insurance Corporation added $12,000,000 to APHIS for the boll weevil program.

The conferees expect the Animal and Plant Health Inspection Services to help facilitate the collaboration between the veterinary biologics industry and the goat industry to develop a rabies vaccine for goats.

The Animal and Plant Health Inspection Service has established a trace back procedure in cases of *Salmonella enteritidis*. An industry organization, United Egg Producers, has developed a quality assurance food safety program for eggs. The conferees expect the Animal and Plant Health Inspection Service to cooperate and assist the egg industry to implement the quality assurance program on an expanded basis nationwide.

The conferees are aware of the need for new or renovated facilities to update the brucellosis and tuberculosis laboratories at Ames, Iowa, and request the Department report back to the House and Senate Committees on Appropriations by February 15, 1995, with a plan for updating the laboratories at the Ames site.

The avocado industry is concerned by the potential for a wide array of pest and disease infestations which may result from the importation of fresh Mexican avocados. The conferees believe that the scientific data relied on to justify any change to the entry status of fresh Mexican avocados must be sujected to the fullest review practicable. The conferees further believe such data must include baseline information on the full array of pests and diseases of concern to the United States that occurs in the avocado growing regions of Mexico.

Amendment No. 26: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

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

In fiscal year 19995 the agency is authorized to collect fees to cover the total costs of providing technical assistance, goods, or services requested by States, other political subdivisions, domestic and international organizations, foreign governments, or individuals, provided that such fees are structured such that any entity's liability for such fees is reasonable based on the technical assistance, goods, or services provided to the entity by the agency, and such fees shall be credited to this account, to remain available until expended, without further appropriation, for providing such assistance, goods, or services.

The managers on the part of the Senate will move to concur in the amendment of the House to amendment of the Senate.

The conference agreement provides authority for the Animal and Plant Health Inspection Service to collect fees fro technical services costs provided by the agency upon request. Use of this provision should be to cover salaries and expenses related to the Animal and Plant Health Inspection Service personnel providing training or educational seminars or equipment.

FOOD SAFETY AND INSPECTION SERVICE

Amendment No. 27: Appropriates $516,738,000 for the Food Safety and Inspection Service instead of $430,929,000 as proposed by the House and $533,929,000 as proposed by the Senate.

AGRICULTURAL MARKETING SERVICE

MARKETING SERVICES

Amendment No. 28: Appropriates $56,591,000 for Agricultural Marketing Service, Marketing Services instead of $55,728,000 as proposed by the House and $57,454,000 as proposed by the Senate. The conferees expect the Agricultural Marketing Service to continue activities related to egg inspection within the funds provided unless additional user fees are authorized for such activities.

FUNDS FOR STRENGTHENING MARKETS, INCOME, AND SUPPLY

(SECTION 32)

Amendment No. 29: Reported in technical disagreement. The managers on the part of

the House will offer a motion to recede and concur in the amendment of the Senate which provides that in fiscal year 1996, section 32 funds shall be used to promote sunflower and cottonseed oil exports. The House bill contained no similar provision.

PERISHABLE AGRICULTURAL COMMODITIES ACT

Amendment No. 30: Deletes House language, as proposed by the Senate, providing for new fees for the Perishable Agricultural Commodities Act. Public Law 103-176, which was recently enacted, addresses this issue.

FEDERAL CROP INSURANCE CORPORATION

ADMINISTRATIVE AND OPERATING EXPENSES

Amendment No. 31: Appropriates $68,884,000 for Federal Crop Insurance Corporation, Administrative and Operating Expenses instead of $62,796,000 as proposed by the House and $72,796,000 as proposed by the Senate.

Amendment No. 32: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter stricken by said amendment insert: *: Provided, That until October 1, 1995, the Secretary of Agriculture may collect and use such sums as may be necessary for the delivery of catastrophic risk protection under subsections (b) and (c) of section 508 of the Federal Crop Insurance Act, as that Act would be amended by section 6(a)(3) of H.R. 4217 as passed by the House on August 5, 1994, if such provision or similar provision is enacted into law: Provided further, That in addition to amounts otherwise appropriated in this Act, there are hereby appropriated such sums as may be necessary to carry out the purposes of the crop insurance fund established under section 516 of the Federal Crop Insurance Act, as that Act would be amended by section 8 of H.R. 4217, if such provision or similar provision is enacted into law*

The managers on the part of Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement provides language to allow such sums as necessary to be used by the crop insurance fund and for administrative and operating expenses from fees collected for catastrophic risk coverage. This language is necessary to comport with proposals contained in crop insurance reform legislation. The conference agreement deletes House language, as proposed by the Senate, providing $12,000,000 to the Animal and Plant Health Inspection Service.

COMMODITY CREDIT CORPORATION

DISASTER ASSISTANCE

Amendment No. 33: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter proposed by said amendment insert:

DISASTER ASSISTANCE

Such sums as may be necessary from the Commodity Credit Corporation shall be available, through July 15, 1995, to producers under the same terms and conditions authorized in chapter 3, subtitle B, title XXII of Public Law 101-624 for 1994 crops (including aquaculture) affected by natural disasters: Provided, That these funds shall be made available upon enactment of this Act: Provided further, That such funds shall also be available for payments to producers for 1995 through 1996 orchard crop losses, if the losses are due to freezing conditions incurred between January 1, 1994 and March 31, 1994, and Federal crop insurance is not available for affected orchard crop producers: Provided further, That such funds shall also be available to fund the costs of replanting, reseeding, or repairing damage to commercial trees, including orchard and nursery inventory, as a result of 1994 weather-related damages: Provided further, That the terms and conditions of section 521, paragraphs (a)(3) and (4), paragraph (b)(3), subparagraph (c)(2)(C), and subsections (d) and (e), as amended in section 201 of S. 2095 (as reported by the Committee on Agriculture, Nutrition, and Forestry on June 22, 1994) shall apply to all claims for assistance made under this paragraph: Provided further, That such amounts and uses of funds made available under this paragraph are designated by Congress as emergency requirements pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, and that such funds and uses shall be available only to the extent an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement adopts and modifies the Senate disaster provisions. The conferees provide for a maximum of three years coverage for orchard crop losses rather than five years. The conference agreement deletes "regardless of the age of the trees" when referring to commercial trees, and deletes "and excluding ornamental fish" in reference to aquaculture. The conferees agree that the term "orchards" include vineyards.

