

SENATE—Thursday, September 12, 1991

(Legislative day of Tuesday, September 10, 1991)

The Senate met at 9:20 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. BYRD].

The PRESIDENT pro tempore. The prayer will be led today by a guest chaplain, Father Paul G. Wynants, chaplain, Fairfax Hospital, Falls Church, VA.

Father Wynants, please.

PRAYER

The Reverend Father Paul G. Wynants, chaplain, Fairfax Hospital in care of St. Ambrose Catholic Church, Annandale, VA, offered the following prayer:

Let us pray:

We have returned from the summer recess after meeting with our own people in our own States. We have seen the successes of the people and their failures. We have heard their laughter and seen the tears of frustration. We witnessed the good in people, our own people, and we experienced the harshness of some, brother against brother, sister against sister, parent against child, and child against parent. Mindful of our own poverty and aware of these facts, we pray to You, Lord:

LORD

When I am hungry,
Give me someone in need of food.
When I am thirsty,
Send me someone needing a drink.
When I am cold,
Send me someone to warm.
When I am grieved,
Offer me someone to console.
When my cross grows heavy,
Let me share another's cross, too.
When I am poor,
Lead me to someone in need.
When I have no time,
Give me someone I can help a little while.
When I am humiliated,
Let me have someone to praise.
When I am disheartened,
Send me someone to cheer.
When I need people's understanding,
Give me someone who needs mine.
When I need to be looked after,
Send me someone to care for.
When I think only of myself,
Draw my thoughts to another.
Amen, and I mean it, Lord!

OUR GUEST CHAPLAIN

Mr. BAUCUS. Mr. President, I rise to give recognition to our guest chaplain, Father Paul G. Wynants, on attaining his 40th anniversary of ordination as a Catholic priest in the congregation of the Immaculate Heart of Mary.

Father Wynants, was born August 2, 1925, in Heverlee, Belgium. He entered the congregation in 1944, was ordained a priest on July 29, 1951, and left his native Belgium for missionary work in our United States on December 7, 1953. He has served throughout the United States. In 1975, he was appointed director of vocations for the U.S. Province and rector of the Missionhurst Religious Community. Currently, he is the Catholic chaplain at Fairfax Hospital in Virginia and has personally attended the needs of some of my staff.

The past 40 years of dedication by Father Wynants to strengthening the moral fabric of our Nation, is reflective of our forefathers, who like the good Father, came to this land in order to deepen their love for God and to search for a deeper meaning to life.

Today, many of his friends gather here in this Senate Chamber to express their appreciation for the hard work and dedication Father Wynants has shown for the improvement of his fellow man. His opening prayer is a true reflection of this commitment and I am pleased to have the opportunity to say thanks for your many years of service to our country and your fellow man.

RESERVATION OF LEADERSHIP TIME

The PRESIDENT pro tempore. Under the previous order the leadership time has been reserved.

MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order there will now be a period for the transaction of morning business not to extend beyond the hour of 10:30 a.m. with Senators permitted to speak therein.

The Senator from New Jersey [Mr. BRADLEY] is permitted to speak, by previous order, up to 20 minutes, and the Chair recognizes Mr. BRADLEY for 20 minutes.

HIGHER EDUCATION SELF RELIANCE SCHOLARSHIP

Mr. BRADLEY. Mr. President, I add as cosponsors to S. 1562, the Higher Education Self Reliance Scholarship Proposal, the following Senators: BINGAMAN, DASCHLE, CONRAD, SANFORD, LIEBERMAN, ROBB, REID, and CRANSTON.

Thomas Jefferson once wrote "If a Nation expects to be ignorant and free

*** it expects what never was and never will be."

Yet every day in America there are people who, because they do not earn enough money, cannot get a college education commensurate with their ability. To help them get a better chance, today I propose self-reliance scholarships available to all Americans up to the age of 50.

A New Jerseyan recently wrote me the following letter.

The letter states:

When it was time for me to apply to college in the late 1970's my choice of college was practically unlimited because of the comprehensive Federal financial aid programs which were in place. *** Today my youngest sister who is now 18 years old, finds herself in a very different situation. My sister has been forced to apply to colleges based on finances rather than her considerable academic ability. Her choices were severely curtailed by my parents' modest, middle-class income and the fact that she is the last remaining dependent child in their home. Even though my parents are "better off" than in the 1970's, my sister does not even have the same opportunity I had fourteen years ago.

A letter from a New Jerseyan.

This family's story is not unusual. It is happening all across America. But the tragedy is bigger than the individual family. It is a national tragedy of America shooting itself in the foot while stiff international competition; of America choosing not to realize its human potential; of America, because of inaction, endangering its conviction about a better tomorrow.

America has always been about the future. We were founded out of the spirit of the enlightenment—a belief that man could order his world so that freedom led to improvement of ones physical circumstances and intellectual capacities. The Founders were educated men; one was even the president of the Pennsylvania philosophical society. They believed that education was the key to unlock the future's treasure. It is no coincidence that Jefferson listed as his two proudest accomplishments: Virginia's freedom of religion law, and the founding of the University of Virginia.

Over our history the appreciation for the importance of formal education fused with an awareness of the value of practical experience. The story of the frontier was about learning how to survive in and tame a wilderness. Those who were respected were those who knew things. Over the horizon there was always the promise of a new life for those who were ready to explore the unknown.

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

The waves of immigration also shaped our optimism about the future and our respect for education. When people arrived in America from all over the world the first thing they had to do to advance was learn—a new language, a new culture, new laws. Learning the formalities of language, or the folkways of the streets provided the means to a better life. The virtues of Ben Franklin, the ideas of Jefferson, and the ethos of deferred gratification—all gave them a new identity: American. An identity they had chosen.

But for most of Americans education ended long before college. The factories of the 19th century valued hard work and punctuality over intelligence. The workers weren't expected to grow intellectually, they were expected to perform—to take orders and physical risks for a paycheck with which they could help their families. What they did on their own was up to them but work was not a place for a seminar.

After World War I with the advent of a mass culture—the automobile, the radio, advertising, mass circulation magazines—people began to know more about more places. Working as a backdrop to our national development was still the ethos of self-government. Dale Carnegie, Horatio Alger, and countless others reminded Americans that through education they could "every day in every way * * * get better and better." Still, higher education was the experience of very few Americans.

World War II changed all that with the passage of the GI bill, one of the most important pieces of legislation in American history. With veterans filling the student ranks, the number of college students nearly doubled. The result was the most talented work force in the world and a broad recognition of and support for higher education. State legislatures, alumni, even the Federal Government began to invest in higher education. After sputnik the commitment intensified. By 1970 enrollment doubled again to about 9 million students.

My story—small town boy, small high school, goes to college far away, alters life path, shapes one's sense of possibility—happened over and over again all across America.

College became more than a privilege. Some argued it should be a right. Families, many without a college grad, often middle class, came increasingly to see its value and to recognize without it, life chances diminished.

Then just as more and more American families came to see the importance of college and develop the expectation that their children had to go to college to have a better life, college costs skyrocketed and assistance from the Federal Government failed to keep pace.

In the 1980's, college costs increased by 50 percent in real terms while Federal funds for college assistance in-

creased 25 percent. In addition, eligibility requirements tightened. Nearly 500,000 students lost eligibility for college loans in the last decade.

Middle income families—remember 85 percent of Americans earn under \$50,000—the backbone of America, beset by the cost of living, have begun to be extremely worried about the future. During the last 12 years, health care costs, energy costs, housing costs, interest rates all have skyrocketed. Taxes, especially property taxes, leapt up. Paychecks did not keep up. Mom entered the work force. Two incomes generated just enough to pay off some debt, or go on a little vacation, or pay for child care, or keep the house from being foreclosed, or take care of grandmother. Things got a little better, but the costs kept going up. Only oil prices have dropped in the last decade. Everything else has kept going up. Financial pressure increased. The kids were now in the eighth grade. College was in sight. Parents began to ask how would they pay for it. Stress increased. Financial pressure began to build again and in some cases desperation set in.

Last February, 35 percent of New Jersey parents believed their kids would have a lower standard of living than they have. Last month that number jumped to 51 percent.

I believe one of the key causes of this desperation is the fact that the promise of higher education is drifting further and further away from the reach of hardworking families who get little from government but pay most of its costs.

I say it is about time we helped them help themselves. Out of the \$135 billion that America pays for higher education, the Federal Government spends only \$25 billion. We should do more. We have to relieve the financial pressure that middle-income parents experience as they try and often fail to send their children to college.

We also have to recognize that the desire and need for a college education is changing too. No longer is it just 18-year-olds. There are the 28-year-olds who have worked for a decade out of high school only to realize that escaping a dead end job requires more education, new skills such as computer, engineering, language, design. Then there are mothers who have raised their kids, yearn for independence and more income and are now 35, 38 and want to go back to college. Then there are companies who need to find a way to constantly upgrade the skills of their work force and see the community college structure as an untapped resource for cooperation and development. All of these groups deserve an opportunity to go to college if they have the ability. Income should not be a barrier to achievement or the realization of one's potential.

Right now the only help Government gives is through grants to families

under about \$25,000 and loans to families under about \$40,000 to \$45,000. These grants and loans are rarely enough and are good only for kids going to college out of high school. They are not useful for the 28-year-old worker, the mother who wants a college education or the employee whom the company wants to retrain.

What we need is something that builds on the virtues of independence and hard work and gives everyone a chance to increase their life chances by going to college.

In a highly competitive international work force where quality and skills are the only resources that matter, higher education cannot be a luxury. It cannot be a luxury for our economy and it cannot be a luxury for individuals with ability. We have to recognize that all of us are better off with a better educated work force. All of our living standards will rise.

Parents and students may not be familiar with this statistic, but they sense it from their own experience. A college graduate will earn about 60 percent more than someone with just a high school diploma. A college degree is worth as much as \$500,000 over a lifetime. Our economy rewards college graduates because we need their skills.

Self-reliance scholarships harness the value of a college education—the 60 percent higher salary, the \$500,000—to get over the hurdle of paying for it. Students' own earning potential, not what their parents happen to earn, would open the door to whatever colleges they could get into. Students whose families earned too little to pay a State college tuition would not be turned away. Students whose families might earn a little too much to get aid under current programs would not be turned away.

Self-reliance scholarships would give anyone—anyone—up to age 50, as much as \$33,000 for higher education, in exchange for a commitment to pay a percentage of their income to an education trust fund for a specified number of years. The percentage and length of commitment would be flexible. If you took out \$10,000, for example, you could sign a contract to pay back about 1½ percent of your income for the next 25 years. Or you could agree to pay a little more, say 2½ percent of your income, and pay off your obligation a little faster, in 15 years.

There would also be a ceiling and a floor on repayments, so that no graduate could avoid paying his or her fair share, and graduates fortunate enough to earn very high incomes would not be penalized for success. A typical student who borrowed \$10,000 and agreed to pay back 1½ percent of income for 25 years would pay no less than \$477 in the first year and no more than \$1,083.

I have developed self-reliance scholarships because the current Federal student loan and grant programs do

not meet all the needs of today's students. First, those sources of funds are shrinking in relative terms while the cost of tuition is rising. The Bush administration's answer has been to narrow eligibility for Pell grants to families earning less than \$10,000. While low-income Americans deserve more help, they are not the only families that need help with tuition at today's prices. Trying to choose between the have-nots and the have-not-enoughs reflects a failure of imagination about the value of higher education. It is no choice at all. It is like the choice Secretary of Education Lamar Alexander suggests to parents who cannot pay for college. He says, choose a cheaper college. It is time for some fresh thinking about how to pay for college.

Self-reliance scholarships solve this problem by giving everyone a new option. Some students will use them to finance their entire education. The average public education cost in the country is \$5,000 a year, for example. Some might use family savings to pay for four-fifths of the cost, and self-reliance scholarships for the rest. Some might use them to pay for the difference between the college they really dream of attending and the one they would have to settle for under the current system. Some students will combine self-reliance scholarships with other grants and loans currently available. The only thing that all of them have in common is that all of these students will pay back their self-reliance scholarships obligation in full.

That goes to the second big problem with the current system—the default rate. Students graduate with loan burdens that they simply cannot pay with their starting salaries. So they default. Defaults on guaranteed student loans will cost more than \$2 billion this year. About 13 to 15 percent of those who have them default. But with the self-reliance scholarships geared to the ability to pay, the student owes a percent of his or her income to the education trust fund, and because the payments would be deducted from income and collected through the IRS, there would be no way to avoid repayment. With guaranteed student loans, the taxpayer pays for the interest before graduation, the defaults, and administrative costs—\$1.4 billion to banks last year. But self-reliance scholarships are direct loans with no subsidy to banks and virtually no defaults. Yet they cover all the costs of the program. Within 15 years the whole system would pay for itself. America would have a permanent educational trust fund available to help pay college education.

The third problem with the current system as I have said is that it does not meet the needs of nontraditional students. Working Americans need to continually upgrade their skills to get ahead in their jobs and to keep up with

changing technology and job requirements. But there is very little help available to independent, nontraditional students. Self-reliance scholarships are the perfect option for such students, who usually have a good sense of just how much more they are going to earn with a better education. Finally, companies who wanted workers retrained in specific areas could encourage the use of self-reliance scholarships by covering part of the worker's payment obligation over the 15 or 20 years.

The self-reliance scholarship will require an initial investment to get started before it begins to pay for itself. That pool of starting capital will be paid for, in my proposal, by selling Treasury bonds and by a temporary 10-percent surtax on millionaires.

I hope that the wealthiest Americans will see the importance of making this investment in kids with ability, and in turn, making an investment in the future of the American economy. The surtax would be temporary—only until the fund becomes self-financing and all Americans regardless of income would be eligible for this scholarship.

I have been very gratified by the response to the self-reliance scholarship proposal. I have talked about it with families in their homes; I have talked about it with students this spring at high school and college graduations; I have talked to colleagues both in the Senate and the House. From everyone, I have heard the same thing: This is an idea whose time has come. Tuitions are skyrocketing. Aid is shrinking. Self-reliance is the answer.

Mr. President, for the United States to remain the No. 1 economic power in the world, we have to be ready for jobs that involve computers, information, numbers, and intense creativity. We have to demand more from students, but we also have to promise more. We have to promise that if you work hard, if you have ability, if you believe in yourself, and if you can get into college, you will be able to go. Self-reliance scholarships will help young people realize that promise by relying on themselves.

The PRESIDING OFFICER (Mr. ROBB). The Chair recognizes the Senator from North Carolina, Senator SANFORD.

Under the previous order, the Senator is recognized for up to 10 minutes.

SELF-RELIANCE SCHOLARSHIPS

Mr. SANFORD. Mr. President, I certainly want to commend the distinguished Senator from New Jersey [Mr. BRADLEY] for bringing this idea, now, to us in the form of legislation. Several of us in the university world some years ago attempted this and it worked very well. The trouble was, no one could find the adequate capital for the front money while we, I think, at

Duke, put several hundred thousand dollars into it to see if it would work. There was not any way to carry it forward. And I think the experience there, the experience that John Silber has written about, the experience at Yale, will be instructive as to how we might get this started as a practical matter. And I commend my colleague for doing this.

UNIVERSITY VALUES: THE AGE OF THE PEOPLE

Mr. SANFORD. Mr. President, on October 12, 1987, I spoke of our relationship with the Soviet Union, our unique challenge to lead the world toward freedom. Events of the last 4 years make me even more convinced of our need to lift up our eyes to the hopes of the people of the world.

For that reason, I ask unanimous consent that this statement be printed in the RECORD.

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

UNIVERSITY VALUES: THE AGE OF THE PEOPLE (University Day Address, the University of North Carolina at Chapel Hill, October 12, 1987, Senator Terry Sanford)

Honored recipients of the Distinguished Alumnus Awards, Chancellor Christopher Fordham, distinguished faculty and trustees, alumni and students: You honor me by inviting me to take part in University Day at my Alma Mater, the University of North Carolina at Chapel Hill.

As I often do, and I do especially on this University Day, I refresh myself by recalling what I learned at Chapel Hill.

Reflecting on almost 200 years of a Chapel Hill tradition of intellectual freedom and development, Chancellor William B. Aycock reminded us in 1960: "History does not record a single successful effort to fix or freeze knowledge or beliefs. A university must provide an environment in which diversity, controversy and tolerance prevail." That is the theme of what I want to say today.

What we learned at Chapel Hill was not chemistry and economics and mathematics. Those were the instruments of learning. We learned, we absorbed, with Frank Porter Graham as our master teacher, that solid tradition, those hopes of this University born of the beginning of a new nation, values this great University continues to nourish—freedom and liberty and tolerance, the search for truth, the defense of dignity, courage to arrive freely at convictions, and the personal courage to stand for those hopes and truths. These values are not part of the curriculum; they are the undergirding strengths of democracy and free people, sustained in part by the dedication of the universities of a free people. Our old University at Chapel Hill has always understood that duty to humanity.

Freedom. Liberty. Individual rights. It is these words that we celebrate today and every time we set foot on this campus. This is the vocabulary of our strength. While this legacy is enormously complex, it is also simple. It holds that men and women who are free of oppression will do some extraordinary things. They can and they will govern themselves. They can and they will find ways to care for the weak and respect the strong.

They can and they will convert ideals into pragmatism.

The minds and energies of free people are infinitely powerful. We have yet to measure that power around the world because it has yet to be unleashed around the world. Our own nation and our history are memorials to its potential. But think for a moment of a world in which the liberties that we enjoy were everywhere, when others were not necessarily duplicating our exact model or structure, but finding, as most people yearn to find, our tradition, our scope, our value of humanity, our sense of people free from oppression, free to think, to move, to act, to create without the repressive hand of power. The prospect of universal freedom is so dazzling that we will only allow ourselves to consider it in a moment of suspended disbelief. Its creativity would be so irresistible that we could rationally aspire to the solution of poverty, hunger, conflict, disease, illiteracy, hopelessness.

But, of course, that time is not here. Two-thirds of the world is still in bivouac, not yet marching toward the goal of freedom. My concern, on this University Day, in this domicile of freedom, is that we as a nation do not quite believe freedom can be, or perhaps should be, a worldwide goal. That is to say, we do not believe in ourselves. We seem dismayed that the Iron Curtain countries are talking of more freedom.

I have come here from a place that you have sent me, where leaders in authority spend more money on armed forces than any other time or place in history, where leaders in authority send a gigantic armada to protect oil that was not in danger, where leaders in authority are so afraid of our traditional foe—the foe of communism, a system terribly flawed and weak—so afraid that they have been struck timid and unsure.

Is there no courage left? Has our faith in the great strength of America been lost? Instead of confidence and vision, we see bombast and epitaphs. Instead of initiative and encouragement, we see wailing and wringing of hands. The slogans, "Russians always lie," and "You can't trust the Russians" may or may not be true, but such phrases are the ready refuge for the weak of heart. Is there no one willing to stand up to the Soviets on our grounds, not theirs, relying on our strengths, not theirs, willing to bring our weapons to the area, instead of theirs? Is there no leader in authority strong to say, "We are too strong to fear the Russians"?

That question is more important today than ever before, for history will record that we are at the end of an era; at the beginning of a new one.

The swing in the world is toward freedom and democracy. Will and Ariel Durant have divided history into the Age of Reason, the Age of Napoleon, the Age of Faith, and other ages. Now, we ought to be coming into "The Age of the People."

That era has been long anticipated in Chapel Hill. Getting ready for the age of the people is what the University has been doing since the beginning.

It takes no courage to brandish arms as our first line of national initiative. It takes no courage to point missiles and sail warships and fly aircraft as our first response to national challenge. It takes no courage to beat up on a little nation of two and a half million people. It takes no courage to curse the darkness. We are simply not being faithful to our legacy. We are playing another team's game while our real power waits on the bench.

Certainly we must have military arms. Certainly they must be the best we can

make, although they don't have to be as many as we can make. Certainly we need enough arms to make attacking us unthinkable.

Adequate arms serve a critical purpose, but they didn't create us. Ideas did. George Washington's armies got the British out of our hair, but George Washington's Constitutional Convention in Philadelphia set us free.

Strong, muscular ideas founded this nation, have protected it, and will sustain it. Powerful, irrefutable ideals are our contribution to our world. They are found in the books that students on this campus take to class. They are found most indelibly in the Constitution that we have all celebrated this summer. They are found in our lives. They are found in the dreams of people everywhere.

Now we are in a new period. The evidence is very clear. Changes will be profound. There is a historic window in the events of the world. Our belief in ourselves will be severely tested.

The great Soviet socialist experiment has failed. The time for a move to freedom, to open societies, to individual rights and opportunities, to people, is at hand. We, oddly enough, do not want to believe it has failed.

For the past forty years our relations with the world have been dominated by our attitude toward the Soviet Union. For the most part those policies have been successful. With our arms and our allies, we have prevented the Soviet Union from achieving its earlier goal of world domination. Far from attending our funeral, as Khrushchev predicted, they have seen us stand our ground, and we have prevailed. It is clear that in the Soviet Union today, there is a tacit admission that communism has not worked.

It has not failed because our military might has defeated them.

It has not failed because our military might has intimidated them.

It has failed because our idea is better than their idea.

Our idea is the idea of a free people. It is the idea of a confident people.

Soviet leader Mikhail Gorbachev has received great attention for two initiatives: "Perestroika," or restructuring, and "Glasnost," or openness. They are a call for innovation in the marketplace. They are a call for freedom beyond anything previously permitted. The Soviet Union has had to admit defeat. They don't use that word but, in effect, the Soviets and the East Europeans are saying, "We've fallen way behind. We are not competitive. We must borrow lessons from the West. There must be something to the idea of strength from freedom."

The implications of those admissions cannot be overestimated. What are the alternatives for a Soviet government that finds itself behind? There is only one rational answer. Amazingly they are grasping it. It is more freedom for its people. Freedom is the salt of creativity and the Soviets have begun to realize that creativity is the way for its people to compete economically. They have seen it work on their western border in Europe and they are watching it beginning to work on their eastern border in China. Farther to the east, there is the colossus of Japan, whose brilliant successes have come full grown from a democratic system that we designed.

With glasnost and perestroika, the Soviets are taking the first, cautious steps in a direction that is unfamiliar to them. They have had to try to turn our way. In doing so, they are creating an unparalleled oppor-

tunity for us. We can continue to face off the Soviet Union, or we can help it ease into the world economic community on terms we accept as beneficial for world society. We can help them find their own way to become a freer and safer nation. If we persist, or assist, in the Soviet failure, we will have helped throw that nation in reverse. The hard-line conservatives will replace Gorbachev. The chance to have a "worthy adversary" will have been lost. Eastern Europe will become a place of dangerous turmoil. We will be back in the old game on the Soviet terms, not in a new game on our terms. Civilization will be the loser.

Freedom's moment of opportunity is not created by the Soviet Union alone. In the Pacific, rising democracy prevails. In Europe, it dominates. In Eastern Europe they are jolting toward it. In South America, it is being tried. In Central America, it has a rare chance. Africa has heard the call.

Freedom's success depends on the United States. Shall we be its friend or foe as freedom cautiously gets a breath of air in places where it has long been stifled?

It is time for us to abandon our fears. It is time for us to use our strength, to set the agenda for the future of the world. It is time for us to be a leader, not a combative, fearful participant. We can't trust the communists, they say. We can't trust the Sandinistas, they say. Consequently, they say, we must resist the Russian perestroika and glasnost, and must thwart the peace plan of the Central American presidents. We must understand that we are strong enough to credit them with good faith, and yet save the day if our trust is badly placed.

Our military preparation has been the driving force of our foreign policy. It should be the other way around. Our leaders in authority have put the caisson before the horse. We need to declare our directions and ideals in foreign policy. We need to quit being afraid. We need to stand strong in the world, brave because our ideals and our idea of free people is a mighty sword. We must have a courageous, not a fearful, United States foreign policy.

We cannot let ourselves be overwhelmed by the fear of Russia—our values have already defeated that system—and the paranoia that has understandably existed is no longer justified.

America is not a nation of weaklings. We are strong enough to take the risk. We are strong enough to accept Chairman Gorbachev in good faith. This is an unsure path, for him. We need to be helpful and reassuring. We are not weaklings.

This is a painful political shift. We must suddenly learn that we cannot deal with the problem by simply calling names, raising fears, and building greater arsenals. There is no reason for Americans to be afraid of the Soviet Union. Why is it so hard for us to understand the tremendous strength that we have, and that they do not? Why is it that we cannot understand that freedom accepted anywhere in the world strengthens us? We have had to conclude that wars could no longer be absorbed and tolerated so somehow had to be abolished. The Soviet Union has had to conclude the same. Now the Soviet Union also has concluded that they can never be a first-rate nation without freedom for people and enterprise.

I noted in the beginning that personal courage was something learned here and to be celebrated on University Day. It takes courage to change. It takes courage just to have faith in our ideals. It is a new era. It is time for courage, time for a new foreign pol-

icy, one founded on confidence, not fear. The United States must be the leader. There is no other.

The promise and prospect of universal freedom is dazzling. Oppressed and benighted people around the world wait for bravery in America. The role for the University is apparent: To change the climate of fear, to make ready young people to participate, to lead, as we move to what surely in future centuries will be known as the beginning of "The Age of the People."

I thank my University.

THE PRESIDING OFFICER. The Senator from North Carolina is recognized.

Mr. SANFORD. I thank the Chair.

(The remarks of Mr. SANFORD pertaining to the introduction of S.J. Res. 193 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that I be allowed to speak in morning business for no more than 3 minutes.

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

The Senator from Connecticut is recognized.

SELF-RELIANT SCHOLARSHIPS

Mr. LIEBERMAN. I thank the Chair and I thank the Senator from Georgia for yielding me these moments before he goes forward. I wanted to take this opportunity briefly to rise and congratulate our colleague from New Jersey, Senator BRADLEY, and to associate myself with him in support of this simple but brilliant idea for self-reliant scholarships.

Mr. President, this is the breath of fresh air, the helping hand that middle-class America desperately needs today. If we look at an income curve in our country, we will see some are doing very well, and those at the top with higher income, and there are obviously some at the bottom and not doing very well. The mass of the people are the middle class. They pay most of the taxes and do most of the work that keeps our society going. Increasingly, they are squeezed and they are wondering what we in Washington are doing to help them go on with their lives without a sense of being overburdened. They are squeezed by ever-rising taxes; they are squeezed by dramatically increasing health care costs; and they are squeezed and pressured mercilessly by the never-ending increases in the cost of higher education, putting out of reach for too many middle-class Americans the dream that so many work for, which is to educate their kids, send them to college so they can do better than their parents' generation has done.

The average cost of a college education today is over \$11,000. A lot of colleges are a lot more than that.

People in America, the middle class and the lower-income folks need help,

and this idea is the way to do it. It is a simple idea. One can borrow up to \$10,000 a year from the Federal Government regardless of income, and that is a way to finally open up again the doors of aid to the middle class who have been shut out.

Today, most guaranteed student loans go to families that make less than \$30,000 a year. Pell grants basically go to families that make less than \$10,000 a year. The middle class is not being helped. This is the way to do it: \$10,000 a year in loans from the Federal Government regardless of income and an automatic obligation to repay those loans on a percentage basis payroll deduction carried out by the Internal Revenue Service; dramatically reducing, I am sure, the rate of default; increasing the rate of payment and letting the student pay back that bill on a percentage basis in proportion to his income.

So I think Senator BRADLEY has a great idea. I am proud to join him as a cosponsor, and I hope that we can adopt this proposal in the next several months so that by the time parents have to face that awful moment of writing a check for tuition to college that the Federal Government will be there to help them, regardless of income, to make that dream come true.

I thank the Chair. I thank my colleague from Georgia, and I yield the floor.

THE PRESIDING OFFICER. Under the previous order, the Senator from Georgia is recognized for up to 20 minutes.

DOUG GEORGE—A DEDICATED INTELLIGENCE OFFICER AND VALUABLE SENATE STAFF MEMBER

Mr. NUNN. I thank the Chair. Mr. President, this past weekend the Nation lost a dedicated public servant, and the Senate and the Armed Services Committee lost a valuable staff member. Doug George, a senior member of the Armed Services Committee staff and a former intelligence official with a distinguished career in the U.S. intelligence community, died at his home last Friday evening after a courageous fight with cancer.

Doug joined the Armed Services Committee staff a little over a year ago. When he came to the committee, we knew that we were getting a seasoned professional in the fields of arms control and U.S. intelligence. Over the past year, Doug played a key role in the committee's oversight of Operation Desert Shield and Desert Storm. He played a key role in our continuing work on the CFE and START treaties; on command and control of the nuclear arsenals of the United States and the Soviet Union; and on the reorganization of the U.S. intelligence community. Doug was tireless in providing the members of the Armed Services Com-

mittee with his views and his professional assessment of these issues. He drew on the broad experience he gained in the field of intelligence analysis and management.

Before Doug joined the Armed Services Committee staff, he served almost 25 years in the U.S. intelligence community. He rose from the position of analyst to become one of the senior members of the U.S. intelligence community staff. In his last assignment before coming to the committee staff, Doug was deputy director of the intelligence community staff for requirements and evaluation, where he worked directly with the Director of Central Intelligence and other top intelligence officials in the Government. In recent years, Doug regularly testified before the congressional intelligence oversight committees on weapons proliferation, arms control, and intelligence community operations.

In the mid-1980's, Doug served as the chief of the arms control intelligence staff and the executive secretary of the CIA's Steering Group on Monitoring Strategic Arms Limitations. As the CIA's most senior specialist and executive on arms control issues, Doug played a key role in several United States-Soviet summit meetings, including the Reykjavik summit.

I first got to know Doug during the debate on the SALT II Treaty. At the time, Doug was serving in the CIA's Office of Scientific and Weapons Research, and was an expert in the Soviet Union's nuclear capability. During that debate Doug gained a wide reputation from all who dealt with him, for his absolute honesty and total integrity that became the hallmark of his career as an intelligence official. In all of the years I have worked with Doug, I never knew him to ever hesitate to give his own objective analysis of a particular issue or problem, and he never let his analysis be swayed by partisan or political considerations.

No matter where the pressure came from for Doug to in any way tilt his assessment, he never yielded 1 inch from what he believed to be his professional judgment. He did that with a tremendous amount of integrity, and he did it at times when I knew there was a great deal of pressure on him.

The quality of Doug's work was recognized throughout the U.S. intelligence community. He had a well-deserved reputation as a strong and active manager with a positive attitude and an ability to get things done. As a result, he received a number of awards and citations from the intelligence community, culminating in 1987 with the prestigious Distinguished Intelligence Medal.

Mr. President, Doug George's distinguished career in the service of our Nation's intelligence community is a matter of public record. All of us appreciate his service to the country, and

we are grateful for the privilege of having known and worked with him closely.

But people should also know that Doug's demeanor and his spirit in the last months of his life were an inspiration to those who observed and those who were close to him.

Doug faced his disease with determination and courage. After his cancer was diagnosed in April, he continued to carry out his responsibilities to our committee, often in spite of terrific physical pain. He remained involved in our committee's work even in the last days before his death, and I was told yesterday by a senior member of the staff that he was discussing conference issues in their last conversation the day before his death.

Mr. President, I know all of my colleagues join me in offering our condolences to Doug's wife, Kathryn. Kathryn has had an outstanding career in her own right, and she has been a great partner to Doug.

In a letter to me this week, Gen. Colin Powell, the Chairman of the Joint Chiefs of Staff, described Doug very well. General Powell wrote:

The many officers of the Joint Staff and in the field who worked with Doug knew him to be a wise and thoughtful man of uncompromising integrity and patriotism whose goal was always to do the "right thing" for America.

Mr. President, Doug George was a true professional and a public servant of great integrity. He always did the right thing for America. Those of us who knew him will miss him, but we will remember him.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from Virginia [Mr. WARNER].

DEATH OF DOUG GEORGE

Mr. WARNER. Mr. President, I join the distinguished chairman of the Armed Services Committee, and the two of us are speaking on behalf of all members of our committee and, indeed, the majority and minority staff, in wishing to express our deepest sympathy to the family of Doug George, especially his wife Kathryn, friends, and colleagues.

Doug passed away last Friday night. He was truly a valued member of the Senate Armed Services Committee staff. He was also a professional intelligence officer in the finest sense of that profession. Members of the Armed Services Committee first came to know Doug when he served as the CIA's top arms control specialist, providing members and staff with briefings and testimony on important verification topics. He impressed us as objective, knowledgeable, and always a very hardworking, conscientious individual.

In 1987, Doug was promoted to deputy director of the intelligence community

staff, with responsibility to determine the requirements and set the direction of the U.S. intelligence community. He performed admirably in this position, and for his work he was awarded the Distinguished Intelligence Medal, the Nation's highest intelligence award.

Doug joined the staff of the Armed Services Committee in 1990 as a member of the majority to work on arms control and intelligence matters. But despite his membership on the majority, he worked closely with the minority, which is a hallmark of the members of our staff. There is very little, if any, partisanship whatsoever, especially as it relates to arms control and intelligence matters.

During his time on the committee, he provided an invaluable service to members on both sides of the aisle in a wide variety of issues. He was always available, and I stress always available, despite, as the chairman said, in his declining days, he fought courageously against his illness right up to the end to be of service to the members and to join with other staff members. He was willing to work with both at all times.

Doug brought to the Armed Services Committee the knowledge and experience of a senior intelligence and arms control specialist, and he was hardworking, energetic, considerate, and helpful. He dedicated his work throughout his life to service to our Nation. We shall miss him particularly in the months and years to come when the very issues on which he had such a great expertise and a reputation for credibility come up. He will be missed as we address these problems.

I thank the Chair and yield the floor.

DOUG GEORGE

Mr. BOREN. Mr. President, this past Friday, September 6, 1991, Mr. Doug George, a valued staff member of the Senate Armed Services Committee, a friend of the Senate Intelligence Committee, and a seasoned intelligence professional passed away. His untimely death is a loss not only to close family members, friends, and colleagues, but to the entire Nation.

As chairman of the Senate Intelligence Committee, I came to know Doug George over the last several years as a hard-working and objective professional intelligence officer.

While still in the executive branch, he supported the Intelligence Committee with energy and determination—first as director of the arms control intelligence staff and then as deputy director for the intelligence community staff. His counsel was both thoughtful and prudent, and greatly valued by our members.

Doug subsequently joined the Senate Armed Services Committee, where he focused on a variety of important issues—arms control, nuclear security, the Persian Gulf, and the organization

and management of the intelligence community. He maintained a solid working relationship with the Intelligence Committee—always willing to share his thoughts and insights.

Over the course of his career, Doug was the recipient of several awards and honors, including the Distinguished Intelligence Medal, the DCI Meritorious Officer Award, the DCI Distinguished Officer Award, and the Intelligence Medal of Merit.

We will remember Doug as a consummate professional. Even during difficult periods of his illness, he continued to work on issues that he believed to be vital to the Nation.

Doug is survived by his wife, Katherine. On behalf of the members of the Intelligence Committee and our staff, I wish to express my condolences to her. We will all miss Doug George.

Mr. WARNER. Mr. President, I suggest the absence of a quorum.

The assistant legislative clerk proceeded to call the roll.

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

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

Under the previous order, the Senator from Tennessee is permitted to speak for up to 20 minutes.

Mr. GORE. I thank the Chair.

THE SOVIET UNION

Mr. GORE. Mr. President, I rise this morning to comment on recent developments in the former Soviet Union and to make some proposals for how our policy ought to be modified in light of these recent revolutionary developments.

If, last year, the cold war came to an end, then this year, the government and philosophy that gave birth to the cold war have also come to an end.

Ahead of us is the possibility of a great prize. We could see a large part of the Eurasian continent organized on the assumption of peace rather than in the constant expectation of war. We could see an immense new region extending through Eastern Europe and on into all the vast territories of the former Soviet Union, open for investment and for trade. We could see American security interests essentially unthreatened in the Atlantic or the Pacific. We could see a world open for competition without conquest and for cooperation without domination.

But we do not have an unlimited amount of time for sunny contemplation. In fact that time is over now. Because the alternative future is one of decomposing international order; of murderous tribalism inheriting the debris of empire; of the failure of democracy in the eyes of those who now see it as their last best hope, and of the emergence in its place of a new philosophy based on resentment, racial hatred, and state power.

Events are not only moving at great speed for the Soviet Union, but for ourselves as well. Of course it is a mistake to overestimate our ability to influence these events. But it could be a much greater mistake to underestimate the impact our actions can have, especially in these early and formative periods of the change underway. While our policies need to be realistic, they also need to be timely. Moreover, while all of us will admit that prudence is important, there are moments when a little risk taking is in order, considering the high-stakes payoff from success.

Reduced to its essence, what has happened in Moscow as a result of the meeting of the Congress of Peoples' Deputies last week is: an appearance of due process and continuity has been sustained, as the Congress voted to sanction the modified plan devised earlier by Gorbachev, Yeltsin, and other leaders of the Republics there. What now exists however, is a rump, interim governmental structure charged with two tasks: to prevent chaos and calamity, while at the same time preparing a new charter for what is presumably a permanent new form of government.

In effect, President Gorbachev at the head of his new State Council, will be flying by the seat of his pants in totally uncharted territory. His greatest source of power will be the fear of what might happen if he fails. The consequences can be so severe as to override the normal jealousy, turf building, and idealistic excess that will work to prevent the level of cooperation needed to avoid economic disaster, civil wars in various places, and a collapse of recognizable authority.

Insofar as all there exists in place of the former Soviet Union is an interim government, which is in a race against time to arrange for its own demise by orderly means, U.S. policy must in that sense also be interim. And yet, our every move can have long-term influence. An ability to make our moves with the long-term consequences in mind is what will make the difference between ad hoc improvisation and long-sighted moves in a dicey period.

On economic aid, or in the area of vital international agreements including arms control, the West in general and the United States in particular will be forced to ask some tough, blunt questions of those who are contending for power in the Soviet Union, all of them variants of the same issue—for purposes of dealing with the outside world, who is in charge?

In this new polity what does a governmental signature imply? What is the process of ratification for agreements? How secure is ratification as the interim government gives way to its successor? What about Republican claims to sovereign control: of the right to print new money; of disposition of old Soviet debt or future

U.S.S.R. debt or new debt taken on by governments of the Republics? What about the Republics' claims to control all natural resources within their borders? What about their claims to control of military assets within their borders? There are presently no guides and no reliable answers to any of these questions and many more like them.

So the West faces a dilemma. We could stand by and wait until the U.S.S.R. sorts out all of this at whatever pace they can manage. But that kind of passivity might allow opportunities to perish and it could encourage outcomes to struggles over these issues within the U.S.S.R. that are much less favorable to Western interests than might otherwise have been the case. A middle course exists, and that is we can be ready to act fast, prepare ourselves to do so, but also set the terms under which we are ready to proceed and make those terms clear. We had better start thinking hard and fast about just exactly what our agenda is if we get the right answers to these questions back from the U.S.S.R.

Let me apply these general concerns and observations to a few specific issues: security cooperation and economic cooperation. I'll start with security, making special reference to the new situation in arms control. Some people think this subject is dead—over-taken by changes in military forces that are driven by economics and politics much faster than diplomacy can handle. That, in my view, is extremely short sighted. We need agreements to help place ceilings on forces that reflect mutually accepted logic. These are safeguards against reversal of trends working in our favor. Arms control may be different in the future, but it is still the one way in which military force is subject to the discipline of international reasoning and agreement.

It seems to me that any agreement now in force must be considered to be still so, on grounds of the law establishing the new Soviet interim government—a law which explicitly says that the old Union's international obligations will be honored by the interim government.

Agreements that have been signed but not yet ratified are a more interesting case. Start with the CFE agreement. That treaty has provisions that apply to some Soviet Republics that are attaining sovereignty. The Baltic States, for example. Maybe Moldavia—and an independent Moldavia might just be an interim step toward union with Romania—and maybe Georgia, we don't know.

For simplicity, let's restrict this discussion to the Baltics as an illustrative case. If they gain complete control of their air space, territory, and territorial waters—which is now expected—a qualitatively new situation exists as regards CFE. It would be necessary for

them to formally adhere to the treaty, and in the process to define their own security arrangements. Will they have armed forces of their own? Will those forces be subject to equipment ceilings as are the Armed Forces of Poland, for example? Will there be a residual Soviet military presence in the Baltics? It appears not. But in that case, who is the guarantor of provisions in the CFE Treaty that are concerned with forces in the Baltics? Looking to the future, the case for naval arms control of some sort needs to be reexamined in light of the independence of the Baltic States, particularly, if they acquire full military control of their territories including both airspace and territorial waters.

Then there are the Republics of the Ukraine and Byelorussia whose territories fall into the so-called CFE extended zone. The extended zone used to cover the Warsaw Pact states and four Soviet military districts in the former Soviet Union: the Baltic, Byelorussian, Carpathian, and Kiev military districts. The Soviet portion of that zone originally amounted to an area in which Soviet heavy equipment, that is battle tanks, armored troop carriers, aircraft and helicopters, was limited by the terms of the treaty, but in which this equipment could be moved around as suited the central government.

When the treaty was negotiated, Republican borders cutting across the CFE zone meant nothing. Now, however, these borders mean some very serious things: if these Republics secure control of armed forces within their territories, or if they decide to set up forces of their own that have treaty-limited equipment. And they certainly could mean something in terms of access and freedom of movement for on-site verification.

Should the Senate put this treaty on hold for a few years? Should it just ratify and hope for the best? Or should it ratify on the proviso that we receive certain assurances: for example, the central government that emerges there is sole guarantor of the treaty's terms; that all Republics concerned not only acknowledge this but give up, as formal, constitutional matters, any claim on their part to powers that would enable them to prevent the treaty from operating properly; and that if any Republic subsequently repudiates these terms, the agreement as a whole is null and void for the United States. These questions must be resolved before the Senate can determine now to proceed with this pending, signed, but unratified treaties.

Believe me, if the Senate puts these questions to the interim government in the territory of the former Soviet Union, it will be a defining moment. The Republics will realize that by interfering with the entry into force of the CFE agreement, they can damage their own efforts to build independent

political and economic ties not only with the West but with Eastern Europe. On the other hand, the answer they give to these questions represents a number of fundamental precedents as to the powers of the Republics vis-a-vis whatever new central government emerges after this interim government in the realm of military forces.

There are similar questions ahead for START. And, in the event of a chemical weapons agreement, an even more intensified issue relating to the challenge inspection of civilian production facilities where the rights and responsibilities of Republican governments would clearly need to be defined.

Finally, there is the question of follow-on negotiations, whether relating to conventional forces or strategic forces, or perhaps a successor to the INF talks, to deal with remaining theater nuclear systems.

Although my reactions to much of what is going on in the former Soviet Union tend to be cautious, in the area of nuclear doctrine and policy, I believe it is time to think boldly, and I would like to share a few propositions that I am reflecting upon.

First of all, the START Treaty recently concluded but not yet brought before this body does not require the destruction of ballistic missiles or nuclear warheads withdrawn from service. While that is certainly not grounds to prevent ratification of the treaty, circumstances have changed in a way that ought to make us see this matter as a major piece of unfinished business: perhaps the basis for an urgent protocol to the treaty after it is in force.

This, in my view, Mr. President, is an extremely serious matter. It is not in our interest to have a treaty which simply removes missiles from their silos and leaves them stacked in warehouses under the control of who knows what authority. The terms have changed. The circumstances have changed. We should not prevent ratification of START because of this concern. In my view, however, we should insist on the speedy pursuit of a protocol to this treaty dealing with the destruction of the missiles withdrawn from the arsenals of both sides and the destruction of the warheads. Ironically, it was apparently at our insistence, our side's insistence, that we were not able to go farther during the negotiations. But again, things have changed and I believe the Senate ought to insist and proceed on this new protocol.

Just before going into summer recess, the Senate debated changes to U.S. policy on SDI which at one extreme would cause us to abrogate the ABM Treaty if we could not radically alter it through negotiations. In light of what has taken place since then, it seems to me that we ought to do nothing that would place pressure on a major existing security agreement.

In the mid-to-longer term, nuclear doctrine should shift from support of

limited nuclear war options requiring large numbers of warheads for an extended target base to mutual deterrence based on declared policies of no first use, and aimed at assured ability to retaliate rather than at supplementing conventional forces.

This implies very major reductions of forces on both sides. Single warhead missiles and mobility emerge as part of the deterrent force for the year 2000. Tactical nuclear weapons that are ground based, for example, artillery, need to be removed from Europe under negotiated terms. Again, the circumstances have changed.

Moving to another topic, if this is not the time for a total test ban including underground testing—and it might well be the time to ban such tests—it is certainly time for a major reduction in yields and numbers of such tests. Overall, a scaled down nuclear weapons establishment should be designed to support this reduced emphasis on nuclear forces.

Again, let us understand that this situation has changed. The test site where the Soviet Union has exploded their weapons underground is in Kazakhstan. The Government of the Republic of Kazakhstan has said, "No more." And they mean it. The popular movement there—they chose the name Nevada for their movement, has prevented any tests for the last 2 years. The alternative site in Novaya Zemlya in the territory of the Russian Republic, was available, hasn't been used recently, but now apparently will not be used in the future. So we face a situation where it is extremely likely that the Soviet Union has a de-facto unilateral ban on any further nuclear underground tests. How do we respond? How should we respond?

Now, I do not believe that on these points I just mentioned, we need to hurry into full-scale negotiations of any new agreements. The issue of who is in charge needs to be settled first. And it would certainly be a risk to enter full negotiations with an interim government whose guaranties might or might not be picked up by its successor. However, we can and should push the Soviet and Republic governments to give us sensible answers to the "who is in charge" issue. And we also have to face up to what our own agenda is: we should move into dialog, and we must establish the range of what we are prepared to put on the table.

In the area of economic assistance, we will face comparable issues.

Different Western players will have different inclinations. The Germans want to move fast. However, they may have exhausted their own means to lend to the U.S.S.R. and so be unable to act unilaterally. I suspect that the U.S. Government will in the end have a very heavy influence on what actually happens. In my view, we should be ready to move on an expedited basis,

but only after we push for and get responses to "who's in charge," and responses incidentally, that meet our own requirements as we have clearly defined them.

The self-absorption of the Republics is understandable, but an extreme luxury given their present circumstances. Insofar as their individual and collective well-being depends critically upon their ability to integrate themselves into the world economy, the requirements of that integration must become major elements of the internal Soviet debate at every level. The West needs to lean hard on this aspect of the new debate and the new reality that the Soviet and Republic leaders there face.

But there are also very hard questions for us to answer.

Surely we will extend ourselves to help the Soviet Union avoid a winter of deep misery. This is not only humane but wise policy, very much in our own self interest. But where are the funds? To find them, are we going to have to break the budget agreement? Could we find ourselves unable to act decisively because we cannot manage our own domestic politics because we have no leadership from the White House?

One view is that the only source for a sizable emergency fund for Soviet relief is the defense budget. Congressman LES ASPIN wants to make a billion dollars available to the President for emergency supplies, probably to be transported by the U.S. military. Our colleague, Senator NUNN, seems to be considering a comparable sum—for the purpose of promoting Soviet conversion of defense production to civilian production.

The issue illustrated by these contrasting proposals is how to pick the time and scale of our responses when confronted by strategic opportunities: that is, in the case of the Aspin proposal, to succor the peoples of the U.S.S.R. and work against chaos, and in the case of the Nunn proposal, how to help the U.S.S.R., or perhaps the Russian Republic's, economy through a profound change.

But these considerations are, in turn, dealing with matters on a necessarily smaller scale than will be required eventually if we really want to facilitate structural changes in the Soviet economy. And it is at this level that the issue of who's in charge, and the question of what are we ready to do intersect.

Not long ago, the IMF and the World Bank issued a joint study on the question of Soviet economic conversion and entry into the world trading system, and in particular, the role of the IMF in making that possible. For the near term, Soviet associate membership in the IMF—and possibly associate membership for the Republics as well—may be exactly what is needed. Associate membership opens the expertise of the IMF to a government, but does not entitle it to draw on IMF resources.

But the IMF's experts will say that membership requires a real budget planning process; full autonomy of enterprises; real market driven prices, and currency convertibility. Whoever declares themselves to be in charge of the former Soviet Union's economic life must be able to make and carry out policies along these lines. But they will also point out that such policies cannot be carried out without external financial assistance from the IMF and from other countries on a bilateral basis.

At that point, the ball is back in our court—meaning that it will be up to the United States, the European Community and the Japanese to respond. One answer is a grand bargain of some sort, perhaps along the lines worked out by experts at Harvard earlier this summer. The grand bargain was in effect a step-by-step correlation of what the Soviets needed to do in order to get from where they were to where they say they want to be—a market-driven economy—and the external financial help that would be needed at each stage to make that process workable.

It emphatically was not a massive give away of vast sums of money. But it did underscore the need for Western readiness to commit substantial amounts over a period of several years. If the Soviets or their successors cannot get their act cleaned up we would be out of our minds to lend them such sums of money. But if we are not ready to lend, then there might be insufficient incentive for them to get their act cleaned up. Real leadership and some risk taking is needed on both sides of that equation. Neither side can afford to sit back and wait for the other to make all the moves.

Mr. President, I would like to conclude with the following observation.

As the century nears its conclusion, it is open season on political organization. Nation states that jealously guarded their independence in Europe are apparently moving toward ever deeper union. Multinational polities such as the Soviet Union, are disaggregating to their constituent ethnic parts—to nation states or post national entities roughly approximating nation states.

But in the midst of all this change, I think there is a visible general theme: people are in search of political relations based upon the consent of the governed—whether that leads them toward or away from centralized forms of organization. And they are looking, to be a little more precise, for new equilibria—appropriate to themselves and to their circumstances—between freedom and its creative power, and the need for order and predictability in societal relationships.

That search is the core of our own history as a nation. Twice before in this century, we have gone to war to oppose efforts by others to impose no-

tions of world order based on ossified concepts of permanence. Now, what we shed blood for is actually happening. But it is happening at a time when there are temptations for us to step back and leave these events to others and to fate. This is not the moment to do that. If leadership does not come from us, it will come from nowhere else. This is the moment of truth for American statecraft, and it for American political leadership to step forward.

I hope that President Bush will meet that challenge. I hope that those of us in this body, as we look at the treaties now pending for ratification and at the various proposals for how we might accelerate the transition inside the former Soviet Union to a market-driven economy will also meet that challenge.

This is a period, to say the least, of great turmoil for the former Soviet Union. I might say that early in our history, at the conclusion of our own Revolutionary War, we had a distrust and hostility toward centralized authority that was every bit as strong as what we now see expressed by the peoples of the former Soviet Union. As we designed our new government, we first of all, devolved as much power as we possibly could to the States, and before we arrived at the U.S. Constitution we lived for a decade or so under the Articles of Confederation. The flaw in that first attempt by Americans to arrive at a new social compact, was that is disbursed too much power to the States and reserved too little to the central government.

When the Constitutional Convention convened, its purpose was to "form a more perfect union." The words as they were understood then, conveyed a meaning that stood in apposition to the mistakes learned during the period we were ruled under the Articles of Confederation. It may well be that if some of the Republics which made up the former Soviet Union ever do recombine into a new political entity it will be only after they have learned for themselves out of their own political experience that there is such a thing as giving too much power to the Republics and reserving too little for a central government in spite of one's antipathy for statism and centralized power.

Of course, their historical experience is so completely different, the degree of homogeneity among their peoples and the various cultures and traditions in the former Soviet Union makes it most unlikely that they will travel that route. But it is quite possible that some of those Republics will travel a course not dissimilar from the one that we have traveled.

In any event, the odds that they will be successful at arriving at self-determination based on the consent of the governed, a free market economy, re-

spect for individual rights, and the freedoms which Thomas Jefferson said in our Declaration were not just for the United States but properly the birth-right of all human beings, the odds of them being successful in achieving those dreams will be enhanced by decisions we have to make in this Chamber and that the Government of the United States as a whole has to make very quickly.

BUSH ADMINISTRATION ENDORSES PAPERWORK REDUCTION ACT

Mr. KASTEN. Mr. President, I rise today to announce to the Senate that the Bush administration has endorsed the effort to reauthorize the Office of Information and Regulatory Affairs—or OIRA—through the enactment of S. 1139, the Paperwork Reduction Act of 1991, introduced by myself, Senator SAM NUNN and Senator DALE BUMPERS.

S. 1139 seeks to enhance OIRA's role in reducing the paperwork and regulatory burdens imposed on the individuals, small businesses, research institutions, and nonprofit organizations.

Our bill enjoys the broad bipartisan support from both Democrats and Republicans. With the Bush administration's support, I believe that small businesses and the American public will finally get some relief from the Government's incessant need for more paper.

I ask unanimous consent that letters from myself and several Senators urging the administration's support for S. 1139 as well as the letter of endorsement from Vice President DAN QUAYLE be printed in the RECORD immediately following my remarks.

The being no objection, the letters were ordered to be printed in the RECORD, as follows:

SENATE REPUBLICAN CONFERENCE,
OFFICE OF THE SECRETARY,
July 17, 1991.

THE PRESIDENT,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: We are writing to urge your support for S. 1139, the "Paperwork Reduction Act of 1991".

S. 1139 provides you with the opportunity to legislatively reaffirm your commitment to restraining the growth of Government paperwork burdens on the public and to curbing the natural proclivities of Government agencies to issue more and more regulations.

This bill makes an unequivocal statement in support of your principles regarding restraining unwarranted Governmental burdens on the public. It enjoys strong support within the business community, especially the small business community. It addresses concerns consistently expressed by State and local governments and the educational and non-profit communities.

S. 1139 enjoys strong bipartisan support within the Senate, being sponsored by Sam Nunn, the senior Democrat on the Governmental Affairs Committee as well as the Small Business Committee, with Dale Bumpers, Chairman of the Small Business Committee as one of the principal Democratic

cosponsors. The bill is gradually gathering cosponsorships by many of the Democratic members who supported the 1980 legislation sponsored by Lawton Chiles, including Lloyd Bentsen and Fritz Hollings.

The alternative being offered by the Chairman of the Committee on Governmental Affairs is unequivocal in its objective to diminish your authority to coordinate the regulatory policies of the Executive agencies and to limit the Paperwork Reduction Act's ability to restrain Government-sponsored paperwork burdens imposed on the public. The Administration's opposition to this legislation, S. 1044, the "Federal Information Resources Management Act", also needs to be enunciated.

The choice presented by these two bills is stark. Some urge a wait and see policy with those who would seek to curb your authority. We believe that a firm statement of our fundamental principles is necessary in order to sharply contrast our diverse positions.

Further, we need to make a clear statement to the coalition supporting S. 1139, that we stand with them regarding public protection from unwarranted and excessive paperwork and the burdens of Government regulations which you have worked so long to restrain.

Now is the time to firmly support S. 1139, the "Paperwork Reduction Act of 1991".

Sincerely,

Robert Dole, William V. Roth, Jr., Christopher S. Bond, Ted Stevens, Conrad Burns, Jake Garn, Robert W. Kasten, Jr., Malcolm Wallop, Charles E. Grassley, Connie Mack, Richard G. Lugar, Orrin Hatch, Steve Symms, Robert Smith, John Seymour, Dan Coats, Thad Cochran, Phil Gramm.

U.S. SENATE,

Washington, DC, June 11, 1991.

Hon. DAN QUAYLE,
Vice President,
The White House,
Washington, DC.

DEAR DAN: I am writing to urge your support for the "Paperwork Reduction Act of 1991," which was recently introduced by myself, Sam Nunn, Dale Bumpers, and Bill Roth, among others.

Administration support of this bill would greatly compliment the work of the President's Competitiveness Council in trying to rein in excessive government regulation. The bill seeks to enhance OIRA's role in reducing the paperwork and regulatory burdens imposed upon the public.

Our bill enjoys broad support from the business community. I hope the Administration can join us in our effort to give business and the public some relief from the government's incessant need for more paper.

For your information, I have enclosed a copy of a recent op-ed on this issue.

Best regards,

ROBERT W. KASTEN, JR.

THE VICE PRESIDENT,
Washington, August 2, 1991.

Hon. ROBERT W. KASTEN, JR.,
U.S. Senator,
Washington, DC.

DEAR BOB: Thank you for your letters to John Sununu, Dick Darman and me regarding S. 1139, the "Paperwork Reduction Act of 1991."

The Administration strongly supports your efforts to reauthorize the Office of Information and Regulatory Affairs (OIRA) by passing S. 1139. As you know, the President relies upon OIRA to oversee the regulatory process

and to protect the American public from unnecessary and burdensome regulations and paperwork. The Paperwork Reduction Act of 1991 reaffirms Congressional support for a strong paperwork review process and clarifies the responsibilities of departments and agencies to manage paperwork burdens efficiently. It also closes the loophole created by the Supreme Court's decision in *Dole v. Steelworkers*, thereby ensuring that all paperwork required by the Federal government is covered by the Act.

S. 1044, the "Federal Information Resources Management Act," would also reauthorize OIRA. However, its codification of disclosure provisions raises serious constitutional concerns, and could not be accepted by the Administration. As we indicated last year, the President's Senior Advisors would recommend a veto of any bill containing such disclosure provisions.

We urge Congress to reauthorize appropriations for OIRA. We look forward to working with you and Senator Glenn and others on the Governmental Affairs Committee to secure passage of sound legislation reauthorizing OIRA along the lines of S. 1139.

Sincerely,

DAN QUAYLE.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, FISCAL YEAR 1992

The PRESIDING OFFICER. The Senate will now resume consideration of H.R. 2707, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 2707) making appropriations for the Departments of Labor, Health and Human Services and Education, and related agencies for the fiscal year ending September 30, 1992, and for other purposes.

The Senate resumed consideration of the bill.

AMENDMENT NOS. 1109, 1110, 1111, AND 1112

Mr. HARKIN. Mr. President, there are four additional amendments which have been cleared on both sides. I would like to describe them very briefly.

The first is an amendment to add \$2 million for substance abuse prevention in the workplace, offset by a transfer of funds. That is an amendment by Senators HATCH and KASTEN.

The second is an amendment to add \$450,000 for training of professional staff serving older Americans within available funds at the Office of Human Development Services at HHS. The second amendment also adds \$500,000 from available funds for independent living programs. That is to be presented by Senator DOLE.

The third amendment is an amendment to extend for one more year grants for independent living centers. Again that is an amendment by Senator DOLE.

The fourth amendment is to establish a prostate cancer research center within available funds at the National Cancer Institute. That is an amendment by Senator STEVENS and Senator INOUE.

Mr. President, I ask unanimous consent that the pending committee amendments be temporarily laid aside for the purpose of adopting the four amendments just described.

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

Mr. HARKIN. I send four amendments to the desk and ask unanimous consent that they be considered en bloc.

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

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Iowa [Mr. HARKIN] proposes amendments numbered 1109 through 1112 en bloc.

Mr. HARKIN. Mr. President, I ask unanimous consent that reading of the amendments be dispensed with.

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

The amendments are as follows:

On page 29, line 21, insert before the period the following: "Provided, That \$2,000,000 of the funds available under this heading, which would otherwise have been made exclusively available for carrying out programs through the Office of Substance Abuse Prevention, shall be transferred to the account "SALARIES AND EXPENSES" under the heading "DEPARTMENTAL MANAGEMENT" in title I of this Act for the purpose of providing technical assistance to small and medium sized business on the establishment of workplace substance abuse programs which shall be administered cooperatively between the Office of Substance Abuse Prevention and the Department of Labor".

Mr. HATCH. Mr. President, I want to thank the distinguished floor managers for agreeing to accept this important amendment and desire only to spend a few moments explaining the amendment's purpose and meaning.

Combatants in the war on substance abuse generally agree that any serious attempt to deal with this problem must focus on a reduction in the demand for drugs.

While this solution seems apparent, its translation into a plan for action has proven very difficult. In most respects, it is like declaring war and then not being able to find where the enemy is hiding.

However, recent studies of this problem are beginning to offer some insight into ways to reduce the demand for drugs and alcohol. Specifically, we now know that about 68 percent of all those who use illegal drugs are employed, either in a part-time or full-time capacity. Additionally, we know that 1 out of 10 individuals in the United States has an alcohol problem and that most of these people also work.

With this knowledge, it becomes clear that the workplace is an institu-

tional setting offering great opportunity for addressing the demand for drugs and alcohol. Add to these recent findings the fact that persons with addictive disorders often value their jobs more highly than their families or other social support networks, and the workplace appears to offer the most hope for effectively motivating a substance abuser to receive the help he or she needs to break this addiction.

Now, Mr. President, many large business operations in the United States have recognized that there are numerous advantages to their helping employees overcome substance abuse. The benefits for these businesses include increases in productivity, lower absenteeism, and fewer accidents and illnesses. All of these factors, of course, lead to reduced insurance and compensation costs, reductions in employee theft, and tremendous potential savings in benefit packages—such as in controlled health care costs.

However, establishing programs to deal effectively with employee substance abuse problems requires a high level of expertise and up-front groundwork. Thus, generally, such programs have been limited to larger companies. Small businesses most often find these time and technical requirements prohibitive.

This has led to some interesting observations, Mr. President. Specifically, as the larger companies adopt programs to deal with substance abuse problems, employees tend to move to other companies to escape detection. In other words, rather than to accept offers of help, for all the reasons that they are substance abusers in the first place, these employees opt to leave employment with large employees and move to employment with smaller employers.

After looking at this problem recently, Mr. President, Representative RON WYDEN of Oregon, the chairman of the House Small Business Committee's Subcommittee on Regulation, Business Opportunities and Energy, said that "substance abuse in the nation's small businesses is a health care problem of forest fire proportion." He concluded that for "workers who do drugs, America's small businesses are becoming the employers of last resort."

If this problem is to be overcome, something must be done to address the problems that currently prevent small businesses from becoming involved in employee substance abuse assistance programs. Small business owners generally identify these problems as: First, a lack of information about how to set up and run these programs; second, financial constraints; and third, the fear of potential legal problems.

Mr. President, the purpose of the amendment I have offered today is to help address these problems through the dissemination of relevant information and training concerning structur-

ing and administering employee assistance programs in small business.

Briefly, let me explain what employee assistance programs [EAP] consist of. Generally, there are five key elements in an EAP: First, a workplace substance abuse policy; second, supervisory training; third, employee orientation; fourth, drug and alcohol education and awareness; and fifth, assessment and referral mechanism so that the employee can obtain needed help overcoming an addiction.

What this amendment does is to provide the Secretary of Labor, in conjunction with the Secretary of HHS, with funds to provide to small businesses the information and technical assistance they need to develop these elements of an employee assistance program.

To accomplish this, the amendment simply transfers \$2 million of moneys already existing in the budget of the Office of Substance Abuse Prevention that were provided for the purpose of administering community partnerships. The Office of Substance Abuse Prevention [OSAP] is designed to support early intervention projects through these community partnerships. To accomplish these objectives, OSAP would be given \$281.6 million in fiscal year 1992, of which \$113.9 million would be provided to administer these community partnership programs.

By simply shifting \$2 million to the Department of Labor to begin the administration of these small business substance abuse programs, the bottom line objectives of combating substance abuse would be advanced significantly. As I stated, this is so because it has become apparent that the best way to reach substance abusers is through the workplace. With this in mind, it seems appropriate to begin this effort with this \$2 million from the Office of Substance Abuse Prevention because of the similarity of the overall mission. This transfer does not harm the ongoing goals of OSAP because it is intended that they work cooperatively with the Department of Labor in getting this job done. Also, the vast majority of funds allotted OSAP remains in place. This transfer complements OSAP's goals by creating a cooperative effort that will permit much more than either is capable of independently.

Mr. President, if the Congress is truly serious about attacking drugs in our society, I think small businesses provide battlegrounds wherein great advances are possible. Because of this amendment, small business owners who want to help rid their workplaces of the problems associated with substance abuse will be able to do so. Reliable information will be available to them that will assist them in offering a helping hand to their employees.

Mr. KASTEN. Mr. President, I am pleased to join Senator HATCH in offering this amendment to help small busi-

nesses rid their workplaces of drug abuse, and I applaud him for his leadership on this issue.

Our amendment would provide \$2 million to the Department of Labor for assisting small business owners in addressing the problems of substance abuse in their workplaces. Specifically, the amendment would enable the Labor Department to provide additional help to small business owners in setting up employee assistance programs [EAP's]. EAP's are cost-effective job-based strategies for helping employees with drug and alcohol abuse.

We must attack the scourge of drugs in all facets of our lives: in the workplace, in our schools and churches, and at home. In the workplace, employee substance abuse is estimated to cost over \$200 billion annually, in the form of increased accidental injuries, health care costs, lost work days, and other expenses. Employee assistance programs are believed to be the most effective tool in helping to eradicate the problem. A 1990 Gallup survey of Wisconsin workers conducted by the Institute for a Drug-Free Workplace showed that 77 percent of workers in my State support EAP's.

Yet small businesses, which employ over a majority of working Americans, are less likely than larger ones to implement these programs. Seventy-five to eighty percent of the Fortune 500 companies have EAP's, but less than 10 percent of small business have EAP's.

According to the Labor Department, small businesses have difficulty setting up these programs because they believe that implementing and operating a substance abuse program to be too complex and costly. Others lack the knowledge and guidance necessary to establish and maintain an EAP.

The Department is actively working to promote awareness of the EAP's among small businesses. In particular, it is working on expanding its information dissemination and is looking into using personal computers to provide training materials. The \$10 million provided by this amendment will go a long way in helping them continue these efforts and developing a demonstration system to deliver this technology.

The drug plague is a serious threat to our prosperity. We need creative solutions like this amendment—and I support it strongly.

AMENDMENT NO. 1110

(Purpose: To require that certain appropriated sums be used for a program regarding training for professional and service providers.)

On page 43, line 6, after the colon insert the following: "Provided further, That of the amounts made available under this heading, \$450,000 shall be used for making grants and entering into contracts under section 411 of the Older Americans Act of 1965 (42 U.S.C. 3031) to establish a program under which professional and service providers (including family physicians and clergy) will receive training—

"(1) comprised of—

"(A) intensive training regarding normal aging, recognition of problems of aging persons, and communication with the mental health network; and

"(B) advanced clinical training regarding means of assessing and treating the problems described in paragraph (1);

"(2) provided by—

"(A) faculty and graduate students in programs of human development and family studies at a major university;

"(B) mental health professionals; and

"(C) nationally recognized consultants in the area of rural mental health and

"(3) held in county hospital sites throughout the State in which the program is based": *Provided further*, That \$500,000 of the funds available under this heading shall be used for making grants and entering into contracts under section 162 of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6082) to establish innovative approaches to consumer-responsive personal assistance service which shall enhance opportunities for individuals with disabilities to live independent and productive lives with full inclusion in their community".

Mr. DOLE. Mr. President, I rise today to offer an amendment that will provide the necessary funding to enhance the delivery of mental health care to our Nation's rural elderly. The mental health needs of people living in rural areas is not being met. Similarly, the mental health needs of the elderly are not being met. Consequently, elderly persons who live in small rural areas are at double jeopardy when faced with mental health problems. The lack of mental health services is not, however, the greatest issue among rural elderly—elderly people in general are often resistant to seeking and accepting formal mental health services.

The elderly are more willing to take their mental health problems to people they have regular contact with; people they know and trust. Professionals—that is, family physicians and clergy—and service providers—that is, senior center directors and staff members, county extension agents—have regular, trusted contact with rural elders. But, few service providers are trained to recognize warning signs of depression, suicide, alcoholism, complicated grief of Alzheimer's disease; many professionals were trained before gerontology was included in the curriculum. The reality is that professionals and service providers most likely to come into contact with an elder who has mental health concerns have little or no training in aging or mental health.

In Kansas, an innovative project is being developed to alleviate this rural health problems. Through the enhancing mental health services for rural elderly project a core group of trusted professionals and service providers will be trained in gerontology and mental health issues of the elderly. As a result of this project the rural elderly will have trained people in their community to help them recognize and overcome problems of depression, suicide,

alcoholism, complicated grief of Alzheimer's disease.

Training will be provided by Kansas State University faculty and selected graduate students in human development and family studies, mental health professionals in the field, and nationally recognized consultants in the area of rural mental health. Training sessions will be held in county hospital sites throughout the State for both professionals and service providers.

Training will be focused primarily in the following areas: First, normal aging; second, recognizing problems of aging persons; and third, communicating with the mental health network. The professionals—that is, physicians and clergy—will also receive advanced clinical training in ways to assess and treat these problems.

My amendment directs \$450,000 of moneys to be appropriated under title III of the Older Americans Act to ensure that elderly persons be afforded appropriate and adequate mental health care. The enhancing health services for rural elderly project is a step in the right direction in assuring that the mental health needs of people living in rural areas are being met.

Following their training programs, service providers who understand normal aging and the warning signs of specific mental health problems can then refer elderly persons to local clergy or family physicians. Members of the clergy or family physicians whose assessment skills are more advanced can then determine the need for specialized mental health treatment and provide the critical link to mental health services.

AMENDMENT NO. 1111

(Purpose: To require that funds appropriated to make grants for the establishment and operation of independent living centers be used to support persons currently receiving the grants)

On page 57, line 3, insert before the period: "*Provided*, That, until October 1, 1992, the funds appropriated to carry out section 711 of the Rehabilitation Act of 1973 (29 U.S.C. 796e) shall be used to support persons currently receiving grants under the section".

Mr. DOLE. Mr. President, 1 year ago today, 2,000 people gathered on the White House lawn for the historic signing of the Americans With Disabilities Act of 1990.

The ADA, which prohibits discrimination on the basis of disability in employment, public services, public accommodations, and telecommunications, was the most comprehensive civil rights law to be enacted since 1964. Its about the integration of all citizens into every aspect of American society. It is about real people with real life issues.

A few months ago, for example, I heard eloquent and moving testimony before the Committee on Labor and Human Resources on the need to ensure independence and equal opportunity for people with disabilities.

The hearing, which addressed the use of personal assistance services [PAS], made it clear that Congress needs to build on the gains achieved 1 year ago today. In his poignant testimony, Tim Steininger of Dodge City, KS, persuasively justified the revision of current policies to include a comprehensive and flexible PAS program. No doubt about it, the timely and thorough consideration of such a program is one of my top priorities.

Why? Because I believe, as do my colleagues, that everyone deserves the right to self-determination. Is this too much for a person with a severe disability to expect out of life? Inclusion should mean enjoying the rights that those of us fortunate to be self-sufficient take for granted everyday. Is that not what the ADA is all about?

Mr. President, I believe we need to enhance the delivery of personal assistance services in this country if we are to afford people with disabilities their right to lead independent and productive lives. I am optimistic about the future of disability policy. Let's build on the gains we have made to ensure independence and freedom for all Americans.

The amendment I am offering today will invest in the promise of an all inclusive society by developing innovative approaches to the delivery of consumer-responsive personal assistance services. Within the projects of national significance under the administration on developmental disabilities, the monies appropriated for the expansion of personal assistance programs will be a step in the right direction in building a comprehensive array of personal assistance services.

AMENDMENT NO. 1112

On page 23, line 4, before the period, insert the following: "*Provided further*, That within the funds provided under this heading the Institute shall establish a Matsunaga-Conte Prostate Cancer Research Center".

The PRESIDING OFFICER. Is there further debate on the amendments? Hearing none, the question is on agreeing to the amendments.

The amendments (Nos. 1109, 1110, 1111, and 1112) were agreed to en bloc.

Mr. HARKIN. Mr. President, I move to reconsider the vote by which the amendments were agreed to.

Mr. COCHRAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

CHILD HEALTH RESEARCH CENTERS

Mr. SPECTER. Mr. President, I would like to enter into a colloquy with my good friend and distinguished chairman of the subcommittee for the purpose of clarification.

Once again the subcommittee has recognized the importance of providing additional funding to the Child Health Research Centers Program at the National Institute of Child Health and Human Development [NICHD]. Created

at the urging of this subcommittee in fiscal year 1990, child health research centers are intended to build basic research capacity at established and developing pediatric institutions and to develop pediatric investigators. The goal of this innovative "bench to bedside" research program is to speed the transfer of basic science to clinical applications, thereby improving the care of infants and children.

Is my understanding correct that the subcommittee provided \$2 million in fiscal 1990 to initiate the Child Health Research Centers Program and an additional \$1,500,000 in fiscal 1991 to expand the program?

Mr. HARKIN. The Senator from Pennsylvania is correct.

Mr. SPECTER. Then, is my understanding also correct, Mr. President, that coupled with the additional \$3 million the subcommittee is providing in this bill, the total expenditure for the Child Health Research Centers Program in fiscal year 1992 will be \$6,500,000?

Mr. HARKIN. My friend, the Senator from Pennsylvania, is again correct.

Mr. SPECTER. I thank my good friend and subcommittee chairman for clarifying this matter.

LIBRARY CAREER TRAINING

Mr. SARBANES. Mr. President, I am pleased to note that the Senate is providing \$5 million for the Library Career Training Program under title II-B of the Higher Education Act for fiscal year 1992. This modest sum will make a significant contribution to alleviating the shortages of librarians and library educators.

Librarians in the United States currently number fewer than 200,000, and nearly 40 percent of them will be 65 years of age or older by the year 2000. Library employers report severe shortages, especially for children's librarians, school library media specialists, catalogers, librarians with technological expertise, and librarians who are members of minority groups.

In the early and more adequately funded years of the HEA II-B program, a corps of leaders was recruited to the library field or enabled to earn a Ph.D. Many of the current faculty, deans, and library directors around the country are II-B fellowship recipients. With the dramatic decrease in appropriations for the II-B program in the 1980's, replacements for such leaders are not coming along fast enough to make up for losses and retirements.

In addition, we require more advanced education and skills of our librarians than we are willing to pay for. For example, school library media specialists are expected to hold a teaching degree and have a master's degree or additional course work in library and information science. The master's degree is the minimum level generally required in public and academic libraries. Many positions also require fluency in

foreign languages, advanced study in public administration, computer and communication techniques, social services and community outreach, or such specialized knowledge as children's literature, Government documents, or law or medical librarianship.

I recently introduced a bill, S. 1099, which addresses the serious shortage of librarians and library educators by increasing the authorization level for HEA II-B to \$15 million. Meanwhile, I am pleased that we are taking action in the Labor/HHS/Education appropriations bill to prevent the erosion of the unique and vital services provided by libraries to citizens and communities throughout the country.

Because the fiscal year 1992 level is a significant increase in II-B funding, I wanted to take this opportunity to engage in a brief colloquy with the chairman and ranking minority member concerning congressional intent regarding the most appropriate use of the \$5 million for library career training.

Mr. HARKIN. I would welcome an opportunity to clarify our intent with regard to funding for this important program.

Mr. SARBANES. It is likely to be next spring before institutions or organizations are notified that they are successful applicants for II-B grants, leaving precious little time to recruit strong candidates for graduate study during the 1992-93 academic year. Time would be particularly short for potential Ph.D. candidates, who might have to relocate, leave jobs, and make appropriate arrangements for their families. It would be my recommendation that the Department of Education officials move quickly in administering this program, but at the same time, consult extensively with representatives from the library community on the most effective use of II-B funds for fiscal year 1992.

Mr. SPECTER. I also have a special interest in the HEA II-B library training program. Three fine institutions in my State—Clarion University of Pennsylvania, Drexel University, and the University of Pittsburgh—provide graduate library education programs. The law allows library career training funds to be used for assistance to institutions of higher education, library organizations or agencies for fellowships, traineeships, and institutes, or other training or retraining programs in library and information science.

I urge the Department of Education to use the majority of the increased funds for HEA II-B for fellowships at both the doctoral and Master's levels, and to use a smaller percentage for other training, retraining, and library and information science education projects. The Department should consider raising the current stipends for fellowship recipients. I understand the stipends have not been adjusted for some years, and are now inadequate to

cover true expenses. I further urge the Department to consult with the library community concerning the best mixture among the authorized purposes under this program, and concerning fiscal 1992 priorities for assistance.

Mr. HARKIN. I concur with those expectations, and would expect appropriate officials of the Education Department to take note of them.

Mr. SARBANES. I appreciate the cooperation of my colleagues in clarifying the committee's intent. I would simply raise one other point, and that is the importance of this program for the recruitment of minorities to the library field. The importance of this issue and the continuing need for such assistance were reinforced recently by the delegates to the White House Conference on Library and Information Services. More than one recommendation called for assistance for the training and retraining of library and information science professionals to serve the needs of multicultural, multilingual populations. This should be a priority for II-B grants in fiscal 1992.

Mr. HARKIN. I would agree that the continuing need for assistance in minority recruitment is one of the reasons for our increased support, and it should be a priority in the use of title II-B funds.

Mr. SIMON. Mr. President, as a longtime supporter of and advocate for libraries, and as a member of the Senate Labor and Human Resources Subcommittee on Education, Arts, and Humanities, I too have an interest in clarifying the intent of title II-B of the Higher Education Act.

My great State of Illinois has three outstanding graduate library education programs, which are located at the University of Illinois, Northern Illinois University, and Rosary College. I certainly agree with the support the comments made by my colleagues regarding the use of title II-B funds.

This summer, I had the honor of addressing the White House Conference on Library and Information Services and talking with the delegates. The delegates strongly supported and recognized the importance of recruiting and training minorities under title II-B. I couldn't agree more. More than 15 library and higher education organizations, including the American Library Association, recommended reauthorization of title II-B with a particular emphasis on the recruitment and retention of minorities as one of the most critical needs in the profession.

Title II-B has played a key role in the recruitment of minorities. In recent years, however, this has not been listed as one of the top title II-B priorities by the Secretary. Only 7.7 percent of graduate degrees in library and information science are annually awarded to minorities. We can and should do better. This should be a top priority for title II-B.

THE COLORADO BIOMEDICAL VENTURE CENTER
AT THE NATIONAL INSTITUTES OF HEALTH

Mr. WIRTH. Mr. President, we all recognize the need to maintain and enhance our country's international competitiveness in all areas of high technology. With our existing world leadership in the biomedical area, the increasing global demand for improved diagnostics and therapeutics and this country's \$10 billion a year Federal research effort, we should pay particular attention to promoting our competitiveness and productivity in this area.

I am a member of the Senate Committee on Energy and Natural Resources and last year we held hearings on the human genome project. At these hearings, the importance of our technical leadership and its economic benefits were driven home to me and the other members of the panel.

It would be a mistake for the United States to rest on its laurels as the world's leader in the biomedical field. Japan is undertaking an aggressive effort to make major advances in biotechnology transfer. In a recent article in *Business Tokyo* a senior manager of Suntory Co. said that:

America is, and will remain, the leader in the field. Japan will never equal the United States commitment to basic research. And if basic research isn't sound, you won't have the constant stream of ideas on which to develop products.

That is, products produced in Japan—based on United States research. During the 1980's, more than 200 biotechnology transfer agreements between Japan and American companies were signed over a 5-year increment. The export of U.S. basic research has already begun.

I would hope, Mr. President, that we can look to history for guidance. While the transistor was developed in the United States, it was produced overseas. And, if we are to learn from our past mistakes, we need to take steps to maintain our leadership in the commercial biomedical field.

To do this, we must encourage the efforts being made by the National Institutes of Health [NIH] Office of Technology Transfer to help our Nation's intellectual capital generate a secure strong industry leading us into the 21st century.

Mr. President, I am proud to say that the State of Colorado is a national leader in biomedical research and in the commercialization of these technologies. Our excellence in research was emphasized by the Nobel Prize awarded to Dr. Thomas Cech of the University of Colorado for his work on RNA. In 1990, Colorado was home to more than 200 biomedical companies producing combined sales of more than \$1.2 billion. These companies exported as much as 40 percent of their products to Japan, other Pacific rim countries, and Europe.

Colorado has sought to stimulate this field by creating several public-

private technology transfer programs. In particular, the Colorado Biomedical Venture Center [CBVC] is working to develop commercial applications from biomedical discoveries made within the State's universities and hospitals. This State seed-funded, nonprofit corporation is ideally suited to work with the NIH's Office of Technology Transfer to assist in the development of commercial applications from discoveries made at the Institutes. Indeed, it is my understanding that the CBVC and NIH are developing a memorandum of understanding for this purpose.

It is also my understanding from Senator HARKIN that funds are available in the NIH extramural construction appropriation to help stimulate the development of this NIH-CBVC application development demonstration project. It I might inquire of the distinguished Senator from Iowa, what is the subcommittee's view of this project? Is the Colorado project eligible for receipt of \$2 million from this program?

Mr. President, I yield to the distinguished chairman.

Mr. HARKIN. Mr. President, I am aware of the technology transfer project and NIH appropriation referred to by Senator WIRTH and I agree that we must encourage our continued commercial leadership in the biomedical field. It is also my understanding the project referred to by Senator WIRTH can serve as a valuable model for this effort—demonstrating to ourselves and other States that we can take that extra step from the laboratory to the marketplace.

Therefore, I encourage Colorado to apply for funding to develop this project and I sincerely hope that the administration will see fit to promote this worthwhile effort.

Mr. WIRTH. I thank my good friend from Iowa and you can be assured that we will pursue this project with NIH.

Mr. President, I yield the floor.

JOB CORPS FUNDING COLLOQUY

Mr. WIRTH. Mr. President, I would like to briefly discuss with the distinguished chairman of the Subcommittee on Labor, Health and Human Services, and Education a program which deserves our attention. I refer to the Job Corps Program that is an important part of our efforts to assist our Nation's youth and prepare them to enter the work force. The basic education and vocational training provided by Job Corps helps at-risk youth that might otherwise not complete their education and begin productive careers. I understand that the Appropriations Committee has supported the program in the legislation we are now considering. Is that correct?

Mr. HARKIN. The Senator is correct. The committee does support the program. Our report recognized the success of the Job Corps and the merits of the 50-50 plan that would allow the program to serve 50 percent more poverty

youth annually by opening 50 new Job Corps centers throughout the country. Accordingly, we provided an increase of \$40 million above the President's budget, \$30 million of which would be used for center relocations, opening previously approved new centers, and planning and site acquisition for further expansion.

Mr. WIRTH. I thank the chairman and commend the committee's actions. Colorado is underserved by the program. In fact, of the 42 States that have centers, Colorado ranks 37th in the percentage of poverty youth served by Job Corps. Five of the States that lack a center or serve a lower percentage of poverty youth than Colorado are already slated to receive new centers. The only center in Colorado is located in a rural area and several cities in Colorado's populous front range have significant populations of youth that could greatly benefit from a new center for Colorado.

I recognize that the 50-50 plan will take a number of years to implement and that we do not have the resources to immediately place a center in every area that would benefit. The House provided \$28 million less for center construction and renovation and, given the constraints we face, the committee has made a good start at encouraging the program's expansion. I would like to ask the chairman if he intends to work to preserve funding for the program's expansion as the legislation goes to conference with the House.

Mr. HARKIN. I support the Job Corps Program and will work on behalf of the Senate's position as we move to Congress. I am also aware of the strong interest in Colorado in the expansion of the program and the broadbased support in that State for obtaining a Job Corps center and participating in the Job Corps Program. The report includes a list of areas that have an interest in the program and community support for a new center and Colorado's front range proposal certainly should be considered on an equal basis with locations on that list. I thank the Senator from Colorado for his interest in the program and support of the committee's efforts.

Mr. WIRTH. I thank the chairman for his efforts and comments. I hope that the Senate's position will prevail in conference and Colorado will be able to obtain a new center as the program expands.

JOB CORPS DEMONSTRATION PROJECT

Mr. SANFORD. Mr. President, I would like to engage the distinguished manager of this bill, Senator HARKIN, in a colloquy about a Job Corps demonstration project.

Mr. HARKIN. I would be happy to discuss this matter with the Senator from North Carolina.

Mr. SANFORD. I would like to direct the attention of the chairman of the Labor, Health and Human Services

Subcommittee to my proposal to provide \$1,500,000 for a Job Corps demonstration project in up to three States. The Secretary of Labor would be authorized to contract with public vocational, technical, and community college facilities to set up nonresidential programs for the same population of disadvantaged youth eligible for the regular Job Corps Program. These youth would be paid the minimum wages for a 40-hour work week, in lieu of stipends and room and board. The eligible participant will be provided with a combination of job and remedial skills training, education, and work experience for 40 hours each week. Through this program, the youth will be able to utilize the Job Corps expertise and the public vocational, technical, and community college facilities to receive job counseling and training.

This demonstration program distributes the resources of the Job Corps more efficiently and will allow the benefits of the Job Corps to reach those disadvantaged youth who, for some reason or another, cannot participate in the residential program. I first noted this need 25 years ago and am happy finally to be able to provide a nonresidential source of Job Corps benefits to disadvantaged youth.

I am aware that there is funding within this Department of Labor appropriation bill for demonstration programs. I believe that the demonstration program that I have just outlined would be available for funding from the amount provided for the demonstration programs. Is that correct?

Mr. HARKIN. Yes, that is correct. A portion of the demonstration resources in the bill could be used to carry out demonstrations of the type described by the Senator. I would urge the Secretary of Labor to fund demonstration programs of this type.

EMPLOYMENT AND TRAINING

Mr. COCHRAN. In title I of H.R. 2707, making appropriations for the Department of Labor, the committee has made available \$38.7 million for pilots and demonstration programs related to employment and training. I have recently learned of an innovative model developed by Mississippi Very Special Arts in cooperation with other States in the Appalachian region, which would offer employment services to talented individuals with disabilities, and teach them the skills necessary to develop a sales distribution network for the goods they produce. This program, which has been endorsed by disability advocacy groups throughout the State, would enable this truly displaced group of workers in Mississippi and around the Nation, to find financial independence. Funds provided would allow professional artists with disabilities in the region to form an arts collective which would support a production center and establish a national marketing and distribution system. It is a modest, cost-

effective design which I believe merits funding from the Department of Labor.

Knowing of your longstanding commitment to programs which offer the promise of independence and self-sufficiency to people with disabilities, I hope you will join me in endorsing this employment model and encouraging the Department of Labor to find the necessary funds—\$400,000 in fiscal year 1992—to fully develop this program for eligible residents in the Appalachian region.

Mr. HARKIN. Let me first thank my colleague from Mississippi for informing us about this very interesting new initiative. I am well aware of the alarming unemployment rate among persons with disabilities and the difficult economic conditions which plague the Appalachian region. The program you describe offers a unique approach to job creation and economic development for persons with disabilities and one that I would certainly support and encourage the Department of Labor to fund.

THE MCNAIR PROGRAM

Mr. SPECTER. Mr. President, I want to join the chairman of the Subcommittee on Labor, HHS, and Education appropriations in support of the amendment to lift the "cap" on the Ronald C. McNair Postbaccalaureate Achievement Program authorization. We have consulted with the Democratic and Republican leadership of the Subcommittee on Education, Arts and Humanities and the Committee on Labor and Human Resources. They strongly concur in this effort.

The limitation placed on the portion of the overall trio appropriation allocated to the McNair Program was intended to assure that this new program, created by the Higher Education Amendments of 1986, would not adversely impact funding for the existing programs. Additionally, this concern was based in part on the limited funding provided for the trio programs. Since fiscal year 1987, the Congress has increasingly recognized the importance of the trio programs' focus on early identification and academic support and counseling as critical elements to improving the access and success of minority, low income, handicapped and first generation students in higher education.

The trio appropriation has increased from \$176.3 million in fiscal year 1987 to \$333.8 million in fiscal year 1991. During that same period, the McNair allocation has increased from \$1.5 million in fiscal year 1989—the first year of its implementation—to \$3 million in fiscal year 1990, to \$5.0 million in fiscal year 1991. This year the Senate bill provides \$385.8 million and we hope that the Department will allocate a significant portion of this increase to the McNair Program.

The \$5 million must be lifted now or the department has advised us that it

will be bound by the limitation in section 417(d)(6)(B). The need to increase minority participation in graduate education is clear and the contributions of this small, but critical program to that effort is essential. The need to increase the numbers of Americans receiving the Ph.D. in such areas as mathematics and the physical sciences is equally important. This vital program helps America do both.

We must take this step now or postpone enhancing the contribution this program can make until the completion of the pending reauthorization of the Higher Education Act. I urge my colleagues to support the package of amendments and our efforts to expand graduate education opportunities for all Americans through the Ronald C. McNair Postbaccalaureate Achievement Program.

ALZHEIMER'S DISEASE RESEARCH

Mr. GRASSLEY. May I ask the Senator a question about his amendment? Mr. HATFIELD. Certainly.

Mr. GRASSLEY. I congratulate the Senator on his amendment, which I certainly support and would like to co-sponsor.

I, too, was intrigued by the Post article to which the Senator referred in his remarks. As I understand it, "substance P" protected experimental rats from nerve cell death similar to that caused by Alzheimer's disease. Apparently, the scientists who work in this area are very excited at the possibility that this work may lead to drugs which could actually prevent Alzheimer's disease.

This work resulted from a drug development program being carried on at the National Institute on Aging. The aims of this program are, among others, to stimulate discovery of new compounds focusing on preventing or delaying the progression of the disease, to encourage collaboration between university researchers and researchers in industry, and to commence international collaboration in the testing of new compounds.

As I understand it, the NIA Program will focus on relatively high risk lines of research, such as how to deliver compounds to specific target areas in the body and at finding compounds to regulate gene expression, which industry researchers may be reluctant to undertake. The project managers at the NIA believe that, once their sponsored research begins to produce results, industry will begin to undertake research to build on those results.

Finally, the NIA Program is trying to make it easier to more quickly test compounds. Some 30 academic and other health institutions have formed a coalition to help accelerate the testing of compounds.

Clearly, this is a program with great promise.

I am concerned, however, because, given the current level of funding for

this activity—\$7 million—we may be facing a relatively long period before it will culminate in a drug—"substance P" or some related product—that can be used with Alzheimer's disease victims. I know that the Alzheimer's program at NIA has many other high priorities, but this work surely deserves increased emphasis.

My question is whether the Senator intends that some of the money his amendment is providing be used to increase the efforts at the National Institute on Aging devoted to development of new drugs for use with Alzheimer's disease victims?

Mr. HATFIELD. I would very much like to see some of this money added to the current level of support being provided new drug development for use with Alzheimer's disease victims. As I said in my statement a moment ago, medical research is the only hope we have for preventing further suffering by patients and families from this terrible disease. Drug development is certainly one of the things we should be concentrating on. As I noted, the new development on which the Post reported deserves our full attention.

Furthermore, I would like the Senator to know that I intend to do my best to persuade the committee of conference on this bill to emphasize the importance of this work.

Mr. GRASSLEY. I thank the Senator. I am very pleased that he believes this work at the Institutes deserves additional support.

CASH AND MEDICAL ASSISTANCE

Mr. MACK. I would like to ask a question of the Senator from Iowa regarding the cash and medical assistance appropriation in the Labor-HHS bill.

In the Senate version, although full disbursement of funds is delayed until fiscal year 1993, the appropriation for cash and medical assistance is maintained at \$234 million. This is in contrast to the House Appropriations Committee language which allots only \$117 million for fiscal year 1992, after which the cash and medical assistance program would be phased out.

As you know, the Refugee Act of 1980 has a dual purpose: First, to provide a procedure for the annual admission of refugees to the United States and second, to authorize Federal assistance to resettle refugees. The Refugee Resettlement Program is administered by the Office of Refugee Resettlement [ORR] in the Department of Health and Human Services [HHS].

One of the major domestic resettlement assistance programs authorized under the Refugee Act is cash and medical assistance. The House Labor-HHS Appropriations Committee phases out this critical program after fiscal year 1992.

Phasing out the cash and medical assistance program is inconsistent with the numbers of refugees still entering

the United States. The fiscal year 1991 ceiling on total refugee admissions into the United States was 131,000. The fiscal year 1991 appropriation for cash and medical assistance was \$234 million. The State Department has estimated the fiscal year 1992 refugee admissions ceiling at 144,000. The President's fiscal year 1992 request for cash and medical assistance at \$240,000,000 reasonably reflects the numbers of refugees for the upcoming fiscal year. The Senate maintains the fiscal year 1992 level at \$234 million, but makes half this amount available on a delayed obligation basis to reimburse the States. The House, however, has only appropriated \$117,600,000 for cash and medical assistance to be available through March 31, 1992, after which the program would be phased out.

If the Congress adopts the House language, the Federal Government would be sending the message to the States that it is reneging on the commitment made under the Refugee Act. While the number of refugees is increasing by 30 percent, the House language decreases cash and medical assistance to resettle these refugees by 50 percent for this fiscal year before phasing out the program in March of 1992. Does this mean the United States will not be accepting any more refugees after fiscal year 1992? No. It's just another example of how the Federal Government has fallen short on its responsibility to assist the States with the consequences of Federal immigration policy. Florida and other States affected by large refugee populations have already spent millions of dollars without Federal reimbursement.

More importantly, the legislative history of the Refugee Act clearly indicates that refugee resettlement costs are the responsibility of the Federal Government. In the report to accompany the Refugee Act of 1980, the Senate Judiciary Committee made two important points: First, refugee resettlement is a Federal responsibility; and second, the Federal Government committed itself to reimbursing the States 100 percent for the first 2 years of refugee resettlement.

At that time, the committee explained:

Because refugees admitted to the United States are a result of a national policy decision and by federal action, the federal government clearly has a responsibility to assist States and local communities in resettling the refugees—assisting them until they are self-supporting and contributing members of their adopted communities. * * * The bill limits the 100 percent federal support of medical, cash and employment programs to the first two years after the refugee's entry into the United States.

Congress originally authorized reimbursement to the States for 100 percent of the costs of providing refugees with cash and medical assistance during their first 36 months in the United States. In 1986, the period of Federal

reimbursement was reduced from 36 to 31 months, further reduced to 24 months in 1988. In 1990, States were told that reimbursement would last for only the first 12 months of refugee resettlement.

In addition, this year alone, Florida was not reimbursed for almost \$1 million in AFDC and Medicaid costs, as a result of a Federal decision to limit to 4 months reimbursement to the States for categorical refugee programs.

Florida's grant allocation for cash and medical assistance in fiscal year 1990 was \$6.8 million; in fiscal year 1991, approximately \$8 million. Phasing out this cash and medical assistance would clearly mean that Florida and other States will not continue to receive its fair share of Federal assistance.

The House action to phase out cash and medical assistance is wrong. The Congressional Research Service [CRS] has commented that "cash and medical assistance is the heart of the refugee resettlement program." Without cash and medical assistance, the States would be forced to assume an unfairly excessive financial burden.

I would therefore like to pose the question to the Senator from Iowa: What is the committee's intention with regard to this vital cash and medical assistance program?

Mr. HARKIN. I agree with the Senator from Florida. Cash and medical assistance is an integral element of the Federal government's responsibility in domestic refugee resettlement.

The committee does not intend to terminate cash and medical assistance on March 31, 1992, or anytime thereafter, and would certainly hope this position will prevail in conference with the House.

OSHA PROGRAMS

Mr. KASTEN. Mr. President, I would like to inquire of the distinguished chairman if the chairman of the Small Business Committee, and the senior Senator from Mississippi could engage in a colloquy regarding certain items in the committee report language that affect the Occupational Safety and Health Administration?

Mr. HARKIN. I would be happy to yield to the senior Senator from Wisconsin in order to discuss these issues.

Mr. KASTEN. Mr. President, an amendment offered by Senator COCHRAN and Senator BUMPERS, which was adopted in committee, deleted a House-inserted provision that would have required the Occupational Safety and Health Administration to expand accident reporting requirements for employers of fewer than 10 workers. I want to express my strong support for this language and urge the chairman to press for the Senate language in conference.

Mr. COCHRAN. I would like to join the Senator from Wisconsin in urging that the Senate conferees retain this language. Currently, all businesses,

large and small, are required to report workplace accidents to OSHA when five or more workers are hospitalized. As passed by the House, the bill language required only small businesses of 10 or fewer workers, to report accidents where 1 worker is hospitalized. This would create an unfair situation and impose additional reporting burdens on small business.

Mr. HARKIN. I would inform the Senators that I am aware of your concerns about this issue and will do my best in conference to secure the Senate position.

Mr. COCHRAN. On another issue concerning OSHA, I would like to inquire of the chairman how much money is set aside for OSHA's on-site consultation program?

Mr. HARKIN. I would inform the Senator that we have included \$2.5 million in additional compliance assistance funding that is intended for the consultative services program.

Mr. BUMPERS. Mr. President, am I correct in that the House did not include any additional funding at all for the consultation program?

Mr. HARKIN. The distinguished Senator from Arkansas is correct.

Mr. BUMPERS. Mr. President, I urge the chairman to try and retain the Senate position. This program is extremely helpful to small businesses, especially in view of the recent sevenfold increase in OSHA civil penalties that was included in last year's budget summit agreement.

In fact, I wish that we could find more money for this program. Over the past 10 years, consultation programs across the country have experienced large reductions in the consultation staff. Moneys available to OSHA for the consultation effort have not kept pace with inflation. In Arkansas, the consultation program would have received \$324,673 in additional funding this fiscal year if the program had kept pace with inflation.

I am sure the Senator from Wisconsin is facing the same situation. Before the Senator responds, however, I would like to echo my colleagues' concerns regarding increasing the reporting requirements for businesses employing fewer than 10 employees.

Mr. KASTEN. The Senator from Arkansas is correct. If funding for the program had kept pace with inflation, Wisconsin would have received close to \$600,000 in additional funding.

In fact, I received a request a few days ago from the Wisconsin State Laboratory of Hygiene for help in securing additional funding for the Wisconsin Occupational Health laboratory. Since 1975, the laboratory has provided analytical laboratory services to most of the States which have the consultation program. The lab needs \$450,000 for additional capital equipment.

Even with the modest program increase included in the Senate bill,

States will only receive at the most \$50,000 or \$60,000 in additional funding. However, I know that the funding is too limited to provide any more money for the Wisconsin laboratory and the program.

I would like to make one last point. I find it ironic that the Labor Department requests \$1.3 million and 24 positions for implementing the higher civil penalties enacted in last year's budget summit bill, but does not provide such attention to helping small business comply voluntarily with the law so that they don't have to pay these fines.

Mr. HARKIN. I would say to the Senators that I support this program. I am aware that Iowa would receive over \$150,000 in additional funding if the program had kept pace with inflation.

I can assure the Senators that I will work with them to secure the additional \$2.5 million in funding provided in the Senate bill.

Mr. COCHRAN. I thank the chairman for his efforts I, too, have heard from my constituents regarding the merits of this program and hope that the additional funding can be retained in conference.

REPORT LANGUAGE CLARIFICATION ON STAR SCHOOLS

Mr. HARKIN. Mr. President, I want to take this opportunity to clarify a point contained in the Senate report accompanying H.R. 2707. The committee included under the Star Schools heading language to establish a statewide, publicly owned or controlled two-way interactive fiber optic telecommunications network, carrying voice, video, and data transmissions. The language inadvertently restricted eligibility to those networks having a point of presence in every community college, and in every public and private college or university.

The committee did not intend to qualify community colleges and public and private colleges or universities with the term every, to require that each such institution in the State participate, but rather it intended that the network touch each type of institution. In other words, the committee intended that the points of presence should include these types of institutions, but that they need not include every institution.

EXCEPTED COMMITTEE AMENDMENT ON PAGE 47, LINES 1 THROUGH 9

Mr. HARKIN. Mr. President, I ask unanimous consent that the following committee amendment be agreed to, and that is on page 47, lines 1 through 9.

The PRESIDING OFFICER. Is there objection?

Mr. COCHRAN. Mr. President, this is an amendment by the distinguished Senator from Oklahoma [Mr. NICKLES]. It has been cleared on this side.

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

So the excepted committee amendment on page 47, lines 1 through 9, was agreed to.

Mr. HARKIN. Mr. President, I further ask unanimous consent that the bill, as thus amended, be considered as original text for the purpose of further amendment, provided that no points of order be waived by reason of this agreement.

Mr. COCHRAN. Mr. President, reserving the right to object, and I do not intend to object, this does not change the status of the committee amendments in terms of their being subject to further amendment; is that correct?

Mr. HARKIN. That is correct.

Mr. COCHRAN. I have no objection. I withdraw my reservation.

The PRESIDING OFFICER. Hearing no objection, it is so ordered.

Mr. HARKIN. Mr. President, here we are. We would like to let Senators in their offices who may be following this know where we stand on H.R. 2707, the appropriations bill that is now before us.

It is the beginning of our third day of floor consideration. I hope we can finish very shortly and go to third reading maybe even by lunchtime or early afternoon.

At the present time, we know only of the possibility of several additional amendments that may be offered by the Senator from North Carolina [Mr. HELMS]. We know of the possibility of amendments from other Members, but it is just as likely at this point that those amendments will not be offered. We just have no way of knowing right now.

Again, Mr. President, we do not wish to foreclose any Senator from the opportunity of offering an amendment. We are here on the floor. We are available. They can come and offer amendments right now. In fact, Senator COCHRAN and I are the only two Senators here right now. So I ask Senators who have amendments to offer to this bill to please come over and offer their amendments.

Again, Mr. President, I hear around here all the time about 8 o'clock at night everyone is griping about how come we are here late. Senator COCHRAN is here. The Senator from Iowa is here. We are ready to deal with amendments and we are looking at an empty Chamber. If people get over here, offer their amendments, we can deal with them, finish this bill, and perhaps we can start getting out of here at a reasonable time at night.

If Senators do not come and offer amendments, of if Senators do not indicate that they do not want to offer an amendment, we just cannot keep going on the basis of rumors. That is what I have heard. I heard rumors there are Senators who want to offer amendments. Well, are Senator COCHRAN and I supposed to sit here all day because there are rumors floating around that

people want to offer amendments? That is not fair to Senator COCHRAN. It is not fair to the Presiding Officer. It is not fair to other Senators who have their agendas and want to get on with their business today.

So I hope that we can get on to third reading as soon as possible today. I understand that Senators have schedules to meet and some things may interrupt it. I understand that. I understand the flow of business in the Senate and how busy Senators are. But, my gosh, we have been here 3 days. We sat here yesterday for quite awhile and did not have anything and here we are again this morning.

As soon as I get finished speaking, I will yield to any Member who has an amendment. But if they do not show up, we are just going to be sitting here waiting. So I hope other Senators will come over.

Otherwise, it is my understanding, if I am not mistaken, Mr. President, that if we are sitting here and we are not in a quorum call and nobody seeks to offer amendments that the Chair could go to third reading.

Well, I can tell you that if Senators do not get over here pretty soon and start offering amendments, and we only hear rumors, this Senator will not feel obligated to protect anyone's right if the Chair wants to go to third reading. Obviously, now, we will wait for awhile. But I hope that Senators would come over and offer amendments.

With that, Mr. President, I suggest the absence of a quorum and we will sit here.

The PRESIDING OFFICER (Mr. AKAKA). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. GRAHAM. Mr. President, it is my purpose today not to offer an amendment but rather to put into historical and political perspective an issue within this legislation having to do with the Federal Government's commitment to assist States in the cost of the transition of large numbers of formerly illegal entrants into a naturalized U.S. citizen or permanent resident. The history of this goes back into the early 1980's. There were a series of commissions which focused on the breakdown in America's immigration law. Identified was the fact that we had an unknown number but estimated in the ranges of 3 to 6 million illegal entrants within the United States, most of them having been drawn by the economic magnet of America, some for political reasons.

There were efforts made in the early and mid-1980's to deal with this issue. It was not, however, until 1986 that the necessary consensus of opinion—con-

sensus within the Nation, consensus between the Congress and the Presidency, and within the Congress itself—occurred in order to make the passage of legislation possible.

That 1986 legislation had a number of significant features. Among those was a grant of amnesty to aliens who had resided continuously in the United States prior to January 1, 1982, and for seasonal agricultural workers who had worked 90 days in agriculture between May 1985 and May 1986. It was recognized that this grant of amnesty would have, among other things, some serious financial implications. An undetermined but significant number of persons who had not previously been eligible for various public assistance programs in education, health care, and job training would now become eligible as a result of this amnesty program. Many of those programs were administered either totally at the State level or through some form of Federal-State partnership.

I was Governor of the State of Florida during much of this debate in the 1980's and was chair of the National Governors' Association Committee on Immigration and Refugees. I represented a State which was significantly affected by this 1986 legislation.

Prior to 1986, one of the stumbling blocks for passage of legislation had been: How would the cost of financing this transition from illegal to legal status be borne? It was the original position of the States that since it was the Federal Government's immigration policy, or failure to enforce immigration policy that had resulted in this large number of illegal persons being in the United States, that the Federal Government should pay the full cost of transition.

The States, however, eventually agreed to this sharing arrangement. They agreed to a 7-year program under which the States and local governments would be partially reimbursed for their transition costs. That reimbursement would come in the form of \$1 billion a year, beginning in fiscal year 1988 until a total of \$4 billion had been deposited in a trust fund. Those funds would be drawn down by the affected States based on regulations to be developed by the Department of HHS and submissions by the States for their proportionate share.

It was recognized that the cost of transition would likely be substantially more than \$4 billion, but any expenses beyond that \$4 billion would be the obligation of the States. It was also recognized that it would take more than 4 years to complete this transition period.

It was suspected that some of the illegal aliens would be reticent to apply for amnesty in the early part of the program; that there might be significant numbers who would be applying late in the amnesty window. Some of

these costs, such as health costs, education, and retraining, would likely take more than a few months or years in order to accomplish.

So the arrangement was a 7-year transition period, the Federal Government providing \$4 billion—\$1 billion a year during the first 4 years of that 7-year period—and then 3 years of no additional Federal funding, but in which the trust fund could be utilized for the balance of transition costs, the States being required to bear the burden for all costs above the \$4 billion.

As the program went into effect, there were some delays. There was a significant delay in the Federal agency's development of regulations.

So, for the first period, States were making their applications for reimbursement without knowing what the specifics of the rules would be. There were also some other bureaucratic sources of delay. The States built their plans on the expectations that the Federal Government would provide a total of \$4 billion, and they would receive their proportional share based on cost of delivering services and the number of illegal aliens within their State applying for amnesty.

In 1988 and 1989 fiscal years, the full \$1 billion was appropriated. In fiscal year 1990, however, over half of the promised funding was not appropriated. There was only \$450 million, rather than the \$1 billion, which was appropriated. The allegation upon which this reduction was made was that there was a surplus. The answer is that, yes, there was a surplus, because the whole program was predicated on a 7-year payout, as against a 4-year Federal payment into the fund.

So the fact that there was a surplus was not a surprise; it was part of the program design. Nevertheless, it was the basis upon which the administration recommended a cut in payments in fiscal year 1990 into the fund, and which the Congress, I think, improvidently incurred.

In fiscal year 1991, only \$433 million was appropriated into this fund, leaving a balance of \$1.2 billion beyond the 4-year period that originally had been contemplated. There was a commitment made in 1991, as there had been made in 1990, that the balance of the funds would be forthcoming, albeit beyond the original 4-year period of anticipated Federal payments for this program.

We are now at 1989, the year in which there was a commitment to appropriate \$1.12 billion to complete in the fifth year what was originally to have been a 4-year, \$4 billion Federal payment. What do we have in the bill that is before us today, the year in which the Federal Government was to faithfully fulfill its obligations to the States who entered into this partnership? The answer is zero money in fiscal year 1992, another promise to pay the States in 1993.

Mr. President, in May of this year the General Accounting Office, at the request of the chairpersons of the two subcommittees, Senator HARKIN and Congressman NATCHER, completed a study on what were the States' needs for fiscal year 1992. Did they need the full \$1.12 billion in fiscal year 1992 or could they continue to provide services at a lesser figure and defer again some of the \$4 billion of commitment?

The GAO study indicated that both from the perspective of the States and the Federal agency, the Department of HHS, Health and Human Services, the estimate was that the cost for 1989 would be \$450 million. Yet we are not only not appropriating the balance of \$1.12 billion that we committed to—twice we committed to—but we are not appropriating the minimal amount which at our own request the States and the Department of Health and Human Services and the General Accounting Office has stated to be the amount that is actually needed for the 12 months that would begin October 1 of this year.

What are the results of our action? The most immediate result is some States are going to have to shut down their program despite the promise of additional funding in 1993. The effect of that is going to be that an additional burden is going to be placed upon States which are already suffering some of the most severe budget crises in modern history. It means that people who we have stated we will give the assistance to move from poverty into the mainstream of participation in America through adequate education programs, job training programs, health programs, are going to be denied. That is a very serious statement in terms of the human condition.

Mr. President, there is another important statement that we are making on the political condition of America, and that frank statement is that the States cannot depend upon the Federal Government living up to its long-term financial commitments and obligations. Our federal system of government, which is now being looked to around the world, and most specifically within the Soviet Union, as a model of a relationship between its central government and republics, our Federal Government depends upon comity, trust, respect between the Federal Government and the States.

Many of our most important programs, education, health, environmental, transportation, and others, depend upon a functioning partnership between Washington and the 50 States.

Mr. President, how are we going to be able to tell the States that this is a partnership upon which they can rely, upon which they can make their own serious commitments to administer programs when they have the example of what we are doing today relative to this commitment of 1986?

With tremendous budget shortfalls, States cannot afford to take the risk that the Federal Government will fulfill its obligations.

Mr. President, I regret that Congress has thus far chosen to abrogate unilaterally the contract that it formed bilaterally just 5 years ago.

I have asked to be entered into the RECORD immediately after my remarks a colloquy with Senator HARKIN in which the Senator indicates this expectation that the Department of HHS would continue to provide the limited administrative resources to keep some heartbeat alive in this program in expectation that in 1993 we would live up to our commitments of 1986 and fully fund the balance remaining on this program.

I hold out some hope and optimism that will in fact occur, that we will see that this is not just a program providing assistance to millions of persons who we invited through an amnesty program to join the family of America, but also is a fundamental statement of the Federal Government's respect for and commitment to the 50 States from which the Federal Government was formed.

I appreciate Senator HARKIN'S difficult task in attempting to accommodate within a constrained budget allocation many important programs for America. This is one of those programs that as of today is an orphan from that family, an unfunded Federal commitment.

I look forward to 1993, when we will meet our obligation and we will say to the States you can have confidence in Washington when it makes a commitment and we will repair the scar which currently exists on American federalism as a result of our failure today.

SLIAG

Mr. President, I have been clear in expressing my disappointment with the decision of Congress and the administration to defer funding again this year for State Legalization Impact Assistance Grants [SLIAG]. Without an appropriation for fiscal year 1992, there will also be an absence of funds for the Division of State Legalization and Repatriation [DSLRL] for SLIAG purposes.

SLIAG is a complex program which needs strong Federal oversight—including the review and approval of State cost claims, the operation of the Cost Document System [CDS], and the provision of monitoring and technical assistance. The Department of Health and Human Services [HHS] has expended approximately \$1.5 million a year ensuring the responsible implementation of this important program.

Even without a 1992 appropriation, several States will be drawing down funds in the coming fiscal year from past appropriations. In order to do so, and in order to ensure that the Federal Government only provides reimbursements for appropriate State expendi-

tures, DSLRL must continue to operate with sufficient resources.

I want to confirm with the distinguished chairman of the subcommittee that the funds appropriated in this bill for administrative expenses of the Administration for Children and Families within HHS are intended to include an adequate level of administrative support for DSLRL for SLIAG purposes in fiscal year 1992.

Mr. HARKIN. That is indeed our intention, and I thank my colleague from Florida for calling the Senate's attention to this issue.

The PRESIDING OFFICER. Who seeks recognition?

The Senator from Illinois is recognized.

AMENDMENT NO. 1113

(Purpose: To call for a reconvening of the budget summit)

Mr. SIMON. Mr. President, I send an amendment to the desk in behalf of Senator HARKIN and myself and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Illinois [Mr. SIMON], for himself and Mr. HARKIN, proposes an amendment numbered 1113 to the excepted committee amendment on page 3, line 24.

Mr. SIMON. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

At the appropriate place, insert the following:

SEC. . (a) The Senate finds that—

(1) changing world realities, particularly recent events in the Soviet Union, have provided our country with an historic opportunity to reexamine our budget priorities;

(2) in the next fiscal year, our Nation will still spend \$295 billion on defense, despite enormous changes taking place in the world, even before the Soviet coup of August 19;

(3) our Nation faces urgent, unmet domestic needs in every area, including housing, education, and health care;

(4) the economy of the country continued to decline throughout the summer and more than 8½ million people are currently unemployed;

(5) the 1990 budget summit agreement prevents Congress from making any major changes in spending priorities until 1994;

(6) the 1990 budget summit agreement has failed to restrain our skyrocketing budget deficit; and

(7) a bipartisan overhaul of the 1990 budget agreement is needed, to outline new budget priorities which accurately reflect the new world order and our nation's pressing domestic needs.

(b) It is the sense of the Senate that the President of the United States should summon the Democratic and Republican leadership of the Congress and reconvene the budget summit to discuss possible budget revisions for fiscal year 1992, and to revise the congressional budget process for fiscal year 1993 and subsequent years, in order to reflect new world realities and new domestic priorities and to achieve significant reductions in the Federal budget deficit.

Mr. SIMON. Mr. President, this amendment is simply a sense-of-the-Senate resolution that says that the President should summon the Democratic and Republican leaders and have a budget summit to modify the budget agreement that we now have.

The world has changed dramatically in the last 3 weeks, and for us simply to blithely go along and spend money as we did before without recognizing the changed world I just do not think makes any sense at all.

The amendment is very general in nature. Let me just read the concluding sentences here.

It is the sense of the Senate that the President of the United States should summon the Democratic and Republican leadership of the Congress and reconvene the budget summit to discuss possible budget revisions for fiscal year 1992—

It does not say that has to happen, though frankly I think we should—

and to revise the congressional budget process for fiscal year 1993 and subsequent years, in order to reflect new world realities and new domestic priorities and to achieve significant reductions in the Federal budget deficit.

That is it.

I am not wedded to any language. But it seems to me it is general enough. It is common sense. We ought to be doing it.

I would like to have printed in the RECORD a letter from the U.S. Conference of Mayors endorsing this. I would like to insert into the RECORD a letter from the Council for a Livable World, and to insert into the RECORD a letter from OMB Watch, in behalf of this, and a statement in behalf of the proposal by Gov. Mario Cuomo in behalf of this. I ask unanimous consent to print all of these in the RECORD at this point.

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

THE U.S. CONFERENCE OF MAYORS,
Washington, DC, September 11, 1991.

DEAR SENATOR: The Nation's cities have experienced more than a decade of neglect from the Federal Government; Federal funds for key urban domestic programs have been slashed at the very same time that cities' tax bases have been dwindling and urban ills such as homelessness, drugs, and violence have been escalating.

The U.S. Conference of Mayors, representing mayors of cities over 30,000, strongly urges you to reject the constraints imposed by last year's budget agreement and calls upon Congress and the administration to undertake a serious shift in Federal funding priorities from the defense budget to the domestic needs of our Nation.

The U.S. Conference of Mayors strongly supports the sense-of-the-Senate resolution which will be offered by Senator Simon as an amendment to the Labor-HHS appropriations bill.

As President of the U.S. Conference of Mayors I pledge our bipartisan support to you in this effort. The cities need your help

now. We cannot wait any longer. Please support the Simon amendment.

Sincerely,

RAYMOND L. FLYNN,
President, Mayor of Boston.

COUNCIL FOR A LIVABLE WORLD,
Washington, DC, September 11, 1991.

Hon. PAUL SIMON,
U.S. Senate, Washington, DC.

DEAR SENATOR SIMON: Council for a Livable World enthusiastically endorses your sense-of-the-Senate amendment to the Labor-Health and Human Services Appropriations bill urging new budget negotiations to revise last year's budget summit agreement.

The budget deal negotiated last year is clearly out of date. It merely provides modest reduction in real growth in Pentagon spending, an agreement drawn up for an entirely different world environment than exists today. Secretary Cheney's five-year military budget plan was designed primarily to cope with a continuing Soviet threat.

The failed coup last month confirmed the demise of the Communist system in the Soviet Union and the end of the military and political competition that drove up our security costs. The Philippine Senate vote to reject the Philippines base agreement, combined with the Mount Pinatubo eruption, has reduced another American overseas burden. The completion of the START and Conventional Forces in Europe agreements can lead to still further reductions in weapons and personnel.

The Simon amendment is a good first step away from a bad budget deal. We urge its adoption.

Yours sincerely,

JOHN ISAACS,
President.

OMB WATCH,
Washington, DC, September 11, 1991.
Hon. PAUL SIMON,
Dirksen Senate Office Building, Washington, DC.

DEAR SENATOR SIMON: On Thursday, September 12, Senator Paul Simon is expected to introduce a resolution calling for the budget summit between Congress and the President to be reconvened in light of changed circumstances. We urge you to vote for Senator Simon's resolution. We believe that economic conditions at home and events abroad call for a reassessment of the discretionary spending limits established in the Budget Enforcement Act [BEA] as well as the Act's emergency spending provisions.

The continuing recession has resulted in unemployment remaining high. According to the latest figures for the month of August, unemployment remained at the July level of 6.8 percent. Yet the provisions of the BEA have enabled the President to sign a bill to provide emergency benefits without declaring the emergency necessary to provide the funds. Congress has yet to overcome this obstacle. There is still no foreseeable end to the recession, with the Congressional Budget Office warning that the possibility of a "double-dip" recession cannot be ruled out. Congress is unable to respond with countercyclical spending because of the BEA. The States are facing historic fiscal crises with Congress unable to help them since fiscal policy is constrained by the BEA. Meanwhile, cataclysmic events are occurring in the Soviet Union which could finally allow us to realize the long-promised "peace dividend," except that Congress is unable to respond to them: its hands are "tied" by the budget summit agreement.

We believe that Congress has a responsibility to respond to the needs of the country and to events around the world by reconvening the budget summit. We believe that Congress cannot continue to abide by an agreement which is increasingly becoming obsolete and prevents the Nation from effectively responding to changing times and domestic crises. We urge you to support Senator Simon's resolution.

Sincerely,

GARY D. BASS,
Executive Director.

STATEMENT ON SENATOR SIMON'S BUDGET PROPOSAL, SEPTEMBER 10, 1991

I commend Senator Paul Simon for calling on President Bush to reconvene the Budget Summit to renegotiate last year's budget agreement. It has been increasingly evident that this agreement tied the hands of the Congress to address the urgent needs of the Nation and the profound changes in Eastern Europe and the Soviet Union.

At a time when the recession has pushed 10 million Americans out of work, when 30 million Americans have no health insurance, when 12 million children are trapped in poverty, and when AIDS, homelessness, and substance abuse threaten the survival of our cities, Congress has been unable to respond.

Moreover, the 1990 budget agreement committed the expenditure of more than \$1.4 trillion on defense over 5 years. Spending for defense of this magnitude was unwarranted in 1990 at the dawn of a new world order and is clearly excessive today given the events in the Soviet republics over the last few weeks. Unless the budget agreement is changed, savings in the defense budget will continue to accrue to the defense account—at the expense of domestic needs and at the expense of urgently needed humanitarian aid.

Now, with the collapse of the "Evil Empire", it is apparent that we should not wait until after the 1992 election—certainly not until 1994—to reorder our priorities in recognition of the crisis we face at home and the end of the major threat from abroad.

I hope others in the Congress will follow Senator Simon's lead and call for changes to the 1990 budget agreement. I firmly believe that the budget process can be changed to better reflect national priorities while retaining the fiscal discipline that is essential to our economic health.

In addition, I recommend that Congress take immediate action on two proposals pending in Congress. First, I wholeheartedly support Senator Tom Harkin's amendment to shift \$3 billion in unobligated defense funds to health, education, and other domestic needs. Second, I support the proposal being advanced by Representatives Gephardt, Aspin, and Pazio in the House to provide humanitarian aid to the Soviet republics by shifting funds from the defense to the international category of the budget. These are two interim steps Congress can take as the reconvened Budget Summit meets to negotiate a budget that reflects the new world realities.

Mr. SIMON. Mr. President, I do not think I need to go into great detail here. We know about the deficit. We know it ought to be brought down. We have an opportunity now to do this.

We are now spending \$295 billion, or scheduled to, on defense, most of it for a possible Soviet invasion of Western Europe. We are more likely to see the disintegration of the Soviet Union. And I do not know of a military person any-

where who thinks the Soviet Union is going to invade Western Europe.

I want a strong defense. I want a good, strong, flexible, conventional defense that can respond to the Iraq-Kuwait kind of situation.

But I also want a strong domestic economy. And that means getting a hold on the deficit; it means paying attention to the needs of our cities and our rural areas; it means paying attention to education; it means paying attention to health care, health research, housing needs, all kinds of things. I could go on, Mr. President.

I am willing to work out—I say to the staff members on the Republican side—I am willing to work out a time agreement here. I want to be reasonable. But I also think it is reasonable that we take another look at our budget priorities. It does not mandate anything. It is a sense-of-the-Senate resolution. If we can adopt it by voice vote, that is fine. But I want to see it adopted. I want to send a message to the President. I think the Senate ought to make clear that we recognize the world has changed, that we are not indifferent to that.

Mr. President, if no one else seeks the floor, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. FORD). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. BYRD. Mr. President, I want to support the resolution that has been offered by Mr. SIMON, but I cannot support it unless there are some changes made in it. I have discussed the problems I have with it with Senator SIMON, and I believe that he is agreeable to modifying his resolution. Let me state them for the RECORD.

Paragraph 6 of the resolution reads as follows:

The 1990 budget summit agreement has failed to restrain our skyrocketing budget deficit.

Mr. President, our skyrocketing budget deficit is not the result of failure on the part of the 1990 budget summit agreement. I will not support a resolution that casts that reflection on the summit agreement. We did the best we could with the circumstances that were before us at that time.

The skyrocketing budget deficit is in great measure caused by developments such as the savings and loan debacle and the recession. The recession has had a great impact on the deficit. And so let us not attribute to the budget summit agreement the failure to restrain the skyrocketing budget deficit.

Second, I do not believe that we should be enacting a sense-of-the-Senate resolution calling on the President

to summon a reconvening of the budget summit. We do not need a formal reconvening of the budget summit now.

I recognize that things have changed, and that events that have occurred subsequent to the summit have had a major impact on the future outlook. I think it is quite all right for the President of the United States to sit down with the congressional leadership and discuss possible modifications to the agreement. But I would urge that we not adopt a resolution calling on the President to formally convene another budget summit at this time.

Perhaps some modifications are called for, and they probably are. I would probably support some modifications. I think they ought to be discussed between the President and the congressional leadership, certainly on an informal basis at this point, certainly not in the context of a formal reconvening of the budget summit at this point.

I also feel that such a discussion might be helpful in orienting us in a direction other than the piecemeal approach, such as the one yesterday in which there was an amendment offered to take from Defense several billion dollars and apply it to domestic discretionary spending. I would like to see a lowering of the Defense budget. I would like to see more money spent for domestic discretionary initiatives. But we cannot adopt a piecemeal approach like we were about to do yesterday. There ought to be a logical, methodical, reasonable, workable, approach in bringing about any modification. It should not be piecemeal at this juncture.

I make these statements for the RECORD, hoping that other Senators will be in accord with my views on these two points.

I see the distinguished Senator from Illinois is wanting me to yield. I am happy to yield.

AMENDMENT NO. 1113, AS MODIFIED, TO EXCEPTED COMMITTEE AMENDMENT BEGINNING ON PAGE 3, LINE 24

Mr. SIMON. I thank the distinguished Senator from West Virginia. He has made two suggestions that I think are constructive suggestions. No. 1, by implication, that point No. 6 could suggest—and it was not the intent, but I can understand how it could be read to blame the budget summit for the deficit. The simple way is to simply knock that out, and I will be submitting a modification to the clerk in just a moment. And to make No. 7 No. 6.

And then, again in line with the suggestion of Senator BYRD:

It is the sense of the Senate that the President of the United States should work with the Democratic and Republican leadership of the Congress to seriously consider possible budget revisions. * * *

I apologize to the Republican staff members. I did not have a chance to go over this after discussing this with

Senator BYRD. But it seems to me that may satisfy everyone. I hope it is something that could be acceptable, and I modify my amendment in that regard.

The PRESIDING OFFICER. The Senator has a right to modify his amendment.

The amendment, as modified, is as follows:

At the appropriate place, insert the following:

SEC. . (a) The Senate finds that—

(1) changing world realities, particularly recent events in the Soviet Union, have provided our country with an historic opportunity to re-examine our budget priorities;

(2) in the next fiscal year, our Nation will still spend \$295 billion on defense, despite enormous changes taking place in the world, even before the Soviet coup of August 19;

(3) our Nation faces urgent, unmet domestic needs in every area, including housing, education, and health care;

(4) the economy of the country continued to decline throughout the summer and more than 8½ million people are currently unemployed;

(5) the 1990 budget summit agreement prevents Congress from making any major changes in spending priorities until 1994; and

(6) a bipartisan overhaul of the 1990 budget agreement is needed, to outline new budget priorities which accurately reflect the new world order and our Nation's pressing domestic needs.

(b) It is the sense of the Senate that the President of the United States should work with the Democratic and Republican leadership of the Congress to seriously consider possible budget revisions for fiscal year 1992, and to revise the congressional budget process for fiscal year 1993 and subsequent years, in order to reflect new world realities and new domestic priorities and to achieve significant reductions in the Federal budget deficit.

Mr. BYRD. I thank the Senator. I have always found him to be most cooperative and considerate.

I think this helps. Certainly from my point it does. Nobody would claim—and nobody, I hope, ever thought—that the budget agreement would result in a zero budget deficit very soon. It was not expected to be a cure-all.

I said at the time we adopted that agreement that we could expect to see the national debt continue to increase and interest on the national debt, as well as future deficits. But I think we have to look at it from the standpoint of where we would have been had we not had a budget summit. The deficits would have been even greater than they are.

I think it was a helpful step. I have explained the day before yesterday on this floor, the reasons why we had to go to a summit—we were faced with a situation at that time in which there was going to be an \$85.4 billion sequester, half of which was going to come out of defense, half of which would have come out of nondefense items. It would have been across the board. It would not have been selective. We were faced with a fait accompli. We had to go to a summit in order to keep that

sequester from happening. We went to the summit and everybody gave a little and took a little, and we worked out an agreement finally that the President would support and that the congressional leadership on both sides would support.

But, if there are those who wish to blame the summit agreement for the skyrocketing deficits, they really ought to take another look at the record.

Mr. SIMON. If my colleague will yield?

Mr. BYRD. Yes.

Mr. SIMON. I agree with the President pro tempore in his comments completely. This was by no means an attempt to place blame. The budget summit, in fact, restrained spending and the deficit would be greater but for the budget summit, and I think we all recognize that.

Mr. BYRD. I thank the distinguished Senator.

Mr. SIMON. May I say to my colleagues on the other side of the aisle, I am willing to do this by voice vote or enter into a time agreement.

The PRESIDING OFFICER. The Senator from Illinois must be recognized if he wants to make a motion. Otherwise, does he seek the floor?

Mr. SIMON. I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, I had not been aware of this amendment. I think it is fair to say I do not know how many people on our side had been aware of it. I think there are some real problems with what we say in the "finding" section of it.

I think also that the whole thrust of this amendment is that, first, we ought to declare a peace dividend by cutting defense again. I think that is something that was the subject of very real debate on the floor the other day. My own feeling is that we ought to stay with this year's defense number, which has already been cut by 25 percent as part of a 5-year program, gather more information about what is happening in the Soviet Union, and make the decision next year.

The second thing that this amendment does is that if you look at the findings, it really prejudices the conclusion of such a summit toward the idea that we ought to increase domestic spending. I, for one, believe that if there is a peace dividend, we ought to apply part of that to reduce the deficit, and we ought to give the rest back to the working men and women of America by raising the personal exemption so that the American family can spend more money on housing, on education, on health, and on other things that are important to them.

I suggest, rather than everybody running all over to the floor to debate this and delay the bill, that if we could perhaps set this amendment aside until

some point this afternoon to give everybody over here an opportunity to look at it, it may very well be that, with some changes in the finding, we can all agree to this.

As for the findings on the summit agreement, I agree with the distinguished majority leader. Nobody is more unhappy about the deficit than I am, but had there been no summit agreement, the deficit would have been bigger.

So the idea that it failed, I think, is just bad wording, and perhaps we could put in here a statement of principle, that as we look at defense spending we ought to weigh all options from deficit reduction to tax cuts to spending. Maybe we can come up with something everybody could support.

As of right now I do not support this. I am just afraid that by the time we get in touch with all of our people, we will have wasted 2 hours that we could use moving with the bill. And if it could be set aside I think it would be beneficial.

Mr. BYRD. Mr. President, I merely suggest that the Senator may wish to correct the RECORD to remove the pre-eminently great compliment that he paid me. I am no longer the distinguished majority leader.

Mr. GRAMM. I am sorry. In my mind, Mr. President, that is fixed.

Mr. SIMON. Mr. President, if my colleague from Texas will yield?

The PRESIDING OFFICER. The Senator may proceed.

Mr. SIMON. Mr. President, the one offending clause, 6, there, that my colleague mentioned, I have dropped from that. I think the Senator's point is well taken. Senator BYRD made that same point.

And I have changed the language under the sense of the Senate so it now reads:

It is the sense of the Senate that the President of the United States should work with the Democratic and Republican leadership of the Congress to seriously consider possible budget revisions.

But, again, I am not wedded to any. I think we have to reexamine where we are. That is the intent of this.

I gather the Senator from Texas is not opposed to doing that, so I hope we can work something out. I am willing to set this aside. I do not know the correct procedure.

Mr. President, I ask unanimous consent, unless there is objection, to set this aside for a period of 2 hours and then people can take a look at this. I make that request, Mr. President.

The PRESIDING OFFICER. Without objection, it is so ordered. The amendment of the Senator from Illinois has been set aside for 2 hours.

Mr. BYRD. Mr. President, I thank the distinguished Senator for the action he has taken to revise his amendment.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. I thank the Chair.

AMENDMENT NO. 1114

Mr. HELMS. Mr. President, shortly I will send an amendment to the desk which proposes to take \$10 million the National Institutes of Health has targeted for two different national sex surveys this year and use that money—instead of wasting it as NIH proposes—to fund title XX of the Adolescent Family Life Act. Title XX, as I understand it, has been authorized but it has not been funded. This amendment will provide Senators with a clear choice between right and wrong.

With that preface, I send this amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. Is there objection to laying aside the pending committee amendment?

Mr. HELMS. It was my understanding from the manager of the bill that there was no amendment pending, but if one is pending, I ask unanimous consent that it be laid aside.

The PRESIDING OFFICER. The Chair hears none. Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from North Carolina [Mr. HELMS] proposes an amendment numbered 1114.

Mr. HELMS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 25, line 8, strike the period and insert the following: "Provided, however, That funds made available under this heading to conduct the SHARP survey of adult sexual behavior and the American Teenage Survey of adolescent sexual behavior shall instead be expended, at the same outlay rate, to carry out title XX of the Public Health Service Act."

Mr. HELMS. I thank the clerk for his courtesy.

Mr. President, let me reiterate that this amendment will give Senators a choice between two very different proposals. Senators can, on the one hand—if they support this amendment—vote to support title XX, which happens to be the only federally funded sex education program that counsels our children to abstain from having sexual relations until they are married. This is

the only Federal program that does that, and it is not being funded under this bill.

What is being funded—and I want to take the money away from it—is NIH's proposal for national sex surveys. I am going to get into that in some detail and some of it is going to sound a little bit raw. But I think the record needs to be clear about what is happening on the one hand and what is not happening on the other in the expenditure of the American taxpayers' money.

The NIH funds these sex surveys—the real purpose of which is to “cook the books,” so to speak, in terms of presenting “scientific facts”—in order to do what? To legitimize homosexual lifestyles of course.

Mr. President, let me just say that I am sick and tired of pandering to the homosexuals in this country. If anybody wants me to go into detail of why, I will be glad to do that.

The pending amendment presents a clear choice, therefore, between support for sexual restraint among our young people or, on the other hand, support for homosexuality and sexual decadence. That is as clear as I can make it.

Mr. President, the sexual liberation crowd is pushing our children into the mode of having sex at younger and younger ages as they move their sex education agenda into the elementary schools. Of course, the liberal free sex agenda is often camouflaged as so-called AIDS education. But the intent and purpose, the effects, are the same—to desensitize children at younger and younger ages to immoral sexual lifestyles.

That is why the teenage pregnancy rate is growing. That is why it will continue to grow as long as the Federal Government uses the taxpayers' money to support programs to tell kids that having sex is OK as long as it is so-called safe sex. I say baloney.

By funding these so-called sex education programs in the schools—which really amount to little more than how-to sex clinics—we are essentially telling our young people that promiscuity is just fine as long as they are, to use the liberals' phrase, “contraceptively prepared” for it.

The legislation before us, Mr. President, the underlying legislation, effectively kills title XX—the only Federal program that makes a stab at telling kids, “Don't do it. Wait until you are married.”

The pending bill, if this amendment is not passed, will kill title XX because, as I say, title XX has been authorized but the Appropriations Committee provided no money to fund it.

Title XX of the Public Health Service Act is called the Adolescent Family Life Program, and the homosexuals hate it, and the free sex crowd hates it because, as I said earlier, it is the only voice of reason and morality in the sex

education debate. That is why it is the one Federal sex education program that is not being funded under this bill. I say to you, Mr. President, this is an outrage.

The Title XX Program's message—the program that is not being funded under this appropriations bill now pending—is that it is healthier—physically, psychologically, and from an economic standpoint—to forego sexual relations until marriage. And, Mr. President, that message is anathema to the crowd, for example, that went out to my house in Arlington, VA, last week and stretched a big canvas condom over the top of it. They do not like me and I do not like them.

I am not going to support them. I do not want to take any of their legitimate rights away from them, but neither do I want to give them preferential treatment.

Mr. President, the “sex liberation” crowd also hates the fact that the \$10 million Adolescent Family Life Program's resounding success makes the abject failure of the liberals' \$140 million title X so-called Family Planning Program stand out. You do not need to take my word for it. For example, a former Deputy Assistant Secretary for Population Activities at the Department of Health and Human Resources said last year that the Adolescent Family Life Program—which the bill now pending will kill if my amendment is not passed—

*** has demonstrated declines in pregnancies, abortion, and birth rates over the last 3 years, and evaluation of the pregnancy rates of eighth grade female program participants against a matched comparison group shows that 5 percent of program participants became sexually active by the end of the school year compared to 15 percent in the other group.

By contrast, Mr. President, millions of tax dollars have been wasted during the past two decades under the liberals' Title X Program on the premise—and it is false—that the best way to prevent teenage pregnancy is to provide children with free and ready access to contraceptives. Well, let us look at the results. They speak for themselves.

After 20 years, more teenagers than ever are getting pregnant and having abortions, and I might add at a catastrophic rate. Planned Parenthood admits this. They admit that very few sexually active teenagers have not used contraceptives. Indeed, the universal availability of contraceptives, and the courses showing our teenagers how to have sex so they can use them, has encouraged, not quelled, the explosive rise in teenage sexual activity.

What the Nation has seen is greater pregnancy rates and, of course, greater abortion rates to eliminate—I guess Planned Parenthood would call them “accidents.”

Mr. President, Planned Parenthood claims that in 1987 there were 200,000 fewer births of babies to teenagers than

in 1970 as a result of title X funding. But they neglected to tell us the facts that totally negate their self-serving report.

For example, Planned Parenthood—which grabs at Federal funds every time you turn around—just happened to overlook telling us the fact that there were 400,000 fewer adolescents in 1987 than in 1970. They also failed to mention that even with 400,000 fewer teens, there were still 250,000 more abortions performed on teenagers in 1987 than in 1970. They just overlooked these few minor details. It was not intentional. If anyone believes that, they will believe anything.

But Planned Parenthood also failed, Mr. President, to report that the teenage pregnancy rate in 1987 showed a large increase compared to 1970, or that the number of illegitimate births to unmarried teenagers increased—what do you guess—53.5 percent during that period of time.

So the bottom line on Planned Parenthood's statistics, Mr. President, is that all of the problem rates went up into the stratosphere except for the overall teenage birth rate—which Planned Parenthood kept down by increasing the teenage abortion rate. In other words kill the babies, and then you do not have so many births. That is the way Planned Parenthood works. That is the reason I object to even a dime of the taxpayer's money being given to Planned Parenthood.

I do not think it is logical to expect Planned Parenthood—which is a multi-million-dollar corporation that makes millions of dollars every year performing abortions on pregnant teenage girls—to do an enthusiastic job of discouraging teenage girls from getting pregnant. Planned Parenthood's own statistics show that this flawed arrangement between Planned Parenthood and the Federal Government has not and will not work.

Mr. President, the simple fact that the pregnancy rate—as opposed to the birth rate—has not gone down after 20 years is testimony enough to the failure of the policies supporting the Title X Program. It is also an indictment of those who have such a devil-may-care attitude about the emotional and physical well-being of our Nation's youth that they would presume to continue a failed program, even as they seek to eliminate the only program that really works—title XX, the Adolescent Family Life Program. That is what this amendment is all about.

Mr. President, I want to take a moment to look at the national sex surveys that my amendment, now pending at the desk, would defund—that is, take the money away from them so that the money can be shifted to the successful Title XX Program.

As I said before, the American public should understand that the real purpose behind the current sex survey pro-

posals is not to stop the spread of AIDS. The real purpose is to compile supposedly scientific facts, if you will, to support the leftwing liberal argument that homosexuality is a normal, acceptable lifestyle; they would have us believe that it is not abnormal.

I say baloney. They have their rights, but that does not discount the fact that they are perverted and that is what they want to cover up. However, despite their sexual perversion, they demand the rest of us respect their lifestyle.

As long as I am able to stand on the floor of the U.S. Senate, I am never going to yield to that sort of thing, because it is not just another lifestyle. It is sodomy.

In any case, these purportedly scientific Government surveys will be cited time and time again in attempts to destigmatize homosexuality by portraying it as normal, just another lifestyle.

However, if the very homosexual practices that currently account for 80 to 90 percent of the Nation's AIDS cases are given free license in this country, then we should be prepared for an increase, not a decrease, in the number of AIDS cases.

I know enough about the history of AIDS in this country to recall that the Centers for Disease Control in Atlanta, GA, can pinpoint the first case of AIDS that came into this country. It was brought in by a male airline attendant, and he started the spread of AIDS.

I was condemned by some newspaper editor because I stood where I stand today, and I said, "If the homosexuals will stop doing what they are doing, we can get AIDS under control." But we cannot, and we will not, get AIDS under control as long as there is a trend toward giving the homosexual community rights that they do not deserve, and Federal dollars that the American taxpayers should not be required to cough up.

In short, the results of the proposed Federal sex surveys will be used to legitimize the very behavior that accounts for the overwhelming majority of AIDS cases in this country.

From a scientific perspective, Mr. President, sex surveys—by their very nature—are neither objective nor scientific because, on average, 40 to 60 percent of the people asked to participate in them will refuse. I would refuse as would most everyone else in this Chamber.

However, the Centers for Disease Control say that any refusal rate higher than 15 percent for participating in any survey will skew a survey's result a minimum of 50 percent.

Mr. President, the participation rates for sex surveys are so low because most Americans' natural modesty keeps them from voluntarily answering questions about how often they engage in relations, with whom, their preferences

for sexual partners, and which sex acts they prefer. If you can believe it, all of that is in the surveys in embarrassing detail.

(Mr. WELLSTONE assumed the chair.)

Mr. HELMS. Therefore, the inherent scientific flaw in any so-called sex survey is that only people with a desire to share the graphic details of their sexual intimacies, whether real or imagined, will even participate in such survey.

Such a limited group of participants—who are anything but modest—will have profound biases in favor of loose or perverted sexual behavior and, thus, can never be said to be scientifically representative of mainstream sexual behavior.

For example, Mr. President, what kind of parent is going to allow his or her teenage child to answer the following questions from the NIH's proposed teenage sex survey?

Here are some of the questions, and I hope I will not offend anybody watching on television or in the galleries or elsewhere, but I said at the outset that in order to try to make my case, I was going to have to be a little bit graphic in my remarks here today.

Here's one of the questions the liberal's want to ask our children in the 7th to 12th grades.

Have you ever rubbed another man's penis to sexually excite him?

And the next one I hate to say in front of the Senate pages, but it needs to be said. Another question, and these are just two examples of hundreds of questions each child will be asked.

Have you ever had your partner's penis up your rectum?

Now, come on, Mr. President. How degrading can we be in the awarding of the American taxpayers' money? Are we going to pay for garbage like that? For that matter, what kind of parent would answer such questions himself or herself, let alone allow his or her child to answer them?

Nevertheless, the questions from the proposed teenage sex survey go on and on in graphic detail about all kinds of sexual acts, many, if not most of them, perverted. So any parent who would allow his or her child to read these questions, let alone answer them, raises questions about the parent. I do not believe many fit parents would do it.

The shocking nature of these questions make it obvious why 40 to 60 percent of Americans traditionally refuse to participate in this kind of survey. Yet we are being asked to fund this and call it scientific, when it in fact is not scientific. It is utter debasement is what it is. And we are sending the research bill to the American taxpayers—and I jolly well think the taxpayers resent it.

Mr. President, the inherently flawed scientific methodology of these kinds

of surveys does not deter the avidly prohomosexual members of the scientific community, not by a longshot; no, sir. They know that sexual deviates and perverts and homosexuals will be disproportionately represented in every sex survey. In fact, that is what they are counting on. They want to buttress their political and social arguments that homosexuality is not deviant behavior by citing such supposedly "scientific"—and again, I want to put "scientific" in quotes, because there is not anything scientific about it; it is a ploy—such "scientific" federally fund surveys, to say that 1 in 10 or 1 in 5 people in the population are homosexuals, and that is just not so.

Such deception and misrepresentation have been endemic in these surveys from the very beginning, starting with Alfred Kinsey's original sex survey back in the 1940's—the survey that is the original source for the oft-cited statistic that 1 in 10 people—1 out of every 10 people—is homosexual.

Mr. Kinsey knew before he started what he wanted his survey to prove. So he never publicized the fact that he surveyed mostly homosexuals, prisoners, and college students, an obviously nonrepresentative sample of the general American public.

Despite this fact, Dr. Kinsey passed his findings off as being representative of the population as a whole, not just of the crowd—what is the word—subset, that he chose to interview.

Mr. President, the community of these sex survey "scientists" has itself acknowledged the real purpose behind Kinsey's deception. Just a few years ago as part of a National Research Council report, the so-called sex "scientists" stated that Alfred Kinsey's, and let me quote:

*** claim for the legitimacy of science in the area of sexuality was an attempt to change the rules of the game that defined what conduct was normal and what was abnormal.

So you see, Mr. President, sex surveys from the very beginning have been a fraud; a fraud. The American taxpayers, directly and indirectly, have usually been required to pay for them.

But these sex surveys have not—have not—been concerned with legitimate scientific inquiry as much as they have been concerned with a blatant attempt to sway public attitudes in order to liberalize opinions and laws regarding homosexuality, pedophilia, anal and oral sex, sex education, teenage pregnancy, and all down the line. And this tradition of fraudulence continues to this day.

For instance, the Federal Government's supposedly objective investigators for the proposed SHARP survey of adult sexual behavior are anything but unbiased. These are the Government's proposed investigators, hired and paid for by the American taxpayer.

Let me tell you a little bit about them. One of the three investigators is

a fellow named Stuart Michaels, a former chairman of the American Sociological Association's Lesbian and Gay Caucus. Do not try to tell me that he is objective. Do not try to tell John Q. Public that he is objective.

Another one of the investigators is John Gagnon, who has been an adviser or board member of various organizations, among them the National Organization for the Repeal of Marijuana Laws, the National Sex and Drug Forum, and the Institute for the Advancement of Human Sexuality. Let me read you a quote from Mr. Gagnon's 1977 book, titled "Human Sexualities." I am quoting directly from the book.

The horror with which society views the adult who has sexual contact with young children is lessened when one examines the behavior of other mammals. Sexual activity between adult and immature mammals is common and appears to be biologically normal.

That fellow does not have all four wheels on the ground. His elevator does not go to the top. He is nuts. And yet, he is regarded as a scientific expert. Do not tell John Q. Public that he is.

Yet, this is the kind of guy that the American taxpayers are being required to fund at the same time the U.S. Senate proposes to cut off program funding for the only Federal project that is successfully teaching young people to be moral and clean until they get married, and then to have sex.

Mr. Gagnon may be right, Mr. President, but not in the way he thinks. Most Americans, I think, would agree with my observation that any adult who has sexual contact with a child or children is indeed an animal and ought to be treated as such.

Mr. President, with people of this caliber conducting these surveys, the results of the surveys can never be trusted because it is a brainwashing job to deceive us into believing—if we are willing to stand still for it—that homosexuality is just another lifestyle, and that it is a so-called "hate" crime to be critical of homosexuality. But if it is a crime, open up the prison doors, because I am going to continue to commit that crime.

The question is inevitable: Why does the NIH propose wasting money on people and projects like this? I will tell you why. It is because the surveys are part and parcel of the homosexual movement's agenda to legitimize their sexual behavior and thereby gain public acceptance.

Mr. President, Dr. Sullivan, the Secretary of Health and Human Resources, deserves to be commended—and I sure do commend him—for recognizing the absurdity of the NIH proposal to spend \$18 million—\$7.1 million this year alone—on a national sex survey of American teenagers. Even though Secretary Sullivan has promised to cancel this project, \$7.1 million for it is already in this year's budget.

The House of Representatives, believe it or not, added an amendment to the reauthorization bill for the National Institutes of Health that requires NIH to start a study of adolescent health, including teenage sexual practices. So despite Secretary Sullivan's efforts, the teenage sex survey is still being pushed by the same old crowd for the same old reason. And I hope Secretary Sullivan stands his ground.

Now, I am not through yet, Mr. President. NIH proposes spending yet another \$3 million of the American taxpayers' money this year on a sex survey of adults. This is evidently the same so-called SHARP survey of adult sexual behavior that the Office of Management and Budget and the House Appropriations Committee defunded in 1989, and bless their hearts for doing it.

Nevertheless, on page 115 of the Senate committee report on the pending bill, the committee states that the appropriation for the National Institute of Child Health and Human Development includes "the requested amount for the proposed SHARP survey of adult sexual behavior."

The fact is, Mr. President, despite the noble efforts of the administration to stop both of these surveys—to stop this nonsense, period—funding for both sex surveys is still contained in the pending appropriations bill.

So I will conclude as I began. The pending amendment presents Senators with a clear choice. Senators can either support title XX—which counsels children to abstain from sex outside of marriage—or, on the other hand, Senators can support the NIH homosexually biased sex surveys. Senators can either support a sexually responsible family life program or they can choose to support the continued onslaught of homosexuality and general sexual decadence that I am convinced is undermining the very moral fabric of the Nation.

Mr. President, I yield the floor.
The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. HELMS. Will the Senator forbear for just one moment?

Mr. MOYNIHAN. Yes.
Mr. HELMS. I need to modify my amendment, and since the yeas and nays have not been obtained, I think that is in order. I send the modification to the desk.

The PRESIDING OFFICER. The Senator has a right to modify the amendment. The amendment is so modified.

The amendment (No. 1114) as modified, is as follows:

On page 25, line 8, strike the figure before the period and insert the following: "\$523,826,000: *Provided, however,* That funds made available under this heading to conduct the SHARP survey of adult sexual behavior and the American Teenage Survey of adolescent sexual behavior shall instead be expended, at the same outlay rate, to carry out title XX of the Public Health Service Act."

Mr. HELMS. I thank the Senator.
The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. MOYNIHAN. Mr. President, I am going to speak briefly on this matter, and I hope to be able to keep control of my sense of humor. I know this is a very nerve-racking matter, and I know that when people get nervous about these matters, doctors tend to get nervous about these people. But I will not say anything more on that score.

I would say that the question involved here is an appropriation in the fiscal year 1992 Labor-HHS appropriation bill for the National Institutes of Child Health and Human Development. Of the appropriated \$523 million for the Institute, a very small sum is to be used for a series of surveys of human reproductive patterns. That is how, in case people do not know this, children come about; as a consequence of reproductive behavior. That is not instantly evident to children, and they are often misled about this until later in their lives. But a time comes when ever they as young persons learn about these matters. And the race goes on in that way.

Only very recently in our history have we learned to study the human species through sample surveys so that you get a sense not just of what you know but also of the whole universe involved. It is much newer than we perhaps realize.

The technique of the survey was developed at Columbia University in the 1930's by a very distinguished professor, an emigre, one of those great Jewish scholars from Frankfurt who came to our country, Paul Lazarsfeld. He and his students went to Elmira in upstate New York—Elmira is on the southern tier where Mark Twain wrote "Huckleberry Finn," as a matter of fact—and did a study of public opinion and sampling. The mathematics of sampling that he developed and their book on Elmira was published in about 1938, I think. The next thing you know we have polls that can tell you with an accuracy of plus or minus 2 percent, who is going to be the next President of the United States. Read about them, hear about them. All of this came out of that work.

But there is another side of polling which in ways is more interesting, which is to poll a sample of people and learn about characteristics of the whole population in matters that may be more important than who are you going to vote for.

One of the places where this technique, this technology, this social science, this mathematical science has been most developed is at the University of Chicago in the National Opinion Research Center. I first came upon the center when the very distinguished American scholar Peter Rossi, now at the University of Massachusetts, was head of the NORC. One of his associates

there was Father Andrew Greeley who was, and is, a Catholic priest and a sociologist. He was interested in religious beliefs and practices, and much of Greeley's very distinguished work, particularly on American Catholics, was done at the NORC, as it is described. They are wonderful people. They do great work, and they have been doing it now, I would think, for half a century. Indeed they have taught the world.

I do not want to get into any disagreement with others, but I think they are probably the best in the country and that means the best in the world, or at least they are of that rank which has no better, no superior group.

NORC for some years has done work in family formation and patterns. They, of course, are much involved with the census and the demography of our country. And they embody that great proposition, Mr. President, a distinguished scholar in his own right, that demography is destiny. If you want to know where things are going, look at who is being born, look who died, what the population is doing—who comes forward?

Demography is destiny. NORC studies our destiny for us through demography. It helps to know some of these things.

We have had some surprising disturbances in the advent, for example, of the AIDS epidemic, which appeared in the 1980's. It is clearly an epidemic. How long it will run we do not know. Whether it will become endemic we cannot say, although epidemics break. Study of the species can tell you that, otherwise the black plague would have wiped out Europe altogether in the 14th century.

One thing that is not surprising, for example, however, is that the birth rate in the United States goes down and down and down. Every census since the 1800's has shown a decline in the birth rate. We are just about on the level of a sustainable rate of reproduction, of maintenance. You need about 2.1 births per female to maintain a population. That is not surprising. It is consistent, anyway.

However, we have had one event in the past 30 years that has knocked our sox off with respect to our population, and that is the rise of out-of-wedlock births. It is unprecedented for our population.

As the distinguished report of what is called the Rockefeller Commission—published recently by our very good friend and able colleague from West Virginia—noted, in the last 30 years the illegitimacy ratio in our country has gone from 5 percent to over 25 percent. It is, in fact, 26 percent, one child in four born out of wedlock. We have no precedent in our experience for this.

It is not just 1 in 4; this varies greatly by population group, by city. Here in the District of Columbia, 73 percent of

black births are illegitimate. In other parts of the country it is higher. Other parts lower.

It is not the same thing everywhere. If it were the same thing everywhere we would know one thing. But when we find it is different we think—what makes the difference?

Yesterday on the floor our beloved and irascible senior Senator from Alaska was describing the problem of cancer of the prostate for which he was successfully treated this summer. He was being very open about things you used to never talk about. Imagine a U.S. Senator coming to the floor and talking about cancer of the prostate? You did not mention cancer. You certainly did not mention the prostate. He talked about both, very ably and very wisely. He said watch yourselves fellows, have a doctor watch you.

He said in males who survive to age 80, we will find about 70 percent will have cancer of the prostate.

He then went on to observe that this ailment, frequently a fatal illness, is almost unknown among Asian males in Asia. But when they come to the United States they acquire an incidence not different from the rest of the population. Which of course argues that this is obviously an environmentally specific ailment. We learn things like that.

I have learned here in our country that there is a great difference in the rates of illegitimacy from the States with the highest to those States with the lowest. We have the highest rate of illegitimacy in the District of Columbia, which is 62 percent of all births. When we know that about the births, do not expect anything from the school system, or so I believe. This goes all the way down to Utah where it is at 12 percent.

It happens that the national rate is 26 percent and that is just the rate of North Carolina; one child in four in North Carolina. In my State of New York, 30 percent, 3 in 10.

As I said, Mr. President, this breaks down differently in groups. In our country today altogether, 24 percent of white births and 67 percent of black births are out of wedlock, are illegitimate. There is no other moment in our history with this incidence.

Mr. President, I will ask unanimous consent that these tables be printed in the RECORD so we might know what we are dealing with.

I say once again, we do not know what hit us; what happened. I will publish in this week's issue of America magazine the information that this subject of welfare we have been talking about is obviously simply a dependent variable—can I use that word—on the issue of illegitimacy.

We now have the numbers. I would like to have them included in the RECORD at this point: that of the children born in the period 1967 to 1969, 16

percent of the white and 72 percent of those black children were on welfare before they reached age 18, almost a quarter of our population, which fits that almost a quarter were illegitimate. The numbers have been rising.

We project children born in 1980, the ratio will be 22 percent for white and 83 percent for black, which again corresponds. It is a little bit higher than the illegitimacy ratios, which figures. But illegitimacy is a sentence in this regard. We do not know what is going on. Something new has happened.

When we see something new like this going on, it is very important to ask is it going on anywhere else?

I have to say it is going on in Canada; The same quadrupling, quintupling of illegitimacy in one generation. It is going on in Great Britain, places we have a certain connection with.

But again, we find that it varies. I have a list of tables, Mr. President, entitled "Percent of Births to Unmarried Women in Selected Countries, 1985," and the highest rate was Panama with 72 percent. The United States had 22 then. We are at 26 percent now. This goes up and up. We have Austria higher than us, immediately higher; France immediately lower. Guess who is at the bottom, Mr. President? Japan with 1 percent.

Maybe the diet, and maybe the climate, and maybe the climate of opinion of morals of acceptance, and so forth, is the cause, but I say that something has happened and it is of great importance to us that we find out; that we begin to ask what is happening.

My good friend from North Carolina, where 26 percent of all births are out-of-wedlock, which makes it the typical American State seems to think that the surveys we are talking about are mostly concerned with bizarre practices. I do not want to disappoint any potential readers, but I have to say that all those bizarre practices were surveyed 40 years ago. That has been done, Mr. President.

What has not been done is the study of how it has come about that so many of our children are born to single parents and in consequence face lives in which all the odds are against them. Individually, they are always winners, but as a class, the odds are against them.

They will be on welfare. Being on welfare, Mr. President, is not being poor. Being on welfare is to be a pauper, a ward of the State, bereft of income, property, even rights. That is what a quarter of our children are being born into; three-quarters of some of our children.

Would it be really out of the question that we might ask how come? What happened? How come it is so much more? It is five times greater in one generation.