TITLE II—CONSERVATION PROGRAMS

SOIL CONSERVATION SERVICE

CONSERVATION OPERATIONS

Amendment No. 34: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter proposed by said amendment insert: *$556,062,000, and the unobligated and uncommitted portion of the fiscal year 1994 appropriation for the Conservation Reserve Program shall be transferred to this account*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement appropriates $556,062,000 for Soil Conservation Service, Conservation Operations instead of $576,562,000 as proposed by the House and $591,049,000 as proposed by the Senate. The agreement transfers the unobligated and uncommitted portion of the fiscal year 1994 appropriation for the Conservation Reserve Program to this account.

The conference agreement in amendment No. 91 also transfers unobligated fiscal year 1994 funds from the Wetlands Reserve Program to this account.

The conference agreement includes $200,000 to provide technical assistance for a rural recycling and water resource protection initiative in the Mississippi Delta region of Louisiana, Arkansas, and Mississippi.

The conferees direct the Department to provide an evaluation of all earmarked projects listed in the House and Senate reports, including the need for the project's continuation, total cost, and completion date.

Amendment No. 35: Provides $3,399,000 for improvements of the Plant Materials Centers instead of $2,399,000 as proposed by the House and $3,899,000 as proposed by the Senate.

The conference agreement provides $1,000,000 for the Plant Materials Center in Beckley, West Virginia.

WATERSHED AND FLOOD PREVENTION OPERATIONS

Amendment No. 36: Appropriates $70,000,000 for Watershed and Flood Prevention Operations instead of $65,000,000 as proposed by the House and $75,000,000 as proposed by the Senate.

The conferees recognize the value of four pilot projects currently underway in North Florida related to dairy and poultry cleanup efforts and urge the Department to continue those projects.

Amendment No. 37: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

Restore the matter stricken by said amendment, amended to read as follows: *(of which $10,000,000 shall be available for the watersheds authorized under the Flood Control Act approved June 22, 1936 (33 U.S.C. 701, 16 U.S.C. 1006a), as amended and supplemented): Provided, That, for fiscal year 1995 only, not to exceed 10 per centum of the foregoing amounts shall be available for allocation to any one State*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement restores House language earmarking $10,000,000 for the Public Law 534 program. The agreement also restores House language establishing a limitation on the percent of funds any one State can receive, but increases the limitation from 5 percent to 10 percent. This limitation applies to fiscal year 1995 only.

GREAT PLAINS CONSERVATION PROGRAM

Amendment No. 38: Appropriates $15,172,000 for the Great Plains Conservation Program instead of $11,672,000 as proposed by the House and $18,672,000 as proposed by the Senate.

AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE

AGRICULTURAL CONSERVATION PROGRAM

WATER QUALITY INCENTIVES PROGRAM

The conference agreement includes $2,800,000 to provide cost-shared financial assistance to farmers and local communities in support of a rural recycling and water resource protection initiative in the Mississippi Delta region of Louisiana, Arkansas, and Mississippi.

FORESTRY INCENTIVES PROGRAM

Amendment No. 39: Restores House language, which was deleted by the Senate, appropriating $6,625,000 for the Forestry Incentives Program.

COLORADO RIVER BASIN SALINITY CONTROL PROGRAM

Amendment No. 40: Restores House language and appropriates $4,500,000 for the Colorado River Basin Salinity Control Program instead of $5,000,000 as proposed by the House. The Senate amendment deleted House language providing for this program.

CONSERVATION RESERVE PROGRAM

The conferees expect the Office of Management and Budget and the Congressional Budget Office to continue to provide Conservation Reserve Program costs in their baselines so that Congress can extend and modify the program in the future.

TITLE III—FARMERS HOME AND RURAL DEVELOPMENT PROGRAMS

RURAL DEVELOPMENT ADMINISTRATION AND FARMERS HOME ADMINISTRATION

RURAL HOUSING INSURANCE FUND PROGRAM ACCOUNT

Amendment No. 41: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the sum proposed by said amendment insert: *$2,200,000,000*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement provides $2,200,000,000 for loans for section 502 low-income rural housing programs instead of $2,323,339,000 as proposed by the House and $2,400,000,000 as proposed by the Senate.

Amendment No. 42: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the sum proposed by said amendment insert: *$244,720,000*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement appropriates $244,720,000 for the subsidy cost of section 502 low-income rural housing programs instead of $268,105,000 as proposed by the House and $282,640,000 as proposed by the Senate.

Amendment No. 43: Restores House language, deleted by the Senate, providing $1,000,000 for a loan guarantee demonstration program of multifamily housing.

AGRICULTURAL CREDIT INSURANCE FUND PROGRAM ACCOUNT

Amendment No. 44: Deletes House language, as proposed by the Senate, providing $4,312,000 for soil and water conservation loans.

Amendment No. 45: Deletes House language, as proposed by the Senate, providing $411,000 for the subsidy cost of soil and water conservation loans.

Amendment No. 46: Appropriates $26,290,000 for the subsidy cost of natural disaster loans as proposed by the Senate instead of $26,060,000 as proposed by the House.

Amendment No. 47: Deletes Senate language providing that the Secretary may transfer fiscal year 1994 funds to provide for farm ownership, operating, or emergency loans.

RURAL DEVELOPMENT INSURANCE FUND PROGRAM ACCOUNT

Amendment No. 48: Provides $905,523,000 for water and sewer facility loans instead of $834,193,000 as proposed by the House and $976,853,000 as proposed by the Senate.

Amendment No. 49: Provides $17,000,000 for water and sewer facility loans for empowerment zones and enterprise communities as proposed by the House instead of $20,000,000 as proposed by the Senate.

Amendment No. 50: Appropriates $126,502,000 for the subsidy cost of water and sewer facility loans instead of $115,786,000 as proposed by the House and $136,466,000 as proposed by the Senate.

Amendment No. 51: Appropriates $21,375,000 for the subsidy cost of direct community facility loans as proposed by the Senate instead of $21,723,000 as proposed by the House.

Amendment No. 52: Appropriates $2,360,000 for the subsidy cost of water and sewer facility loans for empowerment zones and enterprise communities as proposed by the House instead of $2,794,000 as proposed by the Senate.

Amendment No. 53: Appropriates $741,000 for the subsidy cost of direct community facility loans for empowerment zones and enterprise communities as proposed by the Senate instead of $753,000 as proposed by the House.

Amendment No. 54: Appropriates $103,000 for the subsidy cost of guaranteed industrial development loans for empowerment zones and enterprise communities as proposed by the House instead of $105,000 as proposed by the Senate.

AGRICULTURAL RESOURCE CONSERVATION DEMONSTRATION PROGRAM ACCOUNT

Amendment No. 55: Deletes Senate language providing a $5,599,000 loan level and $3,086,000 subsidy cost for the Agricultural Resource Conservation Demonstration Program.

STATE MEDIATION GRANTS

Amendment No. 56: Appropriates $3,000,000 for State Mediation Grants as proposed by the Senate instead of $2,000,000 as proposed by the House.

SUPERVISORY AND TECHNICAL ASSISTANCE GRANTS

Amendment No. 57: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter stricken by said amendment insert:

RURAL WATER AND WASTE DISPOSAL GRANTS

Notwithstanding any other provision of law, the Secretary may use 1980 or 1990 census information for grant eligibility of projects submitted to the agency prior to the availability of 1990 census information in amounts not to exceed total project cost overruns.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement provides language to allow the Secretary of Agriculture to use either 1980 or 1990 census information for Rural Water and Waste Disposal Grants eligibility. The agreement also deletes House language, as proposed by the Senate, appropriating $2,400,000 for Supervisory and Technical Assistance Grants.

RURAL BUSINESS ENTERPRISE GRANTS

Amendment No. 58: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which provides $1,000,000 for the Northern Great Plains Rural Development Act, if enacted. The House bill contained no similar provision.

The conference agreement provides that not more than $10,000,000 shall be available for projects described in House Report 103-542 and not more than the same amount for projects described in Senate Report 103-290.

The conferees encourage funding of eligible projects which may be developed in response to the 1994 summer wildfires in the Western United States.

Amendment No. 59: Deletes House language, as proposed by the Senate, earmarking $2,000,000 for technical assistance to underrepresented groups in traditionally agricultural communities. Similar language is included as part of the Farmers Home Administration, Salaries and Expenses Account.

RURAL TECHNOLOGY AND COOPERATIVE DEVELOPMENT GRANTS

Amendment No. 60: Appropriates $1,750,000 for Rural Technology and Cooperative Development Grants instead of $1,500,000,000 as proposed by the House and $2,000,000 as proposed by the Senate.

The conferees expect the Rural Technology and Cooperative Development Grants to be awarded competitively and expect that Statewide and multi-State entities, such as the Cooperative Development Foundation, will be eligible.

LOCAL TECHNICAL ASSISTANCE AND PLANNING GRANTS

Amendment No. 61: Restores House language and appropriates $1,750,000 for Local Technical Assistance and Planning Grants instead of $2,500,000 as proposed by the House. The Senate amendment deleted House language providing for this program.

SALARIES AND EXPENSES

Amendment No. 62: Earmarks $4,263,000 for a circuit rider program instead of $4,159,000 as proposed by the House and $4,368,000 as proposed by the Senate.

RURAL ELECTRIFICATION ADMINISTRATION

RURAL ELECTRIFICATION AND TELEPHONE LOANS PROGRAM ACCOUNT

Amendment No. 63: Provides $297,000,000 for cost-of-money rural telephone loans as proposed by the Senate instead of $198,000,000 as proposed by the House.

Amendment No. 64: Appropriates $15,200,000 for the subsidy cost of direct electrification and telephone loans instead of $19,120,000 as proposed by the House and $14,807,000 as proposed by the Senate. The conference agreement sets a level of $9,703,000 for 5 percent electric subsidy costs and $5,497,000 for 5 percent telephone subsidy costs.

The conferees believe that the funds provided for the cost of 5 percent interest rate loans and Rural Telephone Bank loans are sufficient to support $75,000,000 and $175,000,000 in such loans, respectively. The conferees expect that these loan levels will be made available to eligible borrowers. However, if it is determined during the course of the fiscal year that additional subsidy amounts are necessary to make the amount of loans, the conferees expect the Department to request a supplemental appropriation for the amount found to be deficient.

Amendment No. 65: Appropriates $60,000 for the subsidy cost of cost-of-money rural telephone loans as proposed by the Senate instead of $40,000 as proposed by the House.

RURAL TELEPHONE BANK PROGRAM ACCOUNT

Amendment No. 66: Appropriates $770,000 for the subsidy cost of Rural Telephone Bank loans as proposed by the Senate instead of $2,728,000 as proposed by the House.

TITLE IV—DOMESTIC FOOD PROGRAMS

FOOD AND NUTRITION SERVICE

CHILD NUTRITION PROGRAMS

Amendments No. 67 and 68: Delete House language, as proposed by the Senate, relating to administrative procedures of Child Nutrition Programs and conform the bill accordingly. These procedures are being addressed in the reauthorization bill.

Amendment No. 69: Provides $1,853,000 for the Food Service Management Institute as proposed by the Senate instead of $1,706,000 as proposed by the House.

The conferees are aware that substantial training and technical assistance will be necessary to prepare school food personnel to implement the School Meals Initiative successfully. The National Food Service Management Institute can make a valuable contribution to this effort. The conferees support the Department of Agriculture's intent,

as stated in the Assistant Secretary for Food and Consumer Services' letter of July 22, 1994, to provide funds to the Institute for these additional activities from an account established to implement section 6(a)(3) of the National School Lunch Act established to carry out training and technical assistance efforts related to implementing the School Meals Initiative.

Amendment No. 70: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the sum named in said amendment insert: *$500,000*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement provides $500,000 for grants to States for non-recurring costs in providing for the special dietary needs of children with disabilities instead of $859,000 as proposed by the Senate. The House bill contained no similar provision.

The conference agreement provides for the Child Nutrition Programs at the following annual rates:

TOTAL OBLIGATIONAL AUTHORITY

[In thousands of dollars]

	House bill	Senate bill	Conference agreement
Child Nutrition Programs:			
School lunch program	4,134,766	$4,134,766	4,134,766
School breakfast program	1,027,230	1,027,230	1,027,230
State administrative expenses	94,041	94,041	94,041
Summer food service program	256,564	256,564	256,564
Child care food program	1,643,448	1,643,448	1,643,448
Commodity procurement	255,317	255,317	255,317
Nutrition studies and surveys	3,663	3,663	3,663
Nutrition education and training	10,270	10,270	10,270
Federal review system	3,849	3,849	3,849
Food Service Management Institute	1,706	1,853	1,853
Dietary guidelines	20,497	20,350	20,350
Total	7,451,351	7,451,351	7,451,351

SPECIAL MILK PROGRAM

Amendment No. 71: Deletes House language relating to administrative procedures of the Special Milk Program. These procedures are being addressed in the reauthorization bill.

SPECIAL SUPPLEMENTAL FOOD PROGRAM FOR WOMEN, INFANTS, AND CHILDREN (WIC)

Amendment No. 72: Provides $6,750,000 for the Farmer's Market Coupon Program instead of $5,500,000 as proposed by the House and $8,000,000 as proposed by the Senate.