We are talking about the National Institute of Child Health and Human

Development which has a appropriation of \$523,826,000.

Mr. President, I want to say something about this child development. I have been 30 years in this city, from before the creation of this institute, asking what is happening to illegitimacy. Why is it going up and up and up? And I have never had 5 cents' worth of information out of the National Institute of Child Health and Human Development. They have never asked the question to my knowledge, or never certainly have they come up with the answers they would share with anybody. Millions of dollars have gone off somewhere, but not to this central question.

Ask them down to meetings and they come to meetings. But ask about this subject and they do not know anything about it. It is a taboo subject, Mr. President. Taboo. If you find anything out about this subject you might get in trouble, so keep your professional life secure and let the children go to hell. That is what we are doing.

Never ask any embarrassing questions and let those little children suffer and die out there. They are dying every day in the streets of the cities, but do not find out about them because somebody might say, why did you ask that question? Because the children are dying.

We are not alone. We always learn something. I know the distinguished Presiding Officer shares my view that when you have a problem in our country, it is always interesting to ask how are they doing in Canada on this? We learn something. Sometimes we find they are doing better, often worse.

Canada has the same problem. What is going on? A lot of things we know. The age of menarche has dropped below 12 years, the median age. In New York City not long ago a 10-year-old gave birth. That is a biological change that obviously is different from about 150 years ago. The oldest series we have comes from, I think, Norway where the median age of menarche was 17 years, 5 months. So we learn things like that.

Mr. President, I want it recorded, that I have had the privilege of talking to Professor Gagnon and Ed Laumann, of the NORC project. Both able, careful, respected workers in their field. Dr. Gagnon graduated from the University of Chicago, and is now a professor in the department of sociology at the State University of New York at Stony Brook. We, for a trivial sum, might now begin to get, just begin to get a little hold, a little purchase, as we say in the Navy, on this subject.

Let one point, Mr. President, be clear. We have had a great many studies of the reproductive patterns of females. Naturally enough. And we know a lot about that. But what we do not have and what we will get in this work from the National Opinion Research Center is a study of the reproductive

patterns of males. It being pretty well established that human reproduction is a male-female phenomenon. It is that missing male that haunts our cities and haunts our biological data. We do not know how those males behave, and we need to. This is an effort that will find out.

We are going to hold hearings on this subject in the Committee on Finance, the Subcommittee on Social Security and Family Policy. We will ask the National Institute to come and tell us what they do not know. And they will come and tell us not much but at least they are willing to have others find out for them.

I hope, Mr. President, as we talk about education, as we talk about child health, as we talk about welfare, we might be willing to learn where so many of the problems begin, which is the status of the child at birth.

I cannot believe we are going to adopt this amendment. It is embarrassing. It would be best if we said as little about it and went on to our other matters. Our distinguished managers of the bill, no doubt, will share our view on this matter.

I see my able friend from the State of Washington has risen. I do not want to keep him.

So, Mr. President, I yield the floor, asking that the article in America and the associated tables be printed, and saying, once again, that the survey in mind will study male reproductive behavior as well as female and we will know more about ourselves and may possibly be able to do a little better for our children. Thank you, Mr. President.

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

[From America, Sept. 14, 1991]

SOCIAL JUSTICE IN THE NEXT CENTURY

(By Daniel Patrick Moynihan)*

Centesimus annus, Pope, John Paul II's encyclical on social justice was proclaimed May 1, 1991, the feast of St. Joseph the Worker and the 100th anniversary of *Rerum Novarum*. This encyclical of Pope Leo XIII first set forth the doctrine of the Roman Catholic Church on the subject of the rights of workers.

Looking back at Leo's work it becomes clear how great a distance Western, and not just Western, society has moved in the period. At the close of the 19th century there was a seemingly unreconcilable conflict in Europe and the United States between the doctrines of laissez-faire capitalism on the one hand, and state socialism or some mode of collectivism on the other. Economics was the *only* issue. (War, for example, had evidently become obsolescent.)

*Daniel Patrick Moynihan is the Democratic Senator from New York. This article is adopted from a paper presented at an April 29 conference sponsored by the Graduate School of Social Service of Fordham University to mark the University's sesquicentennial year and the 500th anniversary of the birth of St. Ignatius Loyola. The author acknowledges with gratitude the able assistance of Paul Offner.

In this atmosphere the church set forth what can be seen as a sensible middle ground where most industrial democracies would eventually settle. By middle ground I do not mean splitting the difference. Rather, Leo XIII, asserting the rights of private property, even so set forth a radical doctrine of workers' rights that extended to a "just wage," and most especially, the "natural human right" to form private associations, including trade unions. Many proposed measures, the limitation of working hours, special treatment for children and women, Sunday rest, and such, seem routine at this remove. But they were hardly such at the time. Still, the important event was the extension of the concept of rights to the marketplace. Labor, it was decreed, was not a commodity.

As John Paul II puts it, *Rerum Novarum* pointed the way to reforms under which "society and the State . . . both assume responsibility, especially for protecting the worker from the nightmare of unemployment." Responsibility, that is, for a general level of well-being that we have learned to call the welfare state. It is notable, then, that the present Pope goes on to a sharp exchange with this "so-called Welfare State."

"In recent years the range of such intervention has vastly expanded, to the point of creating a new type of State, the so-called 'Welfare State.' This has happened in some countries in order to respond better to many needs and demands, by remedying forms of poverty and deprivation unworthy of the human person. However, excesses and abuses, especially in recent years, have provoked very hard criticisms of the Welfare State, dubbed the 'Social Assistance State.' Malfunctions and defects in the Social Assistance State are the result of an inadequate understanding of the tasks proper to the State. Here again the principle of subsidiarity must be respected: a community of a higher order should not interfere in the internal life of a community of a lower order, depriving the latter of its functions, but rather should support it in case of need and help to coordinate its activity with the activities of the rest of society, always with a view to the common good."

"By intervening directly and depriving society of its responsibility, the *Social Assistance State* leads to a loss of human energies and an inordinate increase of public agencies, which are dominated more by bureaucratic ways of thinking than by concern for serving their clients, and which are accompanied by an enormous increase in spending" (emphasis in original).

Michael Novak, who holds the George Frederick Jewett Chair in Religion and Public Policy at the American Enterprise Institute, has responded with great enthusiasm. In an article in *The Washington Post* (5/7/91), "Wisdom from the Pope," he writes that John Paul . . . offers the papacy's strongest language ever about limitations on state power. It includes a trenchant but fair criticism of the human losses involved in the 'welfare state' and even more in the 'social assistance state.' No neo-liberal or neo-conservative ever made the case more profoundly and with so resounding a ring of truth. The pope emphasizes the human side—or better, the anti-human side—of bureaucratic 'social assistance.' He all but uses the phrase 'the little platoons' of society."

How's that? The Pope a conservative in the Burkean mode? This suggestion did not escape the notice of Harvey Cox of the Harvard Divinity School. Indeed, it provoked him to something like anger, which is not at all like him. Writing in *New York Newsday* shortly

after, Professor Cox is dismissive equally of the "triumphalist" commentary by "the American Enterprise Institute's resident theologian" and of the encyclical itself. "Unfortunately, his years in Rome have not sharpened Karol Wojtyla's pen. He succeeds in being pretentious, provincial and pedestrian at the same time. He credits his predecessor Leo XIII with exerting 'far-reaching influence' on the birth of Social Security, pensions and health insurance. But don't the labor unions and citizens' movements that, like Al Smith, could probably not even pronounce the word 'encyclical' properly get a little credit too? Did Frankin Delano Roosevelt read *Rerum Novarum*? . . . Do we need someone who is carried around on a palanquin by Swiss Guards to tell us this? The conservative theologians who complain that liberals too often borrow their ideas from the secular realm must be wincing in embarrassment about the derivative quality of this homily document.

"But let us be more generous. What is exhausted is not the Pope but the social encyclical genre itself, with its improbable claims to universal validity and its consequent temptation to resort to bland truisms.

"My hope is that *Centesimus Annus* marks not only the 100th anniversary of papal social teaching but the end of the chapter in Christian history."

Professor Cox has a point about the medium. Encyclicals have the quality of an imperial decree. Americans do not instantly take to such modes of address, although he should be careful about patronizing Al Smith. There is not the least evidence that the Governor had difficulty pronouncing the word. We have it on the authority of a not inconsiderable theologian, Reinhold Niebuhr, that when this subject arose during the 1928 Presidential campaign, Smith simply asked: "Will someone tell me what the hell a Papal Encyclical is?"

Format apart, there continues to be a real problem of English translation. Thus the new encyclical observes: "*Rerum Novarum* criticizes two social and economic systems: socialism and liberalism." Three decades ago, in *Beyond the Melting Pot*, referring to *Rerum Novarum* and the message of Catholic social teaching, Nathan Glazer and I wrote: "Catholic spokesmen have used the term 'liberal' to refer to laissez-faire economics of the Manchester School, and have generously denounced same." The result, we continued, had been total confusion among the Catholic laity who had to assume that in denouncing "liberalism" Rome was anathematizing the New Deal. And here again we have the same usage. Misusage. No wonder Harvey Cox got mad. The term "liberalism" means something altogether different in American English today, and has done so for generations. A correction is in order. If not a correction, then surely an explanation.

II

That being said, *Centesimus Annus* could turn to be as seminal a statement as its predecessor. *Rerum Novarum* concentrated on issues of the workplace, as did social policy in the United States in the years that followed. Labor, declared the Clayton Antitrust Act of 1914, is not a "commodity." Workers, declared the Fair Labor Standards Act of 1938, must be paid a minimum wage. Minorities, declared the Civil Rights Act of 1964, could not be discriminated against in employment.

Again, these may seem routine matters today. They were anything but when the issues first arose. The dislocations associated with industrialization were absolutely baffling

when they first appeared. What was unemployment? Why did it happen? Who was responsible? An era of fierce doctrinal argument preceded the era in which a consensus of sorts was reached. Note particularly that along the way we began to learn to measure the things we were arguing about. Two events were of particular note. First came the establishment in 1920 of the National Bureau of Economic Research that began the systematic, quantitative analysis of the business cycle. Next, the Employment Act of 1946 established the Council of Economic Advisors and the annual Economic Report of the President to the Congress with the quantitative analysis of employment. There is no sense in which unemployment is a problem of the past. But we know how to measure it, and within limits we know what to do about it. It is to the problem of our age.

FIGURE 1. Welfare dependency rates of children by race proportion of children receiving A.F.D.C. prior to age 18 1967-69 (actual)

White	15.7
Black	72.3

But now a new issue has arisen. The issue of dependency, the growing number of children born to single parents and dependent during childhood on, well, "the Social Assistance State." In 1965 in America, I published the first data that suggested that we might be moving into such an era, one in which destitution in childhood, relatively independent of economic forces, would be our principal social problem ("A Family Policy for the Nation," America, 9/18/65). This was, I believe, a new proposition. I think it important that it arose in the context of research on the "earlier" problems of unemployment, wages and hours, and suchlike matters. In brief, the policy planning staff of the U.S. Department of Labor came upon indications that the connection between child welfare and the workplace was breaking up. Earlier, when unemployment had dropped, new welfare cases dropped. No longer. Seemingly, dependence was an independent variable, possible out of control.

This seemed especially so among minorities, a proposition I took to President Lyndon B. Johnson, who said as much in an address at Howard University in 1965. The President's analysis, however, was rejected. People said it wasn't so, and we could not prove otherwise. In truth, nothing much had yet happened. We had these indicators, but no more. And so we had to wait for the answer, or at least an approximate answer. We now have it. We were right.

Specifically, we now know that of children born in the years 1967-69, some 22.1 percent were dependent on welfare (Aid to Families With Dependent Children) [A.F.D.C.] before reaching age 18. This breaks down to 15.7 percent for white children; 72.3 percent for black children. In his 1965 address at Howard, President Johnson had stated: "Probably a majority of all Negro children receive federally-aided public assistance sometime during their childhood." This was from my first draft of his address. So much for the charge that we were being alarmist. (See Figure 1.)

This is as far as our longitudinal data take us. We know about the life experience of that cohort in its first 18 years, those years having now passed. What about the cohorts that followed? We don't finally know, but we can make an educated guess. The data tell us that children under the age of 8 were, on average, 36.8 percent more likely to have been on A.F.D.C. in the 1970's than their predecessors in the 1960's. If we assume that this same increase will show up for the whole of

the 18 years (0-17), then we can project rates for children born as late as 1980. This gives us a white rate of 22.2 percent, and a black rate of 82.9 percent. (The latter would seem too high, and is of course only a projection. Still, we face the daunting possibility that five in six minority children are destitute and on welfare by age 18. See Figure 2.)

This surely raises the issue of social justice; if, that is, it can be shown that such destitution in childhood is, in the main, a debilitating event. Not for each individual, but generally speaking for a class of individuals. Lawrence M. Mead of New York University believes this to be so. In *The New Dependence Politics* he writes: "The inequalities that stem from the workplace are now trivial in comparison to those stemming from family structure. What matters for success is not whether your father was rich or poor but whether you had a father at all."

III

Now this would appear to be a new social condition. Nearly one third—30.2 percent—of all children are paupers before attaining their majority. Not a pretty word; but not a pretty condition. That is in fact what it means to be on "welfare." No income of your own and virtually no possessions. This rise in dependency has been paralleled, preceded may be the better term, with a rise in out-of-wedlock births. For 1988 the overall ratio was 25.7 percent, which breaks down into 17.8 percent for white births and 63.5 percent for nonwhite. There are now health districts in New York City where more than 80 percent of live births are out of wedlock.

There has also been a rise in asocial behavior. By the 1980's it was common to hear of "children having children." In the 1990's we begin to hear of children murdering children, as firearms have moved into urban neighborhoods and down the age scale. This, too, was forecast. In the 1965 article in America I wrote: "From the wild Irish slums of the 19th-century Eastern seaboard, to the riot-torn suburbs of Los Angeles, there is one unmistakable lesson in American history: A community that allows a large number of young men to grow up in broken families, dominated by women, never acquiring any stable relationship to male authority, never acquiring any rational expectations about the future—that community asks for an gets chaos. Crime, violence, unrest, disorder—most particularly the furious, unrestrained lashing out at the whole social structure—that is not only to be expected; it is very near to inevitable. And it is richly deserved."

This year, in a superb preface to *Beyond Rhetoric: A New American Agenda for Children and Families*, the Final Report of the National Commission on Children, its distinguished chairman Senator John D. Rockefeller IV wrote: "Too many of today's children and adolescents will reach adulthood unhealthy, illiterate, unemployable, lacking moral direction and a vision of a secure future. This is a personal tragedy for the young people involved and a staggering loss for the nation as a whole. We must begin today to place children and their families at the top of the national agenda. . . . Many young people believe they have little to lose by dropping out of school, having a baby as an unmarried teenager, using and selling dangerous drugs, and committing crimes. When they lack a sense of hope and the opportunity to get a good job, support a family and become a part of mainstream adult society, teenagers are frequently not motivated to avoid dangerous or self-destructive behaviors. These youth can see few compelling rea-

sons to avoid or delay activities that provide immediate gratification. Unfortunately, their actions often make their expectations a self-fulfilling prophecy."

Note the shift in terms. We are not talking about unemployment here. We are talking of children who come of age "unemployable." We are not talking of the blameless victims of impersonal market forces. We are talking of adolescents "lacking moral direction." We are not talking of the need for social security programs; we are talking of the youth who have no "vision of a secure future."

It would be fair to say that our analysis of 1965 has finally been accepted. But it would be equally fair to ask whether it is as yet agreed that we are dealing with something new. The National Commission Report is long—519 pages—on prescriptions for expanded government programs, but short on analysis. Warily, the report does tell us that matters are worsening. "In 1960 only 5 percent of all births in the United States were to unmarried mothers; in 1988 more than 25 percent were." But it does not tell us whether in the view of the Commission a fivefold increase represents a qualitative change. Rather, it is as if we are being told that unemployment in the coal fields, in the textile towns, is worse than ever. But, the same subject as of old. The question whether a new social condition has appeared in simply not addressed.

FIGURE 2. Welfare dependency rates of children by race proportion of children receiving A.F.D.C. prior to age 18 1980 projected

White	22.2
Black	82.9

This is in no wise intended to fault the Commission's work. It is simply to assert that this question has to be addressed. Has a new social condition appeared? Is something new going on? Are we missing something large? As an example, in February 1991, some months before the National Commission report appeared, the Senate Democratic Caucus had approved a legislative program entitled, "Strengthening America: The Democratic Agenda." A section on children included this passage: "There are some 64 million children in the United States. At current dependency rates, 16 million or one-quarter, will be on welfare before they have reached the age of 18. . . . Children now make up the largest proportion of poor persons in the United States. There is no equivalent in our history to such a number or such a proportion."

"All this is new. This circumstance did not exist during the era of the New Deal, a half century ago. It did not exist during the era of the Great Society, a quarter century ago. It marks the emergence of a new issue in social policy. The issue of dependency."

However, before the document was sent to the printer, the "error" was spotted by the Committee staff. The text that read: "This circumstance did not exist during the era of the New Deal, a half century ago. It did not exist during the era of the Great Society, a quarter century ago," was changed to read: "This circumstance was not as recognized during the era of the New Deal, a half century ago, nor during the era of the Great Society, a quarter century ago" (emphasis added).

As I had written that passage, I asked about the change. It became transparently clear that those responsible had simply thought they were correcting a mistake. This is becoming the liberal orthodoxy: that there is nothing new. It is not, come to think, so very different from the views of those in the 19th century who, on observing

an industrial society all around them, could not conceive that society had changed to the extent that institutions needed to change as well. Thorstein Veblen called it "culture lag."

If Veblen has a successor today, in stature as in style, it is James S. Coleman, also at the University of Chicago. Mr. Coleman traces our present situation back to the emergence of the corporation in medieval Europe and its gradual displacement of kinship structures. "The central fact about the modern corporation . . . is that it is not an outgrowth of the family, but constitutes an alternative institutional structure, independent of the family and little by little drawing power and strength away from it." He notes that only about 20 percent of 19th century American households were without children under 18; this proportion is now something like 65 percent. Thus, raising children is now carried out with the incomes of a minority of adults. Child welfare becomes a minority interest. Before the transformation of society represented by the rise of the corporation—in this respect think City of Detroit no less than General Motors—"the family was the central institution of society on which all others were built, and children were part of that center, both an immediate economic asset and an investment for the future. Now that the transformation is largely complete, the family is a peripheral institution and children an economic burden on that periphery. An economist might describe the change as one in which children have become a public good—and, as with all public goods, this one presents a problem of who will pay the cost of supplying it. Children are not, I should note, an economic burden, a public good, for all segments of society. By a perverse twist of incentives, children are an economic asset at the lowest economic level, through the welfare support they make possible."

Let us return one last time to those hapless young staffers on the Democratic Policy Committee. Had they been checking a text that proposed that the problem of AIDS "did not exist during the New Deal," they would not for a moment have been disposed to change this to "not as recognized." AIDS appears in the 1980's. (It was first recorded by the Centers for Disease Control in 1981.) Had the text read that the problem of "crack" cocaine "did not exist during the era of the Great Society," there would have been no disposition to correct that either. (The "crack" epidemic first broke out in the Bahamas in 1983.) What, then, is the problem with recognizing that our present plague of illegitimacy, welfare dependency, child disorders and youthful violence is also discontinuous? Part of the difficulty is that it isn't exactly. In his introduction to *Recent Social Trends* (1933), an early and still unequalled Federal social survey, C. Wesley Mitchell wrote: "Society has three problems which have existed throughout all history—poverty, disease and crime." Fair enough. But what I argued in 1965 was that we were about to ascend a giant S curve, to the point that what had been familiar and quiescent would soon be something altogether new. Like a cobra, springing up, prepared to strike.

It seemed to me then that there would be a more or less coherent response. The AMERICA article began: "The United States is very possibly on the verge of adopting a national policy directed to the quality and stability of American family life." In this I was quite wrong. We did nothing of the sort. The evidence was rejected as inconclusive or worse.

It is still rejected in the sense that orthodox opinion rejects the notion that there is anything qualitatively different about the present, insisting instead that the Federal Government simply do more of what we have been doing.

Enter John Paul II asserting that what we have been doing is precisely the problem. We have been creating the "Social Assistance State" which has led to "a loss of human energies and an inordinate increase of public agencies." Not to mention "an enormous increase in spending." Well, now.

What we have here is a considerable role reversal. A century ago, addressing the social question of that time—it was called The Social Question—the church called for more intervention by the state. Now it appears to be saying that state intervention has to some extent created or at least worsened the social problems of the present age. This is high irony. For most of those 100 years, certainly the first 50 or so, liberal opinion in the United States simply assumed the hostility of Catholic social teaching to, well, "liberalism." (We have to assume that President Roosevelt did not in fact read *Rerum Novarum*.) But all of a sudden it may be that the Catholic teaching in this area is in fact opposed to liberal opinion.

The intriguing part of all this, of course, is that the papal pronouncement has American fingerprints all over it. It would be well for those involved to come forward, and it would help if Rome let it be understood that to do so is not only acceptable but necessary. How so? Because the argument must proceed from evidence. There are natural law elements in the encyclical. We are told to distinguish between the society and the state; fair enough. We are reminded again of subsidiarity, which again has doctrinal sources. (Not least the ecclesial sanction of Edmund Burke!) But this is a matter for social science as well, and we have a right to hear the complete argument.

Further, we need to learn from these American Catholics whether they think something new is going on. This may just be a fixation of mine, but I cannot puzzle my way out of it. If there is a new social circumstance, then, for example, there is no "contradiction" at all between the two encyclicals. The industrial economy that *Rerum Novarum* describes continues, but the enormous dislocations of the past have been quite overcome. Is it possible that some general theory will come along that will tease out the sources of welfare dependency and get this problem back down to an acceptable level as Keynes did with unemployment? A reassuring thought, actually.

So much for the long run. For purposes of the short run it may be useful to note that in 1968 Congress enacted the Family Support Act, the first change in the welfare system since it was established as a Federal program in the midst of the Great Depression. In recent Senate testimony Judith Gueron, president of the Manpower Demonstration Research Corporation, described the legislation: "The vision of welfare reform that we see reflected in the F.S.A. [Family Support Act] is of a 'social contract' between poor parents and government, in which each party has responsibilities. Parents—both mothers and fathers—have the responsibility to contribute to the support of their children to the best of their abilities and to engage in activities designed to improve their self-sufficiency. The responsibilities of government are to provide the means for poor parents to become self-sufficient—such as employment services and supports—and to provide income when their best efforts fall short."

It remains to be seen whether the Family Support Act will be made to work. It is, in any event, only one of many measures that will be called for if, as is at the very least likely, the issue of dependency becomes the central issue of social justice in the next century. Come to think, millennium!

STATISTICAL NOTE

Regarding the charts, in 1968, the Office of Economic Opportunity provided funds for the Panel Study of Income Dynamics (P.S.I.D.) at the University of Michigan. Under the direction of Dr. Greg Duncan, this longitudinal study that began with 5,000 families and has since been expanded, makes possible a statistically sound measurement of welfare dependency over time. At the joint request of the Subcommittee on Social Security and Family Policy of the Senate Committee on Finance and the Administration for Children and Families of the Department of Health and Human Services, the P.S.I.D. researchers developed the figures reported on pages 134 and 135 and reflected in Charts 1 and 2. The data are contained in a memorandum from Greg Duncan, Terry Adams and Deborah Laren, Institute for Social Research, University of Michigan, to Bill Prosser, Department of Health and Human Services, Aug. 24, 1990. The information had been requested by Senator Moynihan in a letter of Sept. 18, 1990, to Jo Anne Barnhart, assistant secretary for Children and Families.

Births to unmarried women as a percentage of all births, 1988—All races, State rankings
[Nationwide: 25.7 percent]

	Percent
(1) D.C.	61.7
(2) Mississippi	37.6
(3) Louisiana	33.5
(4) Maryland	32.6
(5) New Mexico	32.3
(6) South Carolina	30.3
(7) New York	30.1
(8) Georgia	29.6
(9) Illinois	29.5
(10) Florida	28.7
(11) Arizona	28.7
(12) California	28.6
(13) Alabama	27.9
(14) Tennessee	27.6
(15) Delaware	27.1
(16) Pennsylvania	26.5
(17) Arkansas	26.5
(18) Ohio	26.4
(19) North Carolina	26.3
(20) Missouri	25.0
(21) New Jersey	24.3
(22) Connecticut	23.8
(23) Virginia	23.8
(24) Oregon	23.6
(25) Alaska	23.4
(26) Rhode Island	22.9
(27) Indiana	22.7
(28) West Virginia	22.7
(29) Oklahoma	22.4
(30) Washington	22.3
(31) Massachusetts	22.2
(32) Hawaii	22.2
(33) Kentucky	22.0
(34) Wisconsin	21.9
(35) Michigan	21.6
(36) South Dakota	20.9
(37) Montana	20.8
(38) Maine	20.3
(39) Texas	19.7
(40) Colorado	19.6
(41) Nevada	19.1
(42) Vermont	18.6
(43) Minnesota	18.3
(44) Nebraska	18.1
(45) Kansas	18.1
(46) Iowa	17.7

(47) Wyoming	17.2
(48) North Dakota	15.6
(49) New Hampshire	14.4
(50) Idaho	14.1
(51) Utah	11.7

Source: Monthly Vital Statistics Report, National Center for Health Statistics, U.S. Department of Health and Human Services.

PERCENT OF BIRTHS TO UNMARRIED WOMEN BY RACE, 1988: CITY RANKINGS

[National average, cities of 100,000+: white—24.9 percent; black—68.1 percent] (National average, 1987: white—23.6 percent; black—66.7 percent)

	1988 (percent)	1987 (percent)
WHITE¹—HIGHEST		
(1) Hartford, CT	58.5	60.7
(2) Bronx, NY	50.0	51.9
(3) Newark, NJ	42.0	42.0
(4) San Bernardino, CA	39.6	37.0
(5) New Haven, CT	39.3	31.4
(6) Los Angeles, CA	38.4	36.6
(7) Pueblo, CO	38.1	32.6
(8) Bridgeport, CT	38.0	16.1
(9) Springfield, MA	37.7	35.4
(10) Paterson, NJ	36.5	36.6
(11) Gary, IN	36.4	37.8
(12) Fresno, CA	35.9	33.7
(13) Jersey City, NJ	35.5	32.8
(14) Providence, RI	35.2	33.1
(15) Baltimore, MD	34.7	33.1
(16) Manhattan, NY	33.8	34.7
(17) Cleveland, OH	33.8	31.1
(18) Syracuse, NY	33.2	35.1
(19) Santa Ana, CA	32.9	30.4
(20) Detroit, MI	32.6	29.1
BLACK—HIGHEST		
(1) Peoria, IL	83.5	80.5
(2) Baltimore, MD	82.6	80.5
(3) St. Louis, MO	80.7	79.2
(4) Rockford, IL	80.3	77.6
(5) Syracuse, NY	79.3	78.6
(6) Milwaukee, WI	79.3	78.1
(7) Chicago, IL	79.0	77.3
(8) Springfield, IL	78.9	74.2
(9) Pittsburgh, PA	78.8	77.4
(10) Philadelphia, PA	78.8	78.2
(11) Louisville, KY	78.8	77.8
(12) Cleveland, OH	77.7	77.1
(13) Toledo, OH	77.0	75.6
(14) Dayton, OH	77.0	75.6
(15) Erie, PA	76.9	75.5
(16) Davenport, IA	76.7	71.7
(17) Paterson, NJ	76.7	72.7
(18) South Bend, IN	76.5	76.7
(19) Omaha, NE	76.4	73.9
(20) Cincinnati, OH	76.4	74.2

¹The category "white" includes most Hispanics.
Source: National Center for Health Statistics, unpublished data, obtained Aug. 16, 1990.

Births to unmarried women as a percentage of all births, 1988—By race, State rankings

[Nationwide: White—17.7 percent; black—63.5 percent]

	Percent
White—Highest ratios:¹	
(1) New Mexico	27.0
(2) California	26.9
(3) Arizona	24.3
(4) Oregon	22.4
(5) W. Virginia	21.0
(6) New York	20.7
(7) Maine	20.3
(8) Washington	20.1
(9) Rhode Island	19.4
(10) Vermont	18.5
White—Lowest ratios:¹	
(1) Alabama	10.6
(2) Utah	10.8
(3) Mississippi	11.4
(4) N. Dakota	11.6
(5) N. Carolina	11.7
(6) Georgia	11.9
(7) S. Carolina	12.4
(8) Michigan	12.4
(9) Louisiana	12.9
(10) Hawaii	12.9
Black—Highest ratios:	
(1) Wisconsin	76.5
(2) Illinois	75.3
(3) Pennsylvania	75.2
(4) D.C.	73.2

(5) Missouri	71.5
(6) Ohio	71.5
(8) Indiana	69.1
(9) Nebraska	68.3
(10) Tennessee	68.3

Black—Lowest ratios:

(1) Hawaii	15.3
(2) N. Dakota	16.8
(3) Maine	20.0
(4) S. Dakota	20.5
(5) New Hampshire	27.5
(6) Alaska	28.5
(7) Wyoming	37.0
(8) Montana	37.2
(9) Vermont	38.2
(10) Utah	47.2

¹The category "Whites" includes most Hispanics.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mr. ADAMS. Mr. President, the Senator from North Carolina has raised the issue about whether it is appropriate for the Federal Government to fund research on human sexual behavior. It seems ridiculous to me that we are arguing about this today in our country when we face unprecedented rates of teenage pregnancy, sexually transmitted diseases, and AIDS. We can only combat these public plagues on our society, and health threats, with knowledge about what people do, why they engage in risky behavior, and what can potentially be done to prevent it.

Mr. President, the Senator from North Carolina read aloud several questions from the teenage survey. I also understand that these questions were removed from the survey 2 years ago.

I just wonder what the purpose was. Did the Senator wish to shock people into voting with him, or was he hoping that this, maybe, was just some disinformation, because these have been removed? When the teenage pregnancy rate is at an all-time high, when the rates of STD's are climbing, we need solid, scientific evidence of what to do about these trends.

Opponents of this kind of scientific research argue that to study sexual behavior is to encourage it. By now, we all know this is just plain bunk. Pretending that controversial behavior does not exist, or lecturing people not to engage in risky behavior, does not work. It is just plain not so. For years, we have been funding programs that encourage abstinence as the only approach to addressing teenage pregnancy. We have learned from evaluations of these abstinence-only programs that they do not work. There is no scientific evidence that abstinence-only programs reduce the rate of teenage pregnancy.

Yes, we hope people will abstain and will be better people in their total lives for having maybe done so, but it is not the way society is. It is not reality. What we have to deal with, in this body, is the reality of how we deal with a growing public health problem that is destroying our future. What is our future? Our children.

So why waste any more money on programs that do not work. Let us in-

vest money in basic research. That is what we are talking about, basic research that will get to the root of why risky behavior continues. What we need is solid, scientific behavioral, and social research to complement the already advanced biomedical research of the NIH.

If my colleagues choose to shut their eyes to the real health problems of America, that this kind of research addresses, and vote in support of the amendment of the Senator from North Carolina, then the future of our Nation is very bleak. Disease will continue. Teenagers will be irreparably injured and we will not know how to confront the problem.

This is the last time we should debate this issue. If we care about our Nation, then we must ensure continued Federal funding for important scientific research on public health implications of sexual behavior. We need this kind of information now because the health and lives of our young people depend upon it.

I strongly urge my colleagues to oppose the amendment of Senator HELMS which would transfer funds to the Adolescent Family Life Program.

I finish by quoting from a letter from a public health official in my State:

If the Helms amendment were passed, we would have to continue "flying blind", basing sexually transmitted diseases and AIDS interventions on inadequate data.

Mr. President, I ask unanimous consent that an article in USA Today dated July 26, 1991, be printed in the RECORD.

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

[From USA Today, July 26, 1991]

REJECT PRUDERY; TEEN SEX SURVEY NEEDED

A handful of politically potent prigs are treating a major public health problem like a dirty joke.

Secretary of Health and Human Services Louis Sullivan gave in to ideologies who objected to questions about sexual practices in a five-year survey of adolescent sexual behavior and killed funding for this worthwhile effort.

He may have killed more than a study. Ignorance about the risks our young people are taking can cost lives.

The goal of this study was to discover not just what teens are doing but why. Why are they putting themselves in danger of AIDS, sexually transmitted diseases and unwanted pregnancy at younger ages and in greater numbers? What influences do family values have on their decisions? What part do school, peers and the community play?

If this misplaced prudery prevails, we'll never know. Many, like the writer across the page, think that's just fine. They're content with the current state of knowledge and don't want to spend government money to learn more.

This is a dangerous advocacy of ignorance. Many questions that raised objections had been dropped from an early draft. Three-quarters of the questions were not about sexual practices. Each of the 24,000 teens answering the survey would do so with parental

consent. Parents would answer separate questionnaires.

These days, a teen who is careless with sex risks far worse consequences than parental disapproval.

AIDS cases among teen-agers in the United States have increased about 40% in two years, which means that there are now thousands infected with the deadly virus. Other data tells us that awful number is bound to grow:

Half of girls have had sex by age 17; half of boys by 16.

Only one-third of boys always use condoms.

Nearly 80% of boys and 50% of girls age 18-19 switch partners within 12 months.

That's a recipe for disaster for our young people.

AIDS is just one of the diseases that can wreck their lives; they're also in danger of infections that can cause sterility and pregnancy that can put them on welfare. Fifty-nine percent of women who were receiving welfare in 1988 were age 18 or younger when they first gave birth.

If these grim facts are going to change, we have to learn more about teen behavior. What encourages teens to take such risks? What would persuade them to avoid those risks?

Secretary Sullivan should heed the House vote late Thursday affirming such surveys. What better use for public money than buying a tool to save young lives?

What we choose not to know can ruin their lives—or kill them.

Mr. ADAMS. Mr. President, it is my understanding that there are no further requests for debate and there has been an agreement on the yeas and nays.

So I would move at this time, Mr. President, to table the amendment provided that the yeas and nays are ordered.

Mr. HARKIN. Will the Senator withhold at this moment.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. DOLE. Mr. President, I wonder if I might inquire of the majority leader if there is a possibility of limiting amendments on this bill. I do not mean limiting anybody, but saying there are so many amendments left. Otherwise, I know my colleagues, when it gets to be 6, 7 o'clock tonight, are going to wonder why they are still here.

One way to prevent that is to go ahead and get the amendments and get them debated. I thank the majority leader for trying to protect a Member on this side who is absent until 6 o'clock. Then we can start voting.

I want to help the majority leader, if he has any ideas on how I can do that.

Mr. MITCHELL. Mr. President, I discussed earlier this morning, and more recently, with the distinguished Repub-

lican leader my desire to proceed to complete action on the pending bill. I will, of course, as always, endeavor to accommodate those Senators who are, by virtue of emergency, unable to be here at certain times.

We have now been on the bill for 3½ hours today, and we have not been able to get to a vote for that reason. But it seems to me that the fair and yet responsible way to proceed would be to prepare a list of those amendments that do remain, identify them, limit consideration to those amendments, obtain time agreements for their consideration, and then have the votes later today at a time when all Senators can be present.

The alternative to that is that we will simply be here again late tonight, doing that which we could have done throughout the day. Of course, Senators will be inquiring why it is that, once again, we are debating at 9, 10, 11 o'clock in the evening after a day without any votes having occurred.

So I inquire of the Republican leader—I am advised that the Democratic staff has prepared a list of all of the amendments to be offered on the Democratic side, and that they are three in number, and that we are prepared to enter into an agreement. I am advised that there are three on the Republican side. And if we could identify them in the next few moments and reach agreement on a reasonable time for debate on those, and then stack the votes at a time when all Senators can be present, we will achieve both effective utilization of the Senate's time and accommodation of the Senators who, by virtue of an emergency, have not been able to be present.

Mr. DOLE. I will be happy to try to get a list on this side. Hopefully, they will not all require rollcalls. Maybe we can get short time agreements so that we might complete at an early hour this evening.

Mr. MITCHELL. Mr. President, might I ask then that, it now being 2:05, since I think both sides have gone through this process, if we could ask the staffs in the next 10 minutes to prepare such a list, and I will come out at that time—and I hope the Republican leader will be present—and propound a request to get an agreement on that basis so that we can proceed.

There are only two alternatives to it. We can proceed one at a time, move to table the pending amendments, and vote on them now, or end up doing that at some late hour this evening, to the inconvenience of a very large number of Senators.

So I hope we can reach agreement on that. And I will, therefore—so those Senators who have an interest in this will have an opportunity to come to the floor at approximately 2:15—propound such a request to see if we can get an agreement on that basis.

Mr. HARKIN. Will the majority leader yield?

Mr. MITCHELL. Yes, sir.

Mr. HARKIN. We have an amendment pending now. And I think all debate has been finished, and we can proceed right now to a vote on Senator HELMS' amendment. I believe all debate has been finished.

Mr. MITCHELL. The Senator from Iowa was not present during the earlier part of this conversation. One of the Republican Members of the Senate has been, by virtue of a personal emergency, called away and is not present.

They are making an effort not to have votes at this time. I am trying to accommodate that by getting an agreement that will enable us to complete the amendments and the bill, and stack the votes at a time when everybody can be here. I am trying to avoid the situation that we do not do anything now.

Mr. SIMON addressed the Chair.

The PRESIDING OFFICER (Mr. KERREY). The Senator from Illinois.

Mr. SIMON. Mr. President, I have an amendment that we set-aside until 1:45. I ask unanimous consent—our staffs are still trying to work it out—that that be set-aside until 3 o'clock.

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

Mr. DOLE. Mr. President, I wonder if I might proceed with a statement on a different matter.

Mr. MITCHELL. Mr. President, I yield the floor.

GOOD NEWS ON TWO FRONTS

Mr. DOLE. Mr. President, certainly, the two landmark events of this year have been our great victory in the Persian Gulf war, and the collapse of the Soviet state and Soviet communism. The changes wrought by the dramatic events continue to unfold—as was again apparent during the past 24 hours.

The Desert Storm victory has opened the door to a possible solution to many problems which have long vexed the Middle East—none more important than the problem of hostages held in Lebanon and elsewhere. It is therefore very good news, indeed, that Israel has announced the release of 51 Lebanese prisoners and the return of the remains of 9 others in its custody. That action followed the release of information by the so-called Hezbollah Shiite Muslim organization on two Israeli servicemen long missing, and now reported dead.

The families of our own hostages, and of the other hostages and prisoners being held in the region, have ridden the roller coaster of rising hopes and crashing disappointment many times. So it serves no good purpose to let our expectations get ahead of the facts. But for one of the few times, this time there is some concrete and positive developments underlying the renewed hope. So hope, and pray, we do—that this will indeed turn out to be a breakthrough to the release of all hostages.

I would also note that we must insist, when and if our hostages are released, that we also obtain a full accounting for U.S. Marine Col. Rich Higgins—taken hostage while on duty with U.N. peacekeeping forces in Lebanon. Colonel Higgins is believed to have been murdered by his captors, but we have never had final confirmation of his fate. Equally important, if indeed he is dead, we must demand the return of his remains, for final disposition by his family.

I have personally pledged to his wife, Marine Maj. Robin Higgins, that I will never rest until we—and she—obtain the full and final accounting to which we have a right. And I know that all Members of Congress, and President Bush and the members of his administration, share that same determination.

I would also note that—especially because Colonel Higgins was on duty with the United Nation at the time of his capture—it is absolutely incumbent upon Secretary General Perez de Cuellar and other U.N. officials involved in these delicate negotiations to keep Colonel Higgins' case at the top of their agenda.

Meanwhile, and almost simultaneously, we have heard the very welcome announcement that the Soviet Union will soon withdraw its military forces from Cuba.

Among a number of serious barriers to fully normalized and cordial relations between the United States and the rapidly changing Soviet Union, none has been more important than Moscow's long-time and lavish support of Castro's Communist state.

Until now, partially protected by the Kremlin's troops and bolstered by billions of rubles in subsidies, Fidel has hunkered down behind his own little Iron Curtain—keeping the democratic revolution which is sweeping the rest of the world at arms length.

If the Soviet forces are indeed removed—and if that is followed, as Soviet officials are promising—by an end to massive Soviet military and economic aid, then there will be a real hope that the deterioration of Castro's tyranny will accelerate; and there will be a real hope that someday soon we may see the restoration of freedom for the people of Cuba.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, FISCAL YEAR 1992

The Senate continued with the consideration of the bill.

AMENDMENT NO. 1113, AS MODIFIED

Mr. SIMON. Mr. President, I had offered an amendment urging that we take another look at our budget priorities in view of what has happened in the world. Senator BYRD made some very constructive suggestions and I modified that.

In the meantime, Senator DOMENICI has also offered suggestions and I would like to modify my amendment. I think it is acceptable to everyone at this point. I know of no opposition.

The PRESIDING OFFICER. The Senator has a right to modify his amendment.

Is there objection to modifying the amendment?

Mr. SIMON. I am modifying my own amendment. Senator COCHRAN and Senator DOMENICI are here on the floor. I believe there is no objection to the amendment as it has been restructured.

Mr. DOMENICI. Mr. President, the Senator from Illinois is correct. I checked with the Republican leader, Senator DOLE. In fact, I ran it by Senator BYRD, who was present at the summit also. I do not believe we have any objection on our side. Senator GRAMM helped the Senator from New Mexico with the draft of changes. I understand with that kind of consent that it will be adopted by voice vote. We have no objection.

The PRESIDING OFFICER. Without objection, the amendment is modified.

The amendment (No. 1113), as further modified, is as follows:

At the appropriate place, insert the following:

SEC. . (a) The Senate finds that—

(1) Since the 1990 budget summit agreement, extraordinary events in the world, particularly in Central Europe and the former Soviet Union, may provide our country with an opportunity to reexamine the broad spending priorities embodied in the 1990 budget summit agreement.

(b) It is the sense of the Senate that the President of the United States and the Democratic and Republican leadership of the Congress should consider establishing new priorities. If it is so determined, based on current and changing world events, the defense spending path negotiated in the 1990 summit could be reduced in the future, then any such reduction should be made available for reducing Federal budget deficits, reducing Federal tax burdens, increasing domestic spending, or any combination thereof.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1113), as further modified, was agreed to.

Mr. SIMON. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. COCHRAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MITCHELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. D'AMATO. Mr. President, I ask that I might be permitted no longer than 10 minutes to proceed as if in morning business.

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

Mr. D'AMATO. I thank the Chair.

LOAN GUARANTEES TO ISRAEL

Mr. D'AMATO. Mr. President, we have heard a great deal lately about the problems in the Middle East, particularly with respect to the proposals for loan guarantees to the State of Israel. I find myself in the position of having to say, quite candidly, to the administration: I fail to understand what you are doing and why you are doing it.

It seems to me that our foreign policy should be one which rewards our friends, which works with our friends, and punishes the enemies of freedom and democracy.

We have forgotten the lessons of history. I remember coming to this Senate floor and being excoriated by Democrats, Republicans, and the administration alike, because I said, "no more loan guarantees to Saddam Hussein, the 'Butcher of Baghdad'." "What do you mean cutting off loans and loan guarantees to him?" One would have thought I was attacking Mother Teresa. Incredible.

Between 1983 and 1990, the United States made agricultural loan guarantees to the "Butcher of Baghdad" of some \$5 billion. As a matter of fact, he still owes us \$1.9 billion. Who knows if we will ever get paid.

Take a look at the history of the State of Israel. It has never defaulted on its loans or any loan guarantee. Never. Now, what about this \$10 billion? I have many constituents who write and say, "we should be taking care of our own. Why are we giving foreign aid? Why are we giving \$10 billion to Israel?" We are not giving \$10 billion to Israel. That is absolutely not the case.

In fact what we would guarantee, in the event the State of Israel fails to pay back its loans—and let me reiterate, she has never defaulted on any loan—\$10 billion which would come from the private sector. And what are

these guarantees for? They will meet the humanitarian needs of housing, of shelter, of infrastructure, for 1 million immigrants that are coming into the State of Israel.

The United States led the fight for Soviet Jews who sought return to Zion. We have the moral responsibility to provide them that opportunity by underwriting aid for the most humanitarian of purposes.

A short time ago, we gave billions of dollars in loan guarantees to the Butcher of Baghdad. Was he rehabilitating people, providing housing, providing shelter? No. He was gassing the Kurds, gassing the Iranians, and building his military fortress.

Who invaded Kuwait? It wasn't Israel. She was withstanding incredible physical and psychological torment. I was there when the Scud missiles were coming into Israel and the people were saying "What will we do? What will we do?" We asked and urged Israel to act with restraint. That she did. Is this her reward?

Mr. President, the \$10 billion is not going to cost the taxpayers of the United States one penny. This must be understood. Fully one-third, if not more, of the \$10 billion over the next 5 years will be spent in the United States, producing 60,000 or more jobs, which means there will be a significant return to our economy. It will not cost the taxpayers anything. In fact, the taxpayers of this country are going to benefit. People are going to get work. The private sector is going to finance these loans, not the U.S. taxpayer.

We are asking that the United States stand up and say yes, we are part of the humanitarian effort to make it possible for a million people to come into a small country like Israel and to provide them with the basics, with shelter, with infrastructure, with job opportunities. It will create jobs here. And that is the right thing to do: reward our friends and punish our enemies.

This may seem too simplistic, but I suggest to you that we have had a foreign policy that all too often has done the opposite—rewarding our enemies with promises of what we will do for them, including giving them loan guarantees only to see them attack us, clearly flying in the face of what democracy and moral values can and should be about.

That makes no sense. What this will do is set back the peace process. Who wins with this approach?

The PLO? The hard-line, militant Arabs who now say that the United States relationship with Israel, is less than what it has been; less than the total commitment of support for a precious ally with the voices of democracy. If the peace process is ready to go ahead, let it go ahead. Let the issues, the complex issues that may exist, be debated and negotiated at the bargaining table.

I do not believe that holding Israel hostage as it relates to this \$10 billion is right, morally or politically. It is unconscionable. It is not the noble course that this Nation should be seeking or undertaking. It is not a course where we are standing up for what is morally correct. If anything, we put ourselves in the place of a blackmailer for the wrong purposes.

I hope that we will reevaluate this position. I hope that the Congress of the United States, working together with the administration, will fashion a course that says we stand with our friends, and we stand for democracy.

Thank you, Mr. President.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. WOFFORD. Mr. President, I ask unanimous consent to speak as if in morning business.

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

LOAN GUARANTEE TO ISRAEL

Mr. WOFFORD. Mr. President, I have just read the dispatch telling that the President has threatened to veto action by the Congress of the United States for a loan guarantee to Israel. I rise to say that I think this policy of linking the loan guarantee to the peace process—delaying this loan guarantee because of the peace process—is unwise and is wrong.

Now is the time, after we have just shown with such dedication in the Persian Gulf why it is important to act for peace in the Middle East on behalf of an independent Arab State, to stand firm in our support of the one true democracy in the region.

We who have had such a stake in getting Soviet Jews and Ethiopian Jews free to go to Israel should take this action now. I was once in Ethiopia, with the Peace Corps, working with the Ethiopian Jews. And I've worked in the Soviet Union as president of the International League for Human Rights, with the Soviet dissidents, seeking freedom for Soviet Jews. Knowing what America has done to press for that freedom, it seems to me that this is no time for delay in showing our commitment to assisting not by a loan but by a guarantee for an ally whose record of paying loans to this date has been perfect.

Therefore, I strongly dissent from the President of the United States, who has threatened to veto an action which the conscience of the world calls for us to take.

Thank you, Mr. President. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. ADAMS. Mr. President, I am listed on the list of having an amendment involving the prosthetic foot. I will be offering that amendment. Prior to offering it, I was going to make a short statement. I think it has been agreed upon by both sides, but I wanted to explain it, because there has been a great advance not only for Members of this body but for some of the senior citizens in this country.

I am very pleased to offer this amendment to H.R. 2707, because it is intended to ensure that the Rehabilitation Service Administration of the Department of Education provides the full funding for those few vital programs in the field of prosthetic education. I have watched with growing alarm over the last few years, as my distinguished colleague from Iowa has, as the RSA has cut back on these educational programs, because to have someone use one of these types of prosthetic devices requires considerable skill in the educational area.

One of the programs funded under this Federal effort is at my alma mater, the University of Washington, in Seattle. I am extremely proud of the work that is being done on that program in the Department of Rehabilitative Medicine in the University of Washington Medical School. I have seen the use of this in such people as a former Member of this body, Senator Magnuson, which gave him years of additional usage of his limbs, and the ability to do things that he had not and would not have been able otherwise to have done.

The amendment will ensure that the RSA provides adequate funding for O&P education by restoring the funding in the O&P program to its former level. This important rehabilitation field will be able to address the continuing challenges and serve the Nation's disabled population. I commend the leadership Senator HARKIN has shown, both on this subcommittee and on the Senate Subcommittee on Disability Policy, where his leadership and vision have reflected to Americans with disabilities one of the most important pieces of civil rights legislation this Nation has ever known and ever seen.

I believe this amendment is supportive of the objectives and goals set in this landmark legislation and I urge its adoption. I know of no objection to this amendment.

AMENDMENT NO. 1115

Mr. ADAMS. Mr. President, I send the amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the pending amendments will be set aside.

The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Washington [Mr. ADAMS] proposes an amendment numbered 1115.

Mr. ADAMS. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 57, line 3, before the period, insert the following: "Provided, That of the funds made available under this heading, no less than \$1,400,000 shall be for the full funding of orthotics and prosthetics training programs".

Mr. ADAMS. Mr. President, I am pleased to offer an amendment to H.R. 2707 intended to insure that the Rehabilitation Services Administration of the Department of Education provide the full funding necessary for those few vital programs in the field of orthotic and prosthetic education. I have watched with growing alarm over the past few years, as has my distinguished colleague from Iowa, as the RSA has cut back on these educational programs. By restoring the funding of O&P programs to its former level, this important rehabilitation field will be able to address its continuing challenge: to serve the Nation's disabled population.

One of the programs funded under this Federal effort is at my alma mater, the University of Washington in Seattle. I am extremely proud of the work being done in that program in the Department of Rehabilitative medicine at the University of Washington medical school.

Over the last 21 years that program has graduated 188 students, whose proficiency in their chosen field has been in the profession's national certification examinations. Those graduates have gone on to careers providing quality care for thousands of disabled patients throughout the United States.

The Seattle area, with the University of Washington and Prosthetic Research Study provides those students with a unique opportunity for interaction with current research and development. Those students spend time working directly with leaders in the field of computer-aided design and computer-aided manufacturing of prosthetic devices. Just this month, Prosthetic Research Study of Seattle, WA, was a 1991 National Award Recipient from Allied Services, a national leader in the field of providing resources for people with disabilities. Prosthetics Research Study is one of the world's leading centers for the research and development

of mobility aids for the disabled, including the Seattle Foot, worn by more than 65,000 amputees.

Practitioners trained in orthotics and prosthetics design and fit braces and prostheses that enable physically challenged individuals to overcome often serious and crippling conditions and return to productive lives. Unfortunately, cuts in funding by the RSA may jeopardize the availability of these critical services.

Orthotic and prosthetic [O&P] services are provided by highly-trained, certified, allied health practitioners. These professionals evaluate the needs of individual patients, often in emergency situations, and consult closely with prescribing physicians to fit patients with the appropriate orthosis [brace] or prosthesis [artificial limb] for his or her individual needs. Orthotists and prosthetists have long-term involvement with their patients, instructing them in the proper use of the brace or prosthesis and conducting follow up care throughout the course of the patient's disability or rehabilitation to ensure that the brace or prosthesis continues to fit properly and is properly used by the patient.

The O&P field is a relatively small one, with only about 2,600 certified practitioners available to serve the entire United States. The services of the O&P profession are rehabilitative in nature. Typically, they reduce the length of stay for beneficiaries in costly inpatient settings and help restore mobility and ability to function unaided, making it possible for the O&P patient to return to useful work.

The practice of orthotics and prosthetics is unique among the allied health professions since it calls for a mix of clinical and mechanical/engineering skills. The teaching of the necessary skills to provide specialized O&P clinical care is a painstaking process. It requires education in an extensive interdisciplinary curriculum which includes such varied subjects as anatomy, physiology, kinesiology, and materials property.

For over 20 years, the profession of orthotics and prosthetics has relied exclusively upon the RSA to provide funding for the schools which provide orthotic and prosthetic education. These funds have been critical to this very expensive and very specialized education. Many of the 10 schools which have historically provided such educational opportunities are State institutions. These State institutions are restricted by their respective legislatures from charging a self-sustaining tuition for the O&P programs which require costly materials and fabrication laboratory facilities.

The O&P profession is experiencing a funding crisis. Since 1988, O&P education funding has been substantially cut. In fact, O&P programs at New York University and the University of

California at Los Angeles have both closed and Florida International University is presently evaluating the viability of continuing its program. In the past, no program has been resuscitated after losing RSA funding. Additional school closings will occur if RSA continues on its present course.

Despite numerous attempts by the O&P field to secure relief, the RSA has persisted in ignoring the needs of this fragile profession, and continues to disregard the will of the Congress. The RSA is clearly permitted to expend funds for education in O&P, and has done so for nearly 20 years. The recent reductions in O&P education funding serves to dilute the objectives expressed by Congress in the Americans With Disabilities Act [ADA], and defy specific congressional directives to restore O&P training funding to its former level. In addition, direct inquiries from my office have failed to elicit an appropriate response from RSA.

Although Congress has been clear with respect to its intent to continue funding O&P education, the RSA continues to reduce O&P funding. If RSA later restores funding to any closed program, the agency will have to spend additional monies for the startup of closed programs—sums that would be saved if the RSA kept these programs alive. If any of the programs remain closed, the need for O&P training will simply not be met.

Orthotics and prosthetics has the potential to help children, the elderly, and especially trauma victims live full and productive lives. However, the success formula requires a continuous stream of qualified practitioners. The RSA's actions to date may jeopardize the realization of the goals envisioned by the passage of the Americans With Disabilities Act. Without RSA financial support and the resulting decrease in practitioners, the needs of America's disabled cannot be adequately served.

This amendment will ensure that the RSA provides adequate funding for O&P education. By restoring the funding of O&P programs to its former level, this important rehabilitation field will be able to address its continuing challenges and serve the Nation's disabled population.

I commend the leadership Senator HARKIN has shown, both on this subcommittee, and on the Senate Subcommittee on Disability Policy, where his leadership and vision were reflected in the Americans With Disabilities Act, one of the most important pieces of civil rights legislation this Nation has ever seen. I believe this amendment is supportive of the objectives and goals set in that landmark legislation, and I urge its adoption.

Mr. President, I ask that the managers approve this amendment.

Mr. COCHRAN. Mr. President, while the manager on the Democratic side comes to the floor let me just say that

we have taken a look at the amendment of the distinguished Senator from Washington. We have no objection to it on this side and recommend that it be approved.

Mr. HARKIN. Mr. President, we, also, have no objection to it. We accept the amendment and urge its adoption.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Washington.

The amendment (No. 1115) was agreed to.

Mr. ADAMS. Mr. President, I move to reconsider the vote.

Mr. HARKIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. ADAMS. I thank the managers.

ORDER OF PROCEDURE

Mr. COCHRAN. Mr. President, we are trying right now to work out a list of amendments that Senators plan to offer so that we will know which amendments will be offered. Then we will have some idea how much time debate may take and we may be able to vote on final passage of the bill. There is still some discussion about one of the amendments.

I have one amendment that is on the list and I am prepared to offer that if it fits with the schedule of the managers of the bill. I am awaiting copies of the amendment to be delivered to me in their final form, but just for the information of Senators, if there is any interest in looking at the list of amendments or knowing what we may be about to have propounded as a unanimous consent-request, now is the time to inquire because we are at that point in the management of the bill.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

UNANIMOUS-CONSENT AGREEMENT

Mr. MITCHELL. Mr. President, I ask unanimous consent that the only remaining amendments in order to this bill, other than the pending Helms amendment No. 1114 and the excepted committee amendments, be the following, that they be considered under the time limitations listed and that the time be evenly divided and controlled in the usual form:

An amendment by Senator KERREY of Nebraska regarding impact aid, 5 minutes; an amendment by Senator FORD regarding Medicaid, 30 minutes; an amendment by Senator HELMS regarding Pell grants to the committee amendment, 20 minutes; an amendment by Senator COCHRAN regarding model garment programs to the committee

amendment, 1 hour; an amendment by Senator DOLE regarding impact aid to Kansas, 10 minutes; an amendment by Senator HATCH regarding home health, 20 minutes; an amendment by Senator SEYMOUR regarding SLIAG, 45 minutes; an amendment by Senator SEYMOUR regarding OSAP post partum babies, 20 minutes; an amendment by Senator SMITH regarding sense-of-the-Senate, Ryan White, 10 minutes; and amendments agreed upon by the managers.

Further, that there be 5 minutes for debate remaining on the pending Helms amendment No. 1114, that there be 10 minutes for debate remaining on the bill; that once this agreement is agreed to, all committee amendments be agreed to en bloc with the exception of the pending committee amendment and two additional committee amendments, one beginning on page 9 and one beginning on page 60; and that following the disposition of any second-degree amendments to these excepted committee amendments, the committee amendments be deemed agreed to, as amended, if amended, without further debate.

I further ask unanimous consent that any rollcall votes ordered to occur on the above-listed amendments be stacked to occur today at a time to be determined by the majority leader, after consultation with the Republican leader, and that if debate and disposition of the above matters have been completed prior to the time set for the rollcall votes to occur, then in the intervening time the Senate proceed to the consideration of H.R. 2686, the Interior appropriations bill.

Mr. HATFIELD. Mr. President, reserving the right to object, and I do not plan to object, I would like one clarification or two. On the pending amendment by Senator HELMS, No. 1114, I wonder if the majority leader would include in that, to be disposed of by a tabling motion.

Mr. MITCHELL. I have no objection to that.

Mr. HELMS. I did not hear the Senator.

Mr. HATFIELD. I suggested that the pending Helms amendment, at the expiration of the time, it would be disposed of by a tabling motion.

Mr. HELMS. I say to the Senator, I would much prefer an up-or-down vote, but a tabling motion is the very same thing. The people of this country understand that it is a distinction without a difference and a difference without a distinction, but that would be satisfactory with me.

Mr. MITCHELL. Mr. President, I so modify my request.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. HATFIELD. Mr. President, further clarification, I would also suggest that on the second Helms amendment relating to Pell grants that that be dis-

posed of, at the expiration of the time, by a voice vote.

Mr. MITCHELL. Mr. President, I do not believe that is appropriate to include in a unanimous-consent agreement. This agreement does not require a rollcall vote. If we get to that amendment and there is no demand for a rollcall vote, then it can be disposed of without a rollcall vote. I do not believe it appropriate to attempt to include that in the agreement in advance.

Mr. HELMS. Mr. President, I wonder if the distinguished leader would permit me to request a brief quorum call so I could speak with him?

Mr. MITCHELL. Certainly.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. MITCHELL. Mr. President, I renew my request.

The PRESIDING OFFICER. Is there objection to the request?

Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, I thank my colleagues, the distinguished managers of the bill.

I now yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from New York.

Mr. MOYNIHAN. Mr. President, would I be correct that the pending business is the amendment by the distinguished Senator from North Carolina?

The PRESIDING OFFICER. The Senator is correct. The amendment is under a time agreement.

Mr. MOYNIHAN. Mr. President, I move to table the amendment.

Would the Senator wish to speak? There is 5 minutes, I believe.

Mr. HELMS. I was just asking if the Senator would withhold so I could speak for about 3 minutes?

Mr. MOYNIHAN. Yes, sir, of course. I yield the floor.

The PRESIDING OFFICER. The Senator from North Carolina is recognized.

Mr. HELMS. Mr. President, there were very few Senators on the floor this morning during the debate on the pending amendment. So, obviously, Senators cannot possibly know much about it. I think the best illustration I can offer for what the amendment is about is to ask informally that I be permitted to place a copy of the sex survey questions, on both the Democratic and Republican tables.

The material is not prepared by me. It is a photocopy of a few of the actual survey questions so that Senators may at least look at them.

Furthermore, I would just say in connection with this, that for any Senator

who may not feel that the sex surveys are all that bad, I hope they would at least glance at the questions. It might turn their stomachs a little, but I think they ought to know what I am talking about. I am not going to read any more questions. I read just two this morning and that was quite enough.

The point is this: Title X is the planned parenthood title. Title XX is the only Federal program that seeks to persuade young people that sexual activity before marriage should not occur. We have only one program. Both title X and title XX have been authorized. But in this bill, only title X has been funded. I propose to transfer the money from the sex surveys and put it into title XX so that title XX will not become extinct.

I hope Senators will have an opportunity to give some thought to that.

I thank the Senator for withholding.

The PRESIDING OFFICER. The Chair recognizes the Senator from New York.

Mr. MOYNIHAN. Mr. President, in the spirit in which the distinguished senior Senator has spoken, I would like to say the same, and appeal to colleagues on both sides of the aisle—this is hardly a matter of partisanship—to understand that the work that is contemplated would be, among other things, the first serious, systematic effort to learn the fertility history, both of adult women and of adult men, at a time when one child in four in our country is born out of wedlock. In the Senator's State 1 in 4; in mine, 3 in 10; in some cities, 7 in 10; in some groups, 6 in 10.

Across the Nation, this is a wholly new experience. In the past 30 years the illegitimacy ratio in our country has grown from 5 percent to 26 percent. The Canadians have something of the same experience. Other nations, such as Great Britain, as well.

This is not an understood phenomenon. It is new. It is at the base, almost surely, of most of what we call the social problems in our country.

This is a responsible effort by mature demographers, social scientists, trying to get a record of an unprecedented experience for the Nation. It is serious work today—social science on a new subject of the utmost gravity. I cannot suppose that we will not let the National Institute of Child Health and Development go forward with this study at the National Opinion Research Center at the University of Chicago.

So, Mr. President, I respectfully move the amendment be tabled.

Mr. HELMS. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. MOYNIHAN. I believe, Mr. President, the votes have been delayed to a later period in the day.

The PRESIDING OFFICER. The Senator is correct. The vote will occur later today.

Mr. MOYNIHAN. I thank the Chair.

The PRESIDING OFFICER. Chair recognizes the Senator from Mississippi.

AMENDMENT NO. 1116 TO EXCEPTED COMMITTEE AMENDMENT BEGINNING ON PAGE 9, LINE 10 (Purpose: To prohibit the Secretary of Labor from expending certain funds for the implementation or enforcement of certain regulations concerning model garment programs)

Mr. COCHRAN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Mississippi [Mr. COCHRAN] proposes an amendment numbered 1116 to the excepted committee amendment beginning on page 9, line 10.

Mr. COCHRAN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 9, line 10, strike out "\$231,326,000," and insert in lieu thereof the following: "\$231,326,000, none of which shall be expended by the Secretary of Labor to implement or enforce model garment regulations or model garment enforcement policy promulgated under the Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.)."

Mr. COCHRAN. Mr. President, this is an amendment to the committee amendment on page 9 which will prohibit the use of funds in this portion of the bill by the Secretary of Labor to enforce regulations relating to model garment programs, or model garment enforcement policies of the Department of Labor under the Fair Labor Standards Act.

Specifically, the purpose of the amendment is to recognize, as a matter of law, that such model garment programs should not be included under the wage and hour rules of the Fair Labor Standards Act for the following reasons.

For some years now, retail fabric stores—those selling bolts of cloth, buttons, and other items that are used to make garments, patterns that are used by people in their homes to make clothes—have had programs with their own employees that would permit an employee to receive fabric at no cost, with patterns and other necessary items to make clothes, and then to proceed to make model clothes to display in the store so that customers could see the kinds of clothes that could be made with the materials that are for sale in that fabric store. And at the end of the display period, which customarily is 3 to 6 weeks, the employee would then be permitted under this program to keep the dress or keep the clothes that the employee made. This turned out to be a very popular program with

a lot of employees in many fabric stores all over the country.

A question was raised, though, by some who considered this to be a violation of the wage and hour rules under the Fair Labor Standards Act because the employees were not actually paid in cash, or as a part of their earnings by the store, for making that garment at home for display in the store. But it was considered by both the employer, the store owner, and the employee to be fair compensation if the employee could keep the garment after it was displayed for a short period of time. And so that is the issue. Is that kind of program violative of the wage and hour rules of the Fair Labor Standards Act? Many said it was; some said it was not. So the issue was debated. Finally, in 1988, the Department of Labor issued regulations which seemed to support the exception of this program from the Fair Labor Standards Act.

You read the regulation, like I guess a lot of Federal regulations, and you think it is going to conclude one way, and then it turns out with two paragraphs right at the end, after they talk about the program and talk about how there ought to be a separate policy for the model garment program under the Fair Labor Standards Act—it does not criticize this program; it does not say it violates any laws—then it gets to the end of the regulations and it says:

An accurate record in home worker handbooks is maintained of all hours worked in the home sewing activities and the employees are paid for all hours worked both in the stores and in the home sewing activities in accordance with the provisions of the FLSA.

Having gone through this entire page of regulations talking about how this was a good program and how it benefited employees, it was popular with them, it showed consumers the kind of clothes that could be made with the fabrics there, it was good for the business, it was good for the employers, they then go down there and say but if you are going to have a program like this, you have to keep a record of all the hours worked at home and then you have to pay, separate and above giving the free clothes, for the work—the wage is the same for the home work—that would have been paid if the worker performed in the store. And so there is no program, in effect, under this regulation.

But when the minimum wage bill that we had before the Senate a few years ago was on the floor, I filed an amendment similar to the one that I filed today. This was the bill that changed the minimum wage rules, phased in increases in the minimum wage bill, and it was my hope that the Labor Committee would take a look at that problem and deal with it on that bill.

After some discussion with the chairman of the Labor Committee, Senator KENNEDY, I was promised that if I

would not push that amendment at that time that Labor Committee staff would work with our staff and we would try to meet with the Department of Labor officials and resolve this dispute so that there would not be a termination, in effect, of the model garment programs in all the fabric stores in the country.

I am sad to report that, after some meetings were held, no progress whatsoever was made in getting any changes to these regulations that were issued in 1988. And so we come to this point in time, Mr. President, where we have run out of any other avenue to pursue what seems to this Senator to be a clear misunderstanding of the kind of program that the model garment program is, the fact that it is fair to employees.

The employees, frankly, enjoy being able to get the free materials from the store in which they already work and then to get patterns and to work at home on their own to make display garments for the store and then keep them and show them to their friends or wear them and enjoy them.

I have, for example, a petition—I have received a lot of calls and letters when this first started being discussed—but I have a petition from some employees in one store in Michigan who heard about the fact that we were trying to modify this program and permit it to go forward.

I ask unanimous consent, Mr. President, that a copy of this petition that is signed by a number of employees be printed in the RECORD.

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

JUNE 1, 1990.

We, the undersigned, who are employees of Minnesota Fabrics #613 (Warren, Michigan), would like to express our outrage at the elimination of our model garment program. We have been compared to "sweatshops" and we would like to make it quite clear that this is a misnomer.

(1) This program is a voluntary program. Some employees choose not to make items, be it for personal reasons or disinterest. Many of the employees are delighted to make craft items or garments. We are willing to put our time in because we enjoy sewing and learning new and more efficient methods of construction.

(2) We consider this program to be a truly wonderful benefit of our job. We get to experiment with new materials, patterns, accessories, and methods. It is most certainly to our advantage that we get our materials at no charge. We are able to update our wardrobes, where some may be lacking because of the expense. We are able to make things as gifts, where maybe we would have been very reluctant because of the cost and time involved.

(3) It is to our advantage and the store's to make our model garments. We are walking advertisements for our merchandise. We are able, first hand, to know if a fabric is suitable, durable, and compatible with our needs. We are able to help our customers with quirks, problems, or advantages of certain patterns. Customers are able to see garments

in a variety of sizes, too. It often is very difficult to picture a garment in a size 16 or 18 when the garments that are sent in and the pattern books are only showing them in svelte sizes.

(4) The model garments we make are often characteristic of our region and a reflection of our customer's needs. We reflect a broad cross-section of people. One store may cater mainly to professionals who are looking for suits, maybe dry-cleanable and made by dressmakers. Another area caters to working women and homemakers looking for easy care fabrics and styles that they can make for themselves and their families. It is not uncommon for customers to inquire, comment, and compliment us on garments that have long been down from displays. We see the needs of our customers and we do our very best to accommodate those needs.

(5) Our store is "personalized" by our model garments. When a customer walks into our store now, it is nearly void of "personality". Now we are fixtures, fabrics, and signs. No longer do customers walk in the door and "tour" the store! The few garments that have been sent in are too basic, poorly constructed, unstylish, and uninteresting. Our customers also can see the same garments at every store in the district! Rarely do they stop and "check them out", ask questions, or choose to use the same patterns and fabrics. Our customers see the pride we have put into our own model garments. They often take ideas away with them and/or want to duplicate them.

In conclusion, we feel strongly that for the opinions of a few, we are being deprived of a fine program. It is a program of which we are very proud! We enjoy it a great deal, see it as a substantial "perk" to our job, and maintain that it is a necessity to the advertising and the selling of our products.

LYNNE A. SETLAK
(and 12 others).

Mr. COCHRAN. Mr. President, in essence, what these employees are saying in their petition, which is a request for reinstatement of this kind of program, is that this is a voluntary program. Some employees choose to make clothes. Some do not. Many of the employees are delighted to do this. "We are willing to put our time in because we enjoy sewing and learning new and more efficient methods of construction. We consider this program to be a truly wonderful benefit of our job." And then they go on and talk about some of the other aspects. Customers are able to see the garments in a variety of sizes. They talk about how most model garments are in very small sizes, whereas most average people may be bigger than the small sizes that are displayed in a lot of the retail merchandise stores that we are normally accustomed to seeing. They say this is really a characteristic that is appreciated by many customers.

In conclusion, I am going to quote from the petition—

*** we feel strongly that for the opinions of a few, we are being deprived of a fine program. It is a program of which we are very proud! We enjoy it a great deal, see it as a substantial "perk" to our job, and maintain that it is a necessity to the advertising and the selling of our products.

And then a number of employees have signed the petition.

But that is not unlike many of the calls and letters that I have received since I have been working to try to restore this program. The American Home Sewing Association has been in contact with me. A number of stores in my State enjoyed this program. Now they are, in effect, out of business. The stores are not as attractive, I am told, and it is a shame that these employees cannot voluntarily engage in this home sewing program that supplements their ability to provide for their own needs. It deprives them of opportunities to learn new ways of making clothes to benefit their families.

So it seems to me, Mr. President, that this is a very harmless exception to make to their Fair Labor Standards Act. I know the hue and cry that rises from the union leadership when you make any exception to the Fair Labor Standards Act. We cannot get anywhere in talking about a voluntary agreement or a change in these regulations that would be recommended by those on the other side of the issue to the Department of Labor. So the Department of Labor will not move on it. They do not want to get confronted with a big, long, drawn-out confrontation over this small issue because it, to them, is a very small issue. To the people involved, it is a very important issue.

So I bring it up again, Mr. President, in hopes that we can agree to make this modest change. It is not going to destroy the integrity of the protections of the Fair Labor Standards Act for wage earners, from those in the sewing industry, for the garment plants around the country. It is not going to do any damage to the integrity of those institutions or to that industry or to the workers, to the union members as well.

So I hope the Senate will look anew at this issue today and approve this suggested change, which is very modest. But I hope I have been able to explain it in a way that is understandable to the Senate so that we can agree that it is something that needs to be done.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. I thank the Chair. First off, I will inquire of the distinguished Senator from Mississippi if he will be willing to make me a principal cosponsor of this amendment.

Mr. COCHRAN. Mr. President, I appreciate the Senator's suggestion, and I ask unanimous consent that the distinguished Senator from North Carolina be listed as a cosponsor. I thank the Senator.

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

Mr. HELMS. I thank the Senator and I thank the Chair.

Obviously, Mr. President, I support this amendment and do so enthusiastically. It is a first step toward achieving a full loaf, as the saying goes. This

amendment just makes plain common sense. It allows employees to sew model garments at home which are then displayed at the store, and then the employee owns the garment. The employee loves this program. The store likes it because this is a model for display of patterns and all the other things necessary to sew dresses and other pieces of apparel.

Mr. President, here is how the program used to work before the Department of Labor stuck its nose into it: A retail store would decide to give several employees some fabric and some patterns and the employer would say, "If you sew this at home, we will display it at our store for a few weeks or a few months and then you can have the dress." Obviously, as I said earlier, the employees loved this program because it gave them a chance to sew a new dress for themselves. But then the Department of Labor stepped in and said, "Oh, no, no, no, you cannot do that."

You have to keep records and pay minimum wage and all the rest of the Federal bureaucratic gobbledygook. This is a result of the current ban on home work in women's apparel. Well, of course, the employers do not want to go through all of that redtape—so the program falls. They stopped programs that were such a benefit to the employees and beneficial to the store itself because it helped focus attention on the fabric and all the rest necessary for making the dress.

It seems to me, as the Senator from Mississippi so eloquently said, we should be encouraging this type of program, not discouraging it. This program was a benefit to the employee because the employee was able to keep the dress, and furthermore, the employer provided the material for the garment at no cost to the employee.

I do hope Senators will approve this amendment, because it is a good one. I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. COCHRAN. Mr. President, an effort is being made to resolve the amendment that I had just offered on the Model Garment Program, and while negotiations are underway, we are willing to go forward with a couple of other amendments that we could proceed to consider that would not require any roll call votes.

So I ask unanimous consent that the Cochran amendment be temporarily laid aside so we can proceed to other business.

The PRESIDING OFFICER (Mr. DIXON). Is there objection? Without objection, it is so ordered.

AMENDMENT NO. 1117

(Purpose: To require the Secretary of Education to treat certain States as being in compliance with certain regulations with respect to Impact Aid)

Mr. COCHRAN. Mr. President, on behalf of Senator DOLE, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Mississippi [Mr. COCHRAN], for Mr. DOLE, proposes an amendment numbered 1117.

Mr. COCHRAN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 54, line 4, insert before the period the following: "Provided further, That the Secretary of Education shall treat States as being in compliance with the regulations under section 5(d)(2) of the Act of September 30, 1950 (Public Law 81-874), if such States utilize equalization formulas, based upon the wealth-neutrality standard as contained in section 222.64 of title 34, Code of Federal Regulations, that the Secretary has not previously determined to be in noncompliance with such regulations.

Mr. DOLE. Mr. President, the recession and rising program costs have created education budget crunches for many States. Kansas is no exception. Only last Sunday, Kansas' top expert on financing elementary and secondary education for the last 25 years, Dale Dennis, stated in a newspaper article that "It's the toughest year I've been through." Now I understand that a reinterpretation of regulations under the Federal impact aid law may make it even tougher.

Impact aid compensates the States for increases in student populations and/or loss of property taxes due to a Federal presence. To ensure that Federal money is properly distributed to affected districts, States are required to develop equalization systems. In 1974, a colloquy on the subject between myself and my friend, the senior Senator from Rhode Island [Mr. PELL], pointed out that it would be extremely difficult to develop one definition or formula with which every State program would be in conformity. Instead, the colloquy suggested that the head of Education, the Commissioner at that time, be granted the latitude to only, and I quote, "Determine individually whether or not a State has 'an equalization program,' taking into account the major aspects relating to both expenditures and local effort." Although I have seen no study or review, the Department's recent reinterpretation of these regulations has moved toward a single definition. It seems to me that

the Department is getting a little ahead of itself, and forgetting that the purpose of these equalization formulas is to eliminate windfalls to federally impacted schools.

The proposed reinterpretation would present rural States, such as Kansas, with significant hardship because it allows no flexibility to adjust the formula for a district's wealth. For example, Kansas' formula takes into consideration both the tax base and student expenditures. This enables poor districts to receive State aid, while wealthier districts receive less. By ignoring the tax base of a district, the new interpretation would require that State aid be spent on our wealthier districts because these districts' pupil expenditures are greater than the Department's aid benchmark. As these districts also happen to be the largest districts in Kansas, little State-aid money would be left for truly needy districts.

And rural districts need State aid the most—smaller teacher-to-student ratios boost per-student expenditures anywhere from \$3,000 to \$5,000 above the national average. Kansas could only comply by consolidating districts to provide more cost-effective teacher-to-student ratios. However, such compliance would require that rural students ride a bus for 45 miles or more each way. In some areas, I am told, the communities are so far apart that students would have to be flown to school. That would not save any money—not to mention that pulling out these schools will turn affected areas into ghost towns.

Mr. President, to this Senator's knowledge, there has not been any allegation by anyone that this equalization formula has been abused, has resulted in any unfairness, or has been in conflict with Congress' purpose. As congressional intent is nevertheless being forgotten here, it's necessary to ensure that States which have operated within the principles of impact aid not be needlessly penalized by this reinterpretation. I would like to send the following amendment to the desk.

Mr. President, this amendment would provide that at least for this fiscal year, my State's impact aid funding is not threatened in the middle of this formidable challenge to our educational system. I appreciate the support of my colleagues in this matter.

Mr. HARKIN. Mr. President, we have no objection to the amendment on this side.

Mr. COCHRAN. Mr. President, the amendment has been cleared on this side.

The PRESIDING OFFICER. All time is yielded back. The question is on agreeing to the amendment.

The amendment (No. 1117) was agreed to.

Mr. COCHRAN. Mr. President, I move to reconsider the vote.