Amendment No. 73: Makes a grammatical change to the bill as proposed by the Senate.

Amendment No. 74: Deletes House language, as proposed by the Senate, exempting rebates received by States from cost containment initiatives from the interest provisions of the Cash Management Improvement Act of 1990. This provision is being addressed in the reauthorization bill.

COMMODITY SUPPLEMENTAL FOOD PROGRAM

The conferees are aware that a much larger carryover balance will be available in fiscal year 1995 than originally anticipated. Therefore, the conference agreement appropriates $84,500,000 for the Commodity Supplemental Food Program instead of $94,500,000 as proposed by both the House and the Senate.

FOOD STAMP PROGRAM

Amendment No. 75: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter stricken and inserted by said amendment insert: *and section 601 of Public Law 96–597 (48 U.S.C. 1469d), $28,830,710,000*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement includes a citation to allow for the continued operation of a modified Food Stamp Program in American Samoa in fiscal year 1995 as proposed by the Senate in Amendment No. 77. The conferees are concerned with the Department's and the Office of Management and Budget's approach to funding mandatory programs, such as food stamps, with discretionary funds. If specific authorization for a mandatory program is needed, then the authorization should be obtained prior to the program's implementation. It should not be funded with discretionary funds. The Department and the Office of Management and Budget are expected to seek the proper authorization for the Food Stamp Program in American Samoa in the 1995 Farm Bill. The conferees do not expect to continue funding this program with discretionary funds.

The conference agreement provides the total budget request, including the $13,253,000 which the Office of Management and Budget arbitrarily scores as discretionary spending. Within this amount is funding for implementation and oversight related to Electronic Benefits Transfer or EBT. It is anticipated that EBT will replace food stamp coupons in the future. The conferees believe EBT and other items within the Food Stamp Program are in direct support of the program and should be scored as mandatory spending. Therefore, the conference agreement makes these funds available only to the extent that they are scored by the Office of Management and Budget the same as the rest of the Food Stamp Program.

The conferees expect the Department to increase efforts to identify and eliminate abuse and fraud in the Food Stamp Program, and expect a report on the specifics of an increased investigative and enforcement program by December 31, 1994.

Amendment No. 76: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

Restore the matter stricken by said amendment, amended to read as follows:: *Provided further, That none of the funds in this Act shall be used to cash out food stamp benefits beyond a total of 25 projects and the total participation in such projects shall not exceed 3 per centum of the estimated national household level participating in the Food Stamp Program*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement prohibits the Department from approving more than a total of 25 food stamp cash-out projects including all ongoing projects. In addition, the total participation in such projects cannot exceed three percent of the estimated national household level participating in the Food Stamp Program. The conferees expect the Department to keep Congress informed concerning the projects that it has approved and the number of cases approved to participate in each such project.

FOOD DONATIONS PROGRAMS FOR SELECTED GROUPS

Amendment No. 77: Deletes Senate language relating to American Samoa. The conference agreement provides for the modified Food Stamp Program in American Samoa under the Food Stamp Program Account.

Amendment No. 78: Appropriates $183,154,000 for Food Donations Programs for Selected Groups as proposed by the House instead of $188,404,000 as proposed by the Senate. Included in this amount are $33,154,000 for the Food Distribution Program on Indian Reservations and $150,000,000 for the Elderly Feeding Program. The conferees expect the Department to maintain the current reimbursement rate for the Elderly Feeding Program within available funds.

THE EMERGENCY FOOD ASSISTANCE PROGRAM

Amendment No. 79: Restores House language and appropriates $25,000,000 for commodity purchases of the Emergency Food Assistance Program instead of $40,000,000 as proposed by the House. The Senate amendment deleted House language providing for this program.

TITLE V—FOREIGN ASSISTANCE AND RELATED PROGRAMS

FOREIGN AGRICULTURAL SERVICE

DAIRY EXPORT INCENTIVE PROGRAM

The Dairy Export Incentive Program (DEIP) has proved to be a success in developing markets for U.S. dairy products. Studies have shown that the most promising new markets for dairy products are the Pacific Rim countries of Asia. However, exports under the DEIP have not been made in these most promising markets. The conferees urge the Administration to allocate, in calendar year 1995, additional dairy products to countries in the Pacific Rim. Such countries shall include but are not limited to China, Hong Kong, Indonesia, Japan, Malaysia, the Philippines, Singapore, South Korea, Taiwan, and Thailand.

TITLE VI—RELATED AGENCIES AND FOOD AND DRUG ADMINISTRATION

DEPARTMENT OF HEALTH AND HUMAN SERVICES

FOOD AND DRUG ADMINISTRATION

SALARIES AND EXPENSES

Amendment No. 80: Provides a total of $899,394,000 for Food and Drug Administration, Salaries and Expenses instead of $914,394,000 as proposed by the House and $754,587,000 as proposed by the Senate.

The conferees expect that any Mammography Quality Standards Act inspection fees collected by the Food and Drug Administration are in addition to the amount specified in this Act for the Salaries and Expenses Account of the Food and Drug Administration.

Amendment No. 81: Deletes House language, as proposed by the Senate, prohibiting the Food and Drug Administration from using 31 U.S.C. 9701 to develop, establish, or operate any program of user fees.

Amendment No. 82: Deletes House language, as proposed by the Senate, prohibiting enforcement of rules and regulations for a selenium supplement level in animal feeds below 0.3 parts per million. The conference agreement addresses this issue in Amendment No. 84.

Amendment No. 83: Reported in technical disagreement. The managers on the part of the House offer a motion to recede and concur in the amendment of the Senate which provides that no employee of the U.S. Department of Agriculture shall be peremptorily removed without a hearing from his or her position because of remarks made during personal time regarding departmental policies or proposed policies. The House bill contained no similar provision.

Amendment No. 84: Reported in technical disagreement. The managers on the part of

the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter inserted by said amendment insert:

The stay (published at 58 Fed. Reg. 47962) of the 1987 food additive regulation relating to selenium (21 Code of Federal Regulations 573.920) is suspended until December 31, 1995.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement amends Senate language related to selenium content in animal feeds. The House bill contained similar language in Amendment No. 82.

Amendment No. 85: Restores House language, deleted by the Senate, allowing FDA to sell surplus animals and to retain the proceeds as part of the Salaries and Expenses Account.

Amendment No. 86: Deletes Senate language prohibiting FDA from purchasing or renting more than one cellular telephone. The House will contained no similar provision.