Mr. HARKIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1118

Mr. COCHRAN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Mississippi [Mr. COCHRAN], for Mr. HATCH (for himself and Mr. HELMS), proposes an amendment numbered 1118.

Mr. COCHRAN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 19, line 5, after the number 3302 add the following: "Provided further, That of the amounts made available under this paragraph to the Health Resources and Services Administration, the Secretary of Health and Human Services shall, after consultation with the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate, transfer \$2,900,000 to carry out Section 339 of the Public Health Service Act".

Mr. HATCH. Mr. President, I rise to offer an amendment to the bill today. My amendment is a simple one. It will allow for the continued funding of the managed health care services in the home demonstration programs that are currently ongoing in five States. These States, Hawaii, South Carolina, North Carolina, Mississippi, and my own State, Utah, have undertaken the task of demonstrating this unique concept of health care. They have been funded for the past 3 years but need the funding for an additional 2 years to complete the demonstration and give us an adequate report on how the program worked. Three years is simply not an adequate time period to conclude this demonstration. The first year is spent in organizing the program and getting the staffing up to the proper levels. The second year is a productive year in finding the target population in need of the services and beginning the work called for in the demonstration. If we cut off the program after the third year the staff will start to leave in search of other employment and all we would only have 1 year of actual service to base our information for future decisions on the program. I have spoken at length to the people involved in the program and they strongly feel that a full 5 years is needed to adequately demonstrate the need for managed home health care services.

Mr. President, I want to spend a few moments on the reason that I am on the floor today defending the managed health care services in the home program. The sad truth of the matter is that all to many of our young children, and a great many of our elderly people, do not have adequate access to proper

health care. There are many reasons why this occurs. The managed health care services in the home program was devised to see if there was a way to bring the necessary health care to these people. Some of the initial reports have been encouraging. We are seeing some real success stories out there. Now is not the time to stop this important demonstration. I am fully aware that we are faced with tough economic decisions in every spending bill we debate. This is a particularly tough one since it affects the vast majority of Americans. I am supporting a concept that I believe has true merit. It not a large sum of money in the whole scheme of things, but is a great deal of money to the people who are receiving the services provided in this demonstration. I urge my colleagues to give this program a fair test and fund it for this year and the final year in fiscal year 1993. If the reports are as favorable as we think they will be, then there will be a time when every Member of the Senate will be supporting this innovative concept in health care.

Mr. HARKIN. Mr. President, we have no objections on this side.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Utah.

The amendment (No. 1118) was agreed to.

Mr. COCHRAN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. HARKIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1119

(Purpose: To insure a fair distribution of AIDS care grants. To allow for funds to be distributed to the States relative to the number of HIV cases in each state)

Mr. HARKIN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Iowa [Mr. HARKIN], for Mr. SMITH, proposes an amendment numbered 1119.

Mr. HARKIN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 22, line 19, insert before the period a semicolon and the following: "Provided further, That it is the sense of the Senate that none of the funds appropriated pursuant to this paragraph for "counseling, testing, and partner notification grants" in connection with the human immunodeficiency virus shall be distributed pursuant to title IIIA of the Ryan White Comprehensive AIDS Resources Emergency Act of 1990".

Mr. SMITH. Mr. President, my amendment would express the sense of

the Senate that funds distributed for AIDS counseling, testing, and partner notification be distributed pursuant to preexisting formulas, rather than the mechanism contained in the CARE bill. The CARE formula would result in reductions for 40 States, including my own State of New Hampshire, which gets 16 cents on the dollar under the Ryan White bill.

My amendment not only protects States without metropolitan areas and with cities containing less than 2,000 AIDS patients, but it protects AIDS patients who do not live in these areas. AIDS is a problem not only in the big city. Small cities, suburban, and rural areas are not immune to the disease.

This amendment is only a sense of the Senate amendment, but I believe it puts the Senate on record more forcefully on behalf of the proposition that AIDS money be distributed to the States more proportionately to the amount of AIDS cases in each particular State.

The Ryan White bill was named after Ryan White, a young boy whose struggle with AIDS captured America's heart. Under the first part of the Ryan White bill, however, Kokomo, IN, the community from which Ryan White came would not get any financial assistance. Cities such as West Palm Beach, which has 62 children who are dying of AIDS, would receive no funds, while cities such as Oakland, San Diego, or San Francisco, which all have under 20 cases of AIDS-infected children would be among the 18 eligible cities to receive these large grants.

In sum, Mr. President, the amendment before us will insure that AIDS funds are fairly and adequately distributed in a way which will insure that all AIDS victims in both large and small States can benefit. I urge its adoption.

Mr. HARKIN. Mr. President, this amendment has been cleared on both sides.

Mr. COCHRAN. Mr. President, that amendment has been cleared on this side. We ask that the Senate approve it.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from New Hampshire.

The amendment (No. 1119) was agreed to.

Mr. HARKIN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. COCHRAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Senator from Kansas [Mrs. KASSEBAUM] be added as a cosponsor to the Dole amendment.

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

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Senator

from Wisconsin [Mr. KASTEN] be added as a cosponsor to the Cochran amendment.

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

Mr. HARKIN. Mr. President, I ask unanimous consent that Senator CRANSTON be added as an original cosponsor to the amendment adopted earlier today to establish a prostate cancer research center.

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

Mr. HARKIN. Mr. President, we are working out the Cochran amendment. I hope we will have that resolved shortly.

Again, I say to Senators that we have time limits. We have a limited number of amendments, and the sooner we get the amendments considered and adopted the sooner people will be able to go home tonight. Now, we have a Kerrey amendment, a Ford amendment, another Helms amendment, two Seymour amendments. The Smith amendment was just adopted. Those are the only amendments left.

I hope the Senators will come over so we can take up additional amendments to those being offered by those Senators whose names I just listed. But as long as they stay away from the floor, the longer we are going to be here tonight, Mr. President.

Mr. HELMS. Mr. President, to keep things moving, I send an amendment to the desk which I have discussed with the distinguished manager of bill, the majority and minority leader. I ask it be stated.

The PRESIDING OFFICER. Is there unanimous consent to once again set aside the amendment by the distinguished senior Senator from Mississippi?

Mr. HELMS. Yes.

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

AMENDMENT NO. 1120

Mr. HELMS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The Clerk will report.

The assistant legislative clerk read as follows:

The Senator from North Carolina [Mr. HELMS] proposes an amendment numbered 1120.

Mr. HELMS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

Does he yield time?

Mr. HELMS. Mr. President, I yield myself such time as I may require.

The PRESIDING OFFICER. The Senator from North Carolina is recognized for as much time as he may require.

Mr. HELMS. Mr. President, let me just explain in a few moments what the amendment does. It is the same amend-

ment that the Senate approved to H.R. 2608, the Commerce, State, Justice appropriations bill back on July 30. A motion to table it failed by a vote of 38 to 60. I vitiated the yeas and nays on the amendment and it passed unanimously by a voice vote.

Mr. President, let me begin, as I did in July, by reading to the Senate a hand-written letter that I received from a hard-working, average citizen of North Carolina, who wrote:

Hon. JESSE HELMS: For the past 6 or so years we've been trying to get 3 children thru college. (At one point all 3 at the same time.) Now I find out there was an easy way to have accomplished this. I could have bought each one a gun and sent them out to commit a crime and their education probably would have been paid for. At the same time I learned of this, every governing body that effects us has either already raised our taxes or is in the process, claiming that they have cut all spending to the bare bone. The honest hard working taxpayer is being blasted from all sides while the criminal gets light sentences, early release, lawyers paid for, air conditioned cells with color TV and carpet; plus a college education. It is no wonder we're having a crime wave. The better it is made for them, the more crime you're going to get.

Please answer one question for me, Why?

BILLY TETTERTON.

PLYMOUTH, NC.

I might add, Mr. Tetterton is a small businessman who works hard and pays his taxes. He does not understand a lot of things that go on in Washington, DC, just as this Senator does not understand a lot of things that go on in Washington, DC.

Billy Tetterton is the owner of a small restaurant which he has named "The Little Man Restaurant" in Plymouth, NC.

Mr. President, Americans may find it hard to believe—as did I—but criminals are indeed able to receive Pell grants to pay for their college educations while they are in prison. You heard it right: The Federal Government is providing free college tuitions for prisoners at a time when so many law-abiding, taxpaying citizens are struggling to find enough money to send their children to college.

The amendment that is now pending would end this anomaly by making incarcerated criminals ineligible for Pell grants.

Mr. President, I believe that incarcerated persons should not receive Pell grants to pay their college tuition. In H.R. 2707—the Labor, Health and Human Services Appropriations bill—the pending bill—the Appropriations Committee proposes spending \$5,460,000,000 on Pell grants just this year, which is \$14,282,000 less than last year. Discussions concerning this year's reauthorization of the Higher Education Act have also included various proposals to increase the maximum Pell grant a student can receive from the current \$2,400 to as much as \$4,500. Some are even asking that Pell

grants be made an entitlement program while other proposals would restrict eligibility for the grants to students in the lowest income brackets—a bracket sure to include most prisoners since the majority of them have little, if any, income while they are in jail.

While I do not know the total amount of money the Federal Government spends on giving Pell grants to prisoners, I do have a newspaper article that appeared a few months ago in North Carolina which indicates that it is a significant amount of money—even by Washington's standards.

Mr. President, I ask unanimous consent that the July 14, 1991, article from the Raleigh News and Observer titled "Inmates Get Student Aid for College Courses" be placed in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. HELMS. According to the article, Mr. President, college professors were sent into four prisons in North Carolina to teach 223 inmates this year. Those prisoners altogether received a total of \$689,246 in student financial aid—\$345,000 of which came directly in the form of Pell grants. How did these inmates obtain so much Federal student aid money? Because the convicts' lack of annual incomes made them eligible for the maximum Pell grant award.

Fortunately for the taxpayers, the cost of tuition in this particular college program was less than the \$2,400 per prisoner the taxpayers could have been forced to fork over. However, the taxpayers were still stuck with paying close to \$1,550 per inmate in the program.

Mr. President, the fact remains that the American people still spent \$345,000 worth of Pell grants for just 223 prisoners from only four prisons in North Carolina. Now if we multiply that amount by all the inmates in every prison all across the country who are taking college courses at Federal expense we are probably talking about hundreds of millions of dollars.

How do we justify this massive expenditure of money to the millions of American taxpayers forced to foot the bill for these inmates' college tuition while the taxpayers themselves are forced to take out thousands of dollars in loans to send their own, law-abiding children to college? The answer is that it cannot be justified.

Mr. President, an article that appeared in the Chronicle of Higher Education this past June 5 notes that several States have discovered that the Pell grant program is a great way to spend less of their own money on vocational rehabilitation for prisoners. Instead of paying for it out of the State's budget, they encourage the inmates to apply for Pell grants.

The article also notes that the practice could become more widespread as

States become squeezed by financial problems and as more States turn prison management over to private companies.

However, Robert Keys, president of John Wood Community College in Illinois, has refused to let his school help prisoners apply for Pell grants as the State of Illinois has asked him to. Mr. Key's refusal is based on his belief that using Pell grants to offset State prisoner rehabilitation spending "does not seem to be consistent with the intent of the Pell grant program." As Mr. Keys said, "if more prisoners receive Pell grants at the State's prodding, that might mean that some deserving student in North Carolina or someplace else doesn't."

Mr. President, I agree with Mr. Keys and I respect him for sticking by his guns. It is important that prisoners be made ineligible for Pell grants now. The number of prisoners in the one program in North Carolina jumped from 158 last year to 223 this year. So, the word is getting around with increasing speed and we can expect that—unless this amendment is approved—more and more inmates will take advantage of this free college education in the future.

I expect Senators will hear arguments about prisoner rehabilitation and sundry other concerns about the poor plight of prisoners. But the fact, Mr. President, is that the Federal Government already spends large amounts of money on prisoner rehabilitation and prison literacy programs. And Congress has already, as part of the Anti-Drug Abuse Act of 1988, denied Pell grants and numerous other Federal benefits to individuals who are convicted of possessing or trafficking in drugs. That act denies any grant, contract, loan, professional license, or commercial license to convicted drug criminals. I see no reason why other criminals, including murderers, should be treated any better.

Mr. President, some may say that the measure of whether prisoners should get student aid should be based on the benefit it provides society; that is, does a diploma change prisoners? Well, the Raleigh newspaper's interview with a 65-year-old student prisoner, David Ellis, was as revealing on this point as it was candid and honest.

Mr. Ellis stated that his college classes seemed like something out of a remedial high school. Mr. Ellis went on to say that one student was kicked out of class when he raised his hand during a test, forgetting that he had scribbled cheat notes all over his wrist and palm. This 65-year-old man—who has been around awhile—also observed that many of the inmates were taking the classes just for so-called gain time—because for every course a prisoner passed, the prison would knock 20 days off the inmate's sentence.

Mr. President, Mr. Ellis made one other comment that I have to admire for its honesty and truthfulness. He said, regarding his tuition assistance, "I really don't deserve this."

I do not mean to be cruel or spiteful, but I think this prisoner is absolutely right, Mr. President.

If one inmate, receiving the largess of this program, can understand the fundamental moral inconsistency in what the Federal Government is doing, then we—the people's representatives—should understand it as well. If we do not, I guarantee you that the criminals will, and do, understand the message this program sends them.

Mr. President, our duty in providing Federal funds for student financial assistance—particularly in this era of budget deficits at both the State and Federal levels—is to first satisfy those seeking a college education who are not in prison. Otherwise, we send a message to the public that if you commit a crime serious enough to be sent to prison you can be rewarded with a free college education—something that thousands of taxpaying, law-abiding Americans are unable to afford.

I reserve the remainder of my time. I yield the floor.

EXHIBIT 1

INMATES GET STUDENT AID FOR COLLEGE COURSES

(By Billy Warden)

In a drab room heavy with stale air one floor below death row, David Ellis leans forward as if to confide a secret.

"I really don't deserve this," he says.

He's not talking about the life sentence he's serving for first-degree sex offense. He's talking about his education. First, taxpayers put Mr. Ellis in prison. Now they're putting him through college.

Mr. Ellis, 65, entered Central Prison on Nov. 4, 1988. A year later he began going to class in a spartan room, just past a row of cramped steel cages.

Shaw University provides the teachers, the materials and the diplomas. Federal and State aid programs provide the money. Mr. Ellis receives a federal Pell Grant, the chief means of financial aid for poor students, as well as several state grants that benefit the poor.

He points out that most prisoners will one day be back in society and will need a college diploma to lead productive lives.

"These programs," he says, "don't hurt anybody."

But they have rankled many. Lt. Gov. James C. Gardner fired off a letter to Sen. Jesse A. Helms this month opposing grants for prisoners.

"I find it outrageous that our government is paying for what amounts to a free college education for criminals," Mr. Gardner wrote. "It sends the message that if you commit a crime serious enough to be sent to prison you can be rewarded with a free college education, something that many law-abiding citizens cannot afford. * * * I would rather see prisoners apply for student loans and be required to pay * * * the government back."

State Sen. Daniel R. Simpson isn't pleased either.

"I am upset about tuition money going to prisoners when I don't think everyone in this

state who isn't in prison and who wants and needs help can get it," says Mr. Simpson a Republican from Morganton.

"First, we've got to satisfy those who aren't in prison. If there's any money left over, and the prisoners want an education, I think that's fine."

Last year, Shaw sent professors into four prisons to teach 223 students. The inmates received \$689,246 in aid, all of which went to Shaw. Inmates usually are eligible for the maximum amount allowed through Pell Grants, \$2,400 a year. Last year the grants, named for U.S. Sen. Claiborne deB. Pell of Rhode Island, accounted for \$345,000 of the aid Shaw received.

DEMAND GROWING

Pell Grants are a federal entitlement program, meaning that a needy college student—generally defined as coming from a family making less than \$35,000 a year—probably can get a grant. For the next academic year, the grants are scheduled to go to 3.4 million students.

The amount Congress sets aside for the program and the number of applicants determines the maximum amount of each grant. The current maximum is \$2,400.

The problem has been that the maximum has not kept pace with inflation. Poor students often take on several loans to make ends meet. Inmates don't take out loans. As one official in the State Department of Correction put it, "What bank, what business would take the risk of loaning inmates that kind of money?"

Exact figures are not available, but more inmates are lining up for Pell Grants, according to the Chronicle of Higher Education.

At Shaw, the number of prisoners using Pell Grants jumped from 158 in 1989-90 to 223 in 1990-91. The overall rise could hinder efforts to raise the dollar value of the grants by increasing the number of hands grabbing for the dollars.

Many students not in prison are counting on grants. Hasoni Andrews is a junior at N.C. State University who depends on a \$7,000 aid package, including a Pell Grant. Last month Ms. Andrews sat before a Congressional committee bemoaning the shortage of grant money.

Is she worried that prisoners using Pell Grants might jeopardize her aid?

"I think the measure of whether prisoners get grants should be what the benefit is to society," she says. "Does a diploma change prisoners, or do they get out and go back to crime?"

GETTING OUT, STAYING OUT

"Nobody," Robert Powell proudly says, "Nobody who graduated from one of our programs and got out is back in prison."

Dr. Powell is the assistant academic affairs officer at Shaw and co-founder of the prison program. In 1983, Shaw, a private, historically black college in downtown Raleigh, started offering a two-year Associate of Arts degree and a four-year bachelor's degree in business management at the N.C. Correctional Institute for Women in Raleigh.

Shaw now offers associate degrees at Central Prison, bachelor's degrees at the Harnett and Eastern correctional institutes, and associate and bachelor's degrees at women's prison.

Since 1983, 167 inmates have received associate or bachelor's degrees from Shaw at ceremonies on prison grounds. But only a handful of the graduates have been released.

Education directors at the prisons say that as far as they know, none of the graduates

released since the mid-1980s has returned to prison. If they're right, that's a zero recidivism rate. The average rate of recidivism in North Carolina is about 33 percent.

Massachusetts also gives prisoners free college educations. The overall recidivism rate there is 50 percent. For men who earn degrees in prison, it's about 10 percent.

Ex-convicts at least have a chance with a degree, Dr. Powell says.

As soon as the prison program comes up, Dr. Powell turns from bureaucrat to impassioned advocate.

"Helping the downtrodden is a part of this university's mission," he says.

The prison program is misunderstood and underappreciated, he thinks.

"We're a black institution," he says brusquely. "The prison is where the black male is. If you want to educate the black men, if you want to reclaim that talent out there, you have to go into the prisons."

"Look, man, it took us a long time to get inside those walls. People told us it would never work. But it does work, Shaw is on the cutting edge."

A BETTER PERSON?

Far from being cutting edge, Mr. Ellis says his first year of Shaw classes seemed like something out of a remedial high school.

One student was kicked out of class when he raised his hand during a test, forgetting that he had scribbled cheat notes all over his wrist and palm.

Many of Mr. Ellis' classmates were in it just for "gain time." For every course a prisoner passes, the Department of Correction knocks 20 days off the inmate's sentence.

Mr. Ellis took four classes. Each class met once a week from 6:20 p.m. to 9 p.m.

After class, Mr. Ellis found himself and his classmates ostracized by other inmates. "The men in the program are looked down on," he says. "People say, 'Oh, you're a sissy,' The black men tell the black students, 'That's a white thing to do.'"

By the second year, the slackers had flunked out or dropped out. The homework that Mr. Ellis took back to his cell got tougher. Shaw's classes aren't as "intensive" as he would like, but Mr. Ellis says he is learning.

Both UNC-Chapel Hill and N.C. State University accept course credits from Shaw, but not all the program's graduates feel particularly erudite.

"I didn't learn a lot," says Lynn Adams, 28. "What you learn you can't really apply to the real world. It's not college-level education. It's more for people who just got their high school GED and want to learn a little more."

Another graduate feels she pushed her life forward with the courses she took at women's prison. Because she wants a "normal life," she would not speak for attribution.

She left prison in 1988 with a bachelor's degree from Shaw. She was trying to start over after being convicted of second-degree murder and serving five years. "I was devastated going into prison," she says. "Being in the Shaw program, I didn't feel so isolated anymore; I got self-esteem."

A month after going free, she landed a job as an administrative assistant. She makes \$20,000 a year, \$5,000 more than she made before going to prison. She got a loan and bought a house. She now supports her high school-age daughter and is working toward a master's degree in public administration.

"I don't think that when I got out, I would have turned to a life of crime without a degree," she says. "But it kept the focus on the positive, and now I can teach my children about striving to be a better person."

Mr. PELL addressed the Chair.

The PRESIDING OFFICER. May I say to the distinguished senior Senator from Rhode Island, as I understand it, the time allocation is 20 minutes evenly divided. The distinguished senior Senator from North Carolina has taken about 2 minutes of time. The distinguished senior Senator from Rhode Island has 10 minutes.

Mr. PELL. I thank the Chair.

I am rising to comment in opposition to this amendment that is before us at this time.

We all know that the prison population in America is soaring. Today we have a higher percentage of our population in prison, in jail, than any other nation in the world except for South Africa. In fact, the United States and China lead the world in the total numbers of prisoners.

Nationwide, the total inmate population has increased fivefold in the past 20 years. In 1970, the population in local, State, and Federal institutions was less than 200,000. As of 1988, that number has gone up to 600,000. In other words, in the short period of 18 years the prison population had tripled.

Today, there are over 1 million men and women behind bars in this country.

The cost of incarceration is enormous. On average, we spend \$30,000 a year to keep a person in jail. In other words, it costs us more to send a person to jail than to Yale.

Education is our primary hope for rehabilitating the prisoner. Without education, I am afraid we are doomed to a recidivism rate of almost 50 percent. In other words, the door into jail will remain a revolving one. With little or no education, a person will leave prison only to commit another crime and be returned to prison. In other words, prisons are becoming schools for crime.

Unfortunately, education in our prisons today is inadequate and underfunded. All too often, the main source of educational assistance is the very small amount of money we provide through Federal programs and in what is available through the Pell Grant Program.

Make no mistake about it, the amount is small. The incarcerated account for only one-tenth of 1 percent of all Pell grant expenditures. That help, however, is crucial if we are to return to society an individual who has the training to get a job and not resort to a life of crime.

Despite the small amount we invest in corrections education, we are making a difference. For those who receive education and training while in prison, the drop in the rate of recidivism is considerable. For instance, graduates of Alabama's largest inmate education program, J.F. Ingram State Technical College, have a recidivism rate that is one-third lower than that of the Alabama prison system as a whole. In Arkansas, for inmates who attain a high

school degree in conjunction with post-secondary vocational training, the recidivism rate is approximately 8 percent.

Mr. President, we can take steps to insure that funds go to those with the best chance of rehabilitation, but I do not believe that we should drop the incarcerated entirely from Pell grant eligibility. In the higher education reauthorization bill we are now putting together, we will exclude from Pell grant eligibility those who are in prison and serving under sentence of death or any life sentence without eligibility for parole or release. We will also make sure that the grant covers only the actual cost of instruction. These are changes, however, that should not be made on this appropriations bill. Rather, we should make them on the authorizing bill, which is precisely how I would like to proceed.

I realize that this is a difficult and highly charged issue. Yet, it is an issue where, if we approve the Helms amendment before us, we will pay an even higher price than we are already paying. I would ask my colleagues to join me in opposing the Helms amendment.

In this regard I ask unanimous consent to have printed in the RECORD two letters which demonstrate the importance of the Pell Grant Program to the incarcerated. One is from the National Association of Student Financial Aid Officers as well as a number of other prominent education organizations and the other is from Robert E. Obenhaus, president of the Microcomputer Technology Institute in Houston, TX.

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

NASFAA,

September 9, 1991.

DEAR SENATOR PELL: The National Association of Student Financial Aid Administrators (NASFAA) and the undersigned higher education associations urge you to reject any amendment to the Labor, HHS, Education Appropriations bill for FY-92 which eliminates from Pell Grant eligibility individuals incarcerated in Federal and State prisons. We believe that this legislation on an appropriations bill is inappropriate and the proper examination of this issue should occur in conjunction with the Reauthorization of the Higher Education Act which will be considered by the Senate later in this Congress.

Beyond this simple jurisdictional argument, we urge rejection of the amendment because it is neither sound education nor sound social policy. It ignores the fact that most incarcerated individuals do not spend their entire lives in prison (only approximately 8 percent of inmates are "lifers"), but are released into society after serving their sentences or are paroled. To deny these individuals a Pell Grant, which can be used to help cover their direct educational costs, and the chance to rehabilitate themselves through a postsecondary education, results in such individuals leaving prison with no further education or marketplace skills. An inmate who does not receive any additional education while in prison is more likely to fall into old criminal patterns. All evidence

shows that recidivism rates are drastically lowered for those who participate in post-secondary education programs while they are serving their sentences.

The amount of Pell Grant funds that are expended upon these persons each year, which in turn enables them to obtain an education, is a minuscule fraction of the cost of maintaining a prisoner for a year which ranges from \$15,000 to \$40,000. This is cost effective education with tangible results, not only for those who receive the educational assistance while in prison, but also for their families. There is a greater benefit to society in terms of reduced personal injury or loss of property for every individual who does not go back to a life of crime.

In the attachment, NASFAA shares with you some correspondence from incarcerated persons who have received Pell Grants in the past and the benefits they describe are worth listening to. Again, we urge you to reject any amendment which restricts eligibility for Pell Grants to incarcerated individuals.

The following higher education associations endorse this letter:

American Association of Community and Junior Colleges.

American Association of State Colleges and Universities.

American Council on Education.

Association of Catholic Colleges and Universities.

Association of Community College Trustees.

Association of Jesuit Colleges and Universities.

Association of Urban Universities.

National Association for Equal Opportunity in Higher Education.

National Association of College and University Business Officers.

National Association of Independent Colleges and Universities.

National Association of State Universities and Land-Grant Colleges.

National Association of Student Financial Aid Administrators.

National Association of Student Financial Aid Administrators.

COMMENTS FROM INCARCERATED INDIVIDUALS ON THE IMPORTANCE OF PELL GRANTS AND THEIR EDUCATION

"I understand that I am in prison for a crime. I am sorry for this but how can I change my life if there are no avenues for me, or others, to pursue? I quit school because of peer pressure and teacher pressure, my own misguided way, yes . . . but this college program is giving me the ability and the confidence to believe in myself. I ask you to keep the "ax" from falling upon the Pell Grants, please give me, please give people the chance to better their lives, particularly those of us who want to and need to."

"I am a graduate student at the University of (name deleted) working toward my Ph.D in an area of theoretical chemistry. Despite the demands of the program and the hectic lifestyle it gives rise to I feel very fortunate to be involved in something truly worthwhile and productive. Had someone suggested that I might be doing (and enjoying) this type of lifestyle only a few short years ago I would have been flattered but hardly in agreement with them. However, it is a reality now and it was made possible only by the moral support of caring people and Pell Grants. I served more than five years in the (name deleted) Correctional System and it was there that I earned my Associates and Bachelors degrees."

"I have a perfect 4.0 average and have been congratulated for making the Dean's List, as

a result of a lot of hard work. Without funding through Pell, this would have never been possible as I, along with the other prisoners here, have no income, nor any way to pay to attend the college classes offered at this and many other prison institutions . . . I had never attended college before, but once I am free (in a few months) I intend to pursue further education at a nearby community college . . . Now, at 30 years old, I can get my degree and have a chance at learning something that I can build on, or make a career out of. Without the opportunity to attend these classes, while incarcerated, on a Pell Grant my future would not hold the promise that it does now."

"All of the individuals who have benefitted from the (name deleted) College Program were only able to do so with the Pell Grant. That the program has been beneficial, as well as worthwhile, I can attest to; I graduated this past June . . . As an incarcerated woman who was given the opportunity to obtain a college education while incarcerated, I can tell you that I am 100% more secure with myself and my chances to successfully reintegrate into our society. The purpose, as I see it, to corrections is to offer individuals in prison a different approach to live productively in our society. College educations offer this in the correction setting. Sir, most respectfully I beseech you to not discontinue that Pell Grant to incarcerated individuals. We desperately need programs like the (name deleted) College program. These programs do far more than just educate, they offer us life; the productive life that will insure our success in society."

"I am a senior . . . My GPA is 3.18 and have received several college honors. Most of these achievements occurred while I was incarcerated. I was released two months ago from prison . . . A person that has college training statistically has less monitoring needs upon release than those inmates who do not have college training. Cutting Pell Grant eligibility will not save money. In fact, removing this educational opportunity from the incarcerated will cost the taxpayer much more in the long run because there would be much higher additional costs to house more inmates and higher monitoring costs when someone is released from prison."

"Pell Grants fund programs in prison that keep inmates busy. We have all heard the aphorism 'idle hands are the devil's workshop.' There is more than a grain of truth in this old saw. One of the largest problems facing prison administrators is that of finding work for inmates. College courses provide jobs for many men . . . They also provide incentives for good behavior because, in many facilities, only men without disciplinary problems are allowed to participate. These programs keep inmates busy and out of trouble, reducing property damage to the facilities and saving taxpayers money. Pell Grants reduce recidivism. They accomplish this by improving an ex-offender's employability, by reducing the reoccurrence of 'bad' behaviors, and by improving social skills. An ex-offender often has trouble finding meaningful work. College programs provide ex-cons with job skills and a proven record of achievement in an environment that is not conducive to self-improvement. These programs teach inmates self-confidence, self-esteem and the healthy value systems that are necessary to survive in today's society. By allowing inmates to see new possibilities, new worlds, they are better able to achieve their goals and not return to their destructive behaviors, because they no longer need to or want to. Programs often improve social

and communication skills and this reduces recidivism by enabling the ex-offender to perform better in the home and workplace, reducing stress and the impulse to commit crime. By reducing recidivism, Pell Grants save the taxpayers untold millions of dollars."

"I am writing this letter to express my concern over the possibility that the Pell Grant for incarcerated persons may be terminated. I am presently a 4.0 student at (name deleted). I really enjoy the program here at the prison. It allows me to get something positive out of a negative situation. The learning I get can benefit me for the rest of my life. I think that it will make my transition back into society much easier. The (name deleted) College Program is the most rehabilitative program here and I know that I am not alone in thinking that cancelling it would be a very counterproductive move toward correcting the behavior of the inmates who are in the program. Also, I'd like to add that the inmates who are in the program are about 93% report free."

"The Pell Grant has allowed me the opportunity to again realize my dreams and goals. I'd previously dreamed of being a history instructor, but those dreams all but evaporated when I was called upon to serve my country during the Vietnam war. We all need the educational financial assistance, because getting an education is the only realistic avenue to improving our social status. Everyone benefits when we have informed, highly motivated individuals seeking to reform their lives. Pell Grants, then, should not be discontinued. Please work to discourage the passage of such legislation. Help us return something to society, even if it's no more than an individual with renewed self-esteem and confidence."

"Most of the people that are incarcerated have little or no education or job skills, the one way that they can obtain these skills is through educational programs at their respective facilities. The cost of this education is minimal when compared to the benefits that may derive from it. There is a greater chance of conforming to the laws for an inmate who educates himself than for one who does not; further for every dollar spent to educate an inmate that succeeds in society once released the amount he pays in taxes as a productive citizen will more than offset the cost of providing him with a Pell Grant. I am presently at the (name deleted) Department of Corrections and am involved in the (name deleted) College program at my facility. I would be unable to participate in this program were it not for the Pell Grant I receive. I also believe that you should know that I am a Vietnam veteran who has a service connected disability and while incarcerated could not go to school were it not for the Pell Grant. I am not the only person in this situation, there are many, and it is these many that will benefit from education, an education they will not receive if they lose their Pell Grants. I further realize that we are the dregs of society and the easiest to attack or remove benefits from. That is one of the reasons that there is such a large recidivism rate, the people who leave the prisons of this country have no job skills; or for that matter societal skills. With the program that is going on here in (name deleted) there is a good chance that many of the participants will become productive members of society. For sure their chances are better than those not participating in this program."

"I had very little education prior to starting classes here. Now that I am obtaining that much needed education I can clearly see

where I have made my mistakes in the past. I now have a viable way to make a clean and honest living thanks to the training that (name deleted) is giving me. This will help me after my release from prison to obtain a legal job and to better serve my community in a fruitful manner. To be a productive citizen is my goal and this is a most promising start in that direction. All of this is due to the Pell Grant. The Pell Grant has brought hope to a man who had no hope of surviving at all. On my release I will be able to find a job that will support my family and I. This will also free a family from the grip of welfare and the fate that befalls the children in that predicament."

"Think about it. Education, now, in prison is far less expensive to taxpayers than the \$26,000+ annual cost of future incarceration. Education and training are necessary to reduce recidivism. Eliminating our use of Pell Grants would effectively condemn us to living on the fringes of society, along with our children, at great expense to taxpayers. The healthy attitude should be to promote our assimilation into the taxpaying workforce. This can only be accomplished by use of the Pell Grant."

MICROCOMPUTER TECHNOLOGY
INSTITUTE,
Houston, TX, August 15, 1991.

Senator CLAIBORNE PELL,
Subcommittee on Education, Washington, DC.

DEAR SENATOR PELL: It has just come to my attention that Senator Helms was successful in passing an amendment that would deny the use of Pell Grants for those who are incarcerated. I further understood that this action was in response to a complaint received from one of his constituents.

Over the past two years, Microcomputer Technology Institute has been selected to provide vocational training at several pre-release prison facilities in Texas. During this time, a number of eligible inmates have received vocational skills in these institutions and have gone on to productive jobs upon their release from prison. It should be noted that graduates from these programs greatly benefited from the Pell Grants which funded their education. I have enclosed copies of letters received from some of these inmates for your interest and review.

I realize that there may be some who believe that an inmate should be denied the educational benefits that have been traditionally available in this country. However, I am not sure that these same individuals are aware of the much greater cost to society when these inmates are not provided with suitable work skills. Throughout this country it costs between \$30,000 to \$40,000 per year to incarcerate a single prisoner. Considering the high rates of recidivism, these figures are then multiplied many times over. The cost of a Pell Grant applied to educational training would seem to be a small price to pay as an alternative to continued incarceration.

What our country needs today are more productive citizens with marketable work skills. However, to now deny inmates the right to these educational opportunities, would seem to be sending them the wrong message. Therefore, I support your opposition to the Helms amendment and would urge you, along with others, to reverse this measure.

Sincerely,
ROBERT E. OBENHAUS,
President.

SEPTEMBER 13, 1990.

MTI—CULINARY FOOD SERVICE

Upon entering in culinary food services, I had a basic skills of this class, and hoped to gain the basic skills of this course also. The class started kind of rough not knowing if or when we would get a teacher.

And we, meaning the class, were fortunate with not only a teacher that is a teacher, but with an assistant that can be a teacher; and the two have gained the respect of all inmates of the class. I feel as if I owe this individual a special thanks for letting me know; there is a way; just open ones eyes and you can be something in life other than being locked up.

And I feel we should all take this time to better our life for tomorrow, because yesterday is gone.

So, I thank you MTI and also Mrs. Davis and Mrs. Webster; for a job well done. Your care and concern has greatly benefited not only myself, but a great many other inmates at the Bridgeport Pre-Release Facility.

Sincerely Yours,

KENNETH RAY GORDON #362891.

(Student at WCC-Bridgeport Pre-Release Facility.)

MARCH 7, 1991.

DEAR SIR: I am writing in regards to one of you employees here at Wackenhut's Bridgeport Pre-Release Facility.

I would like you to be aware of the outstanding job that Ms. Angela Perkins is doing as an Automated Warehousing instructor. Ms. Perkins has undying patience, a vast knowledge of computers, and a great sense of humor. These three qualities combine, I feel, to make her the best instructor in your employ at this unit without a doubt. She has rekindled a flame in me to pursue my education after a long drought. She continues to inspire me and I feel that I can safely speak for others in the same context.

Sir, it is my opinion that her dedication and professionalism should in some way be rewarded if at all possible.

In closing, I thank you for the MTI courses here at Bridgeport and a quality instructor in Ms. Perkins.

Respectfully,

SCOTT A. MOLLETTE.

COLUMBIA UNIVERSITY
IN THE CITY OF NEW YORK,
New York, NY, August 9, 1991.

Hon. CLAIBORNE PELL,
Russell Senate Office Building, Washington DC.

DEAR REPRESENTATIVE PELL: I have been following your views on the President's education initiatives in recent issues of *Educator Week*.

My field of research is the intersection of education law and policy. I have some rather strong, and negative, views about educational choice. Those views are expressed in the first two-thirds of the enclosed draft of a book review of John Chubb's and Terry Moe's book on educational choice. The book review will appear in the *Yale Law Journal* this Fall. I am passing along a copy of the review in case it is of interest to you and those members of your staff who are working on the "choice" aspects of the President's proposal.

Sincerely,

JAMES S. LIEBMAN,
Vice Dean and
Professor of Law.

The PRESIDING OFFICER. The distinguished senior Senator from Rhode Island yields the floor, having assumed

the floor for 1½ minutes of his allocated 10. The distinguished senior Senator from North Carolina has 8 remaining.

Mr. HELMS. Mr. President, I am prepared to yield the remainder of my time.

The PRESIDING OFFICER. I inquire as to whether each of the Senators will yield their time?

Mr. PELL. I am glad to yield back the remainder of my time.

The PRESIDING OFFICER. The time is yielded back. The question is on agreeing to the amendment.

The amendment (No. 1120) was agreed to.

Mr. HELMS. Mr. President, I move to reconsider the vote.

Mr. COCHRAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. COCHRAN. Mr. President, we are making good progress now, and at the present time the pending amendment, as I understand the parliamentary situation, is the Cochran amendment. I can report that we are continuing to try to work on some language that we can agree upon and recommend adoption of that amendment. But, in the meantime, we are prepared to proceed to the consideration of other amendments. There are amendments on the list that have been ordered to be considered before we can get to final passage. We hope that Senators will come forward and offer those amendments.

Mr. KERREY addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the distinguished Senator from Nebraska.

AMENDMENT NO. 1121

Mr. KERREY. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The time allocation is 5 minutes, equally divided. The clerk will report.

The legislative clerk read as follows:

The Senator from Nebraska [Mr. KERREY] proposes an amendment numbered 1121.

Mr. KERREY. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 54, in line 4, insert before the period the following: " , except that any percentage increase or decrease in the cost of an equivalent level of education described in section 3(d)(2)(B)(i) shall be multiplied by two in making such determinations under section 3(d)(2)(B)".

Mr. KERREY. Mr. President, I thank the Chair. This amendment is a rather arcane amendment dealing with impact aid. I believe it has been cleared on both sides. It simply directs that the status quo used for the distribution of impact aid will be maintained. It corrects House language that would, in fact, have us making more rapid pay-

ments but would, in my judgment, create some inequities in the payment.

Mr. President, this amendment ensures that those school districts receiving funding under section 3(d)(2)(B) of the Impact Aid Program—that part of the program which provides supplemental funding to the most needy districts—are allowed to receive a funding level equal to current year costs as is the intent of this section of the law.

This amendment is necessary to clarify provisions that were sent over by the House in H.R. 2707, the bill before us today, and ensure that the payment to the manifold of 3(d)(2)(B) districts in our country reflect their actual per pupil costs. This amendment is necessary to maintain the status quo that was changed by the provisions drafted in the House and which was also submitted to the Congress by the administration in its fiscal year 1991 budget.

The House included a provision in H.R. 2707 that provides for the use of prior year data for all impact aid payments under section 3. This approach, using prior data, has the support of the impact aid community because it will help ensure that all federally impacted districts receiving impact aid will receive their Federal payment earlier. In fact, many school districts do not receive, nor know what their actual payment will be until after a school year is finished.

The House provision allows for the Department of Education to more quickly calculate what amount should be held back for the 3(d)(2)(B) districts and write checks for all the other districts that have "A" or "B" students. However, the problem with the House language is that the very neediest districts that were promised by the program that they would have the highest priority because of the fact that they could not otherwise offer an educational program comparable to other school districts in the State, will be receiving payments that are below their actual cost. Their payment will be based on per pupil costs from the prior year and therefore they will face a shortfall that the authorizing legislation specifically sought to avoid.

This amendment takes the percentage of increase or decrease from old data and multiplies it by 2, to bring it closer in line with current costs.

The Department of Education has seen the amendment, and it is my understanding that it is their view that this amendment will maintain the status quo. Further, the National Association of Federally Impacted Schools [NAFIS] also supports this amendment because it is attempting to maintain the status quo.

It is unfortunate that we have need to address this problem on the floor at this late hour, but it is an effort to correct an oversight that arose due to the change to prior year data under section 3 payments.

Mr. President, I want to thank the managers of this bill for their attention to this matter and look forward to working with them to see that we retain this provision in conference.

The PRESIDING OFFICER. Is there any further comment on this amendment?

Mr. HARKIN. We have no objection to the amendment.

Mr. COCHRAN. The amendment is cleared on this side.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1121) was agreed to.

Mr. HARKIN. Mr. President, I move to reconsider the vote.

Mr. COCHRAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. COCHRAN. One of the Senators who has an amendment is on his way to the floor. Pending his arrival, seeing no other Senator with an amendment, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. LAUTENBERG. Mr. President, I ask further unanimous consent that the bill under consideration be temporarily set aside and that we be permitted to operate in morning business for up to 6 minutes.

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

LOAN GUARANTEES FOR ISRAEL

Mr. LAUTENBERG. Mr. President, I am saddened by a statement just made by the President of the United States within the last couple of hours saying that he is going to veto any legislation approved by the Congress to provide refugee loan guarantees for immigrants going into Israel if it is done before January.

I do not understand his decision to throw down the gauntlet like that instead of working with the Congress, holding discussions with us on issues surrounding these loan guarantees.

There is strong support in the U.S. Senate for extending these guarantees, and I am joining with Senators INOUE and KASTEN to introduce legislation for their approval. I am also circulating a letter to Senate Appropriations Committee members, with Senators INOUE and KASTEN, to ask the President to continue the dialog with Congress despite his announcement today.

I am not going to walk away from our commitment to the Soviet emigres and neither will others in the U.S. Sen-

ate. It is unfortunate that the White House has linked congressional action on the loan guarantees with the peace process. It has created an issue where none existed heretofore.

The request for these loan guarantees has been expected. It has been discussed for more than a year. Very specifically, it was understood that this request would be made in the first week of September. There was not a hint from the White House until last week that it had any concern about the timing of the request. And I am puzzled that the President made this announcement today when leaders in the Senate were reaching out to him and to the administration for a resolution of the differences here.

I do not think that approval of loan guarantees should have been linked to the peace process anyway. Approval of loan guarantees to assist with the absorption of Soviet emigres is a humanitarian issue, not a political issue, and should not be linked in any way to the peace process.

For decades the United States has led the world in appealing for freedom for movement, for freedom for exit by Soviet Jews. Not only did we support Soviet Jewish emigration, but we encouraged refugees to go to Israel by essentially limiting their access to our country. And now we ought to step up and meet our moral and humanitarian commitments.

As promising as developments are in the Soviet Union, we are entering a period of political and economic uncertainty, which has always been a problem for the Jews in that part of the world.

These loan guarantees have been discussed for a year. And given the congressional calendar, lack of action now means that no action will take place perhaps through the entire 1992. Nor has the administration made a commitment saying that it will support these guarantees if there is a 4-month delay.

Soviet refugees have been arriving in Israel at the rate of about 20,000 a month, and over 1 million refugees are expected to emigrate over the next 5 years. That will be an increase of about 20 percent of the population.

We cannot turn our backs on these people when we encouraged and fought so hard for their freedom to emigrate. We had the Jackson-Vanik law. We had other conditions imposed on the Soviet Union that said unless you permit freedom of movement we are not going to do business with you, we are not going to trade with you.

The Congress ought to act to provide this assistance in the near term. I hope my colleagues will join in prompt approval of our loan guarantee legislation.

The legislation is very simple. It says that all costs associated with the procurement of these loans will be borne

by the Government of Israel, not by the citizens of the United States. There will be no cost to the taxpayers.

This is different than when we went to bat for \$7 billion forbearance of loans owed to America by Egypt. And thank goodness she joined with us in the Persian Gulf conflict. Egypt had no damage to property, did not lose a life in that war. They were a good friend and deserved our help and got \$15 billion worth of loan forgiveness from other countries. The American taxpayers shared in that with a \$7 billion forbearance.

That is not what is being asked here. Loans will be made by commercial banks and Israel, again, will cover any costs associated with any origination fees. Through war and peace, Israel's credit record has been 100 percent perfect; never defaulted on a loan; not a dime.

So I regret the President's announcement today and I hope that my colleagues will join me and continue to work for timely approval of assistance to the refugees and that my colleagues and I will be able to continue a dialog with the White House on this issue.

With that, Mr. President, I relinquish the floor. I thank my colleague from California who gave way so I could make this speech.

Mr. HARKIN. Mr. President, I wonder if the Senator will yield at this time?

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, I was leaving the floor, but I wanted to listen to what the Senator from New Jersey had to say. I would like to associate myself with his remarks.

Mr. LAUTENBERG. I would appreciate that.

Mr. HARKIN. I want to be very supportive. Quite frankly, I do believe our whole foreign aid program needs to be looked at, revamped, and many changes need to be made. We have to start looking at what we can do in this country to help our own people. But the matter of Soviet Jews is one area in which we have a deep moral obligation.

I have thought about this.

What we have been telling the Soviet Jews for years, they have been on a ship, held prisoner on a ship in which they have been repressed, suppressed, tortured, imprisoned, and then we told them to jump off the ship. We are sitting down there with all the life boats. Well, the Soviet Jews have jumped off the ship and now we are pulling the life boats away and saying: "Now you have to swim for it."

Is that what kind of country we are? I do not believe so. I do not think that is what the American people meant to do when we said that we were going to help Soviet emigres, that we were going to help the Soviet Jews if they wanted to get out of the Soviet Union. No, we said we were going to support them.

Now the Bush administration says, "We are going to pull the life boats away from you. Swim out on your own in the middle of the ocean." I do not think that is the right course for a powerful, big, and generous country like the United States of America.

Second, I do not think it is right to hold hostage these emigres who have had to endure so much suffering in the Soviet Union, who had to fight their way out, and who had to find their way to Israel after so much difficulty. We said we would not take more here in the United States, forcing all to go to Israel. And now we are saying we are not going to help them resettle. I do not understand that.

We are holding the Soviet Jews hostage to the power plays that are going on with our new friend, Hafiz Assad of Syria. Reminds me of another old friend, Saddam Hussein. Saddam Hussein was Bush's old friend. Now Hafiz Assad is the new friend of this administration and the Soviet emigres are being held as hostages to these big power plays. Again, I do not think that is a right and proper course for the United States of America. So I associate myself with comments of Senator LAUTENBERG. He is right on the mark.

However else one may feel about foreign aid—and I strongly believe we have to revamp it and look at how we can start helping our own people at home—this is one area in which our country has made a commitment in the past and we ought to stick by that commitment.

I thank the Senator.

Mr. LAUTENBERG. I thank the distinguished Senator from Iowa.

I ask unanimous consent that I have just 3 more minutes, as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from New Jersey is recognized for 3 minutes.

Mr. LAUTENBERG. I would like to add to a comment that the Senator from Iowa made. The fact is, as we examine our foreign policy we ought to remember who our friends are. We ought to remember that when we say to Israel there is a precondition to humanitarian aid, what we are doing is helping Israel's opponents become more intransigent.

We are not saying to the hostile Arab countries "Stop the embargo. Take a U.S. passport and treat it as a document, with the respect that it deserves." This says that you are a U.S. citizen and you can go anywhere you want, except in Saudi Arabia and Kuwait and a couple of countries there, where they will not take it if you visited Israel in the process.

What we are doing is aiding the rigidity and intransigence of the Arab position. We are saying Israel has to agree to preconditions, and not Arab countries. It is a mistake in terms of for-

foreign policy. It is a mistake in terms of seeking peace. And it is a mistake in terms of developing America's interest in the area.

I yield the floor.

Mr. HARKIN. I want to add one point, and I know the Senator mentioned it, but I want to make that point again. That is that, unlike other foreign aid when we discuss these guarantees, we are not talking about a gift; we are not giving anything away. This is not a loan, as the Senator said, like the administration just forgave Egypt for \$7 billion of loans to their country, and other countries. It is not this at all. This is simply a guarantee that is going to have to be repaid, and that based on its track record, will be repaid by Israel.

Israel has repaid every loan and made good on every loan guarantee to date.

Mr. LAUTENBERG. Every cent.

Mr. HARKIN. When you have a good credit risk like Israel, and we add our moral obligation to Soviet emigres, then the course of this administration in blocking these guarantees is totally wrong, and I appreciate the Senator's remarks.

The PRESIDING OFFICER. The Chair recognizes the distinguished Senator from Rhode Island.

LOAN GUARANTEES FOR ISRAEL

Mr. CHAFEE. Mr. President, President Bush, as we know, has requested that Congress delay for 120 days Israel's request for \$10 billion in additional United States loan guarantees. The President is doing this in order that his most promising peace initiative be given a fair chance of succeeding. For the first time in history there appears to be a good chance that Israel and its Arab neighbors will be sitting down together at the peace table.

Nothing should be done now that might interfere with that prospect, President Bush said, and I totally agree with him. No individual has worked harder to bring about a peaceful resolution to the troubled Middle East than President George Bush.

In the past year—let us just think about this—in the past year, the United States, indeed the world, went to war to secure stability and peace in the Middle East. From our efforts in the Persian Gulf has come renewed dedication to finding a solution to over 40 years of Arab-Israeli discord. Now, when we are so close finally to getting the parties to sit down together to discuss their differences, is not the time to rock the boat.

I, for one, support the President's request to delay consideration of the Israeli loan guarantee request for 120 days. Furthermore, I am absolutely confident the American people also support the President, President Bush, in this effort.

I thank the Chair.

LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, FISCAL YEAR 1992

The Senate continued with the consideration of the bill.

AMENDMENT NO. 1122

Mr. SEYMOUR. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the pending amendment by the senior Senator from Mississippi will be set aside. The distinguished Senator from California sends an amendment to the desk, and the clerk will report.

The bill clerk read as follows:

The Senator from California [Mr. SEYMOUR] proposes an amendment numbered 1122.

Mr. SEYMOUR. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 29, line 21 before the period, insert the following: "Provided further, That within the funds made available under this heading the Secretary shall, after consultation with the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate, allocate no less than \$60,000,000 will be spent for competitive demonstration projects serving pregnant and postpartum addicts and their infants".

Mr. SEYMOUR. Mr. President, I bring this amendment to the floor because there is no issue that tears at my heart more than that of parental substance and alcohol abuse and its effects on the soon to be born and newborn children. At this very minute, there are babies being born exposed to cocaine. Those babies, through no fault of their own, will face this harsh world of ours at a tremendous disadvantage, and not only will they suffer from withdrawal, mental retardation, and respiratory problems, but their ability to contribute to society later on in life will be adversely affected by these problems I just mentioned.

The most recent estimates, Mr. President, from the California Department of Alcohol and Drug Abuse indicate that approximately 72,000 births each year involve infants prenatally exposed to drug substances, including alcohol. Approximately 10 percent of all deliveries in this country are associated with illegal drug use and, Mr. President, that is a very conservative figure, because I am sure that there are countless drug-addicted mothers out there who do not bother seeking assistance.

This problem is not just a lower-class problem. It is not a minority problem. It is not just a middle-class problem. It is a national problem. As a matter of fact, it is more than a problem, Mr. President; it is a national epidemic, a national tragedy.

In 1985, there were 543 drug-exposed infants born in Los Angeles County. In 1986, a year later, this number increased to 915. In 1987, the number rose to 1,619. Mr. President, this represents, over a 3-year period, an almost 300-percent increase in the number of infants born exposed to drugs in Los Angeles County alone.

Additionally, the Los Angeles County coroner is reporting a number of fetal deaths associated with the ingestion of illegal chemicals. While the drug of choice among pregnant mothers is cocaine, other drugs, such as heroin, PCP, amphetamines, and alcohol have equal, and in some instances, more severe effects on the fetus.

As a matter of fact, heroin addicts are at extremely high risk of contracting the deadly HIV virus and passing it on to their fetus.

Studies have proved that the combination of absent prenatal care and drug abuse have resulted in a marked increase in the number of premature infants born throughout the country. Mr. President, it is for these reasons that I am requesting \$60 million to be exclusively devoted to demonstration programs for pregnant and postpartum addicts and their infants. In my State of California, there is presently a 3-month waiting period for outpatient drug-treatment programs, and an even longer waiting period for residential drug programs.

A large percentage of these women cannot remain drug free without the proper assistance and guidance offered by these programs. The programs that will benefit from my amendment are those that emphasize early identification, education, and intervention, and intervention during pregnancy must include the provision of both prenatal care and drug treatment designed to meet the special needs of these women.

Nationally, approximately 80 percent of pediatric AIDS patients acquire the disease prenatally. In Los Angeles County, that figure is 50 percent. Furthermore, the majority of prenatally acquired AIDS is associated with intravenous drug-abusing women, or women who are sexual partners with IV drug users. Due to the nature of this addiction, it is not possible to address the problems in this population with education alone. I really wish it were that easy.

Mr. President, I also wish to bring to your attention the cost effectiveness of these programs. At Harbor-UCLA Medical Center, a center which I visited, participants in the Obstetrical Substance-Abusing Mothers program [OSAM], delivered infants with fewer complications, lower mortality and morbidity rates, and lower overall hospital stays. A premature drug baby may require several months in a hospital at 3 times the cost; that roughly equates to \$250,000 of taxpayers' money

in the first 6 months of the life of this premature baby.

Mr. President, pregnancy and motherhood are strong motivating factors for women to become drug free. The programs operating under the Office of Substance Abuse Prevention aim to see this goal achieved. I wish I did not have to stand here today on the floor of the U.S. Senate and earmark these funds for these programs, because it is a problem that I wish did not exist.

As I said, I have personally visited pediatric units in private and community hospitals throughout California, and it deeply saddens me to see these helpless beings, newborn babies lying there helpless, struggling for air, their bodies craving that poison that afflicts them mercilessly. Mr. President, it is not their fault.

Mr. President, we can pass all the laws we want on combating drug abuse. Though what we really need to do is educate pregnant women who are abusing drugs; we need to provide them the support of prenatal care and drug treatment, and to free them from a drug-dependent lifestyle to one of a drug-free lifestyle. This way, we will give our children a fair chance at survival.

Mr. President, it is my understanding that my amendment has been accepted by both sides.

Mr. COCHRAN. Mr. President, the amendment of the distinguished Senator from California has been reviewed on this side of the aisle. We recommend that it be approved. It has been cleared.

Mr. HARKIN. Mr. President, I am a strong supporter of the Office of Substance Abuse prevention programs for pregnant and postpartum women and their infants. A couple years ago when I took over as chairman of the HHS subcommittee, the new program was funded at about \$4.5 million.

Since that time, this subcommittee, with help on both sides of the aisle including Senator COCHRAN, has increased that funding to over \$50 million in fiscal year 1991, and about \$60 million in fiscal year 1992. That is about \$5 million more than the President's request.

Senator SEYMOUR's amendment guarantees that OSAP will dedicate no less than \$60 million of its demonstration funds for pregnant and postpartum women and infants. This is consistent with the committee bill. I certainly support that goal, provided that funds do not come out of other important treatment programs, such as the high-risk youth demonstration.

That being the case, the amendment is acceptable to this side.

The PRESIDING OFFICER (Mr. LAUTENBERG). Do the Senators yield back time?

Mr. SEYMOUR. Yes, Mr. President.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1122) was agreed to.

Mr. COCHRAN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. HARKIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HARKIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

RETIREMENT OF WILLIAM H. GRAY III

Mr. HARKIN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Senate Resolution 177 now at the desk.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 177) to honor the accomplishments and express appreciation for a dedicated career in public service of the honorable William H. Gray III, on the occasion of his resignation.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the resolution.

The resolution (S. Res. 177) was agreed to.

The preamble was agreed to.

The resolution and its preamble are as follows:

S. RES. 177

Whereas, William H. Gray III was elected to serve in the United States House of Representatives in 1979 as the Representative of the people of the Second Congressional District in Pennsylvania.

Whereas, William H. Gray has served the people of his congressional district with enthusiasm, distinction and compassion.

Whereas, during his tenure in the House of Representatives, William H. Gray has served with noted excellence on congressional committees including the Committee on Appropriations, Committee on the District of Columbia and the Committee on House Administration.

Whereas, Mr. Gray's service as Chairman of the Committee on the Budget and as a majority whip was especially distinguished.

Whereas, Mr. Gray's legislative acumen and personal affability have rendered him greatly admired and well prepared by his colleagues in the House of Representatives and in other circles throughout the United States and abroad.

Whereas, William H. Gray's participation, presence and leadership will be missed in the Congress.

Resolved, That it is the sense of the Senate that the outstanding legislative and personal achievements of William H. Gray III should be duly recognized.

Mr. HARKIN. I move to reconsider the vote.

Mr. COCHRAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HARKIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, FISCAL YEAR 1992

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. Before the Senator begins, we have a couple of matters that have to be dealt with. Pursuant to a previous order, the amendment on page 60, line 13 through line 7 on page 61, as amended, is agreed to.

The Senator from California is recognized.

Mr. SEYMOUR. Mr. President, the question I had, that amendment you just referred to, is that the amendment that I offered that dealt with pregnant and postpartum addicts and their infants?

The PRESIDING OFFICER. That amendment had to do with Pell grants.

AMENDMENT NO. 1122, AS MODIFIED

Mr. SEYMOUR. Mr. President, my first request would be, with reference to that amendment that I did offer 20 minutes ago having to do with pregnant postpartum addicts and their infants; there was one word we wanted to change, that is, "will" to "to", and that was agreed upon by both sides.

So in that specific amendment I am requesting that in the third to last line where we refer to no less than "\$60,000 will be spent," that be changed to "\$60,000 to be spent."

The PRESIDING OFFICER. Without objection, the amendment is so modified.

The amendment, as modified, is as follows:

On page 29, line 21 before the period, insert the following: "Provided further, That within the funds made available under this heading the Secretary shall, after consultation with the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate, allocate no less than \$60,000,000 to be spent for competitive demonstration projects serving pregnant and post-partum addicts and their infants".

Mr. SEYMOUR. Mr. President, the other reason I have risen was with the

original intention of offering an amendment having to deal with SLIAG funding. But the reality is there is nowhere near the support necessary to make it a viable amendment. Therefore, I would like to dispense with offering the amendment and merely request an opportunity to speak to the matter.

The PRESIDING OFFICER. Without objection, the time agreed to for the amendment will be available for debate purposes, that is, of course, without the amendment being offered.

Mr. SEYMOUR. Mr. President, the amendment that I was going to offer was quite simple. The intent of the amendment would make good on the Federal Government's, this body as well as the House of Representatives and the administration's promise, to reimburse States and local governments for their health care, education and public assistance costs under the Immigration Reform and Control Act of 1986 (IRCA) for the approximately 3 million persons who were granted amnesty under that act.

Under IRCA, the State Legalization Impact Assistance Grant program, commonly referred to as the SLIAG program, was enacted to reimburse State and local government costs of the amnesty program. The law provided for \$4 billion through fiscal year 1994 for this program. Accordingly, States, including my State of California, and communities moved forward to provide the essential services this new population of Americans would access. And they counted on the Federal Government, the promise of this body and the House of Representatives and the administration for reimbursement of the costs of those programs. After all, that was the deal, and that is the law.

Unfortunately, beginning in fiscal year 1990 and again in fiscal year 1991, the Congress slashed SLIAG funding, in effect saying to States and communities "Sorry, guys, the deal is off." Those of us who have served in local government, as I did for 8 years, and at the State level of government where I served for an additional 8 years, can attest to the true impact of a Federal policy that simply shifts the costs of that Federal responsibility onto the shoulders of local communities and States. Especially in the area of immigration and refugee policy where the Federal Government is backing out of its partnership with the States.

Mr. President, I am urging Members of this body to keep one thought in mind: States and local governments are powerless to protect themselves from the consequences of Federal immigration policy which is, by law, the sole responsibility of the Federal Government.

California is home to approximately 1.6 million amnesty recipients. Those amnesty recipients are almost as great

as the entire population of the State of Delaware times 3, 1.6 million.

In Los Angeles county alone more than 1 out of every 10 residents, 850,000 persons in this one county have applied for amnesty. Let us put this number in perspective. The number of persons in L.A. County who have applied for amnesty is 4 times the population of Des Moines, Iowa.

I do not mean to present this in any mean spirited way. The Senator from Iowa and his subcommittee worked very diligently to craft a balanced bill within the parameters of the budget agreement and their task has been a difficult one. I do not envy them at all in that regard. But I must say that as a result of the subcommittee's actions they have made the task of State and local governments even more difficult if not impossible.

The bottom line, Mr. President, what this action means to the State of California is a cost of over \$400 million. You know, State and local governments do not have the privilege we have here. They have to balance their budgets. They cannot throw their responsibilities onto others. That is why SLIAG funding is so important and essential to the fiscal sanity of the State of California, New York, and others who have counted on and budgeted based upon that promise of SLIAG funding. But today, once again, the Congress is deferring its responsibility, breaking its promise and breaking the backs of local governments in my State.

The law provided that \$1 billion would be appropriated for each of the fiscal years 1987 through 1991, for a total of \$4 billion, and it stated that any unexpended funds would remain available for the States through fiscal year 1994 at which time any unexpended funds would be returned to the Treasury.

This second component of the SLIAG agreement, the carryforward authority, expressly acknowledged the fact that as a reimbursement program, not all claims for services provided would be forthcoming in the first few years.

That is where California and other similarly situated States find themselves today. We are now in the out-years of the program, but we have not seen claims for bona fide services disappear. In fact, they are increasing just as IRCA's legislative history anticipated.

The demand for SLIAG-related services are there. Under the law, they must be provided, and—also under law—they should be reimbursed through SLIAG. That is what the States and local governments expect, that is the deal they agreed to back in 1985 and 1986 when IRCA was debated and enacted and the promises were made.

Unfortunately, the Federal Government and the Congress see it dif-

ferently; the Federal Government wants to back out of the deal and wash its hands of the entire matter.

The States were hesitant in the first place to embrace any amnesty program that did not protect them from the spiraling costs associated with this new population, 1.6 million people in my State.

I was serving in the California State Senate at the time, and I can recall vividly the internal debate that took place in our house in the State legislature. We saw the merits of providing amnesty. On the other hand, we feared the fiscal impact of such a policy. I know there must have been similar debates in other States.

Now, California, Texas, New York, Florida, Colorado, and other States are finding that support for SLIAG has ended. It may be true that California is being shortchanged \$400 million this year alone and the other States I mentioned may not be affected until next year. We are being hit with this devastation this year, and I can promise you that perhaps there will be the political will next year when other States are impacted the way my State is being impacted.

But, unfortunately, that impact will not occur until next year so I am left here standing alone.

All those States expect and all my State of California expects is for the Federal Government to pick up its end of the deal so that these same hospitals and clinics and school districts can assure a full level of service to entire communities. In Los Angeles County alone, SLIAG cuts in this bill will force a major reduction in county health services, including major reductions in outpatient clinics and medical and surgical beds.

The ultimate impact of the SLIAG cuts in Los Angeles County will be that the health status of indigent clientele served by the county will greatly worsen, and more people will die needlessly.

California's budget deficit is well known to all in this Chamber. Governor Wilson informs that cutting SLIAG funds will only worsen California's budget woes. Moreover, the impact to communities statewide will be enormous. For instance, consider the fact that:

Pregnant women will not receive prenatal care, health education, nutrition, and child health services so critical to our next generation of Americans and Americans yet unborn.

Pediatric encounters will not be provided, reducing the number of vaccinations, nutritional checks and physical examinations necessary to prevent future health problems for children.

Many elderly patients will be deprived of basic medical care, so chronic and acute diseases like cancer, osteoporosis and other syndromes associated with old age will not be detected at an early and very possibly treatable or manageable stage.

Many outpatient mental health treatment clinics will be closed. Thus, mental health treatment will only be provided to "the most seriously ill," resulting in a high incidence of expensive, 24-hour care.

Probably even more important in the long term, the number of adult literacy classes available in California will dramatically decrease, leaving hundreds of thousands of students—yes, persons that were given amnesty who will become citizens of our State of California and this Nation—without the ability to speak English.

Mr. President, what is going to occur in the future in my State is these hundreds of thousands of amnesty recipients will become citizens in future years, but because of their inability to communicate in English, they will be unable to find a job. They will be on our welfare rolls, which will increase our costs. They do not want that. We do not want that.

But you cannot expect us to do it all alone. You cannot just take \$400 million away from us this year and expect us to provide education and literacy to this population.

Back in the medical area, I find this fact astounding, over 20 percent of all hospital admissions in Los Angeles County are illegal aliens—now legal under amnesty. Mr. President, consider the fact that one out of every 200 babies born in this country is born to an amnesty applicant in one Los Angeles County hospital.

Let us be clear: Cutting SLIAG funds, and eliminating them, total elimination, does not cause the demand for services or the related costs to disappear for those services that were mandated by the Federal Government when IRCA was approved. All it does is shift the burden—unfairly and inappropriately—to a few State and local governments.

When hospitals cannot be reimbursed, when people cannot receive the basic language training they need—and I mean basic; I am talking about 40 hours to learn the English language—I defy any one of us to try to learn a foreign language in 40 hours. So we are not asking much. Forty hours. They are going to be deprived of that—and when outlays for public assistance programs go unreimbursed, it is not a simple case of a legalized alien not receiving a service. There is a ripple effect and everybody in the community must pay.

If we are to cut these funds, then we must be prepared to acknowledge the fact that we are creating an underclass of citizens who will not have the tools to fully participate and benefit in our society.

Now, while rhetorical, the points that I have raised are very real questions that we must confront and for which we will be held accountable should we not fulfill the Federal Gov-

ernment's promise under IRCA. I am not sure, Mr. President, that any Member in this Chamber would like to take credit for that kind of disaster.

Cutting SLIAG gives the Federal Government just one more opportunity to foist yet another fiscal burden on to the shoulders of State and local governments. And that is the bottom line, of which no one can be proud.

What I was going to try to do with this amendment that I found little or no support for was rather simple. I thought it was a logical and altogether fair approach, because the amendment would have called simply for a three-quarters of 1 percent—less than 1 percent—three-quarters of 1 percent reduction across the board in programs in the bill before us and diverts those funds—\$45 million—to SLIAG.

But three-quarters of 1 percent obviously was too much to ask. So I will be back again next year, Mr. President, when more States are then impacted like California. When that happens, there is going to be a greater outcry than just this one voice. And with that outcry will come the votes necessary, I am hopeful, of keeping the promise that was made in funding this program.

I yield back my time, Mr. President.

Mr. COCHRAN. Mr. President, let me simply respond by first congratulating the Senator from California for bringing this problem to the attention of the Senate. And it is a serious problem in the State of California and a couple of other States as well, where the projected drawdown of funds under this grant program that was designed to help alleviate the fiscal problems associated with amnesty for illegal aliens is resulting in some exceedingly serious financial burdens to those States.

Some States have not used all the funds that were earmarked and available for them and, because of that, the committee approved language that is included in its report directing "the department to submit to the Congress"—and I am reading from the committee record now—"submit to the Congress within 120 days a report outlining the extent of the fiscal year 1992 shortfall and options for mitigating program disruption in shortfall States, taking into consideration the needs of States with currency surpluses."

The point is that this is a program that has resulted in a lot of additional costs for health care, for education, and other expenses that the distinguished Senator from California so correctly points out.

The administration requested a rescission of the unused funds in this program, \$1 billion. The committee did not go along with that. We recommend in this bill that that amount simply be deferred to the end of the fiscal year and that the additional funds, if there are any available, be made available within 15 days of the beginning of the next fiscal year. So that is the commit-

ment that is made in this bill to the States like California.

I do not know whether that is going to solve the problem or address the concerns that the Senator has raised here. But it is important that HHS take a look at this, that OMB and the administration seek to work this out, because it is a serious problem. I sympathize with the situation that California finds itself in and hope that there is some way we can resolve it to the satisfaction of the Senator before the next fiscal year comes around.

Mr. BUMPERS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 1116

Mr. BUMPERS. Mr. President, I will be very brief. I just want to comment on the Cochran amendment, of which I am a cosponsor, and say I hope that amendment could be accepted here without a vote. Not that I have any hesitancy about a vote, nor do I have any doubt about the outcome of a vote.

But for purposes of the RECORD, I have checked with a number of people and this has nothing to do with home industries or anything that is going to cause one single person in any industry to lose a job. It is a very common practice, as I understand it. It is a very common practice for fabric shops that have patterns, Simplicity patterns or other patterns, to allow employees in those shops to make clothes at home according to a particular pattern. Maybe it is something they are pushing.

They use the clothes that are made by the employees in that shop maybe in a display window or in displays inside the fabric shop. And after they have received all the economic benefit they can get out of that sort of advertising of those clothes, they give those clothes to the employee who made them.

Frankly, I do not know why anybody—and I do not think anybody does, very much—could object to this. As a matter of fact, it seems to me it is the sort of thing that ought to be promoted.

No. 1, it is an incentive for an employee to do something at home, maybe make clothes for a teen-aged child who is in school, help supplement their income because they know they are going to be able to pass that piece of clothing on to a child. I do not know why anybody would object to that.

So I must confess, I did not know this was a fairly common practice in the United States until Senator COCHRAN

offered this amendment. I remember in a staff conference in my office when this first came up and I asked for an explanation of it, I thought there must be something hidden and not visible. Because it seemed so palpably clear that it was a good idea, there must be some hidden agenda here.

On further investigation, I find there is absolutely nothing hidden; it is a front-on amendment. It makes eminently good sense, and I hope we can accept it, even without a rollcall vote. I think it would be unanimously approved here.

Mr. COCHRAN. Let me thank the distinguished Senator from Arkansas for his comments. I am encouraged, in the negotiations that are underway to resolve this issue, that we may be able to resolve it and accept the amendment with a modification on a voice vote. That is my hope. That is what we are working toward right now.

It seems pretty clear to me that both sides are recognizing this is an issue that does need to be resolved, and this is an appropriate way to resolve it, on this appropriations bill. So in hopes we can complete those negotiations and get the final language set out in a modification, I am happy to pass on that information to the Senate.

This leaves us, Mr. President, with all of the amendments that were listed on the order the majority leader advanced earlier in the day completed, with the exception of the Cochran amendment that is pending, and the Ford amendment. So we, I think, have accomplished quite a bit today.

When the distinguished Senator who is in the chair offered his amendment, that started the ball rolling. The Adams amendment was agreed to, and others began to be considered and agreed to by the Senate.

It seems we are nearing completion of action on this bill. For my part, I want to thank Senators on this side for cooperating with the managers of the bill.

AMENDMENT NO. 1116 TO ACCEPTED COMMITTEE AMENDMENT BEGINNING ON PAGE 9, LINE 10, AS MODIFIED

Mr. COCHRAN. Mr. President, we have worked on some additional language in an effort to modify the Cochran amendment so it will be acceptable and the Senate can vote in favor of it on a voice vote, maybe. In that connection, I send a modification of my amendment to the desk.

The PRESIDING OFFICER. The Chair will order that the modified amendment is in order, and the Senator may proceed with his amendment. The amendment, as modified, is as follows.

On page 9, line 10, strike out "\$231,326,000," and insert in lieu thereof the following: "\$231,326,000, none of which shall be expended by the Secretary of Labor to implement or enforce model garment regulations or model garment enforcement policy promulgated under the Fair Labor Standards Act of 1938

(29 U.S.C. 201 et seq.) Provided, That the model garment program comply with the following:

- (1) The employee's work is voluntary.
- (2) The patterns, fabrics, and notions are provided by the employers at no cost to the employees.
- (3) The employees retain ownership of the model garments after the display period.
- (4) The model garments are in fabrics, styles and sizes determined by the employees to be appropriate for the employees' use.

Mr. COCHRAN. Mr. President, what we are seeking to do with the modification of the amendment is to spell out the specific parts of the regulations that the Senate is approving as appropriate, as an exemption from the Fair Labor Standards Act.

The PRESIDING OFFICER. The Chair was just being certain that the Senator had the right to modify the amendment, and it would be considered in its modified form, and has so ordered that.

So the modified amendment is the one that is now pending.

Mr. COCHRAN. I thank the Chair. The Senator from Mississippi is attempting to explain what the modification is so that Senators will know what they are voting on.

We sent a modification to the desk for the benefit of Senators to spell out specifically the parts of the regulation issued by the Department of Labor that will qualify a model garment program as exempt from the provisions of the Fair Labor Standards Act.

We appreciate the counsel and advice and suggestions from other Senators and members of their staff in crafting this modification so it could be accepted.

I do not know of any other Senators on this side who are seeking to debate the issue. We are willing to have the amendment agreed upon on a voice vote.

Mr. BUMPERS. Mr. President, parliamentary inquiry. The modification is now a part of the Cochran amendment; is that correct?

The PRESIDING OFFICER. That is correct.

Mr. BUMPERS. Mr. President, we are prepared to vote on the Cochran amendment.

The PRESIDING OFFICER. There is time remaining on the amendment. Do both Senators yield back the remainder of time they have?

Mr. COCHRAN. I yield back all the time remaining on the amendment allocated to this Senator.

Mr. BUMPERS. I yield back such time remaining on this side.

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to the amendment of the Senator from Mississippi, as modified.

The amendment (No. 1116), as modified, was agreed to.

Mr. COCHRAN. Mr. President, I move to reconsider the vote.

Mr. BUMPERS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment on page 9, line 10, as amended.

The committee amendment on page 9, line 10, as amended, was agreed to.

Mr. BUMPERS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. MITCHELL. Mr. President, I ask unanimous consent that the vote on the motion to table the Helms amendment occur at 6:30 p.m.; that the time between now and then be equally divided and controlled in the usual form for further debate on the Helms amendment; that upon the disposition of the Helms amendment, the Senate proceed without any intervening action or debate to third reading and to vote on final passage on the pending bill; and that it now be in order for me to ask for the yeas and nays on the vote on final passage.

The PRESIDING OFFICER. Is there objection to the request? The Chair hears none and it is so ordered.

Mr. MITCHELL. Mr. President, I now request the yeas and nays on final passage.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. MITCHELL. Mr. President, Senators should therefore now be aware that there will be two rollcall votes beginning at 6:30 p.m.; one on the motion to table the Helms amendment, then following disposition of the Helms amendment a vote on final passage of the bill. Immediately thereafter, the Senate will proceed to consideration of the Interior Department appropriations bill, and I will have a further statement to make with respect to the schedule at that time.

I thank my colleagues.

I suggest the absence of a quorum.

Mr. FORD. Will the majority leader withhold.

Mr. MITCHELL. I withhold my request.

Mr. FORD. Mr. President, one of the amendments that was not included in the unanimous consent was an amendment that I wanted to bring up this evening on this piece of legislation as it related to Medicaid and the new regulations that have been promulgated by HCFA that will go into effect on January 1, which would cause a great deal of hardship as it relates to Medicaid payments within many of our States. Two hundred seventy thousand

underprivileged and those in poverty in my State receive help as it relates to health care.

Under the legislation that we passed, that OMB has now set some figures on, it came out of Congress with CBO figures, but once it becomes law the OMB figures are used. They are now increasing—from \$500 million to \$1.5 billion, now \$2 billion it is going to cost the Treasury. And, of course, if it is scored that way, it would mean we would have to have a sequester, and none of us want that at the end of the fiscal year.

There will be a colloquy between the distinguished senior Senator from Texas, the chairman of the Finance Committee, and myself that will accompany this piece of legislation and it will be offered, hopefully, before final passage of the legislation.

Some of my colleagues have been interested in moving forward with this amendment. I think it has a sufficient number of votes to pass, probably pass overwhelmingly. But under the circumstances with the scoring that OMB now said they will use, it means a sequester on all domestic programs, and I do not think any of us want to be placed in that position. It is another way to eliminate help for the underprivileged and those in poverty by the administration.

I regret it very much and look forward to the colloquy and maybe a stand-alone piece of legislation that we could pass out of the Senate and send a message before we leave for the year.

Mr. President, I suggest the absence of a quorum.

Mr. HELMS. Mr. President, will the Senator withhold?

The PRESIDING OFFICER. Will the Senator withhold?

Mr. FORD. Yes.

Mr. HELMS. I thank the Senator.

AMENDMENT NO. 1114, AS MODIFIED

Mr. HELMS. Mr. President, may I inquire of the situation. I have been in an Ethics Committee meeting.

The PRESIDING OFFICER. The parliamentary situation is there is a motion to table the Helms amendment that is to be voted on at 6:30. Between this time and 6:30 the floor is open to the Senator from North Carolina. Thereafter, there is a vote on final passage.

Mr. HELMS. I thank the Chair. Does that mean that I have 5 minutes or 4 minutes?

Mr. MOYNIHAN. May I share one of those?

Mr. HELMS. Certainly.

Mr. MITCHELL addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. MITCHELL. If I might respond, the agreement provided that the time would be equally divided on the two sides, whatever time remains.

Mr. HELMS. I see.

Mr. MITCHELL. The Senator would be entitled to half the remaining time and Senator MOYNIHAN the other half.

The PRESIDING OFFICER. At this point Senator HELMS has 2 minutes, 30 seconds, and the opposition has 2 minutes, 30 seconds.

The PRESIDING OFFICER. The Senator from New York.

Mr. MOYNIHAN. Mr. President, I have moved to table the resolution of my friend—

Mr. HELMS. I did not realize that. I thought the Senator was going to speak. I hope he will withhold. In any event, I do not think it would be in order for him to so move until time has expired.

The PRESIDING OFFICER. Under the unanimous consent agreement, time is to be divided equally between the Senator from North Carolina and the Senator from New York. The Senator from New York is to be recognized for 2½ minutes. The Senator from North Carolina is to be recognized for 2½ minutes. Then there will be a vote on the motion to table.

Mr. HELMS. I see. I thank the Chair.

The PRESIDING OFFICER. The Senator from New York.

Mr. MOYNIHAN. Mr. President, as I said, I have moved to table this amendment for the simple reason that the issue before us is a survey of reproductive, procreative patterns in men and in women, adult, of course, at this time. It is to be carried out by the National Opinion Research Center at the University of Chicago by distinguished social scientists, people who work with the National Research Service, Professor Gagnon, for example, of the State University of New York.

The issues are pressing. The area is one of surprisingly sparse knowledge. We need to know more about how, when, why children are born, why the processes proceed, and particularly we need to know more about the large, growing number of out-of-wedlock births in our country. They are now at 26 percent of all live births, 5 times the rate of 1960.

In one generation we have seen this extraordinary increase. In some cities, Baltimore, for example, the rates approach three-quarters, in some groups three-quarters, in Senator HELMS' State, 26 percent of births, which is the average for the Nation, in my State 30 percent, varying among our States, varying in the world. Japan has 1 percent.

This is something we need to know more about, learn in a dispassionate, scientific survey. That is what will go forward and that is why we hope in the bill, the managers will be allowed their wish and the administrations' wish that the National Institute of Child Development will be able to do this work.

Mr. President, I thank the Chair and I thank the Senate.

The PRESIDING OFFICER (Mr. GLENN). The Senator's time has expired. The Senator from North Carolina is recognized for 2½ minutes.

Mr. HELMS. Mr. President, I do not question the statistics. I think they are correct as given by Senator MOYNIHAN. The point is that the present policy of this Government is to encourage young people to think that sex before marriage is OK just so long as it is "safe sex."

However, the Federal Government has one, just one, small program—title XX—that promotes delaying sex until marriage and it is that one small program, which is not funded in the underlying bill.

Mr. President, for those Senators, if any, who may think that the sex surveys which we discussed in detail earlier are not all that bad, I am going to send down to the Republican desk several copies of some of the questions. I ask that they be available for Senators on both sides of the aisle to read what the American taxpayers are being required to finance over the will and judgment of Secretary Sullivan.

I am not going to read any of the questions because I do not want to be responsible for putting such language in the CONGRESSIONAL RECORD. But I say again, any Senator who strongly supports these studies should be willing to at least take a look at what we are talking about so that the public can see what they are being required to pay for.

The bottom line is that under the present system we are encouraging teenagers, whether we intend it or not, to engage in sex just so long as it is "safe sex." On the other hand, the only Federal program, the only activity in the Federal Government, that pleads with young people to abstain from sexual activity until they are married is title XX—and the pending bill does not fund it.

I think the Federal Government ought to fund title XX and that is the purpose of the pending amendment.

Mr. KOHL. Mr. President, this amendment creates for me a difficult choice. It is unfortunate that the limitations of the budget forces us to choose between two worthwhile measures.

The Adolescent Family Life Program is a valuable addition to the compliment of sex education and pregnancy prevention programs funded by the Government. I think the outreach to adolescent males this program has provided is especially important.

However, I strongly disagree with the Senator from North Carolina's characterization of the studies sponsored by the National Institute of Child and Human Development. His characterization of these surveys is wrong, misleading, and malicious.

I am surprised that the Senator is so out of touch with his own constituency at the University of North Carolina at Chapel Hill that he is quoting questions that were deleted from the survey 2 years ago. Considerable effort has al-

ready been spent to develop the questions in these surveys, and that development is continuing at the University of North Carolina and the University of Chicago.

The surveys the Senator attacks have been endorsed by the American Medical Association, the American Public Health Association, the American Psychological Association, the American Sociological Association, and 30 other national health and scientific organizations.

The surveys the Senator calls unscientific have been reviewed by some of the finest minds in the United States. I suggest that those scientists are better able to judge the scientific merit of these surveys than is the U.S. Senate.

We look back at the days of the Scopes monkey trial with embarrassment. And yet we are moving dangerously close to the same intellectual climate where unpopular ideas are shouted down or made illegal.

As I said at the outset, the Adolescent Family Life Program is a valuable program and deserves funding. It can stand on its own merit. We do not need to cloud the issue with misinformation about valuable and much needed research. If we must choose which of these programs to fund let us do so on the merits.

On one hand we have a set of surveys that are needed to guide policy formation for the prevention of adolescent pregnancy and the spread of sexually transmitted diseases. We are now making policy using data that is 40 years old.

On the other hand we have a program that will add a unique and valuable dimension to the programs of Federal sex education.

I understand that this amendment is expected to pass overwhelmingly. I urge my colleagues to work in the conference committee to see that both the AFLP and the NICHD surveys are funded.

I yield the remainder of my time.

The PRESIDING OFFICER. The Senator's time has expired. Under the previous order we move directly to the vote on the motion to table.

On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

The result was announced—yeas 34, nays 66, as follows:

[Rollcall Vote No. 188 Leg.]

YEAS—34

Adams	Dodd	Lieberman
Akaka	Glenn	Metzenbaum
Bentsen	Gore	Mikulski
Bingaman	Harkin	Mitchell
Bradley	Inouye	Moynihan
Burdick	Kennedy	Nunn
Chafee	Kerry	Pell
Cohen	Lautenberg	Riegle
Cranston	Leahy	
DeConcini	Levin	

Sanford
Sarbanes

Simon
Wellstone

Wirth
Wofford

NAYS—66

Baucus
Biden
Bond
Boren
Breaux
Brown
Bryan
Bumpers
Burns
Byrd
Coats
Cochran
Conrad
Craig
D'Amato
Danforth
Daschle
Dixon
Dole
Domenici
Durenberger
Exon

Ford
Fowler
Garn
Gorton
Graham
Gramm
Grassley
Hatch
Hatfield
Heflin
Helms
Hollings
Jeffords
Johnston
Kassebaum
Kasten
Kerrey
Kohl
Lott
Lugar
Mack
McCain

McConnell
Murkowski
Nickles
Packwood
Pressler
Pryor
Reid
Robb
Rockefeller
Roth
Rudman
Sasser
Seymour
Shelby
Simpson
Smith
Specter
Stevens
Symms
Thurmond
Wallop
Warner

So, the motion to lay on the table the amendment (No. 1114), as modified, was rejected.

Mr. HELMS. Mr. President, I move to reconsider the vote.

Mr. GRAMM. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from North Carolina.

The amendment (No. 1114), as modified, was agreed to.

Mr. FORD. Mr. President, I move to reconsider the vote.

Mr. GRAMM. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

COMMITTEE AMENDMENT ON PAGE 25, LINES 5 THROUGH 8, AS AMENDED

The PRESIDING OFFICER. The committee amendment on page 25, lines 5 through 8, as amended, is agreed to.

HEALTH RESOURCES AND SERVICES

Mr. BENTSEN. Mr. President, I would like to engage my distinguished colleague, the senior Senator from Hawaii [Mr. INOUE], in a colloquy regarding a provision in the pending bill (H.R. 2707). Specifically, my concern relates to title II, making appropriations for Health Resources and Services.

I understand that the provision appropriates funding for the creation of an Office of Adolescent Health within the Department of Health and Human Services. The appropriations bill for that Department specifies that \$2 million should be used to establish this office. Would the distinguished Senator please clarify the proposal further? I am particularly interested in hearing more about the source of funding, and whether the Senator contemplates permanent funding of this program. More specifically, would the Maternal and Child Health Block Grant [MCH] Program, authorized by title V of the Social Security Act, be the source of the funding? And is the \$2 million seed money intended to initiate the effort

only, or is the use of title V funds in the nature of a long-term commitment?

Mr. INOUE. I would be pleased to answer my colleague's questions. The source of the funding for an Office of Adolescent Health would be the Federal portion of the title V program used for conducting Special Projects of Regional and National Significance ("SPRANS"). I view the \$2 million as seed money to assist the Department in developing a plan for a Federal role in addressing the needs of adolescents.

Mr. BENTSEN. I thank the Senator. I also would appreciate further clarification about the provision in the appropriations bill.

It is my understanding that the intent of the provision is to make funds available for an Office of Adolescent Health in anticipation of authorizing legislation. Is my understanding correct?

Mr. INOUE. The Senator's understanding is correct.

Mr. BENTSEN. Since the source of the funds to create the Office of Adolescent Health is the SPRANS portion of the MCH Program, and since the MCH Program is within the jurisdiction of the Committee on Finance, I would be interested in knowing whether the Senator contemplates asking the Committee on Finance to authorize the new program.

Mr. INOUE. Certainly, I would be pleased if the Committee on Finance would consider authorizing an Office of Adolescent Health under title V of the Social Security Act. I would like to point out, however, that I am not necessarily seeking the creation of such an office, per se. The appropriations provision is intended to catalyze the Department of Health and Human Services to focus on the topic of adolescent health, and to develop a coordinated, systematic effort in this area. It is not essential to this end that a new bureaucratic entity be created at this time.

Mr. BENTSEN. I thank the Senator for clarifying that. Is it correct to assume that the Senator expects that the Department's efforts in this area be directed by the Maternal and Child Health Bureau within the Health Resources and Services Administration? I believe it is especially important to clarify this point in light of current reorganization efforts within the Department of Health and Human Services.

Mr. INOUE. I agree with my colleague and can affirm his assumption that I expect the Maternal and Child Health Bureau to oversee the Department's efforts to develop a systematic approach to addressing the health care needs of adolescents. And, if an Office of Adolescent Health is established, I would expect that office to be created and administered under the auspices of the bureau.

Mr. BENTSEN. I appreciate my colleague's assistance in clarifying this

provision and I commend his efforts to get the Department to develop a systematic approach to adolescent health. I, too, am interested in the special health care needs of adolescents, and would be pleased to consider authorizing an Office of Adolescent Health within the Maternal and Child Health Bureau.

My colleague from Hawaii has long been a leader in attempting to improve the delivery of health care. And as one of the principal requestors of a study on adolescent health by the Office of Technology Assessment [OTA], he has already demonstrated his concern for adolescents. I joined him in requesting this important work. Unfortunately, the OTA study indicated that many of our Nation's teenagers suffer serious health care problems—such as chronic physical illness or substance abuse—that too often go unattended. To help ensure that older children and adolescents have access to the care they need, I authored a provision that was included in last year's budget act which expands the Medicaid Program to cover all children under age 19 with incomes below the Federal poverty level on a phased-in basis, so that all teenagers will be eligible for Medicaid by the year 2002.

Thus, I agree with my colleague that it would be reasonable to consider the creation of an Office on Adolescent Health which can guide Federal policy on the provision of health care to adolescents. Given the Maternal and Child Health Bureau's expertise in addressing the health care needs of special populations, it is entirely appropriate to consider creating and administering such a program under the auspices of the Maternal and Child Health Bureau.

AMENDMENT NO. 1084

Mr. SIMON. Mr. President, on June 3, 1991, 11 Senate Appropriation Committee members wrote to the Senate Appropriations Subcommittee on Labor, Health and Human Services, Education, and Related Agencies requesting \$1.67 billion in fiscal year 1992, for the Low-Income Housing Energy Assistance Program [LIHEAP]. This modest and necessary increase would allow the program to keep pace with inflation.

On June 28, 1991, I joined 51 of my colleagues in writing to the Appropriations Subcommittee supporting the position of our 11 colleagues. We urged the subcommittee to allow LIHEAP enough funding to keep current services.

We will have to make some tough decisions this month. However, what good are we doing if we are only robbing Peter to pay Paul? There are many effective and beneficial programs fighting for the same limited Federal dollar, but we cannot turn our backs on children and elderly who have chronic health problems because their home doesn't have heat or whose family

must choose between eating and paying the utility bills. LIHEAP is often what keeps families from being tossed out to the streets and becoming homeless.

LIHEAP provides needed heating and cooling assistance to our Nation's increasing poor. Nationwide, about 60 percent of LIHEAP households have annual incomes under \$6,000. For my State of Illinois, a staggering 82.1 percent of households receiving LIHEAP had annual incomes of under \$6,000. For these households a high percentage of their incomes is spent on paying utilities. In Illinois, roughly one-third of LIHEAP households spend more than 12 percent of their incomes on winter home energy bills.

LIHEAP only serves a fraction of eligible households. Approximately 17.4 to 25.2 million households across the country are eligible for LIHEAP assistance; however, only about 5.8 million households are served nationwide. The recession has created an additional 2 million eligible households. In Illinois, only 143,564 households were served in 1990. Many of our country's elderly and disabled individuals are LIHEAP beneficiaries. In Illinois, elderly persons live in 21 percent of the LIHEAP households, and disabled individuals live in 13.6 percent.

The recession hit many individuals and families hard. Cuts in both State and Federal funding of energy assistance programs like LIHEAP compounds the problems that these Americans face. The impact of these cuts on Illinois means that 56,481 households will lose heating assistance. Furthermore, another estimated 9,000 households will lose crisis assistance and weatherization services. In other words, it would be as if we turned off all the heat and the electricity to every house in the second largest city in my home State, Rockford, Illinois, during the dead of winter.

Mr. President, sometimes we get so consumed by the numbers that we forget just what they mean in real terms. To give a face to the numbers, I want to tell you about Ms. Anna Finkley, who bravely told her story to Mrs. Lillian Drummond of the South Austin Coalition Community Council in Chicago, IL.

Anna Finkley's story is typical of a LIHEAP participant. Anna, age 54, lives in Chicago's westside with her mother, age 71. She receives \$165 a month in general assistance and \$102 a month in food stamps. Her mother receives \$407 in Social Security benefits. In order for Anna and her mother to avoid disconnection of their electricity and gas, they must come up with about \$1,500. This is an insurmountable figure. Anna was recently notified that she would no longer be eligible to receive general assistance or food stamps.

In addition to basic expenses, Anna faces growing medical bills due to

health problems and the costs of caring for her elderly mother. Anna has a history of heart disease, relies on oxygen therapy because of an asthma condition, suffers from arthritis, and is undergoing radiation treatment for cancer. In addition to her health problems, Anna is responsible for the care of her elderly mother who has suffered from a heart attack. Anna had applied for SSI, but was denied because the Social Security Administration believed she was able to work. This summer, Anna's outpatient care will no longer be covered by the State.

Needless to say, Anna Finkley and her mother are facing difficult and desperate times. The Finkley's did receive energy assistance last winter, but because of State and Federal cuts, it is unlikely that Anna will receive benefits this winter. Recently, because of the loss of other assistance and mounting medical problems, Anna was forced to choose between paying the utilities, the rent, or eating. This is a choice no one should be forced to make. Anna and her mother have been notified that the electricity and the gas will soon be shut off. All they can hope for is a mild Chicago winter and a miracle.

Because of State and Federal budget cuts, no assistance will be available for the millions of families like Anna's. Like others faced with a similar situation, Anna may be forced to build extremely dangerous fires in her bath tub to keep warm or bring choking charcoal grills into the house to cook their food. Many who have foolishly done this have lost everything to fires and some have died. But the choice is either to chance the high probability of death by fire or face certain death from the cold.

Finally, Mr. President, I would like to commend Mrs. Finkley for sharing her story. Many of those who face similar hardship are too embarrassed and proud to come forward. Still others are so busy just trying to survive, they haven't the time or the energy. The population that this program serves does not have the expertise or the big expense accounts necessary to lobby Congress. Often, they are overlooked. I urge you today to not forget them, and to do what's right—support the Harkin amendment, and if that fails then support the Harkin-Wirth-Rudman amendment.

AMENDMENT NO. 1084

Mr. DIXON. Mr. President, I would like to take this opportunity today to highlight a program which I believe is in dire need of adequate funding—a program for the poor, the elderly, and the disabled.

The Low-Income Home Energy Assistance Program [LIHEAP] was designed to assist the 17 to 23 million disadvantaged households in dealing with skyrocketing home energy prices. Unfortunately, since its inception in 1980, LIHEAP has routinely been under-

funded. Even during its peak funding year, the program was only able to reach a mere one-third of the needy families across the country that so desperately need our help.

Funding for the program has steadily declined in recent years, with a total cut of approximately \$2.8 billion from 1987 to 1992. What that means is, that since 1987, 1 million households have been cut from the LIHEAP program and are no longer able to receive the assistance that they need to ensure that they can pay their winter heating bills, or other equally critical home energy needs. This means that we have cut off 3 million men, women, and children who need our help. This is why the LIHEAP program needs to be adequately funded.

The steady decline in funding has created a huge pool of disadvantaged families which are all competing for the same scarce funds. Eligibility requirements for this program have become very strict. The annual income cutoff in order to receive benefits in my home State of Illinois is set at a mere \$15,875 per year. The typical household eligible for assistance, however, has an annual income of only \$6,000 or less; over 80 percent of the recipients in Illinois fit this description.

But even if a family meets the strict eligibility requirements for benefits, the LIHEAP program can only afford to cover a small portion of a recipient's total energy bills. These households with poor, elderly, or disabled occupants may still have to pay nearly 75 percent of their home energy bills on their own, which can add up to almost a quarter of their total income. In comparison, the average U.S. household spends only 3 percent of its income on home energy. As a result, too often these disadvantaged families must choose between heat and the other basic necessities of daily life, such as clothing for their children or food for the dinner table.

States and local governments have worked hard to try to ensure that the poor and disadvantaged do not have to face such a terrible choice. In Illinois, for example, an effective program called REAPP—the Residential Energy Assistance Partnership Program—has been established to coordinate State and Federal funds to pay energy bills for thousands of disadvantaged Illinois households. Private industry has helped to create and finance weatherization projects and utility fuel funds. And a LIHEAP coalition has been formed in Illinois, comprised of advocacy groups for children and the elderly, labor unions, church and public interest groups, as well as the utilities.

Neither State and local governments, nor the private sector, however, can solve the problem alone. The Federal Government must shoulder its fair share of this responsibility as well. LIHEAP simply must be more ade-

quately funded so that the poor, the elderly and the disabled will not have to choose between food to eat or heat for their homes.

Thank you, Mr. President.

AMENDMENT NO. 1084

Mr. DODD. Mr. President, as we debate the Labor-HHS Appropriations legislation, I want to call attention to a program vital to many low-income families, especially as we approach the winter months—the Low-Income Home Energy Assistance Program. The bill as reported by the Appropriations Committee would have cut the basic LIHEAP funding by \$300 million. The Harkin-Wirth amendment restored \$200 million of those funds. It is based on an amendment, which I cosponsored, originally proposed by Senator RUDMAN. I would have liked to have seen an actual increase in regular funding for a program so important to many Connecticut citizens. All of us, however, understand the difficult task the Subcommittee on Labor, HHS, and Education faced in trying to meet ever-growing needs with a shrinking pot of money. I greatly appreciate Senator HARKIN's vigorous efforts to increase LIHEAP funding over the level approved by the House and his willingness to work with us to find a way to do even more for the needy households that depend on this vital program.

Each year, LIHEAP is literally a lifeline for millions of the most disadvantaged people in this country. It protects very vulnerable families from freezing during the cold winter months and from exposure to dangerous heat in the summer. Substantial cuts in LIHEAP funding, as the committee originally recommended, would jeopardize this lifeline and the health and safety of the families who need it.

The Harkin-Wirth amendment brings total LIHEAP funding to \$1.5 billion. An additional \$300 million is contained in an emergency fund that may be released only if the President makes a formal request to Congress. The amendment also increases the funds available for obligation beginning on October 1 of this year by \$239 million. The bottom line is that more money will be available to the program overall and more will be available immediately to help needy families through the coming winter months.

Last year, as chairman of the Subcommittee on Children, Family, Drugs, and Alcoholism, which oversees LIHEAP, I sponsored the Human Services Reauthorization Act of 1990 to extend LIHEAP's authorization. I can assure my colleagues that when we talk about LIHEAP, we are talking not about a luxury item, but about a basic necessity of life. All too often, the very poor must make a choice between putting food on the table and heating their homes. To make ends meet, many go without heat for a time or resort to alternatives—such as space heaters or

using the stove for heat—that place their families at risk.

Last year, LIHEAP helped over 6 million households—including 86,000 in Connecticut—heat or cool their homes. LIHEAP recipients include many poor children living in households headed by single mothers. Roughly 37 percent of recipients are elderly and 15 percent are disabled persons. Overall, LIHEAP households are among the poorest of the poor—three-fifths have incomes below \$6,000 a year. Yet many of the families who benefit have members who are working, but are unable to quite make ends meet.

But let's not fool ourselves that these are the only households in need and that we have some cushion to cut. LIHEAP funding has been under siege for several years and currently is half a billion dollars below its 1985 level. Last year, LIHEAP served only between 25 and 35 percent of eligible households. Those lucky enough to receive assistance were still in need. On average, LIHEAP covered only about 22 percent of the household's energy costs. For the poorest households in my own State of Connecticut, those energy costs can equal as much as 25 percent of total household income.

I believe the case for restoring LIHEAP funds is compelling. Last year, at a hearing I chaired on the reauthorization of LIHEAP, several LIHEAP recipients put an all too human face on the need for energy assistance. There was Mr. Carlos Dominguez, whose family narrowly avoided homelessness with LIHEAP's assistance. There was Mrs. Ruth Kavanagh, an elderly widow on a fixed income, for whom LIHEAP assistance freed up a little more cash to be spent on food and transportation. Finally, and most tragically, there was Mrs. Ethel Peacock, who only 2 months before had lost three small sons in a house fire caused by a frayed space heater cord. She had never heard of LIHEAP. In her courageous testimony, she said, "You must put more funds into energy assistance. My children should not have to live without heat, lights and water. My three boys did not deserve to die."

I can think of no better justification, Mr. President, for this amendment. Like the cord on Mrs. Peacock's space heater, our so-called social safety net is becoming tattered and frayed. The LIHEAP provisions in this amendment mend it only a little, but they are an important step. Clearly, the task of preserving the safety net will only grow more difficult as we search for solutions to our budget deficit problems. But I remind my colleagues that programs such as LIHEAP—which provides for a basic human need—define our Nation's social conscience. This amendment helps prevent that definition from blurring and is an important statement about our commitment to

preserving this lifeline for needy families.

HEALTH CARE FINANCING ADMINISTRATION

Mr. BENTSEN. Mr. President, I am deeply concerned about the omission of certain funding in the pending bill H.R. 2707. Specifically, I have noted that the bill includes no funds for the survey and certification of health care facilities serving Medicare beneficiaries, and provides drastically reduced administrative funding for the Health Care Financing Administration, which oversees the Medicare and Medicaid programs.

The survey and certification of hospitals, nursing facilities, and other health care providers is necessary to ensure that Medicare and Medicaid beneficiaries receive quality care. A facility that does not meet the certification standards will not be reimbursed for providing care to these beneficiaries. Moreover, the survey process is at the heart of implementing new standards for nursing home care that were established in the Omnibus Budget Reconciliation Act of 1987.

Mr. President, I fully recognize the prerogative of the Appropriations Committee to make judgments regarding funding levels for the administrative expenses of entitlement programs such as Medicare and Medicaid. Nevertheless, as chairman of the authorizing committee responsible for the Medicare and Medicaid programs, I feel I must express my concern about the impact of the decision to eliminate funding for these critical functions.

The committee report clearly states that the bill does not include the \$300 million in funding that normally would be applied to survey and certification activities. Under the Senate appropriations bill, funds for survey and certification would be available only if the President requests congressional designation of a budget emergency and a user fee is not collected. I am not willing to let these quality assurance activities depend on the President's willingness to seek the declaration of a budget emergency, especially when the emergency could have been prevented. Moreover, the "emergency" designation under the Budget Act was not intended to be used for ongoing governmental functions such as survey and certification.

The alternative suggested by the Appropriations Committee is for the authorizing committees to consider a tax increase in the form of a fee levied against nursing homes, hospitals, and other health care facilities providing care to Medicare and Medicaid beneficiaries.

Mr. President, the report accompanying the Senate bill indicates that a technical scorekeeping issue required the committee to reduce HCFA administrative expenses so drastically, and that the committee really intended to cut these funds from the Medicaid Pro-

gram to reflect the Federal portion of survey and certification expenses. The House bill includes the full \$300 million needed for Medicare and Medicaid expenses associated with survey and certification activities. Thus, the Senate conferees will be able to restore funding necessary for these essential activities to ensure quality care for Medicare and Medicaid beneficiaries. I would hope that my colleague from Iowa [Mr. HARKIN], chairman of the Labor/Health and Human Services Appropriations Subcommittee, is as concerned as I am about the quality of care provided to our nation's elderly, disabled, and low-income citizens. I speak today to urge him and other Senate conferees to work toward a reasonable compromise in the conference to protect Medicare and Medicaid beneficiaries by ensuring that the quality of their health care is not jeopardized by a shortfall in funding for survey and certification. Thank you, Mr. President.

FUNDING FOR NIDRR RANDOLPH-SHEPPARD BLIND VENDING FACILITY PROJECT AT HONOLULU INTERNATIONAL AIRPORT

Mr. AKAKA. Mr. President, I ask the chairman's help, on behalf of the Hawaii delegation, in clarifying and elaborating upon language contained in the report of the Senate Appropriations Committee on the pending bill. Specifically, the report refers to funding for a project of great interest to the State of Hawaii: establishment of a national model cluster of blind vending facilities under the Randolph-Sheppard Act at the Honolulu International Airport.

Mr. HARKIN. I will be pleased to do so.

Mr. AKAKA. It is my understanding that the committee expects funds to be expended for this demonstration project out of money appropriated to the National Institute of Disability and Rehabilitation Research in the Department of Education, that the amount of such funds is to be \$250,000 to be provided to the state to do whatever is necessary to defray the cost of planning, developing, and establishing a number of blind vending facilities at the Honolulu International Airport, and that such funds are to be provided to the Hawaii Department of Human Services directly, or through a supplemental grant or cooperative agreement with the Pacific Basin Rehabilitation Research and Training Center.

Mr. HARKIN. The committee enthusiastically supports the provision of funds to the State of Hawaii for this very important demonstration project.

Mr. AKAKA. I thank the Senator. I wish to commend the senior Senator from Hawaii [Mr. INOUE] for promoting this project in committee, and to thank the Senator from Iowa for his strong support. The project will bring new employment opportunities for blind Hawaii residents, and will serve as a national model under the Ran-

dolph-Sheppard blind vending facility program.

SOCIAL SECURITY ADMINISTRATION EXPENSES

Ms. MIKULSKI. Mr. President, would the chairman yield?

Mr. HARKIN. I am happy to yield to the Senator from Maryland.

Ms. MIKULSKI. As the chairman knows, the Social Security Administration is having increasing difficulty administering its programs.

The number of people making initial claims for disability has grown so much that even the agency admits its own budget request will be insufficient to meet the need. The budget request stipulates that even if it gets the \$4.532 billion it has requested, pending initial claims for disability will rise by 80 percent to over 700,000 by the end of fiscal year 1992. In better times, unaddressed requests for disability coverage hovered around 175,000 per year.

Mr. President, that means that 700,000 Americans will have asked for assistance and will not have their needs addressed promptly. And it may be that this backlog of pending requests will be even higher than predicted.

This means disabled Americans may have to wait for as much as six months before they get the assistance they are entitled to from the Social Security Program. This is simply unacceptable. The agency, in documents submitted to the Ways and Means Social Security Subcommittee, specifically says that it needs \$5.1 billion to properly administer its programs.

I urge the distinguished chairman of the Labor-HHS Subcommittee to do all that he can in conference to at least meet the House level for the Social Security Administration funding. I would like to work closely with him and others in the upcoming fiscal year to see what we can do to raise additional resources available to the agency so that it can reasonably and efficiently carry out its responsibilities to the American people.

Mr. HARKIN. I agree with the Senator from Maryland that the needs of the Social Security Administration are great and will do my best to provide a more sufficient level of funding in conference. I would also be happy to work with my colleague on this problem in the coming months to see what can be done to improve this situation.

JOB CORPS

Mr. BURDICK. Mr. President, I want to take a moment to recognize Chairman HARKIN and my colleagues on the subcommittee for the tremendous job they have done regarding the fiscal year 1992 Labor, HHS, and Education appropriations bill. Each year I am extremely proud of the professionalism that accompanies this bill.

I would also like to point out an item in this legislation which I find to be very important. This bill includes funds needed to initiate the Job Corps

50-50 plan. This plan would strengthen and expand our Government's most successful residential employment and training program for poverty youth.

For the past 28 years, Job Corps has proven it effectively turns young lives around through education and training provided on centers. The citizens of North Dakota will soon have a new Job Corps center in the community of Minot to serve poverty youth across our State. We look forward to the results.

Chairman HARKIN, I cannot stress enough the importance of strengthening and expanding Job Corps through the 50-50 plan. This is an initiative that our country needs now more than ever and I look forward to working with you to complete the 50-50 plan in the coming years.

RESEARCH ON CHILD DEVELOPMENT AND SOCIAL POLICY

Mr. DODD. Mr. President, there is an issue which I would like to clarify with the distinguished chairman of the subcommittee related to language contained in the report urging the National Institute of Child Health and Human Development to give priority to funding the Bush Center in Child Development and Social Policy located at Yale University.

The Bush Centers in Child Development and Social Policy have operated for more than a decade at a number of sites nationally, including Yale University. While the work of these centers is indeed meritorious, I understand that they lack the basic biomedical research component that would qualify them for the mission of the Child Health Research Centers program. Furthermore, I understand that the fine work of the Bush Centers falls more directly under section 1110 of the Social Security Act, authority for which is traditionally granted to the service agencies of the Department of Health and Human Services.

Mr. HARKIN. As the Senator from Connecticut knows we, with the leadership of Senator INOUE, have encouraged NIH and all the Institutes to do more behavioral research and NICHD is no exception. Nevertheless I would be pleased to work with the Senator from Connecticut to explore additional funding options such as those under section 1110 of the Social Security Act, priority be given to funding the Bush Center at Yale University.

Mr. DODD. Mr. President, I concur with the recommendation of my friend and colleague from Iowa and join him in urging that the Assistant Secretary for Children and Families give priority to providing section 1110 money to the Bush Center at Yale University. I want to thank the distinguished chairman for clarifying this matter and for his continuing commitment to quality research on issues affecting children and families.

AMENDMENT NO. 1084

Mr. DODD. Mr. President, I rise in strong support of the Labor-HHS-Education appropriations bill, especially as amended by the committee to expand funding for vital programs including LIHEAP, certain education programs, and childhood immunization. I strongly supported the amendment yesterday to shift greater funding into chapter 1, vocational education, foreign language assistance, and Federal student aid programs. Those increases reflect my belief that education must be a No. 1 priority for this Nation.

I want to commend Senator HARKIN for his outstanding leadership in developing a final bill that responds to the most pressing social needs across the Nation. It is always difficult to determine how best to stretch thin dollars to cover the many unmet needs of American children and families. But this year, that challenge has been more formidable than at any time I can remember. Yet, despite the unprecedented budget constraints, Senator HARKIN and other members of the subcommittee have found creative ways to prioritize and to target funding where it will make the most difference for millions of American families.

As chairman of the Senate Subcommittee on Children, Family, Drugs and Alcoholism and a member of the Education Subcommittee, I have been directly involved in the growth and development of many of the programs funded by this bill—Head Start, the Child Care and Development Block Grant, the Child Abuse Prevention and Treatment Act, and the Low-Income Home Energy Assistance Program [LIHEAP]. Every time we conduct a hearing on one of these programs, the stories pour out. The witnesses sound the same themes, time and time again. They describe the outstanding and proven records of these programs. They also tell the other part of the story: Of the two-thirds of eligible children who cannot participate in Head Start, of the children who fill the child care waiting lists unable to find space with safe providers, of the teenagers whose parents piece together college tuition, of the families who cannot afford to heat their homes when LIHEAP runs out of funds to assist them. So many of our social programs could be described in exactly the same words—they bring direct and immediate improvement in people's lives, they result in long-term societal savings far exceeding their costs, and they serve only a small portion of those in need.

Mr. President, faced with these undeniable facts, I believe our responsibility is to roll up our sleeves and figure out how to reach more families through programs that work. Regrettably, our job is made more difficult by an administration that continues to focus its attention and resources on world problems at the expense of any

real domestic agenda. Too much of our attention in Labor-HHS-Education appropriations is drained by battles simply to protect effective programs from administration-proposed slashing.

Throughout our history, we as Americans have shared a common goal—to make life better for our children than it was for us in our own time. Today—for the first time in our history—America's working families can no longer count on a better life for their children. Caught in a squeeze between changing family demographics, stagnant income, and rising basic costs, families now question whether the American dream is beyond reach.

The 1980's were great for the wealthy, but working people were left far, far behind. I see the ravages of the 1980's throughout my State of Connecticut, and I know my colleagues see the damage across this country. But this Nation needs a President—a leader—who sees it as well. We need a President whose interest in the people of Bridgeport, New Haven, Hartford, Naugatuck, and Windham is as great as his interest in most-favored-nation status for China. As yet another company in Connecticut shuts down and the unemployment lines grow longer, I look with hope to President Bush for recognition of the concerns and needs of families right here at home.

In the meantime, I am pleased with the steps taken by this appropriations bill. Let me take a moment on a few programs of top priority for me and for my State of Connecticut.

The Child Care and Development Block Grant would be funded at \$825 million, which is its full authorization level and an increase of \$93 million over fiscal year 1991. The Head Start Program would be funded at \$2.2 billion, an increase of \$250 million over fiscal year 1991 and \$150 million more than the administration request.

Because of the amendment adopted yesterday, originally submitted by Senator WIRTH, funding levels for chapter 1, vocational education, foreign language assistance, and federal student aid programs has been increased significantly. I applaud this change from the bill reported by the committee. The children of our Nation deserve a seamless garment of programs and opportunities as they grow up, from safe child care to an affordable college education. The final appropriations bill helps to weave that seamless garment.

The Low-Income Home Energy Assistance Program—or LIHEAP—has been the subject of much debate. This program provides home heating and weatherization assistance to low-income families. The administration proposed cutting LIHEAP by \$600 million. The final Senate Labor-HHS-Education appropriations bill, as amended, restores funding. On behalf of the people of Connecticut, I would have liked to see an even greater increase in funds

for this program, but given the budget constraints and the extreme administration proposal, I appreciate the responsiveness of Senator HARKIN and others and believe the final bill is fair.

The bill also includes \$80.5 million for construction and rehabilitation of job corps centers. This will cover the higher than anticipated costs of opening four centers, including the one in New Haven. I am very pleased that we will be able to bring this new program into the state. The New Haven center will provide disadvantaged youth with concentrated training and other services to help them become employed.

Finally, there are many, many ways in which this bill would improve services to children and families. This long list reflects the thoughtful attention of the subcommittee whose members recognized that a multitude of often small programs make a tremendous difference in people's lives.

For example, the bill doubles funding for critical programs to prevent and address domestic violence. Similarly, the states will welcome the \$2 million in additional funding for grants for child abuse prevention and treatment activities, and the \$3 million for outreach to homeless children through mobile medical units—pediatric vans—will reach children otherwise lost to our health care systems.

In addition, the subcommittee's bill significantly strengthens key health programs such as the community health centers and the maternal and child health block grant. In communities like New Haven—where we face very high infant mortality rates—these funds are desperately needed and can be put to immediate use.

Mr. President, when we look back on 1991, the picture will be a mixed one. The people of Eastern Europe have made strides toward freedom and democracy, fulfilling their dreams. But the people of America have faced a growing economic squeeze and often crumbling social services. This appropriations bill has been an important opportunity to address the needs of American children and families directly and to give renewed hope to their dreams. Under tough circumstances, this bill does a good job, and I am pleased to support it.

CHILDHOOD LEAD POISONING

Mr. LIEBERMAN. Mr. President, I rise today to offer my strong support for the childhood lead poisoning prevention provisions that are included in the Department of Labor and Health and Human Services appropriations bill. For decades we have known of the devastating effects of lead poisoning on children. Exposure to even low levels of lead may cause irreversible neurological damage, decreased intelligence, learning disabilities, and disruptive behavior in unsuspecting children. Lead is a stealth disease. The effects of lead poisoning can exist long before any

overt symptoms appear. There are, however, actions the government can and must take to protect our children from the scourge of this stealth disease.

On February 7, 1991, I cosponsored the Lead Exposure Reduction Act of 1991, along with Senators REID, BRADLEY, and JEFFORDS, which would enable us to begin to wage a war against this disease. It provides for a ban on lead in certain consumer products such as paint, food cans and packaging, toys, curtain weights, and foils for wine bottles. The bill also includes a comprehensive program to promote lead exposure abatement by developing better standards for detection of lead levels in blood, studying the sources of lead exposure in children who have elevated blood lead levels, and studying the contribution to blood lead levels from water, air, soil, and paint. This bill was reported out of the Environment and Public Works Committee on August 1, 1991. At the markup, I was pleased to support amendments that would require the disclosure of any known lead hazard in a home at the time of sale or lease, the distribution of information describing the risk posed by lead, and a recommendation that home inspections be conducted at the time of sale or lease. When this bill comes to the Senate floor, I plan to offer an amendment requiring inspection of elementary schools, nursery schools and day care centers for the presence of lead in paint and lead in soil.

The childhood lead poisoning prevention provisions in the Labor-HHS appropriations bill are a critical complement to the Lead Exposure Reduction Act. These provisions expand the number and scope of grants from the Centers for Disease Control so that more States will have the ability to increase the number of children screened and to refer affected children for appropriate treatment. Without a national screening program we will not be able to identify those children being exposed to potentially dangerous levels of lead and remove them from their lead-contaminated environment as early as possible.

In order for national screening to be effective, the public must be educated on the sources of lead in their homes and their environment and the vast benefits of and the means for reducing lead in their environment. Health care providers must be made aware of the importance and benefits of doing routine blood lead screening of the children they care for. The childhood lead poisoning prevention provisions will allow the establishment of a national education program to provide public and professional education on the sources and routes of exposure, the value of screening, and preventive measures to decrease exposure.

The childhood lead poisoning prevention provisions also will provide for a research program to develop improved testing measures that are simple, accurate, and inexpensive to detect lead poisoning in children. In addition, the provisions will support the conduct of a much needed long-term study that will assess the occurrence and prevalence of lead poisoning. Currently it is estimated that between 3 and 4 million children suffer from lead poisoning. However, the studies called for in the provisions and in the Lead Reduction Exposure Act will identify where the greatest prevalence of lead poisoning can be found and to what it is attributed.

The nationwide screening, education, and research programs that are provided in the childhood lead poisoning prevention provisions of the Labor-HHS appropriations bill and in the Lead Reduction Exposure Act are the means to begin to wage a war against the No. 1 environmental disease of young children. Unfortunately, since lead has contaminated our environment for hundreds of years it is ubiquitous and, therefore, the war against lead poisoning will not be a quick and decisive one. Nonetheless, it must begin before we lose even more of our precious resources—our children—to this stealth disease.

CONGRESS MUST BE FISCALLY RESPONSIBLE

Mr. CRAIG. Mr. President, today we are taking action on the Labor, Health and Human Services, and Education appropriations for fiscal year 1992—a bill that provides funding for some of our Nation's most important programs—and, unfortunately, a bill that contains some of Congress' most excessive spending.

While this bill may meet targets set by last year's budget agreement, excessive spending in the out years will greatly contribute to the Nation's budget deficit. The fiscal irresponsibility of this bill does not demonstrate any ability to face the reality of our national debt. This bill is over \$21 billion more than last year's adjusted appropriations, which is an increase of more than 10 percent—a level well over the rate of inflation. How can we get our budget deficit under control when the Congress continues to appropriate at these fiscally irresponsible levels?

There are some excellent Federal programs that promote the welfare of our Nation—for example, the National Institutes for Health, Medicare and Medicaid, Impact Aid, Head Start, Vocational Education, TRIO programs, and employment training. I do not oppose adequate funding for these sorts of programs. However, adequate funding does not mean double-digit percentage increases.

I am very pleased to see the funding levels maintained for Medicare contractors, which covers toll free information lines for beneficiaries and pro-

viders. My colleague Senator BROWN and I worked to get that funding maintained, and language included in the report to require the Health Care Financing Administration to maintain those lines. There are other areas such as increases in funding for medical research in the areas of Alzheimer's disease, cancer, and AIDS. I also strongly support the funding for community and migrant health centers, which are such a vital part of my State of Idaho's health care delivery system.

On April 16 of this year, I testified before the Senate Appropriations Subcommittee on the importance of adequate funding for educational programs critical to the State of Idaho. Any significant increase in existing programs is difficult to justify in light of our large Federal budget deficit. However, existing programs of proven worth must be funded equitably with existing resources. Among the programs I support which have been provided for include Impact Aid, Vocational Education, Head Start, Dislocated Worker Assistance, and TRIO. The track record of these programs is well-established. They have shown their worth over time and deserve adequate funding. In addition, funding has been provided for President Bush's "America 2000" proposal, contingent upon congressional authorization before December 31, 1991. I support these bold new education initiatives, crafted by the President and Secretary of Education Lamar Alexander, and believe they should be given a chance to work.

Some will argue that the funding levels in this bill, especially for education, are too low. I perceive them to be more than adequate—far outpacing inflation. To illustrate this point, the Department of Education's appropriation for fiscal year 1991 was about \$27 billion. This bill would boost that to more than \$30 billion, an increase of greater than 10 percent.

Mr. President, Congress continues to go beyond this Nation's financial capability. If we are going to continue to enjoy the kind of economic growth and stability that allows us to provide these important services to Americans, then we must work toward solving our budget problems. There are a number of rural friendly programs being funded in this bill, which I support. However, Mr. President, the overall excessive spending in this bill compels me to oppose it. Congress must be fiscally responsible.

LABOR DEPARTMENT TEST DEVELOPMENT ACTIVITIES

Mr. HATFIELD. Mr. President, I would like to clarify with the manager of the bill the intent regarding use of employment service national activities funds for contracts with non-State entities for test development research. The Labor Department has undertaken a research program intended to address a number of important issues surround-

ing the use of the general aptitude test battery. These issues were raised in a National Academy of Sciences study and elsewhere. These efforts should be continued and, where feasible, State agencies should be utilized. However, where expertise is not available through the States the Department has flexibility to procure services elsewhere.

Mr. HARKIN. It is indeed our intent that funds may be obligated by the Department of Labor in contracts with non-State entities for test development activities which benefit the Federal-State employment service system.

MEDICAID REGULATIONS

Mr. FORD. Mr. President, I wonder if the distinguished chairman of the Senate Finance Committee might be willing to enter into a colloquy with me about this subject of Medicaid regulations.

Mr. BENTSEN. I would be delighted to discuss this issue with my colleague from Kentucky.

Mr. FORD. Does the chairman share my concerns that these regulations may have a devastating impact on our States and their ability to fund Medicaid services for our neediest families?

Mr. BENTSEN. As the Senator knows, these regulations were just issued today, and the committee has not had time to fully assess their impact on the States. However, it is clear that many States believe that these regulations will require either significant changes or elimination of their Medicaid voluntary contribution or provider-paid tax programs. The doubt arises from the ambiguity of the regulatory language—which you alluded to—and I believe that the Department of Health and Human Services owes it to the States and Congress to clarify the meaning of the regulations. I intend to obtain such clarification from the Department.

For some States, including Texas, the impact of these regulations could be significant. The Committee on Finance has already held one hearing on this issue, and I encourage the States to advise us of the impact of these regulations on their programs as soon as possible. I can assure the Senator that my staff and I will be closely reviewing these regulations and the comments of the States to ensure that congressional intent is followed.

However, I am concerned that OMB will score a cost for an extension of the current moratorium, which would lead to a sequester of many equally vital programs. I do not believe we can risk such a sequester at this point. But I can assure the Senator that we will be listening to the States in the coming weeks to assess the full impact of these regulations on their programs and will take whatever action is appropriate to resolve this issue.

Mr. FORD. I appreciate the comments of my good friend and distin-

guished colleague, the chairman of the Finance Committee, and look forward to working with him to address this issue before the end of the year. In light of the chairman's comments, I will not be offering this amendment at this time.

The Congressional Budget Office advises me that no costs would be scored for this amendment. However, under the Budget Enforcement Act enacted last year, OMB has the final say on the cost estimate for this amendment. I recognize the concerns of some that OMB will score a cost, which would trigger a sequester in domestic programs, and I clearly would not want to be responsible for that. But the fact is, if HCFA is arguing that these regulations merely implement current law and go no further, then extending the moratorium through the end of this fiscal year should have no cost impact. On the other hand, if these regulations do go farther than Congress intended, as I suspect, OMB will certainly be able to come up with a cost.

Mr. President, we need to send a signal to HCFA, today, that Congress intends to deal with these regulations and we will reserve time for our authorizing committee to do so before the interim rules become effective on January 1. We need to send a signal, today, to our States, that they will not have to convene their legislatures between now and the end of the year in order to avoid busting their budgets next January in the middle of their fiscal year. And we need to send a signal, today to the poor families who depend upon these programs to pay for much needed Medicaid benefits, that we will work to ensure that they have access to basic health care.

While I believe that my amendment would have sent such a signal, there is simply not enough time to achieve that result. But HCFA and OMB should not take my decision to mean that I either sanction these regulations or will sit by and let them be implemented, thereby robbing the poorest families in Kentucky of basic health care. I am serving notice to HCFA, and OMB, that I will fight to allow my State to continue to find innovative ways to take care of our people.

Mr. President, I will ask unanimous consent that an article by Gov. Wallace Williamson of Kentucky be printed in the RECORD following my statement.

Mr. President, I had intended to offer an amendment to this bill which would have extended through the end of this fiscal year the moratorium enacted in OBRA 90 on final regulations by the Department of Health and Human Services on State Medicaid matching payments through voluntary contributions and provider-paid taxes.

Without this extension, my State, and approximately 30 others, stand to lose millions of dollars next year under interim final regulations issued by the

Health Care Financing Administration today. Under the current moratorium, these regulations will become effective on January 1, 1992, right in the middle of most States' fiscal year. These States simply do not have enough time to adjust their budget to comply with the regulations.

Those States affected by these regulations met earlier today with officials from the Department of Health and Human Services. According to Kentucky officials who attended the meeting, HCFA admitted that the regulations do not necessarily reflect what was intended, but that the Department wants to work with the States on an individual basis to revise these programs. Regrettably, Kentucky's poorest families simply cannot take the gamble of losing \$500 million in Medicaid benefits through such negotiations.

The moratorium we enacted in OBRA 90 was actually an extension, in part, of a moratorium enacted first in 1988, and extended in 1989, on regulations affecting voluntary contribution programs used by the States to generate Federal matching payments under Medicaid to pay for escalating Medicaid costs. Last year, however, we also made it clear that States could use provide-paid tax programs to raise revenues for Medicaid, with an exception to exclude taxes for a provider's cost base for purposes of Medicaid reimbursement. The Department claims that the regulations issued today merely conform and interpret that exception. Based upon the meeting today, my State believes that these regulations go far further.

I ask that the article to which I referred be printed in the RECORD.

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

CHANGES IN RULES ON MEDICAID FUNDING
COULD LEAD TO TAX HIKE, CUTS IN BENEFITS

(By Wallace G. Wilkinson)

This year Kentuckians are celebrating an historic event, the 200th anniversary of our statehood. Two hundred years in partnership with our sister states and the federal government.

This year also marks another anniversary, one that will not be observed with parades, picnics or other festivities. It is the silver anniversary of the implementation of Medicaid—an extension of the state/federal partnership to ensure that the least able of our fellow citizens have access to health care.

Unfortunately, there are efforts underway in Washington right now that threaten to tear apart the very fragile fabric of the 25-year-old Medicaid partnership between states and the federal government.

In 1985, the federal Health Care Financing Administration (HCFA) sanctioned the use of private funds as part of the states' share of Medicaid costs. The concept of using such "provider" fees or "donations" was subsequently included in the Omnibus Budget Reconciliation Act of 1990 passed by Congress and signed into law by President Bush.

Kentucky has led the way in the use of these legitimate, innovative methods of financing health care costs of our citizens. As

a result of legislation proposed by my administration and passed by the General Assembly in the 1991 Special Session, Kentucky has been able to preserve benefits for some 425,000 Kentuckians and extend in-patient hospital coverage to 350,000 more of Kentucky's so-called working poor without additional costs to Kentucky taxpayers.

This fiscal year alone, Kentucky's share of federally mandated Medicaid expansions will cost an additional \$56 million. That figure will rise to \$71 million next fiscal year and surpass \$85 million the year after that. That is how much more it costs Kentucky just to meet our share of Medicaid expenses under existing federal mandates. That is in addition to the \$353 million the Commonwealth already is spending in this fiscal year to match federal dollars.

Provider fees and donations have provided the states with a practical and feasible alternative to meeting the costs of federal mandates. Without them the states would have no choice but to raise taxes on the general public or cut services.

Had Kentucky not used the vehicle of provider fees to match federal dollars, our Commonwealth would have been forced to reduce payments, eliminate coverage or move money from some other needed government program to pay our Medicaid bill.

In this fiscal year alone, Kentucky's provider assessment program will produce \$533 million in Medicaid funds. It is important to note that of the \$156 million being produced by Kentucky's provider assessment program matched with \$377 million federal dollars, not one penny will go anywhere other than to fund Medicaid services for Kentuckians.

Nevertheless, because Kentucky and 38 other states, playing by Washington's rules, are providing additional services through a federally authorized option, there is now a move afoot to squelch these programs, leaving the 50 statehouses with the unpaid bills and a shrug of the shoulders from the White House.

Interim regulations are being rushed through by HCFA to nullify provider assessment and donation programs such as the one passed by Kentucky. If these regulations take effect, this important option for meeting the federal government's mandated expansion of Medicaid will end. HCFA will penalize states for not meeting deadlines for expanded services, while simultaneously turning a deaf ear to governors and legislators who will be forced to raise taxes or cut programs.

These regulations must not take effect. We must speak firmly and loudly against this "renege" by the White House on a law that gave states a much needed funding avenue. More importantly, neither HCFA nor any other federal agency should be allowed to presume that it has any authority to dictate to a sovereign state government which taxes it may impose and upon whom it may impose them.

In simple terms, Washington established the rules of the game and now wants to change them. We cannot let that happen.

Let your voice be heard. We cannot allow the federal government to force states into the same deficit-spending way of doing business that is the norm in Washington. If we do not prevail, thousands of our fellow Kentuckians, indeed millions of Americans, will suffer.

COMMENDING THE SUBCOMMITTEE

Mr. LAUTENBERG. Mr. President, I rise in support of the Labor, Health and Human Services, and Education appropriations bill for fiscal year 1992.

I commend Senator HARKIN, the subcommittee chairman, for putting together this bill. Many worthy programs compete for limited funds in this appropriations bill and the Senator from Iowa had to make some very difficult choices in crafting this bill.

I appreciate the willingness of the subcommittee chairman to include funding for a number of important programs which I requested that are designed to address critical domestic needs.

One of the biggest health challenges of the last decade has been the AIDS epidemic. The AIDS epidemic now affects young and old, men and women, black and white, urban and rural, and has already taken over 150,000 lives. This epidemic, which is now growing at approximately 35 percent per year, has been crippling our public health system for the past few years.

In response to this epidemic and the tragic death of Ryan White, the Congress passed the Ryan White CARE Act in 1990. I was a cosponsor of this legislation that was designed to provide emergency funding for AIDS care, prevention, and education. The bulk of the funding was designed to go to 16 target areas, including Hudson County, NJ, and the Newark, NJ, metro area, and the 50 States.

Recognizing the great need for Ryan White CARE Act funding, I urged Senator HARKIN to include \$440 million for this act in fiscal year 1992. This would have doubled the funding from fiscal year 1991. Given the nature of this epidemic, I believed that this response was appropriate. While this bill includes \$289 million for the Ryan White CARE Act, which is less than my request, it is an increase of \$68 million over last year's level and \$47 million more than the House fiscal year 1992 level. I commend the chairman of this subcommittee for including this increase even though the Labor and Health and Human Services allocation was below last year's level plus inflation and hope that we can work together in the future to provide the highest possible funding for this program.

The \$289 million total for Ryan White programs will provide about a 40 percent increase in funding for AIDS care and education programs in Newark, NJ, and Hudson County, NJ, as well as other hard-hit areas across the United States.

This bill also provides funding for the National Institute of Allergy and Infectious Diseases [NIAID]. The committee report recognizes that minorities have been underrepresented in NIAID's AIDS clinical trials research groups. Recognizing that New Jersey has one of the highest per capita rates of HIV infection and pediatric AIDS, the committee report encourages NIAID to create more clinical trials at the University of Medicine and Dentistry of New

Jersey [UMDNJ] in Newark for research purposes that will benefit women and minorities in New Jersey and nationwide.

This bill also restores a House cut in the domestic refugee and entrant assistance program and provides the full funding of \$410.2 million. The House cut \$117 million from the Refugee Cash and Medical Assistance Program [RCMA] and the Senate Appropriations Committee restored these funds but delayed their obligation until the end of fiscal year 1992. I am pleased to see that the committee amendments to this bill includes a provision dropping this delayed obligation, thereby making all of the funds available for regular quarterly reimbursement to States. I commend the chairman of the subcommittee for recognizing how critical the domestic refugee and entrant assistance program is to successful resettlement of refugees fleeing desperate situations in their home countries.

Mr. President, I have also been concerned about meeting the need for innovative elementary and secondary education programs to improve our Nation's schools. This bill includes \$9.5 million for the model community education employment centers [CEEC] authorized in the Carl D. Perkins Vocational and Applied Technology Act of 1990. I secured the authorization for this new program because there is a great need for innovative school-based programs to help low-income, disadvantaged children to graduate from high school and secure meaningful employment. I am pleased that the committee report which accompanies the bill encourages the Department of Education to test the success of this model program in an urban school district in New Jersey.

This bill also includes \$5.25 million for computer-based instruction programs funded through the Secretary's Fund for Education Innovation. I secured authorization for this program in 1988 and it has received appropriations since fiscal year 1989. The computer education program provides funds for special projects that expand and strengthen computer education resources in elementary and secondary schools. It is designed to increase opportunities for our young people to receive hands-on experience with computers and technology.

This bill also includes a provision that overturns the administration's gag rule on health professionals giving women who visit family planning clinics advice and information about reproductive choices, including abortion. Several other Senators and I urged Chairman HARKIN to include this language. I hope the administration sees the handwriting on the wall and reverses this policy which intrudes on the confidentiality of the doctor-patient relationship.

I am also pleased that the Senate adopted an amendment that restored much of the funding for the Low-Income Home Energy Assistance Program [LIHEAP]. The new total of \$1.5 billion for LIHEAP in the Senate-passed bill will provide essential assistance to low-income families that must struggle to pay heating bills each winter. Without adequate funding, many current LIHEAP recipients are so poor that they must choose between heating their homes and buying food.

I am also extremely concerned about the growing problem of trauma-related injuries. For this reason, I asked Senator HARKIN to include special funding for injury control and head and spinal cord injury research and treatment. The Centers for Disease Control [CDC] received a total appropriation of \$28,066,000 for injury control which is \$4,030,000 over last year and \$2 million above the House passed level. Out of the \$28,066,000 total, \$1 million was set aside for a new injury control and demonstration center. The University of Medicine and Dentistry of New Jersey [UMDNJ] meets most of the criteria described in the report and I expect them to compete for these funds that I requested that Senator HARKIN set aside. In terms of head and spinal cord injuries, I also urged Senator HARKIN to include funds in the National Institute of Neurological Disorders and Stroke [NINDS] for regional trauma care and research centers that combine injury science with basic science and are integrated with a health-care delivery system and a Level I trauma-care center. I also believe that UMDNJ is well qualified to host such a center.

Once again, I commend the distinguished chairman of the Labor-HHS appropriations subcommittee for accommodating my requests and I will work closely with him to ensure that all of these items are satisfactorily included in the fiscal year 1992 conference report accompanying this bill.

The PRESIDING OFFICER. The question is on the engrossment of the amendments and the third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read for a third time.

The bill was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill, as amended, pass? On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant bill clerk called the roll.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 78, nays 22, as follows:

[Rollcall Vote No. 189 Leg.]

YEAS—78

Adams	Ford	Mitchell
Akaka	Fowler	Moynihan
Baucus	Glenn	Murkowski
Bentsen	Gore	Nunn
Biden	Gorton	Packwood
Bingaman	Graham	Pell
Boren	Grassley	Pressler
Bradley	Harkin	Pryor
Breaux	Hatfield	Reid
Bryan	Hollings	Riegle
Bumpers	Inouye	Robb
Burdick	Jeffords	Rockefeller
Burns	Johnston	Rudman
Byrd	Kassebaum	Sanford
Chafee	Kennedy	Sarbanes
Cochran	Kerrey	Sasser
Cohen	Kerry	Seymour
Cranston	Kohl	Shelby
D'Amato	Lautenberg	Simon
Danforth	Leahy	Simpson
Daschle	Levin	Specter
DeConcini	Lieberman	Stevens
Dodd	Lott	Warner
Dole	McConnell	Wellstone
Domenici	Metzenbaum	Wirth
Durenberger	Mikulski	Wofford

NAYS—22

Bond	Gramm	Nickles
Brown	Hatch	Roth
Coats	Heflin	Smith
Conrad	Helms	Symms
Craig	Kasten	Thurmond
Dixon	Lugar	Wallop
Exon	Mack	
Garn	McCain	

So, the bill (H.R. 2707), as amended, was passed.

Mr. MITCHELL. Mr. President, I move to reconsider the vote.

Mr. SPECTER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MITCHELL. Mr. President, I move that the Senate insist on its amendments, request a conference with the House of Representatives on the disagreeing votes thereon, and that the Chair be authorized to appoint conferees on the part of the Senate.

The motion was agreed to, and the Presiding Officer [Mr. GLENN] appointed Mr. HARKIN, Mr. BYRD, Mr. HOLLINGS, Mr. BURDICK, Mr. INOUE, Mr. BUMPERS, Mr. REID, Mr. ADAMS, Mr. SPECTER, Mr. HATFIELD, Mr. STEVENS, Mr. RUDMAN, Mr. COCHRAN, Mr. GRAMM of Texas, and Mr. GORTON conferees on the part of the Senate.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, FISCAL YEAR 1992

The PRESIDING OFFICER. Pursuant to the previous order, the Senate will proceed to the immediate consideration of the bill, H.R. 2686, the Interior appropriations bill, which the clerk will report.

The legislative clerk read as follows: A bill (H.R. 2686) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1992, and for other purposes.

The Senate proceeded to consider the bill, which had been reported from the Committee on Appropriations, with amendments; as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets and the parts of the bill intended to be inserted are shown in italic.)

H.R. 2686

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of the Interior and related agencies for the fiscal year ending September 30, 1992, and for other purposes, namely:

TITLE I—DEPARTMENT OF THE INTERIOR

**BUREAU OF LAND MANAGEMENT
MANAGEMENT OF LANDS AND RESOURCES**

For expenses necessary for protection, use, improvement, development, disposal, cadastral surveying, classification, and performance of other functions, including maintenance of facilities, as authorized by law, in the management of lands and their resources under the jurisdiction of the Bureau of Land Management, including the general administration of the Bureau of Land Management, **[\$516,865,000]** *\$537,049,000* of which the following amounts shall remain available until expended: not to exceed \$1,400,000 to be derived from the special receipt account established by section 4 of the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 4601-6a(1)), and **[\$27,000,000]** *\$20,000,000* for the Automated Land and Mineral Record System Project: *Provided*, That appropriations herein made shall not be available for the destruction of healthy, unadopted, wild horses and burros in the care of the Bureau of Land Management or its contractors;—and in addition, \$12,300,000 for Mining Law Administration program operations: *Provided further*, That the sum herein appropriated shall be reduced as mining claim holding fees are received during fiscal year 1992 so as to result in a final fiscal year 1992 appropriation estimated at not more than \$516,865,000: *Provided further*, That in addition to funds otherwise available, not to exceed \$5,000,000 from annual mining claim holding fees shall be credited to this account for the costs of administering the mining claim holding fee program, and shall remain available until expended: *Provided further*, That none of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to accept or process applications for a patent for any mining or mill site claim located under the general mining laws or to issue a patent for any mining or mill site claim located under the general mining laws unless the Secretary of the Interior determines that, for the claim concerned: (1) a patent application was filed with the Secretary on or before the date of enactment of this Act, and (2) all requirements established under sections 2325 and 2326 of the Revised Statutes (30 U.S.C. 29 and 30) for vein or lode claims and sections 2329, 2330, 2331, and 2333 of the Revised Statutes (30 U.S.C. 35, 36, and 37) for placer claims, and section 2337 of the Revised Statutes (30 U.S.C. 42) for mill site claims, as the case may be, were fully complied with by that date.]

FIREFIGHTING

For necessary expenses for fire management, emergency rehabilitation, firefighting, fire suppression, and other related emergency actions by the Department of the Interior, **[\$122,010,000]** *\$222,879,000*, to remain available until expended: *Provided*, That such funds also are to be available for repayment of advances to other appropriation accounts

from which funds were previously transferred for such purposes: *Provided further*, That any funds needed for emergency firefighting above the amount of \$100,869,000 shall be designated to be "emergency requirements" pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985.

**[EMERGENCY DEPARTMENT OF THE INTERIOR
FIREFIGHTING FUND**

[For the purpose of establishing an "Emergency Department of the Interior Firefighting Fund" in the Treasury of the United States to be available only for emergency rehabilitation and wildfire suppression activities of the Department of the Interior, \$100,869,000, to remain available until expended: *Provided*, That all funds available under this head are hereby designated by Congress to be "emergency requirements" pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That funds appropriated under this head shall be made available only after submission to Congress of a formal budget request by the President that includes a designation of the entire amount of the request as an "emergency requirement" for all purposes of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That all funds included in any budget request made pursuant to this paragraph shall be made available one day after submission to Congress: *Provided further*, That notwithstanding any other provision of law, enactment of this section shall not constitute a change in concept or definition under section 251(b)(1)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985 and shall not cause a negative budget authority or outlay adjustment to be made to any discretionary spending limit for the domestic category established by Public Law 101-508.]

CONSTRUCTION AND ACCESS

For acquisition of lands and interests therein, and construction of buildings, recreation facilities, roads, trails, and appurtenant facilities, **[\$12,503,000]** *\$15,518,000*, to remain available until expended.

PAYMENTS IN LIEU OF TAXES

For expenses necessary to implement the Act of October 20, 1976 (31 U.S.C. 6901-07), \$105,000,000, of which not to exceed \$400,000 shall be available for administrative expenses.

LAND ACQUISITION

For expenses necessary to carry out the provisions of sections 205, 206, and 318(d) of Public Law 94-579 including administrative expenses and acquisition of lands or waters, or interests therein, **[\$33,640,000]** *\$16,660,000* to be derived from the Land and Water Conservation Fund, to remain available until expended.

OREGON AND CALIFORNIA GRANT LANDS

For expenses necessary for management, protection, and development of resources and for construction, operation, and maintenance of access roads, reforestation, and other improvements on the revested Oregon and California Railroad grant lands, on other Federal lands in the Oregon and California land-grant counties of Oregon, and on adjacent rights-of-way; and acquisition of lands or interests therein including existing connecting roads on or adjacent to such grant lands; **[\$93,074,000]** *\$96,994,000*, to remain available until expended: *Provided*, That 25 per centum of the aggregate of all receipts during the current fiscal year from the revested Oregon and California Railroad

grant lands is hereby made a charge against the Oregon and California land grant fund and shall be transferred to the General Fund in the Treasury in accordance with the provisions of the second paragraph of subsection (b) of title II of the Act of August 28, 1937 (50 Stat. 876).

RANGE IMPROVEMENTS

For rehabilitation, protection, and acquisition of lands and interests therein, and improvement of Federal rangelands pursuant to section 401 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701), notwithstanding any other Act, sums equal to 50 per centum of all moneys received during the prior fiscal year under sections 3 and 15 of the Taylor Grazing Act (43 U.S.C. 315 et seq.) and the amount designated for range improvements from grazing fees and mineral leasing receipts from Bankhead-Jones lands transferred to the Department of the Interior pursuant to law, but not less than \$10,687,000, to remain available until expended: *Provided*, That not to exceed \$600,000 shall be available for administrative expenses.

SERVICE CHARGES, DEPOSITS, AND FORFEITURES

For administrative expenses and other costs related to processing application documents and other authorizations for use and disposal of public lands and resources, for costs of providing copies of official public land documents, for monitoring construction, operation, and termination of facilities in conjunction with use authorizations, and for rehabilitation of damaged property, such amounts as may be collected under sections 209(b), 304(a), 304(b), 305(a), and 504(g) of the Act approved October 21, 1976 (43 U.S.C. 1701), and sections 101 and 203 of Public Law 93-153, to be immediately available until expended: *Provided*, That notwithstanding any provision to the contrary of section 305(a) of the Act of October 21, 1976 (43 U.S.C. 1735(a)), any moneys that have been or will be received pursuant to that section, whether as a result of forfeiture, compromise, or settlement, if not appropriate for refund pursuant to section 305(c) of that Act (43 U.S.C. 1735(c)), shall be available and may be expended under the authority of this or subsequent appropriations Acts by the Secretary to improve, protect, or rehabilitate any public lands administered through the Bureau of Land Management which have been damaged by the action of a resource developer, purchaser, permittee, or any unauthorized person, without regard to whether all moneys collected from each such forfeiture, compromise, or settlement are used on the exact lands damage to which led to the forfeiture, compromise, or settlement: *Provided further*, That such moneys are in excess of amounts needed to repair damage to the exact land for which collected.

MISCELLANEOUS TRUST FUNDS

In addition to amounts authorized to be expended under existing law, there is hereby appropriated such amounts as may be contributed under section 307 of the Act of October 21, 1976 (43 U.S.C. 1701), and such amounts as may be advanced for administrative costs, surveys, appraisals, and costs of making conveyances of omitted lands under section 211(b) of that Act, to remain available until expended.

ADMINISTRATIVE PROVISIONS

Appropriations for the Bureau of Land Management shall be available for purchase, erection, and dismantlement of temporary structures, and alteration and maintenance of necessary buildings and appurtenant fa-

cilities to which the United States has title; up to \$25,000 for payments, at the discretion of the Secretary, for information or evidence concerning violations of laws administered by the Bureau of Land Management; miscellaneous and emergency expenses of enforcement activities authorized or approved by the Secretary and to be accounted for solely on his certificate, not to exceed \$10,000: *Provided*, That appropriations herein made for Bureau of Land Management expenditures in connection with the reconstituted Oregon and California Railroad and reconveyed Coos Bay Wagon Road grant lands (other than expenditures made under the appropriation "Oregon and California grant lands") shall be reimbursed to the General Fund of the Treasury from the 25 per centum referred to in subsection (c), title II, of the Act approved August 28, 1937 (50 Stat. 876), of the special fund designated the "Oregon and California land grant fund" and section 4 of the Act approved May 24, 1939 (53 Stat. 754), of the special fund designated the "Coos Bay Wagon Road grant fund": *Provided further*, That appropriations herein made may be expended for surveys of Federal lands and on a reimbursable basis for surveys of Federal lands and for protection of lands for the State of Alaska: *Provided further*, That an appeal of any reductions in grazing allotments on public rangelands must be taken within thirty days after receipt of a final grazing allotment decision. Reductions of up to 10 per centum in grazing allotments shall become effective when so designated by the Secretary of the Interior. Upon appeal any proposed reduction in excess of 10 per centum shall be suspended pending final action on the appeal, which shall be completed within two years after the appeal is filed: *Provided further*, That [notwithstanding 44 U.S.C. 501,] the Bureau may, under cooperative cost-sharing and partnership arrangements authorized by law, procure printing services from cooperators in connection with jointly-produced publications for which the cooperators share the cost of printing either in cash or in services, and the Bureau determines the cooperator is capable of meeting accepted quality standards.

UNITED STATES FISH AND WILDLIFE SERVICE
RESOURCE MANAGEMENT

For expenses necessary for scientific and economic studies, conservation, management, investigations, protection, and utilization of sport fishery and wildlife resources, except whales, seals, and sea lions, and for the performance of other authorized functions related to such resources; for the general administration of the United States Fish and Wildlife Service; and for maintenance of the herd of long-horned cattle on the Wichita Mountains Wildlife Refuge; and not less than \$1,000,000 for high priority projects within the scope of the approved budget which shall be carried out by Youth Conservation Corps as if authorized by the Act of August 13, 1970, as amended by Public Law 93-408, [\$509,891,000] \$526,327,000 of which [\$10,306,000] \$10,806,000 shall be for operation and maintenance of fishery mitigation facilities constructed by the Corps of Engineers under the Lower Snake River Compensation Plan, authorized by the Water Resources Development Act of 1976 (90 Stat. 2921), to compensate for loss of fishery resources from water development projects on the Lower Snake River, and which shall remain available until expended; and of which \$1,000,000 shall be for contaminant sample analysis, and shall remain available until expended.

CONSTRUCTION [AND ANADROMOUS FISH]

For construction and acquisition of buildings and other facilities required in the conservation, management, investigation, protection, and utilization of sport fishery and wildlife resources, and the acquisition of lands and interests therein; [\$71,102,000] \$95,465,000 to remain available until expended [of which \$300,000 shall be available for expenses to carry out the Anadromous Fish Conservation Act (16 U.S.C. 757a-757g):] *Provided*, That hereinafter notwithstanding any other provision of law, procurements for the Patuxent Wildlife Research Center, the National Education and Training Center, and the replacement laboratory for the National Fisheries Research Center—Seattle, Washington, may be issued which include the full scope of the facility: *Provided further*, That the solicitation and contract shall contain the clause "availability of funds" found at 48 CFR 52.323.18.

NATURAL RESOURCE DAMAGE ASSESSMENT AND RESTORATION FUND

To conduct natural resource damage assessments and restoration activities by the Department of the Interior necessary to carry out the provisions of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (42 U.S.C. 9601, et seq.), Federal Water Pollution Control Act, as amended (33 U.S.C. 1251, et seq.), the Oil Pollution Act of 1990 (Public Law 101-380), and the Act of July 27, 1990 (Public Law 101-337); [\$3,740,000] \$5,000,000 to remain available until expended: *Provided*, That not withstanding any other provision of law, in fiscal year 1991 and thereafter, sums provided by any party, including sums provided in advance or as a reimbursement for natural resource damage assessments, may be credited to this appropriation and shall remain available until expended.

LAND ACQUISITION

For expenses necessary to carry out the provisions of the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 4601-4-11), including administrative expenses, and for acquisition of land or waters, or interest therein, in accordance with statutory authority applicable to the United States Fish and Wildlife Service, [\$87,722,000] \$85,530,000, to be derived from the Land and Water Conservation Fund, to remain available until expended.

COOPERATIVE ENDANGERED SPECIES CONSERVATION FUND

For expenses necessary to carry out the provisions of the Endangered Species Act of 1973 (16 U.S.C. 1531-1543), as amended by Public Law 100-478, \$6,705,000 for Grants to States, to remain available until expended.

NATIONAL WILDLIFE REFUGE FUND

For expenses necessary to implement the Act of October 17, 1978 (16 U.S.C. 715a), [\$11,000,000] \$14,000,000.

REWARDS AND OPERATIONS

For expenses necessary to carry out the provisions of the African Elephant Conservation Act (16 U.S.C. 4201-4203, 4211-4213, 4221-4225, 4241-4245, and 1538), \$1,201,000, to remain available until expended.

NORTH AMERICAN WETLANDS CONSERVATION FUND

For expenses necessary to carry out the provisions of the North American Wetlands Conservation Act, Public Law 101-233, \$8,500,000, to remain available until expended.

[SPORT FISH RESTORATION ACCOUNT]

(LIMITATION ON OBLIGATIONS)

[None of the funds in this Act shall be available for the implementation or execu-

tion of programs the obligations for which are in excess of \$190,000,000 for the Sport Fish Restoration Account, Payments to States, for fiscal year 1992.]

ADMINISTRATIVE PROVISIONS

Appropriations and funds available to the United States Fish and Wildlife Service shall be available for purchase of not to exceed 145 passenger motor vehicles, of which 129 are for replacement only (including 43 for police-type use); not to exceed \$400,000 for payment, at the discretion of the Secretary, for information, rewards, or evidence concerning violations of laws administered by the United States Fish and Wildlife Service, and miscellaneous and emergency expenses of enforcement activities, authorized or approved by the Secretary and to be accounted for solely on his certificate; repair of damage to public roads within and adjacent to reservation areas caused by operations of the United States Fish and Wildlife Service; options for the purchase of land at not to exceed \$1 for each option; facilities incident to such public recreational uses on conservation areas as are consistent with their primary purpose; and the maintenance and improvement of aquaria, buildings, and other facilities under the jurisdiction of the United States Fish and Wildlife Service and to which the United States has title, and which are utilized pursuant to law in connection with management and investigation of fish and wildlife resources: *Provided*, That the United States Fish and Wildlife Service may accept donated aircraft as replacements for existing aircraft: *Provided further*, That hereafter the Tinicum National Environmental Center in Philadelphia, Pennsylvania, shall be known as the John Heinz National Wildlife Refuge at Tinicum.

Notwithstanding the provisions of the Federal Grant and Cooperative Agreements Act of 1977 (31 U.S.C. 6301-6308), the Fish and Wildlife Service is hereafter authorized to negotiate and enter into cooperative arrangements and grants with public and private agencies, organizations, institutions, and individuals to implement on a public-private cost sharing basis, the North American Wetlands Conservation Act and the North American Waterfowl Management Plan: Provided, That the National Fish and Wildlife Foundation may continue to draw down Federal funds when matching requirements have been met: *Provided further*, That interest earned by the Foundation and its grantees on funds drawn down to date but not immediately disbursed shall be used to fund direct projects and programs as approved by the Foundation's Board of Directors.

NATIONAL PARK SERVICE

OPERATION OF THE NATIONAL PARK SYSTEM

For expenses necessary for the management, operation, and maintenance of areas and facilities administered by the National Park Service (including special road maintenance service to trucking permittees on a reimbursable basis), and for the general administration of the National Park Service, including not to exceed \$566,000 for the Roosevelt Campobello International Park Commission, and not less than \$1,000,000 for high priority projects within the scope of the approved budget which shall be carried out by Youth Conservation Corps as if authorized by the Act of August 13, 1970, as amended by Public Law 93-408, [\$969,047,000] \$949,724,000 without regard to the Act of August 24, 1912, as amended (16 U.S.C. 451), of which not to exceed \$59,500,000 to remain available until expended is to be derived from the special fee account established pursuant to title V, section 5201, of Public Law 100-203: *Provided*,

That the National Park Service shall not enter into future concessionaire contracts, including renewals, that do not include a termination for cause clause that provides for possible extinguishment of possessory interests excluding depreciated book value of concessionaire investments without compensation: *Provided further*, That of the funds provided herein, \$700,000 is available for the National Institute for the Conservation of Cultural Property: *Provided further*, That hereafter appropriations for maintenance and improvement of roads within the boundary of the Cuyahoga Valley National Recreation Area shall be available for such purposes without regard to whether title to such road rights-of-way is in the United States: *Provided further*, That none of the funds appropriated to the National Park Service in this Act may be used to construct horse stables or any other facilities for the housing of horses at the Manassas National Battlefield Park.

NATIONAL RECREATION AND PRESERVATION

For expenses necessary to carry out recreation programs, natural programs, cultural programs, environmental compliance and review, and grant administration, not otherwise provided for, [\$23,420,000] \$25,269,000, of which \$7,500,000, including acquisition by non-Federal entities under cooperative agreements entered into pursuant to 16 U.S.C. 462(e), shall remain available until expended: *Provided*, That no funds appropriated under this head for the Calumet Historic District may be obligated until funds provided for the Calumet Historic District under construction planning are specifically authorized.

HISTORIC PRESERVATION FUND

For expenses necessary in carrying out the provisions of the Historic Preservation Act of 1966 (80 Stat. 915), as amended (16 U.S.C. 470), \$35,931,000 to be derived from the Historic Preservation Fund, established by section 108 of that Act, as amended, to remain available for obligation until September 30, 1993: *Provided*, That the Trust Territory of the Pacific Islands is a State eligible for Historic Preservation Fund matching grant assistance as authorized under 16 U.S.C. 470w(2): *Provided further*, That pursuant to section 105(1) of the Compact of Free Association, Public Law 99-239, the Federated States of Micronesia and the Republic of the Marshall Islands shall also be considered States for purposes of this appropriation.

CONSTRUCTION

For construction, improvements, repair or replacement of physical facilities, without regard to the Act of August 24, 1912, as amended (16 U.S.C. 451), [\$237,506,000] \$194,797,000, to remain available until expended: *Provided*, That not to exceed \$11,200,000 shall be paid to the Army Corps of Engineers for modifications authorized by section 104 of the Everglades National Park Protection and Expansion Act of 1989: *Provided further*, That none of the funds under this head may be expended for the Calumet Historic District unless specifically authorized: *Provided further*, That of the funds provided under this heading, \$1,500,000 shall be available for site acquisition for the Lincoln Center in Springfield, Illinois: *Provided further*, That of the funds provided under this heading, \$2,000,000 shall be available for a grant to restore the Chicago Public Library, Central Building as if authorized by the Historic Sites Act of 1935 (16 U.S.C. 462(e)): *Provided further*, That notwithstanding any other provision of law, \$1,000,000 shall be made available for renovation of Tad Gormley Stadium: *Provided further*, That of

the funds provided under this heading, up to \$100,000 shall be available to assist the Town of Provincetown, Massachusetts with planning and construction of a solid waste transfer station on town-owned land provided that the Town and the National Park Service enter into an agreement for shared use of the facility for its lifetime at a rate based on actual operating costs and percentages of total contribution of solid waste by the National Park Service: *Provided further*, That of the funds provided under this heading, \$3,650,000 shall be available for construction of a Gateway Park associated with the Illinois and Michigan Canal National Heritage Corridor: *Provided further*, That [until March 1, 1992,] none of the funds appropriated under this [head] Act or any subsequent Act may be expended for the Steamtown National Historic Site unless specifically authorized.