BUILDINGS AND FACILITIES

Amendment No. 87: Appropriates $18,150,000 for Food and Drug Administration, Buildings and Facilities as proposed by the House instead of $8,350,000 as proposed by the Senate.

INDEPENDENT AGENCIES

COMMODITY FUTURES TRADING COMMISSION

Amendment No. 88: Appropriates $49,144,000 for the Commodity Futures Trading Commission instead of $47,480,000 as proposed by the House and $50,809,000 as proposed by the Senate.

Amendment No. 89: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

Restore the matter stricken by said amendment, amended to read as follows: *: Provided, That the Commission is authorized to charge reasonable fees to attendees of Commission sponsored educational events and symposia to cover the Commission's costs of providing those events and symposia, and notwithstanding 31 U.S.C. 3302, said fees shall be credited to this account, to be available without further appropriation.*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement provides authority for the Commodity Futures Trading Commission to collect fees to cover Commission costs related to salaries and expenses for services provided at events and symposia. The House proposed similar language which the Senate deleted.

TITLE VII—GENERAL PROVISIONS

Amendment No. 90: Limits the Market Promotion Program to $85,500,000 instead of $90,000,000 as proposed by the House and zero dollars as proposed by the Senate. The Senate limited the Market Promotion Program in Amendment No. 98.

Amendment No. 91: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter proposed by said amendment insert: *, unless additional acres in excess of the 100,000 acre limitation can be enrolled without exceeding $93,200,000: Provided, That the unobligated portion of the fiscal year 1994 appropriation shall be transferred to and merged with the appropriation for the Soil Conservation Service, Conservation Operations*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement allows acres to be enrolled in the Wetlands Reserve Program in fiscal year 1995 in excess of 100,000 without exceeding $93,200,000 as proposed by the Senate. In addition, the conference agreement transfers unobligated fiscal year 1994 funds from the Wetlands Reserve Program to the Conservation Operations Account of the Soil Conservation Service instead of allowing the funds to be used for enrolling additional acres in the Wetlands Reserve Program as proposed by the Senate. The House bill contained no similar provision.

Amendment No. 92: Restores House language, deleted by the Senate, regarding compliance with the Buy American Act.

Amendment No. 93: Restores House language, deleted by the Senate, allowing the Agricultural Marketing Service to enter into cooperative agreements with a State or a Cooperator.

Amendment No. 94: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

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

In lieu of the sum named in said amendment insert: *$25,650,000*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement restores House language and limits the sunflower and cottonseed oil export program to $25,650,000 in fiscal year 1995 instead of $27,000,000 as proposed by the House and no limitation as proposed by the Senate.

Amendment No. 95: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which deletes House language regarding honey and inserts Senate language eliminating price supports and payments for loan forfeitures.

Amendment No. 96: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which deletes House language prohibiting payment of Morrill-Nelson funds in fiscal year 1995 and appropriating an additional $2,850,000 for higher education challenge grants, and inserts Senate language permanently prohibiting payments under Morrill-Nelson. Amendment No. 12 includes an additional $2,850,000 for higher education challenge grants.

Amendment No. 97: Deletes House language, as proposed by the Senate, providing that certain funds cannot be used in violation of the law.

Amendment No. 98: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

Delete the matter inserted by said amendment, and on page 61, line 12, of the House engrossed bill strike "$94,500,000" and insert in lieu thereof *$84,500,000*, and on page 79, line 18, of the House engrossed bill strike "$850,000,000" and insert in lieu thereof *$800,000,000*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement deletes Senate language reducing 27 accounts and providing $90,000,000 for the Market Promotion Program. The funding level for the Market Promotion Program is set in Amendment No. 90.

The conference agreement makes the following changes to the House and Senate passed bills: (1) the Commodity Supplemental Food Program is reduced from $94,500,000 to $84,500,000; and (2) the limitation on the Export Enhancement Program is reduced from $850,000,000 to $800,000,000.

Amendment No. 99: Deletes Senate language entitled "Ending the Use of Taxpayer Funds to Encourage Employees to Accept Homosexuality as a Legitimate or Normal Lifestyle." The House bill contained no similar provision.

Amendment No. 100: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter inserted by said amendment insert:

SEC. 725. The Secretary shall take reasonable steps to ensure that no funds made available under this Act be used to provide any direct individual Federal benefit or assistance to any individual applying for such benefit or assistance unless said individual meets all eligibility criteria for the benefit or assistance.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement changes the section number and amends Senate language regarding payment of funds in the Act to an individual unless such individual meets all eligibility criteria for the benefit or assistance.

Amendment No. 101: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which provides the following disaster appropriations which are declared emergencies by Congress and are subject to a Presidential emergency designation:

1. Emergency Community Water Assistance Grants	$10,000,000
2. Very Low-Income Housing Repair Grants	15,000,000
3. Emergency Loans, Subsidy	7,670,000

The conference agreement also transfers $23,000,000 appropriated in the Emergency Supplemental Appropriations Act of 1994, Public Law 103–211, from Watershed and Flood Prevention Operations to the Emergency Conservation Program. The House bill contained no similar provision.

Amendment No. 102: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter inserted by said amendment insert:

SEC. 727. REPAYMENT OF DEFICIENCY PAYMENTS.—In any case in which the Secretary of Agriculture finds that the farming, ranching, or aquaculture operations of producers on a farm have been substantially affected by a natural disaster in the United States or by a major disaster or emergency designated by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), the Secretary of Agriculture shall not require any repayment under subparagraph (G) or (H) of section 114(a)(2) of the Agricultural Act of 1949 (7 U.S.C. 1445j(a)(2)) for the 1993 crop of a commodity prior to March 1, 1995.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement changes the section number and amends Senate language requiring the Secretary to waive the repayment of advanced deficiency payments for the 1993 crop of a commodity, for individuals substantially affected by a natural disaster, until March 1, 1995. The Senate amendment delayed repayment of advanced deficiency payments on 1994 crops until January 1, 1995. The House bill contained no similar provision.

CONFERENCE TOTAL—WITH COMPARISONS

The total new budget (obligational) authority for the fiscal year 1994 recommended by the Committee of Conference, with comparisons to the fiscal year 1994 budget estimates, and the House and Senate bills for 1994 follow:

Budget estimates of new (obligational) authority, fiscal year 1994	
House bill, fiscal year 1994	
Senate bill, fiscal year 1994	$32,670,000
Conference agreement, fiscal year 1994	32,670,000
Conference agreement compared with:	
Budget estimates of new (obligational) authority, fiscal year 1994	+32,670,000
House bill, fiscal year 1994	+32,670,000
Senate bill, fiscal year 1994	

The total new budget (obligational) authority for the fiscal year 1995 recommended by the Committee of Conference, with comparisons to the fiscal year 1994 amount, the 1995 budget estimates, and the House and Senate bills for 1995 follow:

New budget (obligational) authority, fiscal year 1994	$70,844,571,000
Budget estimates of new (obligational) authority, fiscal year 1995	68,465,923,000
House bill, fiscal year 1995	67,925,662,000
Senate bill, fiscal year 1995	67,913,971,000
Conference agreement, fiscal year 1995	68,004,746,000
Conference agreement compared with:	
New budget (obligational) authority, fiscal year 1994	−2,839,825,000
Budget estimates of new (obligational) authority, fiscal year 1995	−461,177,000
House bill, fiscal year 1995	+79,084,000
Senate bill, fiscal year 1995	+90,775,000

RICHARD J. DURBIN,
JAMIE L. WHITTEN,
MARCY KAPTUR,
RAY THORNTON,
ROSA L. DELAURO,
PETE PETERSON,
ED PASTOR,
NEAL SMITH,
DAVID R. OBEY,
JOE SKEEN,
JOHN T. MYERS,
BARBARA F. VUCANOVICH,
JAMES T. WALSH,
JOSEPH M. MCDADE,
Managers on the Part of the House.

DALE BUMPERS,
TOM HARKIN,
J. ROBERT KERREY,
(except for amendment 33 "ornamental fish")
J. BENNETT JOHNSTON,
HERB KOHL,
DIANNE FEINSTEIN,
ROBERT C. BYRD,
THAD COCHRAN,
ARLEN SPECTER,
CHRISTOPHER S. BOND,
PHIL GRAMM,
SLADE GORTON,
MARK O. HATFIELD,
Managers on the Part of the Senate.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. GRAMS) to revise and extend their remarks and include extraneous material:)

Mr. ROHRABACHER, for 5 minutes, today.

Mr. HOKE, for 5 minutes, today.

Mr. GRAMS, for 5 minutes, today.

Mr. ISTOOK, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. GRAMS) and to include extraneous matter:)

Mr. FIELDS of Texas.

Mr. LIVINGSTON in two instances.

Mr. LEWIS of Kentucky.

Mr. BURTON of Indiana.

Mr. COX.

(The following Members (at the request of Mr. HASTINGS) and to include extraneous matter:)

Mr. MILLER of California.

Mr. CARR of Michigan.

Mr. REED.

Mr. NEAL of Massachusetts.

Mr. VISCLOSKY.

Mr. LEVIN.

Mr. KLECZKA.

Ms. ENGLISH of Arizona.

Mr. JACOBS.

Mr. KANJORSKI in three instances.

Mr. CLYBURN in two instances.

Mr. HOCHBRUECKNER.

Mr. RAHALL.

Mr. MENENDEZ in two instances.

Mr. BREWSTER.

Mr. HINCHEY.

Mr. EDWARDS of California.

Mr. LIPINSKI in two instances.

Mr. SANDERS.

(The following Members (at the request of Mr. BURTON of Indiana) and to include extraneous matter:)

Mr. GUTIERREZ.

Mr. STARK.

Mr. BERMAN in two instances.

(The following Members (at the request of Mr. HUNTER) and to include extraneous matter:)

Mr. GINGRICH.

Mr. ROHRABACHER.

Mr. FILNER.

ADJOURNMENT

Mr. HUNTER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 33 minutes p.m.), the House adjourned until Wednesday, September 21, 1994, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3854. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed manufacturing license agreement with Finland (Transmittal No. DTC-33-94), pursuant to 22 U.S.C. 2776(c); to the Committee on Foreign Affairs.

3855. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting memorandum of justification for Presidential determination regarding the drawdown of defense articles and services for the multinational coalition to restore democracy in Haiti, pursuant to 22 U.S.C. 2318(b)(2); to the Committee on Foreign Affairs.

3856. A letter from the Administrator, U.S. Agency for International Development, transmitting policy justification for a proposed transfer of funds from the development assistance account to the account for operating expenses of the Agency for International Development, pursuant to section 652 of the Foreign Assistance Act of 1961, as amended; to the Committee on Foreign Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BROOKS: Committee on the Judiciary. H.R. 4307. A bill to amend title 35, United States Code, with respect to applications for process patents; with an amendment (Rept. 103-728). Referred to the Committee of the Whole House on the State of the Union.

Mr. HOYER: Committee of Conference. Conference report on H.R. 4539. A bill making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain independent agencies, for the fiscal year ending September 30, 1995, and for other purposes (Rept. 103-729). Ordered to be printed.

Mr. MOAKLEY: Committee on Rules. House Resolution 532. Resolution providing for consideration of the bill (H.R. 4448) to amend the act establishing Lowel National Historical Park, and for other purposes (Rept. 103-730). Referred to the House Calendar.

Mr. MOAKLEY: Committee on Rules. House Resolution 535. Resolution providing for consideration of the bill (H.R. 4422) to authorize appropriations for fiscal year 1995 for the Coast Guard, and for other purposes (Rept. 103-731). Referred to the House Calendar.

Mr. BONIOR: Committee on Rules. House Resolution 536. Resolution providing for consideration of the bill (H.R. 2866) to provide for the sound management and protection of Redwood forest areas in Humboldt County, CA, by adding certain lands and waters to the Six Rivers National Forest and by including a portion of such lands in the national wilderness preservation system (Rept. 103–732). Referred to the House Calendar.

Mr. SMITH of Iowa: Committee of Conference. Conference report on H.R. 4606. A bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1995, and for other purposes (Rept. 103–733). Ordered to be printed.

Mr. DURBIN: Committee of Conference. Conference report on H.R. 4554. A bill making appropriations for Agriculture, Rural Development, Food and Drug Administration, and related agencies programs for the fiscal year ending September 30, 1995, and for other purposes (Rept. 103–734). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. GIBBONS:

H.R. 5060. A bill to provide for the continuation of certain fee collections for the expenses of the Securities and Exchange Commission for fiscal year 1995; jointly, to the Committees on Energy and Commerce and Ways and Means.

By Mr. TOWNS (for himself, Mr. GILLMOR, Mr. BARCIA of Michigan, Mr. EHLERS, Mr. OXLEY, Mr. BARLOW, Mr. UPTON, Mr. MINGE, and Mr. HILLIARD):

H.R. 5061. A bill to amend the Nuclear Waste Policy Act of 1982 to clarify the obligation of the Federal Government to take possession of and title to high-level radioactive waste and spent nuclear fuel and provide for its timely and safe transportation, storage, and disposal, and for other purposes; jointly, to the Committees on Energy and Commerce and Natural Resources.