[URBAN PARK AND RECREATION FUND]

[For expenses necessary to carry out the provisions of the Urban Park and Recreation Recovery Act of 1978 (title 10 of Public Law 95-625) \$10,000,000, to remain available until expended.]

LAND ACQUISITION AND STATE ASSISTANCE

For expenses necessary to carry out the provisions of the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 4601-4-11), including administrative expenses, and for acquisition of land or waters, or interest therein, in accordance with statutory authority applicable to the National Park Service, [\$108,365,000] \$84,750,000, to be derived from the Land and Water Conservation Fund, to remain available until expended, of which [\$23,500,000] \$15,500,000 is for the State assistance program including \$3,500,000 to administer the State assistance program: *Provided*, That of the amounts previously appropriated to the Secretary's contingency fund for grants to States \$14,000 shall be available in 1992 for administrative expenses of the State grant program.

LAND AND WATER CONSERVATION FUND

(RESCISSION)

The contract authority provided for fiscal year 1992 by 16 U.S.C. 4601-10a is rescinded.

JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS

For expenses necessary for operating and maintaining the nonperforming arts functions of the John F. Kennedy Center for the Performing Arts, \$22,945,000, of which \$16,000,000 shall remain available until expended.

ILLINOIS AND MICHIGAN CANAL NATIONAL HERITAGE CORRIDOR COMMISSION

For operation of the Illinois and Michigan Canal National Heritage Corridor Commission, \$250,000.

ADMINISTRATIVE PROVISIONS

Appropriations for the National Park Service shall be available for the purchase of not to exceed 465 passenger motor vehicles, of which 322 shall be for replacement only, including not to exceed 355 for police-type use, 11 buses, and 5 ambulances; to provide, notwithstanding any other provision of law, at a cost not exceeding \$100,000, transportation for children in nearby communities to and from any unit of the National Park System used in connection with organized recreation and interpretive programs of the National Park Service; options for the purchase of land at not to exceed \$1 for each option; and for the procurement and delivery of medical services within the jurisdiction of units of the National Park System: *Provided*, That any funds available to the National Park

Service may be used, with the approval of the Secretary, to maintain law and order in emergency and other unforeseen law enforcement situations and conduct emergency search and rescue operations in the National Park System: *Provided further*, That none of the funds appropriated to the National Park Service may be used to process any grant or contract documents which do not include the text of 18 U.S.C. 1913: *Provided further*, That the National Park Service may use helicopters and motorized equipment at Death Valley National Monument for removal of feral burros and horses: *Provided further*, That notwithstanding any other provision of law, the National Park Service may recover all costs of providing necessary services associated with special use permits, such reimbursements to be credited to the appropriation current at that time: *Provided further*, That none of the funds appropriated to the National Park Service may be used to implement an agreement for the redevelopment of the southern end of Ellis Island until such agreement has been submitted to the Congress and shall not be implemented prior to the expiration of 30 calendar days (not including any day in which either House of Congress is not in session because of adjournment of more than three calendar days to a day certain) from the receipt by the Speaker of the House of Representatives and the President of the Senate of a full and comprehensive report on the development of the southern end of Ellis Island, including the facts and circumstances relied upon in support of the proposed project: *Provided further*, That section 323 of Public Law 101-512 is amended by striking out "B1/2NW1/4 section 9" and inserting in lieu thereof "E1/2NW1/4 section 9": *Provided further*, That the Secretary of the Interior, acting through the Director of the National Park Service, may enter into a cooperative agreement with the William O. Douglas Outdoor Classroom under which the Secretary may expend Federal funds on non-Federal property for environmental education purposes.

Notwithstanding any Master Plan, Development Concept Plan or policy of the Olympic National Park, nor any federal regulation, to the contrary, the Superintendent of the Olympic National Park, located in the State of Washington, is authorized and directed to issue a ten-year, special use permit for the continued operation of Kamp Kiwanis by the Hoquiam Kiwanis Club and the Hoquiam Y.M.C.A. at the location described below within the boundary of the Olympic National Park:

A plot of land in Section 13, Township 23 N., Range 10 W., W.M. described as follows:

Beginning at an iron pipe which is on the section line and south 860 feet from the south 1/4 corner of Sections 14 and 13 in Township 23 north, Range 10 W, W.M.; thence north 13 1/2 degrees east 572 feet to an iron pipe; thence south 55 degrees east 319 feet to an iron pipe; thence south 16 degrees west 458 feet to an iron pipe; thence north 75 1/2 degrees west 277 feet to point of beginning, containing 3.43 acres, more or less; also a right-of-way for a pipeline from Higley Creek to the above area about 2,000 feet along the section line between Sections 13 and 14, T. 23N., Range 10 W., W.M.

GEOLOGICAL SURVEY

SURVEYS, INVESTIGATIONS, AND RESEARCH

For expenses necessary for the Geological Survey to perform surveys, investigations, and research covering topography, geology, hydrology, and the mineral and water resources of the United States, its Territories and possessions, and other areas as authorized by law (43 U.S.C. 31, 1332 and 1340); classify lands as to their mineral and water resources; give engineering supervision to

power permittees and Federal Energy Regulatory Commission licensees; administer the minerals exploration program (30 U.S.C. 641); and publish and disseminate data relative to the foregoing activities; [\$589,499,000] \$569,457,000, of which \$62,058,000 shall be available only for cooperation with States or municipalities for water resources investigations: *Provided*, That no part of this appropriation shall be used to pay more than one-half the cost of any topographic mapping or water resources investigations carried on in cooperation with any State or municipality.

ADMINISTRATIVE PROVISIONS

The amount appropriated for the Geological Survey shall be available for purchase of not to exceed 26 passenger motor vehicles, for replacement only; reimbursement to the General Services Administration for security guard services; contracting for the furnishing of topographic maps and for the making of geophysical or other specialized surveys when it is administratively determined that such procedures are in the public interest; construction and maintenance of necessary buildings and appurtenant facilities; acquisition of lands for gauging stations and observation wells; expenses of the United States National Committee on Geology; and payment of compensation and expenses of persons on the rolls of the Geological Survey appointed, as authorized by law, to represent the United States in the negotiation and administration of interstate compacts: *Provided*, That activities funded by appropriations herein made may be accomplished through the use of contracts, grants, or cooperative agreements as defined in Public Law 95-224: *Provided further*, That the Geological Survey (43 U.S.C. 31(a)) shall hereafter be designated the United States Geological Survey.

MINERALS MANAGEMENT SERVICE

LEASING AND ROYALTY MANAGEMENT

For expenses necessary for minerals leasing and environmental studies, regulation of industry operations, and collection of royalties, as authorized by law; for enforcing laws and regulations applicable to oil, gas, and other minerals leases, permits, licenses and operating contracts; and for matching grants or cooperative agreements; including the purchase of not to exceed eight passenger motor vehicles for replacement only; [\$208,090,000] \$199,614,000, of which not less than [\$66,784,000] \$66,574,000 shall be available for royalty management activities: *Provided*, That \$1,500,000 for computer acquisitions shall remain available until September 30, 1993: *Provided further*, That funds appropriated under this Act shall be available for the payment of interest in accordance with 30 U.S.C. 1721 (b) and (d): *Provided further*, That not to exceed \$3,000 shall be available for reasonable expenses related to promoting volunteer beach and marine cleanup activities: *Provided further*, That notwithstanding any other provision of law, \$10,000 under this head shall be available for refunds of overpayments in connection with certain Indian leases in which the Director of the Minerals Management Service concurred with the claimed refund due: *Provided further*, That notwithstanding any other provision of law, \$136,400,000 shall be deducted from Federal onshore mineral leasing receipts prior to the division and distribution of such receipts between the States and the Treasury and shall be credited to miscellaneous receipts of the Treasury.

BUREAU OF MINES

MINES AND MINERALS

For expenses necessary for conducting inquiries, technological investigations, and re-

search concerning the extraction, processing, use, and disposal of mineral substances without objectionable social and environmental costs; to foster and encourage private enterprise in the development of mineral resources and the prevention of waste in the mining, minerals, metal, and mineral reclamation industries; to inquire into the economic conditions affecting those industries; to promote health and safety in mines and the mineral industry through research; and for other related purposes as authorized by law, [\$175,890,000] \$172,349,000, of which [\$101,382,000] \$99,523,000 shall remain available until expended: *Provided*, That none of the funds in this or any other Act may be used for the closure or consolidation of any research centers or the sale of any of the helium facilities currently in operation.

ADMINISTRATIVE PROVISIONS

The Secretary is authorized to accept lands, buildings, equipment, other contributions and, heretofore and hereafter, fees to be deposited in the contributed funds account from public and private sources, and to prosecute projects using such contributions and fees in cooperation with other Federal, State or private agencies. *Provided*, That the Bureau of Mines is authorized, during the current fiscal year, to sell directly or through any Government agency, including corporations, any metal or mineral product that may be manufactured in pilot plants operated by the Bureau of Mines, and the proceeds of such sales shall be covered into the Treasury as miscellaneous receipts.

OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT

REGULATION AND TECHNOLOGY

For necessary expenses to carry out the provisions of the Surface Mining Control and Reclamation Act of 1977, Public Law 95-87, as amended, including the purchase of not to exceed 15 passenger motor vehicles, of which 11 shall be for replacement only; [\$110,250,000] \$110,065,000 and notwithstanding 31 U.S.C. 3302, an additional amount, to remain available until expended, from performance bond forfeitures in fiscal year 1992: *Provided*, That notwithstanding any other provision of law, the Secretary of the Interior, pursuant to regulations, may utilize directly or through grants to States, moneys collected in fiscal year 1992 pursuant to the assessment of civil penalties under section 518 of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1268), to reclaim lands adversely affected by coal mining practices after August 3, 1977, to remain available until expended: *Provided further*, That notwithstanding any other provisions of law, appropriations for the Office of Surface Mining Reclamation and Enforcement may provide for the travel and per diem expenses of State and tribal personnel attending Office of Surface Mining Reclamation and Enforcement sponsored training: *Provided further*, That notwithstanding the requirements of section 705 of Public Law 95-87 (30 U.S.C. 1295) appropriations herein shall be available to fund the full costs to the States to implement the Applicant Violator System in compliance with the January 24, 1990 Settlement Agreement between Save Our Cumberland Mountains, Inc. and Manuel Lujan, Jr., Secretary, United States Department of the Interior, et al.

ABANDONED MINE RECLAMATION FUND

For necessary expenses to carry out the provisions of title IV of the Surface Mining Control and Reclamation Act of 1977, Public Law 95-87, as amended, including the purchase of not more than 22 passenger motor

vehicles, of which 16 shall be for replacement only, [\$190,200,000] \$188,404,000 to be derived from receipts of the Abandoned Mine Reclamation Fund and to remain available until expended of which, notwithstanding any other provision of law, the following amounts shall be available to carry out the various provisions of section 402(g) of Public Law 95-87, as amended (30 U.S.C. 1232 (g)): [\$130,000,000 to carry out section 402(g)(1) and 402(g)(5),] \$12,000,000 to carry out section 402(g)(2) [and \$48,200,000 to carry out sections 402(g) (3) and (4)]: *Provided*, That 23 full-time equivalent positions are to be maintained in the Anthracite Reclamation Program at the Wilkes-Barre Field Office: *Provided*, That pursuant to Public Law 97-365, the Department of the Interior is authorized to utilize up to 20 per centum from the recovery of the delinquent debt owed to the United States Government to pay for contracts to collect these debts: *Provided further*, That of the funds made available to the States to contract for reclamation projects authorized in section 406(a) of Public Law 95-87, administrative expenses may not exceed 15 per centum: *Provided further*, That the Secretary of the Interior may deny 50 per centum of an Abandoned Mine Reclamation Fund grant, available to a State pursuant to title IV of Public Law 95-87, in accordance with the procedures set forth in section 521(b) of the Act, when the Secretary determines that a State is systematically failing to administer adequately the enforcement provisions of the approved State regulatory program. Funds will be denied until such time as the State and Office of Surface Mining Reclamation and Enforcement have agreed upon an explicit plan of action for correcting the enforcement deficiency. A State may enter into such agreement without admission of culpability. If a State enters into such agreement, the Secretary shall take no action pursuant to section 521(b) of the Act as long as the State is complying with the terms of the agreement.

BUREAU OF INDIAN AFFAIRS

OPERATION OF INDIAN PROGRAMS

For operation of Indian programs by direct expenditure, contracts, cooperative agreements, and grants including expenses necessary to provide [education and] welfare services for Indians, either directly or in cooperation with States and other organizations, including payment of care, tuition, assistance, and other expenses of Indians in boarding homes, or institutions, or schools; grants and other assistance to needy Indians; maintenance of law and order; management, development, improvement, and protection of resources and appurtenant facilities under the jurisdiction of the Bureau of Indian Affairs, including payment of irrigation assessments and charges; acquisition of water rights; advances for Indian industrial and business enterprises; operation of Indian arts and crafts shops and museums; development of Indian arts and crafts, as authorized by law; for the general administration of the Bureau of Indian Affairs, including expenses in field offices, [\$1,283,630,000] \$801,089,000, [including \$302,025,000 for school operations costs of Bureau funded schools and other education programs which shall become available for obligation on July 1, 1992, and shall remain available for obligation until June 30, 1993, and of which funds obligated as grants to schools pursuant to Public Law 100-297 shall be made on July 1 and December 1 in lieu of the payments authorized to be made on October 1 and January 1 of each calendar year, and] of which not to exceed [\$74,912,000] \$18,392,000 for [higher education scholarships,] adult vocational training, [and assistance to public schools under the Act of April 16, 1934 (48

Stat. 596), as amended (25 U.S.C. 452 et seq.), shall remain available for obligation until September 30, 1993; and the funds made available to tribes and tribal organizations through contracts or grants obligated during fiscal year 1992 as authorized by the Indian Self-Determination Act of 1975 (88 Stat. 2203; 25 U.S.C. 450 et seq.) I, or grants authorized by the Indian Education Amendments of 1988 (25 U.S.C. 2001 and 2008A) shall remain available until expended by the contractor or grantee; and of which [\$2,021,000] \$3,021,000 for litigation support shall remain available until expended, [\$5,000,000] \$3,000,000 for self-governance tribal compacts shall be made available on completion and submission of such compacts to the Congress, and shall remain available until expended; and of which \$1,139,000 for expenses necessary to carry out the provisions of section 19(a) of Public Law 93-531 (25 U.S.C. 640d-18(a)), shall remain available until expended: *Provided*, That none of the funds appropriated to the Bureau of Indian Affairs shall be expended as matching funds for programs funded under section 103(b)(2) of the Carl D. Perkins Vocational Education Act: *Provided further*, That \$200,000 of the funds made available in this Act shall be available for cyclical maintenance of tribally owned fish hatcheries and related facilities: *Provided further*, That none of the funds in this Act shall be used by the Bureau of Indian Affairs to transfer funds under a contract with any third party for the management of tribal or individual Indian trust funds until the funds held in trust for all such tribes or individuals have been audited and reconciled to the earliest possible date, the results of such reconciliation have been certified by an independent party as the most complete reconciliation of such funds possible, and the affected tribe or individual has been provided with an accounting of such funds: *Provided further*, That notwithstanding any other provision of law, the statute of limitations shall not commence to run on any claim concerning losses to or mismanagement of trust funds, until the affected tribe or individual Indian has been furnished with the accounting of such funds from which the beneficiary can determine whether there has been a loss [: *Provided further*, That \$300,000 of the amounts provided for education program management shall be available for a grant to the Close Up Foundation: *Provided further*, That not more than \$3,218,000 shall be made available for the Federal Financial System in fiscal year 1992: *Provided further*, That none of the funds provided in this Act may be used to prepare a reprogramming proposal to reorganize the Bureau of Indian Affairs until a task force consisting of tribal, Bureau and departmental representatives reviews any proposal to reorganize the Bureau and provides a final report to the Committees on Appropriations regarding consultation and a review of the proposal: *Provided further*, That none of the funds provided in this Act may be used to undertake a reorganization pursuant to 64 Stat. 1262 or any other provision of law: *Provided further*, That income received by the Bureau of Indian Affairs as a deduction from timber sale receipts shall remain available until expended]: *Provided further*, That funds intended for the United Keetoowah Band of the Cherokee Indians shall be held in abeyance until such time as legislation is enacted addressing the status of the United Keetoowah Band: *Provided further*, That funds provided in this Act shall be used to continue the activities of the Task Force on Bureau of Indian Affairs Reorganization under its charter as adopted and amended on April 17, 1991: *Provided further*,

That any reorganization proposal shall not be implemented until the Task Force has reviewed and recommended its implementation to the Secretary and such proposal has been reported upon to the Committees on Appropriations.

INDIAN EDUCATION PROGRAMS

*For the operation of Indian Education programs by direct expenditure, contracts, cooperative agreements, and grants including expenses necessary to provide education for Indians, either directly or in cooperation with States and other organizations, including payment of care, tuition, assistance, and other expenses of Indians in boarding schools, day schools, or institutions; maintenance of law and order, management, development, improvement, and protection of resources and appurtenant facilities under the jurisdiction of the Office of Indian Education Programs (OIEP) 431,741,000, including \$302,025,000 for school operations costs of Bureau-funded schools which shall become available for obligation on July 1, 1992, and shall remain available for obligation until June 30, 1993, and of which, funds obligated as grants to schools pursuant to Public Law 100-297 shall be made on August 1 and December 1 in lieu of the payments authorized to be made on October 1 and January 1 of each calendar year; of which not to exceed \$56,520,000 for higher education scholarships and assistance to public schools the Act of April 16, 1934 (48 Stat. 596), as amended (25 U.S.C. 452 et seq.), shall remain available until September 30, 1993; and the funds made available to tribes and tribal organizations through contracts or grants obligated during fiscal year 1992 as authorized by the Indian Self-Determination Act of 1975 (88 Stat. 2203; 25 U.S.C. 450 et seq.) or grants authorized by the Indian Education Amendments of 1988 (25 U.S.C. 2001 and 2008A) shall remain available until expended by the contractor or grantee: *Provided further*, That none of the funds appropriated to the Bureau of Indian Affairs shall be expended as matching funds for programs funded under section 103(b)(2) of the Carl D. Perkins Vocational Education Act: *Provided further*, That \$300,000 of the amounts provided for education program management shall be available for a grant to the Close Up Foundation.*

CONSTRUCTION

(INCLUDING RESCISSION)

*For construction, major repair, and improvement of irrigation and power systems, buildings, utilities, and other facilities, including architectural and engineering services by contract; acquisition of lands and interests in lands; preparation of lands for farming; maintenance of Indian reservation roads as defined in section 101 of title 23, United States Code; and construction, repair, and improvement of Indian housing, [\$219,856,000] \$107,010,000, to remain available until expended: *Provided*, That of the funds previously provided under this head for construction contract support, [\$7,000,000] \$3,000,000 is hereby rescinded: *Provided further*, That \$1,000,000 of the funds made available in this Act shall be available for rehabilitation of tribally owned fish hatcheries and related facilities: *Provided further*, That such amounts as may be available for the construction of the Navajo Indian Irrigation Project may be transferred to the Bureau of Reclamation: *Provided further*, That not to exceed 6 per centum of contract authority available to the Bureau of Indian Affairs from the Federal Highway Trust Fund may be used to cover the road program management costs of the Bureau of Indian Affairs: *Provided further*, That none of the funds available to the Bureau of Indian Affairs in this or any other Act shall be used to transfer, through agreement, memorandum of un-*

*derstanding, demonstration project or other method, the Safety of Dams program of the Bureau of Indian Affairs to the Bureau of Reclamation: *Provided further*, That nothing herein shall prevent the Bureau of Indian Affairs or tribes from using, on a case-by-case basis, the technical expertise of the Bureau of Reclamation: *Provided further*, That none of the funds provided for the Safety of Dams program are available for transfer pursuant to sections 101 and 102 of this Act: *Provided further*, That funds appropriated for construction of the Wind River Indian Irrigation Project in fiscal year 1990 (Public Law 101-121), fiscal year 1991 (Public Law 101-512) and hereafter shall be made available on a non-reimbursable basis.*

EDUCATION CONSTRUCTION

For construction, rehabilitation and repair of educational facilities, including acquisition of land, advance planning and design, and program management \$92,798,000, to remain available until expended.

MISCELLANEOUS PAYMENTS TO INDIANS

*For miscellaneous payments to Indian tribes and individuals pursuant to Public Laws 98-500, 99-264, 100-590, 101-618, 101-602, 101-628, 101-486, and 100-585, including funds for necessary administrative expenses, \$87,617,000, to remain available until expended: *Provided*, That income earned on funds appropriated by Public Law 101-121, October 23, 1989, 103 Stat. 701, 715 for the purposes of section 6(b) of the Puyallup Tribe of Indians Settlement Act of 1989, Public Law 101-41, June 21, 1989, 103 Stat. 83, may be utilized by the Permanent Trust Fund Board of Trustees to secure necessary and appropriate financial, auditing, accounting, insurance and other administrative services to fulfill the Board of Trustees' fiduciary and administrative responsibilities: *Provided further*, That no more than 5 per centum of the income in any year may be utilized for such purposes: *Provided further*, That of the funds included for Public Law 101-602, \$12,000,000 shall be made available on September 30, 1992; of the funds included for Public Law 101-628, \$23,000,000 shall be made available on September 30, 1992; and of the funds included for Public Law 101-618, \$12,500,000 shall be made available on September 30, 1992].*

NAVAJO REHABILITATION TRUST FUND

For Navajo tribal rehabilitation and improvement activities in accordance with the provisions of section 32(d) of Public Law 93-531, as amended (25 U.S.C. 640d-30), including necessary administrative expenses, \$4,000,000, to remain available until expended.

TECHNICAL ASSISTANCE OF INDIAN ENTERPRISES

For payment of management and technical assistance requests associated with loans and grants approved under the Indian Financing Act of 1974, as amended, \$1,000,000.

INDIAN DIRECT LOAN PROGRAM ACCOUNT

*For the cost, as defined in section 13201 of the Budget Enforcement Act of 1990, including the cost of modifying loans, of expert assistance loans authorized by the Act of November 4, 1963, as amended, and the cost of direct loans authorized by the Indian Financing Act of 1974, as amended, \$3,039,000: *Provided*, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed \$15,735,000.*

In addition, for administrative expenses necessary to carry out the direct loan program, \$1,020,000, which may be transferred to and merged with the appropriations for Operation of Indian Programs to cover the common overhead expenses associated with implementing the Credit Reform Act of 1990.

INDIAN GUARANTEED LOAN PROGRAM ACCOUNT

For the cost, as defined in section 13201 of the Budget Enforcement Act of 1990, including the cost of modifying loans, of guaranteed loans authorized by the Indian Financing Act of 1974, as amended, \$8,512,000: *Provided*, That these funds are available to subsidize total loan principal any part of which is to be guaranteed not to exceed \$56,432,000.

In addition, for administrative expenses necessary to carry out the guaranteed loan program, \$1,020,000, which may be transferred to and merged with the appropriations for Operation of Indian Programs to cover the common overhead expenses associated with implementing the Credit Reform Act of 1990.

MISCELLANEOUS PERMANENT APPROPRIATIONS

Beginning October 1, 1991, and thereafter, amounts collected by the Secretary in connection with the Alaska Resupply Program (Public Law 77-457) shall be deposited into a special fund to be established in the Treasury, to be available to carry out the provisions of the Alaska Resupply Program, such amounts to remain available until expended: *Provided*, That unobligated balances of amounts collected in fiscal year 1991 and credited to the Operation of Indian Programs account as offsetting collections, shall be transferred and credited to this account.

ADMINISTRATIVE PROVISIONS

Appropriations for the Bureau of Indian Affairs (except the revolving fund for loans, the Indian loan guarantee and insurance fund, the Technical Assistance of Indian Enterprises account, the Indian Direct Loan Program account, and the Indian Guaranteed Loan Program account) shall be available for expenses of exhibits, and purchase of not to exceed 188 passenger carrying motor vehicles, of which not to exceed 147 shall be for replacement only.

TERRITORIAL AND INTERNATIONAL AFFAIRS
ADMINISTRATION OF TERRITORIES

For expenses necessary for the administration of territories under the jurisdiction of the Department of the Interior, [103,177,000] \$74,150,000, of which (1) [\$99,194,000] \$69,847,000 shall be available until expended for technical assistance, including maintenance assistance, drug interdiction and abuse prevention [and brown tree snake control and research;] late charges and payments of the annual interest rate differential required by the Federal Financing Bank, under terms of the second refinancing of an existing loan to the Guam Power Authority, as authorized by law (Public Law 98-454; 98 Stat. 1732); grants to the judiciary in American Samoa for compensation and expenses, as authorized by law (48 U.S.C. 1661(c)); grants to the Government of American Samoa, in addition to current local revenues, for construction and support of governmental functions; grants to the Government of the Virgin Islands as authorized by law; grants to the Government of Guam, as authorized by law; grants to the Government of the Northern Mariana Islands as authorized by law (Public Law 94-241; 90 Stat. 272); and (2) [\$3,983,000] \$4,303,000 shall be available for salaries and expenses of the Office of Territorial and International Affairs: *Provided*, That the territorial and local governments herein provided for are authorized to make purchases through the General Services Administration: *Provided further*, That all financial transactions of the territorial and local governments herein provided for, including such transactions of all agencies or instrumentalities established or utilized by such governments, shall be audited by the General Accounting Office, in accordance with chapter 35 of title 31, United

States Code: *Provided further*, That Northern Mariana Islands Covenant grant funding shall be provided according to those terms of the Agreement of the Special Representatives on Future United States Financial Assistance for the Northern Mariana Islands approved by Public Law 99-396, except that should the Secretary of the Interior believe that the performance standards of such agreement are not being met, operations funds may be withheld, but only by Act of Congress as required by Public Law 99-396: *Provided further*, That \$1,025,000 of the amounts provided for technical assistance shall be available for a grant to the Close Up Foundation: *Provided further*, That the funds for the program of operations and maintenance improvement are appropriated to institutionalize routine operations and maintenance of capital infrastructure in American Samoa, Guam, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, the Republic of Palau, the Republic of the Marshall Islands, and the Federated States of Micronesia through assessments of long-range operations and maintenance needs, improved capability of local operations and maintenance institutions and agencies (including management and vocational education training), and project-specific maintenance (with territorial participation and cost sharing to be determined by the Secretary based on the individual territory's commitment to timely maintenance of its capital assets).

TRUST TERRITORY OF THE PACIFIC ISLANDS

For expenses necessary for the Department of the Interior in administration of the Trust Territory of the Pacific Islands pursuant to the Trusteeship Agreement approved by joint resolution of July 18, 1947 (61 Stat. 397), and the Act of June 30, 1954 (68 Stat. 330), as amended (90 Stat. 299; 91 Stat. 1159; 92 Stat. 495), and grants to the Trust Territory of the Pacific Islands, in addition to local revenues, for support of governmental functions; [\$27,951,000] \$22,451,000 to remain available until expended including \$17,651,000 for operations of the Government of Palau [to be expended as determined by the Government of Palau]: *Provided*, That all financial transactions of the Trust Territory, including such transactions of all agencies or instrumentalities established or utilized by such Trust Territory, shall be audited by the General Accounting Office in accordance with chapter 35 of title 31, United States Code: *Provided further*, That the government of the Trust Territory of the Pacific Islands is authorized to make purchases through the General Services Administration: *Provided further*, That all Government operations funds appropriated and obligated for the Republic of Palau under this account for fiscal year 1992, shall be credited as an offset against fiscal year 1992 payments made pursuant to the legislation approving the Palau Compact of Free Association (Public Law 99-658), if such Compact is implemented before October 1, 1992: *Provided further*, That not less than \$300,000 of the grants to the Republic of Palau, for support of governmental functions, shall be dedicated to the College of Micronesia in accordance with the agreement between the Micronesian entities.

COMPACT OF FREE ASSOCIATION

For economic assistance and necessary expenses for the Federated States of Micronesia and the Republic of the Marshall Islands as provided for in sections 122, 221, 223, 232, and 233 of the Compacts of Free Association, [\$26,010,000] \$25,010,000, to remain available until expended, as authorized by Public Law

99-239: *Provided*, That the effective date of the Palau Compact for purposes of economic assistance pursuant to the Palau Compact of Free Association, Public Law 99-658, shall be the effective date of the Palau Compact as determined pursuant to section 101 of Public Law 101-219: *Provided further*, That the language in the third proviso under this head in Public Law 100-446 is amended by striking the word "Ejit" and inserting the word "Majuro" [: *Provided further*, That of the amount appropriated, \$2,000,000 shall be available ex gratia for the relocation and resettlement of the people of Rongelap on Rongelap Atoll: *Provided further*, That such sum shall be paid to a trustee selected by the Rongelap Atoll Local Government Council subject only to the disapproval of the Secretary of the Interior to be held in trust pursuant to the provisions of a trust agreement approved by the Rongelap Atoll Local Government Council subject only to the disapproval of the Secretary: *Provided further*, That such fund and the earnings and distribution therefrom shall not be subject to any form of Federal, State, or local taxation: *Provided further*, That the Secretary may approve expenditures of up to \$500,000 in fiscal year 1992 for projects on Mejjatto: *Provided further*, That the Government of the United States shall not be liable in any cause of action in law or equity from the administration and distribution of the trust funds: *Provided further*, That of the amount appropriated, \$1,000,000 shall be available for studies on Rongelap Atoll: *Provided further*, That \$2,000,000 shall be available on an ex gratia basis for the relocation and resettlement of the people of Rongelap on Rongelap Atoll: *Provided further*, That such funds shall remain available for deposit into a Rongelap Resettlement Trust Fund to be used by the people of Rongelap under the terms and conditions as set forth in a trust agreement or amendment thereto approved by the Rongelap Local Government Council subject only to the disapproval of the Secretary of the Interior: *Provided further*, That the Government of the Marshall Islands and the Rongelap Local Government Council shall provide for the creation of the Rongelap Resettlement Trust Fund to assist in the resettlement of Rongelap Atoll by the people of Rongelap, and the employment of the manager of the Rongelap fund established pursuant to the Section 177 Agreement (pursuant to section 177 of Public Law 99-239) as trustee and manager of the Rongelap Resettlement Trust Fund, or, should the manager of the Rongelap Trust not be acceptable to the people of Rongelap, another United States investment manager with substantial experience in the administration of trusts and with funds under management in excess of \$250,000,000: *Provided further*, That such funds shall be available only for costs directly associated with the resettlement of Rongelap by the people of Rongelap: *Provided further*, That such fund and the earnings and distribution therefrom shall not be subject to any form of Federal, State or local taxation: *Provided further*, That the Governments of the United States and the Trust Territory of the Pacific Islands shall not be liable in any cause of action in law or equity from the administration and distribution of the trust funds.

DEPARTMENTAL OFFICES
OFFICE OF THE SECRETARY
SALARIES AND EXPENSES

For necessary expenses of the Office of the Secretary of the Interior, [\$66,414,000] \$58,428,000, of which not to exceed \$7,500 may

be for official reception and representation expenses.

OFFICE OF THE SOLICITOR
SALARIES AND EXPENSES

For necessary expenses of the Office of the Solicitor, [\$30,525,000] \$31,902,000.

OFFICE OF INSPECTOR GENERAL
SALARIES AND EXPENSES

For necessary expenses of the Office of Inspector General, [\$24,244,000] \$25,518,000.

CONSTRUCTION MANAGEMENT
SALARIES AND EXPENSES

For necessary expenses of the Office of Construction Management, \$2,243,000.

NATIONAL INDIAN GAMING COMMISSION
SALARIES AND EXPENSES

For necessary expenses of the National Indian Gaming Commission, pursuant to Public Law 100-497, [\$1,890,000, subject to authorization] \$2,490,000.

[OILSPILL EMERGENCY FUND

[For necessary expenses for contingency planning, response, natural resource damage assessment and restoration activities related to any discharge of oil in waters of the United States upon a determination by the Secretary of the Interior that such funds are necessary for the protection or restoration of natural resources under his jurisdiction; \$3,900,000, which shall remain available until expended.]

ADMINISTRATIVE PROVISIONS

There is hereby authorized for acquisition from available resources within the Working Capital Fund, 11 aircraft, 7 of which shall be for replacement and which may be obtained by donation, purchase or through available excess surplus property: *Provided*, That no programs funded with appropriated funds in the "Office of the Secretary", "Office of the Solicitor", and "Office of Inspector General" may be augmented through the Working Capital Fund or the Consolidated Working Fund.

GENERAL PROVISIONS, DEPARTMENT OF
THE INTERIOR

SEC. 101. Appropriations made in this title shall be available for expenditure or transfer (within each bureau or office), with the approval of the Secretary, for the emergency reconstruction, replacement, or repair of aircraft, buildings, utilities, or other facilities or equipment damaged or destroyed by fire, flood, storm, or other unavoidable causes: *Provided*, That no funds shall be made available under this authority until funds specifically made available to the Department of the Interior for emergencies shall have been exhausted: *Provided further*, That all funds used pursuant to this section are hereby designated by Congress to be "emergency requirements" pursuant to section 251(b)(2)(D) of the *Balanced Budget and Emergency Deficit Control Act of 1985* and must be replenished by a supplemental appropriation which must be requested as promptly as possible.

SEC. 102. The Secretary may authorize the expenditure or transfer of any no year appropriation in this title, in addition to the amounts included in the budget programs of the several agencies, for the suppression or emergency prevention of forest or range fires on or threatening lands under the jurisdiction of the Department of the Interior; for the emergency rehabilitation of burned-over lands under its jurisdiction; for emergency actions related to potential or actual earthquakes, floods, volcanoes, storms, or other unavoidable causes; for contingency planning subsequent to actual oilspills; response

and natural resource damage assessment activities related to actual oilspills; for the prevention, suppression, and control of actual or potential grasshopper and Mormon cricket outbreaks on lands under the jurisdiction of the Secretary, pursuant to the authority in section 1773(b) of Public Law 99-198 (99 Stat. 1658); for emergency reclamation projects under section 410 of Public Law 95-87; and shall transfer, from any no year funds available to the Office of Surface Mining Reclamation and Enforcement, such funds as may be necessary to permit assumption of regulatory authority in the event a primacy State is not carrying out the regulatory provisions of the Surface Mining Act: *Provided*, That appropriations made in this title for fire suppression purposes shall be available for the payment of obligations incurred during the preceding fiscal year, and for reimbursement to other Federal agencies for destruction of vehicles, aircraft, or other equipment in connection with their use for fire suppression purposes, such reimbursement to be credited to appropriations currently available at the time of receipt thereof: *Provided further*, That for emergency rehabilitation and wildfire suppression activities, no funds shall be made available under this authority until funds appropriated to the "Emergency Department of the Interior Firefighting Fund" shall have been exhausted: *Provided further*, That all funds used pursuant to this section are hereby designated by Congress to be "emergency requirements" pursuant to section 251(b)(2)(D) of the *Balanced Budget and Emergency Deficit Control Act of 1985* and must be replenished by a supplemental appropriation which must be requested as promptly as possible: *Provided further*, That such replenishment funds shall be used to reimburse, on a pro rata basis, accounts from which emergency funds were transferred.

SEC. 103. Appropriations made in this title shall be available for operation of warehouses, garages, shops, and similar facilities, wherever consolidation of activities will contribute to efficiency or economy, and said appropriations shall be reimbursed for services rendered to any other activity in the same manner as authorized by sections 1535 and 1536 of title 31, U.S.C.: *Provided*, That reimbursements for costs and supplies, materials, equipment, and for services rendered may be credited to the appropriation current at the time such reimbursements are received.

SEC. 104. Appropriations made to the Department of the Interior in this title shall be available for services as authorized by 5 U.S.C. 3109, when authorized by the Secretary, in total amount not to exceed \$500,000; hire, maintenance, and operation of aircraft; hire of passenger motor vehicles; purchase of reprints; payment for telephone service in private residences in the field, when authorized under regulations approved by the Secretary; and the payment of dues, when authorized by the Secretary, for library membership in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members.

SEC. 105. Appropriations available to the Department of the Interior for salaries and expenses shall be available for uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901-5902 and D.C. Code 4-204).

SEC. 106. Appropriations made in this title shall be available for obligation in connection with contracts issued by the General Services Administration for services or rentals for periods not in excess of twelve

months beginning at any time during the fiscal year.

[SEC. 107. None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to finance changing the name of the mountain located 63 degrees, 04 minutes, 15 seconds west, presently named and referred to as Mount McKinley.]

SEC. [108] 107. Notwithstanding any other provisions of law, in fiscal year 1992 and thereafter, appropriations in this title shall be available to provide insurance on official motor vehicles, aircraft, and boats operated by the Department of the Interior in Canada and Mexico.

SEC. [109] 108. No funds provided in this title may be used to detail any employee to an organization unless such detail is in accordance with Office of Personnel Management regulations.

SEC. [110] 109. No funds provided in this title may be expended by the Department of the Interior for the conduct of offshore leasing and related activities placed under restriction in the President's moratorium statement of June 26, 1990, in the areas of Northern, Central, and Southern California; the North Atlantic; Washington and Oregon; and the Eastern Gulf of Mexico south of 26 degrees north latitude and east of 86 degrees west longitude.

SEC. [111] 110. No funds provided in this title may be expended by the Department of the Interior for the conduct of leasing, or the approval or permitting of any drilling or other exploration activity, on lands within the North Aleutian Basin planning area.

SEC. [112] 111. No funds provided in this title may be expended by the Department of the Interior for the conduct of preleasing and leasing activities in the Eastern Gulf of Mexico for Outer Continental Shelf Lease Sale 137 or for Sale 151 in the February 1991 draft proposal for the Outer Continental Shelf Natural Gas and Oil Resource Management Comprehensive Program, 1992-1997.

SEC. [113] 112. No funds provided in this title may be expended by the Department of the Interior for the conduct of preleasing and leasing activities in the Atlantic for Outer Continental Shelf Lease Sale 145 in the February 1991 draft proposal for the Outer Continental Shelf Natural Gas and Oil Resource Management Comprehensive Program, 1992-1997.

SEC. [114] 113. None of the funds made available by this Act may be used for the implementation or financing of agreements or arrangements with entities for the management of all lands, waters, and interests therein on Matagorda Island, Texas, which were purchased by the Department of the Interior with federally appropriated amounts from the Land and Water Conservation Fund.

SEC. [115] 114. The provision of section [114] 113 shall not apply if the transfer of management or control is ratified by law.

SEC. [116] 115. Notwithstanding any other provision of law, in fiscal year 1992 and thereafter, any appropriations or funds available to the Department of the Interior in this Act may be used to provide nonmonetary awards of nominal value to private individuals and organizations that make contributions to Department of the Interior programs.

SEC. [117] 116. Appropriations under this title in fiscal year 1992 and thereafter, may be made available for paying costs incidental to the utilization of services contributed by individuals who serve without compensation as volunteers in aid of work for units of the Department of the Interior.

TITLE II—RELATED AGENCIES
DEPARTMENT OF AGRICULTURE
FOREST SERVICE
FOREST RESEARCH

For necessary expenses of forest research as authorized by law, [\$183,572,000] \$176,850,000 to remain available until September 30, 1993.

STATE AND PRIVATE FORESTRY

For necessary expenses of cooperating with, and providing technical and financial assistance to States, Territories, possessions, and others; and for forest pest management activities, [\$205,041,000] \$193,332,000, to remain available until expended, as authorized by law: *Provided*, That a grant of \$4,500,000 shall be available to Mercer County, West Virginia for the construction and equipping of a hardwood training and a flexible manufacturing center: *Provided further*, That \$250,000 is available for the Center for Snow Science at Alta, Utah: *Provided further*, That \$5,000,000 shall be available for the Morris K. Udall Scholarship and Excellence in National Environmental Policy Foundation, subject to the passage of authorizing legislation: *Provided further*, That outlays for the Foundation shall not exceed \$1,000,000 in fiscal year 1992.

NATIONAL FOREST SYSTEM

For necessary expenses of the Forest Service, not otherwise provided for, for management, protection, improvement, and utilization of the National Forest System, and for administrative expenses associated with the management of funds provided under the heads "Forest Research", "State and Private Forestry", "National Forest System", "Construction", "Forest Service Firefighting", and "Land Acquisition", [\$1,280,947,000] \$1,379,205,000 to remain available for obligation until September 30, 1993, including \$30,968,000 for wilderness management, and including 65 per centum of all monies received during the prior fiscal year as fees collected under the Land and Water Conservation Fund Act of 1965, as amended, in accordance with section 4 of the Act (16 U.S.C. 4601-6a(1)): *Provided*, That unobligated and unexpended balances in the National Forest System account at the end of fiscal year 1991, shall be merged with and made a part of the fiscal year 1992 National Forest System appropriation, and shall remain available for obligation until September 30, 1993: *Provided*, That timber volume authorized or scheduled for sale during fiscal year 1991, but which remains unsold at the end of fiscal year 1991 shall be offered for sale during fiscal year 1992 in addition to the fiscal year 1992 timber sale volume directed by this Act: *Provided further*, That up to \$5,000,000 of the funds provided herein for road maintenance shall be available for the planned obliteration of roads which are no longer needed: *Provided further*, That none of the funds provided in this or any other Act shall be used to establish a timber sales offer volume different from that stated in the Committee report accompanying this legislation, without the advance approval of the Committee.

FOREST SERVICE FIREFIGHTING

For necessary expenses for firefighting on or adjacent to National Forest System lands or other lands under fire protection agreement, and for forest fire management and presuppression, and emergency operations on, and the emergency rehabilitation of, National Forest System lands, [\$189,803,000] \$302,203,000, to remain available until expended: *Provided*, That such funds are also to be available for repayment of advances to other appropriation accounts from which funds were previously transferred for such

purposes: *Provided further*, That any funds needed for emergency firefighting above the amount of \$112,000,000 shall be designated to be "emergency requirements" pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985.

EMERGENCY FOREST SERVICE FIREFIGHTING FUND

[For the purpose of establishing an "Emergency Forest Service Firefighting Fund" in the Treasury of the United States to be available only for emergency rehabilitation and wildfire suppression activities of the Forest Service, \$112,000,000, to remain available until expended: *Provided*, That all funds available under this head are hereby designated by Congress to be "emergency requirements" pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That funds appropriated under this head shall be made available only after submission to Congress of a formal budget request by the President that includes a designation of the entire amount of the request as an "emergency requirement" for all purposes of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That all funds included in any budget request made pursuant to this paragraph shall be made available one day after submission to Congress: *Provided further*, That notwithstanding any other provision of law, enactment of this section shall not constitute a change in concept or definition under section 251(b)(1)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985 and shall not cause a negative budget authority or outlay adjustment to be made to any discretionary spending limit for the domestic category established by Public Law 101-508.]

CONSTRUCTION

For necessary expenses of the Forest Service, not otherwise provided for, for construction, [\$350,420,000] \$265,545,000, to remain available until expended, of which [\$78,607,000] \$78,272,000 is for construction and acquisition of buildings and other facilities; and [\$271,813,000] \$187,273,000 is for construction and repair of forest roads and trails by the Forest Service as authorized by 16 U.S.C. 532-538 and 23 U.S.C. 101 and 205: *Provided*, That funds becoming available in fiscal year 1992 under the Act of March 4, 1913 (16 U.S.C. 501) shall be transferred to the General Fund of the Treasury of the United States: *Provided further*, That not to exceed [\$113,000,000] \$120,000,000, to remain available until expended, may be obligated for the construction of forest roads by timber purchasers: *Provided further*, That \$5,000,000 of the funds provided herein for road repairs shall be available for the planned obliteration of roads which are no longer needed.]

LAND ACQUISITION

For expenses necessary to carry out the provisions of the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 4601-4-11), including administrative expenses, and for acquisition of land or waters, or interest therein, in accordance with statutory authority applicable to the Forest Service, [\$90,735,000] \$84,210,000, to be derived from the Land and Water Conservation Fund, to remain available until expended: *Provided*, That \$6,000,000 shall be available for necessary expenses of the Forest Legacy Program, as authorized by section 1217 of Public Law 101-624, the Food, Agriculture, Conservation and Trade Act of 1990: *Provided further*, That the Forest Service shall not, under authority provided by this section, enter into any commitment to fund the purchase of interests in lands, the purchase

of which would exceed the level of appropriations provided by this section: *Provided further*, That the Forest Service shall make a grant of \$633,000 to the City of Missoula, Montana, from funds appropriated by Public Law 101-512 for direct acquisition of property known as Rattlesnake Greenway and currently under option to the City of Missoula, Montana: *Provided further*, That no funds shall be available to purchase Special Improvement District permits and any remaining funds shall be available to acquire additional properties for recreation and open space in the same vicinity.

ACQUISITION OF LANDS FOR NATIONAL FORESTS SPECIAL ACTS

For acquisition of lands within the exterior boundaries of the Cache, Uinta, and Wasatch National Forests, Utah; the Toiyabe National Forest, Nevada; and the Angeles, San Bernardino, Sequoia, and Cleveland National Forests, California, as authorized by law, \$1,148,000, to be derived from forest receipts.

ACQUISITION OF LANDS TO COMPLETE LAND EXCHANGES

For acquisition of lands, to be derived from funds deposited by State, county, or municipal governments, public school districts, or other public school authorities pursuant to the Act of December 4, 1967, as amended (16 U.S.C. 484a), to remain available until expended.

RANGE BETTERMENT FUND

For necessary expenses of range rehabilitation, protection, and improvement, 50 per centum of all moneys received during the prior fiscal year, as fees for grazing domestic livestock on lands in National Forests in the sixteen Western States, pursuant to section 401(b)(1) of Public Law 94-579, as amended, to remain available until expended, of which not to exceed 6 per centum shall be available for administrative expenses associated with on-the-ground range rehabilitation, protection, and improvements.

GIFTS, DONATIONS AND BEQUESTS FOR FOREST AND RANGELAND RESEARCH

For expenses authorized by 16 U.S.C. 1643(b), \$97,000 to remain available until expended, to be derived from the fund established pursuant to the above Act.

ADMINISTRATIVE PROVISIONS, FOREST SERVICE

Appropriations to the Forest Service for the current fiscal year shall be available for: (a) purchase of not to exceed 207 passenger motor vehicles of which 17 will be used primarily for law enforcement purposes and of which 176 shall be for replacement only, of which acquisition of 137 passenger motor vehicles shall be from excess sources, and hire of such vehicles; operation and maintenance of aircraft, the purchase of not to exceed two for replacement only, and acquisition of 68 aircraft from excess sources; notwithstanding other provisions of law, existing aircraft being replaced may be sold, with proceeds derived or trade-in value used to offset the purchase price for the replacement aircraft; (b) services pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed \$100,000 for employment under 5 U.S.C. 3109; (c) purchase, erection, and alteration of buildings and other public improvements (7 U.S.C. 2250); (d) acquisition of land, waters, and interests therein, pursuant to the Act of August 3, 1956 (7 U.S.C. 428a); (e) for expenses pursuant to the Volunteers in the National Forest Act of 1972 (16 U.S.C. 558a, 558d, 558a note); and (f) for debt collection contracts in accordance with 31 U.S.C. 3718(c).

None of the funds made available under this Act shall be obligated or expended to

change the boundaries of any region, to abolish any region, to move or close any regional office for research, State and private forestry, or National Forest System administration of the Forest Service, Department of Agriculture, without the consent of the House and Senate Committees on Appropriations and the Committee on Agriculture, Nutrition, and Forestry in the United States Senate and the Committee on Agriculture in the United States House of Representatives.

Any appropriations or funds available to the Forest Service may be advanced to the Forest Service Firefighting appropriation and may be used for forest firefighting and the emergency rehabilitation of burned-over lands under its jurisdiction: *Provided*, That no funds shall be made available under this authority until funds appropriated to the "Emergency Forest Service Firefighting Fund" shall have been exhausted.]

The appropriation structure for the Forest Service may not be altered without advance approval of the House and Senate Committees on Appropriations.

Notwithstanding any other provision of law, any appropriations or funds available to the Forest Service may be used to reimburse employees for the cost of State licenses and certification fees pursuant to their Forest Service position and that are necessary to comply with State laws, regulations, and requirements.

Funds appropriated to the Forest Service shall be available for assistance to or through the Agency for International Development and the Office of International Cooperation and Development in connection with forest and rangeland research, technical information, and assistance in foreign countries, and shall be available to support forestry and related natural resource activities outside the United States and its territories and possessions, including technical assistance, education and training, and cooperation with United States and international organizations.

All funds received for timber salvage sales may be credited to the Forest Service Permanent Appropriations to be expended for timber salvage sales from any national forest, and for timber sales preparation to replace sales lost to fire or other causes, and sales preparation to replace sales inventory on the shelf for any national forest to a level sufficient to maintain new sales availability equal to a rolling five-year average of the total sales offerings, and for design, engineering, and supervision of construction of roads lost to fire or other causes associated with the timber sales programs described above: *Provided*, That notwithstanding any other provision of law, moneys received from the timber salvage sales program in fiscal year 1992 shall be considered as money received for purposes of computing and distributing 25 per centum payments to local governments under 16 U.S.C. 500, as amended.

None of the funds made available to the Forest Service under this Act shall be subject to transfer under the provisions of section 702(b) of the Department of Agriculture Organic Act of 1944 (7 U.S.C. 2257) or 7 U.S.C. 147b unless the proposed transfer is approved in advance by the House and Senate Committees on Appropriations in compliance with the reprogramming procedures contained in House Report 99-714.

No funds appropriated to the Forest Service shall be transferred to the Working Capital Fund of the Department of Agriculture without the approval of the Chief of the Forest Service.

Notwithstanding any other provision of law, any appropriations or funds available to

the Forest Service may be used to disseminate program information to private and public individuals and organizations through the use of nonmonetary items of nominal value and to provide nonmonetary awards of nominal value and to incur necessary expenses for the nonmonetary recognition of private individuals and organizations that make contributions to Forest Service programs.

Notwithstanding any other provision of law, money collected, in advance or otherwise, by the Forest Service under authority of section 101 of Public Law 93-153 (30 U.S.C. 185(1)) as reimbursement of administrative and other costs incurred in processing pipeline right-of-way or permit applications and for costs incurred in monitoring the construction, operation, maintenance, and termination of any pipeline and related facilities, may be used to reimburse the applicable appropriation to which such costs were originally charged.

Funds available to the Forest Service shall be available to conduct a program of not less than \$1,000,000 for high priority projects within the scope of the approved budget which shall be carried out by the Youth Conservation Corps as if authorized by the Act of August 13, 1970, as amended by Public Law 93-408.

Notwithstanding the provisions of the Federal Grant and Cooperative Agreements Act of 1977 (31 U.S.C. 6301-6308), the Forest Service is authorized hereafter to negotiate and enter into cooperative arrangements with public and private agencies, organizations, institutions, and individuals to print educational materials and to continue the Challenge Cost-Share Program.

[None of the funds available in this Act shall be used for timber sale preparation using clearcutting or other forms of even-age management in hardwood stands in the Shawnee National Forest, Illinois: *Provided*, That none of the funds available in this Act shall be used to administer timber sales, including timber sales under contracts entered into prior to fiscal year 1992, which involve clear cutting or other forms of even-age management.

[None of the funds available in this Act shall be used for timber sale preparation using clearcutting in hardwood stands in excess of 25 percent of the fiscal year 1989 harvested volume in the Wayne National Forest, Ohio: *Provided*, That this limitation shall not apply to hardwood stands damaged by natural disaster: *Provided further*, That landscape architects shall be used to maintain a visually pleasing forest.]

None of the funds made available to the Forest Service in this Act shall be expended for the purpose of issuing a special use authorization permitting land use and occupancy and surface disturbing activities for any project to be constructed on Lewis Fork Creek in Madera County, California, at the site above, and adjacent to, Corlieu Falls bordering the Lewis Fork Creek National Recreation Trail until the studies required in Public Law 100-202 have been submitted to the Congress: *Provided*, That any special use authorization shall not be executed prior to the expiration of thirty calendar days (not including any day in which either House of Congress is not in session because of adjournment of more than three calendar days to a day certain) from the receipt of the required studies by the Speaker of the House of Representatives and the President of the Senate.

[None of the funds made available to the Forest Service in this Act shall be expended

for the purpose of issuing a special use authorization permitting land use and occupancy and surface disturbing activities for any project to be constructed on Rock Creek, Madera County, California.]

Any money collected from the States for fire suppression assistance rendered by the Forest Service on non-Federal lands not in the vicinity of National Forest System lands shall be used to reimburse the applicable appropriation and shall remain available until expended as the Secretary may direct in conducting activities authorized by 16 U.S.C. 2101 (note), 2101-2110, 1606, and 2111.

Of the funds available to the Forest Service, \$1,500 is available to the Chief of the Forest Service for official reception and representation expenses.

Notwithstanding any other provision of law, the Forest Service is authorized to employ or otherwise contract with persons at regular rates of pay, as determined by the Service, to perform work occasioned by emergencies such as fires, storms, floods, earthquakes or any other unavoidable cause without regard to Sundays, Federal holidays, and the regular workweek.

[The Forest Service shall conduct a below cost timber sales test on the Shawnee National Forest in Illinois in fiscal year 1992.]

In fiscal year 1992, the Forest Service is directed to offer for sale new timber volumes in the following regions—Region 1, 940 million board feet; Region 2, 340 million board feet; Region 3, 375 million board feet; Region 4, 345 million board feet; Region 5, 1.3 billion board feet; Region 6, 3 billion board feet; Region 8, 1.1 billion board feet; Region 9, 800 million board feet; and Region 10, 450 million board feet.

*In fiscal year 1992, the Forest Service shall prepare timber sales for offering in future years by conducting the necessary environmental documentation (Gate 2) and by conducting field activities and appraisal activities so that the sale is ready for advertisement: *Provided*, That in fiscal year 1992 the Forest Service is directed to prepare sales volume through Gate 2 totaling 8.42 billion board feet, distributed as follows—Region 1, 800 million board feet; Region 2, 375 million board feet; Region 3, 410 million board feet; Region 4, 410 million board feet; Region 5, 1.2 billion board feet; Region 6, 2.275 billion board feet; Region 8, 1.1 billion board feet; Region 9, 850 million board feet; Region 10, 1 billion board feet: *Provided further*, That in fiscal year 1992 the Forest Service is directed to prepare sales volume through Gate 3 totaling 5.965 billion board feet, distributed as follows—Region 1, 740 million board feet; Region 2, 320 million board feet; Region 3, 300 million board feet; Region 4, 345 million board feet; Region 5, 1 billion board feet; Region 6, 1.27 billion board feet; Region 8, 900 million board feet; Region 9, 690 million board feet; Region 10, 400 million board feet.*

*Notwithstanding any other provision of law, funds allocated by the Forest Service to a specific national forest in fiscal year 1993 for National Forest System trail construction; trail maintenance; wildlife and fish habitat management; soil, water, and air management; cultural resource management; wilderness management; reforestation and timber stand improvement; timber sale administration and management including all timber support costs shall be increased by 10 per centum on October 1, 1992 if the specific national forest attains the timber sale offer volume and timber pipeline preparation volume directed in fiscal year 1992: *Provided*, That these funds shall be made available in fiscal year 1993 from fiscal year 1992 timber receipts returned to the Federal Treasury and shall be available until expended: *Provided further*, That these funds are in addition to any*

other funds appropriated for these activities and can be merged into regular appropriated accounts.

Notwithstanding any other provision of law, the payment, from fiscal year 1992 receipts, to the State of South Carolina pursuant to the Act of May 23, 1908 (35 Stat. 260, chapter 192; 16 U.S.C. 500) and section 13 of the Act of March 1, 1911 (36 Stat. 963, chapter 186; 16 U.S.C. 500) for the Francis Marion National Forest, which was affected by Hurricane Hugo in September 1989, shall be not less than 90 per centum of the average annual payment made to the State, based on receipts collected on the Forest during the 4-year baseline period of fiscal years 1986 through 1989.

DEPARTMENT OF ENERGY

CLEAN COAL TECHNOLOGY

[Projects selected pursuant to the fifth general request for proposals to be issued not later than March 1, 1992.] Notwithstanding the issuance date for the fifth general request for proposals under this head in Public Law 101-512, such request for proposals shall be issued on August 10, 1992: Provided, that a sixth general request for proposals shall be issued not later than February 1, 1994: Provided further, That funding for the sixth general request for proposals shall be provided from unobligated balances from prior appropriations under this head: Provided further, That the Secretary shall, not later than November 1, 1993, report to the President of the Senate and the Speaker of the House of Representatives on the amount of such funds which are available for the sixth general request for proposals: Provided further, That such general requests for proposals shall be subject to all provisos contained under this head in previous appropriations Acts unless amended by this Act.

Notwithstanding the provisos under this head in previous appropriations Acts, projects selected pursuant to the fifth [general request] and sixth general requests for proposals shall advance significantly the efficiency and environmental performance of coal-using technologies and be applicable to either new or existing facilities: Provided, That budget periods may be used in lieu of design, construction, and operating phases for cost-sharing calculations: Provided further, That the Secretary shall not finance more than 50 per centum of the total costs of any budget period: Provided further, That project specific development activities for process performance definition, component design verification, materials selection, and evaluation of alternative designs may be funded on a cost-shared basis up to a limit of 10 per centum of the Government's share of project cost: Provided further, That development activities eligible for cost-sharing may include limited modifications to existing facilities for project related testing but do not include construction of new facilities.

With regard to funds made available under this head in this and previous appropriations Acts, unobligated balances excess to the needs of the procurement for which they originally were made available may be applied to other procurements: (1) for use on projects for which cooperative agreements are in place, within the limitations and proportions of Government financing increases currently allowed by law [, or (2) for which requests for proposals have not yet been issued]: Provided, That hereafter, the Department of Energy, for a period of up to five years after completion of the operations phase of a cooperative agreement may provide appropriate protections, including exemptions from subchapter II of chapter 5 of title 5, United States Code, against the dissemination of information that results from

demonstration activities conducted under the Clean Coal Technology Program and that would be a trade secret or commercial or financial information that is privileged or confidential if the information had been obtained from and first produced by a non-Federal party participating in a Clean Coal Technology project: Provided further, That hereafter, in addition to the full-time permanent Federal employees specified in section 303 of Public Law 97-257, as amended, no less than 90 full-time Federal employees shall be assigned to the Assistant Secretary for Fossil Energy for carrying out the programs under this head using funds available under this head in this and any other appropriations Act and of which not less than 35 shall be for PETC and not less than 30 shall be for METC: Provided further, That hereafter reports on projects selected by the Secretary of Energy pursuant to authority granted under this heading which are received by the Speaker of the House of Representatives and the President of the Senate less than 30 legislative days prior to the end of each session of Congress shall be deemed to have met the criteria in the third proviso of the fourth paragraph under the heading "Administrative provisions, Department of Energy" in the Department of the Interior and Related Agencies Appropriations Act, 1986, as contained in Public Law 99-190, upon expiration of 30 calendar days from receipt of the report by the Speaker of the House of Representatives and the President of the Senate or at the end of the session, whichever occurs later.

FOSSIL ENERGY RESEARCH AND DEVELOPMENT (INCLUDING RESCISSION)

For necessary expenses in carrying out fossil energy research and development activities, under the authority of the Department of Energy Organization Act (Public Law 95-91), including the acquisition of interest, including defeasible and equitable interests in any real property or any facility or for plant or facility acquisition or expansion, [\$453,989,000] \$454,015,000, to remain available until expended, of which [\$438,000] \$278,000 is for the functions of the Office of the Federal Inspector for the Alaska Natural Gas Transportation System established pursuant to the authority of Public Law 94-586 (90 Stat. 2908-2909) and of which \$3,100,000 is available for the fuels program: Provided further, That none of the funds made available under this head may be managed by any individual who is not subject to the "employment floor" provisions in Public Law 97-257 as amended or, in the alternate, who is not the Acting Assistant Secretary for Fossil Energy: Provided further, That no part of the sum herein made available shall be used for the field testing of nuclear explosives in the recovery of oil and gas.

Of the funds provided herein, \$2,000,000 shall be available for a grant for the National Research Center for Coal and Energy, and \$1,500,000 shall be for a grant to be matched on an equal basis from other sources for the University of North Dakota Energy and Environmental Research Center.

Of the funds herein provided [, \$40,800,000] is for implementation of the June 1984 multiyear, cost-shared magnetohydrodynamics program targeted on proof-of-concept testing: Provided, That [35] 40 per centum private sector cash or in-kind contributions shall be required for obligations in fiscal year 1992, and for each subsequent fiscal year's obligations private sector contributions shall increase by 5 per centum over the life of the proof-of-concept plan: Provided further, That existing facilities, equipment, and supplies, or previously expended research or

development funds are not cost-sharing for the purposes of this appropriation, except as amortized, depreciated, or expended in normal business practice: Provided further, That cost-sharing shall not be required for the costs of constructing or operating Government-owned facilities or for the costs of Government organizations, National Laboratories, or universities and such costs shall not be used in calculating the required percentage for private sector contributions: Provided further, That private sector contribution percentages need not be met on each contract but must be met in total for each fiscal year.

Funds in the amount of \$8,000,000 provided under this head in Public Law 101-512 to initiate a ten-year industry/government cooperative agreement to design, construct, and operate a proof-of-concept oil shale facility employing modified in-situ retorting and surface processing of mined shale and waste at Federal Prototype Oil Shale Lease Tract Cb near Meeker, Colorado, are rescinded.

ALTERNATIVE FUELS PRODUCTION (INCLUDING TRANSFER OF FUNDS)

Monies received as investment income on the principal amount in the Great Plains Project Trust at the Norwest Bank of North Dakota, in such sums as are earned as of October 1, 1991, shall be deposited in this account and immediately transferred to the General Fund of the Treasury. Monies received as revenue sharing from the operation of the Great Plains Gasification Plant shall be immediately transferred to the General Fund of the Treasury: Provided, That the Department of Energy may not agree to modifications to the Great Plains Project Trust Agreement, dated October 31, 1988, that are not consistent with the following criteria: (1) for the purpose of financing a sulfur control technology project using Government contributions from the Trust, the cost of such project shall not include costs of plant downtime or outages; (2) the Government contribution to such project shall not exceed 50 per centum of the amount of remaining project costs after the disbursement of funds from the Environmental Account established in section 2(b) of the Trust Agreement, shall be in the form of a loan, and shall not exceed \$30,000,000; (3) [no disbursements from either the Reserve Account established in section 2(b) of the Trust Agreement or the Environmental Account shall be made without written assurance from the Environmental Protection Agency that the project technology is proper and that more restrictive emissions constraints over those in current permits will not be imposed] a report shall have been submitted by the Secretary of Energy not later than March 1, 1992 commenting on the adequacy and cost effectiveness of the proposed environmental control measures in satisfying such environmental emissions requirements as may exist and commenting on what further assistance, if any, is to be provided to the project; and (4) repayment of any loan shall be from revenues not already due the Government as part of the Asset Purchase Agreement, dated October 7, 1988, and at least in proportion to the Government contribution to the costs of the project net of the disbursement from the Environmental Account for any increased revenues or profits realized as a result of the sulfur control project.

NAVAL PETROLEUM AND OIL SHALE RESERVES

For necessary expenses in carrying out naval petroleum and oil shale reserve activities, [\$238,200,000] \$222,300,000, to remain available until expended.

ENERGY CONSERVATION

For necessary expenses in carrying out energy conservation activities, [\$559,661,000] \$526,084,000, to remain available until expended, including, notwithstanding any other provision of law, the excess amount for fiscal year 1992 determined under the provisions of section 3003(d) of Public Law 99-509 (15 U.S.C. 4502): *Provided*, That [\$247,893,000] \$220,150,000 shall be for use in energy conservation programs as defined in section 3008(3) of Public Law 99-509 (15 U.S.C. 4507) and shall not be available until excess amounts are determined under the provisions of section 3003(d) of Public Law 99-509 (15 U.S.C. 4502): *Provided further*, That notwithstanding section 3003(d)(2) of Public Law 99-509 such sums shall be allocated to the eligible programs in the same proportion for each program as in fiscal year 1991: *Provided further*, That of the sums for weatherization assistance for low-income persons, \$3,000,000 shall be for the incentive program authorized by section 415d of the Energy Conservation and Production Act, as amended by Public Law 101-440: *Provided further*, That [\$3,000,000] \$1,500,000 of the amount under this heading shall be for metal casting research consistent with the provisions of Public Law 101-425: *Provided further*, That \$1,500,000 of the amount provided under this head shall be available for a grant to the National Center for Alternate Transportation Fuels: *Provided further*, That \$5,000,000 of the amount provided under this head, and such amounts as may be provided hereafter in appropriations Acts, shall be available to continue a contract funded in Public Law 101-512 for the development of an Integrated Management Information System for the steel industry, and the government's share of the cost of such project shall not exceed 50 per centum using the same criteria for acceptance of contributions as for steel and aluminum research below: *Provided further*, That [\$17,968,000] \$17,967,000 of the amount provided under this heading shall be available for continuing research and development efforts begun under title II of the Interior and Related Agencies portion of the joint resolution entitled "Joint Resolution making further continuing appropriations for the fiscal year 1986, and for other purposes", approved December 19, 1985 (Public Law 99-190), and implementation of steel and aluminum research authorized by Public Law 100-680: *Provided further*, That existing facilities, equipment, and supplies, or previously expended research or development funds are not accepted as contributions for the purposes of this appropriation, except as amortized, depreciated, or expensed in normal business practice: *Provided further*, That the total Federal expenditure under this proviso shall be repaid up to one and one-half times from the proceeds of the commercial sale, lease, manufacture, or use of technologies developed under this proviso, at a rate of one-fourth of all net proceeds: *Provided further*, That up to \$27,000,000 of the amount provided under this head is for electric and hybrid vehicle battery research to be conducted on a cooperative basis with non-Federal entities, such amounts to be available only as matched on an equal basis by such entities: *Provided further*, That section 303 of Public Law 97-257 is further amended by changing the number for the Office of the Assistant Secretary for Conservation and Renewables from "352" to "397".

ECONOMIC REGULATION

For necessary expenses in carrying out the activities of the Economic Regulatory Administration and the Office of Hearings and

Appeals, [\$15,114,000] \$14,428,000, to remain available until expended.

EMERGENCY PREPAREDNESS

For necessary expenses in carrying out emergency preparedness activities, \$8,300,000, to remain available until expended.

STRATEGIC PETROLEUM RESERVE

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for Strategic Petroleum Reserve facility development and operations and program management activities pursuant to the Energy Policy and Conservation Act of 1975, as amended (42 U.S.C. 6201 et seq.), \$185,858,000, to remain available until expended, including \$122,685,000 to be derived by transfer from funds deposited in the "SPR petroleum account" as a result of the test sale of the Strategic Petroleum Reserve begun on September 26, 1990, as authorized under 42 U.S.C. 6241(g)(1): *Provided*, That the provisions of 42 U.S.C. 6241(g)(6)(B) shall not apply to the use of these funds: *Provided further*, That appropriations herein made shall not be available for leasing of facilities for the storage of crude oil for the Strategic Petroleum Reserve unless the quantity of oil stored in or deliverable to Government-owned storage facilities by virtue of contractual obligations is equal to [750,000,000] 700,000,000 barrels.

SPR PETROLEUM ACCOUNT

For the acquisition and transportation of petroleum and for other necessary expenses as authorized under 42 U.S.C. 6247, [\$203,000,000] \$243,000,000, to remain available until expended: *Provided*, That notwithstanding 42 U.S.C. 6240(d) the United States share of crude oil in Naval Petroleum Reserve Numbered 1 (Elk Hills) may be sold or otherwise disposed of to other than the Strategic Petroleum Reserve: *Provided further*, That no funds made available by this or any other Act may be used for leasing, exchanging, or otherwise acquiring except by direct purchase crude oil from a foreign government, a foreign State-owned oil company, or an agent of either, except pursuant to the procedures of section 174, part C, title I of the Energy Policy and Conservation Act (42 U.S.C. 6211 et seq.), as contained in section 6 of Public Law 101-383: *Provided further*, That the Secretary of Energy may contract, without regard to sections 171(b)(2)(B) and 173 of the Energy Policy and Conservation Act (42 U.S.C. 6249(b)(2)(B) and 6249b), or to the restrictions which title II of Public Law 101-512 imposes on the leasing of crude oil, for storage in the Strategic Petroleum Reserve of crude oil owned by one or more foreign governments, or their state-owned oil companies, or agents of either: *Provided further*, That the running of the 12 month period described in section 161(g)(6)(B) of the Energy Policy and Conservation Act of 1975, as amended (42 U.S.C. 6241(g)(6)(B)), shall be suspended during fiscal year 1992: *Provided further*, That outlays in fiscal year 1992 resulting from the use of funds in this account other than those deposited as a result of a test sale or drawdown of the Reserve shall not exceed [\$139,000,000] \$144,000,000.

ENERGY INFORMATION ADMINISTRATION

For necessary expenses in carrying out the activities of the Energy Information Administration, [\$77,908,000] \$77,073,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS, DEPARTMENT OF ENERGY

Appropriations under this Act for the current fiscal year shall be available for hire of passenger motor vehicles; hire, maintenance, and operation of aircraft; purchase, repair,

and cleaning of uniforms; and reimbursement to the General Services Administration for security guard services.

From appropriations under this Act, transfers of sums may be made to other agencies of the Government for the performance of work for which the appropriation is made.

None of the funds made available to the Department of Energy under this Act shall be used to implement or finance authorized price support or loan guarantee programs unless specific provision is made for such programs in an appropriations Act.

The Secretary is authorized to accept lands, buildings, equipment, and other contributions from public and private sources and to prosecute projects in cooperation with other agencies, Federal, State, private, or foreign: *Provided*, That revenues and other moneys received by or for the account of the Department of Energy or otherwise generated by sale of products in connection with projects of the Department appropriated under this Act may be retained by the Secretary of Energy, to be available until expended, and used only for plant construction, operation, costs, and payments to cost-sharing entities as provided in appropriate cost-sharing contracts or agreements: *Provided further*, That the remainder of revenues after the making of such payments shall be covered into the Treasury as miscellaneous receipts: *Provided further*, That any contract, agreement, or provision thereof entered into by the Secretary pursuant to this authority shall not be executed prior to the expiration of 30 calendar days (not including any day in which either House of Congress is not in session because of adjournment of more than three calendar days to a day certain) from the receipt by the Speaker of the House of Representatives and the President of the Senate of a full comprehensive report on such project, including the facts and circumstances relied upon in support of the proposed project.

The Secretary of Energy may transfer to the Emergency Preparedness appropriation such funds as are necessary to meet any unforeseen emergency needs from any funds available to the Department of Energy from this Act.

Notwithstanding any other provision of law, the Secretary of Energy may enter into a contract, agreement, or arrangement, including, but not limited to, a Management and Operating Contract as defined in the Federal Acquisition Regulations (17.601), with a profit-making or non-profit entity to conduct activities at the Department of Energy's research facilities at Bartlesville, Oklahoma.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

INDIAN HEALTH SERVICE

For expenses necessary to carry out the Act of August 5, 1954 (68 Stat. 674), the Indian Self-Determination Act, the Indian Health Care Improvement Act, and titles III and XXVI and section 208 of the Public Health Service Act with respect to the Indian Health Service, including hire of passenger motor vehicles and aircraft; purchase of reprints; purchase and erection of portable buildings; payments for telephone service in private residences in the field, when authorized under regulations approved by the Secretary; [\$1,432,712,000] \$1,489,091,000, together with payments received during the fiscal year pursuant to 42 U.S.C. 300aaa-2 for services furnished by the Indian Health Service: *Provided*, That notwithstanding any other law or regulation, funds transferred from the Department of Housing and Urban Develop-

ment to the Indian Health Service shall be administered under Public Law 86-121 (the Indian Sanitation Facilities Act): *Provided further*, That funds made available to tribes and tribal organizations through grants and contracts authorized by the Indian Self-Determination and Education Assistance Act of 1975 (88 Stat. 2203; 25 U.S.C. 450), shall be deemed to be obligated at the time of the grant or contract award and thereafter shall remain available to the tribe or tribal organization without fiscal year limitation: *Provided further*, That \$12,000,000 shall remain available until expended, for the Indian Catastrophic Health Emergency Fund: *Provided further*, That [\$294,551,000] \$296,311,000 for contract medical care shall remain available for expenditure until September 30, 1993: *Provided further*, That of the funds provided, not less than \$5,990,000 shall be used to carry out a loan repayment program under which Federal, State, and commercial-type educational loans for physicians and other health professionals will be repaid at a rate not to exceed \$35,000 per year of obligated service in return for full-time clinical service: *Provided further*, That funds provided in this Act may be used for one-year contracts and grants which are to be performed in two fiscal years, so long as the total obligation is recorded in the year for which the funds are appropriated: *Provided further*, That the amounts collected by the Secretary of Health and Human Services under the authority of title IV of the Indian Health Care Improvement Act shall be available for two fiscal years after the fiscal year in which they were collected, for the purpose of achieving compliance with the applicable conditions and requirements of titles XVIII and XIX of the Social Security Act (exclusive of planning, design, or construction of new facilities): *Provided further*, That of the funds provided, \$2,500,000 shall remain available until expended, for the Indian Self-Determination Fund, which shall be available for the transitional costs of initial or expanded tribal contracts, grants or cooperative agreements with the Indian Health Service under the provisions of the Indian Self-Determination Act: *Provided further*, That funding contained herein, and in any earlier appropriations Acts for scholarship programs under the Indian Health Care Improvement Act (25 U.S.C. 1613) shall remain available for expenditure until September 30, 1993: *Provided further*, That amounts received by tribes and tribal organizations under title IV of the Indian Health Care Improvement Act and Public Law 100-713 shall be reported and accounted for and available to the receiving tribes and tribal organizations until expended.

INDIAN HEALTH FACILITIES

For construction, major repair, improvement, and equipment of health and related auxiliary facilities, including quarters for personnel; preparation of plans, specifications, and drawings; acquisition of sites, purchase and erection of portable buildings, and purchases of trailers; and for provision of domestic and community sanitation facilities for Indians, as authorized by section 7 of the Act of August 5, 1954 (42 U.S.C. 2004a), the Indian Self-Determination Act and the Indian Health Care Improvement Act, [\$295,211,000] \$202,068,000 to remain available until expended: *Provided*, That notwithstanding any other provision of law, funds appropriated for the planning, design, construction or renovation of health facilities for the benefit of an Indian tribe or tribes may be used to purchase land for sites to construct, improve, or enlarge health or related facilities: *Provided*

further, That the Secretary of Health and Human Services may accept ownership of the buildings offered at no cost by the Standing Rock Sioux Tribe for use solely as the Aberdeen Area's Youth Regional Treatment Center, and may use funds appropriated to the Indian Health Service to renovate the buildings for that purpose.

ADMINISTRATIVE PROVISIONS, INDIAN HEALTH SERVICE

Appropriations in this Act to the Indian Health Service shall be available for services as authorized by 5 U.S.C. 3109 but at rates not to exceed the per diem rate equivalent to the maximum rate payable for senior-level positions under 5 U.S.C. 5376, and for uniforms or allowances therefor as authorized by law (5 U.S.C. 5901-5902), and for expenses of attendance at meetings which are concerned with the functions or activities for which the appropriation is made or which will contribute to improved conduct, supervision, or management of those functions or activities: *Provided*, That no later than 30 days after the end of each quarter of the fiscal year, the Indian Health Service is to report to the Committees on Appropriations of the United States House of Representatives and the United States Senate on any proposed adjustments to existing leases involving additional space or proposed additional leases for permanent structures to be used in the delivery of Indian health care services: *Provided further*, That in accordance with the provisions of the Indian Health Care Improvement Act, non-Indian patients may be extended health care at all tribally administered or Indian Health Services facilities, subject to charges, and the proceeds along with funds recovered under the Federal Medical Care Recovery Act (42 U.S.C. 2651-53) shall be credited to the account of the facility providing the service and shall be available without fiscal year limitation: *Provided further*, That funds appropriated to the Indian Health Service in this Act, except those used for administrative and program direction purposes, shall not be subject to limitations directed at curtailing Federal travel and transportation: *Provided further*, That with the exception of Indian Health Service units which currently have a billing policy, the Indian Health Service shall not initiate any further action to bill Indians in order to collect from third-party payers nor to charge those Indians who may have the economic means to pay unless and until such time as Congress has agreed upon a specific policy to do so and has directed the Indian Health Service to implement such a policy: *Provided further*, That personnel ceilings may not be imposed on the Indian Health Service nor may any action be taken to reduce the full-time equivalent level of the Indian Health Service by the elimination of temporary employees by reduction in force, hiring freeze or any other means without the review and approval of the Committees on Appropriations: *Provided further*, That none of the funds made available to the Indian Health Service in this Act shall be used to implement the final rule published in the Federal Register on September 16, 1987, by the Department of Health and Human Services, relating to eligibility for the health care services of the Indian Health Service until the Indian Health Service has submitted a budget request reflecting the increased costs associated with the proposed final rule, and such request has been included in an appropriations Act and enacted into law: *Provided further*, That funds made available in this Act are to be apportioned to the Indian Health Service as appropriated in this Act, and accounted for in the appropriation struc-

ture set forth in this Act: *Provided further*, That the appropriation structure for the Indian Health Service may not be altered without the advance approval of the House and Senate Committees on Appropriations.

DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION INDIAN EDUCATION

For necessary expenses to carry out, to the extent not otherwise provided, the Indian Education Act of 1988, [\$77,547,000] \$77,400,000, of which \$57,692,000 shall be for subpart 1 and \$16,596,000 shall be for subparts 2 and 3: *Provided*, That \$1,570,000 available pursuant to section 5323 of the Act shall remain available for obligation until September 30, 1993.

OTHER RELATED AGENCIES

OFFICE OF NAVAJO AND HOPI INDIAN RELOCATION

SALARIES AND EXPENSES

For necessary expenses of the Office of Navajo and Hopi Indian Relocation as authorized by Public Law 93-531, [\$31,634,000] \$30,572,000, to remain available until expended: *Provided*, That funds provided in this or any other appropriations Act are to be used to relocate eligible individuals and groups including evictees from District 6, Hopi-partitioned lands residents, those in significantly substandard housing, and all others certified as eligible and not included in the preceding categories: *Provided further*, That none of the funds contained in this or any other Act may be used to evict any single Navajo or Navajo family who, as of November 30, 1985, was physically domiciled on the lands partitioned to the Hopi Tribe unless a new or replacement home is provided for such household: *Provided further*, That no relocatee will be provided with more than one new or replacement home: *Provided further*, That the Office shall relocate any certified eligible relocatees who have selected and received an approved homestead on the Navajo reservation or selected a replacement residence off the Navajo reservation or on the land acquired pursuant to 25 U.S.C. 640-10.

INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE

CULTURE AND ARTS DEVELOPMENT

PAYMENT TO THE INSTITUTE

For payment to the Institute of American Indian and Alaska Native Culture and Arts Development, as authorized by Public Law 99-498, as amended (20 U.S.C. 56, part A), [\$8,187,000] \$6,087,000, of which not to exceed [\$350,000] \$300,000 for Federal matching contributions, to remain available until expended, shall be paid to the Institute endowment fund: *Provided*, That notwithstanding any other provision of law, the annual budget proposal and justification for the Institute shall be submitted to the Congress concurrently with the submission of the President's Budget to the Congress: *Provided further*, That the Institute shall act as its own certifying officer.

SMITHSONIAN INSTITUTION

SALARIES AND EXPENSES

For necessary expenses of the Smithsonian Institution, as authorized by law, including research in the fields of art, science, and history; development, preservation, and documentation of the National Collections; presentation of public exhibits and performances; collection, preparation, dissemination, and exchange of information and publications; conduct of education, training, and

museum assistance programs; maintenance, alteration, operation, lease (for terms not to exceed thirty years), and protection of buildings, facilities, and approaches; not to exceed \$100,000 for services as authorized by 5 U.S.C. 3109; up to 5 replacement passenger vehicles; purchase, rental, repair, and cleaning of uniforms for employees; **[\$286,269,000]** **\$281,074,000**, of which not to exceed **[\$26,679,000]** **\$25,229,000** for the instrumentation program, collections acquisition, Museum Support Center equipment and move, exhibition reinstallation, the National Museum of the American Indian, and the repatriation of skeletal remains program shall remain available until expended and, including such funds as may be necessary to support American overseas research centers and a total of \$125,000 for the Council of American Overseas Research Centers: *Provided*, That funds appropriated herein are available for advance payments to independent contractors performing research services or participating in official Smithsonian presentations: *Provided further*, That none of the funds appropriated herein shall be made available for acquisition of land at the Smithsonian Environmental Research Center before the date of the enactment of an Act authorizing the use of funds for that purpose.

MUSEUM PROGRAMS AND RELATED RESEARCH
(SPECIAL FOREIGN CURRENCY PROGRAM)

Funds previously appropriated in this account for the American Institute of Indian Studies Forward Funded Reserve may be invested in India by the United States Embassy in India in interest bearing accounts with the interest to be used along with other funds in the account to support the ongoing programs of the American Institute of Indian Studies.

CONSTRUCTION AND IMPROVEMENTS, NATIONAL ZOOLOGICAL PARK

For necessary expenses of planning, construction, remodeling, and equipping of buildings and facilities at the National Zoological Park, by contract or otherwise, \$8,000,000, to remain available until expended.

REPAIR AND RESTORATION OF BUILDINGS

For necessary expenses of repair and restoration of buildings owned or occupied by the Smithsonian Institution, by contract or otherwise, as authorized by section 2 of the Act of August 22, 1949 (63 Stat. 623), including not to exceed \$10,000 for services as authorized by 5 U.S.C. 3109, **[\$27,710,000]** **\$24,700,000**, to remain available until expended: *Provided*, That contracts awarded for environmental systems, protection systems, and exterior repair or restoration of buildings of the Smithsonian Institution may be negotiated with selected contractors and awarded on the basis of contractor qualifications as well as price.

CONSTRUCTION

For necessary expenses for construction, **[\$20,100,000]** **\$19,350,000**, to remain available until expended: *Provided*, That none of the funds appropriated herein shall be made available for construction of the East Court Building project, National Museum of Natural History before the date of the enactment of an Act authorizing the use of funds for that purpose.

NATIONAL GALLERY OF ART
SALARIES AND EXPENSES

For the upkeep and operations of the National Gallery of Art, the protection and care of the works of art therein, and admin-

istrative expenses incident thereto, as authorized by the Act of March 24, 1937 (50 Stat. 51), as amended by the public resolution of April 13, 1939 (Public Resolution 9, Seventy-sixth Congress), including services as authorized by 5 U.S.C. 3109; payment in advance when authorized by the treasurer of the Gallery for membership in library, museum, and art associations or societies whose publications or services are available to members only, or to members at a price lower than to the general public; purchase, repair, and cleaning of uniforms for guards, and uniforms, or allowances therefor, for other employees as authorized by law (5 U.S.C. 5901-5902); purchase or rental of devices and services for protecting buildings and contents thereof, and maintenance, alteration, improvement, and repair of buildings, approaches, and grounds; purchase of one passenger motor vehicle for replacement only; and purchase of services for restoration and repair of works of art for the National Gallery of Art by contracts made, without advertising, with individuals, firms, or organizations at such rates or prices and under such terms and conditions as the Gallery may deem proper, **[\$48,236,000]** **\$49,900,000**, of which not to exceed **[\$2,870,000]** **\$3,370,000**, for the special exhibition program shall remain available until expended.

REPAIR, RESTORATION AND RENOVATION OF BUILDINGS

For necessary expenses of repair, restoration and renovation of buildings, grounds and facilities owned or occupied by the National Gallery of Art, by contract or otherwise, as authorized **[\$6,850,000]** **\$3,600,000**, to remain available until expended: *Provided*, That contracts awarded for environmental systems, protection systems, and exterior repair or renovation of buildings of the National Gallery of Art may be negotiated with selected contractors and awarded on the basis of contractor qualifications as well as price.

WOODROW WILSON INTERNATIONAL CENTER FOR SCHOLARS
SALARIES AND EXPENSES

For expenses necessary in carrying out the provisions of the Woodrow Wilson Memorial Act of 1968 (82 Stat. 1356) including hire of passenger vehicles and services as authorized by 5 U.S.C. 3109, **[\$5,819,000]** **\$5,744,000**.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

NATIONAL ENDOWMENT FOR THE ARTS
GRANTS AND ADMINISTRATION

For necessary expenses to carry out the National Foundation on the Arts and Humanities Act of 1965, as amended, **[\$147,700,000]** **\$143,583,000** shall be available to the National Endowment for the Arts for the support of projects and productions in the arts through assistance to groups and individuals pursuant to section 5(c) of the Act, and for administering the functions of the Act.

MATCHING GRANTS

To carry out the provisions of section 10(a)(2) of the National Foundation on the Arts and the Humanities Act of 1965, as amended, \$30,500,000, to remain available until September 30, 1993 to the National Endowment for the Arts, of which \$13,000,000 shall be available for purposes of section 5(l): *Provided*, That this appropriation shall be available for obligation only in such amounts as may be equal to the total amounts of gifts, bequests, and devises of money, and other property accepted by the Chairman or by grantees of the Endowment

under the provisions of section 10(a)(2), subsections 11(a)(2)(A) and 11(a)(3)(A) during the current and preceding fiscal years for which equal amounts have not previously been appropriated.

NATIONAL ENDOWMENT FOR THE HUMANITIES
GRANTS AND ADMINISTRATION

For necessary expenses to carry out the National Foundation on the Arts and the Humanities Act of 1965, as amended, **[\$153,150,000]** **\$144,550,000** shall be available to the National Endowment for the Humanities for support of activities in the humanities, pursuant to section 7(c) of the Act, and for administering the functions of the Act, of which **[\$8,200,000]** **\$1,600,000** for the Office of Preservation shall remain available until September 30, 1993.

MATCHING GRANTS

To carry out the provisions of section 10(a)(2) of the National Foundation on the Arts and the Humanities Act of 1965, as amended, **[\$25,050,000]** **\$30,450,000**, to remain available until September 30, 1993, of which **[\$12,050,000]** **\$16,050,000** shall be available to the National Endowment for the Humanities for the purposes of section 7(h): *Provided*, That this appropriation shall be available for obligation only in such amounts as may be equal to the total amounts of gifts, bequests, and devises of money, and other property accepted by the Chairman or by grantees of the Endowment under the provisions of subsections 11(a)(2)(B) and 11(a)(3)(B) during the current and preceding fiscal years for which equal amounts have not previously been appropriated.

INSTITUTE OF MUSEUM SERVICES
GRANTS AND ADMINISTRATION

For carrying out title II of the Arts, Humanities, and Cultural Affairs Act of 1976, as amended, \$27,344,000, including not to exceed \$250,000 as authorized by 20 U.S.C. 965(b).

ADMINISTRATIVE PROVISIONS

None of the funds appropriated to the National Foundation on the Arts and the Humanities may be used to process any grant or contract documents which do not include the text of 18 U.S.C. 1913: *Provided*, That none of the funds appropriated to the National Foundation on the Arts and the Humanities may be used for official reception and representation expenses.

COMMISSION OF FINE ARTS
SALARIES AND EXPENSES

For expenses made necessary by the Act establishing a Commission of Fine Arts (40 U.S.C. 104), \$722,000.

NATIONAL CAPITAL ARTS AND CULTURAL AFFAIRS

For necessary expenses as authorized by Public Law 99-190 (99 Stat. 1261; 20 U.S.C. 956a), as amended, \$7,000,000.

ADVISORY COUNCIL ON HISTORIC PRESERVATION
SALARIES AND EXPENSES

For expenses made necessary by the Act establishing an Advisory Council on Historic Preservation, Public Law 89-665, as amended, \$2,623,000: *Provided*, That none of these funds shall be available for the compensation of Executive Level V or higher positions.

NATIONAL CAPITAL PLANNING COMMISSION
SALARIES AND EXPENSES

For necessary expenses, as authorized by the National Capital Planning Act of 1952 (40 U.S.C. 71-711), including services as authorized by 5 U.S.C. 3109, **[\$4,500,000]** **\$5,000,000**.

FRANKLIN DELANO ROOSEVELT MEMORIAL
COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Franklin Delano Roosevelt Memorial Commission, established by the Act of August 11, 1955 (69 Stat. 694), as amended by Public Law 92-332 (86 Stat. 401), \$33,000, to remain available until September 30, 1993.

PENNSYLVANIA AVENUE DEVELOPMENT
CORPORATION

SALARIES AND EXPENSES

For necessary expenses, as authorized by section 17(a) of Public Law 92-578, as amended, \$2,807,000, for operating and administrative expenses of the Corporation.

PUBLIC DEVELOPMENT

For public development activities and projects in accordance with the development plan as authorized by section 17(b) of Public Law 92-578, as amended, [\$4,491,000] \$5,026,000, to remain available until expended.

UNITED STATES HOLOCAUST MEMORIAL
COUNCIL

HOLOCAUST MEMORIAL COUNCIL

For expenses of the Holocaust Memorial Council, as authorized by Public Law 96-388, as amended, [\$10,605,000] \$7,300,000: *Provided*, That none of these funds shall be available for the compensation of Executive Level V or higher positions.

TITLE III—GENERAL PROVISIONS

SEC. 301. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 302. No part of any appropriation under this Act shall be available to the Secretary of the Interior or the Secretary of Agriculture for the leasing of oil and natural gas by noncompetitive bidding on publicly owned lands within the boundaries of the Shawnee National Forest, Illinois: *Provided*, That nothing herein is intended to inhibit or otherwise affect the sale, lease, or right to access to minerals owned by private individuals.

SEC. 303. No part of any appropriation contained in this Act shall be available for any activity or the publication or distribution of literature that in any way tends to promote public support or opposition to any legislative proposal on which congressional action is not complete.

SEC. 304. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 305. None of the funds provided in this Act to any department or agency shall be obligated or expended to provide a personal cook, chauffeur, or other personal servants to any officer or employee of such department or agency except as otherwise provided by law.

SEC. 306. None of the funds provided in this Act shall be used to evaluate, consider, process, or award oil, gas, or geothermal leases on Federal lands in the Mount Baker-Snoqualmie National Forest, State of Washington, within the hydrographic boundaries of the Cedar River municipal watershed upstream of river mile 21.6, the Green River municipal watershed upstream of river mile

61.0, the North Fork of the Tolt River proposed municipal watershed upstream of river mile 11.7, and the South Fork Tolt River municipal watershed upstream of river mile 8.4.

SEC. 307. No assessments may be levied against any program, budget activity, subactivity, or project funded by this Act unless such assessments and the basis therefor are presented to the Committees on Appropriations and are approved by such Committees.

SEC. 308. Employment funded by this Act shall not be subject to any personnel ceiling or other personnel restriction for permanent or other than permanent employment except as provided by law.

SEC. 309. Notwithstanding any other provision of law, in fiscal year 1992 and thereafter, the Secretary of the Interior, the Secretary of Agriculture, the Secretary of Energy, and the Secretary of the Smithsonian Institution are authorized to enter into contracts with State and local governmental entities, including local fire districts, for procurement of services in the suppression, detection, and suppression of fires on any units within their jurisdiction.

SEC. 310. None of the funds provided by this Act to the United States Fish and Wildlife Service may be obligated or expended to plan for, conduct, or supervise deer hunting on the Loxahatchee National Wildlife Refuge.

SEC. 311. None of the funds in this Act may be used to plan, prepare, or offer for sale timber from trees classified as giant sequoia (*sequoiadendron giganteum*) which are located on National Forest System or Bureau of Land Management lands until an environmental assessment has been completed and the giant sequoia management implementation plan is approved. In any event, timber harvest within the identified groves will be done only to enhance and perpetuate giant sequoia. There will be no harvesting of giant sequoia specimen trees. Removal of hazard, insect, disease and fire killed giant sequoia other than specimen trees is permitted.

SEC. 312. Such sums as may be necessary for fiscal year 1992 pay raises for programs funded by this Act shall be absorbed within the levels appropriated in this Act.

SEC. 313. None of the funds made available by this or any other Act with respect to any fiscal year may be used by the Department of the Interior or the Forest Service, Department of Agriculture to make any reimbursements to any other Federal department for litigation costs associated with the Prince William Sound oilspill.

SEC. 314. None of the funds provided in this Act may be expended by the Forest Service or the Bureau of Land Management to increase fees charged for communication site use of lands administered by the Forest Service or Bureau of Land Management [by more than 22 per centum per user in fiscal year 1992] over the levels in effect on January 1, 1989.

SEC. 315. None of the funds appropriated by this Act may be used to ensure that hardwood saw timber harvested from Federal lands east of the 100th meridian is marked in such a manner as to make it readily identifiable at all times before its manufacture.

SEC. 316. Notwithstanding any other provision of law, payments to States pursuant to 16 U.S.C. 500 for National Forests affected by decisions relating to the Northern Spotted Owl from fiscal year 1992 receipts shall not be less than 90 per centum of the average annual payments to States, based on receipts collected on those National Forests during the five-year baseline period of fiscal years 1986 through 1990: *Provided*, That in no event shall these payments exceed the total

amount of receipts collected from the affected National Forests during fiscal year 1992.

SEC. 317. Notwithstanding any other provision of law, the payment to be made by the United States Government pursuant to the provision of subsection (a) of title II of the Act of August 28, 1937 (50 Stat. 876) to the Oregon and California land-grant counties in the State of Oregon from fiscal year 1992 receipts derived from the Oregon and California grant lands shall not be less than 90 per centum of the average annual payment made to those counties of their share of the Oregon and California land-grant receipts collected during the five-year baseline period of fiscal years 1986 through 1990: *Provided*, That in no event shall this payment exceed the total amount of receipts collected from the Oregon and California grant lands during fiscal year 1992.

[SEC. 318. None of the funds appropriated or made available in this Act shall be used to purchase or acquire items from a foreign country if the Secretary of the Interior, after consultation with the United States Trade Representative, determines that a foreign country which is party to a reciprocal trade agreement has violated the terms of the agreement by discriminating against certain types of products produced in the United States that are covered by the agreement: *Provided*, That a reciprocal trade agreement is any agreement between the United States and a foreign country pursuant to which the Secretary of the Interior has prospectively waived title III of the Act of March 3, 1933 (43 Stat. 1520; 41 U.S.C. 10a-10c) as amended by the Buy American Act of 1988 (Public Law 100-418; 102 Stat. 1545): *Provided further*, That the Secretary of the Interior responsible for the procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that adequate domestic supplies are not available to meet Department of the Interior requirements on a timely basis or the cost of compliance would be unreasonable compared to the costs of purchase from a foreign manufacturer.

[SEC. 319. GRAZING ON THE PUBLIC RANGELANDS.—(a) FEE STRUCTURE.—(1) Notwithstanding any other provision of law, the Secretary of Agriculture with respect to public domain lands (except for the National Grasslands) administered by the United States Forest Service where domestic livestock grazing is permitted under applicable law, and the Secretary of the Interior with respect to public lands administered by the Bureau of Land Management where domestic livestock grazing is permitted under applicable law, shall establish the following domestic livestock grazing fee structure for such grazing:

[(A) For fiscal year 1992, the grazing fee on such lands shall not be less than \$4.35 per animal unit month.

[(B) For fiscal year 1993, the grazing fee on such lands shall not be less than \$5.80 per animal unit month.

[(C) For fiscal year 1994, the grazing fee on such lands shall not be less than \$7.25 per animal unit month.

[(D) For fiscal year 1995, and each fiscal year thereafter, the grazing fee on such lands shall not be less than \$8.70 per animal unit month or fair market value, whichever is higher.

[(2)(A) For purposes of this subsection, the term "fair market value" is defined as follows:

Fair Market Value =	Appraised Base Value × Forage Value Index
	100

[(B) For the purposes of subparagraph (A)—

(i) the term "Forage Value Index" means the Forage Value Index computed annually by the Economic Research Service, United States Department of Agriculture; and

(ii) the term "Appraised Base Value" means the 1983 Appraisal Value conclusions by animal class (expressed in dollars per head or pair month) for the pricing area concerned, as determined in the 1986 report prepared jointly by the Secretary of Agriculture and the Secretary of the Interior entitled "Grazing Fee Review and Evaluation", dated February 1986.

[(3) Executive Order No. 12548, dated February 14, 1986, shall not apply to grazing fees established pursuant to this Act.

[(b) GRAZING REFORMS.—(1) Section 309(d) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1739(d)) is amended by adding at the end the following new sentence: "The grazing advisory boards established pursuant to Secretarial action, notice of which was published in the Federal Register of May 14, 1986 (51 Fed. Reg. 17874), are hereby abolished, and the advisory functions exercised by such boards shall, after the date of enactment of this sentence, be exercised only by the appropriate councils established under this section."

[(2) Section 5(c) of the Public Rangelands Improvement Act of 1978 (43 U.S.C. 1904(c)) is amended to read as follows:

[(c) Funds appropriated pursuant to this section or any other provision of law related to disposition of the Federal share of receipts from fees for grazing on public lands or National Forest lands in the 16 contiguous western States shall be used for the restoration and enhancement of fish and wildlife habitat, for restoration and improved management of riparian areas, and for implementation and enforcement of applicable land management plans, allotment management plans, and regulations regarding use of such lands for domestic livestock grazing. Such funds shall be distributed as the Secretary concerned deems advisable after consultation and coordination with the advisory councils established pursuant to section 309 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1739) and other interested parties."]

SEC. 318. Notwithstanding any other provision in this Act, each item of appropriation in this Act shall be reduced by an amount equal to the sum of the President's Budget request for fiscal year 1992 for personnel compensation, personnel benefits, travel, transportation of things, printing and reproduction, supplies and materials, and equipment for that account times the Congressional Budget Office's January, 1991 estimate of the rate of the growth of the fixed-weight GNP price index for fiscal year 1992.

SEC. 319. The Forest Service is directed to continue the preparation of all environmental documents necessary to implement the management goals, policies, standards, and guidelines contained in the land and resource management plans in Region 6, Oregon and Washington.

SEC. 320. LAND TRANSFER AND CONVEYANCE, PEASE AIR FORCE BASE, NEW HAMPSHIRE.

(a) TRANSFER BY THE AIR FORCE.—Notwithstanding any other provision of law, the Secretary of the Air Force shall transfer to Department of the Interior a parcel of real property located west of McIntyre Road at the site of former Pease Air Force Base, New Hampshire.

(b) ESTABLISHMENT OF NATIONAL WILDLIFE REFUGE.—Except as provided in subsection (c), the Secretary of Interior shall designate the parcel of land transferred under subsection (a) as an area in the National Wildlife Refuge System under the authority of section 4 of the Act of October 15, 1966 (16 U.S.C. 688dd).

(c) CONVEYANCE TO STATE OF NEW HAMPSHIRE.—

(1) CONVEYANCE.—Subject to paragraphs (2) through (5), the Secretary of the Interior shall convey to the State of New Hampshire, without consideration, all right, title, and interest of the United States in and to a parcel of real property consisting of not more than 100 acres that is a part of the real property transferred to the Secretary under subsection (a) and that the Secretary determines to be suitable for use as a cemetery.

(2) CONDITION OF CONVEYANCE.—The conveyance under paragraph (1) shall be subject to the condition that the State of New Hampshire use the property conveyed under that paragraph only for the purpose of establishing and operating a state cemetery for veterans.

(3) REVERSION.—If the Secretary determines at any time that the State of New Hampshire is not complying with the condition specified in paragraph (2), all right, title, and interest in and to the property conveyed pursuant to paragraph (1), including any improvements thereon, shall revert to the United States and the United States shall have the right of immediate entry thereon.

(4) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the parcel of real property to be conveyed under paragraph (1) shall be determined by a survey that is satisfactory to the Secretary.

(5) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require any additional terms or conditions in connection with the conveyance under this subsection that the Secretary determines appropriate to protect the interests of the United States.

This Act may be cited as the "Department of the Interior and Related Agencies Appropriations Act, 1992".

The PRESIDING OFFICER. The majority leader is recognized.

ORDER OF PROCEDURE

Mr. MITCHELL. Mr. President, under a prior agreement, the Senate is now proceeding to consider the Department of the Interior appropriations bill. I previously indicated there will be no more rollcall votes this evening. I am grateful to the distinguished chairman of the Appropriations Committee who will be here to open debate on the bill and get the consideration of it under way. It is my hope we can complete action on that bill tomorrow. That means we will have a day of debating and voting.

I am grateful that we are able to complete action on the Labor-HHS appropriations bill this week. I discussed it earlier with the distinguished Republican leader and, understandably, we view it from a different perspective. It was an important bill. The actual amount of work on the bill, I believe, could have been completed in about a day. It took 3 days, in part because we were able to accommodate the concerns of several individual Senators who were occupied with other business; in each case an entirely valid and leg-

itimate concern about proceeding, having to do with a personal medical situation and participation in the Thomas hearings and other matters. There was no delay caused by any lack of attention or other activity. It merely was a sequence of events which in each individual instance was valid but the cumulative effect of which is it took longer than I had anticipated it would take on the bill.

I hope that we can proceed with some dispatch tomorrow on the Interior appropriations bill. We still have a number of appropriations bills to handle and much other important business. It remains my hope that during this fall session we can conduct our business so as not to require the late evening sessions that were unfortunately a regular feature during the July legislative period and that we can adjourn sine die at a reasonable time this fall so that Senators can return to their States to meet with their constituents to the extent possible.

I simply say that whether we are able to do either or both of those things will depend upon Senators themselves. We have a certain amount of business that must be completed—we are all generally cognizant of what that is—and a certain amount of time within which it must be completed. The sooner we can do that, the better for all concerned, I believe. And I hope that we can move expeditiously on the next few appropriations bills that we will be dealing with to enable us to accomplish the objectives which I have set forth.

I yield to the distinguished Republican leader and to the chairman of the Appropriations Committee.

The PRESIDING OFFICER. The minority leader is recognized.

Mr. DOLE. Mr. President, I say to the majority leader I certainly do not disagree with him. I think in this case it was a very important bill. They all are. This was about a \$200 billion bill. I think it is almost record time. I look back at some of the other times when we spent a week or 10 days on this particular bill. And, then, the first day was consumed by a very important amendment, I will not say the most important, but the most controversial amendment on gutting defense. That did take most of 1 day. And I think, as the majority leader indicated today, he accommodated one of our Members, which we appreciate very much.

But I also say we would like to get out early this fall if we can. I do not know of any Member who does not. Certainly on this side of the aisle, where we can, we will be happy to cooperate with the majority leader, as we have in the past.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. MITCHELL. I yield to the distinguished chairman of the Appropriations Committee.

HOW MUCH IS A BILLION DOLLARS

Mr. BYRD. Mr. President, I merely take the floor, now that has been yielded to me by the distinguished majority leader, to thank the manager and the ranking manager, Senator HARKIN and Senator SPECTER, for their good work on this most difficult, very complex Labor, HHS appropriation bill.

As the distinguished Republican leader has already pointed out, it is a bill that amounts to over \$200 billion. Of course, the greater part of that is mandatory. But if one wants to understand how much a billion dollars is, I put it like this. There have only been 1 billion minutes since Jesus Christ was born. That is a dollar for very minute. Another way of thinking of it would be this: Cyrus the Great became the king of Anshan in 559 B.C., and became the king of all Persia in 550 B.C. But let us just for the moment take 559 B.C.

If the distinguished Senator from Pennsylvania [Mr. SPECTER] owned a corporation at that point or if he had a billion dollars—let us say he had a billion dollars in 559 B.C. and decided to give away a thousand dollars a day, every day from 559 years before Christ to today. He would still be in business today. He would still be giving a thousand dollars a day and could do that for the next 181 years. That is how far a billion dollars would go at \$1,000 a day.

Now, the Labor-HHS appropriations bill is over \$200 billion. It is the second, largest bill among the 13, second only to the Department of Defense and fast gaining on the Department of Defense bill. So those two Senators worked together, cooperated and conducted lengthy hearings. It is a most difficult task and lots of witnesses had to be heard, and then the markup of the bill, the managing of it on the floor—it is a very difficult, contentious at times, piece of work and I congratulate them both. As chairman of the Appropriations Committee, I commend them because out of it all, they came in with a bill and they completed action on a bill here in the Senate that is still below the allocations ceilings. I yield the floor.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

COMMENDING MEMBERS AND STAFF OF THE SUBCOMMITTEE

Mr. SPECTER. Mr. President, I thank the distinguished chairman of the Appropriations Committee, Senator BYRD, for those very kind comments. I compliment him on the outstanding job he is doing as chairman at a very difficult time. He is trying to make ends meet with very little funds available and many, many demands. That is the situation in which we found ourselves on the bill which was just enacted, Labor, Health and Human Services and Education.

I commend my distinguished colleague, Senator HARKIN, for the work he has done as chairman of the subcommittee. I want to thank especially Senator HATFIELD, the ranking Republican on the full committee who took over the floor management in my absence due to my obligations on the Judiciary Committee, where we have been sitting full days on the nomination of Judge Clarence Thomas for the Supreme Court. I thank Senator HATFIELD for that.

I want to pay tribute to a very distinguished staff, to Craig Higgins and Bettilou Taylor and Robin Rosencrantz and Janet Lamos on our side of the aisle, and on the majority side, Mike Hall, Jim Sourwide, Carol Mitchell, Margaret Stuart, Amy Shultz, Gladys Clearwater, and Susan McGovern. I had not realized until I asked for a list of the staffers how many more the majority has than the minority side has.

It is an enormous bill. It has been completed within our allocation. I think it is a step in the right direction, balancing as we best could the many competing demands with limited funds. I thank the Chair and yield the floor.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, FISCAL YEAR 1992

The Senate continued with the consideration of the bill.

Mr. BYRD. Mr. President, I believe the ranking member, Mr. NICKLES, is on the floor. I bring before the Senate today the fiscal year 1992 Department of Interior and Related Agencies appropriations bill. As compared with the bill that the Senate just passed, this is a rather small bill. The allocation totals \$13 billion as compared, as I was saying a little earlier, to something over \$200 billion in the Labor-HHS appropriations bill.

The allocations here total \$13 billion in budget authority and \$12 billion in outlays.

This bill is directly on target with respect to outlays as scored by the Congressional Budget Office, and is \$1 million under the allocation of budget authority. So that is cutting it pretty thin.

The Interior bill is essentially at its spending limit. Any further amendments that add money to the bill's total or which increases the spending rate for items already in the bill must be accompanied by an offsetting amendment to reduce spending elsewhere in the bill. If not, the amendment would be subject to a 60-vote point of order under the Budget Act.

This bill, although it is not as large as some of the other bills that we have passed making appropriations, was dif-

ficult to fashion, given the very tight budgetary restraints. The 602(b) outlay allocation for the subcommittee is \$213 million less than the amount proposed by the President and \$79 million less than the outlays associated with the Interior bill that was passed by the House. Furthermore, new outlays in this bill are down some 8.6 percent below the CBO baseline for fiscal year 1992.

I have had the splendid cooperation of Senator NICKLES in developing these recommendations which I bring before the Senate today. This is our first year in working together as a team on the bill, and I appreciate the insights and the help and the splendid cooperation that Senator NICKLES has offered as the ranking member. We have had a fine working relationship. It could not have been better.

I believe that the bill represents a bipartisan package. There is not enough money available to satisfy the virtual flood of requests which the subcommittee has received. Over 3,000 requests have been submitted for projects of interest to Members of the U.S. Senate. Over 3,000 requests. There are only 100 Members in this body, so that is an average of over 30 per Member.

Every Member of the Senate has expressed an interest in at least one provision or another in this bill. Some of the items of interest in the bill are as follows: Total funding in the bill for land acquisition and State assistance is \$271,210,000. This amount is \$70,465,000 below the fiscal year 1991 appropriations and \$79,064,000 below the President's request for the coming fiscal year.

Total funding for construction in the Bureau of Land Management, Fish and Wildlife Service, the Park Service, and Forest Service amounts to \$571,325,000. This total is \$84,184,000 below the fiscal year 1991 appropriations for these same construction accounts and \$110,600,000 above the President's request for fiscal year 1992.

Within the construction and land acquisition accounts, the committee has recommended a total of \$14,409,000 for emergency projects that were not included in the President's budget request and for other projects which the President proposed to fund in different accounts.

In total, then, the non-Indian land acquisition and construction accounts are \$17,127,000 or 2 percent above the President's request. Elsewhere, for Indian construction related to education, health clinics and basic services, the committee has recommended a total of \$398,876,000 which is an increase of \$255,555,000 over the budget request. I emphasize that this additional funding is for basic services. Truly for basic services. It is not for recreation projects or the like.

The committee has funded firefighting within the domestic discretionary

totals in the same amounts and manner as requested by the President.

This means that any subsequent requirement for firefighting will be treated as an emergency expense for purposes of the Budget Enforcement Act.

The committee faced extreme difficulty in formulating a bill that complied with the subcommittee's 602(b) allocations. Consequently, the bill contains a provision in section 318 which would deduct funds budgeted for inflationary increases for salaries and certain other items such as travel and supplies. This provision would not deny the pay raises which are due Federal employees next January, but rather would require agencies to absorb pay raises and other inflationary costs by filling vacant positions more slowly than planned, and doing less travel, for example.

In summary, then, I believe that this is a fiscally responsible bill.

With respect to specific program and policy issues in the bill, I offer the following notations:

The bill contains none of the mining-claim patent moratoria language which was in the House bill.

The bill contains no increase in grazing fees which the House has proposed to raise.

The bill does contain a provision within the Minerals Management Service which would deduct the cost of the mineral royalty collection program from the total receipts prior to distributing those receipts to the State and the Treasury. This "net receipts" proposal means that the States would share equally in the program cost and the program revenues.

While this provision may not be popular with all Senators, it strikes a balance between receipt sharing and program cost sharing with the States. Also, this is a very necessary provision that raises \$68 million to keep the bill's outlays in compliance with the 602(b) allocation. Any change in this provision would require a substantial off set elsewhere in the bill.

Senator NICKLES and I, and Senator HATFIELD, the ranking member on the full committee, Senator STEVENS and others have been working with other interested Senators in an effort to make some modifications here, and I hope and believe that we have arrived at a resolution of the matter.

The bill does retain all House bill language related to Outer Continental Shelf oil and gas leasing moratoria.

The bill contains significant operating increases and facility construction funds to address the most critical health and safety needs of our native American population.

The bill before you contains a reduction of nearly \$40 million in the timber road construction program. This is about 20 percent below the similarly funded programs last year.

The bill includes no specific legislative protection regarding timber harvest and the spotted owl in the Pacific Northwest.

Before I yield the floor to Senator NICKLES for any remarks which he may have, I would like to take this opportunity to extend a special acknowledgement and a heaping word of thanks to the Appropriations Committee support staff which have made possible this and all the other appropriation bills which have been considered by the Senate this year. In the editorial office I would like to thank: Richard Larson, Bernie Babik, Robert Swartz, Clarence Erney, and Patrick Joe Thomas. Ever at the ready on the committee's switchboard have been Nancy Brandel and Rheda Freeman. And, lastly, I would like to thank in our computer services and liaison office Bob Putnam, Jodi Capps, and Jack Conway.

On the Interior Subcommittee staff I would also like to thank Sara Masica, Rusty Mathews, Ellen Donaldson, and Carla Burzyk on the majority staff and Ginny James on the minority staff.

Beyond these, I also thank Mary Oswald and Anita Skadden on the full Appropriations Committee staff.

I want to thank Charlie Estes, who is the staff director for the subcommittee, and I thank Jim English, the staff director for the full committee; Keith Kennedy, ranking member on the full committee, and Sherry Cooper, who is the ranking member on the Interior Subcommittee.

Mr. President, I yield to Senator NICKLES if he wishes to address the Senate at this point.

The PRESIDING OFFICER (Mr. BREAU). The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I thank my friend and colleague, the chairman of the full Appropriations Committee and also the chairman of the Interior Subcommittee, Senator BYRD, for his leadership in putting together not only this bill but also managing to put all of our bills together in a way that is acceptable to the budget agreement that was made last year.

I compliment, as he did, the staff. The staff has worked tirelessly. He mentioned Jim English and Charlie Estes on his side who have done such a great job. And I would also like to compliment Sherry Cooper, who has worked tirelessly on our side to put together a package to present to the Senate today.

I might mention, Mr. President, in looking at all the appropriations bills, with the exception of defense, the bill has a lower rate of growth in spending than any other bill that we take up before the Senate.

Defense has actual real reductions. Defense spending—and I am talking about discretionary budget authority and outlays—declined by 2.43 percent. Budget authority goes up one-half of 1 percent. In all other appropriations

bills, we see real increases. In the Interior bill that we are taking up tonight, we have an increase in budget authority of 2 percent and an increase in outlays of actually less than 1 percent. Agriculture outlays actually increased by 12 percent, Energy and Water increased by 5.5 percent; Commerce, Justice, State, increased outlays by 9.5 percent; District of Columbia was 25 percent; Foreign Operations, 2.7 percent; Labor-HHS, which we just passed—I am talking about discretionary—6.5 percent, Legis Branch was 7 percent; Milcon about 7 percent; Transportation, 7.5 percent; Treasury, Postal, 7 percent; VA-HUD, 5 percent.

So we saw all Appropriations subcommittees in the nondefense amounts increasing by various amounts from 2 to 25 percent. Interior increased by less than 1 percent.

Again, I compliment the chairman for his willingness to somewhat set the example of trying to contain the growth of spending.

So in the bill that we have before us, we have budget authority increasing by 2 percent and outlays increasing by less than 1 percent.

That is difficult because we probably have more requests by our colleagues than any other committee, maybe all of the other committees combined. Chairman BYRD mentioned that we have had over 3,000 requests by our colleagues to try to help them in areas that are important to them. I understand that. I think many of those requests are quite legitimate. Not all of them are.

We could not fund them all. We could not come close to funding all of them. But many of them are quite serious and quite important to some Members because the Government owns two-thirds of the land in their State, and so they have to be involved in land management and mineral management. They have to be involved in grazing. They have to be involved in the Federal Government because the Federal Government happens to own the majority of the land in many of the Western States.

So I appreciate the interest of our colleagues. We tried to accommodate the desires when they made sense, and when we could afford it. That was not always the case. We tried to do it as many times as we possibly could.

As Senator BYRD mentioned, the budget authority for the committee is \$13 billion. Outlays are \$12.05 billion—again, a 2-percent increase in budget authority and less than a 1-percent increase in outlays.

There are a lot of controversial issues I expect will come up in the next couple days. I expect that we will have an amendment dealing with grazing fees. I know that is very sensitive to many Senators from Western States. We expect that we may have an amendment dealing with mining holding fees,

a moratorium on mining patterns, grazing fees, mineral receipts.

We want to be fair. We want to pass a good bill. It is not this Senator's interest to try to legislate all items that deal with Western land management on the appropriations bill. It would be my preference to have that done in the authorizing committee and hopefully that will be the case.

We cannot prohibit Senators from offering amendments, and we know some of those amendments are going to come up. It might be in my interest to say let us let the authorizing committees handle those functions and maybe the Senate will agree, maybe it will not. We will have to wrestle with those. We know the House has dealt with those issues and likewise we will as well. It is my hope we will move expeditiously on this bill.

I would like to finish the bill in the next couple of days. I have already had colleagues tell me they do not want to vote on Friday or Monday. I guess we will have to wrestle with that. It is my hope we will take up the amendments, approve the amendments that we can approve, and the ones that require extended debate or discussion, we will begin those and, hopefully, be able to proceed rather rapidly.

I do not think it is in anybody's interest to prolong debate on these issues. We have a lot of work to be done between now and the end of September. This is just one of nine appropriations bills that the chairman said we have left. It happens to be one that has a lot of controversy in it. Hopefully, we will be able to finish it.

Again, I thank the chairman of the full committee and the subcommittee for his leadership. It has been a pleasure to work with Chairman BYRD and also his staff, Charles Estes and Jim English, as well as with Cherie Cooper. I think we have done a good job. Hopefully, we will be able to complete the bill in the next couple of days.

Mr. WALLOP. Mr. President, let me express my gratitude to both Senator BYRD and Senator NICKLES, and to Charlie and Cherie for working with us.

I heard one thing in there that I wish strongly to encourage the managers of this bill to do; that is, to try to keep us away from legislation on this appropriations bill. It is an appropriate thing for the authorizing committees to deal with the very prickly issues that are coming up. It would be my hope that all of us can gather around the appropriations rule, and try to stick to it through this legislation. Otherwise, it is almost certain we will be bogged down in considerable periods of time over things that have nothing to do with how moneys are expended but everything to do with how the various functions of Interior are administered.

Mr. CRAIG. Mr. President, I rise to recognize the chairman of the Interior

Appropriations Committee and its ranking member for the work they have done in assembling the Interior appropriations bill and related agency legislation that is so critical that has been mentioned by my colleague from Oklahoma to States like mine and other Western States that are well over 50 percent owned by the citizens of this country and managed by the agencies of the Federal Government. It is a piece of legislation that the chairman worked diligently on to address just the necessary moneys needed to appropriately manage the agencies and the responsibilities of those agencies.

Throughout that process, Mr. President, Chairman BYRD worked extremely hard to keep what is known as a clean bill, that we would not find legislative efforts tied within it. As our colleague from Oklahoma mentioned, there could be contentious-type amendments come up. My colleague from Wyoming has mentioned the same thing.

Is it appropriate on an appropriations bill to legislate? No. It is not. It is supposed to be against the rules of this body and the other body. And it has not been the normal procedure for a good long while. Yet we are told that in the course of the debate on this legislation some of our colleagues may offer a patent moratorium to mining. Why would they do that?

There are some who believe that the 1872 mining law ought to be amended. I suggest to them that they come to the appropriate committee to have the hearings not only in that committee but out in the field of the States that would be most affected by it and not attempt on an appropriations bill to find that as an avenue for legislation.

What would it mean, that type of legislation, a moratorium on patents for mining?

It is the beginning of a process to have greater control over the surface of the land on which a mining operation would sit. That kind of control would ultimately be dictated probably by the Bureau of Land Management and it would take away the kind of flexibility that a mining company has to operate for the purpose of providing minerals and metals for the industries of this country for our national defense and for our economic well-being.

I think you know, Mr. President, that is not something you debate lightly on the floor and attempt to shove through an appropriations bill. It is something you have extensive hearings on in the appropriate committee and out in the field of the States most affected before you arrive at that type of legislation.

Another issue, as mentioned by my colleague from Oklahoma, could well be an attempt to raise the grazing fee that is charged for Western public lands, the right to graze on those lands by the ranchers of many of our Western

States. If it were a conscious effort to raise the price because there was some concern that it was not equitable to what is being charged in the private sector—and there are many of us who will demonstrate in the course of the debate on that legislation if that amendment comes up that it is equitable—if it were that and that alone, I would say the appropriate place to debate it is in the committee, not on the floor. But there is an ulterior motive. It has been played out in the public on television and in the press, across the media of this country, suggesting that grazing land, Western public grazing land, ought not be grazed anymore; that for some reason it is damaging the environment; that for some reason it is no longer a public policy in this country—or should not be—that we should utilize those public grazes for the purpose of grazing to provide red meat and protein to the citizens of this country.

I believe it is an appropriate use, within reason, properly managed, and properly priced. Western States like mine and others depend greatly upon the livestock industry and those that graze on public lands for their very vitality. That will be another issue that we are told will be on the floor, another issue to attempt to legislate a change in a formula that took an extensive study and several years of debate in the appropriate committees to arrive at.

Here, in a few moments, we will attempt to legislate an appropriations bill and change it.

I hope that the chairman of the committee and our ranking member of that committee will make every effort to oppose this kind of activity on the floor of the Senate. It is not that the authorizing committees have avoided these issues. It is that those committees have not allowed these kinds of issues to come forth because they did not believe them appropriate, because they could not get a majority vote of the necessary committees to be brought to the floor in a proper fashion.

That appears to be the ground, the nature in which we will debate a most important piece of legislation, this legislation, the appropriations for the Interior Department and related agencies so critical to the running and the management of the public lands and the public resources of this Nation.

I hope that my colleagues will join with me and other Western legislators to assure that we do not come to the floor with mischievous pieces of legislation that have some form of ulterior motive than just change the law appropriate to reasonable and responsible management of these resources.

So I hope we can move expeditiously on a piece of legislation that in fact stays within the kind of economic growth that our country is experiencing. It is not an extravagant appropriations bill as has been mentioned by our

colleagues, a lower growth rate in actual expenditure than any other bill except the Department of Defense legislation. For that reason, it is worthy of all of our consideration and our support as presented by the Interior Appropriations Subcommittee to the full Appropriations Committee, without the kind of legislative activity that may well be attempted in the coming hours as we work the will of the Senate on this issue.

I yield the remainder of my time.

Mr. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

RECESS SUBJECT TO THE CALL OF THE CHAIR

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate stand in recess awaiting the call of the Chair.

There being no objection, at 8:26 p.m., the Senate recessed subject to the call of the Chair.

Whereupon, the Senate reassembled at 8:52 p.m., when called to order by the Presiding Officer (Mr. BREUX).

UNANIMOUS-CONSENT AGREEMENT

Mr. BYRD. Mr. President, I have certain amendments that make technical corrections and other amendments that have been agreed to between the two managers and other Senators.

I ask unanimous consent that the committee amendments be agreed to en bloc; that the bill as thus amended be regarded for the purpose of amendment as original text, provided that no point of order shall have been considered to have been waived by agreeing to the request; that the following committee amendments be excepted from this en bloc adoption request; namely, BLM minerals language, page 2, line 21, beginning with the semicolon, through page 3, line 22; Park Service administrative provisions, page 23, line 5 through page 24, line 12; grazing fee, line typing, page 110, line 11 through page 113, line 8; territories, page 46, line 4, through page 48, line 4; and that the following technical corrections and other substantive amendments be considered en bloc, agreed to en bloc, (subsequently designated amendment No. 1123) and that the motion to reconsider be laid on the table.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request? Without objection, it is so ordered.

Mr. NICKLES. Mr. President, I have not objected. I have reviewed these amendments with my colleague, Senator BYRD, and agree with his unanimous consent request.

The amendment (No. 1123) is as follows:

AMENDMENT NO. 1123

On page 2, line 11, strike "\$537,049,000" and insert in lieu thereof "\$537,199,000".

On page 11, line 22, strike "\$95,465,000" and insert in lieu thereof "\$96,275,000".

On page 13, line 8, strike "\$85,530,000" and insert in lieu thereof "\$84,720,000".

On page 16, line 19, strike "\$949,724,000" and insert in lieu thereof "\$950,274,000".

On page 17, line 16, before the period, insert the following: "Provided further, That of the funds provided herein, \$65,000 available for a cooperative agreement with the Susan LaFlesche Picotte Center".

On page 18, line 22, strike "\$194,797,000" and insert in lieu thereof "\$199,397,000".

On page 20, line 23, before the period insert the following: "Provided further, That of the funds available under this head for emergency, hardship, and holdings, \$850,000 shall be available for the acquisition of the Shipley and Granview Schools in Harpers Ferry, West Virginia".

On page 27, line 3, delete "\$136,400,000" and insert in lieu thereof a new italic number of "\$68,200,000".

On page 27, line 7, before the period insert the following: "Provided further, That in accordance with Section 6004(c) of Public Law 101-380, the Oil Pollution Act of 1990, \$21,000,000 shall be made available as compensation in full, including interest, to the State of Louisiana and its lessees for net drainage of oil and gas resources by the United States and its lessees occurring as of September 1, 1988 in the West Delta Field of the Outer Continental Shelf, as determined in the Third Party Factfinder Louisiana Boundary Study dated March 21, 1989".

On page 35, line 12, before the period, insert the following: "Provided further, That to provide funding uniformity within a Self-Governance Compact, any funds provided in this Act with availability for more than one year may be reprogrammed to one year availability but shall remain available within the Compact until expended".

On page 35, line 24, strike "\$431,741,000" and insert in lieu thereof "\$431,541,000".

On page 36, line 22, before the period, insert the following: "Provided further, That funds for Self-Governance Compact tribes may be transferred to the Operation of Indian Programs appropriation without further action by Congress".

On page 38, line 16, strike "\$92,798,000" and insert in lieu thereof "\$93,308,000".

Also on page 38, line 16, before the period insert the following: "Provided further, That funds for Self-Governance Compact tribes may be transferred to the construction appropriation without further action by Congress".

On page 76, line 25, before the period insert the following: "Provided further, That the funds provided under this head in fiscal year 1991 for the purchase of supercomputer time needed for Fossil Energy programmatic purposes shall be provided as a grant to the University of Nevada—Las Vegas".

On page 84, line 1, strike "\$243,000,000" and insert in lieu thereof "\$179,000,000".

On page 85, line 4, strike "\$144,000,000" and insert in lieu thereof "\$141,000,000".

The following technical corrections:

On page 18, line 23, line type "\$11,200,000" and insert new italic number of "\$9,340,000".

On page 19, line 10, after the parenthesis—should be italic print through line 12 before the "".

On page 35, line 24, insert the italic "\$" before the "431,741,000".

On page 61, line 7, the italic number should read: "\$84,270,000".

On page 66, line 19, line type "99-714" and insert new italic reference of "102-116".

On page 76, line 12, the italic number should read: "\$462,015,000".

Mr. BYRD. Mr. President, the en bloc amendments which I am offering have been cleared on both sides. These are noncontroversial amendments to resolve small deficiencies in the bill as it presently stands.

The en bloc package begins with a series of technical corrections. These technical corrections conform the bill to the numbers indicated in the committee report and in no case do these changes modify the outlay and budget authority scoring of the Bill.

After that, the first substantive amendment adds \$150,000 to the Bureau of Land Management's Management of Lands and Resources account to permit the Bureau to implement the Prehistoric Trackway Act of 1990 and to protect these irreplaceable resources.

The next two amendments shift \$810,000 from the Fish and Wildlife Service land acquisition allowance for refuge water rights to the Fish and Wildlife Service construction account to accomplish the planning and design of the Wichita National Environmental Education Center. The committee initiated this project last year by providing \$450,000 for land acquisition and the city of Wichita and the Kansas Wildlife and Parks Department are contributing an additional \$1,500,000 in cost sharing for this Fish and Wildlife Service project. The funding for refuge water rights is already covered within the Department's operating budget; and, consequently, the committee's recommendation of \$810,000 in the land acquisition account is not needed for that purpose.

The fourth amendment adds \$550,000 to the operation of the National Park System account for the Mimbres Native American archaeological sites in the Southwest.

The fifth amendment clarifies the availability of \$65,000 for a cooperative agreement with the Susan LaFlesche Picotte Center to commemorate the life and works of the first female Native American doctor in America.

The sixth amendment adds \$4,600,000 to the National Park Service construction account for four purposes. First, \$3,600,000 of this amount would be added to funds already included for the New Jersey Urban History initiative. This additional funding will permit a total of \$1,808,000 for Perth Amboy \$1,892,000 for Trenton and \$4,700,000 for Newark, in addition to \$4,200,000 which has been included previously for Paterson. Second, this amendment allocates \$500,000 for the Darwin Martin House in Buffalo which likely will be matched with an equal amount of non-federal funding. These moneys are made available under the authorities of the Historic Sites Act of 1935 and will

be used to preserve important structures from our national heritage and which are listed on the National Register of Historic Places. The third item under Park Service Construction adds \$400,000 for planning and design of a boat shelter at Vicksburg National Military Park. The Park Service should use these funds to develop a cost assessment for the Committee regarding the construction of a shelter which would be suitable to protect the U.S.S. *Cairo*. The fourth and final element under the Park Service construction amendment is \$100,000 to continue the Coal Heritage Study which the Park Service conducted in fiscal year 1991.

The seventh amendment provides that \$850,000 within available funds for National Park Service land acquisition shall be available for the acquisition of the Shipley and Grandview Schools for use by the National Park Service's Interpretative Design Center.

The eighth amendment modifies the committee amendment on net receipts in the Minerals Management Service so that States will pay only 25 percent of the program administration cost rather than 50 percent as proposed in the committee amendment.

The ninth amendment would provide \$21 million for the settlement of drainage claims against the Federal Government in the West Delta field, as authorized by section 6004 of Public Law 101-380.

The 10th, 12th and 14th, amendments are designed to provide reprogramming flexibility for the Bureau of Indian Affairs in its efforts to implement the self-governance compacts with tribal organizations. The flexibility provided herein will not change the total funding allowances for the Bureau in any way.

The 11th and 13th amendments address the Indian education accounts. Education construction is increased by \$510,000 and operational programs are decreased by \$200,000. An increase of \$310,000 is recommended for repairs to the Navajo Academy, located in Farmington, NM. This school is a preparatory school for Native Americans and the current facilities are in need of some basic safety repairs—fire alarms and functional sewer lines. The second element involves a transfer of \$200,000 from education program management to construction to allow the Bureau of Indian Affairs to conduct the necessary planning, design, and oversight of the new school construction and existing school repairs recommended in the committee Bill. The \$200,000 decrease in the Indian Education Programs account is taken from the funding requested for volunteer services in the Indian schools. The Department has informed the committee that it will be unable to conduct the volunteers program since the costs of required background investigations might well ex-

ceed the benefits to be gained. As a result, the funds requested in the budget for this purpose are no longer necessary.

The 15th amendment clarifies the intent of the Congress last year when it provided funds for the acquisition of computer by the Office of Fossil Energy in the fiscal year 1991 Department of the Interior and Related Agencies appropriation bill.

The last two amendments provide the necessary offsets in budget authority and outlays to make the amendments noted above budget neutral.

Mr. President, I would like to note that the committee reported bill contains \$250,000 for the Park Service or a third party, using the authorities of the Historic Sites Act of 1935, to stabilize an existing railroad engine house in the National Register—Historic District of Thurmond, WV. Funds available in the current fiscal year may also be used for this purpose should the Secretary determine that would be an appropriate expenditure. The committee has also included \$376,000 in the National Park Service Construction account to be made available under the same 1935 authority for the emergency stabilization of the Kennicott site in Alaska, and these funds may also be made as a private grant for stabilization purposes if the Secretary of the Interior determines that approach is appropriate. However, should the Secretary subsequently decide to acquire either of these properties in the future, the grants should be made under the condition that the appraised value of either property be reduced by the amount of the Federal grant for stabilization.

Mr. President, this reduction in the appraised value is appropriate because the National Park Service should not be in the position of providing a grant to a private owner to stabilize one of these historic structures and then subsequently have to pay a price for that property which is enhanced by the very grant made earlier by the Secretary.

NET RECEIPTS

Mr. WALLOP. Mr. President, reserving the right to object, it is my understanding that one of the en bloc amendments reduces the amount of administrative costs payable by the States for Federal mineral leasing programs from 50 percent to 25 percent. While I am not happy with this amendment, it is moving in the right direction. It is my understanding that it is the chairman's intent to base these costs on the basis of actual costs for each State rather than the current pro rata basis. Am I correct?

Mr. BYRD. I am in sympathy with the Senator's position on a cost-based system. However, the Department of the Interior has not been able to persuade the committee that it has accurate information to make cost-based charges to the States. If accurate infor-

mation can be provided to the Congress prior to the completion of the conference with the House on this bill, then it would be my intent to support bill language in the conference that implements a cost-based system for State charges.

Mr. WALLOP. It is my further understanding that the chairman will be working with the Department of the Interior and the ranking member and this Senator to determine the precise formula for this cost-based approach in conference. Is that correct?

Mr. BYRD. The Senator is correct.

Mr. WALLOP. Is this also the understanding of the Senator from Oklahoma?

Mr. NICKLES. Yes.

Mr. WALLOP. With those assurances, I withdraw my reservation.

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

The committee amendments were agreed to en bloc with the exception of the following excepted committee amendments:

BLM minerals language, page 2, line 21, beginning with the semicolon, through page 3, line 22;

Park Service Administrative provisions, page 23, line 5 through page 24, line 12;

Grazing fee, line typing, page 110, line 11 through page 113, line 8;

Territories, page 46, line 4, through page 48, line 4.

Mr. BYRD. Mr. President, I move to reconsider the vote by which the en bloc amendments were agreed to.

Mr. NICKLES. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BYRD. Mr. President, I ask unanimous consent that the committee amendment on page 1 on page 100, line 14, be excepted.

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

Mr. NICKLES. If the chairman will yield, it is my thought that Senator MCCAIN has an amendment dealing with the Grand Canyon and that he will be prepared to bring that amendment up early in the morning. We do not have it ready to lay down at this point. Hopefully he and his staff will be ready and when we convene in the morning that will be our first amendment up.

Mr. BYRD. Very well. If Senator MCCAIN will be here, I wonder if we could begin by say 9:30 a.m. on the bill. Does the Senator from Oklahoma know whether or not the distinguished Senator from Arizona [Mr. MCCAIN] will be here at 9:30 to offer his amendment?

Mr. NICKLES. I am sure. I will encourage him, and also other Senators, if they have amendments. I hope they will be ready. I know the Senator from West Virginia is ready and we would like to finish as much of this bill as possible tomorrow. So if Senators have

amendments, including the amendment from the Senator from Arizona, but other amendments, I hope they will bring them forward so we can dispose of them before too long a time period.

Mr. BYRD. Mr. President, I share that hope. I, too, urge all Senators to be prepared to call up their amendments. I will be here and, Lord willing, and Senator NICKLES will be here, the Lord willing, at 9:30 a.m. ready to discuss amendments with Senators. As far as I am concerned that is all we can do today.

Mr. NICKLES. If the chairman will yield one moment further, I believe the Senate is scheduled to convene at 9:15 for morning business.

MORNING BUSINESS

Mr. BYRD. Mr. President, I ask unanimous consent that there now be a period for the transaction of routine morning business for not to exceed 5 minutes, and that Senators may speak therein.

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

THE IMPORTANCE OF BUSINESS INCUBATORS

Mr. KASTEN. Mr. President, I rise today to bring to the attention of the Senate a successful, proven tool for creating jobs and starting new small businesses in local communities. This tool is a small business incubator. During August recess, I had a chance to see firsthand the important role that incubators are playing in local entrepreneurial development.

Incubators are business assistance programs for startup and fledgling firms. They can be sponsored by educational institutions, private businesses, economic development organizations, not-for-profit organizations, and city, county, and State governments.

A small business incubators goals are quite broad and include: economic diversification, neighborhood revitalization, technology transfer, and job creation. They are unique economic development tools that can be tailored by local sponsors to meet the special needs of their communities, whether rural, urban, or suburban. In Wisconsin, for example, we have manufacturing incubators, service-business incubators, inner city and women's business incubators.

Let me give you a few examples of incubators. In 1984, an old shoe factory in a blighted area of north Milwaukee was closed and 700 local residents were laid off. The building was donated to a coalition of enterprising people who worked with private corporations, the Economic Development Administration, the city of Milwaukee, the State of Wisconsin, and the Milwaukee Area Technical College to form the Milwau-

kee Enterprise Center. Celebrating its fifth anniversary in August, the MEC currently holds 61 companies employing 220 people full time and 88 people part time. MEC's growth has led to the creation of the Milwaukee Enterprise Center South, which will be opening soon.

I'm hearing similar incubator success stories all over Wisconsin from places like north Milwaukee's Metroworks, the Business Incubation Center of Superior, the Sheboygan County Enterprise Center, the Madison Enterprise Center, and the Advance Business Development Center in Green Bay to name a few. But no matter whether the incubator is urban or rural, their mission is all the same—to give hard-working, energetic individuals the opportunity to start their own small firms and create local jobs.

A typical incubator provides entrepreneurs with flexible space at below-market rents in a building where startup and fledgling firms are housed together, to encourage networking and sharing. Incubators also provide basic business services such as clerical, receptionist, and bookkeeping assistance, access to equipment such as fax and copy machines, and to janitorial, security, and mail services.

Most incubators also offer their tenants access to a network of business and technical advisers through a combination of in-house management expertise and local resources. Included in this network are experts in marketing, legal, accounting, engineering, business management, prototype development, and others.

Finally, and perhaps most importantly, many small business incubators provide tenants with financing assistance. Incubator management will often help entrepreneurs obtain conventional loans through banks or venture capital. But more and more incubators are establishing their own small business microloan funds. As ranking member of the Small Business Committee, I am proud to join the chairman, Mr. BUMPERS, as a sponsor of S. 1426, the Economic Opportunity Enhancement Act, which will establish a Federal Microloans Program to boost many incubators' lending efforts.

I have taken an active role in support of business incubators in my home State of Wisconsin and nationally. As a matter of fact, at my request, the National Incubator Association will be holding its fall meeting in Washington. I've asked some of our Nation's incubator experts to deliver a briefing on Friday, September 20, for interested Members and their staffs.

The growth of small business incubators is nothing less than phenomenal. As recently as 1980, only 10 to 15 incubators were in operation in the United States. The most recent count shows that there are nearly 450 today, more than 22 in Wisconsin alone. Incubators

have been opening at the rate of more than one a week since 1986.

Mr. President, currently there are several small sources of Federal funds located in many agencies that can benefit incubators. Among other things, we ought to work to better coordinate those resources, perhaps through the Small Business Administration, to encourage incubator growth.

I also believe we need to provide assistance to help assess the feasibility of an incubator. Any Federal role, however, should encourage State and local matching participation.

Mr. President, I hope my statement today has sparked some interest in this worthy small business project. It is my hope that this body will be hearing more from me and my colleagues on the importance of business incubation to job creation and economic development.

TERRY ANDERSON

Mr. MOYNIHAN. Mr. President, I rise to inform my colleagues that today marks the 2,371st day that Terry Anderson has been held captive in Lebanon.

I also note that today marks the fifth anniversary of Joseph Cicippio's captivity in Lebanon. According to an Associated Press report, his family observed the anniversary in a solemn—but hopeful—ceremony, heartened by recent news from Beirut.

Mr. President, I take this opportunity to express my own hope that all the remaining hostages be released and ask unanimous consent that the Associated Press article I mentioned be printed in the RECORD at this time.

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

HOSTAGE'S FAMILY MARKS FIFTH YEAR OF CAPTIVITY

(By A.J. Hostetler)

NORRISTOWN, PA.—Joseph Cicippio's family marked the beginning of his sixth year in captivity in a solemn ceremony Thursday brightened by news that his kidnapers expressed hopes for a "happy ending" to the hostage ordeal.

"Never, never did I dream that Joseph would be held for such a long time," Cicippio's brother Tom said.

The 10-minute ceremony with Carmella LaSpada, founder of the support group No Greater Love, marked the first time all six surviving Cicippio siblings have appeared together in public since their brother's kidnapping Sept. 12, 1986.

Their sister, Helen Fazio, who is growing weak from cancer, sat at a table while her five brothers one by one set up small placards bearing the names of all Western hostages.

Tom Cicippio, 67, and Mrs. Fazio, 71, then held hands as they lit a candle and watched it burn against the breeze. One of Joseph's children, David, read a prayer.

Ms. LaSpada read a message to Mrs. Fazio from Cardinal Anthony Bevilacqua telling her that he was "praying that you will soon see your brother, Joe."

The ceremony ended with a guitarist playing "Let There Be Peace On Earth."

Family members had expected a quiet occasion to observe the fifth anniversary of Cicippio's kidnapping. But news from Beirut changed that.

Early Thursday, the groups holding Cicippio, former British pilot Jack Mann and American hostage Terry Anderson released photos of Mann and Anderson.

"It's good news because it's the same people holding Joseph," said Tom Cicippio. "We thought Joseph was left by himself once (Edward) Tracy was released, because Tracy was held with Joseph all that time."

Tracy, an American, was released Aug. 11. Knowing Joseph Cicippio may not be alone, his brother said, "gives us a very nice feeling."

Cicippio, the acting comptroller at the American University of Beirut, became the fourth American hostage when he was kidnapped on the campus. He turns 61 on Friday.

The last communication about him was a photograph authenticating an Aug. 10 statement by his Shiite Muslim kidnappers, the Revolutionary Justice Organization. The statement promised the release of an American hostage.

But the man who walked to freedom was Tracy.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider all nominations reported today from the Committee on the Judiciary, and that the nominations be confirmed en bloc; that any statements appear in the RECORD as if read; that the motions to reconsider be laid on the table; that the President be immediately notified of the confirmation of nominees; and the Senate return to legislative session.

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

The nominations reported today, considered and confirmed en bloc, are as follows:

Andrew J. Kleinfeld, of Alaska, to be U.S. circuit judge for the ninth circuit;

Eugene E. Siler, Jr., of Kentucky, to be U.S. circuit judge for the sixth circuit;

Benson Everett Legg, of Maryland, to be U.S. District Judge for the District of Maryland;

Harvey Bartle III, of Pennsylvania, to be U.S. District Judge for the Eastern District of Pennsylvania;

Dee V. Benson, of Utah, to be U.S. District Judge for the District of Utah;

William G. Bassler, of New York, to be U.S. District Judge for the District of New Jersey;

William H. Yohn, Jr., of Pennsylvania, to be U.S. District Judge for the Eastern District of Pennsylvania;

Donald L. Graham, of Florida, to be U.S. District Judge for the Southern District of Florida;

Jorge A. Solis, of Texas, to be U.S. District Judge for the Northern District of Texas;

Michael R. Hogan, of Oregon, to be U.S. District Judge for the District of Oregon;

James T. Trimble, Jr., of Louisiana, to be U.S. District Judge for the Western District of Louisiana;

Shelby Highsmith, of Florida, to be U.S. District Judge for the Southern District of Florida;

Stewart R. Dalzell, of Pennsylvania, to be U.S. District Judge for the Eastern District of Pennsylvania;

J. Williams Roberts, of Illinois, to be U.S. Attorney for the Central District of Illinois for the term of 4 years;

Karen K. Caldwell, of Kentucky, to be U.S. Attorney for the Eastern District of Kentucky for the term of 4 years;

John F. Hoehner, of Indiana, to be U.S. Attorney for the Northern District of Indiana for the term of 4 years; and

Thomas B. Heffelfinger, of Minnesota, to be U.S. Attorney for the District of Minnesota for the term of 4 years.

ON THE NOMINATION OF JUDGE WILLIAM BASSLER TO SERVE ON THE U.S. DISTRICT COURT, DISTRICT OF NEW JERSEY

Mr. LAUTENBERG. Mr. President, I rise to support the nomination of New Jersey Superior Court Judge William Bassler to serve on the U.S. District Court for the District of New Jersey.

Judge Bassler was an accomplished attorney in New Jersey, and has served since 1988 as a Judge of the Superior Court of New Jersey, the general trial court in our State.

Judge Bassler is a graduate of St. Charles College Seminary and Fordham University. He received his J.D. from Georgetown University Law Center in 1963 and an LL.M. from New York University in 1969.

He served as a clerk to then appellate division Judge Mark Sullivan, and then entered the private practice of law in Monmouth County, N.J.

He was an associate and then a partner in the law firm of Parsons, Canzona, Blair & Warren until 1970, when he became a partner in the law firm of Labrecque, Parsons & Bassler. In 1983, he joined as a partner of Evans, Koelzer, Osborne, Kreizman & Bassler. And in 1984 until his ascension to the bench, he was a partner in Carton, Nary, Witt & Arvanitis.

Judge Bassler's practice was primarily in civil law, before the State courts. His areas of expertise were in the areas of local governmental law; real estate; trusts and estates; and insurance law, which he practiced as general counsel for a local insurance company. He served as borough counsel to Red Bank, N.J., and to local zoning boards.

After briefly serving in the law division of superior court, Judge Bassler has served since September 1988 in the chancery division, family part in Monmouth County.

Mr. President, the family court brings out the human side of judging—a side we sometimes lose sight of. In tragic cases of child and spousal abuse, the court is often asked to separate a

child from a parent, or a spouse from a family. In those cases, a judge is called upon to make some of the most difficult decisions one person can be asked to make. The answers are often of the sort that are found not in the law book, but in one's judgment of character, review of the facts, and sense of justice. And the public's perception of the fairness of our judicial system is shaped by how our system handles such cases.

People whom I respect have told me that Judge Bassler has performed well in the family court. He has approached his cases with a sense of humanity, and with a dedication to finding the just result.

The ABA panel that reviewed his nomination unanimously rated him qualified.

Judge Bassler recognizes that despite his accomplished career as a local attorney, and a State judge, he will, if confirmed, confront a range of new and complex legal issues.

Those familiar with his work say he has the will and the intellect to learn what he needs to know, to be the kind of judge the public deserves and expects. In my own meeting with Judge Bassler, I was impressed with his sincerity, and his commitment to the task ahead of him.

I urge my colleagues to support his confirmation.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative session.

AUTHORIZING THE PRODUCTION OF RECORDS BY THE PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Mr. BYRD. Mr. President, on behalf of the majority leader and the distinguished Republican leader, I send to the desk a resolution on authorization of the production of Senate records, and I ask for its immediate consideration.

The PRESIDING OFFICER. The resolution will be stated by title.

The assistant legislation clerk read as follows:

A resolution (S. Res. 179) to authorize the production of records by the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. MITCHELL. Mr. President, a number of regulatory and law enforcement entities have requested access to documents obtained by the Permanent Subcommittee on Investigations during its recent investigation into fraud in the insurance and reinsurance industries.

In keeping with the Senate's customary practice with regard to similar requests, this resolution would authorize the Chairman and Ranking Minority Member of the Subcommittee to provide to these entities, and other regulatory and law enforcement entities that may make similar requests, Subcommittee records of its investigation into the insurance and reinsurance industries.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

S. RES. 179

Whereas, the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs has conducted an investigation of allegations of fraud in the insurance and reinsurance industries;

Whereas, regulatory and law enforcement entities have requested access to records of the Subcommittee's investigation;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate can, by administrative or judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate is needed for the promotion of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges of the Senate: Now, therefore, be it

Resolved, That the Chairman and Ranking Minority Member of the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs, acting jointly, are authorized to provide, to regulatory and law enforcement entities requesting access, records of the Subcommittee's investigation of allegations of fraud in the insurance and reinsurance industries.

Mr. BYRD. Mr. President, I move to reconsider the vote.

Mr. NICKLES. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. McCathran, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 12:15 p.m., a message from the House of Representatives, delivered by Ms. Goetz, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 3034. An act to amend the Temporary Child Care for Children With Disabilities and Crisis Nurseries Act of 1986 to extend the programs of such Act, and for other purposes; and

H.R. 3057. An act to amend the Drug-Free Schools and Communities Act of 1986 to revise the authorities of such Act relating to the National Diffusion Network.

The message also announced that pursuant to section 2702(a)(1)(B)(vi) of Public Law 101-509, that the Clerk of the House appoints as a member of the Advisory Committee on the Records of Congress Ms. Charlene N. Bickford of Arlington, Virginia from private life on the part of the House.

At 2:40 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the bill (S. 1106) to amend the Individuals With Disabilities Education Act to strengthen such Act, and for other purposes; with an amendment, in which it requests the concurrence of the Senate.

MEASURES REFERRED

The following bills were read the first and second times by unanimous consent, and referred as indicated:

H.R. 3034. An act to amend the Temporary Child Care for Children With Disabilities and Crisis Nurseries Act of 1986 to extend the programs of such Act, and for other purposes; to the Committee on Labor and Human Resources.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. SASSER, from the Committee on Appropriations, with amendments:

H.R. 2426. A bill making appropriations for military construction for the Department of Defense for the fiscal year ending September 30, 1992, and for other purposes (Rept. No. 102-147).

By Mr. LAUTENBERG, from the Committee on Appropriations, with amendments:

H.R. 2942. A bill making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1992, and for other purposes (Rept. No. 102-148).

By Mr. SASSER, from the Committee on the Budget, unfavorably without amendment:

S.J. Res. 186. A joint resolution suspending certain provisions of law pursuant to section 258(a)(2) of the Balanced Budget and Emergency Deficit Control Act of 1985.

EXECUTIVE REPORT OF A COMMITTEE DURING ADJOURNMENT

The following executive report of a nomination was filed on August 29,

1991, during the adjournment of the Senate:

By Mr. RIEGLE, Committee on Banking, Housing, and Urban Affairs, with a printed report (Ex. Rept. 102-14):

Lawrence B. Lindsey, of Virginia, to be a Member of the Board of Governors of the Federal Reserve System for the unexpired term of 14 years from February 1, 1986.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. BIDEN, from the Committee on the Judiciary:

Andrew J. Kleinfeld, of Alaska, to be United States Circuit Judge for the Ninth Circuit;

Eugene E. Siler, Jr., of Kentucky, to be United States Circuit Judge for the Sixth Circuit;

Benson Everett Legg, of Maryland, to be United States District Judge for the District of Maryland;

Harvey Bartle, III, of Pennsylvania, to be United States District Judge for the Eastern District of Pennsylvania;

Dee V. Benson, of Utah, to be United States District Judge for the District of Utah;

William G. Bassler, of New Jersey, to be United States District Judge for the District of New Jersey;

William H. Yohn, Jr., of Pennsylvania, to be United States District Judge for the Eastern District of Pennsylvania;

Donald L. Graham, of Florida, to be United States District Judge for the Southern District of Florida;

Jorge A. Solis, of Texas, to be United States District Judge for the Northern District of Texas;

Michael R. Hogan, of Oregon, to be United States District Judge for the District of Oregon;

James T. Trimble, Jr., of Louisiana, to be United States District Judge for the Western District of Louisiana;

Shelby Highsmith, of Florida, to be United States District Judge for the Southern District of Florida;

Stewart R. Dalzell, of Pennsylvania, to be United States District Judge for the Eastern District of Pennsylvania;

J. Williams Roberts, of Illinois, to be United States Attorney for the Central District of Illinois for the term of four years;

Karen K. Caldwell, of Kentucky, to be United States Attorney for the Eastern District of Kentucky for the term of four years;

John F. Hoehner, of Indiana, to be United States Attorney for the Northern District of Indiana for the term of four years; and

Thomas B. Heffelfinger, of Minnesota, to be United States Attorney for the District of Minnesota for the term of four years;

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. DASCHLE:

S. 1705. A bill to resolve claims of the Sisseton-Wahpeton Sioux Tribe of South Dakota, the Devils Lake Sioux Tribe of North Dakota, and the Sisseton-Wahpeton Sioux

Council of the Assiniboine and Sioux Tribes of Montana arising out of a judgment fund distribution; to the Committee on the Judiciary.

By Mr. FOWLER:

S. 1706. A bill to suspend temporarily the duty on pyrmethyl alcohol, metmercazole, and TAC; to the Committee on Finance.

By Mr. CONRAD (for himself and Mr. BURDICK):

S. 1707. A bill to authorize the establishment of the Fort Totten National Historic Site; to the Committee on Energy and Natural Resources.

By Mr. SANFORD (for himself, Mr. MITCHELL, Mr. PELL, Mr. NUNN, Mr. ROBB, Mr. BRADLEY, Mr. METZENBAUM, Mr. ADAMS, Mr. DODD, Mr. SARBANES, Mr. SIMON, Mr. SHELBY, Mr. AKAKA, Ms. MIKULSKI, Mr. FORD, Mr. DECONCINI, Mr. BIDEN, Mr. REID, Mr. JOHNSTON, Mr. KERRY, Mr. WELLSTONE, Mr. LEVIN, Mr. WOFFORD, Mr. FOWLER, Mr. KENNEDY, Mr. KOHL, Mr. BRYAN, Mr. BAUCUS, Mr. BINGAMAN, Mr. BOREN, Mr. BURDICK, Mr. CRANSTON, Mr. DIXON, Mr. RIEGLE, Mr. HARKIN, Mr. HEFLIN, Mr. INOUE, Mr. LIEBERMAN, Mr. DASCHLE and Mr. LAUTENBERG):

S.J. Res. 193. A joint resolution to establish a commission to commemorate the bicentennial of the establishment of the Democratic Party of the United States; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

Mr. MITCHELL (for himself, Mr. DOLE, Mr. KENNEDY, Mr. WOFFORD, and Mr. SANFORD):

S. Res. 177. A resolution to honor accomplishments and express appreciation for a dedicated career in public service of the Honorable William H. Gray III, on the occasion of his resignation; considered and agreed to.

Mr. LUGAR (for himself and Mr. KENNEDY):

S. Res. 178. A resolution expressing the sense of the Senate on Chinese political prisoners and Chinese prisons; to the Committee on Foreign Relations.

Mr. BYRD (for Mr. MITCHELL, for himself and Mr. DOLE):

S. Res. 179. A resolution to authorize the production of records by the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CONRAD (for himself and Mr. BURDICK):

S. 1707. A bill to authorize the establishment of the Fort Totten National Historic Site; to the Committee on Energy and Natural Resources.

FORT TOTTEN NATIONAL HISTORIC SITE ACT

• Mr. CONRAD. Mr. President, I rise today to introduce legislation that would designate Fort Totten, a former military post and Indian school near Devils Lake, ND, as a national historic site. I am pleased that my colleague,

Senator BURDICK, has cosponsored this bill.

The legislation is similar to a bill we introduced last year, S. 2802. The Senate Energy and Natural Resources Committee held hearings on that bill in October 1990, and the full Senate approved the bill that month.

Fort Totten State Historic Site on the shores of Devils Lake stands as a monument to the relationship between the United States Government and the American Indians. From the policy of pacification practiced during the mid-nineteenth century, to the attempt to assimilate Indians into the society's mainstream, to the mid-twentieth century effort to terminate reservations, Fort Totten reflected the Federal responses to the "Indian question."

The Park Service testified last year that there are no units of the National Park System like Fort Totten that represent the attempts by the Federal Government to assimilate Native Americans into our culture. The site is unique and nationally significant, and deserves the support of my colleagues.

Fort Totten was founded as a military installation in 1867 and closed as a reservation community school in 1959. It is one of the best preserved military posts surviving from the Indian wars in the trans-Mississippi west. Fort Totten played a significant role in American Indian history, first as an Indian agency for Indians coming to the area and then, from 1890 through 1960, as an Indian industrial school.

To the Army during the nineteenth century, the Devils Lake area appeared as an oasis. As a result of the constant water supply of Devils Lake, the region had rich vegetation, wild game, and fish. Because it was remote from the civilized centers of nineteenth century America, however, the Devils Lake region drew few white explorers in its early history. The Indian that sought the game and shelter of the Devils Lake region generally belonged to the great Sioux or Dakota nation, a tribe that traced its relations with white settlers back into the seventeenth century.