By Mrs. MEYERS of Kansas (for herself, Mr. KOLBE, Mrs. MORELLA, Mr. BOEHLERT, Mrs. JOHNSON of Connecticut, Mr. EHLERS, Mr. HOBSON, Mr. CASTLE, Mr. PORTMAN, Mr. UPTON, Mr. SHAYS, Mr. HOEKSTRA, Mr. ROBERTS, Mr. MCCLOSKEY, Mr. GOSS, Mr. PENNY, Mr. COX, Mr. BALLENGER, Mr. HYDE, Mr. LEACH, Mr. HUTTO, Mr. TORRICELLI, Mr. WALKER, Mr. DREIER, Mr. HOLDEN, Mr. KANJORSKI, Mr. CHAPMAN, Mr. KLINK, Mr. DELAY, Mr. BARTON of Texas, Mr. REGULA, Mr. BLUTE, Mrs. ROUKEMA, Mr. VENTO, Mr. PAXON, Mr. HUNTER, Mr. MCCRERY, Mr. GALLEGLY, Mr. BATEMAN, Mr. GILMAN, Mr. BERMAN, Mr. LIGHTFOOT, Mr. SHAW, Mr. DORNAN, Mr. FAWELL, Mr. SOLOMON, Mr. BURTON of Indiana, Mr. WISE, Mr. OBERSTAR, Mr. KNOLLENBERG, Mr. ZELIFF, Mr. BAKER of Louisiana, Mr. TORKILDSEN, Mr. COLLINS of Georgia, Mr. SMITH of Texas, Mr. HASTERT, Mr. MCINNIS, and Mr. STEARNS):

H.R. 5062. A bill to amend the Internal Revenue Code of 1986 to make permanent the limited deduction of health insurance costs of self-employed individuals; to the Committee on Ways and Means.

By Mr. SCHUMER:

H.R. 5063. A bill to amend the Immigration Act of 1990 to provide for complete use of visas made available under the diversity transition program; to the Committee on the Judiciary.

By Mr. FILNER (for himself, Mr. BECERRA, Mr. BERMAN, Mr. BROWN of California, Ms. MCKINNEY, Mrs. MINK of Hawaii, Mr. SANDERS, Mrs. UNSOELD, Ms. VELÁZQUEZ, Ms. WATERS, and Mr. OWENS):

H.R. 5064. A bill to amend the Internal Revenue Code of 1986 to revise the limitation applicable to mutual life insurance companies on the deduction for policy holder dividends and to exempt small life insurance companies from the required capitalization of certain policy acquisition expenses; to the Committee on Ways and Means.

By Mr. PENNY:

H.R. 5065. A bill to amend the Consolidated Farm and Rural Development Act to make technical corrections to certain provisions relating to beginning farmers and ranchers; to the Committee on Agriculture.

By Mr. QUILLEN:

H.R. 5066. A bill to amend the Public Health Service Act to modify the eligibility requirements for appointment as the Surgeon General of the Public Health Service; to the Committee on Energy and Commerce.

By Mr. BREWSTER:

H.J. Res. 410. Joint resolution to authorize the President to issue a proclamation designating October 1994 as "National Spina Bifida Prevention Month"; to the Committee on Post Office and Civil Service.

By Mr. HOYER (for himself, Mr. WELDON, Mr. VALENTINE, and Mr. BOEHLERT):

H.J. Res. 411. Joint resolution designating October 29, 1994, as "National Firefighters Day"; to the Committee on Post Office and Civil Service.

By Mr. STUMP (for himself, Mr. COPPERSMITH, Ms. ENGLISH of Arizona, Mr. KOLBE, and Mr. PASTOR):

H.J. Res. 412. Joint resolution to express the sense of the Congress in commemoration of the 75th anniversary of Grand Canyon National Park; to the Committee on Natural Resources.

By Mr. CONYERS:

H. Con. Res. 291. Concurrent resolution directing the Secretary of the Senate to make corrections in the enrollment of S. 1587; considered and agreed to.

By Mr. MAZZOLI:

H. Res. 533. Resolution to provide for the concurrence of the House to the amendment of the Senate to the bill (H.R. 783) with an amendment; considered under suspension of the rules and passed.

By Mr. WAXMAN:

H. Res. 534. Resolution to correct the engrossment of the amendment of the House of Representatives to the Senate bill (S. 725); considered and agreed to.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. REED introduced a bill (H.R. 5067) to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for each of three barges; which was referred to the Committee on Merchant Marine and Fisheries.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 65: Mr. JOHNSON of Georgia.

H.R. 672: Mr. KLEIN.

H.R. 778: Mr. PAYNE of Virginia.

H.R. 799: Mr. RIDGE.

H.R. 1048: Ms. BROWN of Florida.

H.R. 1080: Ms. SNOWE.

H.R. 1843: Mr. SMITH of Oregon.

H.R. 2417: Mr. BLILEY.

H.R. 2418: Mr. TRAFICANT, Mr. BURTON of Indiana, Mr. MCCOLLUM, Mr. ORTON, Mr. MYERS of Indiana, and Ms. SNOWE.

H.R. 2467: Mr. BACHUS of Alabama.

H.R. 2479: Mr. NADLER, Mr. SABO, Mr. SCHUMER, and Mr. SANDERS.

H.R. 2488: Mr. MEEHAN and Mr. RANGEL.

H.R. 2898: Mr. MCCLOSKEY.

H.R. 3039: Mr. DOOLEY and Mr. YOUNG of Alaska.

H.R. 3233: Mr. LIVINGSTON.

H.R. 3407: Mr. ORTON.

H.R. 3633: Mr. CALVERT and Mr. FINGERHUT.

H.R. 3790: Mr. RICHARDSON.

H.R. 3795: Mr. BARCA of Wisconsin.

H.R. 3854: Mrs. SCHROEDER, Mr. DELLUMS, Mr. PENNY, and Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 3862: Mr. MOORHEAD.

H.R. 3866: Mr. VISCLOSKY and Mr. HOYER.

H.R. 3971: Mr. KLUG.

H.R. 4056: Mr. HUTCHINSON, Mr. BILBRAY, Mr. SHAYS, Mr. GOODLATTE, and Ms. SNOWE.

H.R. 4118: Mr. GALLEGLY.

H.R. 4137: Mr. COX and Mr. PASTOR.