The initial spark for military activity was struck with the Great Sioux Uprising of 1862 in Minnesota. The uprising was the culmination of generations of white harassment, broken treaties, and the noticeable absence of the military due to the drain of the Civil War. Gen. Harry Hastings Sibley was sent in to quash the rebellion, and after Congress abrogated all existing treaties early in 1863, many Sioux bands migrated to areas of refuge and security and so the forest and waters of the Devils Lake area became a haven.

The War Department found that killing of whites and depredations to property posed a major threat to the expanding agricultural frontier and thus demanded a positive and forceful reaction. By the spring of 1867, the major-

ity of hostile attacks had been limited to main travel routes, mail carriers, and inter-fort communication routes. Nevertheless, the sporadic harassment of the growing and vital lines of communication and travel became an increasing concern for the military. What had been mostly incident-reprisal warfare between the whites and the Indians became a constant Sioux guerilla war on early trade, supply, and travel routes.

In the summer of 1867, 323 soldiers of the 31st Infantry under the command of Capt. Samuel A. Wainwright built Fort Totten about 900 feet from the shore of Devils Lake. From 1867 to 1880, the post served as an important link to a chain of posts that included forts throughout the Dakotas and Montana. The last hurrah of real military action for the fort came in 1865 when the northern border regions became insecure as a result of the Riel Rebellion in Canada.

When Secretary of War Redfield Proctor submitted his Annual Report of 1890-1891, he recommended that the fort be closed due to relative calm in the region. The final military unit at Fort Totten, ten men under the direction of the last post commander, Maj. S.S. Conrad, left the post for Fort Abraham Lincoln near Mandan, ND on December 21, 1890. On the same day all post buildings were turned over to the superintendent of the Indian School at Devils Lake, and the Devils Lake Sioux opened their first school session at the abandoned post on January 19, 1891.

Fort Totten's original function had been the protection of the routes of travel and communication that grew through its jurisdiction. The men who struggled with the harsh earlier life of the prairies went about their duties protecting the first mail and travel routes and escorting the varied mapping, survey, and telegraph and rail crews. In turn, this growth provided an umbrella of protection for new communities. The garrison was a market for the new farms, a store for manufactured foods for the area's population, and a source of new settlers.

The military years of the fort, however, were only a part of the colorful history of the site. The military stage represented only 23 of the 92 years of operation. The Dawes Act of 1887 attempted to make Indians self-sufficient citizens rather than wards of the U.S. Government and emphasized the need for a system of industrial schools to be developed to speed up the process of assimilation. Fort Totten became one of those schools, and its subsequent history is a microcosm of the successes and failures of the Federal relationship with the American Indian.

Fort Totten remains significant, in part, for its magnificent physical survival. It is also significant as a result of the soldiers who lived and survived there and the Indians who struggled

with Federal policies toward Native Americans. It is significant for the life Fort Totten brought—the towns and farms that now inhabit the region. The legislation that Senator BURDICK and I are introducing today would recognize that significance by establishing Fort Totten as a National Historic Site.●

By Mr. SANFORD (for himself, Mr. MITCHELL, Mr. PELL, Mr. NUNN, Mr. ROBB, Mr. BRADLEY, Mr. METZENBAUM, Mr. ADAMS, Mr. DODD, Mr. SARBANES, Mr. SIMON, Mr. SHELBY, Mr. AKAKA, Ms. MIKULSKI, Mr. FORD, Mr. DECONCINI, Mr. BIDEN, Mr. REID, Mr. JOHNSTON, Mr. KERRY, Mr. WELLSTONE, Mr. LEVIN, Mr. WOFFORD, Mr. FOWLER, Mr. KENNEDY, Mr. KOHL, Mr. BRYAN, Mr. BAUCUS, Mr. BINGAMAN, Mr. BOREN, Mr. BURDICK, Mr. CRANSTON, Mr. DIXON, Mr. RIEGLE, Mr. HARKIN, Mr. HEFLIN, Mr. INOUE, Mr. LIEBERMAN, Mr. DASCHLE, and Mr. LAUTENBERG):

S.J. Res. 193. A joint resolution to establish a commission to commemorate the bicentennial of the establishment of the Democratic Party of the United States; to the Committee on the Judiciary.

BICENTENNIAL OF THE DEMOCRATIC PARTY

Mr. SANFORD. Mr. President, I rise today to introduce a joint resolution which would establish a commission to commemorate the bicentennial of the Democratic Party of the United States.

On May 13, 1792, the Democratic Party (first known as the Republican Party) was born, under the leadership of Thomas Jefferson, a man whose life was built around the American principles of freedom and democracy. Thus began the legacy of the oldest party in the history of the United States, and indeed, in the history of the world, to be devoted to free government "by the people and for the people." I believe that it is only fitting that we trace the roots of a party whose historical development has been so intricately bound to the history of the United States as a democratic Nation.

Our forefathers had written the Constitution, and had successfully created a skeleton for what a democratic government should stand for and should be. However, it was not until the Democratic party evolved, paving the way for a political party system, that flesh was put on this skeleton and life breathed into our Constitution. The birth of the Jeffersonian Party should not be looked upon as a historical event to be celebrated exclusively by today's Democrats; it has much greater significance than that. The original Democratic Party blazed the trail for future Democrats and Republicans alike. One can see their influence on each party that has been created since 1792, and no one could or should deny

the debt our current national political system owes to the Democratic Party of 1792 for the new ground it so bravely broke for our Nation.

I am sure that there will be similar historical celebrations taking place in the future, recognizing other crucial building blocks in the creation of our national party system. I will certainly welcome the acknowledgment of these historical events when they come about. I surely do not question the validity of a celebration of the Republican Party's history, when each and every milestone anniversary arrives.

In the early 1790's, Thomas Jefferson and James Madison emerged as the leaders of what would eventually become the first "popular party" in history. They fought the ideas of the Federalists, whose focus was on a strong, aristocratic Federal Government, yet they dissociated themselves from the anti-Federalists, whose members were opposed to any general government. Jefferson and Madison were searching for an organized form of government, but one which balanced power between the leaders and the general populace, allowing the States to exercise as much authority as possible without the interference of the Federal Government.

Jefferson described the goals of his new party as focusing on "the increase in direct popular control over the government, the widening of the right of suffrage, the limitation of the power of the Federal Government and the conservation of the powers reserved to the States by the Constitution." There is no question that Jefferson and the other founding members of the Democratic Party in America had a major impact on our country's struggle for a free government, and I would like to ensure that their role is not forgotten.

For this reason, I propose that we establish a commission to celebrate this anniversary and to educate the American public on this national heritage. It is my hope that this commission will organize events all around the country to remember and renew our Nation's dedication to the goals and purposes which Jefferson, Madison, and others had in mind when they formed the Democratic Party.

An awareness of the history of the Democratic Party is essential to a true knowledge of the history of our country. This 200th anniversary presents a rare opportunity for initiating a nationwide, year-long history lesson, through which all Americans may become better acquainted with their Nation's past.

This commission will organize celebratory events all around the country to commemorate this bicentennial and tell the story of the Democratic Party. Throughout 1992, there will be festivities at Hyde Park, Independence, Nashville, and other shrines, as well as at the Jefferson Memorial, Monticello

and numerous other sites of significance to the Democratic Party.

The commission will include up to 20 members, to be appointed by the Majority Leader of the Senate, the Speaker of the House of Representatives, the Chairman of the Democratic Governors' Conference, and the Chairman of the Democratic National Committee. It will be privately funded, and will work to coordinate and oversee all of the bicentennial activities and events for 1992.

Mr. President, I believe that it is appropriate and worthwhile to establish a commission to commemorate the 200th anniversary of the Democratic Party. The birth of this party on May 13, 1792, which emphasized the "power of the people" to run their own government, is of profound importance to our country's development as a free and just nation. I believe that the Democratic Party, its founders, and those who have carried on its policies, purposes and traditions, deserve to be remembered and honored during the bicentennial celebration year of 1992.

ADDITIONAL COSPONSORS

S. 68

At the request of Mr. THURMOND, the name of the Senator from Hawaii [Mr. AKAKA] was added as a cosponsor of S. 68, a bill to amend title 10, United States Code, to authorize the appointment of chiropractors as commissioned officers in the Armed Forces to provide chiropractic care, and to amend title 37, United States Code, to provide special pay for chiropractic officers in the Armed Forces.

S. 98

At the request of Mr. WOFFORD, his name was added as a cosponsor of S. 98, a bill to amend the National Aeronautics and Space Administration Authorization Act, Fiscal Year 1989.

S. 301

At the request of Mr. WOFFORD, his name was added as a cosponsor of S. 301, a bill to amend the Trade Act of 1974 to strengthen and expand the authority of the United States Trade Representative to identify trade liberalization priorities, and for other purposes.

S. 447

At the request of Mr. THURMOND, the names of the Senator from Iowa [Mr. GRASSLEY], and the Senator from Nebraska [Mr. EXON] were added as cosponsors of S. 447, a bill to recognize the organization known as The Retired Enlisted Association, Incorporated.

S. 493

At the request of Mr. KENNEDY, the names of the Senator from Vermont [Mr. LEAHY], the Senator from Maine [Mr. COHEN], and the Senator from Mississippi [Mr. COCHRAN] were added as cosponsors of S. 493, a bill to amend the Public Health Service Act to improve

the health of pregnant women, infants and children through the provision of comprehensive primary and preventive care, and for other purposes.

S. 542

At the request of Mr. GRASSLEY, the names of the Senator from Colorado [Mr. BROWN], the Senator from New Hampshire [Mr. SMITH], the Senator from Utah [Mr. HATCH], and the Senator from Idaho [Mr. CRAIG] were added as cosponsors of S. 542, a bill to amend the Internal Revenue Code of 1986 to restore the deduction for interest on educational loans.

S. 596

At the request of Mr. MITCHELL, the name of the Senator from Arkansas [Mr. PRYOR] was added as a cosponsor of S. 596, a bill to provide that Federal facilities meet Federal and State environmental laws and requirements and to clarify that such facilities must comply with such environmental laws and requirements.

S. 765

At the request of Mr. BREAUX, the names of the Senator from Oklahoma [Mr. NICKLES], the Senator from Utah [Mr. HATCH], the Senator from New Hampshire [Mr. SMITH], and the Senator from South Carolina [Mr. HOLLINGS] were added as cosponsors of S. 765, a bill to amend the Internal Revenue Code of 1986 to exclude the imposition of employer social security taxes on cash tips.

S. 846

At the request of Mr. PRYOR, the name of the Senator from Arizona [Mr. DECONCINI] was added as a cosponsor of S. 846, a bill to amend title XIX of the Social Security Act to establish Federal standards for long-term care insurance policies.

S. 866

At the request of Mr. BREAUX, the names of the Senator from Utah [Mr. GARN], and the Senator from Indiana [Mr. LUGAR] were added as cosponsors of S. 866, a bill to amend the Internal Revenue Code of 1986 to clarify that certain activities of a charitable organization in operating an amateur athletic event do not constitute unrelated trade or business activities.

S. 1226

At the request of Mr. JEFFORDS, the name of the Senator from Alaska [Mr. STEVENS] was added as a cosponsor of S. 1226, a bill to direct the Administrator of the Environmental Protection Agency to establish a small community environmental compliance planning program.

S. 1318

At the request of Mr. HATFIELD, the name of the Senator from Michigan [Mr. LEVIN] was added as a cosponsor of S. 1318, a bill to amend the Solid Waste Disposal Act so as to protect the environment from discarded beverage containers; to reduce solid waste and the cost in connection with the disposal of

such waste through recycling; and for other purposes.

S. 1357

At the request of Mr. BREAUX, the name of the Senator from Indiana [Mr. LUGAR] was added as a cosponsor of S. 1357, a bill to amend the Internal Revenue Code of 1986 to permanently extend the treatment of certain qualified small issue bonds.

S. 1398

At the request of Mr. REID, the names of the Senator from Montana [Mr. BURNS], the Senator from Missouri [Mr. DANFORTH], the Senator from Florida [Mr. MACK], the Senator from Arkansas [Mr. PRYOR], and the Senator from Iowa [Mr. GRASSLEY] were added as cosponsors of S. 1398, a bill to amend section 118 of the Internal Revenue Code of 1986 to provide for certain exceptions from certain rules for determining contributions in aid of construction.

S. 1441

At the request of Mr. COCHRAN, the name of the Senator from Illinois [Mr. DIXON] was added as a cosponsor of S. 1441, a bill to provide disaster assistance to agricultural producers, and for other purposes.

S. 1466

At the request of Mr. ROTH, the name of the Senator from Indiana [Mr. COATS] was added as a cosponsor of S. 1466, a bill to amend the Congressional Budget Act of 1974 to ensure the neutrality of the Congressional Budget Office.

S. 1505

At the request of Mr. LAUTENBERG, his name was added as a cosponsor of S. 1505, a bill to amend the law relating to the Martin Luther King, Jr. Federal Holiday Commission.

S. 1562

At the request of Mr. BRADLEY, the names of the Senator from South Dakota [Mr. DASCHLE], the Senator from North Dakota [Mr. CONRAD], the Senator from North Carolina [Mr. SANFORD], the Senator from Virginia [Mr. ROBB], the Senator from Nevada [Mr. REID], and the Senator from California [Mr. CRANSTON] were added as cosponsors of S. 1562, a bill to amend the Higher Education Act of 1965 to establish a higher education loan program in which the amount of a student's loan repayment is contingent upon such student's income, and for other purposes.

S. 1572

At the request of Mr. BREAUX, the name of the Senator from Alabama [Mr. SHELBY] was added as a cosponsor of S. 1572, a bill to amend title XVIII of the Social Security Act to eliminate the requirement that extended care services be provided not later than 30 days after a period of hospitalization of not fewer than 3 consecutive days in order to be covered under part A of the medicare program, and to expand home health services under such program.

S. 1578

At the request of Mr. THURMOND, the names of the Senator from Florida [Mr. GRAHAM], the Senator from Florida [Mr. MACK], the Senator from South Carolina [Mr. HOLLINGS], the Senator from Maine [Mr. COHEN], and the Senator from Alabama [Mr. SHELBY] were added as cosponsors of S. 1578, a bill to recognize and grant a Federal charter to the Military Order of World Wars.

S. 1700

At the request of Mr. LUGAR, the name of the Senator from Idaho [Mr. CRAIG] was added as a cosponsor of S. 1700, a bill to amend the Food Stamp Act of 1977 to modify the application of such act to disabled railroad annuitants, and for other purposes.

SENATE JOINT RESOLUTION 18

At the request of Mr. SIMON, the names of the Senator from Louisiana [Mr. BREAUX], the Senator from Illinois [Mr. DIXON], and the Senator from California [Mr. SEYMOUR] were added as cosponsors of Senate Joint Resolution 18, a joint resolution proposing an amendment to the Constitution relating to a Federal balanced budget.

SENATE JOINT RESOLUTION 38

At the request of Mr. THURMOND, the name of the Senator from Oklahoma [Mr. NICKLES] was added as a cosponsor of Senate Joint Resolution 38, a joint resolution to recognize the "Bill of Responsibilities" of the Freedoms Foundation at Valley Forge.

SENATE JOINT RESOLUTION 39

At the request of Mr. THURMOND, the names of the Senator from North Dakota [Mr. BURDICK], the Senator from California [Mr. CRANSTON], and the Senator from Delaware [Mr. BIDEN] were added as cosponsors of Senate Joint Resolution 39, a joint resolution to designate the month of September 1991, as "National Awareness Month for Children with Cancer".

SENATE JOINT RESOLUTION 131

At the request of Mr. LUGAR, the names of the Senator from Florida [Mr. GRAHAM], and the Senator from Missouri [Mr. BOND] were added as cosponsors of Senate Joint Resolution 131, a joint resolution designating October 1991 as "National Down Syndrome Awareness Month".

SENATE JOINT RESOLUTION 136

At the request of Mr. RIEGLE, the name of the Senator from Kansas (Mr. DOLE) was added as a cosponsor of Senate Joint Resolution 136, a joint resolution to authorize the display of the POW-MIA flag on flagstaffs at the national cemeteries of the United States, and for other purposes.

SENATE JOINT RESOLUTION 139

At the request of Mr. THURMOND, the names of the Senator from Minnesota [Mr. DURENBERGER], the Senator from Montana [Mr. BURNS], and the Senator from New Jersey [Mr. LAUTENBERG] were added as cosponsors of Senate Joint Resolution 139, a joint resolution

to designate October 1991, as "National Lock-In-Safety Month."

SENATE JOINT RESOLUTION 176

At the request of Mr. DIXON, the names of the Senator from Michigan [Mr. LEVIN], and the Senator from Vermont [Mr. JEFFORDS], were added as cosponsors of Senate Joint Resolution 176, a joint resolution to designate March 19, 1992, as "National Women in Agriculture Day."

SENATE JOINT RESOLUTION 188

At the request of Mr. LAUTENBERG, the name of the Senator from Michigan [Mr. RIEGLE] was added as a cosponsor of Senate Joint Resolution 188, a joint resolution designating November 1991, as "National Red Ribbon Month."

SENATE RESOLUTION 166

At the request of Mr. COATS, the names of the Senator from Wisconsin [Mr. KASTEN], the Senator from North Carolina [Mr. HELMS], the Senator from Missouri [Mr. BOND], the Senator from Montana [Mr. BURNS], and the Senator from Wyoming [Mr. WALLOP] were added as cosponsors of Senate Resolution 166, a resolution expressing the sense of the Senate that, in light of current economic conditions, the Federal excise taxes on gasoline and diesel fuel should not be increased.

SENATE RESOLUTION 175

At the request of Mr. PRESSLER, the name of the Senator from Kansas [Mr. DOLE] was added as a cosponsor of Senate Resolution 175, a resolution to support the activities of the Peace Corps in Estonia, Latvia, and Lithuania.

AMENDMENT NO. 1112

At the request of Mr. HARKIN, the name of the Senator from California [Mr. CRANSTON] was added as a cosponsor of Amendment No. 1112 proposed to H.R. 2707, 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, 1992, and for other purposes.

Mr. KERREY. Mr. President, please let the CONGRESSIONAL RECORD reflect that, as of August 2, 1991, my name has been removed from the list of cosponsors to S. 1192.

SENATE RESOLUTION 177—RELATIVE TO THE RESIGNATION OF THE HONORABLE WILLIAM H. GRAY III

Mr. MITCHELL (for himself, Mr. DOLE, Mr. KENNEDY, Mr. WOFFORD, and Mr. SANFORD) submitted the following resolution; which was considered and agreed to:

S. RES. 177

Whereas, William H. Gray III was elected to serve in the United States House of Representatives in 1979 as the Representative of the people of the 2nd Congressional District in Pennsylvania.

Whereas, William H. Gray has served the people of his Congressional District with enthusiasm, distinction and compassion.

Whereas, during his tenure in the House of Representatives, William H. Gray has served with noted excellence on Congressional Committees including the Committee on Appropriations, Committee on the District of Columbia and the Committee on House Administration.

Whereas, Mr. Gray's service as Chairman of the Committee on the Budget and as a Majority Whip was especially distinguished.

Whereas, Mr. Gray's legislative acumen and personal affability have rendered him greatly admired and well prepared by his colleagues in the House of Representatives and in other circles throughout the United States and abroad.

Whereas, William H. Gray's participation, presence and leadership will be missed in the Congress; Now, therefore, be it

Resolved, That it is the sense of the Senate that the outstanding legislative and personal achievements of William H. Gray III should be duly recognized.

SENATE RESOLUTION 178—RELATIVE TO CHINESE POLITICAL PRISONERS AND CHINESE PRISONERS

Mr. LUGAR (for himself and Mr. KENNEDY) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 178

Whereas, in February 1991, the Government of the People's Republic of China sentenced the co-founders of the Beijing Social and Economic Science Research Institute, Wang Juntao and Chen Ziming, to 13 years in prison on charges of sedition for "masterminding" the 1989 pro-democracy movement;

Whereas Wang Juntao and Chen Ziming had peacefully engaged in the exercise of their internationally recognized human rights of free expression and association;

Whereas, since April 1991, these two courageous men have been held in punitive solitary confinement in Beijing Prison No. 2 in squalid, inhumane, and unsanitary conditions;

Whereas the Government of China has denied Wang Juntao's many requests for improved diet and living conditions and access to adequate medical care, in disregard of his serious liver disease and declining health, and it has been impossible to verify Government claims that he is receiving improved treatment;

Whereas the Government of China has denied to Members of Congress, the United States State Department, human rights groups, and others that Wang Juntao and Chen Ziming are in poor health;

Whereas the Government of China has refused regular access to Wang or Chen by their relatives since both men began a hunger strike on August 14 to protest their solitary confinement and to demand proper medical care;

Whereas Wang Juntao's life is in danger unless he is granted immediate medical parole, as allowed under Chinese law;

Whereas Chen Ziming is also ill due to the poor conditions of his confinement;

Whereas the United States Government has denounced Wang's trial and protested the harsh treatment suffered by Wang and Chen, but the Government of China has thus far not responded to low-level United States appeals; and

Whereas the Government of China has an international responsibility to respect and

uphold the rights of all of its citizens: Now, therefore, be it

Resolved, That the Senate hereby urges the President—

(1) to communicate directly to the leadership of the Government of the People's Republic of China the urgent concern of the Congress and American people for the life and welfare of Wang Juntao and Chen Ziming and to call for their immediate release from prison on medical parole so that they may receive treatment by independent physicians of their choosing; and

(2) to request the Secretary General of the United Nations to use his good offices to urge Beijing officials to provide quality medical care for all political prisoners, including Wang Juntao and Chen Ziming, and to dispatch representatives of the United Nations Human Rights Commission to China to assess and report on the treatment of political prisoners and the general condition of Chinese prisons.

• Mr. LUGAR. Mr. President, today I am happy to be joined by my colleague, Senator KENNEDY, in introducing a Senate resolution expressing our deep concern for the plight and well-being of Wang Juntao and Chen Ziming, two leaders of the democracy movement in China who are now imprisoned in China.

Both Wang and Chen are incarcerated as political prisoners in China and have been subjected to excessively harsh treatment by Chinese prison officials. These two individuals, along with thousands of other brave Chinese citizens, were leading organizers of the historic demonstrations for democracy in Tiananmen Square culminating in the brutal violence in June 1989.

There have been numerous reports, including opinion editorials, from various credible sources describing the prolonged hunger strike by both Wang and Chen to protest their shabby treatment by Chinese prison authorities in Beijing Number 2 Prison. These reports have been confirmed by the Department of State. All describe the deplorable record: the denial of adequate medical treatment for both Wang and Chen who have been in poor health, the refusal of regular family visits, solitary confinement, and conditions of poor sanitation and other substandard treatment.

Both Wang and Chen have been treated badly because they were principal organizers of the Chinese pro-democracy movement in spring of 1989. A third leader, Mr. Li Lu, a young courageous man, is now a graduate student here in the United States. His hunger strike here in Washington, DC in recent weeks dramatized the extent to which the pro-democratic forces are still active inside and outside China.

It is unconscionable that Wang and Chen were sentenced to long periods of confinement solely because of their political convictions and their willingness to act them out in a peaceful manner. It is even more deplorable that Chinese officials have resorted to cruel and inhuman treatment in contraven-

tion of normally acceptable standards of human rights and decency. It is excessive punishment being meted out on top of excessive sentences which, themselves, were not justified.

This resolution urges the President of the United States to directly raise with the relevant Chinese officials the status and treatment of Wang and Chen and to seek improvements in prison treatment of all political prisoners. The resolution further urges the President to seek the assistance of the good offices of the Secretary General of the United Nations to help remedy the abuse of individual rights of political prisoners in China. It also urges the Secretary General to dispatch representatives of the United Nations Human Rights Commission to assess and report on the conditions and treatment of all political prisoners in the Chinese prison system.

No one can deny the courage and conviction of these pro-democracy leaders. I am encouraged in recent days by signs that Chinese officials may be rethinking the harsh treatment given to political prisoners, specifically Wang Juntao and Chen Ziming. I urge the Chinese leadership to respond to the worldwide plea for more humane treatment of political prisoners.

Human rights remains a very serious irritant in U.S.-Sino relations that can be eased by removing official prison practices which are in clear violation of generally accepted international standards. Chinese steps to improve prison conditions would be a very good place to start.

Mr. President, I have been someone who has sought to maintain working relations with China and to forestall any sudden deterioration in relations between our two countries because our ties are so fundamental to peace and stability in the world. For this reason and for the sake of fundamental humanitarianism, I urge the Chinese leadership to seriously consider easing up on its harsh treatment of political prisoners, to end the punitive treatment of Wang and Chen, and to grant amnesty to Wang, Chen, and other political prisoners now in prison. If the Chinese leadership takes such steps, the potential positive effects of improved relations between our country and China could be significant.

Mr. President, I am honored to be joined in introducing this resolution by Senator KENNEDY whose record on human rights around the world has few parallels. We introduce this resolution with the hope that all members of this body will join me as cosponsors.*

Mr. KENNEDY. Mr. President, the imprisonment, torture, and execution of members of the pro-democracy movement in China make it more important than ever for Americans to take a strong stand with the forces of freedom in that country.

The resolution that Senator LUGAR and I are introducing today emphasizes

America's deep concern over the mistreatment of democratic leaders Wang Juntao and Chen Ziming and other political prisoners now languishing in Chinese prisons.

In February, 1991, the Government of China sentenced Mr. Wang and Mr. Chen, co-founders of the Beijing Social and Economic Science Research Institute, to 13 years in prison for masterminding the 1989 pro-democracy movement in Tiananmen Square—punishing them for exercising their internationally-recognized human rights of freedom of expression and association.

The Chinese Government has subjected both men to prolonged periods of solitary confinement in inhumane and unsanitary conditions, denied them access to adequate medical care, and prohibited family visits. Both are in poor health, and Mr. Wang is suffering from a life-threatening liver disease.

Since August, Mr. Wang and Mr. Chen have been on a hunger strike to protest their treatment, and their cause has received considerable international attention. The Department of State recently requested the Government of China to grant an amnesty for Mr. Wang, Mr. Chen, and all other political prisoners, and to end the trials of remaining political detainees.

Under China's penal code, Mr. Wang and Mr. Chen could be granted medical parole in order to receive better medical care. Their requests for such parole, however, have been turned down.

Our Senate resolution urges President Bush to raise the issue of political prisoners and the status of Mr. Wang and Mr. Chen with Chinese officials. In addition, it asks the President to encourage the Secretary General of the United States to urge the Chinese Government to provide decent medical care to all prisoners, and to send representatives of the United Nations Human Rights Commission to China to report on the treatment of political prisoners and the condition of Chinese prisons.

Congress must continue to take a strong stand against the repression of democratic forces and the denial of human rights in China. If America is to retain its role as the leader of the free world, we should be in the forefront of supporting the Chinese people in their continuing struggle to achieve the ideals of freedom and democracy upon which our own country is founded.

I urge my colleagues to join me in supporting this important legislation.

SENATE RESOLUTION 179—AUTHORIZING THE PRODUCTION OF RECORDS BY THE PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Mr. BYRD (for Mr. MITCHELL, for himself and Mr. DOLE) submitted the following resolution; which was considered and agreed to:

S. RES. 179

Whereas, the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs has conducted an investigation of allegations of fraud in the insurance and reinsurance industries;

Whereas, regulatory and law enforcement entities have requested access to records of the Subcommittee's investigation;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate can, by administrative or judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate is needed for the promotion of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges of the Senate: Now, therefore, be it

Resolved, That the Chairman and Ranking Minority Member of the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs, acting jointly, are authorized to provide, to regulatory and law enforcement entities requesting access, records of the Subcommittee's investigation of allegations of fraud in the insurance and reinsurance industries.

AMENDMENTS SUBMITTED

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, FISCAL YEAR 1992

HATCH (AND KASTEN) AMENDMENT NO. 1109

Mr. HARKIN (for Mr. HATCH, for himself and Mr. KASTEN) proposed an amendment to the bill (H.R. 2707) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 1992, and for other purposes, as follows:

On page 29, line 21, insert before the period the following: "Provided, That \$2,000,000 of the funds available under this heading, which would otherwise have been made exclusively available for carrying out programs through the Office of Substance Abuse Prevention, shall be transferred for the purpose of providing technical assistance to small and medium-sized business on the establishment of workplace substance abuse programs which shall be administered cooperatively between the Office of Substance Abuse Prevention and the Department of Labor".

DOLE AMENDMENTS NO. 1110 AND 1111

Mr. HARKIN (for Mr. DOLE) proposed two amendments to the bill H.R. 2707, supra, as follows:

AMENDMENT No. 1110

On page 43, line 6, after the colon insert the following: "Provided further, That of the amounts made available under this heading, \$450,000 shall be used for making grants and

entering into contracts under section 411 of the Older Americans Act of 1965 (42 U.S.C. 3031) to establish a program under which professional and service providers (including family physicians and clergy) will receive training—

“(1) comprised of—

“(A) intensive training regarding normal aging, recognition of problems of aging persons, and communication with the mental health network; and

“(B) advanced clinical training regarding means of assessing and treating the problems described in paragraph (1);

“(2) provided by—

“(A) faculty and graduate students in programs of human development and family studies at a major university;

“(B) mental health professionals; and

“(C) nationally recognized consultants in the area of rural mental health; and

“(3) held in county hospital sites throughout the State in which the program is based: *Provided further*, That \$500,000 of the funds available under this heading shall be used for making grants and entering into contracts under section 162 of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6082) to establish innovative approaches to consumer-responsive personal assistance service, which shall enhance opportunities for individuals with disabilities to live independent and productive lives with full inclusion in their community”.

AMENDMENT NO. 1111

On page 57, line 3, insert before the period: “: *Provided*, That, until October 1, 1992, the funds appropriated to carry out section 711 of the Rehabilitation Act of 1973 (29 U.S.C. 796e) shall be used to support persons currently receiving grants under the section”.

STEVENS (AND INOUE)

AMENDMENT NO. 1112

Mr. HARKIN (for Mr. STEVENS, for himself, Mr. INOUE, and Mr. CRANSTON) proposed an amendment to the bill H.R. 2707, supra, as follows:

On page 23, line 4, before the period, insert the following: “: *Provided further*, That within the funds provided under this heading the Institute shall establish a Matsunaga-Conte Prostate Cancer Research Center”.

SIMON (AND HARKIN) AMENDMENT NO. 1113

Mr. HARKIN (for Mr. SIMON, for himself, and Mr. HARKIN) proposed an amendment, which was subsequently modified, to the bill H.R. 2707, supra, as follows:

At the appropriate place, insert the following:

SEC. . (a) The Senate finds that—

(1) Since the 1990 budget summit agreement, extraordinary events in the world, particularly in Central Europe and the former Soviet Union, may provide our country with an opportunity to reexamine the broad spending priorities embodied in the 1990 budget summit agreement.

(b) It is the sense of the Senate that the President of the United States and the Democratic and Republican leadership of the Congress should consider establishing new priorities. If it is so determined, based on current and changing world events, the defense spending path negotiated in the 1990 summit could be reduced in the future, then any such reduction should be made available

for reducing Federal budget deficits, reducing Federal tax burdens, increasing domestic spending, or any combination thereof.

HELMS (AND NICKLES)

AMENDMENT NO. 1114

Mr. HELMS (for himself and Mr. NICKLES) proposed an amendment, which was subsequently modified, to the bill H.R. 2707, supra, as follows:

On page 25, line 8, strike the figure before the period and insert the following: “\$523,826,000: *Provided, however*, That funds made available under this heading to conduct the SHARP survey of adult sexual behavior and the American Teenage Survey of adolescent sexual behavior shall instead be expended, at the same outlay rate, to carry out title XX of the Public Health Service Act.”.

ADAMS AMENDMENT NO. 1115

Mr. ADAMS proposed an amendment to the bill H.R. 2707, supra, as follows:

On page 57, line 3, before the period, insert the following: “: *Provided*, That of the funds made available under this heading, no less than \$1,400,000 shall be for the full funding of orthotics and prosthetics training programs”.

COCHRAN (AND HELMS)

AMENDMENT NO. 1116

Mr. COCHRAN (for himself, Mr. HELMS, Mr. KASTEN, and Mr. BUMPERS) proposed an amendment to the bill H.R. 2707, supra, as follows:

On page 9, line 10, strike out “\$231,326,000,” and insert in lieu thereof the following: “\$231,326,000, none of which shall be expended by the Secretary of Labor to implement or enforce model garment regulations or model garment enforcement policy promulgated under the Fair Labor Standards Act of 1938 (20 U.S.C. 201 et seq.), provided that the model garment program comply with the following:

- (1) The employee's work is voluntary.
- (2) The patterns, fabrics, and notions are provided by the employers at no cost to the employees.
- (3) The employees retain ownership of the model garments after the display period.
- (4) The model garments are in fabrics, styles and sizes determined by the employees to be appropriate for the employees' use.

DOLE (AND KASSEBAUM)

AMENDMENT NO. 1117

Mr. COCHRAN (for Mr. DOLE, for himself and Mrs. KASSEBAUM) proposed an amendment to the bill H.R. 2707, supra, as follows:

On page 54, line 4, insert before the period the following: “: *Provided further*, That the Secretary of Education shall treat States as being in compliance with the regulations under section 5(d)(2) of the Act of September 30, 1950 (Public Law 81-874), if such States utilize equalization formulas, based upon the wealth-neutrality standard as contained in section 222.64 of title 34, Code of Federal Regulations, that the Secretary has not previously determined to be in noncompliance with such regulations.

HATCH (AND HELMS) AMENDMENT NO. 1118

Mr. COCHRAN (for Mr. HATCH, for himself and Mr. HELMS) proposed an amendment to the bill H.R. 2707, supra, as follows:

On page 19, line 5, after the number 3302 add the following: “: *Provided further*, That of the amounts made available under this paragraph to the Health Resources and Services Administration, the Secretary of Health and Human Services shall, after consultation with the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate, transfer \$2,900,000 to carry out section 339 of the Public Health Service Act”.

SMITH AMENDMENT NO. 1119

Mr. HARKIN (for Mr. SMITH) proposed an amendment to the bill H.R. 2707, supra, as follows:

On page 22, line 19, insert before the period a colon and the following: “*Provided further*, That it is the sense of the Senate that none of the funds appropriated pursuant to this paragraph for “counseling, testing, and partner notification grants” in connection with the human immunodeficiency virus shall be distributed pursuant to title IIIA of the Ryan White Comprehensive AIDS Resources Emergency Act of 1990”.

HELMS AMENDMENT NO. 1120

Mr. HELMS proposed an amendment to the bill H.R. 2707, supra, as follows:

On page 61, line 7, insert after the word “student” a colon and the following: “*Provided further*, no person incarcerated in a federal or state penal institution shall receive any funds appropriated to carry out subpart 1 of part A of title IV of the Higher Education Act of 1965”.

KERREY AMENDMENT NO. 1121

Mr. KERREY proposed an amendment to the bill H.R. 2707, supra, as follows:

On page 54, in line 4, insert before the period the following: “, except that any percentage increase or decrease in the cost of an equivalent level of education described in section 3(d)(2)(B)(i) shall be multiplied by two in making such determinations under section 3(d)(2)(B)”.

SEYMOUR AMENDMENT NO. 1122

Mr. SEYMOUR proposed an amendment, which was subsequently modified, to the bill H.R. 2707, supra, as follows:

On page 29, line 21 before the period, insert the following: “: *Provided further*, That within the funds made available under this heading the Secretary shall, after consultation with the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate, allocate no less than \$60,000,000 to be spent for competitive demonstration projects serving pregnant and postpartum addicts and their infants”.

DEPARTMENT OF THE INTERIOR
AND RELATED AGENCIES APPROPRIATIONS ACT, FISCAL YEAR
1992

BYRD (AND NICKLES) AMENDMENT
NO. 1123

Mr. BYRD (for himself and Mr. NICKLES) proposed an amendment to the bill (H.R. 1123) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1992, and for other purposes, as follows:

On page 2, line 11, strike "\$537,049,000" and insert in lieu thereof "\$537,199,000".

On page 11, line 22, strike "\$95,465,000" and insert in lieu thereof "\$96,275,000".

On page 13, line 8, strike "\$85,530,000" and insert in lieu thereof "\$84,720,000".

On page 16, line 19, strike "\$949,724,000" and insert in lieu thereof "\$950,274,000".

On page 17, line 16, before the period, insert the following: "Provided further, That of the funds provided herein, \$65,000 available for a cooperative agreement with the Susan Lelesche Picotte Center".

On page 18, line 22, strike "\$194,797,000" and insert in lieu thereof "\$199,397,000".

On page 20, line 23, before the period, insert the following: "Provided further, That of the funds available under this head for emergency, hardship, and inholdings, \$850,000 shall be available for the acquisition of the Shipley and Grandview Schools in Harpers Ferry, West Virginia".

On page 27, line 3, delete "\$136,400,000" and insert in lieu thereof a new italic number of "\$68,200,000".

On page 27, line 7, before the period, insert the following: "Provided further, That in accordance with section 6004(c) of Public Law 101-380, the Oil Pollution Act of 1990, \$21,000,000 shall be made available as compensation in full, including interest, to the State of Louisiana and its lessees for net drainage of oil and gas resources by the United States and its lessees occurring as of September 1, 1988 in the West Delta Field of the Outer Continental Shelf, as determined in the Third Party Factfinder Louisiana Boundary Study dated March 21, 1989".

On page 35, line 12, before the period, insert the following: "Provided further, That to provide funding uniformity within a Self-Governance Compact, any funds provided in this Act with availability for more than one year may be reprogrammed to one year availability but shall remain available within the Compact until expended".

On page 35, line 24, strike "\$431,741,000" and insert in lieu thereof "\$431,541,000".

On page 36, line 22, before the period, insert the following: "Provided further, That funds for Self-Governance Compact tribes may be transferred to the Operation of Indian Programs appropriation without further action by Congress".

On page 38, line 16, strike "\$92,798,000" and insert in lieu thereof "\$93,308,000".

Also on page 38, line 16, before the period, insert the following: "Provided further, That funds for Self-Governance Compact tribes may be transferred to the construction appropriation without further action by Congress".

On page 76, line 25, before the period, insert the following: "Provided further, That the funds provided under this head in fiscal year 1991 for the purchase of supercomputer time needed for Fossil Energy programmatic pur-

poses shall be provided as a grant to the University of Nevada-Las Vegas".

On page 84, line 1, strike "\$243,000,000" and insert in lieu thereof "\$179,000,000".

On page 85, line 4, strike "\$144,000,000" and insert in lieu thereof "\$141,000,000".

The following technical corrections:

On page 18, line 23, line type "11,200,000" and insert new italic number of "\$9,340,000".

On page 19, line 10, after the parenthesis, should be italic print through line 12 before the "":

On page 35, line 24, insert in italic "\$" before the "431,741,000".

On page 61, line 7, the italic number should read: "\$84,270,000".

On page 66, line 19, line type "99-714" and insert new italic reference of "102-116".

On page 76, line 12, the italic number should read: "\$462,015,000".

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL
RESOURCES

Mr. JOHNSTON. Mr. President, I would like to announce for my colleagues and the public that a field hearing has been scheduled before the Committee on Energy and Natural Resources.

The purpose of the hearing is to receive testimony on S. 1671, the Waste Isolation Pilot Plant Land Withdrawal Act of 1991.

The hearing will take place on Saturday, September 21 from 1 p.m. to 5 p.m. at the APS/TVI Board Room, 717 University Boulevard SE, Albuquerque, NM.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the printed hearing record should send their comments to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510, Attention: Mary Louise Wagner.

For further information, please contact Mary Louise Wagner of the committee staff at 202/224-7569.

AUTHORITY FOR COMMITTEES TO
MEET

SUBCOMMITTEE ON ENVIRONMENTAL
PROTECTION

Mr. BYRD. Mr. President, I ask unanimous consent that the Subcommittee on Environmental Protection, Committee on Environment and Public Works, be authorized to meet during the session of the Senate on Thursday, September 12, beginning at 10 a.m., to conduct a hearing on the waste management provisions of S. 976, the Resources Conservation and Recovery Act Amendments of 1991—including special wastes, municipal waste and ash disposal, native American Indian waste issues, industrial waste, and hazardous waste recycling issues.

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

COMMITTEE ON VETERANS' AFFAIRS

Mr. BYRD. Mr. President, the Committee on Veterans' Affairs would like

to request unanimous consent to hold a markup on legislation authorizing marriage and family counseling for veterans of the Persian Gulf War (S. 1553), on Thursday, September 12, 1991, at 9:30 a.m. in SR-418.

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

SUBCOMMITTEE ON CONSUMER

Mr. BYRD. Mr. President, I ask unanimous consent that the Subcommittee on Consumer, of the Committee on Commerce, Science, and Transportation, be authorized to meet during the session of the Senate on September 12, 1991, at 10 a.m. on S. 640, the Product Liability Fairness Act.

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

COMMITTEE ON ARMED SERVICES

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet on Thursday, September 12, 1991, at 10 a.m. to receive testimony on the base closure recommendation process: Loring Air Force Base, ME.

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

COMMITTEE ON THE JUDICIARY

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Thursday, September 12, at 10 a.m. to hold an executive business meeting.

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

SUBCOMMITTEE ON SECURITIES

Mr. BYRD. Mr. President, I ask unanimous consent that the Subcommittee on Securities of the Committee on Banking, Housing, and Urban Affairs be allowed to meet during the session of the Senate, Thursday, September 12, 1991, at 9:30 a.m. to conduct a hearing on the activities of Salomon Brothers, Inc. in Treasury bond auctions.

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

COMMITTEE ON THE JUDICIARY

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Thursday, September 12, at 10 a.m. to hold a hearing on the nomination of Judge Clarence Thomas.

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

SUBCOMMITTEE ON WATER AND POWER

Mr. BYRD. Mr. President, I ask unanimous consent that the Subcommittee on Water and Power of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate, 2 p.m., September 12, 1991, to receive testimony on title XVII of H.R. 429, the Reclamation Projects Authorization and Adjustment Act of 1991, and S. 1501, the Reclamation Reform Act of 1991.

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

COMMITTEE ON SMALL BUSINESS

Mr. BYRD. Mr. President, I ask unanimous consent that the Small Business Committee be authorized to meet during the session of the Senate on Thursday, September 12, 1991, at 10:30 a.m. The committee will hold a full committee hearing to examine the issue of pension expansion and simplification.

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

COMMITTEE ON FINANCE

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on September 12, 1991, at 11 a.m. to hold a hearing on the President's trade agreement proposing most-favored-nation trade status for the Soviet Union.

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

SUBCOMMITTEE ON TAXATION

Mr. BYRD. Mr. President, I ask unanimous consent that the Subcommittee on Taxation of the Committee on Finance be authorized to meet during the session of the Senate on September 12, 1991, at 2 p.m. to hold a hearing on tax simplification proposals, including S. 1394, H.R. 2777, and S. 1364.

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

ADDITIONAL STATEMENTS

B-2 BOMBER TERMINATION

• Mr. LEAHY. Mr. President, on August 1, 1991, I offered an amendment to terminate production of the B-2 bomber program. Unfortunately, Senator ALAN CRANSTON, a consistent opponent of the Stealth bomber, was not listed as an original cosponsor to my amendment. I would like all Senators and their staffs to know that Senator CRANSTON has been a leader in the effort to halt the B-2 and his name should have been included on the list of original cosponsors. •

TRIBUTE TO ALBANY

• Mr. McCONNELL. Mr. President, I rise today to highlight the small town of Albany, situated in the Appalachian foothills of southern Kentucky.

Albany is often overlooked by travelers even though it is a town rich in the beauty of its natural surroundings. Not only is this a town abounding in beauty, but also one vibrant in history. Two Kentucky Governors, Thomas Bramlette and Preston Leslie, were born in Clinton County, along with the notorious Civil War guerrilla "Champ" Ferguson, who historians have claimed was "an excellent fighter who was also quite fond of liquor and women."

Recently, Albany has been experiencing a miniboom in its economy due to the recent discovery of the State's largest oil well on Jack Ferguson's farm. The discovery has sparked a

growing amount of economic investment in the town and its residents. Farmers who once staggered under economic strain are now able to lease their land for more than it would sell.

An improving economy in Albany is coupled with education reform under way in the county's public schools. In the past 6 years, the schools have risen from last out of 183 schools to 123d out of 177, and they continue to improve.

Although the economy may stagnate from time to time, most residents would not have it any other way. "Look at what happened to Somerset," says Eva Conner, a local historian. "It's a nightmare going in there. Living here is great, but if you bring all this industry and all this traffic, it becomes a less desirable place to live." This sums up a common view among Albany's 2,062 residents.

Many people take pride in being from Albany. They enjoy the distance from a metropolitan town, and the lack of outside business gives the town an old-fashioned look. These factors and traffic patterns allow for the town to remain just the way the residents like it—quiet and undisturbed.

I ask that an article pertaining to Albany be printed in the RECORD.

The article follows:

OIL BOOMS GIVE A NEEDED LIFT TO PLACE WITH HIGH JOBLESS RATE AND LOW WAGES
(By Kirsten Haukebo)

On a still day, especially if the price is \$20 a barrel or more, you can catch a whiff of crude oil pumping as fast as machines and Mother Nature will allow.

"It does have a tremendously good smell to it," said Jack Ferguson, a farmer whose land just south of Albany contains the biggest oil well in state history. Struck last September, the well spewed an average of 1,800 barrels a day for 100 days even without a pump.

Since then, and especially when the price of oil doubled during the Persian Gulf War, Albany has experienced a mini-boom in oil exploration. Oil wells dot the surrounding fields and farms.

The activity is confined to a smaller area than in the oil heydays of the 1940s, 1960s and early 1980s, but residents are seeing effects. Farmers, able to lease their land now for more than it's worth to buy, are driving new cars. Ferguson used some of his money to put high-quality fencing around his property.

Syndicated Options Ltd., which struck the Ferguson well, apparently got caught up in the oil fever. The Austrian company placed a sign at the end of Ferguson's road: Biggest Oil Well in the U.S.A.

"If they would have said the largest oil well at 1,087 feet, they would have been right, Ferguson's son Gary, noted dryly. Most big oil wells go much deeper, he said.

Call it Little Texas in the Appalachian foothills: Albany's spirits—and fortunes—seem to rise and fall with the price of oil.

"The economy is just absolutely horrible here and the oil gives it such a boost," said Charlene King Smith, who opened a pipe and supply company after the Ferguson well hit.

Smith vividly recalls the early 1980s oil boom. "There was so much money here it was incredible. People would drive in and ask to invest in your well. You couldn't get a hotel room. You couldn't get housing. People were renting rooms in their homes."

Those are fond memories in a county that consistently has one of the highest unemployment rates in the state. Although several clothing factories—including one of the biggest employers, Oshkosh B'Gosh—have moved to town in recent years, few other industries have expressed much interest in Albany, according to Mayor Lanny Bowlin.

"We have all the garment factories that keep the ladies who want to work employed, but we don't have much for the men. And it hurts," he said. "A lot of people would like to see more businesses, more things happening."

Residents mention the closing of a Kingsford charcoal plant as a blow to the town, although the loss was mainly symbolic. In 1988, the company employed only seven people.

For men who don't work on farms, there are few options. Many travel to other towns for work. As a result, wages are low by state standards. "Six dollars an hour here is real good money," Bowlin said.

That Clinton County is still heavily agricultural is clear to anyone driving through town on a weekday afternoon: The brisket business is done at the feed stores. Bowlin himself runs a mill that makes cattle feed. Local farmers raise beef and dairy cattle, tobacco and hogs.

Not everyone agrees with Bowlin that the town needs more businesses.

"Look at what happened to Somerset," says local historian Eva Conner. "It's a nightmare going in there. Living here is great, but if you bring all this industry and all this traffic, it becomes a less desirable place to live."

Bowlin said he ran up against opposition when he tried to bring a Wal-Mart to town during his first term about five years ago. "In 10 days, I had 1,700 signatures in favor of a Wal-Mart store." But local stores worked against it, he said. For whatever reason, Wal-Mart eventually decided to open a store about 20 miles away, in Monticello.

Bowlin said he's tried to lure factories, too, without success.

Residents cite several reasons for the lack of industrial development. Although the two-lane U.S. 127 cuts through town, Albany has been avoided or forgotten when it has come time for improvements or other road projects. Gov. Wallace Wilkinson's plan to widen and improve Highway 127 stops just north of Clinton County.

Also, residents are reluctant to sell land for development, and the Fiscal Court is loath to condemn land. Frustrated residents often mention the lingering poor reputation of the county's schools as a barrier to industrial development.

Clinton County was catapulted into the national spotlight seven years ago when the CBS program "60 Minutes" aired a report on one man's stranglehold on the local school system.

As an earlier Courier-Journal series had found, a wealthy businessman named Robert Polston had exercised tremendous power during his more than 30 years as school superintendent. With only political cronies on the school board, Polston hired unqualified administrators and liberally handed out jobs as cooks and custodians. At least six of his relatives also worked in the county's schools.

The year before the series was published, Clinton County's students ended up last out of 183 school districts on achievement tests.

Polston retired after a wave of investigations by the state, the FBI and the U.S. Department of Education. Many changes have been made since then and test scores have

improved some. In 1990, Clinton County students scored 123rd out of 177 school districts on achievement tests.

The lack of new businesses—only two national fast-food chains have outlets here, for example—gives the town a remarkably old-fashioned look.

Except for an elegant new courthouse, the town square looks as though it hasn't changed in forty years. The courthouse was completed in 1983, three years after the earlier courthouse was destroyed by fire.

It was the second time the county's courthouse burned. In 1864, Civil War guerrillas set fire to the building, but it was repaired and used until it could be rebuilt 30 years later. The area was subject to many raids from both sides during the Civil War, mainly because of its location on the Tennessee line.

One unusual feature of the new courthouse is its two identical entrances—each one facing a side road rather than any of the offices on the square. Local wags joke that this is because each business person on the square wanted the courthouse entrance to face his or her office. That presumably would have been good advertising for one of the many lawyers on the square—or, for that matter, for J.C. Guns and Knives across the street from the courthouse.

Albany police occupy a tiny storefront office just off the square, sort of like Andy Griffith's in the 1950s TV show. A large blue and white sign says, "Albany Police/Tourist Information."

Clinton County, wedged between Lake Cumberland and Dale Hollow Lake, drew nearly \$23 million in travel-related expenditures in 1990, making it third among counties in the Lake Cumberland region.

With two lakes, though, you might expect Clinton County to be No. 1. Traffic patterns may explain why it's not. Many visitors to Dale Hollow Lake come from Nashville, Tenn., and stop when they get to the southern end of the lake, which lies in Tennessee.

Visitors to Lake Cumberland come mainly from Louisville, Indiana and Ohio, stopping when they reach the northern end of that lake.

However, the quieter area between the lakes has attracted numerous retirees, who also bring dollars to Albany, Mayor Bowlin said.

Tourists like to spend time in the rolling green hills of Dale Hollow Lake State Resort Park. One of the most popular local attractions is 76 Falls.

The falls was the state's highest continuously flowing waterfall until the impoundment of Lake Cumberland. A dangerous tradition of diving from the falls—about 38 feet at normal pool—continues today.

Another source of income for local retailers is lottery tickets. Tennesseans, who lack a state lottery, flock across the border to snap them up. Albany is only five miles from the state line.

Money also flows in the other direction. Since Clinton County is dry, the nearest beer is at one of the six package stores in tiny Static, which straddles the border. (Appropriately, there is also a radio station in the town).

Perhaps Albany's greatest asset is the natural beauty of its surroundings, "I think this is the garden spot of the world," Bowlin proclaimed.

Ten-year-old Jeremiah Cummings, who spends his summers here with his aunt and uncle, put it more modestly. "It's real nice and green and doesn't have too much seedy stuff," he said, soaking up the sun outside Albany's Wishy Washy Coin Laundry.

After some thought, Jeremiah, of nearby Byrdstown, Tenn., added that one of the best things about Albany is his Aunt Bercie's apple pie.

"Ooooh," he said, "Is she a good cook!"

ALBANY

Population, 1990: Albany, 2,062; Clinton County, 9,135.

Per capita income: Clinton County, 1987: \$7,035, or \$4,962 below state average.

Media: Newspapers: Clinton County News (weekly), Radio: WANY (country); WSBI (country and adult contemporary), Cable TV offers 23 basic channels, including "superstations" in Atlanta and Chicago.

Jobs in county, 1988: Manufacturing, 871; wholesale/retail, 346; services, 279; government, 402; construction, 83.

City's big employers, July, 1991: Sutton Shirt Corp., 320 employees; Oshkosh B Gosh (clothing), 170; Ann Rashed Sportswear, 150.

Education: Clinton County Public Schools, 1,632 students, Clinton County Area Vocational School, 300 students.

Transportation: Air: Spring Creek Airport, four miles south of Albany, has one 2,400-foot runway, Nashville Metropolitan Airport, 133 miles southwest of Albany, has the closest nearest airline service, Trucking: Seven Trucking companies serve Albany.

Topography: Foothills of the Appalachian Mountains.

Famous facts and figures

Two Kentucky governors and a governor of Montana were born in Clinton County. Gov. Thomas Bramlette, a major general in the Union Army, was elected in 1863 and served one term during the tumultuous last years of the Civil War. Preston Leslie succeeded to the position in February 1871 after Gov. John Stevenson resigned. Leslie was re-elected later that year. In 1887, President Grover Cleveland appointed him territorial governor of Montana. Samuel Ford, a grandnephew of Leslie, joined him in Montana and later became a two-term governor of the state from 1940 to 1948.

Notorious Civil War guerrilla "Champ" Ferguson was born near Albany. In 1865, he was captured and tried in a military court in Nashville, Tenn., on 53 counts of murder. Ferguson responded individually to each charge, with remarks such as: "He ought to have been killed sooner," "He richly merited his fate" and "I killed John Crabtree. . . and stabbed him and did a good job when I did it. He was a murderous villain. Ferguson, one of the most feared men in the Confederacy, is portrayed by historians as an excellent fighter who was also quite fond of liquor and women.

Locals pronounce it "ALL-benny." Legend has it that after the county was formed in 1836, an election was held to determine the site of Benny Dowell's store. Supporters of Benny's place shouted "All for Benny," and later "All Benny." This may have given the city fathers the idea to name the town after Albany, N.Y. *

FIGHTING TO END THE DECLINE OF A CITY

• Mr. SIMON. Mr. President, many of my colleagues are familiar with the economic devastation that has occurred in East St. Louis, IL, over the past several decades. Between 1960 and 1990, population was cut in half. Over 50 percent of the residents of East St. Louis receive some form of government

assistance. Two years ago, because of a lack of funds, the city stopped trash collection. This is a far cry from the city that, in 1960, was given the Chamber of Commerce's "All American City Award."

Three months ago, voters elected a new mayor—Gordon Bush. Mayor Bush is a lifelong resident of East St. Louis. He is bringing hope, creativity and cooperation to residents of his hometown and the surrounding area. The Christian Science Monitor recently published an article on Mayor Bush and what his administration has been able to accomplish in a few short months. I join my colleagues in the Illinois delegation in a salute to Mayor Bush and asked the article be printed in full in the RECORD.

The article follows:

[From the Christian Science Monitor, July 25, 1991]

EAST ST. LOUIS MAYOR FIGHTS DECLINE

(By Elizabeth Levitan Spaid)

Three young paperboys sit patiently outside the East St. Louis mayor's office, their legs dangling from chairs, paper sacks near their feet. They're here to give a message to Gordon Bush, the city's new mayor.

Ushered into his office, they crowd around him. "There's prostitutes standing right down there," pipes up one boy, referring to one of the city's main streets. Another boy complains the police aren't taking care of the problem. "Police officers got to do right, too," he says.

For Mayor Bush, a large man with a gentle voice and easy smile, such visits are common. In the nearly three months he's been in office, citizens young and old have called or come in to voice concerns or offer support.

That support is badly needed. As mayor of one of the poorest and most troubled cities in the United States, he has what many consider the most difficult and challenging job of any city leader in the U.S. and is seen as the last hope for reversing the city's three-decade economic decline.

"I don't envy him his task," says Thomas Fitzsimmons, executive director of the Illinois Municipal League of Cities. "I hope something can be done, because right now it's a blight."

Across the Mississippi River from the Gateway Arch and modern high rises of St. Louis, East St. Louis resembles a scarred ghost town in areas, with blocks and blocks of empty and burned-out houses. Unemployment hovers around 50 percent, the crime rate is one of the highest in the state, the city's debt is estimated at \$50 million, and it has almost no tax base.

East St. Louis hasn't always been regarded as an urban wasteland. In 1960 the US Chamber of Commerce honored it with an All-American city award. Stockyards and meat-packing plants were the main industry. Well-kept homes housed the mostly white, blue-collar workers. But after 1960 the plants began to close, some moving to the South, where labor was cheaper. Residents either migrated with them or remained here, unemployed. Between 1960 and 1990 the population plummeted from about 82,000 to a little under 41,000.

Mayor Bush, a lifelong resident of East St. Louis with a master's degree in urban planning, is seen as a considerable improvement over Carl Officer, a funeral director who ran the city for the last 12 years. Under Mr. Offi-

cer, the city, already debilitated by mainly corrupt, white-led administrations, slid into further decline. The city's population now is about 90 percent black.

With few resources, Bush has begun efforts to restore basic services other US cities take for granted. One such service is trash pickup. Several years ago, the fiscally strapped city stopped collecting trash. Unable to afford paying for private collection services, many residents either burn garbage in their yards or dump it where they can.

City, county, and state officials are finalizing an estimated year-long trash cleanup plan that Bush says will begin in the next few weeks. Part of the money to finance the several-million-dollar project will come out of a \$7 million community fund set up in January with fines from a fraudulent riverfront development project.

"Making the town clean and safe are two things we must do and are in the process of doing," Bush says. A new police chief and five new police cars the state provided for an anti-drug unit have already helped eliminate some of the crime and crack-cocaine selling on the street.

Another crisis the new mayor has temporarily resolved is irregular employee paydays. Often over the past two years, empty city coffers have meant sporadic paychecks. Bush has obtained a \$3.75 million bailout loan from the state which will help pay employees through 1992.

"That really caused a tremendous increase in the morale of employees," he says. "You can't expect a police and fire department and other municipal employees to go out and do a dynamic and inspired job when they're not getting paid."

Bush's aides have been cleaning house and sifting through the last administration's sloppy record-keeping. The mayor estimates the city will retrieve nearly \$1 million in uncollected fees from such sources as demolition of buildings, speeding tickets, and billboard advertising. Meanwhile, he is trying to attract industry to the area and says negotiations are under way with a number of businesses. He expects the city will have funds next year to start a riverboat gambling enterprise on the East St. Louis side of the river, a venture expected to generate \$3 million to \$4 million in revenue.

Plans to further develop what many consider prime land along the weed-filled riverfront include proposals for a golf course, a mall, apartments, and a hotel. But some people say it will take more than determination and good management to turn the city around.

"If you look to larger issues like how will they provide really adequate services and achieve some kind of economic development it becomes a much bigger question mark," says Charles Leven, a professor of economics at Washington University in St. Louis. "I can see real improvements going on through Gordon Bush in the sense that an impoverished population is probably going to be somewhat more comfortable than before. [But] it's not realistic to expect them to do very much without massive amounts of assistance from the outside."

Unlike Mayor Officer, who often shunned outside help, Bush is actively seeking it from county, state, and federal sources. So far, this is paying off. Housing and Urban Development funds which were taken away from the city under Officer because of poor management will be reinstated. Companies from around the area have offered trucks to help pick up trash. The United Way donated \$20,000 to help reopen the city's swimming

pools, and people in towns across the river sent checks.

U.S. Rep. Jerry Costello (D) of Illinois says Bush's willingness to cooperate with all levels of government is key to the city's success.

"I think Mayor Bush is off to an excellent start. There are major differences between the previous administration and every indication as to how he will conduct his administration," he says.

Bush says turning the city around will ultimately depend on the people. But he remains optimistic and determined: "I know how the city used to be, and I believe within my heart it can be equal to what it used to be and even greater. If I did not feel within myself that it were possible I wouldn't be here."*

SALUTE TO DADE COUNTY DEPARTMENT OF HUMAN RESOURCES EMPLOYEES

• Mr. GRAHAM. I rise, Mr. President, to commend the employees of Metropolitan Dade County Department of Human Resources for their commitment and progress to being the cornerstones of effective human services.

The Department of Human Resources is a vital part of Dade County's health and human services delivery system with programs relating to the community, health care, social services, and substance abuse/mental health care. It reaches out to those in greatest need with a continuum of care. Services range from prevention to treatment to rehabilitation, relieving suffering and assisting our residents in becoming more self-reliant, productive, and independent. Over a quarter of a million residents from the Broward County line to Homestead receive these critical services annually.

Mr. President, the Metropolitan Dade County Department of Human Services has been the recipient of over 117 National Association of Counties awards for its innovative and high standard programs.

These special individuals will be honored at the Employees Recognition Banquet during the Ninth Annual Department of Human Resources Week in Miami.

Mr. President, I along with the people of Dade County commend the employees of the Dade County Department Human Resources for a job well done.*

DISTRUSTING GOVERNMENT

• Mr. SIMON. Mr. President, during the August recess, I wrote two newspaper columns that I think might be of interest to our colleagues, one about our Nation's transportation policy and the other about the American public's growing cynicism about Congress and government in general. I ask that they be printed in the RECORD.

The articles follow:

SOUND TRANSPORTATION MEANS LIFEBLOOD TO NATION

Back in 1966, Senator Claiborne Pell of Rhode Island wrote a book with the awkward title, *Megalopolis Unbound*.

It did not become a best seller, but its basic message is as timely today as then—that the United States needs a more balanced transportation policy.

We assume that if we simply let the free market system operate, with certain minimum constraints, the net result will be good for the traveling public.

To a great degree that is true.

But we have also learned that we went too far in airline deregulation. We should not go back as far as we were before deregulation, but we should not continue to let the fate of airline service for a community be at the whim of some financial baron or dictated by monopoly control of air hubs. We should not let the economics of an airline deteriorate to the point that corners are cut on safety.

Another example: There is some talk and research on electric automobiles, but progress is slow. It is not a high priority. I've introduced legislation to permit anyone who buys an electric car after January 1, 1994, to be able to deduct on his or her income taxes one-fourth of the cost of the purchase. Electric cars would not only improve air quality; they would conserve energy too. If only 1 percent of the cars sold were electric cars, it would save 60,000 barrels of imported oil a day. If my bill should pass, consumer interest in electric cars will grow, and car manufacturers will increase research dramatically.

Part of the imbalance of transportation policy is that we do far too little to encourage mass transit in metropolitan areas and too little to encourage passenger train service between cities.

Of the 11.5 cents of federal gasoline tax that goes to transportation, only 1.5 cents goes to address transit needs, the remainder for highways. No assured source of funding yet exists to address the nation's passenger railroad needs.

Japan has had high-speed rail service since 1964—twenty-seven years ago! In a few years, the United States will have it in the Dallas-Fort Worth area, but we should be planning for Chicago to St. Louis, New York to Washington, Los Angeles to San Francisco, and many other regions.

Even the present method of rail passenger service came close to disappearing, and might have, if not for vigilant railroad passenger advocates who lobbied Congress hard to preserve Amtrak. And now Amtrak not only survives, it is growing healthier, and more and more Americans are learning the pleasures and the efficiency of railroad travel.

But why should someone in a rural area, far from any railroad service and far from big city mass transit, support these?

First, because we are an interdependent society. Just as city people should support farm programs, rural people should support urban programs. Eventually the improved status of either helps the other.

Second, if people in metropolitan areas do not have the good mass transit systems they need to go to work, they take their cars, and more cars, and more cars. More highways will have to be built, taking money that might otherwise be used for rural roads and bridges.

Third, the more we use mass transit and railroads, the less air pollution our nation and our planet will have. That helps all of us.

The nation cannot drift into a healthy, balanced transportation policy any more than we can drift into a healthy, balanced education policy.

Aimless drifting will satisfy our current appetites, but it will not satisfy our long-range needs.

STYMIED LEADERSHIP AND A CYNICAL PUBLIC

Two recent books and innumerable commentaries suggest that the American public is getting more cynical about our government and both political parties.

You don't need to read books or newspaper columns to know that. You can feel it as you walk the streets of Illinois or any other state.

I believe it is caused in large measure by three things: First, the public knows that the President and Congress are not facing many of our basic problems, such as the deficit. They are right.

Second, the public has a deep suspicion that those who make the decisions in government are not making them for the benefit of the average citizen, but for the wealthy and powerful. They may not know the statistics about the income gap between rich and poor widening in the 1980s. (Average incomes in today's dollars rose 122 percent after taxes for the top 1 percent of households but fell 10 percent for the bottom fifth.) But without knowing the figures, they sense the reality and they properly blame government policy, and they scatter the blame widely on both political parties.

Third, the public sees government as less and less responsive to their personal concerns. Mayor David Pierce of Aurora, Illinois, put it to me from the government official's perspective: "Leading in government is less enjoyable than it used to be. We used to be able to do more to help people with their problems." The reality is that much of the federal money that formerly went to help people with their immediate needs now goes into elaborate, expensive weapons systems, and even more, to pay interest on the huge and growing federal debt.

In inflation-adjusted percentages, during the last 10 years, federal government spending for discretionary non-defense matters, such as health care and education, has dropped 11 percent, defense spending has grown 30 percent, and the gross interest expenditure has increased 105 percent.

All these problems are related, of course. One reason is that we elect too many officials who simply follow the public opinion polls rather than provide real leadership.

A second reason is our system of financing political campaigns, that makes government respond too much to the big contributors.

A third, and less visible reason, is that we have taken away political muscle from the congressional leaders.

I read the stories about congressional leaders not leading, and there is validity to the criticism. What the stories do not say is that the congressional leadership has been substantially weakened in the last three decades.

I recall visiting with a thoughtful former Republican member of the House, Charles Whalen of Ohio, who said, "I voted for every reform that came along. And individually I can defend each of my votes. But the net effect of all these reforms is a weaker legislative body."

He is correct.

At one time, a recorded vote could not take place in the Senate, for all practical purposes, without the approval of the majority or minority leader. Now any senator can

demand a roll call. At one point, the two Senate leaders decided on what committees members served. Now we have almost half the Senate involved in the decision-making, diminishing the muscle of leadership.

I can defend each of those changes—and many more—but they also weaken leadership. We cannot both complain about weak leadership and maintain the causes of weak leadership.

One senator can completely tie up the entire body with parliamentary maneuvers. Occasionally, that is good, but if a leader has to constantly worry about pampering every senator, it becomes difficult to provide effective leadership.

I do not want to return to the days when a Lyndon Johnson had a huge amount of power in his hands.

But if we are to respond to the public clamor for tackling the nation's difficult problems, we must permit congressional leaders to force us to make difficult, unpopular choices.

Giving congressional leaders more authority is not going to significantly reduce public cynicism. But it is one piece of the puzzle. The President generally has the courage to lead on the domestic agenda is his decision. But for those who head Congress, we have taken away some of the tools of leadership. If we deprive them of the means to be stronger leaders, we cannot complain when they do not lead with strength.●

TRIBUTE TO CARLOS ARBOLEYA

● Mr. GRAHAM. Mr. President, I rise today in tribute to an outstanding humanitarian and civic activist, Carlos Arboleya.

This gentleman's good deeds, community contributions, and special awards for his accomplishments are numerous. This Cuban-American has truly given generously of himself to his chosen country.

Mr. Arboleya came to Miami from Cuba in 1960 with his wife, son, and \$40 in his pocket. He left a comfortable life in Cuba for freedom in America.

In his chosen home he began working in a shoe factory, forsaking 16 previous years of banking experience. He quickly rose through the ranks of the company until he returned to the banking profession. His ascent in the banking field was quick and noteworthy, with success following him every step of the way.

In addition to a wide range of professional and community activities, Mr. Arboleya has maintained interests with youth, scouting, the arts, regional schools of higher education, religious and charitable organizations. The depth and diversity of his endeavors truly represents a person who has committed his work to his community.

In acknowledgment of his efforts, Southeast 8th Street and Brickell Avenue will be dedicated to Carlos Arboleya.

Mr. President, I, along with the people of Miami, applaud Carlos for his efforts. May his shining examples of service and dedication continue to be an inspiration to all immigrants who strive to fulfill the American dream.●

TRIBUTE TO DAVE WINFIELD

Mr. DURENBERGER. Mr. President, today I rise to commend St. Paul native and University of Minnesota alumni Dave Winfield. While he plays baseball for the California Angels, he exhibits an outlook on life to which all Americans can adhere.

Wednesday, August 14, 1991, Dave hit his 400th career homerun while playing in Minneapolis. Ironically, this milestone was reached against the Minnesota Twins as he became only the 23d player in major league history to accomplish such a feat. Although his deeds on the playing field have often resulted in rave reviews, it is what Dave Winfield does off the diamond which deserves a closer look.

In the May-June 1991 issue of Minnesota: The Magazine of the University of Minnesota Alumni Association, Dave gives us a good example of how to approach and enjoy life when he states, "I like to be positive, upbeat. From nurturing young people to reinforcing older people, that's the way I would operate. And if you can't operate under those circumstances, then you're gone; you're history. But you don't threaten people to succeed." He continued, "If you make yourself better every day and improve yourself and your knowledge, it's exciting. Every day is exciting. You get up and there's something to do. The way I look at it is not how can I waste time, but how can I take advantage of it? How can I get everything into a day? It's a fast, ever-changing world, so I just try to stay up on it." As Dave said during his interview, "Discipline and hard work will get you what you want, where you want to be. If you're challenging yourself, it hurts. But overcoming that hurt just makes you better."

Behind this philosophy lies a caring and generous individual. Dave's charitable work and volunteer spirit was best exemplified in his recent trip to the Twin Cities. Prior to the game in which he hit his 400th homerun, Dave shared his know-how with area youth during a hitting clinic at the Inside Sports training center in St. Paul. This is but one way he has continued to maintain ties with his native Minnesota.

The work which Dave Winfield is proudest of concerns the Winfield Foundation, established in 1973 shortly after signing with the San Diego Padres. Minnesota magazine says the Foundation was originally established to provide scholarships for minority student athletes. He also sponsored after-game lunches, and medical clinics for children who did not get regular physical exams.

Since its inception, the Winfield Foundation's focus has shifted toward the Nation's growing substance-abuse problem. Included in this focus is a program called "Turn It Around," which allows the Foundation to work with ex-

isting drug-prevention programs at the elementary-school level. Dave feels that organizations such as his must work with the community in order to curb substance abuse. "Individuals and individual groups can't do it. Whole cross-sections of communities, everybody working together, same cause, same wavelength, can make progress, can grab it and turn it around," he said. The positive influence of the Winfield Foundation is a reflection of Dave Winfield's spirit. "My career has been important," he said. "But my life has been important, and that's what it's all about."

This philosophy and uplifting outlook on life makes Winfield a successful individual and team player. As we take up our work, Dave Winfield reminds us of how to successfully approach the challenges that America faces. Dave is a man of charity and his approach to life is contagious. I am proud of the work he has accomplished in my home State of Minnesota as well as for the citizens of this Nation. Dave Winfield is a true champion.

ORDERS FOR TOMORROW

Mr. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business tonight, it stand in recess until 9:15 a.m. Friday, September 13; that following the prayer, the Journal of the proceedings be deemed approved to date; that the time for the two leaders be reserved for their use later in the day; that there then be a period for morning business not to extend beyond 9:30 a.m. with Senators permitted to speak therein for up to 5 minutes each; and that upon the conclusion of morning business, the Senate resume consideration of the Interior appropriations bill.

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

Mr. BYRD. Mr. President, does my colleague wish to say anything further?

Mr. NICKLES. No. Mr. President, I look forward to taking up the Interior bill, and look forward to its progress.

Mr. BYRD. I thank the Senator for his cooperation today, and I thank the other Senators for the cooperation in developing the en bloc amendments.

RECESS UNTIL TOMORROW AT 9:15 A.M.

Mr. BYRD. If there be no further business to come before the Senate, in accordance with the order previously entered, I ask that the Senate stand in recess until the hour of 9:15 a.m.

There being no objection, the Senate recessed at 9:03 p.m. until Friday, September 13, 1991, at 9:15 a.m.

NOMINATIONS

Executive nominations received by the Senate September 12, 1991:

THE JUDICIARY

FREDERICK J. SCULLIN, JR., OF NEW YORK, TO BE U.S. DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF NEW YORK, VICE A NEW POSITION CREATED BY PUBLIC LAW 101-650, APPROVED DECEMBER 1, 1990.

DEPARTMENT OF STATE

A. PETER BURLEIGH, OF CALIFORNIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, FOR THE RANK OF AMBASSADOR DURING HIS TENURE OF SERVICE AS COORDINATOR FOR COUNTERTERRORISM.

ROBERT STEPHEN PASTORINO, OF CALIFORNIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE DOMINICAN REPUBLIC. THE FOLLOWING-NAMED PERSONS TO BE THE REPRESENTATIVE AND ALTERNATE REPRESENTATIVES OF THE UNITED STATES OF AMERICA TO THE 35TH SESSION OF THE GENERAL CONFERENCE OF THE INTERNATIONAL ATOMIC ENERGY AGENCY:

REPRESENTATIVE:
JAMES D. WATKINS, OF CALIFORNIA.
ALTERNATE REPRESENTATIVES:
RICHARD T. KENNEDY, OF THE DISTRICT OF COLUMBIA.
JANE E. BECKER, OF THE DISTRICT OF COLUMBIA.
IVAN SELIN, OF THE DISTRICT OF COLUMBIA.

U.S. INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

REGINALD J. BROWN, OF VIRGINIA, TO BE AN ASSISTANT ADMINISTRATOR OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT. (REAPPOINTMENT)

DEPARTMENT OF VETERANS AFFAIRS

JAMES ASHLEY ENDICOTT, JR., OF TEXAS, TO BE GENERAL COUNSEL, DEPARTMENT OF VETERANS AFFAIRS, VICE RAOUL LORD CARROLL, RESIGNED.

DEPARTMENT OF COMMERCE

JOHN A. SHAW, OF MARYLAND, TO BE AN ASSISTANT SECRETARY OF COMMERCE, VICE QUINCY MELLON KROSBY.

U.S. INSTITUTE OF PEACE

THE FOLLOWING NAMED PERSONS TO BE MEMBERS OF THE BOARD OF DIRECTORS OF THE U.S. INSTITUTE OF PEACE FOR TERMS EXPIRING JANUARY 15, 1995:

THEODORE M. HESBURGH, OF INDIANA, VICE RICHARD JOHN NEUHAUS, TERM EXPIRED.
ELSPETH DAVIES ROSTOW, OF TEXAS. (REAPPOINTMENT)

CONFIRMATIONS

Executive nominations confirmed by the Senate September 12, 1991:

THE JUDICIARY

ANDREW J. KLEINFELD, OF ALASKA, TO BE U.S. CIRCUIT JUDGE FOR THE NINTH CIRCUIT.
EUGENE E. SILER, JR., OF KENTUCKY, TO BE U.S. CIRCUIT JUDGE FOR THE SIXTH CIRCUIT.

BENSON EVERETT LEGG, OF MARYLAND, TO BE U.S. DISTRICT JUDGE FOR THE DISTRICT OF MARYLAND.

HARVEY BARTLE III, OF PENNSYLVANIA, TO BE U.S. DISTRICT JUDGE FOR THE EASTERN DISTRICT OF PENNSYLVANIA.

DEE V. BENSON, OF UTAH, TO BE U.S. DISTRICT JUDGE FOR THE DISTRICT OF UTAH.

WILLIAM G. BASSLER, OF NEW JERSEY, TO BE U.S. DISTRICT JUDGE FOR THE DISTRICT OF NEW JERSEY.

WILLIAM H. YOHN, JR., OF PENNSYLVANIA, TO BE U.S. DISTRICT JUDGE FOR THE EASTERN DISTRICT OF PENNSYLVANIA.

DONALD L. GRAHAM, OF FLORIDA, TO BE U.S. DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF FLORIDA.

JORGE A. SOLIS, OF TEXAS, TO BE U.S. DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF TEXAS.

MICHAEL R. HOGAN, OF OREGON, TO BE U.S. DISTRICT JUDGE FOR THE DISTRICT OF OREGON.

JAMES T. TRIMBLE, JR., OF LOUISIANA, TO BE U.S. DISTRICT JUDGE FOR THE WESTERN DISTRICT OF LOUISIANA.

SHELBY HIGHSMITH, OF FLORIDA, TO BE U.S. DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF FLORIDA.

STEWART R. DALZELL, OF PENNSYLVANIA, TO BE U.S. DISTRICT JUDGE FOR THE EASTERN DISTRICT OF PENNSYLVANIA.

DEPARTMENT OF JUSTICE

J. WILLIAM ROBERTS, OF ILLINOIS, TO BE U.S. ATTORNEY FOR THE CENTRAL DISTRICT OF ILLINOIS FOR THE TERM OF 4 YEARS.

KAREN K. CALDWELL, OF KENTUCKY, TO BE U.S. ATTORNEY FOR THE EASTERN DISTRICT OF KENTUCKY FOR THE TERM OF 4 YEARS.

JOHN F. HOEHNER, OF INDIANA, TO BE U.S. ATTORNEY FOR THE NORTHERN DISTRICT OF INDIANA FOR THE TERM OF 4 YEARS.

THOMAS B. HEFFELFINGER, OF MINNESOTA, TO BE U.S. ATTORNEY FOR THE DISTRICT OF MINNESOTA FOR THE TERM OF 4 YEARS.