H.R. 4138: Mr. GUNDERSON and Mr. BAKER of Louisiana.

H.R. 4284: Ms. VELÁZQUEZ, Mr. ROMERO-BARCELÓ, Mr. ORTON, and Ms. NORTON.

H.R. 4371: Mr. GOSS.

H.R. 4394: Mr. INHOFE and Mr. VENTO.

H.R. 4412: Mr. GILLMOR.

H.R. 4474: Mr. WYDEN and Mr. NEAL of Massachusetts.

H.R. 4514: Mr. LEWIS of California, Mr. YOUNG of Alaska, and Mr. JOHNSON of South Dakota.

H.R. 4527: Mrs. BENTLEY and Mr. HANSEN.

H.R. 4574: Mr. KREIDLER and Ms. DUNN.

H.R. 4643: Mr. SKEEN and Mr. ZELIFF.

H.R. 4788: Mr. MCHUGH.

H.R. 4802: Mr. HALL of Texas, Mr. DELLUMS, Mr. BARRETT of Wisconsin, and Mr. MENENDEZ.

H.R. 4805: Mr. ORTON.

H.R. 4811: Ms. KAPTUR.

H.R. 4830: Mr. BAKER of California.

H.R. 4887: Mr. PETRI.

H.R. 4933: Mr. DICKS.

H.R. 4936: Mr. CALVERT, Mr. SWETT, Mr. MANZULLO, Mr. KLUG, Mrs. LLOYD, Mr. QUINN, Mr. LAFALCE, Mr. HOAGLAND, and Mr. SHAYS.

H.R. 4941: Mr. ABERCROMBIE, Mr. BECERRA, Mr. BEILENSON, Mr. BROWN of California, Mr. CLAY, Mrs. CLAYTON, Mr. CLYBURN, Mr. DELLUMS, Mr. FARR, Mr. FOGLIETTA, Mr. FRANK of Massachusetts, Mr. HAMBURG, Mr. HEFNER, Mr. HINCHEY, Mr. HOCHBRUECKNER, Mr. KANJORSKI, Mr. LAFALCE, Mr. MARTINEZ, Mr. MCDERMOTT, Ms. MCKINNEY, Mr. MFUME, Mr. MILLER of California, Mr. MINETA, Mrs. MINK of Hawaii, Mr. NADLER, Mr. OLVER, Mr. PENNY, Mr. RANGEL, Mr. SABO, Mr. SANDERS, Mrs. SCHROEDER, Mr. STARK, Mr. STOKES, Mr. THOMPSON, Mr. TORRES, Mr. TOWNS, Mr. UNDERWOOD, Mrs. UNSOELD, Ms. VELÁZQUEZ, Ms. WATERS, Mr. WYNN, and Mr. YATES.

H.R. 4942: Mr. OXLEY and Mr. JOHNSON of Georgia.

H.R. 4949: Mr. BARCA of Wisconsin.

H.R. 4957: Mr. TRAFICANT.

H.R. 4976: Mr. STUMP, Mr. KOLBE, Mr. ORTON, and Ms. SHEPHERD.

H.R. 4977: Mr. STENHOLM.

H.R. 4978: Mr. STENHOLM.

H.R. 4979: Mr. STENHOLM.

H.R. 5028: Mr. KREIDLER and Mrs. UNSOELD.

H.R. 5033: Mr. TALENT, Mr. CHAPMAN, Mr. EMERSON, Mr. HAYES, Mr. BALLENGER, Mr. DELAY, Mr. BREWSTER, Mr. MONTGOMERY, Mr. HANSEN, Mr. GALLEGLY, Mr. DOOLITTLE, Mr. SANTORUM, Mr. UPTON, Mr. DUNCAN, Mr. SOLOMON, Ms. DANNER, Mr. BOUCHER, Mr. KLINK, Mr. GUNDERSON, and Mr. LIGHTFOOT.

H.R. 5038: Mr. KLUG.

H.J. Res. 44: Mr. SANTORUM.

H.J. Res. 199: Mr. HAMBURG, Mr. CONDIT, Mr. CANADY, Mr. ORTON, and Mr. PETE GEREN of Texas.

H.J. Res. 358: Mrs. BENTLEY, Mr. BACCHUS of Florida, Mr. MONTGOMERY, Mr. WOLF, Mr. WISE, Mr. REED, Mr. DELLUMS, Mr. JEFFERSON, Mr. BROWN of California, Mr. SHAYS, Mr. GOODLING, Mr. DARDEN, and Mr. SMITH of New Jersey.

H.J. Res. 385: Mr. JOHNSON of South Dakota and Mr. PASTOR.

H.J. Res. 401: Mr. BATEMAN, Mr. BEVILL, Mrs. BYRNE, Mr. CASTLE, Mr. CLEMENT, Mr. CLINGER, Mr. DE LUGO, Mr. DEUTSCH, Mr. DIAZ-BALART, Mr. FAZIO, Mr. HEFNER, Mr. HUTTO, Mr. KLECZKA, Mr. LEACH, Ms. LOWEY, Mr. MCDADE, Mr. PALLONE, Mr. PARKER, Mr. PASTOR, Mr. PETERSON of Florida, Mr. ROEMER, Mr. ROMERO-BARCELÓ, Mr. SCOTT, Mr. SMITH of Iowa, Mr. TAUZIN, Mrs. UNSOELD, Mr. WOLF, and Mr. WYDEN.

H.J. Res. 402: Mr. BALLENGER and Mr. WALSH.

H.J. Res. 405: Mr. FIELDS of Texas, Mr. POMEROY, Ms. LAMBERT, Mr. THOMPSON, Mr. CHAPMAN, Mr. BAKER of Louisiana, Mr. KINGSTON, Mr. POMBO, Mr. JOHNSON of South Dakota, Mr. HERGER, Mr. DOOLEY, Mr. BOEHNER, and Mr. ARCHER.

H. Con. Res. 15: Mr. LAFALCE.

H. Con. Res. 35: Ms. LOWEY, Mr. NADLER, Mr. OWENS, Mr. PAYNE of New Jersey, Mr. CONDIT, Mr. ANDREWS of Maine, Mr. POMEROY, Mr. HALL of Texas, Mr. BOUCHER, and Mr. DINGELL.

H. Con. Res. 281: Ms. LOWEY, Mr. MANTON, Mr. BACCHUS of Florida, Mr. CANADY, Mr. KOPETSKI, Mr. KYL, Mr. PORTER, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. WYDEN, Mr. MANN, and Ms. PRYCE of Ohio.

H. Res. 430: Mr. KOPETSKI.